
TITLE THREE – SUBDIVISION CODE

Art. 1341	General Regulations
Art. 1343	Design Standards
Art. 1345	Plan Requirements
Art. 1347	Procedures – Subdivisions and Land Development
Art. 1349	Improvement Construction Requirements
Art. 1351	Conditions of Acceptance

Article 1341 – General Regulations

1341.01	Short Title	1341.06	Validity
1341.02	Authority for Ordinance and Purpose	1341.07(1)	Preventive Remedies
		1341.07(2)	Enforcement Remedies
1341.03	Filing Fee	1341.08	Modification of Regulation
1341.04	Records	1341.09	Jurisdiction
1341.05	Appeals	1341.10	Definitions

1341.01 Short Title

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

1341.02 Authority for Ordinance and Purpose

a.) This Ordinance is adopted pursuant to Act 170 of 1988, as amended, the “Pennsylvania Municipalities Planning Code,” which grants the governing body of each municipality within the Commonwealth of Pennsylvania the power to regulate subdivisions and land development by enacting a Subdivision and Land Development Ordinance.

b.) The provisions of this Subdivision and Land Development Ordinance are designed to promote, protect, and facilitate the public health, safety, morals, general public welfare, community development, proper population density, civil defense, and disaster evacuations; to prevent overcrowding of the land, blight, transportation danger and congestion; to be in accord with the character of the City of Franklin and its various parts.

1341.03 Filing Fee

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

1341.04 Records

The City shall maintain in the City Engineer's office in City Hall an accurate public record of all plans upon which it takes action and of its findings, decisions, and recommendations in relation thereto.

1341.05 Appeals

In any case where the City of Franklin disapproves a subdivision plan, any person aggrieved thereby may, within thirty (30) days thereafter, appeal to the Court of Common Pleas of Venango County, Pennsylvania, in accordance with Article X-A of the Pennsylvania Municipalities Planning Code.

1341.06 Validity

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

1341.07(1) Preventive Remedies

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

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

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

1341.07(2) Enforcement Remedies

a.) Any person, partnership, or corporation who or which has violated the provisions of this Subdivision and Land Development Ordinance enacted under the Pennsylvania Municipalities Planning Code, upon being found liable therefor in a civil enforcement proceeding commenced by the City of Franklin, pay a judgment of not more than five thousand dollars (\$5,000), plus all court costs, including reasonable attorney fees incurred by the City of Franklin as a result thereof. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the City of Franklin may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

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

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

1341.08 Modification of Regulations

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

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

(3) All requests for modification shall first be submitted to the City Engineer for his review and recommendations to the Planning Commission of the City of Franklin, which shall be made within forty-five (45) calendar days of submission.

(4) All requests for modification shall then be reviewed by the Planning Commission of the City of Franklin; the Planning Commission will then offer recommendations concerning the modifications.

(5) The City Council may approve, or deny the request for modification. If the City Council approves the request for modification, it shall authorize the minimum modification from this Ordinance that will afford relief. The City shall keep a written record of all action on all requests for modification.

1341.09 Jurisdiction

Subdivisions and land developments submitted but not yet approved prior to the effective date of this Ordinance will be reviewed according to Ordinance 3 of 1960. Where a subdivision or land development has been laid out and recorded prior to February 9, 1960, such subdivision or land development shall be exempt from the requirements of this Ordinance; further, where any subdivision or land development has been referenced in a deed or other recorded document, including wills probated prior to February 9, 1960, such subdivision or land development shall also be exempt.

1341.10 Definitions

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meanings indicated. Singular will include plural and the plural shall include the singular. The masculine will include the feminine and the neuter. Except as defined in this Ordinance, all words and phrases shall have their normal meanings and usage.

Alley – A minor way which is used primarily for vehicular service access to the back or the side lots otherwise abutting on another street.

Board – The Zoning Hearing Board of the City of Franklin.

Building – A roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure, or protection of persons, goods, materials, or animals.

Buildable Area – The area of that part of the lot not included within the open or yard areas required by the City of Franklin Zoning Ordinance.

Buildable Width – The width of that part of the lot not included within the open or yard spaces required by the City of Franklin Zoning Ordinance.

City – The City of Franklin.

Designated Flood Plain Districts – Those flood plain districts specifically designated in the City's Zoning Ordinance as being inundated in a One Hundred

(100) Year Flood. Included areas are identified as the Floodway District (FW), the Flood-Fringe District (FF), and the Approximated Flood Plain District (FA).

Developer – Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision or a land development.

Development – Any man-made change to improved or unimproved real estate, including but not limited to, building(s) or other structure(s), the placement of mobile homes, streets, and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, and/or the subdivision of land.

Dwelling – A building arranged, intended, designed, or used as the living quarters for one or more families living independently or each other upon the premises. The term “dwelling” shall not be deemed to include “hotel,” “motel,” “inn,” “bed and breakfast,” “tourist home,” or similar commercial enterprises. A dwelling may be a rooming/boarding house also, if so permitted by zoning district regulations.

a.) Single-family dwelling-a dwelling containing only one (1) dwelling unit.

b.) Two-family dwelling-a dwelling containing two (2) dwelling units.

c.) Multi-family dwelling-a dwelling containing three (3) or more dwelling units, including apartment houses, apartment hotels, flats, garden apartments, and town houses.

d.) Detached dwelling-a dwelling with yards on all four (4) sides.

Engineer, City – The Engineer of the City of Franklin or his authorized representative.

Floodplain – A relatively flat or low area which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source as indicated on the flood boundary and floodway map.

Floodway – The channel of a river or other watercourse and the adjacent land, as designated by documents such as a Flood Insurance Rate Map (FIRM) or successor document(s), required to carry and discharge a flood of the One Hundred (100) Year Flood magnitude.

Land Development

(1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more residential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (b) 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 purposes of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

Excluded are: 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; the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

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

Lot, Double Frontage – A lot, having at least two sides fronting on separate streets which do not intersect while adjoining the lot.

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

One Hundred Year Flood – A flood that, on the average, is likely to occur once every one hundred (100) years.

Pennsylvania Department of Environmental Protection – Abbreviated herein as “PADEP.”

Pennsylvania Department of Transportation – Abbreviated herein as “PADOT.”

Pennsylvania Municipalities Planning Code – The Pennsylvania Municipalities Planning Code, Act 170 of 1968, as amended from time to time.

Plan, Final – A complete and exact subdivision or land development plan as required by this Ordinance.

Plan, Preliminary – A tentative plan showing, but not limited to, existing features of land and proposed street and lot layout within and adjacent to the parcel as required by this Ordinance.

Planning Commission – The Planning Commission of the City of Franklin.

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

Right of Way – Abbreviated herein as “R.O.W.”

Street – A public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation which provides a means of access to abutting property. The word “street” includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, and road or similar terms and may include an “alley” where the context of the ordinance applies.

Street, Arterial – A street, such as a highway or other thoroughfare, which is used primarily for fast or heavy traffic and shall include facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

Street, Collector – A street which carries traffic from minor streets to the major system of arterial streets, including principal entrance streets of a residential development and streets for circulation within such a development.

Street, Half – A minor street, generally parallel and adjacent to a lot line, having a lesser right-of-way width than normally required for satisfactory improvement and use of the street.

Street, Marginal Access – A minor street which is parallel and adjacent to arterial streets and which provides access to abutting lots and protection from through traffic.

Street, Minor – A street which is used primarily for access to the abutting lots.

Structure – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, the word structure is to include antenna or satellite dish antennas.

Subdivider – A person who is the landowner, or authorized agent thereof, whose land is being subdivided.

Subdivision – The division of a single lot, tract, or parcel of land or a part thereof into two or more lots, tracts, or parcels of land (including changes in

street lines or lot lines) for the purpose, whether immediate or future, of transfer of ownership or of land development. The term subdivision includes resubdivisions and, as appropriate in the provisions of this Subdivision Ordinance, shall refer to the process of subdividing land or to the land subdivided.

Subdivision, Major – A subdivision, other than a two-lot subdivision, which involves the creation of more than one new lot or a new lot out of a previously subdivision lot, or a subdivision which involves the creation of new streets or street line.

Subdivision, Two-Lot – A minor subdivision of land which seeks to subdivide a lot that has never previously been subdivided into two new lots, or the combination of lots or changes of lot boundaries, without the creation of a new lot. Such subdivisions will not involve any new streets or street lines.

Topsoil – The original or present dark-colored matter than ranges from a mere inch or two or more feet thick on some kinds of soils. This soil contains organic matter, matter that contains plant and animal residues at various stages of decomposition, cells and tissues of soil organisms, substances synthesized by the soil population and, normally, plant roots. This soil is normally located at or adjacent to the surface of land.

Zoning Code – The Zoning Code of the City of Franklin.

Zoning Officer – The Zoning Officer of the City of Franklin or his authorized representative.