

**WAYNE TOWNSHIP**

**SUBDIVISION AND LAND  
DEVELOPMENT ORDINANCE**

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## **ARTICLE I GENERAL PROVISIONS**

### **1.01 TITLE**

This Ordinance shall be known and may be cited as the "Wayne Township Subdivision and Land Development Ordinance."

### **1.02 PURPOSE**

These regulations are intended to create conditions favorable to the health, safety, convenience, order, and general welfare of the citizens of the Township. In enacting these regulations, the Township Supervisors propose to accomplish the following specific objectives.

- A. To provide for harmonious development of the Township.
- B. To secure equitable processing of all subdivision plans by providing standard procedures for both subdividers and the Township.
- C. To relate subdivision plans with capital improvements in the municipality.
- D. To ensure coordination of inter-municipal public improvement plans and programs.
- E. To secure the protection of natural resources and water supplies.
- F. To encourage the utilization of flood hazard areas in a manner that does not increase the flood hazard.
- G. To facilitate the rational movement of people and goods.

### **1.03 AUTHORITY AND JURISDICTION**

The Wayne Township Supervisors are vested by law with the regulation of subdivision and land development located within the Township by Article V, Section 501, of the Pennsylvania Municipalities Planning Code (Act 170 of 1988).



No land development or subdivision of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.

The authority for the control and regulation of subdivision and land development within the Township shall be as follows:

- A. Approval by the Township Board of Supervisors: The Wayne Township Board of Supervisors shall be vested with the authority to approve or disapprove all subdivision and land development plans.
- C. Review by the Township Planning Commission: The Wayne Township Planning Commission hereinafter referred to as the Planning Commission, shall be vested with the review and evaluation of subdivision and land development plans.
- C. Review of the County Planning Commission: Plans for subdivision and land development located with Wayne Township shall be submitted to the Clinton County Planning Commission for review and report. Said submission shall take place before approval of the Preliminary Plan by the Township. However, if a report is not received from the County Planning Commission within thirty (30) days after submission, the Township may proceed without the report.

#### **1.04 DISCLAIMER OF LIABILITY**

The approval of a subdivision or land development plan in which any portion of the subdivision or land development is within a floodplain shall not constitute a representation, guarantee, or warranty of any kind by the Township Planning Commission or by an official or employee of the Township as to the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials or employees.

## **1.05 CONFLICT WITH OTHER ORDINANCES**

Where any provision of this Ordinance is found to be in conflict with the provision of any other ordinance or code of the Township, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail except as otherwise provided herein.

## **ARTICLE II PLAT REQUIREMENTS**

### **2.00 GENERAL**

It is the responsibility of the Subdivider or Developer to coordinate all plans with the public and private service agencies in the manner set forth in this Ordinance. No plan of any subdivision or land development shall be approved except in accordance with these regulations.

The applicant shall be entitled to a decision in accordance with the provisions of Wayne Township ordinances as they stood at the time the plan was duly filed. No change or amendment of any zoning or subdivision ordinance applicable to the plan shall adversely affect the applicant due to the timing of submission.

### **2.01 SKETCH PLANS**

- A. The Planning Commission may require the submission of a sketch plan for review prior to the formal filing of a subdivision plan. Sketch plans are optional and are useful for informal discussion between the subdivider and the Planning Commission, and shall not constitute formal filing of a subdivision plan.
- B. Sketch plans should be legible and show the following data.
  - 1. Name of the owner of the tract, municipality and date.
  - 2. North arrow and approximate scale.
  - 3. Tract boundary sketch, showing the location of the proposed development in relation to the entire tract.
  - 4. Location sketch, showing the relation of the tract to the road and highway system of the area.
  - 5. General street and lot layout, location of existing and proposed buildings, soils test sites, septic systems or sewers, water mains or wells, utilities, streets and parking areas, rights-of-

way and easements, and watercourses and other significant natural features.

- C. The Subdivider or Developer may request that members of the Planning Commission inspect the property before the presentation of the Preliminary Plan. Based on a site visit and sketch plan, the Commission will advise the Subdivider of the extent to which the sketch plan conforms to the design standards of this Ordinance. The Commission may also suggest any modifications deemed advisable or necessary to secure conformance.

## **2.02 MODIFIED PLAN FOR MINOR SUBDIVISIONS**

- A. Minor subdivisions, defined as three (3) or fewer new lots requiring no new street, require submission of a Modified Plan only.
- B. Six (6) copies of the Plan shall be submitted to the Planning Commission. The copies of the Plan can be either black and white or blue and white prints. The sheet size shall be either 18" x 24" or 24" x 36". The scale shall not exceed one hundred (100) feet to the inch.
- C. The Modified Plan shall show the following data:
  - 1. Title block, containing the name of the owner, municipality, date, scale, and certification with seal by a registered surveyor.
  - 2. Location map, showing the relation of the tract to adjoining properties, the road and highway system, municipal boundaries, and including an area extending at least one-half (1/2) mile from the subdivision parcel boundaries.
  - 3. Tract boundary sketch, showing the location in relation to the entire tract and the names of owners of all adjoining property and of all abutting subdivisions.
  - 4. North arrow, perimeter boundaries showing bearings, proposed lot lines, dimensions of areas to be dedicated to public use, and building setback lines; total number of parcels

or dwelling units, including a numbering system to identify each lot, approximate area of each lot, total acreage, and existing zoning classification.

5. Location of all existing streets, rights-of-way, and easements on, or adjacent to, the tract.
  6. Location and size of existing sewers, water mains, and culverts, buildings, transmission lines, existing and proposed utilities, fire hydrants, and other significant man-made features.
  7. Soil percolation test sites and/or deep test pit sites, except where public sewers are provided.
  8. Location of wetlands, sinkholes, and the 100-year floodplain.
  9. Location of slopes in excess of fifteen (15) percent. (See Section 4.13).
  10. Wooded areas and other significant natural features.
- D. The following shall be submitted with the Plan:
1. Review fee.
  - b. Copies of proposed deed restrictions, if any.

### **2.03 PRELIMINARY PLAN**

- A. Approval of the Preliminary Plan represents approval of the character and intensity of development, and the arrangement and approximate dimensions of streets, lots, and other planned features. The approval binds the Subdivider to the general scheme of the subdivision shown and permits the Subdivider to proceed with final detailed design of improvements and with preparation of the Final Plan. Approval of the Preliminary Plan does not authorize the sale of lots nor the recording of the Preliminary Plan, nor constitute approval of the Final Plan.

- B. Six (6) copies of the Preliminary Plan and two (2) copies of all other material and information required by this Ordinance shall be submitted to the Commission with a letter of intent. The copies can be either black and white or blue and white prints. The sheet size shall be either 18" x 24" or 24" x 36". The scale shall not exceed one hundred (100) feet to the inch.
- C. The Preliminary Plan shall show the following data:
1. Title block, containing the name of the owner of the tract, municipality, date, scale, and certification with seal by a registered professional land surveyor.
  2. Location map, showing the relation of the tract to adjoining properties, the road and highway system, municipal boundaries, and including an area extending at least one-half (1/2) mile from the subdivision parcel boundaries.
  3. Tract boundary sketch, showing the location of the proposed development in relation to the entire tract and the names of owners of all adjoining property and of all abutting subdivisions.
  4. North arrow, perimeter boundaries showing bearings and distances of the area to be developed, proposed lot lines, dimensions of areas to be dedicated to public use, and building setback lines; total number of parcels or dwelling units, including a numbering system to identify each lot, approximate area of each lot, total acreage, and existing zoning classification.
  5. Location and width of all existing or proposed streets, rights-of-way, parking areas, and easements on or adjacent to the tract, including right-of-way and pavement widths and street names. Duplication of existing street names within the municipality shall be avoided.

6. Location and size of existing and proposed sewers, water mains, and culverts, buildings, transmission lines, existing and proposed utilities, fire hydrants, and other significant man-made features.
7. Soil percolation test sites and/or deep test pit sites, except where public sewers are provided.
8. Location of wetlands.
9. Existing watercourses, floodplains, wooded areas and other significant natural features. The boundary of the floodplain shall be shown utilizing the Flood Insurance Study for the municipality. The 100 year flood elevation shall be provided.
10. Topographic contours at vertical intervals of a minimum of five (5) feet with benchmark.

D. The following shall be submitted with the Preliminary Plan:

1. Review fee and inspection fees. A supplemental fee may be charged for consultant review of major land development or where special studies are required.
2. Copies of proposed deed restrictions, if any.
3. Cross-sections and centerline profiles for each proposed street, and preliminary designs of proposed bridges and culverts.
4. Sketch of proposed street layout for the remainder of the affected parcel where the Preliminary Plan covers only part of the subdivider's holdings.
5. A description of the means of sewage disposal, including the DER Sewage Facilities Planning Module. See Section 4.11.

6. A description of the water supply and, where appropriate, on-lot well testing or approval letters issued for water supply systems. See Section 4.14.
7. An Erosion and Sedimentation Control Plan to be in effect during construction of the proposed subdivision.
8. A Stormwater Management Plan where slopes exceed eight (8) percent and where other conditions exist as specified in Section 4.07 of this Ordinance.
9. Where street or driveway access to a State highway is needed, a statement that a Highway Occupancy Permit is required.
10. Other documentation and certificates of approval from the proper authorities as may be required.
11. A statement that the landowner acknowledges and consents to the presentation of the plan, including the signature of the landowner.
12. Estimated costs of all proposed or required improvements.

#### **2.04 FINAL PLAN**

A Final Plan is not required, in the following cases:

- A. where the subdivider proposes no site improvements.
- B. where improvements have been installed in accordance with a previously-approved Preliminary Plan.

A Final Plan is required of all other cases.

- A. The Final Plan shall conform in all respects with the approved Preliminary Plan. Otherwise the plan submitted shall be considered as a revised Preliminary Plan.



- B. The applicant shall have a period of five (5) years from the date of preliminary approval in which to submit a Final Plan, unless an extension of time is requested and granted in writing.
- C. The Final Plan may be submitted in sections or phases, each concerning a portion of the entire subdivision or land development.
- D. Six (6) copies of the Final Plan and two (2) copies of all other materials and information required by this Ordinance, shall be submitted to the Commission with a letter of intent. The copies of the Final Plan can be either black and white or blue and white prints. The sheet size shall be 18" x 24". The Final Plan shall be at a scale not to exceed one hundred (100) feet to the inch.
- E. The Final Plan shall show the following data:
  - 1. Title block, containing the name of the owner of the tract, municipality, date, scale, and certification with seal by a registered professional land surveyor.
  - 2. Location map, showing the relation of the tract to adjoining properties, the road and highway system, municipal boundaries, and including an area extending at least one-half (1/2) mile from the subdivision parcel boundaries.
  - 3. Tract boundary sketch, showing the location of the proposed development in relation to the entire tract and the names of owners of all adjoining property and all adjacent subdivisions.
  - 4. North arrow, boundary lines by bearings and distances which provide a survey of the area to be developed, closing with an error of not more than one (1) foot in five thousand (5,000) feet.
  - 5. Proposed lot lines by their courses and distances showing bearings to the nearest second and distances to nearest one-one hundredth of a foot, dimensions of areas to be dedicated

to public use, and building setback lines; total number of parcels or dwelling units, including a numbering system to identify each lot, acreage of each lot, total acreage, and existing zoning classification.

6. Location and final design and dimension of proposed streets, rights-of-way, parking areas, and easements on or adjacent to the tract, including bearings and distances of rights-of-way and easements, pavement widths and street names.
7. Location and final design of proposed sewers, water mains, culverts, buildings, transmission lines, fire hydrants, and other significant man-made features.
8. Soil percolation test sites and/or deep test pit sites, except where public sewers are provided.
9. Existing watercourses, floodplains, wooded areas and other significant natural features.
10. Topographic contours at vertical intervals of a minimum of five (5) feet with benchmark.

F. The following information, data, and documents shall be submitted with the Final Plan:

1. Corrected and updated material from the Preliminary Plan.
2. Review fee.
3. Copies of proposed deed restrictions, Right-of-Way Use and Maintenance Agreements.
4. Final cross-sections and centerline profiles for each street, and final designs of bridges and culverts.
5. Documentation, in accordance with Section 4.11 of this Ordinance, that the subdivider has adequately planned for sewage disposal, including final designs of sewerage systems.

6. Documentation in accordance with Section 4.13 of this Ordinance that the subdivider has adequately planned for water supply. Where appropriate, such as approval letters or permits issued by the local water authorities, the Department of Environmental Resources or the P.U.C. for water supply systems, and final designs of such systems.
7. Final designs of any stormwater control improvements, and related documentation required in accordance with Section 4.07 of this Ordinance.
8. Highway Occupancy Permit, where applicable.
9. Other documentation and certificates of approval from the property authorities as may be required by the Planning Commission.
10. Where appropriate, one of the following for guaranteeing improvements for the total tract or for designated phases:
  - a. a certification from the Township Engineer that the improvements have been inspected and found to be installed in accordance with specifications; or
  - b. a guarantee in the form of a bond, certified check or other security satisfactory to the Planning Commission
11. A notarized statement signed by the landowners, that those signing are the owners of the property shown on the plan and that they desire the same to be recorded. This must be dated following the last revision to the said plan.

## ARTICLE III PLAN PROCESSING PROCEDURE

### 3.00 GENERAL

The Pre-Application Sketch Plan review specified in Section 2.01 is optional.

The Preliminary Plan specified in Section 2.02 is mandatory for all subdivisions and land development. Approval of the Preliminary Plan authorizes the construction of specified public improvements and the preparation of Final Plans.

The Final Plan specified in Section 2.03 is mandatory for all subdivisions and land development except those determined to be minor. The Final Plan will have incorporated all the changes and modifications required by the Board of Supervisors. Approval of the Final Plan authorizes the recording of the plan, construction of buildings and selling of land.

### 3.01 MINOR SUBDIVISIONS

Minor Subdivisions consisting of three or fewer new **lots** requiring no new street need only submit a **Modified Plan**, the Plat Requirements of which are specified in Section 2.02 of this Ordinance. **Plan Processing** procedures set forth in Section 3.02 apply to **such minor subdivisions**.

### 3.02 PRELIMINARY AND FINAL PLAN PROCEDURES

#### A. Filing

The Applicant, at least ten (10) days prior to the meeting of the Planning Commission at which consideration is desired, shall file with the Commission six (6) copies of a preliminary plat of the proposed layout of the Subdivision or Land Development. A plan shall be considered filed upon receipt by the Planning Commission of all required materials including review fees.

#### B. Distribution

Immediately upon receipt of the plan proposed for either preliminary or final approval, the Secretary of the Township Planning Commission

shall forward one copy of the plan to the County Planning Commission, who shall submit a report advising the Township of its recommendations within thirty (30) days.

The Commission shall submit copies of the preliminary plat for review to the Township Engineer, Pennsylvania Department of Environmental Resources, and other public agencies and adjacent municipalities as appropriate.

C. Action By Commission and Board of Supervisors

Before taking final action on any plan, the Planning Commission shall receive the advice of the Township Engineer regarding all engineering data including percolation tests, septic systems, water supply, utilities and any other pertinent data described in Sections 2.02 and 2.03.

Before any action is taken on the plan, at least three (3) members of the Planning Commission shall view the site and evaluate the proposed plan on the basis of all information gathered.

Upon review of all information, the Planning Commission shall make recommendations for approval, approval with modifications or disapproval and communicate such recommendations to the Board of Supervisors. Such review and recommendation shall take place at a scheduled public Planning Commission meeting.

The Board of Supervisors shall determine whether the preliminary or final plat shall be approved, approved with modifications, or disapproved, and shall notify the Applicant in writing thereof, including, if approved with modifications or disapproved, a statement of reasons for such action and return a copy of the preliminary plat to the Applicant no later than (15) days following the decision.

The Board of Supervisors shall render its decision and communicate it to the Applicant not later than ninety (90) days after such application is filed.

### **3.03 RECORDING OF FINAL PLAN**

- A. Upon notification of approval of the Final Plan, the subdivider shall record one (1) copy of the approved plan in the office of the Clinton County Register and Recorder within ninety (90) days after approval of the Final Plan. Should the subdivider fail to record the Final Plan within such ninety (90) day period, the approval of the Board of Supervisors shall be null and void unless an extension of time is requested by the subdivider in writing and is granted by the Board of Supervisors before the expiration date. The Final plans shall be filed with the Clinton County Register and Recorder before proceeding with the sale of lots or construction of buildings.
- B. Recording the Final Plan after approval by the Board of Supervisors 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 other public areas to public use unless reserved by the subdivider as herein after provided. The approval of the Board of Supervisors shall not impose any duty upon the municipality concerning maintenance or improvement of any such dedicated streets, parks, areas or portion of same until actual appropriation of the same by ordinance or resolution, or by entry, use, or improvement.

### **3.04 RESUBDIVISION PROCEDURES**

For any replotting or subdivision of land, the same procedure, rules, and regulations shall apply as prescribed herein for the original subdivision.

### **3.05 PROCEDURE FOR INSTALLATION AND APPROVAL OF IMPROVEMENTS**

#### **A. General Requirements**

- 1. Improvements required by the Planning Commission may include streets, sanitary sewers, water supply systems,

stormwater controls, utilities, or other such improvements necessary to development of the site.

2. Improvements shall be installed by the subdivider prior to Final Plan approval, or a suitable guarantee shall be provided which shall ensure installation of the improvements by the subdivider at the standards set forth in these regulations. The Final Plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed and inspected and determined to be in a satisfactory state of repair, or a suitable guarantee for installation and maintenance is provided.
3. In the case of a phased development, Final Plans may be submitted and improvements may be installed on a phase-by-phase basis.
4. The Township shall designate its Engineer or other designee to approve final design and inspect the installation of improvements.

B. Improvement Guarantee

1. In lieu of completion of any improvements required as a condition of Final Plan approval, the applicant shall file with the Township a financial security as an improvement guarantee equal to one hundred and ten (110) percent of the estimated cost to install the same improvements estimated as of ninety (90) days after the date scheduled for completion by the developer. Such guarantee may consist of an irrevocable letter of credit, a restricted or escrowed bank account or acceptable performance bond.

For phased development, financial security in lieu of improvement completion need cover only the phase for which Final Plan approval is sought.

Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

The cost of the required improvements shall be established by a registered professional engineer selected by the applicant and submitted to the Commission for approval. The Planning Commission may choose to reject such estimates for good cause shown.

2. If the developer and the Planning Commission are unable to agree upon an estimate, then the estimate shall be recalculated and rectified by a registered professional engineer chosen mutually by the Commission and the developer. The estimate certified by the engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event an engineer is so chosen, fees for the services of said engineer shall be paid equally by the Commission and the developer.
3. Should the completion of the required improvements require more than one (1) year, the Planning Commission may increase the amount of financial security by an additional ten percent ten (10) percent for each one (1) year period beyond the first anniversary date of the posting of the original security or to an amount not exceeding one hundred and ten (110) percent of the cost of completing the required improvements



as reestablished on or about the expiration of the preceding one (1) year period.

4. If a development is projected over a period of years, the Planning Commission may authorize submission of plans by stages, which shall be subject to such requirements or guarantees as the Commission deems essential for the protection of any finally approved section of the development.

C. Release from Improvement Guarantee

1. The Board of Supervisors may authorize the release to the developer of such portions of the security necessary for payment to the contractor or contractors performing the installation of required improvements. Any request for the release of funds shall be in writing to the Board of Supervisors which shall have forty-five (45) days from receipt of the request to authorize its engineer to complete inspection of and certify, in writing, that the improvements to be covered by the funds have been completed satisfactorily.
2. Under certain conditions the Board of Supervisors may agree to other procedures for the release of portions of any posted financial security so long as the work has been done in accordance with the terms of plan approval.
3. When all necessary improvements have been completed the developer shall notify the Township in writing by certified or registered mail of said completion. The Board of Supervisors shall, within ten (10) days after receipt of such notice, authorize final inspection by its engineer of the aforesaid improvements. A report shall be made in writing by certified mail to the developer within thirty (30) days of the inspection authorization and shall indicate approval or rejection of the completed improvements.

4. Upon approval of the completed improvements, the Township shall release to the developer those funds remaining in the financial security deposit including all interest accrued thereunder. Prior to release of such funds, the developer shall guarantee in writing the structural integrity of the improvements for a period of one (1) year.
5. If any portion of the completed improvements shall be found not satisfactory, the aforementioned written report shall contain a statement of reasons for rejection. The developer shall proceed to correct or complete those improvements and upon completion shall notify the Township by those procedures contained in this Section.
6. If financial security has been provided in lieu of the completion of improvements required as a condition for the Final Plan approval as set forth in this Section, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

**D. Dedication of Improvements**

1. Where the subdivider proposes to dedicate improvements to the municipality, a deed, which dedicates the land and such improvements to the municipality and is duly signed by the subdivider and Township Supervisors, shall be recorded with the Final Plan. In accepting the deed of dedication and approving the Final Plan, the municipality accepts ownership and maintenance responsibility for the improvements shown on the Final Plan.
2. Where the Township accepts dedication of all or some of the required improvements, the Board of Supervisors may require up to fifteen (15) percent of the actual cost of improvements for financial security to insure the structural integrity of those improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication.
3. The Board of Supervisors may approve a Final Plan without an offer of dedication of streets or other improvements, provided that such improvements are noted as private on the Final Plan. The subdivider shall also be required to provide a notice in each deed, lease, or conveyance setting forth an arrangement between the subdivider and buyer or lessee for maintenance of any such improvements.

**3.06 FEE SCHEDULE**

- A. All fees shall be payable to Wayne Township. These fees are designed to cover part of the costs of plan review services provided by the Wayne Township Planning Commission.
- B. The Township Supervisors shall establish by Resolution a standard schedule of fees for review of all subdivision or land development proposals.

- C. An additional review fee may be charged to the developer to cover the Township's consultant or engineer fee. This may apply in the review of a large land development or where special environmental studies were required.
- D. Inspection fees, if any, shall be reimbursed to the Township by the developer. Such fees shall be reasonable and shall represent the necessary expenses of the Township Engineer or other designee for inspection of installed required improvements.
- E. In the event the applicant disputes the fee amount:
  - 1. The applicant shall, within ten (10) days of the date of billing, notify the Planning Commission that such fees are disputed as unreasonable or unnecessary, in which case the Commission shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed fees.
  - 2. If within thirty (30) days from the date of billing, the Commission and the applicant cannot agree on the fee amount, then the applicant and Commission shall jointly, appoint a professional engineer licensed as such in the Commonwealth of Pennsylvania, to review the fees and determine the amount which is reasonable and necessary.
  - 3. The appointed professional engineer shall hear such evidence and review such documentation as he deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

**ARTICLE IV**  
**DESIGN AND CONSTRUCTION STANDARDS**

**4.00 GENERAL**

The standards and requirements contained in this Article shall apply as minimum design standards for subdivisions and/or land developments. Whenever other Township ordinances or regulations impose more restrictive standards and requirements than those contained herein, the more restrictive shall apply.

**4.01 SUITABILITY OF LAND**

Land subject to hazards to life, safety, health or property (including flooding or steep slopes) shall not be subdivided or developed for use until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the Subdivision and Land Development Ordinance.

**4.02 STREETS**

**A. Street Classification**

1. The State Highway System includes all public roads operated and maintained by the Pennsylvania Department of Transportation (PennDOT).
2. The Municipal Street System includes all public roads maintained by Wayne Township. Subdividers proposing public dedication of streets within a subdivision shall submit road design and construction plans. A deed which dedicates to the Township the land to be used as a public street shall be recorded with the Final Plan.
3. Private streets include all streets not dedicated, accepted, and maintained by the Township as public streets. Private streets may be permitted where the following conditions can be met:
  - a. A survey of the centerline of the private right-of-way shall be shown on the plot plans along with a notation identifying the street and right-of-way as being private.

- b. The subdivider shall provide a Right-of-Way Use and Maintenance Agreement in each deed, lease, or conveyance prescribing a right-of-way width and location and setting forth an arrangement between the subdivider and buyer or lessee for improvement and maintenance of the private right-of-way.
- c. Where an existing private right-of-way is proposed, the subdivider shall provide a Right-of-Way Use and Maintenance Agreement signed by all property owners using the right-of-way if such an Agreement has not been previously included in the existing deeds. This Agreement shall be recorded with the Final Plan and prescribe a right-of-way width and location and state the level of intended maintenance of the private right-of-way.

**B. Street Definitions**

*Private.* A road whose function is to provide access to no more than five (5) abutting properties. It is not dedicated, accepted or maintained as a public street. It conforms to the conditions of Section 4.02 A3 of this Ordinance.

*Local.* A street whose sole function is to provide access to abutting properties. It serves or is designed to serve no more than twenty-five (25) dwelling units and can handle approximately two hundred (200) trips per day.

*Collector.* A street whose principal function is to carry traffic between local and arterial streets but that may also provide direct access to abutting properties. It is designed to carry two hundred to eight hundred (200-800) trips per day.

*Arterial.* A major street that serves as an avenue for traffic into and out of the Township and carries high volumes of traffic.

C. Access

1. In order to protect the public safety, the Planning Commission may restrict access onto a public street or highway to specific locations shown on the plot plan.
2. Any subdivision or land development plan proposing any new public or private streets or any new driveway(s) accessing a state highway shall contain a notice that a Highway Occupancy Permit must be issued by PennDOT before construction of access onto the state highway can be initiated. Additionally, the Subdivider or Developer must submit a copy of the Permit issued by PennDOT prior to subdivision approval.
3. Subdividers or Developers proposing any new public or private streets or any new driveway(s) accessing onto a Township road shall contain a notice that a Zoning Permit must be issued by the Township Zoning Officer before construction of access onto the municipal road can be initiated. A copy of the Highway Occupancy Permit must be submitted prior to subdivision approval.

D. Street Pattern

1. All subdivision plans shall extend or continue existing rights-of-way at a width no less than required by the adopted minimums, as specified by this Ordinance.
2. Local streets within a new development or subdivision shall be laid out to discourage through traffic. Local streets shall generally not provide access to more than twenty-five(25) lots, shall be laid out to discourage short cuts to streets or property beyond the subdivision, and shall minimize traffic speeds using appropriate posting. However, provision for the extension and continuation of collector streets into and from adjoining areas shall be required.

3. Where a subdivision or land development abuts or contains an existing or proposed collector street, the Planning Commission may require marginal access streets, reverse frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the arterial street, and separation of local and through traffic.
4. If the lots in a development are large enough for resubdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such an eventuality shall be provided.

E. Street Design

1. All streets proposed for dedication to the municipality shall meet the design requirements of the current Guidelines for Design of Local Roads and Streets as published by PennDOT.
2. Minimum right-of-way, cartway widths and street grades are shown in Table 1.
3. Private roads serving fewer than five (5) properties may apply for exception to the standards of Table 1. However, private roads shall provide a minimum subbase and wearing surface of six (6) inches of compacted stone and four (4) inches of 2 RC or similar material.
4. All private and public streets shall be provided with a leveling area having a grade of no more than four (4) percent for a distance of twenty-five (25) feet measured from the edge of the shoulder or curb of the intersecting street.

F. Intersections

1. Streets shall be laid out as to intersect as nearly as possible at ninety (90) degree angles. Multiple intersection involving the junction of more than two (2) streets shall be avoided whenever possible.



2. Property lines at intersections shall be rounded with radii at thirty-five (35) feet for local streets and fifty (50) feet for collector streets.

**TABLE 1. DESIGN STANDARDS FOR PRIVATE AND PUBLIC STREETS**

	<u>Collector Streets</u>	<u>Local Streets</u> <sup>1</sup>	<u>Private</u> <sup>2</sup> <u>Street</u>
Right-of-Way Width	50 ft	50 ft	50 ft
Cartway Width	24 ft.	20 ft.	16 ft.
Maximum Grade	8%	10%	12%
Minimum Radius at Centerline for Horizontal Curves	300 ft.	175 ft	
Minimum Sight Distance	300 ft.	150 ft.	
Cul-de-Sacs:			
Diameter of Turnaround Right-of-Way		100 ft.	80 ft.
Diameter of Turnaround Cartway		80 ft	60 ft.

3. Streets entering opposite sides of another street shall be laid out directly opposite each other; or if necessary, or where encouraged by the Commission, they shall be separated by at least one hundred and fifty (150) feet between centerlines, measured along the intersected thoroughfare.

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<sup>1</sup>If alleys or service drives are proposed, they shall have a minimum right-of-way width of 20 feet.

<sup>2</sup>**Private** streets serving fewer than five (5) lots or dwelling units may be exempt from the above standards, pending Planning Commission approval. Otherwise, the standards stated apply.

4. Intersections along collector and arterial streets shall be located not less than eight hundred (800) feet apart between centerlines.
5. At all street intersections no obstruction to vision exceeding thirty (30) inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within a triangle formed by a line drawn between points along adjacent street centerlines located seventy-five (75) feet distant from their point of intersection.

G. Cul-de-sac Streets

1. Cul-de-sac streets shall be provided with a turnaround and shall not exceed eight hundred (800) feet in length or serve more than twenty (20) lots or dwelling units, whichever is lesser.
2. Cul-de-sacs shall be graded and surfaced in like manner of the street and shall have a minimum right-of-way diameter of one hundred (100) feet.
3. Dead-end streets require cul-de-sacs.
4. Any street dead-ended for access to an adjoining property, or because of phased development, shall be provided with a temporary all-weather turnaround.
5. Innovative alternatives to the standard circular turnaround may be permitted by the Township where an equivalent turnaround is provided. However, the use of any alternative may jeopardize eligibility for PennDOT Liquid Fuels Tax reimbursement for the cul-de-sac street.

#### H. Driveways

1. All proposed lots or land development shall be situated in such a fashion so that safe driveway access onto a public or private road can be provided in accord with Table 2.
2. In a situation where significant safety hazards exist, such as excessive slope or areas of extremely limited sight distance, the Planning Commission may require, prior to granting final approval, that the subdivider place a deed restriction on the lot requiring guidelines compliance when a driveway is proposed for construction.

#### I. Street Names and Signs

1. The Planning Commission shall approve street names at the time of Preliminary Plan approval. The local Post Master shall be consulted in this regard. Names shall be different in sound and in spelling from other road names in the Township so as not to cause confusion. A road which is planned as a continuation of an existing road shall bear the same name.
2. The Subdivision or Land Development shall be provided with street name signs at all intersections. Such signs shall conform to Township specifications and shall be installed by the Subdivider or Developer at his expense.

### 4.03 SIDEWALKS

Wherever the lots in a proposed Subdivision or Land Development will result in a density of four (4) or more families per net acre, or where multi-family dwellings are provided, sidewalks shall be installed.

**TABLE 2. DRIVEWAY DESIGN GUIDELINES**

<u>Type of Development</u>	<u>Minimum Width<sup>1</sup></u>	<u>Maximum Grade</u>	<u>Minimum Intervals<sup>2</sup></u>	<u>Minimum Sight Distance<sup>3</sup></u>
A. Single Unit	10 ft.	15%	40 ft.	150 ft.
B. Multi-Unit Residential <sup>4</sup>	15 ft.	12%	50 ft.	200 ft.
C. Non-Residential	15 ft.	8%	50 ft.	300 ft.

#### **4.04 BLOCKS**

- A. The length, width and shape of blocks shall be determined with due regard to:
1. Provision of adequate sites for buildings of the type proposed.
  2. Topography.
  3. Requirements for safe and convenient vehicular and pedestrian circulations.
- B. Blocks should have a maximum length of sixteen hundred (1,600) feet, and so far as practicable, a minimum length of five hundred (500) feet. In the design of blocks longer than eleven hundred (1,100) feet, special consideration shall be given to the provision of satisfactory fire protection.

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<sup>1</sup>Driveway widths apply to intersections with 90 degree angles. Where a driveway forms less than a 90 degree angle with the access street, a wider driveway width will be required.

<sup>2</sup>The minimum interval shall apply between an intersection and the first driveway.

<sup>3</sup>Minimum sight distance shall be measured from the point of intersection of the driveway centerline and the street right-of-way line to a point on the cartway centerline. No significant obstructions or plantings higher than 30 inches or tree limbs lower than eight (8) feet shall be permitted within this area.

<sup>4</sup>For the purposes of driveway design, the multi-unit residential design criteria shall be used for driveways providing access to five (5) or more dwelling units. All other dwelling units shall meet the driveway requirements for single-family residential use.

#### **4.05 BUILDING LINES**

The minimum building line, measured from the required right-of-way line shall be as stated in the Zoning Ordinance. Where sub-surface disposal is indicated, the distance from the right-of-way line, to the building line shall be adequate to provide area for the sub-surface drainage field. For other than residential lots, the Commission may require additional setbacks.

Corner lots shall have extra width to permit the appropriate building setback from both streets.

#### **4.06 LOT SIZE**

Lot size shall be controlled by the provisions of the Wayne Township Zoning Ordinance.

#### **4.07 STORMWATER MANAGEMENT**

##### **A. General Requirements**

1. All land development requires an Erosion and Sedimentation Control Plan for controlling erosion during the construction phase.
2. A Stormwater Management Plan must be submitted for the following land development:
  - a. sites with slopes which exceed eight (8) percent
  - b. multi family residential development
  - c. mobile home parks
  - d. commercial development
  - e. industrial development
3. The Planning Commission shall request that the Clinton County Conservation District review and comment on

Stormwater Management Plans. All Stormwater Management Plans shall be responsive to the suggestions of the Conservation District.

4. All subdivision and land development proposals shall meet the requirements of the local Watershed Stormwater Management Plan in effect or hereinafter adopted.

B. Plan Requirements

1. The Erosion and Sedimentation Control Plan shall be prepared by the Developer or a knowledgeable designee who shall consider the potential for accelerated soil erosion resulting from construction, high density development, or steep slopes. Soil erosion and sedimentation control measures shall be designed to protect existing vegetation and minimize the area and time of soil exposure, and may include structural improvements to the site such as diversion terraces, grassed waterways and sedimentation basins. The plan must comply with the most recent DER regulations or guidelines for soil erosion and sedimentation control in effect.
2. The Stormwater Management Plan for the proposed subdivision shall include a brief description of:
  - a. existing drainage patterns and stormwater runoff characteristics of the site, including any existing drainage or stormwater runoff problems and facilities;
  - b. the anticipated impact that future development of the property will have on existing stormwater runoff and drainage patterns; and
  - c. the type of structural and nonstructural improvements planned to control post development stormwater runoff.
3. The proposed location of structural and nonstructural improvements shall be shown on the plot plan. The Planning

Commission may also require the Developer to include contours on the plot plan in order to better evaluate the proposed stormwater control techniques.

4. Separate, detailed specifications, including cross-sections, profiles, etc., shall be submitted for all structural stormwater control improvements, such as swales, seepage pits, and retention and detention basins.
5. The Stormwater Management Plan shall include a proposal for ownership and maintenance of all stormwater control improvements as follows:
  - a. Where the Developer proposes to dedicate such improvements to the municipality, a deed which dedicates the land to be used for stormwater control improvements to the municipality shall be recorded with the Final Plan. A copy of the deed and a letter from the Township stating their intent to accept ownership and maintenance responsibility shall be submitted with the subdivision plan.
  - b. Alternatively, an Ownership and Maintenance Agreement, which specified ownership and assigns maintenance responsibility for the proposed improvements to either the Developer or among property owners within the subdivision, shall be recorded with the Final Plan and referenced in the deeds to each property within the subdivision.

C. Design Standards

1. Stormwater management controls shall be designed so that the peak rate of runoff during and after construction shall be no greater than the peak rate of runoff prior to development.
2. Improvements shall slow the rate of runoff, unless otherwise required by the local Stormwater Management Plan in effect.

Such improvements may include, but are not limited to, deed covenants which restrict the allowable impervious area on each lot, the provision of drainage easements, parabolic swales, seepage pits, and detention and retention basins.

3. Specifications for proposed stormwater improvements shall be evaluated by the Planning Commission, in consultation with the County Conservation District, on a case by case basis.
4. The site plan shall feature retention of existing vegetation to the greatest extent possible.

#### **4.08 DRAINAGE EASEMENTS**

Where a subdivision or land development is traversed by a water course, drainage way, channel, or stream, there shall be a drainage easement conforming substantially with the line of such drainage way and of such width as will be adequate to preserve the unimpeded flow of natural drainage without damaging adjacent property. Drainage easements shall also be provided for the maintenance and protection of storm sewers and other storm water management facilities. Easements shall permit necessary public or private channel maintenance or improvement work and access of equipment.

Land development shall be kept a minimum of fifty (50) feet from the bank of the drainage way. Soil disturbance shall be prohibited within this area.

#### **4.09 UTILITIES**

##### **A. Utility Easements**

The width and location of utility easements shall be as specified by the particular utility company. To the maximum extent possible easements shall be centered on or located adjacent to side or rear property lines or adjacent to the street right-of-way in the front yard. If feasible, utility easements may also be located within the street right-of-way.

##### **B. Underground Installation**



Utilities including electric and telephone shall be installed underground in accord with the Pennsylvania Public Utility Commission (PUC) Regulation 52 PA Code Section 57.82. Underground utilities are not required for any of the following situations:

1. For a residential subdivision of fewer than five (5) lots bordering an existing street which is presently served by overhead utility service.
  2. For service to a commercial or industrial development.
  3. For a project where a variance under the above cited Regulation has been granted by the Pennsylvania PUC.
- C. The width of utility easements shall be as specified by the particular company. Subdividers may be required to provide the Planning Commission with documentation from the utility companies involved as to the adequacy of utility easements.
- D. To the fullest extent possible, easements for public utilities shall be centered on side or rear lot lines.
- E. Where natural gas, petroleum, or high tension lines are located within or adjacent to the Subdivision or Land Development, the subdivider shall contact the Utility Company involved to determine any special conditions that may be required.
- F. Whenever a developer installs or causes to be installed any utility line, the developer shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the Township with a copy of As-built Drawings. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

#### 4.10 LANDSCAPING

- A. Protection of Natural Features - The proposed development shall avoid excessive earth moving, tree clearance, and destruction of natural amenities. Natural features such as streams and woods shall be preserved and incorporated into the design of the development. The applicant shall demonstrate the means whereby trees and other natural features shall be protected during construction. The location of such natural features must be considered when planning the location of buildings, underground services, walks, paved areas, and finished grade levels.
- B. Existing Wood Areas - Existing hedgerows and wooded areas shall be protected to prevent injury during construction. Healthy trees with a caliper of six (6) inches or more as measured at a height of four and one-half (4 1/2) feet above existing grade, shall not be removed unless they are located within fifteen (15) feet any planned improvement. In areas where trees are retained, the original grade level shall be generally maintained so as not to disturb the trees.
- C. Perimeter Screening at Certain Zoning Boundaries - A planted buffer yard of fifty (50) foot width shall be required where any proposed non-residential use abuts a predominantly residential area. Such screening requirements are specified in Article IX of the Zoning Ordinance.
- D. Buffer Yards consisting of trees may be required where adjacent land uses are deemed incongruous by the Township.

#### 4.11 SEWAGE FACILITIES

- A. Sewage facilities shall be designed in accordance with regulations and standards of the Township Sewage Enforcement Officer (SEO) and the Pennsylvania Department of Environmental Resources (DER). Planning modules must be approved by DER. The Township SEO cannot issue permits without the DER approved module.

- B. High-Density Development - Where four (4) or more units per acre are proposed, sanitary sewage facilities shall connect with the public sanitary sewage system. Sewers shall be installed to serve each lot and/or unit. Grades and sizes shall be as required by the Township. No on-lot septic or centralized disposal systems shall be permitted. Sanitary sewerage facilities including laterals in the right-of-way shall be subject to the specifications, rules, regulations, and guidelines of the Township Engineer and DER.
- C. Low- and Medium-Density Development - Where three (3) or fewer units per acre are proposed, sanitary sewage systems shall be constructed as follows.
1. Where the public sewage system is reasonably accessible, the applicant shall connect with the system and provide sewers accessible to each lot/unit in the subdivision.
  2. Where the public sewage system is not reasonably accessible but will become available within ten (10) years, the applicant may choose one of the following alternatives:
    - a. Central sewage system, the maintenance cost to be assessed against each property benefited. Where plans for future public sanitary sewerage systems exist, the applicant shall install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or
    - b. On-lot septic systems, provided the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect from the individual disposal system to

the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for installation of the public sewer system, and shall be ready for connection to such public sewer main.

3. Where the public sanitary sewage system is not reasonable accessible and will not become available within ten (10) years, the applicant may choose one of the following alternatives:
  - a. Central sewerage system, the maintenance cost to be assessed against each property benefited. Lots between ten thousand (10,000) and twenty thousand (20,000) square feet shall be required to use this option where no public sewers are available.
  - b. On-lot septic systems, except for lots smaller than twenty thousand (20,000) square feet.
- D. Mandatory Connection to Public Sewer System - If a public sanitary sewer is accessible, the owner thereof shall be required to connect to the public sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain an on-lot sewage disposal system. An accessible public sewer is one which is placed in a street or alley abutting the property or is within 200' of the unit.
- E. Individual Disposal System Requirements - If public sewer facilities are not available and on-lot systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance. Percolation tests and test holes shall be made as directed by the Township Sewage Enforcement Officer (SEO) and the results submitted to the Pennsylvania Department of Environmental Resources (DER). The on-lot systems including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall also be approved by the Sewage Enforcement Officer.

#### **4.12 SEVERE SOILS LIMITATIONS**

For development involving building construction or the use of on-lot sewage disposal systems on lands with soils characterized by "severe limitations" in the current Clinton County Soil Survey, the Developer shall prepare the following:

- A. A map of the site that depicts those soils contained on the site. Soils with severe development constraints shall be highlighted and the location of existing and proposed improvements shown.
- B. A description of the methods to be used to protect groundwater supplies where there are soils with severe development constraints.
- C. A description of the construction techniques to be used to assure that the site can safely accommodate the proposed use.

#### **4.13 STEEP AND SEVERE SLOPES**

- A. For development of hillsides, the Developer shall prepare the following:

Development plans shall show the location of steep (15-25%) and severe (greater than 25%) slope areas. These areas may be delineated from U.S. Geological Survey topographic maps, or if a greater level of detail is necessary, a field survey compiled by a registered land surveyor, engineer, landscape architect, or geologist may be required.

- B. The following protection requirements shall be required for all subdivision and land development activity in steep and severe slope areas:

- 1. Erosion and Sedimentation Control Plan. An erosion and sedimentation control plan shall be required prior to disturbance of any steep or severe slope area. In addition, a Stormwater Management Plan shall be required in accordance with provisions of Section 4.07 of this Ordinance.

2. Soil Stability Analysis. The Planning Commission may require that a soil stability analysis be performed by a Professional Soil Scientist prior to the disturbance of steep slope areas. This analysis shall evaluate the impact upon the stability of the slope and shall include mitigation techniques.
3. Final Plan approval shall require incorporation of mitigation measures in the site design.
4. Severe slopes (in excess of 25%) shall not be developed, nor their soil disturbed without a professional soil stability analysis.

#### **4.14 WATER SUPPLY**

- A. Whenever feasible, a development shall connect to an existing public water supply system.
- B. Where individual on-site water supply system is to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system, in accordance with all applicable standards.
- C. Where groundwater problems are known to exist, or where anticipated levels of development may result in water supply problems, the Planning Commission may require the Developer to demonstrate that a reliable, safe and adequate groundwater supply exists to support the water usage demands of the proposed subdivision without detrimental effects upon existing adjacent water wells. The standards set forth in the Safe Drinking Water Act shall be used.
- D. If water is to be provided by other than individual on-site systems (wells owned and maintained by the individual lot owners), the Final Plan must include evidence that the subdivision or development will be supplied by one of the following:
  1. certificated public utility,
  2. a bonafide cooperative association of lot owners,

3. a municipal corporation, authority or utility.

Acceptable evidence of the above would include a copy of the Certificate of Public Convenience from the Pennsylvania Public Utility Commission (PUC) or an application for such certificate, a cooperative agreement or commitment to serve the area in question, whichever is appropriate.

- E. New public water systems which are to service new land development shall be designed and constructed in accordance with the regulations of the Department of Environmental Resources. The developer shall submit a copy of the appropriate DER approval letter or permit for construction and operation of the new public water system.
- F. Extensions to existing water systems shall be designed and constructed in accordance with the regulations of the City of Lock Haven. The developer shall submit a letter from the appropriate water authority approving the extension to the existing system.
- G. Wherever the water supply system contains sufficient capability or will in the foreseeable future, with or without developer assistance, fire hydrants shall be provided. Fire hydrants shall meet the specifications of the Middle Department Association of Fire Underwriters, and the local fire company.

#### **4.15 MONUMENTS AND MARKERS**

- A. Placement and Marking Monuments and markers must so be placed that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the surface of the surrounding ground. Concrete monuments shall be marked on top with a brass or bronze dowel.
- B. Location Monuments and Lot Markers Monuments shall be located along street lines, rear common property lines, or at other locations

as required by the Township. Lot markers shall be located at all lot corners.

- C. Removal - Any monuments or markers that are removed must be replaced by a Registered Engineer or Surveyor or the Developer at the expense of the person removing them.



## **ARTICLE V LAND DEVELOPMENT**

### **5.00 GENERAL**

Land developments shall be evaluated by the Township according to the standards outlined in this Section. The detail required in the preparation of the land development plan is dependent upon the type of land development, whether major or minor, the criteria of which is stated below.

### **5.01 TYPES OF LAND DEVELOPMENT**

#### **A. Minor Land Development**

A plan for a minor land development shall be prepared in accord with the Plat Requirements specified for a Sketch Plan in Section 2.01 of this Ordinance. A minor land development shall be defined as:

1. A single non-residential building of less than two thousand (2,000) square feet; or
2. The placement of two (2) single family detached dwellings on a single lot.

#### **B. Major Land Development**

A major land development shall be prepared in accord with the Plat Requirements specified for Preliminary and Final Plans in Sections 2.02 and 2.03 of this Ordinance. A major land development shall include:

1. A non-residential building greater than 2,000 square feet in size; or
2. Two (2) or more non-residential buildings on a single lot; or
3. Three (3) or more residential dwellings on a single lot.

C. Phased Development

Phased development shall be considered major land development. Each phase shall consist of a minimum of three (3) contiguous parcels. Plans for each phase shall be prepared in accordance with Sections 2.02 and 2.03 of this Ordinance

D. Land Development Exceptions

The following shall not be regarded as land development in Wayne Township. However, applicable zoning regulations shall apply:

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; or
2. The addition of any accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
3. The addition or conversion of buildings or rides within the confines of an amusement park. For purposes of this subclass, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides.

**5.02 CAMPGROUNDS**

- A. Preliminary and Final Plans for the campground prepared in accordance with Articles II, III and IV of this Ordinance shall be submitted to the Township Planning Commission.
- B. All campgrounds shall require a Campground Permit issued by the Pennsylvania Department of Environmental Resources.
- C. Campers and recreational vehicles are allowed for a maximum period of six (6) months per year.

- D. Unregistered vehicles are prohibited unless kept within a garage.
- E. All internal streets within the campground shall meet the following design standards:
  - 1. Minimum subbase - Six (6) inches of compacted stone.
  - 2. Minimum base and wearing surface - Four (4) inches of 2 RC or similar material.
  - 3. Minimum cartway - ten (10) foot width.
- F. There shall be adequate off-street parking spaces for each camping space or lot within the campground, located within two hundred (200) feet of the camping space or lot to be served.
- G. Sewage facilities shall be designed and constructed in accordance with the standards of the Pennsylvania Department of Environmental Resources, and shall meet the following requirements:
  - 1. For campgrounds designed to accommodate travel trailers or recreational vehicles, one sanitary station shall be provided for every one hundred (100) trailer spaces. A sanitary station is a DER approved facility where sewage from trailer holding tanks is disposed.
  - 2. Toilets, sinks and showers shall also be provided. One (1) male and one (1) female lavatory shall be required for each fifteen (15) tent or travel trailer spaces.

### **5.03 MULTIPLE FAMILY DWELLING DEVELOPMENTS**

- A. All pertinent standards from the Wayne Township Zoning Ordinance shall apply.
- B. Preliminary and Final Plans shall be submitted to the Township Planning Commission in accordance with Articles II, III, and IV of this Ordinance.

- C. The developer shall submit with the land development or subdivision plan the following:
1. Description of the type of multiple family dwelling proposed, indicating the number of dwelling units per structure.
  2. Description of the maintenance of all facilities which are shared by residents within the proposed development. If the developer proposes to subdivide and convey individual dwelling units within the development, an agreement which assigns maintenance responsibility for commonly used facilities shall be recorded with the subdivision plan and referenced in the deeds for all properties in the development.
  3. If the developer proposes to subdivide and convey individual dwelling units within the development, an exact legal description of the areas or dwelling units to be conveyed shall be provided.
- D. Access to public streets shall be limited to well defined entrance and exit lanes.
- E. A minimum of five hundred (500) square feet of usable open space, exclusive of streets, parking areas, structures, and service areas shall be provided for each dwelling unit within the development. If existing trees are not present, at least one (1) shade tree shall be provided as part of this open space.
- F. Buffer yards may be required by the Township where adjacent land use dictates their placement. Developers shall protect and utilize natural hedgerows, where possible for this purpose.

#### **5.04 COMMERCIAL AND INDUSTRIAL LAND DEVELOPMENTS**

Commercial Land Developments, including, but not limited to shopping centers, motels, and Industrial Land Developments such as industrial parks and multiple

tenant industrial buildings shall comply with all applicable standards of the Township Zoning Ordinance. In addition the following standards shall apply:

- A. Access to public streets shall be limited to well defined entrance and exit lanes.
- B. Painted lines, arrows, and dividers shall be provided and maintained to control parking and internal circulation. Customer parking and driving lanes shall be separated from delivery drives and loading areas.
- C. All parking areas, service drives, loading areas, driveways, and internal roadways shall be constructed according to the standards for collector streets as specified in Article IV of this Ordinance.
- D. All proposed commercial and industrial uses located adjacent to residential zones shall have a planted buffer of fifty (50) foot width and be in conformance with Article IX of the Zoning Ordinance.
- E. Commercial and industrial development involving soil disturbance of two thousand (2,000) square feet or more shall require a Stormwater Management Plan as specified in Section 4.07 of this Ordinance.

## **ARTICLE VI MOBILE HOME PARKS**

### **6.00 GENERAL**

Mobile home parks are permitted only in those zoning districts as specified in the Wayne Township Zoning Ordinance. Every proposed mobile home park must meet the requirements of this Article as well as all the requirements pertaining to major land development, unless otherwise excepted.

Each mobile home placed in a mobile home park shall secure an Occupancy Permit prior to its use as living quarters.

### **6.01 SITE PLAN REQUIREMENTS AND PROCEDURES**

Application for a mobile home park shall require the submission of six (6) copies of the Preliminary and Final Plans to the Township Planning Commission in accordance with Articles II and III of this Ordinance. In addition, all design standards as contained in Article IV of this Ordinance shall apply, unless delineated by this Article.

### **6.02 DESIGN STANDARDS**

- A. Minimum Park Area. Each mobile home park shall have a gross area of at least two (2) contiguous acres of land suitable for development.
- B. Grading and Ground Cover Requirements.
  - 1. The developer shall retain existing vegetation to the greatest extent possible in order to prevent soil erosion.
  - 2. A Stormwater Management Plan shall be submitted in accordance with Section 4.07 of this Ordinance.
- C. Mobile Home Park Lot Requirements
  - 1. Gross Density. The maximum number of mobile home lots within every mobile home park shall be no more than four (4) lots per acre of the gross area.

2. Minimum Lot Sizes. The minimum mobile home lot shall contain no less than six thousand (6,000) square feet. The minimum width of any mobile home lot shall be not less than sixty (60) feet.
3. Innovative Site Design. Variations in lot size may be permitted for innovative design deemed desirable by the Planning Commission.

D. Setbacks, Buffer Strips and Screening Requirements

1. Setbacks from Public Roads. All mobile homes and auxiliary structures shall be located at least seventy-five (75) feet from the centerline of any abutting public road or street.
2. Park Perimeter Buffer Strips. All mobile homes and auxiliary structures shall be located at least fifty (50) feet from the mobile home park boundary lines. If a suitable attractive, effective screening either man-made or of natural plantings is provided along the perimeter, this minimum buffer strip may be reduced to twenty-five (25) feet.
3. Existing Hedgerows. Developers shall utilize existing hedgerows as buffer, wherever possible.
4. Adjacent Commercial or Industrial Zones. All mobile home parks located adjacent to industrial or commercial land uses or zone districts shall have a buffer yard of twenty-five (25) foot width consisting of fencing, trees and shrubbery. Fencing may be waived by the Planning Commission where a sufficiently dense existing hedgerow is utilized as the buffer.
5. Screening shall be in conformance with Article IX of the Zoning Ordinance. Repair, maintenance, and storage areas or buildings shall be effectively and attractively screened from the mobile home lots and streets by fencing or natural plant materials.

- E. Recreation Space Requirements. A minimum of ten (10) percent of the gross park area or one thousand (1,000) square feet per unit, whichever is larger, shall be provided for recreational space. This recreational space shall be suitable for outdoor recreational activity and shall be easily accessible to all mobile home lots.
- F. Parking Space Requirements. A minimum of two (2) stabilized vehicle parking spaces shall be provided for each mobile home lot within the mobile home park. These parking spaces shall be located within two hundred (200) feet of the mobile home lot which they are intended to serve.
- G. Mobile Home Park Internal Street and Drainage System Requirements. All mobile home lots within a mobile home park must have access to the mobile home park internal street system. Streets and drainage control systems shall be constructed in accordance with the road standards outlined in the Subdivision and Land Development Ordinance in effect for Wayne Township except that street widths shall be as follows:
1. Where parking is permitted on both sides, a minimum cartway width of thirty (36) feet shall be required.
  2. Where parking is limited to one side, a minimum cartway width of twenty-eight (28) feet shall be required.
  3. Where no parking is permitted on either side of the street, a minimum cartway width of twenty (20) feet shall be required.
- H. Mobile Home Lot Improvements. All mobile home lots within the mobile home park shall be improved for use by independent mobile homes. This shall include necessary utility hook-ups.

In addition, an all-weather patio area with a minimum area of two hundred (200) square feet shall be provided for each mobile home.



### 6.03 UTILITIES AND PARK FACILITIES

- A. Water Supply System. An adequate supply of water shall be provided for mobile homes, service buildings and other accessory facilities. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made to it and its supply shall be used exclusively. Where a satisfactory public water supply system is not available, the applicant shall design, install, and maintain a private water supply system according to the standards of and with the approval of the Pennsylvania Department of Environmental Resources.
- B. Sewage Disposal System. An adequate and safe sewage system shall be provided in all mobile home parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Mobile home parks shall be connected to public sewer systems, where possible. Where a satisfactory public sewage disposal system is not available, the applicant shall design, install and maintain an approved private sewage system according to the standards of the Department of Environmental Resources.
- C. Other Utility Systems. Telephone, electric, television cable, natural or bottled gas, fuel oil or other utilities shall be provided in accordance with plans approved by the Township Supervisors and the utility company. Underground installation of the utility distribution and service lines is required for approval of the mobile home park proposal.
- D. Service and Other Auxiliary Park Buildings. Service, maintenance and management buildings, recreation or community buildings and commercial sales buildings required for the management, servicing and maintenance of the park and well-being of the park residents shall be allowed within the mobile home park boundaries. The entire area of these buildings shall be used exclusively for the management, servicing and maintenance requirements of the park.

- E. Solid Waste Collection and Disposal. The developer shall present information to the Board of the Supervisors explaining the proposed method of solid waste collection and disposal. If such method is not deemed sufficient by the reviewing agencies, an alternate method shall be proposed by the applicant.

#### **6.04 RULES AND REGULATIONS OF THE PARK**

The developer shall submit to the Board of Supervisors a copy of the proposed rules and regulations to be followed by tenants of the mobile home park. At a minimum, regulations shall include the following:

- A. Each mobile home shall be skirted with either a masonry wall or fabricated materials for this specific purpose. Bales of hay, straw, interior plywood, unfinished wood or like materials shall not be allowed.
- B. Garbage and trash shall be placed in appropriate receptacles.
- C. Each mobile home shall be anchored to prevent the structure from being overturned or blown from its foundation or supports. This anchoring shall comply with the specifications outlined in the Supplementary Regulations of the Township Zoning Ordinance.

## **ARTICLE VII ADMINISTRATION**

### **7.00 GENERAL**

The Wayne Township Board of Supervisors shall administer and enforce this Ordinance and does hereby designate the Wayne Township Planning Commission as the agency:

- A. With which applicants may hold all pre-application consultations relating to the plans.
- B. To which all preliminary or final subdivision and land development plans are referred upon submission to the Township.
- C. Which makes recommendations to the Board of Supervisors concerning approval, disapproval, modification and conditions of approval of such plans.
- D. Which makes recommendations to the Board of Supervisors concerning the interpretation of and the granting of waivers to provisions and standards of this Ordinance.

### **7.01 RECORDS**

The Township Planning Commission shall maintain an accurate public record of all the plans upon which it takes action and of its findings, decisions, and recommendations in relation thereof.

### **7.02 WAIVERS AND MODIFICATIONS**

- A. The provisions of this Ordinance are the minimum standards for the protection of the public welfare.
- B. If any mandatory provision of this Ordinance is shown by the applicant to be unreasonable and to cause unique and undue hardship, the Board of Supervisors may grant a waiver in writing from such mandatory provision, provided that:

1. The public safety is not compromised.
  2. No requirements pertaining to stormwater management and erosion control are diminished.
  3. The alternative standard is demonstrated to provide equal or better results.
  4. Such waiver will not have the effect of nullifying the intent and purposes of this Ordinance.
- C. All requests for waivers and modifications shall be in writing and shall state the grounds and facts of unreasonableness or hardship on which the request is based, the provision(s) of the ordinance involved and the minimum modification necessary.
- D. In granting waivers and modifications, the Board of Supervisors may impose such conditions as will, in its judgment, encourage innovative design and secure the objectives of the standards or requirements so waived or modified.

### **7.03 AMENDMENT**

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

A public hearing held pursuant to public notice is required to amend this Ordinance. At least thirty (30) days prior to hearing, the Township shall submit the amendment to the County Planning Commission for recommendations.

The proposed amendment of summary thereof shall be published in a newspaper of general circulation from seven (7) to sixty (60) days prior to passage.

#### **7.04 PREVENTIVE REMEDIES**

- A. In addition to other remedies, the Board of Supervisors 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 transfer from such penalties or from the remedies herein provided.
- B. The Board of Supervisors 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 any Ordinance adopted pursuant to this Article. 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.
- C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Board of Supervisors

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

#### **7.05 ENFORCEMENT REMEDIES**

- A. District Justices shall have initial jurisdiction in proceedings brought under this Section.
- B. Any person, partnership or corporation who or which has violated the provisions of the Wayne Township Subdivision and Land Development Ordinance upon being found liable thereof in a civil enforcement proceeding commenced by the Township, shall pay a judgement of not more than five hundred (500) dollars plus all court costs, including reasonable attorney fees incurred by the Township. No judgement shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgement, the Township may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determines that there was good faith basis for the party to have believed that there was no 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 separation violation.
- C. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgement pending a final adjudication of the violation and judgement.
- D. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the municipality right to commence any action for enforcement pursuant to this Section.

#### **7.06 VALIDITY**

Should any Section, subsection 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 Ordinance as a whole, or of any other part thereof.

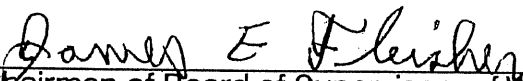
#### **7.07 REPEALER**

The Wayne Township Subdivision Ordinance enacted in 1972, and all other ordinances or sections thereof, which are inconsistent with any of the provisions or sections hereof, are hereby repealed absolutely.

#### **7.08 EFFECTIVE DATE**

The Wayne Township Subdivision and Land Development Ordinance became effective and shall apply to all Preliminary and Final Plans submitted to the Wayne Township on or after December 8, 1992, except those Final Plans for which a Preliminary Plan had previously been approved. In such case, the former Subdivision Ordinance shall remain effective.

This Ordinance was duly ordained and enacted on November 24, 1992, by the Board of Supervisors of Wayne Township.

  
\_\_\_\_\_  
Chairman of Board of Supervisors of Wayne Township

**CERTIFICATION**

I, Darlene S. Macklem Secretary of the Board of Supervisors of Wayne Township do hereby certify that the foregoing Ordinance, "Wayne Township Subdivision and Land Development Ordinance," was duly enacted at a properly convened meeting of the Board of Supervisors of Wayne held on November 24, 1992, at which meeting a quorum was present and voted in favor thereof. I further certify that enactment of this Ordinance was preceded by a public hearing as required by the Pennsylvania Municipalities Planning Code, which hearings were advertised in accordance with provisions of said act.

Darlene S. Macklem  
Secretary, Board of Supervisors of Wayne Township



## **ARTICLE VIII DEFINITIONS**

### **8.00 INTERPRETATIONS**

The following definitions shall be used in the interpretation of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, the plural the singular; the word "structure" shall include the word "building"; the word "used" shall include "arranged", "designed", "constructed", "altered", "converted", "rented", "leased", or "intended to be used"; and the word "shall" is mandatory and not optional.

### **8.01 DEFINITIONS**

**ABANDONED:** The apparent discontinuance of a non-conforming use of a building or premises, or the removal of the characteristic equipment or furnishing used in the performance of a non-conforming use without its replacement or the replacement of the non-conforming use or structure.

**ACCESS DRIVE:** A durable, all-weather surfaced means, other than a street, which provides vehicular access from a street or public road to a lot; e.g. a driveway.

**ACCESSORY USE OR STRUCTURE:** A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

**AGRICULTURE:** The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agriculture activities.

**ALTERATION:** Any major change in or addition to a structure.

**AMENDMENT:** A change in use in a District which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Township Board of Supervisors.

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

APPLICATION FOR DEVELOPMENT: Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including but not limited to, an application for a building permit, for the approval of a subdivision plan or a development plan.

APPOINTING AUTHORITY: The Board of Supervisors.

AUTHORITY: A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the Municipality Authorities Act of 1945."

BOARD: The Zoning Hearing Board of Wayne Township.

BUFFER: A buffer, or screen, is an open space of vegetation and/or fencing which acts as a transition area and partial barrier between differing land uses.

BUFFER YARD: An area of existing or newly-planted trees located between land uses deemed incongruous by the Township and whose width is at least fifty (50) feet.

BUILDABLE AREA: That portion of a lot bounded by the required front, side, and rear yards.

BUILDING: Any structure having a roof supported by columns or walls, which is used for the housing or sheltering of persons, animals or property.

BUILDING COVERAGE: That percentage of the plot of land area covered by the principal and accessory buildings (including covered porches, carports, and breeze-ways, but excluding open patios, parking or loading areas.)

BUILDING HEIGHT: The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof but not including chimneys, towers, or similar projections.

**BUILDING SETBACK LINE:** A line parallel to the street line located at a distance which is equal to the front yard requirement for the District in which the lot is located, i.e. front yard setback.

**CAMPGROUND:** A tract of ground used for camping purposes, with or without a fee charged for renting or occupying such space.

**CELLAR:** A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories.

**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.

**CONDITIONAL USE:** A use permitted in certain districts, as provided for in Article II, of the Township Zoning Ordinance which may only be authorized by the Township Supervisors as set forth in Article XI of the Township Zoning Ordinance.

**CONVERSION APARTMENTS:** Dwelling units created by the conversion of a large building (such as single-family homes or barns) into a residential structure.

**COVENANT, RESTRICTIVE:** A contract between two (2) or more parties usually specifying limitations or obligations relating to the use of property.

**DENSITY, GROSS:** The total number of dwelling units per acre in a development divided by the total site area in acres.

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

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, paving, or excavation.

**DEVELOPMENT PLAN:** The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, easements, parking facilities, common open space and public facilities. The phrase "provisions of the development plan" shall mean the written and graphic materials referred to in this definition.

**DWELLING:** Any building or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons, as:

- A. **Dwelling, Single-Family Attached.** A building designed and occupied exclusively as a residence for one family and having a party wall on each side in common with an adjacent dwelling; i.e. a townhouse.
- B. **Dwelling, Single-Family Detached.** A detached building designed for or occupied exclusively by one family.
- C. **Dwelling, Multi-family.** A building designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

**DWELLING UNIT:** One or more rooms containing a kitchen or kitchenette and sanitary facilities in a dwelling structure, designed as a unit for occupancy by one family for living and sleeping purposes. Travel trailers, recreation vehicles, and similar facilities for transient lodging shall not be considered as dwelling units.

**EASEMENT:** A grant of one (1) or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

**ENCROACHMENT:** Any development within fifty (50) feet of waterways or wetlands, and requiring a permit from DER and the US Army Corps of Engineers.

**FENCE:** Any facility constructed of wood, metal, wire mesh, masonry blocks, or similar material or any landscaping which consists of plants located close together (i.e. a hedgerow), erected for the purpose of screening one property from another either to assure privacy or protect the property screened. For the purposes of the Township Zoning Ordinance, a fence shall not be considered a structure.

**FILTER STRIP:** An existing or new buffer of vegetation along a stream, pond, lake or sinkhole, which serves to remove sediment and other pollutants from runoff thereby protecting water quality. It can take the form of an existing hedgerow, uncultivated field or newly established grass.

**FIREPROOF PARTY WALL:** A common wall shared by two tenants or property owners that is designed and constructed of material which is capable of withstanding fire or preventing damage caused by fire.

**FLOOD:** A temporary inundation of normally dry land areas.

**FLOOD INSURANCE RATE MAP (FIRM):** An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated the 100 flood plain and the special and risk premium zones applicable to the community.

**FLOOD FRINGE:** That portion of the 100 year floodplain outside the floodway.

**FLOOD, ONE-HUNDRED YEAR:** A flood that on the average is likely to occur once every 100 years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

**FLOODPLAIN:** (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOODPROOFING:** Any combination of structural and nonstructural additions, changes or adjustments to structures which reduces or eliminates flood damage. (See Wayne Floodplain Ordinance.)

**FLOODWAY:** The designated area of a floodplain required to carry and discharge the flood waters of a 100 year flood without cumulatively raising the flood elevation more than one (1) foot at any point.

**FLOOR AREA:** For the purposes of applying the requirements for off-street parking and loading, "floor area" in the case of office, merchandising, or service type uses, shall mean the gross floor area used by tenants, or for service to the public or clients, including areas occupied by fixtures or equipment used for display or sales of merchandise. (See also HABITABLE FLOOR AREA.)

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

GARAGE, PRIVATE RESIDENTIAL: An accessory building designed or used for the parking or storage of not more than four (4) vehicles owned and used by the occupants of the building to which it is accessory and which is not a separate commercial enterprise available to the general public.

GOVERNING BODY: Wayne Township Board of Supervisors.

HABITABLE FLOOR AREA: Any floor area within a dwelling unit that is usable for living purposes, including area for working, sleeping, eating, cooking, and recreation, or a combination thereof. Floor area used only for storage purposes, such as closet, attic, or unimproved basement space shall not be considered habitable floor area.

HEIGHT OF BUILDING: The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys or similar projections.

HIGH DENSITY DEVELOPMENT: The establishment of four (4) or more permanent dwelling units per acre.

HOME OCCUPATION: An accessory use conducted within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling and does not change the character thereof.

HUD CODE: Manufactured Home Construction and Safety Standards enacted by the U.S. Department of Housing and Urban Development in 1976. A uniform construction code which classifies mobile homes as manufactured homes. The HUD Code preempts State and local building regulations.

INDUSTRIAL PARK: A tract of land laid out in accordance with an overall plan for a group of industries with separate building sites designed and arranged on streets with utility services, setbacks, side yards, landscaped yards, and covenants controlling the architecture and uses.

INTERSTATE HIGHWAY SYSTEM: That portion of the national system of interstate highways located within the Commonwealth as officially designated by the State and/or Federal Departments of Transportation.

JUNK: Any used or discarded material, including but not limited to waste paper, rags, metal, glass, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same.

JUNK YARD: An area of land, with or without buildings, used for storage, collection, and/or sale of used or discarded materials, including junk as defined above, with or without dismantling, processing, salvage, sale or other use or disposition. Storage of two or more abandoned motor vehicles, or the major parts thereof, for a period exceeding one hundred twenty (120) days, shall be deemed a junk yard and must be licensed by the Township.

JUNKED OR ABANDONED VEHICLE: Any motor vehicle which does not bear a current registration and is not currently inspected.

LAND DEVELOPMENT: Any of the following activities:

- A. The improvement of one or more contiguous lots or tracts of land for any purpose involving:
  - 1. Two or more residential or nonresidential buildings (whether proposed initially or cumulatively) or a single nonresidential building on a lot regardless of the number of occupants or tenure; or
  - 2. The allocation of land or space (whether initially or cumulatively) among two or more existing or prospective

occupants for streets, common areas, leaseholds, condominiums, buildings, mobile homes, or other features.

- B. A subdivision of land.

LAND DEVELOPMENT EXCLUSIONS:

- A. The conversion of an existing single-family detached dwelling into not more than three residential units, unless they are intended to be a condominium; or
- B. The addition of any accessory building, including farm buildings, subordinate to an existing principal building; or
- C. The addition or conversion of buildings or rides within an amusement park. An amusement park is defined as a permanent area used principally for amusement structures or rides.

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

LOGGING: The act of cutting trees for cord wood, for timber, for pulp or for any commercial purpose, excepting therefrom a person cutting on his own property or the property of another, with his permission, for his own or his family's use, the clearing of less than one (1) acre for development of building sites, or the clearing for farm operations, if there is no altering of natural drainage courses.

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

- A. Lot area. The computed area contained within the lot lines, excluding any street right-of-way.
- B. Lot Line. A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.



- C. Lot Depth. The distance measured from the front lot line to the rear lot line.
- D. Lot Frontage. The length of the front lot line measured at the street right-of-way.

LOT OF RECORD: Any lot which individually or as part of a subdivision has been recorded in the office of the Clinton County Recorder of Deeds.

MANUFACTURED AND MOBILE HOME SALES: An area, including a building, used primarily for the display or sale of manufactured and/or mobile homes and where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

MANUFACTURED HOME: A factory-built residential dwelling unit certified as built in compliance with the HUD Code. It is transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length; or when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a year-round dwelling with a permanent foundation and connected to the required utilities.

MARKET VALUE: The fair market price of a structure or property as determined by an appraiser or insurance adjuster; the price at which both buyer and seller are willing to do business.

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

MINERAL EXTRACTION OR SURFACE MINING OPERATIONS: The extraction of minerals from the earth or waste or stock piles, or from pits or banks, including but not limited to: strip, drift, auger and open pit mining, dredging, quarrying, leaching, mountaintop removal, box cutting, and activities related thereto.

MINOR LAND DEVELOPMENT: Development involving no new streets and no extension of public water or sewer and which consists of either a single non-residential building of less than 2,000 square feet or the placement of two (2) single family dwellings on a single lot.

MINOR SUBDIVISION: A subdivision of land of three (3) or fewer new lots involving no new street and no extension of sewer and water facilities.

MOBILE HOME: A single-family, transportable, factory-built home used as a year-round dwelling and built prior to enactment of the HUD Code on June 15, 1976. (See HUD Code)

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances for a single mobile home.

MOBILE HOME PARK: A parcel of land which has been so designated and improved that it contains two (2) or more mobile home lots. A mobile home park is the same as a Manufactured Home Park if the units were built after 1976, were certified by the HUD Code, and lot parcels are rented.

MODULAR HOUSING: Housing units designed and manufactured in two (2) or more standard sections, which are shipped and joined into one (1) integral unit on the site.

MUNICIPAL AUTHORITY: A body politic and corporate created pursuant to the act of May 2, 1945 ((P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

MUNICIPAL ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Township engineer.

NEW CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, location, or relocation of a building (including mobile homes), structure, and/or improvements (such as street utilities, etc.)

NONCONFORMING LOT: A lot the area or dimension of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but which fails to conform to

the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.

**NONCONFORMING STRUCTURE:** A structure or part of a structure not in compliance with the Zoning Ordinance, but where such structure lawfully existed prior to the enactment of the Ordinance. Such nonconforming structures include nonconforming signs.

**NONCONFORMING USE:** A use which does not comply with the provisions in the Zoning Ordinance but was lawfully in existence prior to the enactment of such ordinance.

**OBSTRUCTION:** Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or other matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of water, either in itself or by catching or collecting debris carried downstream to the damage of life or property.

**OFFICIAL MAP:** A map adopted by ordinance.

**OPEN SPACE:** Any parcel or designated land area in its natural state or essentially unencumbered by either principal or accessory uses, buildings, structures, or impervious surfaces.

**PLANNED RESIDENTIAL DEVELOPMENT (PRD):** An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one Residential District created, from time to time, under the provisions of a municipal zoning ordinance.

**PLANNING COMMISSION:** The Planning Commission of Wayne Township.

**PLAT:** A map, plan, or layout showing the subdivision of land and indicating the location and boundaries of individual properties.

**PREMISES:** Any lot, parcel, or tracts of land and any building constructed thereon.

PRINCIPAL BUILDING: A structure in which the principal use of the site is conducted.

PRINCIPAL USE: The primary purpose(s) for which a lot is occupied.

PRINCIPALLY ABOVE GROUND: At least fifty-one (51) percent of the actual cash value of the structure, less land value, is above ground.

PRIVATE ROAD: A right-of-way which provides vehicular access to a maximum of five (5) lots and which is not dedicated or maintained by the Township or State.

PUBLIC: Owned, operated or controlled by a government agency (federal, state, or local, including the Board of Public Education.)

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment prior to taking action.

PUBLIC MEETING: A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

PUBLIC NOTICE: Notice published once each week for two (2) consecutive weeks in a newspaper of general circulation in the municipality. Such notice shall state the date, time, and place of the hearing and the particular nature of the matter to be considered. The first publication shall be not more than thirty (30) days and the second publication shall be not less than seven (7) days from the hearing date.

PUBLIC SEWAGE SYSTEM: A system designed to treat the sewage wastes of more than one dwelling unit and which discharges the resultant outflow into a stream or other body of water. These systems shall include municipal treatment facilities as well as package treatment plants installed by private developers.

QUARRY, SAND PIT, GRAVEL PIT, BORROW PIT, TOP SOIL STRIPPING: A lot or land or part thereof used for the purpose of extracting stone, sand, clay, gravel, or top soil for sale, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

RECREATIONAL VEHICLE: A vehicle less than thirty-eight (38) feet in length, used for temporary living or sleeping purposes, which stands on wheels. Included are travel trailers, truck campers and motor homes. Such vehicles are permitted only in campgrounds or on private individual parcels.

RENEWABLE ENERGY SOURCE: Any method, process or substance whose supply is rejuvenated through natural processes remains relatively constant, including geothermal energy, solar and wind energy and hydroelectric energy.

SALE PARCEL: In planned residential development, that portion of a tract's gross acreage which may be sold for land development, while the remaining acreage is left undisturbed for common open space.

SCREENING: A barrier to visibility, glare, and noise between adjacent properties made of plant materials and/or fencing.

SEASONAL HOME: A dwelling intended for seasonal or leisure activity which is not intended now or in the future for year-round dwelling purposes. It includes cottages, cabins, second homes, travel trailers and forms of camping accommodations.

SPECIAL EXCEPTION: A use permitted in a particular Zoning District pursuant to the provisions of Article XI.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, if there is no floor above it, then the space between any floor and the ceiling immediately above it.

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.

STREET LINE: The dividing line between the street and lot, also known as right-of-way line.

STRUCTURE: Any combination of materials, other than a building which forms a construction that is safe and stable, including but not limited to flagpole, stadiums, platforms, towers, sheds, storage bins, fences exceeding four (4) feet in height,

signs, sign posts, lights and light standards for other than residential use but excepting patios, driveways, walks, and parking areas at yard grade.

SUBDIVISION: The division or redivision of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development. However, the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIALLY COMPLETED: Where in the judgment of the municipal engineer, at least ninety (90) percent of those improvements required as a condition for final approval have been completed in accordance with the 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.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged and is being restored, before the damage occurred.

SUBSURFACE DRAINAGE: Construction associated with the removal of ground water from under roadway or other surfaces designed to maintain firm, stable subgrades and structure foundations.

TOWNSHIP SUPERVISORS: The governing body of Wayne Township.

TRIANGLE, SIGHT: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight of motorists entering or leaving the intersection.

USE: The specific purpose or activity for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include a nonconforming use.

VARIANCE: A modification of the literal provisions of the Township Zoning Ordinance which the Zoning Hearing Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.

WETLANDS: Land that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamps, bogs, marshes, and marine meadows.

YARD: An open space which lies between the principal building or group of buildings and the nearest lot line. Such space shall be unoccupied and unobstructed from the ground upward except as may herein be permitted.

- A. Yard, Front. An open space which lies between the principal building or group of buildings and the front lot lines, unoccupied and unobstructed from the ground upward.
- B. Yard, Rear. An open space extending the full width of the lot between a principal building and the rear lot line, unoccupied and unobstructed from the ground upward.
- C. Yard, Side. An open space extending from the front yard to the rear yard between a principal building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

ZONING HEARING BOARD: The Zoning Hearing Board of Wayne Township.

ZONING MAP: The official Zoning Map of Wayne Township, together with all notations, references and amendments which may subsequently be adopted. The Zoning map shall be considered a part of the Township Zoning Ordinance.

ZONING OFFICER: The administrative officer charged with the duty of enforcing the provisions of the Township Zoning Ordinance.

**ZONING PERMIT:** A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Ordinance for the District in which it is located.