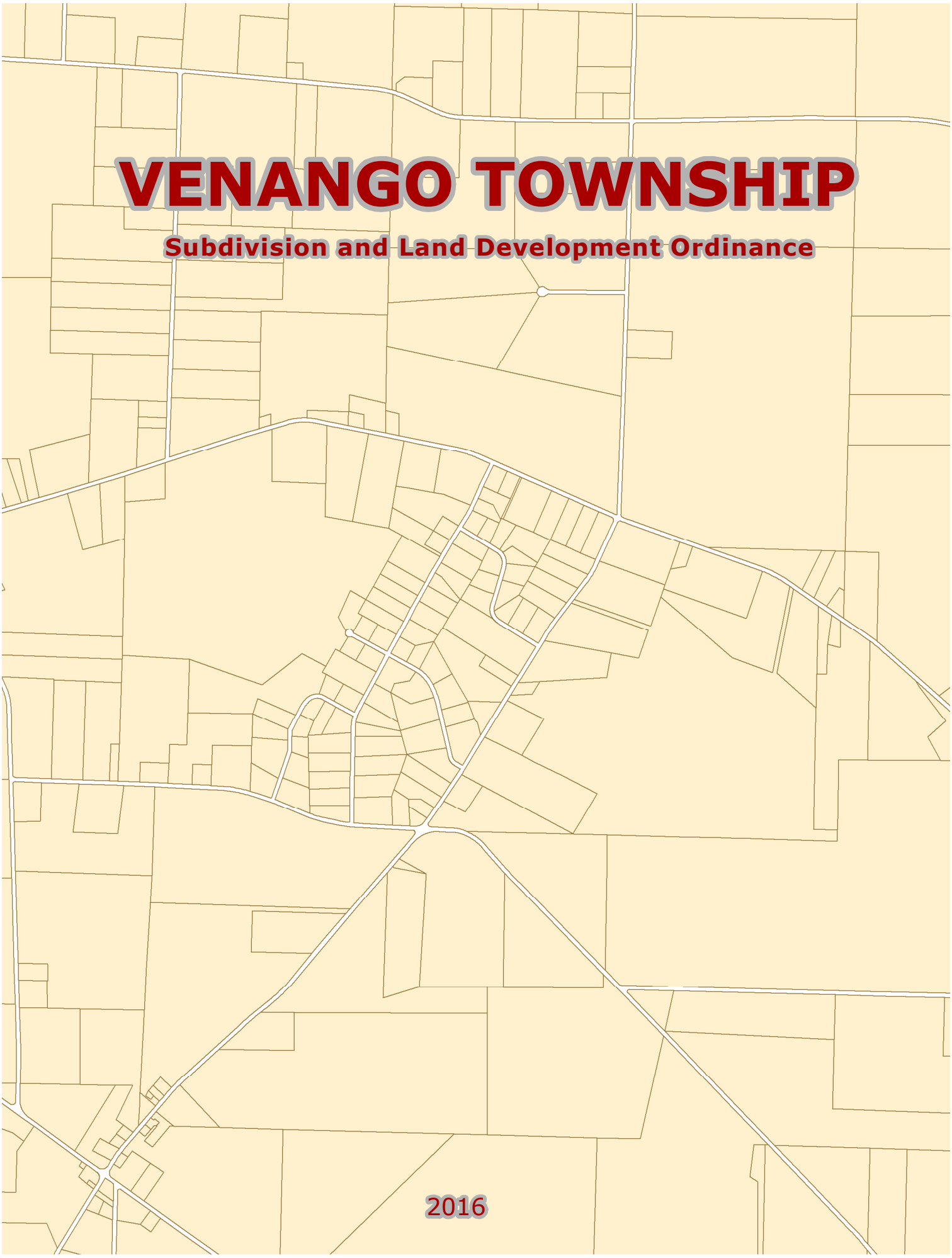
# VENANGO TOWNSHIP

## Subdivision and Land Development Ordinance



2016

# Venango Township

# Subdivision and Land Development Ordinance

**Draft, June 6, 2016**

**Prepared by the**
**Venango Township Planning Commission**

**Assisted by**
**The Erie County Department of Planning**

**ARTICLE 1 – GENERAL PROVISIONS** **1**

**Section 101 – Short Title** **1**

**Section 102 – Purpose** **1**

**Section 103 – Authority** **2**

**Section 104 – Applicability** **2**
104.1 – Territorial Application 2
104.2 – General Application 2
104.3 – General Prohibition 2
104.4 – Pending Applications 3
104.5 – Previously Approved Plans 3
104.6 – Subdivision Waiver 3

**Section 105 – Municipal Responsibility and Liability** **6**

**Section 106 – Effective Date and Repealer** **6**

**Section 107 – Interpretation, Conflict and Separability** **6**
107.1 – Interpretation 6
107.2 – Conflict with Public and Private Provisions 7
107.3 – Separability 7

**Section 108 – Saving Provision** **7**

**Section 109 – References** **7**

**ARTICLE 2 – DEFINITIONS** **9**

**Section 201 – General Interpretations** **9**

**Section 202 – Meaning of Words** **9**

**ARTICLE 3 – PLAN PROCESSING PROCEDURES** **29**

**Section 301 – General** **29**

**Section 302 – Classification** **29**

**Section 303 – Principal Steps by Classification Type** **30**
303.1 – Major Subdivisions and Land Developments 30
303.2 – Minor Subdivisions and Replots 31

**Section 304 – Pre-Application Investigation** **31**
304.1 – Purpose 31

304.2 – Sewage Facilities Planning 31
304.3 – Sketch Plan 31

**Section 305 – Preliminary Plan 31**
305.1 – Purpose 31
305.2 – Time and Place of Submission 32
305.3 – Number of Copies 32
305.4 – Submission Requirements 32
305.5 – County Planning Review 32
305.6 – Sewage Facilities Planning 33
305.7 – Erosion and Sedimentation Control Planning 33
305.8 – Stormwater Management Plan 33
305.9 – Planning Commission Review 33
305.10 – Engineering Review 34
305.11 – Public Hearing 34
305.12 – Municipal Decision and Notification 34
305.13 – Conditional Approval 35
305.14 – Revisions to Preliminary Plan 35
305.15 – Expiration of Preliminary Plans 36
305.16 – Sale of Lots 36

**Section 306 – Final Plan 36**
306.1 – Purpose 36
306.2 – Time and Place of Submission 36
306.3 – Pre-requisites for Final Plan Submission 37
306.4 – Phased Development 37
306.5 – Consistency with Preliminary Plan 38
306.6 – Number of Copies 38
306.7 – Submission Requirements 38
306.8 – County Planning Review 38
306.9 – Sewage Facilities Planning 39
306.10 – Erosion and Sedimentation Control Planning 39
306.11 – Planning Commission Review 39
306.12 – Engineering Review 39
306.13 – Public Hearing 39
306.14 – Municipal Decision and Notification 40
306.15 – Conditional Approval 40
306.16 – Construction from Conditionally Approved Final Plan 41
306.17 – Development Agreement 42
306.18 – Assurances of Completion 42
306.19 – Modification 42

**Section 307 – Recording the Plan 42**
307.1 – Time and Place of Recording 42
307.2 – Offers of Dedication 43
307.3 – Required Approval 43

DRAFT

**ARTICLE 4 – PLAN SPECIFICATIONS** **45**

**Section 401 – Sketch Plan** **45**

**Section 402 – Preliminary Plan** **45**
402.1 – Plan Size, Scale and Characteristics 45
402.2 – Required Information 46
402.3 – Plan Notations 48
402.4 – Plan Certifications 48
402.5 – Required Supporting Documents and Information 49
402.6 – Conservation Subdivision Requirements 50

**Section 403 – Final Plan** **51**
403.1 – Plan Size, Scale and Characteristics 51
403.2 – Required Information 52
403.3 – Plan Notations 54
403.4 – Plan Certifications 54
403.5 – Required Supporting Documents and Information 55

**ARTICLE 5 – DESIGN AND CONSTRUCTION STANDARDS** **57**

**Section 501 - General** **57**
501.1 – Purpose and Applicability 57
501.2 – Required Improvements 57
501.3 – Additional Regulations 57
501.4 – Coordinated Development 58

**Section 502 – Lots and Building Lines** **58**
502.1 – General 58
502.2 – Land Unsuitable for Development 59
502.3 – Depth-to-Width Ratio 59
502.4 – Access to Public Right-of-Way 60
502.5 – Double Frontage and Reverse Frontage Lots 60
502.6 – Reserve Strips 60
502.7 – Flag Lots 60
502.8 – Lot Additions and Lot Consolidations 60
502.9 – Lot and Yard Requirements 61
502.10 – Lot Grading 61

**Section 503 – Blocks** **62**
503.1 – Length and Width 62
503.2 – Commercial and Industrial Blocks 63
503.3 – Pedestrian Right-of-Ways 63

**Section 504 – Monuments and Markers** **63**

**Section 505 – Streets** **64**

DRAFT

505.1 – Street System General Standards 64
505.2 – Traffic Engineering Report 66
505.3 – Street Design Standards 66
505.4 – Cul-de-sacs, Alleys and Special Purpose Streets 70
505.5 – Lot Access and Driveways 72
505.6 – Street Construction Standards 73
505.7 – Street Names 73

**Section 506 – Street Related Improvements 74**
506.1 – Curbs, Gutters and Drainage Swales 74
506.2 – Sidewalks and Crosswalks 75
506.3 – Street Name Signs 75
506.4 – Traffic Signs and Signals 76
506.5 – Street Lighting 76

**Section 507 – Water Supply 76**
507.1 – General 76
507.2 – Public and Community Water Systems 77
507.3 – Individual On-Lot Water Supply 79

**Section 508 – Sewage Facilities 80**
508.1 – General Requirements 80
508.2 – Sanitary Sewers 80
508.3 – Private Sanitary Sewer Systems 82
508.4 – Individual, On-Lot Sewage Disposal Systems 82
508.5 – Non-Building Waiver Requests 83

**Section 509 – Other Utilities 83**

**Section 510 – Easements 84**

**Section 511 – Stormwater Management 84**

**Section 512 – Erosion Control 85**

**Section 513 – Environmentally Sensitive Areas 85**
513.1 – Floodplain Areas 85
513.2 – Wetlands 86
513.3 – Steep Slopes 87
513.4 – Habitats and Natural Features of Special Concern 87
513.5 – Existing Wooded Areas 88
513.6 – Stream Corridors 88

**Section 514 – Cultural and Historic Resources 89**

**Section 515 – Community Facilities 89**

**Section 516 – Open Space and Recreational Areas 90**

DRAFT

**ARTICLE 6 – LAND DEVELOPMENT STANDARDS** **91**

**Section 601 – Applicability** **91**
601.1 – General 91
601.2 – Definition and Exclusions 91

**Section 602 – Waiver of Plan Submittal Requirement** **92**
602.1 – Waiver Eligibility Criteria 92
602.2 – Administration Requirements 94
602.3 – Expiration of Waiver 95

**Section 603 – Procedures for Land Developments** **95**

**Section 604 – Site Plan Requirements** **95**

**Section 605 –General Design Standards for Land Developments** **97**
605.1 – General Design 97
605.2 – Circulation 97
605.3 – Dumpster Screening and Location 97
605.4 – Landscaping 98
605.5 – Exterior Lighting 99
605.6 – Water and Sewer 99
605.7 – Utilities 99

**Section 606 – Parking and Off-Street Loading** **99**
606.1 – Parking and Access Plan 99
606.2 – General Design Requirements 99
606.3 – Phased Parking 100

**Section 607 – Communication Towers** **100**
607.1 – General Standards 100
607.2 – Exception to Jurisdiction 101

**Section 608 –Campgrounds and Recreational Vehicle Parks** **101**
608.1 – Application 101
608.2 – Circulation 101
608.3 – Lot Area Requirements 101
608.4 – Setback Requirements 102
608.5 – Buffer Requirements 102
608.6 – Utilities and Sanitary Facilities 102

**Section 609 – Wind Energy Facilities** **102**
609.1 – Application 102
609.2 – Definitions Specific to Wind Energy Facilities 103
609.3 – Additional Plan Requirements 103

**Section 610 – Acceptance and Maintenance of Improvements** **104**
610.1 – Acceptance of Improvements 104

DRAFT

610.2 – Maintenance of Improvements 104

**ARTICLE 7 – MOBILE HOME PARK STANDARDS 105**

**Section 701 – Applicability 105**
701.1 – General 105
701.2 - Exception 105

**Section 702 – Application Procedures 105**

**Section 703 – Additional Plan Requirements 105**

**Section 704 – Design Standards 106**
704.1 – Park Area and Density 106
704.2 – Lot and Yard Requirements 106
704.3 – Mobile Home Stands 107
704.4 – Skirting 107
704.5 – Internal Street System 107
704.6 – Parking 108
704.7 – Park Perimeter Screening 108

**Section 705 – Utilities and Park Facilities 109**
705.1 – Sanitary Sewage Disposal 109
705.2 – Water Supply 109
705.3 –Other Utility Systems 109
705.4 – Solid Waste Disposal 110
705.5 – Exterior Lighting 110
705.6 – Recreation 110

**Section 706 –Fire Safety Requirements 110**

**ARTICLE 8 –CONSERVATION SUBDIVISION DESIGN OPTION 111**

**Section 801 – Purpose and Intent 111**

**Section 802 – Eligibility 111**

**Section 803 – General Regulations 112**

**Section 804 – Procedures 112**

**Section 805 – Four-Step Design Process 113**

**Section 806 – Open Space Standards 114**
806.1 – Open Space Definition 114
806.2 – Percentage of Open Space 114
806.3 – Composition of Open Space Area 114

DRAFT

806.4 – Open Space Design Standards 114
806.5 – Primary and Secondary Conservation Areas 116
806.6 – Site Analysis Plan 117
806.7 – Permitted Uses of Open Space 118
806.8 – Prohibited Uses of Open Space 119

**Section 807 – Housing Density Determination 119**
807.1 – Conceptual Yield Plan 119
807.2 – Yield Plan Requirements 120
807.3 – Density Bonus 121
807.4 – Calculation of Permitted Density 121

**Section 808 – Neighborhood Design Standards 121**
808.1 – General Neighborhood Design Standards 121
808.2 – Housing Types 122
808.3 – Lot and Yard Requirements 123
808.4 – Water Supply and Sewage Disposal 123

**Section 809 – Open Space Ownership and Management 124**
809.1 – Legal Instrument for Permanent Protection 124
809.2 – Standards for Ownership of Restricted Open Space 124
809.3 – Required Open Space Management Plan 127
809.4 – Open Space Performance Bond 128

**ARTICLE 9 – ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS 129**

**Section 901 – Purpose and Intent 129**

**Section 902 – Improvements to be Provided by Developer 129**

**Section 903 – Methods of Providing Improvements 129**
903.1 – Construction of Improvements 129
903.2 – Guarantee in lieu of Completion 130

**Section 904 – Improvement Maintenance Guarantee 132**

**Section 905 – Development Agreement 133**
905.1 – General Requirements 133

**Section 906 – Release of Financial Security 134**

**Section 907 – Remedies to Effect Completion of Improvements 136**

**Section 908 – Resolution of Disagreements 136**

**Section 909 – Dedication and Acceptance of Improvements 136**

DRAFT

**Section 910 – Improvements Not Dedicated** **137**
910.1 – Ownership and Maintenance Responsibility 137
910.2 – Improvements Benefiting Multiple Lots 137
910.3 – Ownership and Maintenance Agreement 137
910.4 – Deed Reference 138

**ARTICLE 10 – ADMINISTRATION, AMENDMENT & MODIFICATION** **139**

**Section 1001 – Amendments** **139**

**Section 1002 – Filing Fee** **139**

**Section 1003 – Records** **139**

**Section 1004 – Appeals** **139**

**Section 1005 – Preventive and Enforcement Remedies** **139**
1005.1 – Preventive Remedies 139
1005.2 – Enforcement Remedies 140

**Section 1006 – Modification of Regulations** **141**

**APPENDIX** **142**

**Appendix 1 - Recommended Certificates & Acknowledgements** **142**
A – Certification by Surveyor / Landscape Architect 142
B – Owner's Certification and Acknowledgement 142
C – Certificates for Municipal Review and Approval 142
D – Certificate for County Review 143
E – Recorder of Deeds Certificate 143
F – Offer of Dedication 143
G – Highway Occupancy Permit Certification 143
H – Non-Building Waiver Notice 144

**Appendix 2 – Model Development Agreement** **145**

DRAFT

**Ordinance No. _____**

An ordinance of Venango Township, Erie County, Pennsylvania, defining and regulating the subdivision of land and the development thereof; establishing procedures for the consideration of minor and major subdivisions 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 sale of lots, erection of buildings, laying out, construction, opening and dedication of streets, sewers, other facilities and public improvements; providing for the administration of this ordinance; and prescribing penalties for violation.

# Article 1 – General Provisions

## *Section 101 – Short Title*

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

## *Section 102 – Purpose*

This ordinance is adopted:

A. To promote public health, safety, and general welfare;

B. To assure that the arrangement of each subdivision or land development furthers the safe, harmonious and orderly development of the municipality;

C. To guarantee that the streets in and bordering each subdivision or land development are coordinated with the municipal circulation system and are of such widths, grades, locations and construction as to accommodate anticipated traffic and facilitate emergency service access;

D. To insure that the sewage disposal and water supply systems are efficiently designed and have adequate capacity, and that on-lot sewage disposal and water supply systems are safely separated from each other;

E. To provide easements of adequate size and location for storm drainage and other utilities;

F. To safeguard land subject to flooding, periodic high water table, or high incidence of erosion from the development practices that would aggravate these circumstances;

G. To curtail unnecessary destruction of natural plant materials or excessive earth disturbance, minimize the impact of stormwater run-off on drainage ways and downstream properties and to prevent destruction of valuable wetland areas and farmland;

H. To encourage development that relates naturally into the environment;

I. To establish a precise, simple, uniform and objective procedure for review and disposition of subdivisions and land development plan proposals, and to ease the process of conveyance of title to property, and;

J. To carry out the Venango Township – Wattsburg Borough Area Comprehensive Plan.

## *Section 103 – Authority*

This ordinance is adopted pursuant to the authority granted by Article V of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

## *Section 104 – Applicability*

### 104.1 – Territorial Application

The provisions of this ordinance shall apply to all subdivisions and land developments within the corporate limits of the municipality, except as noted in Sections 104.4 and 104.5, below.

### 104.2 – General Application

No subdivision or land development of any lot, tract or parcel of land located within the municipality shall be effected and no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for travel or public use, or for the common use of occupants of buildings thereon, unless and until a final subdivision or land development plan has been approved and recorded in the manner prescribed herein. Furthermore, no property shall be developed, no building shall be erected and no site Improvements shall be completed except in strict accordance with the provisions of this ordinance.

### 104.3 – General Prohibition

No lot in a subdivision may be sold or transferred; no permit to erect, alter or repair any building upon land in a subdivision or land development may be issued; and no building may be erected in a subdivision or land development, unless and until a final subdivision or land development plan has been approved and recorded, and until construction of any required site improvements in connection therewith has been completed or guaranteed in the manner prescribed herein.

DRAFT

## 104.4 – Pending Applications

Per Article V, of the MPC, the provisions of this ordinance shall not affect an application for approval of a subdivision and/or land development plan which is pending action at the time of the effective date of this ordinance, in which case applicant shall be entitled to a decision in accordance with the governing ordinances as they stood at the time when the application for such plan was duly filed. Additionally, this ordinance shall not affect any suit or prosecution, pending or to be instituted, to enforce any provision of the Venango Township Subdivision and Land Development Ordinance, as amended, or any applicable predecessor regulations on an act done, contract executed, or liability incurred prior to the effective date of this ordinance.

## 104.5 – Previously Approved Plans

If an applicant has received approval of a preliminary or final plan prior to the effective date of this ordinance, no provision of this ordinance shall be applied to adversely affect the right of the applicant to commence and complete any aspect of the approved preliminary or final plan in accordance with the terms of such approval within five (5) years of the date of such application, nor shall any provision of this ordinance be construed to waive the obligations imposed upon an applicant to complete a previously approved preliminary or final plan, including the installation of all Improvements, in strict compliance with the requirements of such approval. When approval of a final plan has been preceded by approval of a preliminary plan, the five (5) years shall be counted from the date of preliminary plan approval. If there is any doubt as to the terms of approval, the terms shall be construed in light of the provisions of the governing ordinances as they stood at the time when the application for such approval was duly filed.

## 104.6 – Subdivision Waiver

A. The intent of this section is to provide a policy pertaining to the pre-eminence of county tax assessment records over deed descriptions. This policy provides for a waiver process that may be used, with the endorsement of the municipality and the approval of the Erie County Department of Planning, in cases where the number of lots described by deed does not coincide with the number of lots depicted on the county's tax maps. If either the municipality or the Erie County Department of Planning determines, at their discretion, that the standard subdivision approval process should be followed, a waiver shall not be granted, and the applicant shall follow the appropriate plan approval process and procedures for such plans as provided for in this ordinance.

DRAFT

B. Subdivision waiver, as authorized by policy of Erie County's Department of Planning and/or Bureau of Assessment, shall not constitute a development, and instead is authorized as a means of obtaining or revising assignment of Erie County tax index numbers for lots which are lots of record in a recorded subdivision. To the extent authorized in this section, Venango Township, through its Zoning Administrator and/or Solicitor and with no action by the Board of Supervisors being required, may facilitate an applicant's request for subdivision waiver subject to the following requirements:

1. The applicant shall submit the request for subdivision waiver to the municipality for its approval. The submittal shall include the present deed for the lot(s) as recorded, the pertinent tax assessment map, the recorded subdivision plat, if applicable, and any other documents required to support the request.
2. Upon receipt of a complete application and all required documents, the Zoning Administrator shall review the application, deed(s) and maps to determine whether the lot(s) subject to the application constitute lot(s) of record and whether a subdivision waiver would violate or result in violation of any building lines or other development regulations.
3. The Zoning Administrator shall review the application to determine whether all requirements for subdivision waiver as established in County policies are met.
4. The subdivision waiver shall not be authorized if (a) the deed(s) does not accurately describe the pre-existing lot(s); (b) the municipality is not satisfied that the deed(s) accurately reflects the existence of a separate lot(s) not requiring subdivision approval for development; (c) the municipality is unable to verify that existing structures do not straddle the proposed property line(s); (d) the lot(s) resulting from the proposed subdivision waiver do not meet applicable lot and area requirements; or (e) the lot(s) is not consistent with municipal zoning regulations.
5. The subdivision waiver shall not be authorized for a lot of record created by the recordation of a consolidation deed.
6. If all requirements for authorization of a subdivision waiver are not met, the municipality shall notify the applicant that the municipality cannot endorse the request and the reasons therefor.

DRAFT

7. If the municipality approves/endorses the subdivision waiver request, the municipality shall submit a written request to the Erie County Department of Planning on behalf of the applicant. The municipal governing body, the municipal solicitor or the municipal zoning administrator, shall make the request. The written request shall include the following:

    a. A statement that the municipality has reviewed the deed(s) that describes the pre-existing lot(s) and the municipality is satisfied that the deed(s) accurately reflects the existence of a separate lot(s) not requiring subdivision approval for development.

    b. A statement from the municipality requesting that the Erie County Bureau of Assessment assign a separate tax assessment number to each lot.

    c. A statement that a representative of the municipality has visited the site and verifies that existing structures do not straddle the proposed property line(s); that the lot(s) being assigned a tax assessment number meets applicable lot and area requirements; and that the proposed lot(s) is consistent with municipal zoning regulations.

    d. A statement that the municipality has advised the property owner that verification of compliance with the Erie County Health Department and/or PA Department of Environmental Protection sewage disposal regulations must be furnished to the Erie County Department of Planning before separate tax assessment numbers will be issued.

    e. The following information shall be included with the request:

        1. Copies of the recorded deeds.

        2. A copy of the appropriate tax assessment map that identifies the existing parcel (by county index number) and depicts the proposed lot lines as described in the deeds.

        3. Calculations of the residual acreage if not apparent from the deed description(s).

        4. The applicant's name, mailing address and telephone number.

C. The Erie County Department of Planning should review the subdivision waiver request to determine its conformity to the design standards and other requirements contained in this ordinance and the Venango Township Zoning Ordinance; and take into consideration the recommendations and requirements of the municipality, the County Health Department and any other agencies or ordinances, as applicable.

DRAFT

D. A subdivision waiver shall not be authorized if it would (a) alter or modify in any way a lot or result in creation of a new or revised lot of record, or (b) establish a lot that does not meet current lot size and/or other lot design regulations.

E. A waiver, if granted, shall not relieve the applicant/developer from the obligation to comply with all design and construction requirements of this ordinance (as applicable), the Venango Township zoning regulations, and other federal, state or local laws or regulations.

F. The Erie County Department of Planning should render its decision and communicate it to the applicant and the municipality in writing.

G. If the subdivision waiver is granted by the Erie County Department of Planning, the department should, upon receipt of the applicable processing fee, submit a written request to the Erie County Bureau of Assessment to assign a separate tax assessment number(s) to the pre-existing lot(s). The tax assessment number(s) assigned shall be at the discretion of the Bureau.

H. If the subdivision waiver is not granted, the applicant shall follow the appropriate plan approval process and procedures for such plans as provided for in this ordinance.

## *Section 105 – Municipal Responsibility and Liability*

The grant of a permit or approval of a subdivision and/or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the municipality or by any official or employee thereof of the practicability or safety of the proposed use. Nothing in this ordinance shall create liability upon the municipality, its officials, appointees or employees, including but not limited to, the individual members of the Venango Township Board of Supervisors or individual members of the Venango Township Planning Commission.

## *Section 106 – Effective Date and Repealer*

This ordinance shall become effective upon adoption and shall remain in effect until modified or rescinded by the Venango Township Board of Supervisors. This ordinance shall supersede and replace all other conflicting regulations issued by the municipality previous to the approval date of this ordinance, specifically the Venango Township Subdivision and Land Development Ordinance, adopted October 2, 2000, and any amendment thereto.

## *Section 107 – Interpretation, Conflict and Separability*

### 107.1 – Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare, and shall be construed to achieve the purposes for which this ordinance was adopted.

## 107.2 – Conflict with Public and Private Provisions

A. **Public Provisions**

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in this ordinance. Where any provision of this ordinance imposes restrictions different from those imposed by any other provision of this ordinance or any other ordinance, rule or regulation, statute, or other provision of law, the provision that is more restrictive or imposes higher standards shall control.

B. **Private Provisions**

This ordinance is not intended to abrogate any easement, covenant, or other private agreement or restriction, provided that where the provisions of this ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this ordinance shall govern.

## 107.3 – Separability

If any part or provision of this ordinance or the application of this ordinance to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity and continued enforcement of any other parts or provisions of this ordinance or the application of them to other persons or circumstances.

# *Section 108 – Saving Provision*

This ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision or land development regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of this ordinance, or as vacating or annulling any rights obtained by any person, firm or corporation by lawful action of the municipality, except as shall be expressly provided for in this ordinance.

# *Section 109 – References*

Specific methods and publications referenced in this ordinance shall, in all cases, refer to the latest available edition and shall include revisions, amendments, and/or replacement thereto.

DRAFT

(This page intentionally blank)

DRAFT

# Article 2 – 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.

## *Section 202 – Meaning of Words*

Accessory Structure: A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

Abut or Abutting: To physically touch or border on; or to share a common property line but not overlap. Buildings which physically touch. Areas of contiguous lots that share a common lot line, not including lots entirely separated by a street, public alley open to traffic or a perennial waterway.

Access or Access Drive: A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Accessory Building: A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

Accessory Structure: A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.

Acre: A measure of land area containing 43,560 square feet.

Activity: The use of land for a specific purpose.

Addition: (1) A structure added to the original structure at some time after the completion of the original; (2) an extension or increase in floor area or height of a building or structure.

Adjacent Land: See “Adjoining Lot or Land”

Adjoining Lot or Land: A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land. (See Abut)

Agriculture: The use of land which shall include, but not be limited to, the tilling of the soil, the raising of crops, horticulture, apiculture, floriculture, viticulture and gardening. The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine horses ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Aisle: The traveled way by which cars enter and depart parking spaces.

Alley: A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

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

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.

As-Built Plans: Plans and profiles prepared by the developer's engineer showing the exact location, size, grade and depth of all required improvements, as constructed.

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

Board of Supervisors: The Board of Township Supervisors, Venango Township, Erie, County, Pennsylvania.

Buffer Area: A strip of land consisting of landscaped areas, fences, walls, berms or combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Buffer Yard: See Buffer Area

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

Building, Accessory: See Accessory Building.

Building, Detached: A building surrounded by open space on the same lot.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Building Line: A line parallel to the street right-of-way line touching that part of a building closest to the street.

Building Permit: Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

Building Setback Line: See Setback Line.

Caliper: The diameter of a tree trunk.

Campground: A plot of ground on which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

Campsite: Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper.

Capped (Dry) System: A completed water supply and/or sewerage system, put in place for future use, rather than to meet immediate development needs.

Cartway: The paved area of a street between the curbs, including travel and parking lanes and acceleration and deceleration lanes, but not including shoulders, curbs, sidewalks, or swales.

Clear-Sight Triangle: An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines. Within this clear-sight triangle nothing is to be erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Common Open Space: A parcel or parcels of land or an area 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.

Communications Antenna: Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals including, without limitation, omni directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes, television antennas, or amateur radio equipment including, without limitation, ham or citizen band radio antennas.

Communications Tower: A structure, other than a building, such as a monopole, self-supporting, or guyed tower, designed and used to support communications antennas.

Community On-Lot Sewage System: A system of piping, tanks or other facilities serving two 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.

Community Water Supply System: A water supply system serving two or more lots which is owned, operated and maintained by a private corporation or a nonprofit property owners' association.

Comprehensive Plan: The various elements of the Venango Township-Wattsburg Borough Area Comprehensive Plan and any amendments thereto.

Condominium: A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Conservation Subdivision: A method of conserving special open spaces and natural resources using an approach called Growing Greener.

Construction: The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

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

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

Cul-de-Sac: See Street, Cul-de-Sac.

Curb: A stone, concrete, or other improved boundary marking the edge of the roadway or paved area.

Curb Cut: The opening along the curb line at which point vehicles may enter or leave the roadway.

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 (DEP): 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.

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 100-year flood.

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

Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such lands.

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.

Drainage: (1) Surface water runoff; (2) the removal of surface water or groundwater from land by drains, grading or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development.

Drainage Easement: 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.

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.

Driveway: A private vehicular passageway providing access to a street, road or highway.

Dwelling: A structure or portion thereof that is used exclusively for human habitation.

Dwelling, Attached: A one-family dwelling with ground floor outside access, attached to two or more one-family dwellings by common vertical walls without openings.

Dwelling, Detached: A dwelling that is not attached to any other dwelling by any means.

DRAFT

Dwelling, Multi-Family: A building containing three or more dwelling units, including units that are located one over another.

Dwelling, Two-Family: A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling, Single-Family: A one-family dwelling.

Dwelling, Semi-detached: A one-family dwelling attached to one other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot.

Dwelling Unit: One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

Easement: A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity.

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

Engineer, Municipal: A registered professional engineer in Pennsylvania designated by the municipality to perform the duties of engineer as herein specified.

Environmentally Sensitive Areas: Environmentally sensitive areas shall include areas with slopes of over fifteen percent, floodway areas, unstable soils or geology, riparian buffers, natural heritage areas and wetland areas. This determination shall be made based on information available from submitted subdivision plans, topographic maps, soils reports, the Venango Township - Wattsburg Borough Area Comprehensive Plan, Erie County Conservation District, United States Geologic Survey, the Pennsylvania Department of Environmental Protection or other sources.

Erosion: The detachment and movement of soil or rock fragments or the wearing away of the land surface by water, wind, ice, and gravity.

Erosion and Sediment Control Plan: A plan that is designed to minimize accelerated erosion and sedimentation and to meet the requirements of the PA DEP.

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.

Facility: A place where an activity occurs.

Facility Owner: The entity or entities having an equity interest in the facility, including their respective successors and assigns.

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

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.

Finished Grade: See Grade, Finished.

Flag Lot: A lot that has an L-shaped or flag configuration with access to the bulk of the lot provided by a narrow corridor from the adjoining public right-of-way.

Flood, One Hundred Year: A storm event that has the probability if occurrence of 1% in any given year.

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

Floodway: The channel of the watercourse and portions of the adjoining floodplains which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

Floor Area, Gross (GFA): The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors, and lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings, but excluding any space with a floor-to-ceiling height of less than 6 feet 6 inches.

Frontage: That side of a lot abutting on a street; the front lot line.

Glare: The effect produced by light from a luminaire with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Governing Body: The Board of Supervisors of the Township of Venango, Erie County, Pennsylvania.

Grade: (1) The average elevation of the land around a building; (2) the percent of rise or descent of a sloping surface.

Grade, Finished: The elevation of the land surface of a site after completion of all site preparation work.

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.

Growing Greener: A development approach designed to conserve special open spaces and natural resources in a community using the techniques generally set forth by the Growing Greener Workbook of 1999, as prepared for the Pennsylvania Department of Conservation and Natural Resources by the Natural Lands Trust.

Half Street: A right-of-way dedicated for a new street by a developer along such developer's perimeter property line equal to only one-half of the total right-of-way width required by this Ordinance. Dedication of a "half street" presumes future dedication of a corresponding amount of right-of-way from adjoining land in order to provide the total right-of-way required for a proposed street. The dedication of additional right-of-way along an existing street is not considered a "half street".

Height: The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

Impervious Surface (Impervious Area): A surface that prevents the infiltration of water into the ground. Impervious surface (or areas) include, but is not limited to: buildings and similar structures, patios, sidewalks, and parking or driveway areas.

Improvements: Those physical additions, installations and changes required to render land suitable for the use intended, including, but not limited to, grading, paving, curbing, streetlights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities and street shade trees, and improvements to existing water courses.

Institutional Use: A nonprofit, religious, or public use, such as a religious building, library, public or private school, hospital, or government-owned or-operated building, structure, or land used for public purpose.

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.

Lease: A contractual agreement for the use of lands, structures, buildings, or parts thereof for a fixed time and consideration.

Level of Service (LOS): A qualitative measure used to relate the quality of traffic service. LOS is used to analyze highways by categorizing traffic flow and assigning quality levels of traffic based on performance measure like speed, density, etc.

Local Street: See Street, Local.

Loading Space: An off-street space or berth used for the loading or unloading of cargo, products, or materials from vehicles.

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

Lot Area: The total area within the lot lines of a lot, excluding any street rights-of-way.

Lot, Corner: A lot at the junction of and abutting on two or more intersecting streets or private roads.

Lot, Double Frontage: See Lot, Through

Lot, Flag: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway.

Lot, Improved: A lot with buildings or structures.

Lot, Interior: A lot other than a corner lot.

Lot, Minimum Area: The smallest lot area established by the Venango Township Zoning Ordinance on which a use or structure may be located in a particular district.

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

Lot, Nonconforming: A lot the area or dimension of which was lawful prior to the adoption or amendment of the Venango Township Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Lot, Reverse Frontage: A through lot with frontage on two parallel streets with vehicular access restricted to only one of the streets.

Lot, Through: A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

Lot Depth: The average distance measured from the front lot line to the rear lot line.

Lot Frontage: The length of the front lot line measured at the street right-of-way.

Lot Line: A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

Lot Line, Front: The lot line separating a lot from a street right-of-way.

Lot Line, Rear: The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

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 Width: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Maintenance Guarantee: Any security, other than cash, which may be accepted by the local municipality 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.

DRAFT

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.

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.

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.

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.

MPC: The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

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

Municipal Solicitor: An attorney registered to practice law in the Commonwealth of Pennsylvania and appointed by Venango Township as the "Municipal Solicitor".

Municipality: The Township of Venango, Erie County, Pennsylvania.

Natural Heritage Area: An area of ecological significance, including areas with threatened and endangered species per Pennsylvania Natural Heritage Program, or areas classified in a Natural Heritage Inventory as one or more of the following: Natural Area (NA), Biological Diversity Area (BDA), Dedicated Area (DA), Landscape Conservation Area (LCA), Other Heritage Area (OHA).

Occupancy or Occupied: The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building; (2) holding real property by being in possession.

Off-Street Loading: Designated areas located adjacent to buildings where trucks may load and unload cargo, and that is not located on a dedicated street right-of-way.

Off-Street Parking: A temporary storage area (surface or structure) for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way, and is located upon the same lot as a principal use or, in the case of joint parking, within close proximity.

DRAFT

Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

Operator: (1) The entity responsible for the day-to-day operation and maintenance of a facility or establishment. (2) A person or company that engages in or runs a business or enterprise.

Parcel: A lot, plot or tract of land designated by any legally recorded or approved means as a single unit. The term includes, but is not limited to, tax parcels, lots or deeded areas.

Park: A tract of land, designated and used by the public for active and passive recreation.

Parking Lot: An off-street, ground-level open area that provides temporary storage for motor vehicles.

Parking Space: The space within a building, or on a lot or parking lot, for the parking or storage of one (1) automobile.

Party Wall: A common shared wall between two separate structures, buildings, or dwelling units.

Permit: Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law by not allowed without such authorization.

Pennsylvania Municipalities Planning Code: Act 247 of 1968, as amended; acted upon July 31, 1968, P.L. 805.

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

Person: A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

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 municipality 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.

DRAFT

Planned Residential Development: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the municipal zoning ordinance.

Planning Commission (or Planning Agency): The Planning Commission of Venango Township, Erie County, Pennsylvania.

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

Playground: An active recreational area with a variety of facilities, including equipment for younger children as well as court and field games.

Private: Not publicly owned, operated, or controlled.

Property: A lot, parcel, or tract of land together with the building and structures located thereon.

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 municipality, 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 65 Pa. C.S. CH.7.

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.

Public Sewer and Water System: Any system other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of wastes and the furnishing of potable water.

Public Street/Road: A street ordained or maintained or dedicated and accepted by a Borough, City, Township, County, State or Federal governments and open to public use.

Public Utility: A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

Recreation, Active: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

Recreation, Passive: Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, board and table games.

Recreational Vehicle: A vehicle-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational Vehicle Park: Any lot or parcel of land upon which two or more sites are located, established, or maintained for occupancy by recreational vehicles for a fee as temporary living quarters for recreation or vacation purposes.

Regulatory Flood Elevation: The 100-year flood elevation plus a freeboard safety factor of one-and-one half (1-1/2) feet.

Replot: See subdivision, Replot

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

Residence: A home, abode, or place where an individual is actually living at a specific point in time.

Residential Area: A generic term describing an area that gives the impression that it is predominately a place where people live.

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

Right-of-Way Lines: The lines that form the boundaries of a right-of-way.

Riparian: Adjacent to or on the bank of a river or stream, or sometimes a lake.

Road: See “Street”.

Rooming House: A dwelling having three (3) or more sleeping rooms for rent to persons not related to its other occupants. The term “rooming house” includes the term “boarding house”.

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.

Screening: A method of visually shielding or buffering one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

DRAFT

Screen Planting: A vegetative material of sufficient height and density to conceal from the view of property owners on adjoining properties the structures and uses on the premises on which the screen planting is located.

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".

Septic Tank: A watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

Setback: The distance between the building or structure and any lot line.

Setback Line: That line that is the required minimum distance from any lot line and that establishes the area within which the principal structure may be erected or placed. See Building Line.

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.

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

Shoulder: That part of the roadway contiguous with the traveled way for accommodation of stopped vehicles, emergency use, and lateral support of base and surface courses.

Sidewalk: A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sight Distance: The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

Sight Triangle: See Clear Sight Triangle.

Similar Use: A use that has the same characteristics as the specifically cited uses in terms of trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, and market area.

Site: Any plot or parcel of land or combination of contiguous lots or parcels of land.

Site Plan: An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

DRAFT

Slope: The deviation of a surface from the horizontal, usually expressed in percent or degrees. Slope percent is computed by dividing the vertical distance by the horizontal distance times 100.

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: A public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation, which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms.

Street, Arterial: A high-capacity road or thoroughfare that functions primarily to deliver traffic from collector streets to freeways or expressways, and between urban centers at the highest level of service possible. For purposes of this ordinance, arterials are identified on PennDot's Federal Functional Class map of Erie County.

Street, Collector: A street that collects traffic from local streets and connects with arterials. For purposes of this ordinance, collectors are identified on PennDot's Federal Functional Class map of Erie County.

Street, Commercial: Commercial roads service areas whose predominant use is commercial and service.

Street, Cul-De-Sac: A street with a single common ingress and egress and with a turnaround at the end.

Street, Dead-End: A street with a single common ingress and egress.

Street, 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.

Street, Local: A street that provides frontage for access to abutting lots and carries slow-speed traffic primarily having a destination or origin on the street itself.

Street, Private: A legally established right-of-way other than a public street not offered for dedication or accepted for municipal ownership and maintenance.

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.

Structure, Accessory: A structure detached from a principle structure, but located on the same lot, which is customarily incidental and subordinate to the principal building, structure or use.

Subdivider: See Developer

Subdivision: The division or redivision 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.

Subdivision, Major: Any subdivision which fails to meet the requirements for qualification as a Minor Subdivision.

Subdivision, Minor: A subdivision having ten (10) lots or less, which has all lots fronting on an existing street, and which does not propose any new streets, sanitary sewers, water main extensions, stormwater management facilities, or other improvements to be offered for public dedication.

Subdivision, Replot: The change of a lot line between two (2) abutting existing parcels not intended to create a new parcel and where such lot line change is in full compliance with this ordinance, any local zoning ordinance and related ordinances, rules and regulations of the municipality. A replot which involves the creation of new lots or involves more than two (2) lots shall be treated as a subdivision.

Substantially Completed: Where, in the judgement of the municipal 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.

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.

DRAFT

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.

Use: The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

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.

Variance: Permission to depart from the literal requirements of a zoning ordinance.

Water Course: A stream, river, brook, creek, or channel or ditch for water, whether natural or manmade.

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 municipality.

Wetlands: Areas which are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. For the purposes of this ordinance, the term includes, but is not limited to, wetland areas listed in the State Water Plan, the U.S. Forest Service Wetlands Inventory of PA, the PA Coastal Zone Management Plan, and the U.S. Fish and Wildlife National Wetlands Inventory.

Yard: An open space that lies between the principal building or buildings and the nearest lot line.

Yard, Buffer: See Buffer Yard.

Yard, Front: A space extending the full width of the lot between the principal building and the font lot line and measured perpendicular to the building to the closest point to the front lot line.

Yard, Rear: A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Yard, Required: The minimum open space between a lot line and the yard line within which no structure is permitted to be located except as provided in the zoning ordinance.

Yard, Side: A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Yard Depth: The shortest distance between a lot line and a yard line.

Yard Line: A line drawn parallel to a lot line at the distance therefrom equal to the depth of the required yard.

DRAFT

(This page intentionally blank)

DRAFT

# Article 3 – Plan Processing Procedures

## *Section 301 – General*

All plans for the subdivision and/or development of land within the corporate limits of Venango Township shall be submitted to and be reviewed by the Venango Township Planning Commission and other municipal, state and/or county officials as provided in this ordinance, and shall be approved or disapproved by the Venango Township Board of Supervisors in accordance with the procedures specified in this Article.

## *Section 302 – Classification*

Subdivisions and land developments are classified within this ordinance and any subdivision or land development must fall within one of the classifications prescribed herein. The applicant is encouraged to consult with the municipality to determine which classification may be applicable to the proposed activity prior to the submission of an application. The applicant should refer to the applicable sections within this Article and/or Article 6 for the processing procedures that apply to the proposed activity. Please refer to Article 4 and/or Article 6, and/or other Articles, as applicable, for plan requirements/contents.

A. **Minor Subdivision:** A subdivision having ten (10) lots or less, which has all lots fronting on an existing street, and which does not propose any new streets, sanitary sewers, water main extensions, stormwater management facilities, or other improvements to be offered for public dedication.

B. **Replot:** The change of a lot line between two (2) abutting existing parcels not intended to create a new parcel and where such lot line change is in full compliance with this ordinance, the Venango Township Zoning Ordinance and any other related ordinances, rules and regulations of the municipality. A replot which involves the creation of new lots or involves more than two (2) lots shall be treated as a subdivision.

C. **Major Subdivision:** Any subdivision which fails to meet the requirements for qualification as a Minor Subdivision.

D. **Land Development:** Any of the following activities:

    1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

        a. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or

b. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

2. "Land Development" does not include development which involves:

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; or

c. 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.

## *Section 303 – Principal Steps by Classification Type*

### 303.1 – Major Subdivisions and Land Developments

Before any subdivision of land conforming to the definition of a major subdivision, or any physical improvement classified as a land development is constructed, the owner of the property proposed to be subdivided or developed, or his authorized agent, shall apply for and secure approval of the proposed subdivision or land development in accordance with the following procedures.

A. A pre-application investigation or sketch plan submission is optional.

B. A preliminary plan submittal and approval shall be required as a pre-requisite to a final plan for all major subdivisions. A preliminary plan shall also be required for land developments unless the preliminary plan requirement is waived in accordance with Article 6, Section 602 of this ordinance.

C. A final plan submittal and approval shall be required for all major subdivisions. A final plan shall also be required for land developments unless the final plan requirement is waived in accordance with Article 6, Section 602 of this ordinance.

D. An approved final plan shall be recorded at the Erie County Recorder of Deeds, in accordance with Section 307.1.

### 303.2 – Minor Subdivisions and Replots

Before any subdivision of land conforming to the definition of a minor subdivision or replot, the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision or replot in accordance with the following procedures.

A. A pre-application investigation or sketch plan submission is optional.

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

C. A final plan submittal and approval shall be required.

D. An approved final plan shall be recorded at the Erie County Recorder of Deeds, in accordance with Section 307.1.

## *Section 304 – Pre-Application Investigation*

### 304.1 – Purpose

Developers are encouraged to discuss possible development sites with the municipality 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 encouraged to further discuss his proposal with the Erie County Health Department, the Pennsylvania Department of Transportation (PennDot) and/or utility companies as appropriate.

### 304.2 – Sewage Facilities Planning

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.

### 304.3 – Sketch Plan

A sketch plan may be prepared and presented to the municipality for review and discussion. The submission of a sketch plan is voluntary, for the benefit of the developer, and is never considered to be a formal application. Sketch plans should generally include those items listed under Article 4, Section 401 of this ordinance.

## *Section 305 – Preliminary Plan*

### 305.1 – Purpose

The purpose of the preliminary plan is to require formal preliminary approval in order to, vest the plan from changes in municipal ordinances, phase development, and provide additional time to complete conditions of approval.

## 305.2 – Time and Place of Submission

Preliminary plans for all proposed major subdivisions of land and/or land developments within Venango Township shall be submitted to the municipality for review by the Venango Township Planning Commission and approval by the Venango Township Board of Supervisors. Plans shall be submitted during the municipality's regular office hours, and must be submitted not less than ten (10) days prior to the next regular meeting of the Venango Township Planning Commission. 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.

## 305.3 – Number of Copies

The original mylar and at least seven (7) copies of the plan, three (3) copies of all required supporting documentation, and one (1) application shall be required for the plan approval process.

## 305.4 – Submission Requirements

A. Information to be filed with preliminary plan applications shall include those items listed under Article 4, Section 402 of this ordinance, and shall be prepared in accordance with, and submitted with the number of copies, as specified herein.

B. If the submission does not meet all requirements, the municipality shall by telephone, email or similar communication advise the applicant of the deficiencies. In such a case, the submission shall <u>not</u> be considered to be a formal application until the applicant files the additional or corrected items required to comply with the requirements of this ordinance.

## 305.5 – County Planning Review

In accordance with Article V, Section 502(b) of the Pennsylvania Municipalities Planning Code, a copy of the preliminary plan, with a complete set of all attachments, shall be forwarded to the Erie County Department of Planning for its review and report together with a fee sufficient to cover the costs of the review and report which fee shall be paid by the applicant.

A. The municipality shall not approve the plan until the county report is received or until the expiration of 30 days from the date the application was forwarded to the county.

B. Any comments by the Erie County Department of Planning should be in writing and communicated to the applicant personally or mailed to him at his last known address. A copy of the written comments should be forwarded to the municipality.

DRAFT

C. The Erie County Department of Planning's written comments should specify any defects found in the application, describe any requirements that have not been met and should cite the appropriate provisions of this ordinance or any other ordinance, such as the Venango Township Zoning Ordinance, that have not been met.

## 305.6 – Sewage Facilities Planning

A. The developer shall deliver two (2) copies of the preliminary plan to the County Health Department for approval of the sanitary sewage facilities which are to service the subdivision or land development.

B. Preliminary Plan approval shall be conditional upon Erie County Health Department and/or PA DEP approval of the sanitary sewage facilities, and no plans shall be signed by the Venango Township Board of Supervisors until verification of DEP and/or Erie County Health Department sewage planning approval is received.

## 305.7 – Erosion and Sedimentation Control Planning

A. The developer shall submit an erosion and sedimentation control plan to the Erie County Conservation District for review and approval for any subdivision or land development involving one (1) acre or more of earth disturbance, and/or requiring post construction stormwater approval or measures, solely or as part of a larger common plan of development.

B. If an erosion and sedimentation control plan is required, preliminary plan approval shall be conditional upon approval of the erosion and sedimentation control plan by the Conservation District.

## 305.8 – Stormwater Management Plan

Any preliminary plan application subject to the requirement that a stormwater management plan be submitted and implemented shall be approved subject to the express condition that such stormwater management plan meeting all requirements imposed by the Venango Township Stormwater Management Ordinance shall be submitted not later than with the final plan application, and that such plan shall thereafter be implemented in full accordance with the submitted stormwater management plan and the requirements of the Venango Township Stormwater Management Ordinance.

## 305.9 – Planning Commission Review

The Venango Township Planning Commission will review the preliminary plan to determine its conformity to the design standards and other requirements contained in this ordinance, the Venango Township Zoning Ordinance, and any other applicable municipal ordinance; and take into consideration any recommendations and/or requirements of the Erie County Health Department and any other agencies or ordinances, as applicable.

## 305.10 – Engineering Review

When a proposed subdivision or land development involves the design of streets, public or community sewer systems or water supplies, stormwater management facilities, or other site improvements, a copy of the plan and appropriate improvement designs shall be forwarded to the municipal engineer for review and recommendations.

## 305.11 – Public Hearing

Before acting on the preliminary plan, the municipality may arrange for a public hearing thereon. Adequate public notice shall be given.

## 305.12 – Municipal Decision and Notification

The municipality shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the governing body or the planning agency (whichever first reviews the application) next following the date the application is filed, or after a final order of the court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application, or the final order of the court, the said 90-day period shall be measured from the 30th day following the day the application has been filed.

A. The decision of the municipality shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

B. When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon for the disapproval.

C. Failure of the municipality to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

D. Applicants are entitled to have applications approved in the context of the ordinance(s) in effect at the time the application is filed as described by Section 508(4) of the Pennsylvania Municipalities Planning Code.

DRAFT

## 305.13 – Conditional Approval

A. The municipality may grant approval of a preliminary plan subject to conditions, revisions and/or modifications, including but not limited to the receipt of additional information, supporting documentation, changes and/or notifications. The municipality will state the conditions, in writing, along with the statutory basis under which the conditions are imposed.

B. A conditional approval will be automatically rescinded if the applicant rejects or fails to accept, in writing, such conditions within thirty (30) days from the date of the conditional approval.

C. Agreement by the applicant to any condition of preliminary approval shall be a pre-requisite for application for a final plan.

D. In the event the municipality should approve a preliminary plan subject to specified conditions, the developer must submit corrected and/or modified plans for final preliminary approval by the municipality. Unless granted a time extension by the municipality, or specifically authorized under Section 305.13 (E), the developer shall submit the corrected and/or modified plans within ninety (90) days following conditional approval of the preliminary plan or prior to submitting any final plan application, whichever first occurs.

E. If conditions upon preliminary plan approval involve minor and non-substantial modifications, the municipality at the time of its approval with conditions may authorize the developer to incorporate such revisions in the final plan application(s) in lieu of submitting a revised preliminary plan application.

F. Compliance by all final plan applications with applicable law, ordinances and regulations shall be an express condition upon any preliminary plan approval, without such requirement being stated.

G. All conditions upon preliminary plan approval must be met prior to signing of the plan by municipality.

## 305.14 – Revisions to Preliminary Plan

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, the applicant may modify his or her plans by submitting a revised preliminary plan for review and approval.

DRAFT

### 305.15 – Expiration of Preliminary Plans

A. The preliminary plan approval shall expire five (5) years after being granted unless an extension is requested by the applicant and approved by the municipality. Any request for extensions must be submitted to the municipality thirty (30) days prior to any prevailing expiration date. Extensions may be granted for one (1) or more six (6) month periods upon a finding by the municipality that such extension is warranted.

B. The municipality shall not authorize an extension of time for filing a final plan where such extension would prolong the protection against post-application changes in laws and ordinances, except that the municipality may authorize an extension of time conditioned upon a requirement that the final plan application comply with changes in laws or ordinances which have been enacted since approval of the preliminary plan.

C. 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.

### 305.16 – Sale of Lots

Approval of the preliminary plan does not authorize the sale of lots.

## *Section 306 – Final Plan*

### 306.1 – Purpose

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

### 306.2 – Time and Place of Submission

Final plans for all proposed subdivisions of land and/or land developments within Venango Township shall be submitted to the municipality for review by the Venango Township Planning Commission and approval by the Venango Township Board of Supervisors. Plans shall be submitted during the municipality's regular office hours, and must be submitted not less than ten (10) days prior to the next regular meeting of the Venango Township Planning Commission. 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.

DRAFT

## 306.3 – Pre-requisites for Final Plan Submission

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

A. The major subdivision or land development has been granted an unconditional preliminary plan approval in accordance with this ordinance, or has received a waiver of the preliminary plan submittal requirement in accordance with Section 602, or the applicant has fulfilled all conditions established by the municipality for preliminary plan approval.

B. Minor subdivisions and replots do not require a preliminary plan.

## 306.4 – Phased Development

The final plan may be submitted in phases, each covering a portion of the entire proposed subdivision or land development as shown on the approved preliminary plan. If the subdivision or land development, and related improvements are to be completed in phases:

A. A schedule shall be filed delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed.

B. Each section in any subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units unless the municipality specifically approves a lesser percentage for one or more of the sections.

C. Sections of the development shall be sequenced in such a manner that each section (together with the previously approved and completed section(s)) shall be physically built to be in full compliance with the ordinance and not be dependent on the construction to be completed at future phases. This includes, but is not limited to storm water management facilities, streets, and utilities.

D. Except for staged construction of streets intended to be extended in subsequent phases, all Improvements for each section shall be installed in their permanent configuration. The final wearing course shall be carried in an improvement guarantee until it is finally installed and inspected.

E. It is not necessary for construction in one section to be completed for a final plan application for the next section to be submitted.

F. All subsequent phased final plans shall be submitted within five years of the date of municipal action on the preliminary plan unless otherwise agreed upon by the applicant and the municipality. The developer shall take the responsibility to provide the municipality with reasonable notice of delays in the filing of final plans.

G. The applicant shall annually update the municipality regarding the schedule on or before the anniversary date of the preliminary plan approval.

DRAFT

## 306.5 – Consistency with Preliminary Plan

The final plan shall conform, in all important respects, with the preliminary plan as previously approved by the municipality, and shall incorporate any modifications and revisions specified by the municipality in its conditional approval of the preliminary plan. The municipality may accept a final plan modified to reflect a minor change to the site or its surroundings that occurs after the preliminary plan review. The municipality shall determine whether a modified final plan will be accepted or whether a new preliminary plan shall be submitted.

## 306.6 – Number of Copies

The original mylar and at least seven (7) copies of the plan, three (3) copies of all required supporting documentation, and one (1) application shall be required for the plan approval process.

## 306.7 – Submission Requirements

A. Information to be filed with final plan applications shall include those items listed under Article 4, Section 403 of this ordinance, and shall be prepared in accordance with, and submitted with the number of copies, as specified herein.

B. If the submission does not meet all requirements, the municipality shall by telephone, email or similar communication advise the applicant of the deficiencies. In such a case, the submission shall <u>not</u> be considered to be a formal application until the applicant files the additional or corrected items required to comply with the requirements of this ordinance.

## 306.8 – County Planning Review

In accordance with Article V, Section 502(b) of the Pennsylvania Municipalities Planning Code, the mylar and copies of the final plan, with a complete set of all attachments, shall be forwarded to the Erie County Department of Planning for its review and report together with a fee sufficient to cover the costs of the review and report which fee shall be paid by the applicant.

A. The municipality shall not approve the plan until the county has completed its review and signed the mylar and plan copies, or until the expiration of 30 days from the date the application was forwarded to the county.

B. Any comments by the Erie County Department of Planning should be in writing and communicated to the applicant personally or mailed to him at his last known address. A copy of the written comments should be forwarded to the municipality.

C. The Erie County Department of Planning's written comments, if any, should specify any defects found in the application, describe any requirements that have not been met and should cite the appropriate provisions of this ordinance or any other ordinance, such as the Venango Township Zoning Ordinance, that have not been met.

D. Upon completion of its review, the Erie County Department of Planning should sign the mylar and plan copies.

## 306.9 – Sewage Facilities Planning

A. The developer shall deliver two (2) copies of the final plan to the Erie County Health Department for approval of the sanitary sewage facilities which are to service the subdivision or land development.

B. No final plan shall receive approval by the municipality 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 or land development.

C. Where applicable, the final plan shall note 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.

## 306.10 – Erosion and Sedimentation Control Planning

A. The developer shall submit an erosion and sedimentation control plan to the Erie County Conservation District for review and approval for any subdivision or land development involving one (1) acre or more of earth disturbance, and/or requiring post construction stormwater approval or measures, solely or as part of a larger common plan of development.

B. If an erosion and sedimentation control plan is required, the final plan shall not be approved until the erosion and sedimentation control plan is approved by the Conservation District.

## 306.11 – Planning Commission Review

The Venango Township Planning Commission will review the final plan to determine its conformity to the design standards and other requirements contained in this ordinance, the Venango Township Zoning Ordinance, and any other applicable municipal ordinance; and take into consideration any recommendations and/or requirements of the Erie County Health Department and any other agencies or ordinances, as applicable.

## 306.12 – Engineering Review

When a proposed subdivision or land development involves the design of streets, public or community sewer systems or water supplies, stormwater management facilities, or other site improvements, a copy of the plan and appropriate improvement designs shall be forwarded to the municipal engineer for review and recommendations.

## 306.13 – Public Hearing

Before acting on the final plan, the municipality may arrange for a public hearing thereon. Adequate public notice shall be given.

## 306.14 – Municipal Decision and Notification

The municipality shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the governing body or the planning agency (whichever first reviews the application) next following the date the application is filed, or after a final order of the court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application, or the final order of the court, the said 90-day period shall be measured from the 30th day following the day the application has been filed.

A. The decision of the municipality shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

B. When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon for the disapproval.

C. Failure of the municipality to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

D. Applicants are entitled to have applications approved in the context of the ordinance(s) in effect at the time the application is filed as described by Section 508(4) of the Pennsylvania Municipalities Planning Code.

## 306.15 – Conditional Approval

A. The municipality may grant approval of a final plan subject to conditions, revisions and/or modifications, including but not limited to the developer obtaining a satisfactory financial security for required improvements or the receipt of required local, state or federal permits. The municipality will state the conditions, in writing, along with the statutory basis under which the conditions are imposed.

B. A conditional approval will be automatically rescinded if the applicant rejects or fails to accept, in writing, such conditions within thirty (30) days from the date of the conditional approval.

C. In the event the municipality should approve a final plan subject to conditions, the developer must meet such conditions within six (6) months following the date of the conditional approval unless the municipality grants a time extension.

DRAFT

D. In the event the developer fails to complete all requirements imposed by conditions imposed upon plan approval within six (6) months following the date of the conditional approval, the conditions upon approval shall be deemed to have failed, the conditional approval shall be rescinded and revoked, and the final plan shall be deemed to have been denied by reason of the failure of said conditions.

E. All conditions upon final plan approval must be met prior to signing of the plan by municipality.

## 306.16 – Construction from Conditionally Approved Final Plan

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

A. **Requirements**

1. The applicant shall indicate in writing the intent to construct the improvements prior to final plan approval to the municipality as part of the final plan application.
2. Plans must receive approval, when applicable, from all authorities having jurisdiction including by way of example but not limited to, highway occupancy permit, erosion and sedimentation control approval, etc.
3. In accordance with Section 905 of this ordinance, the applicant shall complete and enter into a development agreement with the municipality. The applicant shall indicate the timetable for the construction of the improvements including a schedule and plan of the proposed phasing of sections of the plan.
4. The applicant may, after receipt of acknowledgment from the municipality of the conditional approval of the final plan, proceed to construct the improvements required by this ordinance and shown on the conditionally approved final plan.

B. **Limitations**

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

DRAFT

### 306.17 – Development Agreement

A. All applicants proposing any subdivision or land development requiring the installation of improvements as required herein shall be required to enter into a legally binding development agreement in accordance with Section 905 of this ordinance.

B. No improvements shall be commenced or work begun prior to the execution of the development agreement, and the delivery of the required financial security, if applicable.

### 306.18 – Assurances of Completion

No final plan shall receive approval by the municipality unless the developer shall have completed all required improvements in accordance with this ordinance, or filed assurances of completion in accordance with the provisions of Article 9 of this ordinance.

### 306.19 – Modification

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 municipality in accordance with Article 10, Section 1006 of this ordinance.

## *Section 307 – Recording the Plan*

### 307.1 – Time and Place of Recording

A. 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 municipality. Failure to record the approved plan within 90 days shall render all approvals null and void.

B. For plans that have not been recorded within ninety (90) days, re-approval may be granted by the municipality, provided no changes have been made to the final plan, and provided that the plan complies with all statutes, ordinances and/or regulations in effect at the time of the re-approval. The plans will be re-initialed by the municipality and a new date will be placed on the plans.

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

DRAFT

## 307.2 – Offers of Dedication

A. 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 local municipality concerning maintenance or improvement of any such dedicated streets, parks, areas or portions of same until the proper authorities of the municipality shall have made actual appropriation of the same by ordinance or resolution, or by entry, use or improvements.

B. 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 municipality shall assume no responsibility for improvement or maintenance thereof, which fact shall also be noted on the final plan.

## 307.3 – Required Approval

The Erie County Recorder of Deeds shall not accept any plan for recording unless the plan officially notes the approval of the plan by the municipality.

DRAFT

(This page intentionally blank)

DRAFT

# Article 4 – Plan Specifications

## *Section 401 – Sketch Plan*

The submission of a sketch plan is voluntary, for the benefit of the developer, and is never considered to be a formal application. However, the municipality strongly recommends that a sketch plan be submitted as a basis for informal discussion with the staff of the municipality.

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, if applicable, be included in the sketch plan presentation:

A. Location of the property (including subdivision boundary, Erie County index number(s), and municipality)

B. Name, address and telephone number of the owner, developer and surveyor

C. North arrow

D. Proposed lot layout

E. Proposed lot dimensions and acreage of the individual lots.

F. Existing and proposed streets (including dimensions and right-of-way widths of proposed streets)

G. General topographical and physical features (including existing structures, floodplains, wetlands, etc.)

H. Existing and proposed easements

I. Location of water wells and on-lot sewage systems

J. Adjacent properties (including lot lines and Erie County index numbers)

K. Zoning district in which the subdivision is located

## *Section 402 – Preliminary Plan*

### 402.1 – Plan Size, Scale and Characteristics

A. All preliminary plan applications submitted to the municipality for review and action shall be prepared by a registered engineer, surveyor or landscape architect and certified by him or her under seal to be true and correct.

B. 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 either eighteen by twenty-four (18 x 24) inches or twenty-four by thirty-six (24 x 36) inches.

C. Unless otherwise approved by the municipality, 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.

D. 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.

E. Plans shall be presented in a clear, legible, coherent and organized manner.

## 402.2 – Required Information

The following information shall be shown on the preliminary plan:

A. Proposed subdivision name or identifying title and the words “preliminary plan”, the municipality, county and state in which the subdivision is located, and the Erie County Index Number(s).

B. Name and address of the owner of the tract, and of the agent involved, if any, and of the developer.

C. Name, address and telephone number of the engineer, surveyor, landscape architect, as applicable.

D. Date, north arrow, and graphic scale.

E. A key map, at a minimum scale of two thousand (2,000) feet to the inch, for the purpose of locating the site, and showing the relation of the tract to adjoining property and streets, bodies of water, and municipal boundaries.

F. 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 the Erie County index numbers and names of owners of all adjoining properties.

G. Tract boundaries showing distances and bearings.

H. Location of adjoining property lines.

I. Proposed lot lines, and dimensions of lots. Total number of lots, including a numbering system to identify each lot; acreage of each lot; acreage of any remaining, unsubdivided land; and total acreage of the entire tract. Acreage shall be exclusive of rights-of-way, or other public areas. For subdivisions of land up to twenty-five (25) acres in size, a survey of the entire parcel must be included.

J. For any lot intended to be conveyed and adjoined to an adjacent property, a “lot combination symbol” shall be provided on the plan clearly indicating said intent. The symbol used shall represent a “Z”. A notation shall also be included on the plan as required by Section 502.8 (A) and (B), as applicable.

DRAFT

K. Building setback lines shall be either (a) shown on the lots or (b) specified by a note on the plan. Any existing or proposed building(s) located on the tract being subdivided or developed shall be platted to demonstrate compliance with setback requirements.

L. Acreage and 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.

M. Zoning district and corresponding lot and area requirements, and proposed use of the land if other than single-family residential development. Show zoning for adjacent lands if different from the tract to be subdivided or developed.

N. Location and dimensions of all existing or proposed streets, rights-of-way, parking areas, and easements on or adjacent to the tract, including right-of-way and cartway widths and street names.

O. Clear sight triangles at any street intersection, as required by the Venango Township Zoning Ordinance.

P. Location and purpose of any existing or proposed easements or covenants, including agricultural, woodland, or other natural resource protection easement(s).

Q. The location and width of all existing utilities (including telephone, electric, gas, fiber optics, etc.), including rights-of-way or easements on or adjacent to the tract, and the location and width of all proposed utilities, where known.

R. Location of existing and proposed wells and on-site sewage facilities, except where public sewers are provided.

S. Location and size of existing and proposed sanitary and storm sewers, water mains, stormwater management facilities and/or culverts, buildings, transmission lines, petroleum or petroleum product lines, fire hydrants, dumps and hazardous material sites, railroads and other significant man-made features on the property proposed to be subdivided or developed, or within two hundred (200) feet of said property.

T. Topographic Contours at vertical intervals of a minimum of five (5) feet and datum and benchmark to which contour elevations refer. Topographic contours of less than 5-foot intervals may be required in the case of relatively level tracts, in floodplain areas or in cases where a more detailed topographical understanding is required. The municipality may waive the requirement for topographic contours in low-density subdivisions or developments involving no new streets, public water or public sewer.

DRAFT

U. Prominent natural and topographic features including but not limited to watercourses, wetlands, drainage channels, regulatory 100-year floodplains and floodways, tree masses, and plant and wildlife habitat for rare, threatened, or endangered species. Steep slopes delineated as those areas 16 to 25 percent and those areas greater than 25 percent. Additionally, the preliminary plan shall indicate any proposed disturbance, encroachment, or alteration to such features when located upon the site proposed for development.

V. General vegetative cover of the site including a brief description and type (i.e. meadow, woodland, transitional).

W. Show approximate location and cite source information for significant historic and cultural features such as cemeteries, burial sites, archaeological sites, historic buildings, structures, plaques, markers, or monuments on the subject tract and within 200 feet on adjacent tracts.

## 402.3 – Plan Notations

The following notations, if applicable, shall appear on the preliminary plan:

A. An appropriate notation indicating the method of sewage disposal, and any other notation(s) required by the County Health Department, PA DEP or Section 508 of this ordinance.

B. A note indicating all municipal zoning variances, special exceptions or conditional uses that have been obtained, if applicable, and the conditions imposed, if any.

C. A note identifying any modifications that are being requested in accordance with Article 10, Section 1006 of this ordinance, if applicable. Supporting evidence for the request shall accompany the plan. Modifications granted by the municipality shall be so noted on the final plan.

D. Where applicable, the plan shall note each lot that is not being proposed for development, including the residue.

## 402.4 – Plan Certifications

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

A. Certification, with seal, by a registered land surveyor/registered landscape architect to the effect that the survey and plan are correct.

B. Certificate for approval by the Venango Township Board of Supervisors.

C. Certificate for review by the Erie County Department of Planning.

D. Certificate for review by the Venango 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 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 dedication of public roads, easements or other improvements as needed.

Note: Approved forms of some of these required certificates are set forth in Appendix 1 of this ordinance.

## 402.5 – Required Supporting Documents and Information

The following information, data and documents shall be submitted with all preliminary subdivision or land development plans, as applicable:

A. Completed subdivision or land development application form as prescribed by the municipality for submission with preliminary plan applications.

B. Improvement design review fees and/or deposits, if applicable.

C. 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 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.

D. A stormwater management plan meeting the requirements of the Venango Township stormwater management ordinance.

E. Soil erosion and sedimentation control plan designed in accordance with PA DEP standards. Evidence of approval by the Erie County Conservation District must accompany the plan.

F. Preliminary construction plans for all required improvements including, but not limited to, profiles, cross sections and specifications for street improvements; sanitary and storm sewers; and water distribution systems.

G. A contour grading plan may be required if deemed necessary by the municipal engineer to properly establish grading and drainage patterns.

H. If the subdivision or land development, and related improvements are to be completed in phases, a schedule shall be filed delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed.

I. A statement of intention regarding the installation of required improvements or submission of a performance guarantee.

DRAFT

J. Copies of proposed deed restrictions, right-of-way use and maintenance agreements, covenants, grants of easements, homeowners' association agreements, or other restrictions, where applicable.

K. Written notification from each and every utility provider that the easements and proposed improvements provided satisfy the requirements of the respective utility company or operating authority, and that there is both a capacity and willingness to serve the development.

L. A description of the method or technique to be used to insure proper maintenance of common areas or facilities intended for private use.

M. Proposed street names, including a letter from the area postmaster or the Erie County Department of Public Safety stating that proposed street names (except in the case of the extension of existing streets) do not duplicate names of existing streets.

N. All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.

O. Sketch of proposed street and lot layout for the remainder of the affected parcel where the preliminary plan covers only part of the subdivider's holdings, where determined applicable by the municipality.

P. A landscaping plan including the names, sizes, quantities, and approximate location of all proposed plant materials, if required.

Q. Where appropriate, wetlands determinations and/or delineations as per the requirements of Section 513.2 of this ordinance.

R. Proof of approvals by all appropriate public and governmental authorities or agencies where applicable, including, but not limited to, PennDot highway occupancy permits for any planned road entrances onto existing roads or highways and permits or approvals from the Department of Environmental Protection or other federal or state agencies relating to sewage facilities, water obstructions, air quality, etc., as applicable.

S. Based on the specific characteristics of the proposed project, the municipality may require any other information, reports or studies deemed necessary to ensure compliance with this ordinance, or to protect public health, safety and welfare.

## 402.6 – Conservation Subdivision Requirements

Preliminary plan applications utilizing the alternative conservation subdivision design process shall meet the following additional requirements:

A. The preliminary plan for a conservation subdivision shall include the following:

   1. All primary and secondary conservation areas labeled by type, as described in Article 8, Section 806.5

   2. Soil types as mapped by the Erie County Soil Survey.

3. The location of open space to be protected from development.
4. Connections with existing or potential conservation areas on adjoining parcels, if applicable.

B. Concurrent with the preliminary plan application for a conservation subdivision, the applicant shall submit a yield plan in accordance with Section 807 of this ordinance for purpose of determining the permitted density of the subdivision.

C. Concurrent with the preliminary plan application for a conservation subdivision, applicants are required to demonstrate to the municipality that the four-step design process was performed by a certified landscape architect and considered in determining the layout of proposed streets, house lots, and open space. A site analysis plan shall be submitted to document step 1. Sketch plans shall be submitted documenting steps 2 and 3. The preliminary plan shall serve as documentation of step 4. See Section 805 for the four-step process and Section 806.6 for site analysis plan requirements.

D. An open space management plan, as described in Article 8, Section 809.3, shall be submitted.

E. Proposed instrument of permanent protection of the open space area, such as a conservation easement or permanent restrictive covenant, as described in Article 8, Section 809, shall be submitted.

## *Section 403 – Final Plan*

### 403.1 – Plan Size, Scale and Characteristics

A. All final plan applications submitted to the municipality for review and action shall be prepared by a registered engineer, surveyor or landscape architect and certified by him or her under seal to be true and correct.

B. The final 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.

C. Unless otherwise approved by the municipality, the final 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.

D. If the final plan is drawn in two or more sections, it shall be accompanied by a key map showing the locations of the various sections.

E. Plans shall be presented in a clear, legible, coherent and organized manner.

DRAFT

## 403.2 – Required Information

The following information shall be shown on the final plan, if applicable:

A. Proposed subdivision name or identifying title, the municipality, county and state in which the subdivision is located, and the Erie County index number(s).

B. Name and address of the owner of the tract, and of the agent involved, if any, and of the developer.

C. Name, address and telephone number of the engineer, surveyor, or landscape architect, as applicable.

D. Date, north arrow, and graphic scale.

E. A key map, at a minimum scale of two thousand (2,000) feet to the inch, for the purpose of locating the site, and showing the relation of the tract to adjoining property and streets, bodies of water, and municipal boundaries.

F. 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 the Erie County index numbers and names of owners of all adjoining properties.

G. 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 closure shall be 1:10,000 or better.

H. Location of adjoining property lines.

I. Complete curve data for all curves, including radius, delta angle, tangent, arc length, chord and chord bearing.

J. Location and material of all permanent existing and proposed monuments and lot markers.

K. Accurate bearings and distances to the nearest established street corners or official monuments where practicable. Accurate descriptions of all reference corners.

L. Total number of lots, including a numbering system to identify each lot; acreage of each lot; acreage of any remaining, unsubdivided land; total acreage of the entire tract, and if applicable, of the phase proposed for final plan approval. Acreage shall be to the nearest hundredth acre exclusive of rights-of-way, or other public areas. For subdivisions of land up to ten (10) acres in size, a survey of the entire parcel must be included.

M. For any lot intended to be conveyed and adjoined to an adjacent property, a “lot combination symbol” shall be provided on the plan clearly indicating said intent. The symbol used shall represent a “Z”. A notation shall also be included on the plan as required by Section 502.8 (A) and (B), as applicable.

DRAFT

N. Building setback lines shall be either (a) shown on the lots or (b) specified by a note on the plan. Any existing or proposed buildings located on the tract being subdivided or developed shall be platted to demonstrate compliance with setback requirements.

O. Acreage and 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.

P. Zoning district and corresponding lot and area requirements, and proposed use of the land if other than single-family residential development. Show zoning for adjacent lands if different from the tract to be subdivided or developed.

Q. Location and dimensions of all existing or proposed streets, rights-of-way, parking areas, and easements on or adjacent to the tract, including right-of-way and cartway widths and street names.

R. Clear sight triangles at any street intersection, as required by the Venango Township Zoning Ordinance. Section 505.3 (C, 5).

S. Street centerlines with accurate dimensions in feet and hundredths of feet, with bearings of such street centerlines to the nearest second.

T. Location and purpose of any existing or proposed easements or covenants, including agricultural, woodland, or other natural resource protection easement(s).

U. The location and width of all existing utilities (including telephone, electric, gas, fiber optics, etc.), including rights-of-way or easements on or adjacent to the tract, and the location and width of all proposed utilities, where known.

V. Location of existing and proposed wells and on-site sewage facilities, except where public sewers are provided.

W. Location and size of existing and proposed sanitary and storm sewers, water mains, stormwater management facilities and/or culverts, buildings, transmission lines, petroleum or petroleum product lines, fire hydrants, dumps and hazardous material sites, railroads and other significant man-made features on the property proposed to be subdivided or developed, or within two hundred (200) feet of said property.

X. Prominent natural and topographic features including but not limited to watercourses, wetlands, drainage channels, regulatory 100-year floodplains and floodways, tree masses, and plant and wildlife habitat for rare, threatened, or endangered species. Steep slopes delineated as those areas 16 to 25 percent and those areas greater than 25 percent.

Y. Show approximate location and cite source information for significant historic and cultural features such as cemeteries, burial sites, archaeological sites, historic buildings, structures, plaques, markers, or monuments on the subject tract and within 200 feet on adjacent tracts.

DRAFT

## 403.3 – Plan Notations

The following notations, if applicable, shall appear on the final plan:

A. A note indicating all municipal zoning variances, special exceptions or conditional uses that have been obtained, if applicable, and the conditions imposed, if any.

B. A note identifying any modifications of this ordinance granted by the municipality, if applicable.

C. In cases where the subdivision or land development fronts on any existing or proposed state road, the plan shall contain a highway occupancy permit notice as required by Section 508 (6) of the Pennsylvania Municipalities Planning Code.

D. Where applicable, the plan shall note each lot of record that is not approved for the installation of sewage disposal facilities as determined by the County Health Department and/or the PA DEP.

E. In accordance with Section 508.5, a non-building waiver notation shall be required if such a waiver has been approved by the Erie County Health Department or PA DEP. See Appendix 1.

F. If any portion of the proposed development is in a flood hazard area, a notation as required by Section 513.1 (B) shall be required.

G. For lots containing wetland areas, a notation as required by Section 513.2 (C) shall be required.

H. In cases where the final plan is intended to supersede or replace a previously recorded plan, the following notation shall be required: *This subdivision (or land development, as applicable) plan supersedes the prior (insert name of subdivision or land development) plan as recorded in Erie County Book (  ) at Page (  ).*

## 403.4 – Plan Certifications

The following certificates, if applicable, shall appear on the final plan:

A. Certification, with seal, by a registered land surveyor/registered landscape architect to the effect that the survey and plan are correct.

B. Certificate for approval by the Venango Township Board of Supervisors.

C. Certificate for review by the Erie County Department of Planning.

D. Certificate for review by the Venango Township Planning Commission.

DRAFT

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 dedication of public roads, easements or other improvements as needed.

F. A certificate to provide for the recording of the Plan.

Note: Approved forms of some of these required certificates are set forth in Appendix 1 of this ordinance.

## 403.5 – Required Supporting Documents and Information

The following information, in addition to that shown on the final plan, shall be submitted to the municipality as a condition of final plan approval, when applicable:

A. Completed subdivision or land development application form as prescribed by the municipality for submission with final plan applications.

B. Improvement design review fees and/or deposits, if applicable.

C. 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 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.

D. For proposed lots not meeting the minimum lot requirements of the Venango Township zoning ordinance, and intended to be conveyed and adjoined to an adjacent property, a copy of the deed(s) prepared for recording shall be provided and said deed(s) shall effect the lot addition on the plan. See Section 502.8.

E. A stormwater management plan meeting the requirements of the Venango Township stormwater management ordinance.

F. Soil erosion and sedimentation control plan designed in accordance with PA DEP standards. Evidence of approval by the Erie County Conservation District must accompany the plan.

G. Construction plans for all required improvements including, but not limited to, final profiles, cross sections and specifications for street improvements; sanitary and storm sewers; and water distribution systems.

H. A contour grading plan may be required if deemed necessary by the municipality or municipal engineer to properly establish grading and drainage patterns.

DRAFT

I. Tentative timetable for the proposed sequence of development for the subdivision, if required.

J. Required development agreement and assurances of completion or approval of required improvements in accordance with Article 9 of this ordinance, as applicable.

K. Copies of proposed deed restrictions, right-of-way use and maintenance agreements, covenants, grants of easements, homeowners' association agreements, or other restrictions, where applicable.

L. Written notification from each and every utility provider that the easements and proposed improvements provided satisfy the requirements of the respective utility company or operating authority, and that there is both a capacity and willingness to serve the development.

M. A description of the method or technique to be used to insure proper maintenance of common areas or facilities intended for private use.

N. Proposed street names, including a letter from the area postmaster or the Erie County Department of Public Safety stating that proposed street names (except in the case of the extension of existing streets) do not duplicate names of existing streets.

O. A landscaping plan including the names, sizes, quantities, and approximate location of all proposed plant materials, if required.

P. Where appropriate, wetlands determinations and/or delineations as per the requirements of Section 513.2 of this ordinance.

Q. Proof of approvals by all appropriate public and governmental authorities or agencies where applicable, including, but not limited to, PennDot highway occupancy permits for any planned road entrances onto existing roads or highways and permits or approvals from the Department of Environmental Protection or other federal or state agencies relating to sewage facilities, water obstructions, air quality, etc., as applicable.

R. Based on the specific characteristics of the proposed project, the municipality may require any other information, reports or studies deemed necessary to ensure compliance with this ordinance, or to protect public health, safety and welfare.

S. In the case of a conservation subdivision development, a copy of the approved open space management plan shall be submitted, and the approved management plan shall be recorded with the final subdivision or land development plan, in the office of the Erie County Recorder of Deeds.

DRAFT

# Article 5 – Design and Construction Standards

## *Section 501 - General*

### 501.1 – Purpose and Applicability

The purpose of design and construction standards is to create a functional and attractive development, to minimize adverse impacts, and to ensure that a project will be an asset to a community. To promote this purpose, all subdivisions and land developments shall comply with the standards of this Article. In addition, the municipality may require evidence of compliance with all other municipal, county, state or federal laws or regulations.

### 501.2 – Required Improvements

A. Improvements required by the municipality may include, but are not limited to, streets, sanitary sewers, water supply systems, stormwater controls, utilities, survey monuments, erosion controls, or other such improvements necessary for development of a site.

B. The construction of subdivision and/or land development improvements shall be the responsibility of the developer.

C. The minimum improvements and construction standards required of all subdivisions and land developments shall be as set forth in this ordinance. Where not set forth, they shall be in accordance with the prevailing standards as established by the municipal engineer. Alternate improvement standards may be permitted if the municipality deems them equal or superior in performance characteristics to the specified improvements. Additional or higher type improvements may be required in specific cases where the municipality finds them to be necessary to create conditions essential to the health, safety, or general welfare of the citizens of the municipality.

### 501.3 – Additional Regulations

In addition to this ordinance, there may be other ordinances, laws, or policies that regulate any proposed development. Although the municipality endeavors to identify such additional regulations, it will be the sole responsibility of the applicant to determine and comply with such additional regulations. The most common of these regulations are:

A. Zoning regulations;

B. Regulations relative to water and sewer facilities as imposed by Department of Environmental Protection, the municipality, a municipal authority or a private utility;

C. On-lot sewage regulations as administered by the sewage enforcement officer;

D. Other utilities (gas, electric, telephone, cable, etc.);

E. Regulations regarding wetlands;

F. Regulations regarding floodplains;

G. Habitats of endangered wildlife;

H. Regulations concerning historic structures;

I. Regulations relative to the access of local or state roads;

J. Building codes and regulations, state and/or local;

K. Erosion and sedimentation plans and possible other related permits as administered by the Erie County Conservation District.

L. Fire protection regulations and restrictions.

### 501.4 – Coordinated Development

A. Consideration shall be given in the design of all land developments and subdivisions to the future development needs of the municipality and to any objectives established in any adopted county or municipal comprehensive plan; master plan for land use, streets and thoroughfares, public utilities and facilities, and/or environmental issues; and to any other governmental plan affecting the subdivision or land development.

B. All subdivision and land development plans shall conform to any officially adopted zoning ordinance or official map concerning the area.

C. The layout of the proposed subdivision shall be in general conformity with the features or developments proposed in any officially adopted plan of the municipality or the county.

D. A subdivision or land development and its street pattern should be coordinated with existing nearby developments or neighborhoods so that the area as a whole may be developed harmoniously.

## *Section 502 – Lots and Building Lines*

### 502.1 – General

A. The lot size, width, depth, shape, orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

B. Side lines of lots, so far as practical, shall be at right angles or radial to street lines.

C. Lot lines, where possible, shall follow municipal and county boundary lines rather than cross them.

D. Lots abutting local streets shall front upon the streets that parallel the long dimension of the block, if possible.

## 502.2 – Land Unsuitable for Development

Land which is unsuitable for development because of hazards to life, safety, health, or property, shall not be developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the subdivision or land development plan. Land included as having unsuitable characteristics would be the following:

A. Land subject to flooding or which has a high ground water table, including all land located in a designated 100-year floodplain.

B. Land which, if developed, will create or aggravate a flooding condition upon other land.

C. All land covered by lakes, ponds, or other open water, natural or man-made.

D. All land within the rights-of-way of existing or proposed overhead utility lines.

E. Land subject to subsidence.

F. Land subject to underground fires.

G. Land containing significant areas of slopes greater than twenty-five percent (25%).

H. Land, which, because of physical environment or means of access, is considered hazardous.

I. Land which is/or may be subject to groundwater pollution or contamination.

## 502.3 – Depth-to-Width Ratio

A. The depth-to-width ratio of lots shall be a maximum of four (4) to one (1). However, when the mean width of a lot exceeds four hundred fifty (450) feet, the regulation on depth-to-width ratio shall be waived.

B. The depth-to-width ratio shall be calculated excluding any unusable area or area unsuitable for development, such as wetlands, floodplains or limiting topography. See Section 502.2 of this ordinance for definitions of land unsuitable for development.

C. For purposes of calculating the depth-to-width ratio of a parcel, the longest depth shall be divided by the mean lot width. Longest depth shall be the furthest distance of any part of the parcel from the road right-of-way line. Mean lot width shall be calculated by dividing the total lot area (square footage) by the longest depth (linear feet).

DRAFT

## 502.4 – Access to Public Right-of-Way

A. 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 municipality; or

   2. an existing, approved public right-of-way, privately maintained by the developer or lot owners fronting said right-of-way, provided that no more than four (4) lots shall be permitted on a public right-of-way / privately maintained road.

B. Lot access and driveways shall be in accordance with Section 505.5 of this ordinance.

## 502.5 – Double Frontage and Reverse Frontage Lots

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. Such lots shall have no right of access to the abutting arterial or collector street. A planting screen easement across which there shall be no right of access may be required by the municipality along the line of lots abutting such a traffic artery or other disadvantageous use.

## 502.6 – Reserve Strips

No subdivision showing reserve strips controlling the access of public right-of-ways shall be approved.

## 502.7 – Flag Lots

Flag lots shall comply with the requirements of the Venango Township Zoning Ordinance.

## 502.8 – Lot Additions and Lot Consolidations

A. For any lot intended to be conveyed and adjoined to an adjacent property, a “lot combination symbol” shall be provided on the plan clearly indicating said intent. The symbol used shall represent a “Z”. In addition, the following note shall be placed on the plan: *Lot # ( ) consisting of ( ) acres is to become an integral part of Lot # ( ) consisting of ( ) acres. The resulting acreage will be ( ).*

B. A proposed lot not meeting the minimum lot requirements of the Venango Township Zoning Ordinance, and intended to be conveyed and adjoined to an adjacent property shall provide the following note in addition to the note required in Section 502.8 (A): *Lot # ( ) is not a building lot and cannot be maintained or developed as a separate, individual lot.*

C. Both the lot created in effect by combination with an adjoiner and the residual lot shall be in compliance with the Venango Township Zoning Ordinance.

D. A draft copy of the deed(s) proposed for future recording shall be provided and said deed(s) shall effect the lot addition on the approved plan by providing a legal description of the combined lot(s) and indicating an intent to convey and adjoin the lot(s). Failure of the applicant to record said deed(s) within ninety (90) days subsequent to recording the final plan shall constitute a violation of this ordinance, and shall be subject to all the enforcement proceedings contained in Section 1005 of this ordinance. This requirement shall be waived if all proposed lots, including the proposed "adjoiner" meet the minimum lot requirements of the Venango Township Zoning Ordinance, and the failure to record said deed(s) does not result in the creation of a non-conforming lot.

## 502.9 – Lot and Yard Requirements

Lot and yard requirements shall be in accordance with the Venango Township Zoning Ordinance.

## 502.10 – Lot Grading

The following lot grading requirements apply for all subdivisions and land developments:

A. 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%).

B. Lot grading shall be of such design as to carry surface water to the nearest practical street, storm drain, or natural watercourse. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one percent (1%) nor more than four percent (4%). The swales shall be sodded, planted or lined as required.

C. A soil erosion and sedimentation control plan shall be prepared for the subdivision or land development, if required by Pennsylvania Erosion and Sedimentation Control Regulations (PA Code, Title 25, Chapter 102). See Section 512 of this ordinance.

DRAFT

D. 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:

   1. The material in which the excavation is made is sufficiently stable to sustain a slope greater 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 municipal 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.
   2. A concrete or stone masonry wall constructed according to sound engineering standards for which plans are submitted to the municipal engineer for review and written approval is provided.

E. No final grading shall be permitted which creates any exposed surface with a slope greater than two (2) horizontal to one (1) vertical except under one or more of the following conditions:

   1. 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.
   2. 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 municipal engineer.
   3. A wall is constructed to support the face of the fill.

F. 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 municipal engineer.

## *Section 503 – Blocks*

### 503.1 – Length and Width

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.

### 503.2 – Commercial and Industrial Blocks

A. 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.

B. 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.

### 503.3 – Pedestrian Right-of-Ways

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 municipality near and through the center of every block over 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 504 – Monuments and Markers*

The placement, size, length, material and design of survey monuments and markers shall be in accordance with the following criteria:

A. Monuments shall be of concrete with a one-half (½) inch metal dowel in the center at the top. Monument size shall be no less than four (4) inches by four (4) inches by thirty (30) inches.

B. Markers shall be ferrous metal pipe or rods, one-half (½) inch minimum diameter by thirty (30) inch length or may be standard manufactured steel survey markers of a similar length.

C. Monuments and markers shall be placed so that the center point shall coincide exactly with the intersection of lines to be marked.

D. Monuments and markers shall be flush with finished grade.

E. Monuments shall be set at the intersection of all lines forming angles in the boundaries of major subdivisions, and at the intersection of all street lines.

F. 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 intersection need not be marked if the intersection is monumented.

G. Any monuments that are destroyed or removed shall be replaced by a registered surveyor.

DRAFT

## *Section 505 – Streets*

The minimum design and construction standards for streets and related improvements required of all subdivisions and land developments shall be as set forth in this ordinance. Where not set forth, they shall be in accordance with the prevailing standards as established by the municipal engineer. Alternate improvement standards may be permitted if the municipality deems them equal or superior in performance characteristics to the specified improvements. Additional or higher type improvements may be required in specific cases where the municipality finds them to be necessary to create conditions essential to the health, safety, or general welfare of the citizens of the municipality.

### 505.1 – Street System General Standards

A. The arrangement of streets shall minimize congestion, avoid hazardous intersections, and provide convenient and safe access to the property. They shall conform to the transportation plan of the County and municipal comprehensive plans, to official maps, and to such county, municipal, and state road and highway plans as have been duly adopted.

B. Proposed streets shall be coordinated with existing or proposed streets on adjacent properties, and shall be planned and designed for the continuation of existing streets in adjoining areas, the proper projection of streets into adjoining undeveloped or unplatted areas, and the continuation of proposed streets to the boundaries of the tract being developed. No subdivision or land development shall be approved that will result in a tract or parcel of land being landlocked.

C. Streets shall be laid out to be harmonious with the existing and proposed site characteristics including, but not limited to, slope, best use, parcel layout, runoff, soil capacity, water table, floodplain, sight distance, traffic volume and safety, pedestrian use, traffic control, and parking.

D. Curvilinear streets should be utilized only where their use will be consistent with adjoining development patterns, topography, and natural features of the site.

E. Curvilinear streets shall not be used immediately adjacent to an existing grid street system without providing a transition that continues and projects the historic grid.

F. Streets shall be laid out to preserve the integrity of their design. Streets shall be laid out to conform as much as possible to the topography in order to permit efficient drainage and utility systems, to require the minimum number of streets necessary for convenient and safe access, and to result in usable lots and satisfactory street grades.

DRAFT

G. Streets which provide ingress and egress to residential areas of single and multiple family dwellings shall be laid out to discourage and minimize their use by through traffic and to discourage excessive speeds; however, street connectivity into and from adjacent areas is encouraged and will generally be required.

H. If lots resulting from a subdivision or land development, including the tract residual, are large enough for re-subdivision, adequate street right-of-way to permit further subdivision and land development shall be provided as necessary.

I. Where a subdivision or land development abuts a collector or arterial street the municipality may require an internal street system, marginal access street, rear service street, reverse frontage lots, shared driveways, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections and driveways with the collector or arterial street, and separation of local and through traffic.

J. Adequate vehicular and pedestrian access shall be provided to all lots.

K. Where streets continue into adjacent municipalities the applicant shall coordinate the design of the street with both municipalities in order to ensure uniform cartway widths, pavement cross sections, and other public improvements.

L. All proposed connections to existing streets shall be approved by the jurisdiction owning the existing streets.

M. Streets shall be designed with drainage grates that are safe for crossing by bicycles and horse drawn vehicles.

N. All streets being offered for dedication must meet the Pennsylvania Department of Transportation (PennDot) requirements for liquid fuel allocation.

O. When streets are offered for dedication the applicant shall provide the required right-of-way, street geometry, street section, drainage facilities, and traffic control. Additional infrastructure may be required where design standards warrant further improvements based on traffic impact studies.

P. Where a subdivision or land development abuts or contains an existing street right-of-way of improper width or alignment, the municipality may require the dedication or reservation of additional land sufficient to widen the street or correct the alignment. Where an additional dedication or reservation is required, all building setback lines will be measured from such dedicated or reserved right-of-way line.

Q. The municipality shall have the right to determine the classification of roadway and street systems. This determination, if necessary, should be obtained prior to the design process.

DRAFT

## 505.2 – Traffic Engineering Report

A. The municipality may, at its discretion, require the applicant to prepare and submit a traffic engineering report when any of the following conditions exist:

   1. It is estimated that the subdivision or land development will generate over two hundred (200) vehicle trips a day based upon the Institute of Transportation Engineers generation rates.
   2. The subdivision or land development will result in the creation of twenty-five (25) or more lots.
   3. Current traffic problems exist in the local area, such as a high accident location, confusing intersection, or a congested intersection that directly affects access to the subdivision or land development.
   4. The ability of the existing roadway system to handle increased traffic or the feasibility of improving the roadway system to handle increased traffic is limited.
   5. The proposed development alters the transportation patterns on a public street providing access to the development or proposes the removal or relocation of a street.

B. The traffic engineering report shall be prepared under the supervision of a qualified and experienced transportation engineer with specific training in traffic and transportation engineering and at least two (2) years of experience in preparing traffic engineering reports for existing or proposed developments.

C. The traffic engineering report shall at minimum be prepared in accordance with PennDot, Publication 201, “Engineering and Traffic Studies”.

D. The scope of the traffic study shall be reviewed and approved by the municipality and municipal engineer prior to commencement. The scope shall include the proposed intersection and roadway, as well as the surrounding impacted transportation facilities.

## 505.3 – Street Design Standards

A. **General Street Design Standards**

   1. Streets shall be designed for a twenty (20)-year service life. If a street is to be utilized prior to completion of construction, the utilized portion must be structurally designed to support all anticipated loading without significant loss of the designed service life of the street.
   2. Special consideration for future bus and truck routes must be taken into account in the design of streets for pavement thickness and width, sight distances and curb radii.

3. Streets located in floodplain or flood prone areas shall be designed and constructed to meet the requirements of any applicable floodplain management ordinance requirements and Section 513.1 of this ordinance.
4. The existing level of service (LOS) on any adjacent street and intersection that will be affected by a proposed subdivision or land development shall not fall below LOS C if it is currently at LOS A, B, or C, and shall not be further reduced if it is at LOS D, E, or F.
5. Traffic calming techniques should be considered with projects that result in high vehicular or pedestrian traffic, areas of commercial development, and transition areas between commercial and residential development. Techniques shall be employed based on PennDot, Publication 383.

B. **Required Right-of-Ways and Cartways**

1. Right-of-way and cartway widths contained in this ordinance are the minimum required for public streets based upon the need to provide efficient movement of vehicles, serve utilities, accommodate ponding runoff, storage of plowed snow, emergency parking, temporary roadway adjustments during maintenance and accidents, and to accommodate future improvements.
2. The applicant shall certify prior to final plan approval of a subdivision or land development that title to any street right-of-way is free and clear of all liens and encumbrances and that no prior right-of-way has been granted to any utility or any other person.
3. Right-of-way and cartway widths should not be less than those required for all elements of the design cross sections, utility accommodation, and by the PennDot Liquid Fuels Regulations. All plans shall be designed to provide for the entire right-of-way and cartway widths.

DRAFT

4. Minimum street cartway and right-of-way widths shall be as shown on the following table. Shoulders shall be required when no curbs are provided. Increase cartway width for each lane over two (2) by one-half the requirement.

| Street Classification | Right-of-Way Width | Minimum Cartway Width With Curbs | Minimum Cartway Width No Curbs | Shoulders (each side) |
|---|---|---|---|---|
| **Local** | 50 feet | 26 feet | 22 feet | 2 feet |
| **Collector** | 60 feet | 32 feet | 26 feet | 4 feet |
| **Comm./Industrial** | 60 feet | 36 feet | 30 feet | 6 feet |
| **Arterial** | Arterial streets shall meet applicable PennDot standards. | | | |

5. The municipality shall reserve the right to require a right-of-way width greater than PennDot specifications and the standards set forth in table (above) for reasons of public safety and convenience, for acceleration and deceleration lanes into parking lots, streets, or high density residential developments, or to provide for future service roads. The right-of-way and cartway width of a new public street that is a continuation of an existing street shall in no case be continued at a width less than the existing street. Where the right-of-way and cartway width of the new street is greater than the existing street, a transition area shall be provided, the design of which is subject to municipal approval.
6. All of the right-of-way shall be graded similar to the street grade. The slope of banks along street centerlines shall be no steeper than the following:
    a. One (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills.
    b. One (1) foot of vertical measurement for two (2) feet of horizontal measurement for cuts. Where a cut or fill abuts a sidewalk there shall be a two (2) foot level area adjacent to the sidewalk and the fill slope shall not exceed one (1) foot of vertical measurement for three (3) feet of horizontal measurement.
7. Where a subdivision or land development adjoins undeveloped acreage, new streets or reserved right-of-ways shall be provided to the boundary lines of the development.

DRAFT

C. **Intersections**

1. Whenever possible, streets shall intersect at right angles. When local streets intersect with collector or arterial streets, the angle of intersection at the street centerlines shall in no case be less than seventy-five (75) degrees. No two local streets shall intersect with an angle of intersection at the centerlines of less than sixty (60) degrees.
2. No more than two (2) streets shall intersect at the same point.
3. The minimum distance between street intersections shall be based on the intersection type as specified in the following table. The distance shall be measured between the centerlines of the two adjoining or intersecting streets along the centerline of the cross street that is being adjoined or intersected.

| Minimum Distance Between Centerlines for: | Arterial with Collector | Arterial with Local | Collector with Collector | Collector with Local | Local with Local |
|---|---|---|---|---|---|
| **Streets adjoining same side of cross street** | 800’ | 800’ | 500’ | 500’ | 300’ |
| **Streets adjoining opposite sides of cross street** | 800’ | 300’ | 300’ | 300’ | 150’ |

4. Street curb intersections shall be rounded by a tangential arc with a minimum radius of 20 feet for local streets and 30 feet for those which include a state highway, collector or arterial street. Radius corners or diagonal cutoffs shall be provided on property lines substantially concentric with or parallel to the chord of the curb radius corners.
5. **Clear Sight Triangles**: Clear sight triangles shall be provided in accordance with the requirements of the Venango Township Zoning Ordinance. Sight triangles shall be shown on the plan.
6. Sight distances shall not be less than specifications of current AASHTO/PennDOT specifications, and shall be calculated based on a reasonable speed as approved by the municipality. If such specifications are greater than the minimums established in this Section, the greater specifications shall control.

DRAFT

7. 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.
8. For any new streets that will intersect upon a state highway, the developer will be required to obtain a highway occupancy permit from the Pennsylvania Department of Transportation.

D. **Horizontal and Vertical Curves**

Horizontal and Vertical curves shall be in accordance with PennDot Publication 70 specifications.

E. **Street Grades**

1. The minimum centerline grade on all streets shall be five-tenths (0.5%) percent.
2. Unless approval is obtained from the municipality upon recommendation from the municipal engineer, the centerline grades shall not exceed the following:
    a. Minor streets ten (10%) percent.
    b. Collector streets eight (8%) percent.
    c. Arterial streets six (6%) percent.

## 505.4 – Cul-de-sacs, Alleys and Special Purpose Streets

A. **Cul-de-sacs and Dead-End Streets**

1. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs to serve residential areas.
2. 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.
3. Where cul-de-sacs are permitted, the length shall not exceed one thousand (1000) 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.
4. In no event shall a cul-de-sac street be designed for more than twenty-five (25) housing units.

B. **Half Streets**

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 there exists a half street in an adjoining subdivision, the remaining half shall be provided in the proposed development. The use of reserve strips is prohibited.

C. **Alleys**

1. Alleys are permitted in residential developments.
2. Alleys shall be provided in commercial and industrial districts. The municipality may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with Section 606 of this ordinance and adequate for the uses proposed.
3. The minimum right-of-way width of alleys shall be twenty (20) feet and alleys shall be graded and paved to a minimum width of eighteen (18) feet. Maximum grades in alleys shall be ten percent (10%) unless otherwise approved by the municipal engineer.
4. Where alleys intersect with streets, adequate sight distances and building setback requirements in accordance with the provisions of this ordinance shall be provided for.
5. Alley intersections and sharp changes in alignment shall be avoided. Dead-end alleys shall be avoided where possible, but if unavoidable shall be provided with adequate turn-around facilities at the dead-end as determined by the municipal engineer based upon the proposed use of the alley and consideration for public safety.
6. Alleys shall be provided with adequate lighting to ensure night time safety and security.

D. **Access Streets**

1. Where a proposed development abuts or contains an existing state highway or arterial street, the municipality may require construction of one or more marginal access streets, reverse frontage lots and/or such other measures as it deems necessary to protect abutting properties, separate local and through traffic, ensure proper traffic flow and/or reduce the number of intersections with such highway or major street.

DRAFT

2. Where a development borders on or contains a railroad right of way or a limited access highway right-of-way, the municipality may require construction of a street approximately parallel to and on each side of such right-of-way for such distance as the municipality deems necessary to ensure appropriate use of the intervening land. Such distance shall be determined after consideration of the use, the requirements of approach grades and future grade separations.
3. Where a proposed development or lots therein abut a state highway or a collector or arterial street and the municipality finds that a potential traffic hazard exists, construction of a service road shall be required as a condition of plan approval.
4. Cross streets shall be placed at convenient intervals consistent with topography, so as to provide convenient cross-circulation between longitudinal streets.

## 505.5 – Lot Access and Driveways

A. **Lot Access**

Access to any lot, tract, parcel, subdivision or development shall be provided in a manner that promotes a safe and efficient ingress and egress to a public street, limits the number of driveways, and promotes common points of ingress and egress that are adequate for existing and future growth, and in accordance with the following:

1. The municipality may disapprove any point of ingress or egress to any lot, tract, parcel, or development from any street or highway when the proposed ingress or egress would create unsafe conditions, reduce the capacity of the adjoining street or highway, or result in substandard circulation and impaired vehicle movement.
2. The municipality may require the applicant to provide ingress and egress to a particular lot or tract through the remainder of his property or other properties over which the applicant has control.
3. Access drives and driveways shall not be permitted to have direct access to state highways unless authorized by PennDot through issuance of a highway occupancy permit.
4. The receipt of a highway occupancy permit does not assume direct approval of the municipality. The municipality may require the applicant to reapply for a permit if the location of the PennDot approved access is in conflict with any provision of this ordinance or if the department feels the location of the access will hinder the safe and efficient movement on any state road or highway or the proper development of the site.

DRAFT

B. **Driveways and Access Drives**

Driveways and access drives shall comply with the requirements of the Venango Township Zoning Ordinance.

## 505.6 – Street Construction Standards

A. At a minimum all street construction activities shall be performed in strict accordance with PennDot, Publication 408 including all references, supplements, and revisions; with this ordinance, and with any other applicable municipal ordinances and requirements in order to ensure proper serviceability.

B. Liquid Fuels Requirement: Any street or part thereof offered for dedication, or intended to be offered for dedication to a municipality for inclusion into the road system under this ordinance, shall comply with the minimum requirements of PennDot covering the allocation of liquid fuel tax receipts and the standards outlined in this ordinance.

C. Streets shall be graded to the full width of the right-of-way, surfaced, curbed (if required by the municipality or drainage plan), and improved to the grades and dimensions shown on plans, with profiles and typical cross-sections submitted by the developer and approved by the municipal engineer.

D. Side slopes shall be graded to blend with the natural lay of the land, or in accordance with cross sections approved by the municipal engineer. Where fill material is necessary to establish uniform grades, compacting shall be required in accordance with current PennDot 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.

E. Subgrade and drainage shall be provided, shaped and compacted in accordance with current PennDot Form 408 specifications.

F. Subdrains shall be designed and installed in accordance with current PennDot Form 408 specifications.

G. All pavement, base, subbase (where required), and sidewalks shall be installed in accordance with current PennDot Form 408 specifications.

H. Areas between the sidewalk and curb (if required) shall be seeded as required by the municipal engineer.

## 505.7 – Street Names

A. All public streets shall be named.

B. Continuations of existing streets shall be known by the same name.

C. Names for new streets shall not duplicate or closely resemble names of existing streets within the county or approximate such names by the use of suffixes such as “lane”, “way”, “drive”, “court”, “circle”, “boulevard” or “avenue”.

D. All new street names are subject to the review and approval of the Erie County Department of Public Safety and shall be consistent with any applicable street naming and addressing ordinance, policies, rules and/or regulations.

E. Notice from the Erie County Department of Public Safety that the proposed new street names are acceptable shall be submitted prior to plan approval.

## *Section 506 – Street Related Improvements*

### 506.1 – Curbs, Gutters and Drainage Swales

A. **Curbs and/or Gutters:** Curbs and/or gutters shall be provided in circumstances determined appropriate by the municipality or as may be required by PennDot along state routes. Where required, curbs shall be designed and constructed to meet Americans with Disabilities Act standards and the standards of the municipality or PennDot, as applicable.

B. **Drainage Swales:** In areas where curbing is not used, stabilized drainage swales may be required by the municipality along all new streets to avoid erosion and control run-off. These drainage swales, along with other drainage facilities, shall be designed to handle the runoff from the proposed development and areas of the drainage basin already accommodated. At a minimum, all erosion and sedimentation control standards set forth in Title 25, Chapter 102 of the PA Code, the rules and regulations of the Department of Environmental Protection, and the following specifications shall be met.

1. The side slope shall be a maximum of 2:1 horizontal to vertical ratio, 3:1 or flatter slope being desirable.
2. The minimum depth of the swale shall be one (1) foot below the outer edge of the shoulder.
3. The minimum and maximum gradient of the drainage swale shall be .75% and 12% respectively. The swale shall be sodded, seeded or otherwise stabilized to avoid erosion problems.

DRAFT

C. **Drainage Pipes:** Where a new driveway is proposed to cross a drainage swale adjacent to a public or privately maintained street, the property owner shall install a drainage pipe of adequate size and length underneath the driveway to handle the runoff. Where such intersections are to be created along a municipal road or privately maintained road, officials from the municipality shall determine the appropriate pipe size and length. However, in no case shall a pipe less than fifteen inches (15') in diameter be installed. Where a state-owned street is involved, PennDot shall make the necessary determinations.

## 506.2 – Sidewalks and Crosswalks

A. Sidewalks and crosswalks may be required by the municipality where necessary to provide proper pedestrian circulation or to provide access to community facilities and common areas. They may also be required for safety or due to the potential volume of pedestrian traffic. Specific examples of such instances are when a development abuts or is in close proximity to a school, a public park, or similar use that may generate pedestrian traffic.

B. Sidewalks, where required or provided, shall be located within and be parallel to the street right-of-way; however, alternative locations will be considered to preserve topographic features or to provide visual interest, provided the applicant shows that an alternative system maintains safe and convenient pedestrian circulation to the satisfaction of the municipality.

C. There shall be a minimum four (4) foot planting strip of grass between the curb or shoulder and the sidewalk. This planting strip may be used for the location of underground utilities, streetlights, and street signs but shall not be used for the planting of street trees unless approval is granted by the municipality.

D. Sidewalks and crosswalks shall be in compliance with the most current Americans with Disabilities Act standards.

E. Minimum construction standards for sidewalks shall be in accordance with PennDot Form 408 specifications.

## 506.3 – Street Name Signs

Street name signs shall be installed by the developer at each street intersection in accordance with the following standards:

A. Design and placement of traffic control, regulatory, and street signs shall be provided by the applicant as needed and shall follow the requirements specified in PennDot Publication 236M, Handbook of Approved Signs.

DRAFT

B. At least two street name signs shall be placed at each four-way street intersection and one at each "T" intersection. Signs shall be installed under light standards (where applicable) and be free from visual obstruction.

C. The design of street name signs shall be consistent, of a style appropriate to the municipality, of a uniform size and color, and erected in accordance with municipal standards.

D. The owner/developer shall be responsible to obtain and install all necessary street signs and posts in accordance with the materials and workmanship prescribed in PennDot Publication 408 and all other applicable federal, state, county and local requirements.

### 506.4 – Traffic Signs and Signals

Traffic signs and traffic signals shall be required when considered necessary by the municipality to ensure safe traffic or pedestrian circulation. All traffic signs and signals shall meet the most current requirements of PennDot. In the case of traffic signals, the developer, any subsequent owner, or any subsequent property owners association or similar entity shall be responsible for the long term operation, maintenance, and replacement of the traffic signal and all associated facilities, signs, and pavement markings.

### 506.5 – Street Lighting

A. Streetlights shall be provided with the construction of all new streets. A lighting plan for streetlights, approved by the local utility company, shall be provided by the applicant upon submittal of final Subdivision or Land Development Plan.

B. Streetlights shall be provided at locations designated by the local utility company, consistent with current policy, at all street intersections and any other locations considered necessary by the Board of Supervisors for safety reasons.

## *Section 507 – Water Supply*

### 507.1 – General

A. All subdivisions and land developments shall be provided with an adequate and safe supply of water for all intended land uses, and said water supply shall meet all applicable federal, state, and local drinking water standards or be capable of economical treatment to attain such quality standards.

B. Applicants shall submit all necessary plans and specifications for the entire water supply system including the facilities related to sources, storage, treatment, and distribution.

DRAFT

C. Subdivision and land development plans shall not be approved until the applicant has received all necessary water supply approvals from the municipality, the water supplier, and/or the PA DEP, as applicable.

## 507.2 – Public and Community Water Systems

A. Pursuant to the Pennsylvania Municipalities Planning Code, Article V, Section 503.1, if the water supply is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the municipality that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

B. Where connection to public water supply is proposed the applicant shall provide a written statement from the public water supplier indicating that sufficient supply to serve the proposed development is available, and such notice shall:

    1. Be dated within forty-five (45) days of the plan application;
    2. Identify the term of the reservation of supply;
    3. Provide water supply for the entire development [partial supply based upon phases of development will not be accepted]; and
    4. Include a statement from the public water supplier indicating approval of the plans for design, construction standards, installation, and financial guarantees.

C. Where an existing public water supply is not available or connection to the system has been determined to be unfeasible to the satisfaction of the municipality, the applicant may propose the installation of a privately owned community water supply system. Where the use of a community water supply system is proposed the applicant shall provide the following:

    1. A business plan consistent with the PA DEP, PUC, and/or American Waterworks Association (AWWA) guidelines to address all appropriate physical, operational, managerial, and financial issues necessary to determine system viability;
    2. A detailed operations and maintenance plan that identifies the source of supply, source capacity, source reliability, source quality, proposed treatment, pumping and storage, distribution system, fire service, customer connections, system management, etc.

DRAFT

3. An operation, maintenance, and restoration fiscal plan that determines users fees for normal annual operations, upgrades and replacement based on the projected life and a contingency plan to address future treatment if the water source falls out of compliance with applicable safe drinking water regulations.
4. Evidence of approval from the engineer and the PA DEP;
5. Agreements or covenants acceptable for recording as deemed necessary by the municipality and/or the PA DEP to guarantee the maintenance of said facility; and
6. A note on the plan and a clause in all deeds for lots referring to any maintenance agreements or covenants.

D. A subdivision or land development shall access an available public or community water system, and public water service shall be provided to the development if it meets the criteria in the following table:

| **Size of Development** | **Distance from a public water system[1]** |
|---|---|
| 2-4 building lots or EDUs | 200 feet |
| 5-14 building lots or EDUs | 500 feet |
| 15+ building lots or EDUs | 1,000 feet |

[1] The distance to be measured shall be from the proposed development to the nearest available public water supply line of sufficient size to provide service following a feasible route for connection.

E. Connection to an existing public or community water supply system shall not be required in the following circumstances:

1. Inability or lack of capacity of the public or community system to serve the development.
2. Topographic changes of more than fifteen percent (15%) between the proposed development and existing service area, if the existing service area lies at the lower elevation.
3. Intervening environmental conditions that would preclude service, including agricultural security areas.

F. For a subdivision or land development with more than fifteen (15) building lots or EDUs and located within two thousand (2,000) feet of an existing public water system, adequate justification shall be provided if proposing not to provide a connection to the existing public water supply system.

DRAFT

G. Where the Venango Township – Wattsburg Borough Area Comprehensive Plan or an adopted public water supply plan recommends or plans for the extension of an existing public water system or construction of a new public water system into an area that is being subdivided, and it is reasonably expected that the area will be served by such public system within a period of five (5) years, the municipality may require the installation of a capped water distribution system. If required, capped water lines shall be installed to adequately serve all lots in the proposed subdivision for later connection to the public system.

H. All plans for water supply systems (both public and community) shall be designed by a registered professional engineer and shall conform to current regulatory requirements. The local water supplier, the municipal engineer, and the PA DEP shall approve them.

I. If a development requires such additional water supply as to require changes to the municipality's water distribution system, the developer will 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.

J. Fire hydrants shall be installed as an integral part of any public or community water supply system and the placement, design, and construction of such shall meet the specifications of the local fire company, the public water supplier, and the municipality, as applicable.

## 507.3 – Individual On-Lot Water Supply

A. Where a public water supply system is not proposed by a developer to serve the subdivision or land development, individual on-lot water supply shall be the responsibility of each property owner.

B. Where groundwater problems are known to exist, or where anticipated levels of development may result in water supply problems, the municipality may require the developer to demonstrate that a reliable, safe and adequate groundwater supply exists to support the water usage demands of the proposed subdivision without detrimental effects upon existing adjacent water wells. (Supporting documentation must be provided by a qualified engineer or other professional of demonstrated capability; i.e. a hydrogeologist or hydrologist.) The standards set forth in the Safe Drinking Water Act and other appropriate PA DEP regulations shall apply in such instances.

C. Wells shall be installed according to applicable federal, state, and local well construction and permitting standards.

DRAFT

D. Wells shall be adequately isolated from on-lot sewage treatment facilities in accordance with the requirements of the PA DEP and any applicable municipal regulations, and shall be safely isolated and protected from other potential sources of contamination.

## *Section 508 – Sewage Facilities*

### 508.1 – General Requirements

A. All subdivisions and land developments shall be provided with sanitary sewage facilities in accordance with the official Act 537 Municipal Sewage Facilities Plan, and these shall be approved by the municipality, municipal authority, the Erie County Health Department and/or PA DEP, and other public agencies responsible for the collection, conveyance, and treatment of sanitary sewage in the municipality in which the development is located.

B. Applicants shall submit all necessary plans and specifications for the entire sanitary sewage disposal system, including the facilities related to collection, conveyance, and treatment.

C. Subdivision and land development plans shall not be approved until the applicant has received all necessary sewage planning approvals from the municipality, the local public sewer operating department/authority, the County Health Department and/or PA DEP, as applicable.

### 508.2 – Sanitary Sewers

A. Where consistent with the Venango Township – Wattsburg Borough Area Comprehensive Plan or an approved Act 537 plan, the developer shall install sanitary sewers and provide lateral connections for each lot. All sanitary sewer installations in any subdivision or land development shall be properly connected to an approved and functioning sanitary sewer system approved by the Erie County Health Department and/or the local public sewer operating department/authority and approved by the Department of Environmental Protection.

DRAFT

B. Where consistent with the Venango Township – Wattsburg Borough Area Comprehensive Plan or an approved Act 537 plan, a subdivision or land development shall access an available public or community sewer system, and public sewer service shall be provided to the development if it meets the criteria in the following table:

| Size of Development | Distance from a public sewer system[1] |
|---|---|
| 2-4 building lots or EDUs | 200 feet |
| 5-14 building lots or EDUs | 500 feet |
| 15+ building lots or EDUs | 1,000 feet |

[1] The distance to be measured shall be from the proposed development to the nearest available public sewer line of sufficient size to provide service following a feasible route for connection.

F. Connection shall not be required in the following circumstances:

1. Inability or lack of capacity of the public system to serve the development.
2. Topographic changes of more than fifteen percent (15%) between the proposed development and existing service area, if the existing service area lies at the higher elevation.
3. Intervening environmental conditions that would preclude service, including agricultural security areas.

G. For a subdivision or land development with more than fifteen (15) building lots or EDUs and located within two thousand (2,000) feet of an existing public sanitary sewer system, adequate justification shall be provided if proposing not to provide a connection to the existing public sewer system.

H. Where the Venango Township – Wattsburg Borough Area Comprehensive Plan or Act 537 plan recommends or plans for the extension of an existing public sanitary sewer system or construction of a new public sanitary sewer system into an area that is being subdivided, and it is reasonably expected that the area will be served by such public system within a period of five (5) years, the municipality may require the installation of a capped sanitary sewer system. If required, capped sanitary sewer lines shall be installed to adequately serve all lots in the proposed subdivision for later connection to the public system.

I. All plans for sanitary sewer systems (both public and private) shall be designed by a registered professional engineer in accordance with the requirements of the PA DEP or other governing rules and regulations, and shall be approved by the local sewer authority, the municipal engineer and/or the municipality, and the PA DEP.

DRAFT

J. If a development generates such additional sanitary sewer flows as to require changes to the municipality's sanitary sewer collection system, the developer will 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.

## 508.3 – Private Sanitary Sewer Systems

When an existing public sanitary sewer system is not available or connection to the system has been determined to be unfeasible to the satisfaction of the municipality, the applicant may propose the installation of a privately owned community sanitary sewer system. Where the use of a privately owned community sanitary sewer system is proposed, the applicant shall provide the following:

A. A detailed operations and maintenance plan;

B. Evidence of approval from the municipal engineer, and the Erie County Health Department and/or the PA DEP;

C. Agreements or covenants, acceptable for recording, as deemed necessary by the municipality, the Erie County Health Department and/or the PA DEP, to guarantee the maintenance and operation of said facility;

D. A note on the plan and a clause in all deeds for lots referring to any maintenance agreements or covenants; and

E. Any terms stipulating conditions of metering, inspection, rights of access, minimum standards for materials and workmanship, testing and enforcement.

## 508.4 – Individual, On-Lot Sewage Disposal Systems

Where connection to an existing public sewer system or the installation of a private system is not feasible, the applicant may propose to utilize on-lot sewage disposal technology in accordance with this Section.

A. Applicant shall have soil percolation tests performed by the county sewage enforcement officer, with no less than one test pit per lot shown on the plan, and where marginal conditions are discovered, satisfactory alternative sites shall be identified and preserved.

B. Each lot shall be of a size and shape to accommodate the necessary on-lot sewage disposal systems in accordance with setback and design standards established by the municipality or PA DEP. Such standards shall ensure safe distances from buildings, property lines, water supplies and other improvements affecting normal function.

C. The proposed on-lot sewage disposal system shall be approved by the Erie County Health Department and/or PA DEP through the appropriate sewage planning review process, and confirmation shall be received by the municipality prior to plan approval.

D. The municipality shall not approve any subdivision or land development where an application fails to meet the required on-lot sewage planning requirements of this or any other applicable municipal ordinance or regulation, the Erie County Health Department and/or PA DEP, and/or a sewage permit cannot be obtained.

### 508.5 – Non-Building Waiver Requests

A. Subdivisions and land developments proposing no development of buildings or improvement of land for purposes requiring sewage facilities need not provide sanitary sewage facilities if the Erie County Health Department and/or PA DEP has approved a non-building waiver request. When a waiver is approved by the sewage enforcement officer and/or PA DEP, the final plan for recording shall include the standard non-building notation.

B. Lot additions and consolidations need not provide sanitary sewage facilities if the receiving tract(s) has an existing method of sewage disposal or if the Sewage Enforcement Officer and/or PA DEP has approved a non-building waiver request. Where a waiver is approved by the Erie County Health Department and/or PA DEP, the final plan for recording shall include the applicable notation required by the PA DEP.

## *Section 509 – Other Utilities*

A. Electric, gas, telephone, television cable, and other utilities, both main and service lines, shall be placed within easements or dedicated public rights-of-way, but not under cartways unless approved in writing by the municipality and utility provider.

B. All utilities shall be installed in accordance with the prevailing standards and practices of the utility or other companies and authorities providing such services and the laws of the Commonwealth.

C. Underground installation of the utility distribution and service lines shall be completed prior to street paving, storm drainage, and curbing and sidewalk installation.

D. The municipality may require the installation of utilities prior to final plan approval where the cost of installation, including the cost of excavation for underground utilities, will not be completely paid by the utility company. In each case the municipality shall also consider the procedures for the applicable utility company involved with the extension of services.

DRAFT

## *Section 510 – Easements*

Easements for sanitary sewer, water supply, stormwater drainage facilities, public or private utilities, and pedestrian access shall meet the standards of this Section.

A. Easements shall be adjacent to property lines and street right-of-ways to the fullest extent possible.

B. Nothing shall be placed, planted, set or put within an area of an easement that would adversely affect the function of the easement or conflict with the easement agreement.

C. **Utility Easements:** 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. The location and size of utility easements shall be reviewed and approved by the applicable utility company.

D. **Drainage Easements:** Where a subdivision or land development is traversed by a watercourse, drainage way, channel, or stream, a drainage easement may 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.

E. **Stormwater Facility Easements:** Easements shall be reserved where stormwater drainage facilities exist or are proposed and shall have a minimum width of 15 feet. They shall be adequately designed to provide an area for the collection and discharge of water, the maintenance, repair, and reconstruction of the drainage facilities, and the passage of machinery for such work. They shall prohibit excavation, the placing of fill, buildings or other permanent structures or any other alterations that may adversely affect the flow of stormwater within any portion of the easement.

F. **Right of Access and Maintenance:** All easements shall clearly identify who has the right of access and the responsibility for maintenance.

G. Easements, including easement maintenance provisions, shall be prepared in a format suitable for recording and shall be referenced in the deeds of the lots.

## *Section 511 – Stormwater Management*

A. All subdivision and land development plans within Venango Township shall comply with the requirements of the Venango Township Stormwater Management Ordinance.

B. Subdivision and land development plans shall not be approved until the applicant has obtained all approvals required by the Venango Township Stormwater Management Ordinance.

DRAFT

## *Section 512 – Erosion Control*

A. A soil erosion and sedimentation control plan shall be prepared for each subdivision or land development, if required by Pennsylvania Erosion and Sedimentation Control Regulations (PA Code, Title 25, Chapter 102). Such plans shall be prepared in accordance with PA Code, Title 25, Chapter 102, and the standards and guidelines of the Erie County Conservation District.

B. The soil erosion and sedimentation control plan shall be submitted to the Erie County Conservation District for its review and comments.

C. The applicant must submit a copy of the soil erosion and sedimentation control plan, and any written comments provided by the Erie County Conservation District, to the municipality as part of the subdivision or land development plan submission. The municipality shall not approve the subdivision or land development plan until any required approvals are obtained from the Erie County Conservation District.

D. Erosion and sedimentation controls shall be installed according to the approved plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the Erie County Conservation District.

E. In lieu of a soil erosion and sedimentation control plan, the municipality may accept a statement from the Erie County Conservation District indicating that said plan is not necessary for the subdivision or land development.

## *Section 513 – Environmentally Sensitive Areas*

### 513.1 – Floodplain Areas

The requirements of this Section are intended to protect property owners from increased flood hazards resulting from inappropriate development in the floodplain and to protect potential buyers from purchasing land which may not be suitable for development. Plans shall also comply with the applicable Federal Emergency Management Agency (FEMA) and Venango Township floodplain management regulations.

A. The inclusion of a floodplain within lots in order to meet the minimum lot area and/or yard requirements is allowed provided each lot contains sufficient area exclusive of the 100-Year regulatory floodplain for buildings and, when applicable, for on-lot sanitary sewage disposal systems and replacement areas.

B. The municipality may require the applicant, as a stipulation of plan approval, to include the following note on the plan and a similar reference in the deed for lots containing floodplain areas:

"NOTE: Lot(s) No.___ are completely or partially within the regulatory floodplain and any development on such lots shall occur in accordance with all federal, state, and municipal floodplain management regulations. In addition, lending institutions may require the mandatory purchase of flood insurance for home mortgages. "

C. All public and private utilities and facilities shall be designed and constructed to preclude flood damage and shall be floodproofed up to the regulatory flood elevation in accordance with the Federal Emergency Management Agency (FEMA) floodproofing guidelines. Documentation by a professional engineer or architect shall be provided indicating compliance with FEMA guidelines in regard to the following minimum conditions: (1) a flood elevation certificate shall be provided for all building construction; (2) a determination of the structural adequacy against pressure, velocity, uplift, siding, overturning, and impact; and (3) a statement of the types of materials and safeguards incorporated to prevent leakage, spillage or contamination.

D. Final street elevations shall not be less than the 100-Year regulatory base flood elevation.

E. When a site is adjacent to or traversed by a watercourse that does not have a 100-Year regulatory floodplain delineated, all structures shall be setback at least 50 feet from the top of the nearest stream bank.

F. For subdivisions or land developments in flood-prone areas, the developer shall submit a map showing the exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed within any designated flood-prone area. All such maps shall show contours at intervals of two feet and identify accurately the boundaries of the flood-prone areas. This requirement may be waived, at the discretion of the municipality, if no buildings or site improvements are proposed, or if this additional information is deemed unnecessary to determine compliance with the requirements of this ordinance.

## 513.2 – Wetlands

A. No subdivision or land development shall involve uses, activities, or improvements that would result in an obstruction and/or encroachment into, regrading of, or placement of fill in wetlands in violation of state and/or federal regulations.

B. If wetlands are to be altered by the proposed activity, the municipality shall require copies of appropriate permits and approvals granted by state and/or federal regulatory agencies prior to plan approval.

DRAFT

C. The municipality may require the applicant, as a stipulation of plan approval, to include the following note on the plan and a similar reference in the deed for lots containing wetland areas:

"NOTE: Wetlands exist on Lot(s) No.___. Wetlands are protected under state and federal law and caution should be exercised to ensure that any development proposed for Lot No.____ does not disturb the wetlands. Please be advised, encroachments and/or obstructions to wetlands require prior written authorization from the appropriate state and federal agencies."

D. A jurisdictional wetland determination by the United States Army Corps of Engineers is strongly encouraged and may be required where wetlands exist and could be impacted by development activities.

E. Development activities are encouraged to avoid wetland impacts by design with the natural environment. Wetlands should be used to compliment development by integrating stormwater management and water quality management activities where practical.

## 513.3 – Steep Slopes

A. Structures and grading of land shall generally be located on portions of a development site where the slope is less than twenty-five percent (25%).

B. A limited amount of disturbance, up to twenty-five percent (25%) of the steep slope area with grades between twenty-five percent (25%) and thirty-five percent (35%), may be approved if evidence of the safety of any proposed disturbance has been documented. Such evidence of the safety of any proposed disturbance shall require a site investigation and certification in writing, by a registered professional soils engineer, engineering geologist, or civil engineer with demonstrated competency and experience in soils engineering, that the proposed activity will not create or exacerbate unsafe conditions.

## 513.4 – Habitats and Natural Features of Special Concern

A. Where the presence of natural features and habitats of special concern (i.e. those areas listed in the Erie County Natural Heritage Inventory of habitats of rare, threatened and endangered species) is known or suspected, or where required by the PA DEP or other permitting agency, the applicant shall notify the Pennsylvania Department of Conservation and Natural Resources (PA DCNR) of the proposed subdivision or land development and request a determination concerning the presence of significant resources from the Pennsylvania Natural Diversity Index (PNDI).

B. Where a proposed subdivision or land development includes an identified natural feature and/or habitat of special concern, such as rare, threatened or endangered species which are regulated by municipal, state, or federal law, the applicant shall provide evidence of compliance with any applicable regulation.

C. The municipality may impose conditions it deems reasonable and appropriate in order to protect such habitats and to prevent degradation of natural features.

## 513.5 – Existing Wooded Areas

A. Subdivisions and land developments should be designed to avoid unnecessary removal or destruction of trees and understory vegetation, particularly in undeveloped tract areas.

B. Developers are encouraged to maintain and/or replace at least twenty-five percent (25%) of the number of trees that exist at the time of plan approval. Replacement trees should be a mix of native species with a minimum trunk caliper of two (2) inches and a minimum height of six (6) feet. They should be planted at a density equivalent to that existing before development.

C. Development activities are encouraged to integrate wooded areas into stormwater management design to promote natural infiltration of runoff and evapo-transpiration where practical.

D. Priority should be given to the preservation of trees and vegetation in 100-year floodplains, wetlands, stream corridors and steep slopes.

E. Any tree that may be noteworthy because of its species, age, uniqueness, rarity or status as a landmark due to historical or other cultural associations should be preserved unless removal is deemed necessary, as determined by a professional arborist, forester, or landscape architect or if the tree is likely to endanger the public or an adjoining property.

F. Trees to be preserved should be protected during construction and the critical root zones shall be clearly staked and protected by fencing to prevent damage.

## 513.6 – Stream Corridors

In order to prevent increased erosion, stream bank instability, non-point source and thermal pollution, trees and vegetation located within fifty feet (50') of the top bank of any watercourse should not be removed. Invasive species, however, may be removed and replaced with native vegetation. Selective timber harvesting as part of the development should be in accordance with a certified forest resources and timber management plan prepared by a qualified professional forester.

DRAFT

## *Section 514 – Cultural and Historic Resources*

A. **Archaeological Investigations:** Where the presence of archaeological features is known or suspected, or where required by the PA DEP or other permitting agency, the applicant shall notify the Pennsylvania Historic and Museum Commission (PHMC) of the proposed subdivision or land development and request a determination concerning the presence of significant resources from PHMC.

B. **Historic Resource Preservation:** Subdivisions and land developments should be designed to preserve, adaptively reuse, or otherwise provide for the historic features of the municipality, and new construction should be designed to be visually complimentary to historic structures and sites. If due to size, scale, construction material, or type of proposed use, a subdivision or land development would jeopardize the historic value of a site or structure, such new construction should be screened or otherwise visually buffered.

C. **Historic Resource Demolition:** No historic site or feature listed on the National Register of Historic Places shall be infringed upon, demolished, or moved from its original foundations without approval of the municipality. The applicant shall submit to the municipality letters from the PHMC and from the Erie County Historical Society with their review and recommendation. In evaluating any request for demolition of a historic feature the municipality shall take into account the significance of the property, the condition of the feature and the potential for repair, restoration, stabilization and reuse, the impact of the feature in relation to the total project, and the hardship, if any, on the applicant.

D. **Retention of Local Names:** Applicants are encouraged to perpetuate historic names or geographic references that are traditionally associated with the area in which a project is located, rather than proposing project names that are not consistent with Erie County traditions or culture.

## *Section 515 – Community Facilities*

A. The municipality will consider the adequacy of existing or proposed community facilities to serve the uses proposed in the subdivision or land development. Where a proposed park, playground, school or other public use shown in the Venango Township – Wattsburg Borough Area Comprehensive Plan or a Venango Township official map is located in whole or in part in a subdivision or land development, the municipality may require the provision or reservation of such area as may be deemed reasonable.

B. Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed.

## *Section 516 – Open Space and Recreational Areas*

A. In order to promote the creation and preservation of varied outdoor recreational opportunities, developers are encouraged to provide or set aside open space/recreation area as a part of their developments.

B. Where open space/recreation area is provided, the applicant shall submit, with the subdivision or land development plan, a proposal which provides for the maintenance and ultimate ownership of such space. Where such open space is not dedicated to the municipality or where such dedication is not accepted by the municipality, an agreement which assigns maintenance responsibilities for the open space and/or recreational facilities shall be approved by the municipality, recorded with the final plan, and referenced in the deeds of each parcel within the development.

DRAFT

# Article 6 – Land Development Standards

## *Section 601 – Applicability*

### 601.1 – General

Certain physical developments are classified as land developments in the Pennsylvania Municipalities Planning Code and are subject to regulation under this ordinance. The design and construction standards in this ordinance are applicable to land developments where appropriate. In a land development there is not necessarily a division of land typical of land subdivision actions, although buildings and/or use areas may be sold at the time of development or at some future time. It shall be unlawful for an applicant to construct land developments as defined herein without complying with these additional requirements. Specific additional criteria for certain types of land developments are covered in subsequent sections in this Article.

### 601.2 – Definition and Exclusions

A. **Definition:** For purposes of this Article, land development is defined as 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. **Exclusion by Definition:** In accordance with Article V, Section 503 (1.1) of the Pennsylvania Municipalities Planning Code, the following activities shall be excluded from the definition of land development, and thus are exempt from the land development requirements of this ordinance.

   1. The conversion of an existing single-family detached dwelling or single-family semidetached 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;

3. The addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park. For purposes of this subclause, 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.

C. **Exclusion for Agricultural Leases:** The division of land by lease for agricultural purposes into parcels, not involving any new street or easement of access or residential dwellings, shall be exempt from the land development requirements of this ordinance. Upon the request of the property owner and upon receipt of a signed statement or letter from the landowner and buyer/lessee stating that such lands to be leased shall be used solely for agricultural purposes and does/will not involve any new streets or easement of access or residential dwellings, the municipality will forward a statement of exemption to the above parties.

## *Section 602 – Waiver of Plan Submittal Requirement*

The intent of this section is to simplify the review and approval process for land developments when reasonable, based upon the character of the project and site conditions. Eligibility shall be determined by the municipality. The municipality may require preliminary and/or final plans in any case it believes necessary, regardless of the criteria and thresholds presented in this section. If the municipality determines that a preliminary plan and/or final plan is needed, the applicant shall follow the appropriate plan approval process and procedures for such plans as provided for in this ordinance.

A waiver from the plan submittal requirements of this ordinance, if granted, shall not relieve the applicant/developer from the obligation to comply with all design and construction requirements of this ordinance (as applicable), applicable zoning regulations, and other federal, state or local laws or regulations.

### 602.1 – Waiver Eligibility Criteria

A. **Eligibility Requirements for Waiver of Preliminary Plan:** The municipality may waive the requirement for submission of a preliminary land development plan when the following criteria and/or thresholds are met. See Section 602.2 for administration requirements.

1. It does not involve a non-agricultural earth disturbance of more than one (1) acre.
2. The gross floor area of all principle non-residential structures proposed or existing on the project property does not exceed two thousand five hundred (2,500) square feet, or generate more than 50 vehicle trips per day, or 25 vehicle trips per peak hour.

3. The total number of existing or proposed principal structures on the project parcel does not exceed two (2).
4. The total number of residential dwelling units on the project parcel does not exceed two (2).
5. The land development must comply with the Venango Township Zoning Ordinance, the design and construction requirements of this ordinance (as applicable), and other federal, state or local laws or regulations, and must be able to obtain all needed permits.
6. Land development plan submittal shall not be waived if it involves the transfer of any interest in real estate other than rental or short-term lease (e.g. condominiums, or townhouses transferred in fee).
7. Land development plan submittal shall not be waived for the following types of land developments:
    a. mobile home park
    b. multi-family development of ten (10) or more dwelling units
    c. communication tower located outside of a street right-of-way
    d. wind energy facility other than a small wind turbine, as defined by this ordinance
    e. recreational campground, or recreational vehicle development
8. Land development plan submittal shall not be waived if any new streets, sanitary sewers, stormwater management facilities, public water lines, or other improvements are proposed and are being offered for public dedication.

B. **Eligibility Requirements for Waiver of Preliminary and/or Final Plans:** The municipality may waive the requirement for submission of a preliminary plan and/or final land development plan when the following criteria and/or thresholds are met in addition to the criteria and/or thresholds in Section 602.1 (A). See Section 602.2 for administration requirements.

1. Land development plan submittal may be waived for proposals involving changes in the allocation of space, or increases in the intensity of use or number of tenants **within an existing non-residential building,** provided that:
    a. such changes do not exceed an impact threshold of 50 vehicle trips per day, or 25 vehicle trips per peak hour; or,
    b. such changes do not create an employment increase of a least 50%, or more than 10 employees.

2. Land development plan submittal may be waived for proposals involving the placement of a second residential dwelling on the project property.
3. Land development plan submittal may be waived for proposals involving the **addition or expansion of existing structures** when:
    a. The gross floor area of the principal structure is increased less than 50% or one thousand (1,000) square feet, whichever is less;
    b. such changes do not exceed an impact threshold of 50 vehicle trips per day, or 25 vehicle trips per peak hour; or, such changes do not create an employment increase of a least 50%, or more than 10 employees.

## 602.2 – Administration Requirements

A written request for a waiver from land development plan submittal requirements shall be filed with the municipality for review and approval. The submission of a waiver request is voluntary, for the benefit of the developer, and is never considered to be a formal land development application. Upon receipt of such waiver request, the municipality shall review the submission and render a determination within 45 days of receipt of the sketch and any necessary supporting documentation. The waiver request submission shall include the following:

A. The waiver request should clearly indicate whether the request is for a waiver of the preliminary plan requirement only, or if the request is for a waiver of both a preliminary plan and the final plan.

B. A sketch plan specifying the location of the project, existing and proposed buildings, building setbacks, parking areas, buffer areas, other site improvements, and the other information recommended by Section 401 of this ordinance. The sketch plan requirement may be waived by the municipality if no changes are proposed to the footprints of existing buildings and no site improvements are being proposed.

C. A written proposal by the applicant/developer stating the nature and characteristics of the proposed project, and including sufficient information for the municipality to determine the project's eligibility for a waiver from the plan requirements of this ordinance. The submission shall be sufficient to confirm that the proposed project complies with the Venango Township Zoning Ordinance; the design and construction requirements of this ordinance (as applicable), and any other federal, state or local laws or regulations.

D. Verification of compliance with the Erie County Health Department and/or PA DEP sewage disposal regulations.

E. Based on the specific characteristics of the proposed project, the municipality may require any other information or supporting documentation deemed necessary to confirm eligibility for a waiver from the plan requirements of this ordinance, or to confirm compliance with the Venango Township Zoning Ordinance, the design and construction requirements of this ordinance (as applicable), and any other federal, state or local laws or regulations.

### 602.3 – Expiration of Waiver

A waiver from the plan submittal requirements of this ordinance, if granted, shall expire one year after being granted. If the applicant/developer has not obtained a building permit (if applicable), or commenced construction (if applicable) within one year of the approval date, the approval will automatically expire.

## *Section 603 – Procedures for Land Developments*

A. Unless a waiver of plan submittal requirements is granted in accordance with Section 602 of this ordinance, a land development application shall be processed using the three-stage procedure established in this ordinance for land subdivisions: sketch plan (not mandatory), preliminary site plan, and final site plan stages. In lieu of a plot plan, the developer shall submit a site plan.

B. Unless otherwise noted, preliminary site plans shall follow the same procedures and meet the same specifications as a preliminary subdivision plan, as outlined in Articles 3 and 4 of this ordinance, and final site plans shall follow the same procedures and meet the same specifications as a final subdivision plan, as outlined in Articles 3 and 4 of this ordinance.

C. The final site plan shall be recorded in the Erie County Recorder's Office.

## *Section 604 – Site Plan Requirements*

All proposed land development proposals shall conform to the requirements for preliminary and final plan submissions contained in Article 4 of this ordinance in addition to the standards outlined below.

A. **Land Development Plan Requirements**

In addition to meeting the requirements of Article 4, preliminary and final land development plans shall also show the following details.

1. Location and size of all existing and/or proposed principal and accessory buildings and structures, including solid waste storage sites, signs, lighting facilities, fences, walls, and similar features.
2. Location of access ways, and parking, loading/unloading areas.
3. A notation of parking requirements, including the number of spaces required per anticipated development type, the total number of spaces required, and the number of spaces provided.

4. A notation of off-street loading/unloading area requirements, including the number of loading/unloading areas required and the number provided.
5. Location of all proposed on-site pedestrian and vehicular circulation routes and controls, including sidewalks, cross-walks, traffic signals, etc.
6. Location and width of proposed buffer yards, screens or screen plantings.
7. Schedule or table of zoning district requirements, including lot area and bulk regulations, density, building and impervious coverage, and yard requirements, if applicable, and proposed use of the land. Show zoning for adjacent lands if different from the tract to be subdivided or developed.

B. **Data to be Submitted with Land Development Plans**

The following additional documentation or data shall be submitted with all preliminary and final land development plans.

1. A description of the proposed development in sufficient detail for the municipality to evaluate the submission, including anticipated traffic volumes and traffic flows, and numbers of expected employees, tenants, customers, or inhabitants.
2. Cross-sections, showing the design details of proposed streets, access ways, parking, and loading/unloading areas.
3. Plans addressing proposed parking and access, landscaping, lighting and signage, where applicable.
4. 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.
5. For multi-building land developments, a complete interior pedestrian circulation plan shall be submitted indicating the safe and efficient movement of people within and through the site.
6. Traffic Engineering Report in accordance with Section 505.2, if required.
7. Based on the specific characteristics of the proposed project, the municipality may require any other information, reports or studies deemed necessary to ensure compliance with this ordinance, or to protect public health, safety and welfare.

DRAFT

## *Section 605 –General Design Standards for Land Developments*

The design and construction standards contained in Article 5 of this ordinance are applicable to land developments where appropriate. In addition, land developments shall meet the design requirements contained in this Article. It is recognized by the municipality that the design process should be somewhat flexible, pursuant to Section 503(5) of the Pennsylvania Municipalities Planning Code.

### 605.1 – General Design

A. The developer shall make satisfactory provision for the improvements necessary for 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.

### 605.2 – Circulation

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 standards set forth by Section 505.5 of this ordinance shall be considered for street access.

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. Private streets shall meet any applicable municipal standards regarding sub-grade preparation, base and surfacing construction, or in the absence of such regulations, shall follow minimum design and construction standards for streets, as described in Section 505 of this ordinance. Off-street parking areas may be integrated with public street design and construction provided maintenance responsibilities are mutually agreed upon.

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 for Traffic Engineers.

### 605.3 – Dumpster Screening and Location

The screening and location of solid waste dumpsters shall be in accordance with the Venango Township Zoning Ordinance.

DRAFT

## 605.4 – Landscaping

A. **Landscaping Plan**

In cases where landscaping, such as landscaped buffer areas or parking lot landscaping, is required by this Ordinance, a landscaping plan shall be submitted with the site plan. The landscaping plan shall be prepared by a registered landscape architect and shall include the following information:

1. Existing vegetation: Location, general type and quality of existing vegetation, including specimen trees.
2. Preservation: Existing vegetation to be saved.
3. Protection: Methods and details for protecting existing vegetation during construction and approved sediment control plan, if available.
4. Proposed plants: Locations and labels for all proposed plants.
5. Landscape details: Plant lists with the botanical and common names, quantity, spacing and size of all proposed landscape improvements such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas.
6. Installation details: Planting and installation details as necessary to ensure conformance with all required standards.
7. Maintenance: Identification of landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with the standards of this Ordinance.
8. Other information: The municipality may require any additional information deemed necessary to demonstrate compliance with the requirements of this Ordinance.

B. **Assurance of Completion**

Landscaping required by this Ordinance, including landscaped buffer areas or parking lot landscaping, shall be considered required improvements for the purposes of guaranteeing installation in accordance with the requirements of Article 9 of this Ordinance.

C. **Waiver of Landscaping Plan Requirement**

The submittal requirement for a landscaping plan may be waived, at the discretion of the municipality, if the information shown on, and submitted with, the site plan is deemed adequate to demonstrate compliance with all landscaping requirements of the development.

DRAFT

### 605.5 – Exterior Lighting

Exterior lighting shall be in accordance with the Venango Township Zoning Ordinance

### 605.6 – Water and Sewer

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

### 605.7 – 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 606 – Parking and Off-Street Loading*

Off-street parking and/or loading facilities shall comply with the requirements set forth in the Venango Township Zoning Ordinance requirements and any other applicable municipal regulations. In addition, the following off-street parking and/or loading facility requirements shall apply:

### 606.1 – Parking and Access Plan

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. The submittal requirement for a parking and access plan may be waived, at the discretion of the municipality, if the information shown on the site plan is deemed adequate to demonstrate compliance with all parking and access requirements of the development.

### 606.2 – General Design Requirements

A. Adequate provision shall be made for ingress and egress to all parking and loading spaces and areas.

B. Off-street parking and loading areas shall be designed so that vehicles do not back or park over or into public walkways, sidewalks, and rights-of-way.

C. Curb radii or aisle treatments in parking areas shall be four (4) feet or greater to promote efficient turning movements.

D. All dead-end parking lots shall be designed to provide, when necessary, sufficient back-up at stalls.

E. Painted lines, arrows, dividers and signs shall be provided to delineate and control parking, loading areas and internal circulation.

F. Any lighting used to illuminate off-street parking or loading areas shall be mounted and shielded in such a manner to effectively eliminate direct glare on adjacent properties or upon public streets.

### 606.3 – Phased Parking

A. Where the total number of off-street parking spaces required by the Venango Township Zoning Ordinance may not be immediately required for a particular use, a phased parking plan may be permitted by the municipality, requiring that a portion of the parking area, not less than sixty-five (65%) percent of the required spaces, be completed initially. Phased parking shall only be permitted with written approval of the Venango Township Board of Supervisors.

B. The site plan shall clearly indicate both the portion of the parking area to be initially paved and the remaining parking needed to provide the number of required spaces.

C. The site plan shall provide for adequate drainage of both the partial and total parking areas.

D. The portion of the parking area not to be paved initially shall be landscaped.

E. The applicant shall post a separate performance guarantee, in addition to the performance guarantee required for other improvements, which shall reflect the cost of installing the additional parking necessary to provide the total number of parking spaces required. Said performance guarantee shall be made to the municipality.

F. Prior to the expiration of a two (2) year period, the applicant may either install the additional parking shown on the site plan, or apply to the municipality after the use has been in operation for eighteen (18) months for a determination as to whether or not the initial parking area provided is adequate. If the municipality determines that the parking facility is adequate as originally constructed, the parking performance guarantee shall be released. If, however, the municipality determines that the partial off-street parking area is not adequate, the applicant shall be required to construct the additional parking facilities in accordance with the terms of the performance guarantees. The municipality may require the applicant to provide a parking study prepared by a licensed professional engineer.

## *Section 607 – Communication Towers*

### 607.1 – General Standards

Site plans for all communications towers located outside of a street right-of-way shall be submitted as a land development and shall comply with all applicable provisions of this ordinance and the Venango Township Zoning Ordinance, unless exempted by Section 607.2.

### 607.2 – Exception to Jurisdiction

Communication towers shall be considered a land development and comply with this ordinance unless they are an accessory structure, clearly incidental to the operation of a transportation business, emergency services provider, or similar entity for the exclusive, noncommercial use of its agents in directly providing such service.

## *Section 608 –Campgrounds and Recreational Vehicle Parks*

### 608.1 – Application

All recreational campgrounds and recreational vehicle park developments involving more than nine (9) recreational sites located, established or maintained for occupancy by recreational vehicles or tents of the general public as temporary living quarters for recreational or vacation purposes shall comply with the requirements of this section as well as all other applicable provisions of this ordinance and the Venango Township Zoning Ordinance.

### 608.2 – Circulation

A. Traffic movements in and out of recreational developments and subdivisions should not interfere with external traffic, nor should they create hazards for adjacent residential areas.

B. The design of streets, service drives and pedestrian ways should provide for safe hazard-free internal circulation.

C. The internal street system shall provide adequate access to individual park lots, administration and ancillary facilities.

D. Paved or gravel roads shall be acceptable, but must be mud free.

### 608.3 – Lot Area Requirements

Individual recreational vehicle lots and campsites shall be designed 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, and related outdoor facilities (grill, picnic tables, benches, etc.).

The locations, widths and square footages of individual recreational vehicle lots and campsites shall be shown on the land development plan.

DRAFT

### 608.4 – Setback Requirements

Setback requirements for the parcel to be developed as a recreational campground and/or recreational vehicle park development shall meet the following minimum setback requirements. No man-made structures or installation of any type, and no individual recreational vehicle lot or campsite shall be located within the setback area.

A. The front setback line shall be one-hundered (100) feet from the road right-of-way line.

B. The side setback lines shall be fifty (50) feet from the side property lines.

C. The rear setback line shall be fifty (50) feet from the rear property line.

### 608.5 – Buffer 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.

A. When abutting a pre-existing residential development or platted residential lots, a buffer strip with a minimum width of thirty (30) feet, shall be provided parallel to the park property line.

B. When abutting non-residential properties, the buffer strip shall be twenty (20) feet from the park property line.

### 608.6 – Utilities and Sanitary Facilities

A. Utilities and sanitary facilities shall be adequate to maintain health and safety standards.

B. At a minimum, central sanitary dump stations, central water facilities, toilets and shower facilities shall be provided.

## *Section 609 – Wind Energy Facilities*

Site plans for all wind energy facilities shall be submitted as a land development and shall comply with the requirements of this section as well as all other applicable provisions of this ordinance.

### 609.1 – Application

A. This section applies to all land development plans which provide for wind energy facilities to be constructed after the effective date of the ordinance, except that this ordinance is not intended to apply to small wind turbines, as defined by this ordinance.

DRAFT

B. Wind energy facilities constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance; provided that any physical modification to an existing wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall comply with the provisions of this section.

C. No land development plan providing for the construction or erection of a wind energy facility or addition of a wind turbine to an existing wind energy facility shall be approved unless such plan has complied with the requirements of this ordinance and the Venango Township Zoning Ordinance.

D. Any physical modification to an existing and permitted wind energy facility that materially alters the size, type and number of wind turbines or other equipment shall require land development approval under this ordinance. Like-kind replacements shall not require a new land development approval.

## 609.2 – Definitions Specific to Wind Energy Facilities

Wind Turbine: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

Wind Turbine, Small: A wind turbine which is designed and used solely to generate power to serve a principal and/or accessory building located on the lot on which said turbine is situated (without regard to any excess power generated going to a power grid).

Wind Energy Facility: An electric generating facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

## 609.3 – Additional Plan Requirements

The land development plan, in addition to the other requirements of this ordinance shall contain the following:

A. A narrative describing the proposed wind energy facility, including an overview of the project; the project location; the approximate generating capacity of the wind energy facility; the approximate number, representative types and height or range of heights of wind turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

B. An affidavit or similar evidence of agreement between the property owner and the facility owner or operator demonstrating that the facility owner or operator has the permission of the property owner to apply for necessary permits for construction and operation of the wind energy facility.

C. A site plan showing the planned location of each wind turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the wind energy facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

D. Documents related to decommissioning, including a schedule for the decommissioning and financing security.

E. Other relevant studies, reports, certifications and approvals as may be reasonably requested by the municipality to ensure compliance with this ordinance and the Venango Township Zoning Ordinance.

## *Section 610 – Acceptance and Maintenance of Improvements*

### 610.1 – Acceptance of Improvements

In cases where a land development involves site improvements (such as streets, parking areas and stormwater management facilities), which are to be privately maintained or maintained by a private (non-public) organization or entity created by the developer, there is no need for municipal acceptance of the site improvements. However, in instances where public acceptance is requested, such streets, stormwater management facilities and/or other improvements shall be designed and built to the standards established in this ordinance and any other municipal ordinances that may be applicable. The municipality shall ascertain that these improvements are, in fact, built to such standards.

### 610.2 – Maintenance of Improvements

All improvements constructed as required by this ordinance that will not be publicly dedicated or accepted for dedication shall meet the requirements of Section 910.

DRAFT

# Article 7 – Mobile Home Park Standards

## *Section 701 – Applicability*

### 701.1 – General

All mobile home parks shall conform to the provisions of this section as well as other applicable standards in this ordinance.

### 701.2 - Exception

Where it is intended by the owner or developer to offer mobile home lots for sale, the development shall be treated as a regular subdivision and shall be subject to the regulations concerning same.

## *Section 702 – Application Procedures*

All applications for mobile home park developments shall follow the procedures for land developments in accordance with this ordinance.

## *Section 703 – Additional Plan Requirements*

Information to be included on the preliminary and final land development plans shall conform to the requirements of Articles 4 and 6 of this ordinance, as applicable. In addition to the other requirements of this ordinance, the plans shall contain the following:

A. The number, size and location of the proposed mobile home sites and other parking areas.

B. The location, right-of-way and surfaced roadway width, roadway design and walkways.

C. The proposed interior vehicular and pedestrian circulation patterns.

D. The location of service buildings, sanitary stations and any other existing or proposed structures.

E. The location of water and sewer lines and riser pipes.

F. The location and details of area lighting, electric and gas systems as related to all applicable codes and sound engineering practice.

G. The plans shall specify that skirting shall be provided on all mobile homes.

H. The following note shall be placed on the plan: *It shall be the responsibility of the Mobile Home Park owner to maintain all improvements and facilities including but not limited to areas and facilities designated for internal roads, sewage disposal, water supply, stormwater management, open space, and solid waste collection.*

DRAFT

## *Section 704 – Design Standards*

### 704.1 – Park Area and Density

A. The minimum area of the tract or park shall be five (5) 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.

B. Overall density of the park shall not exceed seven (7) mobile home lots per acre of gross area of the park.

C. There shall be no more than one (1) mobile home placed on any one (1) mobile home park lot.

### 704.2 – Lot and Yard Requirements

The planning and location of individual lots shall be guided by the following requirements:

A. **Lot Size and Width:**

Each mobile home lot shall have a minimum lot width of fifty (50) feet and a minimum area of five thousand (5,000) square feet.

B. **Yard Requirements:**

1. Mobile homes shall be parked on each lot so that there will be a minimum of ten (10) feet between the mobile home, appurtenant structures, and any adjacent side or rear lot line.
2. There shall be a minimum of twenty (20) feet between any mobile home (including any attached structure) or accessory structure, and the pavement of a park street or common parking area. The setback from the right-of-way of any public street or highway shall be as required by the Venango Township Zoning Ordinance, but shall in no case be less than thirty-five (35) feet.
3. Mobile homes shall be located a minimum of twenty (20) feet from any common building or structure.
4. Secondary entrance ways may utilize stoops, landings, patios, or awnings that may extend to a depth of five (5) feet within the ten (10) foot yard requirements specified in Section 704.2 (B, 1), above.
5. Mobile homes within the mobile home park shall be situated so that no mobile home will be placed less than fifty (50) feet from any side or rear exterior boundary of the park.

C. **Identification:**

Each lot shall have a number placed on the lot either in the form of a sign or directly on the mobile home. It shall be arranged in such a way so that it is visible from the road on which the mobile home or lot is fronting.

DRAFT

D. **Access:**

Each lot shall be directly accessible from an approved internal street without the necessity of crossing any other space.

## 704.3 – Mobile Home Stands

All mobile home lots within the mobile home park shall be improved to provide durable and adequate support for the placement of the mobile home, and shall be properly equipped to render the lot useable. All such improvements shall be maintained in satisfactory condition by the developer or park owner. At a minimum, the following standards shall be met.

A. The mobile home lot pad or stand shall be equal to the length and width of the mobile home proposed to use the lot.

B. The mobile home lot pad or stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces acting on the structure and shall be designed to uniformly support the mobile home in a level position. Each pad shall be constructed of asphalt, concrete, or stabilized crushed stone, suitable shale, or other approved material.

C. Each mobile home lot pad or stand shall be provided with an anchoring system designed to secure the stability of the mobile home and resist flotation, collapse, and lateral movement.

D. Each mobile home lot shall be equipped with properly designed and approved water and sewer connections, and shall be provided with approved electrical service connections.

## 704.4 – Skirting

The plans shall specify that skirting shall be provided on all mobile homes.

## 704.5 – Internal Street System

A. The internal street system in privately owned mobile home parks shall be privately owned, constructed and maintained. It shall be constructed in accordance with the requirements of Section 505 of this ordinance, as applicable.

B. Where possible, mobile home parks shall be provided with two (2) points of ingress and egress. All such access ways shall be designed to minimize congestion and hazards at the entrance and exit of the facility and shall allow free movement of traffic on adjacent streets.

C. Internal streets shall have a paved cartway of at least twenty (20) feet in width.

DRAFT

D. 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.

## 704.6 – Parking

A. Each mobile home lot shall be provided with a minimum of two (2) on-lot parking spaces. These spaces shall be paved or provided with a stone, gravel or 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.

B. In addition to the required on-lot parking, every mobile home development with twenty-five (25) or more mobile home lots shall provide a visitors' parking area with a minimum of one (1) space for each two (2) mobile home lots. This parking lot shall be paved or provided with a stone, gravel or crushed limestone surface of at least six (6) inches in depth to provide a year-round mud-free parking area.

C. All parking spaces shall be a minimum size of nine (9) feet by eighteen (18) feet.

## 704.7 – Park Perimeter Screening

A. **General:** Buffer screening, meeting the requirements of "Type 1" screening per the Venango Township Zoning Ordinance, shall be provided along the perimeter of any mobile home park where the park abuts an arterial or interstate highway, a commercial or industrial area, an existing residential development or platted residential lots.

B. **Alternative for Residential Uses:** Modern mobile homes are house-like in appearance and blend more suitably with traditional housing. Because of this, as an alternative to Type 1 screening, lots for such units may be located along park perimeters that abut an existing residential development or platted residential lots. If this alternative is chosen, the following apply:

   1. Type 1 screening will not be required.
   2. Units placed on these perimeter lots shall be "double-wide" (at least twenty-four (24) feet wide), and shall have a sloped roof (a pitch of at least two-and-one-half (2 ½) feet for each twelve (12) feet of horizontal run).
   3. The affected lots and the unit requirements (noted in "B" above) shall be identified and shown on the land development plan.

## *Section 705 – Utilities and Park Facilities*

### 705.1 – Sanitary Sewage Disposal

A. Adequate and safe sewage facilities shall be provided in all mobile home parks for conveying and disposing of sewage generated from mobile homes, service buildings and other accessory facilities.

B. All mobile home parks shall be provided with public or community sewage disposal.

C. Provisions for all sewage disposal facilities shall be in accordance with the requirements of the Pennsylvania Sewage Facilities Act, the PADEP and the Erie County Health Department, and shall conform to the requirements of Section 508 of this ordinance, as applicable.

D. Each mobile home lot shall be provided with a suitable method for connecting the sewage drain outlet to the sewer line. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy a lot. Surface drainage shall be diverted away from the riser and the rim of the riser pipe shall be encased in a waterproof catch basin.

E. The mobile home park owner(s) shall be responsible for ownership, maintenance, repair and rehabilitation of the sewage disposal system, and for providing an adequate sewage disposal system to each mobile home lot.

### 705.2 – Water Supply

A. An adequate, safe and potable supply of water shall be provided for all mobile homes, service buildings and other accessory facilities located within the mobile home park.

B. All mobile home parks shall be provided with public or community water supply service.

C. Provisions for the water supply shall be in accordance with the requirements of Section 507 of this ordinance and shall be in conformance with all federal, state and local standards and regulations.

D. Each mobile home lot shall have a water riser pipe to connect the mobile home water system to the community or public water system serving the park.

E. The mobile home park owner(s) shall be responsible for ownership, maintenance, repair and rehabilitation of the water supply system, and for providing an adequate water supply to each mobile home lot.

### 705.3 –Other Utility Systems

Where provided, telephone, electric, television cable, natural or bottled gas, fuel oil or other utilities shall be installed in accordance with the rules and regulations of the appropriate utility company.

DRAFT

### 705.4 – Solid Waste Disposal

A. Arrangements for the collection, storage and disposal of solid waste generated by residents of the mobile home park shall be made by the mobile home park owner, and shall be managed as to create no health hazards or air pollution.

B. 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.

### 705.5 – Exterior Lighting

Adequate lighting 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.

### 705.6 – Recreation

A. At least ten percent (10%) of the gross area of the mobile home park shall be set aside and provided as open space area available for the use and enjoyment of residents for varied outdoor recreational uses.

B. The common open space shall be substantially free of structures except for those designed for recreational purposes, and shall be in addition to those areas devoted to meeting the buffer yard requirements of this ordinance.

C. The common open space area(s) shall be located and designed so they are easily accessible to residents and so that their size, dimensions, topography and other characteristics lend themselves to recreational use.

D. The common open space area will be a private recreational area to be owned and maintained by the park.

## *Section 706 –Fire Safety Requirements*

In areas where a central water system, whether public or private, is proposed for the mobile home park development, fire hydrants shall be installed as an integral part of the water supply system and the placement, design, and construction of such shall meet the specifications of the local fire company, the public water supplier, and the municipality as applicable.

DRAFT

# Article 8 –Conservation Subdivision Design Option

## *Section 801 – Purpose and Intent*

Venango Township recognizes the importance of preserving open space and the amenities it provides. As such, the Venango Township – Wattsburg Borough Area Comprehensive Plan supports land use policies and regulations designed to preserve open space, the environment, and its natural and cultural resources. It is the intent of this Article to implement the Comprehensive Plan by encouraging conservation subdivision design as an alternative to conventional residential development.

The conservation of land and preservation of community character is accomplished by permitting single-family and multi-family residential development at a somewhat higher overall density than conventional single-family development, but in an open land setting. The development is designed to reduce the perceived intensity of development, preserve natural features and farmland, and provide privacy and community identity.

The primary purposes for conservation subdivision design are the following:

A. To allow for greater flexibility and creativity in the design of residential developments;

B. To encourage the permanent preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including water bodies and wetlands, and historical and archeological resources;

C. To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;

D. To minimize the total amount of disturbance on the site;

E. To further the goals and policies of the Venango Township – Wattsburg Borough Area Comprehensive Plan;

F. To facilitate the construction and maintenance of housing, streets, utilities, and public service in a more economical and efficient manner.

G. To promote interconnected greenways and corridors throughout the municipality.

H. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.

## *Section 802 – Eligibility*

A. Conservation subdivision design shall be permitted as a development option upon the request of the applicant provided the applicant demonstrates, to the satisfaction of the municipality, compliance with all design standards and criteria of this Article, as well as all other applicable provisions of this ordinance.

B. To be eligible for conservation subdivision design, the tract shall consist of a single parcel or set of contiguous parcels. In addition, conservation subdivision design must be permitted within the underlying zoning district according to the Venango Township Zoning Ordinance.

## *Section 803 – General Regulations*

A. Except where this Article specifies otherwise, all design and construction standards and other regulations applicable in this ordinance shall apply to any conservation subdivision.

B. The conservation subdivision design option shall not relieve the applicant/developer from the obligation to comply with all applicable federal, state or local laws or regulations.

## *Section 804 – Procedures*

A. Conservation subdivision development applications shall be processed using the three-stage procedure established in this ordinance for major land subdivisions: sketch plan (not mandatory), preliminary plan, and final plan.

B. Unless otherwise noted, preliminary plans and final plans shall follow the procedures and meet the specifications outlined in Articles 3 and 4 of this ordinance.

C. Concurrent with the preliminary plan application for a conservation subdivision, the applicant shall submit a yield plan in accordance with Section 807 of this ordinance for the purpose of determining the permitted density of the subdivision.

D. Concurrent with the preliminary plan application for a conservation subdivision, applicants are required to demonstrate to the municipality that the four-step design process was performed by a certified landscape architect and considered in determining the layout of proposed streets, house lots, and open space. A site analysis plan shall be submitted to document step 1. Sketch plans shall be submitted documenting steps 2 and 3. The preliminary plan shall serve as documentation of step 4. See Section 805 for the four step process and Section 806.6 for site analysis plan requirements.

E. In accordance with Section 809.3 of this ordinance, an open space management plan shall be submitted for review and approval with the preliminary subdivision or land development plan, and the approved management plan shall be recorded with the final subdivision or land development plan, in the office of the Erie County Recorder of Deeds.

DRAFT

## *Section 805 – Four-Step Design Process*

The conservation of land is the focus of conservation subdivision design. The design process makes the placement of house lots and streets sensitive to this objective. The design process identifies historical, cultural and natural resources, potential open space corridors, views, etc. that should be preserved. This process excludes these areas from development and targets construction on the rest of the parcel. Because the design process intends to maximize the intrinsic value of a parcel of land, the house sites are located before the roads are laid out, ensuring that the former will dictate the later and not vice versa. Therefore emphasis is placed on principles of good landscape design and not solely engineering.

The process consists of four steps: (1) Identifying conservation areas; (2) locating house sites; (3) aligning streets and trails; and, (4) drawing in the lot lines.

At the time of the preliminary plan application for a conservation subdivision, applicants are required to demonstrate to the municipality that the following design process was performed by a certified landscape architect and considered in determining the layout of proposed streets, house lots, and open space.

**1. Step One: Identifying Conservation Areas.**

Identify preservation land by two steps. First, primary conservation areas (such as wetlands, stream corridors, and floodplains regulated by state or federal law) and secondary conservation areas (including mature woodlands, prime farmland, meadows, wildlife habitats, historic sites and scenic views) shall be identified and delineated. Second, the potentially developable area will be identified and delineated. To the maximum extent feasible, the potentially developable area shall consist of land outside identified primary and secondary conservation areas. See Section 806.5

**2. Step Two: Locating House Sites.**

Locate the approximate sites of individual houses within the potentially developable area and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the municipality's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.

**3. Step Three: Aligning the Streets and Trails.**

Align streets in order to access the house lots. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.

**4. Step Four: Lot Lines.**

Draw in the lot lines, if applicable. Lot lines are not required in a conservation subdivision development utilizing condominium ownership.

## *Section 806 – Open Space Standards*

### 806.1 – Open Space Definition

Open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument.

### 806.2 – Percentage of Open Space

A minimum of forty percent (40%) of the tract shown on the development plan shall be open space. Any proposed open space, unless conveyed to the municipality, shall be subject to a recorded restriction enforceable by the municipality, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

### 806.3 – Composition of Open Space Area

A. The reserved open land shall be comprised of not more than a combined total of fifty (50) percent wetlands, 100-year flood plain, or land with a slope of more than twenty-five (25) percent. The municipality may waive this requirement provided that the applicant demonstrates that the inclusion of a greater percentage of said lands promotes the purposes of this Article.

B. No portion of any building lot may be used for meeting the minimum required open space.

C. Wastewater and stormwater management systems serving the conservation subdivision development may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required.

D. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 40 percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.

### 806.4 – Open Space Design Standards

A. Areas designated as open space shall be consistent with the goals and strategies of the Venango Township – Wattsburg Borough Area Comprehensive Plan. The location and layout of the open space shall be configured so as to serve neighborhood residents adequately and conveniently and to promote the conservation of primary and secondary conservation areas to the greatest extent practicable.

B. In accordance with Section 806.5, primary conservation areas shall be included in the reserved open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article. Secondary conservation areas should be included within the open space to the maximum extent feasible.

C. Open Space areas shall, to the greatest extent possible, be in large, continuous, undivided parcels coherently configured to relate to neighborhood areas of the conservation subdivision development.

D. In cases where smaller open space parcels are necessary, they shall generally not be less than three (3) acres in size and shall generally not have a length-to-width ratio of more than 4:1, or be less than seventy-five (75) feet in width, except as may be required for neighborhood design, required buffers or trails linking open land areas.

E. In cases where smaller open space parcels are necessary, they shall be interconnected wherever possible to provide a continuous network of open space lands within and adjoining the subdivision.

F. The open space shall be undivided by public roads, except where necessary for proper traffic circulation.

G. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space. A safe and convenient pedestrian circulation system should be provided to connect neighborhood areas with open space areas within the conservation subdivision.

H. Not less than fifty (50) percent of the open land shall be accessible to the residents of the conservation subdivision development, and such access shall be preserved in perpetuity in accord with Section 809 of this ordinance.

I. In cases where agricultural land (crop land and/or pasture) is a significant feature of the site, neighborhoods shall be designed to minimize conflicts with agricultural practices and any designated Agricultural Security Areas. Access to open space used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.

J. Whenever possible, open space within the conservation subdivision should connect to existing or potential conservation areas on adjoining parcels. Where appropriate, provisions should be made for pedestrian pathways for general public use to create linked systems within the municipality.

K. Where conservation subdivision development is planned to occur in two or more development phases, a proportionate amount of designated restricted open space shall be permanently recorded with each phase.

DRAFT

## 806.5 – Primary and Secondary Conservation Areas

Areas designated as restricted open space shall be consistent with the goals and strategies of the Venango Township – Wattsburg Borough Area Comprehensive Plan. The location and layout of restricted open space shall be configured so as to serve residents adequately and conveniently and to promote the conservation of the following resources to the greatest extent practicable:

A. **Primary Conservation Areas:** The following are considered primary conservation areas and shall be included in the reserved open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:

   1. Stream corridors, floodplains, wetlands, ponds and reservoirs and other lowland areas, including adjacent buffer areas which may be required to insure their protection. Buffer zones should generally be a width of at least 100 feet along all perennial and intermittent streams.
   2. Significant natural areas of species listed as endangered, threatened or of special concern, such as those listed in the *Erie County Natural Heritage Inventory*.
   3. Moderate to steep slopes, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
   4. Archaeological sites, cemeteries and burial grounds.

B. **Secondary Conservation Areas:** The following are considered secondary conservation areas and should be included within the open space to the maximum extent feasible:

   1. Prime agricultural lands of at least five contiguous acres. Prime agricultural lands are generally identified as areas of class I, II, III, and IV soils, as defined by the Erie County Soil Survey.
   2. Existing healthy, native forests of at least one contiguous acre.
   3. Other significant natural features and scenic view sheds such as fence rows, ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads.
   4. Significant historic and cultural features such as historic buildings, structures, plaques, markers, or monuments.
   5. Existing trails that connect the tract to neighboring areas.

DRAFT

## 806.6 – Site Analysis Plan

A. A site inventory of land forms and natural, historic and scenic features, and a site analysis plan shall be prepared as the foundation of any conservation subdivision development proposed in accord with this Article. The site analysis plan also serves as the base for the determination of the location and size of areas to be developed, and of conservation areas to remain undeveloped. The plan shall identify primary conservation areas and all potential secondary conservation areas in accord with this Article.

B. In addition, the following site elements shall be inventoried and mapped in sufficient detail to allow evaluation of the site analysis plan by the municipality relative to the intent of the conservation subdivision development.

1. Physical Resources - Identification of the natural resources of the tract including geology, topography, soils, hydrology and vegetation. The features shall be mapped at a scale not less than one (1) inch equals one-hundred (100) feet, and shall be described in a brief narrative, and shall include the following: [NOTE: On tracts of one-hundred (100) acres or more, the scale shall be one (1) inch equals two-hundred (200) feet. More detailed scales may be required for actual design plans.]

    a. Topographic contours at intervals of ten (10) feet, showing rock outcrops and slopes of sixteen (16) percent or greater.

    b. Soil types and a table identifying soil characteristics relating to agricultural capability, suitability for construction, and suitability for on-lot sewage disposal systems. Soil information shall be taken from the Erie County Soil Survey published by the U.S. Department of Agriculture.

    c. Hydrologic characteristics of the tract, including streams, lakes and ponds, flood plain and hydric soils.

    d. Vegetation of the tract, showing location and boundaries of agricultural land, woodlands, and other areas in terms of vegetation associations, species and size.

2. Land Use - Existing land use and land cover (paved areas, cultivated areas, pastures, etc.), all buildings and structures on the tract, and all encumbrances on the tract such as easements or covenants.

3. Visual Resources - Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract.

4. Cultural and Historic Resources - The location of historic resources on the tract, including buildings and other structures, stone walls, cemeteries, burial grounds, etc.

5. Area Context - General locations of buildings, land use, and natural features such as water bodies, wooded areas, ridge lines, and agricultural land, roads, property lines, public and conservancy lands, and other open land easement areas, within five-hundred (500) feet of the tract. This information may be shown on an aerial photograph or a suitable map at a scale no smaller than one (1) inch equals four-hundred (400) feet.
6. Conservation Areas – Primary and secondary conservation areas shall be clearly identified on the site analysis plan. See Section 806.5

## 806.7 – Permitted Uses of Open Space

Open space land that comprises a part of a residential development approved in accordance with this Article shall be used only in accordance with the requirements of this Article.

The following uses shall be permitted on open space lands, provided they are in accordance with the Venango Township Zoning Ordinance or other municipal regulations, as applicable:

A. Conservation of open land in its natural state (for example, woodland preserve, game preserve, wildlife sanctuary, fallow field, or managed meadow).

B. Agricultural activities of the following types:

   1. Cultivation, harvesting, and sale of crops and related farm and forest products;
   2. The raising and sale of livestock or fowl, along with associated pasture and grazing land, but excluding intensive livestock operations;
   3. Orchards, nurseries, greenhouses, and related horticultural activities.
   4. Other similar agricultural uses.

B. Woodlots, arboreta, and other similar silvicultural uses.

C. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than one-quarter of the minimum required open space.

D. Forestry, in keeping with established best management practices for selective harvesting and sustained-yield forestry.

E. Game farms, fish hatcheries, hunting or fishing preserves, or similar uses intended for the protection or propagation of wildlife.

F. Parks and recreation for non-intensive uses, including hiking, bicycling or horse riding trails, picnic areas, playing fields, and similar uses.

G. Water supply and sewage disposal systems for individual lots, neighborhoods, or the entire development.

H. Easement for drainage, access, sewer or water lines, utilities or other essential services.

I. Stormwater management facilities serving the conservation subdivision development may be located within the open space. Surface systems, such as retention and detention ponds, shall not qualify towards the minimum open space required.

J. Parking areas of ten (10) or fewer spaces to serve permitted uses of the open space area.

K. Above ground utility and road rights-of-way, except that the land area of the same shall not count towards the minimum open land requirement.

### 806.8 – Prohibited Uses of Open Space

The following uses shall be prohibited on open space lands:

A. Golf courses

B. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections.

C. Agricultural and forestry activities not conducted according to accepted Best Management Practices.

D. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

E. Any other use not specifically permitted in Section 806.7 above.

## *Section 807 – Housing Density Determination*

### 807.1 – Conceptual Yield Plan

A. The maximum number of dwelling units or lots permitted shall be based on a conceptual “yield plan”, submitted by the applicant, and depicting the conventional development of the tract of land according to the conventional design standards of this ordinance, the Venango Township Zoning Ordinance, and any other applicable federal, state or local regulations.

B. The design of the yield plan must be capable of being implemented given the characteristics and features of the site and all applicable regulations.

C. Applicants are strongly encouraged to present the yield plan to the municipality as early as possible to obtain input regarding the calculation of the number of dwellings or lots permitted in the conservation subdivision.

DRAFT

D. The applicant shall have the burden of proof with regard to the basic maximum number of lots (or dwelling units) resulting from the design and engineering specifications shown on the yield plan.

## 807.2 – Yield Plan Requirements

A. Sheet size shall be either eighteen by twenty-four (18 x 24) inches or twenty-four by thirty-six (24 x 36) inches.

B. Unless otherwise approved by the municipality, the yield 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.

C. If the yield plan is drawn in two or more sections, it shall be accompanied by a key map showing the locations of the various sections.

D. The yield plan shall be presented in a clear, legible, coherent and organized manner.

E. The following information shall be shown on the yield plan:

1. Proposed subdivision name and the words “Conceptual Yield Plan”.
2. Location of the property (including subdivision boundary, Erie County index number(s), and municipality)
3. Name, address and telephone number of the owner, developer and surveyor
4. North arrow, graphic scale, and date
5. Proposed lot layout based on conventional development standards
6. Proposed lot lines, and approximate dimensions of lots. Total number of lots, including a numbering system to identify each lot; acreage of each lot; acreage of any remaining, unsubdivided land; and total acreage of the entire tract. Acreage shall be exclusive of rights-of-way, or other public areas.
7. Existing and proposed streets (including dimensions and right-of-way widths of proposed streets)
8. General topographical, natural and physical features (including existing structures, floodplains, wetlands, etc.)
9. Existing and proposed easements
10. Location of existing and proposed water wells and on-lot Sewage Systems
11. Adjacent properties (including lot lines and Erie County index numbers)
12. Zoning District in which the subdivision is located

DRAFT

13. Certification, with seal, by a registered land surveyor/registered landscape architect to the effect that the survey and plan are correct.
14. The municipality may require any other information deemed necessary to ensure that the design of the yield plan is capable of being implemented given the characteristics and features of the site and all applicable regulations.

### 807.3 – Density Bonus

A density bonus of fifteen (15) percent shall be applied to the number of conventional lots as determined by the yield plan in order to arrive at the permitted density for the conservation subdivision.

### 807.4 – Calculation of Permitted Density

The number of dwelling units or lots permitted in the conservation subdivision development shall equal the maximum number of conventional lots depicted on the yield plan, multiplied by the density factor (1.15), and rounded to the lower number.

## *Section 808 – Neighborhood Design Standards*

As a condition of approval, the municipality at its sole discretion may agree to vary any of the standards stipulated in this Section where the applicant has demonstrated to the satisfaction of the municipality that the purposes of this Article are better served through such variation.

### 808.1 – General Neighborhood Design Standards

A. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.

B. Proposed development shall be related harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall be related to their surroundings.

C. Views of house lots from exterior roads shall be minimized by the use of changes in topography, existing vegetation, new landscaping or other design elements.

DRAFT

D. No dwelling units within the conservation subdivision development shall have direct driveway access to existing municipal or state roads. All driveways shall access internal street systems as designed for the project.

E. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.

F. A safe and convenient pedestrian circulation system should be provided to link residences with parking areas, recreation facilities, open space and adjacent land uses where appropriate.

G. Developers are encouraged to use "soft" (non-structural) stormwater management techniques (such as swales) and other drainage techniques that reduce impervious surface and enable infiltration where appropriate.

H. Each dwelling unit shall be served by two (2) off-street parking spaces. Parking spaces in front of garages may count in this computation. All parking areas with greater than 10 spaces shall be screened from view.

I. All lots in a neighborhood shall be restricted by permanent easement against further subdivision.

## 808.2 – Housing Types

A. Permitted housing types may consist of any combination of single-family, two-family and multi-family residential structures.

B. A multi-family structure shall not contain more than 4 dwelling units. The maximum length of any residential building, including rows of single-family attached dwellings or a multi-family building, shall not exceed 160 feet.

DRAFT

## 808.3 – Lot and Yard Requirements

Lot and yard requirements shall be in accordance with the Venango Township Zoning Ordinance, except as follows:

| | |
|---|---|
| **Minimum Lot Area[1]** | Single-family, detached dwellings – 10,000 square feet<br>Single-family, attached dwellings – 6,000 square feet<br>Multi-family dwellings – 6,000 square feet per unit |
| **Minimum Lot Width and Frontage** | 50 feet; 70 feet for corner lots<br>40 feet for single-family, attached dwellings |
| **Minimum Front Yard Setback** | 20 feet |
| **Minimum Side Yard Setback** | 10 feet (each side)<br>0/10 feet for single-family, attached dwellings |
| **Minimum Rear Yard Setback** | 25 feet |
| **Maximum Lot Depth-to-Width Ratio** | 4:1 |
| **Maximum Lot Coverage (% of lot area)** | 40% |

1 See Section 808.4 for water supply and sewage disposal requirements

All proposed dwelling units in a conservation subdivision development shall be situated so that they are set back a minimum distance from the pre-development perimeter boundary of the tract equal to the applicable minimum yard setback under the Venango Township Zoning Ordinance. Existing dwellings and dwellings resulting from the conversion of existing structures shall be exempt from this requirement except that additions to such existing structures shall not further reduce required setbacks.

## 808.4 – Water Supply and Sewage Disposal

A. **Water Supply:** Lots in a conservation subdivision development may be served by a community (off-site, community) water supply and distribution system with such volume and pressure to provide adequate service in accord with accepted engineering practice, this ordinance, and any other applicable governmental standards; or, may be served with individual wells located on-lot or the reserved open land. However, all multi-family dwellings and dwellings on lots less than one-half (0.5) acre shall be served by a public or community water system.

B. **Sewage Disposal:** All lots shall be provided with adequate sewage disposal facilities consistent with the Venango Township Sewage Facilities Plan and meeting the requirements of this ordinance and the County Health Department/PA DEP. In areas where a public sewage system is not available, all dwellings on lots less than one (1) acre shall be served by a community sewage disposal system or an individual system located either on lot or on open lands.

## *Section 809 – Open Space Ownership and Management*

### 809.1 – Legal Instrument for Permanent Protection

A. Except to provide for permitted open space uses, designated open space shall be restricted from further subdivision and land development by deed restriction, conservation easement, or other agreement in a form acceptable to the municipality and duly recorded in the office of the Erie County Recorder of Deeds. Subject to such permanent restrictions, restricted open space land in any conservation subdivision development may be owned by a homeowners' association, the municipality, a land trust or other conservation organization recognized by the municipality, or may remain in private ownership.

B. The binding legal instrument shall protect the open space in perpetuity, and shall include clear restrictions on its use. These restrictions shall include all restrictions contained in this Article, as well as any further restrictions the applicant chooses to place on the use of the open space.

### 809.2 – Standards for Ownership of Restricted Open Space

A. **Offer of Dedication**

The municipality may, but shall not be required, to accept dedication in the form of fee simple ownership of restricted open space land provided:

1. Such land is accessible to the residents of the municipality;
2. There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance and recording fees; and
3. The municipality agrees to, and has access to maintain such lands. Where the municipality accepts dedication of restricted open space land that contains improvements, the municipality may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed 18 months from the date of acceptance of dedication. The amount of financial security shall not exceed 15% of the actual cost of installation of said improvements.

DRAFT

B. **Homeowners' Association**

The restricted open space land and associated facilities may be held in common ownership by a homeowners' association through the use of a declaration and other documents approved by the municipality. Such documents shall be in conformance with the Uniform Planned Community Act of 1996, as amended. The association shall be formed and operated under the following provisions.

1. The developer shall provide a description of the association including its bylaws and methods for maintaining the open space.
2. The association shall be organized by the developer, and operating with financial subsidization by the developer, before the sale of any lots within the development.
3. Membership in the association is mandatory for all purchasers of homes or lots therein and their successors. The conditions and timing of transferring control of the association from the developer to the homeowners shall be identified.
4. The association shall be responsible for maintenance and insurance on common open space land, enforceable by liens placed by the homeowners association. Maintenance obligations also may be enforced by the municipality, which may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.
5. The members of the association shall share equitably the costs of maintaining and developing such common land. Shares shall be defined within the association bylaws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).
6. In the event of a proposed transfer, within the methods here permitted, of common open space land by the homeowners' association or of the assumption of maintenance of such land by the municipality, notice of such action shall be given to all property owners within the development.
7. The association shall have or hire adequate staff to administer common facilities and properly and continually maintain the common open space land.

DRAFT

8. The homeowners' association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide:
    a. That the residents of the development shall at all times have access to the open space lands contained therein (except that access to land that is actively farmed may be appropriately restricted for public safety and to prevent interference with agricultural operations);
    b. That the common open space land to be leased shall be maintained for the purposes set forth in this ordinance and the Venango Township – Wattsburg Borough Area Comprehensive Plan; and
    c. That the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the municipality, at the election of the developer and/or homeowners' association, as the case may be.
9. The lease shall be subject to the approval of the municipality and any transfer or assignment of the lease shall be further subject to the approval of the municipality. Lease agreements so entered upon shall be recorded with the Erie County Recorder of Deeds within 30 days of their execution and a copy of the recorded lease shall be filed with the municipality.
10. Homeowners' association documentation demonstrating compliance with the provisions herein shall be filed with the final plans. At the time of preliminary plan submission, the applicant shall provide draft homeowners' association documentation with sufficient detail to demonstrate feasible compliance with this Section.

C. **Condominiums**

The restricted open space land and associated facilities may be held in common through the use of condominium declaration and other documents, approved by the municipality. Such documents shall be in conformance with the Uniform Condominium Act of 1980. All common open space land shall be held as "common elements" or "limited common elements". To the degree applicable, condominium agreement(s) shall comply with the provisions of Section 809.2 (B) above, set forth for homeowners' associations. Condominium agreement(s) shall be filed with the plans. At the time of preliminary plan submission, the applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate feasible compliance with this Section.

DRAFT

D. **Dedication of Easements**

The municipality may, but shall not be required to, accept easements for public use of any portion or portions of restricted open space land. The title of such land shall remain in common ownership by a condominium or homeowners' association, provided:

1. Such land is accessible to municipality residents;
2. There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and
3. A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association and the municipality.

E. **Transfer of Easements to a Private Conservation Organization**

With the permission of the municipality, an owner may transfer easements to a private or nonprofit organization recognized by the municipality, whose purpose it is to conserve open space and/or natural resources, provided that:

1. The organization is acceptable to the municipality, and is a bona fide conservation organization with perpetual existence;
2. The conveyance contains appropriate provision for proper reverter or transfer to a receiving activity, which itself has such a clause in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
3. A maintenance agreement acceptable to the municipality is entered into by the developer and the organization.

F. **Private Ownership of Restricted Open Space**

Restricted open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.

## 809.3 – Required Open Space Management Plan

A. All conservation subdivision development plans shall be accompanied by an open space management plan for the long-term management of the restricted open space that is to be created as part of the development. Such plan shall include a discussion of the:

1. Manner in which the restricted open space will be owned and by whom it will be managed and maintained;
2. Conservation, land management, and agricultural techniques and practices that will be used to maintain and manage the open space in accordance with conservation plan(s) approved by the Erie County Conservation District where applicable;

3. Professional and personnel resources that will be necessary in order to maintain and manage the property;
4. Nature of public or private access that is planned for the restricted open space; and
5. Source of money that will be available for such management, preservation, and maintenance on a perpetual basis. The adequacy and feasibility of this conceptual management plan as well as its compatibility with the open space resource protection objectives stated in this Article shall be factors in the approval or denial of the conservation subdivision development plan by the municipality.

B. The open space management plan shall be submitted for review and approval with the preliminary subdivision or land development plan.

C. The open space management plan shall be recorded with the final subdivision or land development plan, in the office of the Erie County Recorder of Deeds.

D. In order to allow for the changing needs inherent in the perpetual management of land, the management plan shall contain a provision to the effect that it may be changed by written application to the municipality, so long as the proposed change is feasible and consistent with the purposes of preservation of open space set forth in this Article, and so long as the plan for such change avoids a likelihood of the obligation of management and maintenance of the land falling upon the municipality without the consent of the governing body.

## 809.4 – Open Space Performance Bond

A. All landscape improvements, plantings, access points, and recreational facilities within designated open space areas shall be provided by the developer, as applicable. A performance bond or other security shall be in the same form and adhere to the same conditions as otherwise required for proposed improvements under this ordinance.

B. An appropriate portion of the performance bond or other security may be applied by the municipality should the developer fail to install the required improvements.

DRAFT

# Article 9 – Assurance for Completion and Maintenance of Improvements

## *Section 901 – Purpose and Intent*

The purpose of these regulations is to provide sound subdivision and land development standards for Venango Township. Therefore, the required financial guarantees or assurances for completion, as set forth in this Article, are intended for the protection of the municipality and/or municipal authority which will be the parties to accept the public improvements required by this ordinance.

It is the intent of this ordinance that the amount and terms of the required financial guarantees shall be in accordance with Article V, Sections 509, 510 and 511 of the Pennsylvania Municipalities Planning Code.

## *Section 902 – Improvements to be Provided by Developer*

In all cases, the applicant shall be responsible to pay for the cost of installation of all required improvements under supervision of the municipality and in the manner specified by the municipality and in accordance with Sections 509 and 510 of the Pennsylvania Municipalities Planning Code.

## *Section 903 – Methods of Providing Improvements*

No final plan shall be approved by the municipality until provision has been made by the applicant for the proper installation of required improvements in either of the following ways, and in accordance with the requirements of the Pennsylvania MPC.

### 903.1 – Construction of Improvements

The applicant may elect to physically install, prior to final plan approval, all of the required improvements in accordance with the standards and specifications contained in this ordinance and with the final plan submitted to the municipality provided that such final plan has been conditionally approved by the municipality subject to the construction of improvements as required herein and subject to the execution of a development agreement set forth in Section 905.

During construction of all improvements, the municipal engineer shall be authorized to inspect said improvements and shall certify if all improvements have been installed in accordance with this ordinance. Upon receipt of such a certification, the municipality may then proceed to unconditional approval of the final plan.

DRAFT

## 903.2 – Guarantee in lieu of Completion

In lieu of Section 903.1 above, the applicant may provide a financial guarantee in accordance with this Section and Section 509 of the Pennsylvania MPC.

A. The developer shall enter into an agreement with the municipality guaranteeing that the improvements required by this ordinance and/or any other applicable municipal ordinance, will be installed in accordance with the plans and specifications approved by the municipality prior to plat approval. This agreement should set forth the responsibilities of each party, the construction schedule, conditions for partial release of security, inspection of work, definition of default and the developer's right to appeal a default decision.

B. Simultaneous with the execution of the agreement specified above, the developer shall provide the municipality with a financial security in an amount sufficient to guarantee the performance of this agreement and to cover the costs of any improvements or common amenities, including but not limited to stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements or buffer and screen plantings which may be required.

    1. Without limitation as to other types of financial security which the municipality may approve, corporate bonds, surety performance bonds, subdivision bonds, irrevocable letters of credit and restrictive or escrow accounts shall be deemed acceptable financial security for the purposes of this section.

    2. Such financial security shall be posted with a bonding company or federal or commonwealth chartered lending institution chosen by the party posting the financial security, provided that said bonding company or lending institution is authorized to conduct such business within the commonwealth.

    3. Such bond or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the Development Agreement.

    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.

DRAFT

5. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the municipality may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the municipality may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.
6. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The municipality, upon the recommendation of the municipal engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the municipality are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the municipality and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the municipality and the applicant or developer.
7. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.

C. In the case where development is projected over a period of years, the municipal governing body may authorize submission of final plats by section or stages of development, subject to such requirements or guaranties as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

DRAFT

D. When requested by the developer, in order to facilitate financing, the municipality shall furnish the developer with a signed letter indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat shall not be signed nor recorded until the financial Improvements agreement is executed. The letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the municipality; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

E. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

F. The applicant shall not be required to provide financial security for the costs of any Improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to section 420 of the act of June 1, 1945 (p.L.1242, No. 428) known as the “State Highway Law.”

## *Section 904 – Improvement Maintenance Guarantee*

A. Where the municipality is to accept dedication of all or some of the required improvements following completion, the municipality may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this article with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

B. Such financial security shall be for the purpose of:

    1. Guaranteeing and securing the correction of any defect in material or workmanship not discernible at the time of acceptance by the municipality; and

    2. Guaranteeing against any damage to such improvements by reason of the settling of the ground, base or foundation thereof.

C. The financial security for maintenance shall remain in effect for a term not to exceed 18 months from the date of acceptance of dedication. Release of the security shall be affected utilizing the same notification procedures set forth in Section 906.

## *Section 905 – Development Agreement*

### 905.1 – General Requirements

A. All applicants proposing any subdivision or land development requiring the installation of improvements as required herein shall be required to enter into a legally binding development agreement with the municipality guaranteeing the installation of said improvements in accordance with this ordinance. The development agreement shall be in form suitable for execution by the municipality. The agreement should include the following where applicable:

1. Provision requiring developer to pay all fees and costs incurred by the municipality associated with the development.
2. A promise by Developer to build, construct and install all required improvements in accordance with the approved plan, and subject to all applicable rules and regulations.
3. A construction schedule, including commencement and completion dates.
4. Provisions for adequate stormwater management and erosion and sedimentation control.
5. Provision requiring developer to provide financial security for completion of improvements, if applicable.
6. Procedure for the partial and final release of financial security in accordance with Section 906 of this ordinance.
7. Provision for inspections of the development property to ensure compliance with this ordinance and completion of required improvements.
8. Provision for dedication of improvements and transfer of easements to the municipality.
9. Where the municipality accepts dedication of any required improvement, posting of maintenance security to secure the structural integrity and functioning of said improvement in accordance with Section 904.
10. A save harmless clause.
11. The developer shall secure and maintain liability insurance.

DRAFT

12. Provisions snow removal, removal of debris from the development site, and any other safeguards municipality may require during construction of the development.
13. Default and remedies for violation of the development agreement.
14. No improvements shall be commenced or work begun prior to the execution of the agreement, and the delivery of the required financial security, if applicable.
15. Any other requirements deemed necessary by the municipality to assure compliance with this ordinance and/or applicable municipal ordinances.

B. No improvements shall be commenced or work begun prior to the execution of the development agreement, and the delivery of the required financial security in compliance with Section 903.2, if applicable.

C. A model development agreement is included as Appendix 2 of this ordinance. The municipality, at its sole discretion, may require the use of the model agreement, or elect to use an alternative agreement. The municipality may require revisions to the model agreement for reasons including, but not limited to, the characteristics of the development, the applicability of municipal ordinance requirements, or the developer's decision to construct improvements from a conditionally approved final plan and thus forego the posting financial security (in accordance with Section 306.16). The municipal solicitor shall review the agreement prior to its execution by the municipality.

## *Section 906 – Release of Financial Security*

A. As the work of installing the required improvements proceeds, the party posting the financial security may request the municipality to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work, provided that:

   b. Any such request shall be in writing and addressed to the governing body of the municipality.

   c. Such request shall be accompanied by a progress report stating the portions of the project which have been completed, what remains to be completed and the associated cost projections of each.

   d. The municipality shall have 45 days from receipt of such request within which to allow the municipal engineer to certify, in writing, to the governing body that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the governing body shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed.

e. If the municipality fails to act within said 45-day period, the municipal governing body shall be deemed to have approved the release of funds as requested.

f. The municipality may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvement.

B. Final release of the financial security shall be governed as follows:

a. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the municipal governing body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer. The municipal governing body shall, within ten days after receipt of such notice, direct and authorize the municipal engineer to inspect all of the aforesaid improvements. The municipal engineer shall, thereupon, file a report, in writing, with the municipal governing body, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the municipal engineer of the aforesaid authorization from the governing body; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the municipal engineer, said report shall contain a statement of reasons for such non-approval or rejection.

b. The municipal governing body shall notify the developer, within 15 days of receipt of the engineer's report, in writing by certified or registered mail of the action of said municipal governing body with relation thereto.

c. If the municipal governing body or the municipal engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

d. If any portion of the said improvements shall not be approved or shall be rejected by the municipal governing body, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

DRAFT

## *Section 907 – Remedies to Effect Completion of Improvements*

A. In the event that any required improvements have not been installed as provided in this ordinance or in accord with an approved final plat, the municipality may enforce any improvement bond or other security by appropriate legal and equitable remedies.

B. 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 municipality may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements.

C. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purpose.

## *Section 908 – Resolution of Disagreements*

For circumstances relating to financial security not specifically delineated in this ordinance, including the resolution of disagreements relative to such security, it is the intention of this ordinance to follow the guidelines and procedures as set forth by Sections 509 and 510 of the Pennsylvania Municipalities Planning Code.

## *Section 909 – Dedication and Acceptance of Improvements*

In the event the municipality agrees to accept dedication of improvements for public ownership, it shall do so by the governing body adopting an ordinance, resolution, deed or other formal document of acceptance. The municipality shall not be responsible for accepting dedication, and improvements shall be deemed private, until the following items are satisfied:

A. The municipal engineer conducts a final inspection certifying that all improvements have been satisfactorily installed according to the approved final plan.

B. All inspection fees are paid.

C. An appropriate improvement maintenance guarantee has been posted.

D. A deed of dedication is provided.

DRAFT

## *Section 910 – Improvements Not Dedicated*

All improvements constructed as required by this ordinance that will not be publicly dedicated or accepted for dedication shall also meet the requirements of this Section.

### 910.1 – Ownership and Maintenance Responsibility

A viable entity responsible for ownership and maintenance of all non-dedicated improvements shall be established by the developer and approved by the municipality. Ownership and maintenance responsibilities may be assigned to either the developer or among the property owners or an association of property owners within the subdivision or land development.

### 910.2 – Improvements Benefiting Multiple Lots

For all non-dedicated improvements that will not be owned and maintained by the developer and are situated on an individual lot or a series of contiguous lots but serve multiple lots, units, or the entire subdivision or land development (i.e. stormwater management ponds), the responsibility for ownership and maintenance of such improvements shall be borne by all lot owners benefiting or served and not solely the lot owner on whose lot said improvements are situated.

### 910.3 – Ownership and Maintenance Agreement

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

A. That the owners, an association of property owners, successors and assigns shall keep all improvements in a safe and attractive manner and the owner shall convey to the municipality easements and/or rights-of-way to assure access for periodic inspections by the municipality and maintenance, if required.

B. That if the owners, association of property owners, successors and assigns, fail to maintain the improvements following due notice by the municipality to correct the problems, the municipality may perform the necessary work or corrective action. The owners or association of property owners shall reimburse the municipality for these services. The municipality shall have the authority to assert a judgment lien against the said owners or association of property owners for failure to make said reimbursement(s).

DRAFT

## 910.4 – Deed Reference

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

A. Description of all improvements not dedicated;

B. The individual(s) or entity responsible for ownership and maintenance of said improvements in accordance with Sections 910.1 and 910.2 of this ordinance;

C. The ownership and maintenance agreement as required by Section 910.3 of this ordinance;

D. Terms and conditions of the required maintenance;

E. That no improvements shall be eliminated or altered without the written approval of the municipality;

F. That in the event improvements are altered, eliminated, or improperly maintained, the municipality may prescribe necessary corrective measures and a reasonable time period to perform such work, and that if such action is not taken in the time period specified, the municipality may cause the work to be performed and invoice the ownership and maintenance entity, including the assertion of a judgment lien against it; and

G. That all improvements not offered for dedication may be offered in the future if said improvements meet the minimum standards of this and/or any other applicable municipal ordinances in effect at the time the offer of dedication is made. If the improvements do not conform to the minimum standards in effect, the municipality shall have no obligation to accept said improvements until such time the improvements are improved to meet said standards, all costs of which shall be borne by the owner, association of property owners, their successors and assigns.

DRAFT

# Article 10 – Administration, Amendment & Modification

## *Section 1001 – Amendments*

The municipality may periodically revise, modify and amend this ordinance by appropriate action in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

## *Section 1002 – Filing Fee*

The applicant shall reimburse the municipality for reasonable and necessary expenses 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 municipality. The municipality 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. The fees charged shall be in accordance with Sections 503 (1), 509 and 510 of the Pennsylvania Municipalities Planning Code.

## *Section 1003 – Records*

The municipality 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 1004 – Appeals*

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

## *Section 1005 – Preventive and Enforcement Remedies*

### 1005.1 – Preventive Remedies

A. In addition to other remedies, the municipality 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 transferor from such penalties or from the remedies herein provided.

B. The municipality may refuse to issue any permit and the municipality 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. This authority to deny such a permit or approval shall apply to any of the following applicants:

   1. The owner of record at the time of such violation.
   2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
   3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
   4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

C. 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 municipality 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.

## 1005.2 – Enforcement Remedies

A. 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 municipality, pay a judgement of not more than five hundred dollars ($500), plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. No judgement 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 municipality 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.

B. 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.

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

## *Section 1006 – Modification of Regulations*

A. 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.

B. 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.

C. The municipality shall keep a written record of all action on all requests for modifications.

D. The Venango Township Planning Commission shall be asked to submit advisory comments on the request for modification.

E. If the Board of Supervisors approves the request for modification, it shall authorize the minimum modification from this ordinance that will afford relief.

F. Approved modifications must be recorded on the plan.

DRAFT

# Appendix

## *Appendix 1 - Recommended Certificates & Acknowledgements*

### A – Certification by Surveyor / Landscape Architect

I, (insert name of registered land surveyor / registered landscape architect), a registered land surveyor / registered landscape architect 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.

_(insert date)_ (signature of surveyor / landscape architect)

Attach seal of the surveyor / landscape architect

### B – Owner's Certification and Acknowledgement

On this, the _____ day of _____, 20__, before me, the undersigned officer, personally appeared (identify ownership or equitable ownership), 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.

(signature of the owner(s))_ (signature of the owner(s))

Witness my hand and seal this _____ day of _____, 20__.

(signature and seal of the notary public or other officer authorized to acknowledge deeds)

My commission expires: _____, 20__.

### C – Certificates for Municipal Review and Approval

Reviewed by Venango Township Planning Commission this ____ day of _____, 20__.

_____ _____ _____

_____ _____ _____

Approved by the Venango Township Board of Supervisors this ____ day of _____, 20__.

_____ _____ _____

_____ _____ _____

DRAFT

## D – Certificate for County Review

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 Instrument Number_____.

## 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 Venango Township, we hereby agree and covenant and do so by these presents release and forever discharge Venango 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 Venango Township and that no obligation shall be assumed by the Township until said street/utility improvements shall be approved and accepted by official action of the Township.

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

_____, 20__ (owner(s) signature(s))

## G – Highway Occupancy Permit Certification

Note: Access to State Highway _____ shall be only as authorized by a highway occupancy permit.

DRAFT

## H – Non-Building Waiver Notice

As of the date of the 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 Venango Township or the PA 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 Venango Township, 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.

DRAFT

## *Appendix 2 – Model Development Agreement*

Note: The following is a model document. The Developer should consult the Municipality regarding any changes or alterations that may be required by the Municipality. The Municipality should have its solicitor review the finalized agreement.

**DEVELOPMENT AGREEMENT**

THIS AGREEMENT is made and entered into this ____ day of _____, 20__, in Erie County, Pennsylvania, by and between:

(Insert Name and Address of Developer), hereinafter called "Developer",

AND

Venango Township, hereinafter called "Municipality"

**Background**

The Developer is the owner of certain lands located in Venango Township, Erie County, Pennsylvania, which lands are under the jurisdiction of Venango Township (hereinafter "Municipality") for planning and development purposes pursuant to the Pennsylvania Municipalities Planning Code, as amended, (hereinafter "Code"), the Venango Township Subdivision and Land Development Ordinance and various other ordinances of the Municipality (hereinafter "Ordinances").

The Developer has submitted to the municipality, and the municipality has approved a final plan application for the development known as (insert name of subdivision or land development), prepared by (insert name of surveyor or engineer), dated (insert date of plan, including last revision date, if applicable), hereinafter the "Plan".

The Plan pertains to property located in Venango Township, Erie County, Pennsylvania and bearing Erie County Tax Index Number(s) (insert tax index number(s)) (hereinafter the "Development").

The Venango Township Subdivision and Land Development Ordinance requires that developers, whose plan applications include improvements that are required by the Ordinance or other applicable Municipal Ordinance(s), enter into a Development Agreement which, with other regulations as established in applicable laws, ordinances and regulations, shall govern construction of the development and of all streets and other improvements required to be constructed under the Plan as approved.

The Plan shows improvements that are required to be constructed or provided by the Developer.

The Plan was approved by the Municipality subject to conditions that were accepted by the Developer; said conditions are set forth in a letter dated (insert date), a copy of which is attached hereto as Exhibit "A".

This Agreement is intended to set forth the terms and conditions which shall govern construction, review and completion of the Development and those improvements required to be constructed in connection with it.

**NOW, THEREFORE,** and intending to be legally bound hereby, the parties covenant and agree as follows:

**Agreement**

1. Recitals Incorporated: The above recitals are incorporated herein as though fully restated.
2. Laws, Ordinances and Regulations Incorporated: The Venango Township Subdivision and Land Development Ordinance, the Pennsylvania Municipalities Planning Code, as amended, Municipal Ordinances, and all other laws, ordinances and regulations applicable to subdivision and development of land in Venango Township are incorporated herein by reference. Nothing herein shall be construed in any way to relieve Developer from full and complete compliance with the Venango Township Subdivision and Land Development Ordinance, the Pennsylvania Municipalities Planning Code or other applicable ordinances.
3. Plan Documents Incorporated: Developer's plan application and all documents submitted with the plan, together with all decisions and notices of the Municipality with respect to the plan are incorporated herein by reference.
4. Developer to Pay Fees and Costs: The Developer shall, on or before the date of this agreement, make an initial deposit in an amount of $(insert dollar amount), as established by Municipal Resolution. From this deposit shall be deducted all costs incurred by the Municipality as a result of any subdivision and/or land development including, but not limited to, storm water fees, administrative costs, engineering fees, inspection fees, consulting fees and legal fees. If at any time during the development it is determined by Municipality that the amount of the initial deposit or any subsequent deposit, is, or will be, inadequate to fully cover anticipated costs, Developer shall increase the deposit by an amount established by Municipality. Failure to pay the initial deposit on or before the date of this agreement, or failure to pay any additional deposits within 10 days after notice by Municipality, will cause immediate suspension of review and/or issuance of any and all approvals or permits. Any remaining balance of the deposits will be returned to Developer after the completion of the development and dedication and acceptance of all public improvements and the release of the maintenance security required by this Agreement.
5. Storm Water Management: The Developer shall be solely responsible for ensuring proper storm drainage controls throughout construction of the

development and the improvements required. The Developer agrees, covenants and promises to comply with all regulations, approvals and specifications and Acts promulgated by the United States of America, the Commonwealth of Pennsylvania, and Venango Township with regard to storm water management.

6. Erosion and Sedimentation Controls: The Developer agrees, covenants and promises that all erosion and sedimentation controls will be installed in accordance with the approved plan prior to any other construction activities occurring at the development. The erosion and sedimentation controls will be properly maintained throughout the duration of the development until all disturbed areas have been stabilized to the satisfaction of the Municipality's Designated Engineer (hereinafter Municipal Engineer), in his/her sole discretion.

7. Construction of Improvements. Developer covenants, promises and agrees to build, construct and install all improvements including, but not limited to, paving, grading, roads, storm water facilities, sidewalks, landscaping and lighting in accordance with the approved subdivision and/or land development plan, and subject to all applicable rules and regulations of the Municipality and any other governmental agency having jurisdiction thereof. The Municipal Engineer shall certify satisfactory completion of all improvements in the development.

8. Commencement of Construction: No improvements or work shall be commenced prior to the execution of this Agreement, the delivery of the required Financial Security, the recordation of the approved Final Plan at the Office of the Erie County Recorder of Deeds, and the procurement of a building permit and/or other permits, as applicable.

9. Project Completion: All work in connection with construction of the required improvements shall be completed not later than (insert number of months) months of issuance of the building permit. Upon request of the Developer and with the consent of Developer's surety or extension of Developer's letter of credit or cash deposit, the Municipality may in its discretion for good cause shown authorize reasonable extension of this deadline for completion.

10. Time of the Essence: Time shall be of the essence with respect to Developer's performance of obligations, payment of fees and construction of improvements within the development as established in applicable ordinances and specifications and in this Agreement.

11. Financial Security for Completion of Improvements: Prior to Municipality's acceptance of this agreement, Developer shall tender to the Municipality adequate security in a form authorized under Section 903.2 (B) of the Venango Township Subdivision and Land Development Ordinance in the sum of $(insert dollar amount representing 110% of the cost of required improvements). Such security shall provide for and secure to the Municipality the completion of all improvements required in the

development on or before the date fixed in this Agreement for completion thereof. Adequate financial security for completion of required improvements shall provide that:

a. The security is issued and given to the Municipality to assure completion of all improvements required in the development by the time fixed in this Agreement for completion of the same;

b. The security is irrevocable and shall be automatically renewed, if applicable, until such improvements are timely completed or the Municipality makes demand for payment thereon;

c. If the issuer of a letter of credit or other security desires not to renew the issued security, it shall give to the Municipality not less than 30 days' prior written notice of such intention;

d. Upon receipt of any notice of an intention not to renew or extend a security where required improvements have not yet been completed, the Municipality at its election shall have the right to draw upon and obtain the entire balance of said security to assure completion of such improvements, which sums shall promptly and without claim or defense be paid over to the Municipality;

e. Should the Municipality exercise its right to use the security to effect completion of required improvements, the Municipality shall be entitled to pay therefrom all engineering and attorneys' fees, costs and other expenses incurred by it in effecting such completion;

f. If the Developer fails to fully and timely complete required improvements by the time fixed for completion, the Municipality, upon written certification to the party issuing the security, shall be entitled to draw upon and obtain up to the full amount of the security, which sums shall then be promptly paid over to the Municipality without claim or defense, and the Municipality shall be entitled to pay from said funds all costs, fees and other expenses included in effecting collection of security and other sums and completion of the required improvements. The amount of financial security shall be equal to 110% of the cost of completion of the required improvements estimated as of 90 days following the date scheduled for completion by the Developer. The Municipality may annually adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to this adjustment, the Municipality may require the Developer to post additional security in order to assure that the financial security equals said 110%. Any additional security

shall then be posted by the Developer within sixty (60) days after written notification by the Municipality.

g. If the Developer requires more than one (1) year from the date of posting the security to complete the required improvements, the amount of the financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period.

12. Partial Release of Financial Security: As the work of installing the required improvements proceeds, the Developer may request the Municipality to release or authorize the release, from time to time, and in accordance with Section 906 of the Venango Township Subdivision and Land Development Ordinance, such portions of the financial security necessary for payment to the contractor or contractors performing the work, provided that:

    a. Any such request shall be in writing and addressed to the governing body of the Municipality.

    b. Such request shall be accompanied by a progress report, prepared by a professional engineer, stating the portions of the project which have been completed, what remains to be completed and the associated cost projections of each.

    c. The Municipality shall have 45 days from receipt of such request within which to allow the Municipal Engineer to certify, in writing, to the Municipality's governing body that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification, the governing body shall authorize release by the bonding company or lending institution of an amount as estimated by the Municipal Engineer fairly representing the value of the improvements completed.

    d. If the Municipality fails to act within said 45-day period, the municipal governing body shall be deemed to have approved the release of funds as requested.

    e. The Municipality may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvement.

13. Final Release of Financial Security: In accordance with Section 906 of the Venango Township Subdivision and Land Development Ordinance, final release of the financial security shall be governed as follows:

    a. When the Developer has completed all of the necessary and appropriate improvements, the Developer shall notify the municipal governing body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy

thereof to the Municipal Engineer. The municipal governing body shall, within ten days after receipt of such notice, direct and authorize the Municipal Engineer to inspect all of the aforesaid improvements. The Municipal Engineer shall, thereupon, file a report, in writing, with the municipal governing body, and shall promptly mail a copy of the same to the Developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Municipal Engineer of the aforesaid authorization from the governing body; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Municipal Engineer, said report shall contain a statement of reasons for such non-approval or rejection.

b. The municipal governing body shall notify the Developer, within 15 days of receipt of the engineer's report, in writing by certified or registered mail of the action of said municipal governing body with relation thereto.

c. If the municipal governing body or the Municipal Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved, and the Developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

d. If any portion of the said improvements shall not be approved or shall be rejected by the municipal governing body, the Developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

14. Signing of Plan by Municipality: Upon the Developer's posting of the financial security, the parties' execution of this Agreement, and the Developer meeting any other applicable conditions of plan approval, the Municipality shall sign the Plan for recording in the Office of the Erie County Recorder of Deeds.

15. Recording and Submission of Plan, Covenants: The Developer shall ensure that the final approved plan, dedication of easements, if applicable, and all other documents required by the Municipality to be recorded are recorded at Developer's expense within ninety (90) days after final approval and release thereof by the Municipality, as applicable. The Developer shall provide the Municipality with an original of the recorded Plan and/or other document, indicating thereon the date of recording and appropriate references to the place of recordation.

16. Insurance: Developer will cause its contractors and/or subcontractors to obtain and maintain liability and other insurance coverage and agrees to

furnish certificates of such insurance as may be required from time to time by Municipality.

17. Safeguards During Construction: Developer shall construct the development and the improvements required therein in such manner as to keep free of mud and debris all streets and properties and to minimize noise and inconvenience to the public and owners or occupants of properties within or adjacent to the development. The Municipality is entitled to require that Developer during construction remedy conditions deemed to pose unreasonable risk of harm or inconvenience to the public or persons occupying properties in and adjacent to the development.

18. On Site Dust Control: Developer will employ such controls as may reasonably be necessary, under the circumstances, to keep dust to a minimum.

19. Removal of Debris: During construction Developer will police the construction area daily keeping the same free and clear of all rubbish, refuse, brush, debris, and discarded building materials so as not to create a public nuisance. Developer will remove from site and dispose all rubbish, refuse, brush, debris and discarded building materials leaving the development free and clear of the same prior to the release of any remaining financial security or final acceptance of any public improvements.

20. Inspections: Developer hereby specifically grants permission to the Municipality, its supervisors, employees, agents, contractors or consultants to conduct inspections on its property. These inspections may take place at any time and with any frequency as Municipality deems appropriate and necessary under the circumstances.

21. Snow Removal and Ice Control: Developer will be solely responsible for providing snow removal and ice control on all streets within the development whenever a structure is occupied until Municipality accepts said streets by way of deeds of dedication or otherwise. Developer will provide such snow removal and ice control at its sole cost and expense and such snow removal and ice control will be consistent with those techniques normally used by Municipality.

22. Maintenance Security: This only applies when Developer conveys Public Improvements to Municipality. Municipality will not accept dedication of public improvements by Developer until Developer posts with Municipality a maintenance security to ensure structural integrity of said improvements, as well as the functioning of said improvements in accordance with their design and specifications, for a period of eighteen (18) months from the date of acceptance of dedication. Said maintenance security will be posted in cash or with a bonding company or federal or state chartered lending institution authorized to conduct business with the Commonwealth of Pennsylvania, and shall name Venango Township, its officers, agents and employees as oblige in an amount equal to 15% of the cost of

installation of all public improvements. Developer hereby agrees, covenants and promises to make such replacements, repairs, and maintenance within reasonable notice from Municipality to Developer. Failure to make such replacements, repairs or maintenance within a reasonable time after such notice shall be a default upon which Municipality may proceed to claim Developer's security and to make such repair, replacement and maintenance from said security. Notwithstanding any of the foregoing, in the event of an emergency, as determined by Municipality in its sole discretion, Municipality may perform such repair, replacement and maintenance required to correct the emergency situation. Municipality shall notify Developer of such emergency as soon practicable. Developer shall reimburse Municipality for all costs incurred for such repair, replacement, and/or maintenance within fifteen (15) business days of invoicing. Municipality is hereby authorized to seize Developer's security as reimbursement therefor, if Developer fails to reimburse Municipality within fifteen (15) business days after written notification from Municipality of its intention to seize the security.

23. Acceptance of Dedicated Improvements: When all of the work set forth in the Plan as approved, this Agreement, and under Municipal ordinances and regulations, has been completed and fully performed by Developer, and upon certification of completion by the Municipal Engineer, the Municipality shall accept Developer's dedication of such streets, storm sewers and other improvements intended by Municipality to be accepted, and as shown on said plan, subject to the requirement that the Municipality be assured that good and marketable title therein is thereby being conveyed to it. Developer acknowledges and agrees that all costs of such dedications will be borne by Developer.

24. Indemnification. Developer hereby agrees to indemnify and hold harmless Municipality, its governing body members, officers, employees, attorneys and agents from any and all liability, suits, actions, claims, demands, losses, expenses and costs of every kind and nature incurred by or asserted or imposed against Municipality, its governing body members, officers, employees, attorneys and agents, or any of them, by reason of any accident, injury, death or damage to any person or property. Developer hereby agrees to indemnity, defend and hold harmless Municipality, its officers, agents, and employees from any and all costs and damage which Municipality, its officers, agents and employees may sustain or suffer by reason of Developer's failing to adequately and properly perform the terms and conditions of this Agreement including the construction of public and other improvements. This only applies when Developer conveys public improvements to Municipality. Public improvements shall be defined as those improvements to be conveyed or otherwise dedicated to the Municipality or other public body for public use.

25. Binding Effect. This Agreement is binding upon Developer, its successors, assigns, agents, representatives and officers, contractors and sub-contractors and shall inure to the benefit of Municipality.

26. Assignability. This agreement may not be assigned or transferred by Developer without the written consent of Municipality.

27. Revocation. Any permit or approval issued in accordance with the Venango Township Subdivision and Land Development Ordinance, any other Ordinance of Municipality, or this Agreement will be revoked automatically upon Developer's failure to satisfy any of the terms and conditions of this Agreement or any Ordinance, Resolution or Regulation of Municipality or any laws of the County of Erie, Commonwealth of Pennsylvania or the United States of America.

28. Termination. Upon completion of all of Developer's obligations under this Agreement, this Agreement shall terminate; provided, however, that the provisions of this Agreement related to the Maintenance Security and Indemnification will survive termination.

29. Default and Remedies: Developer's failure to construct the development in accordance with the approved plan, this Agreement, and applicable Municipal ordinances and regulations; and/or Developer's failure to perform obligations or pay sums by the dates established for performance or payment, and/or any act or omission by Developer inconsistent with the requirements of the plan, conditions imposed on plan approval, this Agreement, or Municipal ordinances and regulations shall be deemed a default of this Agreement.

    a. In the event of a default by Developer, the Municipality shall issue a written notice of the default to the Developer by certified mail.

    b. In the event Developer should fail to remedy all defaults and deficiencies by the deadline for remedy established by the Municipality, the Developer shall forfeit the right to cure such default, and Municipality shall have the authority to exercise all enforcement measures and remedies available to it under applicable ordinances.

    c. Upon occurrence of an uncured default, the Municipality has authority to issue to Developer orders to cease and desist in further construction and/or violations, to rescind or revoke permits previously issued, to withhold issuance of permits for which application has been made, to seek injunctive or other relief, to impose such fines for violations as are authorized by law, to exercise its rights under security tendered by Developer for construction of improvements and, without limitation, to exercise all rights and remedies available under law or in equity.

    d. In the event of any default, breach or violation by the Developer, the Developer shall pay all attorneys' fees, costs and other

expenses incurred by the Municipality in securing completion of improvements, effecting remedy of such default, breach or violation, exercising rights under and collecting sums under financial security tendered, enforcing its ordinances, collecting sums due from Developer and otherwise securing enforcement of this Agreement and rights. In the event Developer should fail to pay such sums within thirty (30) days after the date of Municipality's demand therefor, the Municipality may collect such sums from financial security and/or by civil proceedings without any requirement for further demand.

30. Legal Effect: This Agreement shall be binding upon and inure to the parties, their personal representatives, successors, grantees and, to the extent allowed by this Agreement, their assigns. This Agreement shall be interpreted and enforced in accordance with laws of the Commonwealth of Pennsylvania and applicable Codes and Ordinances of the Municipality.

31. Applicability of Legal Rights & Responsibilities not Specifically Set Forth Herein: Nothing herein shall be construed to limit any rights or remedies available to the Municipality or otherwise provided by law and not specified herein, in the event the Developer shall fail, neglect or refuse to fully construct, install and provide the required improvements in strict accordance with this Agreement. Further, the Developer acknowledges, agrees and confirms that it remains subject and bound to and by all requirements, duties, obligations and responsibilities of the Code and Ordinances which in any way relate or pertain to the required improvements including, but not limited to, their installation, completion, inspection, acceptance, maintenance and/or dedication, whether or not such requirements, duties, obligations or responsibilities, are specifically set forth herein.

32. Rights and Remedies Available to Developer: Nothing herein shall be construed to limit or waive, in any manner, any rights or remedies available to the Developer regarding construction, security and reductions/releases thereof, inspections, fees and costs, and any other rights and remedies available to a landowner/developer as set forth in the Code, Ordinances, and any other applicable regulations.

DRAFT

IN WITNESS WHEREOF, the parties have executed or caused this Agreement to be executed by their duly authorized officers the day and year first above written.

| | |
|---|---|
| (Insert Name of Developer) | Venango Township |
| *(Developer's Signature)* | *(Signature of Authorized Official)* |
| | Name:(insert name, printed) |
| | Title:(insert title) |
| Date:_____ | Date:_____ |
| WITNESS/ATTEST | WITNESS/ATTEST |
| (Witness/Attest Signature) | (Witness/Attest Signature) |
| Date:_____ | Date:_____ |

Approved as to Legality and Form:

*(Signature of Municipal Solicitor)*

Name:(insert name, printed)

Title:(insert title)

Date:_____

DRAFT

## Acknowledgments

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

## Exhibit A

Note: Attach letter, issued by the municipality, indicating conditional approval of the Final Plan and specifying said conditions, as Exhibit A.

DRAFT