



**Franklin Township  
Subdivision and Land Development  
Ordinance**

**May 2009**





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ORDINANCE NO.1 of 2009

AN ORDINANCE OF FRANKLIN TOWNSHIP, COUNTY OF ERIE, PENNSYLVANIA, DEFINING AND REGULATING THE SUBDIVISION AND LAND DEVELOPMENT THEREOF; ESTABLISHING PROCEDURES FOR THE CONSIDERATION OF MINOR AND MAJOR SUBDIVISIONS, MOBILE HOME PARKS AND LAND DEVELOPMENTS; REQUIRING THE PREPARATION OF PRELIMINARY, FINAL, AND AS-BUILT PLANS; REQUIRING CERTAIN IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER OR DEVELOPER AND ESTABLISHING DESIGN STANDARDS FOR IMPROVEMENTS; REGULATING THE SALE OF LOTS, LAYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF STREETS, WATER LINES, SEWERS, OTHER FACILITIES, AND PUBLIC IMPROVEMENTS; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE; AND PRESCRIBING PENALTIES FOR VIOLATION.

ARTICLE I  
GENERAL PROVISIONS

Section 101 Short Title

This Ordinance shall be known as the “Franklin Township Subdivision and Land Development Ordinance.”

Section 102 Purpose

This Ordinance is adopted to help protect and promote the health, safety, and general welfare of the residents of the Township and for the following additional purposes:

- 102.1 To assure sites suitable for building purposes and human habitation.
- 102.2 To provide for the harmonious, orderly, efficient, and integrated development of Franklin Township.
- 102.3 To assure new development will be coordinated with existing Township development.
- 102.4 To provide for adequate easements and rights-of-way for drainage and utilities.
- 102.5 To accommodate prospective traffic, facilitate fire protection, and make such provisions as are necessary for public safety and convenience.
- 102.6 To make provisions for appropriate standards for streets, storm sewers, sanitary sewers, water facilities, curbs, gutters, and such other improvements as shall be considered needed by the Township.
- 102.7 To promote the sound layout and design for subdivision and land developments.
- 102.8 To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

102.9 To implement the Borough of Edinboro, Franklin Township, and Washington Township Multi-Municipal Comprehensive Plan.

102.10 To provide Growing Greener options.

#### Section 103 Authority

Franklin Township is vested by law with the jurisdiction and control of the subdivision of land, mobile home parks, and land development located within the Township in accordance with the powers granted by Article V of the Pennsylvania Municipalities Planning Code (MPC).

#### Section 104 Jurisdiction

Plans for subdivisions, mobile homes parks, and land development within the Township shall be submitted to, and approved by, the Township before they are recorded. Such approval is in addition to, and does not supersede, those required by other ordinances, resolutions, or regulations of the Township. Developers should also refer to the Franklin Township Zoning Ordinance, floodplain regulations, as well as other Township or County development regulations. Please note that the description by metes and bounds in the instrument of property transfer does not exempt the seller or transferor from these regulations. [See 515.1(a) of the Planning Code.]

#### Section 105 Municipal Responsibility and Liability

The provisions within this Ordinance are designed to fulfill the purposes cited in Section 102. The degree of protection sought by the conditions and requirements of this Ordinance for the present and future residents and land owners in the Township is considered reasonable for regulatory purposes. This Ordinance does not imply that compliance with the minimum requirements for subdivisions, mobile home parks, or land developments will render such subdivision, mobile home parks, or land development free from inconveniences, conflicts, danger or damages. Therefore, this Ordinance shall not create liability on the part of the individual members of the Board of Supervisors, the Franklin Township Planning Commission, or any officer, appointee, or employee of the Franklin Township for any damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

#### Section 106 Types of Subdivisions and Land Developments Governed by This Ordinance

106.1 Minor Subdivisions: A subdivision may be classified as a minor subdivision provided that all of the following criteria are met:

- A. The subdivision contains no more than ten (10) lots, parcels, or other divisions of land, including residual land.
- B. The proposal does not involve the construction, installation, or extension of any public facilities, including streets, walkways, water and sewer lines, stormwater management facilities, and related facilities, intended for public ownership.
- C. The proposal does not constitute a subdivision or re-subdivision of any lot, tract, parcel, site, or other division of land or portion thereof that had received previous approval as a subdivision within ten (10) years prior to the submission of the application, and where the cumulative effect of combining said current and prior



subdivisions would result in a subdivision not meeting the criteria of this section. If such prior approval has taken place, all applications shall be considered a single application for purposes of classification.

- 106.2 Major Subdivisions: Any subdivision that does not qualify as a minor subdivision.
- 106.3 Mobile Home Park: Shall be considered a parcel (or contiguous parcels which have been consolidated) of land which has been so designated and improved that it can accommodate two (2) or more mobile home lots for the placement thereon of mobile homes.
- 106.4 Land Development: Certain land developments as described by and in this Ordinance and the MPC are land developments and are regulated by Article XI of this Ordinance. Recreation vehicle parks and campgrounds are a type of land development.

#### Section 107 Legal Standing

- A. If any section, clause, paragraph, regulation, or provision of this Ordinance is found invalid by a court of law, such judgment shall not affect, impair, invalidate, or nullify the remaining sections, clauses, paragraphs, regulations, or provisions.
- B. All ordinances or parts of ordinances or regulations in conflict with this Ordinance or inconsistent with its provisions are hereby repealed to the extent necessary to give this Ordinance full force and effect. However, where another ordinance, law, or regulation imposes a higher standard in a particular regulation, that standard shall supersede this Ordinance in the particular instance.
- C. The adoption of this Ordinance does not make legitimate development activity in the Township illegal under provisions or prior regulations, nor does it annul any litigation currently being pursued or in the future against such illegal activity.
- D. Approval of any subdivision plan or land development is only approval of the specifications and regulations governed by this Ordinance.

#### Section 108 Unlawful Recording or Sale of Lots

- A. No plan of a subdivision, mobile home, or major land development proposed within the Township shall be recorded in any public office unless or until that plan has been approved by the Board of Supervisors, and shall bear the proper certification of such action.
- B. It shall be unlawful for any person to sell, trade, or otherwise convey or offer to sell, trade, or otherwise convey any lot, parcel, or tract of land as part of, or in conformity with, any plan, plat, or replat of any subdivision or land development unless and until said plan, plat, replat, or land development shall have been first recorded in the office of the Erie County Recorder of Deeds.

#### Section 109 Effective Date and Repealer

This Ordinance shall become effective five (5) days after adoption and shall remain in effect until modified or rescinded by the Township. This Ordinance shall supersede and replace all other conflicting regulations issued by the Township previous to the approval date of this Ordinance, specifically Ordinance #1 of 2000, and its amendments.

#### Section 110 Copies

Copies of the Subdivision and Land Development Ordinance shall be made available to the general public at a fee adequate to cover the cost of reproduction.

## ARTICLE II DEFINITIONS

### Section 201 General Interpretations

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning indicated below. Words in the singular include the plural and those in the plural include the singular; words in the present tense include the future tense; words used in the masculine gender include the feminine and neuter. The words “applicant,” “developer,” “owner,” “person,” and “subdivider” include a corporation, unincorporated association, and a partnership, or other legal entity, as well as an individual. The words “shall” and “will” are mandatory and directive; the words “should” and “may” are permissive. An “agency” shall be construed to include its successors or assigns. Terms or words not defined in this Article or the Pennsylvania Municipalities Planning Code shall have their ordinarily accepted meanings or such as the context may imply. The notation (PC) indicates words defined in the Pennsylvania Municipalities Planning Code.

### Section 202 Meaning of Words

Alley: A minor right-of-way, privately or publicly owned, primarily for service access to the back and sides of properties.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns. (PC)

Application for Development: Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit, for approval of a subdivision plat or plan or for approval of a land development plan. (PC)

Block: A tract of land, a lot, or groups of lots, bounded by streets, public parks, railroad rights-of-way, watercourses, municipal boundary lines, un-subdivided land or by any combination of the above.

Board of Township Supervisors: The duly constituted Board of Supervisors of Franklin Township, Erie County, Pennsylvania.

Building: Any combination of materials forming any structure which is designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind.

Building Setback Line: The line within a property defining the required minimum distance between any building to be erected and an adjacent right-of-way, property line, easement, and/or other feature.

Cartway: The improved surface of a street right-of-way which is available for vehicular traffic, including parking lanes, but excluding shoulders and drainage swales.

Clear Sight Triangle: The clear sight triangle is defined by a line of sight from the position of the eye of the driver (3.5 feet above the street surface) in the stopped vehicle, to the position of an oncoming vehicle in either lane approaching the intersection.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development site, not including streets, off-street parking areas, and areas set aside for public facilities. (PC)

Community On-Lot Sewage System: A system of piping, tanks or other facilities serving two (2) or more lots and collecting, treating and disposing of domestic sewage into a subsurface soil absorption area or retaining tank located on one or more of the lots or at another site.

Comprehensive Plan: The Borough of Edinboro, Franklin Township, and Washington Township Multi-Municipal Comprehensive Plan and any amendments thereto.

Condominium: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices and other types of space in commercial and industrial buildings or on real property.

County: The County of Erie, Commonwealth of Pennsylvania.

County Health Department: The Erie County Department of Health of the County of Erie, Commonwealth of Pennsylvania.

County Planning Commission: The Erie County Planning Commission of the County of Erie, Commonwealth of Pennsylvania.

County Planning Department: The Erie County Department of Planning of the County of Erie, Commonwealth of Pennsylvania.

Cut: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

Department of Environmental Protection: The Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may be established, or such department or departments as may succeed it. Also referred to as DEP or PADEP.

Designated Floodplain Areas: A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation in a one hundred (100) year flood.

Detention Pond: An area in which surface water runoff is temporarily stored pending its release at a controlled rate.

Developer: Any landowner, agent of such landowner or tenant, with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development. The term "developer" includes a subdivider. (PC)

Development: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operation, and the subdivision of land.

Development Plan: The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition. (PC)

Drainage: The removal of surface water or groundwater from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

Drainage Facility: Any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

Drainage Right-of-Way: The lands required for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Driveway: A private vehicular passageway providing access between a street and a private parking area or private garage.

Dwelling: A building designed for human living quarters.

Dwelling Unit: A dwelling used by one family or household.

Easements: A right granted for limited use of private land for public or quasi-public purposes such as utilities, drainage, and physical access.

Engineer: A licensed professional engineer registered by the Commonwealth of Pennsylvania.

Erosion: The removal of surface materials by the action of natural elements.

Excavation: Any act by which earth, sand, gravel, rock, or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

Fill: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

Financial Security: Financial security shall be in the form of a bond from a bonding institution authorized to conduct business in the Commonwealth of Pennsylvania. Federal or Commonwealth chartered institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security.

Flag Lot: A lot that has an L-shape or flag configuration with one side abutting a street. Such configuration typically has a larger lot width along the rear property line.

Floodplain: Areas subject to inundation, at frequent or occasional intervals, as a result of stormwater runoff or overflowing streams.

Floodway: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude.

Grading and Drainage Plan: A plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by grades, contours, and topography.

Improvements: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

Land Development: Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - 1. A group of two (2) or more residential or 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; or
  - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. "Land Development" does not include development which involves:
  - 1. The conversion of an existing single-family detached dwelling or single-family, semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
  - 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
  - 3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purpose of this subsection, 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 by the proper authorities.

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 persons having a proprietary interest in land.

Landscape Architect: A licensed professional landscape architect registered by the Commonwealth of Pennsylvania.

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. (PC)

Lot Area: The area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding space within any street rights-of-way, but including the area of any easement.

Lot, Corner: A lot abutting upon two (2) or more streets at their intersection, the front of which shall be considered to be the frontage of least dimension on a street, except that where any two (2) frontages shall each exceed one hundred fifty (150) feet in length, either frontage may be designed as the "front" of the lot.

Lot, Double Frontage: A lot with front and rear street frontage.

Lot, Interior: A lot having all side and rear lot lines which do not abut on a street.

Lot, Minimum Width: The distance between the side lot lines measured at the street right-of-way.

Lot of Record: A lot as described in a deed or as shown on a plan of lots or as part of a subdivision which has been recorded in the office of the Recorder of Deeds of the County of Erie, Commonwealth of Pennsylvania.

Lot, Reverse Frontage: A lot extending between and having frontage on an arterial street and a local street, and with vehicular access solely from the latter.

Maintenance Guarantee: Any security, other than cash, which may be accepted by Franklin Township for the maintenance of any improvements required by this Ordinance.

Marker: A metal stake placed to designate the boundary and/or corners of lots in the subdivision of land for the purpose of reference in a land and property survey and to facilitate the sale of lots.

Mobile Home: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, 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. (PC)

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home. (PC)

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. (PC)

Monument: A concrete stone, or other permanent object placed to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in a land and property survey.

Municipal Authority: A body politic and corporate created pursuant to the Act of May 2, 1945, (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945."

One Hundred Year Flood: A storm event that has the probability of occurrence of one percent (1%) in any given year.

PADOT: The Pennsylvania Department of Transportation.

Pennsylvania Municipalities Planning Code: Act 247 of 1968, as amended. Also cited as the MPC, Planning Code, or PC.

Performance Guarantee: Any security which may be in lieu of a requirement that certain improvements be made before the Township approves a final subdivision or land development plan, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

Person: An individual, partnership, corporation, or other legally recognized entity.

Plan, Final: A complete and exact subdivision or land development plan (including all required supplementary data) prepared for official recording as required by statute and this Ordinance.

Plan, Preliminary: A plan (including all required supplementary data) indicating the proposed layout of the subdivision or land development to be submitted to the County Planning Department and the Township for consideration, as required by these regulations.

Plan, Sketch: An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and general layout of the proposed subdivision or land development.

Planning Commission: The Planning Commission of Franklin Township, Erie County, Pennsylvania.

Plat: The map or plan of a subdivision or land development, whether preliminary or final. (PC)

Professional Consultants: Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, or planners. (PC)

Public Grounds: Parks, playgrounds, trails, paths and other recreational areas and other public areas; sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities; and publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by the Board of Township Supervisors, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.



Public Meeting: A forum held pursuant to notice under the Act of July 3, 1968 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. 271 et. seq. (PC)

Public Notice: Notice published once a week for two successive weeks in a newspaper of general circulation in the municipality. 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. These requirements are as per the provisions of the Pennsylvania Municipalities Planning Code. (PC)

Regulatory Flood Elevation: The one hundred (100) year flood elevation plus a freeboard safety factor of one-and-one half (1½) feet.

Reserve Strip: A narrow parcel of ground purposely having inadequate area for buildings separating a street or a proposed street from other adjacent properties.

Right-of-Way: The total width of any land reserved or dedicated as a street, alley, crosswalk, or for other public or semipublic purposes, including, but not limited to, the area reserved for cartway, shoulders, drainage and easements.

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

Sedimentation: The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

Sewage Disposal System, On-Site: A system of piping, tanks or other facilities serving a lot and collecting and disposing of sewage in whole or in part into the soil.

Sewage Disposal System, Public: A publicly operated sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

Shoulder: The portion of a roadway (cartway) between the curb or other drainage facility and the travelway intended for emergency and parking use.

Sight Distance: The extent of unobstructed vision, in a horizontal or vertical plane, along a street, as defined in Article VIII of this Ordinance.

Slope: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon.

Soil Erosion and Sedimentation Control Plan: A plan for controlling erosion and sediment during construction which shall provide all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization.

Soil Percolation Test: A field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways or strips of land used or intended to be used by vehicular traffic or pedestrians whether public or private and including the entire right-of-way. Particular types of streets are further defined as follows:

- A. Principal Arterial or Expressway: This class of highways is devoted primarily to the task of moving large volumes of traffic and performs little or no land service function. It is generally characterized by some degree of access control. Normally, this classification is reserved for multi-lane, divided roads with few, if any, at-grade intersections.
- B. Minor Arterial: This class of highways brings traffic to and from the expressway and serves major movements of traffic within or through the areas not served by expressways. They serve primarily to move traffic, but also perform a secondary function of land service.
- C. Urban/Major Collector: This class of highways serves a middling function within the highway network. These roads serve both traffic movement and land service. Major collectors receive traffic from lesser streets as well as provide interconnection and support to minor arterials.
- D. Minor Collector: This class of roads serves the internal traffic movement within municipalities and connects developed areas with the arterial system. They do not accommodate long, through trips and are not continuous for any appreciable length. The collector system is intended to simultaneously supply abutting property with the same degree of land service as a minor street and accommodate local internal traffic movements.
- E. Local: The sole function of the local street is to provide access to immediately adjacent land.
- F. Commercial: Commercial roads service areas whose predominant use is commercial and service.
- G. Industrial: Industrial roads are primarily designed to serve industrial and manufacturing development. These roads will be designed to accommodate extensive truck traffic of all types.
- H. Cul-De-Sac: A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

Street Centerline: An imaginary line which passes through the middle of the right-of-way and the cartway simultaneously, or which is in the center of the right-of-way in cases where the cartway is not centered in the right-of-way.

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 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: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres,

not involving any new street or easement of access or residential dwelling, shall be exempted.  
(PC)

Subdivision Administrator: The person, appointed by the Board of Supervisors, to administer this Ordinance.

Substantially Completed: Where, in the judgment of the Township Engineer, at least ninety percent (90%) (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.

Surveyor: A licensed professional land surveyor, registered as such in the Commonwealth of Pennsylvania.

Swale: A low-lying stretch of land characterized as an elongated depression, usually vegetated, which facilitates the transport of surface water runoff.

Temporary Turn-Around: A temporary circular turn-around at the end of a road which terminates at or near the subdivision boundary bordering undeveloped land.

Township: Franklin Township, Erie County, Pennsylvania.

Township Engineer: A licensed professional engineer in the Commonwealth of Pennsylvania, appointed by Franklin Township as the Township Engineer.

Township Solicitor: A professional attorney licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Solicitor of Franklin Township.

Undeveloped Land: Any lot, tract, or parcel of land which has not been graded or in any other manner prepared for the construction of a building or other improvement.

Unit: A part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way, or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.

Utility Plan: A plan to show all existing and proposed fire hydrants, water and sewer lines, storm sewer system, gas and electric lines, and street lighting.

Water Facility: Any water works, water supply works, water distribution system, or part thereof, designed, intended, or constructed to provide or distribute potable water.

Water Survey: An inventory of the source, quantity, yield, and use of groundwater and surface-water resources within the Township. (PC)

Watercourse: A permanent stream, intermittent stream, river, brook, creek, or a channel, drain, or ditch for water, whether natural or man-made.

ARTICLE III  
MAJOR SUBDIVISIONS AND LAND DEVELOPMENT

Section 301 Procedure

301.1 Whenever any subdivision of land conforming to the definition of a major subdivision, or physical improvement classified as a land development is proposed, the applicant shall apply for approval of such proposed subdivision or land development in accordance with the following procedures:

- A. Pre-Application Investigation (optional)
- B. Preliminary Plan
- C. Final Plan

301.2 All plans, preliminary or final, including those for mobile home parks or land development, shall follow the following steps unless specifically exempted by this Ordinance:

- A. Time of Submission: All plans must be submitted at least seven (7) days prior to the meeting of the Franklin Township Planning Commission.
- B. Number of Copies: At least seven (7) copies of the plan and three (3) copies of all required exhibits and one (1) application must be submitted. The size, scale, and type of submission are detailed by Article VII.
- C. Subdivision Administrator: All plans, exhibits, applications, and correspondence shall be directed to the Subdivision Administrator. The Subdivision Administrator is also responsible for all communications from the Township, including notices of approval, disapproval, and conditional approval.
- D. Receipt: The Subdivision Administrator shall review submissions to determine if all required components, including fees, are included. If they are not, the incomplete submission will be returned with specific deficiencies noted, and it will not be considered as a formal submission. If all required components are included, a receipt will be issued. The Subdivision Administrator has seven (7) calendar days to complete this review. Any missing requirements, including required fees, will be listed in any letter of rejection. *Note: The receipt acknowledges only that the submission is complete and does not determine its compliance with the standards set forth in this Ordinance or other applicable regulations.*
- E. Time: The Board of Supervisors shall take final action on the plan no later than ninety (90) days following the date of the next regular meeting of the Township Planning Commission following the date that a complete application is filed with the Township, provided, however, that should the next regular meeting occur more than thirty (30) days following the filing of the application, the ninety- (90) day period shall then be measured from the thirtieth (30<sup>th</sup>) day following the day the application was filed.

- F. **Fees:** The Township shall, by resolution, set a fee schedule for the review of all submissions required by this Ordinance. These fees will include those of the Township Engineer and any other professional consultants used in the review of the proposed development. For major subdivisions, major land developments, and mobile home parks, an escrow account shall be required to cover such cost of review. This fund will be established in an amount to be set by the Township under regulations consistent with Section 503(1) of the Planning Code. The fund will have a required beginning amount, and be replenished as required. No application for approval under this Ordinance shall be considered complete unless the required fee(s) accompanies the application.

#### Section 302 Pre-Application Investigation

302.1 Developers are encouraged to discuss possible development sites with the Township prior to submission of the preliminary plan. The purpose of the pre-application meeting is to provide the developer an opportunity to obtain advice and assistance. A second purpose is to determine if the proposed development is in general accordance with this Ordinance. The developer is also encouraged to further discuss his proposal with the Erie County Health Department, the Pennsylvania Department of Transportation (PADOT), and/or utility companies as may be appropriate.

For all major subdivisions, land developments, and mobile home parks, a site visit is recommended during the pre-application process. This visit should include the developer and any of the developer's professional consultants, along with the Township, the Planning Commission, and any Township consultants.

302.2 A sketch plan may be prepared and presented for review and discussion at the same time. Sketch plans should generally include those items listed under Plan Requirements, Article VII, Section 701, of this Ordinance.

302.3 The submission of a sketch plan is voluntary, for the benefit of the developer and is *never* considered a formal application

#### Section 303 Preliminary Plan Application

303.1 A preliminary plan shall be submitted to the Township's Subdivision Administrator for review and approval. It is the responsibility of the developer to coordinate his plans pursuant to the provisions of this Ordinance with all private and public service agencies and utility companies.

303.2 The original Mylar and seven (7) copies of the preliminary plan and three (3) complete sets of all required exhibits shall be submitted during regular office hours of the Township for consideration.

303.3 Information to be filed with preliminary plan applications shall include those items listed under Plan Requirements, Article VII, Section 702 of this Ordinance, and shall be prepared in accordance with, and submitted with the number of copies, as specified herein.

- 303.4 In cases where the subdivision or land development fronts on any existing or proposed State road and has proposed streets and/or driveways entering on such road, the developer shall submit the plans to PADOT for review and permit(s) if required.
- 303.5 The developer shall deliver two (2) copies of the preliminary plan to the Erie County Health Department for approval of the sanitary sewage facilities which are to service the subdivision or land development.

#### Section 304 Approval of Preliminary Plan

- 304.1 The Township will review the preliminary plan to determine its conformity to the design standards and requirements contained in this Ordinance and take into consideration the recommendations and requirements of the Erie County Health Department and any other agencies as applicable.
- 304.2 Before acting on the preliminary plan, the Township may arrange for a public hearing thereon. If a public hearing is held, public notice shall be given.
- 304.3 Time: See 301.2.E.
- 304.4 Any revision of the preliminary plan required as a prerequisite to final approval shall be noted on two (2) copies of the preliminary plan. One (1) copy will be returned to the developer, one will be retained by the Township.
- 304.5 Approval of the preliminary plan is required prior to submittal of the final plan for review and approval.
- 304.6 Approval of the preliminary plan constitutes conditional approval of the proposed subdivision in regard to the general design, the approximate dimensions of the streets and lots and other planned features. The preliminary plan approval obligates the applicant to the general scheme of the subdivision or land development. However, if the applicant determines that a significant change to this original submission is desirable, he may modify his plans by submitting a revised preliminary plan for review and approval.
- 304.7 Approval of the preliminary plan does not authorize the sale of lots.
- 304.8 The preliminary plan approval shall expire within five (5) years after being granted unless an extension is requested by the applicant and approved by the Township. Any request for extensions must be submitted to the Township not more than sixty (60) and not less than thirty (30) days prior to any prevailing expiration date. Extensions may be granted for a one- (1) year period upon a finding by the Township that such extension is warranted.
- 304.9 If the applicant does not submit a final plan for all or a portion of the preliminary plan within five (5) years after the approval of said preliminary plan is granted, or after expiration of the final extension period, the approval of the preliminary plan is automatically void.

### Section 305 Final Plan Application

- 305.1 After the developer has received official notification of preliminary plan approval, the developer shall submit a final plan application in accordance with the requirements contained herein.
- 305.2 The information to be filed with the final plan application shall include those items listed under Plan Requirements, Article VII, Section 703, of this Ordinance, and the submission shall be prepared in accordance with the requirements specified therein. The final plan shall be filed at the Township during regular business hours.
- 305.3 Assurances of completion where required shall be submitted in accordance with Article V of this Ordinance.
- 305.4 The original Mylar and seven (7) copies of the final plan and three (3) complete set of all required exhibits shall be submitted to the Township for consideration.
- 305.5 When an extension of time is granted for the submission of a final plan, the Township shall do one (1) of two (2) things when the final plan is submitted: (1) make a finding that the conditions on which its approval of the preliminary plan were based have not changed substantially; or (2) require changes in the final plan, prior to approval, that will reflect any substantial changes on the site or in the surrounding area that have taken place since the grant of preliminary plan approval.
- 305.6 The final plan may be submitted in phases, each covering a portion of the entire proposed subdivision shown on the preliminary plan. A minimum of twenty-five (25%) percent of the total number of dwelling units must be submitted under each phase, except for the last phase, unless a lesser percentage is approved by the Township. In the case where development is projected over a period of years, the Township may authorize submission of final plats by phases of development subject to such requirements or guarantees as to improvements in future phases of development as it finds essential for the protection of any finally approved phase of the development.

### Section 306 Approval of Final Plan

- 306.1 Time: See 301.2.E.
- 306.2 Any revision of the final plan required as a prerequisite to approval shall be noted on two (2) copies of the plan. One (1) copy will be returned to the developer and one (1) will be retained by the Township.
- 306.3 The developer may seek a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed. All requests for modification shall then be reviewed and considered by the Township in accordance with Section 1309 of this Ordinance.
- 306.4 No final plan shall receive approval by the Township unless the developer shall have filed with the Township the required bonds in accordance with the provisions of Article V or shall have completed all required improvements as listed in Article IX.

306.5 No final plan shall receive approval by the Township until the Erie County Health Department and/or the Pennsylvania Department of Environmental Protection (PADEP) approve the sewage disposal system which is to serve that subdivision.

#### Section 307 Recording of Plan

307.1 After completion of all procedures and upon approval of the final plan, the plan shall then be recorded with the Erie County Recorder of Deeds. In no case shall the final plan be recorded after ninety (90) days from the date of the final plan approval by the Township. For plans that have not been recorded within ninety (90) days, re-approval may be granted by the Township, provided no changes have been made to the final plan. The plans will be re-initialed by the Township and a new date will be placed on the plans.

307.2 The final plan shall be recorded with the Erie County Recorder of Deeds office before proceeding with the sale of lots, issuance of building permits or the construction of buildings.

307.3 Recording the final plan after approval shall have the effect of an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park reservations, school sites, and other public service areas as hereafter provided. Approval shall not impose any duty upon the Township concerning maintenance or improvement of any such dedicated streets, parks, areas, or portions of same until the proper authorities of the Township shall have made actual appropriation of the same by ordinance.

307.4 The developer may place a notation on the final plan to the effect that there is no offer of dedication to the public of certain designated public areas, or streets or alleys, in which event the title to such areas shall remain with the owner, and the Township shall assume no responsibility for improvement or maintenance thereof, which fact shall also be noted on the final plan.

307.5 Where applicable, the Township shall require a notation on each lot of record that is not approved for the installation of sewage disposal facilities as determined by the Erie County Health Department and/or the PADEP.

307.6 Other notations of disclaimers, as may be required from time to time by resolution of the Supervisors, shall be required to be annotated to plans prior to recording.

307.7 A copy of the Mylar, as recorded, bearing the Recorder of Deeds date and time mark-of-recording and a Portable Document Format (PDF) file of the exact version of the Mylar recorded shall be provided to the Township on a CD-R, or DVD-R shall be provided to the Township Office within ten (10) days of recording to complete the subdivision process. Any surety provided by developers ensuring the completion of the recording process will be retained by the Township until all Recording of Plans requirements are met.



ARTICLE IV  
MINOR SUBDIVISIONS AND REPLATS

Section 401 Pre-Application Investigation

401.1 The provisions of the pre-application procedures for major subdivisions and land developments may be followed. Though not required, they are recommended. Developers are encouraged to consult with the Township in order to discuss the nature of the subdivision (e.g., design requirements, zoning regulations, etc.) prior to development of a final plan.

401.2 The developer is advised to consult with the Erie County Health Department and/or PADEP in order to determine the applicability of any sewage disposal system approvals in accordance with the Pennsylvania Sewage Facilities Act (Act 537 of 1965) requirements.

Section 402 Preliminary Plan Application and Approval:

A preliminary plan is not required, but may be submitted, at the developer's option.

Section 403 Final Plan Application and Approval

All applicable provisions of the final plan application and approval procedures as contained in Article III of this Ordinance shall be followed, as shall the Plan Requirements provisions of Article VII of this Ordinance.

Section 404 Recording of Plan

Minor subdivisions and replats shall be recorded in the same manner and with the same responsibilities and requirements as the recording of major subdivisions and land developments, as shall be applicable.

ARTICLE V  
ASSURANCES OF COMPLETION

Section 501 General

The purpose of these regulations is to provide sound subdivision and land development standards for the Township. It is the intention of this Article to provide regulations for public improvements, which are to be dedicated to the Township. Some required improvements may be dedicated to a municipal authority and others to a private utility. The bonding or security in such instances shall comply with that agency's requirements. As these improvements will be part of the subdivision or land development to be approved, the developer should inform the Township of any problems associated with any provision of bonding or financial security encountered with such agencies. It is the intention of this Article to follow the provisions of Article V of the Pennsylvania Municipalities Planning Code, in particular Sections 509, 510, and 511 thereof.

Section 502 Improvements

502.1 The developer shall, for all major subdivisions and land developments, agree to complete all improvements in accordance with these regulations or such other improvements as the Township may require in the public interest as a prerequisite to approval of the final plan. Such improvements include those which will be dedicated to the Township, an appropriate municipal authority, or similar designated agency.

502.2 No plan shall receive final plan approval by the Board of Supervisors unless the developer shall have completed all improvements as required by these regulations or shall have filed with the Township, designated agency, or entity surety or other financial security guaranteeing the completion of such improvements.

502.3 The Board of Supervisors shall require the Township Engineer to check final construction plans for their correctness and to inspect the construction of improvements. The Township Engineer will be used for all improvements where the Township is to assume ownership or be responsible for maintenance. The entire cost of plan review and inspection will be borne by the developer in accordance with the Pennsylvania Municipalities Planning Code [see generally Section 503(1) and 501(g)]. The review and inspection of improvements to be dedicated to designated authorities or agencies where the Township will not maintain same will be in accordance with such organization's practices.

502.4 Upon completion of the improvements in accordance with the specifications required by this Ordinance and upon final inspection of the improvements by the Township Engineer, the developer shall take the final steps to dedicate the improvements and have the same accepted by Franklin Township. Improvements to be dedicated to designated authorities or agencies where the Township will not maintain same will be in accordance with such organization's practices.

502.5 Improvements may include, but are not necessarily limited to, the following:

- A. Monuments or markers
- B. Grading, streets, curbs, and sidewalks, as required

- C. Sanitary sewers
- D. Water service, including fire hydrants
- E. Storm drainage improvements, as required
- F. Erosion and sedimentation control measures, as required
- G. Street signs

### Section 503 Financial Security

The purpose of this Section is to provide for the filing of financial security as allowed by Section 509 of the Planning Code. Where the improvement is to be dedicated to a designated authority or agency other than the Township, the developer will follow that organization's practices. It is the clear intent of this Ordinance that all improvements required by this Ordinance be either installed and approved, or the developer will post adequate financial security as required by Section 509 of the Planning Code before final plan approval is granted.

503.1 An assurance of proper completion of the improvements by financial security in the subdivision shall be made by one of the following methods, or such other method as shall be satisfactory to the Township:

- A. A bond, irrevocable letter of credit, restrictive or escrow account, certified check, or other security satisfactory to the Township and in accordance with Section 509 of the Planning Code, which shall run or be made payable to the Township.
- B. In the case of a bond, it shall also:
  - 1. Be with surety satisfactory to the Township.
  - 2. Be in form, sufficiency, and execution acceptable to the Township.

503.2 The amount of the financial security shall be in an amount determined to equal one hundred ten percent (110%) of the cost of the required improvements in accordance with Section 509 of the Planning Code, and shall be approved by the Township Engineer. This arrangement will be used for improvements to be completed within a one (1) year period. In the event bonding beyond one (1) year is required, the process for same as set forth by Section 509 of the Planning Code will be followed.

503.3 The bond, certified check, or other securities shall specify the time for the completion of the requirement improvements. Such time shall be satisfactory to the Board of Supervisors, but not exceed one (1) year. When the improvements have been completed and approved by the Township, the guarantee shall be released and returned. When a portion of the required improvements has been completed and approved by the Township, a portion of the bond, monies, or security commensurate with the cost of the improvement may be released and returned in accordance with Section 509 of the Planning Code.

In no event shall the entire performance assurance be returned to the developer. At least ten percent (10%) shall be retained until:

- A. All improvements have been completed, approved by the Township Engineer, and accepted by Franklin Township.
  - B. The required bond for structural integrity/functioning (see Article XIV) has been filed and accepted by the Township.
  - C. All the requirements of Article XIV, specifically including the filing of as-built drawings, have been met.
- 503.4 In the event that cash or its equivalent is deposited as an improvement guarantee, it shall be held in an escrow fund, which may bear interest to the credit of the developer, but the developer shall pay all costs for the maintaining of such escrow fund.
- 503.5 As the work of installing the required improvements proceeds, the developer posting the financial security may request the Board of Supervisors to release of such portion 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 Board of Supervisors, and the Board of Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, that such portion of the work on the improvements has been completed in accordance with the approved plan and specifications. On such certification, the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said forty-five (45) day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested.
- 503.6. For circumstances relating to financial security not specifically delineated in the Ordinance, including the amount of same and the resolution of disagreements relative to such security, it is the intention of the Township to follow the guidelines and procedures as set forth in Sections 509 and 510 of the Pennsylvania Municipalities Planning Code.
- 503.7 In the event that any improvement which may be required have not been installed as provided in the Ordinance or in accordance with the approved final plan, the Township may 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 Township may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.
- 503.8 Escrow to Ensure Recordation: For all developments, required this Ordinance, the applicant will deposit an escrow guarantee, in an amount as determined by the Township to assure the plan is recorded. This amount shall be retained by the Township until proof of recordation is provided to the Township.

ARTICLE VI  
DEVELOPMENT STANDARDS

Section 601 General Standards

- 601.1 It is the policy of the Township that these regulations shall state minimum standards for development.
- 601.2 The following requirements and guiding principles for land subdivision shall be observed by all developers, and the Township shall consider the suitability as to location of any proposed subdivision with respect to the following:
- A. Subdivision plans shall conform to the Township's Official Map (if adopted) and the Comprehensive Plan.
  - B. No subdivision showing reserve strips controlling the access of public rights-of-ways will be approved.
  - C. Lot lines, where possible, shall follow municipal boundary lines rather than cross them.
  - D. Land which is subject to subsidence or underground fires either 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 menace.
  - E. Any development in areas considered by the Township as habitable yet subject to periodic or occasional flooding shall comply with the regulations and standards as established under Section 812 of this Ordinance and any other Federal, State or Township law, rule or regulation, including, but not limited to, the Pennsylvania Flood Plain Management Act (Act 166 of 1978, as amended).
  - F. The following regulations and/or legislation must also be complied with:
    - 1. Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).
    - 2. Pennsylvania Sewage Facilities Act (Act 537 of 1965, as amended).
    - 3. Pennsylvania Stormwater Management Act (Act 167 of 1978, as amended).
    - 4. Regulations of the Pennsylvania Department of Transportation relating, but not limited, to driveway and street openings.
    - 5. Wetlands protection regulations and restrictions.
    - 6. National Historic Preservation Act of 1966, as amended, and the regulations of the Advisory Council on Historic Preservation.
    - 7. The Franklin Township Zoning Ordinance and other Township ordinances pertaining to land use or development.

8. Fire protection regulations and restrictions as may be promulgated by the Township or its fire department and applicable provisions of the latest edition of the International Fire Code adopted under the Pennsylvania Uniform Construction Code.

601.3 Growing Greener: Franklin Township supports the “Growing Greener” concept. Any developer who wishes to follow that approach should apply for a modification to these regulations. In granting a modification for such a development, the Township will strictly follow *Growing Greener: A Conservation Planning Workbook for Municipal Officials in Pennsylvania* (1999, DCNR and the National Land Trust) for such developments, especially chapters 4 and 5 thereof, as well as appropriate appendices. Should the developer wish to employ “Growing Greener” concepts, the Township shall employ, at the expense of the developer, a consultant who is an expert in the application of Growing Greener land development techniques who will guide the Township and developer in the design and approval of the subdivision.

ARTICLE VII  
PLAN REQUIREMENTS

Section 701 Sketch Plan

701.1 The Township strongly recommends that a sketch plan be submitted by the developer or property owner as a basis for informal discussion with the staff of the Township.

701.2 Data furnished in a sketch plan shall be at the discretion of the developer. The sketch plan need not be to scale and precise dimensions are not required. It is suggested that the following items be included in the sketch plan presentation:

- Subdivision boundary
- General location of the subdivision
- North arrow
- Adjacent streets
- General topographical and physical features (including existing structures, floodplains, wetlands, etc.)
- Proposed general street layout
- Proposed general lot layout
- Proposed easements
- Location of water and sanitary sewer lines in and adjacent to the proposed subdivision
- Adjacent properties and owners
- Name, address and telephone number of the surveyor, and, if needed, engineer
- Zoning district in which subdivision is located

As suggested in Section 302.2, a site visit (developer and Township) to all major subdivisions, mobile home parks, and land developments is suggested.

Section 702 Preliminary Plan

702.1 A preliminary plan is required for all major subdivisions or subdivisions which are to be developed in phases. The preliminary plan drawing shall consist of an original drawn on stable plastic film and shall be in India ink. Accurate, permanent photographic reproducible reproductions in black, drawn on stable plastic film, will be accepted in lieu of inked drawings. Copies may be either black on white or blue on white diazo prints. Sheet size shall be eighteen by twenty-four (18 x 24) inches.

702.2 The preliminary plan shall be drawn at a scale of fifty (50) or one hundred (100) feet to the inch, depending upon the size of the overall development and the individual lots therein. In unusual circumstances, other scales may be approved by the Township. If the preliminary plan is drawn in two or more sections, it shall be accompanied by a key map showing the locations of the various sections.

702.3 The following information shall be shown on, or included with, all preliminary plans when they are submitted to the Township:

- A. Proposed subdivision name or identifying title and the words "Preliminary Plan," and the Erie County Index Number.

- B. Name and address of the owner of the tract, and of the agent involved, if any, and of the developer.
- C. Date, north arrow, and graphic scale.
- D. Total acreage of the tract, number and acreage of the individual lots, proposed land use, and remaining acreage of any un-subdivided land. For subdivisions of land up to twenty-five (25) acres in size, a survey of the entire parcel must be included on the plan. A prior survey, properly certified, may be used to satisfy this requirement.
- E. Zoning district and corresponding lot and area requirements (if applicable).
- F. Tract boundaries showing distances and bearings.
- G. A key map, at a minimum scale of two thousand (2,000) feet to the inch, for the purpose of locating the site, showing the relation of the tract to adjoining property and streets, bodies of water, and municipal boundaries.
- H. Contours at vertical intervals of two (2) feet, locations of bench marks, and datum used.
- I. The names of all owners of all immediately adjacent unplatted land; the names of all platted subdivisions or proposed subdivisions immediately adjacent to the development and the locations and dimensions of any streets or easements terminating adjacent to the development.
- J. The location and dimensions of all existing streets, railroads, sanitary and storm sewers, water mains and feeder lines, fire hydrants, on-lot sewage systems, water wells, gas wells, gas, electric, communication and oil transmission lines, streams, intermittent drainage ways, swales, floodplains, wetlands, and other significant features within the property proposed to be subdivided, or within two hundred (200) feet of said property.
- K. The location of all buildings and approximate location of all tree masses within the property.
- L. A description of the existing vegetative cover.
- M. A full plan of the development, showing the location of all proposed streets, alleys, utility easements, parks, playgrounds, pedestrian ways, and other public areas; sewer, water, and storm drainage facilities; proposed lot lines and approximate dimensions of lots; building setback lines, as applicable; lot numbers and/or block numbers in consecutive order; and all streets and other areas designed for appurtenant facilities, public use, or future public use, together with the conditions of such dedications or reservations.
- N. One (1) copy of approved Sewage Facilities Planning Module Components, Waivers or Exemptions as required in accordance with the Pennsylvania Sewage Facilities Act and PADEP regulations. Status of any required Erie County Health Department and/or PADEP sewerage system or water system permits, as



applicable, including permits or approvals for sanitary sewer system line extensions or tap-ins.

- O. Preliminary designs of sewerage and water plans. These designs may be submitted on separate sheets.
- P. Typical cross-sections and centerline profiles for each proposed street (see Article VIII). These profiles may be submitted on separate sheets.
- Q. A complete drainage plan, prepared in accordance with Act 167 Stormwater Management Plans adopted by the County of Erie and Township stormwater management ordinances, as applicable.
- R. Preliminary designs of any bridges or culverts which may be required. These designs may be submitted on separate sheets.
- S. Name, address and telephone number of the engineer/surveyor, as applicable.

702.4 The following certificates, where applicable, shall appear on the preliminary plan:

- A. Certification, with seal, by a registered land surveyor to the effect that the survey and plan are correct. An engineer's certification and seal, if appropriate.
- B. Certificate for approval by the Board of Township Supervisors.
- C. Certificate for review by the Township Planning Commission.
- D. Certificate for review by the Erie County Department of Planning.
- E. A statement, duly acknowledged before a notary public, with seal, and signed by the owner or owners of the property, to the effect that the subdivision shown on the plan is the act and deed of the owner, that he/she is the owner of the property shown on the survey and plan, and that he/she desires the same to be subdivided and recorded as shown. Said statement shall include an offer of dedicating of public roads, easements or other improvements as needed.
- F. A certificate to provide for the recording of the plan, if applicable.

702.5 Where the preliminary plan submitted covers only a part of the subdivider's entire holding, a sketch plan of the prospective future street system of the adjacent un-subdivided area shall be furnished; the street system of the submitted part will be considered within the context of adjustments and connections with future streets in the adjacent un-subdivided area. (See also 305.6)

### Section 703 Final Plan

703.1 A final plan is required for all subdivisions. The original and seven (7) copies shall be submitted, with three (3) complete sets of all exhibits.

703.2 The final plan original for all subdivisions shall be drawn on stable plastic film, and shall be in India ink. Accurate, permanent photographic reproductions in black drawn on stable plastic film will be accepted in lieu of inked drawings.

- 703.3 Sheet size for final plans shall be eighteen by twenty-four (18 x 24) inches in size for all subdivisions.
- 703.4 If the final plan is drawn in two (2) or more phases, it shall be accompanied by a key map showing the location of the phases.
- 703.5 The final plan shall be drawn at the scale as required of preliminary plans unless otherwise approved by the Township.
- 703.6 The following information shall be shown on final plans, where applicable:
- A. Proposed subdivision name or identifying title, Franklin Township, and the Erie County Parcel ID Number/Index Number of the original parcel.
  - B. Name and address of the owner of the tract, and of the agent involved, if any, and of the developer.
  - C. Date, north arrow, and graphic scale.
  - D. Lot lines and tract boundaries with accurate bearings and distances. Distances shall be to the nearest hundredth of a foot; bearings shall be to the nearest second. Survey precision shall be: minimum closure 1:10,000; maximum angular closure: fifteen (15) feet times the square root of the number of points in traverse; positions of locations of improvements, structures, paving, etc. (tie measurement): plus or minus one (1) foot.
  - E. Total acreage of entire subdivision, and number and acreage of the individual lots. Acreage shall be to the nearest hundredth acre exclusive of rights-of-way, or other public areas, shown as acres "net" and total gross acreage, including the rights-of-way and other public areas as acres "gross."
  - F. Accurate bearings and distances to the nearest established street corners or official monuments where practicable.
  - G. Accurate descriptions of all reference corners.
  - H. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
  - I. Complete curve data for all curves, including radius, delta angle, tangent, arc length, chord and chord bearing.
  - J. Street centerlines with accurate dimensions in feet and hundredths of feet, with bearings of such street centerlines to the nearest second.
  - K. Street names, cartway widths and street right-of-way widths.
  - L. Location and material of all permanent existing and proposed monuments and lot markers.
  - M. Easements and non-street rights-of-way widths and any limitations on such easements and non-street rights-of-way.

- N. Accurate dimensions of existing public land and of any property to be dedicated or reserved for public, semi-public, or community use; and all areas to which title is reserved by owner.
- O. Source of title to the land of the subdivision and to all adjoining lots, as shown by the official records of the Erie County Recorder of Deeds; and names of owners of all adjoining properties, including Erie County Index Numbers.
- P. The location and dimensions of all existing streets, railroads, sanitary and storm sewers, aqueducts, water mains, and feeder lines, fire hydrants, on-lot sewage systems, water wells, gas wells, gas, electric, communication and oil transmission lines, streams, intermittent drainage ways, floodplains, wetlands, and other significant features within the property proposed to be subdivided, or within two hundred (200) feet of said property.
- Q. Location of all existing structures and approximate location of tree masses within the property.
- R. Culverts and swales entering and exiting all parcels with water flow direction shown.
- S. A full plan of the development, showing the location of all proposed streets, alleys, utility easements, parks, playgrounds, pedestrian ways, and other public areas; sewer, water and storm drainage facilities; proposed lot lines and approximate dimensions of lots; building setback lines, as applicable; lot numbers and/or block numbers in consecutive order numbered or lettered individually (i.e., Lot A, B, or Lot 1, Lot 2); and all streets and other areas designed for appurtenant facilities, public use, or future public use, together with the conditions of such dedications of reservations.
- T. A key map, at a minimum scale of two thousand (2,000) feet to the inch, for the purpose of locating the site, showing the relation of the tract to adjoining property and streets, bodies of water, and Township boundaries.
- U. A new deed of the residual property for recording the residual parcel.
- V. Any notations and/or disclaimers required by this Ordinance.

703.7 The following certificates, where applicable, shall be shown on the final plan:

- A. Certification, with seal, by a registered land surveyor to the effect that the survey and plan are correct. A certification and seal, as appropriate, by an engineer.
- B. Certificate for approval by Franklin Township.
- C. Certificate for review by the Erie County Department of Planning.
- D. Certificate for review by the Township Planning Commission.
- E. A statement, duly acknowledged before a notary public, with seal, and signed by the owner or owners of the property, to the effect that the subdivision shown on

the final plan is the act and deed of the owner, that he/she is the owner of the property shown on the survey and plan, and that he/she desires the same to be subdivided and recorded as shown. Said statement shall include an offer of dedicating of public roads, easements or other improvements as needed.

- F. A certificate to provide for the recording of the plan.
- G. A highway occupancy permit notice as required by Section 508(6) of the Pennsylvania Municipalities Planning Code.

*Note: Approved forms of some of these required certificates are set forth in Appendix 2 of this Ordinance.*

703.8 The following information, in addition to that shown on the final plan, shall be submitted to the Township as a condition of final plan approval, when applicable (see Sections 808 and 812):

- A. One (1) copy of approved Sewage Facilities Planning Module Components, Waivers or Exemptions as required in accordance with the Pennsylvania Sewage Facilities Act and DEP regulations. Status of any required Erie County Health Department and/or PADEP sewerage system or water system permit, as applicable, including permits or approvals for sanitary sewer system line extensions or tap-ins.
- B. Documentation of compliance with Act 167 Stormwater Management Plans adopted by the County of Erie and Township stormwater management ordinances, as applicable.
- C. Documentation of compliance with applicable Soil Erosion and Sedimentation Control Plan requirements.
- D. Final profiles, cross sections, and specifications for street improvements, and sanitary and storm sewers, and water distribution systems shall be shown on one (1) or more separate sheets.
- E. Required assurances of completion or approval of required improvements by the Township in accordance with Section 503 of this Ordinance, as applicable.
- F. Any existing or proposed covenants to run with the land.
- G. Tentative timetable for the proposed sequence of development for the subdivision, if required.

ARTICLE VIII  
DESIGN STANDARDS

Section 801 General

The design standards set forth by these regulations are intended to ensure proper development in Franklin Township.

801.1 The following subdivision and land development principles, standards, and requirements shall be applied by the Township and/or Township Engineer in evaluating the plans for proposed subdivisions and land developments and shall be considered minimum requirements.

801.2 In reviewing subdivision or land development plans, the Township may consider the adequacy of existing or proposed community facilities to serve the additional dwelling units or other commercial or industrial structures proposed. A reservation of land for community facilities may be requested when appropriate.

801.3 The subdividing of land shall be done in a manner that will not have the effect of preventing adjacent property owners from access to the streets and ways of the allotment. The Township may require dedicated, improved, or undedicated parcels to be provided for future access to adjacent land.

801.4 Land that is unsuitable for development because of hazards to life, safety, health, or property may be excluded from approval under this Ordinance, unless adequate safeguards or remediation area provided, or sufficient areas for safe development are present.

801.5 Proposed subdivisions or land developments shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.

801.6 Proposed land uses and specifications shall conform to the Township zoning ordinance.

Section 802 Streets

In Franklin Township, the subdivider/developer has the option of a public right-of-way/privately maintained roadway (see Appendix 2).

Except for the preceding requirements, all street and road specifications shall be as follows:

802.1 Minimum street right-of-way widths, cartway widths and shoulder widths shall be as follows:

Type of Street	Right-of-Way	Cartway*		Shoulders**
		With Curbs	No Curbs	
Local***	50 feet	26 feet	22 feet	2 feet
Collector	60 feet	32 feet	26 feet	4 feet
Comm./Ind.	60 feet	36 feet	30 feet	6 feet

Arterial – As prescribed by the Pennsylvania Department of Transportation specifications.

\*Increase cartway width for each lane over two (2) by one half the requirement.

\*\*When no curbs are provided.

\*\*\*Where local streets are to open onto a State highway, the requirements of the Highway Occupancy Permit Notice shall apply.

*Special Note: Franklin Township is a rural area and, by current policy, new roads are not required to have curbs or sidewalks.*

802.2 In cases where a new subdivision is planned to join the street system of an existing subdivision, the minimum requirements shall apply except where the existing street rights-of-way and cartways are larger than required. In this event, the Township may require that the new streets and rights-of-way be as large as those in the existing subdivision. Any street or right-of-way that is planned, though not already established shall be continued at not less than its width as planned.

802.3 Provisions for additional street right-of-way and/or cartway width may be required by the Township in specific cases for:

- A. Public safety and convenience
- B. Parking in commercial and industrial areas and in areas of high-density residential development

802.4 General design criteria for streets shall be in accordance with specifications as set forth by this Ordinance.

802.5 Cul-de-sacs shall be permitted when it is clear that through traffic at such a street end is not essential to the street system in that district.

802.6 Street intersections shall comply with the following requirements:

- A. When fences, hedges or other plantings, structures, or walls on any lot corner would create a traffic hazard by limiting clear vision across a corner lot from a height of three (3) feet above the finished paved area, at the centerline of the right-of-way, such structure and/or vegetation shall be removed in conjunction with grading the right-of-way to provide a sight line, consistent with the following table.

<b>Minimum Intersection Sight Distance (Passenger Cars)</b>	
<b>Design Speed (mph)</b>	<b>Sight Distance (Feet)</b>
20	225
25	280
30	335
35	390
40	445
45	500
50	555
55	610

When an arterial or collector and a local street intersect, each shall retain its respective footage requirements along the centerline to form the sight triangle. No building or structure shall be permitted in this sight triangle. Sight triangles shall be shown on the plan.

- B. Where the grade of any street at the approach to an intersection exceeds five percent (5%), a leveling area shall be provided, if possible, with a transitional grade not to exceed two percent (2%), for a minimum distance of fifty (50) feet from the nearest right-of-way line of the intersection.
- C. Intersections of more than two (2) streets shall not be permitted.
- D. Minimum street intersection angles shall be sixty (60) degrees. Right angle intersections shall be used whenever possible.
- E. Intersecting streets shall be separated by two hundred (200) feet or more, measured between centerlines along the centerline of the intersected street. (See also 802.9)

802.7 Horizontal curves shall be in accordance with PADOT Form 70 specifications (*or their successor regulations*).

802.8 Vertical curves shall be in accordance with PADOT Form 70 specifications (*or their successor regulations*).

802.9 In general, local and collector streets shall not adjoin into the same side of arterial streets at intervals of less than five hundred (500) feet.

802.10 Half streets shall not be permitted, unless it is clear that no other street layout is possible. If circumstances necessitate a half street, adequate provisions for the concurrent dedication of the remaining half of the street must be furnished by the developer. Where a half street exists in an adjoining subdivision, the remaining half shall be provided in the proposed development. The use of reserve strips is prohibited.

802.11 The provisions for the extension and continuation of collector and arterial streets into and from adjoining areas shall be required. Where a subdivision abuts or contains an existing or proposed arterial street, the Township may require reverse frontage lots or such treatments as will provide protection for abutting properties, reduction in the number of intersections with the arterial streets, and separation of local and through traffic.

802.12 When the subdivision adjoins unsubdivided acreage, new streets or reserved rights-of-way shall be provided through to the boundary lines of the development.

802.13 If the lots in a development are large enough for subdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such resubdivision shall be provided.

802.14 Proposed streets shall be properly related to the Official Map of the Township if applicable, and shall be logically related to the topography so as to produce usable lots and reasonable grades.

802.15 Where a subdivision borders on, or contains a railroad right-of-way, an arterial highway right-of-way or a stream, ravine, steep hill, or wetland, the Township may require a street approximately parallel to and on each side of such right-of-way or other obstruction at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations, and for non-residential uses of land.

802.16 Cul-de-sacs shall be avoided unless it is determined by the Township that a through street is not essential to the street system of the plan or the adjacent area. Where cul-de-sacs are permitted, the length shall not exceed one thousand (1,000) feet nor be less than two hundred and fifty (250) feet and shall be provided with a turnaround having a minimum right-of-way diameter of one hundred and twenty (120) feet. The length of the cul-de-sac shall be measured to the center of the turnaround. Extension of a cul-de-sac will be permitted in order to connect with the street system of a new or extended subdivision provided that all other applicable requirements are met. In no event shall a cul-de-sac street be designed for more than twenty-five (25) housing units.

802.17 Public road rights-of-way that are to be privately maintained by the developer or lot owners fronting said right-of-way shall only be approved in accordance with the following requirements:

- A. If the owners of land wish to subdivide their property and because of financial constraints are unable to meet the subdivision requirements relative to the construction and development of the public roads within said subdivision, said owners may petition the Township and request that the Township accept and approve their subdivision without compliance with all of the street and/or road provisions of the Franklin Township Subdivision and Land Development Ordinance. In such a case, said owner shall submit a written request to the Township to establish a public right-of-way/privately maintained road agreement.
- B. The owners will initially provide and submit with the above-mentioned written request a sketch plan of the proposed subdivision.
- C. The sketch plan of the proposed subdivision will show the location of the public right-of-way/privately maintained road and where such road will intersect with a public right-of-way/publicly dedicated and maintained road.
- D. All public right-of-way/privately maintained roads will exit onto a public road system.



- E. Public right-of-way/privately maintained roads shall only be approved to function as local streets. Such roads shall be graded to a cartway width of twenty-two (22) feet and have a six- (6) inch layer of gravel or stone applied to provide a mud-free structure.
- F. No more than four (4) lots shall be permitted on a public right-of-way/privately maintained road, not including the lot(s) fronting on the previously existing, publicly maintained right-of-way.
- G. In addition to the written requests for approval of a public right-of-way/privately maintained road in the proposed subdivision, the petitioner must submit all information and documentation required under the Franklin Township Subdivision and Land Development Ordinance and must meet all other State and local rules, ordinances and regulations except as the Franklin Township Subdivision and Land Development Ordinance regulations are modified herein.
- H. Prior to the approval of the proposed public right-of-way/privately maintained road within the petitioner's subdivision by the Township, the same shall be sent to the Township and the local Township engineer for their recommendations and/or suggestions.
- I. The owners acknowledge that even if the request for a public right-of-way/privately maintained road is approved by the Township, they must still abide by all other requirements of the Franklin Township Subdivision and Land Development Ordinance and other applicable ordinances as well as State rules, regulations and procedures except as modified herein.
- J. The owners acknowledge that they will be obligated to execute and record an agreement entitled, "Contracts, Covenants, Restrictions, Conditions and Stipulations Running with the Land," binding not only the developer/owner of the subdivision, but also the subsequent owners of the lots within the proposed subdivision. A copy of said agreement which is on file at the Township office will be provided to the owner for his review and approval (see Appendix 3). Documentation of the recording of the executed agreement shall be submitted to the Township.
- K. The owners acknowledge that as a condition precedent to the development of any lot pursuant to the proposed subdivision, all lots and subdivision roads shall be completed in accordance with the Franklin Township Subdivision and Land Development Ordinance, except as hereinbefore modified:
  - 1. Section 802.1 – Only the minimum right-of-way width requirement of fifty (50) feet shall be applicable.
  - 2. Section 1006 – Not applicable
- L. On approval of the petition, petitioner developer may subdivide and develop his land in accordance with these requirements and in accordance with the agreements executed by petitioner with the Township.

- M. Prior to acceptance of petitioner's privately maintained road system by the Township as a Township-owned, Township-maintained road, the developer and/or lot owners fronting on said road shall be required at their own and sole expense to bring the roads, streets, drains, etc. up to the standards established by the Township for the construction of public roads.

Section 803 Alleys: Alleys shall not be permitted.

Section 804 Reserved

Section 805 Blocks

- 805.1 Blocks shall be designed to ensure proper fire safety. Provisions of the International Fire Code, latest edition, shall be applied to fire safety requirements for this section.
- 805.2 All blocks in a subdivision shall have a maximum length of fifteen hundred (1,500) feet. Blocks subdivided into lots shall be approximately two (2) lot depths in width, except lots along a major thoroughfare which front on an interior street. Block lengths shall not be less than four hundred (400) feet.
- 805.3 In commercial areas, the block layout shall conform with due consideration to site conditions, to the best possible layout to serve the buying public, to permit good traffic circulation and the parking of cars, to make delivery and pickup efficient, and to reinforce the best design of the units in the commercial areas.
- 805.4 The block layout in industrial areas shall be governed by the most efficient arrangement of space for present use and future expansion, with due regard for worker and customer access parking. Special attention should be paid to the accommodation of truck and tractor/trailer traffic.
- 805.5 In large blocks with interior parks and playgrounds, in exceptionally long blocks where access to a school and/or shopping center is necessary, or where cross streets are impractical or unnecessary, a pedestrian right-of-way may be required by the Township near and through the center of every block over one thousand (1,000) feet long. Such right-of-way shall be a minimum of ten (10) feet wide and shall have a paved walkway a minimum of four (4) feet wide.

Section 806 Lots and Building Lines

- 806.1 Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from arterials and high volume collectors or to overcome specific disadvantages of topography and orientation. A planting screen easement across which there shall be no right of access may be required by the Township along the line of lots abutting such a traffic artery or other disadvantageous use.
- 806.2 Side lines of lots, so far as practical, shall be at right angles or radial to street lines.
- 806.3 Lots abutting local streets shall front upon the streets which parallel the long dimension of the block, if possible.

- 806.4 All lots shall front on a public road right-of-way. Such right-of-way shall be either 1) publicly dedicated and maintained by the Township; or 2) privately maintained by the developer or lot owners fronting said right-of-way in accordance with the requirements of Section 802.17 of this Ordinance.
- 806.5 Flag lots will only be permitted for lots of one (1) acre or more in areas with public water and sewer availability; two (2) acres or more in areas with either public water or sewer availability; and five (5) acres or more in areas without public water and sewer availability. Such lots shall have a minimum width of sixty (60) feet measured at the right-of-way line. Flag lots will only be permitted to be created from lots of five (5) acres or more. Such lots shall have a minimum lot frontage as specified in the Township Zoning Ordinance measured at the right-of-way line where the "pole" meets the existing publicly maintained right-of-way. The pole, which provides for a future road access to rear lots, must extend to the rear of any lot(s) created. The residual lot and any new lot(s) must equal two (2) acres or more. The two (2) acre minimum shall not include the right-of-way of the publicly maintained road or the provision for a right of way (the minimum lot frontage, which is the "pole"), that accesses the rear flag lot(s). The minimum two (2) acre flag lot(s) that are created shall have a lot width parallel with the pole of at least 250 feet. There is no maximum width of a pole.
- 806.6 Lot and yard requirements shall be in accordance with the zoning ordinance of Franklin Township.

#### Section 807 Lot Grading for Subdivisions and Land Developments

- 807.1 Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of stormwater in pools. Slopes away from structures shall be a minimum of two percent (2%).
- 807.2 Lot grading shall be designed in accordance with the Franklin Township Stormwater Ordinance and the Pennsylvania DEP Stormwater Best Management Practices Manual. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one percent (1%) or more than four percent (4%). The swales shall be sodded, planted or lined as required. A Soil Erosion and Sedimentation Control Plan shall be required for all subdivisions and land developments, except minor subdivisions (see Section 1012 of this Ordinance).
- 807.3 No final grading shall be permitted with a cut face steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:
- A. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than (2) horizontal to (1) vertical and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to the Township Engineer and approved by same. The statement shall specify that the site has been inspected and that the deviation from the slope specified herein before will not result in injury to persons or damage to property.
  - B. A concrete or stone masonry wall constructed according to sound engineering standards for which plans are submitted to the Township Engineer for review and written approval is provided.

807.4 No final grading shall be permitted which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:

- A. The fill is located so that settlement, sliding, or erosion will not result in property damage or be hazardous to adjoining property, streets, alleys, or buildings.
- B. A written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and approved by the Township Engineer.
- C. A wall designed by a licensed engineer is constructed to support the face of the fill.

807.5 The top or bottom edge of slopes shall be a minimum of three (3) feet from property or right-of-way lines of street or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines where walls or slopes are steeper than one (1) horizontal to one (1) vertical and five (5) feet or more in height shall be protected by a protective fence no less than three (3) feet in height approved by the Township Engineer.

Section 808 Public Recreation and Open Space areas, Lot Sizing, Planting and Beautification for Subdivisions and Land Developments

808.1 In order to promote the highest environmental quality possible, the degree to which the applicant of a subdivision or land development plan has preserved existing salient natural features and land forms intrinsic to the site shall be assessed. Terms of approval of a plan may be subject to the manner in which the layout or design of the plan has preserved existing natural features, including, but not limited to, such features as wooded areas, watercourses and escarpments.

808.2 Public Recreation and Open Space Areas: Where the applicant is offering for dedication to establish a reservation of property for public recreation or open space, or preserve an area of scenic or historic importance, a "limit of work" which will confine excavation, earth moving procedures and other changes to the landscape, may be required to ensure preservation and prevent despoliation of the character of the area in open space. The location of public recreation and open space areas shall link, where possible, with other such areas to allow for a corridor of open space.

808.3 Topsoil Preservation: All of the topsoil from areas where cuts and fills have been made should be stockpiled and redistributed uniformly after grading. All areas of the site shall be stabilized by grass seeding on slopes of less than ten percent (10%); by sodding on slopes of ten percent (10%) to twenty percent (20%); and by ground cover planting on slopes of twenty percent (20%) or greater.

808.4 Landscaping: All subdivisions and land developments, with the exception of minor subdivisions and replats, shall require a landscaping plan which shall be prepared by a registered landscape architect and submitted for approval by the Township which shall

include plantings such as planting strips, screening, formal gardens, shade trees, and natural barriers.

- 808.5 Preserved Landscaping: When there is a conscientious effort to preserve the existing natural integrity and character of a site and where such preservation maintains areas of woodland and trees comparable to required planting improvements, (i.e., landscaping and buffer screening), the plan may be received in lieu of additional landscaping requirements.

### Section 809 Easements

- 809.1 Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, a drainage easement shall be required that conforms substantially with the water line of such watercourse, drainage way, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities.
- 809.2 Where desirable or necessary, adequate easements or dedications for public service utilities shall be provided for sewer, water, electric power, gas lines, storm drainage and similar services; and no structure or obstruction of any kind shall be placed where it will interfere in any way with such easements.
- 809.3 Utility easements, where required, shall have a minimum width of fifteen (15) feet and be placed at the side or rear of lots whenever possible.
- 809.4 Aerial easements, if required, shall commence at a point fifteen (15) feet or more above ground.

### Section 810 Street Names

The developer may choose street names with guidance from the Erie County Department of Public Safety and approval of Franklin Township.

Section 811 Stormwater Drainage *Special Note: It is expected that the Erie County Act 167 Countywide Watershed Stormwater Management Plan for Erie County, Phase II, may require changes to this stormwater drainage section.*

- 811.1 Stormwater management is required and shall comply with the Pennsylvania Storm Water Management Act, the Pennsylvania Storm Water Best Management Practices Manual, Franklin the Township Storm Water Management Ordinance or Erie County regulations as applicable.
- 811.2 No person, corporation, or other entity 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 communal stream or watercourse without having obtained prior approval from the PADEP.
- 811.3 Where a subdivision or land development is traversed by a natural watercourse, there may be provided a drainage easement conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.

- 811.4 The subdivider or developer, and each person, corporation, or other entity which makes any surface changes shall be required to:
- A. Design all storm drainage facilities and plans to be in conformance with the Pennsylvania Storm Water Management Act, the Pennsylvania Storm Water Best Management Practices Manual, the Franklin Township Storm Water Management Ordinance, or Erie County regulations, as applicable.
  - B. Collect on-site surface runoff and dispose of it consistent with the Pennsylvania Storm Water Management Act, the Pennsylvania Storm Water Best Management Practices Manual, the Franklin Township Storm Water Management Ordinance, or Erie County regulations, as applicable.
  - C. Design drainage facilities to handle runoff from upstream areas, assuming full development of those areas, based upon the Edinboro Borough, Franklin Township, and Washington Township Multi-Municipal Comprehensive Plan, as applicable.
  - D. Design, construct, and/or install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, adjacent property and downstream property. Such structures and facilities shall satisfactorily convey such surface waters to the nearest practical street, storm drain, detention pond, or natural watercourse.
- 811.5 Storm sewers, culverts, and related installations shall be provided to permit unimpeded flow of natural watercourses, to drain all low points along streets, and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.
- 811.6 Storm sewers, as required, shall be placed in front of the curb or curb line when located in a street right-of-way. When located in undedicated land, they shall be placed within an easement not less than fifteen (15) feet wide, as approved by the Township Engineer, who may require additional width of easement as circumstances warrant.
- 811.7 Street drainage will not be permitted to cross intersections or the crown of the road.
- A. Maximum spacing of street inlets shall not exceed three hundred (300) feet.
  - B. All street inlets shall be PADOT Type C or M. Inlet tops shall be cast in place reinforced concrete or precast concrete.
  - C. All culvert ends shall be provided with either reinforced concrete headwalls or pipe end sections.
  - D. Minimum pipe size shall be fifteen (15) inch diameter.
  - E. When material for storm drain systems is not specified, current PADOT specifications will govern.
- 811.8 No outlets or discharges from springs, sump pumps, roof drains, footer drains, floor drains, or downspouts shall be routed to a sanitary sewer.

811.9 No outlets or discharges from springs, sump pumps, roof drains, footer drains, floor drains, or downspouts shall be allowed to flow into the street. These water sources shall be disposed of consistent with the Pennsylvania Storm Water Management Act, the Pennsylvania Storm Water Best Management Practices Manual, the Franklin Township Storm Water Management Ordinance, or Erie County regulations, as applicable.

811.10 For the purpose of computing peak flow rates and runoff hydrographs from development sites, calculations shall be consistent with the Pennsylvania Storm Water Management Act, the Pennsylvania Storm Water Best Management Practices Manual, the Franklin Township Storm Water Management Ordinance, or Erie County regulations, as applicable. Stormwater runoff from all development and post-development sites shall be calculated using either the Rational Method or a Soil Cover Complex methodology.

811.11 For the purposes of designing storm sewers, open swales and other stormwater runoff collection and conveyance facilities, the methods applicable from the Pennsylvania Storm Water Management Act, the Pennsylvania Storm Water Best Management Practices Manual, the Franklin Township Storm Water Management Ordinance or Erie County regulations shall be used.

811.12 Where the estimated runoff based upon the above methods is doubtful, several recognized methods should be studied and compared.

811.13 Stormwater management facilities on all development sites shall control the peak stormwater discharge consistent with the Pennsylvania Storm Water Management Act, the Pennsylvania Storm Water Best Management Practices Manual, the Franklin Township Storm Water Management Ordinance or Erie County regulations, as applicable.

811.14 Runoff calculations must include complete hydrologic and hydraulic design and analysis of all control facilities.

811.15 Control Facilities:

- A. Permanent control measures/facilities shall be designed in accordance with the appropriate stormwater management plan adopted by Franklin Township or the County of Erie for the watershed on which the subdivision or land development is located.
- B. Control Facilities shall be designed to meet, as a minimum, the design standards and specifications of the most current version of the "Erosion and Sedimentation Control Handbook for Counties" and the Township's stormwater management regulations, as applicable.
- C. A maintenance program for control facilities must be included as part of the Storm Water Management Plan prepared for the development site.
  1. Maintenance during development activities of a project shall be the responsibility of the contractor, developer and owner.

2. Arrangement for maintenance of permanent control facilities after completion of development activities shall be made before approval of final plans is given by the Township.
  - a. If a development consists of structures or lots which are to be separately owned and in which streets, storm sewers and other public improvements are to be dedicated to the Township, stormwater control facilities should also be dedicated to and maintained by the Township.
  - b. If a development site is to be maintained in single ownership or if storm sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities should be the responsibility of the owner or private management entity.

### Section 812 Floodplain Area Regulations

812.1 Purpose: The specific purposes of these special provisions are:

- A. To regulate the subdivision or development of land within any federally designated floodplain area in order to promote the general health, welfare, and safety of the community.
- B. To require that each subdivision lot or land development in flood-prone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction.
- C. To prevent individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision or development of unprotected lands within the designated floodplain districts.

812.2 Abrogation and Greater Restrictions: To the extent that this Section imposes greater requirements or more complete disclosure than any other provisions of this Ordinance, in any respect, or to the extent that the provisions of this Section are more restrictive than such other provisions, it shall supersede such other provisions of this Ordinance.

812.3 Disclaimer of Municipal Liability: The grant of a permit or approval of a plan for any proposed subdivision or land development to be located within any federally designated floodplain area shall not constitute a representation, guarantee, or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Township, other officials, employees or agents.

812.4 Application Procedures and Requirements:

- A. Pre-Application Procedures
  1. Prior to the preparation of any plans, it is suggested that prospective developers consult with the PADEP and/or Erie County Health



Department concerning soil suitability when on-site sewage disposal facilities are proposed.

2. Prospective developers shall consult the Erie County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination shall be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or land development.

B. Preliminary Plan Requirements: The following information shall be required as part of the preliminary plan and shall be prepared by a registered surveyor or engineer:

1. Name of engineer, surveyor, or other qualified person responsible for providing the information required in this Section.
2. A map showing the location of the proposed subdivision or land development with respect to any federally designated floodplain area, including information on, but not limited to, the one hundred (100) year flood elevations, boundaries of the floodplain area or areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.
3. Where the subdivision or land development lies partially or completely within any federally designated floodplain area, or where the subdivision or land development borders on a floodplain area, the preliminary plan shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. The preliminary plan shall show elevation contours at intervals of two (2) feet or less (as required), and shall identify accurately the boundaries of the floodplain area.
4. Such other information as is required by this Ordinance.

C. Final Plan Requirements: The following information shall be required as part of the final plan and shall be prepared by a registered surveyor or engineer:

1. All information required for the submission of the preliminary plan incorporating any changes requested by the Township.
2. A map showing the exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed within any federally designated floodplain area. The final plan shall show contours at intervals of two (2) feet or less (as required), within the floodplain area and shall identify accurately the boundaries of the flood-prone areas.
3. Submission of the final plan shall also be accompanied by all required permits and related documentation from the PADEP and Franklin Township.

## 812.5 Design Standards and Improvements in Designated Floodplain Areas.

### A. General

1. Where not prohibited by this or any other laws and ordinances, including the Township floodplain management ordinance, if applicable, land located in any designated floodplain area may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.
2. No subdivision or land development, or part thereof, shall be approved if the proposed development or improvements will, individually or collectively, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
3. Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any floodway area. Sites for these uses may be permitted outside the floodway area in a floodplain area if the lowest floor (including basement), is elevated to the regulatory flood elevation. If fill is used to raise the elevation of a site, the fill area shall extend laterally a minimum of fifteen (15) feet to a maximum of twenty-five (25) feet beyond the limits of the proposed structures.
4. Building sites for structures or other buildings which are for non-residential uses shall not be permitted in any floodway area. Such sites for structures or buildings outside the floodway shall be permitted if elevated to or above the one hundred (100) year flood elevation. However, the Board of Supervisors may allow the subdivision and/or development of areas or sites for commercial and industrial uses at an elevation below the one hundred (100) year flood elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be floodproofed at least up to that height. All protection and floodproofing shall be approved by the Township Engineer.
5. If the Township determines that only a part of the proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with that determination.
6. When a developer does not intend to develop the plat himself and the Township determines that additional controls are required to ensure safe development, the Township may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

### B. Drainage Facilities

1. Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.

2. Drainage plans shall be subject to the approval of the Township Engineer. The Township Engineer shall require a primary underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with Township, County, and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
- C. Streets and Driveways: The finished elevation of proposed streets and driveways shall not be more than one (1) foot below the regulatory flood elevation. Profiles and elevations of streets and driveways to determine compliance with this requirement and as required by other provisions of this Ordinance shall be submitted with the final plan. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.
- D. Sewer Facilities: All sanitary sewer systems located in any federally designated floodplain area, whether public or private, shall be floodproofed up to the regulatory flood elevation.
- E. Water Facilities: All water systems located in any federally designated floodplain area, whether public or private, shall be floodproofed up to the regulatory flood elevation.
- F. Other Utilities and Facilities: All other public or private utilities and facilities, including gas and electric, shall be elevated or floodproofed up to the regulatory flood elevation.

ARTICLE IX  
REQUIRED IMPROVEMENTS

Section 901 General

- 901.1 The construction of subdivision improvements shall be the responsibility of the developer.
- 901.2 All of the following improvements, as required by the Township pursuant to the authority granted in the Pennsylvania Municipalities Planning Code, shall be completed in accordance with the requirements established by this Ordinance prior to final approval of the final plan, except as otherwise provided herein.
- 901.3 Final plan approval, except for minor subdivisions and replats, shall not be given prior to the completion and acceptance of all subdivision improvements or the posting of financial security for such improvements, as required by this Ordinance.
- 901.4 All the requirements in this Ordinance concerning street paving, curbing, and sidewalks shall be adhered to unless otherwise regulated by the Township.
- 901.5 Upon completion of the improvements in accordance with the specifications of this Ordinance or those of the Township, the developer shall take steps to dedicate the improvements and have the same accepted by the Township.

Section 902 Improvements

- 902.1 Utility and street improvements shall be provided, where required, in each new subdivision as follows, except that improvements are not required in existing public streets which may be incorporated into, or be adjacent to, the subdivision.
- A. Survey monumentation
  - B. Water supply
  - C. Sanitary sewage disposal facilities
  - D. Storm sewers
  - E. Streets, including required grading, subgrade, base and paving
  - F. Subgrade drains
  - G. Curbing on streets\*
  - H. Sidewalks\*
  - I. Seeding between the sidewalk and curb\*
  - J. Required utilities, street lighting, street name signs and required grading
  - K. Erosion control

\*Curbing, sidewalks, and seeding the curb lawn are not required by Franklin Township. Such improvements are solely at the option of the developer. And, as Franklin is a rural township, the developer must demonstrate how these improvements shall be maintained without support by the Township. Street lighting shall be required in major subdivisions installed at the developer's expense. Future costs and maintenance of street lighting shall be assessed to the property owners.

ARTICLE X  
CONSTRUCTION REQUIREMENTS

Section 1001 General

1001.1 The construction of improvements shall be in accordance with the requirements of this section. It is the intent of these regulations that these construction requirements shall be for the purpose of establishing a standard of quality and durability. If the Township has established construction standards, and if their Board of Supervisors shall so require, in writing, they shall be used in lieu of the standards set forth in this Article.

Section 1002 Monuments

1002.1 Survey monuments and markers shall be placed at all points as determined by the following criteria:

- A. Monuments shall be concrete with a three eighths inch ( $3/8$ " ) metal dowel in the center at the top. Monument size shall be no less than six inches by six inches by 18 inches ( $6$ " x  $6$ " x  $18$ " ). Where double monuments are used, the top monument shall be as described in the preceding sentence, and the bottom monument shall be concrete with a three eighths-inch ( $3/8$ " ) metal dowel in the center at the top. A bottom monument shall be no less than six inches by six inches by six inches ( $6$ " x  $6$ " x  $6$ " ) in size.
- B. Markers shall be ferrous metal pipe or rods, one-half ( $1/2$ ) inch minimum diameter by eighteen (18) inches minimum length or may be standard manufactured steel survey markers of a similar length.
- C. Monuments shall be placed so that the center point shall coincide exactly with the intersection of lines to be marked.
- D. Monuments shall be placed so that they protrude approximately two (2) inches above grade in areas which are not paved, at grade if in a paved area not subject to vehicle traffic, and four (4) inches to eight (8) inches below grade if in a paved area subject to vehicle traffic. Monuments set in areas subject to traffic shall be protected with a cast iron frame and access cover of adequate design for truck traffic, or may have double monuments, one above the other, with the top monument flush with the pavement.
- E. Markers shall be driven into the ground so as to be approximately flush with the final grade.
- F. Monuments shall be set at the intersection of all lines forming angles in the boundaries of major subdivisions and at all street angle points, and at the intersection of all street centerlines.
- G. Markers shall be set at all lot angles and corners, and at the beginning and end of all curves in lot and street lines. Curves for corner radii at intersections need not be marked if the intersection is monumented.

### Section 1003 Water Supply

- 1003.1 The developer shall contact the local municipality and/or public utility authority for the specifications of a water supply system. Prior to the approval of the preliminary plan, the developer shall provide a letter of intent from the water supplier to the Township that arrangements for the provision of the water system are proceeding satisfactorily.
- 1003.2 Fire hydrants shall be provided concurrently with the water supply with locations and frequency as required by the Township or water service provider.
- 1003.3 If a development requires such additional water supply as to require changes to the Township's water distribution system, the developer shall be required to pay a share of the costs consistent with the provisions of Act 203 of 1990 (an amendment of the Municipality Authorities Act of 1945). It is the purpose of these regulations that developments which occur under this Ordinance shall pay their fair share toward needed improvements as set forth by the aforementioned act.
- 1003.4 When a township or community water supply system is available within five hundred (500) feet of a subdivision or land development, each lot shall be served by such system.
- 1003.5 If an on-lot (well) water supply is to be used, please refer to Appendix 4 of this Ordinance.

### Section 1004 Sanitary Sewage Disposal

- 1004.1 Where consistent with an approved Act 537 Plan, the developer shall construct a sanitary sewer system and provide lateral connections for each lot in accordance with the specifications of the Township.
- 1004.2 The developer shall secure from the Township (or appropriate authority), prior to approval of the preliminary plan, a letter indicating the general design, location and preliminary approval of the proposed sanitary sewer collection system. Prior to the approval of the final plan, the developer shall supply documentation attesting to the approval of the sanitary sewer collection system by the Township (or appropriate authority), and PADEP and/or the County Health Department. The developer may offer an acceptable financial surety in lieu of this arrangement.
- 1004.3 If a development generates such additional sanitary sewer flows as to require changes to the Township's (or appropriate authority) sanitary sewer collection system, the developer shall be requested to pay a share of the costs consistent with the provisions of Act 203 of 1990. It is the purpose of these regulations that developments which occur under this Ordinance shall pay their fair share toward needed improvements as set forth by the aforementioned act.
- 1004.4 Private Sewer Systems: When a complete private sanitary sewer system using a treatment plant is to be provided, a statement shall be submitted to the Township from the PADEP and/or County Health Department certifying that approval of the facilities has been issued by the appropriate agency. Adequate security for the maintenance of such plant shall be furnished to the Township.

1004.5 On-Lot Sewage Disposal: In subdivisions where public sewers are not available and a complete private sanitary sewer system is not required, on-lot sewage disposal systems shall be provided. In such instances, the developer shall provide evidence that the appropriate Sewage Facilities Planning Module has been completed and approved by the PADEP and/or County Health Department. The developer must demonstrate compliance with the Pennsylvania Sewage Facilities Act, and other State, County, or Township laws and/or regulations governing on-lot sewage disposal.

1004.6 Capped Sewer System: Where the sanitary sewer system is not yet accessible, but is planned for extension to the subdivision or development, the subdivider shall install sewer lines, including lateral connections, in order to provide service to each lot. The sewer mains shall be suitably capped at the limits of the subdivision and laterals shall be capped at the street right-of-way line when not extended to houses or other structures. When laterals are extended to houses or other structures, the internal plumbing system shall be constructed to accommodate them as well as any current septic system required.

### Section 1005 Storm Sewers

1005.1 A drainage system adequate to serve the needs of the proposed natural waterways, and overland flow will be required in new subdivisions. The developer shall construct a storm sewer system and connect the drainage system with the existing Township storm sewer system if one exists.

1005.2 If a development generates such additional storm drainage sewer flows as to require changes to the Township's storm sewer collection system, the developer will be requested to pay a share of the cost consistent with the provisions of Act 203 of 1990. It is the purpose of these regulations that developments which occur under this Ordinance shall pay their fair share toward needed improvements as set forth by the aforementioned act.

1005.3 Bridges or culverts shall be designed to support and carry loads in accordance with current specifications of the PADOT.

1005.4 Where open watercourses are planned, adequate safety, erosion control, drainage, protection of capacity and appearance measures shall be taken by the developer to ensure proper, safe, healthful disposal of stormwater.

1005.5 Minimum grade of drainage courses shall be designed to create a minimum cleaning effect [velocity of two (2) feet per second]. Lesser grades may be permitted by the Township Engineer where such required grades cannot be achieved.

1005.6 Storm sewers shall have a minimum diameter of fifteen (15) inches and a minimum grade of one half (½) of one (1) percent (0.5%). Lesser grades may be permitted when substantiated with calculations which prove that cleaning velocities will be maintained.

1005.7 Manholes shall normally be spaced at three hundred (300) feet maximum spacing where pipe sizes of twenty four (24) inches or less are used and not over four hundred (400) feet where larger sizes are installed. Inlets may, if approved by the Township Engineer, be substituted for manholes.



1005.8 All phases of construction of open ditches, gutters, or storm sewers including width, depth, shapes, erosion control, minimum grade, size and area shall be in accordance with the requirements of this Ordinance and all storm drainage facilities shall be inspected and certified by the Township Engineer.

#### Section 1006 Streets, Subgrade, Subdrains, Pavement, Curbs, and Sidewalks

1006.1 Streets shall be graded to the full width of the right-of-way, surfaced, curbed, and improved to the grades and dimensions shown on plans, with profiles and typical cross-sections submitted by the developer and approved by the Township Engineer.

1006.2 Side slopes shall be graded to blend with the natural lay of the land, or in accordance with cross sections approved by the Township Engineer. Where fill material is necessary to establish uniform grades, compacting shall be required in accordance with current PADOT Form 408 Specifications\* for embankment. A slope of two (2) horizontal feet to one (1) vertical foot beyond the right-of-way line in cut or fill shall ordinarily be required.

1006.3 Subgrade and drainage shall be provided, shaped and compacted in accordance with current PADOT Form 408 Specifications.\*

1006.4 Subdrains shall be designed and installed in accordance with current PADOT Form 408 Specifications.\*

1006.5 All pavement, base, and subbase (where required) shall be installed in accordance with current PADOT Form 408 Specifications.\*

1006.6 Sidewalks, curbs, and the tree-lawn area shall be installed at the developer's option but shall meet the specifications of the Township.

*\*Or current PADOT succeeding specifications.*

#### Section 1007 Utilities

Gas, electric, and telephone utilities shall be located in subdivisions in accordance with utility company practice and in accordance with agreements with, or as approved by, the Township Engineer.

#### Section 1008 Street Signs

Street name signs shall be installed by the developer at each street intersection in accordance with standards established by the Township.

#### Section 1009 Street Lighting

Street lighting shall be provided if desired by the developer. All cost of installation, maintenance, and operation shall be the responsibility of the developer.

#### Section 1010 Street Trees

Street trees of a deciduous hardwood type with a minimum caliper of one-and-one-half (1½) inches shall, when provided, be planted between the curb and the sidewalk (if required), provided the planting strip is a minimum of six (6) feet wide and located as near the center of

the planting strip as possible, but in no instance shall a tree be planted closer than three (3) feet to the curb, sidewalk or any other utility above or below the ground.

#### Section 1011 Existing Natural Areas

In wooded areas, floodplains, wetlands, areas having slopes of fifteen percent (15%) or greater or where other natural conditions exist in such a manner that development would be hazardous to the safety of life and property or would cause permanent ecologic instability, the Township may require that the developer shall preserve as much of the original natural conditions as is economically feasible and ecologically practicable and may limit the amount of grading and excavating to the minimum improvement standards included herein.

- A. Growing Greener: As an acceptable modification to these regulations, the Township will accept Growing Greener Conservation Subdivisions which adhere to the model regulations as set forth by the Growing Greener Workbook<sup>1</sup>

#### Section 1012 Erosion Control

It shall be a requirement of all major subdivisions that the developer shall have a Soil Erosion and Sedimentation Control Plan, prepared in accordance with current state law (Erosion and Sedimentation Control, Chapter 102, Pennsylvania Rules and Regulations, as amended), and approved by the Erie County Conservation District. The plan shall be fully implemented during the construction of the development.

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<sup>1</sup> *Growing Greener*, Arendt, Randall G., Natural Land Trust, Inc., November 1997.

ARTICLE XI  
LAND DEVELOPMENT STANDARDS

Section 1101 Jurisdiction

In defining the term “land development,” the Pennsylvania Municipalities Planning Code recognizes both subdivisions and other forms of land development. This Article sets forth the standards for these other land developments.

It shall be unlawful for an applicant to construct land developments as defined herein without complying with standards set forth in this Article. Additional criteria for certain land developments are covered in subsequent sections in this Article.

1101.1 Land Development: For the purpose of this Article, the improvement of one lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving a group of two (2) or more residential or nonresidential structures, whether proposed initially or cumulatively, or a single nonresidential structure on a lot or lots regardless of the number of occupants or tenure.

The Pennsylvania Municipalities Planning Code excludes the following developments from being considered as a land development, and, thus, they are not subject to this Article:

- A. The conversion of an existing single-family detached dwelling or single-family semi-detached 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, including farm buildings, 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, which 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 by proper authorities.

Section 1102 Provisions for Minor Land Development

Land developments that meet all of the following standards, making it a minor land development, will be regarded as approved and will not be required to submit additional applications to Franklin Township, and will not be required to record the land development.

- A. It does not involve a non-agricultural earth disturbance of more than one (1) acre.
- B. It does not involve a building, combination, or group of buildings of greater than two thousand five hundred (2,500) square feet gross floor area, or generate more than twenty (20) one-way, peak-hour vehicle trips per day, per the Trip Generation Manual of the Institute of Transportation Engineers (latest edition).

- C. It complies with Franklin Township Zoning Ordinance and can obtain all needed permits.

#### Section 1103 Procedures for Major Land Development

In processing a major land development, the three-stage procedure established in this Ordinance for subdivisions shall be used: sketch plan (optional, not mandatory), preliminary site plan, and final site plan.

Unless otherwise noted, the processing requirements, drawing size, certifications, acknowledgments, number of copies, etc. for submission of land development site plans shall be the same as for a subdivision, and the Final Site Plan shall be recorded in the Erie County Recorder's Office.

#### Section 1104 Final Plan Review

In addition to other final plan requirements for a major subdivision, the following items shall be included for final plan review for all land developments, as applicable:

- A. Site plans, as required in this Article, engineering plans detailing the construction of all required improvements, and other data information establishing compliance with the design standards of this Article.
- B. Proof of approvals by all appropriate public and governmental authorities or agencies where applicable including, but not limited to, permits for any planned road entrances onto existing roads or highways (PADOT or municipal) and permits or approvals from the Department of Environmental Protection or other State agencies relating to sewage facilities, water obstructions, air quality, etc., as applicable.
- C. In case of multi-owner or multi-tenant developments, proof of the organization and means for management and maintenance of common open space, parking and other common utilities or improvements. Instruments demonstrating creation of an association or entity or other means of assuring continuing maintenance shall be required.

#### Section 1105 Site Plan

In lieu of a plot plan, the developer shall submit a site plan. Such plan shall be at a scale determined as follows:

- A. If the size of the proposed land development is five (5) acres or smaller, (including buildings, parking and nonagricultural earth disturbance areas) the site plan shall be drawn to a scale of one (1) inch equals fifty (50) feet (1" = 50').
- B. If the size of the proposed land development is between five (5) acres and ten (10) acres (including buildings, parking and nonagricultural earth disturbance areas) the site plan shall be drawn to a scale of one (1) inch equals one hundred (100) feet (1" = 100').
- C. If the size of the proposed land development is over ten (10) acres (including buildings, parking and nonagricultural earth disturbance areas) the site plan shall be drawn to a scale of one (1) inch equals two hundred (200) feet (1"= 200').

Where it is planned that building, parking lot, and earth disturbance of the land development will cover an area in excess of five (5) acres, topographic data at two- (2) foot contour intervals shall be included on the site plan.

In addition to the other requirements for preliminary and final subdivision and land development plans set forth, as applicable, each land development site plan shall, through one or more pages, show:

- A. Existing site conditions (topography, drainage, tree clusters, buildings, utilities, streets, and neighboring properties).
- B. Proposed developments, including building footprints (with frontal elevation), parking, vehicular and pedestrian access areas, storm drainage, landscaping, utility location, and size.

### Section 1106 Design Standards for Major Land Developments

Major land developments shall meet the following design requirements. It is recognized by Franklin Township that the design process should be somewhat flexible, pursuant to the intent of Section 503(5) of the Pennsylvania Municipalities Planning Code.

The criteria and design for facilities for transportation and parking shall be based upon an accepted professional publications and/or resources. The publication shall include *Transportation and Land Development* [latest edition, Institute of Transportation Engineers (ITE)]; *Traffic Access and Impact Studies for Site Development*, ITE; *Traffic Impact Analysis*, American Planning Associates (PAS #387); or similar publications from these organizations, or AASHTO.

#### 1106.1 General Design

- A. The developer shall make satisfactory provision for the improvements necessary to the proper functioning of the development, including but not limited to, street access signs, water supply facilities, sewage disposal facilities and stormwater management.
- B. The development plan shall provide for adequate privacy, light, air and protection from noise through building design, street layout, screening, plantings and placement of buildings.
- C. All land developments required to submit plans for approval by the Pennsylvania Department of Labor and Industry shall show evidence of approval by that agency.
- D. Where applicable, proof of a Highway Occupancy Permit (PADOT) or similar driveway/road access permit shall be required.

#### 1106.2 Transportation

- A. Vehicular access connections to the surrounding existing street network shall be safe, shall have adequate sight distances, and shall have the capacity to handle

the projected traffic. The developer shall follow the access management standards, as set forth by the Township's zoning ordinance.

- B. Streets may be planned for dedication to the public or may be planned as private streets to be maintained by the developer or other association or entity. Public streets shall comply with the standards set forth by this Ordinance.
- C. For multi-building land developments, a complete interior pedestrian circulation plan shall be submitted by all developers indicating the safe and efficient movement of people within and through the site. All traffic, parking, and pedestrian plans shall be completed using such standard resource criteria as provided by the American Planning Association or the Institute of Transportation Engineers (ITE). Copies of any traffic studies required by the Pennsylvania Department of Transportation for road access or signalization shall be provided to the Township. That study shall be reviewed for completeness using the most current publications of the Institute of Transportation Engineers. If the study does not cover the recommended information of the ITE, supplemental data shall be required.
- D. Requirements for Traffic Impact Studies: Any development which is expected to generate a daily traffic volume of seven hundred fifty (750) trips or more than two hundred (200) trips per day on a Township road on a State road shall prepare a traffic impact study. The study shall follow the recommendations of the Institute of Transportation Engineers (see *Transportation and Land Development*, latest edition, ITE). See also the Township zoning ordinance.

1106.3 Waste Storage and Disposal: Waste storage and disposal areas for the land development shall be planned and constructed in a way that they are shielded from the public right-of-way or neighboring properties. Any "dumpster" shall be in a three-sided structure, enclosed with a gate to promote proper maintenance of the area preventing unsightly conditions, offensive odors, vermin, etc.

#### 1106.4 Parking

- A. A parking and access plan shall be submitted along with estimated traffic flows. The developer shall demonstrate that the proposed parking/access layout is adequate for the proposed development, based upon standard parking capacity measurements, including number of spaces per anticipated development type.
- B. Number of Parking Spaces Required: The number of off-street parking spaces provided shall be based upon standards in the Township zoning ordinance.
- C. Drainage and Stormwater Control: All parking and loading areas and access drives shall have either:
  - 1. A mud- and dust-free surface, graded with positive drainage, and using pervious material to prevent the flow of surface water onto neighboring properties, in accordance with the Franklin Township Stormwater Management Ordinance or the PA DEP Stormwater Best Practices Manual.

2. A paved surface constructed and graded to conform to the Franklin Township Stormwater Management Ordinance or the PA DEP Stormwater Best Practices Manual.
- D. Location and Parking: Required parking spaces shall be located on the same lot with the principal use.
  - E. Screening, Landscaping and Setbacks: Off-street parking areas for more than thirty-five (35) vehicles and off-street loading areas shall be effectively screened on any side that adjoins a dwelling, residential district, or platted residential lots. Ten- (10) foot planting strips between the parking lot and all lot lines to be planted with one (1) hardwood or coniferous tree per each twenty (20) parking spaces or combination thereof. Eight percent (8%) of the total interior space shall be devoted to interior planting strips to be maintained in trees, shrubbery, and/or annual plants designed in pervious dust- and mud-free material. Interior planting strips shall be at least eight (8) feet wide unless protected by a bumper block set back two (2) feet from the edge of the planter strip. Drainage plans shall take full advantage of pervious material areas. In addition, there shall be a planting strip of at least eight (8) feet between the front lot line and the parking lot. Such planting strips shall be suitably landscaped and maintained. Any landscaping in the front planting strip shall not include shrubs higher than three (3) feet in height. Trees shall be hardwoods, with at least eight (8) feet of cleared trunk for adequate visibility.
  - F. Parking areas in excess of twenty thousand (20,000) square feet shall maintain easements to connect to existing or potential future parking lots on the same or abutting parcels.

1106.5 Stormwater Management: A stormwater management plan meeting the requirements of the County of Erie and Franklin Township and embracing the principle of no net increase in off-site runoff shall be provided.

1106.6 Landscaping: For multi-building land developments, a complete landscaping plan shall be submitted that includes a complete interior landscape plan in addition to a landscaped transition to adjoining properties. Landscape treatment shall be provided to enhance architectural features, manage stormwater runoff or provide energy conservation through climate control.

1106.7 Exterior Lighting: Exterior lighting, when used, shall be of a design and size compatible with adjacent areas and in accordance with the standards of the Illuminating Engineer Society. Lighting shall be designed to reduce glare and excessive illumination to surrounding properties while providing for public safety. Full cutoff fixtures shall be required.

1106.8 Water and Sewer: Water and sanitary sewer service shall be provided in accordance with the standards and requirements of the providing agency.

1106.9 Utilities: Gas, electric, telephone, and cable utilities shall be located in land developments in accordance with utility company standards and requirements. All such utilities shall be underground.

## Section 1107 Assurance for Completion and Maintenance of Improvements

Insofar as the land development involves the lease or rental of buildings and/or space on the site and site improvements (such as streets, parking areas and stormwater drainage devices), which are to be privately maintained or maintained by a private (non-public) organization or entity created by the developer. There may be no need for municipal acceptance of the site improvements. However, in these instances where public acceptance is requested, such streets and stormwater drainage shall be designed and built to the standards established in this Ordinance. Where the developer does not intend to maintain the improvement and where a homeowner's association or similar organization will not be organized for these responsibilities, the developer will submit a plan for maintenance of such facilities. This document will be legally enforceable, one clearly establishing maintenance responsibility. It must be approved by the municipality or any accepting authority.

## Section 1108 Recreational Vehicle and Recreational Camp Park Requirements

For the purpose of this Article, recreation vehicles and recreational vehicle parks shall be defined as follows:

- A. Recreational Vehicles (RVs): A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel uses, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.
- B. Recreational Vehicle or Recreational Camp Park: A plot of land upon which two (2) or more recreational sites are located, established or maintained for occupancy by recreational vehicles or tents of the general public as temporary living quarters for recreation or vacation purposes. [Size limit for individual RVs is four hundred (400) square feet.]
- C. The standards set forth under this section are intended for those recreational vehicle parks/camps where lots within the park are for rental or lease and are to serve short-term use. Parks/camps are not intended for year-round use. Parks/camps shall be closed from November through February of each year.

1108.1 Permits: In addition to the rules and regulations specified in this Ordinance, the developer shall submit any needed permits or approvals from Erie County and/or State agencies. In particular, compliance with drinking water and sanitary sewage facilities and solid waste disposal regulations shall be required.

1108.2 Plan Requirements: Persons, firms or corporations proposing to open, expand or rearrange a recreational vehicle park in the Township shall not proceed with any construction work on the proposed park unless and until they have obtained from the Township written approval of the preliminary plan of the proposed park, according to the following procedures:

- A. Pre-Application Procedure: The recreational vehicle park developer should meet with the Township staff, prior to formal application, to discuss his plans and shall prepare a suitable sketch and plans sufficient to give a general understanding of the proposal. The Township can inform the developer as to the general suitability



of the plans and of any modifications required by this Ordinance, if deemed advisable.

B. Preliminary Plan: The developer shall then prepare and submit a preliminary plan, together with improvement plans and other supplementary material, as required.

1. Where a recreational vehicle or recreational camp park is proposed for construction in a series of stages, a preliminary plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial stage, as well as any subsequent stages.
2. Preliminary plans as required, shall comply in form and content as follows, insofar as applicable and the standards set forth herein.

1108.3 Plan Preparation Requirements: All applications shall contain the following:

- A. Name, mailing address, legal address and telephone number of applicant.
  1. Interest of the applicant in the proposed park.
  2. Location, address and legal description of the entire proposed park site.
  3. Complete engineering plans and specifications of the proposed park showing:
    - a. The area and dimensions of the entire tract of land;
    - b. The land uses occupying the adjacent properties;
    - c. The number, size and location of the proposed vehicle sites and other parking areas;
    - d. The location, right-of-way and surfaced roadway width, roadway design and walkways;
    - e. The proposed interior vehicular and pedestrian circulation patterns;
    - f. The location of service buildings, sanitary stations and any other existing or proposed structures;
    - g. The location of fire hydrants, water and sewer lines and riser pipes;
    - h. Plans and specifications for fire fighting supply, potable water supply the water supply, sewage disposal and refuse facilities with requisite approvals;
    - i. Plans and specifications of all buildings constructed or to be constructed within the park;

j. The locations and details of area lighting, electric, natural or propane gas systems, cable television, and telephone, as related to all applicable codes and sound engineering practice.

4. Soil Erosion and Sedimentation Control Plan: The owner shall submit to the Erie County Conservation District a soil erosion and sedimentation control plan. Such plan shall be prepared by a registered Pennsylvania professional engineer and shall be as per Conservation District guidelines as may be applicable. Such plan shall be approved prior to commencement of site preparation and construction.

5. Stormwater Management: The owner shall prepare and submit for review and approval to the Township a stormwater management plan. Such plan shall indicate the proposed stormwater handling system, proposed water retention and release schedule to eliminate the effects of uncontrolled water runoff on adjacent properties and conform to the Franklin Township Stormwater Management Ordinance or the PA DEP Stormwater Best Practices Manual.

6. All plans must be filed with the Township office at least one (1) week prior to the Planning Commission's next scheduled meeting. The application must be complete, on the appropriate form and all necessary fees paid.

1108.4 Township Action: The preliminary plan shall be processed as a major land development. (See Section 1103.)

1108.5 Nature of Approval: Approval of a preliminary plan by the Township shall not constitute approval of the final plan or of roads or other improvements therein but it is rather an expression of approval of layout submitted on the preliminary plan as a guide to the preparation of the final plan, which shall be submitted for approval to the Township upon fulfillment of the requirements herein.

1108.6 Final Plan: Upon completion of any conditions required by the Township and/or upon completion of required public improvements, the developer may apply for approval of the final plans.

1108.7 Township Review: The Township shall review the final plan in accordance with this Ordinance.

1108.8 Design Requirements:

Lot Area Requirements: The planning and location of individual recreational vehicle lots shall be governed by the following minimum requirements:

A. Lot Area: Recreational lots shall be designated to accommodate a minimum width of thirty (30) feet and shall not be less than two thousand (2,000) square feet in total area, excluding right-of-ways. Such size is considered to accommodate parking for one (1) recreational vehicle or tent site, one (1) automobile parking space, an accessory structure and related outdoor facilities (grill, picnic tables, benches, etc.).

- B. Setback Requirements: Front setback for recreational vehicles, tent sites, etc., units shall be twenty (20) feet along any internal road. Permanent structures, such as bathhouses, administration offices, recreation centers and other ancillary facilities shall be setback from public streets seventy-five (75) feet as measured from the centerline of the street or roadway, from interior streets twenty-five (25) feet.

Side Setback	5-foot minimum to closest point
Rear Setback	5-foot minimum to closest point

- C. Perimeter Requirements: Any buffer areas, as required below, shall be landscaped with a selection of shrubs and evergreen trees. These shall be healthy nursery stock, and all trees shall be at least four (4) feet high at the time of planting and shall be planted no less than ten (10) feet apart.

1. When abutting residentially developed properties, a buffer strip with a minimum width of thirty (30) feet, shall be provided parallel to the park property line. When abutting non-residential properties, the buffer strip shall be twenty (20) feet from the park property line.
2. When abutting an existing dedicated public right-of-way, the setback shall be twenty-five (25) feet from the existing right-of-way.

- D. Roadway Design Standards: Recreational park roads shall be designed for the safe and convenient movement of recreational vehicles, minimizing disturbance of the natural environment. The internal street system shall be as follows:

1. Streets: Such streets shall serve as an internal street for the development and provide access to individual park lots, administration and ancillary facilities. Such streets shall be improved as outlined below.

2. Internal Street Cartways:

One Way	12 Feet
Two Way	20 Feet

3. The surfacing shall be crowned or sloped as indicated, and the final compacted depth shall comply with the depth shown on the drawings. Paved or gravel roads shall be acceptable, but must be mud free.
4. Cul-De-Sac Streets: Shall be provided with a turnaround having an outside roadway diameter of at least one hundred (100) feet.

- E. Parking Spaces: The number of parking spaces and their size shall conform to the Township's zoning ordinance.

- F. Excavation and Grading: Streets shall be excavated and graded as indicated on the approved plans.

1108.9 Maintenance: All developers shall present a plan for the continued maintenance and upkeep of this facility that must be approved by the Township.

1108.10 Recording of Plan: Upon approval of the plan, preliminary or final, the developer shall, within ninety (90) days, have it recorded in the Erie County Office of the Recorder. Failure to record said plan within ninety (90) days of approval will result in said approval being deemed null and void and require the plan to be resubmitted and the plan to be re-approved.

1109.11 Phasings: These facilities are regarded as land developments and shall not be phased but developed as a whole.

ARTICLE XII  
MOBILE HOME PARK REGULATIONS

Section 1201 Applicability

No person, firm or corporation proposing to open, re-arrange or expand a mobile home park in the Township, shall proceed with any construction work on the proposed park until they have obtained from the Township written approval of the preliminary plan of the proposed development, according to procedures herein outlined.

Section 1202 Plan Requirements

- A. Preliminary and final plans, as required, shall comply in form and content to Articles III and IV of these regulations in-so-far as applicable and shall be in accordance with the standards set forth herein.
- B. A stormwater management plan shall be submitted (see Section 811).

Section 1203 Preliminary Plan

- A. Pre-Application Procedure: The mobile home park developer should meet with the Township, prior to formal application, to discuss his plans and should prepare a suitable sketch and plans sufficient to give a general understanding of his/her purposes. The Township shall inform the developer as to the general suitability of the plans and of any modifications required by these regulations, if deemed advisable.
- B. Application: The developer shall then prepare and submit a complete preliminary plan, together with improvement plans and other supplementary material, as required.
- C. Action: The Planning Commission and Board of Supervisors shall review the mobile home park plan as submitted and take actions as required in Article III.

Section 1204 Final Plan Approval

- A. Upon completion of any modifications required by the Township and/or upon completion of required improvements or the alternate posting of acceptable surety (for public improvements only), the developer may apply for approval of the final plan. Until the final plan for the mobile home park is approved and recorded and until all necessary improvements are completed for the mobile home park, the placement and habitation of individual mobile homes shall not be permitted [see Section 509(m) of the Planning Code].
- B. The Board of Supervisors shall review the final plan for conformance with the approved preliminary plans and all requirements of these rules and regulations. Where required, an appropriate bond must be posted for required public improvements that have been installed, according to specifications.
- C. Filing: Following approval, the developer shall file one (1) copy of the approved plan with the Erie County Recorder of Deeds within ninety (90) days. Should the developer fail to file such plans within said period, the approval shall be null and void.

## Section 1205 Design Requirements

- A. Minimum Area of Park: The minimum area of the proposed park shall be ten (10) acres. The site shall be so located that soil conditions, groundwater level, drainage and topography shall not create hazards to the property, health or safety of the occupants or adjacent property owners. The overall density of the mobile home park shall not exceed four (4) units per acre of land.
- B. Individual Lots: The planning and location of individual lots shall be guided by the following requirements:
1. Access: Each lot shall be directly accessible from an approved internal street without the necessity of crossing any other space.
  2. Lot Suitability: No individual lot shall be developed for occupancy by a mobile home if the slope is six percent (6%), or in excess of same.
  3. Size: This lot assumes a placement with the narrow side of the unit facing the street. Each mobile home lot shall have a minimum lot width of seventy (70) feet, depth of at least one hundred fifty (150) feet, and a minimum of ten thousand five hundred (10,500) square feet in area. The developer can opt to place units with the "wide" side of the home facing the internal street.
  4. Yard Requirements:
    - a. There shall be two (2) side yards; the minimum side yard shall be ten (10) feet and the second side yard fifteen (15) feet. Yards shall be oriented so the fifteen (15) foot side yard shall be on the side of the dwelling unit where the patio or deck is located. This assumes the main entrance on a side yard. Where the "wide" side of the home faces the road, two (2), ten (10) foot yards will be required:
      - (1) The setback from the internal street cartway shall be at least thirty (30) feet. Parking for two (2) vehicles may be allowed in the front yard area; however, at least ten (10) feet shall be reserved for lawn or landscaping between the parking area and the dwelling unit.
      - (2) The rear yard shall be at least thirty (30) feet in depth. Any utility or storage building is to be located in the rear yard at least ten (10) feet from any lot line and ten (10) feet from the dwelling unit. If the developer orients the units so the "wide" side faces the internal street, the rear yard may be reduced to twenty (20) feet; however, the required isolation distances must be observed.
    - b. There shall be a minimum of twenty-five (25) feet between an individual mobile home, attached structures, and another mobile home, and at least ten (10) feet to an accessory structure on the same lot, and at least twenty (20) feet to an accessory structure on another lot.

- c. The setback from the right-of-way of any public street or highway shall be consistent with the zoning ordinance but not less than thirty (30) feet.
  - d. There shall be at least forty (40) feet between any mobile home, appurtenance building, office or similar structure and any boundary line.
5. Skirting: The plans shall specify that skirting shall be provided on all mobile homes. Skirting shall be so designed as to allow for adequate ventilation under the mobile homes.
  6. Orientation: The developer is encouraged to enhance the design of the park and can vary unit orientation as long as lot size and setbacks as set forth in this Ordinance are followed. The Township may consider lot averaging when reviewing alternative designs.
  7. Landscaping: The park entrance shall be landscaped with a sign giving the name of the facility in a setting of shrubs and trees.

All internal streets shall be planted with street trees of at least one (1) inch caliper planted at fifty- (50) foot intervals. Street trees will be located on all sides of the street where mobile home units are located.

A thirty- (30) foot wide landscape buffer shall be provided along the perimeter of the site. The landscape buffer shall consist of a mixture of both evergreen and deciduous trees and shrubs. The developer/owner shall insure that the landscaping required herein is perpetually maintained.

C. Mobile Home Stands: All mobile homes shall be installed consistent with the Township's building code (UCC) and the manufacturer's requirements.

1. The location of each mobile home stand shall be at such elevation, distance and angle in relation to the access street so that the placement and removal of the mobile home is practical.
2. The stand where the unit is placed shall be at least fourteen (14) feet by sixty-five (65) feet to accommodate modern units.
3. A one percent (1%) to five percent (5%) gradient longitudinal crown or cross gradient for surface drainage shall be provided. Water shall be directed away from the mobile home stand. In no event shall the stand be designed to allow the pooling of water under mobile homes.
4. All mobile homes shall be set on a foundation, as required by the Township's building code.
5. There shall be a concrete patio area provided for each stand, not less than ten (10) feet wide and twenty (20) feet long located convenient to the main entry door to the mobile home. The patio will be on the side of the lot with the fifteen- (15) foot side yard.

- D. Access and Internal Street System: The internal street system in privately owned mobile home parks shall be privately owned and maintained. It shall be constructed and maintained in accordance with the applicable sections set forth by the Public and Private Improvement Code. Mobile home parks shall provide at least one (1) access road to a public road for each twenty-five (25) mobile homes. These access roads shall be placed with the advice of local fire departments and emergency services to facilitate servicing all areas of the park. Internal streets shall have a paved cartway of at least twenty (20) feet in width.
- E. Street Widths at Access Points: At points where general traffic enters or leaves the park, streets shall be twenty-four (24) feet in width within twenty (20) feet of the existing public street to permit free movement from or to the stream of traffic on the public street, and no parking shall be permitted which in any way interferes with such free movement.
- F. Parking Spaces: Parking shall be provided in such amount as required by the Township's zoning ordinance, but in no event shall there be less than two (2) parking places for each lot. These spaces may be located off interior streets and shall be paved or provided with a stone/gravel/ crushed limestone surface of at least six (6) inches in depth to provide a year-round mud-free parking area. There shall be a concrete or paved walkway from the parking area to the main entrance of the unit. In addition to the on-lot parking for every mobile home development with twenty-five (25) or more units, a visitors' parking area shall be provided with one (1) space per each two (2) units. This parking lot shall be paved in accordance with the requirements of the Public and Private Improvement Code. All parking spaces shall be eighteen (18) feet long with a minimum width of ten (10) feet, exclusive of aisle/driveway areas.
- G. Recreation: At least ten percent (10%) of the mobile home park area shall be reserved or dedicated for the recreation purposes of park residents with appropriate location, dimensions and topographic characteristics which, in the judgment of the Township, lend themselves to such recreational uses. This will be a private recreational facility.
- H. Solid Waste Disposal: Dumpsters or other park waste disposal facilities shall be isolated from individual mobile homes by at least fifty (50) feet and shall be screened on at least three (3) sides with a gate on the open side. They shall be maintained in a vermin free and sanitary fashion.
- I. Arrangements of Dwelling Units: Modern mobile homes are house-like in appearance and blend more suitably with traditional housing. Because of this, lots for such units will be located on the front and along the side perimeters of mobile home parks. These units are to:
1. Be "double wide" [at least twenty-four (24) feet wide].
  2. Have a sloped roof [a pitch of at least two-and-one-half (2½) feet for each twelve- (12) foot of horizontal run].
- J. Coverage: Land coverage for individual mobile home lots shall not exceed fifteen percent (15%) for all structures.



## Section 1206 Utility Requirements

- A. Water and Sewer: All provisions for water and sanitary sewer facilities shall be community systems and not individual on-lot systems. Such systems are to be inspected by the County Department of Health and its design shall be as required by DEP and shall be approved by that agency.
- B. Gas, Telephone, and Cable: All utility facilities shall be installed and inspected according to the standards set forth by the utility company.
- C. Exterior Lighting: Adequate lights shall be provided to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night. Full cutoff fixtures shall be as required to minimize glare.
- D. Electric: All electrical facilities shall be installed and inspected according to the standards set forth in the latest edition of the National Electrical Code and the local power company regulations. All electrical facilities shall be inspected as required by an inspection company acceptable to the Township and approved under the Uniform Construction Code by the Commonwealth of Pennsylvania.
- E. Other Utilities: Shall be underground, as feasible.

## Section 1207 Fire Safety Requirements

1207.1 Fire Safety Measures: For the safety and welfare of the residents of the mobile home park, the following fire safety measures shall be incorporated into the park. All fire safety plans shall be approved by the Township and the designated fire chief responsible for the fire protection service area in which the park is located.

- A. In areas where the extension of central water lines, whether public or private, is proposed for the mobile home park development, at least one (1) fire hydrant shall be required. The requirements for additional hydrants shall conform to the International Fire Code. Hydrant types, locations, and flow volumes shall be subject to approval by the Township and its fire chief.
  - 1. Hydrants shall be located within dedicated easements.
  - 2. The proposed locations of fire hydrants shall be shown on the submitted plans. Any existing fire hydrants less than one thousand (1,000) feet from the proposed park, shall be shown in the vicinity sketch with an exact distance in feet from the hydrant to the nearest lot line of the mobile home park.
- B. In areas where there are no central water line extensions proposed, the following fire safety measures shall be incorporated into the park. The developer retains the option of installing either the tank or pond system. For either option, the fire safety provisions shall meet Appendix B and Appendix C of the International Fire Code (most recent edition). Appendix B set fire-flow requirements and Appendix C fire hydrant locations and distributions.

1. The Tank System: An approved underground, static water tank with capacity to provide fire flows as required by Appendix B cited above.
2. The Pond System: A water pond shall be located in such a way as to serve all park lots. The pond shall be utilized by a "dry hydrant" type of outlet. The volume of water within the pond shall be sufficient, as determined by the Franklin Township Volunteer Fire Department to adequately serve all park lots. The pond shall be the source of water for a "dry hydrant" system within the park. Flows and hydrants (connections and spacing) shall comply with the requirements set forth in paragraph B, above, for the tank system.

In addition, a cyclone fence at a minimum height of six (6) feet with single strand barbed wire shall enclose the pond. Additionally, there shall be a locking gate access.

ARTICLE XIII  
ADMINISTRATION AND MODIFICATION

Section 1301 Amendments

The Board of Township Supervisors may periodically revise, modify, and amend this Ordinance by appropriate action in accordance with the Pennsylvania Municipalities Planning Code.

Section 1302 Filing Fee

The applicant shall reimburse the Township for reasonable and necessary expense incurred for the review/approval of subdivision or land development plans and inspection of improvements. Such reimbursement shall be based upon a fee schedule established by resolution of the Township. This fee schedule shall include provisions for the escrow system to be used for major subdivisions. The Township will periodically approve, by resolution, revisions to the fee schedule as necessary in order to sufficiently cover the costs associated with the subdivision and land development review process.

Section 1303 Records

The Township shall maintain an accurate public record of all plans upon which it takes action and of its findings, decisions and recommendations in relation thereto.

Section 1304 Appeals

In any case where the Township disapproves a subdivision or land development plan, any person aggrieved thereby may appeal in accordance with the Pennsylvania Municipalities Planning Code.

Section 1305 Validity

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance as a whole, or any individual part thereof.

Section 1306 Procedural Guide

The Township will develop a procedural guide to assist applicants with the subdivision or land development review and approval process.

Section 1307 Preventative Remedies

1307.1 In addition to other remedies, the Township may institute and maintain appropriate action 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 premise. 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 transferrer from such penalties or from the remedies herein provided.

1307.2 The Township may refuse to issue any permit and may refuse to grant any approval necessary to further improve or develop any real property which has been developed or

which has resulted from a subdivision of real property in violation of this Ordinance or of any Township ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:

- A. The owner of record at the time of such violation.
- B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- 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 violation.
- 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.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the 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.

#### Section 1308 Enforcement Remedies

1308.1 Any person, partnership or corporation who or which has violated the provisions of this subdivision and land development ordinance enacted under the Pennsylvania Municipalities Planning Code or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than five hundred dollars (\$500), plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the Township may enforce the judgement pursuant to the applicable rules of civil procedure. 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 believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

1308.2 The County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgement pending a final adjudication of the violation and judgement.

1308.3 Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

### Section 1309 Modification of Regulations

1309.1 The Board of Supervisors may grant a modification of the requirements of one (1) or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.

1309.2 All requests for a modification shall be in writing and shall accompany and be a part of the application for development and shall include a processing fee. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision(s) of the ordinance involved and the minimum modification necessary.

1309.3 The Township shall keep a written record of all action on all requests for modifications.

1309.4 The Franklin Township Planning Commission shall be asked to submit advisory comments on the request for modification. If the Board of Supervisors approves the request for modification, it shall authorize the minimum modification from this Ordinance that will afford relief. Approved modifications must be recorded on the plan.

### Section 1310 Conflict

Whenever there is a difference between the minimum specifications or dimensions specified in this Ordinance and those contained in other regulations, resolutions or ordinances of the Township or regulations of State and Federal agency, the highest standard shall govern.

ARTICLE XIV  
ACCEPTANCE OF PUBLIC IMPROVEMENTS

Section 1401 General

Upon completion of street and drainage systems as well as any other public improvements as set forth in the final plan, the developer shall request the Township accept ownership and perpetual maintenance. The Township's acceptance shall require the following:

- 1401.1 Certificate by the Township Engineer that the improvements have been completed as shown on the final plan and in accordance with Township Ordinances.
- 1401.2 Formal acceptance by the Township of the improvements on a form supplied by the Township.
- 1401.3 The Township shall require the posting of financial security for any improvements to be accepted. Said financial security is for the structural integrity and/or functioning of said improvements for a period of eighteen (18) months from the date of their acceptance by the Township and shall be in the amount allowed by Section 509 of the Pennsylvania Municipalities Planning Code, as amended, which is fifteen percent (15%) of the actual cost of installation.
- 1401.4 Submission by the developer of as-built drawings of the said improvements. As-built drawings are to be permanent drawings on stable plastic drafting film and be prepared by a professional engineer or land surveyor. Additionally, the developer shall provide the Township with as-built drawings of the subdivision and the public improvements in Portable Document Format (PDF) on CD-R or DVD-R media. Where the engineer uses a computer-aided drafting system, the Township will request an electronic copy of the subdivision and the public improvements in an acceptable compatible format.
- 1401.5 Improvements offered to any municipal authority shall be subject to their rules and acceptance process. However, proof of acceptance will be required.
- 1401.6 The financial security posted for public improvements shall be retained by the Township until provisions of this section have been met.

**Appendix Section**  
Appendix 1  
Franklin Township, Erie County, Pennsylvania  
Application Form

Request for Review and Approval of  
Proposed Subdivision, Mobile Home Park, or Land Development Plan

Subdivision/Land Development Name: \_\_\_\_\_

Project Location: \_\_\_\_\_

Erie County Parcel Index Number(s): \_\_\_\_\_

Name of Property Owner(s): \_\_\_\_\_

Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Name of Surveyor who prepared Plan: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Name of Engineer\*: \_\_\_\_\_ Phone No.: \_\_\_\_\_

**Type of Plan:**

Replat  Major Subdivision – Prel.  Land Development  Mobile Home Park   
Minor Subdivision  Major Subdivision – Final  Modification  RV/Campground

**Plan Detail:**

Total Acreage \_\_\_\_\_ Number of New Lots: \_\_\_\_\_

Proposed Land Use:	Number of Lots:	Current Zoning:
Residential <input type="checkbox"/>	Residential <input type="checkbox"/>	Residential <input type="checkbox"/>
Commercial <input type="checkbox"/>	Commercial <input type="checkbox"/>	Commercial <input type="checkbox"/>
Industrial <input type="checkbox"/>	Industrial <input type="checkbox"/>	Industrial <input type="checkbox"/>
Other <input type="checkbox"/>	Other <input type="checkbox"/>	Other <input type="checkbox"/>

For Mobile Home Parks or RV/Campground development, give the number of lots, any community facilities, etc.

Proposed Water Supply: Public  Community  On-lot

Proposed Sewage Disposal: Public  Community  On-lot

Erie County Health Department/PA DEP Approval: Yes  No  N/A

I (We) hereby certify that, to the best of my (our) knowledge, the above information is true and correct.

Date: \_\_\_\_\_ Signature of Landowner or Applicant\* \_\_\_\_\_

\*If applicant is not the owner, provide information of authorization (i.e., options or similar instrument).

(For official use only)

Type of Plan and Cost:

Replat \$ _____	Major Subdivision – Preliminary \$ _____
Minor Subdivision \$ _____	Major Subdivision – Final \$ _____
Modification \$ _____	Land Development -- \$ _____

Base Fee: \$ \_\_\_\_\_ + Per Lot Fee: \$ \_\_\_\_\_ = Total Fee: \$ \_\_\_\_\_

Completed by: \_\_\_\_\_

**Appendix 2**

**Recommended Certificates and Acknowledgements to Appear on the Preliminary Plan and/or Final Plan, As Applicable**

A. Certification by Surveyor:

I, \_\_\_\_\_\*, a registered land surveyor of the Commonwealth of Pennsylvania, do hereby certify that the survey and plan shown and described hereon is true and correct and that all iron pins and monuments are located and installed as shown.

\_\_\_\_\_, 20\_\_

\_\_\_\_\_  
\*\*

\_\_\_\_\_  
\*\*\*

\*Name of registered land surveyor

\*\*Signature of registered land surveyor responsible for the preparation of the Plan

\*\*\*Seal of the surveyor

B. Certification of Ownership and Acknowledgement of Plan:

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_\* who being duly sworn according to law, deposes and says they are the owners and/or equitable owners of the property shown on the plan, and that they acknowledge the same to be their act and plan and desire the same to be recorded as such according to law.

\_\_\_\_\_  
\*\*

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
\*\*\*

My commission expires: \_\_\_\_\_, 20\_\_

\*Identify ownership or equitable ownership

\*\*Signature of the owner(s)

\*\*\*Signature and seal of the notary public or other officer authorized to acknowledge deeds



**Appendix 2 (Continued)**

C. Certificates for Township Review and Approval:

Reviewed by the Franklin Township Planning Commission this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_

Approved by the Franklin Township Board of Supervisors this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
\_\_\_\_\_

D. Certificate for County Approval:

Reviewed by the Erie County Department of Planning this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Reviewed by \_\_\_\_\_ Director \_\_\_\_\_

E. Recorder of Deeds Certificate:

Recorded in the Erie County Recorder of Deeds Office

This \_\_\_ day of \_\_\_\_\_, 20\_\_, as Map Number \_\_\_\_\_.

\_\_\_\_\_  
Recorder of Deeds

**Appendix 2 (Continued)**

F. Offer of Dedication:

Know all men by these presents:

That (Property Owner) and (Property Owner), owners of this property, as recorded in Erie County Deed Book \_\_\_\_\_ and Page Number \_\_\_\_\_, do hereby dedicate forever for public use for highway purposes, all roads and other public utilities shown hereon with the same force and effect as if the same had been opened or taken through legal proceedings; and in consideration of the approval of this plan and the acceptance of said public highways by Franklin Township, we hereby agree and covenant and do so by these presents release and forever discharge Franklin Township from the appropriation of said ground for public highways.

And we do further covenant and agree to install all necessary street improvements shown hereon according to grades and specifications approved by the County of Erie and that no obligation shall be assumed by Franklin Township until said street/utility improvements shall be approved and accepted by official action of Franklin Township.

This dedication and release shall be binding upon our heirs, executors, administrators, assigns and purchasers of land thereon.

\_\_\_\_\_, 20\_\_\_\_  
Owner/Subdivider(s)

G. Certification Statement for a Public Right-of-Way/Private Maintained Road:

Construction and maintenance of an improved cartway surface for vehicular access within the (Name of Road) right-of-way is the responsibility of the Developer and/or the Owners of the lots fronting said roadway, to and until such time as the said Developer and/or lot Owners would elect to bring all or any portions of said roadway into full compliance with public road design standards of Franklin Township then in effect. Upon any such election at the Developer and/or lot Owner's option and the installation of roadway improvements as constructed at the Developer and/or lot Owner's expense as approved by Franklin Township, the improved portions of said roadway with easements shall be deed conveyed in fee simple by the Developer or then Owner(s) of the real property to Franklin Township, and the Township shall accept same for ownership, operation and maintenance thereof as part of its public roadway system.

H. Highway Occupancy Permit Certification:

NOTE: Access to State highway \_\_\_\_\_ shall be only as authorized by a highway occupancy permit.

I. Non-Building Waiver Notice:

As of the date of this plot plan recording, the property/subdivision described herein is and shall be dedicated for the express purpose of \_\_\_\_\_ use. No portion of this property/subdivision has been approved by Franklin Township, the Erie County Department of Health or Pennsylvania Department of Environmental Protection for the installation of sewage disposal facilities. No sewage permit will be issued for the installation, construction, connection to or use of any sewage collection, conveyance, treatment or disposal system unless the municipality and the DEP have both approved sewage facilities planning for the property/subdivision described herein in accordance with the Pennsylvania Sewage Facilities Act (35 P.S. Sections 750.1 et. seq.) and regulations promulgated thereunder. Prior to signing, executing, implementing or recording any sales contract or subdivision plan, any purchaser or subdivider of any portion of this property should contact appropriate officials of the Erie County Health Department, which is charged with administering the Sewage Facilities Act to determine what sewage facilities planning is required and the procedure and requirements for obtaining appropriate permits or approvals.

### Appendix 3

#### Public Right-of-Way/Privatey Maintained Road Agreement

##### Covenants, Restrictions, Easements, Conditions and Stipulations Governing

**WHEREAS**, \_\_\_\_\_, Erie County, Pennsylvania, is the owner of a certain piece or parcel of property of property located within Franklin Township, Erie County, Pennsylvania (hereinafter the "Owner"); and

**WHEREAS**, said property is commonly referred to and identified by Erie County Index No. \_\_\_\_\_ (hereinafter the "subject premises"); and

**WHEREAS**, the Franklin Township County Subdivision and Land Development Ordinance regulates all subdivision and land development activity located in the Township; and

**WHEREAS**, the Owner has proposed a development with a privately maintained street not meeting the established specifications for construction of streets for which the Owner and successor grantees of lots abutting the street would be responsible for the maintenance of said roadway and, subject to the terms and conditions of these covenants, the Township has agreed to allow such development.

**NOW, THEREFORE**, and intending to be legally bound hereby, the Owner hereby covenants and agrees as follows:

1. Where used in this Agreement, the term "maintenance" shall be deemed to include maintenance, repair, improvement, snow removal and ice removal, and the term "street" shall be as defined in the Franklin Township Subdivision and Land Development Ordinance.
2. Construction and maintenance of an improved cartway surface for vehicular access within the fifty- (50) foot right-of-way is the responsibility of the Owner and/or the Owners of the lots fronting on said roadway, to and until such time as the said Owner and/or lot Owners would elect to bring all or any portions of said roadway into full compliance with public road design standards of Franklin Township, then in effect. The Township shall have no responsibility for construction, repair, maintenance or improvement of the said private street and right-of-way.
3. When the Owner and/or lot Owners have constructed and installed the roadway and/or street improvements at the Owner's and/or lot Owner's expense and cost, the Township may thereafter accept the ownership, operation, and maintenance of the improved portion of said thoroughfare as part of its public road system after a petition to open the street has been signed by all owners of lots abutting it and has been submitted to and approved by the Township.
4. All costs of installing, improving, altering, repairing, maintaining or servicing of the cartway surfaces and roads, streets and/or thoroughfares shall be borne by the Owner and/or Owners of the lots of said subdivision until the same have been accepted by the Township.

5. No barriers, fences, curbs, or other obstructions to the free and unhampered use by any and all public and private persons of said rights-of-way, roads, and cartways shall hereinafter be permitted, nor shall any building or any other structures be hereinafter constructed or erected on any part of said right-of-way or roadway.
6. The rights and privileges to use the hereinabove designated streets, roads, or thoroughfares shall extend and inure to the benefit and in favor of all lot Owners, their heirs, executors, administrators, successors and assigns, mortgages, tenants, purchasers and to the public generally, and Owner hereby grants, conveys, and declares an easement in and to said right-of-way and street to and for the benefit of Owners of lots in the subdivision and the public generally for ingress, egress and public vehicular and pedestrian travel. This Covenant, Easement and Conditions shall run with the land or until such time and the public right-of-way/privately maintained road(s) have been accepted by the Township.
7. The following language shall be included on the subdivision plat to be recorded:

Construction, maintenance, reconstruction and improvement of, and removal of snow and ice from the street and right-of-way known as \_\_\_\_\_, as shown on this plat shall be the sole responsibility of the Owner, Developer and/or successor and grantee owners of those lots fronting upon said right-of-way until such time as Owner, Developer, and/or successor owners of said lots shall elect to improve all portions of said street into full compliance with the Township's public road specifications then in effect and the Township, upon submission of a proper petition to open such street and delivery of such deeds or dedications of conveyance as are then required by law, shall accept such improved roadway and right-of-way as a public street. The undersigned Owner(s) further hereby dedicates an easement in favor of the Township, owners of lots in the subdivision and the public generally for use of said right-of-way for public vehicular and pedestrian travel and for ingress to and egress from said subdivision. This dedication, release and definition of maintenance responsibility shall be binding upon our heirs, executors, administrators, assigns and purchasers of land thereon.
8. The Owner and/or Owners of the lots at all times shall be obligated to maintain, repair, improve and service the public right-of-way/privately maintained road(s) in a proper, good and workmanlike manner.
9. Approval by the Township of the subdivision as set forth herein shall not be deemed to impose upon the Township any responsibility or liability of any nature whatsoever relative to the Owner's decision to utilize a public right-of-way/privately maintained road(s) the form of ingress, egress and regress, the imposition upon the Owner and successor owners of the lots abutting the street for construction or maintenance of the street, the future maintenance or repair of said private road and/or any and all claims, actions, injuries, losses and causes of action arising out of the construction, repair or maintenance of the street and/or the failure of the Owner or successors and grantees to properly construct, maintain, or repair the street.
10. Owner and Owner's heirs, executors, administrators, successors, and assigns to hereby agree to indemnify and hold harmless the Township, its agents, servants, and/or employees from, against, for and in respect to any and all damages, losses, obligations, liabilities, claims, deficiencies, costs, and expenses, including, but not limited to, reasonable attorney's fees and other costs or expenses incident to any suit, action,

investigation, claim, or proceeding suffered, sustained, incurred or required to be paid by the Township on account of the approval of the within subdivision, the use of the public right-of-way/privately maintained road(s), and the maintenance, repair, plowing, servicing, etc. of such road(s).

It is the purpose and intent of this paragraph to indemnify and hold harmless the Township from any claims, suit, judgments, costs, expenses, and losses as a result of personal injury or death of any person and protection and indemnity from any claims, suits, judgments, costs, expenses and losses for damage to any property, whether or not the personal injury, death, or property claim or loss was caused in part or in whole by the Township's actual negligence, actions, or inactions.

- 11. With respect to any suit, action, investigation, claim or proceeding for which indemnification is claimed by the Township, Owner shall promptly and immediately defend, contest, settle, compromise or otherwise protect the Township against any such suit, action, investigation, claim or proceeding at Owner's own cost and expense.
- 12. This Agreement shall be binding upon and inure to the benefit of the parties, their heirs, personal representatives, successors, grantees and assigns.

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals or caused this instrument to be executed by their duly authorized officers this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

FRANKLIN TOWNSHIP:

OWNER:

\_\_\_\_\_  
Chair  
Board of Township Supervisors

\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

WITNESS/ATTEST:

WITNESS/ATTEST:

\_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_  
Date: \_\_\_\_\_

APPROVED AS TO LEGALITY AND FORM:

\_\_\_\_\_  
Township Solicitor

Date: \_\_\_\_\_

**ACKNOWLEDGMENTS**

STATE OF PENNSYLVANIA :  
: SS  
COUNTY OF ERIE :

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public, in and for said County and State, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for purposes therein set forth, being duly authorized to do so.

**IN WITNESS WHEREOF**, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

STATE OF PENNSYLVANIA :  
: SS  
COUNTY OF ERIE :

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me a Notary Public, in and for said County and State, personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for purposes therein set forth, being duly authorized to do so.

**IN WITNESS WHEREOF**, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

STATE OF PENNSYLVANIA:

COUNTY OF ERIE:

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me the undersigned officer, personally appeared \_\_\_\_\_ known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
\_\_\_\_\_  
Title of Officer

STATE OF PENNSYLVANIA:

COUNTY OF ERIE:

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me the undersigned officer personally appeared \_\_\_\_\_ known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged that he/she/they executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
\_\_\_\_\_  
Title of Officer



## **Appendix 4**

### **Disclaimers**

Township disclaimers and caveats to be used on all subdivision applications, subdivision plan Mylars, and granted subdivision permits:

#### **NOTICE TO POTENTIAL PURCHASER OF LOTS**

##### **Wetlands:**

A DELINEATION OF WETLANDS MAY BE REQUIRED BY LAW (Section 404 of the Clean Water Act 33 USC, Section 1344; PA Law Clean Streams Law 35 PS Sections 691.1 through 693.001)

Further, be informed that neither Franklin Township nor the subdivider has ascertained the presence of wetlands on this subdivision or the lots therein.

The presence of wetlands equaling .25 acres on a lot; or lot uses impacting negatively on a wetland may prohibit your building or other land uses on the property.

Approval of this subdivision plan by Franklin Township does not grant Federal or State approval or authorization for building or certain other uses (see PASPGP-3 Federal Clean Water Act compliance for this subdivision). Federal, State and/or County agency approvals may be required.

##### **Potable Water, Drainage and Stormwater Management:**

###### **WARNING**

Approval of this subdivision plan Mylar and/or permit by Franklin Township cannot be deemed by anyone as an assurance that sufficient potable water is available or economically accessible on the property; that drainage is adequate or that storm water management requirements have been met.

The Township approval of this subdivision plan is limited to the requirements placed on the Township by the Pennsylvania Municipalities Planning Code Act of 1968, P.L.805, No.247 as reenacted and amended and other State statues and laws, Federal statutes, laws and regulations, and County ordinances, laws or regulations.

##### **ASSUMPTION OF RISK BY FUTURE PURCHASERS OF LOTS OR LAND**

Purchasers of lots or land in a Franklin Township approved subdivision are not guaranteed that any prospective use is feasible on lots or land. Liability for adequate potable water, drainage and stormwater management requirements is not assumed by the Township when granting a subdivision plan. Purchasers assume the risk and should make their own diligent inquiries and investigation regarding potable water, drainage and stormwater management.

**APPROVAL PAGE**  
**FRANKLIN TOWNSHIP ORDINANCE NO. \_\_\_\_\_ OF 20\_\_\_\_\_**

FRANKLIN TOWNSHIP  
BOARD OF SUPERVISORS

\_\_\_\_\_  
John J. Sachar  
Chairman

\_\_\_\_\_  
Gary L. Truitt  
Vice-Chairman

\_\_\_\_\_  
David G. Henderson  
Supervisor

Attest:

\_\_\_\_\_  
Bonnie J. Bernhardt  
Secretary/Treasurer

I hereby certify that the foregoing Ordinance was advertised in the Albion News on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at the regular meeting of the Franklin Township Board of Supervisors held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Bonnie J. Bernhardt  
Secretary/Treasurer