

**BRUSH CREEK TOWNSHIP,
FULTON COUNTY, PA**

**SUBDIVISION AND LAND
DEVELOPMENT ORDINANCE**

ORDINANCE 3 of 2015:

December 1, 2015

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**BRUSH CREEK TOWNSHIP,
FULTON COUNTY, PA
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
2015**

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PART 1 - GENERAL PROVISIONS

SECTION 100 TITLE

- A. This Ordinance shall be known and may be cited as "The Subdivision and Land Development Ordinance of Brush Creek Township, Fulton County, PA".

SECTION 101 PURPOSE AND INTENT

- A. This Ordinance has been designed and adopted to provide uniform standards and procedures for the regulation of subdivision and land development within Brush Creek Township, Fulton County, Pa. The purpose of such regulations is to provide for development in Brush Creek Township by:
 - 1. Accommodating new development that is well designed, of high quality, and suited to and compatible with the natural and built conditions of the site and the community;
 - 2. Providing for the orderly, safe, efficient, and harmonious development throughout the community;
 - 3. Assisting in the orderly, efficient, and integrated development of land;
 - 4. Assuring sites are suitable for development, building purposes, and human habitation, and minimizing the peril from fire, flood, erosion, excessive noise, smoke, or other menace;
 - 5. Assuring that the adverse impacts of building and development on unique and valued natural, scenic, historic, cultural, and architectural resources, patterns, areas and other character defining features (e.g. natural - floodplains, wetlands, prime farmlands, unique geologic features, steep slopes, woodlands, gamelands, wildlife habitats, etc.; manmade – buildings, neighborhoods, communities, etc.) are minimized to the greatest practicable extent;
 - 6. Encouraging and promoting innovative design and enhancing a strong sense of community;
 - 7. Coordinating existing and proposed streets and other proposed public improvements;
 - 8. Assuring that adequate easements and rights-of-way are provided for drainage facilities, public utilities, streets, and other public improvements;
 - 9. Assuring the efficient and orderly extension of community facilities and services at minimum cost and maximum convenience;
 - 10. Ensuring land which is subject to flooding, subsidence, or other natural hazards shall be made safe for the purpose for which such land is proposed to be used, or that such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing problem;

11. Providing for the management of stormwater in coordination with any adopted stormwater management plan, ordinance, or regulation;
12. Assuring that reservations, if any, by the developer of any area designated for use as public grounds shall be suitable in size and location for their designated uses;
13. Assuring the greater health, safety, convenience and welfare to the citizens of Brush Creek Township;
14. Ensuring the protection of soil, water resources, and drainageways;
15. Ensuring the efficient movement of traffic;
16. Ensuring the equitable administration, processing, and enforcement of all subdivision and land development plans by providing uniform standards and procedures;
17. Assuring that documents prepared as part of a land ownership transfer fully and accurately describe the parcel of land being subdivided and the new parcel(s) thus created, as well as lots being developed so that the land records of Fulton County are accurate and complete;
18. Assuring coordination of intra, and inter-municipal public improvement plans and programs;
19. Promoting the consideration of and compliance with other Federal, State, County, and/or Local acts, codes, ordinances, plans, policies, rules, and statutes, including, implementing the most recent version of the Moving Fulton Forward: Fulton County's Joint Comprehensive Plan, the Fulton County Comprehensive Plan, and/or other applicable plans adopted by Fulton County and/or Brush Creek Township;
20. Effecting any additional purposes provided for in Articles I and V of the Pennsylvania Municipalities Planning Code (MPC).

SECTION 102 STATUTORY AUTHORITY

- A. This Ordinance is enacted and ordained under the grant of powers contained in the MPC.
 1. The Brush Creek Township Supervisors shall have the authority to approve or disapprove all preliminary and final subdivision and/or land development plan applications, including modifications, as required herein.
 2. Preliminary and final subdivision and/or land development plan applications within Brush Creek Township shall be forwarded by the applicant, with the appropriate review fee to the Fulton County Planning Commission for review and report. The Brush Creek Township Supervisors shall not approve such applications until the County review report is received or until the expiration of thirty (30) days from the date, the application was forwarded to the County Planning Commission.

SECTION 103 APPLICATION OF REGULATIONS

- A. No subdivision or land development of any lot, tract, or parcel of land located in Brush Creek Township shall be effected; 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 or travel, or for the common use of occupants of buildings thereon unless and until a final subdivision or land development plan has been approved by the Brush Creek Township Supervisors and recorded in the manner prescribed herein. Furthermore, no property shall be developed, no building shall be erected and no site improvements shall be completed except in strict accordance with the provisions of this Ordinance.
- B. No lot in a subdivision may be sold or transferred; no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no building may be erected or altered in a subdivision or land development, unless and until a final subdivision or land development plan has been approved by the Brush Creek Township Supervisors and recorded, and until the improvements required in connection therewith have been either constructed or guaranteed in a manner prescribed herein.
- C. Unit or condominium subdivision of real property is included within the meaning of subdivision and land development as defined herein, and must comply with these regulations. Such compliance shall include, but not be limited to, the filing of preliminary and final plan, payment of established fees and charges, location of each structure and clear definition of each unit, public easements, common areas, improvements, and all easements appurtenant to each unit.
- D. Pending Applications.
 - 1. Per Article V, as revised of the MPC, the provisions of this Ordinance shall not affect an application for approval of a subdivision and/or land development plan which is pending action at the time of the effective date of this Ordinance, in which case applicant shall be entitled to a decision in accordance with the governing ordinances as they stood at the time when the application for such plan was duly filed. Additionally, this Ordinance shall not affect any suit or prosecution, pending or to be instituted, to enforce any provision of Brush Creek Township, as amended, or any applicable predecessor regulations on an act done, contract executed, or liability incurred prior to the effective date of this Ordinance.
- E. Previously Approved Plans.
 - 1. If an applicant has received approval of a preliminary or final plan prior to the effective date of this Ordinance, no provision of this Ordinance shall be applied to adversely affect the right of the applicant to commence and complete any aspect of the approved preliminary or final plan in accordance with the terms of such approval within five (5) years of the date of such application, nor shall any provision of this Ordinance be construed to waive the obligations imposed upon an applicant to complete a previously approved preliminary or final plan, including the installation of all improvements, in strict compliance with the requirements of such approval. When approval of a final plan has been preceded by approval of a preliminary plan, the five (5) years shall be counted

from the date of preliminary plan approval. If there is any doubt as to the terms of approval, the terms shall be construed in light of the provisions of the governing ordinances as they stood at the time when the application for such approval was duly filed.

- F. Existing Improvements.
 - 1. If existing improvements, including stormwater management facilities, on the subject tract do not meet the requirements of this Ordinance, then such improvements must be designed and upgraded to meet the requirements of this Ordinance in conjunction with an application for development.

SECTION 104 ORDINANCE AMENDMENTS

- A. Purpose
For the purpose of protecting the public health, safety and general welfare, amendments to this Ordinance may, from time to time, be proposed.
- B. Procedure
All proposals for amendments shall be made in accordance with the following procedure:
 - 1. Proposal.
Amendments to this Ordinance may, from time to time, be proposed by the Brush Creek Township Supervisors on its own motion. In addition, any landowner may propose an amendment to this Ordinance, in which event the Brush Creek Township Supervisors, at its sole option, may initiate procedures for amendment.
 - 2. Review by Fulton County Planning Commission.
 - a. In the case of an amendment, the Brush Creek Township Supervisors shall submit each such amendment to the Fulton Planning Commission for recommendations at least forty-five (45) days prior to the date of the public hearing on the proposed amendment.
 - 3. Action by Brush Creek Township Supervisors
 - a. Amendments shall be approved or disapproved by the Brush Creek Township Supervisors after a public hearing held pursuant to public notice, as defined in the MPC in accordance with the procedural requirements of Section 505 and 506 of the MPC.
 - 4. Notification of Brush Creek Township Action.
 - a. Within thirty (30) days of said approval, the Brush Creek Township Supervisors shall forward a certified copy of any amendment to this Ordinance the Fulton County Planning Commission.

SECTION 105 ENFORCEMENT AND PENALTIES

- A. Enforcement.

1. It shall be the duty of the Brush Creek Township Supervisors (or its designee) to enforce this Ordinance and to bring any violations of these regulations to the attention of the Brush Creek Township Solicitor. Formal enforcement proceedings may be initiated by the Brush Creek Township Supervisors (or its designee) in the name of Brush Creek Township after authorization by the Brush Creek Township Supervisors.

B. Penalties.

1. Preventive Remedies.
 - a. In addition to other remedies, Brush Creek Township 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.
2. Brush Creek Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision or development of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - a. The owner/owners of record at the time of violation;
 - b. The vendee or lessee of the owner of record at any time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation;
 - c. 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 action; or
 - d. 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 the violation.
3. As an additional condition for issuance of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, Brush Creek Township 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.
4. Enforcement Remedies.
 - a. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable thereof in a civil enforcement proceeding commenced by Brush Creek Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs including reasonable attorneys fees incurred by Brush Creek Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, Brush Creek Township Supervisors may enforce the judgment pursuant to the rules of civil procedures. Each day that a violation

continues shall constitute a separate violation, unless the District Justice 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 been believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice 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 Brush Creek Township the right to commence any action for enforcement pursuant to this Section.

SECTION 106 MUNICIPALITY LIABILITY.

- A. The granting of a permit or approval of a plan for any proposed subdivision or land development to be located within any designated floodplain district shall not constitute a representation, guarantee or warranty of any kind or nature by Brush Creek Township, or an official or employee, thereof, of the safety of any structure, building, use or other proposed plan from cause whatsoever, and shall create no liability upon or a course of action against such public official or employee for any damage that may be pursuant thereto.

SECTION 107 INTERPRETATION

- A. In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of Brush Creek Township Supervisors. This Ordinance is not intended to interfere with, abrogate, annul, supersede, or cancel any easements, covenants, restrictions, or reservations contained in deeds or other agreements, but if this Ordinance imposes more stringent restrictions than are elsewhere established, the provisions of this Ordinance shall prevail. Wherever and whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted laws, rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern.

SECTION 108 SEVERABILITY.

- A. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

SECTION 109 REPEALER.

- A. The pre-existing Brush Creek Township Subdivision and Land Development Ordinance (SALDO), as amended, is hereby expressly repealed; provided, further that nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any approval granted or any cause or causes of action arising prior to the enactment of this Ordinance. All ordinances or parts of ordinances and all resolutions or parts of resolutions which are inconsistent herewith by virtue of references or incorporation of requirements contained in the pre-existing Brush Creek Township Subdivision and Land Development Ordinance (SALDO) as amended shall, as nearly as possible, be construed to reference this Ordinance.

SECTION 110 EFFECTIVE DATE.

- A. This Ordinance shall take effect on the 1st day of December, 2015 as enacted and ordained by the Brush Creek Township Supervisors.

ATTEST:

BRUSH CREEK TOWNSHIP
BRUSH CREEK TOWNSHIP SUPERVISORS:

PART 2 - LANGUAGE AND DEFINITIONS

SECTION 200 GENERAL RULES OF CONSTRUCTION

- A. The language and words set forth in this Part are defined in order to facilitate the interpretation of the Ordinance for administrative purposes and in the carrying out of duties by appropriate officers. Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.
1. Words used in the present tense include the future tense.
 2. The singular includes the plural.
 3. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
 4. The masculine gender includes the feminine and neuter. The feminine gender includes the neuter and masculine. The neuter gender includes the feminine and masculine.
 5. The terms “shall”, “will”, and “must” are always mandatory.
 6. The words “should” or “may” are permissive.
 7. The word “used” and “occupied” as applied to any land or building shall be construed to include the words, “intended, arranged or designed to be used or occupied”.
 8. The word “erected” shall be inclusive of the words “constructed, altered or moved.”
 9. For those words used in this Ordinance but not defined herein or any the definitions found in the most recent edition of Webster’s Unabridged Dictionary, shall apply.
- B. Illustrations and Tables.
1. In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration or table, the text shall control. No caption, illustration or table shall be construed to limit the scope or intent of the text of this Ordinance.

SECTION 201 DEFINITIONS

- A. For the purposes of this Ordinance, the following terms shall have the following meanings:

ABUT or ABUTTING: Areas of contiguous lots that share a common property or lot line, or being separated by a common border including easements, but excluding lots entirely separated by a public right-of-way for a street or alley. See also Adjoin or Adjoining.

ACCESSORY: Additional, something extra or complementary, or subordinate to.

ACCESS DRIVE: A public or private drive, other than a driveway, providing vehicular access to and between parking areas for more than two (2) parking spaces within a land development; or any drive servicing three (3) or more units of occupancy on a single lot.

ACT 247: Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.O. 805, No. 247, as amended and reenacted, also called the “MPC” or “Municipalities Planning Code”.

ADAPTIVE REUSE: The development of a new use for an older building or for a building originally designed for a special or specific purpose.

AGRICULTURAL LAND/AREAS: Land used exclusively for the cultivation of the soil, the production of crops or livestock, or the science of forestry; also, land diverted from agricultural use by an active Federal farm program, provided the diverted land has a conservation cover of grass, legume, trees or wildlife shrubs. Agricultural Land may include, to a minor degree, farmsteads inhabited by the cultivator of the land, housing for farm employees, and land used for preparation of agricultural products by the cultivator of the land.

ADJACENT: Two (2) or more abutting or adjoining lots or two (2) or more lots separated only by a public right-of-way for a street or alley or another lot.

ADJOIN or ADJOINING: See also ABUT or ABUTTING.

AVERAGE DAILY TRAFFIC (ADT): Computed by application of a day of the week by month factor to an average twenty-four (24) hour traffic count. Such information is available in the latest volume of the Pennsylvania Department of Transportation (PennDOT) Traffic Data Collection and Factor Development Report.

APPLICANT: A landowner and/or developer, as hereinafter defined, including his heirs, successors and assigns, who filed an application for development.

APPLICATION FOR DEVELOPMENT: Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan, or for the approval of a development plan. This shall include adaptive reuse, replacement, infill, and redevelopment.

BEST MANAGEMENT PRACTICE: State-of-the-art technology as applied to a specific problem. The BMP presents physical, institutional, or strategic approaches to environmental problems, particularly with respect to stormwater management.

BLOCK: Land surrounded on all sides by streets (measured at the right-of-way) or other transportation or utility rights-of-way, or by physical barriers such as bodies of water or public open spaces.

BMP's: Best management practices.

BUFFER: An open area of land located between two (2) uses, that is intended to mitigate negative impacts, such as visual and noise, of the more intense use on the less intense use.

BUFFER YARD: An open area of land located between two (2) uses, that is intended to mitigate negative impacts, such as visual and noise, of the more intense use on the less intense use, whose dimensions

normally exceed, but may include where specified, the normal building setback or yard requirements, and which is planted and may include required screening, and within which no structure is permitted except those used as part of required, or other feature as provided.

BUILDING: Any enclosed or open structure, other than a boundary wall or fence, occupying more than four (4) square feet in area and/or having a roof supported by columns or walls, intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

BUILDING, ACCESSORY: A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building or otherwise principal use of the lot, which is located on the same lot as that occupied by the principal building or otherwise principal use of the lot.

BUILDING, PRINCIPAL: A building that is enclosed within exterior walls or firewalls, and is built, erected and framed of component structural parts. The principal building is also designed for housing, shelter, enclosure and support of individuals, animals or property of any kind, and is a main structure on a given lot.

BUILDING SETBACK LINE: The line within a property defining the required distance between any enclosed building or structure and the abutting right-of-way, or otherwise, front, rear, and side lot lines.

CAPACITY: The maximum number of vehicles that can be expected to pass over a given section of roadway or on a specific lane.

CARTWAY: The portion of a street right-of-way, paved or unpaved, customarily used by motorized and non-motorized vehicles in the regular course of travel over the street, but not including unimproved shoulders, and curbs, sidewalks or swales.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street centerlines.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and the water, within the development site, designed and intended for the use or enjoyment of residents of the development, not including Streets, off-Street parking areas, and areas set aside for public facilities.

COMMONWEALTH: Commonwealth of Pennsylvania.

COMMUNITY WATER SUPPLY; A utility operated by a municipality or a company, regulated by the Public Utility Commission (PUC), which supplies potable, domestic water for use by more than one (1) household, business or institution.

COMPREHENSIVE PLAN: The official public document prepared in accordance with the MPC, consisting of maps, charts and textual material that constitutes decisions about the physical and social development of Brush Creek Township, as amended from time to time.

CONCENTRATED BUILDING AREA: Presently undeveloped land within an Urban Growth Area that has the physical characteristics and available infrastructure to accommodate more intense development.

CONDOMINIUM: A form of ownership of real property, as defined in the Pennsylvania Uniform Condominium Act of 1980, which includes a multiple unit land development in which there is a system of separate ownership of individual units of occupancy and undivided interest of land and common facilities.

CONTIGUOUS: Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous. To physically touch or border upon, or to share a common property line, but not overlap.

COUNTY: Fulton County, Pennsylvania.

DEDICATION: The deliberate appropriation of land by its owner for general public use.

DEED: A written instrument whereby an estate in real property is conveyed.

DENSITY, GROSS: The number of dwelling units or units of occupancy per gross lot Area acre (i.e., the total area within the deeded property lines without exception).

DENSITY, NET: The number of dwelling units or units of occupancy per net lot area acre (i.e. the total area within the deeded property lines exclusive of existing street rights-of-way).

DESIGNATED GROWTH AREA (DGA): A region within a County or counties described in a Municipal or Multi-Municipal Plan that preferably includes and surrounds a city, borough or village, and within which residential and mixed-use development is permitted or planned for at densities of one (1) unit to the acre or more, commercial, industrial and institutional uses are permitted and planned for, and public infrastructure services are provided or planned. (per MPC)

DESIGNATED RURAL AREA: Areas within which Rural resources, Rural character, and a Rural way of life are to be sustained.

DETENTION BASIN: A reservoir that temporarily contains stormwater runoff and releases it gradually into a watercourse or stormwater facility.

DEVELOPER: Any landowner, agent of such landowner, or tenant with the permission of such landowner, including a firm, association, organization, partnership, trust, company, or corporation as well as an individual, for whom development plans are being or have been made.

DEVELOPMENT PLAN: The provisions for development, including, a subdivision plat or plan and/or a land development plat or plan, all covenants and restrictions 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 plan” when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

DRAINAGE EASEMENT: The land required for the installation of storm sewer or drainage facilities, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein, or to safeguard the public against flood damage.

DRIPLINE: A line marking the outer edges of the branches of the tree.

DRIVEWAY: A private drive, other than an access drive, providing vehicular access between a street or access drive and a parking area for not more than two (2) residential units of occupancy.

EASEMENT: A strip of land granted for limited use of property by the landowner for a public or quasi-public or private purpose, and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

ELEVATION: The vertical alignment of a surface, as it exists or as it is made by cut and/or fill.

ENGINEER: A qualified, professional engineer licensed to practice in the Commonwealth of Pennsylvania.

ENVIRONMENTAL COVENANT: A servitude arising under an environmental response project which imposes activity and use limitation. (On December 18, 2007, Governor Ridge signed the Uniform Environmental Covenants Act (UECA) into law as Act 68 of 2007. Section 6517(a)(I) of UECA requires the use of Environmental Covenants whenever engineering controls or institutional controls are necessary to demonstrate attainment of an Act 2 remediation standard for any cleanup conducted under any applicable Pennsylvania environmental law. The covenant provides a tool to ensure that the conditions allowing for a risk-based cleanup will continue in the future.)

ENVIRONMENTALLY SENSITIVE AREA: An area not suitable for development that includes floodplains, floodplain soils, steep slopes, wetlands, and riparian areas.

ENVIRONMENTALLY SENSITIVE AREAS (RURAL): An area not suitable for development that includes hedge rows/fence rows, flood plains, flood plain soils, Steep Slopes, Wetlands, and riparian areas.

EXISTING WOODED AREA: A biological community dominated by trees and other woody plants covering a land area of one-quarter ($\frac{1}{4}$) acre or more. Existing wooded areas includes areas that have at least twenty-five (25) trees per one-quarter ($\frac{1}{4}$) acre with at least fifty (50) percent of those trees having a two-(2) inch or greater caliper at four and one half (4.5) feet above the ground and larger.

FLAGPOLE: A narrow extension of property on a Lot or Parcel from the buildable area of a lot to the public Right-of-Way, and which is not part of the Lot Area, but serves as access to the lot or parcel. See also Lot definition.

FLOOD, ONE HUNDRED YEAR: A flood that, on the average is likely to occur once ever one hundred (100) years (i.e. that has a one [1] percent chance of occurring each year, although the flood may occur in any year).

FLOODPLAIN: (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation of runoff or surface waters from any surface.

FLOODWAY: The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of more than one hundred (100) year magnitude without increasing the water surface elevation more than one (1) foot at any point.

FLOOR ELEVATION: The elevation of the lowest level of a particular building, including the basement.

FOOTCANDLE: A unit of light intensity stated in lumens per square foot and measurable with an illuminance meter or light meter.

FRONTAGE: The side of the lot abutting a street right-of-way (excluding alleys).

FULLY SHIELDED: A light constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.

FUTURE ACCESS STRIP: A right-of-way reserved for the future improvement of a street.

GENERAL BUILDING AREA: Presently undeveloped land within a Urban Growth Area that has less available infrastructure (water, sewer, transportation, access) than Concentrated Building Areas and thus may not be appropriate for the highest intensity uses.

GEOLOGIST: A qualified professional geologist registered by the Commonwealth of Pennsylvania.

GLARE: The sensation produced by lighting that causes an annoyance, discomfort, or loss in visual performance and visibility to the eye.

GOVERNING BODY: The council in cities and boroughs, the board of commissioners in townships of the first class, the board of supervisors in townships of the second class, or any other similar body with the final decision-making, budgeting and appointing authority of a general purpose unit of government.

HISTORIC FEATURE: Any district, site, building structure, or object that meets one or more of the following criteria:

2. Is listed or may be determined to be eligible to be listed on the National Register of Historic Places either individually or as a contributing resource.
3. Is listed on any Fulton County historic resources survey, in the most recent version of the Moving Fulton Forward: Fulton County's Joint Comprehensive Plan, the Fulton County Comprehensive Plan, and/or other applicable plans adopted by Fulton County and/or Brush Creek Township, or on any officially adopted Brush Creek Township or County inventory of historic resources and is determined by a qualified historic preservation professional to retain the historic characteristics that qualified it for said list.
4. Is determined by a qualified historic preservation professional to be historically or architecturally significant.

HORIZON YEAR: The anticipated opening year of a development, assuming full buildout and occupancy.

ILLUMINANCE: The quantity of light measured in footcandles or lux.

IMPERVIOUS MATERIAL or SURFACE: Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete sidewalks, paved driveways, access drives and parking areas and other nonporous structures or materials. For purposes of this definition, the surface water area of swimming pools shall not be considered impervious.

IMPROVEMENT: Physical changes to the land, including installations and changes required to render land suitable for the use intended, including, but not limited to, grading, paving, buildings, streets, curbs, gutters, streetlights and signs, water mains, hydrants, sanitary sewer mains, including laterals to the street right-of-way lines, storm drainage lines, stormwater management facilities, sidewalks, walkways, recreational facilities, open space improvements, shade trees, landscaping, buffering, and screening, and all other additions to the tract which are required by ordinance or regulation, or are deemed necessary to result in a complete subdivision or land development in the fullest sense of the term.

IMPROVEMENT, PUBLIC: Improvements for which the Brush Creek Township, Brush Creek Township Authority, or its designee may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which Brush Creek Township, Brush Creek Township Authority, or its designee responsibility is established.

INDIGENOUS SPECIES: Plants which have not been introduced by man and thrive in an area where it is considered native.

INFILL: Development of land within an Urban Growth Area accessible to infrastructure that is generally surrounded by development and has been bypassed, remained vacant, and/or is underused.

INFLUENCE AREA: An area that contains eighty (80) percent or more of the trips that will be attracted to a development site.

INVASIVE SPECIES: Plants which grow quickly and aggressively, spreading, and displacing other plants. Invasives typically are introduced into a region far from their native habitat.

LAND DEVELOPMENT: The development of property as specified below:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots, regardless of the number of occupants or tenure.
 - b. 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.
2. Subdivision of land.
3. "Land Development" shall not include:
 - a. The conversion of any existing single family dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
 - b. The addition of an accessory building(s) on a lot or lots subordinate to an existing principal building.
 - c. The addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park. For purposes of this sub clause, an amusement park is defined as a tract or area used principally as a 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.

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.

LANDSCAPE ARCHITECT: A qualified professional landscape architect registered by the Commonwealth of Pennsylvania.

LANDSCAPING: Acting with the purpose of meeting specific criteria regarding uses of outside or exterior space, including ground cover, screening, buffering, and shade trees.

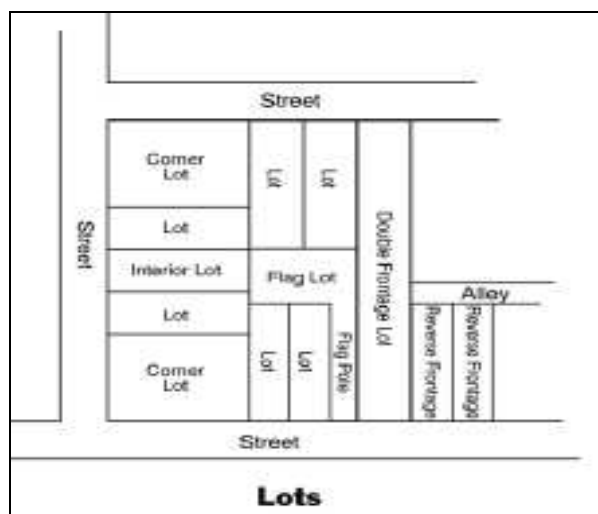
LEVEL OF SERVICE: A measure of the effect of traffic on the capacity of a road.

LIGHT TRESPASS: Light emitted by a lighting installation which extends beyond the boundaries of the property on which the installation is sited.

LIGHTING:

1. **Diffused:** That form of lighting wherein the light passes from the source through a translucent cover or shade.
2. **Direct or Flood:** That form of lighting wherein the source is visible and the light is distributed directly from it to the object to be illuminated.
3. **Indirect:** That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

LOT: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.



LOT, CORNER: A lot at the junction of and abutting on two (2) or more intersecting streets (excluding alleys) or at the point of abrupt change of a single street, where the interior angle is less than one hundred thirty-five (135) degrees or the radius of the street line is less than ten (10) feet. A corner lot shall have two (2) front lot lines and one (1) side lot line, and one (1) rear lot line. The rear lot line for a corner lot shall coincide with the lot line abutting any alley, otherwise it shall be the lot line opposite the lot line along the street of address.

LOT, DOUBLE FRONTAGE or THROUGH LOT: An interior lot that abuts two (2) or more parallel or non-intersecting streets (excluding alleys) generally at the front and rear lot lines.

LOT, FLAG: A Parcel of land created by a Subdivision or partition which includes a narrow projection or 'Flagpole to the public Right-of-Way.

LOT, INTERIOR: A lot whose side lot lines do not abut upon any street (excluding alleys); a lot other than a corner lot.

LOT, REVERSE FRONTAGE: An interior through or double frontage lot that is not accessible from one of the parallel or non-intersecting streets upon which it abuts and fronts.

LOT ACCESS: A way or means of approach to provide vehicular access to a property.

LOT AREA. The area contained within the property lines of the individual parcel of land, excluding space within the street right-of-way. The lot area includes the area of any utility easement or stormwater management facility.

LOT COVERAGE: That portion or percentage of the lot area covered by impervious materials.

LOT FRONTAGE: That portion of a lot abutting on the street right-of-way (excluding alleys) and regarded as the front of the lot.

LOT LINE: A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed the ultimate right-of-way line.

LOT LINE MARKER: A metal plate, pin, permanent stone or concrete monument used to identify lot line intersections.

LOT OF RECORD: A lot which is a part of a subdivision, the plan of which was recorded, or a parcel of land, the deed of which was recorded in the office of the Fulton County Recorder of Deeds prior to the adoption of this Ordinance.

LUMINANCE: The physical and measurable quantity of light that corresponds to the brightness of a surface (e.g., a lamp, luminaire, reflecting material) in a specific area and measurable with a luminance meter or light meter.

LUX: A unit of light intensity stated in lumens per square meter. There is approximately ten point seven (10.7) Lux per footcandle.

MANUFACTURED HOME OR MOBILE HOME: A transportable, single-family dwelling intended for permanent occupancy contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a Site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation, including any addition or Accessory Structure, such as porches, sheds, decks or additional rooms. All Manufactured or Mobile Homes shall meet construction standards set by the United States Department of Housing and Urban Development.

MOBILE HOME LOT: 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 PAD: That part of a Mobile Home Lot that is being reserved for the placement of the Mobile Home.

MOBILE HOME PARK: A Parcel or Contiguous Parcels of land which has been so designated and improved that it contains two (2) or more Mobile Home Lots for the placement thereon of Mobile Homes.

MODIFICATION: A process for alleviating specific requirements imposed by this Ordinance, as described in Part 3.

MONUMENT: A concrete or stone monument used to identify street line intersections.

MULTIMODAL: Accommodating various modes of power assisted surface transportation including but not limited to bicycles, non-motorized scooters, etc.

MUNICIPAL ENGINEER: A qualified, professional engineer licensed to practice in the Commonwealth of Pennsylvania, duly appointed by the Brush Creek Township Supervisors.

MUNICIPAL SOLICITOR: The licensed attorney designated by the Brush Creek Township Supervisors to furnish legal assistance for the administration of this Ordinance.

NATIVE PLANT: A plant which grew in a defined region prior to European settlement. Indigenous species and naturalized non-native plants may be included as a native plant if it has been brought into the region and has become established into the wild and is not considered invasive or displaces native plants. Naturally occurring hybrids and cultivars (cultivated varieties) of native genetic parent species which may or may not have been present prior to European settlement are considered native plants.

NEW DEVELOPMENT: A project involving the construction, reconstruction, redevelopment, infill, replacement, conversion, structural alteration, relocation or enlargement of any structure, or any use or extension of land. New developments have the potential of increasing the requirements for capital and public improvements, requiring either approval of a plan pursuant to this Ordinance, the issuance of a building permit, or connection to the public water or sanitary sewer system.

NON-NATIVE / INTRODUCED PLANT: Any plant species that has been introduced by humans and now grows independently of cultivation. A subset of non-native / introduced species are the invasive species.

NON-SITE TRAFFIC: Vehicle trips passing within the study area as defined in the traffic impact study that do not enter or exit the site and are generally the result of through traffic and traffic generated by other developments.

OFF-SITE: Any premises not located within the area of the property to be subdivided or developed, whether or not in the common ownership of the Applicant for Subdivision or Land Development approval.

OFFICIAL MAP: A map adopted by ordinance pursuant to Article IV of the MPC and recorded in the office of the Fulton County Recorder of Deeds.

PARCEL: See Lot.

PEAK HOUR: The hour during which the heaviest volume of traffic occurs on a road.

PEDESTRIAN WAY: A right-of-way, publicly or privately owned, intended for human movement by walking.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC): Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.O. 805, No. 247, as amended and reenacted. This act enables municipalities to Plan for, and regulate, community development with Subdivision and Land Development ordinances. The code also contains guidelines and standards for subdivision and land development ordinance content in Article V. For the purpose of this Ordinance, the Code may be referred to as “Act 247” and is intended to include the current code and any further amendments ‘thereto.

PERVIOUS MATERIAL or SURFACE: Any substance placed on a lot which covers the surface in such fashion as to that would allow water to pass through at a rate at least equal to the pervious ground cover. The following items shall be deemed to be pervious material: e.g., porous pavement, stone parking areas, and preformed or prefabricated blocks which would permit water to penetrate and as approved by the Municipal Engineer.

PHASES: As defined under the MPC, Article V, as stages or sections of development.

PLAN: A drawing, together with supplementary data, that describes a subdivision or land development.

1. **AS-BUILT PLAN:** Engineering documents drawn to scale showing the constructed dimensions and materials of a structure or other land improvement. An as-built drawing differs from design drawings and construction drawings, which are design-oriented documents prepared prior to construction rather than a depiction of what has been constructed.
2. **CENTERLINE SEPARATION PLAN:** A complete and exact Subdivision Plan that creates two (2) Lots by using a Street centerline as the common boundary, which meets the criteria specified in Section 406, and is designed in accordance with the requirements of Section 504.
3. **FINAL PLAN:** A complete and exact subdivision and/or land development plan, including all supplementary data, designed in accordance with the requirements of Sections 405 and 503.

4. LOT ADD-ON PLAN: A complete and exact subdivision plan, the sole purpose of which is to increase the lot area of an existing lot or tract, designed in accordance with the requirements of Sections 406 and 504.
5. LOT CONSOLIDATION PLAN: A plan for the consolidation of two (2) or more existing lots or tracts to create fewer lots or tract with revised lot lines, designed in accordance with the requirements of Sections 406 and 504.
6. MINOR PLAN: A final plan which has an expedited process when designed in accordance with the requirements of Sections 407 and 505
7. MODIFIED FINAL PLAN: A final plan modified to reflect a change to the site or its surroundings that occurs after the preliminary plan approval as per Section 405.A.3.
8. PRELIMINARY PLAN: A subdivision and/or land development plan which is designed in accordance with the requirements of Sections 404 and 502, and is prepared for consideration prior to submission of a final plan.
9. RECORD PLAN: A final plan that contains the original endorsement of Brush Creek Township, which is recorded with the Fulton County Recorder of Deeds.
10. REVISED SUBDIVISION AND/OR LAND DEVELOPMENT PLAN: Any revised plan due to survey corrections prepared in accordance with the requirements of Sections 406 and 504.
11. SKETCH PLAN: An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings, with the general layout of proposal prepared in accordance with the requirements of Sections 403 and 501

PLANNING COMMISSION: The Brush Creek Township Planning Commission, when such body has been created pursuant to Article II of the MPC.

PLANNING COMMISSION, COUNTY: The Fulton County Planning Commission.

PLAT: The map or plan of a subdivision or land development, whether preliminary or final. For the purpose of this Ordinance, the terms “plat” and “plan” have the same meaning.

PUBLIC HEARING: A formal meeting held pursuant to public notice, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance and/or the MPC.

PUBLIC MEETING: A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act”.

PUBLIC NOTICE: A notice published once each week for two (2) successive weeks in a newspaper of general circulation in Brush Creek 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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

REDEVELOPMENT: Public and/or private investment made to re-create the fabric of an area or neighborhood by renovating previously developed land. Replacing, remodeling, or reusing existing buildings and structures accommodating new development within the context of existing streets.

REPLACEMENT: Remodeling or reusing an existing building or structure for new development.

RETENTION BASIN: A reservoir designed to retain stormwater runoff with its primary release of water being through the infiltration of said water into the ground.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary, storm sewer, and other similar uses, whether public or private.

RUNOFF: The surface water discharge and rate of discharge of a given watershed after a full rain or snow that does not enter the soil but runs off the surface of the land.

RURAL: Land outside of Urban and Village Growth Areas, including Agricultural Areas and natural resource areas.

RURAL BUSINESS AREA: An existing developed area with undeveloped Lots or the potential to expand or add uses where additional development could be accommodated rather than sprawled throughout the Rural areas.

RURAL CENTER: An area of existing development to which New Development not directly related to the Rural economy is to be directed that otherwise would occur as scattered sprawl in Designated Rural Areas. Four types of Rural Centers are: Village Growth Areas, Crossroads Communities, Rural Business Areas, and Rural Neighborhoods.

RURAL NEIGHBORHOOD: An area of existing residential development within a Designated Rural Area.

SCREENING: The provision of a barrier to visibility, air borne particles, glare and noise between adjacent properties, uses, and/or zoning districts composed of a mixture of trees, berms, shrubs, fences, walls and/or other similar type materials, that is intended to mitigate negative impacts, such as visual and noise, of the more intense use on the less intense use.

SEDIMENTATION: The process by which soil or other surface material is accumulated or deposited by wind, water or gravity.

SETBACK LINE: See building setback line.

SEWAGE: A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation. The term includes any substance which constitutes pollution under The Clean Streams Law.

SEWAGE FACILITIES: A system of sewage collection, conveyance, treatment, and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste as recognized by the Department of Environmental Protection (DEP).

1. **PUBLIC SEWAGE SYSTEM:** A publicly owned system of piping, tanks, or other facilities serving two or more lots, which uses a method of sewage collection, conveyance,

treatment, and disposal other than renovation is a soil absorption area, or retention in a retaining tank.

2. PRIVATE COMMUNITY SEWAGE SYSTEM: A privately owned system of piping, tanks, or other facilities serving two or more lots, which uses a method of Sewage collection, conveyance, treatment, and disposal other than renovation in a soil absorption area, or retention in a retaining tank.
3. COMMUNITY ON-LOT SEWAGE SYSTEM: A Sewage Facility serving two or more lots, which uses a system of piping, tanks, or other facilities for collecting, treating, and disposing of Sewage into a soil absorption area or retaining tank.
4. INDIVIDUAL ON-LOT SEWAGE SYSTEM: An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating or disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.
5. INDIVIDUAL SEWAGE SYSTEM: A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance to another site for final disposal.

SHARED TRIPS: Vehicle trips entering and exiting the site that were using the facility on the adjacent streets and therefore did not generate new trips on the road.

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.

SIGNIFICANT TREE: Non-invasive trees with eighteen (18) inch minimum caliper measured five (5) feet above grade located outside an existing wooded area.

SITE: The existing lot of record proposed for land development, including subdivision.

STEEP SLOPE: Land with a fifteen (15) feet or greater change in elevation one hundred (100) feet or less in horizontal distance or, in other terms, fifteen (15) percent or greater on the average. The following formula is the acceptable method of determining average slope:

$$S = 0.0023 \frac{I \times L}{A}$$

A

S = Average percent slope of site

I = Contour interval in feet

L = Sum of the length of contours in feet

A = Land area in areas of parcel being considered

STORMWATER: Water that surfaces, flows, or collects during and subsequent to rain or snowfall.

STORMWATER MANAGEMENT FACILITIES: Those controls and measures (e.g., storm sewers, berms, terraces, bridges, dams, basins, infiltration systems, swales, watercourses and floodplains) used to implement a stormwater management program.

STREAM: A body of water flowing in a channel within a defined bed and banks.

STREET: A strip of land, including the entire right-of-way, publicly or privately owned, serving primarily as a means of motorized and non-motorized vehicular and pedestrian travel, and furnishing access to Abutting properties. This term shall include the terms avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other way used for similar purposes. Streets shall conform to one of the following categories:

1. **ALLEY:** A service road that is generally parallel to a primary local, collector, or arterial street, and which is generally abuts and provides access to the rear of lots. Alleys are on the same level as a local street, and are used in cases of narrow lot frontages. Alleys shall be designed to discourage through traffic. Alleys may be designed as one-lane streets.
2. **ARTERIAL:** An interregional road in the street hierarchy system that carries vehicle traffic to and from the region as well as any through traffic. This street should be a controlled access street (designed to the capacity analysis of the intersection (LOS) Level of Service).
3. **COLLECTOR:** A street that provides connections with local and arterial streets. This street may serve a traffic corridor connecting shopping and business areas, neighborhoods, villages, communities, and/or mining or Agricultural Areas on an intra-County or municipal basis.
4. **CUL-DE-SAC:** A street with a single means of ingress and egress and having a turnaround. The design of the turnaround may vary.
5. **LOCAL:** This classification provides direct access to adjacent land and includes connections to farms, individual residences and business properties, and to higher classes of highway systems.

STREET LINE: The dividing line between the street and the lot, also known as the right-of-way line.

STREET, PRIVATE: A street not accepted for dedication by Brush Creek Township.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVISION: The division or re-division of a single lot, tract or parcel of land by any means into two (2) 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, partition by the court for distribution to heirs or devisees, transfer of ownership, or building, or lot development.

SUBJECT TRACT: The site proposed for land development, including Subdivision.

SUBSTANTIALLY COMPLETED: Where, in the judgment of the Municipal Engineer, at least ninety (90) percent (based on the 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.

SUPERELEVATION: The distance in height (elevation) between the inside and outside edge of a banked cartway.

SURVEYOR: A qualified professional surveyor registered with the Commonwealth of Pennsylvania as authorized to measure the boundaries of tracts of land, establish locations, and perform the requirements of a survey.

SWALE: A wide low lying stretch of land characterized as a depression used to carry surface water and runoff.

TIE BAR: The symbol on a survey, plan, or plat shown as “Z” indicating common ownership of two (2) adjacent lots or tracts.

TOPOGRAPHY: The relief features or surface configurations of an area of land.

TRACT: The term “tract” is used interchangeably with the term “lot,” particularly in the context or subdivision, where a “tract” is subdivided into several lots, parcels, units, plots, condominiums, tracts or interests.

TREE LAWN AREA: A “grassy” or “planting” strip of land within a public right-of-way along the front property line, located between a detached sidewalk and the curb (or edge of pavement if no curb) which may include signage, shade/street trees, and curbs, gutters, or swales.

TREE PROTECTION ZONE: An area that is radial to the trunk of a tree in which no construction activity shall occur. The tree protection zone shall be the distance from the trunk to the dripline (a line marking the outer edges of the branches of the tree).

TRIP: A single or one-directional motorized and/or non-motorized vehicle movement.

UNIT OF OCCUPANCY: An allocation of space within a building or structure that is independent of other such space and that constitutes a separate use. This shall include both fee simple ownership and leaseholds.

URBAN: McConnellsburg Borough, and some developed land in townships within an Urban Growth Area.

URBAN GROWTH AREA: An area that is designated as appropriate for future development and includes a city or borough at its center, developed portions of township, and development capacity to meet future land use needs. Urban Growth Areas are given official standing by their incorporation on Future Land Use Maps and through the adoption in County, multi-municipal, and local Comprehensive Plans.

VILLAGE GROWTH AREA: An area within a Designated Rural Area that is designated as appropriate for future development and includes as traditional village core, adjacent developed portions of a township, and additional land to absorb a portion of a township’s future land use needs over a 25 year period while maintaining village scale, character, and a defined edge.

WATERCOURSE: A permanent topographic feature, whether natural or man-made, that serves to gather and carry flowing surface water such as a permanent or intermittent stream, a river, creek, brook, run or swale; and which measured by the width of the channel during normal high water.

WATERSHED: All land and water within the confines of a drainage basin.

WETLANDS: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. [Definition used by U.S. Environmental Protection Agency and U.S. Army Corps of Engineers.]

YARD: An unoccupied and unobstructed open space of land between the permitted buildings and the adjoining lot line.

YARD, FRONT: The yard area extending across the full width of the lot contained between the principal building and the front lot line or street line (excluding alleys), measured perpendicular to the building at the closest point to the front lot line. Corner lots shall have two (2) front yards.

YARD, REAR: The yard area extending across the full width of the lot contained between the principal building and the rear lot line, which may include street lines created by alleys, measured perpendicular to the building at the closest point to the rear lot line.

YARD, SIDE: The yard area(s) extending from the front lot line to the rear lot line contained between a principal building and any side lot line(s), measured perpendicular to the building at the closest point to the nearest side lot line.

PART 3 - ADMINISTRATION

SECTION 300 MODIFICATIONS

The Ordinance requirements are minimum standards for the protection and promotion of the public health, safety, and welfare. The regulations preserve public order and establish interactions among citizens, developers, business owners, and officials in a way that prevents a conflict of rights. The regulations ensure the uninterrupted enjoyment of rights by all of the citizens, developers, business owners, and officials by guiding development and growth and to permit Brush Creek Township to minimize such problems as may presently exist or which may be foreseen.

Modifications should only be granted; to encourage flexibility and ingenuity in the layout and design of subdivisions and land developments when meeting the intent and purpose of the Ordinance, when literal compliance would be unreasonable, cause undue hardship, or when an alternative standard is demonstrated to provide equal or better results and if the modification would not be contrary to the public interest.

A. Purpose.

1. The provisions of these regulations are intended as a minimum standard for the protection of the public health, safety and general welfare. If the literal compliance with any mandatory provision of these regulations is demonstrated by the applicant to be unreasonable and to cause undue hardship because of peculiar conditions pertaining to the particular property, and if the applicant demonstrates that an alternative proposal will provide equal or better results, the Brush Creek Township Supervisors, may grant a modification from such mandatory provision so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a modification shall not have the effect of making null and void the purpose and/or intent of this Ordinance.

B. Procedure.

All requests for modifications shall be made in accordance with the following procedure:

1. Application Requirements.
 - a. All requests for modifications (see Appendix C) shall be made in writing and shall accompany and be a part of the application for development for a subdivision or land development plan. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, or the alternative standard proposed to provide equal or better results, the provision(s) of this Ordinance which are requested to be modified, and the minimum modification necessary. The request shall be accompanied by a plan prepared at least to the minimum standards of a sketch plan (see Section 501).
 - 1) If a modification request is not submitted with an application for subdivision or land development, then the processing procedures outlined in Section 402 shall apply.

for modification may appeal as provided for in the MPC and other relevant statutes and rules.

B. Mediation Option.

1. As an alternative to an adjudicatory appeal proceeding, any party entitled to appeal a decision of the Brush Creek Township Supervisors may request the utilization of mediation as an aid in resolving the dispute. Participation in mediation shall be wholly voluntary by the parties, and shall be conducted as prescribed in the MPC.

SECTION 302 RECORDS

- A. Brush Creek Township shall keep an accurate, public record of its findings, decisions and recommendations relevant to all applications filed with it for review or approval.

SECTION 303 FEES

A. Review Fee.

1. Each subdivision or land development plan application shall be accompanied by the required review fee as established and adopted by resolution by the Brush Creek Township Supervisors. Fees shall be payable to Brush Creek Township at the time of application (unless otherwise noted herein) and plan processing, approval, and recording shall not be completed until all required fees are paid. There shall be no refund or credit of fees or a portion of any fee should the applicant withdraw the plan during the review process or fail to receive plan approval.

B. Professional Service Fees.

1. In addition to the required review fee, it is anticipated that additional expenses will be incurred by Brush Creek Township in processing the preliminary and/or final plans which are submitted or which may be required to be submitted under this Ordinance, for engineering, legal or other professional consultant expenses. If the fees are not sufficient to cover these expenses incurred in the review of said plans, Brush Creek Township shall notify the person submitting the plans for review of the additional expense and shall request payment of the same. All payment requested by Brush Creek Township for engineering, legal or other professional consultant expense shall be the actual cost of the services incurred by Brush Creek Township. These services shall be billed at the normal established rate for engineering, legal, or other professional consultant services provided to Brush Creek Township.

C. Professional Service Fee Disputes.

1. An applicant must notify Brush Creek Township within ten (10) days of the date billed if the fee is disputed. Once notified of the dispute, Brush Creek Township cannot delay or disapprove an application based on differences over fees. If, within twenty (20) days of the date of billing the applicant and Brush Creek Township cannot agree on the amount

of expenses that are reasonable and necessary, a procedure shall be followed whereby another engineer, legal, or professional consultant is mutually appointed to establish the cost. The applicant must immediately pay the entire amount determined by the mutually appointed engineer, legal, or professional consultant.

When the applicant and Brush Creek Township cannot agree upon appointment of an engineer, legal, or professional consultant, either party can apply to the court of common pleas who will appoint one. The court appointed engineer, legal, or professional consultant will determine the amount of reasonable and necessary expenses. If that amount is equal to or greater than the original amount billed, the fee of the court appointed engineer, legal, or professional consultant shall be paid by the applicant. If the determined fee is less than the amount billed by one thousand dollars (\$1,000) or more, the fee of the court appointed engineer, legal, or professional consultant shall be paid by Brush Creek Township; differences less than one thousand dollars (\$1,000) are to be shared equally by the applicant and Brush Creek Township.

PART 4 - PLAN PROCESSING PROCEDURES

SECTION 400 GENERAL

- A. This Part sets forth the application requirements for obtaining approval of subdivision and land developments. The form of the various plans referred to in this Part and information required to be forwarded with such plans shall be as specified in Part 5 of this Ordinance.

SECTION 401 COMPLIANCE WITH ZONING ORDINANCE AND APPLICABLE ZONING DECISIONS

- B. Whenever Brush Creek Township's adopted zoning provides that the use proposed by the applicant for subdivision or land development approval shall constitute a use by special exception or conditional use, or when a variance from the terms of the zoning ordinance is required to develop in accordance with the plan, the applicant shall obtain such special exception, variance or conditional use approval from the Brush Creek Township Zoning Hearing Board or Brush Creek Township Supervisors, as applicable, prior to the submission of the preliminary plan, or final plan as applicable. The plan shall be designed and developed in accordance with any conditions which have been imposed upon the grant of such special exception, variance or conditional use by the Zoning Hearing Board or Brush Creek Township Supervisors, as applicable. The plan shall note the date of the hearing where approval was granted, along with all conditions of approval, and all such specific related section references of the zoning ordinance.

SECTION 402 APPLICATION AND PROCESSING REQUIREMENTS

- C. All applicants and their related applications shall follow and comply with these application and processing requirements (except sketch plans as provided hereafter).
1. Formal Application/Submission Deadlines.
 - a. All subdivision and/or land development applications shall be made by the developer/applicant filing an application form, to be supplied by Brush Creek Township, together with the appropriate plans, studies, reports, supporting data, and required filing fee, with Brush Creek Township. Applications may be filed with Brush Creek Township on any business day; however, the Brush Creek Township Supervisors may review a plan at a regular meeting only if the plan was submitted at least fifteen (15) days prior to that regular meeting and deemed acceptable by Brush Creek Township for filing and initial consideration at the next regular meeting of Brush Creek Township Supervisors which shall be the official date of filing of the application.
 2. Application Requirements. All plan applications shall include the following:
 - a. Five (5) copies of the plan(s). All plans shall be either black on white or blue on white paper prints and prepared in conformance with the provisions of Part 5 of this Ordinance.

- b. Five (5) copies of all reports, notifications, and certifications which are required by Parts 4, 5, and/or 7 of this Ordinance.
 - c. Five (5) copies of the application form as provided in the Appendix.
 - d. Filing and review escrow fees in the amounts as specified on the fee schedule adopted by resolution of the Brush Creek Township Supervisors and available at the Brush Creek Township Office.
 - e. Documentation that the plans (including the required electronic media formatted copy) and all applicable review and filing fees have been paid and properly filed with the Fulton County Planning Commission, Fulton County Conservation District, as well as any and all other approving agencies (municipal, school district, county, state, and federal agencies, emergency management entities, water and sewer authorities, utilities, etc.), when required.
3. Initial Application.
- a. Brush Creek Township shall have ten (10) days from the date of submission of an application to check the plans and documents to determine if on their face they are in proper form and contain all information required by this Ordinance. If defective, the application shall be returned to the applicant with a statement explaining the reason(s) of rejection, within fifteen (15) days following the date of submission by the applicant; otherwise, it shall be deemed accepted for filing and initial consideration at the next regular meeting of the Brush Creek Township Supervisors, which shall be the official date of filing of the application. The acceptance for filing shall not, however, constitute a waiver of any deficiencies or irregularities in the content and layout of the plan, reports, and/or other required information. Under this Section, the applicant may appeal a decision by Brush Creek Township Supervisors to Commonwealth Court.
4. Amendments or Corrections to an Application.
- a. Brush Creek Township shall have ten (10) days from the date of submission of an amended or corrected application or plan to determine whether such amended or corrected application results in a substantial amendment to the plan or if the application or plan filed changed so as to be considered a new plan. If Brush Creek Township determines that the amended or corrected application constitutes a substantial amendment, the applicant shall be informed of the determination within fifteen (15) days from the date of the submission of the amended or corrected application and Brush Creek Township shall further inform the applicant that Brush Creek Township shall consider the ninety (90) day review procedure to have been restarted as of the date of the filing of the substantial amendment. If Brush Creek Township determines that the amended or corrected application constitutes a new plan, Brush Creek Township shall so inform the applicant that a new application and new fees are required. Under this Section, the applicant may appeal a decision by Brush Creek Township to the Court of Common Pleas of the 39th Judicial District-Fulton County Branch.
5. Plan Review Process.
- a. Review by Brush Creek Township Staff and Consultants

- 1) Any Brush Creek Township personnel as directed by the Brush Creek Township Supervisors including Brush Creek Township zoning/codes officer, as applicable, shall review the application documents to determine if they are in compliance with this Ordinance, any applicable zoning ordinance, the most recent version of the Moving Fulton Forward: Fulton County’s Joint Comprehensive Plan, the Fulton County Comprehensive Plan, and/or other applicable plans adopted by Fulton County and/or Brush Creek Township, Brush Creek Township's planning objectives, and accepted planning standards. These personnel shall provide comments and recommendations to Brush Creek Township and the applicant, when directed by the Brush Creek Township Supervisors.
 - 2) The Brush Creek Township Engineer, and/or other legal and professional consultants designated by the Brush Creek Township Supervisors shall review the application documents to determine compliance with this Ordinance, and any other applicable Brush Creek Township ordinances, plans, specifications, standards and good engineering, planning, and legal practices. The Brush Creek Township Engineer, and/or other legal and professional consultants shall prepare a written report of his findings and recommendations which shall be presented to Brush Creek Township and the applicant, when directed by the Brush Creek Township Supervisors.
- b. Review by the Fulton County Planning Commission
- 1) After the applicant has submitted the plan (including an electronic media formatted copy, if possible) and supporting documentation along with paying all applicable review and filing fees with the Fulton County Planning Commission, the County Planning Commission shall review the plan and data and shall return a written review report to Brush Creek Township and the applicant within thirty (30) days of its receipt of the same or forfeit its right to review. The Brush Creek Township Supervisors shall not take action on the application until the County review report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County, whichever comes first.
- c. Review by Other Brush Creek Township /County Entities/Agencies
- 1) The following entities shall have the opportunity to review the plan application documents (when applicable) and offer comments:
 - a) Fire company
 - b) Municipal Authority(ies)
 - c) Water /Sewer Service Provider
 - d) Southern Fulton School District
 - e) Other municipalities when part of an Intermunicipal Agreement
 - f) Fulton County Emergency Management Agency/911 Communications
 - g) Gas, electric, cable, phone utilities providers
 - h) Other service and utility providers
- d. Brush Creek Township Supervisors Review and Action Process.
- 1) The Brush Creek Township Supervisors will review the application with the applicant/developer and/or his agent review at the next regular meeting

only if the plan was submitted at least fifteen (15) days prior to that regular meeting and deemed acceptable for filing. The meeting shall be the official date of filing of the application. The Brush Creek Township Supervisors will review the application to determine if it meets the standards set forth in Brush Creek Township's ordinances, plans, standards, and specifications, together with analysis and recommendations of the Brush Creek Township staff and Brush Creek Township Engineer and/or legal and other professional consultants.

- 2) The Brush Creek Township Supervisors shall consider whether the plan should be approved, approved with conditions, or disapproved. (Additionally, the Brush Creek Township Supervisors may table for revisions to the plan.)
 - a) When a plan is tabled by the Brush Creek Township Supervisors for the applicant to comply with the review comments generated by the Brush Creek Township Supervisors, Brush Creek Township staff, Brush Creek Township Engineer and/or legal and other professional consultants, County Planning Commission, and any other review entity(s), the applicant shall provide a written response to all the comments and the revised plan to the Brush Creek Township at least thirty (30) days prior to the next Brush Creek Township Supervisors meeting at which the plan is to be considered.
- 3) All plan applications for approval shall be acted upon by the Brush Creek Township Supervisors at a regular scheduled meeting. The Brush Creek Township Supervisors shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Brush Creek Township Supervisors next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed.
- 4) Notification of Brush Creek Township Supervisors Action.
 - a) The decision of the Brush Creek Township Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.
 - i) When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance relied upon.
 - ii) Failure of the Brush Creek Township Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein, unless a greater period of time has been authorized by the MPC, 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 or 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.

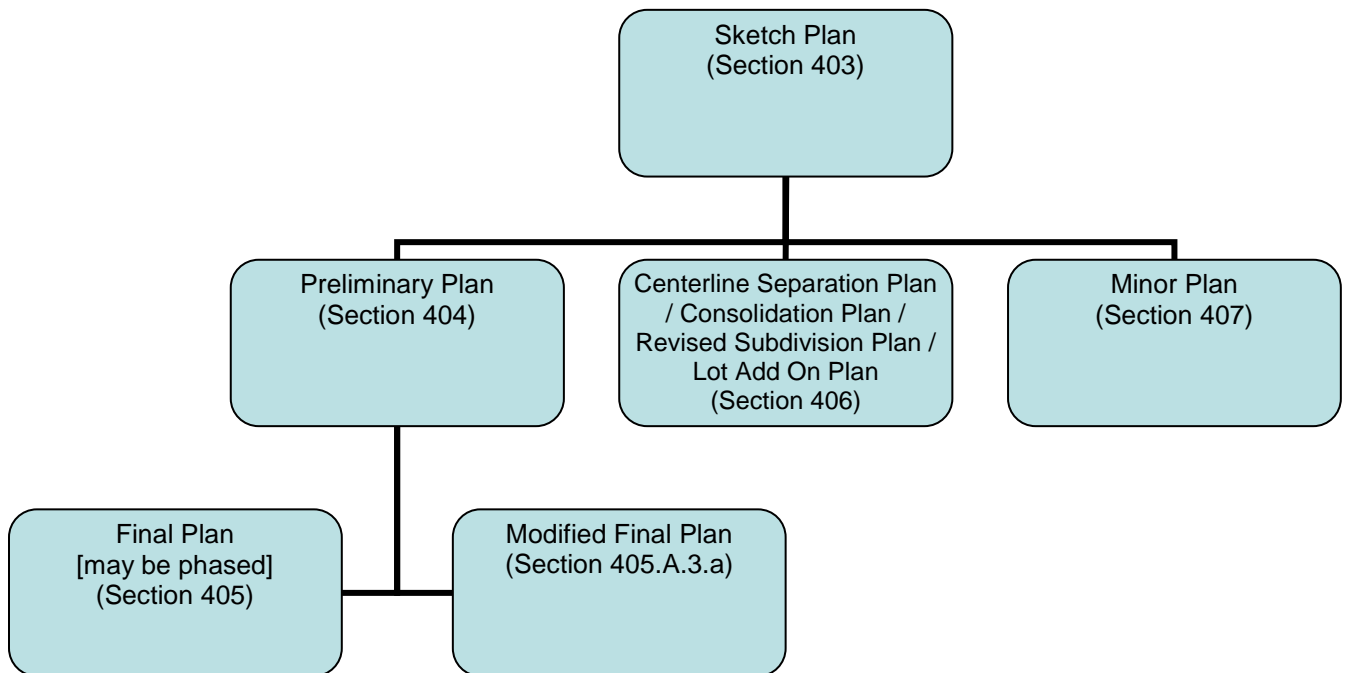
- e. Compliance with the Brush Creek Township Supervisors Action.
 - 1) If the Brush Creek Township Supervisors conditions its plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on five (5) copies of the plan to be submitted to Brush Creek Township for approval. Such data shall be submitted to the Brush Creek Township Supervisors within ninety (90) days of their conditional approval, unless the Brush Creek Township Supervisors grants a modification by extending the effective time period.

- f. Brush Creek Township Supervisors Approval and Certification.
 - 1) The Brush Creek Township Supervisors will acknowledge the satisfactory compliance with all conditions, if any, of the plan approval at a regularly scheduled public meeting. After receipt of plan approval and compliance with all conditions of approval, a plan shall be presented to Brush Creek Township for acknowledgement through a formal approval certification statement on the plan as provided in the Appendix. Five (5) copies (one for Brush Creek Township and one for the applicant) of the plan shall be provided for the Brush Creek Township Supervisors to sign the approval certificate.

- g. Public Hearing.
 - 1) The Brush Creek Township Supervisors may hold a public hearing, pursuant to public notice, prior to recommendation, and/or action on any plan.

SECTION 403 SKETCH PLAN AND PRE-APPLICATION MEETING

A. Historically, subdivision and land development plans have been submitted and processed in steps, i.e. preliminary plan followed by final plan. Brush Creek Township believes that certain plans should be processed on an expedited basis without going through all of the traditional steps. Brush Creek Township places great value on the open exchange of ideas between the applicant and Brush Creek Township before the applicant invests considerable time and funds in the preparation and submittal of the applicant’s subdivision and/or land development plan. The applicant is encouraged, but not required, to initiate the subdivision and land development process by initiating a meeting with Brush Creek Township and related staff, and completing the sketch plan process. The sketch plan shall be prepared in accordance with Part 5 of this Ordinance and is a permissive and not a mandatory submission. The submission of the sketch plan would enable Brush Creek Township to openly discuss the applicants’ plans and project and to make recommendations for the applicant to consider in preparing the formal submission using such examples as Appendix G. The sketch plan process is encouraged in all situations, but is not mandatory and will not prevent the applicant from submitting a modification request regarding preliminary plan processing requirements as part of its submission. Brush Creek Township has prepared the following flow chart as a summary of the plan processing procedures. The flow chart does not, nor shall be construed to, override or supersede the processing requirements set forth in this Ordinance but are provided as an additional aid to the applicant.



B. Submission, Meeting, and Consultant Review.

1. The applicant shall submit five (5) copies of the sketch plan, along with any required supplemental data, fees, and an application form, to Brush Creek Township at least fifteen (15) days prior to the next regularly scheduled Brush Creek Township Supervisors meeting. Prior to the Brush Creek Township Supervisors meeting, the applicant should schedule a review meeting with the Brush Creek Township staff which may include the zoning/codes officer, as applicable, Brush Creek Township Engineer, and may include other legal and professional consultants and/or related Brush Creek Township /County entity representatives, at the applicant's sole cost and expense. The applicant may request that Brush Creek Township planning, engineering, and/or legal consultant(s) perform a written review of the sketch plan, at the applicant's sole cost and expense. In such case, the written review shall be provided to the applicant with copies to Brush Creek Township staff and the Brush Creek Township Supervisors.

C. Review by Brush Creek Township Supervisors.

1. The Brush Creek Township Supervisors shall review the sketch plan submission and as applicable, consultants reviews and advise the applicant how the proposed subdivision or land development may conform or fail to conform to the requirements and objectives of this Ordinance and other applicable plans and ordinances. The Brush Creek Township Supervisors may then submit its written comments and recommendations to the applicant. The applicant shall incorporate the comments or concerns of the Brush Creek Township Supervisors and staff and make every effort to address these items in subsequent plan submissions. Said comments shall not be deemed to be an approval of any application or to vest any rights in the applicant.

D. Completion of the Sketch Plan Process

1. After completion of the sketch plan process, the applicant is allowed to do one of the following:
 - a. Preliminary Plan submission: Plan must be titled "Preliminary Plan" and must be processed per Section 404 and 502 and then followed by the final plan submission and must be titled "Final Plan" and processed per Section 405 and 503.
 - b. Centerline Separation Plan / Lot Consolidation Plan / Revised Subdivision Plan / Lot Add-On Plan submission: Plan must be titled "Final Plan - Revised Subdivision Plan"; Final Plan - Lot Consolidation Plan"; Final Plan - Centerline Separation Plan"; or Final Plan - Lot Add-On Plan"; and must be processed per Section 406 and 504.
 - c. Minor Plan submission: Plan must be titled "Final Plan – Minor Plan" and must be processed per Section 407 and 505.

SECTION 404 PRELIMINARY PLAN

A. Purpose:

1. The purpose of the preliminary plan is to require formal preliminary approval in order to, vest the plan from changes in Brush Creek Township ordinances, phase development, and provide additional time to complete conditions of approval.
- B. Plan Requirements:
1. Plan must be titled Preliminary Plan.
 2. All preliminary plans shall be prepared in conformance with the provisions of Section 502 and any other applicable requirements of law.
- C. Preliminary Plan Application.
1. With the exceptions noted in Section 406 and 407 of this Ordinance, a preliminary plan is required for all applications.
- D. Approval of a Preliminary Plan application.
1. Approval of a preliminary plan application shall constitute approval of the proposed subdivision and/or land development as to the general character and intensity of development and the general design and arrangement of streets, lots, structures, and other planned facilities, but shall not constitute final plan approval. This preliminary approval binds the developer to the general scheme of the plan as approved. Approval of the preliminary plan does not authorize the recording, sale, or transfer of lots.
- E. The preliminary plan approval will be effective for a five (5) year period from the date of approval of the preliminary plan and no subsequent change or amendment in the 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 plan in accordance with the terms of such approval within five (5) years from such approval. The final plan for the entire project must be made within five (5) years of the preliminary plan approval unless the Brush Creek Township Supervisors grants a waiver by extending the effective time period of the approval. An extension of time may be requested by the applicant in writing and approved by the Brush Creek Township Supervisors in accordance with Section 508(4) of the MPC. Request for extension shall be submitted to Brush Creek Township thirty (30) days prior to any prevailing expiration date. Extensions may be granted for no more than three (3), one (1) year periods.
- F. In the case of a preliminary plan calling for installation of improvements beyond the five (5) year period, a schedule shall be filed by the applicant with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval, until final plan approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Brush Creek Township Supervisors in its discretion.
- G. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as shown on the preliminary plan, unless a lesser percentage is approved by the Brush Creek Township Supervisors in its discretion. Provided the applicant has not defaulted with regards to or violated

any of the conditions of the preliminary plan approval, including compliance with applicant's aforesaid schedule of submission of final plans for the various sections, then the aforesaid protection afforded by substantially completing the improvements shown on the final plan within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five (5) year period the aforesaid protection shall apply for an additional term or terms of three (3) years from the date of final plan approval for each section.

H. Failure of applicant to adhere to the aforesaid schedule of submission of the final plan for the various sections shall subject any such section to any and all changes in this Ordinance, zoning and other governing ordinance enacted by the Brush Creek Township Supervisors subsequent to the date of the initial preliminary plan submission.

I. Improvement Construction from Preliminary Plan.

1. In accordance with the option as set forth in Section 509 of the MPC authorizing an applicant to complete construction of the subdivision/land development improvements prior to approval and recording of a final plan and, hence, avoiding the requirements for the deposit with Brush Creek Township of financial security to cover the costs of such improvements an applicant electing to do so shall meet the following requirements;

a. Requirements.

- 1) The applicant shall indicate in writing the intent to construct the improvements prior to final plan approval to the Brush Creek Township Supervisors as part of the preliminary plan application process.
- 2) Plans must also receive approval when applicable from all authorities having jurisdiction including by way of example but not limited to, Highway Occupancy Permit (HOP), Erosion and Sedimentation (E&S) Control Approval, etc.
- 3) The applicant may, after receipt of acknowledgment from the Brush Creek Township Supervisors of the satisfactory completion of all conditions of preliminary plan approval, proceed to construct the improvements required by this Ordinance and shown on the approved preliminary plan.
- 4) The applicant shall complete and enter into the appropriate developer's agreement. The applicant shall indicate the timetable for the construction of the improvements including a schedule and plan of the proposed phasing of sections of the plan.
- 5) An as-built plan will be required to be recorded as the final plan after constructing improvements from each phase of a preliminary plan.

2. Limitations.

Construction and completion of the improvements shall not constitute permission to sell lots or occupy proposed buildings shown on the plan. Such permission shall occur concurrently with, or after the recordation of the final plan.

SECTION 405 FINAL PLAN

A. General.

1. Final Plan Submission.

Applications for final plan approval can be submitted only after the following, when required, have been completed:

- a. The applicant has satisfied any conditions of preliminary approval which the Brush Creek Township Supervisor's preliminary plan approval has required to be completed prior to the submission of a final plan.
- b. When a preliminary plan is not required (See Sections 406 and 407).
- c. When a preliminary plan has been approved with conditions to be resolved during the final plan review process and the applicant has not chosen to construct and complete the subdivision/land development improvements pursuant to Section 404.I.

2. Final Plan Submitted in Phases:

- a. The Final Plan may be submitted in phases, each phase covering a reasonable portion of the entire proposed subdivision or land development as shown on the approved preliminary plan; provided that each phase, except for the last, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the approved preliminary plan unless the Brush Creek Township Supervisors specifically approves a lesser percentage for one or more phases.

3. Modified Final Plan:

- a. The Brush Creek Township Supervisors may accept a final plan modified to reflect a change to the site or its surroundings that occurs after the preliminary plan review. The Brush Creek Township Supervisors shall determine whether a modified final plan will be accepted or whether a new preliminary plan shall be submitted.

B. Purpose.

1. The purpose of the final plan is to record the subdivision and or land development according to state law, insure formal approval by the Brush Creek Township Supervisors before plans are recorded, and to provide sufficient information so that the Brush Creek Township Supervisors can assure construction according to the requirements of this Ordinance.

C. Plan Requirements:

1. Plan must be titled Final Plan.
2. All final plans shall be prepared in conformance with the provisions of Section 503 and any other applicable requirements of law.
3. In addition to the application requirements of Section 503, final plans which require access to a highway under the jurisdiction of the PA Department of Transportation

(PennDOT) shall include five (5) copies of the plans prepared to support the application for a HOP.

D. Final Plan Applications

1. When a final plan is preceded by preliminary plan approval, the final plan and all required supplemental data shall be submitted within twelve (12) months after approval of the preliminary plan. An extension of time may be granted by the Brush Creek Township Supervisors upon written request. Otherwise, the plan submitted shall be considered as a new preliminary plan.
2. The final plan may be submitted in sections, each section covering a reasonable portion of the entire proposed subdivision as shown on the approved preliminary plan; provided that each section, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of units of occupancy as depicted on the approved preliminary plan.
3. The final plan shall incorporate all changes and modifications required by Brush Creek Township in the preliminary plan, and shall conform to the approved preliminary plan.
 - a. Brush Creek Township may accept a final plan modified to reflect a change to the site or its surroundings that occurs after the preliminary plan review. The Brush Creek Township Supervisors shall determine whether a modified final plan will be accepted or whether a new preliminary plan shall be submitted.

E. Final Plan Certification.

1. After the Brush Creek Township Supervisor's approval of the final plan and the required changes, if any, are made, the applicant shall proceed to prepare five (5) sets of paper copies of the approved version of the final plan. One (1) paper copy of the plan shall be kept in Brush Creek Township files and one (1) paper copy of the plan shall be kept in the Fulton County Planning Commission's files.
2. Upon compliance with all conditions of plan approval to the satisfaction of Brush Creek Township and compliance with Part 5 of this Ordinance, five (5) paper copies of the final plan shall be certified in the following manner:
 - a. Both sets of final plans shall be presented to the Brush Creek Township Supervisors for the signature of the respective duly appointed official and/or their designees. Final plans will not be signed by the Brush Creek Township Supervisors if submitted more than ninety (90) days from the Brush Creek Township Supervisor's final approval action unless the Brush Creek Township Supervisors grants a modification by extending the effective time period of the approval.
 - b. After obtaining the required Brush Creek Township signatures, five (5) sets of copies of the approved version of the final plan shall be presented to the Fulton County Planning Commission for signature.

F. Final Plan Recordation.

1. Upon approval and certification of a final plan and payment of any and all outstanding fees, the applicant shall record the plan in the office of the Fulton County Recorder of Deeds.

- a. Recording Number Required:
 - 1) A recording number and a complete set of plans with all signatures, stamps and seals must be provided to Brush Creek Township before the:
 - a) Applicant proceeds with any sale of lots or the construction of any improvement except as provided for in Section 404.I of this Ordinance. It should be noted that lots may be placed under agreement of sale prior to plan recording but not conveyed.
 - b) Brush Creek Township issues any permits.
 - b. Reporting to GIS:
 - 1) A compact disc in CAD or GIS format of the approved final plan including parcel boundaries, roads, water, sewer, utility, and building locations may be provided to Fulton County at the time of plan recording.
 - 2. Should the applicant fail to record the final plan within ninety (90) days of the Brush Creek Township Supervisor’s final plan approval, the Brush Creek Township Supervisor’s action on the plan shall be null and void unless the Brush Creek Township Supervisor’s grant a modification by extending the effective time period of the approval.
- G. Effect of Recording of Final Plan.
 - 1. Recording the final plan, after approval of the Brush Creek Township Supervisors, shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use, unless reserved by the landowner as provided in Part 5 of this Ordinance. However, the approval of the Brush Creek Township Supervisors shall not impose any duty upon the Commonwealth, County, or Brush Creek Township concerning acceptance, maintenance, or improvement of any such dedicated areas or portion of same until the proper authorities of the Commonwealth, County, or Brush Creek Township actually accept same by ordinance or resolution, or by entry, use, or improvement.
- H. The landowner may place a notation on the final plan to the effect that there is no offer of dedication to the public of certain designated areas, in which event the title to such area shall remain with the owner, and neither the Commonwealth, County, Brush Creek Township, nor any applicable authorities shall assume any right to accept ownership of such land or right-of-way.

SECTION 406 CENTERLINE SEPARATION PLAN / LOT CONSOLIDATION PLAN / REVISED SUBDIVISION PLAN / LOT ADD-ON PLAN

- A. The following plans shall be processed as a single submission and handled as a final plan:
 - 1. Centerline Separation Plan:
 - a. The division of an existing tract along the centerline of an existing road to create two (2) lots whose common boundary is said centerline if it is in conformance with the criteria specified in Section 504.
 - 2. Lot Consolidation Plan:
 - a. The consolidation of two (2) or more existing tracts to create one (1) lot with revised lot lines if it is in conformance with the criteria specified in Section 504.

3. Revised Subdivision Plan:
 - a. Any replatting of recorded plans due to survey corrections or revision due to survey corrections of approved final plans, which have not yet been recorded can be made if it is in conformance with the criteria specified in Section 504.
 4. Lot Add-On Plan:
 - a. The proposal to alter the location of lot lines between existing lots of separate ownership or under the same ownership with separate deeds for the sole purpose of increasing lot size if it is in conformance with the criteria specified in Section 504.
- B. Plan Criteria:
1. Plans shall only be permitted when all of the following criteria are satisfied:
 - a. The resultant lots meet all requirements of the applicable zoning district.
 - b. The resultant lots shall retain adequate access to accommodate potential development in accordance with the current zoning district regulations.
 - c. Drainage easements or rights-of way are not altered.
 - d. Access to the affected parcels is not altered or modified.
 - e. Street alignments are not changed.
 - f. The resultant lots meet all previously approved sewage module requirements, including where applicable, minimum lot size.
- C. Plan Requirements:
1. Where the above conditions are satisfactorily proven to exist, a plan shall be prepared in conformance with the provisions of Section 504 and any other applicable requirements of law.
- D. Centerline Separation Plan / Lot Consolidation Plan / Revised Subdivision Plan / Lot Add-On Plan Certification and Recordation.
1. All lot centerline separation plan / consolidation plan / revised subdivision plan / lot add-on plan applications shall comply with the procedures from Section 405 E. – H.
 2. Additionally, deeds related to such plans shall also comply with the following:
 - a. A copy of the deeds to be recorded for the subject tract or receiving and conveying tracts shall be submitted prior to recording of the plan.
 - b. Recordation of such plan does not serve to join the receiving tract with the acreage to be conveyed. To reflect the descriptions as provided on the recorded plan, deeds must be recorded for the receiving and conveying tracts.
- E. Future Development.
1. Any development of the lots created through this process must follow standard plan processing procedures as specified in this Ordinance.

SECTION 407 MINOR PLAN

A. Plan Purpose.

1. A subdivision of one lot into not more than four (4) lots, including the parent tract, either initially or cumulatively from the effective date of this Ordinance fronting on and abutting an existing public street or road, which does not require a new street, nor the installation of any other improvements.
2. All lots are designed in accordance with and meet all provisions of the applicable zoning district, and/or minimum provisions to accommodate the intended water and sewage systems.
3. All lots shall front on an existing public street, and street alignments are not changed.
4. All lots shall provide for adequate vehicular access to accommodate potential development in accordance which does not interfere with the normal movement of traffic in accordance with the current zoning district regulations.
5. No point discharge of runoff will result from the proposal.

B. Plan Criteria.

Plans shall only be permitted when all of the following criteria are satisfied:

1. The proposed lots are designed in accordance with the provisions of the applicable zoning district.
2. All lots shall front on a public street
3. All lots shall provide for vehicular access which does not interfere with the normal movement of traffic.
4. No new point discharge of runoff will result from the proposal.

C. Plan Requirements.

1. The applicant shall demonstrate by submission of existing contour and storm water management report and a grading plan that post development peak stormwater flows from the site do not exceed the pre development peak flows from the site and leave the site in the same manner as in pre-development condition.
2. Where the above conditions are satisfactorily proven to exist, a plan shall be prepared in conformance with the provisions of Section 505 and any other applicable requirements of law.

D. Minor Plan Certification and Recordation.

1. All minor plan applications shall comply with the procedures from Section 405 E. – H.
2. Additionally, deeds related to such plans shall also comply with the following:
 - a. A copy of the deeds to be recorded for the subject tract or receiving and conveying tracts shall be submitted prior to recording of the plan.
 - b. Recordation of such plan does not serve to join the receiving tract with the acreage to be conveyed. To reflect the descriptions as provided on the recorded plan, deeds must be recorded for the receiving and conveying tracts.

PART 5 - INFORMATION TO BE INCLUDED ON OR WITH PLANS

SECTION 500 GENERAL

All plans shall be prepared by a qualified professional engineer, surveyor, and/or a landscape architect licensed and/or registered to practice in the Commonwealth of Pennsylvania, as applicable. The plans shall show, be accompanied by, and be prepared in accordance, with this Part and shall provide sufficient design information to demonstrate conformance with the requirements of Part 8 of this Ordinance.

SECTION 501 SKETCH PLAN

- A. Drafting Standards.
 - 1. Scale: The plan shall be clearly and legibly drawn at a standard scale of not less one inch equals ten feet (1" = 10') to not more one inch equals two hundred feet (1" = 200').
 - 2. Sheets: If the Plan is prepared in two (2) or more drawing sheets, a key map showing the location of the sheets and a match line shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5).
 - 3. Presentation: Plans shall be presented in a clear, legible, coherent, and organized manner.

- B. Plan Information.
 - 1. Location and Identification.
 - a. Sketch plans shall be clearly marked with the following note, "Sketch Plan – Not to be Recorded."
 - b. The name and address of the owner(s) of the tract (or authorized agent), the developer, and the firm that prepared the plan.
 - c. The file or project number assigned by the firm that prepared the plan, the plan date, and the date(s) of all plan revisions.
 - d. A north arrow, a graphic scale and a written scale.
 - e. A location map, drawn to a scale of a minimum of one inch equals two thousand feet (1"=2,000') relating the subdivision and/or development to at least two (2) intersections of street centerlines. The approximate distance to the intersection of the centerlines of the nearest improved street intersection shall be identified.
 - f. If the tract of land is located within two hundred (200) feet of a Municipal or zoning district boundary line(s), the location of such boundary shall be shown and labeled accordingly.
 - g. The source of title (including the deed, lot, and plan of record number) to the subject tract.

- f. The approximate location and configuration of proposed buildings, structures, parking compounds, streets, access drives, driveways, alleys, sidewalks, easements, and general stormwater facility locations.
- g. Building setback lines.
- h. A note on the plan indicating the types of sewer or water facilities to be provided.
- i. A statement indicating the granting (or proposed to be requesting) of any applicable prior zoning approvals, special exceptions, variances, conditional use, and all related conditions and dates of approvals, and if applicable all prior modifications or alterations granted by the Brush Creek Township Supervisors to sections of this Ordinance.

SECTION 502 PRELIMINARY PLAN

A. Drafting Standards.

- 1. **Scale:** The plan shall be clearly and legibly drawn at a standard scale of not less one inch equals ten feet (1" = 10') to not more one inch equals two hundred feet (1" = 200').
- 2. **Dimensions and Bearings:** The subject tract boundary dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. The description shall read in a clockwise direction.
- 3. **Survey Closure:** The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- 4. **A legend of symbols, lines and appropriate explanatory notes.**
- 5. **Sheets:**
 - a. The sheet size shall be no smaller than eighteen by twenty two (18 x 22) inches and no larger than thirty by forty two (30 x 42) inches.
 - b. If the plan is prepared in two (2) or more sheets, a key map showing the location of the phases shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5).
- 6. **Presentation:** Plans shall be presented in a clear, legible, coherent and organized manner.

B. Plan Information.

- 1. **Location and Identification.**
 - a. Preliminary plans shall be clearly marked with the following label, "Preliminary Plan."
 - b. The proposed development project name.
 - c. The name, address, and telephone number of the owner(s) of the tract (or authorized agent), the developer, and the firm that prepared the plan.

- d. The file or project number assigned by the firm that prepared the plan, the plan date, and the date(s) of all plan revisions.
- e. A north arrow, a graphic scale and a written scale.
- f. A location map, drawn to a scale of a minimum of one inch equals two thousand feet (1"=2,000') relating the subdivision and/or land development to at least two (2) intersections of street centerlines. The approximate distance to the intersection of the centerlines of the nearest improved street intersection shall be identified.
- g. If the tract of land is located within two hundred (200) feet of a Municipal or zoning district boundary line(s), the location of such boundary shall be shown and labeled accordingly.
- h. The entire existing tract boundary with bearings and distances. (If a landowner is to retain a single lot with a lot area in excess of ten (10) acres, the boundary of that lot may be identified as a deed plotting and may be drawn at any legible scale; if the remaining lot has a lot area of ten (10) or less acres, it must be described to the accuracy requirements of this Ordinance.)
- i. The source of title (including the deed, lot and plan of record number) to the subject tract.
- j. The (tax) parcel identification number(s) for the subject tract.
- k. Utility listing with addresses and telephone numbers, and PA one-call number.
- l. If applicable, proposed protective covenants running with the land.
- m. In the case of a plan for which the subject property is enrolled in the Clean and Green preferential assessment program, the inclusion of the following plan note:

“NOTICE: According to County records, the subject property may be subject to the Pennsylvania Farmland and Forest Land Assessment Act of 1974, (a.k.a. the Clean and Green Act), Act 319 of 1974, P.L. 973; 72 P.S. 5490.1, as amended, and as further amended by Act 156 of 1998, as amended. These Acts provide for preferential property tax assessment and treatment. It is the property owner’s responsibility to be aware of the laws, rules and regulations applicable to his or her property, including the provision that: (a) preferential property tax assessment and treatment will remain in effect continuously until the land owner changes the agricultural use from the approved category, or if a transfer, split-off or separation of the subject land occurs; (b) if a change in use occurs, or if a conveyance, transfer, separation, split-off or Subdivision of the subject land occurs, the property owner will be responsible for notifying the County Assessor within 30-days; (c) the payment of roll-back tax, plus interest, for the period of enrollment, or a period not to exceed 7-years, whichever is less, may be required; (d) if the property owner fails to notify the County Assessor within the 30-day period, prior to the land conveyance, the property owner may be subject to a \$100.00 civil penalty; (e) if the property owner fails to pay the roll-back tax, a Municipal lien could be placed on the property under existing delinquent tax law.”

- n. In the case of a plan for which the Subject Tract has an Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. § 6501-6517 (UECA), the plan shall include the boundary limits of any contamination remaining on site. The application shall include a copy the Environmental Covenant agreement and any required engineering and institutional controls.
2. Existing Features.
- a. The names of all immediately adjacent landowners and the names and plan book record numbers of all previously recorded plans for adjacent projects.
 - b. The location of the benchmark and a notation indicating the datum used.
 - c. Existing contours at a minimum vertical interval of two (2) feet for land with slope of fifteen (15) percent or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours plotted from the United States Geodetic Survey will not be accepted, and Fulton County Geographic Information System (GIS) Topography will not be accepted in areas where improvements are proposed but should be used beginning fifty (50) feet outside the improvement boundary.
 - d. The following items when located within the subject tract:
 - 1) The location, name and dimensions of existing rights-of-way and/or easements relating to streets, cartways, access drives, driveways, alleys, and sidewalks.
 - 2) The location and size of the following features and related rights-of-way or easements: buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, parking areas, and stormwater management facilities.
 - 3) The location of existing rights-of-way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - 4) The size, capacity and condition of the existing stormwater management system and any other facility that may be used to convey storm flows within and from the subject tract.
 - 5) The preliminary plan shall indicate any proposed disturbance, encroachment or alteration to such features including; floodplains, wetlands, quarry sites, woodlands, significant trees, habitats for threatened and endangered species, solid waste disposal areas, historic features, cemetery or burial sites, archeological sites, and areas with highly erosive soils.
 - e. The following items when located within two hundred (200) feet of the subject tract:
 - 1) The location and name of existing rights-of-way or easements relating to streets, cartways, access drives, driveways, alleys, and sidewalks.
 - 2) As available, the location (and general use) of buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, parking areas, and stormwater management facilities including the location and size of related easements.
 - 3) The location of existing rights-of-way for telecommunications, electric, gas and oil transmission lines, and railroads.

- 4) As available, the size, capacity, and condition of the existing stormwater management system and any other facility that may be used to convey storm flows from the subject tract.
 - 5) As available, the location of such features including; floodplains, wetlands, woodlands, significant trees, habitats for threatened and endangered species, historic features, cemetery or burial sites, archeological sites, and areas with highly erosive soils.
3. Proposed Features and Plan Information.
- a. The total acreage of the entire existing tract.
 - b. Identification and disposition of existing buildings and historic features.
 - c. The location and configuration of proposed buildings, parking compounds, streets, access drives, driveways, alleys, sidewalks, shade/street trees, landscaping and all other significant facilities (Appendix G).
 - d. Building setback lines, with distances from the street right-of-way line.
 - e. Existing and proposed easements.
 - f. A typical street cross-section for each proposed street (including alley) and typical cross-section for any existing street (including alley) that will be improved as part of the application. Each cross-section shall include the entire right-of-way width.
 - g. A note on the plan indicating the types of sewer or water facilities to be provided.
 - h. A table indicating the existing zoning district and applicable requirements (including minimums/maximms, etc.) for use, lot size, lot width, setbacks, development density, building height, impervious coverage, access, parking, and other applicable standards.
 - i. The street (including alley) centerline profile for each proposed street, including corresponding centerline stationing, shown on the preliminary plan.
 - j. The layout of streets (including alleys), including cartway and right-of-way widths, pavement types, and the proposed street names.
 - k. The location of sight triangle easements and safe stopping distance at all applicable street, alley, access drive, and driveway intersections in accordance with the latest edition of the PennDOT Design Manual.
 - l. The location and material of existing lot line markers along the perimeter of the entire existing tract.
 - m. The layout of lots, with approximate dimensions.
 - n. The total number of lots, units of occupancy, net density, gross density, and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).
 - o. Where the proposed subdivision or land development is located partially or wholly within an area prone to frequent flooding (either by impoundment or conveyance) as indicated by the flood boundary and floodway map, profiles, and supporting data, soil type or local historical record; the developer shall supply the location and elevation of all proposed streets, alleys, sidewalks, access drives, driveways, fills, utilities, buildings, stormwater management, and erosion control facilities.

- p. The location of all tree masses/woodlands and/or large trees on the site, as well as those to remain and those to be removed.
 - q. Stormwater management plans and data designed in accordance with the provisions of Part 8 of this Ordinance and/or in accordance with the Stormwater Management Ordinance of Brush Creek Township, Fulton County, PA relating to grading / stormwater management.
 - r. In the case for the phased installation of improvements:
 - 1) A schedule shall be filed delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed.
 - 2) Each section in any subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units unless the Brush Creek Township Supervisors specifically approves a lesser percentage for one or more of the sections.
 - 3) Sections of the development shall be sequenced in such a manner that each section (together with the previously approved and completed section(s)) shall be physically built to be in full compliance with the Ordinance and not be dependent on the construction completed at future phases. Including, but not limited to stormwater management facilities, streets, and utilities.
 - 4) Except for staged construction of streets intended to be extended in subsequent phases, all improvements for each section shall be installed in their permanent configuration. The final wearing course shall be carried in an improvement guarantee until it is finally installed and inspected.
 - 5) It is not necessary for construction in one section to be completed for the next section to be submitted.
 - 6) All subsequent phased final plans shall be submitted within five (5) years of the date of Brush Creek Township Supervisors action on the preliminary plan unless otherwise agreed upon by the applicant and Brush Creek Township. The developer shall take the responsibility to provide the Brush Creek Township Supervisors with reasonable notice of delays in the filing of final plans.
 - 7) The applicant shall annually update the Brush Creek Township Supervisors regarding the schedule on or before the anniversary date of the preliminary plan approval.
4. Certificates, Notifications and Reports.
- a. Certificate, signature and seal of the qualified professional land surveyor registered to practice in the Commonwealth of Pennsylvania, to the effect that the survey is correct, and certificate, signature and seal of the qualified professional land surveyor, engineer or landscape architect licensed and/or registered to practice in the Commonwealth of Pennsylvania that prepared the plan that all other information shown on the plan is accurate.
 - b. A statement on the plan indicating the granting of any applicable zoning approvals, special exceptions, variances, conditional use, and all related conditions and dates of approvals, and if applicable all prior modifications or alterations granted by the Brush Creek Township Supervisors to sections of this Ordinance.

- c. Any improvement that encroaches upon an electric transmission line, telecommunications line, gas pipeline, petroleum or petroleum products transmission line, fiber optics, public sewer, public water, etc. located within the tract, the application shall be accompanied by a letter from the owner or lease of such right-of-way (or easement) stating any conditions on the use of the land and the building setback and/or right-of-way (or easement) lines.
- d. When connection to an existing water and/or sanitary sewer system is proposed, written notification from the authority or certified public utility providing sanitary sewer and/or water service indicating that sufficient capacity to service the proposed development has been reserved shall be provided (in accordance with current authority or entity standards).
- e. Where the subdivision or land development proposal will generate fifty (50) or more additional trips to or from the site during the development's anticipated peak hour, or the Brush Creek Township Supervisors indicates a need for one, a traffic impact study as required by Section 700 shall be submitted with the preliminary plan.
- f. In the case of a plan which requires access to a highway under the jurisdiction of PennDOT, the inclusion of the following plan note:
 - 1) "A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted. Access to the State highway shall only be as authorized by a Highway Occupancy Permit, and the Brush Creek Township Supervisors' approval of this plan in no way implies that such permit can be acquired."
- g. Where the land included in the subject application has a floodplain, agricultural, woodland, or other natural resource easement located within the tract, the application shall be accompanied by a copy of the agreement from the party holding the easement stating any conditions on the use of the land.
- h. Where areas are reserved for future access strip usage, a plan note indicating that future access strip reservations are intended to be used in the future.

C. Construction from Preliminary Plan.

- 1. An appropriately executed Memorandum of Understanding (Appendix D).
- 2. Posting of all appropriately executed financial securities.
- 3. Written notices of approval by outside agencies, if applicable:
 - a. Notification from PennDOT that approval of the HOP application has been submitted and/or granted if applicable.
 - b. Notification from Fulton County Conservation District that an acceptable Erosion and Sedimentation Control Plan/NPDES Plan has been submitted and approved by that agency.
 - c. Notification from DEP that either approval of the Sewer Facility Plan Revision (or Plan Revision Module for Land Development) or Supplement has been granted or that such approval is not required.

SECTION 503 FINAL PLAN

A. Drafting Standards.

1. Scale: The plan shall be clearly and legibly drawn at a standard scale of not less one inch equals ten feet (1" = 10') to not more one inch equals two hundred feet (1" = 200').
2. Dimensions and Bearings: The subject tract boundary dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. The description shall read in a clockwise direction.
3. Survey Closure: The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
4. A legend of symbols, lines and appropriate explanatory notes.
5. Sheets:
 - a. The sheet size shall be no smaller than eighteen by twenty two (18 x 22) inches and no larger than thirty by forty two (30 x 42) inches.
 - b. If the plan is prepared in two (2) or more sheets, a key map showing the location of the phases shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5).
6. Presentation: Plans shall be presented in a clear, legible, coherent and organized manner.

B. Plan Information.

1. Location and Identification.
 - a. Final plans shall be clearly marked with the following label, "Final Plan.
 - b. The proposed development project name.
 - c. The name, address, and telephone number of the owner(s) of the tract (or authorized agent), the developer, and the firm that prepared the plan.
 - d. The file or project number assigned by the firm that prepared the plan, the plan date, and the date(s) of all plan revisions.
 - e. A north arrow, a graphic scale and a written scale.
 - f. A location map, drawn to a scale of a minimum of one inch equals two thousand feet (1"=2,000') relating the subdivision and/or land development to at least two (2) intersections of street centerlines. The approximate distance to the intersection of the centerlines of the nearest improved street intersection shall be identified.
 - g. If the tract of land is located within two hundred (200) feet of a Municipal or zoning district boundary line(s), the location of such boundary shall be shown and labeled accordingly.
 - h. The entire existing tract boundary with bearings and distances. (If a landowner is to retain a single lot with a lot area in excess of ten (10) acres, the boundary of that lot may be identified as a deed plotting and may be drawn at any legible

scale; if the remaining lot has a lot area of ten (10) or less acres, it must be described to the accuracy requirements of this Ordinance..

- i. The source of title (including the deed, lot and plan of record number) to the subject tract.
- j. The (tax) parcel identification number(s) for the subject tract.
- k. If applicable, proposed protective covenants running with the land.
- l. In the case of a plan for which the subject property is enrolled in the Clean and Green preferential assessment program, the inclusion of the following plan note:

“NOTICE: According to County records, the subject property may be subject to the Pennsylvania Farmland and Forest Land Assessment Act of 1974, (a.k.a. the Clean and Green Act), Act 319 of 1974, P.L. 973; 72 P.S. 5490.1, as amended, and as further amended by Act 156 of 1998, as amended. These Acts provide for preferential property tax assessment and treatment. It is the property owner’s responsibility to be aware of the laws, rules and regulations applicable to his or her property, including the provision that: (a) preferential property tax assessment and treatment will remain in effect continuously until the land owner changes the agricultural use from the approved category, or if a transfer, split-off or separation of the subject land occurs; (b) if a change in use occurs, or if a conveyance, transfer, separation, split-off or Subdivision of the subject land occurs, the property owner will be responsible for notifying the County Assessor within 30-days; (c) the payment of roll-back tax, plus interest, for the period of enrollment, or a period not to exceed 7-years, whichever is less, may be required; (d) if the property owner fails to notify the County Assessor within the 30-day period, prior to the land conveyance, the property owner may be subject to a \$100.00 civil penalty; (e) if the property owner fails to pay the roll-back tax, a Municipal lien could be placed on the property under existing delinquent tax law.”

- m. In the case of a plan for which the Subject Tract has an Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. § 6501-6517 (UECA), the plan shall include the boundary limits of any contamination remaining on site. The, application shall include a copy the Environmental Covenant agreement and any required engineering and institutional controls.

2. Existing Features.

- a. The names of all immediately adjacent landowners and the names and plan book record numbers of all previously recorded plans for adjacent projects.
- b. The location of the benchmark and a notation indicating the datum used.
- c. Existing contours at a minimum vertical interval of two (2) feet for land with slope of fifteen (15) percent or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours plotted from the United States Geodetic Survey will not be accepted, and Fulton County Geographic Information System (GIS) Topography will not be accepted in areas where improvements are proposed but should be used beginning fifty (50) feet outside the improvement boundary.

- d. The following items when located within the subject tract:
 - 1) The location, name and dimensions of existing rights-of-way and/or easements relating to streets, cartways, access drives, driveways, alleys, and sidewalks.
 - 2) The location and size of the following features and related rights-of-way or easements: buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, parking areas, and stormwater management facilities.
 - 3) The location of existing rights-of-way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - 4) The size, capacity and condition of the existing stormwater management system and any other facility that may be used to convey storm flows within and from the subject tract.
 - 5) The plan shall indicate any proposed disturbance, encroachment or alteration to such features including; floodplains, wetlands, quarry sites, woodlands, significant trees, habitats for threatened and endangered species, solid waste disposal areas, historic features, cemetery or burial sites, archeological sites, and areas with highly erosive soils.
 - e. The following items when located within two hundred (200) feet of the subject tract:
 - 1) The location and name of existing rights-of-way or easements relating to streets, cartways, access drives, driveways, alleys, and sidewalks.
 - 2) As available, the location (and general use) of buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, parking areas, and stormwater management facilities including the location and size of related easements.
 - 3) The location of existing rights-of-way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - 4) As available, the size, capacity, and condition of the existing stormwater management system and any other facility that may be used to convey storm flows from the subject tract.
 - 5) As available, the location of such features including; floodplains, wetlands, woodlands, significant trees, habitats for threatened and endangered species, historic features, cemetery or burial sites, archeological sites, and areas with highly erosive soils.
3. Proposed Features and Plan Information.
 - a. The total acreage of the entire existing tract.
 - b. Identification and disposition of existing buildings and historic features.
 - c. The location and configuration of proposed buildings, structures, parking compounds, streets, access drives, driveways, alleys, sidewalks, shade/street trees, landscaping, buffer yards, and all other significant facilities (Appendix G).
 - d. Building setback lines, with distances from the street right-of-way line.
 - e. Existing and proposed easements.

- f. A typical street cross-section for each proposed street (including alley) and typical cross-section for any existing street (including alley) that will be improved as part of the application. Each cross-section shall include the entire right-of-way width.
- g. A note on the plan indicating the types of sewer or water facilities to be provided.
- h. A table indicating the existing zoning district and applicable requirements (including minimums/maximums, etc.) for use, lot size, lot width, setbacks, development density, building height, impervious coverage, access, parking, and other applicable standards.
- i. A complete description of the centerline and the right-of-way line for all new streets and alleys. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord.
- j. The location and material of all proposed and existing permanent monuments and lot line markers, including a note that all proposed monuments and lot line markers are set or indicating when and by whom they will be set.
- k. Lot lines, with accurate bearings and distances, and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearing and distance. Along existing street and alley rights-of-way, the description may utilize the existing deed lines or road centerlines; along all proposed street rights-of-way, the description shall be prepared to the right-of-way lines.
- l. The final vertical and horizontal alignment for each proposed street, alley, and access drive. All profiles shall show at least the existing (natural) profile along the centerline, proposed grade at the centerline, and the length of all proposed vertical curves. This information may be provided on separate sheets and is not subject to recording with the final plan.
- m. The total number of lots, units of occupancy, net density, and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).
- n. Where the proposed subdivision or land development is located partially or wholly within an area prone to frequent flooding (either by impoundment or conveyance) as indicated by the flood boundary and floodway map, profiles, and supporting data, soil type or local historical record; the developer shall supply the location and elevation of all proposed streets, alleys, sidewalks, access drives, driveways, fills, utilities, buildings, stormwater management, and erosion control facilities.
- o. The location of all tree masses/woodlands and/or large trees on the site, as well as those to remain and those to be removed.
- p. A grading plan, which shall include finished land contours and grades, directions of water movement, type of soils, location of water bars or silt fences and ground floor elevations. This information may be provided on separate sheets and is not subject to recording with the final plan.
- q. Stormwater management plans and data designed in accordance with the provisions of Part 8 of this Ordinance and/or in accordance with the Stormwater Management Ordinance of Brush Creek Township, Fulton County, PA relating to grading / stormwater management.

- r. Identification of any lands to be dedicated or reserved for public, semi-public or community use.
- s. The final street names as reviewed by Brush Creek Township and approved by the Fulton County Emergency Management Agency/911 and/or local U.S. Post Office.
- t. In the case for the phased installation of Improvements:
 - 1) A schedule shall be filed delineating all proposed sections as well as dates within which applications for final plan approval of each section are intended to be filed.
 - 2) Each section in any subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of units unless the Brush Creek Township Supervisors specifically approves a lesser percentage for one or more of the sections.
 - 3) Sections of the development shall be sequenced in such a manner that each section (together with the previously approved and completed section(s)) shall be physically built to be in full compliance with the ordinance and not be dependent on the construction completed at future Phases. For example, but not limited to, stormwater management facilities.
 - 4) Except for staged construction of Streets intended to be extended in subsequent Phases, all Improvements for each section shall be installed to the extent where they provide their intended services. The final wearing course shall be carried in an Improvement guarantee until it is finally installed and inspected.
 - 5) It is not necessary for construction in one section to be completed before the next section to be submitted or constructed.
 - 6) In the case of a preliminary plan calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on, or before, the anniversary of the preliminary plan approval until final plan approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Brush Creek Township Supervisors in its discretion.
- 4. Certificates, Notifications and Reports.
 - a. Certificate, signature and seal of the qualified professional land surveyor registered to practice in the Commonwealth of Pennsylvania, to the effect that the survey is correct, and certificate, signature and seal of the qualified professional land surveyor, engineer or landscape architect licensed and/or registered to practice in the Commonwealth of Pennsylvania that prepared the plan that all other information shown on the plan is accurate.
 - b. A statement, duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the landowner, to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and Plan, and that they desire the same to be recorded as such. This

statement shall be signed and dated on or after the last change or revision to said plan.

- c. Certificate for approval by the Brush Creek Township Supervisors.
- d. Certificate of review to be signed by the Fulton County Planning Commission.
- e. Certificate to accommodate the Fulton County Recorder of Deeds information.
- f. A statement on the plan indicating the granting of any applicable zoning approvals, special exceptions, variances, conditional use, and all related conditions and dates of approvals, and if applicable all prior modifications or alterations granted by the Brush Creek Township Supervisors to sections of this Ordinance.
- g. Certificate of dedication of streets and other public property, if applicable.
- h. A note to be placed on the plan indicating any area that is not to be offered for dedication, if applicable.
- i. In the case of a plan which requires access to a highway under the jurisdiction of the PennDOT, the inclusion of the following plan note:

“A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the “State Highway Law,” before driveway access to a State highway is permitted. Access to the State highway shall only be as authorized by a Highway Occupancy Permit, and the Brush Creek Township Supervisors’ approval of this plan in no way implies that such permit can be acquired.”
- j. Any improvement that encroaches upon an electric transmission line, telecommunications line, gas pipeline, petroleum or petroleum products transmission line, fiber optics, public sewer, public water, etc. located within the tract, the application shall be accompanied by a letter from the owner or lease of such right-of-way (or easement) stating any conditions on the use of the land and the building setback and/or right-of-way (or easement) lines.
- k. Where the land included in the subject application has a floodplain, agricultural, woodland, or other natural resource easement located within the tract, the application shall be accompanied by a copy of the agreement from the party holding the easement stating any conditions on the use of the land.
- l. When connection to an existing water and/or sanitary sewer system is proposed, written notification from the authority or certified public utility providing sanitary sewer and/or water service indicating that sufficient capacity to service the proposed development has been reserved shall be provided (in accordance with current authority or entity standards).

C. As Condition of Recording a Final Plan:

- 1. An appropriately executed Memorandum of Understanding (Appendix D).
- 2. Posting of all appropriately executed Financial Securities (Appendix D.1) in accordance with Section 602.
- 3. Written notices of approval by outside agencies, if applicable:
 - a. Notification from PennDOT that approval of the HOP application has been submitted and/or granted if applicable.

- b. Notification from Fulton County Conservation District that an acceptable Erosion and Sedimentation Control Plan/NPDES Plan has been submitted and approved by that agency.
 - c. Notification from DEP that either approval of the Sewer Facility Plan Revision (or Plan Revision Module for Land Development) or Supplement has been granted or that such approval is not required.
4. A controlling agreement when an application proposes to establish a street which is not offered for dedication to the public use.

SECTION 504 CENTERLINE SEPARATION PLAN / LOT ADD-ON PLANS / LOT CONSOLIDATION PLANS / REVISED SUBDIVISION PLANS

A. General.

Plans shall be prepared by a qualified professional land surveyor registered to practice in the Commonwealth of Pennsylvania and shall be subject to the requirements of this Section.

B. Drafting Standards.

1. Scale: The plan shall be clearly and legibly drawn at a standard scale of not less one inch equals ten feet (1" = 10') to not more one inch equals two hundred feet (1" = 200').
2. Dimensions and Bearings: The subject tract boundary dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. The description shall read in a clockwise direction.
3. Survey Closure: The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
4. A legend of symbols, lines and appropriate explanatory notes.
5. Sheets:
 - a. The sheet size shall be no smaller than eighteen by twenty two (18 x 22) inches and no larger than thirty by forty two (30 x 42) inches.
6. Presentation: Plans shall be presented in a clear, legible, coherent and organized manner.

C. Plan Information.

The following information shall be provided on the sheet to be recorded:

1. Location and Identification.
 - a. Plans shall be clearly marked with the label indicating "Final Plan - Centerline Separation Plan", "Final Plan – Lot Add-On Plan", "Final Plan – Lot Consolidation Plan", or "Final Plan – Revised Subdivision Plan", as applicable.
 - b. The proposed project name.
 - c. The names, address, and telephone number of the owner(s) of the tract(s) and all adjacent landowners affected by the proposed conveyance.

- d. The name, address, and telephone number of the firm that prepared the plan, the file or project number assigned by the firm, the plan date, and the date(s) of all plan revisions.
- e. A north arrow, a graphic scale and a written scale.
- f. A location map, drawn to a scale of a minimum of one inch equals two thousand feet (2"=1,000') relating the subdivision and/or land development to at least two (2) intersections of street centerlines. The approximate distance to the intersection of the centerlines of the nearest improved street intersection shall be identified.
- g. If the tract(s) of land is located within two hundred (200) feet of a Municipal or zoning district boundary line(s), the location of such boundary shall be shown and labeled accordingly.
- h. The source of title (including the deed, lot and plan of record number) to both the receiving and conveying tracts.
- i. The (tax) parcel identification number(s) for the subject tract.
- j. Tie bars (or "lighting strike") indicating parcels to be joined-in-common.
- k. Utility listing with addresses and telephone numbers, and PA one-call number.
- l. If applicable, proposed protective covenants running with the land.
- m. In the case of a plan for which the subject property is enrolled in the Clean and Green preferential assessment program, the inclusion of the following plan note:

"NOTICE: According to County records, the subject property may be subject to the Pennsylvania Farmland and Forest Land Assessment Act of 1974, (a.k.a. the Clean and Green Act), Act 319 of 1974, P.L. 973; 72 P.S. 5490.1, as amended, and as further amended by Act 156 of 1998, as amended. These Acts provide for preferential property tax assessment and treatment. It is the property owner's responsibility to be aware of the laws, rules and regulations applicable to his or her property, including the provision that: (a) preferential property tax assessment and treatment will remain in effect continuously until the land owner changes the agricultural use from the approved category, or if a transfer, split-off or separation of the subject land occurs; (b) if a change in use occurs, or if a conveyance, transfer, separation, split-off or Subdivision of the subject land occurs, the property owner will be responsible for notifying the County Assessor within 30-days; (c) the payment of roll-back tax, plus interest, for the period of enrollment, or a period not to exceed 7-years, whichever is less, may be required; (d) if the property owner fails to notify the County Assessor within the 30-day period, prior to the land conveyance, the property owner may be subject to a \$100.00 civil penalty; (e) if the property owner fails to pay the roll-back tax, a Municipal lien could be placed on the property under existing delinquent tax law."
- n. In the case of a plan for which the Subject Tract has an Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. § 6501-6517 (UECA), the plan shall include the boundary limits of any contamination remaining on site. The application shall

include a copy the Environmental Covenant agreement and any required engineering and institutional controls.

2. Existing Features.
 - a. The names of all immediately adjacent landowners and the names and plan book record numbers of all previously recorded plans for projects adjacent to either the receiving or conveying tract.
 - b. The location, name and dimensions of existing rights-of-way and/or easements relating to streets, cartways, access drives, driveways or alleys, and sidewalks on or adjacent to both the receiving and conveying tracts.
 - c. The location of the following features and any related rights-of-way on both the receiving and conveying tracts: buildings, utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, stormwater management facilities.
 - d. The location of existing rights-of-ways for telecommunications, electric, gas and oil transmission lines, and railroads.
3. Proposed Features and Plan Information.
 - a. The total acreage, total number of lots, and a table indicating the existing zoning district and applicable requirements (including minimums/maximums, etc.) for use, lot size, lot width, setbacks, development density, building height, impervious coverage, access, parking, and other applicable standards.
 - b. An accurate description of the parcel to be conveyed. If the remainder of the conveying tract has a lot area of ten (10) acres or less, it must also be described to the accuracy requirements of this Ordinance. If the remaining acreage is in excess of ten (10) acres, its boundary and the boundary of the receiving Tract shall be described by deed plottings drawn at a legible scale.
 - c. The location and material of all proposed and existing permanent monuments and lot line markers, including a note that all proposed monuments and lot line markers are set or indicating when and by whom they will be set.
 - d. The location of sight triangle easements and safe stopping distance at all street, alley, access drive, and driveway intersections in accordance with the latest edition of the PennDOT Design Manual.
4. Certificates and Notifications.
 - a. Certificate, signature and seal of the qualified professional land surveyor registered to practice in the Commonwealth of Pennsylvania, to the effect that the survey is correct.
 - b. A statement, duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the owner of the receiving tract, to the effect that the conveyance as shown on the plan is in accordance with the intent of the landowner, that all those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded as such. This statement shall be signed and dated on or after the last change or revision to said plan.

- c. A statement, duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the owner of the conveying tract, to the effect that the conveyance as shown on the plan is in accordance with the intent of the landowner, that all those signing are all of the owners of the property shown on the plan, and that they desire the same to be recorded as such. This statement shall be signed and dated on or after the last change or revision to said plan.
- d. Certificate for approval by the Brush Creek Township Supervisors.
- e. Certificate of review to be signed by the Fulton County Planning Commission.
- f. Certificate to accommodate the Fulton County Recorder of Deeds information.
- g. A statement on the plan indicating the granting of any applicable zoning approvals, special exceptions, variances, conditional use, and all related conditions and dates of approvals, and if applicable all prior modifications or alterations granted by the Brush Creek Township Supervisors to sections of this Ordinance.

SECTION 505 MINOR PLANS

A. Drafting Standards.

1. Scale: The plan shall be clearly and legibly drawn at a standard scale of not less one inch equals ten feet (1" = 10') to not more one inch equals two hundred feet (1" = 200').
2. Dimensions and Bearings: The subject tract boundary dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. The description shall read in a clockwise direction.
3. Survey Closure: The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
4. A legend of symbols, lines and appropriate explanatory notes.
5. Sheets:
 - a. The sheet size shall be no smaller than eighteen by twenty two (18 x 22) inches and no larger than twenty four by thirty six (24 x 36) inches.
6. Presentation: Plans shall be presented in a clear, legible, coherent and organized manner.

B. Plan Information.

The following information shall be provided on the sheet to be recorded:

1. Location and Identification.
 - a. Plans shall be clearly marked with the label indicating "Final Plan – Minor Plan"
 - b. The proposed development project name.
 - c. The name, address, and telephone number of the owner(s) of the tract (or an authorized agent), the developer, and the firm that prepared the plan.

- d. The file or project number assigned by the firm that prepared the plan, the plan date, and the date(s) of all plan revisions.
- e. A north arrow, a graphic scale and a written scale.
- f. A location map, drawn to a scale of a minimum of one inch equals two thousand feet (1"=2,000') relating the subdivision and/or land development to at least two (2) intersections of street centerlines. The approximate distance to the intersection of the centerlines of the nearest improved street intersection shall be identified.
- g. If the tract of land is located within two hundred (200) feet of a Municipal or zoning district boundary line(s), the location of such boundary shall be shown and labeled accordingly.
- h. The entire existing tract boundary with bearings and distances described to the accuracy requirements of this Ordinance.
- i. The source of title (including the deed, lot and plan of record number) to the subject tract.
- j. The (tax) parcel identification number(s) for the subject tract.
- k. Utility listing with addresses and telephone numbers, and PA one-call number.
- l. If applicable, proposed protective covenants running with the land.
- m. In the case of a plan for which the subject property is enrolled in the Clean and Green preferential assessment program, the inclusion of the following plan note:

“NOTICE: According to County records, the subject property may be subject to the Pennsylvania Farmland and Forest Land Assessment Act of 1974, (a.k.a. the Clean and Green Act), Act 319 of 1974, P.L. 973; 72 P.S. 5490.1, as amended, and as further amended by Act 156 of 1998, as amended. These Acts provide for preferential property tax assessment and treatment. It is the property owner’s responsibility to be aware of the laws, rules and regulations applicable to his or her property, including the provision that: (a) preferential property tax assessment and treatment will remain in effect continuously until the land owner changes the agricultural use from the approved category, or if a transfer, split-off or separation of the subject land occurs; (b) if a change in use occurs, or if a conveyance, transfer, separation, split-off or Subdivision of the subject land occurs, the property owner will be responsible for notifying the County Assessor within 30-days; (c) the payment of roll-back tax, plus interest, for the period of enrollment, or a period not to exceed 7-years, whichever is less, may be required; (d) if the property owner fails to notify the County Assessor within the 30-day period, prior to the land conveyance, the property owner may be subject to a \$100.00 civil penalty; (e) if the property owner fails to pay the roll-back tax, a Municipal lien could be placed on the property under existing delinquent tax law.”
- n. In the case of a plan for which the Subject Tract has an Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. § 6501-6517 (UECA), the plan shall include the boundary limits of any contamination remaining on site. The application shall

include a copy the Environmental Covenant agreement and any required engineering and institutional controls.

2. Existing Features.

- a. The names of all immediately adjacent landowners and the names and plan book record numbers of all previously recorded plans for adjacent projects.
- b. The location of the benchmark and a notation indicating the datum used.
- c. Existing contours at a minimum vertical interval of two (2) feet for land with slope of fifteen (15) percent or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours plotted from the United States Geodetic Survey will not be accepted, and Fulton County Geographic Information System (GIS) Topography will not be accepted in areas where improvements are proposed but should be used beginning fifty (50) feet outside the improvement boundary.
- d. The following items when located within the subject tract:
 - 1) The location, name and dimensions of existing rights-of-way and/or easements relating to streets, cartways, access drives, driveways, alleys, and sidewalks.
 - 2) The location and size of the following features and related rights-of-way or easements: buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, parking areas, and stormwater management facilities.
 - 3) The location of existing rights-of-way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - 4) The size, capacity and condition of the existing stormwater management system and any other facility that may be used to convey storm flows within and from the subject tract.
 - 5) The plan shall indicate any proposed disturbance, encroachment or alteration to such features including; floodplains, wetlands, quarry sites, woodlands, significant trees, habitats for threatened and endangered species, solid waste disposal areas, historic features, cemetery or burial sites, archeological sites, and areas with highly erosive soils.
- e. The following items when located within two hundred (200) feet of the subject tract:
 - 1) The location and name of existing rights-of-way or easements relating to streets, cartways, access drives, driveways, alleys, and sidewalks.
 - 2) As available, the location (and general use) of buildings, public utilities, on-lot utilities, parking areas, and stormwater management facilities including the location and size of related easements.
 - 3) The location of existing rights-of-way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - 4) As available, the size, capacity, and condition of the existing stormwater management system and any other facility that may be used to convey storm flows from the subject tract.
 - 5) As available, the location of woodlands, habitats for endangered and threatened species, and highly erosive soils.

3. Proposed Features and Plan Information.
 - a. The total acreage of the entire existing tract.
 - b. Identification and disposition of existing buildings and historic features.
 - c. The location and configuration of proposed buildings, structures, parking compounds, streets, access drives, driveways, alleys, sidewalks, shade/street trees, landscaping, buffer yards, and all other significant facilities (Appendix G).
 - d. Building setback lines, with distances from the street right-of-way line.
 - e. Existing and proposed easements.
 - f. A note on the plan indicating the types of sewer or water facilities to be provided.
 - g. A table indicating the existing zoning district and applicable requirements (including minimums/maximms, etc.) for use, lot size, lot width, setbacks, development density, building height, impervious coverage, access, parking, and other applicable standards.
 - h. The location and material of all proposed and existing permanent monuments and lot line markers, including a note that all proposed monuments and lot line markers are set or indicating when and by whom they will be set.
 - i. Lot lines, with accurate bearings and distances, and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearing and distance. Along existing street and alley rights-of-way, the description may utilize the existing deed lines or road centerlines; along all proposed street and alley rights-of-way, the description shall be prepared to the right-of-way lines.
 - j. On and within two hundred (200) feet of the lots proposed for development, identify the location of all proposed structures, existing floodplain, drainage easements, points of ingress and egress, easements, and sewer and water facilities.
 - k. The capacity and condition of all stormwater management facilities located on, and within, two hundred (200) feet of the lots proposed to be developed must be identified. Any adverse impact to such facilities resulting from increased flows from the site must be addressed in conformance with the provisions of Part 8 of this Ordinance and in accordance with the Stormwater Management Ordinance of Brush Creek Township, Fulton County, PA relating to grading / stormwater management.
 - l. In the case of land development plans, architectural elevations and other architectural drawings shall be submitted for review by the Brush Creek Township.
 - 1) Building elevations and other architectural drawings containing the following information shall be provided. Elevations and drawings shall be illustrated to scale showing:
 - a) Front, rear and side perspectives of all proposed buildings including building's architectural features, exterior building materials, colors and/or finishes.
 - b) First floor elevations of the building, the height of the building in feet and number of stories and the building's relationship to the finished grade immediately surrounding the building; and

- c) Spot elevations designating the existing and proposed grading.
 - m. Identification of any lands to be dedicated or reserved for public, semi-public or community use.
4. Certificates, Notifications and Reports.
- a. Certificate, signature and seal of the qualified professional land surveyor registered to practice in the Commonwealth of Pennsylvania, to the effect that the survey is correct, and certificate, signature and seal of the qualified professional land surveyor, engineer or landscape architect licensed to practice in the and/or registered of Pennsylvania that prepared the plan that all other information shown on the plan is accurate.
 - b. A statement, duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the landowner, to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded as such. This statement shall be signed and dated on or after the last change or revision to said plan.
 - c. Certificate for approval by the Brush Creek Township Supervisors.
 - d. Certificate of review to be signed by the Fulton County Planning Commission.
 - e. Certificate to accommodate the Fulton County Recorder of Deeds information.
 - f. A statement on the plan indicating the granting of any applicable zoning approvals, special exceptions, variances, conditional use, and all related conditions and dates of approvals, and if applicable all prior modifications or alterations granted by the Brush Creek Township Supervisors to sections of this Ordinance.
 - g. Certificate of dedication of streets and other public property, if applicable.
 - h. A note to be placed on the plan indicating any area that is not to be offered for dedication, if applicable.
 - i. In the case of a Plan which requires access to a highway under the jurisdiction of the PennDOT, the inclusion of the following Plan note:
 - “A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the “State Highway Law,” before driveway access to a State highway is permitted. Access to the State highway shall only be as authorized by a Highway Occupancy Permit, and the Brush Creek Township Supervisors’ approval of this plan in no way implies that such permit can be acquired.”
 - j. Any improvement that encroaches upon an electric transmission line, telecommunications line, gas pipeline, petroleum or petroleum products transmission line, fiber optics, public sewer, public water, etc. located within the tract, the application shall be accompanied by a letter from the owner or lease of such right-of-way (or easement) stating any conditions on the use of the land and the building setback and/or right-of-way (or easement) lines.
 - k. Where the land included in the subject application has a floodplain or other natural resource easement located within the tract, the application shall be

accompanied by a copy of the agreement from the party holding the easement stating any conditions on the use of the land.

- I. When connection to an existing water and/or sanitary sewer system is proposed, written notification from the authority or certified public utility providing sanitary sewer and/or water service indicating that sufficient capacity to service the proposed development has been reserved shall be provided (in accordance with current authority or entity standards).

C. As Condition of Recording a Minor Subdivision Plan:

1. An appropriately executed Memorandum of Understanding (Appendix D) and, if applicable, financial security (Appendix D.1) in accordance with Section 602.
2. Written notices of approval by outside agencies, if applicable:
 - a. Notification from PennDOT that approval of the HOP application has been submitted and/or granted if applicable.
 - b. Notification from Fulton County Conservation District that an acceptable Erosion and Sedimentation Control Plan/NPDES Plan has been submitted and approved by that agency.
 - c. Notification from DEP that either approval of the Sewer Facility Plan Revision (or Plan Revision Module for Land Development) or Supplement has been granted or that such approval is not required.
3. A controlling agreement when an application proposes to establish a street which is not offered for dedication to the public use.

PART 6 - ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

SECTION 600 IMPROVEMENTS REQUIRED

Equivalent MPC, 18th addition, Sections 509(a) and 509(1)

- A. No plan shall be finally approved unless the streets shown on such plan have been improved to a mud free or otherwise permanently passable condition, or improved as may be required by the Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by the Ordinance have been installed in accordance with such Ordinance, except that the surface course of streets shall not be completed until such time as ninety (90) percent of the lots in the subdivision or land development have been improved by the construction of a dwelling if approved for residential development or by the construction of the proposed commercial or industrial structures if the lots are approved for such uses. In lieu of the completion of any improvements required as a condition for the final approval of a plan, including improvements or fees required to pursuant to Act 247 Section 509(i), the deposit with Brush Creek Township of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.
- B. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to Section 420 of the act of June 1, 1945 (p.L.1242, No. 428) known as the "State Highway Law."
- C. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or authority separate and distinct from Brush Creek Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or authority and shall not be included within the financial security as otherwise required by this section.

SECTION 601 PLAN IMPROVEMENTS

- A. Recorded Plan Approval.
Equivalent MPC, 18th addition, Sections 509(b)
 - 1. When requested by the developer, in order to facilitate financing, the Brush Creek Township Supervisors, shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan or record plan shall not be signed nor

recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Brush Creek Township Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

B. Review Fees.

Equivalent MPC, 18th addition, Sections 503(1)

1. Review fees may include reasonable and necessary charges by Brush Creek Township's professional consultants for review and report thereon to Brush Creek Township. Such review fees shall be based upon a schedule established by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant for comparable services to Brush Creek Township for services which are not reimbursed or otherwise imposed on applicants. Fees charged to Brush Creek Township relating to any appeal of a decision on an application shall not be considered review fees and may not be charged to an applicant.

C. Protection of Final Phases.

Equivalent MPC, 18th addition, Section 509(i)

1. In the case where development is projected over a period of years, the Brush Creek Township Supervisors may authorize submission of final plans by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

SECTION 602 IMPROVEMENT CONSTRUCTION GUARANTEE

A. Form of Financial Security.

Equivalent MPC, 18th addition, Sections 509(c), 509(d), and 509(e)

1. Without limitation as to other types of financial security which Brush Creek Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
2. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
3. Such bond or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the Improvements.

B. Amount of Guarantee.

1. Amount of Financial Security Required.

Equivalent MPC, 18th addition, Section 509(f)

- a. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, Brush Creek Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, Brush Creek Township may require the developer to post additional security in order to assure that the financial security equals said one hundred ten (110) percent. Any additional security shall be posted by the developer in accordance with this subsection.

2. Estimate of the Cost of Completion.

Equivalent MPC, 18th addition, Section 509(g)

- a. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a qualified engineer licensed to practice in the Commonwealth of Pennsylvania and certified by such qualified and licensed engineer to be a fair and reasonable estimate of such cost. Brush Creek Township, upon the recommendation of the Brush Creek Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and Brush Creek Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another qualified engineer licensed to practice in the Commonwealth of Pennsylvania and chosen mutually by Brush Creek Township and the applicant or developer. The estimate certified by the third (3rd) engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a (3rd) third engineer is so chosen, fees for the services of said third (3rd) engineer shall be paid equally by Brush Creek Township and the applicant or developer.

3. Additional Time for Completion.

Equivalent MPC, 18th addition, Section 509(h)

- a. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10) percent for each one (1) year period beyond the first (1st) anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above bidding procedure.

SECTION 603 INSPECTION OF IMPROVEMENTS

The developer shall pay the cost of any such inspection in accordance with the provisions of Article V of the Municipalities Planning Code. The developer shall contact the Brush Creek Township Engineer to coordinate the construction observation schedule, notification procedures, and other related improvement guarantee administration topics and to determine the need for an on-site, pre-construction meeting. The developer shall provide at least twenty four (24) hours notice prior to the start of construction of any improvements that are subject to inspection. All inspections of completed items shall be requested, in writing, at least forty-eight (48) hours in advance of the inspection time and date.

It is generally required that the following phases of site construction have mandatory inspection. This general list of phases may be amended by mutual agreement of Brush Creek Township and developer when the site requires special construction procedures. The inspection schedule must be recorded with the final plan or shown on the approved improvement construction plan.

A. General Site Construction

1. Upon completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil and construction of temporary erosion and sedimentation control devices.
2. Upon completion of rough grading, but prior to placing topsoil, permanent drainage, or other site development improvements and ground covers.
3. During the construction of permanent stormwater management and BMP facilities.
4. Upon the final completion of permanent stormwater management and BMP facilities, including the establishment of ground covers and plantings.
5. After review of the as-built drawings, required by Section 508, but prior to final release of the financial guarantee for completion of final grading, vegetative controls required by the BMP standards, or other site restoration work.

B. Street Construction

1. Preparation of Road Subgrade. At the time of this observation, the subgrade should be proof rolled and the proposed crown and grade should be checked. It is recommended that a developer's/contractor's representative accompany the observer when the crown and grade are checked. Proof rolling should be performed with a fully loaded, tandem-axle dump truck.
2. Placement and Compaction of Road Subbase. At the time of this observation, the depth of subbase should be checked after compaction, the subbase should be proof rolled in the same manner as the subgrade and the crown and grade should be checked again. This observation must occur prior to any binder or base course being placed.
3. Placement and Compaction of the Binder/Base Course. At the time of this observation, the depth of the binder/base course should be checked, ambient temperature should be monitored (this is important in early spring and late fall days when the temperature can go below acceptable limits), the temperature of the bituminous material should be

checked (if possible), and it is recommended that copies of the weight slips for each truckload are obtained. The crown and grade should also be checked again. This observation must occur prior to the wearing course being placed.

4. Placement and Compaction of the Wearing Course. At the time of this observation, the guidelines for the placement and compaction of the binder/base course should be followed.
- C. In addition to the above outlined observations, additional observations will be made at the request of the developer for reduction of financial securities. Random observations should be made at the frequency desired by Brush Creek Township. At the time of any of the above listed observations, all ongoing construction (i.e. storm drainage, sanitary sewer, water, erosion control, etc.) should also be checked for compliance with the approved plans and the findings reported. Since the above inspections are mandatory, it is recommended that requests for reduction of financial guarantee to be submitted to coincide with the above inspections.
- D. Inspection of Improvements.
Equivalent MPC, 18th addition, Sections 510(a) and 510(g)(1)
1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Brush Creek Township Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Brush Creek Township Engineer. The Brush Creek Township Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Brush Creek Township Engineer to inspect all of the aforesaid improvements. The Brush Creek Township Engineer shall, thereupon, file a report, in writing, with the Brush Creek Township Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Brush Creek Township Engineer of the aforesaid authorization from the Brush Creek Township Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Brush Creek Township Engineer, said report shall contain a statement of reasons for such non approval or rejection.
 2. The Brush Creek Township Supervisors shall submit to the applicant an itemized bill showing the work performed in connection with the inspection of improvements performed, identifying the person performing the services and the time and date spent for each task. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, no later than thirty (30) days after the date of transmittal of a bill for inspection services, notify the Brush Creek Township and the Brush Creek Township Engineer that such inspection expenses are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees charged, in which case the Brush Creek Township shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any approval or permit related to development due to the applicant's dispute of inspection expenses. Failure of the applicant to dispute a bill

within thirty (30) days shall be a waiver of the applicant's right to arbitration of that bill under this section.

E. Acceptance of Improvements.

Equivalent MPC, 18th addition, Sections 510(b) and 510(c)

1. The Brush Creek Township Supervisors shall notify the developer, within fifteen (15) days of receipt of the Brush Creek Township Engineer's report, in writing by certified or registered mail of the action of said Brush Creek Township Supervisors with relation thereto.
2. If the Brush Creek Township Supervisors or the Brush Creek Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

F. Brush Creek Township Does Not Accept Improvements.

Equivalent MPC, 18th addition, Section 510(d)

1. If any portion of the said improvements shall not be approved or shall be rejected by the Brush Creek Township Supervisors, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

G. Duplication of Inspections.

Equivalent MPC, 18th addition, Section 510(g)

1. Brush Creek Township may prescribe that the applicant shall reimburse Brush Creek Township for the reasonable and necessary expense incurred in connection with the inspection of improvements. The applicant shall not be required to reimburse the Brush Creek Township Supervisors for any inspection which is duplicative of inspections conducted by other governmental agencies or public utilities or authorities. The burden of proving that any inspection is duplicative shall be upon the objecting applicant. Such reimbursement shall be based upon a schedule established by resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Brush Creek Township Engineer for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Brush Creek Township Engineer to Brush Creek Township for comparable services when fees are not reimbursed or otherwise imposed on applicants.

H. Inspection Expenses Disputed.

1. Disputed Engineer Expenses.

Equivalent MPC, 18th addition, Section 5 10(1)

In the event the applicant disputes the amount of any such expense in connection with the inspection of Improvements, the applicant shall, no later than thirty (30) days after the date of transmittal of a bill for inspection services, notify Brush Creek Township and the Brush Creek Township Engineer that such inspection expenses are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees

charged, in which case Brush Creek Township shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any approval or permit related to development due to the applicant's dispute of inspection expenses. Failure of the applicant to dispute a bill within thirty (30) days shall be a waiver of the applicant's right to arbitration of that bill under this section.

2. Appointment of Third (3rd) Party Professional Engineer by Mutual Agreement.
Equivalent MPC, 18th addition, Section 510(g)(2)

If, the Brush Creek Township Engineer and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant shall have the right, within forty-five (45) days of the transmittal of the final bill or supplement to the final bill to the applicant, to request the appointment of another engineer to serve as an arbitrator. The applicant and engineer whose fees are being challenged shall by mutual agreement, appoint another engineer to review any bills the applicant has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the engineer whose fees are being challenged.

3. Determination of Third (3rd) Party Professional Engineer.
Equivalent MPC, 1 8' addition, Section 510(g)(3)

The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and shall render a decision no later than fifty (50) days after the date of appointment. Based on the decision of the arbitrator, the applicant or the engineer whose fees were challenged shall be required to pay any amounts necessary to implement the decision within sixty (60) days. In the event Brush Creek Township has paid the engineer an amount in excess of the amount determined to be reasonable and necessary, the engineer shall within sixty (60) days reimburse the excess payment.

4. Appointment of Third (3rd) Party Professional Engineer by Court.
Equivalent MPC, 18th addition, Section 510(g)(4)

In the event that the Brush Creek Township's Engineer and Applicant cannot agree upon the arbitrator to be appointed within twenty (20) days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which Brush Creek Township is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such arbitrator, who, in that case, shall be neither the Brush Creek Township Engineer nor any engineer who has been retained by, or performed services for, Brush Creek Township or the applicant within the preceding five (5) years.

5. Payment of Fee for Third (3rd) Party Professional Engineer.
Equivalent MPC, 18th addition, Section 510(g)(5)

The fee of the arbitrator shall be paid by the applicant if the review fee charged is sustained by the arbitrator, otherwise it shall be divided equally between the parties. If the disputed fees are found to be excessive by more than five thousand dollars (\$5,000),

the arbitrator shall have the discretion to assess the arbitration fee in whole or in part against either the applicant or the engineer. The Brush Creek Township Supervisors and the Brush Creek Township Engineer whose fees are the subject of the dispute shall be parties to the proceeding.

SECTION 604 RELEASE OF FUNDS

A. Partial Release of Funds.

Equivalent MPC, 18th addition, Section 509(j)

1. As the work of installing the required improvements proceeds, the party posting the financial security may request the Brush Creek Township Supervisors to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Brush Creek Township Supervisors, and the Brush Creek Township Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Brush Creek Township Engineer to certify, in writing, to the Brush Creek Township Supervisors that such portion of the work upon the Improvements has been completed in accordance with the approved plan. Upon such certification the Brush Creek Township Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Brush Creek Township Engineer fairly representing the value of the Improvements completed or, if the Brush Creek Township Supervisors fails to act within said forty five (45) day period, the Brush Creek Township Supervisors shall be deemed to have approved the release of funds as requested. The Brush Creek Township Supervisors may, prior to final release at the time of completion and certification by the Brush Creek Township Engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.

B. Final Release.

Equivalent MPC, 18th addition, Section 510(g)(1.I)

1. Subsequent to the final release of financial security for completion of improvements for a subdivision or land development, or any phase thereof, the professional consultant shall submit to the Brush Creek Township Supervisors a bill for inspection services, specifically designated as a final bill. The final bill shall include inspection fees incurred through the release of financial security.

C. Remedies to Effect Completion of Improvements.

Equivalent MPC, 18th addition, Section 511)

1. In the event that any Improvements which may be required have not been installed as provided in the Ordinance or in accord with the approved final plan the Brush Creek Township Supervisors is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Brush Creek Township Supervisors may, at its option, in stall part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action

to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Brush Creek Township purpose.

SECTION 605 DEDICATION OF IMPROVEMENTS

Equivalent MPC, 18th addition, Section 509(m)

- A. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this section, Brush Creek Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of Improvements, including buildings, upon the lots or land as depicted upon the final plan upon actual completion of the improvements depicted upon the approved final plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

SECTION 606 MAINTENANCE GUARANTEE

Equivalent MPC, 18th addition, Section 509(k)

- A. Where the Brush Creek Township Supervisors accept dedication of all or some of the required improvements following completion, the Brush Creek Township Supervisors may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15) of the actual cost of installation of said improvements.

SECTION 607 MAINTENANCE OF STREETS

- A. The developer shall maintain all streets in the subdivision or development in travelable condition, including the prompt removal of snow therefrom, until such time as the streets are accepted by Brush Creek Township as part of Brush Creek Township highway system; or, if such streets are not to be dedicated, until a homeowners' association or other entity responsible for the maintenance of the streets has been formed.

SECTION 608 AS-BUILT PLAN

Prior to the final release of the financial security, the developer shall provide Brush Creek Township with one (1) Mylar and two (2) prints of the final as-built plan showing the following:

- A. Actual location of all concrete monuments which were set at all angle breaks, points of curvature and tangents around the perimeter of the total tract. When the outside perimeter of a tract falls within or along an existing road right-of-way, then the right-of-way of that roadway shall be monumented at the above referenced points.
- B. Actual location of all iron pins or drill holes in curbs for all individual lot lines.
- C. Actual cul-de-sac radius (if permitted to be constructed).
- D. Actual horizontal and vertical location of cartway centerline versus right-of-way centerline.
- E. Actual location of floodplain by elevation and dimension from property line.
- F. Actual location and cross section of swales and accompanying easements.
- G. Actual horizontal and vertical location of stormwater management facilities including type and size of storm drainage pipes.
- H. Detention basin:
 - 1. Actual contours of the detention basin.
 - 2. Actual outlet structure details including type, size and inverts of outlet pipes.
 - 3. Actual elevation of the embankment and emergency spillway.
 - 4. A table showing the stage/storage/discharge curve for the constructed conditions.
 - 5. A table providing a comparison of the approved design vs. the as-built discharge rates from all detention facilities.

PART 7 - SUPPLEMENTAL REQUIREMENTS, TESTS, & STUDIES

SECTION 700 TRAFFIC IMPACT STUDY

A. Study Required.

1. Abbreviated Traffic Impact Study.

Whenever a proposed project will generate fifty (50) to ninety nine (99) new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour, the applicant shall perform an abbreviated traffic impact study. Based on this study, certain improvements may be identified as necessary to provide safe and efficient access to the development. The abbreviated traffic impact study shall include:

- a. A capacity analysis report prepared under the supervision of a qualified and experienced transportation engineer.
- b. The study area for the capacity analysis report shall only include all proposed intersections.

2. Comprehensive Traffic Impact Study.

Whenever a proposed project will generate one hundred (100) or more new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour, the applicant shall perform a comprehensive traffic impact study. Based on this study, certain improvements may be identified as necessary to provide safe and efficient access to the development.

Transportation demand management measures such as staggered start and end work times, telecommuting, utilization of transit, greenway or trail linkages, park and ride lots, etc. may be used to reduce trip generation for the proposed development. If such measures will reduce the new vehicle trips in the peak direction during the peak traffic hour to less than one hundred (100), then an abbreviated traffic impact study may be performed in lieu of a comprehensive study. When such trip reduction measures are used to justify performance of an abbreviated study as permitted by this section, a developer and successors shall be bound by a recorded agreement to implement such measures. The terms and form of agreement shall be as mutually agreed upon by Brush Creek Township and the developers.

3. In addition, a comprehensive traffic impact study shall be prepared at the discretion of Brush Creek Township whenever either of the following conditions exists within the impact study area:

- a. Current traffic problems exist in the local area or neighborhood, including but not limited to a high crash location, confusing intersection, or a congested intersection that directly affects access to the development.
- b. The ability of the existing roadway system to handle increased traffic or the feasibility of improving the roadway system to handle increased traffic is limited.

B. Traffic Impact Study Requirements

1. **Area of Traffic Impact Study.**

The traffic impact study area shall be based on the characteristics of the surrounding area. The intersections to be included in the study shall be adjacent to the site or have direct impact upon the access to the site. The intersections shall be mutually agreed upon by Brush Creek Township and the transportation engineer preparing the study. The Fulton County Planning Commission shall be called upon to resolve any disputes between Brush Creek Township and the transportation engineer.
2. **Preparation by Transportation Engineer Required.**

Traffic impact studies shall be prepared by or under the supervision of qualified and experienced transportation engineers with specific training in traffic and transportation engineering and at least two (2) years of experience related to preparing traffic studies for existing or proposed developments.
3. **Horizon Year.**

The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full build out and occupancy. This year shall be referred to as the “Horizon Year.”
4. **Non-Site Traffic Estimates.**

Estimates of non-site traffic shall be made, and will consist of through motorized and non-motorized traffic and motorized and non-motorized traffic generated by all other developments within the study area for which preliminary or final plans have been approved. Non-site traffic may be estimated using any one of the following three (3) methods: “Build-up” technique, area transportation plan data or modeled volumes, and trends or growth rates.
5. **Trip Generation Rates Required.**

The traffic impact study shall include a table showing the land use categories and quantities, with the corresponding trip generation rates or equations (with justification for selection of one or the other), and resulting number of trips. The trip generation rates used must be either from the latest edition of Trip Generation by ITE, or from a local study of corresponding land uses and quantities. All sources must be referenced in the study.
6. **Consideration of Pass-By Trips.**

If pass-by trips or shared trips are a major consideration for the land use in question, studies should be referenced and interviews should be conducted and documented at similar land uses.
7. **Rate Sums.**

Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified and explained in the study.
8. **Explanations Required.**

The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the report.
9. **Definition of Influence Area.**

Prior to trip distribution of site-generated trips, an influence area must be defined which contains eighty (80) percent or more of the trip ends that will be attracted to the

development. A market study can be used to establish the limits of an influence area, if available. If no market study is available, an influence area should be estimated based on a reasonable documented estimate. The influence area can also be based on a reasonable maximum convenient travel time to the site, or delineating area boundaries based on locations of competing developments.

Other methods, such as using trip data from an existing development with similar characteristics or using an existing origin-destination survey of trips within the area, can be used in place of the influence area to delineate the boundaries of the impact.

10. Estimates of Trip Distribution Required.

Trip distribution can be estimated using any one of the following three (3) methods:

- a. Analogy.
- b. Trip distribution model.
- c. Surrogate data.

Whichever method is used, trip distribution must be estimated and analyzed for the horizon year. A mixed-use development may require more than one distribution and coinciding assignment for each phase (for example, residential and retail phases on the same site). Consideration must also be given to whether inbound and outbound trips will have similar distributions.

11. Trip Assignments.

Assignments must be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and in large projects [those producing five hundred (500) or more additional peak direction trips to or from the site during the developments peak hour] through the internal roadways. When the site has more than one (1) access drive or driveway, logical routing and possible multiple paths should be used to obtain realistic access drive or driveway volumes. The assignment should reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models.

If a thorough analysis is required to account for pass-by trips, the following procedure should be used:

- a. Determine the percentage of pass-by trips in the total trips generated.
- b. Estimate a trip distribution for the pass-by trips.
- c. Perform two (2) separate trip assignments, based on the new and pass-by trip distributions.
- d. Combine the pass-by and new trip assignment.

Upon completion of the initial site traffic assignment, the results should be reviewed to see if the volumes appear logical given characteristics of the road system and trip distribution. Adjustments should be made if the initial results do not appear to be logical or reasonable.

12. Total Traffic Impacts.

Motorized and non-motorized traffic estimates for any site with current traffic activity must reflect not only new traffic associated with the site's redevelopment, but also the trips subtracted from the traffic stream because of the removal of a land use. The traffic impact study should clearly depict the total traffic estimate and its components.

13. Capacity Analysis.

Capacity analysis must be performed at each of the major street and project site access intersection locations (signalized and unsignalized) within the study area. In addition, analyses must be completed for roadway segments deemed sensitive to site traffic within the study area as determined by Brush Creek Township. These may include such segments as weaving sections, ramps, internal site roadways, parking facility access points, and reservoirs for vehicles queuing on- and off-Site. Other locations may be deemed appropriate depending on the situation.

The recommended level-of-service analysis procedures detailed in the most recent edition of the Highway Capacity Manual must be followed.

The operational analyses in the Highway Capacity Manual should be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric, and control parameters can be established.

14. Required Levels-of-Service.

The recommendations of the traffic impact study shall provide safe and efficient movement of traffic to and from and within and past the proposed development, while minimizing the impact to non-site trips. The current levels-of-service must be maintained if they are levels "C" or "D", not allowed to deteriorate to worse than level "C" if they are currently levels "A" or "B", and improved to level d if they are levels "E" or "F".

15. Documentation Required.

A traffic impact study report shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the study.

a. The documentation for a traffic impact study shall include, at a minimum:

- 1) Study purpose and objectives.
- 2) Description of the site and study area.
- 3) Existing roadway conditions in the area of the development.
- 4) Recorded or approved development(s) within the traffic impact study area.
- 5) Trip generation, trip distribution, and modal split.
- 6) Projected future motorized and non-motorized traffic volumes.
- 7) An assessment of the change in roadway operating conditions resulting from the development traffic.
- 8) Recommendations for site access and transportation improvements needed to maintain and/or improve motorized and non-motorized traffic flow to, from, within, and past the site at an acceptable and safe level-of-service.
- 9) Transit location, availability of bike routes, connection to a park and/or trail system.

- b. The analysis shall be presented in a straight forward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.
- c. The recommendations shall specify the time period within which the improvements should be made (particularly if the Improvements are associated with various phases of the development construction), and any monitoring of operating conditions and improvements that may be required. The recommendations shall also identify who will be responsible for making the improvements.
- d. Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.
- e. To facilitate examination by Brush Creek Township, an executive summary of one (1) or two (2) pages shall be provided, concisely summarizing the purpose, conclusions, and recommendations.
- f. The study documentation outlined above provides a framework for site traffic access/impact study reports. Some studies will be easily documented using this outline. However, the specific issues to be addressed, local study requirements, and the study results may warrant additional sections.

C. Improvements.

- 1. Responsibility for Improvements.
The applicant shall be responsible for the improvements required to provide safe and convenient ingress and egress to the development site.
- 2. Coordination with Brush Creek Township Requirements.
The applicant shall be responsible for other improvements related to the results of the traffic impact study as may be agreed to with Brush Creek Township or which are required by Brush Creek Township impact fee ordinance to be installed or paid for by the applicant consistent with provisions of Article V and V-A of the MPC.

SECTION 701 HISTORIC AND CULTURAL RESOURCES

A. Archaeological Investigations

Specific state and federal guidelines and procedures for review procedures as well as pertinent legislation may be obtained by contacting the Bureau for Historic Preservation (BHP) and Pennsylvania Historical and Museum Commission (PHMC). Specific state and federal guidelines and procedures are outlined in detail in A Summary of Major Relevant Federal and State Legislation and Regulations Appendix A, and Procedures for Compliance with Federal and Commonwealth Preservation Law Appendix H. PHMC administers both the state and federal regulations.

Projects affecting or potentially affecting historical and archaeological properties are subject to review by the PHMC, BHP under the provisions of both Section 106 of the National Historic Preservation Act of 1966 and Section 10 of the 1978 Pennsylvania Historic Preservation Act. No project shall be developed on a site identified by the PHMC as containing or likely to

contain features of archaeological or historic significance until procedures for compliance with Federal and State regulations have been realized and the review process has been completed.

All subdivisions and/or land development plans which meet the above mentioned requirements shall provide a letter of determination and/or report from PHMC, BHP addressing the following:

1. BHP Letter of Determination: The BHP letter of determination.
2. Additional Required Action: The BHP letter may recommend one (1) or more of the following activities:
 - a. Phase I Survey
 - b. Phase II Survey
 - c. Phase III (Mitigation)

B. Preservation of Historic Features.

1. Subdivisions and land developments shall be designed to preserve, adaptively reuse, or otherwise provide for the historic features of Brush Creek Township.
 - a. Historic features that are retained within the project area shall be situated on a lot of sufficient size to retain its integrity of setting.
 - b. After the lot area of the historic feature is determined, the remaining number of buildable lots that would be allowed on the subject tract may each be reduced in area, if necessary, to accommodate the same number of buildable lots on the subject tract, to not smaller than that permitted in the applicable underlying zoning district.
2. Modifications or exterior alterations to historic features or sites, or new construction in the immediate vicinity of historic features shall be consistent with “The Secretary of the Interiors Standards for Rehabilitation of Historic Properties”, as published by the National Park Service (NPS). New construction should be visually compatible with the character of historic features in the vicinity in terms or size, scale, mass, shape, proportion, materials and textures, rhythm and patterns, orientation and location, cornice and floor to floor heights, arrangement and size of windows on the facade, etc. (See Appendix F).
3. A landscape plan shall be provided that provides buffering, using vegetative materials, walls or fencing as appropriate, between new construction and historic features to help mitigate adverse visual or auditory impacts and to help the historic feature retain its integrity of setting.

C. Demolition Restricted.

1. Prior to the demolition or removal from its original foundation, review and approval by the Brush Creek Township Supervisors shall occur. The applicant must provide the Brush Creek Township Supervisors with an evaluation by a qualified historic preservation professional of the historic and/or architectural significance of the building. In addition,

the applicant must provide credible evidence in response to each of the following specific criteria:

- a. That it is not feasible to continue the current use.
 - b. That other uses permitted within the underlying zoning district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the building or structure.
 - c. That adaptive reuse opportunities do not exist due to constraints related to the building, structure, or property.
 - d. That the building, its permitted uses, and adaptive use potential does not provide a reasonable rate of return, based on a reasonable initial investment.
 - e. That the applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration, or similar physical action.
 - f. That the demolition will not adversely affect the character of the neighborhood or community.
 - g. That a proposed new building(s), structure(s), or use of the property will not adversely affect the character of the neighborhood or community.
 - h. That the building is structurally unsound.
2. If the application for a permit for demolition, relocation, or removal is approved, said permit shall not be issued by Brush Creek Township until the following additional requirements have been satisfied.
- a. The recording of an approved subdivision or land development plan for the lot where the demolition, removal, or relocation is proposed;
 - b. Issuance of any necessary zoning approvals; and
 - c. Approval of the subdivision or land development plan by the Brush Creek Township Supervisors.
3. Applicants whose applications for demolition, removal, or relocation are approved may be subject to conditions that include but may not be limited to the following. (The applicant will be informed at the conclusion of the review process regarding any conditions that must be satisfied. refusal to comply with the conditions will be deemed a violation.)
- a. A complete set of exterior and interior photographs of the building or proposed for all demolition, removal, or relocation which includes all exterior elevations, interior spaces, and all significant architectural features.
 - b. A historic structure report which may include any or all of the following;
 - 1) Physical description including a site plan with north arrow, showing all buildings on the parcel nearby streets, landmarks, streams, etc., a written description of the general area, a written description of the lot or parcel with relationships of buildings one to another, and a written description of each building with exterior and interior pictures.
 - 2) Historic narrative telling the story of the property and including a bibliography.

- 3) Chain of title including documentation of the source of the information such as the deed or will book, volume, page number, etc.
 - 4) Photo documentation including general photos of property showing relationships of buildings and detailed photos (interior and exterior) of all buildings.
 - 5) Measured drawings labeled and cross-referenced to photographs of the same detail.
 - 6) Appendices including copies of deeds and wills, maps, and other supporting materials
- c. A plan for the salvage of architectural features and/or building materials.

D. Retention of Local Names.

Applicants are encouraged to perpetuate historic names or geographic references that are traditionally associated with the area, in which a project is located, rather than proposing project names that are not consistent with Brush Creek Township or Fulton County traditions or culture.

SECTION 702 HYDROGEOLOGIC REPORT

When there is a reasonable probability that a project will affect or be affected by carbonate geologic hazards the Brush Creek Township Supervisors shall require submission of a hydrogeologic report. In reaching a determination of whether a project will affect or be affected by carbonate geologic hazards, the Brush Creek Township Supervisors shall consider the presence or absence of carbonate features in the vicinity of the project, the testimony of qualified expert witnesses, and such other reasonable information as may be available.

When a hydrogeologic report is required, an aquifer test (see Section 703 of this Ordinance) shall also be required.

All hydrogeologic reports shall be prepared at the applicant's expense by a licensed geologist qualified in such matters. Each hydrogeologic report shall contain:

- A. A map showing all sinkholes, depressions, lineaments, faults, outcrops, springs, drainage entering the ground, water table, soil mottling and ghost lakes, and all features that may relate to the quality and availability of groundwater within two hundred (200) feet in all directions from the subject tract.
- B. A map outlining all private wells within a radius of two hundred (200) feet of the subject tract and all public water supplies, associated pipes, hydrants, and future service areas within two hundred (200) feet in all directions of the subject tract provided such information is available from public sources or documents.
- C. A listing of all referenced data, published and otherwise.
- D. A topographic site map with the site clearly outlined.

- E. A map indicating the location and design of all on-site wastewater disposal systems and secondary systems.
- F. A description of anticipated water quality impacts to areas located downgradient and areas located along the geologic strike.
- G. A description of on Site mitigation measures that could be applied to minimize impacts of the project or to correct existing problems.

SECTION 703 AQUIFER STUDY

Lots which would be served by individual wells or community water systems when prior to the subdivision of land into lots or land development an aquifer study may be required in areas or in proximity to areas of known groundwater contamination or problems, in areas of known inadequate yields of potable supplies, or a hydrogeologic report was completed on Site, an aquifer study shall be performed.

- A. Areas of Known Ground Water Problems.
Areas of known ground water problems shall include:
 - 1. Areas underlain by serpentinitic or schistostic geologic formations or formations otherwise known to have low yields.
 - 2. Areas in proximity two hundred (200) feet of sinkholes, ghost lakes, or drainage entering the ground.
 - 3. Areas with environmental covenants related to known groundwater contamination including sites that have been voluntarily cleaned up under the Pennsylvania Land Recycling and Environmental Remediation Standards Act (Act 2). For approved cleanup Sites, this test will verify the Site meets the approved standard.
 - 4. Other areas with documented water quantity or quality problems, including pollutants in excess of federal safe drinking water standards.
- B. Aquifer Study Standards and Procedures.
No person shall develop land within an area of known groundwater quantity problems without administering and passing on said land the aquifer test required by this Section:
 - 1. Water Quantity Report.
 - a. Water Quantity Test Standard.
 - 1) The proposed individual well shall produce not less than 400 gallons of water in a 2 hour period, at least once each day.
 - a) If the sustained yield of the individual well or individual well system is not capable of meeting the standard, sufficient storage shall be required through borehole capacity and/or a storage tank. Borehole storage shall be measured from the pump level to the top of the static water column.
 - 2) The individual well shall yield a minimum of 1 gallon per minute.

- a) For wells with yields of 4 gallons per minute or less, a minimum of 400 gallons of storage capacity shall be provided. Borehole storage shall be measured from the pump level to the top of the static water column.
 - b) Multiple wells may be dug on the Lot and the combined yield of the well system shall meet the minimum of 1 gallon per minute.
- b. Test Supervision and Evaluation: The test shall be conducted under the supervision of a qualified Geologist licensed by the Commonwealth of Pennsylvania or professional Engineer, using testing procedures hereinafter set forth. The Geologist or Engineer shall be responsible for notifying the Brush Creek Township Supervisors five (5) working days prior to the start of the test. He or she will also summarize the test, and its significance and make recommendations as to the suitability of the well or wells for the intended uses. The final report shall include an opinion as to whether the proposed use of the well will have an impact upon other existing wells in the immediate surrounding area. The supervising person shall provide the Brush Creek Township Supervisors with a copy of all field notes and test results.
- c. Test Method: A test shall be conducted for a minimum of twelve (12) hours at a constant rate of pumping. The pumped well shall be the one proposed for the specific Subdivision or Land Development for which the test is conducted. Two (2) observation wells that have hydraulic continuity with the pumped well are required. The preferred method of analysis of the aquifer test data is the non-equilibrium formula, although other methods are available and may be used. These include various methods of analysis of either the drawdown or recovery data.
- d. Collection of Data: Data shall be collected in conjunction with the aquifer test as follows:
 - 1) Prior to the test:
 - a) Collection of geologic data of the area to be tested including well logs, if available.
 - b) History of water level fluctuations in the area when available.
 - c) The location, relative Elevations and static water levels in the pumped well and the observation well or wells.
 - d) The expected discharge of the pumped well.
 - 2) During the test: A standard aquifer test field data sheet will be required for a pumped well and each observation well. The data sheet shall include columns for listing:
 - a) Date.
 - b) Clock time.
 - c) Elapsed time since pumping started/stopped (in minutes and seconds).
 - d) Depth to water below land surface.
 - e) Drawdown or recovery (in feet and tenths).
 - f) Observed discharge at specified intervals.
 - 3) Following the test: In accordance with recognized principles of well hydraulics, graphs shall be prepared to show time drawdown and time

recovery for the pumped well and the observation wells. A distance drawdown graph will be required for anticipated rates of pumping. Computation of the coefficients of transmissibility and storage as well as the rate of pumping, time and drawdown are required as well as other data that may be considered necessary to satisfy the test objectives.

2. Water Quality Report: The water quality test shall be conducted concurrently with any water quantity test. Such tests shall be conducted by a certified laboratory.

Test Standard.

- a. All water samples to be tested must be drawn by a trained PA DEP certified laboratory employee, a well driller contractor, or pump installation contractor.
- b. For single use on-Lot wells, the quality of the water tested shall meet the local and/or state regulations as it presently exists or may hereafter be amended, or be capable of treatment to attain said standard of quality for the following potential contaminants: total coliform, fecal coliform, E.coli, nitrate-nitrogen, nitrite-nitrogen, total nitrogen, lead, and chlorine.
- c. For community on-Lot wells, the quality of the water tested shall meet the National Primary Drinking Water Regulations as set forth in the National Safe Drinking Water Regulations (NSDW) of the Environmental Protection Agency (EPA) as it presently exists or may hereafter be amended, or be capable of treatment to attain said standard of quality.

SECTION 704 PARKS AND OPEN SPACE

A. Dedication.

All plans for residential subdivision or residential land developments shall provide for the dedication of land for park and open space uses, and/or, upon agreement by the applicant, the construction of recreation facilities, the payment of fees in lieu thereof, the private reservation of land, or any combination thereof.

B. Limited Exemption.

The developer of any residential subdivision or land development, whether single and two (2) family or multi-family and single family attached that contains less than thirty (30) dwelling units may be exempted by Brush Creek Township Supervisors from dedicating land for recreational purposes, provided the developer pays a fee in lieu of dedication as provided herein this Section.

C. General Requirements.

The applicant shall make an irrevocable offer of dedication for such land to Brush Creek Township, as required by the Brush Creek Township Supervisors. Title to such land shall be good and marketable, free of liens or other defects, and acceptable to the Brush Creek Township Solicitor. The Brush Creek Township Supervisors may, upon agreement of the applicant, authorize the transfer of the land to a homeowners association or to a non-profit corporation whose purpose is the conservation or preservation of land.

D. Amount of Land to be Dedicated.

1. The amount of park and open space land to be dedicated shall be equal to, and in conformance with, standards as follows:
 - a. Single family and two family residential developments: In the case of single and two family residential subdivisions, the developer shall provide a minimum of one thousand five hundred (1,500) square feet per lot.
 - b. Multi-family dwellings/apartment, and single family attached residential developments: In the case of multi-family dwellings/apartment, and single family attached residential developments, a minimum area of ten (10) percent of the total tract area shall be provided for recreation exclusive of streets of the land being developed.
2. If the applicable plan specifically designates a future park site within the acreage of the tract proposed for development, all subdivision and land development plans shall be designed in conformance with such designation in that all land required to be dedicated shall correspond to the location of the future park site.
 - a. Should the amount of land required to be dedicated exceeds the acreage of the future park site as designated within the applicable plan, the development proposal shall provide for such additional area to be located in a manner that best serves future residents of the proposed development.
 - b. Should the amount of land required to be dedicated falls short of the acreage of the future park site as designated within the applicable plan or if the proposed development involves only a portion of the development rights afforded to the tract, the applicant shall reserve that portion of the future park site which will best serve the immediate development. In addition, a sketch plan shall be prepared to depict how full build-out of the site will be accomplished in a manner that respects the location of the future park site and ensures its accessibility to all future dwellings on the tract. As an alternative to such piecemeal dedication, Brush Creek Township may opt to purchase that portion of the future park site. In which case, the future dedication of land associated with the development of the tract would proceed in accordance with the provisions of Section 702.J.

E. Fee in Lieu of Dedication.

The applicant may, with the consent and approval of the Brush Creek Township Supervisors, elect to pay a fee to Brush Creek Township in lieu of the park and open space dedication and so note on the plans.

1. The amount of any fee to be paid in lieu of dedication of land shall be equal to the average fair market value of the land (based on the unimproved land value) otherwise required by this section or shall be in accordance with any existing, Brush Creek Township adopted flat fee-in-lieu schedule which establishes a fixed price per lot, unit, or acre. If no formula is provided in any other Brush Creek Township planning documents, the formula to be used in computing the fee based upon fair market value shall be:

$$N \times (\text{average FMV of one acre}) = \text{fee.}$$

Where: N = the number of acres required to be dedicated for park and open space purposed, calculated in accordance with Section 704.D, and FMV = fair market value based on the unimproved land value.

2. The applicant shall provide the Brush Creek Township Supervisors with all information necessary to determine the fair market value of the land, including, but not limited to, the following:
 - a. If the applicant is the equitable owner, or purchased the land in fee simple less than two (2) years prior to the preliminary or final plan submission, a copy of the agreement of sale or real estate transfer tax affidavit of value.
 - b. If the applicant is the equitable owner, or purchased the land in fee simple more than two (2) years prior to the preliminary or final plan submission, an opinion of value of the property by a state certified appraiser acceptable to the Brush Creek Township Supervisors.

Any applicant aggrieved by the fee established shall have the right to secure a second (2nd) opinion of value of the property by a state certified appraiser acceptable to the Brush Creek Township Supervisors. The two (2) estimated values shall be averaged, with the result being the amount upon which the fee will be based.

3. Such fee shall be payable to the Brush Creek Township Supervisors prior to the recording of each final phase of the plan and shall be in an amount equal to the percentage of the total number of dwelling units in the phase.

F. Parkland Acquisition Fund.

All fees paid by the developer in lieu of dedication of park and open space land shall be paid to Brush Creek Township and upon its receipt shall be deposited in a separate interest-bearing account. Fees deposited to this account shall be administered as required by the MPC.

G. General Design Criteria.

Except as provided in Sections 702.H and I, the type of areas to be dedicated for park and open space land within a subdivision or land development plan shall principally involve neighborhood parks which are defined as “those parks providing primarily active outdoor recreational opportunities located within one-half (1/2) mile radius from a majority of the residences to be served thereby”. Exceptions to this will be when dedications are made to a community park which serves the subdivision or land development and is located within a two (2) mile radius of the majority of the residences to be served, or a County park which serves residences located within a ten (10) mile radius.

The land set aside for park and open space uses shall meet the following design criteria:

1. The park and open space land shall be reasonably located so as to serve all of the residents of the subdivision or land development.
2. The park and open space land shall be accessible from a street either directly or by pedestrian connection or shall adjoin and become a part of an already existing public park or open space area that is accessible from a street. Where access to the park is by public streets, the width of the frontage shall be a minimum length deemed necessary by Brush Creek Township Supervisors for access, visibility of the site, and public safety.

3. No more than twenty-five (25) percent of the park and open space land shall contain detention basins or other storm water management facilities, or be located within a floodplain or wetland unless such area is part of a linear trail or green way along an existing watercourse. In all cases, land containing detention basin or other storm water management facilities, floodplains, or wetlands, must be suitable for public recreation use without compromising the function of these areas.
4. The park and open space land shall be compact and contiguous unless the land is located adjacent to and combined with existing park and open space land, or specific topographic features require a different configuration. An example of such topographic features would be the provision of linear public open space along a scenic creek.
5. When public park and open space land exists adjacent to the tract to be subdivided or developed, the park and open space land shall be located to adjoin and enlarge the presently existing park and open space land.
6. The park and open space land shall be accessible to utilities such as sewer, water, and power that are provided within the subdivision or land development, and if so, the developer shall extend such utilities to the park and open space land.
7. If the developer is planning to construct facilities for recreation on the dedicated property as an amenity for the development, such facilities shall be constructed in accordance with current standards established by the National Recreation and Park Association. Where applicable, facilities constructed shall also comply with the accessibility guidelines of the Americans with Disabilities Act of 1990. Playground equipment constructed or placed on parkland shall be in compliance with guidelines from the Consumer Products Safety Commission.

H. Existing Trails.

When a subdivision or land development is traversed by or abuts an existing public trail, customarily used by pedestrians and/or equestrians, the applicant shall make provision for the continued recreational use of the trail, subject to alterations of the course of the trail within the boundaries of the development under the following conditions:

1. The points at which the trail enters and exits the tract shall remain unchanged.
2. The proposed alteration exhibits quality trail design according to the generally accepted principles of landscape architecture.
3. The proposed alteration does not run coincidentally with the paved road intended for use by motorized vehicles.
4. The land set aside for the continuation of such existing trail shall be counted towards the amount of park and open space land.

I. Trails and Linear Parks.

The trail or linear park shall conform to any applicable Brush Creek Township master park and open space plan, any County-wide trail and recreation master plan, and appropriate and most recent version of Moving Fulton Forward: Fulton County's Joint Comprehensive Plan, the Fulton County Comprehensive Plan, and/or other applicable plans adopted by Fulton County

and/or Brush Creek Township including the Southern Alleghenies Greenways and Open Space Network Plan. The Brush Creek Township Supervisors may require, as a condition of final plan approval, the dedication and improvement of trails and linear parks, which may be credited toward the park and open space land requirement. Trails and linear parks developed and dedicated for public use may be credited toward the park and open space land requirement.

J. Brush Creek Township Fund Reimbursement.

Brush Creek Township may from time-to-time decide to purchase land for parks in or near the area of actual or potential development. If Brush Creek Township does purchase park and open space land within a distance of one-half (1/2) mile, subsequent park and open space land dedications within that area may, upon agreement with the applicant, be in cash only and shall be calculated on a percentage basis to Brush Creek Township's actual cost of acquisition and/or cost of development of such land for park and open space purposes. The cash amount shall be equal to the sum of the average price per acre of such land plus the actual costs of adjacent streets and on-site utilities (or an estimate of such actual costs provided by the [Insert Name of Municipality] Engineer) divided by the number of lots or dwelling units in the development.

K. Additional Recreation Reservations.

The provisions of this section are minimum standards and shall not be construed as prohibiting a developer, with the approval of the Brush Creek Township Supervisors, from dedicating or reserving other land for recreation purposes in addition to the requirements of this Ordinance.

L. Private Reservation of Land.

Notwithstanding anything contained in the above sections, the applicant may, with the consent and approval of the Brush Creek Township Supervisors, elect to fulfill the open space requirements through the private reservation of a recreation area.

1. Any project that proposes the private reservation of land shall be accompanied by an agreement, which is acceptable to the Brush Creek Township Solicitor, and which shall be recorded prior to or concurrent with the preliminary plan approval. Such agreement shall stipulate:
 - a. That maintenance of the designated open space is the responsibility of the applicant, a homeowners association, a condominium unit owners' association, or other recognized conservation organization.
 - b. The availability of such private open space to non-residents of the development.
 - c. The method by which the private, reservation may be offered for public dedication.
 - d. That the land cannot be developed for anything other than open space purposes.
 - e. That the land cannot be sold or disposed of by the association except to another organization formed to own and maintain said open space and without first (1st) offering to dedicate the land and improvements to Brush Creek Township.

2. If such lands are to become common elements of a homeowners or condominium unit owners' association of any type, then such association's organizational by-laws must conform to the requirements of applicable state law.

M. Construction of Recreation Facilities.

Notwithstanding anything contained in the above Sections, the applicant may, with the consent and approval of the Brush Creek Township Supervisors, elect to fulfill the open space requirements through the construction of recreational facilities. All approved recreation facilities constructed in lieu of land dedication shall be included within the cost estimate for the improvement guarantee.

PART 8 - DESIGN STANDARDS

The purpose of these design standards is to: help maintain and strengthen the integrity of Fulton County's and Brush Creek Township's unique rural character which includes: traditional farming areas, significant natural, cultural, and historic resources; small traditional village settlements; and other important natural and rural lands. Therefore, the design standards incorporate flexibility into traditionally regulated areas to promote unique but coordinated building and development to strengthen the visual and physical character of the natural and built areas of Brush Creek Township. The intent is to retain and promote the traditional rural character, related economy, and natural/historic resources and to facilitate new development that is consistent and compatible with, contributes to, and upgrades, the established building and development patterns and natural resources within Brush Creek Township. As increased development interest in rural areas such as Brush Creek Township continues, it is essential that new building and development projects contribute, be respectful, and be sensitive to the distinctive rural and natural character.

The intent of Part 8 is to provide clear, quantitative review standards that are easy to administer and offer certainty to developers, residents, business owners, and officials alike while maintaining a degree of design flexibility to allow and encourage creative site and building designs and encourage alternative design solutions that result in a better, distinctive product.

SECTION 800 GENERAL

Use of a sketch plan per Section 403 and 501 and Appendix H (Street ROW Matrix) is strongly encouraged to be used in conjunction with the site design and layout out of plans.

A. Minimum Standards and Requirements.

1. The following standards shall apply to proposed subdivisions and/or land developments within Brush Creek Township.
2. The provisions of these regulations are intended as a minimum standard for the protection of the public health, safety and general welfare. If the literal compliance with any mandatory provision of these regulations is demonstrated by the applicant to be unreasonable and to cause undue hardship because of peculiar conditions pertaining to the particular property, and if the applicant demonstrates that an alternative proposal will provide equal or better results, the Brush Creek Township Supervisors, may grant a modification from such mandatory provision so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a modification shall not have the effect of making null and void the purpose and/or intent of this Ordinance.
3. If land development information indicates that existing improvements on the subject tract do not meet the requirements of this Section, then existing improvements on the subject tract must be designed and proposed to meet the requirements of this Ordinance. When the land development will utilize or be integrated into existing

infrastructure, the existing infrastructure on the subtract tract shall be improved to the standards of this Ordinance.

4. Additional conditions may be applied to any application for subdivision and/or land development by Brush Creek Township Supervisors.

B. Compliance with Brush Creek Township Ordinances Required.

All projects shall be designed in compliance with the Brush Creek Township zoning ordinance, and all other applicable ordinances, plans, studies, and local requirements. Brush Creek Township zoning ordinance specifically contains standards and provisions governing lot, building, and development character, design, height, scale, setback, orientation, frontage, access, parking, loading/unloading, landscaping, and other features to ensure they are consistent and compatible with adjacent and nearby buildings/structures and development on the same shared block face (between two [2] intersecting streets) along the same side of the street.

C. Zoning Approvals Required Prior to Plan Submission.

Whenever the Brush Creek Township zoning ordinance provides that the use proposed by the applicant for subdivision or land development approval shall constitute a use by special exception or conditional use, or when a variance from the terms of the zoning ordinance is required to develop in accordance with the plan, the applicant shall obtain such special exception, variance or conditional use approval from the Brush Creek Township Zoning Hearing Board or Brush Creek Township Supervisors, as applicable, prior to the submission of the preliminary plan, or final plan as applicable. The plan shall be designed and developed in accordance with any conditions which have been imposed upon the grant of such special exception, variance or conditional use by the Brush Creek Township Zoning Hearing Board or Brush Creek Township Supervisors, as applicable. The plan shall note the date of the hearing where approval was granted, along with all conditions of approval, and all such specific related section references of the zoning ordinance.

SECTION 801 SITE LAYOUT/DEVELOPMENT PATTERN

A. Intent.

All new development shall generally be consistent and compatible with, and not negatively impact the adjacent and nearby built and natural environment.

B. Lot Access.

1. Lot access shall be compatible with, or complement the established and predominant methods, types, and patterns of adjacent and nearby lots and development. In addition to the lot access standards set forth in the Brush Creek Township zoning ordinance , lot access shall comply with the following:
 - a. A Highway Occupancy Permit (HOP) is required for each access point onto a state road or highway.
 - b. Connections to compatible adjacent land uses should be provided to the maximum extent feasible.

- 1) Common or shared access to compatible land uses should be provided between adjacent parcels, lots, and/or buildings.
- 2) Projects should not become an isolated island in the surrounding neighborhood and community. Instead, to reduce vehicle congestion and offer greater connectivity between adjacent land uses, the following standards shall apply except where prohibited for overriding public safety or other traffic related considerations:
 - a) The internal street system shall connect to the perimeter public street system to provide multiple direct connections to, and between local destinations.
 - b) The internal street system shall connect to the perimeter public street system to provide community and neighborhood connections to knit separate development together rather than forming barriers between them.
- c. Lot access on corner lots or where more than one (1) intersecting street (including alleys) abuts the lot, a new curb cut or access shall be provided on the street conveying the lesser amount of existing or proposed daily traffic. This specifically includes alleys.
- d. In order to maximize the efficiency of the street network, major traffic generators should be located so that their primary access is from a public street or access drive.
 - 1) If a land use is proposed at a location or density that will have a significant effect on current traffic patterns, a traffic impact study shall be required to ensure that the street network can accommodate the anticipated traffic demands and to define required street improvements.
 - 2) The number of entrances should be minimized to the extent possible in order to reduce conflicting points and facilitate traffic flow. The specific location of primary vehicle entrances is dependent on the following factors:
 - a) Access and proximity to alleys;
 - b) The location of existing or planned median breaks;
 - c) Separation distances between the entrance and major intersections, minor intersections, and adjacent entrances;
 - d) The need to provide shared access to adjacent parcels of land and lots;
 - e) The need to align with previously approved or constructed access points on the opposite side of the street;
 - f) The minimum number of entrances needed to move traffic onto and off the site safely and efficiently; and
 - g) The need to provide multiple direct connections to, and between, local destinations such as parks, schools, etc.
- e. Specific design or geometries of development streets, access drives, and driveways shall meet the intent of these design guidelines. (See Section 803)
 - 1) Configuration and design shall be appropriate given the size of the development and the capacity of the street.
 - 2) Geometries shall be dependent on a variety of factors including traffic volume, speed, and distribution. The resulting design should provide an

efficient ingress and egress to the development and the following design issues should be addressed in each case:

- a) The number of in-bound and out-bound lanes;
 - b) Lane width;
 - c) Throat length (i.e. the distance between the street and the first (1st) point at which cross traffic or left turns are permitted);
 - d) Curb radii;
 - e) The need or desirability of a raised median;
 - f) The need for a deceleration lane; and
 - g) Accommodation for pedestrian and non-motorized crossings.
- f. A clear system of driveways / access drives / streets shall be established to carry the highest volumes of traffic within the site. (See Section 803)
- 1) Internal driveways / access drives / streets shall contain no perpendicular parking spaces that directly access them.
 - 2) Truck loading and circulation facilities shall be appropriately designed and provided for. To the greatest extent possible, these areas should be separate from customer parking and pedestrian areas.
 - 3) As the size of the development and the volume of the trucks increase, internal circulation patterns should reflect an increased separation between non-truck and truck traffic.

SECTION 802 LOTS AND OTHER DIMENSIONAL STANDARDS

A. General Lot Design Standards

1. Relationship to Municipal Boundaries.

In order to avoid jurisdictional problems, lot lines shall, wherever feasible, follow municipal boundaries and zoning district boundaries rather than cross them.

2. Lot Configuration.

Lot configuration shall be compatible with, or compliment the established and predominant lot configurations. Additionally, lot configuration shall be based upon the minimum and maximum lot area requirements, salient natural features, existing improvements, proposed improvements, and the adjacent development pattern. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

3. Lot Frontage.

In addition to the lot frontage standards set forth in the Brush Creek Township zoning ordinance, lot frontage shall be compatible with, or complement the established and predominant methods and patterns of adjacent and nearby lots and development.

- a. All lots shall front on a public or a private street (excluding alleys).

4. Provisions for Future Subdivision.

- a. In addition to any oversized lot standards set forth in the Brush Creek Township zoning ordinance, lots resulting from a proposed subdivision that will be large enough to be further subdivided should generally:

- 1) be configured to facilitate such future subdivision.

- 2) take into consideration the minimum and maximum lot area requirements, salient natural features, existing improvements, proposed improvements, and the adjacent development pattern.
 - b. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.
 - c. Adequate street right-of-way shall be provided as necessary.
 - d. The Brush Creek Township Supervisors may require a sketch plan of such large lots that indicates the potential future subdivision is generally in conformance with the design standards of this Ordinance and the Brush Creek Township zoning ordinance.
5. Reverse Frontage, Through or Double Frontage Lots.
- In addition to the reverse frontage lot, or through or double frontage lot standards set forth in the Brush Creek Township zoning ordinance, reverse frontage lots, or through or double frontage lots shall be compatible with, or complement the established and predominant methods and patterns of adjacent and nearby lots and development and the following:
- a. New double frontage lots are only permitted when a reduction of access drives and driveway intersections along a street (excluding alleys) with a high volume of vehicular movements is desired or the maintenance of the integrity of a corridor is desired.
 - b. New reverse frontage lots may be permitted when rear alleys are proposed to provide vehicular access to lots.
 - c. New double and reverse frontage lots shall include an identification of the frontage for use as a street access.
 - d. New reverse frontage lots shall have within the yard(s) that is/are adjacent to any street right-of-way, other than the street of vehicular access, an easement running the entire width of the proposed lot, across which there shall be no vehicular access.
6. Flag Lots.
- a. Flag lots represent a viable design alternative under the following standards. In such cases, evidence shall be submitted to the Brush Creek Township Supervisors that documents the circumstances and demonstrates that the platting of flag lots shall not restrict the development potential and pattern of development of the tract and adjacent lands.
 - 1) Adjacent flagpoles shall be encouraged to share driveway access points. More than four (4) adjacent flag lots shall be oriented to a common public or private street right-of-way, not driveways.
 - 2) Flag lots shall not be proposed in order to avoid construction of streets. Flag lots proposed to create lots for home sites where there is no potential for the construction of a public or private street must demonstrate that there is no potential to construct a street due to:
 - a) severe topographic or other environmental constraints that limit the design of a street; or

- b) other factors inherent in the site which make the construction of a public or private street impractical.
- 3) The width of a flagpole should be determined by the function of the driveway, number of lots served, setbacks, grading, and utility requirements.

B. Lot Dimensional Standards

- 1. Where there is an adopted a zoning ordinance, the lot dimensions specified for particular use in the appropriate district shall be provided.
- 2. Lot Size.

If no zoning or other applicable ordinance is in effect, the following minimum lot area and width standards shall be met:	Public/Central Sewer AND Public/Central Water		Public/Central Sewer AND On-Lot Water		On-Lot Sewer AND Public/Central Water		On-Lot Sewage AND On-Lot Water	
	Minimum Lot Area (Per Unit)	Minimum Lot Width at Front Lot Line (Per Unit)	Minimum Lot Area (Per Unit)	Minimum Lot Width at Front Lot Line (Per Unit)	Minimum Lot Area (Per Unit)	Minimum Lot Width at Front Lot Line (Per Unit)	Minimum Lot Area (Per Unit)	Minimum Lot Width at Front Lot Line (Per Unit)
Single Family Detached Dwelling (includes individual mobile home units NOT within Mobile Home Parks)	21,780	85	21,780	85	33,000	100	43,560	150
Two Family Dwelling	21,780	85	21,780	85	33,000	100	43,560	150
Multi-Family Dwelling & Single Family Attached	3,000	30	Not Permitted					

If no zoning or other applicable ordinance is in effect, the following minimum lot area and width standards shall be met:	Public/Central Sewer AND Public/Central Water		Public/Central Sewer AND On-Lot Water		On-Lot Sewer AND Public/Central Water		On-Lot Sewage AND On-Lot Water	
	Minimum Lot Area (Per Unit)	Minimum Lot Width at Front Lot Line (Per Unit)	Minimum Lot Area (Per Unit)	Minimum Lot Width at Front Lot Line (Per Unit)	Minimum Lot Area (Per Unit)	Minimum Lot Width at Front Lot Line (Per Unit)	Minimum Lot Area (Per Unit)	Minimum Lot Width at Front Lot Line (Per Unit)
Principal Use								
All Other Non-Farm Uses	The minimum lot area and width shall based on the required setbacks, parking, screening/buffering, and other applicable standards including stormwater management requirements, and the proposed building size, use, and sewage disposal requirements of DEP.							

3. .

If no zoning or other applicable ordinance is in effect, the following minimum building setback standards shall be met:

Use	Front – Minimum Building Setback	Side - Minimum Building Setback	Rear - Minimum Building Setback
Residential	60 feet from road centerline	10 feet	20 feet
Other Non-Farm / Non-Residential Use	60 feet from road centerline	20 feet	30 feet

SECTION 803 STREETS, ACCESS DRIVES AND DRIVEWAYS

- A. Each street shall be designed to meet the design requirements by use of Appendix G and Appendix H. Consideration should be given to where snow placement easements will be situated on the site.
- B. Intent.

Ensure that new streets and related development patterns are consistent and compatible with established street and development pattern and support the expansion of the overall street system.

Maintaining established and predominant street and development patterns within established communities such as Brush Creek Township helps to retain a visual continuity and unity to an area or a neighborhood. Projects shall repeat established patterns of vehicle circulation, when feasible, and shall provide safe, convenient, and efficient vehicular access both within a development and to the surrounding communities, neighborhoods, and areas. Circulation patterns shall be designed to limit points of access from major thoroughfares and minimize the impacts of non-residential traffic on adjacent residential properties. Joint use with adjacent landowners is encouraged and access easements to adjoining properties should be explored. Internal vehicle circulation shall provide a clear visual path to provide safe, convenient, and efficient vehicular access within and between developments.

C. General Arrangement,

The following criteria shall be considered in the design of new streets.

1. The alignment of streets shall conform to most recent version of the Moving Fulton Forward: Fulton County's Joint Comprehensive Plan, the Fulton County Comprehensive Plan, or any official map, and to such Municipal, County and State road and highway plans as have been duly adopted.
2. For streets not shown on the Moving Fulton Forward: Fulton County's Joint Comprehensive Plan, the Fulton County Comprehensive Plan or official map, the arrangement shall take into account existing development patterns, topography, and other site constraints when providing for the appropriate extension of existing streets.
3. Street lengths shall be minimized as to promote the most efficient street layout while still protecting the natural, cultural, and historical environment.
4. Local streets shall be arranged so as to discourage excessive speeds when their function is to remain local.
5. Curvilinear streets and cul-de-sacs should be utilized only where topography and natural features dictate them on the site, and where their use will be consistent with adjoining development patterns. Curvilinear streets shall not be used immediately adjacent to an existing grid street system without providing a transition that continues and protects the grid. Cul-de-sacs shall not be used where it is possible to provide grid pattern streets that provide better access for emergency vehicles, fewer restrictions for snow removal and improved pedestrian access. New project street systems, platted adjacent to an existing street system, shall not be merely looped back on local streets, but shall connect with or be designed to connect with, in the future, streets of a higher classification.
6. New street systems shall take into consideration the dispersal of traffic and to the ultimate functioning of the existing street system and regional transportation network.
7. Streets shall be laid out to provide convenient and safe access to the property. Where appropriate, the Brush Creek Township Supervisors may require additional cartway improvements and/or right-of-way width along existing street frontages to

accommodate the anticipated traffic increases and to facilitate vehicular turning movements to and from individual lots.

8. Where a development abuts an existing or proposed arterial and collector street, the Brush Creek Township Supervisors may require access management techniques such as the use of alleys, marginal access streets, reverse frontage lots, shared access drive and/or driveways, or other such treatment that will provide protection for abutting properties, reduce the number of intersections with the arterial and collector streets, and separate the local and through traffic.
9. Street lengths shall be minimized as to promote the most efficient street layout while still protecting the natural, cultural, and historical environment.
10. Street Provisions for Future Developments.
 - a. Where appropriate, right-of-ways shall be reserved for future access strip usage in conjunction with the zoning classification of adjacent tracts to allow for future development. Areas reserved for future access strip usage will not be required to be improved; however, these areas shall be reserved for street improvements to be provided by the developer of the adjacent tract. Appropriate plan notes shall be included to note future access strip expansion.
 - b. Wherever there exists a dedicated or platted area reserved for future access strip usage along the boundary of a tract being developed, the proposed street must be extended over the area dedicated or platted for future access strip usage. The street shall be designed in conformance with the design requirements of the proposed Street subject to the existing right-of-way.
 - c. The extension of existing streets that are presently constructed with a cartway different from the standards of this Ordinance shall be provided with a transition area, the design of which is subject to Brush Creek Township Supervisors approval.
11. The use of permeable pavement is encouraged on sidewalks, trails, plazas, driveways, parking lots, and low-traffic roads and streets including alleys. Permeable pavement shall not be located in any industrial zoning district; on industrial sites; on any site dispensing or selling fuel / gas; sites with expansive soils or high depth to bedrock; areas draining to the permeable pavement greater than five (5) acres; and areas with the water table less than two (2) feet below the bottom of the pavement base.
12. If the street is curbed, the street shall be designed with drainage grates that are safe for crossing by bicycles. All inlets within the street right-of-way shall be bicycle safe designs approved by PennDOT.
13. Consideration should be given to where snow placement easements will be situated on the site.
14. Additional Access for Certain Developments
 - a. Any development of twenty-five (25) or more dwelling units or units of occupancy, or in the case of non-residential development generating more than five hundred (500) ADT, shall be provided with at least two (2) means of vehicle access into the development. The second means may be limited to emergency

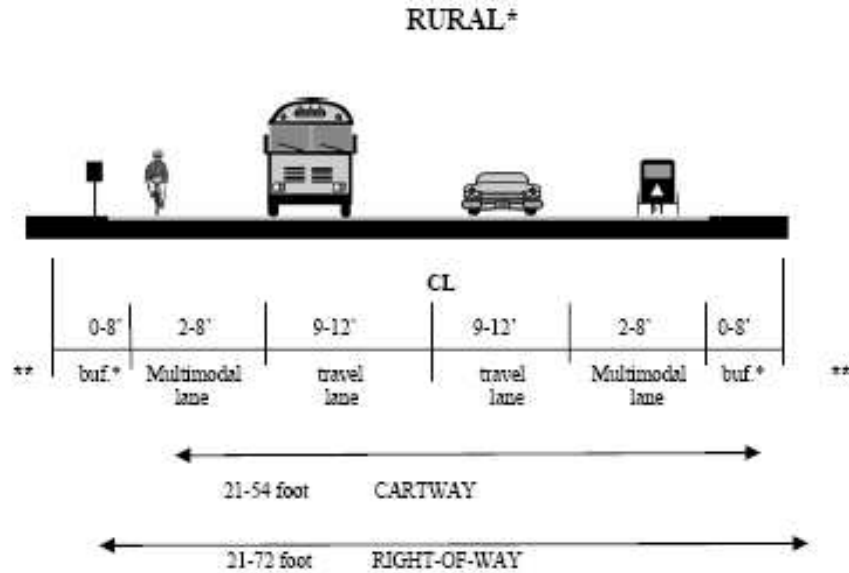
vehicles provided the applicant proves access will be properly designed for its intended purpose, and shall be a minimum of twenty (20) feet in width.

D. Street Hierarchy.

1. Each proposed street shall be classified and designed to meet the standards for one of the street types by use of Appendix G. This classification should be according to the street hierarchy of the existing transportation network with design tailored to function and Average Daily Traffic (ADT).
2. The street hierarchy system shall be defined by the Moving Fulton Forward: Fulton County's Joint Comprehensive Plan, the Fulton County Comprehensive Plan, any official map, and/or other applicable plans adopted by Fulton County and/or Brush Creek Township.
3. The applicant shall demonstrate to the Brush Creek Township Supervisors' satisfaction that the distribution of traffic to the proposed street system will not exceed the ADT thresholds for any proposed street type for a design period of ten (10) years from the proposed date of completion of the road.
4. Private streets may be used provided the Brush Creek Township Supervisors determines that no public benefit will be served by dedication. Applications that propose a private street shall be accompanied by a recorded declaration or an agreement which shall be recorded with the Fulton County Recorder of Deeds as part of the final plan. This agreement shall establish the conditions under which the street will be constructed and maintained in accordance with the design approved on the final plan, and shall stipulate:
 - a. Ownership interest in the private street.
 - b. No limitations on users unless identified in the private agreement.
 - c. A statement indicating that civil court, not the Brush Creek Township Supervisors, is responsible for mitigating differences relating to the agreement.
 - d. The method of assessing maintenance and repair cost.
 - e. Private streets shall not be offered for dedication as a public street unless they are restored to all Brush Creek Township design standards, construction specifications, other applicable provisions of this Ordinance and any related construction and materials specifications, relating to public streets. The offer for dedication of the street shall be made only for the street as a whole.

E. Determination of Required New Street Design Standards.

Each street shall be designed to meet the design requirements by use of Appendix G and Appendix H. Newly created right-of-way and cartway width for each interior street classification shall be determined by the proposed use, projected ADT and the intensity of development permitted and existing along each street. Each cartway width shall be based on the travel lane, on-street parking, multi-modal lane, and gutter width.



1. Travel Lanes.
 - a. Travel lane width requirements shall vary according to the average daily trips (ADT).

Miles Per Hour	Under 400 ADT	401 to 1500 ADT	1501 to 2000 ADT	Over 2000 ADT
15	9 ft. travel lane	10 ft. travel lane	10 ft. travel lane	11 ft. travel lane
20	9 ft. travel lane	10 ft. travel lane	11 ft. travel lane	12 ft. travel lane
25	9 ft. travel lane	10 ft. travel lane	11 ft. travel lane	12 ft. travel lane
30	9 ft. travel lane	10 ft. travel lane	11 ft. travel lane	12 ft. travel lane
35	9 ft. travel lane	10 ft. travel lane	11 ft. travel lane	12 ft. travel lane
40	9 ft. travel lane	10 ft. travel lane	11 ft. travel lane	12 ft. travel lane
45	10 ft. travel lane	11 ft. travel lane	11 ft. travel lane	12 ft. travel lane
50	10 ft. travel lane	11 ft. travel lane	11 ft. travel lane	12 ft. travel lane
55	11 ft. travel lane	11 ft. travel lane	12 ft. travel lane	12 ft. travel lane

* derived from AASHTO as amended

2. Non-Motorized Multimodal Travel Lanes.
 - a. Non-motorized travel lanes shall be provided for all collector and arterial streets.
 - b. Non-motorized travel lane requirements shall vary according to the speed of the street.
 - 1) For a posted speed limit of twenty-six (26) to thirty-five (35) miles per hour, four (4) foot multimodal lanes shall be provided.
 - 2) For a posted speed limit of thirty-six (36) to forty-five (45) miles per hour, six (6) foot multimodal lanes shall be provided.
 - 3) For a posted speed limit of greater than forty-five (45) miles per hour, eight (8) foot multimodal lanes shall be provided.
 - c. Drainage grates shall be bicycle safe.
3. Curbs, Gutters, and Swales: Flexibility regarding curb type shall be permitted as long as the curb type accommodates the system of drainage proposed.

- a. Drainage Swales / gutters shall be used.
 - b. Curbing in place of drainage swales / gutters may be used when the following can be shown:
 - 1) For storm water management control.
 - 2) At intersections providing pedestrian handicap ramps.
 - 3) At all building entrance points which front on parking lots when wheel stops are not provided.
 - 4) When connecting to existing curbing.
 - 5) Curbing shall be designed to provide a ramp cut at each intersection, at the principal entrances to buildings which front on parking lots, and at all crosswalks. Ramp cuts shall meet the requirements of the Americans with Disabilities Act and PennDOT RC standards.
 - 6) Drainage swales in place of curbing may be used when all of the following can be shown:
 - a) Soil and/or topography make the use of drainage swales preferable.
 - b) It is in the best interest of the community to preserve its existing character by using drainage Swales instead of curbs.
4. Curbing would negatively impact a cohesive storm water management best management design (BMP). Tree Lawn Areas: When tree lawn areas are provided, signage and shade/street trees shall generally be located within the tree lawn area of the right-of-way. Tree lawn areas should be planted with grass, ground cover, or treated with other suitable pervious material. See Section 809 for shade/street tree standards. When tree lawn areas are provided, tree lawn areas should be a minimum of four (4) feet wide with eight (8) feet preferred.
5. Rights-of-way.
- a. Centerline of the right-of-way may not always be the centerline of the travel lanes.
 - b. Where the right-of-way width of the new street is different than the existing street, a transition area shall be provided, the design of which is subject to Brush Creek Township Board of Supervisors approval.
 - c. The right-of-way width shall be designed to meet the design requirements by use of Appendix G. Right-of-way widths may change for each street, based on the anticipated future development.
6. Vertical Street Alignments:
- a. Vertical curves shall be used in changes in grade exceeding one (1) percent.
 - b. Alignment:
 - 1) Vertical street and access drive alignments shall be measured along the centerline.
 - 2) Minimum rate of vertical curvature “K” shall be as specified below:

Initial Speed (mph)	Curvature, K ¹ (ft/%) Crest	Curvature, K ¹ (ft/%) Sag
15	3	10
20	7	17

Initial Speed (mph)	Curvature, K ¹ (ft/%) Crest	Curvature, K ¹ (ft/%) Sag
25	12	26
30	19	37
35	29	49
40	44	64
45	61	79
50	84	96
55	114	115

¹ Rate of vertical curvature, K = length of curve (L) per percent algebraic difference (A) in the intersection grades (K=L/A)

- 3) Grade:
 - a) Where the approaching grade is seven (7) percent or greater, a leveling area shall be provided within seventy-five (75) feet of a four (4) way street intersection on the street of lesser classification, or access drives, or the terminating street at a three (3) way intersection.

- 7. Such leveling area(s) shall have a maximum grade of four (4) percent for a minimum length of forty (40) feet measured from the intersection of the centerlines. Horizontal Street Alignments.
 - a. Horizontal curves shall be used at all angle changes in excess of two (2) degrees.
 - b. The design of horizontal curves shall be based on an appropriate relationship between design speed and curvature and on their joint relationships with superelevation (roadway banking). (The longer the radius of a curve, the higher the speed through that curve).
 - c. Single, long radius curves shall be used rather than a series of curves with varying radii and/or a series of short curves separated by short, straight segments.
 - d. Access drives intersections shall be designed to local street horizontal alignment standards.
 - e. Determination of minimum horizontal centerline radius*

Initial Speed (mph)	Centerline Radius ¹ (feet) with No Superelevation	Centerline Radius ¹ (feet) with 4% Superelevation (e max)
15	50	42
20	107	86
25	198	154
30	333	250
35	510	371
40	762	533
45	1,039	711
50		926
55		1,190

* derived from AASHTO formula $R_{min} = \frac{V^2}{15 * (0.01e + f_{max})}$

¹ Curve radius shall be measured to the centerline of Cartways and Access Drives.

- f. Superelevation in certain conditions may be amended when using AASHTO Exhibit 3-16 as updated.
 - g. No street intersection shall be granted at an angle of less than sixty (60) degrees.
8. Street Intersections.
- a. Cul-de-sac / minor local / major local Streets: A minimum separation of no less than one hundred fifty (150) feet between centerlines shall be provided.
 - b. Collector Streets
 - 1) Minor Collectors: A minimum separation distance of two hundred seventy five (275) feet between centerlines shall be provided.
 - 2) Major collectors: A minimum separation distance of three hundred (300) feet between centerlines shall be provided.
 - c. Arterial streets: A minimum separation distance of six hundred (600) feet between centerlines shall be provided.
 - d. Right angle intersections shall be used. No street intersection modification shall be granted at an angle of less than sixty (60) degrees.
 - e. The cartway edge at street intersections shall be rounded by a tangential arc with a minimum radius of five (5) feet and a maximum radius of twenty five (25) feet. The right-of-way radii at intersections shall be substantially concentric with the edge of the cartway. Curb return radii of ten to fifteen (10 -15) feet should be used where high pedestrian volumes are present or the volume of turning vehicles is low. Larger radii should be used when parking or non-motorized lanes are not provided, and larger vehicles are anticipated.
 - f. Where warranted by a traffic impact study, the Brush Creek Township Supervisors may require additional traffic lanes or additional right-of-way to facilitate vehicular turning movements at existing or proposed street intersections within subdivision or land development plans.
9. Sight Distance at Intersections.
- a. Proper sight distance shall be provided at all new streets, access drives, and all driveway intersections in accordance with the latest edition of the Pennsylvania Department of Transportation Design Manual - Part 2, Highway Design (Publication 13), and Section 2.18.F as amended. Sufficient design and plan information shall be submitted with the plan application proving that this minimum standard will be achieved. Such design information shall be sealed by a qualified professional engineer licensed to practice in the Commonwealth of Pennsylvania to perform such design work.
 - 1) Access drive sight distance based on ten (10) foot off of edge of cartway, an eye height of three and one half (3.5) feet to an object at three and one half (3.5) foot height.
 - 2) Street sight distance based on fifteen (15) foot off of edge of cartway, an eye height of three and one half (3.5) feet to an object at three and one half (3.5) foot height.

- b. All intersections shall be provided with appropriate stop control devices on the lesser classification street or access drive. No sight triangle easements are required when stop control devices are used.
 - c. When stop control devices are not provided on the lesser street classification or access drive, sight triangle easements shall be provided. Sight triangle easements shall include the area on each street corner that is bounded by the line which connects the sight or “connecting” points located on each of the right-of-way lines of the intersecting street. The planting of trees, other plantings, signs, and structures exceeding two and one half (2.5) feet in height that would obstruct the clear sight across the area of the easements shall be prohibited.
 - 1) Arterial streets shall have a clear sight triangle side of one hundred fifty (150) feet and a depth of fifteen (15) feet.
 - 2) Collector streets shall have a clear sight triangle side of one hundred (100) feet and a depth of fifteen (15) feet.
 - 3) Local roads, Cul-de-sacs, and alleys shall have a clear sight triangle side of seventy-five (75) feet.
 - 4) Driveway and access drives shall have a clear sight triangle side of seventy-five (75) feet.
10. New Street Improvements: All street paving must conform to the following specifications unless superseded by a separate set of construction and materials specifications adopted by resolution by the Brush Creek Township Supervisors.
- a. Streets must be surfaced to the grades and dimensions drawn on the plans, profiles and cross-sections submitted by the applicant, and approved by the Brush Creek Township Supervisors. Before paving the streets surface, the applicant must install the required utilities and provide, where necessary, adequate storm water drainage for the street acceptable to the Brush Creek Township Supervisors. The pavement base, wearing surface and shoulders must be constructed according to the following specifications excepting however that for the construction of arterial roads or highways, the developer shall consult the Brush Creek Township Supervisors and be governed by the PennDOT for the method of construction to be used and the design shall conform to PennDOT Pub. 242
 - 1) All new streets shall be designed the following cross-sectional specifications (all courses are compacted thicknesses).
 - 2) The use of recycled materials is strongly encouraged.
 - 3) Pavement - The pavement base and wearing surface must be in accordance with, and constructed in accordance with the PennDOT, Pub. 408, as revised to date. The following table will outline the alternatives available to the developer:

Flexible Pavements	Pavement Courses	Streets	
		Minor	Collector
Option No. 1	Wearing*	1 1/2"	1 1/2"
	Binder* *	0"	2"
	Base* * *	4 1/2"	4"
	Subbase* * * *	8"	8"
Option No. 2	Wearing*	1 1/2"	1 1/2"
	Binder* *	2"	2"
	Base* * *	6"	8"
	Subbase* * * *	8"	8"

LEGEND

- * Wearing: Superpave Asphalt Mixture Design, HMA Wearing Course, PG 64-22, 0.0 to 0.3 million ESAL’s, 9.5 mm mix, SRL L.
- * * Binder: Superpave Asphalt Mixture Design, HMA Binder Course, PG 64-22, 0.0 to 0.3 million ESAL’s, 19.0 mm mix.
- * * * Base: Superpave Asphalt Mixture Design, HMA Base Course, PG 64-22, 0.0 to 0.3 million ESAL’s, 25.0 mm mix.
- * * * * CABC Crushed Aggregate Base Course

- a) For the construction of arterial roads or highways, the developer shall consult the Brush Creek Township Supervisors and be governed by the PennDOT Specifications for the method of construction to be used. (Pub. 408, as revised to date) and to submit pavement design calculations in accordance with PennDOT Pub. 242.
- b) The Brush Creek Township Supervisors shall decide if a Collector or Arterial Street is required as a direct result of the construction of this development in which case the applicant is responsible for paving the additional width required and submitting pavement design calculations in accordance with PennDOT Pub. 242.
- 4) Shoulders – If curb and gutters are not provided, streets shall be provided with shoulders in accordance with the following:
 - a) All shoulders shall be constructed in accordance with PENNDOT Pub. 408, latest revision.
 - b) Minor roads shall be a Type 3 Shoulder as shown on RC-25 of the PENNDOT Standards for Roadway Construction, Pub. 72, latest revision.
 - c) Collector roads shall be a Type 1 Shoulder, Type I-I Shoulder, or a Type I-S Shoulder as shown on RC-25 of the PENNDOT Standards for Roadway Construction, Pub. 72, latest revision.

- d) Arterial roads shoulders shall be the type as determined by the Brush Creek Township Supervisors after consulting with the (Insert Name of Municipality Engineer), and PennDOT.

F. Access Drives: Access drives shall be designed to meet the following requirements:

1. Any property that utilizes an access drive shall have frontage along a public right-of-way.
2. The plan shall note that the access drive does not qualify for dedication to Brush Creek Township and that the landowner assumes all responsibility for its maintenance.
3. Access drives shall be designed for their intended function. All travel lanes shall be a minimum of eight (8) feet wide; however, sufficient design information must be submitted to indicate that the number of travel lanes and width proposed has been designed to accommodate the anticipated traffic to and from the development.
4. Parking shall be permitted when sufficient cartway width is proposed.
5. Access drives shall maintain a centerline separation distance of one hundred and twenty-five (125) feet from all other access drives and streets. Access drive intersections with other access drives within the site shall not be subject to such restrictions.
6. Proper sight distance shall be provided at access drive intersections with existing public streets according to this Ordinance.

G. Driveways: Driveways shall be designed to meet the following requirements:

1. No more than two (2) driveway connections per lot shall be permitted, and driveways shall be no closer than one hundred (100) feet on the same lot.
2. On corner lots or where more than one (1) intersecting street (including access drives) abuts the lot, a new curb cut or access for a driveway shall be provided on the street conveying the lesser amount of existing or proposed daily traffic.
3. Driveways shall not be:
 - a. less than forty (40) feet from the edge of the right-of-way of any street intersection;
 - b. less than five (5) feet from a fire hydrant,
 - c. less than five and (5) feet from abutting lot lines, unless a shared or joint use driveway is proposed.These distances shall also include driveway flares.
4. A driveway shall not exceed a slope of eight (8) percent within twenty-five (25) feet of the street right-of-way line, and not more than fifteen (15) percent overall.
5. Leveling areas shall be provided a minimum of eight (8) feet from the edge of street cartway with a maximum slope of ten (10) percent.
6. Driveways shall be paved within the intersecting street right-of-way.

- a. Additionally, for driveways longer than one hundred (100) feet, only the first twenty-five (25) feet shall be required to be improved with approved permeable pavement, or other approved imperious material.
- 7. At the street right-of-way, a driveway providing access to a single car garage or parking area shall be limited to ten (10) feet in width, and for a double car garage or parking area, the width shall be limited to twenty (20) feet. In no case shall a driveway be wider than twenty (20) feet at the right-of-way line.
- 8. In no case shall there be unrestricted access from a lot along the length of a street right-of-way.
- 9. A curb return entrance is illustrated in Figure 8.1. When curb return entrances are used, the curb shall have a minimum five (5) foot radius, and no greater than fifteen (15) feet is permitted on both sides of the driveway in addition to the twenty (20) driveway foot width. However, any driveway entering into PennDOT right-of way shall be designed in accordance with PA Code Title 67, Chapter 441.

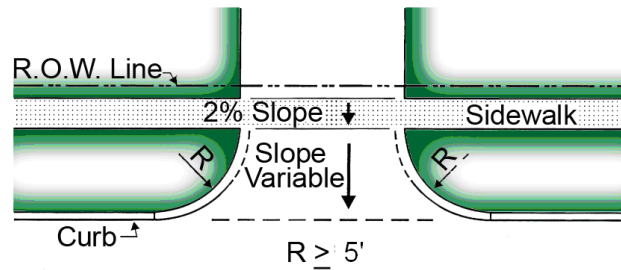


Figure 8.1. Typical Curb Return Entrance

Note: for driveways entering into PennDOT ROW, design shall be in accordance with standards in PA Code Title 67, Chapter 441. Modified from Source: AASHTO
 (Source: Pennsylvania Standards for Residential Site Development, 2007)

- 10. When flared driveway entrances are used, a minimum two (2) foot flair shall be provided. No flare shall cross an extended side property line. A typical flared entrance is illustrated in Figure 8.2

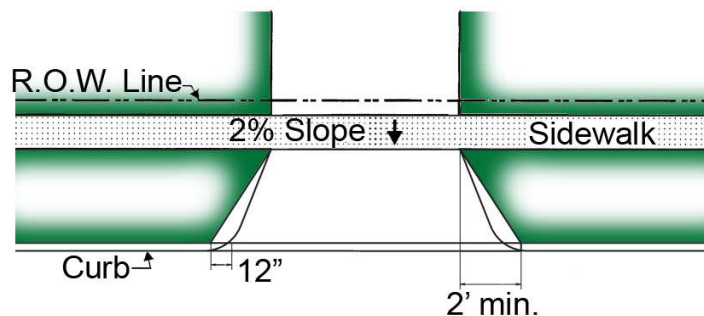


Figure 8.2. Typical Flared Driveway Entrance
 Modified from Source: AASHTO

(Source: Pennsylvania Standards for Residential Site Development, 2007)

11. Non-curbed driveway entrances shall have a minimum edge-of-pavement radius of five (5) feet, and no greater than fifteen (15) is permitted on both sides of the driveway in addition to the twenty (20) driveway foot width as illustrated in Figure 5.3

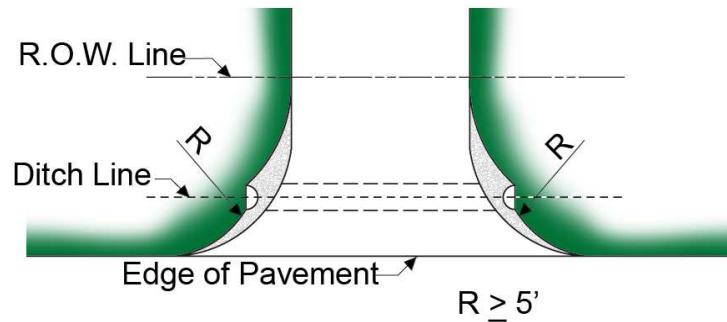


Figure 8.3 Typical Non-curbed Driveway Entrance

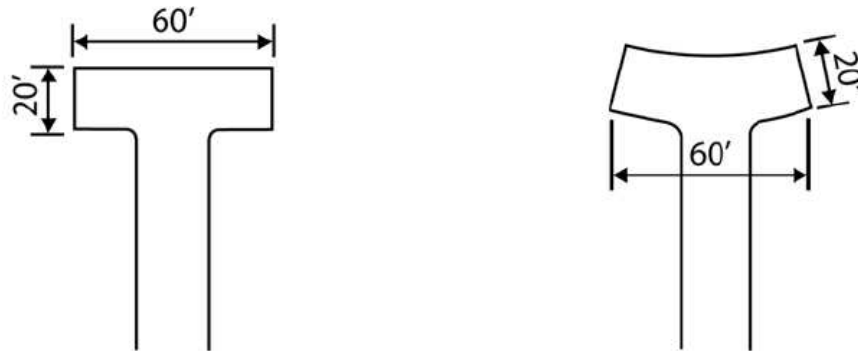
Modified from Source: AASHTO

(Source: Pennsylvania Standards for Residential Site Development, 2007)

12. Any driveway intersecting with a State-owned street or road shall require the obtainment of a PennDOT Highway Occupancy Permit.
13. Driveways shall not interfere with normal traffic movement nor be constructed in a manner to be inconsistent with the design, maintenance and drainage of the street. When required to maintain drainage, a pipe no less than fifteen (15) inches in diameter shall be installed.
14. A driveway location shall be delineated on all plans / permits, as applicable.
15. Additionally, driveways shall be located so as to provide adequate sight distance and clear sight triangles at intersections with streets. Such sight distances and clear sight triangles shall be as specified herein this Ordinance.
16. To maintain good access management in the street network, when a driveway intersects with a collector or arterial street, joint, shared use, or reverse frontage driveways should be encouraged when such design would increase traffic safety by decreasing the potential for vehicular conflicts.
 - a. Shared or joint driveways must meet the follow standards:
 - 1) Shared driveways shall be used only for four (4) or fewer dwelling units.
 - 2) To decrease the potential for vehicular conflicts, shared driveways may be located either partially, centered on, or entirely on one property.
 - 3) An easement agreement shall be provided and recorded that indicates the rights of ownership, access, and maintenance. Brush Creek Township is not responsible to settle conflict issues with joint or shared driveways.

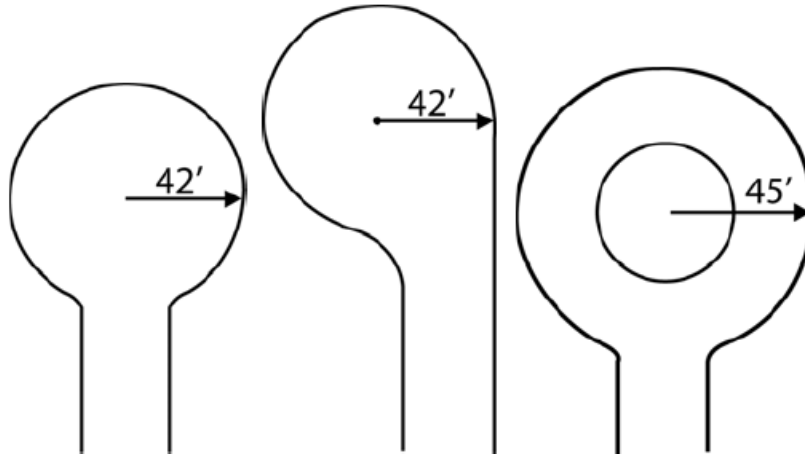
H. Single Access / Cul-de-Sac Streets

1. To the greatest extent possible, through streets shall be provided. The feasibility of a through street will be based on the physical features of the tract, parcel, or lot proposed for development and/or abutting lots, the potential for extension of the street to abutting lands based on existing development patterns, restrictions imposed by other government regulations and other recorded documentation, and the ability of the design to meet all other requirements of this Ordinance. When single access / 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 desirable.
2. Cul-de-sacs shall have a circular, “T” shaped or “hammerhead” shaped turnarounds. Turnarounds shall be constructed completely within the right-of-way.
 - a. “T” shaped or hammerheads may be used if the cul-de-sac serves less than ten (10) dwelling units. Dimensions of a “T” shaped or hammerhead are sixty (60) feet by twenty (20) feet.



3. The length of a cul-de-sac street shall be measured from the centerline intersection with the through street to the center point of the turnaround.
4. The minimum length shall be two hundred fifty (250) feet. Temporary cul-de-sac streets shall not have a minimum length.
5. The maximum length shall be fifteen hundred (1,500) feet.
6. Any temporary cul-de-sac street designed for access to an adjoining property or for authorized phased development and which is greater than one lot deep shall be provided with a temporary all-weather turnaround. The use of such turnaround shall be guaranteed to the public until such time as the street is extended. Sidewalks along temporary cul-de-sacs must be continued at the same time that the street is continued.
7. When connecting to an existing temporary cul-de-sac, removal of the cul-de-sac paved areas and restoration of the sidewalk and curb system within the right-of-way shall be the responsibility of the connecting developer.
8. Permanent cul-de-sacs with a circular turnaround shall be paved, have a minimum radius of forty two (42) feet without a center island and forty five (45) with a center island.

9. Unless otherwise approved by the Brush Creek Township to be located in the center island, all cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided with a snow removal easement with a width of twenty (20) feet located at the terminus of the cul-de-sac street for plowed snow during the winter months. Designated snow removal areas shall not encroach upon access drives, driveways, trees, fire hydrants, water or gas shutoff valves.



I. Street Names.

1. Continuation of existing streets shall be known by the same name.
2. The proposed new street names shall be acceptable to Brush Creek Township which may include input from the local Post Master and the Fulton County Emergency Management Agency/911.
3. At least two (2) street name signs shall be placed at each four (4) way street intersection and one (1) at each "T" intersection.
4. Signs shall be free of visual obstruction. The design of street name signs should be consistent, of a style appropriate to Brush Creek Township, of a uniform size and color, and erected in accordance with Brush Creek Township standards.
5. Private streets shall be provided with street name signs in conformance with this section. The plan shall note that it is the responsibility of the developer to install the street name signs for private streets.

SECTION 804 TRAFFIC SIGNS.

1. Design and placement of traffic signs shall follow the requirements of Brush Creek Township and PennDOT.
2. Signs shall be free of visual obstruction.

SECTION 805 PARKING FACILITIES

A. Motorized Vehicle Parking Facilities.

1. Size Standards.

- a. Parallel parking shall be a minimum width of seven (7) feet and a minimum length of twenty two (22) feet.
- b. Perpendicular parking shall be a minimum width of eight (8) feet six (6) inches, a minimum length of eighteen (18) feet, and have a minimum aisle width of twenty (20) feet. The parking lot must have a minimum total width of sixty (60) feet from side to side.
- c. Parking space length and width can be increased from minimum sizes where appropriate in accordance with location, use, and turn-over rate.
- d. Encroachments such as columns and light poles may encroach into a module by one (1) foot and affect up to thirty (30) percent of the parking spaces.
- e. Parking Standards⁴:

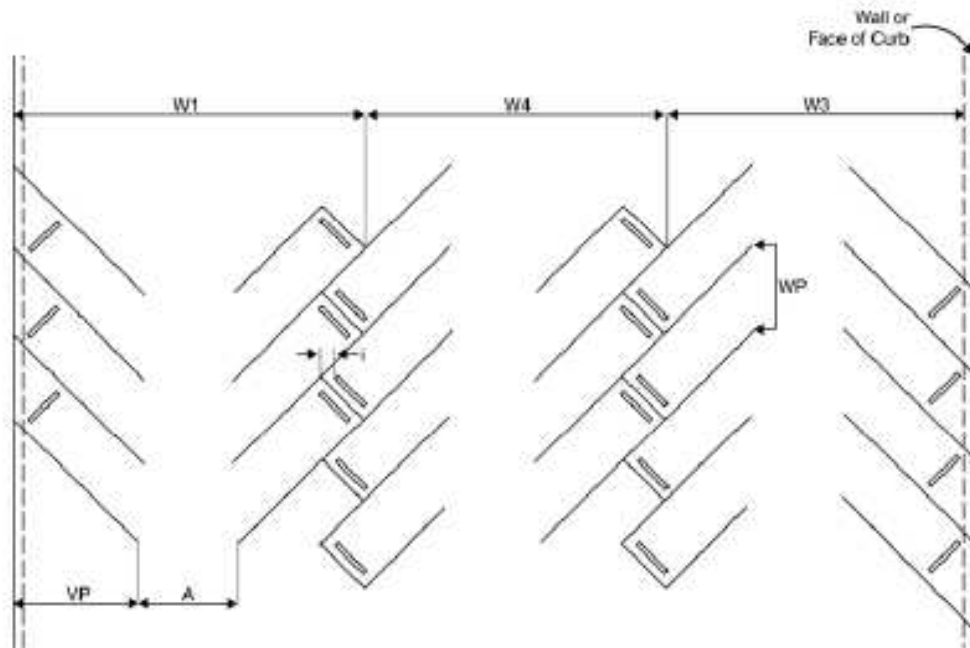
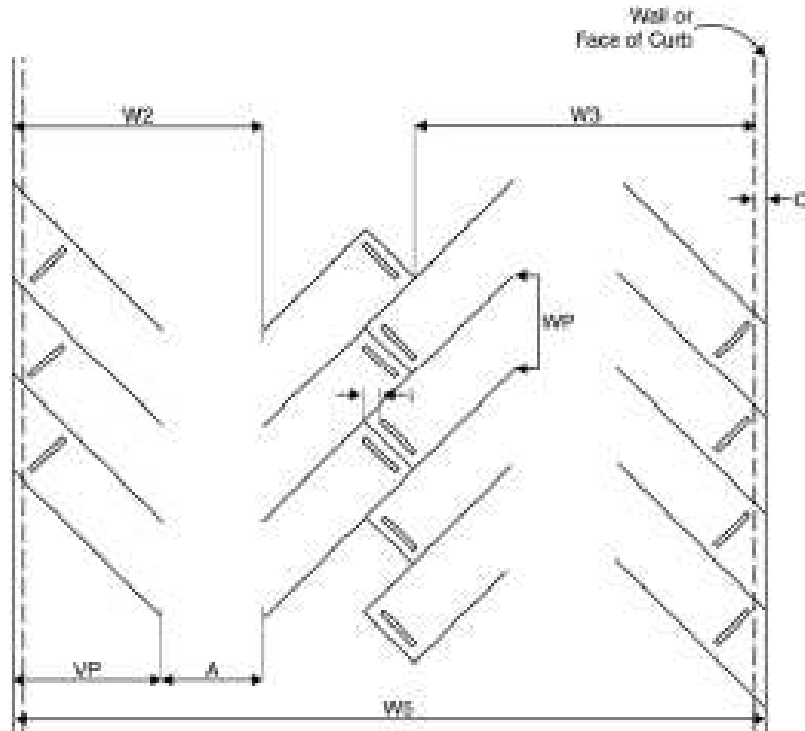
Angle	Vehicle Projection	Aisle Min.	Base Module ¹	Single Loaded	Wall to Interlock	Interlock to Interlock	Curb to Curb	Overhang	Interlock ² Reduction	Stall Width Projection ² Minimum
	VP	A	W1	W2	W3	W4	W5	o	i	WP
45°	17'8"	12'8"	48'0"	30'4"	45'0"	42'0"	44' 6"	1'9"	3'0"	12'0"
50°	18'3"	13'3"	49'9"	31'6"	47'0"	44'3"	45'11"	1'11"	2'9"	11'1"
55°	18'8"	13'8"	51'0"	32'4"	48'7"	46'2"	46'10"	2'1"	2'5"	10'5"
60°	19'0"	14'6"	52'6"	33'6"	50'4"	48'2"	48'2"	2'2"	2'2"	9'10"
65°	19'2"	15'5"	53'9"	34'7"	51'11"	50'1"	50'1"	2'3"	1'10"	9'5"
70°	19'3"	16'6"	55'0"	35'9"	53'7"	52'2"	52'2"	2'4"	1'5"	9'1"
75°	19'1"	17'10"	56'0"	36'11"	54'11"	53'10"	53'10"	2'5"	1'1"	8'10"
90°	18'0"	20'0"	60'0" ³	42'0"	60'0"	60'0"	60'0"	2'6"	0'0"	8'6"

¹ Module is defined as the combined dimension of two parked vehicles and the aisle between them.

² Calculated for 8'6" stall.

³ Base width may not be waived.

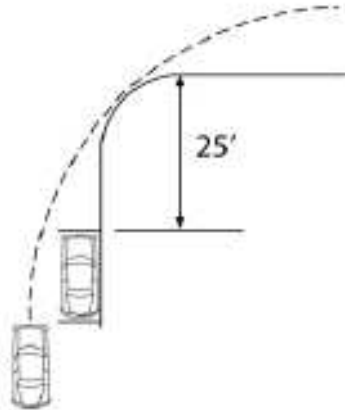
⁴ Parking dimensions for based on design vehicles of 6'7" x 17'0".



2. General Standards

- a. Angled parking may be pull in or reverse (back-in).
- b. Parking spaces for the physically handicapped shall meet the Americans with Disabilities Act (ADA).

- c. Off-street parking areas shall be oriented to, and within a reasonable walking distance of, the buildings they are designed for and consistent with adjacent neighborhoods.
- d. On-street parking on at least one side of the street is encouraged on access drives and proposed streets with speeds equal to or less than thirty (30) mph.
- e. On-street parking shall not be located within twenty five (25) feet of a cartway intersection in order to provide safe sight distance and adequate turning radius for large vehicles.



- f. Parked vehicles adjacent to sidewalks shall not overhang or extend over the sidewalk in a manner that restricts pedestrian circulation. Where such overhang is not restricted by a wheel stop or other device, sidewalks shall have a four (4) foot minimum clearance width from any obstacles.
- g. Not less than a two (2) foot radius of curvature shall be permitted for horizontal curves in parking areas.
- h. All dead end parking lots shall be designed to provide sufficient back-up area for all end stalls.
- i. Painted lines, arrows, and dividers shall be provided and maintained to control parking, and when necessary to direct vehicular circulation.
- j. The typical cross section of any parking compound shall be prepared to meet the following minimum standards:
 - 1) Impervious Surface
 - a) Crushed aggregate based course with a minimum thickness of six (6) inches, as specified in the PennDOT Specifications, Form 408, and its latest revisions, or other PennDOT approved equivalent. Pavement shall consist of a minimum of one and one-half (1-1/2) inches of binder courses and one (1) inch wearing surface. Material shall be equal or superior to PennDOT Specifications for Bituminous Surface Course ID-2 and shall be applied in accordance with the PennDOT Specifications, Form 408, and its latest revisions, or other PennDOT approved equivalent.

2) Permeable Pavement

a) Permeable pavement is encouraged but not required. Permeable pavement shall not be located on heavy industrial sites, fuel/gasoline sales/distribution facilities, sites with expansive soils or shallow depth to bedrock, areas draining to the permeable pavement greater than five (5) acres, and areas with the water table less than two (2) feet below the bottom of the pavement base. Permeable pavement includes paving units, porous asphalt pavement, or porous concrete (using single-sized aggregate and low water content); uniformly graded stone aggregate with void space; filter fabric lining the subsurface beds; and uncompacted (or hand compacted) subgrade. Permeable pavement shall consider the infiltration rate of the soil subgrade under the base. Constant supervision during construction is encouraged as sediment must be kept from the aggregate base.

k. Shared parking is encouraged. The number of parking spaces may be reduced if shown that the uses are compatible with regard to parking needs.

3. Parking Area and Lots Landscaping and Trees

a. For all proposed non-residential, multi-family dwelling, and single family attached uses, a planting strip at least ten (10) feet wide shall be provided between the edge of the street right-of-way and any off-street parking area located within yards which are adjacent to a public street right-of-way. Planting strips between the right-of-way and the parking area shall be landscaped and maintained with ground cover, shrubbery, trees or other landscape or decorative materials across the entire lot, and may include planting screens. Such landscaping species at their mature heights shall not obstruct visibility for traffic entering or leaving the lot or traveling on the public street right-of-way.

b. Surface Parking Areas

1) In parking areas or lots containing more than twenty (20) parking spaces, at least ten (10) percent of the interior parking area shall be landscaped with plantings including one (1) shade tree, a minimum diameter of two and one half (2.5) inches measured at four and one half (4.5) feet above the finished grade, for each five (5) spaces.

2) One (1) internal landscape island shall be provided for every ten (10) parking spaces (or twenty [20] double loaded spaces).

3) No more than twenty (20) parking spaces shall be provided in an unbroken row without the provision of interior landscape islands.

4) At least one (1) shade tree, a minimum diameter of two and one half (2.5) inches measured at four and one half (4.5) feet above the finished grade, shall be provided in each interior landscape island. The remaining area of the required interior landscape islands and/or interior landscape area shall be landscaped with shrubs or perennials, either of which should not exceed two (2) feet in height, or with turf grass.

5) Unless otherwise approved by the Brush Creek Township Engineer for promoting sustainable stormwater management practices, all landscape islands and planting strip areas shall be enclosed by appropriate curbing in

accordance with or a similar device at least six (6) inches wide and six (6) inches in height above the paving surface, acceptable to the Brush Creek Township Engineer.

- c. Additionally, parking lot landscaping, trees, plantings, and screening shall be:
 - 1) Planted with adequate unpaved surface around each for water and air;
 - 2) Free of insect pests and diseases; and
 - 3) Perpetually maintained in a healthy condition by the property owner. Any required planting that dies, is removed, or is severely damaged shall be replaced by the current property owner as soon as is practical considering growing seasons, within a maximum of one hundred fifty (150) days.
 - 4) Parking lot screening shall be provided in accordance herein Article 8 of this Ordinance.

B. Non-Motorized Vehicle Parking Facilities.

Non-motorized vehicle parking facilities shall be provided in accordance with the following regulations when non-motorized vehicle use could occur:

- 1. Bicycle Parking: Bicycle parking facilities for non-residential land uses shall be provided in accordance with the following regulations:
 - a. Each bicycle space shall be equipped with a device to which a bicycle frame and one (1) wheel can be attached using a chain or cable. There shall be adequate separation between adjacent devices to allow bicycles to be attached or removed without moving other bicycles. The devices shall also be suitable for use by bicycles not equipped with kickstands, and the appearance of the device shall be generally consistent with nearby rural development design features.
 - b. Bicycle parking spaces shall be convenient to the use for which they are provided. They shall be visible from at least one (1) entrance to the structure.
 - c. For every fifty (50) vehicular spaces required, three (3) bicycle parking spaces shall be provided, not to exceed a total of nine (9) required bicycle parking spaces.

SECTION 806 DWELLING UNIT IDENTIFICATION.

Prior to the use and occupancy of a lot, each lot or dwelling unit shall be provided with a street number assigned by the Fulton County Planning Commission. The street number shall be visible from the approved street frontage. Where a lot contains multiple building or dwelling units, each building and dwelling unit shall be identified so that emergency services can easily identify the location of every building and dwelling unit in a time of emergency.

SECTION 807 UNDERGROUND WIRING.

- 1. All electric, telephone, television, and other communication facilities distribution lines servicing new developments should be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.
- 2. Lots which abut existing easements or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines,

but the service connections from the utilities' overhead lines shall be installed underground.

3. Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines, preferably along alleys rather than along streets. Trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignments.

SECTION 808 PEDESTRIAN ACCESS AND CIRCULATION

A. Design Guidelines.

1. Sidewalks. Sidewalks are required for all new developments and shall where the median size of the lot areas is equal to or less than fifteen thousand (15,000) square feet and/or median lot width is less than one hundred (100) feet, whichever is less. Additionally, sidewalk may be required in the following circumstances:
 - a. To continue existing sidewalk systems to the terminus of a service area or block.
 - b. To provide access to parking compounds, school bus zones, or recreational areas.
 - c. To provide access to and/or within a commercial, industrial, or other community facilities.
 - d. When sidewalks are required, they shall comply with the following:
 - 1) Sidewalk widths shall be a minimum of four (4) feet.
 - 2) Unless otherwise provided, sidewalks shall be constructed of Class A cement concrete four (4) inches thick, containing steel mesh of six by six by fourteen (6 x 6 x 14) inch gauge, upon a properly prepared subgrade as follows:
 - a) Four (4) inches of AASHTO #57 crushed stone shall be properly compacted using a mechanical tamper.
 - b) Upon the crushed stone, the sidewalks shall be constructed by pouring concrete in separate slabs a maximum of thirty (30) feet in length.
 - c) The slabs shall be completely separated by one-quarter (1/4) inch expansion joint and scored every five (5) feet.
 - 3) Where possible, sidewalks should be sloped towards adjacent pervious surfaces, not adjacent impervious surfaces.
 - 4) Encroachments into the sidewalk shall not result in less than a four (4) foot wide minimum clearance width from any obstacles.
 - 5) Sidewalks shall not exceed a cross slope of two (2) percent.
 - 6) Ramp curb cuts shall be located at all sidewalks intersecting with vehicular travel ways.
 - 7) Marked crosswalks shall be provided within the vehicular travel ways intersecting with sidewalks.
2. Trails.
 - a. Trails shall generally:
 - 1) conform to any applicable Brush Creek Township master park and open space plan, any County-wide trail and recreation master plan, and

appropriate and most recent version of Moving Fulton Forward: Fulton County's Joint Comprehensive Plan, the Fulton County Comprehensive Plan, and/or other applicable plans adopted by Fulton County and/or Brush Creek Township including the Southern Alleghenies Greenways and Open Space Network Plan; and

- 2) connect adjacent developments.
- b. Trail width shall be a minimum of four (4) feet.
- c. Easements ten (10) feet wide are required for trails. Provide a plan note indicating such easement must be five (5) foot on either side of the centerline of the trail as constructed.
- d. Encroachments into the trail shall not result in less than a four (4) foot wide minimum clearance width from any obstacles.
- e. Marked crosswalks shall be provided within the vehicular travel ways intersecting with trails.
- f. Provide a plan note referencing maintenance responsibility of the pedestrian trail.
- g. Pedestrian trails shall connect to an access point.

SECTION 809 PRESERVATION OF NATURAL, HISTORIC, AND CULTURAL FEATURES

A. Intent.

Mature trees, topography, natural drainage ways, and historic sites are a few of the elements that contribute to the distinct character of Brush Creek Township. To protect these features and resources that enhance the local character, new projects shall work within the context and integrity of this environment by preserving natural, historical, and cultural features to the maximum extent possible.

B. Design Guidelines.

New projects should integrate existing natural features, required open space, existing historic structures, and cultural resources located on the site into the overall design and layout of the development.

1. A site analysis shall be submitted using all applicable reports, plans, and maps to determine whether significant natural or other features exist on a site that should be protected, with priority being given to the following areas (which are not listed in order of priority or significance):
 - a. Floodplains, surface drainage swales, bodies of water;
 - b. Wetlands;
 - c. Existing significant trees;
 - d. Historical, cultural, or archeological sites or areas recognized by Brush Creek Township, state, or federal governments as significant;
 - e. Prominent topography; and
 - f. Steep slopes and ridge tops.

2. The proposed building and impervious footprint(s) shall be clearly identified on each plan to identify potential impacts to existing trees, other natural features, historic structures, and cultural resources.

SECTION 810 LANDSCAPING, SCREENING, AND BUFFERING

A. Intent.

Landscaping plants intercept rainfall; reduce stormwater runoff, prevent erosion, and reduce the need for detention. Landscape plants also provide shade and reduce the temperature created by additional impervious surfaces. Plants release moisture back into the environment, improve air quality, and remove contamination from the soil and water by absorbing excess nutrients, filter sediments, and break down pollutants. Planting native plants helps provide habitat, food, and protection for native species and ecosystems. Planting native species generally increases the chance for long term survivability of the plant because they are naturally adapted to local conditions. Planting non-native species and cultivars could be incorporated in designs when they provide a superior plant for spatial constraints found in local site conditions. Existing significant trees which help contribute to the sense of place should be preserved to the maximum extent practical.

B. Design Guidelines

In addition to the landscaping, screening, buffering, and vegetative preservation standards set forth in Brush Creek Township zoning ordinance, landscaping, screening, buffering, and vegetation preservation shall comply with the following:

1. Native and Invasive Planting.

- a. Native plant materials should be incorporated in all designs. The use of native plant material can help improve water quality, provide additional and improved wildlife habitat, and typically adapt to local conditions which then require less maintenance. Native plants must be used near greenways, forested areas, wetlands, and riparian areas.
- b. Except as noted above, non-native plants may be included in place of a native plant if it is not considered invasive and the plant does not introduce pests or diseases. A non-native plant may be incorporated into designs when they prove to be better suited for the soil, environment, or spatial constraints, and integration into the surrounding ecosystem.
- c. The following is a list of invasive plants (trees, shrubs, grasses, flowers, and vines) which shall not be used in any planting schedule:

1) Trees:

Common Name	Botanical Name
Tree-of-heaven	Ailanthus altissima
Norway maple	*Acer platanoides
Sycamore maple	Acer pseudoplatanus
Empress tree	Paulownia tomentosa
Callery pear	*Pyrus calleryana

Common Name	Botanical Name
Siberian elm	Ulmus pumila

2) Shrubs:

Common Name	Botanical Name
Japanese barberry	*Berberis thunbergii
European barberry	Berberis vulgaris
Russian Olive	Elaeagnus angustifolia
Autumn olive	Elaeagnus umbellate
Winged Euonymus	*Euonymus alatus
Border privet	Ligustrum obtusifolium
Common Privet	Ligustrum vulgare
Tartarian honeysuckle	Lonicera tartarica
Standish honeysuckle	Lonicera standishii
Morrow's honeysuckle	Lonicera rorrowii
Amur honeysuckle	Lonicera maackii
Bell's honeysuckle	Lonicera morrowii x tatarica
Common buckthorn	Rhamnus catharticus
Glossy buckthorn	Rhamnus frangula
Wineberry	Rubus phoenicolasius
Multiflora rose	Rosa multiflora
Japanese spiraca	*Spiraeajaponica
Guelder rose	*Viburnurn opulus var. opulus

3) Grasses:

Common Name	Botanical Name
Cheatgrass	Bromus tectorum
Japanekestilt grass	Microstegium vimineum
Maiden grass	*Miscanthus sinensis
Common reed	Phragmites australis
Reed canary grass	Phalaris arundinacea
Johnson grass	Sorghum halepcnse
Shattercane	Sorghum bicolor ssp. drummondii

4) Flowers:

Common Name	Botanical Name
Garlic mustard	Alliaria petiolata
Goutweed	Aegopodium podagraria
Bull thistle	Cirsium vulgare
Canada thistle	Cirsium arvense
Musk thistle	Carduus nutans
Jimsonweed	Datura stramonium
Goatsrue	Galega officinalis
Giant hogweed	Heracleum mantegazzianum
Dame’s rocket	Hesperis matronalis
Purple Loosestrife	Lythrum salicaria, L. virgatum
Eurasian water-milfoil	Myriophyllum spicatum
Star-of-Bethlehem	Omithogallum nutans, umbellatum
Japanese knotweed	Polygonum (Falopia) cuspidatum/ Polgonum sachalinense
Wild parsnip	Pastinaca sativa
Beefsteak plant	Perilla fntescens
Lesser celandine	Ranunculus ficaria
Water chestnut	Trapa natans

5) Vines:

Common Name	Botanical Name
Fiveleaf akebia	Akebia quinata
Porcelain-befy	Ampelopsis brevipedunculata
Oriental bittersweet	Celastrus orbiculatus
Japanese honeysuckle	Lonicera japonica
Kudzu	Pueraria lobata
Mile-a-minute vine	Polygonum perfoliatum

* Species with cultivars that are known to be non-invasive may be acceptable within a planting plan.

2. Shade Trees, Vegetation, and Landscaping.

- a. Any landscaping should create, or be part of the process to create larger landscape patches and corridor ecosystems with larger interior areas and less edge areas. Connectivity to existing landscaping shall be encouraged.

- b. Any existing vegetation that is in appropriate locations, of an acceptable species and quality may be used to fulfill landscaping, screening, and/or buffering requirements.
- c. In order to aid surveillance and minimize the potential for crime, planting shall also be sited, massed, and scaled to maintain visibility of doors and first (1st) or ground floor windows from the street and from within the development to the greatest extent possible. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths.
- d. All plantings shall be performed in conformance with good nursery and landscape practice. Plant materials shall conform to the standards recommended by the American Association of Nurseryman, Inc., in the American Standard of Nursery Stock, ANZIZ60, current edition, as amended.
 - 1) Provide a landscape plan note indicating that the top of the main order root (first [1st] large set of roots that divide from the trunk) shall be planted no lower than one (1) or two (2) inches into the soil.
 - 2) Planting designs are encouraged to share planting space for optimal root growth whenever possible. Continuous planting areas rather than isolated planting boxes are generally encouraged.
 - 3) No staking and wiring of trees shall be allowed without a maintenance note for the staking and wiring to be removed within one (1) year of planting.
 - 4) All trees shall be provided by the applicant in accordance with the following standards:
 - a) The trees shall be nursery grown in a climate similar to that of the locality of the project.
 - b) All trees shall have a normal habit of growth and shall be sound, healthy, and vigorous; they shall be free from disease, insects, insect eggs, and larvae.
 - c) All trees shall have a minimum diameter of two and one half (2.5) inches measured at four and one half (4.5) feet above the finished grade.
 - d) Tree planting depth shall bear the same relationship to the finished grade as the top of the root ball or original grade of origin.
 - 5) All required landscape plants shall be maintained and guaranteed for a length of eighteen (18) months from the date of planting, but shall be perpetually maintained in a healthy condition by the property owner. Any required planting that dies, is removed, or is severely damaged shall be replaced by the current property owner as soon as is practical considering growing seasons, within a maximum of one hundred fifty (150) days.
 - 6) The plant's growth shall not interfere with the street cartway, sidewalk, signage, easements, clear sight triangles, or utility line. Within the clear sight triangle, typical branching shall not be within ten (10) feet of ground level after ten (10) years of growth.
 - 7) No one species shall comprise more than thirty-three (33) percent of the entire number of shade trees in a particular development.
 - 8) Existing significant trees and natural features, such as drainage corridors, shall be preserved to the maximum extent practicable and incorporated into site plans and site design as major amenities.

- a) If a significant tree is designated to be preserved but is removed or substantially damaged during the clearing, grading, or construction, the applicant or developer may be required by Brush Creek Township to replace the removed or damaged tree.
- 9) If shade trees are provided in all land developments which include new streets:
 - a) Shade trees shall not be located farther than forty (40) feet away from the new street right-of-way.
 - b) The number of shade trees shall be based on two (2) shade trees required for every one hundred (100) linear foot of new street measured from the centerline.
 - c) The spacing of trees shall be based on the size of the tree canopy at maturity with trees spaced no closer than thirty (30) feet on center if the tree canopy is less than thirty (30) foot spread at maturity, spaced thirty to sixty (30-60) feet on center if the tree canopy is thirty to fifty (30 -50) feet spread at maturity, and shade trees spaced fifty to one hundred (50-100) feet on center if the tree canopy is over fifty (50) feet spread at maturity. When a less formal arrangement is desired, where more massing is appropriate, or improvements such as benches are located grouping of shade trees is encouraged.
 - d) Other tree species may be used provided acceptable information is submitted to indicate that the species are hardy trees or fits the sites ecosystem. Shade trees shall be one of the following species:

Common Name	Botanical Name	Height/Spread	Drought Tolerances	Soil Type	Soil Acidity/ Aerosol Salt Tolerance	Soil Saturation Preference	Root Pattern	Canopy Structure/ Growth Rate
Red Maple	Acer rubrum	75/35	Moderate	Clay; loam;	Acidic/Low tolerance	Extended to flooding to well drained	Large surface roots	Upright oval canopy/fast growing
Sugar Maple	Acer saccharum	70/40	Sensitive to reflected heat and drought	Sand; loam. Not compacted	Acidic; alkaline/ Not tolerant	Well drained	Often shallow	Dense Oval/ Mod-slow growing
River Birch	Betula nigra	40-50/ 25-35	Moderate	Clay; loam	Acidic	Extended flooding to well drained	Not a problem	Narrow-pyramidal crown/Fast growing when moist
Common Hackberry	Celtis occidentalis	45-80/ 40-50	Highly tolerant	Clay; loam	Tolerant of highly alkaline to moderate acidic	Extended flooding to well drained	Large surface roots	Round/Prune to prevent weak branch crotches
American Yellowwood	Cladrastis kentuckea	30-50/ 40-50	Moderate	Clay; sand; loam	Alkaline; acidic	Occasional wet to well-drained	Surface roots when wet	Round/moderate/ prune structure
American Beech	Fagus grandifolia	40-75/ 40-60	Moderate to low	Sand; loam	Acidic/low tolerance	Needs well-drained	Surface roots/needs space	Very dense oval/ moderate
White ash	Fraxinus Americana	50-80/ 40-60	Moderate	Sand; loam	Alkaline; acidic/highly tolerant	Extended flooding to well-drained	Large surface roots/needs space	Oval/fast growing

Common Name	Botanical Name	Height/Spread	Drought Tolerances	Soil Type	Soil Acidity/ Aerosol Salt Tolerance	Soil Saturation Preference	Root Pattern	Canopy Structure/ Growth Rate
Green ash	Fraxinus pennsylvanica	60-70/ 45-50	Highly tolerant	Sand; loam; clay	Alkaline; acidic/moderately tolerant	Extended flooding to well-drained	Large surface roots develop when confined	Upright/fast; prune structure to develop trunk
Thornless honeylocust	Glenditsia triacanthos inermis	50-70/ 35-50	Highly tolerant	Clay; sand; loam	Alkaline; acidic/highly tolerant	Occasional wet to well-drained	Can grow surface roots	Open oblong
Sweetgum	Liquidambar styraciflua	60-75/ 35-50	Moderate to little	Clay; sand; loam	Acidic/moderately tolerant	Extended flooding to well-drained	Surface roots when moist	Pyramidal/extreme sensitivity to construction
Tuliptree	Liriodendron tulipifera	80-100/ 30-50	Moderate	Sand; loam	Acidic/no tolerance	Well-drained to occasional wet	Not a problem; needs space	Oval/moderate growth
Blackgum/ Sourgum	Nyssa sylvatica	65-75/ 25-35	Highly tolerant	Clay; loam	Acidic/moderately tolerant	Extended flooding to well-drained	Not a problem; deep roots	Pyramidal/slow growth
American Hophornbeam	Ostrya virginiana	25-50/ 25	Tolerant once established	Sand; loam	Poor salt tolerance pH adaptable	Prefers moist when young	Not a problem	Rounded
Sycamore	Platanus occidentalis	75-90/ 50-70	Highly tolerant	Clay; loam; should not dry out	Alkaline; acidic/moderately tolerant	Extended flooding to well-drained	Can grow surface roots	Dense pyramidal/fast growing
White Oak	Quercus alba	60-100/ 60-80	Moderate to low	Sand; loam; should not dry out	Acidic/highly tolerant	Occasional wet to well-drained	Not a problem	Pyramidal/slow growing
Shingle Oak	Quercus imbricaria	40-60/ 40-60	Tolerant intermittent drought	Rich; deep; well drained	Alkaline soils up to 7.5 pH	Moist	Not a problem	Rounded/transplants well
Chestnut Oak	Quercus Montana	50-60/ 40-60	Highly tolerant	Sand; loam	Acidic/unknown salt tolerance	Well-drained	Root flare when older	Round/moderate growth
Red Oak	Quercus rubra	60-70/ 50-60	Highly tolerant	Sand; loam	Acidic/highly tolerant	Well-drained	Can form large surface roots	Dense; round/fast growth; train into one leader
Swamp White Oak	Quercus bicolor	50-70/ 40-70	Moderate	Clay; sand; loam	Acidic/moderate tolerance	Extended flooding to well-drained	Not a problem	Round/moderate growth; long lived
Basswood/ American Linden	Tilia americana	50-80/ 35-50	Moderate	Sand; loam	Acidic;alkaline/low tolerance	Well-drained	Not a problem; needs space	Dense; pyramidal/ moderate

3. Ground Cover.

Any part of a lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees, shrubs, grasses, and sods.

4. Existing Wooded Areas.

No more than twenty five (25) percent of existing woodlands located in environmentally sensitive areas shall be destroyed or altered. If the applicant can prove that invasive species are within either of these areas, then the percent of woodlands to be removed may be increased to eradicate invasive species.

5. Tree Protection Zone.

- a. Prior to construction the tree protection zone shall be delineated at the dripline of the tree canopy. All trees scheduled to remain shall be marked; however, where groups of trees exist, only the trees on the edge need to be marked. A forty-eight (48) inch high snow fence or forty-eight (48) inch high construction fence mounted on steel posts located eight (8) feet on center shall be placed along the boundary of the tree protection zone.
- b. No construction, storage of material, temporary parking, pollution of soil, or regrading shall occur within the tree protection zone. When there is a group of trees, the tree protection zone shall be based on the location of the outer trees.

C. Buffering and Screening

1. Buffering

- a. Where proposed non-residential (commercial, industrial, institutional), multi-family dwelling, and single family attached dwelling uses abut a lot with an existing single family detached or two family detached dwelling, the aforementioned non-residential, multi-family dwelling, and single family attached dwelling uses shall provide a twenty (20) foot wide buffer yard and screening. The buffer yard and screening shall be provided on the lot proposed for development and extend the entire length or width of the lot line abutting the single family detached or two family detached dwelling lots as required herein above.
- b. All buffer yard areas shall be planted and maintained with vegetative cover and material, and where required, screen plantings no less than eighty (80) percent opacity shall be planted and maintained to the full length or width of the required buffer yard.
- c. Buffer yards may coincide within any required building setback and yard requirements.
- d. Buffer yards shall be landscaped and provided with screening, and shall be free of and not encroached upon by buildings; structures; dumpsters and refuse containers; commercial or industrial sales, storage and display; manufacturing or processing activity; materials; loading and unloading areas; and vehicle parking, sales, and display. Signs shall be permitted in a buffer yard abutting a street right-of-way.
- e. Buffer yards may be crossed by access drives, driveways, sidewalks, or easements with a maximum width of thirty-five (35) feet, provided that the centerline of access drive, driveway or easement crosses the lot line and buffer yard at not less than seventy-five (75) degrees; however, no turning or maneuvering of vehicles shall be permitted in the buffer yard area.

2. Screen Planting

- a. Each buffer yard shall include screen plantings located in the exterior portion of the required buffer yards, extending the length or width of the lot line in accordance with the following requirements:
- 1) Plant materials used in screen planting shall be at least four (4) feet in height (measured from the finished grade) when planted, shall be planted no more than three (3) feet apart, and be of such species as will produce, within three (3) years, a complete year-round visual screen of at least six (6) feet in height.
 - 2) The screen planting shall be maintained permanently in a healthy condition. Any landscaping that dies or is severely damaged shall be replaced by the current property owner as soon as is practical considering growing seasons, within a maximum of one hundred fifty (150) days.
 - 3) The screen planting shall be so placed that at maturity it will be not closer than two (2) feet from any street right-of-way or property line.
 - 4) In order to aid surveillance and minimize the potential for crime, planting shall also be sited, massed, and scaled to maintain visibility of doors and first (1st) or ground floor windows from the street and from within the development to the greatest extent possible. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths. A clear sight triangle shall be maintained at all street intersections and at all points where access drives and driveways intersect public streets.
 - 5) The screen plant screen shall be interrupted only at:
 - a) approved points of approximately perpendicular [not less than seventy-five (75) degrees] vehicle or pedestrian ingress and egress to the lot;
 - b) locations necessary to comply with safe sight distance requirements; and
 - c) locations needed to meet other specific State, Brush Creek Township and utility requirements.
 - 6) Trees and shrubs that are used in the planting of a buffer yard and elsewhere on the lot shall be in accordance with those identified herein this Section.
 - a) American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements. If more than twenty (20) evergreen plants are proposed, no more than fifty (50) percent shall be of one species.
 - 7) Screen plantings shall be provided between the lot line and any off-street parking area and any outdoor solid waste storage and refuse area for any proposed non-residential, multi-family dwelling, or single family attached dwelling use where the parking area or solid waste storage and refuse area abuts a lot occupied by a single family detached or two family detached use.
 - 8) Fencing shall be permitted to comprise no more than sixty (60) percent of any screen planting, and shall be placed in the buffer yard on the inside (towards the proposed principal use) of any required plant screening

- 9) Earthen berms shall be permitted to comprise a portion of the required screen planting, and although earthen berms may vary in height and width, shall not be less than six (6) feet in height including plantings.
- 10) The Brush Creek Township Supervisors may waive the screen plantings requirements where, in the sole opinion of Brush Creek Township, the applicant has demonstrated that an adequate natural or man-made physical barrier exists that would provide similar or better results.

SECTION 811 LIGHTING

A. Purpose.

The purpose of this section is to set minimum standards for outdoor lighting which:

1. Provide lighting standards in outdoor public places where public health, safety, and welfare are potential concerns.
2. Control glare from non-vehicular light sources that impair safe travel.
3. Protecting neighbors and the night sky from nuisance glare and stray light from poorly aimed, placed, applied, maintained, or shielded light sources.
4. Protecting and retaining the rural character of Brush Creek Township.
5. Lighting can be provided by fixtures that do not require the installation of electrical lines provided that the illumination standards required by this Section are met and that the fixture type is noted on the plans to be recorded.

B. Applicability.

- C. Outdoor lighting within certain development or areas may be required for safety and personal security in areas of public assembly and travel. Brush Creek Township may require lighting to be incorporated for other uses or locations as they deem necessary. The glare control requirements herein contained apply to lighting in all above mentioned uses as well as sign, architectural, landscaping, and residential lighting.

D. Design Guidelines.

1. Lighting shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook. Future amendments to said recommended practices shall become a part of this Ordinance without further action of Brush Creek Township. Examples of intensities for typical outdoor applications, as extracted from the 8th Edition of the Lighting Handbook, are presented below:

Use	Task	Maintained Footcandles ¹	Uniformity Ratio ² (Max.:Min.)
Streets	Local Residential	0.4 Min.	6:1
	Local Mixed Use	0.65 Min.	6:1
	Local Non-Residential	0.9 Min.	6:1
Parking: Multi-Family (and single family attached on 1 lot) Residential & Mixed Use	Low Vehicular/Pedestrian Activity	0.2 Min.	4:1
	Medium Vehicular/Pedestrian Activity	0.6 Min.	4:1
Parking: Non-Residential	High Activity (e.g., regional shopping centers/fast food restaurant facilities, major athletic/ civic/cultural events).	0.9 Min.	4:1
	Medium Activity (e.g., community shopping centers, office parks, hospitals, commuter lots, cultural/civic/recreational events).	0.6 Min.	4:1
	Low Activity (e.g., neighborhood shopping, industrial employee parking, schools, church parking).	0.2 Min.	4:1
Walkways and Bikeways		0.5 Min.	5:1
Building Entrances and Signs		4.0 Avg.	-

¹. Illumination levels are maintained horizontal Footcandles on the task, e.g., pavement or area surface.

². Uniformity ratio is a measure of the dispersion of light on an area. The ratio is measured as maximum light level to minimum light level. Example: 4:1 for the given area, the maximum level of illumination should be no less than 4 times the minimum level of illumination (0.2 x 4 = 0.8 maximum light level)

2. Dedicated lighting fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to Brush Creek Township. Dedicated and non dedicated lighting fixtures shall meet the following standards:
 - a. For lighting horizontal tasks such as roadways, sidewalks, entrance, and parking areas, fixtures shall meet IESNA fully shielded criteria (no light output emitted above ninety (90) degrees at any lateral angle around the fixture). Individual fixtures whose aggregate lamp output does not exceed one thousand eight hundred (1,800) lumens (typical household outdoor lighting) are exempt from this requirement.
 - b. Fixtures shall be equipped with, or be modified to, incorporate light directing and/or shielding devices such as shields, visors, skirts, or hoods to redirect offending light distribution and/or reduce direct or reflected glare. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
 - c. The use of floodlighting, spotlighting, wall-mounted fixtures, decorative globes and spheres, and other fixtures not meeting IESNA full-cutoff criteria shall be permitted only with the approval of Brush Creek Township, based upon applicability in retaining the character of Brush Creek Township and achieving acceptable glare control.

3. Control of Nuisance and Disabling Glare

- a. All outdoor lighting shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely travel.
 - b. Unless for safety, security, or all-night operations, lighting shall be controlled by automatic switching devices to permit extinguishing between eleven (11) p.m. and dawn.
 - 1) Lighting proposed for use after eleven (11) p.m., or after the normal hours of operation, shall be reduced by an average of seventy-five (75) percent from that time until dawn, unless supporting a specific purpose.
 - c. Vegetation screens shall not be employed to serve as the primary means for controlling glare.
 - d. The intensity of illumination projected onto an existing residential use from an existing property boundary shall not exceed one tenth (0.1) vertical footcandles, measured at the existing property line at a height of five (5) feet
4. Installation
- a. Electrical feeds to lighting standards shall be run underground, not overhead.
 - b. Pole mounted fixtures shall not be mounted in excess of twenty five (25) feet high.
 - c. Lighting standards in parking areas shall be placed outside paved areas or on concrete pedestals at least two and one half (2.5) feet high above the pavement, or by other approved protective means.
5. Brush Creek Township reserves the right to conduct a post installation nighttime inspection to verify compliance with the requirements of this Ordinance and, if appropriate, to require remedial action at no expense to Brush Creek Township.
6. Brush Creek Township must accept dedication of street lighting facilities located within the right-of-way of a street to be dedicated to Brush Creek Township.
- a. Until such time as the street lighting is dedicated, the developer of the tract (who has escrowed the street lighting) will be responsible for any and all costs associated with each streetlight. Such costs shall include, but not be limited to: administration, placement, and maintenance. Electrical charges shall be the responsibility of Brush Creek Township at the issuance of the first (1st) building occupancy permit within the development.
 - b. Streetlights not dedicated to Brush Creek Township will remain the responsibility of the developer or appropriate private entity including all costs and responsibilities for the lighting in perpetuity.

SECTION 812 EASEMENTS

A. General.

All easements including by way of example and not limitation; sanitary sewer facilities, stormwater drainage facilities, public or private utilities, access and/or pedestrian access shall meet the standards found in this Section.

B. Design Guidelines.

1. To the fullest extent possible, easements shall be centered on property lines.
2. Nothing shall be placed, planted, set, or put within the area of an easement that would adversely affect the function of the easement.
3. Indicate on the plans all proposed and existing easements of record and indicate their location and width. All structures located within the easement shall be indicated. Note the recording information on the plan of record.
4. To the fullest extent practical, utilities and pedestrian paths should be centered within an easement. However, due to unexpected on-lot conditions, utility and pedestrian locations may be flexible within the easement.
5. All utility companies are encouraged to use common easements. Utility easements shall be based on the width required by the utility authorities but shall have a minimum width of ten (10) feet. Utility easements shall be located within the street right-of-way, preferably along alleys, or within the building setback line.
6. Where pedestrian access is provided outside of a street right-of-way, pedestrian easements shall have a minimum width of ten (10) feet.
7. The applicant shall reserve easements where stormwater management and surface water facilities exist or are proposed when located within the boundaries of the subject tract. The applicant proposing to alter existing stormwater management facilities on adjacent and/or downstream properties shall obtain a temporary construction easement or a permanent easement and maintenance responsibilities shall be established, to the extent feasible.

When the proposed stormwater management system will utilize or be integrated into an existing stormwater collection or conveyance system, the existing facilities shall be improved to the standards of this Ordinance and/or in accordance with the Stormwater Management Ordinance of Brush Creek Township, Fulton County, PA relating to grading / stormwater management. The applicant shall determine the impacts of any proposed improvements of the existing system to downstream properties. If the improvements will cause adverse impacts on downstream properties, the applicant shall mitigate such impacts.

SECTION 813 SURVEY MONUMENTS AND MARKERS

A. Monuments Shown on Final Plan.

The location of all existing and proposed monuments, lot line markers, property corners, and drill holes shall be shown on the final plan. Those that are proposed shall be labeled as such. Drilled holes in curbing shall be referenced mathematically to a point on the right-of-way line.

B. New Monuments.

Three (3) monuments shall be spaced around the proposed project with precise bearings and distances labeled which reference those monuments to known property corners.

1. Two (2) such monuments shall be consecutive corners along street rights-of-way and the third (3rd) may be placed either on the boundary or internal to the site.
2. Longitude and latitude coordinates of the monuments shall be shown on the recorded plan.
3. If GPS technology is used, it shall be rectified and calibrated to the State Plane Coordinate System, North American Datum (NAD) 1983.
 - a. Monuments must be readily accessible and clear of overhead obstructions.
4. A computer readable point file including property lines, corners, rights-of-way, and easements for the site shall be submitted to Brush Creek Township prior to plan recordation.

C. Monument Materials.

Monuments shall be of concrete or stone, with a flat top having a minimum width or diameter of four (4) inches and a minimum length of thirty (30) inches. Concrete monuments shall be marked with a three-quarter (3/4) inch copper, brass dowel, or drill hole; stone or precast monuments shall be marked on the top with a drill hole.

D. Existing and Proposed Property Line and Right-of-Way Markers.

Markers shall be set at all points where lot lines intersect curves, at all angles in property lines, at the intersection of all other property lines, and at the street right-of-way.

E. Marker (Pin) Materials.

1. Markers shall consist of iron pipes or steel bars at least thirty (30) inches long and not less than five-eighth (5/8) of an inch in diameter.
2. Drill holes shall be drilled in concrete curbs (with or without PK nails or discs) having a minimum diameter of one-quarter (1/4) inch. The depth of the holes shall be such that a PK nail or disc, if used, can be set in as close to the surface of the curb as possible. Minimum depth without the use of PK nail or disc shall be one-half (1/2) inch. In the absence of PK nails or discs, chisel or saw marks shall be used to facilitate and identify the drill hole locations.

F. Certification of Monuments and Markers.

1. All monuments, markers, and drilled holes shall be placed by a the qualified professional land surveyor licensed to practice in the Commonwealth of Pennsylvania so that the scored marked point, or center of the drilled hole shall coincide with the point of intersection of the lines being monumented or marked.
2. Provide a note on the plan indicating when the monuments and markers are to be set.

SECTION 814 SANITARY SEWAGE DISPOSAL

A. Sanitary Sewage Disposal.

1. The applicant shall provide the type of sewage facility consistent with current plans, including but not limited to the Moving Fulton Forward: Fulton County's Joint

Comprehensive Plan, the Fulton County Comprehensive Plan, Brush Creek Township Act 537 Plan, as well as existing physical, geographical and geological conditions.

- a. The following types of sewage facilities are listed in order of general desirability:
 - 1) Public Sewage System
 - 2) Private Community Sewage System
 - 3) Community On-Lot Sewage System
 - 4) Individual On-Lot Sewage System
 - 5) Individual Sewage System
 - a) In order to promote the effective and efficient use of sewer systems and be environmentally sensitive, there shall be no extension of an existing sewer system outside of a designated sewage service area set forth in a municipal sewage facilities plan adopted pursuant to Act 537. However, if a sewer exists within the right-of-way adjacent to a site or within an easement on the site, then the development should, if practical, utilize the public or private sewage facility.
2. When the project is within an area planned for sewer service by a sewage facilities plan adopted pursuant to Act 537, the Brush Creek Township Supervisors may require installation of a capped system within the road right-of-way. If required, Brush Creek Township or authority shall inspect the capped system and accept dedication.
3. Approval by the authority or (Insert Name of Municipalities) of the sewage facilities shall be received and submitted to Brush Creek Township prior to final plan recording.
4. Where on-site sanitary wastewater disposal facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary subsurface wastewater disposal system at a safe distance from building and water supply in accordance with Title 25, Chapter 73, Rules and Regulations of DEP, as amended. If applicable, each lot shall contain a suitable location for the installation of an initial individual on-lot sewage system and to the extent that such technology requires such component under DEP regulations, shall also contain a suitable location for a replacement on-lot sewage system. Testing by the sewage enforcement officer to prove that each lot is suitable for on-site wastewater disposal shall be completed prior to the submission of the final plan.
 - a. The applicant shall provide evidence of approval from DEP prior to recording of the final plan.
 - b. If the primary sewage facility fails, connection to a private secondary sewage facility shall occur as soon as available.
 - c. Provide a note on the plan indicating any restrictions regarding nitrate plume easements created by the subdivision and land development plan.

SECTION 815 WATER SUPPLY

A. Intent.

The applicant shall provide the type of community water supply system consistent with current plans, including but not limited to the Moving Fulton Forward: Fulton County’s Joint Comprehensive Plan, the Fulton County Comprehensive Plan as well as existing physical, geographical and geological conditions.

B. Design Guidelines.

1. The following types of water supply systems are listed in order of general desirability:
 - a. Publicly owned community water supply systems.
 - b. Privately owned community water supply systems.
 - c. Private owned, individual well when a community water supply system is not accessible.
2. Applicants shall submit to the Brush Creek Township Supervisors documentation in the form of a copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission and/or private water utility authority that the project is located in an area served by a public utility and a statement that the utility has the capacity to serve the project at this time; or a cooperative agreement or an agreement to serve the project from a bonafide cooperative association of lot owners or from a municipal corporation, authority, or utility.
3. Fire hydrants shall be provided whenever the water supply system contains sufficient capability or is planned to have such capability within two (2) years from the date of final plan approval.
 - a. The location and kind of fire hydrant shall meet the specifications of the local municipal regulation.
 - b. Fire hydrant location(s) shall be submitted prior to final plan approval.
4. When a private well is proposed on the same site as an on-site privately owned community sewage system or an individual sewage system, a one hundred (100) foot buffer shall be provided around the well or more as required by DEP. Each lot so served shall be of a size and shape to accommodate an adequate water quantity and quality.
 - a. If the well is sited within one hundred (100) feet of the property boundary, the applicant must notify affected landowners, via certified mail, of the proposed encroachment of the buffer area. If the well is sited within one hundred (100) feet of an active agricultural operation or land area, the notification must explain that the isolation buffer may affect the agricultural nutrient management plan of the adjacent farm operation.
5. When a new private water supply system is proposed for development, a copy of the approval of such system by the appropriate agency or utility company that provides the service shall be submitted with the final plan. Suitable agreements shall be established for the ownership and maintenance of such a distribution system.

6. Prior to installation of any new water system or the subdivision of land into lots which would be served by individual wells in areas or in proximity to areas of known groundwater contamination or inadequate yields of potable supplies, aquifer and water quality tests shall be performed pursuant to Sections 702 and 703 of this Ordinance.

SECTION 816 STORMWATER MANAGEMENT

A. Stormwater Management.

1. In addition to the provisions set forth in the Stormwater Management Ordinance of Brush Creek Township, Fulton County, PA relating to grading / stormwater management, and unless otherwise specified the Stormwater Management Ordinance of Brush Creek Township, Fulton County, PA., the applicant shall also provide stormwater management facilities that:
 - a. Permit the unimpeded flow of natural watercourses;
 - b. Ensure the drainage of all low points along the line of streets and other applicable areas;
 - c. Intercept, retain, or detain surface water runoff in a manner reasonably related to the extent and grade of the area drained;
 - d. Provide positive drainage away from buildings;
 - e. Limit twenty-five (25) year storm post-development runoff to two (2) year storm pre-development volumes and velocities.
2. The applicant shall submit a stormwater management plan in accordance with the provisions of the Stormwater Management Ordinance of Brush Creek Township, Fulton County, PA relating to grading/stormwater management. Action on the stormwater management plan shall be made in conjunction with the development plan.
3. In addition to the generally accepted stormwater BMPs and concepts, additional stormwater management considerations should include the following:
 - a. The existing points of natural drainage discharge onto adjacent property shall not be altered without written approval of affected landowners.
 - b. Stormwater runoff or natural drainage water shall not be diverted so as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the applicant for properly handling such conditions.
 - c. Facilities for storm drainage shall be designed to handle the anticipated peak discharge from the property being developed as well as to handle anticipated increase runoff that will occur when all the property at a higher elevation in the same watershed is developed.
 - d. Where a watercourse runs across or through a development, a drainage easement, which conforms with the line of such watercourse, shall be provided at such a width as well be adequate to preserve the unimpeded flow of natural drainage.
 - e. All drainage structures that are located in rights-of-way of state highways shall be approved by PennDOT and a letter for approval shall be provided.

- f. All streets shall be designed so that surface water is discharged from their rights-of-way.
 - g. Storm drainage facilities, as required, shall be placed in front of the curb or curblin when located in a street right-of-way. When located in undedicated land, such facilities shall be placed within an easement.
 - h. Street drainage shall not be permitted to cross intersections or crown of the road.
 - i. Stormwater roof drains shall not discharge water directly over a sidewalk.
 - j. Stabilized outlets shall be provided for footer drains, flood drains, and downspouts.
 - k. No person shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any stream or watercourses without having obtained prior approval from Brush Creek Township and/or DEP or other regulatory agency, whichever is applicable.
4. Whenever the evidence available to Brush Creek Township indicates that the natural surface drainage is inadequate and/or generally accepted stormwater BMPs and concepts determined not feasible, the developer shall install a stormwater sewer system in accordance with approved plans and profiles. The system shall be designed by qualified professional engineer licensed to practice in the Commonwealth of Pennsylvania and approved by the form Brush Creek Township Engineer. The developer shall submit engineering calculations upon the size of conduits, culverts, and other portions of the proposed storm sewer system have been based.
- a. Pipe.
 - 1) Pipes shall be constructed in accordance with the specifications as set forth in PennDOT Publication 408, as amended.
 - 2) Pipes shall be corrugated galvanized metal pipe (CMP) helical in design unless otherwise specified.
 - 3) All pipe joints shall be connected with metal bands.
 - 4) Pipes shall be placed on class B bedding.
 - 5) Pipe gauge shall be in accordance with approved engineering calculations. Minimum pipe gauge for CMP shall be sixteen (16) gauge.
 - 6) Pipe sizes shall be in accordance with that shown on approved drawings. Minimum pipe size shall be fifteen (15) inches in diameter.
 - 7) Pipe shall be constructed and set to line and grade as shown on approved drawings.
 - b. Inlets.
 - 1) Inlets shall be constructed in accordance with the specifications as set forth in PennDOT Publication 408, as amended, and detailed in Roadway Construction Standard Drawings (RC-34).
 - 2) Inlet tops shall be precast concrete top units with a ten (10) inch hood or equivalent in order to place inlet in a two (2) inch sump conditions, and shall be compatible with type of curbing installed.
 - 3) Inlet boxes shall be precast concrete box units.

- 4) All inlets shall have weep holes placed at the appropriate elevations to completely drain the subgrade prior to place the base course and surface course.

c. Manholes

- 1) Manholes shall be constructed in accordance with the specifications as set forth in PennDOT Publication 408, as amended, and detailed ion Roadway Construction Standard Drawings (RC-39).
- 2) Manholes shall be precast concrete units.

SECTION 817 HAZARDS ASSOCIATED WITH CARBONATE ROCKS

A. Hydrogeologic Report Required.

When, in the opinion of the Brush Creek Township Supervisors, there is a probable likelihood that a project will affect or be affected by carbonate geologic hazards the Brush Creek Township Supervisors shall require submission of a hydrogeologic report pursuant to Article 7 of this Ordinance.

B. Specifications for Sanitary Sewer Systems.

All subdivisions and land developments with individual subsurface disposal systems (on-Lot systems) proposed shall provide an aquifer test. Development that in the opinion of the Brush Creek Township Supervisors that poses significant risks in stimulating the formation of sinkholes or in causing hydrologic connection of contaminated surface water with subsurface aquifers shall provide an aquifer test.

C. Specifications for Storm Water Management Basins.

1. The design of all storm water management facilities over the following features shall include an evaluation of measures to minimize adverse effects and shall be constructed to minimize those effects.
 - a. Sinkholes.
 - b. Closed depressions.
 - c. Lineaments in carbonate areas.
 - d. Fracture traces.
 - e. Caverns.
 - f. Ghost lakes.
 - g. Disappearing Streams.

PART 9 - MOBILE HOME PARKS, CAMPGROUNDS, AND RECREATIONAL VEHICLE PARKS

SECTION 900 GENERAL

- A. The standards in this Part shall be applied in addition to the other requirements of this Ordinance, in evaluating applications for mobile home parks, and campgrounds and recreational vehicle parks.
- B. Applicants shall be responsible for obtaining all necessary permits and approvals from the Pennsylvania Department of Labor and Industry, DEP, Department of Health, and other applicable local, state, and federal agencies.
- C. In reference to individual mobile home units and related lot area and other dimension standards and regulations set forth in this Part, such regulations and standards shall apply to individual mobile home units, whether on a common lot or on individual lots.

SECTION 901 MOBILE HOME PARKS

- A. Density, Dimensional and General Standards
 - 1. The minimum tract size for a Mobile Home Park development shall be ten (10) acres.
 - 2. The minimum tract width of a Mobile Home Park development shall not be less than two hundred fifty (250) feet.
 - 3. Mobile Home Parks shall be designed to serve the long-term placement of mobile homes.
 - 4. The maximum number of mobile home units within a Mobile Home Park shall not be more than seven (7) units per acre of the total area of the Mobile Home Park.
 - 5. The minimum depth of the lots for individual mobile home units within a Mobile Home Park shall not be less than ninety (90) feet or equal to the overall length of the mobile home unit to be placed on the lot plus thirty (30) feet, whichever length is greater.
 - 6. The minimum width of lots for individual mobile home units within a Mobile Home Park shall not be less than sixty (60) feet and those lots intended for doublewide mobile home units shall not be less than eighty-five (85) feet in width.
 - 7. The minimum lot size for individual mobile home units within a Mobile Home Park shall not be less than six thousand three hundred (6,300) square feet of area and lots intended for doublewide mobile home units shall not be less than seven thousand six hundred fifty (7,650) square feet in area.
 - 8. The minimum distance between mobile home units in the Mobile Home Park shall not be less than twenty-five (25) feet.
 - 9. Mobile home units within the Mobile Home Park shall be situated so that no mobile home unit will be placed less than fifty (50) feet from any exterior boundary of the park.

10. Each lot for individual mobile home units in a Mobile Home Park shall have a number placed on the lot in the form of a sign or directly on the mobile home unit, that is clearly visible from the road on which the structure fronts.
11. The longitudinal gradient and cross slope of any Mobile Home Park shall not exceed five (5) percent and the slope of the individual lot pad areas shall not exceed three (3) percent.
12. Each mobile home lot pad area shall be provided with a concrete patio of a minimum of two hundred (200) square feet.
13. All Mobile Home Parks shall be landscaped in accordance with Article 8 of this Ordinance.

B. Site Layout

1. Mobile homes units within the Mobile Home Park are preferably to be placed off-center on the lots so as to provide a larger usable open space in one section of the lot.
2. Groups or clusters of mobile home units shall be placed, whenever feasible, to create interior spaces and courtyards.
3. There shall be variety in the arrangement and orientation of mobile home units, with particular attention given to topography and existing trees.
4. Mobile Home Parks shall be designed so that all lots and streets are well drained and free of standing water, and designed in accordance with the stormwater management requirements of Article 8 of this Ordinance.
5. Mobile Home Parks shall provide landscaping and buffer plantings along the exterior/boundary property lines of the Mobile Home Park in accordance with Article 8 of this Ordinance.

C. Streets and Access

1. All mobile home lots and units shall abut on the internal street system of the Mobile Home Park.
2. All streets within a Mobile Home Park shall be centered in a minimum fifty (50) foot right-of-way.
3. Where mobile home lots are created having frontage on an existing street, the Mobile Home Park street pattern shall provide reverse frontage access to an interior street within the Mobile Home Park in accordance with Article 8 of this Ordinance.
4. All streets within Mobile Home Parks shall be constructed and paved in accordance with the applicable design standards of Article 8 of this Ordinance.
5. All streets shall be private, and the maintenance, repair, and rehabilitation for adequate and safe ingress and egress shall be the responsibility of the Mobile Home Park owner(s).

D. Off Street Parking Areas and Sidewalks

1. Each mobile home unit shall have two (2) off-street parking spaces.
2. Additional parking spaces for vehicles of non-residents shall be provided at the rate of one (1) space for every three (3) mobile home units. Such parking spaces shall be provided through off-street common parking areas and shall be in locations that are sufficiently dispersed throughout the Mobile Home Park to serve all mobile home units.
3. All Mobile Home Parks shall provide safe, convenient, all season sidewalks and/or pedestrian walkways between the mobile home units, streets and all community facilities for park residents.

E. Sewage Disposal, Water Supply and Other Utility Requirements

1. All Mobile Home Parks shall be provided with public or central sewer disposal and water supply service in accordance with Article 8 of this Ordinance.
2. Each mobile home unit shall be provided with a suitable method for connecting the sewage drain outlet to the sewer line. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy a lot. Surface drainage shall be diverted away from the riser and the rim of the riser pipe shall be encased in a waterproof catch basin.
3. Each mobile home unit shall have a water riser pipe to connect the mobile home water system to the central or public water system serving the park.
4. All utilities within a Mobile Home Park shall be provided underground to each unit in accordance with Article 8 of this Ordinance.
5. The Mobile Home Park owner(s) shall be responsible for ownership, maintenance, repair and rehabilitation of adequate utilities to each mobile home lot.

F. Illumination Standards

1. All Mobile Home Parks shall be furnished with lighting fixtures so spaced and so equipped with luminaries to provide adequate levels of illumination throughout the park for the safe movement of vehicles and pedestrians.
2. Lighting shall be designed in accordance with Article 8 of this Ordinance.

G. Common Open Space Requirement

1. A minimum of twenty (20) percent of the gross area of the Mobile Home Park shall be set aside and provided as open space area available for the use and enjoyment of residents for varied outdoor recreational uses.
2. Common open space shall be substantially free of structures except for those designed for recreational purposes, and shall be in addition to those areas devoted to meeting any buffer yard requirements of Article 8 of this Ordinance.
3. Common open space areas shall be located and designed so they are easily accessible to residents and so that natural features are preserved.

H. Service Buildings and Facilities

1. Cluster mailboxes shall be installed where approved by the U.S. Postal Service.
 2. Where Liquefied Petroleum Gas (LPG) and/or fuel oil supply systems are on site to supply mobile home lots such outside fuel storage tanks or cylinders shall be securely fastened in place and adequately protected from physical damage.
- I. Fire Protection
1. All Mobile Home Parks shall be provided with fire hydrants that meet the requirements, standards, and recommendation set forth in Article 8 of this Ordinance.
- J. Solid Waste Collection and Disposal
1. All Mobile Home Parks shall be provided with solid waste collection stations at convenient but inconspicuous locations, each serving not more than fifteen (15) mobile home units. They shall consist of self-closing containers placed upon a concrete slab and accessible for truck pick up. They shall be completely screened from view by solid fencing in accordance with Article 8 of this Ordinance.
- K. Miscellaneous Structural Requirements
1. Each mobile home lot pad area shall be improved to provide an adequate frost-free foundation for the placement of the mobile home unit, thereby securing the superstructure against uplift, sliding or rotation. At a minimum, this shall include the provision of a pad or stand which shall be equal to the length and width of the mobile home unit to be used at the site.
 2. Each mobile home pad or stand shall have adequate provision such as anchor bolts and tie-down straps for both “over the top” and “frame tie downs” to assure that each mobile home unit has available a means of securing the structure to the site.
 3. Each mobile home unit shall have a skirt installed that is designed to complement the appearance of the mobile home and is coordinated with other units throughout the Mobile Home Park.
 4. If a hitch or towbar is attached to a mobile home unit for transport purposes it shall be removed and remain removed from the mobile home unit when it is placed on its mobile home foundation, pad, or area.
- L. Plan Notes - The following note shall be placed on all plans for Mobile Home Parks:
- "It shall be the responsibility of the Mobile Home Park owner to maintain all improvements and facilities including but not limited to areas and facilities designated for internal roads, sewage disposal, water supply, stormwater management, open space, and solid waste collection."

SECTION 902 CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS

A. Design Standards

1. The minimum tract size for a campground or recreational vehicle park shall be ten (10) acres.
2. The maximum number of camping or recreational vehicle spaces within each campground shall be no more than fifteen (15) per acre of the total area of the campground or recreational vehicle park.
3. Each camping or recreational vehicle space shall be numbered.
4. All camping or recreational vehicle spaces shall abut and have a minimum of thirty (30) feet of frontage on an internal street of the campground or recreational vehicle park.
5. The minimum size, dimensions and separation from other sites of each camping or recreational vehicle space shall be as follows:
 - a. Primitive tent space – Four hundred (400) square feet (20 x 20)
 - b. Standard tent space – One thousand six hundred (1,600) square feet (40 x 40)
 - c. Recreational Vehicles – Three thousand six hundred (3,600) square feet (60 x60)
6. A minimum of two (2) off street parking spaces shall be provided for each camping or recreational vehicle space within the development; or one (1) space per site with one (1) space for every two (2) camping or recreational vehicle spaces off-site.
7. Each camping or recreational vehicle space shall be provided with individual electrical, sewage, and water connections. These element provisions may be waived for primitive and tent sites.
8. Every campground and recreational vehicle park shall be provided with a public comfort station with showers, restroom facilities and a sheltered drinking fountain in accordance with requirements of the Commonwealth of Pennsylvania including Title 28, Chapter 19 relating to organized camps and campgrounds. (A copy of Chapter 19, "Organized Camps & Campgrounds" is contained in Appendix I of this Ordinance and is available at www.pacode.com.)
9. Every campground and recreational vehicle park shall be provided with a paved sanitary station for the disposal of wastes from vehicle holding tanks. All sanitary stations shall be designed in accordance with PA DEP Sewage Planning requirements and other applicable laws of the Commonwealth.
10. A minimum of ten (10) percent of the gross area of the campground or recreational vehicle park or five hundred (500) square feet per camping space, whichever is greater, shall be set aside for recreation and open space use by all users of the facility.
11. Camping spaces shall be improved to provide an adequate foundation for the placement of a camping unit. Where camping units are intended to include travel trailers, recreational vehicles or other similar portable units, such foundation shall consist of at least a durable, dust free all weather surface.

12. Standard tent sites (non-primitive) shall be provided with a leveling area (tent pad) for the placement of tents.
 13. Camping and recreational vehicle spaces shall be appropriately segregated and buffered to promote safety and compatibility among users, and to eliminate nuisances.
 14. Internal streets shall meet the minimum design and construction requirements for private streets in accordance with Article 8 of this Ordinance with the exception of the following:
 - a. One way drives or roadways shall be no less than twelve (12) feet in travel lane width with four (4) foot shoulders.
 - b. Cul-de-sac streets shall be provided with a turnaround having a minimum radius of forty-five (45) feet.
 - c. With proper stormwater management and drainage to prevent roadway instability and erosion, internal streets in campgrounds may be surfaced with an all weather surface that will provide a mud-free cartway with the permission of the Brush Creek Township Supervisors. However the Brush Creek Township Supervisors may require that the main entrance be surfaced with a pavement treatment to the main office facility.
 15. Sidewalks or pedestrian ways shall be provided to ensure safe pedestrian circulation within the campground or recreation vehicle park to comfort stations, open space areas, and commercial facilities, when offered.
 16. Campgrounds or recreational vehicle parks shall provide landscaping and buffer plantings along the exterior/boundary property lines of the Mobile Home Park in accordance with Article 8 of this Ordinance.
 17. Other ancillary services such as laundry facilities, camp store, grocery, office, bathhouse and caretaker's residence, etc. are permitted, provided that such buildings shall be strictly for the use and convenience of those persons utilizing the campground or recreational vehicle park, and are in conformance with applicable zoning regulations.
- B. Flood Evacuation Plans. Wherever such uses are situated in the regulatory floodplain or known floodprone areas, the campground owner shall ultimately be responsible for evacuation of all units within the campground prior to the occurrence of an anticipated flood. In addition the campground owner/developer shall submit with the plan application and keep on file with Brush Creek Township and the Fulton County Emergency Management Services a Flood Evacuation Plan that includes the following:
1. Narrative description of the manner in which the site will be safely evacuated upon public announcement of a possible flood event by the National Weather Service or Federal, State or local emergency management agencies.
 2. Sufficient evidence that all recreational vehicles, campers, travel trailers, and all temporary occupants will be removed from the regulatory floodplain or known floodprone areas prior to the occurrence of a flood.

3. The designation of an appropriate site to store each unit during the flood emergency. If the designated site area is not owned by the campground owner, a formal agreement to use the lands of others shall be executed.
 4. The name, address and telephone number of the campground owner, individuals designated to remove each unit during a flood emergency and other responsible parties, such as management and maintenance personnel.
 5. Evidence that park rules and regulations require recreational vehicles, campers, travel trailers and similar vehicles to maintain current vehicle registration, be properly maintained and fully operational, and to be transportable and not permanently affixed to the land.
- C. Plan Notes. The following notations shall be placed on the plan:
1. Campgrounds and recreation vehicle parks are designed for intermittent recreational use and recreational vehicles used for full-time residential occupancy shall not be permitted.
 2. It shall be the responsibility of the campground and/or recreational vehicle park owner to maintain all improvements and facilities, including but not limited to areas and facilities designated for internal roads, sewage disposal, water supply, stormwater management, open space, and solid waste collection.

Appendices

APPENDIX A - CERTIFICATIONS

LANDOWNER

A statement duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by all landowners. This statement shall be signed and dated on or after the last change or revision to said plan.

A. Individual - Certification of Ownership, Acknowledgement of the Plan, and Offer of Dedication.

Commonwealth of Pennsylvania
County of Fulton

On this, the ____ day of ____, 20__, before me, the undersigned officer, personally appeared ____ who being duly sworn according to law, deposes and says that he is the ____ of the property shown on this plan, that he acknowledges the same to be his act and plan, that he desires the same to be recorded, and that all streets and other property identified as proposed public property (excepting those areas labeled "not for dedication" are hereby dedicated to the public use.

Signature of Landowner

Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds

My Commission Expires _____.

B. Co-Partnership - Certification of Ownership, Acknowledgement of the Plan, and Offer of Dedication.

Commonwealth of Pennsylvania
County of Fulton

On this, the ____ day of ____, 20__, before me, the undersigned officer, personally appeared ____, being of the firm of ____ who being duly sworn according to law, deposes and says that the co-partnership is the ____ of the property shown on this plan, that the plan thereof was made at its direction, that it acknowledges the same to be his act and plan and desires the same to be recorded, and that all streets and other property identified as proposed public property (excepting those areas labeled "not for dedication") are hereby dedicated to the public use.

Signature of the Individual

Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds

My Commission Expires _____

C. Corporate - Certification of Ownership, Acknowledgement of the Plan, and Offer of Dedication.

Commonwealth of Pennsylvania
County of Fulton

On this, the ____ day of ____, 20__, before me, the undersigned officer, personally appeared ____ being ____ of ____ (Name of Corporation), who being duly sworn according to law, deposes and says that the corporation is the ____ of the property shown on this plan, that he is authorized to execute said plan on behalf of the corporation, that the plan is the act and deed of the corporation, further acknowledges, that all streets and other property identified as proposed public property (excepting those areas labeled "not for dedication") are hereby dedicated to the public use.

Signature of the Individual Corporate Seal

Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds.

My Commission Expires _____.

SURVEYOR, ENGINEER AND/OR LANDSCAPE ARCHITECT STATEMENT OF ACCURACY

A. Survey Certification of Accuracy.

I hereby certify that, to the best of my knowledge, the survey and plan shown and described hereon is true and correct to the accuracy required by the Subdivision and Land Development Ordinance of Brush Creek Township, Fulton County, PA.

B. Storm Drainage Plan Certification.

I hereby certify that, to the best of my knowledge, the storm drainage facilities shown and described hereon are designed in conformance with the Subdivision and Land Development Ordinance of Brush Creek Township, Fulton County, PA and/or the Stormwater Management Ordinance of Brush Creek Township, Fulton County, PA.

C. General Plan/Report Data.

I hereby certify that, to the best of my knowledge, the _____ (title of Plan report data) shown and described hereon is true and correct to the accuracy required by Pennsylvania State Law and by the Subdivision and Land Development Ordinance of Brush Creek Township, Fulton County, PA.

MUNICIPAL APPROVAL

A. Brush Creek Township Supervisors Preliminary Plan Approval Certification

At a meeting on _____, 20__ the Brush Creek Township Supervisors granted PRELIMINARY PLAN APPROVAL of this project, including the complete set of plans marked Sheet(s) _____ through _____ which form a part of the application dated _____, last revised _____. This plan may not be recorded in the office of the Fulton County Recorder of Deeds, nor may any construction be initiated but when combined with the other necessary approvals and permits, grants of authority to install on the public improvements required as part of the plan.

Brush Creek Township Supervisors Signature

Brush Creek Township Supervisors Signature

B. Brush Creek Township Supervisors Final Plan Approval Certification

At a meeting on _____, 20__, the Brush Creek Township Supervisors approved this project, and all conditions have been met. This approval includes the complete set of plans and information that are filed with the Brush Creek Township in File No. _____, based upon its conformity with the standards of the Subdivision and Land Development Ordinance of Brush Creek Township, Fulton County, PA.

Brush Creek Township Supervisors Signature

Brush Creek Township Supervisors Signature

C. Brush Creek Township Engineer Review Certificate

Reviewed by the Brush Creek Township Engineer.

Brush Creek Township Engineer Signature

Date

FULTON COUNTY APPROVAL

A. Fulton County Planning Commission (FCPC) Review Certificate

The Fulton County Planning Commission, as required by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, reviewed this Plan on _____, 20____, and copy of the review is on file at the office of the planning commission in FCPC File No. _____. This certification does not indicate approval or disapproval of the plan by the Fulton County Planning Commission, and the Commission does not represent nor guarantee that this plan complies with the various ordinances, rules, regulations, or laws of Brush Creek Township, the Commonwealth, or the Federal Government.

Chairman Designee signature

Vice Chairman Designee signature

B. Fulton County Recorder of Deeds Certificate

Recorded in the office for Recording of Deeds, in and for Fulton County, Pennsylvania, in Subdivision Plan Book _____, Volume _____, Page _____. Witness my hand and seal of office this _____ day of _____ A.D.20__.

Recorder

APPENDIX B - APPLICATION FOR CONSIDERATION OF A SUBDIVISION AND/OR LAND DEVELOPMENT PLAN

For Municipal Use Only:

File No.: _____
Date of Receipt/Filing: _____
Brush Creek Township Supervisors Meeting
Date: _____

The undersigned hereby applies for approval under the Subdivision and Land Development Ordinance of Brush Creek Township, Fulton County, PA, submitted herewith and described below:

1. Application Classification:

_____ Sketch Plan	_____ Preliminary Plan
_____ Final Plan	_____ Preliminary/Final Plan
_____ Centerline Separation Plan	_____ Consolidation Plan
_____ Revised Subdivision Plan	_____ Lot-Add On Plan
_____ Minor Plan	_____ Waiver/Modification Process

2. Plan Name: _____
Consultant Project No.: _____
Plan Date: _____

3. Project Location: _____

4. Name of Property Owner(s) _____
Address: _____ Phone No.: _____
Source of Title: _____ Account No.: _____

Second Property Owner(s) _____
Address: _____ Phone No.: _____
Source of Title: _____ Account No.: _____

5. Land Use and Number of Lots and/or Units (indicate answer by number):

_____ Single Family Detached	_____ Industrial
_____ Multi-Family Attached	_____ Institutional
_____ Mixed Use	_____ Other (please specify)
_____ Commercial	_____

6. Name of Applicant (if other than Owner(s)) _____
Address: _____ Phone No.: _____

7. Firm that prepared the Plan: _____
Address: _____ Phone No.: _____
Person Responsible for the Plan: _____

8. Zoning District: _____
Is a Zoning Variance, Special Exception, and/or Conditional Use Approval Necessary? Y / N
If Yes, please specify: _____

9. Net Acreage of Parent Tract(s): _____
Gross Acreage of Parent Tract(s): _____
Square Feet of Ground Floor Area: _____
10. Type of Water Supply Proposed:
_____ Public _____ Private Community
_____ Community On-Lot _____ Individual On-Lot
12. Sewage Facilities Plan Revision or Supplement Number: _____
Date Submitted: _____
13. Lineal Feet of New Street: _____
Identify all Street(s) Not Proposed for Dedication:

14. Acreage Proposed for Park or Other Public Use: _____

The undersigned hereby represents that, to the best of his knowledge and belief, all information listed above is true, correct, and complete.

Signature of Landowner or Applicant Date

Signature of Landowner or Applicant Date

.....

We do hereby request the Fulton County Planning Commission review the enclosed Subdivision or Land Development Plan in accordance with the Pennsylvania Municipalities Planning Code, Act 247, of 1968, as amended, Article V, Section 502.

Signature Title Date

.....

For Fulton County Planning Commission Use Only:

FCPC File No.: _____

Date of Receipt: _____

Fulton County Planning Commission Meeting Date: _____

APPENDIX C - APPLICATION FOR CONSIDERATION OF A MODIFICATION

For Municipal Use Only:

File No.: _____
Date of Receipt/Filing: _____
Brush Creek Township Supervisors Meeting
Date: _____

The undersigned hereby applies for approval of a Modification/Waiver, submitted herewith and described below:

1. Plan Name: _____
Plan No.: _____ Plan Date: _____

2. Project Location: _____

3. Name of Property Owner(s) _____
Address: _____ Phone No.: _____
Source of Title: _____ Account No.: _____

Second Property Owner(s) _____
Address: _____ Phone No.: _____
Source of Title: _____ Account No.: _____

4. Specific Section of the Subdivision and Land Development Ordinance of Brush Creek Township, Fulton County, PA for which a modification is requested: _____

The Proposed Alternative to the Requirement:

Justification for the Modification/Waiver:

The undersigned hereby represents that, to the best of their knowledge and belief, all information listed above is true, correct, and complete.

Signature

Date

APPENDIX D - MEMORANDUM OF UNDERSTANDING

**INSTALLATION OF PUBLIC IMPROVEMENTS IN CONJUNCTION WITH PRELIMINARY
PLAN APPROVAL**

This Memorandum of Understanding is entered into by and between the following parties: Brush Creek Township, hereinafter called "(Insert Borough/Township)" and _____, hereinafter called "Developer".

RECITALS:

WHEREAS, Developer has submitted to the (Insert Borough/Township) a plan and application for a subdivision or land development plan located in _____ which is known and designated as _____.

WHEREAS, The (Insert Borough/Township) and Developer desire to set forth their understanding concerning the Developer's agreement and responsibility to install the public improvements and pay the costs involved in processing, inspecting, and reviewing Developer's subdivision and land development plan.

NOW, THEREFORE, intending to be legally bound hereby, the (Insert Borough/Township) and Developer agree as follows:

1. The Developer, at their own cost and expense, shall proceed to perform and complete only those public improvements required by the Developer's subdivision and land development plan, subject to the approval of the plan and specifications by the (Insert Borough/Township).
2. The Developer, prior to the commencement of work, shall provide in writing to the (Insert Borough/Township) a notice of intent to commence construction and to provide an anticipated construction commencement date
3. The (Insert Borough/Township), or its designee, and the Developer shall agree upon a notification procedure and a schedule of field inspections to be made during construction and upon completion of all public improvements.
4. Upon completion of the public improvements, the Developer shall give notice to the (Insert Borough/Township), in writing, to inspect the public improvements. The (Insert Borough/Township) shall inspect the public improvements within ten (10) days and shall approve same if they are completed in accordance with the subdivision or land development plan and acceptable engineering practices. If the (Insert Borough/Township) disapproves, they shall notify the Developer promptly.
5. Developer agrees to reimburse the (Insert Borough/Township) for professional engineering consultant services, and Fulton County Planning Commission services necessitated by the review and approval of the Developer's plans and necessitated by the review and inspection of all required public improvements (both at the plan and installation stages) at the prevailing rate, plus associated itemized expenses, where applicable. It is agreed that professional engineering consultant services, and Fulton

County Planning Commission services shall be payable by developer within forty-five (45) days after the date of invoice and prior to final approval of developer's subdivision or land development plan.

6. Where applicable, developer agrees to reimburse the (Insert Borough/Township) for solicitor services necessitated by the review and approval of the Developer's plan, and necessitated by the review of all required financial security and other agreements. It is agreed the solicitor's services shall be payable within forty-five (45) days after the date of invoice and prior to final approval of Developer's subdivision or land development plan.
7. Notwithstanding the foregoing, Developer reserves the right to contest the amount and/or reasonableness of the fees pursuant to the provisions of the MPC.

IN WITNESS WHEREOF, the parties hence caused this Memorandum of Understanding to be executed, dated this _____ day of 20__.

Brush Creek Township Supervisors

(Notary Seal) DEVELOPER

APPENDIX D-1 - MEMORANDUM OF UNDERSTANDING AND FINANCIAL SECURITY

INSTALLATION OF PUBLIC IMPROVEMENTS IN CONJUNCTION WITH FINAL PLAN APPROVAL

This Memorandum of Understanding is entered into by and between the following parties: : Brush Creek Township, hereinafter called "(Insert Borough/Township)" and _____, hereinafter called "Developer".

RECITALS:

WHEREAS, Developer has submitted to the (Insert Borough/Township) a plan and application for a subdivision or land development plan located in _____ which is known and designated as _____.

WHEREAS, The (Insert Borough/Township) has required and Developer has agreed that public improvements shall be completed by the Developer, as provided in Part 6 of the Subdivision and Land Development Ordinance of Brush Creek Township, Fulton County, PA.

WHEREAS, The (Insert Borough/Township) and Developer desire to set forth their understanding concerning the Developer's agreement and responsibility to install the public improvements and pay the costs involved in processing, inspecting, and reviewing Developer's subdivision or land development plan.

NOW, THEREFORE, intending to be legally bound hereby, the (Insert Borough/Township) and Developer agree as follows:

1. The Developer, at their own cost and expense, shall proceed to perform and complete only those public improvements required by the Developer's subdivision or land development plan, subject to the approval of the plans and specifications by the (Insert Borough/Township).
2. The (Insert Borough/Township), or its designee, and the Developer shall agree upon a notification procedure and a schedule of field inspections to be made during construction and upon completion of all public improvements.
3. Upon completion of the public improvements, the Developer shall give notice to the (Insert Borough/Township), in writing, to inspect the public improvements. The (Insert Borough/Township) shall inspect the public improvements within ten (10) days and shall approve same if they are completed in accordance with the subdivision or land development plan and acceptable engineering practices. If the (Insert Borough/Township) disapproves, they shall notify the Developer promptly.
4. Developer agrees to reimburse the (Insert Borough/Township) for professional engineering consultant services, and Fulton County Planning Commission services necessitated by the review and approval of the Developer's plans and necessitated by the review and inspection of all required public improvements (both at the Plan and Installation stages) at the prevailing rate, plus associated itemized expenses, where applicable. Developer agrees to reimburse the (Insert Borough/Township) for engineering, professional consultant services, and Fulton County Planning Commission

services associated with the As-Built Plan review. It is agreed that professional engineering consultant services, and Fulton County Planning Commission services shall be payable by Developer within forty-five (45) days after the date of invoice and prior to final approval of Developer's subdivision or land development plan.

5. Where applicable, Developer agrees to reimburse the (Insert Borough/Township) for solicitor services necessitated by the review and approval of the Developer's plan and necessitated by the review of all required financial security and other agreements. It is agreed the solicitor's services shall be payable within forty-five (45) days after the date of invoice and prior to final approval of Developer's subdivision or land development plan.
6. Notwithstanding the foregoing, Developer reserves the right to contest the amount and/or reasonableness of the fees pursuant to the provisions of the MPC.

IN WITNESS WHEREOF, the parties hence caused this Memorandum of Understanding to be executed, dated this _____ day of _____, 20__.

Brush Creek Township Supervisors

(Notary Seal) DEVELOPER

FINANCIAL SECURITY

This Financial Security is entered into by and between the following parties:

Brush Creek Township, hereinafter called “(Insert Borough/Township)” and _____, hereinafter called “Developer”.

RECITALS:

WHEREAS, Developer has submitted to the (Insert Borough/Township) a plan and application for a subdivision and land development plan located on _____ which is known and designated as _____.

WHEREAS, The (Insert Borough/Township) and Developer desire to set forth their understanding concerning the Developer’s agreement and responsibility to install the public improvements, provide a financial security, and pay the costs involved in inspecting and approving Developer’s subdivision or land development plan.

NOW, THEREFORE, intended to be legally bound hereby, the (Insert Borough/Township) and Developer agree as follows:

1. The Developer, at their own cost and expense, shall proceed to perform and complete all Public Improvements required by the Developer’s subdivision or land development plan, subject to the approval of the plans and specifications by the (Insert Borough/Township).
2. To assure completion of the public improvements required as a condition for the final approval of the Developer’s subdivision and land development plan, the Developer shall provide for deposit with the (Inset Borough/Township), financial security (consistent with Part 6 of the Subdivision and Land Development Ordinance of [Insert Name of Municipality], Fulton County, PA) in the amount sufficient to cover the costs of all public improvements, including, but not limited to, streets, street signs, sidewalks, curbs, landscaping including shade/street trees, storm drainage for dedication or which affect adjacent properties or streets, sanitary sewer facilities for dedication, water supply facilities for dedication, fire hydrants, lot line markers, survey monuments, and other related facilities. Such security shall provide for, and secure the completion of the public improvements within one (1) year of the date fixed in the subdivision or development plan. The amount of financial security shall be equal to one hundred ten (110) percent of the cost of the required public improvements for which financial security is posted. The cost of the public improvements shall be established by submission to the (Insert Borough/Township) of an estimate prepared by the Developer’s Engineer, subject to review, comment, and approval by the (Insert Borough/Township) or its designees.
3. The (Insert Borough/Township), or its designee, and the Developer shall agree upon a notification procedure and a schedule of field inspections to be made during construction and upon completion of all public improvements.

4. Upon completion of the public improvements, the Developer shall give notice to the (Insert Borough/Township) or its designee, in writing, to inspect the public improvements. The (Insert Borough/Township) or its designee shall inspect the public improvements within ten (10) days and shall approve same if they are completed in accordance with the subdivision or land development plan and acceptable engineering practices. If the (Insert Borough/Township) or its designee disapproves, they shall notify the Developer promptly.
5. Developer agrees to reimburse the (Insert Borough/Township) for professional engineering consultant services, necessitated by the review and approval of the Developer's plans and necessitated by the review and inspection of all required public improvements at the prevailing rate, plus associated itemized expenses, where applicable. It is agreed that engineering, professional consultant services shall be payable by Developer within ten (10) days after the date of invoice and prior to final approval of Developer's subdivision or land development plan.
6. Where applicable, Developer agrees to reimburse the (Insert Borough/Township) for solicitor services necessitated by the review and approval of the Developer's plan(s), and necessitated by the review of all required financial security and other agreements. It is agreed the solicitor's services shall be payable within ten (10) days after the date of invoice and prior to final approval of Developer's subdivision or land development plan.

IN WITNESS WHEREOF, the parties hence caused this financial security to be executed, dated this _____ day of _____, 20__.

Brush Creek Township Supervisors

(Notary Seal) DEVELOPER

APPENDIX E - Reserved for Future Use

APPENDIX F - GENERAL DESIGN GUIDELINES WITH HISTORIC FEATURES

- A. **Size, Scale and Proportion.**

New construction should reflect the dominant proportions, size and scale of buildings comprising the streetscape. The height and width of the front façade should relate to the average height and width of historic buildings. New buildings should be designed within ten percent of the average height of adjacent historic buildings.
- B. **Massing and Shape.**

Building shape, massing, and roof shape of new construction should reflect that found in surrounding buildings.
- C. **Materials and Textures.**

Building materials, textures and treatments should be compatible with surrounding buildings. Where traditional materials, such as brick, stone, and wood are common in the immediate neighborhood, use of these materials on front facades and secondary facades for corner properties is recommended.
- D. **Rhythm and Patterns.**

Design elements of principal facades should reflect the neighborhood patterns. Examples include prevalent vertical or horizontal orientation of elements. Large buildings can be divided into bays to reflect neighborhood rhythms.
- E. **Cornice and Floor-to-Floor Heights.**

Design elements of principal facades should reflect the cornice and floor-to-floor heights, spacing between windows and doors and between windows and cornices or rooflines, or should incorporate detailing to suggest the same. The design should also reflect the dimensions of the façade's base and cornice.
- F. **Windows and Doors.**

The use of window and door openings of size and design typical to the neighborhood is recommended.
- G. **Streetscapes, Orientation and Location.**

New construction should reflect prevailing setbacks, orientation and physical elements, which define streetscapes.

APPENDIX G - CHECKLIST FOR STREET & ACCESS DRIVE DESIGN

STREET NAME: _____ PROJECT NAME: _____
 STATION NUMBER: _____ DATE: _____ SHEET _____ / _____

- | | | |
|--|--|---|
| 1. Classification: (circle one)
• Rural
• Urban | 3. Ownership: (circle one)
• Public/Dedicated
• Private | 5. Street Function: (circle one)
• Alley
• Local
• Collector
• Arterial |
| 2. Project Type: (circle one)
• Residential
• Mixed Use
• Commercial/Industrial | 4. Principal Design Vehicle: (circle one)
• Automotive
• Truck | |

6. Attached Design Criteria Matrix Verifies the Following:
- Volume of Average Daily Trips: _____
 - Design Speed: _____
 - Vertical Attributes:
 - Maximum Slope: _____ %
 - Minimum Slope: _____ %
 - "K" Value for Crest Curves: _____
 - "K" Value for Sag Curves: _____
 - Level of Service (LOS) at Intersections:
 - New Intersection: LOS C or better
 - New Intersection with Existing Street: LOS D or better
 - Horizontal Attributes: _____
 - Minimum Safe Stopping Sight Distance: _____
 - Minimum Sight Distance at Intersections: _____
 - Minimum Centerline Curve Radius: _____
 - Curb Radii
 - Local – Local: 10'-15'
 - Local – Collector: 15'-20'
 - Collector – Collector: 15'-25'

	One Side/Both Sides		Width		Total Width
◦ Thru lanes:	_____	X	_____	=	_____
◦ Turn lane:	_____	X	_____	=	_____
◦ On-Street Parking:	_____	X	_____	=	_____
◦ Multi-modal lane:	_____	X	_____	=	_____
◦ Gutter (Storm Water):	_____	X	_____	=	_____
◦ Shoulder:	_____	X	_____	=	_____
◦ Curb:	_____	X	_____	=	_____
◦ Swale:	_____	X	_____	=	_____
◦ Sidewalk:	_____	X	_____	=	_____
◦ Grass/Tree Strip:	_____	X	_____	=	_____
◦ Boulevard Island:	_____	X	_____	=	_____
Total Right-of-Way Width					= _____

7. Special Considerations: (traffic signals, streetscape and lighting requirements, crosswalk treatments, etc.)

8. Agreed by Developer meeting attendee(s): _____
9. Agreed by (Insert Borough/Township) meeting attendee(s): _____

APPENDIX H - STREET / RIGHT OF WAY MATRIX

Project Name: _____

Developer: _____

(Insert
Borough/
Township): _____

Date: _____

Signature


Signature

	Existing Streets		Proposed Street =													
	Frontage St.	Connection St's	Arterial	Major Collector		Minor Collector				Major Local			Minor Local/Cul-de-sac			Alley
Street & Segment																
Design Speed (mph)			55 mph	45 mph	50 mph	30 mph	35 mph	40 mph	45 mph	25 mph	30 mph	35 mph	15 mph	20 mph	25 mph	15 mph
Travel Lane Width																
One-way																
Two-way																
Turn Lane Width																
On Street Parking (7 ft min)																
None																
One-side																
Two-side																
Multi-Modal Lane Width																
(One-Sided or Two Sided)																
2 feet																
4 feet						1 or 2	1 or 2			1 or 2	1 or 2					
5 feet (min. for bike)																
6 feet				1 or 2				1 or 2	1 or 2							
8 feet			1 or 2		1 or 2											
Gutter (SWM) Width																
Curb (Yes/No if gutter is used)																
Buffer Strip Width (4 ft min)																
Sidewalk Width (4 ft min)																
None																
One Side (≤2 u/a)																
Two Sided (≥2 u/a)																
Total Right-of-Way Width																

Design Speed Equals: 15 mph Alley, Minor Local/Cul-de-Sac
 20 mph Minor Local/Cul-de-Sac
 25 mph Minor Local/Cul-de-Sac, Major Local
 30 mph Major Local, Minor Collector

35 mph Major Local, Minor Collector
 40 mph Minor Collector
 45 mph Major Collector, Minor Collector
 50 mph Major Collector

55 mph Arterial, Major Collector

 Not to be used

CHAPTER 19. ORGANIZED CAMPS AND CAMPGROUNDS

GENERAL PROVISIONS

- Sec.
19.1. Definitions.
19.2. Submission of plans to Department.
19.3. Waiver of requirements.
19.4. Water supply.
19.5. Plumbing.
19.6. Sewage disposal.
19.7. Bathing places.
19.8. Vector control.

PERMITS

- 19.11. General requirement.
19.12. Application.
19.13. Issuance.
19.14. Revocation and suspension.

TOILET FACILITIES

- 19.21. General requirement.
19.22. Design.
19.23. Maintenance.
19.24. Toilet room.
19.25. Organized camps.
19.26. Campgrounds.
19.27. Soap and towels.

SANITARY STATIONS

- 19.31. General requirement.
19.32. Ratio.
19.33. Construction.
19.34. Public warning.

GARBAGE AND REFUSE

- 19.41. Collection.
19.42. Storage.
19.43. Disposal.
19.44. Cleaning of area.

Authority

The provisions of this Chapter 19 issued under sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-17 and 510-20), unless otherwise noted.

Source

The provisions of this Chapter 19 adopted September 18, 1971, effective September 18, 1971, 1 Pa.B. 1921; renumbered from 25 Pa. Code Chapter 191, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707, unless otherwise noted. Immediately preceding text appears at serial pages (167993) to (168000).

Cross References

This chapter cited in 28 Pa. Code § 17.11 (relating to minimum program activities); 28 Pa. Code § 17.31 (relating to minimum program activities); and 28 Pa. Code § 17.61 (relating to minimum program activities).

GENERAL PROVISIONS**§ 19.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Campground—A portion of land used for the purpose of providing a space or spaces for trailers or tents, for camping purposes regardless of whether a fee has been charged for the leasing, renting or occupancy of the space.

Garbage—Putrescible wastes, except sewage and body waste, including animal and vegetable offal.

Organized camp—A combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth and adults, with social, recreational and educational objectives and operated and used for 5 or more consecutive days during one or more seasons of the year.

Person—An individual, firm, partnership, company, corporation, trustee, association, county, authority, the Commonwealth or a public or private entity.

Refuse—Nonputrescible wastes generally regarded and classified as rubbish, trash, junk and similar designations which have been rejected by the owner or possessor as useless or worthless.

Sanitary station—A facility used for disposing of sewage from trailer holding tanks.

Sewage—A substance which contains any of the waste products or excrementitious or other discharge from the bodies of human beings or animals.

Sewerage system—A community or individual system, publicly or privately owned, for the collection and disposal of sewage and industrial wastes of a liquid nature, including various devices for the treatment of the sewage or industrial wastes.

Tent—A portable lodging unit usually made of skins, canvas, plastic or strong cloth stretched and usually sustained by poles, and dependent upon separate toilet and lavatory facilities.

Trailer—A vehicular portable structure built on, or designed to be mounted, on a chassis or wheels, or constructed as an integral part of a self-propelled

vehicle for use as a temporary dwelling for travel, recreation and vacation and commonly known as travel trailers, pick-up coaches, motor homes or camping trailers.

Trailer or tent space—A parcel of land in an organized camp or campground for the placement of a single trailer or tent and the exclusive use of its occupants.

Water supply—A source of water, and water treatment, storage, transmission and distribution facilities.

§ 19.2. Submission of plans to Department.

(a) Before work is begun in the construction, remodeling or alteration of an organized camp or campground or in the conversion of an existing establishment or facility to an organized camp or campground, properly prepared plans and specifications shall be submitted to and approved by the Department.

(b) The plans and specifications shall include, if applicable, data relating to the grounds, buildings, equipment, sewage disposal, water supply, including plumbing, refuse disposal and other information that may be required by the Department.

§ 19.3. Waiver of requirements.

The Department may waive compliance with one or more provisions of this chapter for specific events as long as the lives and health of the public or the persons on the premises will not be adversely affected thereby.

§ 19.4. Water supply.

(a) Water used in the operation of an organized camp or campground shall be provided from a supply approved by the Department. Approval of a water supply shall be based upon satisfactory compliance with construction standards for water supplies approved by the Department.

(b) The water supply shall be adequate in quantity and shall meet the bacteriological and chemical water standards of the Department.

(c) An unapproved water supply shall be made inaccessible to the public in a manner deemed satisfactory to the Department.

§ 19.5. Plumbing.

(a) Plumbing shall be sized, installed and maintained so as to carry adequate quantities of water to required locations throughout the organized camp or campground and to properly convey sewage and liquid wastes from the establishment of the sewerage or sewage disposal system.

(b) Plumbing shall serve to prevent contamination of the water supply and may not create an insanitary condition or nuisance.

§ 19.6. Sewage disposal.

Sewage disposal systems serving an organized camp or campground shall be approved by the Department. Approval shall be based upon satisfactory compliance with Chapter 73 (relating to standards for sewage disposal facilities) and The Clean Streams Law (35 P. S. § 691.1—691.1001).

§ 19.7. Bathing places.

The construction, modification, maintenance and operation of a bathing place in an organized camp or campground shall be subject to the provisions of the Public Bathing Law (35 P. S. § 672—680d) and the rules and regulations of the Department.

§ 19.8. Vector control.

Adequate measures for the control of arthropods and rodents which the Department deems a public health hazard shall be taken in a manner satisfactory to the Department.

PERMITS**§ 19.11. General requirement.**

A person may not operate at a place within this Commonwealth, and a person may not permit to be operated on his premises within this Commonwealth, an organized camp or campground unless the operator or owner possesses a valid permit from the Department. The permit shall be in addition to the registration requirements of organized camps under act of November 10, 1959 (P. L. 1400, No. 497) (35 P. S. §§ 3001—3004).

§ 19.12. Application.

Application for a permit shall be made to the Department on forms provided by the Department.

§ 19.13. Issuance.

(a) The Department will issue a permit for the operation of an organized camp or campground if it is satisfied that this chapter has been met.

(b) The permit shall be valid for 1 calendar year from date of issuance unless revoked or suspended by the Department.

(c) A separate permit shall be issued for each organized camp site or campground and may not be transferable or assignable.

§ 19.14. Revocation and suspension.

(a) A permit may be revoked or suspended at any time if the Department finds that the organized camp or campground is maintained, operated or occupied in violation of this chapter.

(b) The Department may order an organized camp or campground to close and cease operation if a situation is present which is inimical to the health of the occupants.

TOILET FACILITIES

§ 19.21. General requirement.

Organized camps and campgrounds shall provide toilet facilities on the premises for the public which are separate for each sex.

§ 19.22. Design.

Toilet facilities, including rooms and fixtures, shall be of a sanitary design and readily cleanable.

§ 19.23. Maintenance.

Toilet facilities shall be kept in a clean condition and in good repair.

§ 19.24. Toilet room.

Each toilet room shall meet the following requirements:

- (1) Doors shall be self-closing.
- (2) Adequate ventilation to the outside shall be provided.
- (3) Toilet tissue shall be provided.
- (4) Easily cleanable receptacles shall be provided for waste materials.
- (5) Receptacles for women shall be covered.

§ 19.25. Organized camps.

(a) Toilet facilities in organized camps shall be provided in the ratios indicated in the following table:

<i>Number of Tent or Trailer Spaces</i>	<i>Number of Toilet Seats</i>		<i>Number of Lavatories</i>		<i>Number of Urinals</i>
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>
1—20	1	2	1	2	1
Each additional 20 persons	+1	+1	+1	+1	+1

(b) Urinals for males or urinals specifically designed for females may be provided in lieu of toilet seats but may not consist of more than 1/3 of the required number of toilet seats.

(c) Organized camps which do not provide overnight lodging and serve a minimum of one meal per day are not subject to the requirements in subsection (a) but shall provide toilet and lavatory facilities as deemed adequate by the Department.

§ 19.26. Campgrounds.

(a) Toilet facilities in campgrounds shall be in addition to the requirements for sanitary stations as indicated in §§ 19.31—19.34 (relating to sanitary stations) and shall be provided in the ratios indicated in the following table:

<i>Number of Persons</i>	<i>Number of Toilet Seats</i>		<i>Number of Lavatories</i>		<i>Number of Urinals</i>
	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>
1—15	1	1	1	1	1
16—30	1	2	2	2	1
31—45	2	2	3	3	1
46—60	2	3	3	3	2
61—80	3	4	4	4	2
81—100	3	4	4	4	2
Each additional 1—100 spaces	+1	+1	+1	+1	+1

(b) Urinals specifically designed for females may also be provided in lieu of toilet seats, but for not more than 1/3 of the required number of toilet seats.

§ 19.27. Soap and towels.

(a) Lavatories in new and existing organized camps and campgrounds where campers do not provide their own soap and individual towels, soap and single-service towels shall be provided.

(b) The use of a common towel is prohibited.

SANITARY STATIONS

§ 19.31. General requirement.

New organized camp or campground operations which provide parking spaces for trailers shall provide sanitary stations in order that the removal and disposing of sewage from trailer holding tanks shall be accomplished in a sanitary manner.

Cross References

This section cited in 28 Pa. Code § 19.26 (relating to campgrounds).

§ 19.32. Ratio.

Each new organized camp or campground shall provide a sanitary station in the ratio of one for every 100 trailer spaces or fractional part thereof.

Cross References

This section cited in 28 Pa. Code § 19.26 (relating to campgrounds).

§ 19.33. Construction.

Each sanitary station shall consist of at least the following:

- (1) A 4-inch sewer pipe which shall be connected to an approved sewage disposal system, surrounded at the inlet end by a concrete apron sloped to the drain.
- (2) A suitable fly-tight cover which shall be provided to the 4-inch sewer pipe.
- (3) A water outlet, with the necessary appurtenances and connected to a water supply system to permit a washdown of the immediate adjacent areas after each use.

Cross References

This section cited in 28 Pa. Code § 19.26 (relating to campgrounds).

§ 19.34. Public warning.

Each water outlet used for washdown purposes at sanitary stations shall conspicuously display at all times a sign stating: "Notice, This Water For Flushing and Cleaning Purposes Only."

Cross References

This section cited in 28 Pa. Code § 19.26 (relating to campgrounds).

GARBAGE AND REFUSE**§ 19.41. Collection.**

The collection of garbage and refuse shall be conducted in a sanitary manner and as often as necessary to prevent a nuisance.

§ 19.42. Storage.

(a) Garbage and refuse containing food wastes shall, prior to disposal, be kept in leak-proof, nonabsorbent, rust and corrosion-resistant containers of adequate number, which shall be kept covered with tight-fitting lids, when filled or stored or not in continuous use, but any other manner of garbage and refuse storage may be used if approved by the Department.

(b) Other refuse shall be stored in containers, rooms or areas of sufficient number and size in a manner so as to prevent arthropod or rodent problems and other nuisances.

§ 19.43. Disposal.

When disposal of garbage or refuse is accomplished within or upon the premises of the organized camp or campground, the disposal facilities shall be operated and maintained so as not to create a nuisance or a health hazard.

§ 19.44. Cleaning of area.

Adequate cleaning facilities shall be provided, and each container, room or area shall be thoroughly cleaned after each emptying or removal of garbage and refuse.

[Next page is 20-1.]

**Brush Creek Township
Fulton County, PA**

Subdivision and Land Development Plan Completeness Review Checklist

Plan: _____ (Name) _____ (Date)

Prepared by: _____ (Name)

Plan Type (Circle one)

- | | | |
|--|--------------------------------------|--|
| Sketch Plan (S) | Preliminary Plan (P) | Final Plan (F) |
| Centerline Separation Plan (CS) | Lot Consolidation Plan (LC) | Revised Subdivision Plan (RS) |
| Lot Add-On Plan (LA) | Minor Plan (M) | |

	Complete	Incomplete	Not Applicable
1. Application received (Insert Number) days prior to Meeting (Section. 402.A.1.a – P, F, CS/LC/RS/LA, & M) (Section. 403.B.1 – S)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Completed Application signed by the owner or the owner’s agent (Section.402.A.1.a - P, F, CS/LC/RS/LA, & M) (Section. 403.B.1 – S)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. (Insert Number) copies of the plan submitted (Section. 402.A.2.a - P, F, CS/LC/RS/LA, & M) (Section. 403.B.1 – S)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. (Insert Number) copies of all reports, notifications, and certifications (Section. 402.A.2.b - P, F, CS/LC/RS/LA, & M) (Section. 403.B.1 – S)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. (Insert Number) of copies of the Application form (Section. 402.A.2.c - P, F, CS/LC/RS/LA, & M) (Section. 403.B.1 – S)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Correct Application Filing and Escrow Fees (Section. 402.A.2.d - P, F, CS/LC/RS/LA, & M) (Section. 403.B.1 – S)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Plan filed and filing/review fees paid with Fulton County Planning Commission; Fulton County Conservation District, etc. when required (Section.402.A.2.e - P, F, CS/LC/RS/LA, & M)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Complete location and identification information (Section. 501.B.1 – S , 502.B.1 - P , 503.B.1 - F , 504.C.1 - CS/LC/RS/LA)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

S = Sketch Plan; **P** = Preliminary Plan; **F** = Final Plan; **M** = Minor Plan;
CS = Centerline Separation Plan / **LC** = Lot Consolidation Plan / **RS** = Revised Subdivision Plan / **LA** = Lot Add-On Plan

	Complete	Incomplete	Not Applicable
505.B.1 - M)			
9. Complete existing features information (Section. 501.B.2 – S , 502.B.2 - P , 503.B.2 - F , 504.C.2 - CS/LC/RS/LA 505.B.2 - M)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Complete proposed features and plan information (Section. 501.B.3 – S , 502.B.3 - P , 503.B.3 - F , 504.C.3 - CS/LC/RS/LA 505.B.3 - M)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Stormwater management plans and data (Section. 502.B.3.q - P , 503.B.3.q - F , 505.B.3.k - M)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. When connection to an existing water and/or sanitary sewer system is proposed, written notification from the authority or certified public utility providing sanitary sewer and/or water service indicating that sufficient capacity to service the proposed development. (Section. 502.B.4.d - P , 503.B.4.l - F , 505.B.4.l - M)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Notification from PennDOT that approval of the HOP application has been submitted and/or granted if applicable. (Section. 502.C.3.a - P , 503.C.3.a - F , 505.C.2.a - M)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Notification from Fulton County Conservation District that an acceptable Erosion and Sedimentation Control P1an/NPDES Plan has been submitted and approved by that agency (Section. 502.C.3.b - P , 503.C.3.b - F , 505.C.2.b - M)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Notification from DEP that either approval of the Sewer Facility Plan Revision (or Plan Revision Module for Land Development) or Supplement has been granted or that such approval is not required (Section. 502.C.3.c - P , 503.C.3.c - F , 505.C.2.c - M)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. The following supplemental information (if applicable):			
a Traffic Impact Study (Section. 700.A - P, F & M)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b Hydrogeologic Report (Section. 702 - P, F & M)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c Aquifer Study (Section. 703 - P, F & M)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Completed modification request Application (Section. 300.B.1 - P, F, CS/LC/RS/LA & M)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Determination of Completeness (Circle one)

Complete

Then Forward to Brush Creek Township Supervisors

Incomplete

Then Notify Applicant of Incomplete Status

S = Sketch Plan; **P** = Preliminary Plan; **F** = Final Plan; **M** = Minor Plan;
CS = Centerline Separation Plan / **LC** = Lot Consolidation Plan / **RS** = Revised Subdivision Plan / **LA** = Lot Add-On Plan

(Reviewed By)

(Date)

S = Sketch Plan; **P** = Preliminary Plan; **F** = Final Plan; **M** = Minor Plan;
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