

# FINAL DRAFT

Fairview Township Subdivision and Land Development Ordinance

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## SALDO

Fairview Township – Erie County  
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## **Acronyms**

AASHTO	American Association of State Highway and Transportation Officials
ADA	American with Disabilities Act
AFG	Above Final Grade
BCBC	Bituminous Concrete Base Course
CBR	California Bearing Ratio
DEP	Department of Environmental Protection
ECHD	Erie County Health Department
FAA	Federal Aviation Administration
IESNA	Illuminating Engineering Society of North America
ITE	Institute of Transportation Engineers
LERTA	Local Economic Revitalization Tax Assistance Act, as amended
PaMPC	Pennsylvania Municipalities Planning Code, as amended
PennDOT	Pennsylvania Department of Transportation
SALDO	Subdivision and Land Development Ordinance
TND	Traditional Neighborhood Development
UCC	Uniform Construction Code
USGS	United States Geological Survey

# **Fairview Township Subdivision and Land Development Ordinance**

## **Article I Authority and Purpose**

### **Section 100 Adoption**

The following provisions for the subdivision and development of land in the Township of Fairview, Erie County, Pennsylvania, were adopted by Ordinance in accordance with the Pennsylvania Municipalities Planning Code (PaMPC), Act 247 of 1968, as amended. This Ordinance is inclusive in that no development may occur in Fairview Township unless it is specifically included by the provisions of this Ordinance.

### **Section 101 Grant of Power**

In accordance with Section 501 of the Pennsylvania Municipalities Planning Code, the governing body of Fairview Township may regulate subdivisions and land development within the municipality by enacting a subdivision and land development ordinance. The ordinance may require that all plats of land lying within the municipality shall be submitted for approval to the governing body or in lieu thereof to a planning agency designated in the ordinance for this purpose. All powers granted to the governing body or the planning agency shall be exercised in accordance with the provisions of this Subdivision and Land Development Ordinance. In the case of any planned residential development or traditional neighborhood development governed by an ordinance adopted pursuant to the Pennsylvania Municipalities Planning Code, however, the applicable provisions of the Subdivision and Land Development Ordinance shall be as modified by such ordinance and the procedures which shall be followed in the approval of any plat and the rights and duties of the parties thereto shall be governed by the Pennsylvania Municipalities Planning Code, and the provisions of the ordinance adopted thereunder.

### **Section 102 Effective Date**

This Ordinance replaces the ordinance first adopted on May 7, 1969, and as amended from time to time, and shall remain in effect until modified or rescinded by the Fairview Township Board of Supervisors.

### **Section 103 Short Title**

This Ordinance shall be known and may be cited as “The Fairview Township Subdivision and Land Development Ordinance.”

### **Section 104 Subject Properties**

No subdivision of any lot, tract or parcel of land shall be made; no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be constructed, opened or dedicated for public use, public travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this Ordinance and the Fairview Township Zoning Ordinance. However, the exclusion of certain types of development, as set forth by the definition contained of land development in Section 201, may be allowed.

## **Section 105 Sale of Lots**

No lot in a subdivision may be sold; no permit to erect, alter or repair any building upon land in a subdivision may be issued; and no building may be erected in a subdivision unless and until a subdivision plan has final approval and has been recorded and until the improvements that may be recommended by the Township Planning Commission and required by the Township Board of Supervisors in connection therewith have either been constructed or financially secured as hereinafter provided.

*Please note, that the description by metes and bounds in the instrument of property transfer does not exempt the seller or transferor from these regulations. [See 515.1(a) of the Pennsylvania Municipalities Planning Code.]*

## **Section 106 Purpose of These Subdivision Standards**

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

- 106.1 To assure sites suitable for building purposes and human habitation.
- 106.2 To provide for harmonious, orderly, efficient and integrated development of Fairview Township.
- 106.3 To assure new development will be coordinated with existing Township development.
- 106.4 To provide for adequate easements and rights-of-way for drainage and utilities.
- 106.5 To accommodate prospective traffic, facilitate fire protection and make such provisions as are necessary for public safety and convenience.
- 106.6 To make provisions for appropriate standards for streets, storm water, sanitary sewers, water facilities, curbs, gutters, and such other improvements as shall be considered needed by the Township.
- 106.7 To promote the sound layout and design for subdivisions and land developments.
- 106.8 To secure equitable handling of all subdivision plans by providing uniform procedures and standards.
- 106.9 To implement the Fairview Township Comprehensive Plan.

## **Article II Definitions**

### **Section 200 General Interpretation**

For the purpose of this Ordinance, those words not specifically defined herein shall have the meaning as expressed in Webster's New World Dictionary on file in the office of the Zoning Officer. Certain terms and words used herein shall be interpreted or defined as follows:

- A. Words used in the present tense shall include the future.
- B. Words used in the singular include the plural.
- C. The word "person" includes an individual, partnership, public or private association or corporation, firm, trust estate, municipality, governmental unit, public utility or other legal entity which is recognized by law as the subject of rights and duties.
- D. The word "lot" includes the words "plot" or "parcel."
- E. The term "shall" is always mandatory.
- F. The term "may" is always permissive.
- G. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- H. The word "building" includes the word "structure."
- I. The words "he" or "his" include the words "she" or "her."
- J. Unless otherwise specified, all distances shall be measured horizontally.

### **Section 201 Meaning of Words**

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. See also definitions in the Fairview Township Zoning Ordinance.

**ACCESS DRIVE:** A private drive providing access between a public or private street to a parking facility within a commercial/industrial development.

**ADA:** Americans with Disabilities Act.

**ALLEY:** A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

**APPLICANT:** A landowner or developer or one possessing the authorization to act on behalf of the landowner, who has filed an application for development.

**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 development plan.

**AS-BUILT DRAWING:** Set of drawings submitted by a contractor, developer, landowner or the like upon completion of a land development or subdivision project. These drawings shall reflect all changes made in the specifications and working drawings during the construction process, and show the exact dimensions and location of all elements of the work completed under the approved project.

**AVAILABLE SEWER OR WATER:** A municipal sewer or water line is considered available if it is within 1,000 feet or less from the nearest point of a subdivision.

**BOARD OF SUPERVISORS:** The governing body of Fairview Township.

**BUFFER:** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another.

**BUILDING LINE:** An imaginary line located a fixed distance from any lot line and interpreted as being the nearest point that a building may be constructed to the lot line. The building line shall limit the location of structures such as decks, porches, patios and all similar construction, steps excepted, to the face of this line as specified in the Fairview Township Zoning Ordinance.

**CARTWAY (ROADWAY):** That portion of the street right-of-way surfaced for vehicular use. Width is determined from face of curb to face of curb or from edge of driving surface to the other edge of driving surface.

**CLEAR SIGHT TRIANGLE:** A triangular area of unobstructed vision at an intersection of two or more streets, access drives, alleys, or any combination of the foregoing. It is defined by lines of sight between points at a given distance from the intersection of the centerlines of the streets, access drives, or alleys. (See also Zoning Ordinance)

**COASTAL AND BLUFF RECESSION HAZARD AREA (CA):** Those areas specifically designated in the Fairview Township Zoning Ordinance as being subject to existing or potential erosion problems.

**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, not including streets, off-street parking areas, and areas set aside for public facilities.

**COMPREHENSIVE PLAN:** The comprehensive, long-range plan document for the desirable use of land in Fairview Township; the purpose of such plan being, among other things, to serve as a guide for the zoning and progressive rezoning of land to meet changing community needs, in subdividing and use of undeveloped land and in the acquisition of land for such public purposes as streets, parks, schools and other public buildings, and is known as the “2012 Fairview Township Comprehensive Plan” and shall include any amendments or revisions from time to time.



**COVENANT:** An obligation defined by law or agreement, the violation of which can be restrained by court action; these are usually stated in the deed.

**CUL-DE-SAC:** A minor street with one end open to traffic and pedestrian access and permanently terminated by a vehicular turnaround.

**CUTOFF:** A lighting fixture from which no more than 2.5 percent of its lamp's intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10 percent of its lamps intensity is emitted between 80 degrees and that horizontal plane.

**DECISION:** Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this Ordinance to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Erie County.

**DEVELOPER:** Any landowner, agent of such landowner or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

**DRIVEWAY:** A private drive providing access between a public or private street and parking for a single unit of occupancy, farm, or land development complying with the Zoning Ordinance. (See also the Township Driveway Ordinance)

**DOUBLE FRONTAGE LOT:** A lot which is not a corner lot and abuts two or more streets, with possible vehicular access to both streets.

**EASEMENT:** Grant by a property owner of the use, for a specific purpose or purposes, of a strip of land by the general public, a corporation or a certain person or persons.

**ENGINEER:** The Municipal Engineer of Fairview Township unless otherwise stated.

**ESSENTIAL SERVICE:** Is the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, including buildings necessary for the furnishing of adequate services for the public health, safety or general welfare.

**FLAG LOT:** A lot that has either an L or T-shaped configuration with one side abutting a street right-of-way.

**FLOODPLAIN:** Those areas specifically designated in the Township Zoning Ordinance as being subject to inundation by the waters of a 100-year flood and including those areas as Floodway (FW) and Flood-fringe (FF).

**FLOODWAY AREA (FW):** The areas identified as "Floodway" in the Flood Insurance Study (FIS) prepared by the Federal Emergency Management Agency (FEMA). The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the FIS prepared by FEMA.

**FLOOD-FRIDGE AREA (FF):** Delineation is based upon those areas identified in the Flood Insurance Study. Those land areas adjacent to the floodway required to carry the discharge of a flood of the 100-year magnitude, and requiring any new construction to be one-and-one-half feet above the elevation under specific construction provisions.

**FOOTCANDLE:** A unit of incident light stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter.

**FRONT YARD:** The open space extending across the entire width of the lot between the front building line and the street right-of-way line.

**FULL CUTOFF:** A lighting fixture from which none of its lamp's intensity is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10 percent of the lamp's intensity is emitted between 80 degrees and that horizontal plane.

**FULLY SHIELDED:** A lighting fixture, from which, in the installed position, none of its light output, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture (excepting only incidental reflections from supporting brackets or arms), is projected above the horizontal plane through the fixture's lowest light-emitting part, as determined by photometric test or certified by the manufacturer. Any structural part of the fixture providing this shielding shall be permanently affixed.

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

**ILLUMINANCE:** The quantity of incident light measured in footcandles.

**LAND DEVELOPMENT:**

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - 1. A group of two 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.
  - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
  - 3. A subdivision of land.
- B. "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 residential units, unless such units are intended to be a condominium.

2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes 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 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 persons 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.

**LOT, CORNER:** A lot abutting two or more streets at their intersection and on which the building line for both streets must be observed.

**LOT DEPTH:** The horizontal distance between the front and rear lot lines.

**LOT OF RECORD:** A piece of ground that existed as an independent lot on the records of the County prior to its inclusion by the Fairview Township Ordinance.

**LOT WIDTH:** The horizontal distance measured along the street right-of-way line, or between the two intersections of the street right-of-way of the cul-de-sac and the property line.

**LUMEN:** The light-output rating of a lamp (light bulb), as used in the context of this Ordinance.

**LUMINAIRE:** A complete lighting unit.

**MEDIATION:** A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator or mediators to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MOBILE HOME OR MODULAR HOME:** A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one 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 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 or more mobile home lots for the placement thereon of mobile homes.

**NONSUBSTANTIAL LAND DEVELOPMENT PLAN AMENDMENT:** An alteration of 10% or 1000 sq ft to an approved land development plan by minor extensions or reductions to the physical structure and/or impervious area, technical revisions, other matters with minor changes to existing traffic volume, access, grading, stormwater, setbacks, lighting, building elevation or other uses of premises.

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

**PERSON:** An individual, firm, partnership, public or private association or corporation, firm, trust estate, municipality, governmental unit, public utility or other legal entity which is recognized by law as the subject of rights and duties.

**PLAN, PHASE:** A fully detailed portion of the preliminary subdivision plan or of the entire plan consisting of the submission of four complete construction (plan and profile) sets intended to be implemented in any phase allowing construction of improvements with the municipal engineer, or other agency's, approval and inspection and without financial surety or final plan approval. Construction of improvements will be at the developers own risk.

**PLAN, PRELIMINARY:** A tentative subdivision/ land development plan, in lesser detail than a Final Plan, showing approximate street and lot layout on a topographic map as a basis for consideration prior to preparation of a Final Plan.

**PLAN, FINAL:** A complete and exact subdivision/ land development plan, prepared for official recording as required by statute to define property rights and proposed streets and all other improvements.

**PLANNING CODE:** The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended.

**PLANNING COMMISSION:** The planning agency of Fairview Township.

**PRE-APPLICATION:** Basic property information specified under Section 402 for conceptual review with the Fairview Township Planning Commission.

**PROFESSIONAL CONSULTANTS:** Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, or planners.

**PUBLIC:** Public includes any government-owned and/or operated use, and/or public utility commission licensed use.

**PUBLIC MEETING:** A forum held pursuant to notice under 65 Pa. C. S. Ch. 7 (relating to open meetings.)

**PUBLIC NOTICE:** Notice published once each 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 be not more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

**REAR YARD:** The open space extending across the entire width of the lot between the back line of the principal building and the rear lot line (not necessarily a street line).

**REPORT:** Any letter, review, memorandum, compilation or similar writing made by any body, board, officer, or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies therefore shall be provided at cost of reproduction.

**RESUBDIVISION OR REPLATTING:** The replatting of a recorded subdivision in whole or in part, by a redesign of lots, by change of size, area, or by street layout.

**REVERSE FRONTAGE LOT:** A through lot with frontage on two parallel streets with vehicular access restricted to only one of the streets.

**RIGHT-OF-WAY, STREET:** Any public highway, street or alley accepted by different levels of government for public use, usually the Board of Supervisors; all must be recorded in the Recorder of Deeds Office, Erie County, Erie, Pennsylvania.

**SCREENING:** A planted visual barrier, vegetative screen, or an opaque fence designed to provide both a buffer and visual isolation between properties.

**SIDE YARD:** The open space extending from the side of the principal building along the side lot line (not necessarily a street line) throughout the entire width of the principal building.

**SKETCH PLAN:** An informal plan not necessarily to scale which indicates existing features of a tract and its surroundings and the general layout and features of a proposed development, submitted for consideration by the Township Engineer, Township staff or Board of Supervisors pursuant to provisions established in this Ordinance.

**SOLICITOR:** The municipal solicitor of Fairview Township.

**STREET:** Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

## STREETS:

- A. Principal Arterial: 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. 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. Marginal Access: A street parallel and adjacent to an arterial or expressway providing access to abutting properties and control of intersections with the arterial or expressway.
- D. Collector: This class of road serves as the internal traffic movement within the Township and connects developed areas with the arterial system. 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. Minor (Local Street): The minor street's sole function is to provide access to immediately adjacent land. They represent a fairly large percentage of the total street mileage in most municipalities.

**STREET MAINTENANCE:** The procedure applied to new or existing streets or streets under construction for the purpose of accommodating vehicular travel with a minimum of interruption, delay or safety hazard including resurfacing, re-grading, drainage improvement, pothole repair, dust prevention practices and snow removal.

**STRUCTURE OR BUILDING:** Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**SUBDIVIDER:** Individual or entity (with consent of the record land owner or owners, if applicable) having an interest in making a property line change or improvement to a parcel of land subject to the provisions of the Fairview Township Ordinances.

**SUBDIVISION:** The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purposes, whether immediate or future, of lease, partition by 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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBSTANTIALLY COMPLETE:** Where, in the judgment of the municipal engineer, at least 90 percent (based on the cost of the required improvements for which financial security was posted pursuant to Article 7) 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.

**TOPOGRAPHIC MAP:** A map showing ground elevations by contour lines and the location of important natural and other manmade objects.

**TOWNSHIP:** Fairview Township, Erie County, Pennsylvania.

**TRANSFERABLE DEVELOPMENT RIGHTS:** The attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands within the municipality where more intensive development is deemed by the municipality to be appropriate.

**ZONING DISTRICT:** See the Fairview Township Zoning Ordinance.

## **Article III**

### **Application and Processing Procedures for Land Developments**

#### **Section 300 Introduction**

Certain physical developments are classified as land developments in the Pennsylvania Municipalities Planning Code and as such are subject to regulation. The design and construction standards as found elsewhere in the Ordinance are applicable to land development as such standards may be appropriate. 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 Site Plan has been approved by the Township and recorded as required by this Ordinance.
- B. A valid permit from the Pennsylvania Department of Environmental Protection and any other agency, where applicable, has been approved for issue to the applicant.
- C. A valid Highway Occupancy Permit has been secured, if necessary, from the Pennsylvania Department of Transportation for street right-of-way occupancy for the purpose of access, drainage and construction activity.

#### **Section 301 Procedures for Land Development**

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

Unless otherwise noted, the processing requirements, drawing size, certifications, acknowledgements, number of copies, etc. for submission of land development site plans shall be the same as for a subdivision, except only the final site plan shall be recorded in the Erie County Recorder of Deeds Office.

#### **Section 302 Sketch Site Plan**

A sketch plan application must set forth:

- A. A summary detail of the proposed development proposed residential density (if applicable), intended commercial, industrial, open space and/or public areas and street improvements.
- B. Identification of the streets abutting the proposed development.
- C. Proposed access to State and/or Township streets and highways.
- D. A sketch drawn at a scale of 1 inch to 100 feet (or greater) with basic elements noted and detail set forth regarding proposed streets, public improvements and access to State and/or Township streets and highways.
- E. Parking



F. Structures.

G. Traffic flow within the development

H. Water and sewer/septic provisions

### **Section 303 Preliminary Site Plan**

The developer shall submit a preliminary site plan. Such plan shall be at a scale which may range from 1 inch to 100 feet (or greater) that fits onto an 18 inch by 24 inch plat and shall be of sufficient size to clearly show all notations, dimensions and entries. All dimensions shall be shown in feet and decimals of a foot. Each site plan shall, through one or more pages, show:

- A. Existing site conditions to include topography (at two-foot contour intervals), drainage, tree clusters, buildings, utilities, roads, wetlands, and nearby properties.
- B. Off site conditions which are intended to show the land development in relationship to surrounding properties, land uses and facilities. Information will include land within 100 feet of the proposed development and will include topographic contours\*, building location, ownership, land use, vehicular facilities and circulation, as well as related information.
- C. Proposed developments, including buildings (with frontal elevation and building footprints), parking, vehicular and pedestrian access areas, storm drainage, landscaping, lighting plan, utility location and size. This drawing will be to scale, as noted above, with dimensions shown. In addition, electronic drawings in pdf (or other format approved by the Township) shall be required and approved by the Township.

*\*For off-site information, USGS topography will be accepted unless site conditions warrant more detailed information.*

### **Section 304 Final Site Plan**

The following items shall be included for Final Plan review for all land developments, as applicable.

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

- D. The final site plan must be submitted no more than one year from the date of the approval of the Preliminary Plan, unless the developer requests an extension of time for cause and the extension is approved by the Township Board of Supervisors.
- E. Property information with a boundary survey completed by a professional engineer or surveyor shall be required, unless sufficient evidence exists to waive this requirement under Section 802 of this Ordinance.

### **Section 305 Design Standards for Land Developments**

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

#### **305.1 General Design**

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

#### **305.2 Transportation**

- A. Vehicular access connections to the surrounding existing street network shall be safe, shall have adequate sight distances, and shall have the capacity to handle the projected traffic. (See Zoning Ordinance also.)
- B. Streets may be planned for dedication to the public or may be planned as private drives to be maintained by the developer or other association or entity. Public streets shall comply with the standards set forth by Articles V and VI of this Ordinance.
- C. For land developments with parking lots of 10,000 square feet or more, a complete interior pedestrian circulation plan shall be submitted by all developers indicating the safe and efficient movement of people within and through the site. All traffic, parking, and pedestrian plans shall be completed using such standard resource criteria as provided by the American Planning Association, AASHTO or the Institute for Transportation Engineers. Copies of any traffic studies required by the Pennsylvania Department of Transportation for road access or signalization will be provided to the Township. That study will be reviewed for completeness using the most current publications of the Institute of Transportation

Engineers (ITE). If the study does not cover the recommended practices of the ITE, supplemental data will be required.

305.3 Water and Sewer: Public water and sanitary sewer service (where available) shall be provided in accordance with the standards and requirements of the providing agency. Water wells and septic systems shall be shown with necessary permits or approvals.

305.4 Parking

- A. Plan: 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 including snow maintenance.
- B. Number of Parking Spaces Required: The number of off-street parking spaces provided shall be based upon the Township Zoning Ordinance.
- C. Parking Space Size and Access: Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street frontage. The width of aisles shall be appropriate based upon the configuration of parking spaces, as recommended by nationally accepted standards contained in professional publications, as noted previously in this section. The number and design of handicapped parking spaces shall follow acceptable current ADA standards, as published by the United States Department of Justice or other Federal Agency of competent jurisdiction.
- D. Drainage and Stormwater Control: All parking and loading areas and access drives shall be graded with positive drainage to prevent the flow of surface water onto neighboring properties. Developers are encouraged to integrate any parking lot landscaping into their stormwater control plan.
- E. Shielding or Buffering of off-street parking areas: All parking areas shall have approved screening, shielding, buffering approved by the Board of Supervisors.

305.5 Storm Water Management: A storm water management plan meeting the requirements of the Township Stormwater Management Ordinance and embracing the principle of no net increase in off-site runoff shall be provided. A stormwater maintenance agreement shall be signed, if required.

305.6 Landscaping: A complete landscaping plan shall be submitted which includes a complete interior landscape plan in addition to a landscaped transition to adjoining properties. Landscape treatment shall be provided to enhance architectural features, help manage stormwater runoff, or provide energy conservation through climate control.

305.7 Buffers: When a property proposing land development abuts a residentially zoned property a minimum ten foot buffer is required.

305.8 Exterior Lighting\*: Exterior lighting, when used, shall be of a design and size compatible with adjacent areas and in accordance with the standards of the Illuminating Engineer Society. Specifically, lighting shall be designed to reduce glare and excessive illumination to surrounding properties while providing for public safety. Full cutoff fixtures will be required. All lighting shall be aimed away from residential structures or zones.

*\*Note: Street lighting for residential developments shall follow the standards of Section 609 of this Ordinance.*

A. Applicability:

1. Uses that are proposed to operate during hours of darkness where there is public assembly and traverse including, but not limited to, the following: residential, multi-family residential, commercial, industrial, institutional, public recreational/sports, and sign, architectural and landscape lighting.
2. The Board of Supervisors may, in its sole discretion, require the illumination of residential subdivisions in accordance with Section 609 of this Ordinance, or for other lighting requirements, as set forth below.
3. The Board of Supervisors may, in its sole discretion, require lighting to be incorporated for other uses or locations or may restrict lighting in any of the above uses, as deemed necessary.

B. Lighting Criteria:

1. Illumination Levels
  - a. Lighting, where required by this Ordinance or otherwise required by the Board of Supervisors, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America, as contained in the IESNA Lighting Handbook and relevant IESNA Recommended Practices or as otherwise specified herein.
  - b. Future amendments to said Lighting Handbook and Recommended Practices shall become a part of this Ordinance without further action by the Township.
2. Lighting Fixture Design
  - a. Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Township. Street lighting supplied with unmetered electric service shall meet the specifications of the electric utility.
  - b. For the lighting of predominantly horizontal surfaces such as, but not limited to, roadways, areas of vehicular and pedestrian passage, merchandising and storage areas, automotive fuel-dispensing facilities,

automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, paths, site entrances and parking areas, fixtures shall be aimed straight down and shall be full cutoff or fully shielded, unless the aggregate wattage per-fixture does not exceed the output of a standard non-directional 40-watt incandescent lamp, i.e., 500 lumens, in which case non-cutoff fixtures shall be permitted.

- c. For the lighting of non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, fountains, displays, flags and statuary, the use of lighting fixtures that are not full cutoff or fully shielded shall be permitted only with the approval of the Board of Supervisors, based upon acceptable shielding and other glare control (approval shall not be required if the aggregate wattage per fixture does not exceed the output of a standard non-directional 40-watt incandescent lamp, i.e., 500 lumens).

3. Control of Nuisance and Disabling Glare (Excessive Brightness in the Field of View)

- a. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- b. Floodlights and spotlights that are not full-cutoff or fully shielded, where specifically approved by the Township, shall be so installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.
- c. Unless otherwise permitted by the Township (e.g., for safety or security or all-night commercial/industrial operations) lighting for commercial, industrial, public recreational and institutional applications shall be controlled by programmable timers that accommodate seasonal and annual variations and battery or mechanical (e.g., spring-wound) backup, to permit extinguishing sources between 11 p.m. and dawn or within one hour after the close of business, whichever is earlier, to conserve energy and to mitigate nuisance glare and sky-lighting consequences.
- d. Security lighting proposed for use after 11 p.m. or after the normal hours of operation for commercial, industrial, institutional or municipal applications shall be accomplished using no more than 25 percent of the number of fixtures used during normal business hours, from then until the start of business in the morning. Alternatively, where reduced but continued activity requires even illumination, the use of dimming circuitry to reduce illumination levels by 50 percent after 11:00 p.m. or after normal business hours, shall be permitted.

- e. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
- f. The level of illumination projected onto a residential use from another property shall not exceed 0.1 initial vertical footcandle, measured line-of-sight at the property line. The level of illumination projected onto a non-residential use shall not exceed 1.0 initial vertical footcandle measured line of sight at the property line.
- g. The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communications/television towers is prohibited during hours of darkness, except as specifically required by FAA.
- h. Canopy lighting, for such applications as gas/service stations, bank, drugstore and fast-food drive-thru, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be level with or below the light source.

#### 4. Recreational Uses

- a. When facilities for such outdoor recreational activities as baseball, tennis, football, miniature golf or any other recreational use permitted under the Township's Zoning Ordinance, are specifically permitted by the Township for operation during hours of darkness, the following requirements shall apply:
  - (1) Lighting shall be accomplished only through the use of fixtures conforming to IESNA full-cutoff criteria, or as otherwise approved by the Township based on suitable control of glare and light trespass.
  - (2) Maximum mounting heights (AFG) for recreational lighting shall be in accordance with the following:
    - i. Basketball 20'
    - ii. Football 70'
    - iii. Soccer 70'
    - iv. Baseball 70'
    - v. Little League Baseball

- |       |                    |     |
|-------|--------------------|-----|
| 1)    | 200' Radius        | 60' |
| 2)    | 300' Radius        | 70' |
| vi.   | Miniature Golf     | 20' |
| vii.  | Tennis             | 20' |
| viii. | Track              | 20' |
| ix.   | Race Track         | 30' |
| x.    | Golf Driving Range | 50' |

5. Signs and Billboards

- a. For the lighting of billboards and externally illuminated signs, fixtures shall be designed, fitted and aimed to limit the light pattern to the sign or billboard so as not to project their output into the windows of neighboring residences, adjacent uses, past the face of the billboard or sign, skyward or onto a public roadway.
- b. Billboards and externally illuminated signs shall be lighted by fixtures mounted at the top of the billboard or sign and aimed downward.
- c. The maximum initial illumination on the face of an externally illuminated billboard or sign shall not exceed 30 vertical footcandles and shall have a maximum to minimum uniformity ratio not to exceed 6:1.
- d. The illumination of billboards shall be limited to commercial and industrial zoning districts.
- e. The illumination of billboards within 400 feet of a residential zone or use shall not be permitted.
- f. Rotating, flashing, pulsing, “marching” or oscillating light sources, lasers, beacons or strobe lighting shall not be permitted.
- g. The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.
- h. The lighting or relighting of signs or billboards shall require a building permit, which shall be granted only when the Township is satisfied that excessive illumination, light pollution, glare and light trespass have been mitigated to the extent possible.

- i. Applications for the lighting or relighting of signs and billboards shall be accompanied by a point-by-point plot of initial vertical illuminance on the sign or billboard face, catalog cuts of proposed fixtures and any glare reduction devices, and a description of lamps, mounting locations, aiming angles and proposed hours of operation and method for automatically extinguishing the lighting by the required hour.

6. Installation

- a. Electrical feeds for pole-mounted fixtures shall be run underground, not overhead.
- b. Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces or where they could be hit by snow plows shall be placed a minimum of five feet outside paved areas or tire stops, or on concrete pedestals at least 30 inches high above the pavement or suitably protected by bollards or other approved means.
- c. Pole-mounted fixtures shall be aimed straight down.
- d. Mounting Heights – The following maximum fixture mounting heights shall prevail:
  - (1) Full-cutoff fixtures with 400-watt lamps (high pressure sodium or equal) maximum, in parking lots: 20-foot AFG
  - (2) Full-cutoff fixtures with 1,000-watt lamps (high pressure sodium or equal) maximum shall be permitted only in large (100 spaces or more) commercial, institutional and industrial parking lots except when the facility is adjacent to a residential district or use or an environmentally sensitive area: not less than 25 feet or more than 30-foot AFG.
  - (3) Decorative–cutoff or fully shielded fixtures with 175-watt lamps (metal halite or equal) maximum, 16-foot AFG
  - (4) Fully-shielded bollard fixtures with 100-watt lamps (metal halite or equal) maximum, 42-inch AFG
  - (5) Recreational Uses – See Section 4
- e. Electrical installation of street lighting shall be in accordance with prevailing regulations and specifications established by the serving electric utility. It shall be the responsibility of the installing contractor or his agent to have final construction inspected by an electrical inspection agency and a written report attesting to this fact submitted to the utility, thereby allowing the utility to provide pole illumination.



- f. Pole foundations shall be designed by a structural or civil engineer taking into account luminaire projected areas, wind loading and local soil conditions.

7. Post-Installation Inspection

- a. The Township reserves the right to conduct post-installation nighttime inspections to verify compliance with the requirements of this Ordinance and approved plans, and if appropriate, to require remedial action at no expense to the Township.

C. Plan Submission:

1. For land development applications, lighting plans shall be submitted to the Township for review and approval with any preliminary or final subdivision/land development plan application. The Township may also require that lighting plans be submitted for building permit applications. Lighting plans shall include:
  - a. A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting, containing a layout of all proposed fixtures by location, mounting height and type shall be required. The submission shall include, in addition to area lighting, exterior architectural, building-entrance, landscape lighting, etc.
  - b. A point-by-point illuminance-grid plot on 10-foot x 10-foot centers (or as necessary for suitable legibility) of footcandles overlaid on the site plan, plotted out to 0.0 maintained footcandles, which demonstrate compliance with the light trespass, illuminance and uniformity requirements as set forth in this Ordinance or as otherwise required by the Township.
  - c. The lamp lumen ratings and types, maintenance (light-loss) factors and IESNA file names used in calculating the illuminance levels.
  - d. Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole wind-loading conformance, foundation pole details and mounting methods.
  - e. Landscaping plans showing lighting fixture locations and demonstrating that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
2. When requested by the Township, applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare and to retain the intended character of the area.

3. Plan Notes – The following notes shall appear on the lighting plan:
  - a. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Township for review and approval.
  - b. The Township reserves the right to conduct post-installation nighttime inspections to verify compliance with the requirements of this Ordinance and as otherwise agreed upon by the Township, and, if appropriate, to require remedial action at no expense to the Township.
  - c. Installer shall notify the building inspector to arrange for inspection and approval of all exterior lighting equipment, including building-mounted lighting, prior to its installation.

D. Compliance Monitoring:

1. Safety Hazards
  - a. If appropriate officers or agents of the Township determine a lighting installation, including lighting poles, creates a safety or personal security hazard, the person(s) responsible for the lighting shall be notified in writing and required to take remedial action.
  - b. If appropriate corrective action has not been effected within 90 days of written notification, the Township may commence legal action as provided in Article VIII.
2. Nuisance Glare and Inadequate Illumination Levels
  - a. When appropriate officers or agents of the Township determine an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this Ordinance, the Township may cause written notification of the person(s) responsible for the lighting and require appropriate remedial action.
  - b. If appropriate corrective action has not been effected within 90 days of notification, the Township may commence legal action as provided in Article VIII.

E. Nonconforming Lighting:

1. Any lighting fixture or lighting installation legally installed and operative before the date of adoption of this Ordinance shall be considered as a lawful nonconformance subject to the following:

- a. Nonconforming lighting shall not be changed to any other non-conforming lighting, structurally altered, altered in any way that increases its degree of nonconformance, or expanded or extended in scope.
- b. Unless minor corrective action, such as reaming or shielding, is deemed by the Township to be an acceptable alternative, a nonconforming lighting fixture or lighting installation shall be made to conform with the applicable requirements of this Ordinance when:
  - (1) It is deemed by the Township to create a safety hazard
  - (2) A fixture is added or replaced with another fixture or fixtures, abandoned or relocated.

F. Street Lighting Dedication:

When street lighting is to be dedicated to the Township, applicant shall be responsible for all costs involved in the lighting of streets and street intersections until the street is accepted for dedication.

1. Prior to dedication and in the event of the formation of a homeowners association and/or property management declaration, Township shall require said agency to enter into an agreement guaranteeing the Township payment of all costs associated with dedicating, operating and maintaining street lighting.
2. Assumption of Costs of Dedicated Street Lighting
  - a. Upon dedication of public streets, the Township shall assess the homeowners association, individual property owners, or corporation, as the case may be, to collect all revenues required that are directly or indirectly associated with all cost of each specific street lighting fixture. These costs shall include:
    - (1) Administration
    - (2) Collection
    - (3) Proration of unpaid assessments
    - (4) Actual utility electrical charges
    - (5) Maintenance and maintenance contracts for maintenance of fixtures and associated equipment.
3. Street lights not dedicated to the Township will remain the responsibility of the developer or appropriate private entity to which the lights are turned over. Said private entity shall then assume all costs and responsibilities for the lighting in perpetuity.

305.8 Waste Storage and Disposal: Waste storage and disposal facilities for the land development shall be planned and constructed in a way that they are shielded from the public right-of-way or neighboring properties.

305.9 Utilities: Gas, electric, telephone, and cable utilities shall be located in land developments in accordance with utility company standards and requirements. All such utilities shall be underground, except in the case of special or unique circumstances for which a modification may be requested.

### **Section 306 Nonsubstantial Land Development Plan Amendments**

- A. A plan amendment allows minor alterations, as the definition states, and the documentation of them through the as-built drawings without the need for a developer to process a new final plan. Alterations must be in accordance with Fairview Township regulations and reviewed for approval.
- B. Submission for review
  - 1. The applicant shall submit to the Township a detailed sketch of the proposed amendment, together with written detailed information on the nature of the proposed amendment including the proposed use and its implications.
  - 2. The Zoning Administrator will review the proposed amendment in regard to regulations and previously approved conditions. The Zoning Administrator will present to the Board of Supervisors a comment letter addressing any regulation or condition changes from the original land development plan.
  - 3. The Township Engineer will review the proposed amendment in regard to technical impact from the approved plan. The Township Engineer will present to the Board of Supervisors a comment letter addressing the impact of the alterations from the original land development plan.
  - 4. The Board of Supervisors upon receipt of these letters will, at their next public meeting, decide if the proposed amendments are approved and submitted under the as-built drawings or a new final plan must be submitted by the developer.

### **Section 307 Additional Criteria for Multi-Family Dwellings**

Multi-family dwellings shall reserve no less than 10 percent of total lot area as passive or active recreation space for the benefit of residents. This land shall be suitable for the purpose for which it is proposed.

### **Section 308 Recreation Vehicle, Vacation Home Developments, and Recreational Camp Park Requirements**

These developments will be treated as land developments.

308.1 Applicability and Intent: Recreational vehicles (RVs), vacation home developments, and recreational camp parks are intended for the temporary use of individuals or families for recreational and camping purposes. Such developments are not intended for year-round or permanent occupations. Places for year-round occupancy shall be constructed as mobile home parks or second home developments.

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

- A. Recreational Vehicle: A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel uses, which either has its own mode of power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.
- B. Recreational Vehicle or Recreational Camp Park: A plot of land upon which four or more recreational sites are located, established or maintained for occupancy by recreational vehicles or tents of the general public as temporary living quarters for recreation or vacation purposes (size limit on RVs is 400 square feet).
- C. Recreational Site: A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent, cabin, or other individual camping unit on a temporary basis. Such sites are for design purposes and are not building lots for subsequent sale.
- D. Vacation Home Development: A development of vacation cabins (not more than 750 square feet in floor area) designed for temporary vacation use but not built nor intended for permanent year-round occupancy.
- E. Short Term Usage: The standards set forth under this section are intended for those recreational parks where lots within the park are for rental or lease and are to serve short-term users.

308.2 Permits: In addition to the rules and regulations specified in this Ordinance, the developer shall submit any needed permits or approvals from county and/or state agencies. In compliance with sedimentation and erosion control, drinking water and sanitary sewage facilities and solid waste disposal regulations will be required.

308.3 Plan Requirements: Persons, firms or corporations proposing to open a recreational vehicle / camp park or vacation home development in Fairview Township shall not proceed with any construction work on the proposed park unless and until they have obtained from the Township written approval of the Final Plan of the proposed park or development.

308.4 Township Review: The Township shall review the Final Plan in accordance with the requirements of this Ordinance.

#### 308.5 Design Requirements

- A. Site area Requirements: The planning and location of individual recreational vehicle lots shall be governed by the following minimum requirements:
  - 1. Site Area: Recreational lots for all uses shall be designated with a minimum width of 30 feet and shall not be less than 2,000 square feet in total area, excluding right-of-ways. Such size is considered adequate to accommodate parking for one

recreational vehicle or tent site, one automobile parking space, and related outdoor facilities (grill, picnic tables, benches, etc.).

2. Setback Requirements: Front setback for recreational vehicle units shall be 20 feet along any internal drive. Permanent structures, such as bathhouses, administration offices, recreation centers and other ancillary facilities shall be set back from public streets in accordance with the Township Zoning Ordinance and from interior drives 25 feet.

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

3. Perimeter Requirements: When abutting residentially developed properties, a buffer strip, with a minimum width of 30 feet, shall be provided parallel to the park property line. When abutting non-residential properties, the buffer strip shall be 20 feet from the park property line.
4. Internal Drive Design Standards: Recreational park drives shall be private and designed for the safe and convenient movement of recreational vehicles minimizing disturbance of the natural environment. The internal drive system shall be as follows:
  - a. Drives: Such drives shall serve as an internal transportation system for the development and provide access to individual park lots, administration and ancillary facilities. Such drives shall be improved as outlined below.
  - b. Internal Private Drive Cartways:

One-Way	10 Feet
Two-Way	18 Feet

- c. The surfacing shall be crowned or sloped as indicated on the submitted plans, and the final compacted depth shall comply with the depth shown on the drawings. Paved or gravel drives shall be acceptable with a minimum of 12 inches of crushed, compacted aggregate (PennDOT No. 2A – Coarse Aggregate).
  - d. Cul-De-Sac Drives: Shall be provided with a turnaround having an outside roadway diameter of at least 80 feet.
  - e. Grade: All interior drives shall have a grade not to exceed 8 percent.
5. Parking Spaces: The number of parking spaces and their size shall conform to the Township Zoning Ordinance, but in no event shall there be no less than one space for each lot area, plus one space for each three recreational lots for visitors.

6. Facilities: The developer shall provide the following facilities and show compliance with the appropriate regulations of the Erie County Department of Health or the Pennsylvania Department of Environmental Protection, as appropriate:

- Plumbing/toilet facilities
- Sewage disposal
- Potable water
- Showers
- Refuse and garbage facilities

Where permits are required, copies of same shall be presented to the Township.

7. Appurtenances: Cement slabs for each lot may be provided by the facility owner or operator. However, permanent additions to recreational vehicles shall not be permitted.
8. Maintenance: All facility maintenance such as drive maintenance, lot maintenance, mowing, and the cleaning of common facilities (restrooms, etc.) are the responsibility of the owner and/or operator.

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

### **Section 309 As-built Drawings**

- A. As-Built Drawings are required to enable the Township to release financial surety posted for that purpose and to provide for an accurate record of the improvements provided by the developer.
- B. As-Built Drawings shall be submitted to the Township no later than ninety (90) days following completion of the construction and installation of the improvements. Should the plans not be submitted in that time, the financial surety may be utilized to fund the Township engineer to prepare said drawings and charge such fees and costs as normally charged to the Township.
- C. Failure to submit the required drawings shall also be a violation of this Ordinance.

**Article III-A**  
**Mobile Home or Modular Home Park Requirements**

- A. No person, firm or corporation proposing to develop, re-arrange or expand a mobile home park in the Township, shall proceed with any construction work on the park until they have obtained from the Township written approval of the Preliminary Plan of the proposed development, according to procedures herein outlined.
- B. Plan Requirements:
1. Preliminary and Final Plans, as required, shall comply in form and content to Article III of these regulations insofar as applicable and shall be in accordance with the standards set forth herein.
  2. A stormwater management plan shall be submitted.
- C. Pre-Application Procedure:
1. Sketch Plan Procedure: The mobile home park developer should meet with the Township prior to formal application to discuss his plans. They should prepare a suitable sketch and plans sufficient to give a general understanding of his purposes. The Township shall inform the developer as to the general suitability of the plans and of any modifications required by these regulations, if deemed advisable.
  2. Preliminary Plan Application: The developer shall prepare and submit a complete Preliminary Plan, together with improvement plans and other supplementary material, as required.
- D. Final Plan Approval:
1. Upon completion of any modifications required by the Township and/or upon completion of required improvements or the alternate posting of acceptable surety, the developer may apply for approval of the Final Plan. Until the Final Plan for the mobile home park is approved and recorded and until all required improvements are completed for the mobile home park, the placement and habitation of individual mobile homes shall not be permitted
  2. The Board of Supervisors shall review the Final Plan for conformance with the approved Preliminary Plans and all requirements of these rules and regulations. Where required, an appropriate bond must be posted or required improvements have been installed, according to specifications.



3. Filing: Following approval, the developer shall file one copy of the approved plan with the Erie County Recorder of Deeds within 90 days. Any fees for recordation shall be borne by the applicant.

E. Design Requirements:

1. Minimum Area of Tract or Park: The minimum area of the tract or park shall be ten acres. The site shall be so located that soil conditions, groundwater level, drainage, and topography shall not create hazards to the property, health, or safety of the occupants or adjacent property owners. The overall density of the mobile home park shall not exceed three units per acre of land.
2. 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 drive or public road without the necessity of crossing any other space.
  - b. Lot Suitability: No individual lot shall be developed for occupancy by a mobile home if the slope is three percent or greater.
  - c. Size: This lot configuration assumes a placement with the narrow side of the unit facing the drive. Each mobile home lot shall have a minimum lot width of 70 feet, depth of at least 150 feet, and a minimum of 10,500 square feet in area. The developer can opt to place units with the “wide” side of the home facing the internal drive. Regardless of the orientation, a yard requirement shall be met.
  - d. Yard Requirements:
    - (1). There shall be two side yards; the minimum side yard shall be 10 feet and the second side yard 15 feet. Yards shall be oriented so the 15-foot side yard shall be on the side of the dwelling unit where the patio or deck is located.
      - (i) The setback from the internal drive cartway shall be at least 30 feet. Parking for two vehicles may be allowed in the front yard area; however, at least 10 feet shall be reserved for lawn or landscaping between the parking area and the dwelling unit.
      - (ii) The rear yard shall be at least 30 feet in depth. Any utility or storage building is to be located in the rear yard at least 10 feet from any mobile home lot line and 10 feet from the dwelling unit.

- (2) There shall be a minimum of 25 feet between individual mobile homes, attached structures, and at least 10 feet to an accessory structure on the same lot, and at least 20 feet to an accessory structure on another lot.
- (3) The setback from the right-of-way of any public street or highway shall be consistent with the zoning ordinance district.
- (4) There shall be at least 40 feet between any mobile home, appurtenance building, office or similar structure and any mobile home park boundary line (see also Section “c” above).
- e. Skirting: The plans shall specify that skirting shall be provided on all mobile homes. Skirting shall be so designed as to allow for adequate ventilation under the mobile homes.
- f. Orientation: The developer is encouraged to enhance the design of the park and can vary unit orientation as long as lot size and setbacks, as set forth in this Ordinance, are followed.
- g. Landscaping: The park entrance shall be landscaped with a sign giving the name of the facility in a setting of shrubs and trees.

All internal drives shall be planted with trees of at least one and one-half inch caliper planted at 50-foot intervals. Trees will be located on all sides of the drive where mobile home units are located. The developer shall provide a planting schedule to the Township which must be approved by the Township Engineer.

A 30-foot wide landscape buffer shall be provided along the side and rear perimeter of the site. The landscape buffer shall consist of a mixture of both evergreen and deciduous trees and shrubs. The buffer shall provide a visual barrier and be composed of plants suitable to that purpose and of species suitable for this area. The buffer strip planting plan must be approved by the Township Engineer.

### 3. Mobile Home Stands

- a. The location of each mobile home stand shall be at such elevation, distance and angle in relation to the access drive so that the placement and removal of the mobile home is practical.
- b. The stand where the unit is placed shall be at least 14 feet x 65 feet to accommodate modern units.
- c. A one percent to five percent gradient longitudinal crown or cross gradient for surface drainage shall be provided. Water shall be directed away from

the mobile home stand. In no event shall the stand be designed to allow the pooling of water under mobile homes.

- d. All mobile homes shall be set on a foundation, as required by the Township's building code, the Pennsylvania UCC.
  - e. There shall be a concrete patio area provided for each stand, not less than 10 feet wide and 20 feet long located convenient to the main entry door to the mobile home. The patio will be on the side of the lot with the 15-foot side yard.
4. Access and Internal Drive System: The internal drive system in privately owned mobile home parks shall be privately owned and maintained. It shall be constructed and maintained in accordance with the applicable sections set forth for public roads by this Ordinance. Mobile home parks shall provide at least one access drive to a public road for each 25 mobile homes. These access drives shall be placed with the advice of the local fire department and emergency services to facilitate servicing all areas of the park. Internal drives shall have a paved cartway of at least 20 feet in width.
  5. Drive Widths at Access Points: At points where general traffic enters or leaves the park, drives shall be 24 feet in width within 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.
  6. Parking Spaces: Parking shall be provided in such amount as required by the Township's zoning ordinance, but in no event shall there be less than two parking places for each lot. These spaces may be located off interior drives and shall be paved or provided with a stone/gravel/crushed limestone surface of at least six inches in depth, compacted to provide a year-round, mud-free parking area. There shall be a concrete or paved walkway from the parking area to the main entrance of the unit. In addition to the on-lot parking for every mobile home, developments with 25 or more units shall include a visitors' parking area with one space per each two units. This parking lot shall be paved. All parking spaces shall be 18 feet long with a minimum width of 10 feet, exclusive of aisle/driveway areas.
  7. Recreation: At least 10 percent of the mobile home park area shall be reserved or dedicated for the recreation purposes of park residents with appropriate location, dimensions and topographic characteristics which, in the judgment of the Township, lend themselves to such recreational uses. This will be a private recreational facility.
  8. Waste Disposal: Dumpsters or other park waste disposal facilities shall be isolated from individual mobile homes by at least 50 feet and shall be screened.

9. Arrangements of Dwelling Units: Modern mobile homes are house-like in appearance and blend more suitably with traditional housing. Because of this, lots for such units will be located on the front and along the side perimeters of mobile home parks. These units are to:
  - a. Be “double wide” (at least 24 feet wide).
  - b. Have a sloped roof (a pitch of at least two-and-one-half feet for each 12-foot of horizontal run).
10. Sidewalks: Development of 25 units or more shall provide for sidewalks accessible to all units. Such sidewalks shall be at least five feet wide.
11. Coverage: Land coverage for individual mobile home lots shall not exceed 30 percent for all structures.

F. Utility Requirements:

- A. Water and Sewer: All provisions for water and sanitary sewer facilities shall be community systems and not individual on-lot systems. Such systems are to be inspected by the Township and its design shall be as required by DEP and shall be approved by that agency.
- B. Gas, Telephone and Cable: All utility facilities shall be installed and inspected according to the standards set forth by the utility company.
- C. Exterior Lighting: Adequate lights shall be provided to illuminate public streets, driveways and walkways for the safe movement of vehicles and pedestrians at night. Full cutoff fixtures shall be as required to minimize glare. Fixture height is limited to 20 feet.
- D. Other Utilities: Shall be underground, except in the case of special or unique circumstances for which a modification may be requested.

## **Article IV**

### **Application and Processing Procedures for Subdivisions**

#### **Section 400 Introduction**

Whenever a subdivision of land is desired to be effected, a plat of the layout of such subdivision shall be prepared, filed and processed according to the requirements of this Ordinance.

#### **Section 401 Pre-Application Review**

Upon the request of the applicant, the Township will submit the proposed Plan to the Township Planning Commission. After review and discussion with the applicant, the Planning Commission may indicate the suitability of the proposed plan for development into Preliminary Plans.

- A. In assessing the suitability of the proposed plan, the Planning Commission shall consider the Fairview Area Comprehensive Plan or other plans of the Planning Commission, including, but not limited to, proposed streets, recreation areas, drainage reservations, shopping centers, school sites, housing and land use types, and water and sewer service areas.
- B. Also to be considered is whether the land is subject to hazards to life, health, and safety. Such land shall not be subdivided until such hazards have been addressed to the satisfaction of the Township.

#### **Section 402 Pre-application Plan and Data**

Prior to the preparation and filing of the Preliminary Plan, the applicant is not required but strongly encouraged to submit the following plans and data to the Township.

- A. General Information: Describes or outlines existing covenants, land characteristics, community facilities and utilities, and information describing the proposed subdivision such as the number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas, other public areas, proposed protective covenants, proposed utilities and street improvements.
- B. Location Map: Shows the relationship of the proposed subdivision to existing community facilities which serve or influence it and shall include development name, location of any existing facilities, traffic arteries, public or other schools, parks, playgrounds, utilities, churches, shopping centers, airports, hospitals, principal places of employment, title, scale, north arrow and date. The scale of the location map shall be 1 inch equals 2,000 feet.
- C. Topographic Map: Existing USGS Quadrangle map or other acceptable available map showing topographic features.
- D. Sketch Plan: Drawn to a scale of 1 inch equals 100 feet (or greater) on a print of the topographic map, showing in a simple sketch the proposed layout of streets, lots and other features in relation to existing conditions including:
  - 1. The proposed name of the subdivision.
  - 2. Name of the applicant.

3. Name of the registered owner.
  4. North point, scale and date.
  5. Name of engineer, surveyor or other qualified person responsible for the map.
  6. Tract boundaries with bearing and distances.
  7. Topography with elevations based on datum approved by the Township and showing contours at vertical intervals meeting USGS mapping standards
  8. Approximate location of watercourses, tree masses, rock outcrops, existing buildings, and actual location of sewer mains, inlets, water mains, wells, all easements, fire hydrants, railroads, existing or confirmed streets and their established grades.
  9. Adjacent streets.
- E. Soil Suitability: Show where conditions are suitable for on-lot sewage or other sewage treatment as determined by the Erie County Department of Health or Pennsylvania Department of Environmental Protection.

### **Section 403 Preliminary Plan Review**

- A. Application: When filing developer agreement forms and application for approval of the Preliminary Plan, the applicant shall prepare and submit to the Township for distribution to the Township Planning Commission, Municipal Engineer and, as necessary, Municipal Authorities at least 15 days prior to the regular monthly meeting of the Planning Commission, 1 copy of the corresponding documents and Preliminary Plan (consisting of 1 mylar, 10 prints and 2 sets of construction drawings) of the total land to be ultimately developed for review by the Planning Commission, Engineer and, as necessary, Authorities according to requirements and standards contained herein. The applicant is advised to contact any appropriate utility as may be relevant.
- B. Receipt and notice: The Township shall review submissions to determine if all required components, including fees, are included. Incomplete submissions will be returned to the applicant, and will *not* be considered as a formal submission. The Township has five business days to complete the review of the submission and issue a completeness receipt or letter of rejection. Any missing requirements, including required fees, will be listed in any letter of rejection and included with the returned components. *Note: The receipt acknowledges only that the submission is complete and does not determine its compliance with the standards set forth in this Ordinance or other applicable regulations.* The Township will notify the applicant of the Township Planning Commission meeting, place, date and agenda schedule.
- C. Review by Township Planning Commission: The Planning Commission shall review the plan submitted covering the requirements of this Ordinance, and may consult with the Township's professional consultants and officials of any other department or authority

concerned. Within 45 days of this scheduled agenda review, the Planning Commission shall report to the Board of Supervisors on the subdivision, recommending approval, conditional approval or disapproval, with reasons for action for conditional approval or disapproval.

- D. Review by Erie County Planning Commission: Upon recommendation from the Planning Commission, the Township shall forward a copy to the Erie County Department of Planning for review and report at the developer's expense. Following review by the Erie County Planning Commission, the Plan shall be delivered to the Township.
- E. Review by Municipal Engineer and Authorities: The Municipal Engineer and, as necessary, Authorities shall submit letters stating the conformance of the plan to the requirements of the Township's ordinances.
- F. Action of Board of Supervisors: All applications for approval of a preliminary plan shall be acted upon by the Board of Supervisors and a decision communicated to the applicant not later than 90 days following the date of the regular meeting of the Planning Commission (in which the plan is first reviewed) next following the date the application is filed or after a final order of court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application or the final order of the court, the said 90 day period shall be measured from the 30<sup>th</sup> day following the day the application has been filed.  
  
Approved Preliminary Plans for recording shall bear signatures of the members and the Secretary of the Board of Supervisors to a certified statement that all plan procedure requirements have been met.
- G. Nature of Approval: Approval of a Preliminary Plan shall not constitute approval of a Final Plan, but rather an expression of approval of the layout submitted on the Preliminary Plan as a guide to the preparation of the Final Plan.
- H. Time Extensions: If the applicant desires a time extension for Preliminary or Final Plan approval, a written request shall be made to the Township. The request shall specify the reasons for the extension. The Township may grant time extensions and they shall be for a period of 30 days. Additional requests for extensions may be made.

#### **Section 404 Preliminary Plan and Data**

The Preliminary Plan and data from the applicant shall include but not be limited to the following:

- A. The Preliminary Plan shall be drawn at a scale of one inch equals 100 feet (or greater).
- B. The Plan shall show or be accompanied by the following:
  - 1. Developer Agreement as needed
  - 2. Draft of protective covenants, if any.

3. Title to include:
  - a. Name by which the subdivision will be recorded.
  - b. Location by municipality, county and state.
  - c. Parcel ID number.
  - d. Names and address of the owner or owners along with notarized signatures.
  - e. Name of registered engineer or surveyor who surveyed the property and prepared the plan.
  - f. North point, date and graphic scale.
4. Tract boundaries with bearings, distances and area in acres to the nearest hundredths.
5. Existing easements, their location, width and distance.
6. Contours at vertical intervals of two feet for land areas with a slope of five percent or less and at five-foot intervals for land areas with a slope greater than five percent.
7. Datum to which contour elevations refer.
8. Bench marks.
9. Existing physical features to include:
  - a. Watercourses, floodplains, wetlands, culverts, bridges, drains and tree masses.
  - b. Buildings, on-lot sewage systems, sewers, storm sewers, water mains, wells, fire hydrants, inlets, easements and railroads.
  - c. Streets on or adjacent to the tract, including name, right-of-way widths and cartway.
10. Proposed improvements and related data shall include:
  - a. Location, name and width of all proposed streets and alleys, paved cartway widths, and clear sight triangles.
  - b. Sidewalks and crosswalks.
  - c. All rights-of-way and easements, and identified as either public or private.
  - d. Lot lines with bearings and dimensions.
  - e. Building setback lines.



- f. Reservations of grounds for subdivision association and/or public use.
  - g. General drainage plan for stormwater to include proposed water direction of flow for stormwater in relation to natural channels with disposition controlled so as not to extend drainage to adjoining properties; a plan and profile of all piped storm sewer drainage systems.
  - h. A plan of the proposed water distribution system or a plan showing the location of individual wells.
  - i. A plan of the proposed sanitary sewage collection system or a plan showing the proposed location of on-lot sewage disposal facilities.
  - j. Proposed land use of the improvement.
  - k. Names and addresses of abutting property owners.
  - l. Subsurface condition of the tract.
  - m. Profiles showing existing ground and proposed center-line street grades.
  - n. Typical cross sections of roadways and sidewalks.
  - o. Sizes of water pipes and location of valves and fire hydrants.
  - p. Location of manholes, invert elevations, grades and sizes of sanitary sewers.
  - q. Signature block for the Fairview Township Planning Commission stating “The Plan has been reviewed by the Fairview Township Planning Commission” with signature lines and date.
  - r. Signature block for the Erie County Department of Planning stating “The Plan has been reviewed by the Erie County Department of Planning” with signature lines and date.
  - s. Signature block for the Fairview Township Board of Supervisors stating “The Plan has been approved by the Fairview Township Board of Supervisors” with signature lines and date.
  - t. Signature block for the Recorder of Deeds labeled “Recording information” with a line for the map number.
11. Include the zoning district or districts and show the boundary between zoning districts, where applicable.
  12. Where applicable, provide a copy of the highway occupancy permit issued by the Pennsylvania Department of Transportation.
  13. The plan shall be labeled Preliminary Plan.

14. Provide stormwater management calculations as prescribed in the Fairview Township Stormwater Management Ordinance.
- C. The following shall be required for any land in the A-3 Conservation District as shown on the Fairview Township Zoning Map, and shall be prepared by a registered Engineer or Surveyor:
1. A map showing the location of proposed subdivision or land development with respect to any designated floodplain or coastal and bluff recession hazard areas, including information concerning, but not limited to, the 100-year flood elevations, proposed lots and building sites, fills, flood or erosion protective facilities, areas subject to any special relevant deed restrictions, and designated recreational land.
  2. Where the subdivision and/or land development lies partially or completely within the A-3 Conservation District and/or in any flood or coastal area, or where the subdivision and/or land development borders a flood or coastal area, the Preliminary Plan shall include detailed information concerning the location and elevation of proposed roads, public utilities, and building sites. All such plans shall also show contours at intervals of two or five feet, depending upon the slope of the land, and identify the boundaries of the A-3 Conservation District, the floodplain areas, and/or the coastal and bluff recession hazard areas.
- D. Phased Development
1. Subdivision Development in Phases: If the subdivision is to be phased, a time schedule must be submitted with the Preliminary Plan and must be updated annually on the anniversary of the preliminary approval. Failure to submit the annual update shall constitute a default. Any required improvement not to be constructed or installed until a later stage must be set forth in the developer agreement and any stage to be completed in a later stage must be reviewed and approved by the Township engineer. Failure of the developer to adhere to the schedule of submission of plans or submission of annual updated schedule shall subject any such section to any and all changes in zoning, subdivision and any other governing ordinance enacted by the Township subsequent to the date of the preliminary plan submission. The developer may construct improvements without posting financial surety but the Township will not accept any offers of dedication of any portions of the development until a final inspection and an approved Final Plan indicates compliance with all applicable requirements of this Ordinance. Reference is made to the requirements of Article VI of this Ordinance.
  2. Should the developer determine to develop the subdivision in phases and without posting financial surety, the developer proceeds at his own risk and the completed work is subject to the inspection and approval of the Township engineer and other appropriate approvals by other agencies.

## Section 405 Final Plan Review

- A. Application to Township: When filing developer agreement forms and application for approval of the Final Plan, after approval of the Preliminary Plan, the applicant shall prepare and submit to the Township for distribution to the Township Planning Commission, Municipal Engineer and, as necessary, Municipal Authorities at least 15 days prior to the regular monthly meeting of the Planning Commission, 1 copy of the corresponding documents and Final Plan (consisting of 1 mylar, 10 prints and 7 sets of construction drawings) of the total land to be ultimately developed for review by the Planning Commission, Engineer and, as necessary, Authorities according to requirements and standards contained herein. The applicant is advised to contact any appropriate utility as may be relevant.
- B. Receipt and notice: The Township shall review submissions to determine if all required components, including fees, are included. Incomplete submissions will be returned to the applicant, and will *not* be considered as a formal submission. The Township has five business days to complete the review of the submission and issue a completeness receipt or letter of rejection. Any missing requirements, including required fees, will be listed in any letter of rejection and included with the returned components. *Note: The receipt acknowledges only that the submission is complete and does not determine its compliance with the standards set forth in this Ordinance or other applicable regulations.* The Township will notify the applicant of the Township Planning Commission meeting, place, date and agenda schedule.
- C. Review by Township Planning Commission: The Planning Commission shall review the plan submitted covering the requirements of this Ordinance, and may consult with the Township's professional consultants and officials of any other department or authority concerned. Within 45 days of this scheduled agenda review, the Planning Commission shall report to the Board of Supervisors on the subdivision, recommending approval, conditional approval or disapproval, with reasons for action for conditional approval or disapproval.
- D. Review by Erie County Planning Commission: Upon recommendation from the Planning Commission, the Township shall forward a copy to the Erie County Department of Planning for review and report at the developer's expense. Following review by the Erie County Planning Commission, the Plan shall be delivered to the Township.
- E. Action of the Board of Supervisors: All applications for approval of a final plan, shall be acted upon by the Board of Supervisors and a decision communicated to the applicant not later than 90 days following the date of the regular meeting of the Planning Commission (in which the application was first reviewed) next following the date the application is filed or after a final order of court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of the application or the final order of the court, the said 90 day period shall be measured from the 30<sup>th</sup> day following the day the application has been filed.

Approved Final Plans for recording shall bear signatures of the members and the Secretary of the Board of Supervisors to a certified statement that all plan procedure requirements

have been met. Final Plans inconsistent with the approved Preliminary Plan will not be approved.

If the applicant desires a time extension for the Final Plan approval, a written request shall be made to the Township. The request shall specify the reasons for the extension. The Township may grant time extensions and they shall be for a period of 30 days. Additional request for extensions may be made.

- F. Application Fee and Deposit: At the time of filing the application or plans, the applicant shall pay to the Board of Supervisors for the use of the Township, a fee to defray the cost of processing such plans and drafting same on the assessment maps of the Township and the cost to the Township of Professional Consultants. The fee and deposit shall be set by the Board of Supervisors at their annual reorganization meeting. The applicant shall also provide for the financial security required by Section 903 of this ordinance.

- G. Procedure for Subdivision (including three lots or less):

1. The applicant shall contact the Erie County Health Department (ECHD) to provide the following:
  - a. Complete a planning module form.
  - b. Have site investigation completed with Sewage Enforcement Officer from the ECHD and applicants contractor. (If needed)
  - c. Make a plot of area to be subdivided (dimensioned sketch).
  - d. Bring completed forms (a) and (c) to Fairview Township for tentative approval and/or plan revision.
  - e. Make four copies of original and return to the ECHD.
2. The applicant shall have the property surveyed by a professional land surveyor and provide the Township with a plat consisting of one mylar and ten prints which are notarized on behalf of the property owner(s).
3. The applicant shall take the mylar, prints and subdivision application to the Township for approval fifteen days prior to the public meeting of the Township Planning Commission for its review and recommendation. If parcels are to be incorporated, new proposed deeds are required with the submission.
4. Following the Township Planning Commission recommendation, the Township shall deliver the mylar and ten prints to the Erie County Department of Planning for review and signing.
5. The Board of Supervisors decision shall be made at an advertised meeting after receipt of the Erie County Planning Commission review. The Supervisor's approval

is valid for 90 days. Plans must be recorded at Recorder of Deeds Office within 90 days of Supervisors' approval.

6. The applicant shall submit the plat for recording at the Erie County Recorder of Deeds.
7. The applicant shall return the mylar and two prints to Fairview Township to be filed within 90 days of approval by the Supervisors. The Subdivision deposit will then be refunded unless there is an incorporation (see 8). Failure to return the mylar and two prints will result in a violation of this Ordinance and the owner/developer will be subject to the penalties set forth in Article VIII.
8. When a subdivision is also to be incorporated with other property, the deposit will be held until a copy of the new recorded, incorporated deed is received by the Township within 90 days of approval.

#### **Section 406 Final Plan and Data**

For any subdivision requiring final approval, the Plan submitted:

- A. Shall be drawn on mylar or other comparable permanent material and shall be on sheets 18 inches x 24 inches including a border of one-half inch on all sides except the binding edge, which shall be one inch. More than one sheet may be used for larger tracts and must be of the same scale and indexed. In addition, electronic drawings in pdf (or other format approved by the Township) shall be required and approved by the Township.
- B. Shall be drawn with waterproof black India ink or by other comparable permanent processing and all records, data, entries, statements, etc., thereon shall also be made with the same type of ink or reproducible lettering, except that contour lines, when shown, shall be drawn so that the said contour lines will show faintly on a print made from the said plan.
- C. Shall be drawn to a scale of one inch equals 100 feet (or greater) and shall be of sufficient size to clearly show all notations, dimensions and entries. All dimensions shall be shown in feet and decimals of a foot.
- D. Shall contain a title block in the lower right corner with the following:
  1. Name by which the subdivision will be recorded.
  2. Location by municipality, county and state.
  3. Parcel ID number.
  4. Names and address of the owner or owners along with notarized signatures.
  5. Name of registered engineer or surveyor who surveyed the property and prepared the plan.
  6. North point, date and graphic scale.

E. All Final Plans submitted shall be drawn according to the following:

Outside of Subdivision:

1. Streets and other ways by medium solid lines.
2. Property lines of adjacent subdivision by medium dashed and two dotted lines.
3. Lot lines by light dotted lines.
4. Restriction lines, easements, etc., by light dashed lines.

Within Subdivision:

1. Streets or ways by heavy solid lines.
2. Perimeter property lines of the subdivision by heavy dashed and two dotted lines.
3. Lot lines by light solid lines.
4. Restriction or building lines by light dashed lines.
5. Easements or other reserved areas by light dashed lines.

F. The Final Plan shall show:

1. Primary control points, approved by the Township Engineer, or description and ties to which all dimensions, angles, bearings, and similar data shall be referred.
2. Acreage/square footage of each lot.
3. Tract boundary lines, right-of-way lines of streets, sidewalks, easements and other rights-of-way, and property lines of residential lots and other sites with accurate dimensions, bearings or deflection angles, radii, arcs and central angles of all curves.
4. Name and right-of-way width of each street and alley, paved cartway width, crosswalks and clear site triangles.
5. Location, width, and clear sight triangles for access drives.
6. Location, dimensions and purpose of all easements, and identified as either public or private.
7. Number to identify each lot or site.
8. Purpose for which sites other than residential are to be dedicated.
9. Building setback lines on all lots and sites.

10. Location and description of survey monuments.
  11. Names of record owners of adjoining unplotted land.
  12. Certification of professional engineer or surveyor as to the accuracy of survey, and plat showing name, address, registration number and seal.
  13. Statement by the owner dedicating streets, other rights-of-way and sites for public uses, and all easements labeled public or private.
  14. Protective covenants, if any, in form for recording.
  15. Such other certificates, affidavits, endorsements or dedications as may be required in the enforcement of this Ordinance.
  16. All signage. (see section 513)
  17. Postal boxes conforming to regulations of the United States Postal Service.
  18. Signature block for the Fairview Township Planning Commission stating “The Plan has been reviewed by the Fairview Township Planning Commission” with signature lines and date.
  19. Signature block for the Erie County Department of Planning stating “The Plan has been reviewed by the Erie County Department of Planning” with signature lines and date.
  20. Signature block for the Fairview Township Board of Supervisors stating “The Plan has been approved by the Fairview Township Board of Supervisors” with signature lines and date.
  21. Signature block for the Recorder of Deeds labeled “Recording information” with a line for the map number.
- G. The following information shall be required as part of the Final Plan and shall be prepared by a registered engineer or surveyor:
1. All information required for submission of the Preliminary Plan, incorporating any changes requested by the Board of Supervisors.
  2. Maps and approved plans showing the exact location and elevation of all roads, stormwater systems, public utilities, water wells, septic systems, and other improvements that would be constructed within any floodplain or coastal and bluff recession areas. All maps shall show contours at intervals of two feet and accurately show the boundaries of any floodplain or coastal and bluff recession hazard areas.

- H. The Final Plan submission shall also be accompanied by a developer agreement, all required permits and related documentation from the Pennsylvania Department of Environmental Protection, the Erie County Department of Health, and any other Commonwealth agency, or local municipality where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. The Erie County Conservation District shall also be notified whenever any such activity is proposed.
- I. Additional Copies: In addition to the copies filed as required by this Section, an electronic copy of the approved Final Plan shall be filed by the developer in a format approved by the Township (PDF, CAD, etc.).

### **Section 407 Re-subdividing or Replatting**

Any replatting, revision, or resubdivision of recorded plans or any replatting, revision, or resubdivision of any approved Final Plan which has not been recorded, excluding lot grading plans in a subdivision, shall be considered as a new application and shall comply with all requirements of this Ordinance, except as may be modified by the Board of Supervisors.

### **Section 408 Subdivisions of Three Lots or Less**

Plans and data involving subdivisions of three lots or less shall include, but not be limited to, the following:

- A. Planning Module: A planning module shall be completed to determine soil suitability for septic or sewage treatment with the Pennsylvania Department of Environmental Protection through the Erie County Health Department.
- B. The provisions of Sections 401 through 404 and 406 will be waived for subdivisions of three lots or less and the following requirements will become applicable:
  - 1. The proposed plan shall be drawn at a scale of one inch equals 100 feet (or greater).
  - 2. The proposed plan shall be legibly drawn on mylar or comparable permanent material 18 inches x 24 inches and 10 copies.
  - 3. The Plan shall show, or be accompanied by, the following:
    - a. Description of covenants.
    - b. Title and signature blocks
    - c. Proposed use of the land.
    - d. Lot lines, dimensions, and land area of proposed lot and the area remaining in the original parcel.
    - e. Existing structures, streets, alleys, access drives, sidewalks, driveways, clear site triangles, and/or easements on or adjacent to the tract.



- f. Available utilities (indicated if public sewer or water / location shown if septic, water well or gas well).
  - g. Statement by the owner dedicating streets and rights-of-way for public use and easements labeled private and public.
  - h. Names of abutting property owners.
  - i. The following additional data shall be submitted upon request by the Township Planning Commission, Erie County Planning Commission or Township:
    - (1) Subsurface and drainage conditions of the tract.
    - (2) Any other data pertinent to the plan.
- C. Preliminary and Final Plans: Conformance to the above requirements may replace the Pre-Application, Preliminary and Final Plan requirements.
- D. Approval and Disposition of Final Plans: Approval and disposition of Final Plans shall be in accordance with Section 405.

### **Section 409 Modifications**

Where, owing to specifically cited special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship, the Board of Supervisors may make such reasonable modification thereto as will not be contrary to the public interest, and may permit the sale of a lot, issuance of a permit, or erection of a building, subject to conditions necessary to assure adequate streets and other public improvements. All requests shall be made in writing and shall specify the modification requested. Prior to acting on the modification, the request shall be referred to the Township Planning Commission for their review and comment. (See Section 802)

### **Section 410 As-built Drawings**

- A. As-Built Drawings are required to enable the Township to release financial surety posted for that purpose and to provide for an accurate record of the improvements provided by the developer.
- B. As-Built Drawings shall be submitted to the Township no later than ninety (90) days following completion of the construction and installation of the improvements. Should the plans not be submitted in that time, the financial surety may be utilized to fund the Township engineer to prepare said drawings and charge such fees and costs as normally charged to the Township.
- C. Failure to submit the required drawings shall also be a violation of this Ordinance.

## **Article V**

### **Design Standards for Subdivisions**

#### **Section 500 Application of Standards**

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.

#### **Section 501 Land Requirements**

- A. Land shall be suited for the purpose for which it is to be subdivided in accordance with the interest and purpose of the elements of the Fairview Area Comprehensive Plan.
- B. Land subject to hazards of life, health and safety shall not be subdivided until such hazards have been removed.
- C. Where not prohibited by this or any other laws or ordinances, land located in any designated floodplain area may be platted for development, provided that the developer constructs all buildings, structures, and improvements so that the possibility of flood damage from the 100-year flood is eliminated.
- D. No proposed subdivision and/or land development shall be approved within any Approximate Floodplain Area if it may cause an increase in the 100-year flood elevation of more than one foot at any point.
- E. Building sites for residences or any other type of building or structure or accommodation shall not be permitted in any Floodway and Coastal and Bluff Recession Hazard Areas. Sites for these uses may be permitted outside the Floodway Area if the sites or dwellings are elevated up to the Regulatory Flood Elevation.
- F. Building sites for structures or buildings other than for residential uses shall not be permitted in any Floodway and Coastal and Bluff Recession Hazard Areas. Sites for such structures and buildings outside the Floodway Area shall be elevated up to the Regulatory Flood Elevation.
- G. If the Board of Supervisors determines that only a part of a proposed tract can be safely developed, it shall limit development to that part.

#### **Section 502 Street Requirements**

- A. Proposed streets shall be properly related to Township, County and State roads and highway plans which have been prepared and officially adopted. The standards set forth in this Ordinance are intended for new streets in residential subdivisions. New local roads not in such a subdivision proposed for dedication shall comply with the design standards herein or the applicant may request alternative standards. When such a request is received, the Supervisors shall consult with the Township Engineer to consider the proposed use of the road. New principal, arterial, marginal access, collector roads, roads for industrial or commercial subdivisions, or existing private roads proposed for dedication shall, at a

minimum, comply with the appropriate road design standards as set forth by the Pennsylvania Department of Transportation, Publication 70M, "Guidelines for the Design of Local Roads and Streets" latest edition.

- B. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.
- C. Minor streets shall be so laid out as to discourage through traffic, but provisions for street connections into and from adjacent areas will be generally required.
- D. Temporary dead-end streets shall be permitted when it is clear that through traffic at such a street end may be essential to the street system in that district, and under the said conditions, a dead end must have adequate turning space for vehicles, which is a minimum right-of-way radius of 65 feet.
- E. Any street or way already established shall be continued at not less than its existing width.
- F. Any street or way that is planned, though not already established, shall be continued at not less than its width as planned.
- G. Maximum allowable grades:

Arterial	Five percent
Collector	Six percent
Minor	Ten percent

Grades in excess of 10 percent may be recommended by the Planning Commission with the advice of the Engineer where it is clear that no traffic hazard is or will be created thereby.

- H. Minimum grades on all streets shall not be less than one percent.
- I. Vertical curves shall be installed on all street grade changes exceeding one percent.
- J. Alignment:
  - 1. Minimum centerline radius for horizontal curves:

Arterial	1,000 Feet
Collector	300 Feet
Minor	200 Feet
  - 2. Horizontal curves shall be laid on all deflecting angles along the centerline of streets.
  - 3. Degree of curvature shall be set to assure proper sight distance.

K. Reverse Curves: Reverse curves shall have a minimum tangent between them of:

Arterial Streets	300 Feet
Collector Streets	150 Feet
Minor Streets	100 Feet

L. Widths: Minimum street right-of-way widths and cartway widths shall be as follows:

Type of Street	Cartway	Right-of-Way
Minor	26 Feet	50 Feet
Collector	30 Feet	60 Feet
Arterial	As prescribed by the Pennsylvania Department of Transportation	

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 Planning Commission may require that the new streets and rights-of-way be as large as those in the existing subdivision. Private covenants may apply if their provisions are in excess of this Ordinance.

M. Cul-de-sacs:

Cul-de-sacs may be permitted where the length shall be at least 250 feet and does not exceed 600 feet and where a vehicular turnaround with a right-of-way diameter of 130 feet is provided. Extension of a cul-de-sac shall be permitted to connect to a street system of a new or extended subdivision provided that the maximum street lengths for blocks and cul-de-sacs are met. Cul-de-sacs shall be avoided unless it is clear that a through street is not essential to the street system of the Plan or the adjacent area.

N. Street Intersections:

1. All streets at intersections shall be rounded by a minimum radius of:

Arterial and Collector Streets	25 Feet
Minor Streets	20 Feet

- a. A 20-foot radii will be maintained where arterial and/or collector streets intersect minor streets.
- b. Larger radii may be required based upon the largest anticipated design vehicle.
- c. Right-of-way radii shall be substantially concentric with the edge of the cartway.

2. A clear sight triangle shall be provided and maintained at all intersections.
  - a. The leg of the triangle shall be 120 feet in length along the centerline of all arterial and collector streets.
  - b. The leg of the triangle shall be 100 feet in length along the centerline of all minor streets and access drives.
  - c. No obstruction greater than three feet in height shall be located within a clear sight triangle.
3. Clear sight triangles shall be indicated on the plans.
4. When fences, hedges or other plantings, structures, or walls on any lot corner would create a traffic hazard by limiting vision clearance across a corner lot from a height of three feet above the finished paved area, at the centerline of the right-of-way, the applicant shall cut such structure and/or vegetation in conjunction with grading the right-of-way to provide a sight line in accordance with the criteria of AASHTO "A Policy on Geometric Design of Highways and Streets," or most current regulation.
5. Proper safe stopping sight distance shall be provided with respect to both horizontal and vertical road alignments at all intersections.
  - a. The required and available safe stopping sight distance shall be included on the plans for all existing and proposed intersections.
  - b. Street intersections shall be located at a point that provides optimal sight distance in both directions.
  - c. Sight distance at street intersections shall provide the following minimum stopping distance for a vehicle traveling on an approaching street which has no stop or signal control as outlined in PennDOT Publication 13M, Design Manual 2, Chapter 2, Section 1.17.D, latest edition.
  - d. Inadequate Sight Distance Remedies. If it is impossible to achieve required safe stopping sight distance in both directions, the Township may:
    - (1) Prohibit left turns by entering or exiting vehicles;
    - (2) Require alteration of the horizontal or vertical geometry of the roadway or access; all such work shall be at the expense of the applicant;
    - (3) Require removal of physical obstruction from the line of sight, at the expense of the applicant;
    - (4) Require installation of a separate left turn standby lane; or,

- (5) Deny access to the roadway.
6. Where the grade of any street at the approach to an intersection exceeds five percent, a leveling area shall be provided with a transitional grade not to exceed two percent for a distance of 50 feet from the nearest right-of-way line of the intersection.
  7. Intersection of more than two streets shall be avoided.
  8. All street intersection angles shall be 90 degrees, or as near thereto as site conditions permit.
- O. Street Offsets: Street offsets of less than 125 feet are not permitted.
- P. Private streets shall not be approved nor shall improvements be approved for private streets.
- Q. Streets: The finished elevation of any proposed street shall be one foot or more above the Regulatory Flood Elevation.
- R. New streets shall not be proposed within any Coastal and Bluff Recession Hazard Areas.
- S. Access Drives:
1. The cartway of all access drives shall be constructed in accordance with the collector street specifications of this Ordinance.
  2. Access drives do not require a specific right-of-way; however, the following standards for cartway width shall apply:

Number of Lanes	Cartway Width
Three lanes	36 Feet
Two lanes	24 Feet
One lane	12 Feet
  3. Parallel parking may be permitted along one side of access drives provided the required width is increased by eight feet.
  4. The same vertical and horizontal alignment standards shall be required for access drives that are required for minor streets in this Ordinance.
  5. The same intersection standards shall be required for access drives that are required for local streets in this Ordinance.
  6. Access drives shall be located a minimum of 15 feet from side or rear property lines.
  7. Access drives shall be provided with an unobstructed green area (setback) that is parallel to, and along the entire length of, the access drive.

- a. The width of the green area shall be measured from the edge of pavement and be a minimum of 15 feet in width.
  - b. The drive shall be accessible throughout its entire length for essential service vehicles, including emergency vehicles, delivery trucks, utility service vehicles including waste disposal.
  - c. The green area may be utilized for stormwater management facilities, utilities, lighting, landscaping and other compatible uses. In no case shall any building or structure be located within the required green area.
8. Access drives which terminate in a cul-de-sac shall not exceed six hundred (600) feet in length, measured from the centerline intersection of a street or access drive which is not a cul-de-sac to the center of the turnaround area. All cul-de-sacs shall be constructed in accordance with Section 502.M.

T. Driveway Permit:

- 1. Prior to the issuance of a building permit, the property owner shall obtain a Driveway Permit from the Township Zoning Officer. Driveways shall be installed by the property owner in accordance with the Fairview Township Driveway Ordinance.

U. Traffic Signs: (See Section 513).

**Section 503 Lots**

- A. All lots shall be designed in accordance with the Lot and Area Requirements of the Fairview Township Zoning Ordinance and shall apply as follows:

District	Min. lot size	Max depth/width ratio	Min frontage	Min depth
R-1 single family	10000 sq ft	2:1	80 ft	125 ft
R-1 other	20000 sq ft	3:1	100 ft	125 ft
R-2 single family	20000 sq ft	3:1	100 ft	175 ft
R-2 other	1 acre	3:1	135 ft	175 ft
R-3 single family	15000 sq ft	3:1	90 ft	150 ft
R-3 multi family	14500 sq ft	3:1	90 ft	150 ft
R-3 other	1 acre	3:1	135 ft	150 ft
B-1	20000 sq ft	3:1	100 ft	175 ft
B-1 in village	10000 sq ft	3:1	80 ft	175 ft
B-2	20000 sq ft	3:1	100 ft	175 ft
B-2 in village	10000 sq ft	3:1	80 ft	175 ft
B-3	20000 sq ft	3:1	135 ft	175 ft
I-1	1 acre	3:1	135 ft	250 ft

District	Min. lot size sq ft	Max depth/width ratio	Min frontage	Min depth
I-2	1 acre	3:1	135 ft	250 ft
I-3	1 acre	3:1	135 ft	250 ft
A-1 single family	1 acre	4:1	135 ft	200 ft
A-1 other	2 acre	4:1	170 ft	200 ft
A-2	2 acre	5:1	150 ft	250 ft
A-2 other	10 acre	5:1	300 ft	400 ft
A-3	requirements	of adjacent district		

- B. All lots shall be designed to accommodate the Off-Street Parking and Loading Requirements of the Fairview Township Zoning Ordinance.
- C. The frontage width of lots fronting a cul-de-sac shall be determined as the width between the two intersections of the street right-of-way of the cul-de-sac and the property line.

Minimum lot widths for cul-de-sac vehicular turnarounds:

Lot Width at 26-Foot Cartway	-	46.4 feet
Lot Width Along Right-of-Way Line	-	52 feet
Lot Width at Minimum Building Line	-	65 feet

- D. All lot lines shall be set perpendicular or radial to the centerline of the street whenever possible. All non-radial lines shall be denoted as such on the plat.
- E. Lots abutting local streets shall front upon the streets which parallel the long dimension of the block, if possible.
- F. All lots shall abut by their full frontage on a publicly dedicated street or on a street that has received the legal status as such. Lots abutting exclusively on a private street or easement shall not be approved. Frontage is defined for the purpose of providing primary access to the principal use.
- G. No flag lots shall be permitted unless the lot side abutting a street right-of-way is the minimum lot width at right-of-way for that district.
- H. Corner lots shall have a minimum front yard setback distance from both right-of-ways.

## **Section 504 Building Setback Lines**

All building setback lines shall be provided as required in the Fairview Township Zoning Ordinance.

## **Section 505 Blocks**

- A. Block length shall not exceed 1,200 feet without a crosswalk (see 505.C) nor be less than 500 feet.



- B. Blocks shall be at least two lots in depth except for reverse or double frontage lots.
- C. Exceptionally long blocks shall be provided with crosswalks with a minimum right-of-way reservation of 12 feet and a five-foot paved walk. The crosswalk shall be located at the mid-point of the block.

### **Section 506 Easements**

Where desirable or expedient, adequate easements or dedications for public service utilities shall be provided for sanitary sewer, storm sewer, water, electric power and gas lines, and similar services. No structure, planting or obstruction of any kind shall be placed or allowed to be placed in or on any underground easement or access easement or interfere in any way with any easement.

- A. Utility easements shall have a minimum width of 20 feet and be placed at the side or rear of lots whenever possible. When the Township Engineer determines that conditions are suitable for essential services, an easement reservation will be required.
- B. Anchor easements shall be approximately 4 feet x 30 feet and placed on a lot line.
- C. Aerial easements shall be a minimum of 15 feet.

### **Section 507 Sidewalks**

Sidewalks and crosswalks, where required, shall be installed by the applicant along public streets in the R-1 Village (Zoning) District and in its corresponding "Village Area" Business Districts as designated in the Fairview Township Zoning Ordinance, or where deemed necessary for public safety, as recommended by the Planning Commission and approved by the Board of Supervisors. Sidewalks shall be installed in accordance with the Fairview Township Sidewalk Ordinance and Illustration D11 of this Ordinance. The developer shall be responsible for compliance with required ADA standards.

### **Section 508 Reserved Areas**

Reserved strips surrounding the property or areas, reserved for any purpose which shall make any area unprofitable for regular or special assessments or which may revert to untended nuisance areas, will not be recommended by the Planning Commission and approved by the Board of Supervisors.

### **Section 509 Street Names**

The applicant may choose his street names subject to the recommendations of the Planning Commission and approval of the Board of Supervisors. No street, other than an extension, may be given the name of an existing street in the Township or County.

### **Section 510 Access**

In subdividing land, it shall be done in a manner that will not have the effect of debarring adjacent property owners from access to the street right-of-ways of the neighborhood.

## **Section 511 Recreation Areas**

- A. The Planning Commission may recommend and the Board of Supervisors may require that areas for parks and playgrounds of a size not to exceed 10 percent of the land area to be subdivided, free of wetlands, floodplains or steep slopes, be reserved for acquisition or dedicated to the Township for recreation purposes where such facility is planned in accordance with the Fairview Area Comprehensive Plan.
- B. The dedication or reservation for acquisition of recreation areas in any proposed subdivision shall be compared with similar existing reservations or dedications in adjoining tracts or subdivisions in order to provide usable recreation areas without imposing hardships on the part of any applicant or Fairview Township.
- C. In lieu of 10 percent recreation land dedication or reservation for acquisition, upon mutual agreement of the applicant and the Township, fee equal to the market value of 10 percent of the recreation land dedication or reservation may be substituted on the following basis:
  - 1. A fixed per-lot fee payable to the Township and retained in a fund established for the purchasing of future recreation lands or improvements.

## **Section 512 Driveways**

- A. Driveways shall be installed by the property owner in accordance with the Fairview Township Driveway Ordinance.
- B. In the preparation of land development and subdivision plans, evidence shall be submitted to show that the requirements set forth in the Fairview Township Driveway Ordinance can be met for each proposed building lot. A note shall be placed on the plan, before it is recorded, stating that each individual lot owner will be responsible for obtaining a driveway permit as required by the Fairview Township Driveway Ordinance. The note shall make specific reference to the number and name of the Fairview Township Driveway Ordinance.
- C. Driveway locations shall be provided on the plan for all corner lots. Driveways shall be located as to provide the minimum required safe sight stopping distance at the intersection with streets and shall not be located within any clear sight triangle.

## **Section 513 Traffic Regulatory and Guidance Signs**

All installations, locations, and materials shall comply with Township and PennDOT standards.

- A. Traffic Regulatory Sign Details and Procedures: *Note: If it is necessary for the Township to take official action relative to certain signs (for example, to set a speed limit), the developer will recommend the appropriate action and be responsible for sign installations after the required action is taken.*
  - 1. Stop signs.
  - 2. Speed limit signs (25 mph, unless noted).

3. No outlet signs.
4. Yield signs.
5. Weight, size, and load restrictions.
6. Turning restrictions.
7. Stopping, standing, and parking restrictions.
8. Hazardous grade speed limits.
9. No passing zones.
10. No turns on red restrictions.
11. Removal of traffic hazards.
12. School zones and school zone speed limits.
13. Special speeds on bridges or elevated structures.
14. Creation of one-way streets.
15. Arrows to indicate the flow of traffic.

B. All traffic control signs (other than street name signs) must use the following specifications:

1. One sign per post.
2. Must use easy erect channel.
3. Eight-foot long galvanized steel posts.
4. Three-foot counter sink posts.
5. Breakaway hardware.
6. Theft-proof nuts and bolts.
7. All traffic control signs must be at least six feet to the bottom of the sign, and two feet to five feet behind the outside edge of pavement.
8. Signs, when not at an intersection, should be placed between lots, on lot lines.

C. Street Name Signs:

1. The standard Township street sign must match existing street signs presently in use throughout the Township and meet current State requirements.
2. Location:
  - (a) All street name signs should be located on the corner opposite of where a stop sign will be.
  - (b) Post must be two feet to five feet behind the outside edge of pavement.

D. Final Approval:

1. All identification and traffic warning and regulatory signage must be purchased and installed by developer prior to the issuing of any occupancy permits.
2. Bonds shall not be released for the streets until all signage installations receive final approval from the Township Engineer.
3. When all signs have been installed, the developer must request the Township Engineer to review the installation. The Township Engineer will give written notice of acceptance or denial. A copy shall go to the Township.
4. All developers must purchase and install all signs on their own.

## **Article VI Improvement and Construction Requirements**

### **Section 600 Introduction**

The construction of improvements in a subdivision is the responsibility of the applicant/developer since it is his property that is being developed. Adequate types of streets, utilities and other improvements are essential elements in the creation and preservation of stable residential, commercial and industrial areas.

All of the following improvements as recommended by the Planning Commission and approved by the Board of Supervisors, pursuant to the authority granted in the Pennsylvania Municipalities Planning Code, considering the needs of the area in which the proposed subdivision is located, must have been completed in accordance with the requirements established by this Ordinance as well as in accordance with requirements of the responsible public authority affected, public officials or Township Engineer for that portion included in the Final Plan.

*Please Note: Any public improvements to be dedicated for acceptance by the Township may be tested according to standard engineering practice.*

If the improvements are not completed, then satisfactory arrangements should be made with the Board of Supervisors to the satisfaction of all public authorities concerned regarding proper completion of such improvements prior to the consideration of a Final Plan.

### **Section 601 Monuments**

Monuments shall be placed at all block corners, angle points, points of curves in streets and intermediate points, as determined by the Township Engineer. Size, length, material and design of monuments shall be in accordance with the standards established by the Board of Supervisors.

### **Section 602 Utility and Street Improvements**

Utility and street improvements shall be provided in each new subdivision in accordance with the standards and requirements described in the following schedules.

- A. All utilities and facilities service systems, including gas, power, telephone, etc., whether public or private, shall avoid locating within a Coastal and Bluff Recession Hazard Area, whenever possible.
- B. When proposed to be located within any of the Floodplain Areas, such systems shall be floodproofed up to the Regulatory Flood Elevation.

### **Section 603 Water Supply**

- A. The applicant shall construct a water system and provide connections for each lot, and connect with such public water supply system where a public water main is available at a plat boundary or within 1,000 feet of the subdivision. Water lines shall be so located and of such size as approved by the Fairview Township Water Authority, if in compliance with the Fairview Comprehensive Plan.

- B. If a public water supply system is not available under the conditions stated above, the applicant may either provide individual wells or a public water system for a subdivision of less than 25 lots, but must provide a public water system for a subdivision of 25 lots or more which public water system shall be approved by the Pennsylvania Department of Environmental Protection.
- C. All public water systems shall be laid wherever possible in the planting strip on the north and east sides of the street and constructed in accordance with the standards of the Fairview Township Water Authority, or appropriate utility company, the Pennsylvania Department of Environmental Protection or municipal department operating such water mains.
- D. All phases of construction, including minimum size eight-inch line, excavation, trench, type pipe, backfill, hydrants, tees and valves shall be in accordance with approved construction drawings, the Pennsylvania Department of Environmental Protection standards and inspected by the Township Engineer, his authorized representative or the Fairview Township Water Authority or agency representative of the utility company during the entire construction period.
- E. No new on-site water supply system or part thereof shall be proposed within a Coastal and Bluff Recession Hazard Area.
- F. Any new public or private water supply system proposed to be located within any of the floodplain areas shall be floodproofed up to the Regulatory Flood Elevation.

#### **Section 604 Sanitary Sewers**

- A. The applicant shall construct a sanitary sewer system and provide lateral connections for each lot, and connect with such public sanitary sewer collection system where a public sanitary sewer main is available at a plat boundary or within 1,000 feet of the subdivision. Sewer lines shall be so located and of such size as approved by the Board of Supervisors and the Fairview Township Sewer Authority, if in compliance with the Fairview Area Comprehensive Plan.
- B. If a public sewer main is not available under the conditions stated above and the subdivision contains 25 lots or more, provisions shall be made by the developer to provide adequate sewage collection and treatment facilities, including a treatment plant or community disposal system, house lines, laterals, trunk lines, manholes and other appurtenances as deemed necessary by the Board of Supervisors and Township Engineer.
- C. If, in the opinion of the State or County Health Officer, the Township Engineer and/or the Planning Commission, factors exist which would create a public health and sanitation problem if a certain area is subdivided, the Board of Supervisors will not approve the subdivision plan of such area until such factors are corrected by an adequate sanitary sewer system.

- D. All sanitary sewers shall be constructed and installed according to the standards of the Fairview Township Sewer Authority or municipal department operating such sewers. Manholes shall be spaced not more than 400 feet apart. Stormwater shall not be permitted to enter sanitary sewers.
- E. All phases of construction, including excavation, trench, minimum eight-inch pipe, grade, backfill and manholes shall be in accordance with approved construction drawings, the Pennsylvania Department of Environmental Protection standards and inspected by the Fairview Township Sewer Authority representative or Health Officer during the entire construction period.
- F. No new on-site sanitary sewer collection system or part thereof shall be proposed within a Coastal and Bluff Recession Hazard Area.
- G. Any new public or private sanitary sewer collection system proposed to be located within any of the floodplain areas shall be floodproofed up to the Regulatory Flood Elevation.

### **Section 605 Storm Sewers**

- A. The applicant shall construct a storm sewer system and provide connections for each lot.  
  
Storm sewer lines shall be so located and shall comply with the Fairview Township Stormwater Management Ordinance.
- B. Bridges or culverts shall be designed to support and carry loads according to the judgment of the Township Engineer and be constructed the full width of the cartway plus additional length as deemed necessary by the Township Engineer to satisfy local drainage patterns.
- C. Where open watercourses are planned, adequate safety, erosion control, stagnant water avoidance, protection of capacity and appearance measures shall be taken by the applicant to insure proper, safe, healthful disposal of stormwater.
- D. Minimum grade of piped drainage courses shall be designed to create a cleaning effect (velocity of five feet per second) except that a minimum cleaning effect (velocity of three feet per second) may be permitted by the Township Engineer where greater grade cannot be achieved.
- E. Location of storm sewers shall be in accordance with existing systems or in accordance with standards suitable to the Township Engineer.
- F. Storm sewers shall have a minimum diameter of 12 inches and a minimum grade of one-half of one percent.
- G. Manholes shall normally be spaced 300 feet apart where pipe sizes of 24 inches or less are used and not over 450 feet where larger sizes are installed. Inlets may, if approved by the Township Engineer, be substituted for manholes.
- H. Manholes or catch basins shall be installed where abrupt changes in direction and/or grade are made.

- I. At intersections, catch basins shall be installed on both sides of the street, including installation of a crossover pipe.
- J. 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 Township Engineer prior to being covered.
- K. Developers shall be required to submit plans for the management of stormwater runoff, as part of their application submission.
- L. All subdivision stormwater management plans and systems shall be coordinated with any applicable local and regional plans.
- M. The discharge of sumps, footer drains, roof drains through the development of lots or parcels shall not be permitted onto any cartway. Roof drains should be constructed to have positive flow away from any cartway.
- N. Access to the storm sewer shall be provided for all discharges from sumps and footer drains. This access may be provided to the street catch basin provided the catch basin is on the same side of the street. A six-inch pipe running parallel to the street may be provided, within the right-of-way, which drains to a street catch basin, provided that the six-inch pipe does not cross the street. The pipe shall be SDR 35 pipe or an approved equal. The parallel storm sewer system is not to be used for street, or yard runoff, or runoff from other developed or undeveloped areas, as shown on Illustrations D3 and D8 of this Ordinance.
- O. In all vehicular turnarounds located at the end of a cul-de-sac, shall have positive drainage to the storm water system.
- P. Pipe material shall be: high-density polyethylene PVC or as approved by the Board of Supervisors.
- Q. Product data and manufacturer's literature which fully illustrates all dimensions, thickness, types and quality, for all stormwater piping and connections, catch basins, manholes, frames, covers, inlet grates, concrete mix designs, and other materials deemed necessary by the Township Engineer shall be submitted two weeks prior to the start of any construction activities. Materials not approved by the Township Engineer shall not be used.
- R. Geotextile fabric shall conform to the Pennsylvania Department of Transportation specifications found in Publication 408, Section 735, Class 1, latest edition.
- S. Pipe underdrains shall conform to the Pennsylvania Department of Transportation specifications found in Publication 408, Section 610, or latest edition.



- T. Storm sewers on 20 percent slopes or greater shall be:
  - 1. Anchored securely with concrete anchors at every other pipe joint. However, the maximum spacing of concrete anchors shall not exceed 40 feet.
  - 2. Designed such that the flow velocity during a 10-year storm event does not exceed 40 feet/second. This applies to all storm sewers regardless of slope.
- U. The contractor shall install all catch basins such that they are flush with the pavement. Where the wearing course will not be placed immediately following the BCBC, the contractor shall leave the top of the grate flush with the top of the BCBC, and raise the grate and frame when the wearing course is applied. The contractor shall saw cut any pavement needed to be removed in order to raise the frame and grate. All exposed saw-cut edges shall be tack-coated in accordance with the latest PennDOT specifications.
- V. Endwalls and/or endsections shall be used where stormwater enters or exits a storm sewer horizontally or as approved by the Township engineer.

### **Section 606 Streets, Subgrade, Subdrains and Pavement**

Street construction, including new streets or reconstruction of existing streets, shall be governed by the following specifications and as delineated in the Fairview Township Street Specifications Ordinance.

- A. Grading:
  - 1. All streets shall be graded to the full width of the street right-of-way and the adjacent side slopes graded to blend with the natural lay of the land, or in accordance with the cross section presented, to the satisfaction of the Township Engineer. Where fill material is necessary to establish uniform grades, compacting shall be required in accordance with the standards established by the Township. A slope of two horizontal feet to one vertical foot beyond the street right-of-way line in cut or fill shall ordinarily be required.
  - 2. Street cross sections for minor and collector streets shall be in accordance with the standards established by the Township. Where alternatives are available, the Board of Supervisors may designate the cross sections to be used on the advice of the Township Engineer. All details of the cross section, crowns, pavement, subgrade, subdrains, and roadside swales and ditches, shall conform to the designated cross section. Arterial street cross sections shall be as designated by the Township Engineer and approved by the Board of Supervisors.
  - 3. Grade stakes shall be placed on each side of the street at maximum intervals of 50 feet and so located as to remain in place until the completion and approval of the bituminous base course. Grade stakes removed prior to the completion of the bituminous base course shall be replaced before any further work is done on the street.

4. Within the A-3 Conservation (Zoning) District, in Floodplain Areas or in Coastal and Bluff Recession Hazard Areas, where any excavation or grading is proposed or where any existing trees, shrubs or other native vegetative cover will be removed, the developer shall consult with the Erie County Conservation District representative concerning plans for erosion and sedimentation control and to also obtain a report on soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate.

B. The Subgrade:

1. Description: The bottom of the excavation and/or the top of embankment between the outer limits of the base course, or subbase, is considered subgrade and shall conform to specified line, grades, and cross sections. Mainly, the area that is prepared to receive the placement of the base course, or subbase, is defined as subgrade.
2. Construction Methods: The subgrade shall be shaped to true lines and elevations and shall have a minimum width of the width of the pavement plus two 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 with a minimum weight of ten tons to insure satisfactory densification and stabilization. It shall be compacted at optimum moisture content. The finish surface shall be uniformly shaped to facilitate drainage, and any irregularities from theoretical grade shall be corrected prior to placing the subbase.

If the material encountered in the normal excavation has a C.B.R. value of less than 2.5 and is not of proper quality to develop the required stability and provide for adequate drainage, other material shall be installed. This material shall meet the requirements installed. This material shall meet the requirements of subgrade material, preferably of granular character, and installed to a depth of at least 12 inches. It should then be brought to a firm and thoroughly compacted surface as mentioned in the above paragraph.

Prior to placing the subbase, the Township Engineer shall inspect the subgrade area. From visual inspection he will designate where subdrains and blind drains shall be installed. If any unstable areas are found, the material shall be removed and replaced with suitable material and thoroughly compacted.

The developer shall proof roll the subgrade with a 10- ton roller or a fully loaded tri-axle truck (loaded with gravel or approved equal) in the presence of the Township Engineer. Areas that are soft, wet or pumping shall be evacuated, backfilled and compacted with dry material. The area shall then be proof rolled again in the presence of the Township Engineer.

Such unsuitable areas shall be excavated and undercut to the required depth for accommodating the placing of sufficient granular or other suitable subgrade material.

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.

3. The Sidewalk Area: The sidewalk area shall be graded out to proper grade and section. The subgrade shall be mechanically compacted. Sidewalks shall be installed by the property owner in accordance with the Fairview Township Sidewalk Ordinance.
4. In Business and Industrial Zoning Districts, a pavement design shall be submitted by the developer, reviewed by the Township Engineer, and approved by the Board of Supervisors.
5. As required by the Township Engineer, a Class 4 geotextile, as specified in PennDOT Form 408, Section 735, latest edition, shall be properly placed on the prepared subgrade.

C. Blind Drains and Subdrains under Pavement:

1. Blind Drains:
  - a. Blind drains shall be laid along the entire length of all streets at location to be determined in each case by the Township Engineer. Blind drains at intervals, as required by the Township Engineer, shall be installed leading into the main subdrain. The required interval for blind drains shall be related to ground water conditions and soil type but in no case shall this interval be greater than 100 feet. If conditions require (smooth bore, corrugated polyethylene, or approved equal) perforated pipe wrapped in a geotextile shall be installed in the blind drains. Blind drains shall extend to the pavement lines, as shown on Illustrations D1 and D2.
  - b. In a relatively small part of the Township, where the natural ground is well-drained gravel, blind drain requirements may be relaxed. Deviation from the blind drain requirements will be considered upon written request and each case considered separately.
2. Subdrains:
  - a. After the subgrade has been shaped, proof rolled, and the blind drains spacing has been set by the Township Engineer, the subdrain shall be installed.
  - b. The trench for the subdrain shall be a minimum of 15 inches wide and be dug to a minimum depth of 30 inches below the bottom of the subbase.

- c. A layer of #57 stone to a depth of three inches shall be placed in the bottom of the trench and six-inch (smooth bore, corrugated polyethylene, or approved equal) pipe laid in the center of the trench. In silty areas, as required by the Township Engineer, subdrains shall be wrapped in a geotextile fabric, as shown on Illustrations D1 and D2.
- d. The entire trench to the top of the subgrade shall be filled with #57 stone.
- e. Care must be taken to assure that the stone in the subdrain remains clean and in good contact with the stone or gravel in the subbase.
- f. Subdrains shall generally empty into storm sewer catch basins or manholes and shall enter at or above the spring line of the main storm sewer line at the location. The specified depth of subdrain may have to be modified at and near such catch basins and manholes but shall be brought to specified depths as quickly as practicable.

D. The Pavement:

1. The Subbase:

- a. All utilities, including water, gas, sanitary sewers, storm sewers, buried conduits of any kind or any other structures or lines, shall be placed prior to the laying of the subbase.
- b. The subbase shall be PennDOT Type 2A or made of approved gravel or stone and shall have a minimum thickness at any point of six inches when compacted.
- c. The subbase shall be thoroughly compacted and shaped to the proper grade and cross section to receive the bituminous base course.
- d. In certain areas of the Township, the natural materials in place are of such a nature as to allow for a reduction in the amount of the subbase required. Upon written request, the Township Engineer shall make an inspection of the natural material and may give written authorization of such reduction if it is determined that such reduction is justified.

2. The Bituminous Concrete Base Course:

- a. All excavation in the area of the pavement and for a distance of four feet out from the edge of the pavement shall have been completed a minimum of 90 days prior to the placing of the bituminous base course.

- b. The bituminous base course shall follow, be made up and be laid in accordance with the following specifications:
    - (1) Specifications of the Department of Transportation, Commonwealth of Pennsylvania, Form 408, latest edition, Section 305, "Bituminous Concrete Base Course" (Standard).
  - c. The bituminous base course shall be laid to a minimum thickness when compacted as follows:
    - (1) For minor and collector residential streets – three inches.
    - (2) For industrial and business streets and arterial streets – five inches.
  - d. The bituminous concrete base course must be inspected and approved prior to the laying of the bituminous binder course.
  - e. A bituminous tack coat, as specified in the Department of Transportation, Commonwealth of Pennsylvania, Form 408, latest edition, Section 460, shall be required in all cases where the bituminous concrete base course has been in place for a period in excess of 96 hours prior to the placing of the bituminous binder course, or in any case where the use of such tack coat is determined to be necessary.
- 3. Bituminous Binder Course:
  - a. A bituminous tack coat, as specified in PennDOT Form 408, latest edition, Section 460, shall be required in all cases where the bituminous base course has been in place for a period in excess of 96 hours prior to the placing of the bituminous binder course or in any case where the use of such tack coat is determined to be necessary.
  - b. The bituminous binder course shall follow. It shall be made up of and be laid in accordance with the following PennDOT specifications:
    - 1. The bituminous binder course shall be laid to a minimum thickness of two inches when compacted.
    - 2. Special note is made of 401.3(f) Form 408, "Condition of Existing Surface and Structures." The bituminous base course shall be thoroughly cleaned and all defects remedied prior to the laying of the bituminous wearing course.
    - 3. The bituminous binder course shall be placed within one week of the placement of BCBC, weather permitting.

4. The Bituminous Wearing Course:

a. The bituminous wearing course shall follow, be made of and be laid in accordance with the following specifications:

- (1) For industrial and business streets and arterial streets, follow specifications of the Department of Transportation, Commonwealth of Pennsylvania, Form 408, latest edition, Section 409, "Superpave – Mixture Design, Standard and RPS Construction of Plant – Mixed HMA Courses."
- (2) For minor and collector residential streets, follow specifications of the Department of Transportation, Commonwealth of Pennsylvania, Form 408, latest edition, Superpave – Mixture Design, Standard and RPS Construction of Plant – Mixed HMA Courses," except that a fine wearing course shall meet the following gradation:

<u>Sieve Size</u>	<u>Percent Passing</u>
#200	3 - 9
#100	5 - 18
#50	8 - 27
#30	17 - 38
#16	23 - 50
#8	44 - 70
#4	70 - 95
3/8"	86 - 100
1/2"	100

- (3) The bituminous wearing course shall be laid to a minimum thickness when compacted of one and one half inches.

E. Pavement of Higher Grade:

1. Should it be desired by the developer or required by the Board of Supervisors to install a pavement of a higher grade than covered by these specifications, such higher grade of work will be considered upon receipt of plans and specifications to cover such work. The plans and specifications shall be approved prior to the installation of such work.

## **Section 607 Sidewalks**

- A. Sidewalks shall be provided in the R-1 Village Zoning District and in its corresponding “Village Area” B-1 and B-2 Business Zoning Districts, as designated in the Fairview Township Zoning Ordinance, or when considered necessary by the Planning Commission and approved by the Board of Supervisors for the protection of the public, or wherever it is determined that the potential volume of pedestrian traffic or safety consideration requires.
- B. Sidewalks shall be provided on all newly established streets or where streets of a proposed subdivision are extensions of existing streets having sidewalks on one or both sides.
- C. Sidewalks will be normally required on both sides of the street except that the Board of Supervisors may authorize sidewalks on one side only of U-shaped streets, cul-de-sacs or where character of use does not require pedestrian access on both sides of the street.
- D. Sidewalks in the “Village Area” B-1 and B-2 Business Zoning Districts shall be six feet in minimum width. The back edge of the sidewalk shall be set by the Board of Supervisors upon the recommendation of the Township Engineer. Sidewalks shall be laid true to line and grade as established by the Board of Supervisors upon recommendation of the Township Engineer.
- E. The minimum width for sidewalks for the remainder of the Township shall be five feet, except that the Board of Supervisors may require a greater width in the vicinity of shopping centers, schools and recreation facilities, or where similar intensive urban uses exist.
- F. Sidewalks, where provided, shall be within the street right-of-way, and in residential areas, where conditions permit, one foot from the edge thereof. Sidewalks should line up with adequate walks in adjoining subdivisions.
- G. At the intersection of streets, the sidewalks shall be extended or ramped to the edge of the paved street in conformance with the Americans with Disabilities Act.
- H. All sidewalks shall be installed by the property owner in accordance with the Fairview Township Sidewalk Ordinance.

## **Section 608 Other Utilities**

Gas, electric, cable and telephone utilities shall be located in subdivisions in accordance with utility company practice and be approved by the Township Engineer. All work done within a Township street right-of-way shall be done in accordance with the Fairview Subdivision and Land Development Ordinance and be inspected by the Township Engineer or appropriate agency.

## **Section 609 Street Lights**

Street lights shall be installed with full cutoff fixtures, in all zoning districts, as set forth below.

609.1: For Residential developments, street lighting shall be provided as follows:

- A. At the intersection of public roads with entrance roads to the development.
- B. At the intersection of roads within the development.
- C. At cul-de-sac bulb radii.
- D. At terminal ends of center median islands having a concrete structure, trees, signs, or other fixed objects.
- E. At defined pedestrian crossings located within the development.
- F. At other locations along the street, as deemed necessary by the Board of Supervisors, but in no case shall lighting fixtures be spaced more than 500 feet apart.
- G. In multi-family developments, common parking areas shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North American (IESNA), as contained in the IESNA Lighting Handbook and relevant IESNA Recommended Practices, or as otherwise specified herein.

Future amendments to said Lighting Handbook and Recommended Practices shall become a part of this Ordinance without further action by the Township.

609.2: Lighting Fixture Design:

- A. Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Township. Street lighting supplied with unmetered electric service shall meet the specifications of the electric utility.
- B. For the lighting of predominantly horizontal surfaces, such as roadways, areas of vehicular traffic, pedestrian passage, and sidewalks, fixtures shall be aimed straight down and shall be full cutoff or fully shielded, unless the aggregate wattage per fixture does not exceed the output of a standard non-directional 40-watt incandescent lamp, i.e., 500 lumens, in which case, non-cutoff fixtures shall be permitted.

609.3: Installation:

- A. Electrical feeds for pole-mounted fixtures shall be run underground, not overhead.
- B. Poles supporting lighting fixtures shall not be placed where they could be hit by snow plows.
- C. Pole-mounted fixtures shall be aimed straight down.



- D. Mounting Heights: The following maximum fixture mounting heights shall be used for street lights: 20' AFG (Above Final Grade).
- E. Electrical installation of street lighting shall be in accordance with prevailing regulations and specifications established by the serving electric utility. It shall be the responsibility of the installing contractor or his agent to have final construction inspected by an electrical inspection agency and a written report attesting to this fact submitted to the utility, thereby allowing the utility to provide pole illumination.
- F. Pole foundations shall be designed by a structural or civil engineer taking into account luminaire projected areas, wind loading and local soil conditions.

### **Section 610 Street Plantings**

Should the applicant plan to provide new trees or other plantings, his proposed locations, spacing and species must be submitted for recommendation of the Planning Commission and approval of the Board of Supervisors. All plantings shall be located inside the property lines and shall not be located in any street right-of-way, except as shown on a Streetscape Plan approved by the Board of Supervisors.

### **Section 611 Existing Natural Conditions**

In existing wooded areas or where other natural conditions, such as rock outcroppings and streams, exist in such a manner that their presence adds to the desirability of a subdivision, the Planning Commission may recommend and the Board of Supervisors may approve that the applicant preserve as much of the original trees and natural conditions as is economically feasible and require that a minimum of grading be done other than the grading and excavating which is required in the construction of the improvements in accordance with the improvement standards included herein.

## **Article VII**

### **Conditions of Acceptance**

#### **Section 700 Recording**

Preliminary Plans for subdivisions, excluding three lots or less, and all Final Plans shall be recorded by the applicant within 90 days after the date of approval. The applicant shall file an approved mylar or duplicate in the Erie County Recorder of Deeds Office and shall file with the Township Secretary said Preliminary or Final Plan (reproducible original and two copies) showing the Recorder's signature and seal and the Map Book and page number of the recording, upon receipt of which the deposit shall be returned to the applicant, except, on incorporations the refund of deposit will occur when in addition, new recorded deeds are received by Fairview Township. Whenever Plan approval is required by the Township, the Recorder of Deeds of Erie County shall not accept any Plan for recording unless such Plan officially notes approval of the Fairview Township Board of Supervisors.

- A. After an approved Final Subdivision Plan shall have been formally recorded, all streets and public grounds on such plat shall be, and become a part of the Fairview Township Official Map without public hearing.
- B. Streets, parks and other public improvements shown on a subdivision plan to be recorded may be offered for dedication to the Township by formal notation thereof on the Final Plan, or the owner may note on such Plan any improvements which have not been offered for dedication to the Township.
- C. Every street, park or other improvement shown on a subdivision plan shall be deemed to be a private drive, park or improvement until such time as the same shall have been offered for dedication to the Township and accepted by ordinance or resolution, or until it shall have been condemned for use as a public street, park, or other improvement.

#### **Section 701 General**

- A. The Board of Supervisors shall not approve any subdivision plan except in conformance with the provisions of this Ordinance.
- B. The Board of Supervisors may specify alterations, changes, or modifications in any subdivision plan which it deems necessary and may make its approval subject to such alterations, changes or modifications.
- C. No street, land or related improvement shall be accepted as a part of the highway system of Fairview Township or for maintenance unless opened, laid out, graded and improved in strict accordance with the standards and regulations of Fairview Township.
- D. Before acting to approve any subdivision plan, the Board of Supervisors may arrange a public meeting thereon, after giving such notice as may be deemed desirable.

- E. Before approving any subdivision Final Plan, the Board of Supervisors shall require a written agreement that necessary grading, paving and street improvements, sidewalks, monuments, street lights, fire hydrants, water mains, sanitary sewers, storm sewers, and storm water management facilities as may be required by the Township, shall be installed in strict accordance with the standards and specifications by the applicant within a specified reasonable time. The written agreement shall include a bond, deposit of funds or other securities sufficient in amount as shall be determined by the Township Engineer to cover the cost of such improvements plus ten percent. If the improvements have not been installed within the time required or agreed upon and in accordance with the standards and specifications, such deposit shall be forfeited to the Township. Upon written recommendation by the Township Engineer that such improvements have been completed, the bond, deposit of funds, or other securities shall be returned. (See also Article IX)

## **Article VIII Administration**

### **Section 800 General**

The foregoing provisions of this ordinance shall supersede and replace all other provisions issued by the Fairview Township Board of Supervisors previous to the adoption date of this Ordinance.

### **Section 801 Changes**

The Fairview Township Board of Supervisors may from time to time revise, modify and amend this Ordinance by appropriate action taken at a scheduled public meeting, following a public hearing, in accordance with the Pennsylvania Municipalities Planning Code.

### **Section 802 Modifications**

- A. Where the Board of Supervisors find that undue hardships may result from strict compliance with this Ordinance, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such modification shall not have the effect of nullifying the intent and purpose of the Fairview Area Comprehensive Plan or this Ordinance.
- B. In granting modifications, the Board of Supervisors may require such conditions as will, in its judgment, secure substantially the objectives of the standards so modified. The reasons for granting the modification shall be recorded in the Township's official record.

### **Section 803 Certificates, Affidavits, and Approval**

Certificates, Owner's Adoption and Affidavits, as required by the Board of Supervisors, shall be inscribed on the Plan and shall be properly signed and attested when the Plan is submitted to the Planning Commission.

### **Section 804 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 other part thereof.

### **Section 805 Preventive Remedies**

In addition to other remedies, Fairview Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises subject to the provisions of Section 515.1 of the Pennsylvania Municipalities Planning Code.

### **Section 806 Enforcement Remedies**

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall be subject to the provisions of Section 515.3 of the Pennsylvania Municipalities Planning Code.

## **Article IX**

### **Assurances of Completion and Guarantees**

#### **Section 901 General**

The purpose of this ordinance is to provide sound subdivision and land development standards for the Township and to provide regulations for public improvements which are to be dedicated to the Township. Some required improvements may be dedicated to a municipal authority and others to a private utility. The bonding or security in such instances shall comply with that agency's requirements. As these improvements will be part of the subdivision or land development to be approved, the developer should inform the Township of any problems associated with any provision of bonding or financial security encountered with such agencies.

#### **Section 902 Improvements**

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

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

902.3: The Board of Supervisors shall require the Township Engineer to check final construction plans for their correctness and to inspect the construction of improvements. The Township Engineer will be used for all improvements where the Township is to assume ownership or be responsible for maintenance. The entire cost of plan review and inspection will be borne by the developer in accordance with the Pennsylvania Municipalities Planning Code [see generally Section 503(1) and 510(g)]. The review and inspection of improvements to be dedicated to designated authorities or agencies, where the Township will not maintain same, will be in accordance with such organization's practices.

902.4: Upon completion of the improvements in accordance with the specifications required by this Ordinance and upon final inspection of the improvements by the Township Engineer, the developer shall take the final steps to make an offer of dedicating the improvements and request the Township to accept same (see Article VII). Improvements to be dedicated to designated authorities or agencies, where the Township will not maintain same, will be in accordance with such organization's standards, rules and regulations.

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

- A. Monuments or markers (see also 601).
- B. Grading, streets and sidewalks, as required.
- C. Sanitary sewers.
- D. Water service, including fire hydrants.
- E. Storm drainage improvements, as required.
- F. Erosion and sedimentation control measures, as required.
- G. Street lighting.
- H. Street signs.
- I. Landscaping

### **Section 903 Financial Security**

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

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

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

903.2: The amount of the financial security shall be in an amount determined to equal 110 percent of the cost of the required improvements in accordance with Section 509 of the PaMPC, and shall be approved by the Township Engineer.

903.3: 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 Board of Supervisors, but not exceed one year. When the improvements have been completed and approved by the Township, the financial security shall be released and returned. When a portion of the required improvements has been completed and approved by the Township, a portion of the bond, monies or security commensurate with the cost of the improvement may be released and returned in accordance with Section 509 of the Pa Municipal Planning Code.

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

- A. All improvements have been completed, approved by the Township Engineer and accepted by the Township of Fairview.
- B. The required bond for structural integrity/functioning (see Article IX) has been filed and accepted by the Township.
- C. All the requirements of Article IX, specifically including the filing of as-built drawings, have been met.

903.4: 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.

903.5: As the work of installing the required improvements proceeds, the developer posting the financial security may request the Board of Supervisors to release such portions of the financial security. The request shall be in writing, addressed to the Board of Supervisors, and the Board of Supervisors shall have 45 days from receipt of such request within which to allow the Township Engineer to recommend, in writing, that such portion of the work on the improvements has been completed in accordance with the approved plan and specifications. On such recommendation, the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said 45-day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. If a bond is used, the developer may provide a cash deposit, or a certified or cashier's check for the final 10 percent, subject to approval of the Township.

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

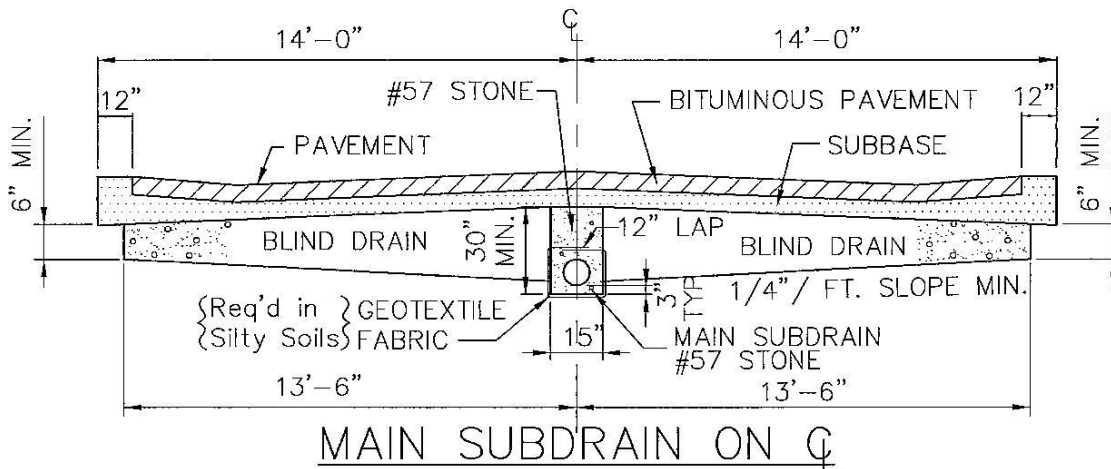
903.7 In the event that any improvement which may be required has not been installed as provided in the Ordinance or in accordance with the approved Final Plan, the Township may enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security, are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Township may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.

### **Section 904 Guarantees**

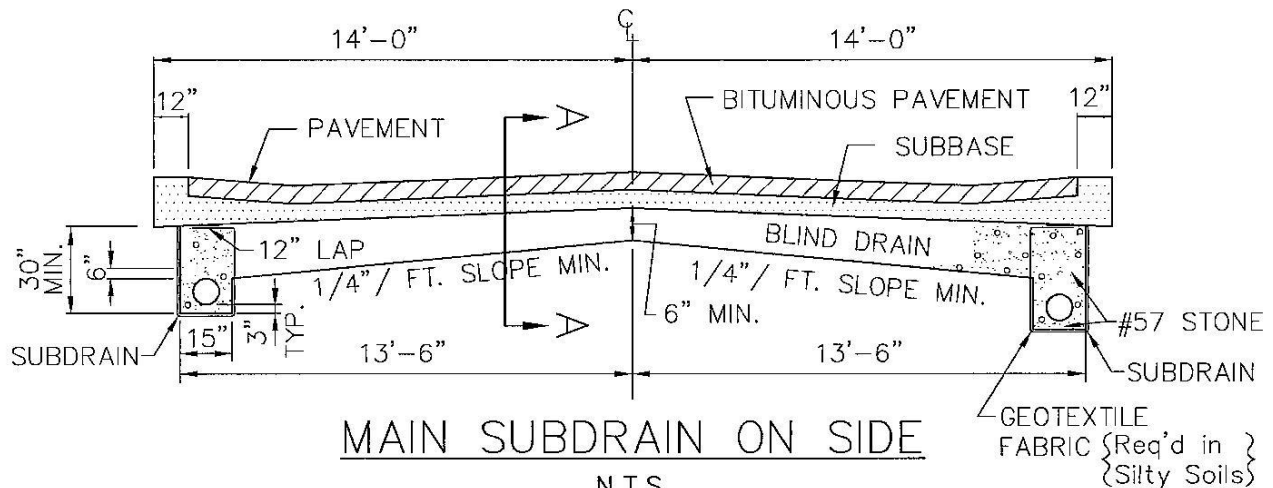
The Township shall require the posting of guarantee for any improvements to be accepted. Said guarantee is for the structural integrity and/or functioning of said improvements for a period of one year from the date of their acceptance by the Township and shall be in the amount allowed by Section 509 of the Pennsylvania Municipalities Planning Code, as amended, which is 10 percent of the actual cost of installation.



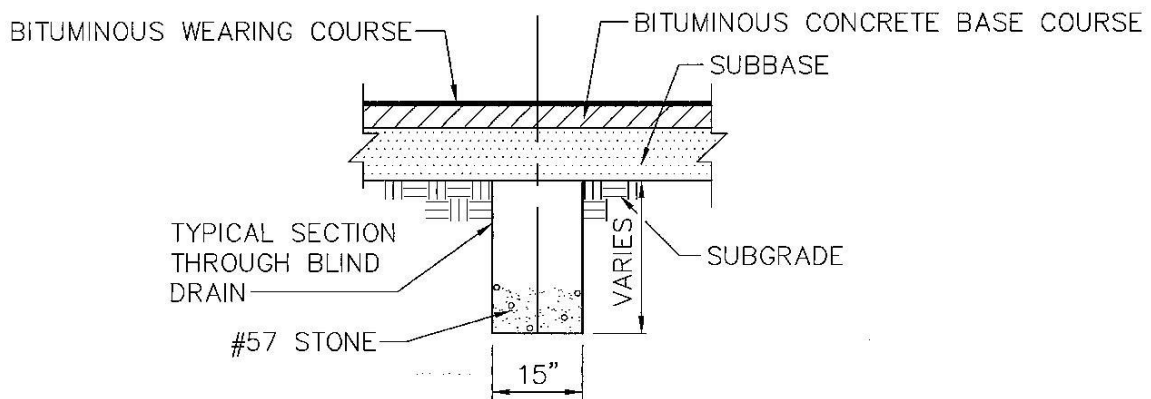
## ILLUSTRATIONS



N.T.S.



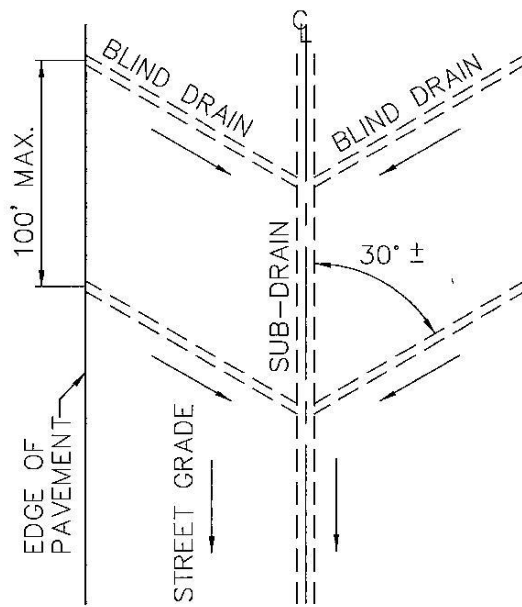
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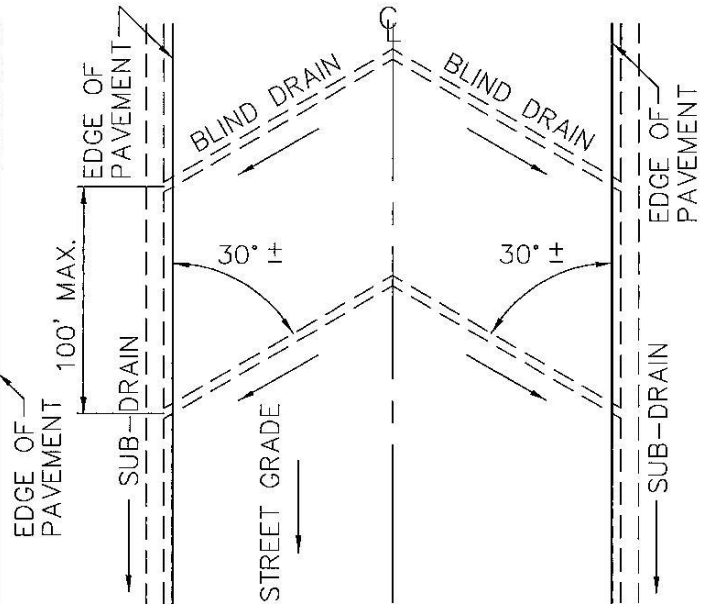
### SECTION A-A

## FAIRVIEW TOWNSHIP STANDARDS

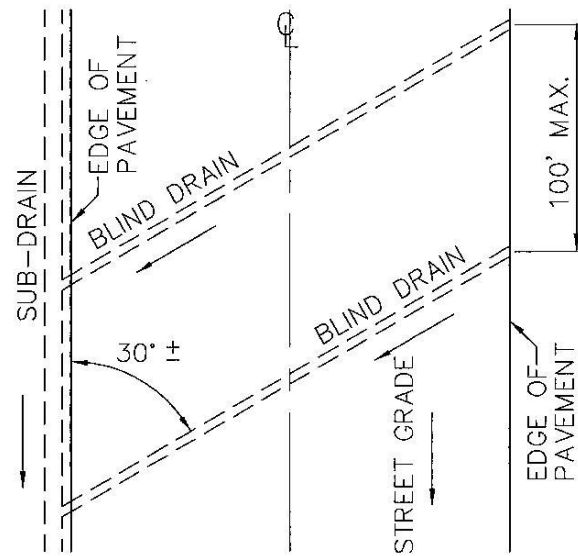
### URBAN ENGINEERS, INC.



CENTER LOCATION



BOTH SIDES LOCATION

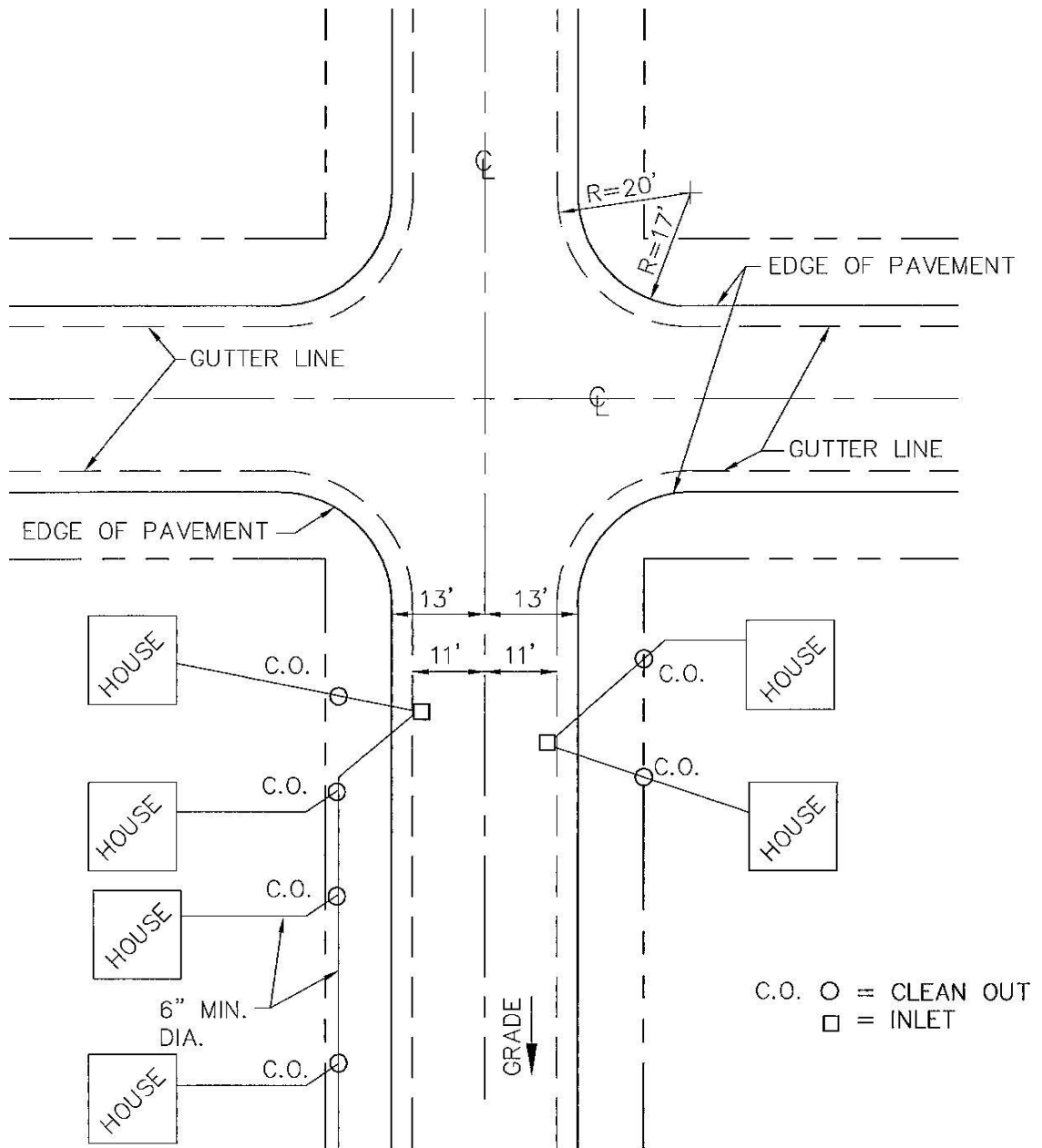


SIDE LOCATION

TYPICAL LOCATIONS FOR  
SUB-DRAINS AND BLIND DRAINS

N.T.S.

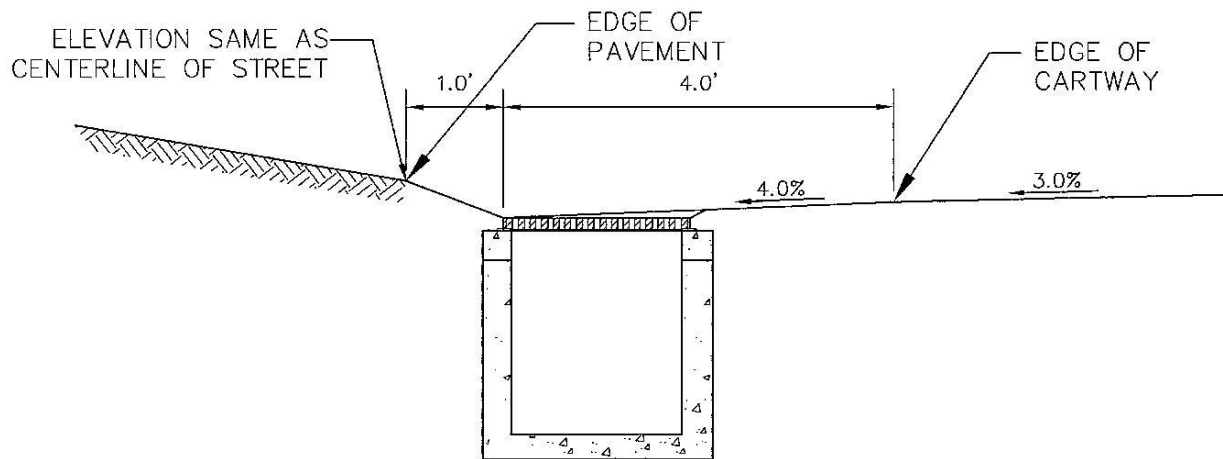
**FAIRVIEW TOWNSHIP STANDARDS**  
URBAN ENGINEERS, INC.



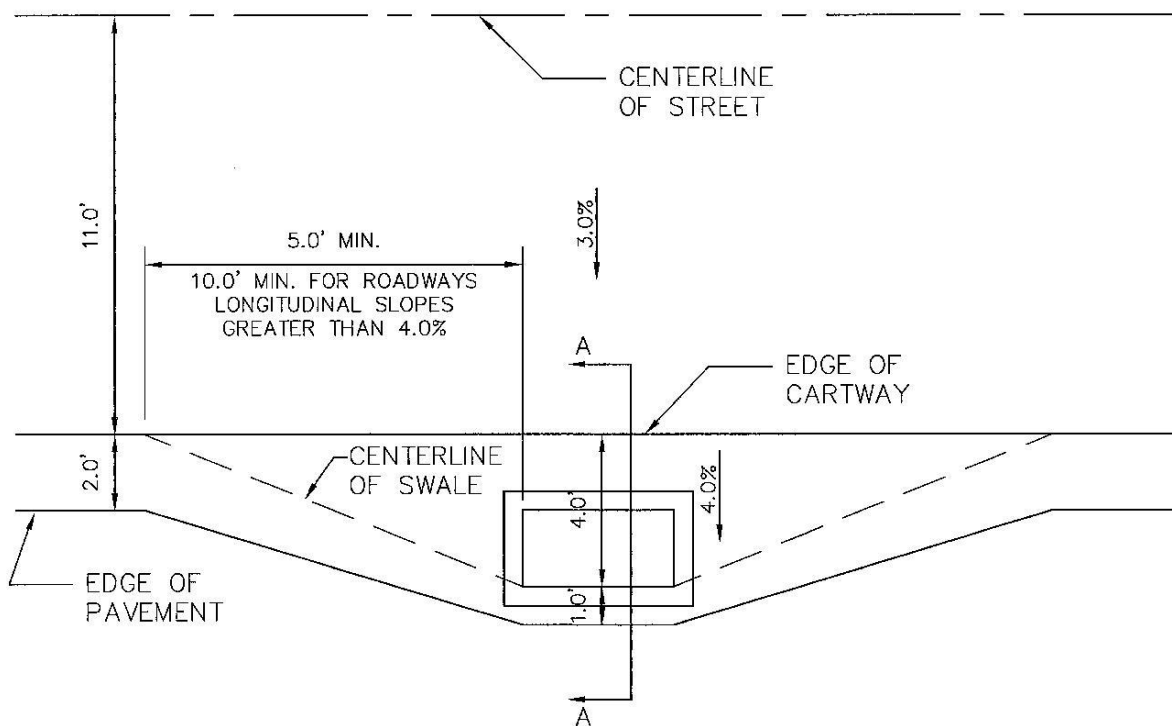
# PARALLEL STORM SYSTEM FOR SUMP AND FOOTER DRAIN

N.T.S.

FAIRVIEW TOWNSHIP STANDARDS  
URBAN ENGINEERS, INC.



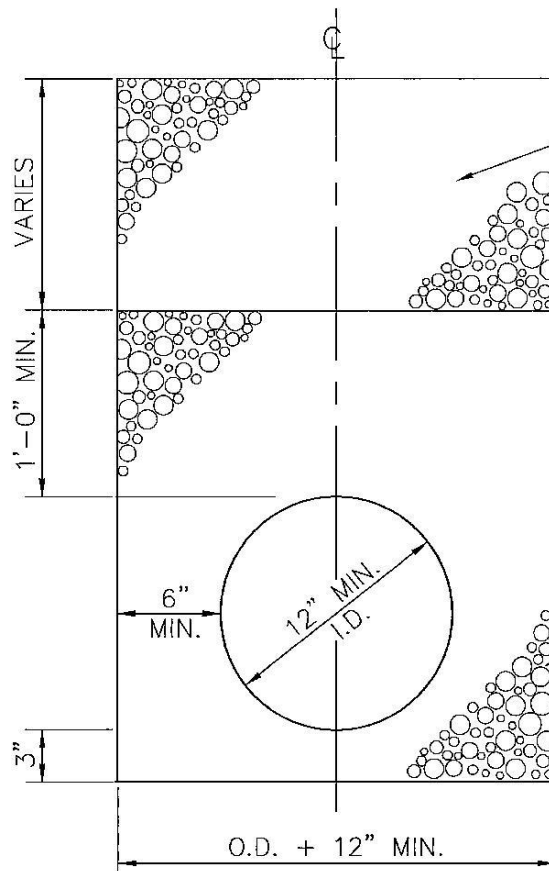
SECTION A-A



STREET SIDE INLET DETAIL

N.T.S.

**FAIRVIEW TOWNSHIP STANDARDS**  
 URBAN ENGINEERS, INC.



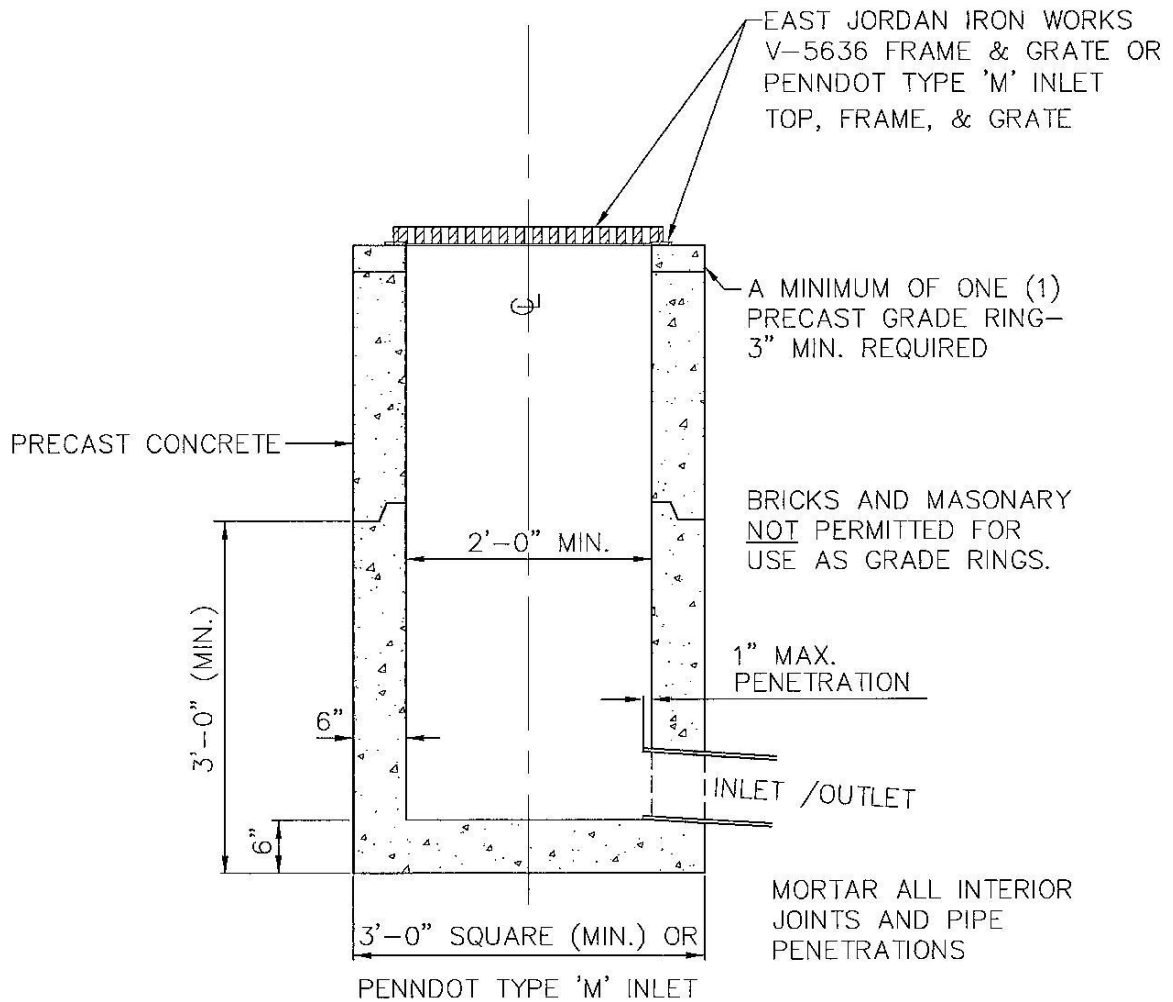
FOR PIPE INSTALLED UNDER THE ROADWAY BACKFILL WITH BANK RUN SAND AND GRAVEL. MAX. 6" LOOSE LIFTS COMPACTED TO 100% OF ITS MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D698. AT OTHER LOCATIONS, BACKFILL WITH SUITABLE MATERIAL APPROVED BY THE TOWNSHIP. COMPACT AS REQUIRED.

AASHTO NO. 57 COARSE AGGREGATE (TAMPED)

## STORMWATER PIPE INSTALLATION

N.T.S.

FAIRVIEW TOWNSHIP STANDARDS  
URBAN ENGINEERS, INC.

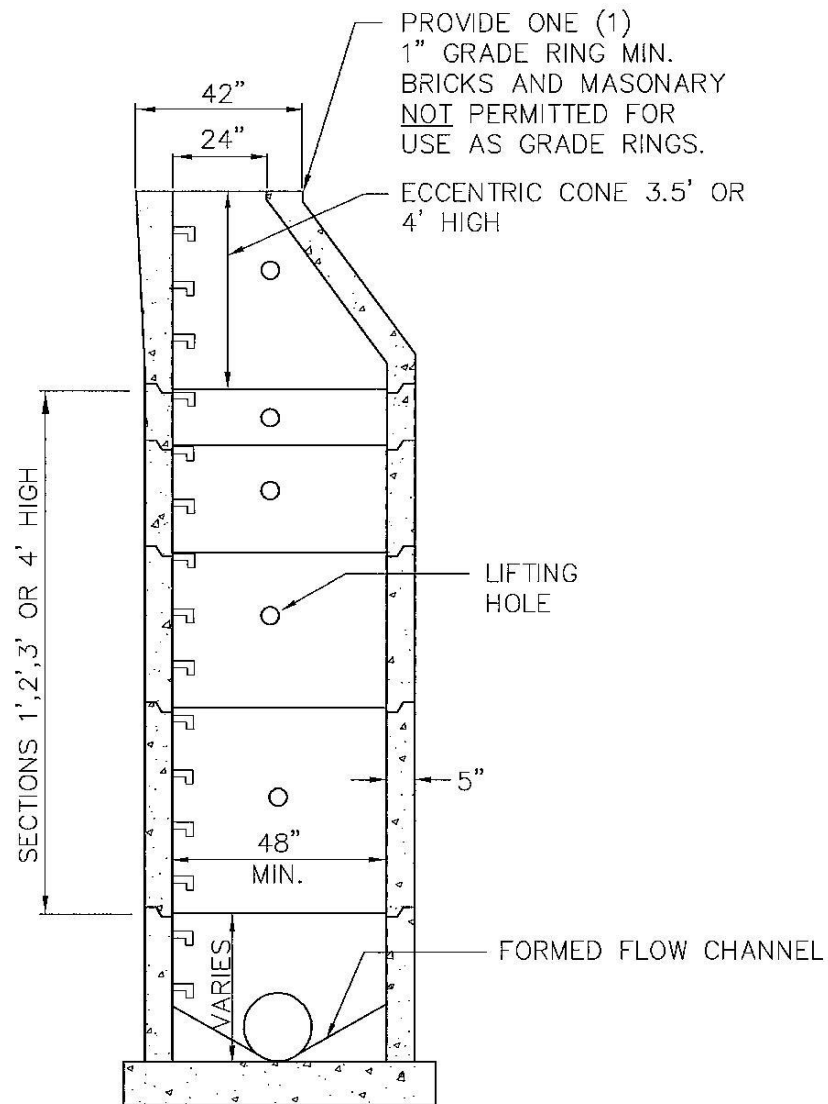


## STANDARD CATCH BASIN

N.T.S.

CONCRETE - 4000 PSI  
REINFORCEMENT - ASTM A615 GRADE 60  
ENTRAINED AIR - 5.0% - 8.0%

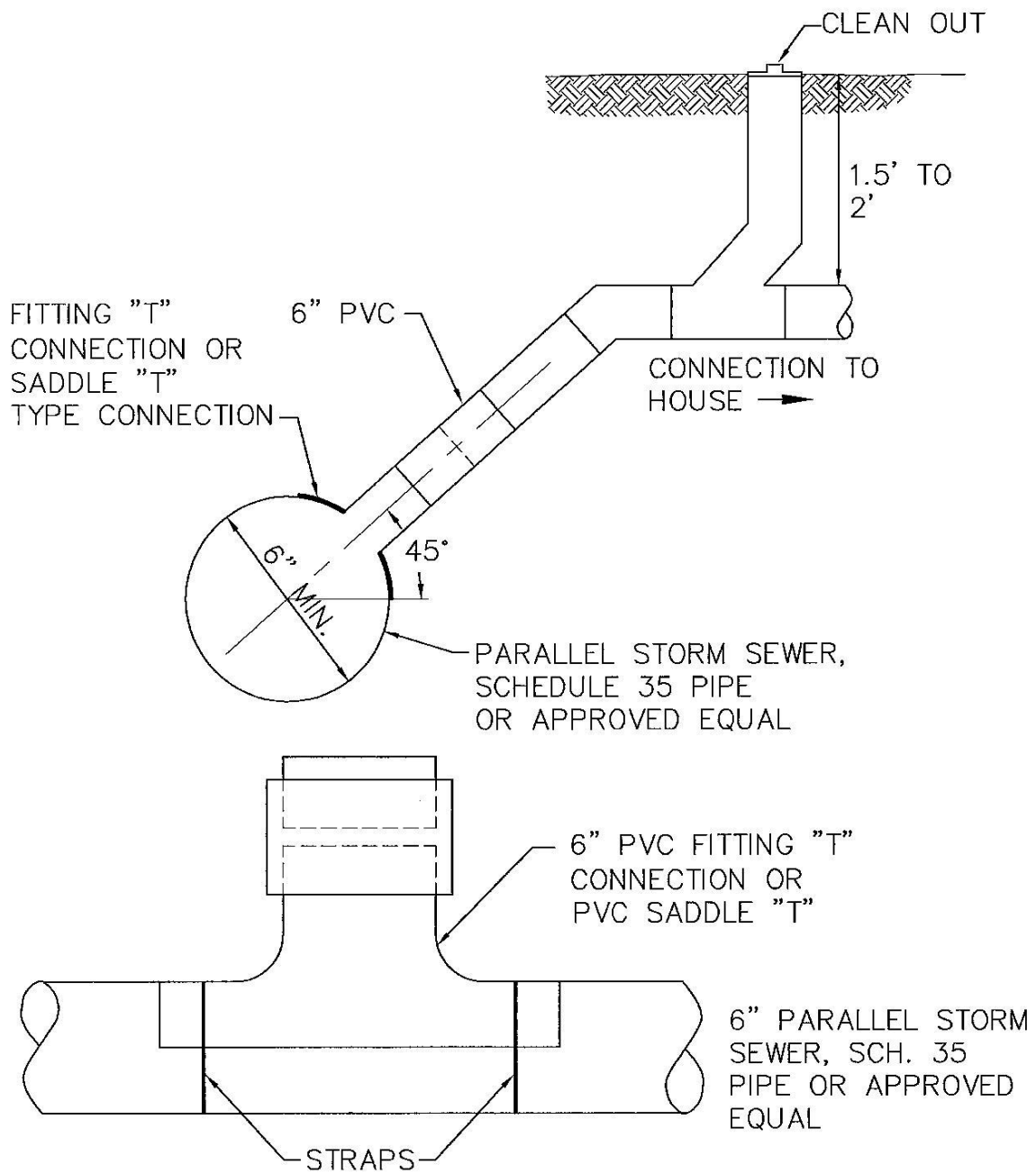
**FAIRVIEW TOWNSHIP STANDARDS**  
URBAN ENGINEERS, INC.



PRECAST CONCRETE MANHOLE  
WITH "O" RING RUBBER GASKETS  
N.T.S.

**FAIRVIEW TOWNSHIP STANDARDS**  
URBAN ENGINEERS, INC.

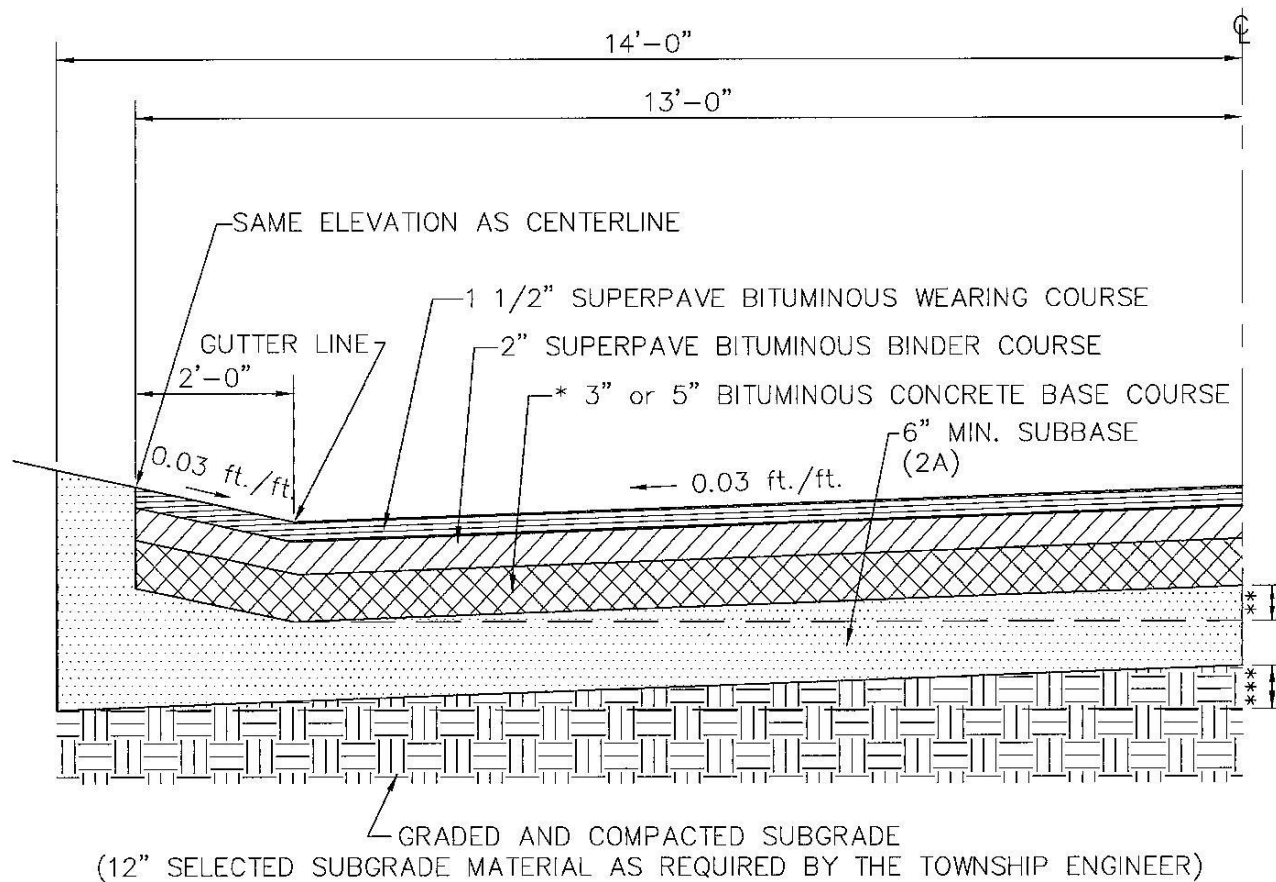




SUMP AND FOOTER DRAIN  
CONNECTION DETAILS

N.T.S.

**FAIRVIEW TOWNSHIP STANDARDS**  
URBAN ENGINEERS, INC.



- \* 3" BITUMINOUS CONCRETE BASE COURSE REQUIRED IN AREAS OF RESIDENTIAL OR AGRICULTURAL USES.
- 5" BITUMINOUS CONCRETE BASE COURSE REQUIRED IN AREAS OF COMMERCIAL OR INDUSTRIAL USES.

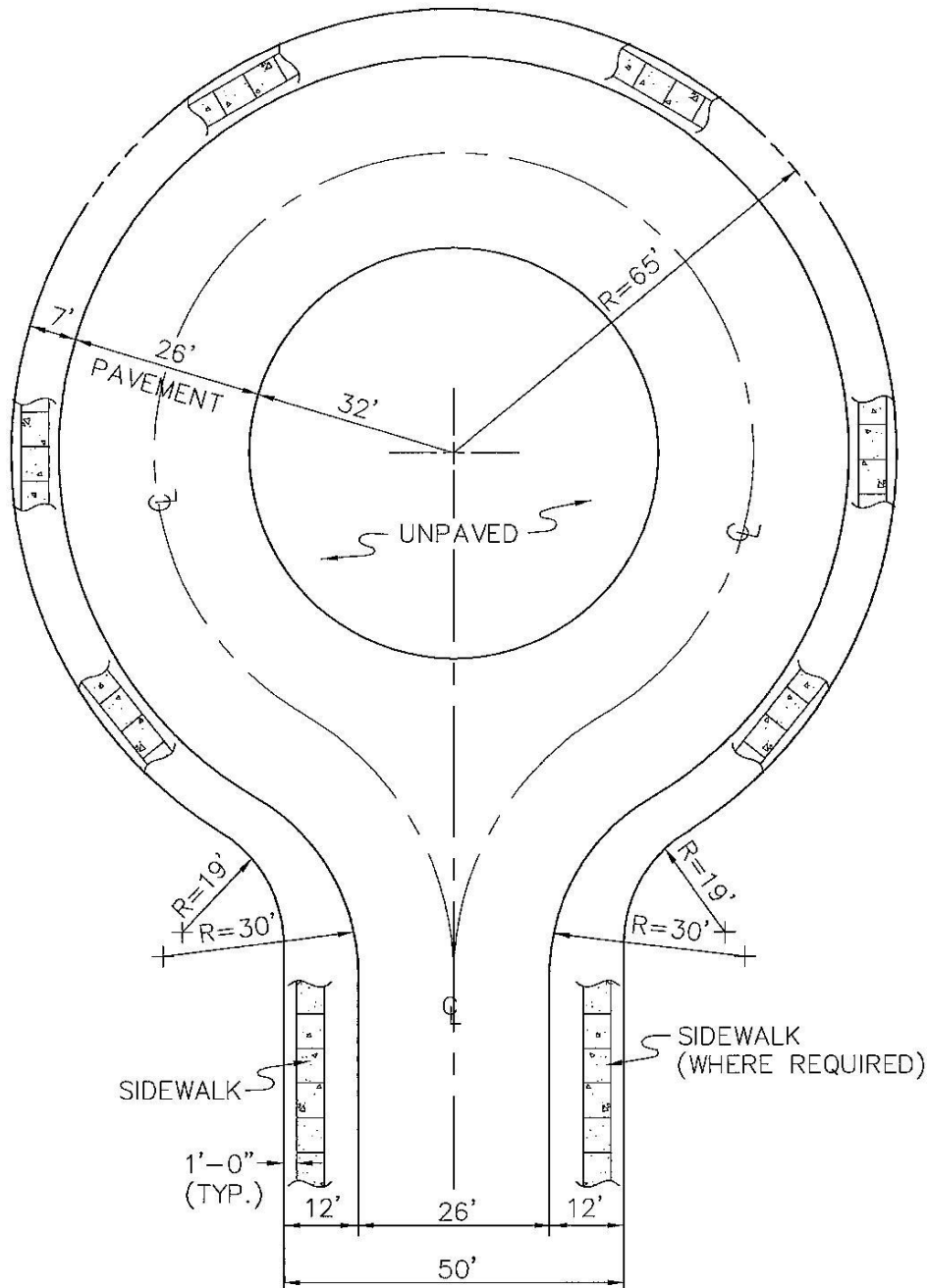
\*\* 2 3/4" CROWN ON SUBBASE

\*\*\* 6" CROWN ON SUBGRADE

## TYPICAL STREET CROSS-SECTION

N.T.S.

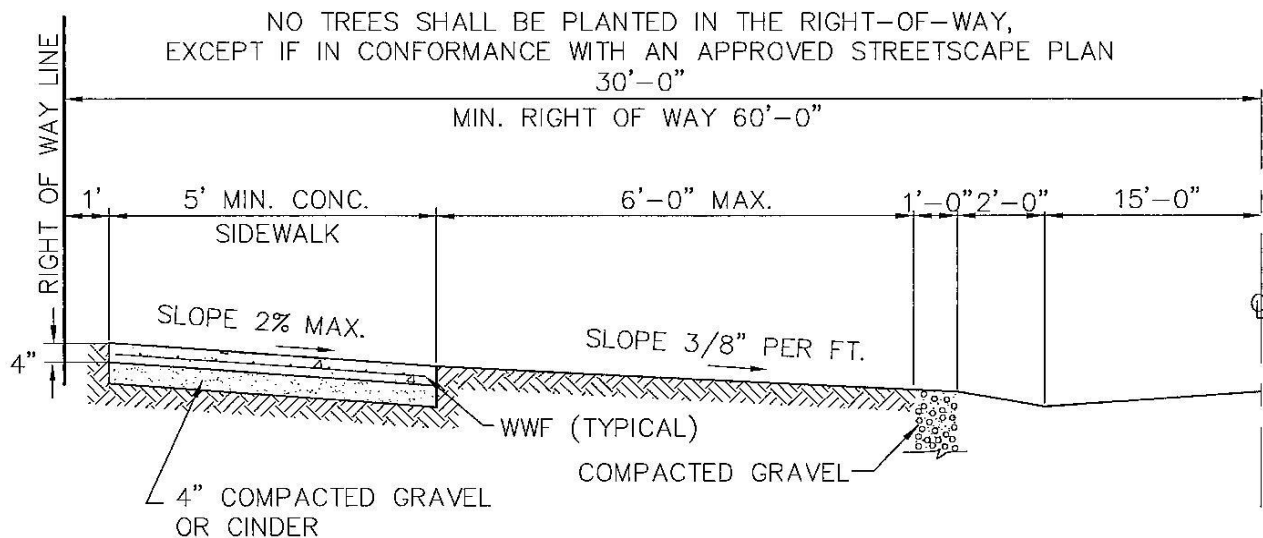
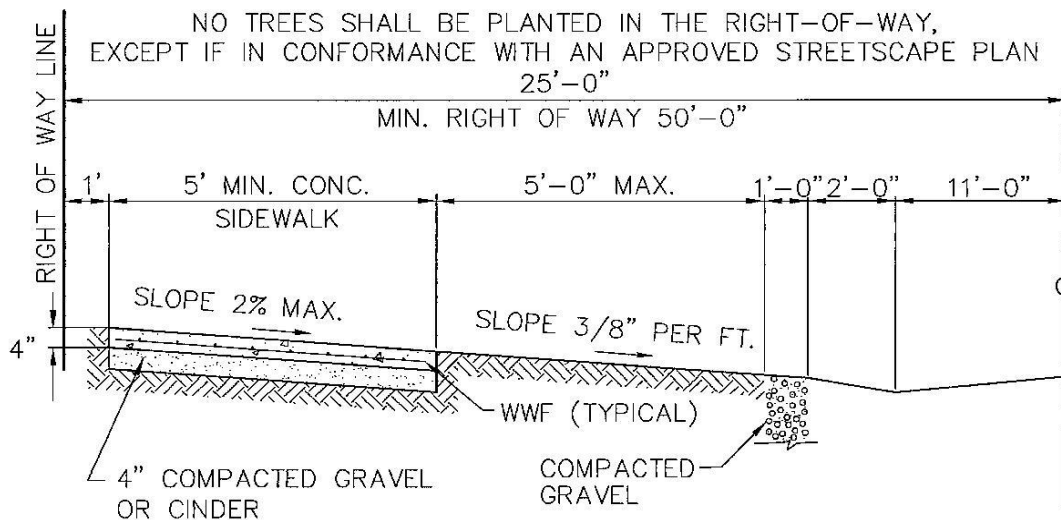
**FAIRVIEW TOWNSHIP STANDARDS**  
URBAN ENGINEERS, INC.



PROPOSED SUBDIVISION CUL-DE-SAC

N.T.S.

FAIRVIEW TOWNSHIP STANDARDS  
URBAN ENGINEERS, INC.

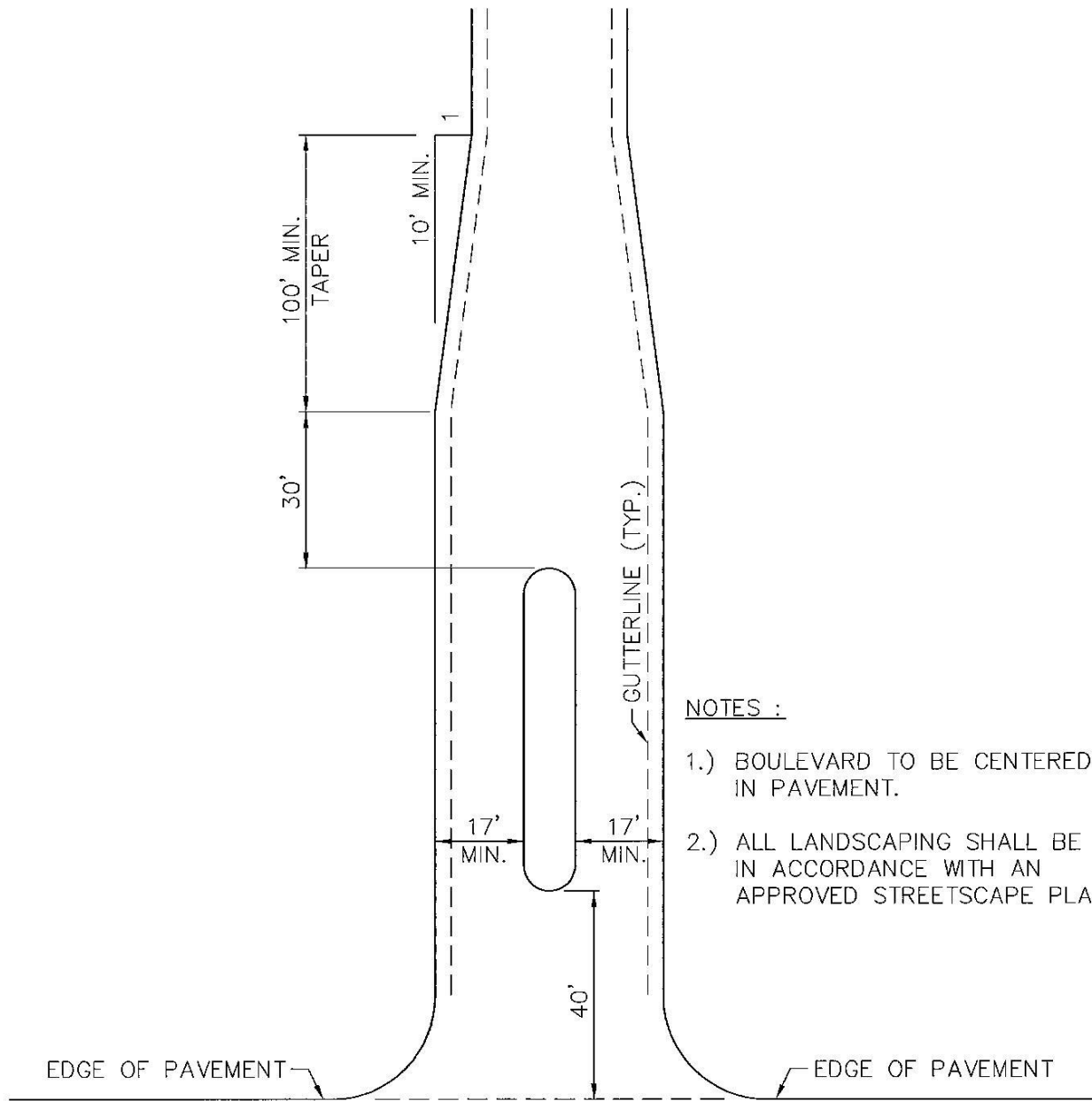


**NOTE : SIDEWALK AT DRIVEWAY CROSSINGS SHALL BE  
MIN. 6" THICK WITH WELDED WIRE FABRIC.**

LOCATION OF PAVEMENTS AND SIDEWALKS  
FOR 50 FT. AND 60 FT. RIGHT OF WAY

N.T.S.

**FAIRVIEW TOWNSHIP STANDARDS  
URBAN ENGINEERS, INC.**



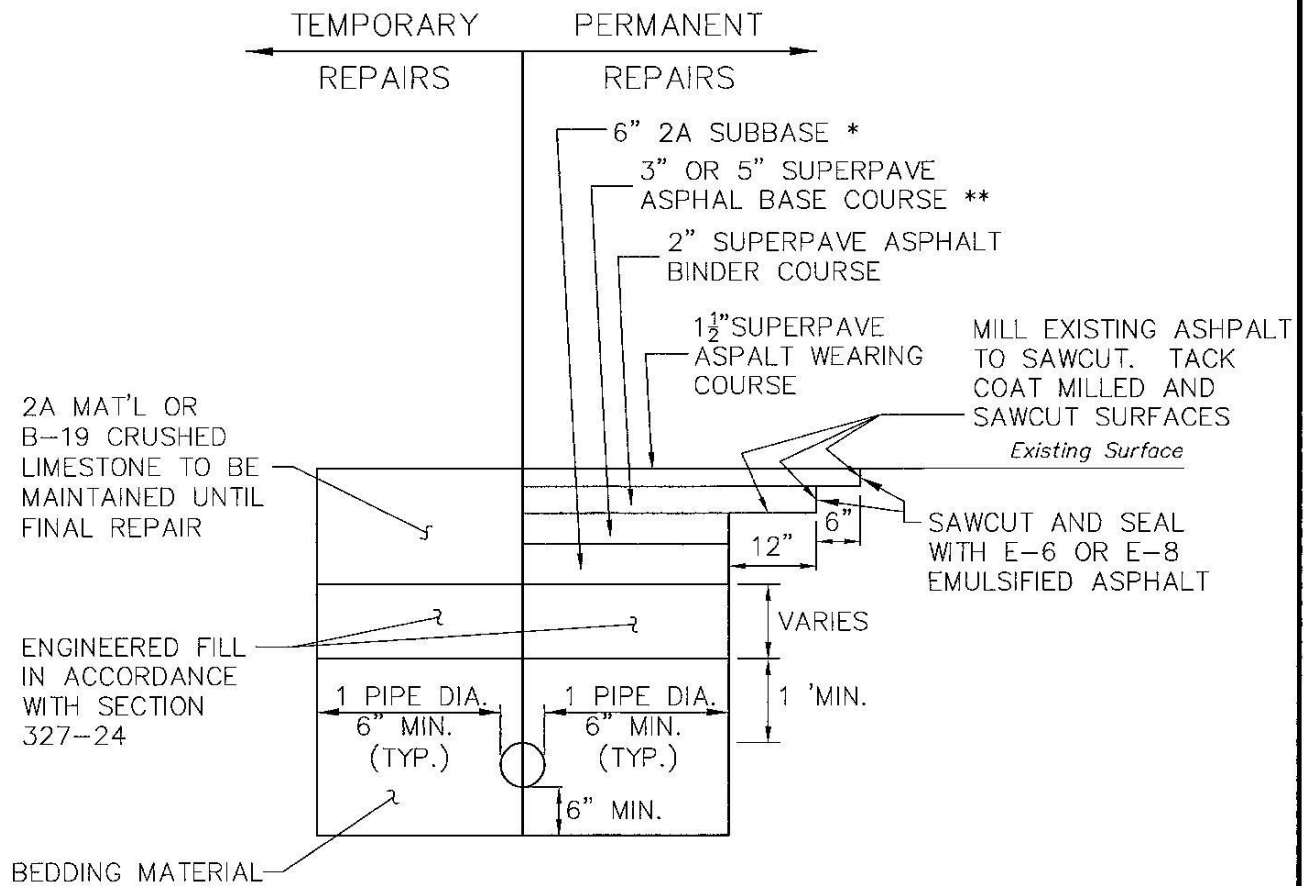
NOTES :

- 1.) BOULEVARD TO BE CENTERED IN PAVEMENT.
- 2.) ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH AN APPROVED STREETSCAPE PLAN.

BOULEVARDS

N.T.S.

**FAIRVIEW TOWNSHIP STANDARDS**  
**URBAN ENGINEERS, INC.**



\* COMPACT TO 95% OF THE DRY-WEIGHT DENSITY AS DETERMINED BY ASTM D 698

\*\* 3" SUPERPAVE ASPHALT HMA BASE COURSE IN ACCORDANCE WITH PADOT PUB 408, SEC 309. REQUIRED IN AREAS OF RESIDENTIAL OR AGRICULTURAL USES.

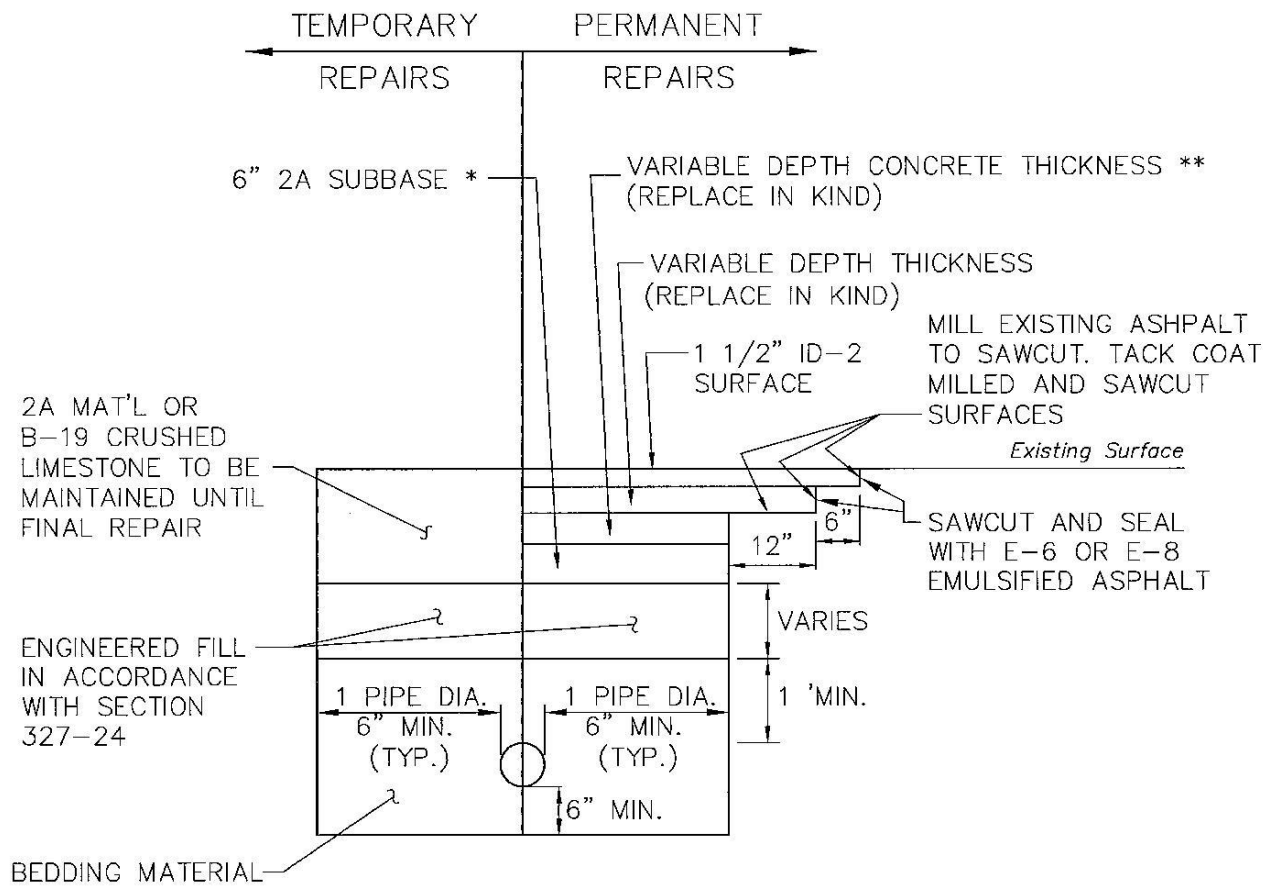
5" SUPERPAVE ASPHALT BASE COURSE IN ACCORDANCE WITH PADOT PUB 408, SEC 309. REQUIRED IN AREAS OF COMMERCIAL OR INDUSTRIAL USES.

## STREET OPENING RESTORATION DETAIL ASPHALT AND BITUMINOUS SURFACE TREATMENT ROADS

N.T.S.

# FAIRVIEW TOWNSHIP STANDARDS

## URBAN ENGINEERS, INC.



\* COMPACT TO 95% OF THE DRY-WEIGHT DENSITY AS DETERMINED BY ASTM D 698

\*\* DOWEL ALL TRANSVERSE JOINTS IN ACCORDANCE WITH PENNDOT PUB. 72.

## STREET OPENING RESTORATION DETAIL CONCRETE ROADS

N.T.S.

**FAIRVIEW TOWNSHIP STANDARDS**  
**URBAN ENGINEERS, INC.**