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**ERIE COUNTY SUBDIVISION
AND
LAND DEVELOPMENT ORDINANCE**

Adopted February 3, 1998

Amended June 1, 1999

The County of Erie originally adopted the Erie County Subdivision and Land Development Regulations on November 10, 1965 with an amendment on November 28, 1972. The Regulations were re-adopted under the County's Home Rule Charter status on October 24, 1978 and subsequently amended in February, 1981. On February 3, 1998, following adoption procedures as required by the Pennsylvania Municipalities Planning Code, Erie County Council adopted the Erie County Subdivision and Land Development Ordinance. This Ordinance was subsequently amended on June 1, 1999.

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ORDINANCE NO. 76, 1997

AN ORDINANCE OF THE COUNTY OF ERIE 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 SKETCH, 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 I

GENERAL PROVISIONS

Section 101 Short Title

This Ordinance shall be known as the "Erie County Subdivision and Land Development Ordinance".

Section 102 Purpose

This Ordinance is adopted for the following purposes:

102.1 To assure sites suitable for building purposes and human habitation.

102.2 To provide for the harmonious, orderly, efficient and integrated development of the County.

102.3 To assure new development will be coordinated with existing County development.

102.4 To provide for adequate easements and rights-of-way for drainage and utilities.

102.5 To make provisions, as needed, for the reservation of land as it may be needed for public grounds.

102.6 To accommodate prospective traffic, facilitate fire protection and make such provisions as are necessary for public safety and convenience.

102.7 To make provisions for appropriate standards for streets,

storm drainage, sanitary sewers, water facilities, curbs, and such other improvements as shall be considered necessary by the County.

102.8 To promote the sound layout and design for subdivisions and land developments.

102.9 To allow for new and flexible standards of design, where appropriate.

102.10 To ensure equitable handling of all subdivision and land development plans by providing uniform procedures and standards.

102.11 To implement and enforce the various elements of the Erie County Comprehensive Plan.

Section 103 Authority

The County of Erie is vested by law with jurisdiction and control of the subdivision of land located within the County limits in accordance with Article 5, Sections 501 and 502, of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. The power to regulate and approve subdivision and land development plans is conferred on the Erie County Department of Planning and the power to grant modifications is conferred on the Erie County Planning Commission.

Section 104 Jurisdiction

These regulations shall apply to all cities, boroughs and townships within the County which have no subdivision and land development ordinance in effect. The adoption of a subdivision and land development ordinance by any city, borough or township shall act as a repeal protanto of these regulations. However, applications for subdivision and land development located within a city, borough or township having adopted a subdivision and land development ordinance as set forth in this article shall be forwarded upon receipt by the municipality to the County Planning Department for review and report at developer expense, provided that such municipalities shall not approve such applications until the County report is received or until the expiration of thirty days (30) the date the complete application was forwarded to the County.

104.1 In accordance with the provisions of the Pennsylvania Municipalities Planning Code, regulations governing mobile home parks are set forth in Article XII of this Ordinance.

104.2 Plans to be reviewed:

Before approval of subdivision and land development plans by municipalities having subdivision and land development ordinances in effect, the municipality shall transmit a copy of the proposed plan to the County Planning Department for review and report to such local municipality. Pending the receipt and consideration of such report, such local authority shall defer action thereon, but if such report is not received by the local authorities within thirty (30) from the submission of the application to the County Planning Department, or within such further time as may be agreed upon by the local authorities, such local authority may proceed to final action thereon.

104.3 Municipalities having adopted subdivision and/or land development regulations are requested to file official copies thereof with the County Planning Department in accordance with Section 502 of the Pennsylvania Municipalities Planning Code, in order that the procedure specified in Paragraph 104.2 can be established.

104.4 Plans to be approved:

Plans for subdivisions and/or land developments within municipalities which have not adopted by ordinance or resolution subdivision and/or land development regulations, shall be submitted to and approved by the County Planning Department before they are recorded. Such approval is in addition to and does not supersede local approval as required by ordinance, resolution, or regulation of the municipality.

104.5 The provisions of the Erie County Subdivision and Land Development Ordinance shall apply to and control all land subdivisions whose plans have not been recorded in the office of the Recorder of Deeds, in and for Erie County, Pennsylvania, prior to the effective date of the first adopted Erie County Subdivision and Land Development Regulations. The effective date for such regulations was January 3, 1966.

104.6 Land Development Control:

A. Land development, as herein defined, must comply with the regulations contained herein. Such compliance shall include, but not be limited to the filing of preliminary and final plats, the dedication and improvements of rights-of-way,

streets and roads, and the payment of fees and charges as established by Resolution of the County Council of the County of Erie.

- B. Land development plans shall indicate the locations of each structure and clearly define each unit and shall indicate public easements, common areas, and improvements, all easements appurtenant to each unit, and improvements to public rights-of-way. Developments are subject to any applicable zoning regulations as they apply to use and density requirements, setbacks, parking and other features, and shall be indicated on the land development plans.

Section 105 County Responsibility and Liability

Nothing in this Ordinance shall create liability on the part of the County Executive, the individual members of Erie County Council, the Erie County Planning Commission, the Erie County Department of Planning or any officer, appointee or employee of the County for any damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Section 106 Effective Date and Repealer

This Ordinance shall become effective February 3, 1998 and shall remain in effect until modified or rescinded by County Council and the County Executive. This Ordinance shall supersede and replace all other conflicting regulations issued by the County previous to the approval date of this Ordinance, specifically the Erie County Subdivision and Land Development Regulations, adopted November 10, 1965, and re-adopted October 24, 1978, and any amendment thereto.

Section 107 Copies

Copies of the Erie County Subdivision and Land Development Ordinance shall be made available to the general public at the office of the County Planning Department at a fee adequate to compensate the County for the cost of reproduction.

ARTICLE II

DEFINITIONS

Section 201 General Interpretations

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

Section 202 Meaning of Words

Accessory Building: A subordinate building, the use of which is customarily incidental to that of the principal building on the same lot.

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

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

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.

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.

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

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

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

Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street centerlines.

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

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.

Comprehensive Plan: The various elements of the Erie County Comprehensive Plan and any amendments thereto.

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

County: The County of Erie, Commonwealth of Pennsylvania.

County Council: The County Council of the County of Erie, Commonwealth of Pennsylvania.

County Engineer: A licensed professional engineer in the Commonwealth of Pennsylvania, appointed by the County Planning Department to provide services as required to administer this Ordinance.

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

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

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

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

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

Department of Environmental Protection: The Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may be established, or such Department or Departments as may succeed it.

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

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

Drainage Facility: Any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of

carrying, diverting or controlling surface water or groundwater.

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

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

Dwelling: A building designed for human living quarters.

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

Dwelling Types: (See below)

- A. Single Family - A detached single dwelling unit occupying the building ground to roof.
- B. Two Family - Two dwelling units, one above the other.
- C. Multi-Family - Three or more dwelling units, with the units stacked one above the other or attached side to side.
- D. Detached - Each dwelling unit has open space on all sides.
- E. Semi-detached - One side of each dwelling unit is a party wall in common with an adjoining dwelling unit.
- F. Attached - Both side walls of all except the dwelling units at the end of the building are party walls.

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

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

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

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

Fill: Any act by which earth, sand, gravel, rock or any other

material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

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

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

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

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

Footprint: The outline of the outer surface of a building, including porches and patios, but not including steps, eaves, or door-opening radii.

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.

Governing Body: The council in cities and boroughs; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties of the second class through eighth class or as designated in the law providing for the form of government.

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

Land Development: Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 1. A group of two (2) or more residential or non-residential buildings, whether proposed initially

or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or

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

B. A subdivision of land.

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

1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purpose of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

Landowner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee, if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land.

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

Local Municipality: For the purpose of this Ordinance, the term local municipality shall mean the borough, township, or city wherein the subdivision under consideration is located. Its meaning also includes any municipal authority or private agency

which may be asked to accept improvements required by this Ordinance.

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

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

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

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

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

Lot, Non-Conforming: A lot of record at the time of the adoption of this Ordinance, which by reason of area or dimension does not conform to the requirements of this Ordinance.

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

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

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

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

Mobile Home: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one (1) unit or in two (2) or more units designed to be joined into one

(1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

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.

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 Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania and appointed by the local municipality as the "Municipal Engineer".

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

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

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 County and/or local municipality approves a final subdivision or land development plan, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

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

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

Plan, Preliminary: A plan (including all required supplementary

data) indicating the proposed layout of the subdivision or land development to be submitted to the County Planning Department and the local 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.

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

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 County Council of the County of Erie or the Erie County Metropolitan Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

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

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.

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

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

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

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

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

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.

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

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

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

Sight Distance: The extent of unobstructed vision, in a horizontal or vertical plane, along a street, as defined in Section 802.6 of this Ordinance.

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

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

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

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

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

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

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

Subdivision: The division or 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.

- A. Major Subdivision: Any subdivision which fails to meet the requirements for qualification as a Minor Subdivision.
- B. Minor Subdivision: A subdivision having ten (10) lots or less, which has all lots fronting on an existing street, and which does not include or require new sanitary sewer and/or water main extensions, or the public dedication of streets or alleys.
- C. 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 County. 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 County 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/landscape architect, 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.

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

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

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

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

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

ARTICLE III

MAJOR SUBDIVISIONS AND LAND DEVELOPMENT

Section 301 Procedure

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

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

Section 302 Pre-Application Investigation

302.1 Developers are encouraged to discuss possible development sites with the County Planning Department 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 local municipality, the County Health Department, the Pennsylvania Department of Transportation (PADOT) and/or utility companies as may be appropriate.

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

302.3 Such discussion and/or sketch plan review will be considered as confidential between the developer and the County Planning Department. Submission of a sketch plan shall not constitute formal filing of a plan.

Section 303 Preliminary Plan Application

303.1A Preliminary Plan shall be submitted to the County Planning Department for review and approval. It is the responsibility of the developer to coordinate his plans pursuant to the provisions of this Ordinance with all private and public service agencies and utility companies.

303.2 The original mylar and seven (7) copies of the Preliminary Plan and one (1) complete set of all required exhibits shall be submitted during regular office hours of the County Planning Department for consideration.

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

303.4 In cases where the subdivision or land development fronts on any existing or proposed State road and has proposed streets and/or driveways entering on such road, the developer shall submit the plans to PADOT for review and permit(s) if required.

303.5 The developer shall deliver the mylar and copies of the Preliminary Plan, with a complete set of all attachments, to the local municipality for its formal, written review and comments. The municipality (the local planning commission and/or the local governing body), has a total of up to forty-five (45) days (thirty (30) days for review and fifteen (15) days for notification) after submission of the Plan to the municipality to review and notify the developer of its decision.

303.6 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.

Section 304 Approval of Preliminary Plan

304.1 The County Planning Department will review the Preliminary Plan to determine its conformity to the design standards and requirements contained in this Ordinance and take into consideration the recommendations and requirements of the local municipality, the County Health Department and any other agencies as applicable.

304.2 Before acting on the Preliminary Plan, the County Planning Department may arrange for a public hearing thereon. Adequate public notice shall be given.

304.3 The County Planning Department shall take final action on the Preliminary Plan within ninety (90) days from the date of the submission of a complete application. The

applicant shall be notified in writing of the action of the County Planning Department within fifteen (15) days following its decision, and if conditionally approved, specify any changes which shall be required before the submission of the Final Plan. If disapproved, the County Planning Department shall specify the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

304.4 Any revision of the Preliminary Plan required as a prerequisite to approval shall be noted on three (3) copies of the Preliminary Plan. One copy will be returned to the developer, one will be retained by the County Planning Department, and the third will be filed with the local municipality.

304.5 Approval of the Preliminary Plan is required prior to submittal of the Final Plan for review and approval.

304.6 Approval of the Preliminary Plan constitutes conditional approval of the proposed subdivision in regard to the general design, the approximate dimensions of the streets and lots and other planned features. The Preliminary Plan approval obligates the applicant to the general scheme of the subdivision or land development. However, if the applicant determines that a significant change to this original submission is desirable, he may modify his plans by submitting a revised Preliminary Plan for review and approval.

304.7 Approval of the Preliminary Plan does not authorize the sale of lots.

304.8 The Preliminary Plan approval shall expire within five (5) years after being granted unless an extension is requested by the applicant and approved by the County Planning Department. Any request for extensions must be submitted to the County Planning Department 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 County Planning Department that such extension is warranted.

304.9 If the applicant does not submit a Final Plan for all or a portion of the Preliminary Plan within five (5) years after the approval of said Preliminary Plan is granted, or after expiration of the final extension period, the approval of the Preliminary Plan is automatically void.

Section 305 Final Plan Application

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

written review and comments. The municipality (the local planning commission and the local governing body) has a total of up to forty-five (45) days (thirty (30) days for review and fifteen (15) days for notification) after submission of the Plan to the municipality to review and notify the developer of its decision.

Section 306 Approval of Final Plan

- 306.1 The County Planning Department shall take final action on the Final Plan within ninety (90) days from the date of the submission of a complete application. The applicant shall be notified, in writing, of the decision within fifteen (15) days, and if conditionally approved, specify any changes which shall be required before final approval is granted. If disapproved, the County Planning Department shall specify the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.
- 306.2 The County Planning Department shall not take action on any Final Plan until the local municipality has completed its formal review and signed the mylar and copies.
- 306.3 Any revision of the Final Plan required as a prerequisite to approval shall be noted on three (3) copies of the Plan. One copy will be returned to the developer, one will be retained by the County Planning Department, and the third will be filed with the local municipality.
- 306.4 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 County Planning Commission in accordance with Section 1408 of this Ordinance.
- 306.5 No Final Plan shall receive approval by the County Planning Department unless the developer shall have filed with the County an improvement performance bond in accordance with the provisions of Article V or shall have completed all required improvements as listed in Article IX.
- 306.6 No Final Plan shall receive approval by the County Planning Department unless the developer shall have filed with the County financial security in accordance with the

provisions of Article V or shall have completed all required improvements as listed in Article IX or as the County Planning Department may require in the public interest.

306.7 No Final Plan shall receive approval by the County Planning Department until the County Health Department and/or the Pennsylvania Department of Environmental Protection (PADEP) approve the sewage disposal system which is to serve that subdivision.

Section 307 Recording of Plan

307.1 After completion of all procedures and upon approval of the Final Plan, the Plan shall then be recorded with the 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 County Planning Department. For plans that have not been recorded within ninety (90) days, re-approval may be granted by the County Planning Department, provided no changes have been made to the Final Plan. The plans will be re-initialed by the County Planning Department and a new date will be placed on the plans.

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

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

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

307.5 Where applicable, the County Planning Department shall require a notation on 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 PADEP.

ARTICLE IV

MINOR SUBDIVISIONS AND REPLOTS

Section 401 Pre-Application Investigation

401.1 The provisions of the pre-application procedures for major subdivisions and land developments may be followed but are not required. Developers are encouraged to consult with the County Planning Department and the local municipality in order to discuss the nature of the subdivision (e.g., design requirements, zoning regulations, etc.) prior to development of a Final Plan.

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

Section 402 Preliminary Plan Application and Approval

402.1A Preliminary Plan is not required, but may be submitted, at the developer's option.

Section 403 Final Plan Application and Approval

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

Section 404 Recording of Plan

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

ARTICLE V

ASSURANCES OF COMPLETION

Section 501 General

The purpose of these regulations is to provide sound subdivision and land development standards for those municipalities within Erie County which lack such regulations. Therefore, the assurances for completion, as set forth in this Article, are intended for the protection of the local municipality and/or municipal authority which will be the parties to accept the public improvements required by this Ordinance.

Section 502 Coordination

It is the intention of this Ordinance that required assurances be provided in such amounts and form as are acceptable to the County and which are consistent with this Ordinance and the provisions of the Pennsylvania Municipalities Planning Code.

Section 503 Improvements

503.1 The developer shall, for all major subdivisions and land developments, agree to complete all improvements in accordance with these regulations or such other improvements as the County Planning Department, with the advice of the local municipality, may require in the public interest as a prerequisite to approval of the Final Plan.

503.2 No plan shall receive final plan approval unless the developer shall have completed all improvements as required by these regulations or shall have filed with the County appropriate financial security guaranteeing the completion of such improvements.

503.3 The County Planning Department shall request the local municipality to check final construction plans for correctness and to inspect the construction of improvements. The local municipality shall submit its findings in writing to the County Planning Department for review by the County engineer. In the event the local municipality does not recommend approval of the final construction plans, it shall indicate how such plans do not meet applicable specifications, citing the deficiencies by reference to said specifications in writing to the County Planning Department. These requirements are made to insure that the County Planning Department will have the ability to communicate any plan

or construction deficiencies to the developer in accordance with the provisions of this Ordinance and the Pennsylvania Municipalities Planning Code.

503.4 Upon completion of the improvements in accordance with the specifications of this Ordinance and upon final inspection of the improvements by the County engineer, the developer shall take the final steps to dedicate the improvements to the local municipality.

503.5 Improvements shall include, but not necessarily be limited to, the following:

- A. Monuments or markers.
- B. Grading, streets, curbs and walkways, as required.
- C. Sanitary sewers.
- D. Water service, including fire hydrants.
- E. Stormwater drainage, as required.
- F. Erosion and sedimentation control measures, as required.
- G. Street lighting.
- H. Street signs.

Section 504 Financial Security

The purpose of this section is to provide for the filing of financial security as authorized by Section 509 of the Pennsylvania Municipalities Planning Code. Where the improvement is to be dedicated to an authority or agency other than the local municipality in which the subdivision or land development is located, the developer will follow that organization's practices. In any event, it is the intent of this Ordinance that all improvements required by this Ordinance be either installed and approved or the developer will post adequate financial security as required by Section 509 of the Pennsylvania Municipalities Planning Code before Final Plan approval is granted.

504.1 An assurance of proper completion of the improvements in the subdivision or land development shall be made by one of the following methods, or such other method as shall be satisfactory to the local municipality and the County Planning Department:

- A. A certificate from the developer and signed by the

County engineer indicating that all improvements and installations required by this Ordinance and any local municipal ordinance, as applicable, have been made or installed in accordance with specifications, or

- B. A bond, irrevocable letter of credit, restrictive or escrow account, certified check, or other security satisfactory to the County Planning Department and in accordance with Section 509 of the Pennsylvania Municipalities Planning Code which shall run or be made payable to the County of Erie.

In the case of a bond, it shall also:

- 1. Be with surety satisfactory to the County Planning Department.
- 2. Be in form, sufficiency, and execution acceptable to the County Planning Department.

504.2 The amount of the financial security shall be in an amount determined to equal one hundred ten percent (110%) of the cost of the required improvements in accordance with Section 509 of the Pennsylvania Municipalities Planning Code and shall be approved by the County engineer.

504.3 The bond, certified check or other securities shall specify the time for the completion of the required improvements. Such time shall be satisfactory to the County Planning Department. When the improvements have been completed and approved by the County engineer and the County Planning Department, the guarantee shall be released and returned. When a portion of the required improvements has been completed and approved by the County engineer and the County Planning Department, a portion of the bond, monies or security commensurate with the cost of the improvement may be released and returned in accordance with Section 509 of the Pennsylvania Municipalities Planning Code. A bond reduction(s) will only be considered if the developer requests a reduction of the bond in writing to the County Planning Department. This request must 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.

In no event shall the entire performance assurance be returned to the developer prior to compliance with the provisions of this Article. At least ten percent (10%)

shall be retained until:

- A. The required maintenance bond has been filed in accordance with Section 509 of the Pennsylvania Municipalities Planning Code and accepted by the County.
- B. As-built drawings of the improvements have been submitted by the developer. These are to be drawn on stable plastic film and be prepared by a professional engineer or land surveyor/landscape architect.
- C. All other requirements of this Ordinance have been met.

504.4 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.

504.5 In the event any improvements which may be required by this Ordinance or local municipal ordinance, if applicable, are not installed as provided therein, the County may institute remedies to effect the completion of such improvements as provided by Section 511 of the Pennsylvania Municipalities Planning Code or any actions provided for under law.

504.6 For circumstances relating to financial security not specifically delineated in this Ordinance, including the amount of same and the resolution of disagreements relative to such security, it is the intention of the County Planning Department to follow the guidelines and procedures as set forth by Sections 509 and 510 of the Pennsylvania Municipalities Planning Code.

ARTICLE VI

DEVELOPMENT STANDARDS

Section 601 General Standards

601.1 It is the policy of the County that these regulations shall state minimum standards for development. Whenever a municipality has enacted regulations which exceed these minimum standards, the municipality's standards shall apply.

601.2 The following requirements and guiding principles for land subdivision shall be observed by all developers, and the County Planning Department shall consider the suitability as to location of any proposed subdivision with respect to the following:

- A. Subdivision plans shall conform to local municipal Official Maps and the County and local municipal Comprehensive Plans, as applicable.
- B. No subdivision showing reserve strips controlling the access of public rights-of-ways will be approved.
- C. Lot lines, where possible, shall follow municipal and County boundary lines rather than cross them.
- D. Land which is subject to subsidence or underground fires either shall be made safe for the purpose for which such land is proposed to be used, or that such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.
- E. Any development in areas considered by the County Planning Department as habitable yet subject to periodic or occasional flooding shall comply with the regulations and standards as established under Section 812 of this Ordinance and any other Federal, State or local municipal law, rule or regulation, including, but not limited to, the PA Flood Plain Management Act (Act 166 of 1978, as amended).
- F. The following regulations and/or legislation must also be complied with:
 - 1. Pennsylvania Municipalities Planning Code (Act

247 of 1968, as amended).

2. Pennsylvania Sewage Facilities Act (Act 537 of 1965, as amended).
3. Pennsylvania Stormwater Management Act (Act 167 of 1978, as amended).
4. Regulations of the Pennsylvania Department of Transportation relating, but not limited, to driveway and street openings.
5. Wetlands protection regulations and restrictions
6. National Historic Preservation Act of 1966, as amended, and the regulations of the Advisory Council on Historic Preservation
7. Local land use control ordinances and other local ordinances pertaining to land use or development
8. Fire protection regulations and restrictions

ARTICLE VII

PLAN REQUIREMENTS

Section 701 Sketch Plan

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

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

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

Section 702 Preliminary Plan

702.1A Preliminary Plan is required for all major subdivisions which are to be developed in phases. The Preliminary Plan drawing shall consist of an original drawn on stable plastic film and shall be in India ink. Accurate, permanent photographic reproducible reproductions in black drawn on stable plastic film will be accepted in lieu of inked drawings. Copies may be either black on white or blue on white diazo prints. Sheet size shall be eighteen by twenty-four (18 x 24) inches. The original mylar and seven (7) copies shall be submitted to the County Planning Department.

702.2 The Preliminary Plan shall be drawn at a scale of fifty (50) or one hundred (100) feet to the inch depending upon the

size of the overall development and the individual lots therein. In unusual circumstances, other scales may be approved by the County Planning Department. If the Preliminary Plan is drawn in two or more sections, it shall be accompanied by a key map showing the locations of the various sections.

702.3 The following information shall be shown on, or included with, all Preliminary Plans when they are submitted to the County Planning Department:

- A. Proposed subdivision name or identifying title and the words "Preliminary Plan", the municipality in which the subdivision is located, and the Erie County Index Number.
- B. Name and address of the owner of the tract, and of the agent involved, if any, and of the developer.
- C. Date, north arrow, and graphic scale.
- D. Total acreage of the tract, number and acreage of the individual lots, proposed land use, and remaining acreage of any unsubdivided land. For subdivisions of land up to twenty-five (25) acres in size, a survey of the entire parcel must be included on the Plan.
- E. Zoning district and corresponding lot and area requirements (if applicable).
- F. Tract boundaries showing distances and bearings.
- G. A key map, at a minimum scale of 2,000 feet to the inch, for the purpose of locating the site, showing the relation of the tract to adjoining property and streets, bodies of water, and municipal boundaries.
- H. Contours at vertical intervals of five (5) feet. Locations of Bench Marks, and datum used.
- I. The names of all owners of all immediately adjacent unplatted land; the names of all platted subdivisions or proposed subdivisions immediately adjacent to the development and the locations and dimensions of any streets or easements terminating adjacent to the development.
- J. The location and dimensions of all existing streets, railroads, sanitary and storm sewers, aqueducts, water mains and feeder lines, fire

hydrants, on-lot sewage systems, water wells, gas, electric, communication and oil transmission lines, streams, intermittent drainage ways, swales, floodplains, wetlands and other significant features within the property proposed to be subdivided, or within two hundred (200) feet of said property.

- K. The location of all buildings and approximate location of all tree masses within the property.
- L. A description of the existing vegetative cover.
- M. A full plan of the development, showing the location of all proposed streets, alleys, utility easements, parks, playgrounds, pedestrian ways, and other public areas; sewer, water and storm drainage facilities; proposed lot lines and approximate dimensions of lots; building setback lines, as applicable; lot numbers and/or block numbers in consecutive order; and all streets and other areas designed for appurtenant facilities, public use, or future public use, together with the conditions of such dedications or reservations.
- N. One (1) copy of approved Sewage Facilities Planning Module Components, Waivers or Exemptions as required in accordance with the Pennsylvania Sewage Facilities Act and PADEP regulations. Status of any required County Health Department and/or PADEP sewerage system or water system permits, as applicable, including permits or approvals for sanitary sewer system line extensions or tap-ins.
- O. Preliminary designs of sewerage and water plans. These designs may be submitted on separate sheets.
- P. Typical cross-sections and centerline profiles for each proposed street (see Article VIII). These profiles may be submitted on separate sheets.
- Q. A complete drainage plan, prepared in accordance with Act 167 Stormwater Management Plans adopted by the County of Erie and local stormwater management ordinances, as applicable.
- R. Preliminary designs of any bridges or culverts which may be required. These designs may be submitted on separate sheets.
- S. Name, address and telephone number of the Engineer/

Surveyor/Landscape Architect, as applicable.

702.4 The following certificates, where 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 Erie County Department of Planning.
- C. Certificate for review by the local municipal governing body.
- D. Certificate for review by the municipal 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 dedicating of public roads, easements or other improvements as needed.
- F. A certificate to provide for the recording of the Plan, if applicable.

702.5 Where the Preliminary Plan submitted covers only a part of the subdivider's entire holding, a sketch plan of the prospective future street system of the adjacent unsubdivided area shall be furnished; the street system of the submitted part will be considered within the context of adjustments and connections with future streets in the adjacent unsubdivided area.

Section 703 Final Plan

703.1 A Final Plan is required for all subdivisions. The original and seven (7) copies shall be submitted.

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

703.3 Sheet size for Final Plans shall be eighteen by twenty-four (18 x 24) inches in size for all subdivisions.

703.4 If the Final Plan is drawn in two (2) or more phases, it shall be accompanied by a key map showing the location of the phases.

703.5 The Final Plan shall be drawn at the scale as required of Preliminary Plans unless otherwise approved by the County Planning Department.

703.6 The following information shall be shown on Final Plans, where applicable:

- A. Proposed subdivision name or identifying title, the municipality in which the subdivision is located, and the Erie County Index Number.
- B. Name and address of the owner of the tract, and of the agent involved, if any, and of the developer.
- C. Date, north arrow, and graphic scale.
- D. 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.
- E. Total acreage of entire subdivision, and number and acreage of the individual lots. Acreage shall be to the nearest hundredth acre exclusive of rights-of-way, or other public areas. For subdivisions of land up to ten (10) acres in size, a survey of the entire parcel must be included.
- F. Accurate bearings and distances to the nearest established street corners or official monuments where practicable. Accurate descriptions of all reference corners.
- G. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
- H. Complete curve data for all curves, including radius, delta angle, tangent, arc length, chord and chord bearing.
- I. Street centerlines with accurate dimensions in feet and hundredths of feet, with bearings of such

street centerlines to the nearest second.

- J. Street names, cartway widths and street right-of-way widths.
- K. Location and material of all permanent existing and proposed monuments and lot markers.
- L. Easements and non-street rights-of-way widths and any limitations on such easements and non-street rights-of-way.
- M. 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.
- N. Source of title to the land of the subdivision and to all adjoining lots, as shown by the official records of the Erie County Recorder of Deeds; and names of owners of all adjoining properties, including Erie County Index Numbers.
- O. The location and dimensions of all existing streets, railroads, sanitary and storm sewers, aqueducts, water mains, and feeder lines, fire hydrants, on-lot sewage systems, water wells, gas, electric, communication and oil transmission lines, streams, intermittent drainage ways, floodplains, wetlands, and other significant features within the property proposed to be subdivided, or within two hundred (200) feet of said property.
- P. Location of all existing structures and approximate location of tree masses within the property.
- Q. Culverts and Swales
- R. A full plan of the development, showing the location of all proposed streets, alleys, utility easements, parks, playgrounds, pedestrian ways, and other public areas; sewer, water and storm drainage facilities; proposed lot lines and approximate dimensions of lots; building setback lines, as applicable; lot numbers and/or block numbers in consecutive order; and all streets and other areas designed for appurtenant facilities, public use, or future public use, together with the conditions of such dedications or reservations.
- S. A key map, at a minimum scale of 2,000 feet to the

inch, for the purpose of locating the site, showing the relation of the tract to adjoining property and streets, bodies of water, and municipal boundaries.

703.7 The following certificates, where applicable, shall be shown 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 Erie County Department of Planning.
- C. Certificate for review by the local municipal governing body.
- D. Certificate for review by the municipal planning commission.
- E. A statement, duly acknowledged before a Notary Public, with Seal, and signed by the owner or owners of the property, to the effect that the subdivision shown on the Final Plan is the act and deed of the owner, that he/she is the owner of the property shown on the survey and plan, and that he/she desires the same to be subdivided and recorded as shown. Said statement shall include an offer of dedicating of public roads, easements or other improvements as needed.
- F. A certificate to provide for the recording of the Plan.
- G. A highway occupancy permit notice as required by Section 508(6) of the Pennsylvania Municipalities Planning Code.

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

703.8 The following information, in addition to that shown on the Final Plan, shall be submitted to the County Planning Department as a condition of Final Plan approval, when applicable (See Sections 808 and 812):

- A. One (1) copy of approved Sewage Facilities Planning Module Components, Waivers or Exemptions as

required in accordance with the Pennsylvania Sewage Facilities Act and DEP regulations. Status of any required County Health Department and/or PADEP sewerage system or water system permit, as applicable, including permits or approvals for sanitary sewer system line extensions or tap-ins.

- B. Documentation of compliance with Act 167 Stormwater Management Plans adopted by the County of Erie and local stormwater management ordinances, as applicable.
- C. Documentation of compliance with applicable Soil Erosion and Sedimentation Control Plan requirements.
- D. Final profiles, cross sections, and specifications for street improvements, and sanitary and storm sewers, and water distribution systems shall be shown on one (1) or more separate sheets.
- E. Required assurances of completion or approval of required improvements by the County in accordance with Section 504 of this Ordinance, as applicable.
- F. Any existing or proposed covenants to run with the land.
- G. Tentative timetable for the proposed sequence of development for the subdivision, if required.
- H. A letter from the appropriate postmaster and the Coordinator of the Erie County Emergency Management Agency stating that the proposed street names (except in the case of the extension of existing streets) do not duplicate names of streets now in use.

ARTICLE VIII

DESIGN STANDARDS

Section 801 General

The design standards set forth by these regulations are intended to ensure proper development in those municipalities within Erie County which have not adopted a Subdivision and Land Development Ordinance. If a municipality has adopted the necessary standards and desires to use them in lieu of those set forth in this Article, they may do so by official action certified in writing by the municipality's governing body and sent to the County Planning Department.

801.1 The following subdivision and land development principles, standards, and requirements shall be applied by the County Planning Department and/or County Engineer in evaluating the plans for proposed subdivisions and land developments and shall be considered minimum requirements, except as provided for above.

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

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

801.4 Land which is unsuitable for development because of hazards to life, safety, health, or property, shall not be subdivided or 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.
- B. Land which, if developed, will create or aggravate

a flooding condition upon other land.

- C. Land subject to subsidence.
- D. Land subject to underground fires.
- E. Land containing significant areas of slopes greater than twenty percent (20%).
- F. Land which, because of physical environment or means of access, is considered hazardous.
- G. Land which is/or may be subject to groundwater pollution or contamination.

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

801.6 Proposed land uses and specifications shall conform to the local municipal zoning ordinance, where applicable.

Section 802 Streets

If the municipality, in the plan phase of the development, is not willing to accept additional dedicated public roadways, the subdivider/developer has the option of a public right-of-way/privately maintained roadway. Municipal signatures on the subdivision plat which contains a dedication statement (see Appendix 2) will show the municipality's acceptance of the concept of a publicly maintained road.

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

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

| Type of Street Shoulders** | Right-of-Way | Cartway* with no Curbs | Curbs | Curbs |
|----------------------------|--|------------------------|---------|--------|
| Local*** | 50 feet | 26 feet | 22 feet | 2 feet |
| Collector | 60 feet | 32 feet | 26 feet | 4 feet |
| Comm./Ind. | 60 feet | 36 feet | 30 feet | 6 feet |
| Arterial | As prescribed by the Pennsylvania Department of Transportation specifications. | | | |

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

** When no curbs are provided.

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

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

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

- A. Public safety and convenience
- B. Parking in commercial and industrial areas and in areas of high density residential development
- C. Widening existing street rights-of-way where the width does not meet the requirements of this Ordinance.

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

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

802.6 Street intersections shall comply with the following requirements:

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

provide a sight line of one hundred twenty (120) feet along the centerline of a collector or arterial street from the centerline intersections and eighty (80) feet at minor street intersections.

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

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

802.7 Horizontal curves shall be in accordance with PADOT Publication 70 specifications.

802.8 Vertical curves shall be in accordance with PADOT Publication 70 specifications.

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

802.10 Half streets shall not be permitted, unless it is clear that no other street layout is possible. If circumstances necessitate a half street, adequate provisions for the concurrent dedication of the remaining half of the street must be furnished by the developer. Where 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.

802.11 The provisions for the extension and continuation of

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

- 802.12 When the subdivision adjoins unsubdivided acreage, new streets or reserved rights-of-way shall be provided through to the boundary lines of the development.
- 802.13 If the lots in a development are large enough for subdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such resubdivision shall be provided.
- 802.14 Proposed streets shall be properly related to the Official Map of the local municipality if applicable, and shall be logically related to the topography so as to produce usable lots and reasonable grades.
- 802.15 Where a subdivision borders on, or contains a railroad right-of-way, an arterial highway right-of-way or a stream, ravine, steep hill, or wetland, the County Planning Department may require a street approximately parallel to and on each side of such right-of-way or other obstruction at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations, and for non-residential uses of land.
- 802.16 Cul-de-sacs shall be avoided unless it is determined by the County Planning Department that a through street is not essential to the street system of the plan or the adjacent area. Where cul-de-sacs are permitted, the length shall not exceed one thousand (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.
- 802.17 Public road rights-of-way that are to be privately maintained by the developer or lot owners fronting said right-of-way shall only be approved in accordance with

the following requirements:

- A. If the owners of land wish to subdivide their property and because of financial constraints are unable to meet the subdivision requirements relative to the construction and development of the public roads within said subdivision, said owners may petition the County Planning Department and request that the County accept and approve their subdivision without compliance with all of the street and/or road provisions of the Erie County Subdivision and Land Development Ordinance. In such a case, said owner shall submit a written request to the County Planning Department to establish a public right-of-way/privately maintained road agreement.
- B. The owners will initially provide and submit with the above-mentioned written request a sketch plan of the proposed subdivision.
- C. The sketch plan of the proposed subdivision will show the location of the public right-of-way/privately maintained road and where such road will intersect with a public right-of-way/publicly dedicated and maintained road.
- D. All public right-of-way/privately maintained roads will exit onto a public road system.
- E. Public right-of-way/privately maintained roads shall only be approved to function as local streets.
- F. No more than four (4) lots shall be permitted on a public right-of-way/privately maintained road.
- G. In addition to the written requests for approval of a public right-of-way/privately maintained road in the proposed subdivision, the petitioner must submit all information and documentation required under the Erie County Subdivision and Land Development Ordinance and must meet all other State and local rules, ordinances and regulations except as the Erie County Subdivision and Land Development Ordinance regulations are modified herein.
- H. Prior to the approval of the proposed public right-of-way/privately maintained road within the petitioner's subdivision by the County Planning Department, the same shall be sent to the local

municipality and the local municipal engineer for their recommendations and/or suggestions.

- I. The owners acknowledge that even if the request for a public right-of-way/privately maintained road is approved by the County Planning Department, they must still abide by all other requirements of the Erie County Subdivision and Land Development Ordinance and other applicable ordinances as well as State rules, regulations and procedures except as modified herein.
- J. The owners acknowledge that they will be obligated to execute and record an agreement entitled, "Contracts, Covenants, Restrictions, Conditions and Stipulations Running with the Land", binding not only the developer/owner of the subdivision, but also the subsequent owners of the lots within the proposed subdivision. A copy of said agreement which is on file at the County Planning Department office will be provided to the owner for his review and approval (see Appendix 3). Documentation of the recording of the executed agreement shall be submitted to the County Planning Department.
- K. The owners acknowledge that as a condition precedent to the development of any lot pursuant to the proposed subdivision, all lots and subdivision roads shall be completed in accordance with the Erie County Subdivision and Land Development Ordinance, except as hereinbefore modified:
 - 1. Section 802.1 - Only the minimum right-of-way width requirement of fifty (50) feet shall be applicable.
 - 2. Section 1006 - Not applicable
- L. On approval of the petition, petitioner developer may subdivide and develop his land in accordance with these requirements and in accordance with the agreements executed by petitioner with the County.
- M. Prior to acceptance of petitioners' privately maintained road system by the local municipality, the developer and/or lot owners fronting on said road shall be required at their own and sole expense to bring the roads, streets, drains, etc. up to the standards established by the local municipality for the construction of public roads.

Section 803 Alleys

803.1 Alleys are permitted in residential developments.

803.2 Alleys shall be provided in commercial and industrial districts. The County Planning Department 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 804 of this Ordinance and adequate for the uses proposed.

803.3 The minimum right-of-way width of alleys shall be twenty (20) feet and alleys shall be graded to a minimum width of eighteen (18) feet and paved where municipal ordinances require. Maximum grades in alleys shall be ten percent (10%) unless otherwise approved by the County engineer.

803.4 Where alleys intersect with streets, adequate sight distances and building setback requirements in accordance with the provisions of this Ordinance shall be provided for.

803.5 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 County engineer based upon the proposed use of the alley and consideration for public safety.

803.6 Alleys shall be provided with lighting in accordance with Section 1009 of this Ordinance.

Section 804 Off-street Parking and/or Loading Facility Requirements

Off-street parking and/or loading facility requirements shall be in accordance with the zoning ordinance of the municipality in which the subdivision is located. Where a municipal zoning ordinance or other ordinance adopted pursuant to the Pennsylvania Municipalities Planning Code does not exist, the following off-street parking and/or loading facility requirements shall apply:

| <u>USE</u> | <u>PARKING SPACE REQUIRED</u> |
|---|-------------------------------------|
| Dwelling | Two (2) for each dwelling unit. |
| Church, Theater, School Restaurants, Clubs | One (1) for every four (4) seats |
| Stores, Shops, | One (1) for every one hundred (100) |

| | |
|-------------------------------|--|
| Professional Offices | square feet of public floor space. |
| Business Services, Warehouses | One (1) for every two hundred fifty (250) square feet of net floor area. |
| Manufacturing Plants | One (1) for every two (2) employees. |
| Hospitals | Two (2) for every three (3) beds. |
| Hotel or Motel | One (1) for every rental unit. |

NOTES:

1. No off-street parking space shall have an area less than two hundred (200) square feet, exclusive of access drives or aisles, and shall be ten by twenty (10 x 20) feet.
2. Any off-street parking lot for more than five (5) vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.
3. Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect the light away from adjoining premises.
4. Where more than one (1) use is present on a parcel (for example a motel with a restaurant), parking requirements for both uses must be met.
5. All parking areas shall have parking spaces that shall comply with the Americans with Disabilities Act and its regulations.
6. One off-street loading berth of not less than ten by forty-five (10 x 45) feet and fourteen (14) feet high shall be provided for every business and industrial use with a floor area of more than ten thousand (10,000) square feet; with one (1) additional berth required for each additional twenty-five thousand (25,000) square feet of floor area.
7. The drive aisles between parking spaces shall be twelve (12) feet for one way and twenty-four (24) feet for two way aisles.

Section 805 Curbs and Sidewalks

805.1 Curbs and sidewalks shall be provided and designed as required by current specifications of the local municipality. It will be the responsibility of the developer to obtain such approvals from the local municipality.

Section 806 Blocks

- 806.1 Blocks shall be designed to ensure proper fire safety.
- 806.2 All blocks in a subdivision shall have a maximum length of fifteen hundred (1,500) feet. Blocks subdivided into lots shall be approximately two (2) lot depths in width, except lots along a major thoroughfare which front on an interior street. Block lengths shall not be less than four hundred (400) feet.
- 806.3 In commercial areas, the block layout shall conform, with due consideration to site conditions, to the best possible layout to serve the buying public, to permit good traffic circulation and the parking of cars, to make delivery and pickup efficient, and to reinforce the best design of the units in the commercial areas.
- 806.4 The block layout in industrial areas shall be governed by the most efficient arrangement of space for present use and future expansion, with due regard for worker and customer access parking. Special attention should be paid to the accommodation of truck and tractor/trailer traffic.
- 806.5 In large blocks with interior parks and playgrounds, in exceptionally long blocks where access to a school and/or shopping center is necessary, or where cross streets are impractical or unnecessary, a pedestrian right-of-way may be required by the County Planning Department 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 807 Lots and Building Lines

- 807.1 The depth-to-width ratio of lots shall be a maximum of four (4) to one (1). The depth-to-width ratio shall be calculated excluding any unusable or undevelopable area such as wetlands, floodplains or limiting topography. See Section 801.4 of this Ordinance for definitions of unusable or undevelopable land.
- 807.2 Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from arterials and high volume collectors or to overcome specific disadvantages of topography and orientation. A planting screen easement across which there shall be no right of access may be required by the County Planning Department along the line of lots abutting such a traffic artery or other disadvantageous use.

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

807.4 Corner lots shall be increased in size whenever necessary so as to conform to the local municipality's zoning ordinance, if applicable, or this Ordinance such that any structure to be placed thereon shall conform to minimum building setback line requirements.

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

807.6 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 local municipality; or 2) privately maintained by the developer or lot owners fronting said right-of-way in accordance with the requirements of Section 802.17 of this Ordinance.

807.7 Flag lots will only be permitted for lots of one (1) acre or more in areas with public water and sewer availability; two (2) acres or more in areas with either public water or sewer availability; and five (5) acres or more in areas without public water and sewer availability. Such lots shall have a minimum width of sixty (60) feet measured at the right-of-way line.

807.8 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.

807.9 Lot and yard requirements shall be in accordance with the zoning ordinance of the municipality in which the subdivision is located. Where a municipal zoning ordinance or other ordinance adopted pursuant to the Pennsylvania Municipalities Planning Code does not exist, the following lot and yard area requirements shall apply:

Lots with public water and sewer availability:

Minimum lot area: 7,200 square feet - single dwelling unit; 1,500 s.f. per additional dwelling unit

Minimum lot width: 60 feet; 80 ft. for corner lots

Minimum front yard: 25 feet

Minimum side yard: 10 feet

Minimum rear yard: 30 feet

Lots with either public water or sewer availability:

Minimum lot area: 10,000 square feet - single dwelling unit; 3,000 s.f. per additional dwelling unit

Minimum lot width: 75 feet; 100 ft. for corner lots

Minimum front yard: 35 feet

Minimum side yard: 15 feet

Minimum rear yard: 40 feet

Lots with no public water or sewer availability:

Minimum lot area: 20,000 square feet - single dwelling unit; 5,000 s.f. per additional dwelling unit

Minimum lot width: 100 feet; 120 ft. for corner lots

Minimum front yard: 40 feet

Minimum side yard: 20 feet

Minimum rear yard: 50 feet

NOTES:

1. Not more than one (1) Single Family Dwelling shall be located on a separate lot of record.
2. The width of lots fronting on a cul-de-sac shall be measured at the minimum building setback line, but shall not be less than fifty (50) feet at the right-of-way line.
3. A fifty (50) foot minimum front yard setback is required for lots fronting on an arterial street.
4. Accessory buildings shall have a minimum side and rear setback not less than one-half that of the principal building in that district.
5. Existing, non-conforming structures may be expanded within the "extended footprint" of the existing

structure.

Section 808 Lot Grading for Subdivisions and Land Developments

808.1 Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of stormwater in pools. Slopes away from structures shall be a minimum of two percent (2%).

808.2 Lot grading shall be of such design as to carry surface water to the nearest practical street, storm drain, or natural water course. 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. A Soil Erosion and Sedimentation Control Plan shall be required for all subdivisions and land developments, except minor subdivisions. (See Section 1012 of this Ordinance)

808.3 No final grading shall be permitted with a cut face steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:

- A. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than (2) horizontal to (1) vertical and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to the County engineer and approved by same. The statement shall specify that the site has been inspected and that the deviation from the slope specified herein before will not result in injury to persons or damage to property.
- B. A concrete or stone masonry wall constructed according to sound engineering standards for which plans are submitted to the County engineer for review and written approval is provided.

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

- A. The fill is located so that settlement, sliding, or erosion will not result in property damage or be hazardous to adjoining property, streets, alleys, or buildings.

- B. A written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and approved by the County engineer.
- C. A wall is constructed to support the face of the fill.

808.5 The top or bottom edge of slopes shall be 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 County engineer.

Section 809 Public Recreation & Open Space areas, Lot Sizing,
Planting and Beautification for Subdivisions and Land
Developments

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

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

809.3 Tree Preservation - Wherever possible, trees shall not be removed unless they are located within the proposed street cartway, the proposed building area, water well area, sewage facility area, or within utility locations

and equipment access areas. In areas where trees are retained, the original grade level shall be maintained, if possible.

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

809.5 Landscaping - All subdivisions and land developments, with the exception of minor subdivisions and replots, shall require a landscaping plan which shall be prepared by a registered landscape architect and submitted for approval by the County Planning Department which shall include plantings such as planting strips, screening, formal gardens, shade trees, and natural barriers.

809.6 Buffer Requirements - Screen plantings may be required by the County Planning Department when any non-residential development abuts residential property. Screen plantings shall consist of trees or shrubs at least six (6) feet in height and planted in such a manner as to visually separate the two properties. The planting strip shall be a minimum of ten (10) feet wide. Initial plantings shall have a height of three (3) to six (6) feet.

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

Section 810 Easements

810.1 Where a subdivision 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.

810.2 Where desirable or necessary, adequate easements or

dedications for public service utilities shall be provided for sewer, water, electric power, gas lines, storm drainage and similar services; and no structure or obstruction of any kind shall be placed where it will interfere in any way with such easements.

810.3 Utility easements, where required, shall have a minimum width of fifteen (15) feet and be placed at the side or rear of lots whenever possible.

810.4 Aerial easements, if required, shall commence at a point fifteen (15) feet or more above ground.

Section 811 Street Names

811.1 The developer may choose street names subject to the review of the County Planning Department, the local municipality, the local Post Office, and/or the Coordinator of the E-911 System. No street, other than an extension, may be given a name identical or similar to another street in the local municipality or nearby areas.

Section 812 Stormwater Drainage

812.1 In addition to the requirements of this Ordinance, all subdivision and land development activity shall comply with the Pennsylvania Stormwater Management Act, Act 167 of 1978, as amended, and such local municipal stormwater management regulations that may be applicable.

812.2 No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the PADEP.

812.3 Where a subdivision or land development is traversed by a natural watercourse, there may be provided a drainage easement conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.

812.4 The subdivider or developer, and each person, corporation, or other entity which makes any surface changes shall be required to:

- A. Design all storm drainage facilities and plans to be in conformance with the Pennsylvania Storm Water Management Act, and local municipal stormwater management regulations, if applicable.

- B. Collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area.
- C. Design drainage facilities to handle runoff from upstream areas, assuming full development of those areas, based upon the Comprehensive Plans for the County and local municipality, if applicable.
- D. Design, construct, and/or install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, adjacent property and downstream property. Such structures and facilities shall satisfactorily convey such surface waters to the nearest practical street, storm drain, detention pond, or natural watercourse.

812.5 Storm sewers, culverts, and related installations shall be provided to permit unimpeded flow of natural watercourses, to drain all low points along streets, and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.

812.6 Storm sewers, as required, shall be placed in front of the curb or curb line when located in a street right-of-way. When located in undedicated land, they shall be placed within an easement not less than fifteen (15) feet wide, as approved by the County engineer, who may require additional width of easement as circumstances warrant.

812.7 Street drainage will not be permitted to cross intersections or the crown of the road.

- A. Maximum spacing of street inlets shall not exceed six hundred (600) feet.
- B. All street inlets shall be PADOT Type C or M. Inlet tops shall be cast in place reinforced concrete or precast concrete.
- C. All culvert ends shall be provided with either reinforced concrete headwalls or pipe end sections.
- D. Minimum pipe size shall be fifteen (15) inch diameter.
- E. When material for storm drain systems is not specified, current PADOT specifications will

govern.

- 812.8 All spring and sump pump discharges shall be collected so as not to flow into the streets or routed to the sanitary sewer.
- 812.9 Stormwater roof drains shall not discharge water directly over a sidewalk or onto streets or routed to the sanitary sewer.
- 812.10 Stabilized outlets shall be provided for footer drains, floor drains, and downspouts or routed to the storm sewer.
- 812.11 For the purpose of computing peak flow rates and runoff hydrographs from development sites, calculations shall be performed using one of the following: SCS publications, Technical Release (TR) 55 or 20, HEC I or Penn State Runoff Model (PSRM) or Modified Rational Method. Under special circumstances other computation methods may be used subject to the approval of the County engineer.
- 812.12 For the purposes of designing storm sewers, open swales and other stormwater runoff collection and conveyance facilities, the Rational Method or other method as approved by the County engineer may be applied. Rainfall intensities for design should be obtained from the PADOT rainfall charts.
- 812.13 Where the estimated runoff based upon the above methods is doubtful, several recognized methods should be studied and compared.
- 812.14 Stormwater management facilities on all development sites shall control the peak stormwater discharge for the 2-, 10-, 25- and 100-year storm frequencies. The Soil Conservation Service (SCS) 24-hour, Type II Rainfall Distribution shall be used for analyzing stormwater runoff for both pre- and post-development conditions.
- 812.15 Runoff calculations must include complete hydrologic and hydraulic design and analysis of all control facilities.
- 812.16 Control Facilities:
- A. Permanent control measures/facilities shall be designed in accordance with the appropriate stormwater management plan adopted by the County of Erie for the watershed on which the subdivision or

land development is located and the local municipality's stormwater management regulations, as applicable.

- B. Control Facilities shall be designed to meet, as a minimum, the design standards and specifications of the most current version of the "Erosion and Sedimentation Control Handbook for Counties" and the local municipality's stormwater management regulations, as applicable.
- C. A maintenance program for control facilities must be included as part of the Storm Water Management Plan prepared for the development site.
 - 1. Maintenance during development activities of a project shall be the responsibility of the contractor, developer and owner.
 - 2. Arrangement for maintenance of permanent control facilities after completion of development activities shall be made before approval of final plans is given by the County Planning Department.
 - A. If a development consists of structures or lots which are to be separately owned and in which streets, storm sewers and other public improvements are to be dedicated to the municipality, stormwater control facilities should also be dedicated to and maintained by the municipality.
 - B. If a development site is to be maintained in single ownership or if storm sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of stormwater control facilities should be the responsibility of the owner or private management entity.

Section 813 Floodplain Area Regulations

813.1 Purpose - The specific purposes of these special provisions are:

- A. To regulate the subdivision or development of land within any Federally Designated Floodplain Area in

order to promote the general health, welfare, and safety of the community.

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

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

813.3 Disclaimer of Municipal Liability - The grant of a permit or approval of a plan for any proposed subdivision or land development to be located within any Federally Designated Floodplain Area shall not constitute a representation, guarantee, or warranty of any kind by the County or the local municipality or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the County, the local municipality, other officials, employees or agents.

813.4 Application Procedures and Requirements:

- A. Pre-Application Procedures
 - 1. Prior to the preparation of any plans, it is suggested that prospective developers consult with the PADEP and/or County Health Department concerning soil suitability when on-site sewage disposal facilities are proposed.
 - 2. Prospective developers shall consult the Erie County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or

not any flood hazards either exist or will be created as a result of the subdivision or land development.

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

1. Name of engineer, surveyor, or other qualified person responsible for providing the information required in this Section.
2. A map showing the location of the proposed subdivision or land development with respect to any Federally Designated Floodplain Area, including information on, but not limited to, the one hundred (100) year flood elevations, boundaries of the Floodplain Area or areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.
3. Where the subdivision or land development lies partially or completely within any Federally Designated Floodplain Area, or where the subdivision or land development borders on a Floodplain Area, the Preliminary Plan shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. The Preliminary Plan shall show elevation contours at intervals of five (5) feet or less (as required), and shall identify accurately the boundaries of the Floodplain Area.
4. Such other information as is required by this Ordinance.

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

1. All information required for the submission of the Preliminary Plan incorporating any changes requested by the County Planning Department.
2. A map showing the exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed within

any Federally Designated Floodplain Area. The Final Plan shall show contours at intervals of five (5) feet or less (as required), within the Floodplain Area and shall identify accurately the boundaries of the flood-prone areas.

3. Submission of the Final Plan shall also be accompanied by all required permits and related documentation from the PADEP and any other agency or local municipality.

813.5 Design Standards and Improvements in Designated Floodplain Areas.

A. General

1. Where not prohibited by this or any other laws and ordinances, including the municipal floodplain management ordinance, if applicable, land located in any Designated Floodplain Area may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.
2. No subdivision or land development, or part thereof, shall be approved if the proposed development or improvements will, individually or collectively, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
3. Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any floodway area. Sites for these uses may be permitted outside the floodway area in a Floodplain Area if the lowest floor (including basement), is elevated to the Regulatory Flood Elevation. If fill is used to raise the elevation of a site, the fill area shall extend laterally a minimum of fifteen (15) feet to a maximum of twenty five (25) feet beyond the limits of the proposed structures.
4. Building sites for structures or other buildings which are for non-residential uses shall not be permitted in any floodway area.

Such sites for structures or buildings outside the floodway shall be permitted if elevated to or above the One Hundred (100) Year Flood Elevation. However, the governing body may allow the subdivision and/or development of areas or sites for commercial and industrial uses at an elevation below the 100 Year Flood Elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be floodproofed at least up to that height. All protection and floodproofing shall be approved by the County engineer.

5. If the County Planning Department determines that only a part of the proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with that determination.
6. When a developer does not intend to develop the plat himself and the County Planning Department determines that additional controls are required to ensure safe development, the County Planning Department may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

B. Drainage Facilities

1. Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.
2. Drainage plans shall be subject to the approval of the County engineer. The County engineer may require a primary underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local, County, and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

- C. Streets and Driveways - The finished elevation of proposed streets and driveways shall not be more than one (1) foot below the Regulatory Flood Elevation. Profiles and elevations of streets and driveways to determine compliance with this requirement and as required by other provisions of this Ordinance shall be submitted with the Final Plan. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.
- D. Sewer Facilities - All sanitary sewer systems located in any Federally Designated Floodplain Area, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation.
- E. Water Facilities - All water systems located in any Federally Designated Floodplain Area, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation.
- F. Other Utilities and Facilities - All other public or private utilities and facilities, including gas and electric, shall be elevated or floodproofed up to the Regulatory Flood Elevation.

ARTICLE IX

REQUIRED IMPROVEMENTS

Section 901 General

901.1 The construction of subdivision improvements shall be the responsibility of the developer.

901.2 All of the following improvements, as required by the County pursuant to the authority granted in the Pennsylvania Municipalities Planning Code, shall be completed in accordance with the requirements established by this Ordinance prior to final approval of the Final Plan, except as otherwise provided herein.

901.3 Final Plan approval, except for minor subdivisions and replots, shall not be given prior to the completion and acceptance of all subdivision improvements or the posting of financial security for such improvements, as required by this Ordinance.

901.4 All the requirements in this Ordinance concerning street paving, curbing, and sidewalks shall be adhered to unless otherwise regulated by the local municipality.

901.5 Upon completion of the improvements in accordance with the specifications of this Ordinance or those of the local municipality, the developer shall take steps to dedicate the improvements and have the same accepted by the local municipality.

Section 902 Improvements

902.1 Utility and street improvements shall be provided, where required, in each new subdivision as follows, except that improvements are not required in existing public streets which may be incorporated into, or be adjacent to, the subdivision.

- A. Survey monumentation
- B. Water supply
- C. Sanitary sewage disposal facilities
- D. Storm sewers
- E. Streets, including required grading, subgrade, base

and paving

- F. Subgrade drains where necessary
- G. Curbing on streets
- H. Sidewalks
- I. Seeding between the sidewalk and curb
- J. Required utilities, street lighting, street name signs and required grading
- K. Erosion control

ARTICLE X

CONSTRUCTION REQUIREMENTS

Section 1001 General

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

Section 1002 Monuments

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

- A. Monuments shall be concrete with a 3/8" metal dowel in the center at the top. Monument size shall be no less than 6" x 6" x 18". Where double monuments are used, the top monument shall be as described in the preceding sentence, the bottom monument shall be concrete with a 3/8" metal dowel in the center at the top. A bottom monument shall be no less than 6" x 6" x 6" in size.
- B. Markers shall be ferrous metal pipe or rods, one-half (1/2) inch minimum diameter by eighteen (18) inches minimum length or may be standard manufactured steel survey markers of a similar length.
- C. Monuments shall be placed so that the center point shall coincide exactly with the intersection of lines to be marked.
- D. Monuments shall be placed so that they protrude approximately two (2) inches above grade in areas which are not paved, at grade if in a paved area not subject to vehicle traffic, and four (4) inches to eight (8) inches below grade if in a paved area subject to vehicle traffic. Monuments set in areas subject to traffic shall be protected with a cast iron frame and access cover of adequate design for truck traffic, or may have double monuments, one

above the other, with the top monument flush with the pavement.

- E. Markers shall be driven into the ground so as to be approximately flush with the final grade.
- F. Monuments shall be set at the intersection of all lines forming angles in the boundaries of major subdivisions and at all street angle points, and at the intersection of all street centerlines.
- G. Markers shall be set at all lot angles and corners, and at the beginning and end of all curves in lot and street lines. Curves for corner radii at intersections need not be marked if the intersection is monumented.

Section 1003 Water Supply

- 1003.1 The developer shall contact the local municipality and/or public utility authority for the specifications of a water supply system. Prior to the approval of the Preliminary Plan, the developer shall provide a letter of intent from the water supplier to the County Planning Department that arrangements for the provision of the water system are proceeding satisfactorily.
- 1003.2 Fire hydrants shall be provided concurrently with the water supply with locations and frequency as required by the local municipality or water service provider.
- 1003.3 If a development requires such additional water supply as to require changes to the local 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.
- 1003.4 Notwithstanding local government mandatory connection ordinances, when a municipal or community water supply system is available within five hundred (500) feet of a subdivision or land development, each lot shall be served by such system.
- 1003.5 When the subdivision or land development is proposed to be served by individual water supply (on-lot well), a statement must accompany the application for final plan that adequate quantity and quality water is available to

support the development. Such statement shall be made by a registered professional engineer with experience in such hydrological assessments. Such statements must consider the minimum standards of the Pennsylvania Department of Environmental Protection and/or any other agency regulating such standards.

Section 1004 Sanitary Sewage Disposal

- 1004.1 Where consistent with an approved Act 537 Plan, the developer shall construct a sanitary sewer system and provide lateral connections for each lot in accordance with the specifications of the local municipality.
- 1004.2 The developer shall secure from the local municipality, prior to approval of the Preliminary Plan, a letter indicating the general design, location and preliminary approval of the proposed sanitary sewer collection system. Prior to the approval of the Final Plan, the developer shall supply documentation attesting to the approval of the sanitary sewer collection system by the local municipality, and PADEP and/or the County Health Department. The developer may also offer an acceptable financial surety in lieu of this arrangement.
- 1004.3 If a development generates such additional sanitary sewer flows as to require changes to the local 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.
- 1004.4 Private Sewer Systems - When a complete private sanitary sewer system using a treatment plant is to be provided, a statement shall be submitted to the County Planning Department from the PADEP and/or County Health Department certifying that approval of the facilities has been issued by the appropriate agency. Adequate security for the maintenance of such plant shall be furnished to the County Planning Department and local municipality.
- 1004.5 On-Lot Sewage Disposal - In subdivisions where public sewers are not available and a complete private sanitary sewer system is not required, on-lot sewage disposal systems shall be provided. In such instances, the developer shall provide evidence that the appropriate Sewage Facilities Planning Module has been completed and

approved by the PADEP and/or County Health Department. The developer must demonstrate compliance with the Pennsylvania Sewage Facilities Act, and other State, County, or local laws and/or regulations governing on-lot sewage disposal.

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

Section 1005 Storm Sewers

- 1005.1 A drainage system adequate to serve the needs of the proposed natural waterways, and overland flow will be required in new subdivisions. The developer shall construct a storm sewer system and connect the drainage system with the existing local municipal storm sewer system if one exists.
- 1005.2 If a development generates such additional storm drainage sewer flows as to require changes to the local municipality's storm sewer collection system, the developer will be requested to pay a share of the cost consistent with the provisions of Act 203 of 1990. It is the purpose of these regulations that developments which occur under this Ordinance shall pay their fair share toward needed improvements as set forth by the aforementioned Act.
- 1005.3 Bridges or culverts shall be designed to support and carry loads in accordance with current specifications of the PADOT.
- 1005.4 Where open watercourses are planned, adequate safety, erosion control, drainage, protection of capacity and appearance measures shall be taken by the developer to ensure proper, safe, healthful disposal of stormwater.
- 1005.5 Minimum grade of drainage courses shall be designed to create a minimum cleaning effect (velocity of two (2) feet per second). Lesser grades may be permitted by the County engineer where such required grades cannot be

achieved.

- 1005.6 Storm sewers shall have a minimum diameter of fifteen (15) inches and a minimum grade of one-half (1/2) of one (1) percent (0.5%). Lesser grades may be permitted when substantiated with calculations which prove that cleaning velocities will be maintained.
- 1005.7 Manholes shall normally be spaced at three hundred (300) feet maximum spacing where pipe sizes of twenty four (24) inches or less are used, and not over four hundred (400) feet where larger sizes are installed. Inlets may, if approved by the County engineer, be substituted for manholes.
- 1005.8 All phases of construction of open ditches, gutters, or storm sewers including width, depth, shapes, erosion control, minimum grade, size and area shall be in accordance with the requirements of this Ordinance and all storm drainage facilities shall be inspected and certified by the County Engineer and/or Municipal Engineer where local ordinances apply.

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

- 1006.1 Streets shall be graded to the full width of the right-of-way, surfaced, curbed (if required by the local 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 County engineer.
- 1006.2 Side slopes shall be graded to blend with the natural lay of the land, or in accordance with cross sections approved by the County engineer. Where fill material is necessary to establish uniform grades, compacting shall be required in accordance with current PADOT Publication 408 Specifications for embankment. A slope of two (2) horizontal feet to one (1) vertical foot beyond the right-of-way line in cut or fill, shall ordinarily be required.
- 1006.3 Subgrade and drainage shall be provided, shaped and compacted in accordance with current PADOT Publication 408 Specifications.
- 1006.4 Subdrains shall be designed and installed in accordance with current PADOT Publication 408 Specifications.
- 1006.5 All pavement, base, subbase (where required), and

sidewalks shall be installed in accordance with current PADOT Publication 408 Specifications. Pavement courses shall conform to PADOT Publication 70 specifications.

1006.6 Areas between the sidewalk and curb (if required) shall be seeded as required by the County engineer.

Section 1007 Utilities

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

Section 1008 Street Signs

Street name signs shall be installed by the developer at each street intersection in accordance with standards established by the municipality, or, if the municipality has no standards, as shall be approved by the County Planning Department and the Erie County Emergency Management Agency.

Section 1009 Street Lighting

Street lighting shall be provided if required by an existing local municipal ordinance.

Section 1010 Street Trees

Street trees of a deciduous hardwood type with a minimum caliper of one-and-one-half (1-1/2) inches shall, when provided, be planted between the curb and the sidewalk (if required), provided the planting strip is a minimum of six (6) feet wide and located as near the center of the planting strip as possible, but in no instance shall a tree be planted closer than three (3) feet to the curb, sidewalk or any other utility above or below the ground.

Section 1011 Existing Natural Areas

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

Section 1012 Erosion Control

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

ARTICLE XI

LAND DEVELOPMENT STANDARDS AND REQUIREMENTS

Section 1101 Jurisdiction

Certain physical developments are classified as land developments in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, and as such are subject to regulation. Land developments include, but are not limited to, mobile home parks, recreational vehicle parks, campgrounds, apartment complexes, commercial establishments, shopping centers, and office/industrial parks. Of these examples mobile home parks are specifically covered elsewhere in this Ordinance. All other types of land development will be governed by this Article. Land development is characterized by the fact that the development site is in a single ownership and the buildings and/or use areas are rented or leased to prospective users. There is no 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 until:

- A. The Final Plan has been approved by the County Planning Department and recorded as required by this Ordinance.
- B. All required permits from Federal, State and local agencies, where applicable, have been approved for issue to the applicant.
- C. A highway occupancy permit for the purpose of constructing access facilities has been obtained from PADOT.

Section 1102 Procedures

In processing a land development application, the three-stage procedure established in this Ordinance for land subdivisions shall be used: Sketch Plan (not mandatory), Preliminary Plan, and Final Plan stages. The land development shall be processed, and submission requirements shall be the same as that required for major subdivisions. The Final Plan shall be recorded in the Erie County Recorder of Deeds office.

The processing, requirements, drawing size, certifications, acknowledgements, number of copies, etc. for submission of Plans shall be the same as for major subdivisions (unless otherwise noted) as set forth in Articles III and VII of this Ordinance.

Section 1103 Site Plan

The developer shall submit a Site Plan. Such Plan shall be at a scale of ten (10) to fifty (50) feet to the inch depending upon development size and complexity. Where building development and parking lot development is in excess of twenty-five thousand (25,000) square feet combined, topographic data at two (2) foot contour intervals shall be required. Each Site Plan shall, through one or more pages, show:

- A. Existing site conditions:
 - 1. Topography, as required
 - 2. Watercourses and drainage features
 - 3. Tree clusters
 - 4. Buildings and parking areas
 - 5. Utilities (location and size)
 - 6. Rights-of-way and roads
 - 7. Easements
 - 8. Adjacent properties

- B. Proposed improvements:
 - 1. Buildings (with finished elevations)
 - 2. Vehicular access and parking areas
 - 3. Pedestrian access areas
 - 4. Landscaping
 - 5. Storm drainage facilities
 - 6. Utilities (location and size)
 - 7. Easements
 - 8. Proposed lighting and signage

- C. Property information with a boundary survey completed by a registered land surveyor/registered landscape architect.

Section 1104 Design Standards

- 1104.1 Vehicular access connections to the surrounding existing road network shall be safe, shall have adequate site distances, and shall have the capacity to handle the projected traffic.
- 1104.2 The Site Plan shall demonstrate that building locations and areas for vehicular circulation are properly related.
- 1104.3 Service/maintenance areas for the land development shall be planned and constructed such that they are not visible from adjacent uses.
- 1104.4 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, citing current engineering standards, and shall conform to Section 804 of this Ordinance or local municipal standards, as applicable.
- 1104.5 A stormwater management plan shall be developed in accordance with Section 812 of this Ordinance. Such plan shall be in compliance with stormwater management plans adopted by the County for the watershed in which the land development is located and the local municipal stormwater management regulations, as applicable. A Soil Erosion and Sedimentation Control Plan shall be reviewed by the Erie County Conservation District prior to approval.
- 1104.6 A complete landscaping plan prepared by a registered landscape architect shall be submitted that includes a complete interior landscape plan in addition to a landscaped transition to adjoining properties. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axis, and provide shade.
- 1104.7 A complete pedestrian circulation plan shall be submitted indicating the safe and efficient movement of people within and through the site.
- 1104.8 Exterior lighting, when used, shall be of a design and size compatible with adjacent areas and in accordance with the standards of the Illuminating Engineers

Society.

1104.9 Information relating to the availability of water and sanitary sewage disposal for the site shall be furnished to the County Planning Department in accordance with the requirements of this Ordinance, as applicable.

1104.10 Utilities: Gas, electric, telephone and cable utilities shall be located in land developments in accordance with utility company practice and in accordance with agreements with the local municipality, as applicable.

Section 1105 Assurances of Completion and Maintenance of Improvements

Insofar as the land development involves the lease or rental of buildings and/or space on the site and site improvements (such as roads, parking areas and stormwater drainage facilities), which are to be privately maintained or maintained by a private (non-public) organization created by the developer - there is no need for municipal acceptance of the site improvements (roads, stormwater drainage facilities). However, in these instances roads and stormwater drainage facilities shall be designed and built to the standards established in this Ordinance and such municipal stormwater management regulations that may be applicable, and the County Planning Department and local municipality shall determine that these improvements are, in fact, built to such standards. Where the developer does not intend to maintain the improvements and where a homeowner's association or similar organization will not be organized for these responsibilities, the developer will submit a plan for maintenance of such facilities. This document will be legally enforceable, such that it clearly establishes maintenance responsibility. It must be approved by the County Planning Department and the local municipality.

Section 1106 Signs

All signs shall be erected in accordance with current local municipal zoning regulations and/or other ordinances that regulate such activity.

ARTICLE XII

MOBILE HOME PARK REGULATIONS

Section 1201 Applicability

Mobile Home Parks shall be permitted in any municipality which is regulated by the Erie County Subdivision and Land Development Ordinance subject to existing local municipal zoning ordinances or other regulations. In any municipality which has a locally adopted ordinance which governs mobile home parks, the local municipal ordinance standards shall apply.

- 1201.1 The standards set forth under this section are intended for those mobile home parks where lots within the park are for rental or lease only.
- 1201.2 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 subject to the regulations concerning same.

Section 1202 Application Procedures

- 1202.1 No person, firm, or corporation proposing to open, re-arrange, or expand a Mobile Home Park in those municipalities which fall under the jurisdiction of this Ordinance shall proceed with any construction work on the proposed park until they have obtained written approval of the Preliminary and Final Plans from the County Planning Department, according to procedures herein outlined.
- 1202.2 Submittal of Preliminary and Final Plan applications shall comply in form and content to Article III of this Ordinance, as applicable, and the standards set forth herein.

Section 1203 Plan Requirements

- 1203.1 General - Information to be included on the Preliminary and Final Plans shall conform with the requirements of Article VII of this Ordinance, as applicable.
- 1203.2 Storm Water Management Plan - The owner shall prepare and submit a storm water management plan in compliance with Storm Water Management Plans adopted by the County for the watershed in which the land development is located and the local municipal stormwater management

regulations, as applicable.

Section 1204 Design Requirements

- 1204.1 Minimum Area of Tract or Park - 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 of adjacent property owners.
- 1204.2 Length of Residential Occupancy - Parks shall be designed to serve the long term placement of mobile homes.
- 1204.3 Individual Lots - The planning and location of individual lots shall be guided by the following requirements:
- A. Access - Each lot shall be directly accessible from an approved internal street without the necessity of crossing any other space.
 - B. Size - 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.
 - C. Yard Requirements:
 - 1. Mobile homes shall be parked on each lot so that there will be a minimum of four (4) 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 an individual mobile home, attached structure, and accessory structure, and the pavement of a park street or common parking area.
 - 3. The setback from the right-of-way of any public street or highway shall be thirty-five (35) feet or comply with the local zoning ordinance (where applicable), whichever is more restrictive.
 - 4. Mobile homes shall be located a minimum of twenty (20) feet from any common building or structure.

5. Secondary entrance ways may utilize stoops, landings, patios, or awnings, which may extend a width of four (4) feet.
-
- D. Identification - Each lot or mobile home shall have a number placed on the lot 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. Such lot numbering shall be approved by the local municipality.
 - E. Skirting - The plans shall specify that skirting shall be provided on all mobile homes. Such skirting shall be as recommended by the manufacturer.
 - F. Drainage - Drainage plans shall be submitted with the Preliminary Plan.
 - G. Mobile Home Foundations:
 1. The location of each mobile home foundation shall be at such elevation, distance and angle in relation to the access street so that the removal of the mobile home is possible without barrier to access.
 2. The size of each mobile home foundation shall be suitable for the general market to be served by the individual park, be sufficient to fit the dimensions of mobile homes anticipated, and sufficient to handle any appurtenant structures and appendages, including prefabricated "Florida Rooms", car ports and storage structures.
 3. A one percent (1%) to five percent (5%) gradient longitudinal crown or cross gradient for surface drainage shall be provided.
 4. Mobile home foundations shall be concrete pads with subsurface drainage base and pad thickness in accordance with the manufacturer's specifications or as approved by the County Engineer.
 5. Each mobile home foundation shall provide adequate tie downs, able to withstand a wind pressure of fifteen (15) pounds per square

foot on an exposed vertical surface. Either "over-the-top" and/or "frame tie downs" shall be required. The strapping for any "over-the-top" tie downs shall be of four thousand seven hundred (4,700) pounds tensile strength.

- H. Internal Street System - The internal street system in privately owned mobile home parks shall be privately owned, constructed and maintained in accordance with the applicable sections set forth in Article VIII, Design Standards, and Article X, Construction Requirements, of the Erie County Subdivision and Land Development Ordinance.
- I. Street Widths at Access Points - At points where general traffic enters or leaves the park, streets shall be thirty-five (35) 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.
- J. Parking Spaces - Car parking spaces, at a minimum size of ten (10) feet by twenty (20) feet, shall be provided in sufficient number to meet the needs of the occupants of the property and their guests, without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) parking spaces for each mobile home lot, located in adjacent parking bays. If no on-street parking is permitted, then one (1) parking space for each four (4) lots shall be provided. Required car parking spaces shall be located for convenient access to the mobile home stand.
- K. Recreation - For a proposed park of fifteen (15) acres or more, at least five percent (5%) shall be reserved or dedicated for recreation purposes with appropriate location, dimensions and topographic characteristics which, in the judgement of the County Planning Department lend themselves to recreational uses.

Section 1205 Utility and Fire Safety Requirements

- 1205.1 Sanitary Sewage Disposal - Provisions for all sewage disposal facilities shall be in accordance with the requirements of the Pennsylvania Sewage Facilities Act, the PADEP and the County Health Department, and shall

conform with the requirements of Section 1004 of this Ordinance.

- 1205.2 Water Supply - Provisions for the water supply shall be in accordance with the requirements of Section 1003 of this Ordinance and shall be in conformance with all Federal, State and local standards and regulations.
- 1205.3 Electric - All electrical facilities shall be installed and inspected according to the standards set forth in the latest edition of the National Electrical Code and the local Power Company regulations. All electrical facilities shall be inspected as required by the Commonwealth Electrical Inspection, Middle Department Inspection Agency, Atlantic-Inland Inc., or other inspection company acceptable and approved by the Commonwealth of Pennsylvania.
- 1205.4 Exterior Lighting - Adequate lights shall be provided to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night. Lighting fixtures shall be no less than two-tenths (2/10) of a foot candle power per pole. All exterior lighting shall be designed and installed in accordance with the standards of the Illuminating Engineering Society of America.
- 1205.5 Fire Safety Measures - For the safety and welfare of the residents of the mobile home park, the following fire safety measures shall be incorporated into the park. All fire safety plans shall be approved by the municipality and the designated fire chief responsible for the fire protection service area in which the park is located.
- A. In areas where the extension of central water lines, whether public or private, is proposed for the mobile home park development, fire hydrants shall be required on any mobile home park of ten (10) lots or more.
1. Hydrant size and type of all hydrants installed shall be of a standard size and type as specified by the municipality and the designated fire chief responsible for the area in which the mobile home park is located.
 2. Hydrant spacing shall be adequate to serve all lots within the mobile home park. Hydrants shall be arranged not more than one thousand (1,000) feet apart from one another. Where an

existing hydrant is less than one thousand (1,000) feet from the park, the existing hydrant shall be deemed satisfactory and spacing can be determined and shown, taking the existing hydrant into consideration.

3. Hydrants shall be located within dedicated easements.
 4. The proposed locations of fire hydrants shall be shown on the submitted plans. Any existing fire hydrants less than one thousand (1,000) feet from the proposed park, shall be shown in the vicinity sketch with an exact distance in feet from the hydrant to the nearest lot line of the mobile home park.
- B. In areas where there are no central water line extensions proposed, the following fire safety measures shall be incorporated into the park. The developer retains the option of installing either the tank or pond system.
1. The Tank System - An approved underground, static water tank of not less than three thousand (3,000) gallons suitably arranged for fire department drafting at a spacing of five hundred (500) feet or less. In addition:
 - a. The tank shall be designed to permit a discharge of no less than five hundred (500) gallons per minute.
 - b. Each tank shall have two (2) combination vent pipe and dump valve openings above ground. The openings shall be twenty-four (24) inches square covered by either a removable type lid or a hinged type lid.
 - c. Each tank shall have an approved outlet above ground, no less than four and one-half (4-1/2) inches in diameter. This outlet shall be encased in a hydrant for drafting, with at least two (2) - two and one-half (2-1/2) inch outlets or equal.
 2. The Pond System - A water pond shall be located in such a way as to serve all park lots. The pond shall be utilized by a "dry

hydrant" type of outlet. The volume of water within the pond shall be sufficient, as determined by the fire chief responsible for the area, to adequately serve all park lots.

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

ARTICLE XIII

ADMINISTRATION AND MODIFICATION

Section 1301 Amendments

The County Council of the County of Erie may periodically revise, modify and amend this Ordinance by appropriate action in accordance with the Pennsylvania Municipalities Planning Code.

Section 1302 Filing Fee

The applicant shall reimburse the County for reasonable and necessary expense incurred for the review/approval of subdivision or land development plans and inspection of improvements. Such reimbursement shall be based upon a fee schedule established by resolution of the County of Erie. The County of Erie will periodically approve, by resolution, revisions to the Fee Schedule as necessary in order to sufficiently cover the costs associated with the Subdivision and Land Development review process.

Section 1303 Records

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

Section 1304 Appeals

In any case where the County Planning Department disapproves a subdivision or land development plan, any person aggrieved thereby may, within thirty (30) days thereafter, appeal to the County Planning Commission. Further appeals shall be filed in accordance with the Pennsylvania Municipalities Planning Code.

Section 1305 Validity

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

Section 1306 Procedural Guide

The County Planning Department will develop a procedural guide to assist applicants with the subdivision or land development review and approval process. Such guide shall be updated as necessary by the County Planning Department.

Section 1307 Preventative Remedies

1307.1 In addition to other remedies, the County may institute and maintain appropriate action by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premise. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferrer from such penalties or from the remedies herein provided.

1307.2 The local municipality may refuse to issue any permit and the County and/or local 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 or of any local municipal ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:

- A. The owner of record at the time of such violation.
- B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the County may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

Section 1308 Enforcement Remedies

- 1308.1 Any person, partnership or corporation who or which has violated the provisions of this Subdivision and Land Development Ordinance enacted under the Pennsylvania Municipalities Planning Code or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the County of Erie, pay a judgement of not more than five hundred dollars (\$500), plus all court costs, including reasonable attorney fees incurred by the County of Erie 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 County of Erie may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- 1308.2 The County Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgement pending a final adjudication of the violation and judgement.
- 1308.3 Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the County the right to commence any action for enforcement pursuant to this section.

Section 1309 Modification of Regulations

- 1309.1 The County Planning Commission may grant a modification of the requirements of one (1) or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.
- 1309.2 All requests for a modification shall be in writing and shall accompany and be a part of the application for development and shall include a processing fee. The

request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision(s) of the ordinance involved and the minimum modification necessary.

1309.3 The County Planning Department shall keep a written record of all action on all requests for modifications.

1309.4 The County Planning Department may submit advisory comments on the request for modification. If the County Planning Commission approves the request for modification, it shall authorize the minimum modification from this Ordinance that will afford relief. Approved modifications must be recorded on the plan.

Section 1310 Conflict

Whenever there is a difference between the minimum specifications or dimensions specified in this Ordinance and those contained in other regulations, resolutions or ordinances of the County, the local municipality or regulations of state and federal agency, the highest standard shall govern.

APPENDIX SECTION

Appendix 1
Erie County Department of Planning

APPLICATION FORM

REQUEST FOR REVIEW AND APPROVAL
OF PROPOSED SUBDIVISION OR LAND DEVELOPMENT PLAN

Subdivision/Land Development Name: _____

Project Location: _____

Municipality: _____ Erie County Index No.: _____

Name of Property Owner(s): _____

Address: _____ Phone No.: _____

Name of Surveyor who prepared Plan: _____

Type of Plan:

| | | |
|-------------------------|---------------------------------|------------------------|
| Replot _____ | Major Subdivision - Prel. _____ | Land Development _____ |
| Minor Subdivision _____ | Major Subdivision - Final _____ | Modification _____ |

Plan Detail:

Total Acreage: _____ Number of New Lots: _____

| | | |
|--------------------|-------------------|-------------------|
| Proposed Land Use: | Number of Lots: | Current Zoning: |
| Residential _____ | Residential _____ | Residential _____ |
| Commercial _____ | Commercial _____ | Commercial _____ |
| Industrial _____ | Industrial _____ | Industrial _____ |
| Other _____ | Other _____ | Other _____ |

Proposed Water Supply: Public _____ Community _____ On-Lot _____

Proposed Sewage Disposal: Public _____ Community _____ On-Lot _____

Erie County Health Department/PA DEP Approval: YES _____ NO _____ N/A _____

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

_____ Date _____ Signature of Landowner or Applicant _____

=====

(for office use only)

Type of Plan and Cost:

| | |
|----------------------------|------------------------------------|
| Replot \$ _____ | Major Subdivision - Prel. \$ _____ |
| Minor Subdivision \$ _____ | Major Subdivision - Final \$ _____ |
| Modification \$ _____ | Land Development \$ _____ |

Base Fee: \$ _____ + Per Lot Fee: \$ _____ = **Total Fee:** \$ _____ Completed by: _____

Appendix 2

RECOMMENDED CERTIFICATES AND ACKNOWLEDGEMENTS TO APPEAR ON THE
PRELIMINARY PLAN AND/OR FINAL PLAN, AS APPLICABLE.

A. CERTIFICATION BY SURVEYOR/LANDSCAPE ARCHITECT:

I, * _____, 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.

_____, 19__ ** _____

- * Name of registered land surveyor/registered landscape architect
- ** Signature of registered land surveyor/registered landscape architect responsible for the preparation of the Plan
- *** Seal of the surveyor/landscape architect

B. CERTIFICATION OF OWNERSHIP AND ACKNOWLEDGEMENT OF PLAN:

On this, the ___ day of _____, 19__, before me, the undersigned officer, personally appeared * _____, who being duly sworn according to law, deposes and says they are the owners and/or equitable owners of the property shown on the plan, and that they acknowledge the same to be their act and plan and desire the same to be recorded as such according to law.

** _____

Witness my hand and seal this ___ day of _____, 19__

*** _____

My commission expires: _____, 19__

- * Identify ownership or equitable ownership
- ** Signature of the owner(s)
- *** Signature and Seal of the Notary Public or other Officer authorized to acknowledge deeds

Appendix 2
(continued)

C. CERTIFICATES FOR MUNICIPAL REVIEW AND APPROVAL:

Reviewed by the * _____ Planning Commission
this ____ day of _____, 19__.

Reviewed by the * _____ Supervisors (or Council)
this ____ day of _____, 19__.

* Name of Township or Borough

D. CERTIFICATE FOR COUNTY APPROVAL:

Approved by the Erie County Department of Planning
this ____ day of _____, 19__.

Reviewed by _____ Director

E. RECORDER OF DEEDS CERTIFICATE:

Recorded in the Erie County Recorder of Deeds Office
this ____ day of _____, 19__, as Map Number _____.

Recorder of Deeds

G. CERTIFICATION STATEMENT FOR A PUBLIC RIGHT-OF-WAY/
PRIVATELY MAINTAINED ROAD:

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

H. HIGHWAY OCCUPANCY PERMIT CERTIFICATION:

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

Appendix 2
(continued)

I. NON-BUILDING WAIVER NOTICE:

As of the date of the this plot plan recording, the property/subdivision described herein is and shall be dedicated for the express purpose of _____ use. No portion of this property/subdivision has been approved by _____ (municipality) 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 _____ (municipality), which is charged with administering the Sewage Facilities Act to determine what sewage facilities planning is required and the procedure and requirements for obtaining appropriate permits or approvals.

Appendix 3

PUBLIC RIGHT-OF-WAY / PRIVATELY MAINTAINED ROAD AGREEMENT

**COVENANTS, RESTRICTIONS, EASEMENTS,
CONDITIONS AND STIPULATIONS GOVERNING**

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

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

WHEREAS, the Erie County Subdivision and Land Development Ordinance regulates all subdivision and land development activity located in municipalities that do not have an adopted Subdivision and/or Land Development Ordinance; and

WHEREAS, such regulations are administered by the Erie County Department of Planning (hereinafter the "County"); and

WHEREAS, the dedication of public streets in such areas shall only be as accepted by the local municipal officials (hereinafter the "Municipality"); and

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

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

1. Where used in this Agreement, the term "maintenance" shall be deemed to include maintenance, repair, improvement, snow removal and ice removal, and the term "street" shall be as defined in the Erie County Subdivision & Land Development Ordinance.
2. Construction and maintenance of an improved cartway surface for vehicular access within the _____ right-of-way is the responsibility of the Owner and/or the Owners of the lots fronting on said roadway, to and until such time as the said Owner and/or lot Owners would elect to bring all or

any portions of said roadway into full compliance with public road design standards of the Municipality, _____, then in effect. Neither the Municipality nor the County of Erie shall have any responsibility for construction, repair, maintenance or improvement of the said private street and right-of-way.

3. When the Owner and/or lot Owners have constructed and installed the roadway and/or street improvements at the Owner's and/or lot Owner's expense and cost, the Municipality may thereafter accept the ownership, operation and maintenance of the improved portion of said thoroughfare as part of its public road system after a petition to open the street has been signed by all owners of lots abutting it and has been submitted to and approved by the Municipality.
4. All costs of installing, improving, altering, repairing, maintaining or servicing of the cartway surfaces and roads, streets and/or thoroughfares shall be borne by the Owner and/or Owners of the lots of said subdivision until the same have been accepted by the Municipality.
5. No barriers, fences, curbs, or other obstructions to the free and unhampered use by any and all public and private persons of said rights-of-way, roads, and cartways shall hereinafter be permitted, nor shall any building or any other structures be hereinafter constructed or erected on any part of said right-of-way or roadway.
6. The rights and privileges to use the hereinabove designated streets, roads or thoroughfares shall extend and inure to the benefit and in favor of all lot Owners, their heirs, executors, administrators, successors and assigns, mortgages, tenants, purchasers and to the public generally, and Owner hereby grants, conveys and declares an easement in and to said right-of-way and street to and for the benefit of Owners of lots in the subdivision and the public generally for ingress, egress and public vehicular and pedestrian travel. This Covenant, Easement and Conditions shall run with the land or until such time and the public right-of-way/privately maintained road(s) have been accepted by the Municipality.
7. The following language shall be included on the subdivision plat to be recorded:

Construction, maintenance, reconstruction and improvement of, and removal of snow and ice from the street and right-of-way known as _____ as shown on this plat shall be the sole responsibility of the Owner, Developer and/or successor and grantee owners of those lots fronting upon said right-of-way until such time as Owner, Developer and/or successor owners of said lots shall elect to improve all portions of said street into full compliance with the Municipality's public road specifications then in effect and the Municipality, upon submission of a proper petition to open such street and delivery of such deeds or dedications of

conveyance as are then required by law, shall accept such improved roadway and right-of-way as a public street. The undersigned Owner further hereby dedicates an easement in favor of the Municipality, owners of lots in the subdivision and the public generally for use of said right-of-way for public vehicular and pedestrian travel and for ingress to and egress from said subdivision. This dedication, release and definition of maintenance responsibility shall be binding upon our heirs, executors, administrators, assigns and purchasers of land thereon.

8. The Owner and/or Owners of the lots at all times shall be obligated to maintain, repair, improve and service the public right-of-way/privately maintained road(s) in a proper, good and workmanlike manner.
9. Approval by the Municipality and County of the subdivision as set forth herein shall not be deemed to impose upon either the Municipality or the County any responsibility or liability of any nature whatsoever relative to the Owner's decision to utilize a public right-of-way/privately maintained road(s) the form of ingress, egress and regress, the imposition upon the Owner and successor owners of the lots abutting the street for construction or maintenance of the street, the future maintenance or repair of said private road and/or any and all claims, actions, injuries, losses and causes of action arising out of the construction, repair or maintenance of the street and/or the failure of the Owner or successors and grantees to properly construct, maintain or repair the street.
10. Owner and Owner's heirs, executors, administrators, successors and assigns to hereby agree to indemnify and hold harmless the Municipality and County, their agents, servants and/or employees from, against, for and in respect to any and all damages, losses, obligations, liabilities, claims, deficiencies, costs and expenses, including, but not limited to, reasonable attorney's fees and other costs or expenses incident to any suit, action, investigation, claim, or proceeding suffered, sustained, incurred or required to be paid by the County and/or the Municipality on account of the approval of the within subdivision, the use of the public right-of-way/privately maintained road(s), and the maintenance, repair, plowing, servicing, etc. of such road(s).

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

11. With respect to any suit, action, investigation, claim or proceeding for which indemnification is claimed by the County

and/or Municipality, Owner shall promptly and immediately defend, contest, settle, compromise or otherwise protect the County against any such suit, action, investigation, claim or proceeding at Owner's own cost and expense.

12. This Agreement shall be binding upon and inure to the benefit of the parties, their heirs, personal representatives, successors, grantees and assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals or caused this instrument to be executed by their duly authorized officers this _____ day of _____, 19,____.

COUNTY OF ERIE:

OWNER:

Judith M. Lynch
County Executive

Date: _____

Date: _____

WITNESS/ATTEST:

WITNESS/ATTEST:

Date: _____

Date: _____

APPROVED AS TO LEGALITY AND FORM:

Assistant Erie County Solicitor

Date: _____

STATE OF:

COUNTY OF:

ON THIS, THE _____ DAY OF _____, 199__, 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:

COUNTY OF:

ON THIS, THE _____ DAY OF _____, 199__, 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