

CITY OF ERIE

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE



SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

CITY OF ERIE, PENNSYLVANIA

ORDINANCE NO. 23-1989

We do hereby certify that this Ordinance was finally
passed by City Council on April 26, 1989 and
signed by the Mayor on May 2, 1989.

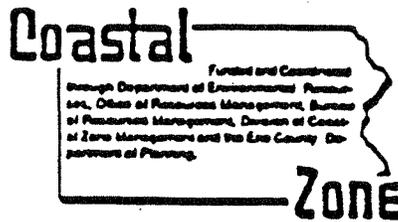
Louis J. Tullio

Mayor

ATTESTED: James Klemm
City Clerk

EFFECTIVE DATE: May 22, 1989

THE CITY OF ERIE
SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE



This Ordinance was financed through a Federal Coastal Zone Management Grant from the Pennsylvania Department of Environmental Resources with funds provided by the National Oceanic and Atmospheric Administration.

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ARTICLE I

GENERAL PROVISIONS

Section 101 Short Title

This Ordinance shall be known and may be cited as the "City of Erie 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 City.
- 102.3 To assure new development will be coordinated with existing City 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, gutters and such other improvements as shall be considered needed by the City.
- 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 secure equitable handling of all subdivision plans by providing uniform procedures and standards.
- 102.11 To implement the Comprehensive Plan.

Section 103 Authority

The City of Erie is vested by law with jurisdiction and control of the subdivision of land located within the City limits in accordance with Article 5, Section 501, of the Pennsylvania Planning Code, Act 247 of 1968, as amended. In accordance with Section 501, the power to regulate and approve subdivisions and land developments is conferred on the Planning Commission of the City of Erie.

Section 104 Jurisdiction

- 104.1 This Ordinance shall apply to all land situated in the City of Erie.
- 104.2 Plans for subdivisions within the City, shall be submitted to, and approved, by the City before they are recorded. Such approval is in addition to, and does not supersede, those required by other ordinances, resolutions, or regulations of the City.
- 104.3 The provisions of the City of Erie 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 Land Subdivision Regulations. The date of those regulations was December 13, 1929.

Section 105 Municipal Responsibility and Liability

The provisions within this Ordinance are designed to fulfill the purposes cited in Section 102. The degree of protection sought by the conditions and requirements of this Ordinance for the present and future residents and land owners in the City is considered reasonable for regulatory purposes. This Ordinance does not imply that compliance with the minimum requirements for subdivisions or land developments will be free from inconveniences, conflicts, danger or damages. Therefore, this Ordinance shall not create liability on the part of the Mayor, individual members of the City Council, the Planning Commission or any officer, appointee or employee of the City 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 MAY 22, 1989 and shall remain in effect until modified or rescinded by the City Council. This Ordinance shall supersede and replace all other conflicting regulations issued by the City previous to the approval date of this Ordinance, specifically those regulations entitled "Guide for the Laying Out and Development of Subdivisions", adopted December 13, 1929, and any amendments thereto.

Section 107 Copies

Copies of the City of Erie Subdivision and Land Development Ordinance shall be made available to the general public at the Office of City Planning and Zoning at a fee of five dollars (\$5.00) per copy.

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: words in the singular include the plural, and the words in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership as well as an individual. The word "building" shall be construed as if followed by the words "or part thereof". The words "shall" and "will" are mandatory; the word "may" is permissive. An "agency" shall be construed to include its successors or assigns. Words not defined in this Article shall have their normal meanings.

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, 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, tentative 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 the approval of a subdivision plat or plan or for the approval of a land development plan.

Building or Setback Line: The line within a property defining the required minimum distance between any building and the adjacent right-of-way and/or property lines.

Cartway: The improved surface of a street or alley designed for vehicular traffic.

City: The City of Erie, Pennsylvania.

City Engineer: A professional engineer licensed as such in Pennsylvania, duly appointed as the Engineer of the City of Erie.

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

Commission: The Planning Commission of the City of Erie.

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.

Comprehensive Plan: The Erie City Plan for the Future, of 1967, and any amendments thereto. This master plan contains guidelines for the future growth, protection and development of the City.

Corner Lot: A lot, located at the intersection of two or more existing or proposed street rights-of-way.

Council: The City Council of the City of Erie, Pennsylvania.

County: The County of Erie, Pennsylvania.

Cul-de-Sac: A street intersecting another street at one end and terminating at the other in a vehicular turn-around.

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.

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.

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.

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

Dwelling Unit: Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

Easement: A right granted for limited use of private land for public and quasi-public purposes including such things as utilities and drainage.

Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania.

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

Erosion and Sediment Control Plan: A plan showing all present and proposed grades and facilities for storm water, drainage, erosion and sediment controls, and which is in accordance with Section 1011 of this Ordinance.

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.

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:

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

i.) a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure: or

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

2. A subdivision of land.

3. Development in accordance with Section 503(1.1) of the Pennsylvania Planning Code.

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

Lot: A designated parcel, tract or area of land established by a plat or otherwise 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 right-of-ways, but including the area of any easement.

Official City Map: The Official Map of the City of Erie originally adapted in 1942, as amended, showing its streets, highways and principal features.

Pennsylvania Planning Code: The Pennsylvania Municipalities Planning Code, Act 247 of 1968, and amendments to same as may be adopted from time to time.

Plan, Final: A complete and exact subdivision plan prepared for official recording as required by statute and this Ordinance.

Plan, Preliminary: The preliminary drawing indicating the proposed layout of the subdivision to be submitted to the City of Erie for consideration, as required by this Ordinance.

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

Planning Commission: The Planning Commission of the City of Erie, Pennsylvania.

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

Public Grounds: Parks, playgrounds and other public areas, and sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

Public Notice: Notice as required under the provisions of the Pennsylvania Planning Code.

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

Right-of-Way: Land dedicated for use as a public street, alley or crosswalk, which may also be used by sewer, water, storm sewer, electric, gas, telephone and cable system(s).

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.

Secretary: The Secretary of the Erie City Planning Commission.

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".

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

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 highway facility is devoted entirely 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 should be reserved for multi-lane, divided roads with few, if any, grade intersections.
- B. Minor Arterial: Arterials bring traffic to and from the expressway and serve 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. Collector: This class of road serves the internal traffic movement within the municipality 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.
- D. Commercial: Commercial roads service areas whose predominant use is commercial. In function, design and specification, they will be considered as a collector street.
- E. Local and Minor: The minor streets' sole function is to provide access to immediately adjacent land.

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: Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in addition to buildings, billboards, carports, porches, swimming pools, and other building features but not including sidewalks, drives, fences and porches without a roof or enclosed sides.

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 division 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 any residential dwelling, shall be exempted.

Subdivision - Major: Any subdivision which is not a minor subdivision.

Subdivision - Minor: A subdivision having ten (10) lots or less and which has all lots fronting on an existing street, and which does not include or require new sanitary sewer main extensions, new water lines or the dedication of streets or alleys.

Subdivision - Replat: The change of a lot line between two (2) abutting existing parcels not intended to create a new parcel and where such lot line change is in full compliance with this Ordinance, the Erie City Zoning Ordinance and related ordinances, rules and regulations of the City.* A replat which involves the creation of new lots or involves more than two (2) lots shall be treated as a major or minor subdivision.

*Any deviation from the requirements of the Erie City Zoning Ordinance may be referred to the Erie City Zoning Hearing Board.

Substantially Completed: Where, in the judgment of the City 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 professional surveyor, licensed as such in the Commonwealth of Pennsylvania.

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.

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

Waterlot: Certain properties, or property rights located in Presque Isle Bay within the City of Erie's jurisdiction.

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

Zoning Hearing Board: A Board created under the provision of the Zoning Ordinance of the City of Erie to hear and/or adjudicate appeals and requests.

ARTICLE III

PROCEDURES - MAJOR SUBDIVISIONS

Section 301 Pre-Application Investigation

- 301.1 Developers are urged to discuss possible development sites with the Planning Commission Secretary and the City Engineer prior to submission of the Preliminary Plan. The purpose of the pre-application meeting is to afford the developer an opportunity to avail himself of the advice and assistance of these offices. A second purpose is to determine if the proposed development is in general accordance with this Ordinance. The developer is encouraged to further discuss his proposal with the Erie County Department of Planning, PennDOT or utility companies as may be appropriate.
- 301.2 A sketch plan may be prepared and presented for review and discussion at the same time. Sketch plans should generally include those items listed under Plan Requirements, Article VII, Section 701 of this Ordinance.
- 301.3 Such discussion and/or sketch plan review will be considered as confidential between the developer and the City. Submission of a sketch plan shall not constitute formal filing of a plan.

Section 302 Preliminary Plan Application

- 302.1 The Preliminary Plan and all information and procedures relating thereto shall, in all respects, be in compliance with the applicable provisions of this Ordinance when submitted to the City. 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.
- 302.2 Three (3) copies of the Preliminary Plan and all required exhibits shall be received during regular office hours of the Planning Commission Secretary and must be received at least two (2) weeks prior to the Planning Commission meeting.
- 302.3 Information to be filed with Preliminary Plans shall generally 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 therein.

- 302.4 A copy of the Preliminary Plan and all required exhibits shall be forwarded to the Erie County Department of Planning for their review and comments in accordance with Section 502 of the Pennsylvania Planning Code. This copy shall be retained for their files. The Planning Commission will not take final action on the Plan until it receives the County review or until the expiration of forty-five (45) days from the date the Plan was received to the County.
- 302.5 In cases where the subdivision fronts on an existing or proposed State Highway or has proposed streets entering on such highways, the developer shall submit the plans to the Pennsylvania Department of Transportation (PennDOT) for review and permits(s) if required.

Section 303 Approval of Preliminary Plan

- 303.1 Upon the Planning Commission Secretary's receipt of the Erie County Department of Planning review (and PennDOT review, if required) or after forty-five (45) days, whichever comes first, the three (3) copies of the Preliminary Plan and other exhibits required for approval will be submitted to the Planning Commission. The Planning Commission 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 of the Erie County Department of Planning, the Planning Commission Secretary, the City Engineer, the utility companies (and PennDOT if required).
- 303.2 Before acting on the Preliminary Plan, the Planning Commission may arrange for a public hearing thereon. Adequate public notice shall be given.
- 303.3 The Planning Commission shall take final action on the Preliminary Plan within ninety (90) days of the Plan being submitted to the Planning Commission. The Planning Commission shall render its decision during a public meeting. Within fifteen (15) days after the public meeting, the Planning Commission shall notify the developer, in writing, of the action taken at the public meeting, and specifying what revisions or additions, if any, will be required prior to the approval of the Final Plan.

- 303.4 Any revisions of the Preliminary Plan required, as prerequisite to approval, will be noted on three (3) copies of the Preliminary Plan. One (1) copy of the conditionally approved Preliminary Plan will be returned to the developer, one (1) copy will be retained by the Planning Commission Secretary, and one (1) copy will be filed with the City Engineer.
- 303.5 Approval of the Preliminary Plan shall constitute approval of the subdivision as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots, and other planned features, but shall not authorize the sale of lots.

Section 304 Final Plan Application

- 304.1 After the developer has received official notification that the Preliminary Plan has been approved and what changes, if any, must be made if the Plan is to proceed to consideration as a Final Plan, the developer has one (1) year in which to submit a Final Plan. If the developer does not do so within the one (1) year period, the approval of the Preliminary Plan shall become null and void unless an extension of time is requested by the developer in writing and is granted in writing by the Commission before the expiration date.
- 304.2 The information and number of plans 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 that Article and in the number of copies specified therein. The Final Plan shall be filed at the office of the Planning Commission Secretary during regular business hours and at least two (2) weeks prior to the Planning Commission meeting.
- 304.3 Assurance of completion where required shall be submitted in accordance with Article V.
- 304.4 The original and at least six (6) copies of the Final Plan and all other exhibits required for approval shall be forwarded to the Erie County Department of Planning for review and comments. One (1) copy will be retained by the Erie County Department of Planning for its files. The Planning Commission will not take final action on the Final Plan until the Erie County Department of Planning completes its review or until the expiration of forty-five (45) days from the date the Final Plan was received by the Erie County Department of Planning.

- 304.5 When an extension of time is granted for the submission of a Final Plan, the Planning Commission 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 Plan, prior to final approval, that will reflect any substantial changes on the site of the subdivision or in its surrounding, that have taken place since the grant of preliminary approval.
- 304.6 It is not necessary for the whole Plan that received preliminary approval to be submitted as a Final Plan. The Final Plan may be submitted in sections, each covering a portion of the entire proposed subdivision shown on the Preliminary Plan. In the case where development is projected over a period of years, the Planning Commission may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- 304.7 The developer must provide sewerage and water plans for the entire development site of the Preliminary Plan regardless of the number of sections or stages to be initially developed.

Section 305 Approval of Final Plan

- 305.1 Upon completion of the Erie County Department of Planning's review or after forty-five (45) days, whichever comes first, the original and at least five (5) copies of the Final Plan and all other exhibits required for approval shall be submitted to the Planning Commission at least fourteen (14) days prior to the meeting at which it is to be considered.
- 305.2 If the Planning Commission finds that the Final Plan is in conformance with this Ordinance, it shall sign the Final Plan. One (1) copy of the Final Plan will be retained by the Planning Commission Secretary, and one (1) copy will be filed with the City Engineer.
- 305.3 If the Planning Commission finds that the Final Plan is not in conformance with this Ordinance, it shall not sign the Final Plan, and shall notify the developer as to the section(s) of this Ordinance that is not being complied with.

- 305.4 The developer may wish to seek a modification of certain regulations where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship to the developer. If the developer requests a waiver, the Planning Commission Secretary and the City Engineer will consider the request and submit a report of their recommendations to the Planning Commission within fifteen (15) days of the request for waiver. All requests for modification shall then be reviewed and considered by the Planning Commission in accordance with Section 1107 of this Ordinance.
- 305.5 The Planning Commission shall take final action on the Final Plan within ninety (90) days of the Plan being submitted to the Planning Commission. The Planning Commission shall render its decision during a public meeting. The decision of the Planning Commission shall be communicated to the developer in writing no later than fifteen (15) days following the date the decision was made.
- 305.6 No Final Plan shall receive approval by the Planning Commission unless the developer shall have filed with the City an improvement performance bond in favor of the City or other assurance acceptable to the City, or shall have completed all required improvements listed in Article IX or as the City may require in the public interest.
- 305.7 Upon completion of the improvements in accordance with the specifications of the City, the developer shall take steps to dedicate the improvements and have the same accepted by the City.

Section 306 Recording of Plan

- 306.1 After completion of all procedures and upon approval of the Final Plan, the Plan shall then be immediately 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 original approval by the Planning Commission. Should the developer fail to record the Final Plan within such a period, the approval shall be considered null and void in accordance with Section 513 of the Pennsylvania Planning Code. Reapproval thereafter may be granted by the Planning Commission, provided no changes have been made to the Final Plan.

- 306.2 The Final Plan shall be recorded with the County Recorder of Deeds before proceeding with the sale of lots, issuances of building permits or the construction of buildings.
- 306.3 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, and school sites and other public service areas as hereafter provided. Approval shall not impose any duty upon the City concerning maintenance or improvement of any such dedicated streets, parks, areas or portions of same until the proper authorities of the City shall have made actual appropriation of the same by ordinance or resolution, or by entry, use or improvement.
- 306.4 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 City shall assume no responsibility for improvement or maintenance thereof, which fact shall also be noted on the Final Plan. Such occurrences shall be rare and involve special situations such as condominiums, college campuses, etc.

ARTICLE IV

PROCEDURES - MINOR SUBDIVISIONS AND REPLATS

Section 401 Pre-Application Investigation

401.1 The applicable provisions of the pre-application procedure for major subdivisions may be followed, but is not required.

Section 402 Preliminary Plan Application and Approval

402.1 A 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 (Article III) shall be followed, as shall the provisions of Article VII, Plan Requirements. All applications shall be complete. Minor subdivisions should be filed at the Office of the Planning Commission Secretary at least two (2) weeks prior to the meeting of the Planning Commission, at which it is to be considered.

403.2 Replats can be filed at any time in the Office of the Planning Commission Secretary at any time during regular business hours. The purpose of the replat procedure is to allow for the formal recording of minor transfers of land between two abutting parcels. Such transfers are to accommodate the need to review and officially note these transactions without the necessity for full subdivision processing. These transfers shall be reviewed and approved by the Secretary of the Planning Commission but will further require the review of the County Planning Department and the signature of the Chairman, or a designated member, of the City Planning Commission.

Section 404 Recording of Plan

404.1 Minor subdivisions and replats shall be recorded in the same manner and with the same responsibilities as other subdivisions.

ARTICLE V

ASSURANCES OF COMPLETION

Section 501 Improvements

- 501.1 The developer shall, for all major subdivisions, agree to complete all improvements in accordance with these regulations or such other improvements as the City may require in the public interest as a prerequisite to approval of the Final Plan.
- 501.2 No plan shall receive Final Plan approval by the Planning Commission unless the developer shall have completed all improvements as required by these regulations or shall have filed with the Commission or City appropriate surety or other assurances guaranteeing the completion of such improvements.
- 501.3 The Planning Commission shall require their City Engineer to check final construction plans for the correctness and to inspect the construction of improvements.
- 501.4 Upon completion of the improvements in accordance with the specifications of the City and upon final inspection of the improvements by the City Engineer, the developer shall take the final steps to dedicate the improvements and have the same accepted by the City.
- 501.5 Improvements shall include, but not necessarily be limited to, the following:
- A. Monuments or markers.
 - B. Grading, streets, curbs and walks, as required.
 - C. Sanitary sewers.
 - D. Water service, including fire hydrants.
 - E. Storm drainage, as required.
 - F. Erosion and sedimentation control measures, as required.
 - G. Street lighting, where required.

501.6 Where grading conditions or other circumstances prohibit the placing of lot markers or street monuments at the time of submission of final plat, a cash deposit shall be made with the City in an amount sufficient to cover the installation at future date. Should installation of the above monuments and markers not be completed within three (3) months after completion date of subdivision by the subdivider, the City shall cause such installation to be completed and pay for same from said cash deposits.

Section 502 Performance Assurance

502.1 An assurance of proper completion of the improvements in the subdivision shall be made by one of the following methods, or such other method as shall be satisfactory to the City of Erie:

A. A bond, certified check, or other security satisfactory to the City, which shall run or be made payable to the City.

B. In the case of a bond, it shall also:

1. Be with surety satisfactory to the City.

2. Be in form, sufficiency, and execution acceptable to the City.

502.2 The amount of the assurance shall be in an amount determined to equal one hundred ten (110) percent of the cost of the required improvements, and shall be approved by the City Engineer.

502.3 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 City Engineer, but not exceed one year. When the improvements have been completed and approved by the City Engineer, the guarantee shall be released and returned. When a portion of the required improvements has been completed and approved by the City Engineer, a portion of the bond, monies or security commensurate with the cost of the improvement may be released and returned.

502.4 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.

- 502.5 The release of performance assurances shall only be made when the City Engineer approves, in writing, the required improvements (or an appropriate portion thereof) have been satisfactorily completed in accordance with Section 510 of the Pennsylvania Planning Code.
- 502.6 The City shall require the posting of financial security for any improvements it is to accept. Said performance security is for the structural security and/or functioning of said improvements for a period of one year after their acceptance by the City and shall not be in excess of the amount allowed by Section 509 of the Pennsylvania Planning Code, as amended.
- 502.7 For circumstances relating to Performance Assurances not specifically delineated in the Ordinance, it is the intention of the City of Erie to follow the guidelines and procedures as set forth by Section 509 of the Pennsylvania Planning Code.

ARTICLE VI

DEVELOPMENT STANDARDS

Section 601 General Standards

- 601.1 It is the policy of the Commission that these regulations shall state minimum standards for development.
- 601.2 The following requirements and guiding principles for land subdivision shall be observed by all developers, and the Commission shall consider the suitability as to location of any proposed subdivision with respect to the following:
- A. Any development in areas considered by the Commission as habitable yet subject to periodic or occasional inundation shall comply with the regulations and standards as established under Section 809 of this Ordinance and any other Federal or State Regulations, as well as the City of Erie Ordinance No. 20-1979, known as the Flood Plain Management Ordinance.
 - B. The subdivision plan shall conform to the Official City Map, as the same shall be amended from time to time.
 - C. No subdivision showing reserve strips controlling the access of public ways will be approved.

ARTICLE VII

PLAN REQUIREMENTS

Section 701 Sketch Plan

- 701.1 A subdivision sketch plan may be submitted by the developer or property owner as a basis for informal and confidential discussion with the Secretary of the Planning Commission.
- 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 the precise dimensions are not required. It is suggested that the following items be included in the sketch plan presentation:
- Subdivision boundary
 - North arrow
 - Streets on and adjacent to the tract
 - Topographical and physical features
 - Proposed general street layout
 - Proposed general lot layout
 - Proposed easements
 - Information relative to and the location of water and sanitary sewer lines in and adjacent to the proposed subdivision
 - Surrounding property and the names of owners
 - Name, address and telephone number of Engineer/Surveyor
 - Existing Zoning District in which subdivision is located

Section 702 Preliminary Plan

- 702.1 A Preliminary Plan is required for major subdivisions. Copies of the Preliminary Plan drawing shall be either black on white or blue on white diazo prints. Three (3) copies shall be submitted to the Secretary of the Planning Commission.
- 702.2 The Preliminary Plan shall be drawn at a scale of thirty (30) feet to the inch. Other acceptable scales shall include ten (10) and twenty (20) feet to the inch. If the Preliminary Plan is drawn in two or more sections, it shall be accompanied by a key map showing the location of the various sections. The size of the Preliminary Plans shall be consistent with the requirements for Final Plans.

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

- A. Proposed subdivision name, identifying title and the words "Preliminary Plan".
- B. Name and address of the owner of the tract or of his agent, if any, and of the developer.
- C. Date, north arrow, and graphic scale.
- D. Total acreage of the tract, number of lots, proposed land use, remaining acreage of any unsubdivided land.
- E. Zoning district.
- F. Tract boundaries which shall show distances and bearings.
- G. A key map, for the purpose of locating the site in the City, showing the relation of the tract to adjoining property and streets, roads, bodies of water, and municipal boundaries.
- H. Contours at vertical intervals of two (2) feet for land with average natural slope of four (4) percent or less, and at vertical intervals of five (5) feet for more steeply sloping land. Locations of Bench Marks, using City datum (contact City Engineer).
- I. The names of all owners of all immediately adjacent unplatted land; the names of all platted subdivisions immediately adjacent to the development, and the locations and dimensions of any streets or easements terminating adjacent to the development.
- J. The locations and dimensions of all existing streets, roads, railroads, public sewers, aqueducts, water mains, and feeder lines, fire hydrants, gas, electric, communication and oil transmission lines, streams, intermittent drainage ways, swales, and other significant features within the property proposed to be subdivided, or within one hundred (100) 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, roads, alleys, utility easements, parks, playgrounds, pedestrian ways, and other public areas, sewer and water facilities; proposed lot lines and approximate dimensions of lots; 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. County Health Department components for on-lot sewage disposal system, if applicable.
- 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 shall be shown on the preliminary plan (see Article VIII). These profiles may be submitted as separate sheets.
- Q. Preliminary designs of any bridges or culverts which may be required. These designs may be submitted as separate sheets.
- R. Name, address and telephone number of Engineer/Surveyor.

702.4 The following certificates, where applicable, shall appear on the Preliminary Plan:

- A. Certificate for the approval of the City of Erie Planning Commission.
- B. Certificate for the review of the Erie County Department of Planning.

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 unsubmitted part shall be furnished; the street system of the submitted part will be considered in the light of adjustments and connections with future streets in the part not submitted.

Section 703 Final Plan

703.1 A Final Plan is required for all subdivisions. The original and six (6) prints 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 will be accepted in lieu of inked drawings.
- 703.3 Sheet size for Final Plans shall be twenty-four by thirty-six (24 x 36) inches in size for Major Subdivisions and eighteen by twenty-four (18 x 24) inches for Minor Subdivisions or Replats.
- 703.4 If the Final Plan is drawn in two (2) or more sections, it shall be accompanied by a key map showing the location of the several sections.
- 703.5 The Final Plan shall be drawn at a scale of thirty (30) feet to the inch unless otherwise approved by the City Engineer.
- 703.6 The following information shall be included on Final Plans where applicable:
- A. Block and lot numbers (in consecutive order).
 - B. Lot lines and tract boundaries with accurate bearings and distances. Distances to be to the nearest hundredth of a foot; bearings to the nearest second. Survey closure shall be 1:10,000 or less.
 - C. Exact acreage of entire subdivision and each individual lot. Acreage to be to the nearest hundredth acre exclusive of rights-of-ways, or other public areas.
 - D. Accurate bearings and distances to the nearest established street corners or official monuments. Reference corners shall be accurately described on the Plan.
 - E. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - F. Complete curve data for all curves included in the Plan, including radius, delta angle, tangent and arc length.
 - G. Street centerlines with accurate dimensions in feet and hundredths of feet, with bearings of such street centerlines.
 - H. Street names.

- I. Location and material of all permanent existing and proposed monuments and lot markers.
- J. Easements for utilities and any limitations on such easements.
- K. 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.
- L. Source of title to the land of the subdivision and to all adjoining lots, as shown by the books of the County Recorder of Deeds and names of the owners of all adjoining unsubdivided land.
- M. Any other information required by these regulations.

703.7 The following certificates, where applicable, shall be shown on the Final Plan:

- A. Certification, with seal, by a registered professional engineer and/or registered land surveyor to the effect that the survey and plan are correct.
- B. Certificate for approval by the City of Erie Planning Commission and Certificate for review by the Erie County Department of Planning.
- C. 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 to include an offer of dedicating of public roads, easements or other improvements as needed.
- D. A certificate to provide for the recording of the subdivision Plan.
- E. A highway occupancy permit notice when so required by Section 508(6) of the Pennsylvania Planning Code.

703.8 The following information, in addition to that shown on the Final Plan, shall be submitted to the Planning Commission for Final Plan review, when applicable:

- A. Application for review or approval. (One (1) copy)
- B. Approval of Sanitary Sewerage service and Water service by the City Engineer, as applicable.
- C. Draft of any proposed covenants to run with land. [Six (6) copies]
- D. Tentative timetable for the proposed sequence of development for the subdivision. [Two (2) copies]
- E. A letter from the postmaster of Erie stating that the proposed names (except in the case of the extension of existing or proposed streets) do not duplicate the names of streets now in use.
- F. Required assurances of completion or a letter of approval by the City Engineer.
- G. Certificate of dedication of streets and other public property. This is the offer of dedication. [Two (2) copies]
- H. Final profiles, cross sections, and specifications for street improvements, and sanitary and storm sewerage, and water distribution systems shall be shown on one (1) or more separate sheets.
- I. A certificate containing a notice that a highway occupancy permit will be obtained by the developer if the plat requires access to a route numbered State highway, if applicable.
- J. Performance security as required by Section 502.6 of this Ordinance if applicable.

ARTICLE VIII

DESIGN STANDARDS

Section 801 General

- 801.1 The following land subdivision principles, standards, and requirements shall be applied by the Planning Commission in evaluating the plans for proposed subdivisions and shall be considered minimum requirements.
- 801.2 Land shall be suited for the purpose for which it is to be subdivided. Land subject to hazards of life, health and safety shall not be subdivided until such hazards have been removed.
- 801.3 In reviewing subdivision plans, the Planning Commission will consider the adequacy of existing or proposed community facilities to serve the additional dwelling units proposed by the subdivision. A reservation of land for community facilities may be requested when appropriate.
- 801.4 The subdividing of land shall be done in a manner that will not have the effect of debarring adjacent property owners from access to the streets and ways of the allotment. The City may require dedicated, improved, or undedicated parcels to be provided for future access to adjacent land.

Section 802 Streets

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

<u>Type of Street</u>	<u>Cartway</u>	
	<u>With Curbs</u>	<u>Right-of-Way</u>
Cul-de-sac	26 feet	60 feet
Minor	26 feet	60 feet
Collector	36 feet	60 feet
Commercial	30 feet	60 feet
Arterial	As prescribed by the Pennsylvania Department of Transportation	

802.2 In cases where a new subdivision is planned to join the street system on an existing subdivision, the above minimum requirements shall apply except where the existing streets and rights-of-way are larger than required. In this event, the City Engineer may require that the new streets and right-of-ways be as large as those in the existing subdivision. Any street or 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 width (right-of-way) may be required by the City 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 streets (rights-of-way) where the width does not meet with the requirements of these regulations.

802.4 General design criteria for streets shall be in accordance with specifications as set forth by the City Engineer.

802.5 Dead end streets (cul-de-sacs) may be permitted when it is clear that through traffic is not essential to the street system in that district, and under existing conditions. A dead-end street must have adequate turning space for vehicles, which shall include a minimum right-of-way radius of sixty (60) feet, and a minimum road edge or curb radius of forty-five (45) feet.

802.6 Street intersections shall comply with the following requirements:

- A. All curbs at intersections shall be rounded by a minimum radius of:

Collector, Commercial and Arterial	
Streets	25 feet
Minor Streets	20 feet

Twenty-foot (20) radii may be used where minor streets intersect collector and/or arterial streets.

- B. 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 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 major street from the centerline intersections and eighty (80) feet at minor street intersections. When an arterial, collector and minor 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.

- C. Where the grade of any street at the approach to an intersection exceeds two percent (2%), a leveling area shall be provided, if possible, with a transitional grade not to exceed one percent (1%) for a minimum distance of fifty (50) feet from the nearest right-of-way line of the intersection.
- D. Intersections of more than two (2) streets shall be avoided.
- E. Minimum street intersection angles shall be sixty (60) degrees. Right angle intersections shall be used whenever possible.
- F. 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 laid on all deflecting angles along the centerline of streets, and the degree of curvature shall be set to assure the proper sight distance as required by the City Engineer.

802.8 Vertical curves shall be used in changes of grade exceeding one (1) percent, and shall be designed for maximum visibility.

802.9 In general, minor and collector streets shall not adjoin into the same side of arterial streets at intervals of less than six hundred (600) feet.

802.10 Half streets shall be prohibited. If circumstances render this impractical, 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.

- 802.11 Minor streets in a new development shall be designed to discourage through traffic. However, the provisions for the extension and continuation of major streets into and from adjoining areas is required. Where a subdivision abuts or contains an existing or proposed major street, the Planning commission may require reverse frontage lots or such treatments as will provide protection for abutting properties, reduction in the number of intersections with the major traffic streets, and separation of local and through traffic.
- 802.12 When the subdivision adjoins unsubdivided acreage, new streets or reserved right-of-ways shall be provided through to the boundary lines of the development.
- 802.13 Proposed streets shall be properly related to the officially adopted Official City Map (as amended), and shall be logically related to the topography so as to produce usable lots and reasonable grades.
- 802.14 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 swamp, the City 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, where permitted.
- 802.15 If the lots in a development are large enough for resubdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such resubdivision shall be provided.

TABLE A

Design Criteria for Streets
(Not to Include Intersections)

<u>Item</u>	<u>Type of Street</u>			
	<u>Arterial</u>	<u>Collector</u>	<u>Minor Cul-de-sac(1)</u>	
Maximum Grade*	6%	6%	8%	8%
Minimum Grade	0.5%	0.5%	0.5%	0.5%
Minimum Center- line Radius	500 feet	300 feet	150 feet	150 feet
Minimum Sight Distance**	400 feet	250 feet	150 feet	150 feet
Tangent between Curves	300 feet	150 feet	100 feet	0

* Grades in excess of the allowable percentage may be approved by the City Engineer where it is clear that it is necessary and that no traffic hazard is or will be created thereby.

** Sight distance shall be measured along the centerline of the street between points located at a height of three (3) feet above the street.

(1) Please see cul-de-sac definition - a cul-de-sac is the entire street not merely the vehicular turn-around.

Section 803 Alleys

803.1 Alleys are prohibited in developments of detached and semi-detached houses; they may be permitted in other types of residential development.

803.2 Alleys shall be provided in commercial and industrial districts, except that the Planning Commission 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 and adequate for the uses proposed.

803.3 The 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. Maximum grades in alleys shall be approved by the City Engineer.

803.4 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 City Engineer based upon the proposed use of the alley and consideration for public safety.

Section 804 Blocks

- 804.1 In general all blocks in a subdivision shall have a maximum length of nine hundred (900) 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 three hundred thirty (330) feet.
- 804.2 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.
- 804.3 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.
- 804.4 Cul-de-sacs, in general, shall not exceed four hundred (400) feet in length, except where approved by the Planning Commission to provide for future extension.

Section 805 Lots and Building Lines

- 805.1 The depth-to-width ratio of usable lot length shall be a maximum of four (4) to one (1).
- 805.2 Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries 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 Planning Commission along the line of lots abutting such a traffic artery or other disadvantageous use.
- 805.3 Side lines of lots, so far as practical, shall be at right angles or radial to street lines.

[805.4] Corner lots shall be increased in size whenever

necessary so as to conform to the City Zoning Ordinance so that any structure to be placed thereon shall conform to the minimum building setback line requirements of the City Zoning Ordinance to allow a front yard along each street.

- 805.5 Lots abutting local streets shall front upon the streets which parallel the long dimension of the block, if possible.
- 805.6 All lots shall abut by their frontage on a publicly dedicated street or on a street that has received the legal status as such. Lots abutting on a private street or easement shall not be approved unless specifically permitted by the City by ordinance or resolution.
- [805.7] Lot size and area, height regulations, and yard requirements shall be in accordance with the City Zoning Ordinance, but shall not be less than sixty (60) feet in frontage by one hundred (100) feet in depth. For lots fronting on the turn-around portion of a cul-de-sac street, the frontage shall be measured at the front building line as such line is established under the City of Erie Zoning Ordinance.
- 805.8 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.

Section 806 Easements

- 806.1 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.
- 806.2 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 or allowed to be placed where it will interfere in any way with such easements.
- 806.3 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.

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

Section 807 Public Areas

807.1 The developer shall consider reserved areas for public use where required, or where topography may preclude use for proper development. Reserve areas, however, which shall make any area unprofitable for regular or special assessments or which may revert to untended nuisance areas will not be approved.

807.2 The Planning Commission may require that areas for parks and playgrounds (of a size not to exceed ten percent of the land area to be subdivided) be dedicated to the City for recreation purposes.

Section 808 Street Names

808.1 The developer may choose his street names subject to the review of the City and the Post Office. No street, other than an extension, may be given a name identical or similar to another street in the City or nearby areas.

809 Flood Plains

809.1 All Development and Subdivision activities shall adhere to the City of Erie Flood Plains Management Ordinance, Official Ordinance No. 20-1979, as the same has been and will be amended from time to time.

ARTICLE IX

REQUIRED IMPROVEMENTS

Section 901 General

- 901.1 The construction of subdivision improvements is the responsibility of the developer inasmuch as it is his property which is being developed. Adequate streets, utilities and other improvements are essential elements in the creation and preservation of stable residential, commercial and industrial areas, and must be completed by the developer.
- 901.2 All of the following improvements, as required by the City pursuant to the authority granted in the Pennsylvania Planning Code, Act 247, as amended, shall be completed in accordance with the requirements established by this Ordinance prior to final approval of the Plan, except as otherwise provided herein.
- 901.3. Final Plan approval, except for minor subdivisions and replats, shall not be given prior to the completion and acceptance of all subdivision improvements, except where performance guarantees are furnished as herein provided.
- 901.4. All the requirements in this Article concerning street paving, curbing, and sidewalks shall be followed.

Section 902 Improvements

- 902.1 Utility and street improvements shall be provided, where required, in each new subdivision as follows, and in accordance with current City Engineer's specifications and standards, 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 conveyance.
 - D. Storm sewers outside of public streets.

- E. Streets, including required grading, subgrade, preparation, underdrains, 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, as needed.

Note: Storm sewers and street lighting within public streets are the responsibility of the City.

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. Deviations may be made, if such standards of quality and durability are maintained, but only with the written approval of the City Engineer.

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 30". 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 intersection need not be marked if the intersection is monumented.

Section 1003 Water Supply

- 1003.1 The developer shall contact the City of Erie, Bureau of Water for the specifications of a water supply system. Prior to the approval of the Preliminary Plan, the developer shall provide documentation to the Planning Commission that arrangements for the provision of the water system are proceeding satisfactorily.
- 1003.2 Fire hydrants shall be provided concurrently with the water supply.
- 1003.3 If a development requires such additional water supply as to require changes to the City's water distribution system, the developer will be requested to pay a pro rata share of the cost of such required improvements. The amount of such cost shall include design, inspection, legal and other associated expenses, as well as the cost of actual construction. The pro rata share will be determined based upon that portion of the necessary improvements which are directly attributable to the proposed development. If the developer refuses to contribute the necessary pro rata amount for such required changes, such refusal may constitute grounds for the disapproval of the proposed development.

Section 1004 Sanitary Sewage Conveyance

- 1004.1 The developer shall construct a sanitary sewer system and provide lateral connections for each lot in accordance with the specifications of the City Engineer.

1004.2 The developer shall secure from the City Engineer, 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 installation of the sanitary sewer collection system and its approval/acceptance by the City Engineer. The developer may also offer an acceptable financial surety in lieu of this arrangement. Said surety will assure the needed improvements will be installed within one year.

1004.3 If a development generates such additional sanitary sewer flows as to require changes to the City's sanitary sewer collection system, the developer will be requested to pay a pro rata share of the cost of such required improvements. The amount of such cost shall include design, inspection, legal and other associated expenses, as well as the cost of actual construction. The pro rata share will be determined based upon that portion of the necessary improvements which are directly attributable to the proposed development. If the developer refuses to contribute the necessary pro rata amount for such required changes, such refusal may constitute grounds for the disapproval of the proposed development.

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 City storm sewer system.

1005.2 If a development generates such additional storm drainage sewer flows as to require changes to the City's storm sewer collection system, the developer will be requested to pay a pro rata share of the cost of such required improvements. The amount of such cost shall include design, inspection, legal and other associated expenses, as well as the cost of actual construction. The pro rata share will be determined based upon that portion of the necessary improvements which are directly attributable to the proposed development. If the developer refuses to contribute the necessary pro rata amount for such required changes, such refusal may constitute grounds for the disapproval of the proposed development.

- 1005.3 Bridges or culverts shall be designed to support and carry loads according to the requirements of the City Engineer, but not less than AASHTO Loading HS-20 and shall be constructed the full width of the cartway plus additional length as necessary to provide a proper installation.
- 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 insure proper, safe, healthful disposal of storm water. All open watercourses must be approved by the City Engineer.
- 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 City 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. 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 City 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 these regulations and all storm drainage facilities shall be inspected and certified by the City Engineer.

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

- 1006.1 Streets shall be graded to the full width of the right-of-way, surfaced, curbed, and improved to the grades and dimensions shown on plans, with profiles and typical cross-sections submitted by the developer and approved by the City 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 City Engineer. Where fill material is necessary to establish uniform grades, compacting

shall be required in accordance with Pennsylvania Department of Transportation Form 408 Specifications for embankment. A slope of two (2) horizontal feet to one (1) vertical foot beyond the right-of-way line in cut or fill, shall ordinarily be required.

- 1006.3 The subgrade shall be shaped to rough lines and elevations equal to the width of the pavement plus two (2) feet. Adequate drainage facilities shall be installed to provide for the disposition of underground seepage and the percolation of surface water. The subgrade shall be thoroughly compacted by power rollers as required by the City. It shall be compacted at optimum moisture content. The finish surface shall be uniformly shaped to facilitate drainage, and any irregularities from planned grade shall be corrected prior to placing the subbase. Where material encountered in the normal excavation has a C.B.R. value of 2.5 or less and will not develop the required stability and provide for adequate drainage, the area shall be undercut and granular material added to a depth of at least twelve (12) inches. It shall then be brought to a firm and thoroughly compacted surface as hereinbefore specified. The prepared subgrade shall be protected by the contractor to prevent undue rutting from trucks or other equipment and if such damage does occur, the subgrade shall be reshaped and compacted prior to placing the subbase material.
- 1006.4 Subdrains shall be designed and installed per the specifications of the City Engineer.
- 1006.5 All pavement, base, subbase (where required), and sidewalk shall conform to the requirements of the City Engineer.
- 1006.6 Areas between the sidewalk and curb shall be seeded as required by the City 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 City Engineer.

Section 1008 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, 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 at 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. The tree species shall be subject to the approval of the City Engineer.

Section 1009 Street Lighting

Street lighting shall be provided by the City.

Section 1010 Existing Natural Areas

In wooded areas, flood plains, wetlands, areas having slopes of fifteen (15) percent 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 City 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 1011 Erosion Control

It shall be a requirement of all major subdivisions that the developer shall have a Soil Erosion and Sedimentation Control Plan and/or permit, prepared in accordance with current state law (Erosion and Sedimentation Control, Chapter 102, Pennsylvania Rules and Regulations, as amended), reviewed by the Erie County Soil Conservation District. The City may also require a like plan for any minor subdivision. The plan shall be fully implemented during the construction of the development.

ARTICLE XI

ADMINISTRATION AND MODIFICATION

Section 1101 Amendments

The City Council of the City of Erie may from time to time revise, modify and amend this Ordinance by appropriate action in accordance with the Pennsylvania Planning Code, Act 247, as amended.

Section 1102 Filing Fee

The filing fee shall be as fixed by Council by resolution. Any additional costs of review, design, inspection or maintenance by City officials shall be borne by the applicant.

Section 1103 Records

The Commission 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 1104 Appeals

In any case where the Planning Commission disapproves a subdivision plan, any person aggrieved thereby may, within thirty (30) days thereafter, appeal to the Court of Common Pleas of Erie County, Pennsylvania in accordance with Article 10 of the Pennsylvania Planning Code.

Section 1105 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 1106.1 Preventive Remedies

A. In addition to other remedies, the City may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in

the process of selling or transferring shall not exempt the seller or transferrer from such penalties or from the remedies herein provided.

B. The City may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance or preceding regulations of the City of Erie. This authority to deny such a permit or approval shall apply to any of the following applicants:

- (1) The owner of record at the time of such violation.
- (2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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 City may require compliance with the condition that would have been applicable to the property at the time the applicant acquired an interest in such real property.

Section 1106.2 Enforcement Remedies

A. Any person, partnership or corporation who or which has violated the provisions of this Subdivision or Land Development Ordinance enacted under the Pennsylvania Planning Code or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the City of Erie, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the City of Erie as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the City of Erie may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further

determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

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

Section 1107 Modification of Regulations

1107.1 The 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.

1107.2 All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.

1107.3 The Planning Commission shall keep a written record of all action on all requests for modification.

1107.4 The Planning Commission may approve, or deny the request for modification. If the Planning Commission approves the request for modification, it shall authorize the minimum modification from this Ordinance that will afford relief.

Section 1108 Conflict

Whenever there is a difference between the minimum standards or dimensions specified herein and those contained in other regulations, resolutions or ordinances of the City, the highest standards shall govern.

APPENDIX

RECOMMENDED STATEMENTS AND ACKNOWLEDGMENTS TO APPEAR ON
THE PRELIMINARY PLAN OR THE FINAL PLAN AS APPLICABLE

1. Certificate by Engineer/Surveyor that the survey and plans are correct:

I _____ hereby certify that I am registered (Land Surveyor/Engineer) in the Commonwealth of Pennsylvania. I further certify that this plat correctly represents a survey completed by me and that all monuments and markers shown hereon actually exist and that their location, type and material are accurately shown.

Date _____ Signature _____
Seal

A seal which includes the name of the surveyor.

2. Certificate for the Erie City Planning Commission:

Approved by the Planning Commission of the City of Erie
_____ day of _____, 19____.

Chairman Secretary

3. Certificate by the County of Erie:

Reviewed by the Erie County Department of Planning on the
_____ day of _____, 19____.

Director Reviewed By

4. Certificate of City Engineer:

Approved by:

_____ Date _____
(City Engineer)
Bureau of Engineering
City of Erie

5. Certification of Ownership and Acknowledgment of Subdivision Plans:

On this, the _____ day of _____, 19____
before me, the undersigned officer, personally appeared
_____, who being duly sworn
according to law, deposes and says that he is the owner
and/or equitable owner of the property shown on this plan,
and that he acknowledges the same to be his act and plan
and desires the same to be recorded as such according to
law.

Witness my name and seal the day and date above written.

Notary Public or Other Officer

_____ Seal _____ My Commission Expires _____

6. Certificate for Erie County Recorder of Deeds:

Recorded in the Erie County Recorder of Deeds Office this
_____ day of _____, 19____, in Map Book
_____, Page ____.

Recorder of Deeds

RECOMMENDED STATEMENTS AND ACKNOWLEDGMENTS WHICH WILL BE
SEPARATE INSTRUMENTS REFERENCED TO THE FINAL PLAN

7. Certificate of Dedication:

We the undersigned owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and hereby lay off, plan and subdivide, said real estate in accordance with the within plat, that the subdivision shall be known and designated as _____ (Name Subdivision) _____, and that all streets and alleys shown and not heretofore dedicated, are hereby dedicated to public use.

Date: _____
