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ARTICLE 1347  
Procedures - Subdivisions and Land Development

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1347.01 PRE-APPLICATION INVESTIGATION

(1) Developers are urged to discuss possible development sites with the Planning Commission prior to submission of the Preliminary Plan. The purpose of the pre-application meeting is to afford the developer an opportunity to avail himself/herself of the advice and assistance of the Planning Commission. A second purpose is to determine if the proposed development is in general accordance with this Ordinance. The developer is encouraged to further discuss his/her proposal with the City Engineer's Office, PennDOT and utility companies as may be appropriate.

1347.02 PRELIMINARY PLAN APPLICATION AND APPROVAL

(1) The Preliminary Plan and all information and procedures relating thereto shall, in all respects, be in compliance with the applicable provisions of this Ordinance when submitted to the City. It is the responsibility of the developer to coordinate his/her plans pursuant to the provisions of this Ordinance with all private and public service agencies and utility companies.

(2) Four (4) copies of the Preliminary Plan and all required exhibits shall be received during regular office hours of the City Clerk and must be received at least thirty (30) days prior to the Planning Commission meeting.

(3) The City Clerk will submit a set of prints to the City Engineer for review.

(4) The City Engineer will submit his comments to the Planning Commission.

(5) Any items of non-conformity will be identified and changes will be required by the developer. The changes will be submitted for consideration by the Planning Commission for acceptance. Their review and recommendations will be submitted to City Council.

(6) Prior to consideration by City Council, a copy of the Preliminary Plan and required attachments will be forwarded to the Venango County Planning Commission for review and comment within thirty (30) days.

(7) Before acting on the Preliminary Plan, the City Council may arrange for a public hearing hereon. Adequate public notice shall be given in such an event.

(8) The City Council shall take final action on the Preliminary Plan within ninety (90) days of the Plan being submitted to the Planning Office. The Planning Commission shall render its decision during a public meeting. Within fifteen (15) days after the decision, the City Council shall notify the developer, in writing, of the action taken at the public meeting, and specifying what revisions or additions, if any, will be required prior to the approval of the Final Plan.

(9) Any revisions of the Preliminary Plan required, as prerequisite to approval, will be noted on two (2) copies of the Preliminary Plan. One (1) copy of the conditionally approved Preliminary Plan will be returned to the developer and one (1) copy will be retained by the City of Franklin.

(10) Approval of the Preliminary Plan shall constitute approval of the subdivision as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots, and other planned features, but shall not authorize the sale of lots.

#### 1347.03 FINAL PLAN APPLICATION

(1) After the developer has received official notification that the Preliminary Plan has been approved and what changes, if any, must be made if the Plan is to proceed to consideration as a Final Plan, the developer has one (1) year in which to submit a Final Plan. If the developer does not do so within the one (1) year period, the approval of the Preliminary Plan shall become null and void unless an extension of time is requested by the developer in writing and is granted in writing by the City Council before the expiration date.

(2) The information and number of plans to be filed with the Final Plan application shall include those items listed under Plan Requirements, Article 1345, Section 1345.04 of this Ordinance, and the submission shall be prepared in accordance with that Article and in the number of copies specified therein. The Final Plan shall be filed at the Planning Office during regular business hours and at least thirty (30) days prior to the Planning Commission meeting.

(3) Assurance of completion where required shall be submitted in accordance with Article 1345.

(4) The original and four (4) copies of the Final Plan and all other exhibits required for approval shall be filed.

(5) When an extension of time is granted for the submission of a Final Plan, the City of Franklin shall do one (1) of two (2) things when the Final Plan is submitted: (1) make a finding that the conditions on which its approval of the Preliminary Plan were based have not changed substantially, or (2) require changes in the Plan, prior to final approval, that will reflect any substantial changes on the site of the subdivision or in its surroundings, that have taken place since the grant of preliminary approval.

(6) It is not necessary for the whole Plan that received preliminary approval to be submitted as a Final Plan. The Final Plan may be submitted in sections, each covering a portion of the entire proposed subdivision shown on the Preliminary Plan. In the case where development is projected over a period of years, the City Council may authorize submission of final plans by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

(7) The developer must provide sanitary, sewerage and storm water system plans, and all public utilities plans for the entire development site of the Preliminary Plan regardless of the number of sections or stages to be initially developed.

(8) A complete copy of the developer's Final Plan application will be sent to the Venango County Planning Commission for review and comment within thirty (30) days as required by the Pennsylvania Municipalities Planning Code, after review and comment by the City Engineer.

#### 1347.04 APPROVAL OF FINAL PLAN

(1) If the City Council finds that the Final Plan is in conformance with this Ordinance, it shall sign the Final Plan. One (1) copy of the Final Plan will be retained by the City of Franklin for its records.

(2) If the City Council finds that the Final Plan is not in conformance with this Ordinance, it shall not sign the Final Plan, and shall notify the developer as to the section(s) of this Ordinance that is not being complied with.

(3) The developer may wish to seek a modification of certain regulations where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship to the developer. All requests for modification shall then be reviewed and considered by the City of Franklin in accordance with Section 1341.08 of this Ordinance.

(4) The City Council shall take final action on the Final Plan within ninety (90) days of the Plan being submitted to the Planning Office. The City Council shall render its decision during a public meeting. The decision of the City Council

shall be communicated to the developer in writing no later than fifteen (15) days following the date the decision was made.

(5) No Final Plan shall receive approval by the City Council unless the developer shall have filed with the City an improvement performance assurance in favor of the City, or shall have completed all required improvements listed in Article 1345 or as the City may require in the public interest.

(6) Upon completion of the improvements in accordance with the specifications of this Ordinance or those of the City, the developer shall take steps to dedicate the improvements and have the same accepted by the City.

#### 1347.05 RECORDING OF PLAN

(1) After completion of all procedures and upon approval of the Final Plan, the Plan shall then be immediately recorded with the County Recorder of Deeds. In no case shall the Final Plan be recorded after ninety (90) days from the date of the Final Plan approval by the City Council. Should the developer fail to record the Final Plan within such a period, the approval shall be considered null and void in accordance with Section 513 of the Pennsylvania Planning Code. Reapproval thereafter may be granted by the City of Franklin, provided no changes have been made to the Final Plan.

(2) The Final Plan shall be recorded with the county Recorder of Deeds before proceeding with the sale of lots, issuance's of building permits or the construction of buildings.

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

#### 1347.06 PERFORMANCE ASSURANCE

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

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

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

1. Be with surety satisfactory to the City.
2. Be in form, sufficiency, and execution acceptable to the City.

(2) The amount of the assurance shall be in an amount determined to equal one hundred ten percent (110%) of the cost of the required improvements in accordance with Section 509 of the Planning Code, and shall be approved by the City Engineer.

(3) The bond, certified check or other securities shall specify the time for the completion of the required improvements. Such time shall be satisfactory to the City Engineer, but not exceed one year, except in accordance with Section 509 of the Planning Code. When the improvements have been completed and approved by the City Engineer, the guarantee shall be released and returned. When a portion of the required improvements has been completed and approved by the City Engineer, a portion of the bond, monies or security commensurate with the cost of the improvement may be released and returned and in accordance with Section 509 of the Planning Code.

(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.

(5) The release of performance assurances shall only be made when the City Engineer approves, in writing, the required improvements (or an appropriate portion thereof) have been satisfactorily completed in accordance with Section 510 of the Pennsylvania Municipalities Planning Code.

(6) The City of Franklin shall require the posting of financial security for any improvements to be accepted. Said financial security is for the structural security and/or functioning of said improvements for a period of eighteen (18) months after their acceptance by the City and shall not be in excess of the amount allowed by Section 509 [fifteen percent (15%) of the actual cost of installation] of the Pennsylvania Municipalities Planning Code, as amended.

(7) For circumstances relating to Performance Assurances not specifically delineated in the Ordinance, it is the intention of the City of Franklin to follow the guidelines and procedures as set forth by Sections 509 and 510 of the Pennsylvania Municipalities Planning Code.