

**Preston Township, Wayne County
Subdivision and Land Development Ordinance**

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**ARTICLE I
General Provisions**

§ 1 Title.

This Ordinance shall be known and may be cited as the "Subdivision and Land Development Ordinance of Preston Township, Wayne County, Pennsylvania."

§ 2 Authority and Jurisdiction.

- 2.1 The authority of the Board of Supervisors to adopt this Ordinance regulating subdivision and land development within Preston Township, Wayne County is granted by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. No subdivision or land development 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 jurisdiction of the approval powers of this Ordinance shall be limited to land in Preston Township, Wayne County.
- 2.2 The Board of Supervisors hereby designates the Preston Township Planning Commission as the receiving body for subdivisions and land developments under this Ordinance. The Board of Supervisors shall be in charge of the administration of this Ordinance and shall have the power to act on the approval of all subdivisions and land developments.
- 2.3 All applications for subdivision and land development located within Preston Township shall be submitted to the Preston Township Planning Commission secretary at least 10 days prior to the meeting of the Commission for review and report together with a fee sufficient to cover the costs of the review and report, which fee shall be paid by the applicant. Also, a copy of the plans and supplementary data (including the County review fee) shall be sent to the Wayne County Department of Planning for review. The Township shall not approve such applications until the County report is received or until the expiration of thirty (30) days from the date the application was forwarded to the county.
- 2.4 The provisions and requirements of these regulations shall apply to and control all subdivision and land development for which plans have not been legally recorded in the Office of the Recorder of Deeds in and for Wayne County, Pennsylvania, prior to the effective date of these regulations.
- 2.5 Sale of lots, issuance of building permits, or erection of buildings: no lot in a subdivision or land development may be sold or sales agreement entered into; no permit to erect, alter, or repair any building upon land in a subdivision or land development may be issued; and no building may be erected in a subdivision or land development unless and until a subdivision or land development plan has been approved and recorded with the Office of the Recorder of Deeds of the County, and until the improvements required in connection therewith have either been constructed or guaranteed, as herein provided.

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§ 3 Purposes.

It is the intent, purpose, and scope of this Ordinance to help:

- 3.1 Protect and provide for the public health, safety, and general welfare of Preston Township.
- 3.2 Guide the future growth and development of Preston Township.
- 3.3 Provide for adequate light, air, and privacy; secure safety from fire, flood, stormwater and other danger; and prevent overcrowding of the land and undue congestion of population.
- 3.4 Protect the character and the social and economic stability of all parts of Preston Township.
- 3.5 Protect and conserve the value of land, buildings and improvements throughout Preston Township and minimize conflicts between land uses.
- 3.6 Guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, parks, playgrounds, recreation, and other public requirements and facilities.
- 3.7 Provide for safe and convenient circulation of people and goods throughout the Township, including pedestrian travel, and provide for the proper location and width of streets and building lines.
- 3.8 Establish reasonable standards of design and procedures for subdivisions and land developments in order to further the orderly layout of land, and to ensure proper legal description and monumenting of subdivisions and land developments.
- 3.9 Ensure that improvements for public facilities are available and will have a sufficient capacity to serve proposed subdivisions and land developments.
- 3.10 Implement Preston Township's Comprehensive Plan.

§ 4 Interpretation.

The provisions of this Ordinance shall be held to be the minimum requirements to meet the purposes above stated.

§ 5 Liability.

The grant of approval of a subdivision or land development plan shall not constitute a representation, guarantee, or warranty of any kind by Preston Township or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon Preston Township, its officials, or employees.

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§ 6 Constitutional Construction

If any of the provisions of this Ordinance shall be held to be unconstitutional, the validity of any of the remaining provisions of this Ordinance shall not be affected thereby. It is hereby declared as the legislative intention that this Ordinance would have been adopted had such unconstitutional provision not been included herein.

§ 7 Repealer.

The previous Subdivision Ordinance for Preston Township, Wayne County, Pennsylvania, as amended, is hereby repealed.

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**ARTICLE II
Definitions**

§ 8 General.

Unless the context clearly indicates to the contrary:

- 8.1 The word *shall* is mandatory, the word *may* is optional.
- 8.2 Words used in the present tense include the future tense.
- 8.3 Words in the singular include the plural and those in the plural include the singular.
- 8.4 The words person, developer, subdivider, and landowner shall be construed to include a corporation, partnership, firm, association, company, or other similar business entity, as well as individuals.
- 8.5 The word building includes structure and shall be construed as if followed by the phrase, "...or part thereof."

§ 9 Specific Definitions.

For the purposes of this Ordinance, the following words and phrases shall have the meaning as given in this Article:

ADDITION: A subdivision of land which is created with the intent and purpose of conveying one lot to the owner of an adjoining lot, tract, or parcel. Once approved in accordance with the terms of this Ordinance, the lot to be conveyed shall be considered an integral part of the adjoining landowner's former lot and not a new lot, tract, or parcel of land, and said lot shall not be sold separately without subdivision approval at the time of any future division.

AGENT: A duly authorized person designated by the landowner to act on his behalf.

ALLEY: A public or private street right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on an approved street.

ALL-WEATHER SURFACE: The surfacing of a street, parking area, access or walkway to a mud-free or otherwise permanently passable condition during all seasons of the year and under adverse weather conditions. Macadam, gravel, crushed stone or other state-approved surfaces will all suffice to meet this test but the depth and installation of the material shall be subject to the review of the Township Engineer and Roadmaster as well as approval by the Township Board of Supervisors. Pennsylvania Department of Transportation specifications shall also be applicable.

ANTENNA: A device used to collect or transmit telecommunications or radio signals. Examples are: panels, microwave dishes, and single poles known as whips.

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

BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

BUILDING SETBACK LINE: A line within a property defining the minimum required distance between any structure to be erected and the adjacent right-of-way or side and rear lot lines.

CARTWAY: The graded or paved portion of a street used for vehicular travel, excluding shoulders.

CHANGE IN LOT LINES: Any change or alteration in existing lot lines. A change in lot lines constitutes a subdivision.

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 APPROVAL: A special approval of a subdivision or land development granted by Board of Supervisors with conditions attached thereto.

CUL-DE-SAC: A street with only one (1) outlet which intersects another street at one (1) end and is terminated at the other in a vehicular turnaround.

DEP: The Pennsylvania Department of Environmental Protection.

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

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

DRIVEWAY: A privately owned vehicular access from a private or public street into a lot, tract, or parcel of land which is used or intended to be used to provide access to not more than one (1) lot, tract, or parcel of land.

EASEMENT: A right to use the land of another for a specific purposes; and (vii) the preparation of plans and specifications and estimates of proposed work and attendant costs.

FINAL PLAN: The ultimate map and supporting material drawn and submitted as required in these regulations for a subdivision or land development.

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FINAL PLAT: The ultimate map showing the layout of the subdivision or land development which, if approved by the Board of Supervisors, shall be stamped and signed indicating final approval and shall be the plat of record.

FRONTAGE: The distance measured along the street right-of-way line, between the lot side lines.

IMPERVIOUS AREA: Any surface which prevents or impedes the infiltration and percolation of water into the ground. This includes, but is not limited to; buildings, roads, driveways, parking areas, pavement, etc.

IMPROVEMENTS: Those physical additions, installation, and changes required to render land suitable for the proposed use.

LAND DEVELOPMENT: A subdivision of land or the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- 1) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively; or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
- 2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

Excluded from the definition of land development are:

- 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; and
- 2) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

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.

LOCATION MAP: A map insert or miniaturized map of the proposed subdivision or land development placed on the plat for the purpose of locating the property as it relates to other adjoining lands of the owner, the surrounding street network, villages, and natural features.

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

LOT AREA: The square footage or acreage contained within the property lines of the individual plot or parcel of land.

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LOT DEPTH: The horizontal distance between the front and rear property lines measured perpendicular to the street.

LOT OF RECORD: Any lot or parcel of land that was legally recorded prior to the enactment of this Ordinance either within a deed or upon a plat or any lot or parcel of land that constitutes all of the remaining land following a legal subdivision.

LOT WIDTH: The average of the width of a lot at the building setback line and rear of the property.

MAJOR SUBDIVISIONS OR LAND DEVELOPMENTS: All subdivisions and land developments not classified as minor subdivisions and land developments. See § 11.1.

MINOR SUBDIVISIONS OR LAND DEVELOPMENTS: All subdivisions and land developments that meet the criteria specified herein for such activities. See § 10.1.

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home. The mobile home lot in a mobile home park may be either owned by the occupant of the mobile home or leased from the mobile home park owner.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MODIFICATION: A relief of the requirements of one or more of the standards of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modifications will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.

NEWLY CREATED LOT: Any lot or parcel created by the subdividing of a larger parcel that has no previous record of existence, either in the form of a deed description, recorded map, or by any other legal means.

ONE-HUNDRED YEAR FLOOD PLAIN: The one hundred (100) year floodway and that maximum area of land that is likely to be flooded by a one hundred (100) year flood shown on flood plain maps approved or promulgated by the Federal Emergency Management Agency (FEMA).

PLANNING COMMISSION: The Preston Township Planning Commission.

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

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PRELIMINARY PLAN: The design map and supporting material drawn and submitted as required in these regulations for a proposed subdivision or land development.

PRELIMINARY PLAT: The design map showing the proposed layout of the subdivision or land development which, if approved by the Board of Supervisors, shall be stamped and signed indicating preliminary approval. The preliminary plat that has been approved is not for recording purposes.

PRIVATE STREET: A street, road, access, easement, or right-of-way, constructed to the standards of Preston Township, used for access that is not being dedicated or offered for dedication to Preston Township and that will be owned and maintained by the landowner, an Association, or another person.

PROFESSIONAL ENGINEER: An individual licensed and registered under the laws of this Commonwealth on either a permanent or temporary basis to engage in the practice of engineering.

PROFESSIONAL LAND SURVEYOR: An individual licensed and registered under the laws of this Commonwealth on either a permanent or temporary basis to engage in the practice of land surveying.

PUBLIC STREET: A street, road, access, easement, or right-of-way used for access which is dedicated to Preston Township, constructed to the standards of Preston Township, and which will be maintained by Preston Township upon the Township acceptance of the same.

REAPPROVAL: The act of reapproving a lot or parcel of land which had been approved but not recorded in the Register and Recorder's Office of Wayne County within the ninety (90) days as required by this Ordinance.

RECREATIONAL LAND DEVELOPMENT: The division or re-division of a lot, tract or parcel of land, by any means, into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot line for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes and tents, for transient use. Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition. This definition is not, however, intended to cover second-home communities of single-family dwellings or mobile home parks.

- 1) Transient recreational subdivisions or land developments are publicly operated facilities, or businesses, offering sites with the usual accessory recreational and service facilities, not normally including eating facilities, for use for tent camping and/or recreational vehicle camping by the public at large on a transient basis. Sites are rented on a daily or weekly basis.
- 2) Non-transient recreational subdivisions or land developments are planned private communities with recreational and service facilities, including central water and sewage and usually a restaurant and/or bar, lounge, chapel, and community hall, for use only by occupants of tent and/or recreational vehicle sites within the campground. Sites may be owned in common, or may be owned individually by deed conveyance. or may be leased on an annual basis.

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RECREATIONAL VEHICLE: A vehicular unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own automotive power or is mounted on, or drawn by, another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

REGULATORY FLOOD ELEVATION: The one-hundred (100) year flood elevation plus a free board safety factor of 1-1/2 feet.

RIGHT-OF-WAY: The right of use which is reserved and/or conveyed as an easement or a public thoroughfare for vehicular and/or pedestrian traffic.

SEWAGE DISPOSAL-CENTRAL: A sewage collection and disposal system in which sewage is carried from more than one individual lot, by a system of pipes to a central treatment plant which involves a point discharge to the waters of the commonwealth; in compliance with the applicable Pennsylvania Department of Environmental Protection regulations.

SEWAGE DISPOSAL-SUBSURFACE: A system of piping, tanks or other facilities serving one or more lots and collecting, treating and disposing of sewage, in whole or in part into or onto the soil for final disposal in compliance with the applicable Pennsylvania Department of Environmental Protection regulations. Examples include; conventional in ground systems, sand mounds, spray irrigation systems or other similar community systems.

SKETCH PLAN: An informal plan indicating existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development presented for discussion purposes only and not for approval.

SKETCH PLAT: An informal map indicating existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development presented for discussion purposes only and not for approval.

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, not including driveways.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land (excluding fences, sewage systems and utility lines).

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

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

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TELECOMMUNICATIONS FACILITY: Consists of the equipment and structures involved in receiving or transmitting telecommunication or radio signals, but limited to those facilities with respect to which the State and Federal governments have not, under public utility laws, strictly pre-empted the Township from regulating.

TELECOMMUNICATIONS EQUIPMENT BUILDING: The building in which the electronic receiving and relay equipment for a telecommunications facility is housed.

TOWER: A structure that is intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures includes monopoles and lattice construction steel structures.

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

TOWNSHIP SUPERVISORS: The Board of Supervisors of Preston Township, Wayne County, Pennsylvania.

UN-SUBDIVISION: The act of eliminating an existing subdivision by combining lots or parcels of land into one (1) deed describing the entire tract as one (1) lot or parcel.

WAIVER: A relief of the procedural requirements of one or more provisions of this Ordinance if the requirements pertaining to the same are not applicable because of peculiar conditions pertaining to the application or land in question, provided that such relief will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.

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**ARTICLE III
Procedures, Plans, and Improvement Requirements**

§ 10 Minor Subdivisions and Land Developments.

A minor subdivision or land development requires a final plan, but a sketch plan is optional. In determining the number of lots, each newly created lot from the parent parcel, since the adoption of this Ordinance, shall be counted, including the parent parcel. The following requirements shall apply:

10.1 Definition of a Minor Subdivision and Land Development

Any subdivision or land development shall be considered a minor subdivision only if it:

- 10.1.1 Contains ten (10) or fewer lots. Once the number of lots exceeds ten (10) whether in one (1) submission or over a period of time and several submissions, the said subdivision or land development shall no longer be a minor subdivision or land development.
- 10.1.2 Fronts on an existing street or road and does not involve the construction of other improvements such as central sewer or water.
- 10.1.3 Does not landlock or limit the ultimate use of interior adjacent land.
- 10.1.4 Does not conflict with any provision of the Township Comprehensive Plan or these regulations.
- 10.1.5 Is not a mobile home park or recreational land development.
- 10.1.6 Is exempt from Township stormwater management requirements.
- 10.1.7 Is not a Solar Energy System with an aggregate collection and/or focusing area of greater than 100 square feet.

10.2 Sketch Plan Procedures

Any subdivider or developer may, prior to subdividing or developing land as defined in this Ordinance, submit to the Preston Township Planning Commission a sketch plan showing the information required below. A sketch plan is informal and for informational or advisory purposes only. A sketch plan submission shall consist of six (6) copies of the plat and six (6) copies of the letter of intent stating that it is only a sketch plan. The submission of a sketch plan shall not constitute an official submission of a plan to the Preston Township Planning Commission, and no formal action is mandated.

10.3 Sketch Plan Specifications

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The sketch plat shall be at a sufficient scale to show the entire tract on one (1) sheet and should show or include the following

- 10.3.1 Location map.
- 10.3.2 The location and proposed layout of that portion which is to be subdivided or developed in relation to the entire tract.
- 10.3.3 All existing structures within the portion to be subdivided or developed.
- 10.3.4 The name and mailing address of the landowner and the names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records.
- 10.3.5 All streets, streams, and utilities in the tract of land.
- 10.3.6 The tentative layout of the remainder of the tract owned by the subdivider or developer, if any.
- 10.3.7 Name of local municipality and county in which tract is located.
- 10.3.8 North arrow and Graphic scale.
- 10.3.9 Date map was drawn.

10.4 Final Plan Procedures.

The applicant shall submit eight (8) copies of the final plan and the applicable number of copies of all supporting material as specified below to the Preston Township Planning Commission. Only original unaltered prints of the plat shall be accepted. Copies of the plan may be distributed to other reviewing agencies as may be appropriate.

- 10.4.1 All applicable items listed in Sections 10.5 and 10.6 shall be required for a complete submittal.
- 10.4.2 The Preston Township Planning Commission, shall review the final plan to determine its conformance with the requirements and standards contained in this Ordinance. The Preston Township Planning Commission shall make a report of its recommendations to the Board of Supervisors. One (1) copy of the final plat shall be retained by the Preston Township Planning Commission in their files.
- 10.4.3 All applications for subdivision and land development within Preston Township shall be forwarded after review by the Preston Township Planning Commission to the Wayne County Department of Planning for review and report, together with a fee sufficient to cover the costs of the review and report, which fee shall be paid by the applicant. Preston Township shall not approve such applications until the County's report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.

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The one (1) copy of the final plan forwarded to the Department of Planning shall be retained in their files.

- 10.4.4 All applications for final approval shall be acted upon by the Township Board of Supervisors who shall render their decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Preston Township Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed. The decision shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.
- 10.4.5 If the final plan is approved, each copy of the plat shall be stamped and signed. One (1) copy shall be retained by Board of Supervisors. One (1) copy shall be returned to the Preston Township Planning Commission, to place in their files with the copy they had kept after completing their review and report. The remaining copies shall be returned to the applicant.
- 10.4.6 The applicant shall record the approved plat with the Register and Recorder's Office of Wayne County, Pennsylvania within ninety (90) days from the date of approval placed on the approved plat. The approval shall be deemed to have lapsed if the applicant has failed to record the approved plat within that time period. The Register and Recorder's Office shall not accept any plat for recording unless such plat officially notes the approval of the Board of Supervisors.

10.5 Final Plat Specifications

The final plat shall be clearly and legibly drawn on a sheet or multiple sheets (with match lines) not more than 2'x3' and not less than 11"x17". All prints and reproductions for use by the Township shall be in black and white. The plat shall be designed in compliance with applicable provisions of this Ordinance, and shall show the following information:

- 10.5.1 Location map.
- 10.5.2 Title block, containing name of owner, name of municipality and county.
- 10.5.3 Name and mailing address of present landowner.
- 10.5.4 Name and mailing address of applicant if different from landowner.
- 10.5.5 Subdivision or land development name, if any.
- 10.5.6 Current tax map and parcel identification number of tract.
- 10.5.7 Current deed book and page identification number of tract.

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- 10.5.8 Boundaries of the tract and approximate location of abutting properties.

- 10.5.9 The names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records. Include current tax map and parcel ID numbers and current Deed Book and page number.

- 10.5.10 Graphic scales.

- 10.5.11 Reference meridian - North arrow indicating true, magnetic, or other source.

- 10.5.12 Date map was drawn and dates of all revisions.

- 10.5.13 All existing and proposed lot lines, with accurate dimensions and bearings of straight lines and radii, arcs, and central angles of curved lines.

- 10.5.14 Each lot identified by number and/or letter.

- 10.5.15 Area of each proposed lot, including the total area remaining in parent parcel, if any.

- 10.5.16 Sewage test pit and percolation test sites along with soil types and boundaries.

- 10.5.17 The location of all existing streets, with information concerning right-of-way widths, types of street surfaces, and street names.

- 10.5.18 The location and identification of all existing bodies of water, water courses with direction of flow, buildings, drain pipes, culverts, sewer lines, sewage systems, water lines, water wells, oil wells, gas wells, gas lines, power lines, telephone lines, structures, public facilities, and any other significant man-made or natural features on the tract to be subdivided or developed.

- 10.5.19 The location, dimension, and purpose of easements or other rights-of-way including any limitations on their use.

- 10.5.20 The location, dimension, and identification of building setback lines.

- 10.5.21 Name, mailing address, signature, and title of person who prepared the map if done by someone other than the professional(s) who certified the plan.

- 10.5.22 An approval block area of approximately 5"x5" free of all writing and drawing, for use by Preston Township in recording any approval and conditions.

- 10.5.23 Where the subdivision or land development lies partially or completely in any designated one hundred (100) year flood plain, those areas shall be identified and the boundaries shown.

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- 10.5.24 A site data table listing the following: total acreage; number of lots; zoning districts; proposed water service facilities; proposed sewer service facilities.
- 10.5.25 Location and type of all lot corners and other permanent monuments, designating which have been set in place or found.
- 10.5.26 Name, mailing address, original certification by stamp or seal, and original signature of the professional(s) who certified the map and/or survey. Each print shall be individually signed and sealed or stamped by the appropriate professional(s) certifying the plat. Land surveys must be certified by a professional land surveyor. The following statement to be on final plat:
- 10.5.27 Contour lines, stating whether derived from a field survey or based on U.S.G.S. topographic maps, with a maximum 20-foot interval, if necessary. The Township may require greater detail when it is determined to be needed for a plan.
- 10.5.28 The final plat for a minor land development shall contain the following statement:

“[The applicant] certifies the information contained in this application is true and correct. Alterations from this approved plan by the present or future owners is a violation of the Preston Township Subdivision and Land Development Ordinance. Changes in the scope and /or limits of the project and its features will require a new application to be submitted.

[signature of applicant]”

This statement must appear on the map with an original signature of the applicant on every copy submitted for approval.

- 10.5.29 Existing and proposed use of all lots involved.
- 10.5.30 No plats that will require access to a public highway shall be finally approved unless highway occupancy permits from the Pennsylvania Department of Transportation or Preston Township, depending on jurisdiction, are obtained. Waivers of this standard, with notice of such requirements given on the plat, may be approved where the proposed use is agricultural or of a similar non-building purpose.

10.6 Final Plan Supporting Materials

The following items shall be submitted by the applicant in support of and as a part of the final plan:

- 10.6.1 An application or letter of intent, as the case may be, signed by property owner, including a statement that the application is for final approval and clearly indicating which lots are to be included for consideration. The letter should authorize municipal officials and their

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representative(s) to enter onto the property for inspection(s) required by the application, and the letter should concisely explain the scope of the proposal.

One (1) original and six (6) copies are required.

- 10.6.2 All applicable fees as required by Preston Township and Wayne County. (See Article VII).
- 10.6.3 The completed appropriate components of the DEP "Sewage Facilities Planning Module" to meet the requirements of the Pennsylvania Sewage Facilities Act and the Clean Streams Act. All items must be either filled in or marked non-applicable (n/a). The original plus six (6) copies of the planning modules, with attachments, shall be submitted. Also include DEP "Site Investigation and Percolation Test Report for On-Lot Disposal of Sewage".
- 10.6.4 If sewage service is proposed by means of a hook-up to an existing line by the applicant for this subdivision or land development, an original plus six (6) copies of a letter from the sewer authority or sewer company in whose service area the subdivision or land development is located stating that they will provide sewage service to this subdivision or land development.
- 10.6.5 If water service is proposed by means of a hook-up to an existing line by the applicant for this subdivision or land development, an original plus six (6) copies of a letter from the water authority or water company in whose service area the subdivision or land development is located stating that they will provide water service to this subdivision or land development.
- 10.6.6 Where the said subdivision or land development lies partially or completely in any designated one hundred (100) year flood plain, the applicant shall submit plans showing the relationship of the subdivision or land development with respect to the elevations and extent of flood plain areas as shown on the municipality's flood plain maps provided by the Federal Emergency Management Agency. The plans shall include a description as to how the subdivision or land development will be made to comply with the municipality's flood plain management regulations, if applicable. An original plus six (6) copies of plans shall be submitted.
- 10.6.7 Preston Township and/or PennDOT Highway Occupancy Permit - Six (6) copies of an occupancy permit application from the Department of Transportation for state roads or from the Preston Township for Preston Township streets shall be presented, where applicable.

§ 11 Major Subdivisions and Land Developments

Any subdivision or land development which is not classified as a minor subdivision or land development in § 10 shall be considered as a major subdivision or land development. For a major subdivision or land development; a sketch plan is optional, both a preliminary plan and a final plan are mandatory.

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- 11.1 Sketch Plan Procedures. Any subdivider or developer may, prior to subdividing or developing land as defined in this Ordinance, submit to the Preston Township Planning Commission a sketch plat showing the information required below. A sketch plan is informal and for informational or advisory purposes only. A sketch plan submission shall consist of six (6) copies of the plat and six (6) copies of a letter of intent stating that it is only a sketch plan. The submission of a sketch plan shall not constitute an official submission of a plan to the Preston Township Planning Commission and no formal action is mandated.
- 11.2 Sketch Plat Specifications. The sketch plat shall be at a sufficient scale to show the entire tract on one (1) sheet and should show or include the following:
- 11.2.1 Location map.
 - 11.2.2 The location and proposed layout of that portion which is to be subdivided or developed in relation to the entire tract.
 - 11.2.3 All existing structures within the portion to be subdivided or developed.
 - 11.2.4 The name and address of the landowner and the names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records.
 - 11.2.5 All streets, streams, and utilities in the tract of land.
 - 11.2.6 The tentative layout of the remainder of the tract owned by the subdivider or developer, if any.
 - 11.2.7 Name of municipality and county in which tract is located.
 - 11.2.8 North arrow and Graphic scale.
 - 11.2.9 Date map was drawn.
- 11.3 Preliminary Plan Procedures. The applicant shall submit eight (8) copies of the preliminary plat and the applicable number of copies of all supporting material as specified below to the Preston Township Planning Commission. Only original unaltered prints of the plat shall be accepted. . Copies of the plan may be distributed to other reviewing agencies as may be appropriate.
- 11.3.1 All applicable items listed in § 11.4 and § 11.5 below shall be required for a complete submittal.
 - 11.3.2 The Township Planning Commission shall review the preliminary plan to determine its conformance with the requirements and standards contained in this Ordinance. The Preston Township Planning Commission shall make a report of its recommendations to the Board of Supervisors. One (1) copy of the preliminary plat shall be retained by the Preston Township Planning Commission in their files.

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- 11.3.3 All applications for subdivisions and land developments within Preston Township shall be forwarded after review by the Preston Township Planning Commission to the Wayne County Department of Planning for review and report, together with a fee sufficient to cover the costs of the review and report, said fee shall be paid by the applicant. Preston Township shall not approve such applications until the County's report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.
- 11.3.4 All applications for preliminary approval shall be acted upon by the Board of Supervisors which shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Preston Township Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed. The decision shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.
- 11.3.5 If the preliminary plan is approved, each copy of the plat shall be stamped and signed. One (1) copy shall be retained by the Board of Supervisors. One (1) copy shall be forwarded to DEP. One (1) copy shall be returned to the Preston Township Planning Commission, to place in their files with the copy they had kept after completing their review and report. The remaining copies shall be returned to the applicant.
- 11.3.6 When a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with terms of the approved preliminary application as hereinafter provided. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. When final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- 11.3.7 If an application is properly denied, any subsequent application shall be subject to any intervening changes in governing regulations.
- 11.3.8 Approval of the preliminary plan by the Board of Supervisors constitutes approval of the subdivision or land development, general layout, approximate dimension of streets and lots, and other planned features as required by this Ordinance. The approval binds the applicant to the general scheme for the subdivision or land development shown and permits the applicant to proceed with the installation of site improvements, subject to

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obtaining work permits and plan approvals from utility companies, federal and state agencies, the municipality, and other agencies where required.

11.3.9 Approval of the preliminary plan does not authorize the sale of lots or the recording of the preliminary plat.

11.4 Preliminary Plat Specifications. The preliminary plat shall be clearly and legibly drawn on a sheet or multiple sheets (with match lines) not more than 2'x3' and not less than 11" x 17". All prints and reproductions for use by the Township shall be in black and white. The plat shall be designed in compliance with applicable provisions of this Ordinance, and shall show the following information:

11.4.1 Location map.

11.4.2 Title Block containing name of owner, name of municipality and county.

11.4.3 Name and mailing address of present landowner.

11.4.4 Name and mailing address, of applicant, if different from landowner.

11.4.5 Subdivision or land development name, if any.

11.4.6 Current tax map and parcel identification number of tract.

11.4.7 Current deed book and page identification number of tract.

11.4.8 Boundaries of the tract and approximate location of abutting properties.

11.4.9 The names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records. Include current tax map and parcel ID numbers and current Deed Book and page numbers.

11.4.10 Graphic scale.

11.4.11 Reference meridian - North arrow indicating true, magnetic, or other source.

11.4.12 Date map was drawn and dates of all revisions.

11.4.13 All existing and proposed lot lines, with approximate dimensions of straight lines and radii, arcs and central angles of curved lines.

11.4.14 Each lot identified by number and/or letter.

11.4.15 Area of each proposed lot, including the total area remaining in parent parcel, if any.

11.4.16 Sewage test pit and percolation test sites along with soil types and boundaries.

11.4.17 The location of all existing streets, with information concerning right-of-way widths, types of

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street surfaces, and street names.

- 11.4.18 The location and identification of all existing bodies of water, water courses with direction of flow, buildings, drain pipes, culverts, sewer lines, sewage systems, water lines, water wells, oil wells, gas wells, gas lines, power lines, telephone lines, structures, public facilities, and any other significant man-made or natural features on the tract to be subdivided or developed.
- 11.4.19 The approximate location, dimension, and purpose of all easements or other rights-of-way including any limitations on their use.
- 11.4.20 The approximate location, dimension, and identification of building setback lines.
- 11.4.21 Name, mailing address, signature, and title of person who prepared the map. If applicable, the plat(s) should contain the certification (original signature and original seal or stamp) of the professional certifying the information on the plat. Land surveys must be certified by a professional land surveyor. The following statement to be on final plat:
I hereby certify that that I am a professional land surveyor licensed in the Commonwealth of Pennsylvania and this survey was made by me. The survey is true and complete as shown. Monumentation found and set are of the character and occupy the position shown hereon and are sufficient to enable the survey to be retraced.
- 11.4.22 An approval block area of approximately 5"x5" free of all writing and drawing, for use by Preston Township in recording any approval and conditions.
- 11.4.23 Where the subdivision or land development lies partially or completely in any designated one hundred (100) year flood plain, those areas shall be identified and the boundaries accurately shown.
- 11.4.24 A site data table listing the following: total acreage; proposed number of lots; lineal feet of new streets; zoning districts; proposed water service facilities; proposed sewer service facilities.
- 11.4.25 Any common open space reserved.
- 11.4.26 Proposed street lines, right-of-way lines, and easements indicating dimensions, purposes, and any limitations on their use.
- 11.4.27 Names of proposed streets and type of road surface.
- 11.4.28 Approximate location of any proposed water, sanitary sewer, and storm sewer lines and other utility lines.
- 11.4.29 Contour lines, stating whether derived from a field survey or based on U.S.G.S. topographic maps, with a maximum 20-foot interval. A smaller interval may be required if determined to be necessary.

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- 11.4.30 Existing and proposed use of all lots involved.
- 11.4.31 Location and type of all lot corners and other permanent monuments, designating which have been set in place or found.
- 11.4.32 The plat for a major land development shall contain the following statement:
- “[The applicant] certifies that the information contained in this application is true and correct. Alterations from this approved plan by the present or future owners is a violation of the Preston Township Subdivision and Land Development Ordinance. Changes in the scope and / or limits of the project and its features will require a new application to be submitted.
 - [signature of applicant]
 - This statement must appear on the map with an original signature of the applicant on every copy submitted for approval.
- 11.4.33 No plats that will require access to a public highway shall be finally approved unless highway occupancy permits from the Pennsylvania Department of Transportation or Preston Township, depending on jurisdiction, are obtained. Waivers of this standard, with notice of such requirements given on the plat, may be approved where the proposed use is agricultural or of a similar non-building purpose.
- 11.5 Preliminary Plan Supporting Materials. The following items shall be submitted by the applicant in support of and as a part of the preliminary plan:
- 11.5.1 An application or letter of intent, as the case may be, signed by the property owner, including a statement that the application is for preliminary approval and clearly indicating which lots are to be included for consideration. The letter should authorize that the municipal officials and their representative(s) can enter the property for inspection(s) required by the application, and the letter should concisely explain the scope of the proposal. One (1) original and six (6) copies are required.
- 11.5.2 All applicable fees as required by Preston Township and Wayne County in Article VII of this Ordinance.
- 11.5.3 The completed appropriate components of the DEP "Sewage Facilities Planning Module" to meet the requirements of the Pennsylvania Sewage Facilities Act and the Clean Streams Act. All items must be either filled in or marked non-applicable (n/a). The original plus six (6) copies of the planning modules, with attachments shall be submitted. Also include DEP "Site Investigation and Percolation Test Report for On-Lot Disposal of Sewage".
- 11.5.3.1 Six (6) copies of evidence (usually in the form of a letter) that DEP has reviewed and accepted the subdivision or land development as an amendment to the Township's Official Plan in accordance with the provisions of the

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Pennsylvania Sewage Facilities Act and Chapter 71, Administration of the Sewage Facilities Program; or

11.5.3.2 If the above evidence has not been submitted, any preliminary approval of a subdivision or land development shall be conditioned upon the approval of the Planning Module(s) for Land Development by Preston Township as an amendment to the Township's Official Plan and the approval of that amendment by DEP. If Preston Township and/or DEP has disapproved or not granted these approvals within six (6) months of the date of preliminary approval, the preliminary approval shall automatically become null and void.

11.5.4 Streets

11.5.4.1 Cross-section drawings for all proposed streets showing rights-of-way, cartways, shoulders, materials, ditches, and proposed cuts and fills; including accurate dimensions and slopes; also showing curbs, sidewalks, planting strips, etc. when required. The applicant shall provide six (6) black and white prints of all drawings, one (1) of which shall be returned.

11.5.4.2 Centerline profile drawings of all proposed streets showing both existing and proposed grades.

11.5.4.3 Six (6) copies of an occupancy permit application from the Department of Transportation for state roads or from the Preston Township for Preston Township streets shall be presented, where applicable.

11.5.4.4 Designs of proposed bridges and culverts, or a statement that there are none proposed.

11.5.5 Storm Water Management Facilities

11.5.5.1 A storm water management plan is required for all major subdivisions and land developments except as may be exempted by applicable municipal regulations. The plan shall provide for the implementation, construction, and maintenance of such measures and devices consistent with the provisions of the applicable DEP laws and regulations and/or Township watershed storm water plan as are reasonably necessary to prevent injury to health, safety, and property. Such measures and devices shall include such actions as are required to manage the quantity, velocity, and direction of resulting storm water runoff in a manner which adequately protects health, safety, and property from possible injury.

11.5.5.2 Drawings of existing and proposed facilities for storm water management, including grades, dimensions, materials, calculations, etc. Six (6) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.

11.5.6 Water Service Facilities. The applicant shall provide evidence of the availability of water to

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each lot by complying with and providing the required information pertaining to one of the methods listed in the following subsections:

- 11.5.6.1 When water service to the proposed subdivision or land development is to be provided by connecting to an existing public or private central system, the applicant shall submit a letter from the owner or operator of the system which states that they can provide the subdivision or land development with water and lists the source of supply. Plans and profiles of the proposed water distribution system shall be submitted showing: materials; pipe sizes; location of lines, valves, and fire hydrants; and accurate grades, dimensions, and depths. Six (6) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.
- 11.5.6.2 When water service to the proposed subdivision or land development is to be provided by a new public or private central system, the applicant shall supply a report specifying the following items: proposed source of water supply; a statement from the Delaware or Susquehanna River Basin Commissions indicating their awareness of this proposal and the requirements, if any, which the applicant must meet; a statement from DEP indicating their awareness of this proposal and the requirements, if any, which the applicant must meet; a statement from the Pennsylvania Public Utility Commission indicating their awareness of this proposal and the requirements, if any, which the applicant must meet; and a statement from the applicant specifying who will own the system and who and how responsibility for the maintenance of the system will be provided. Plans and profiles of the proposed water distribution system shall be submitted showing: materials; pipe sizes; location of lines, valves, and fire hydrants; and accurate grades, dimensions, and depths. Six (6) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.
- 11.5.6.3 When connection to an existing system or construction of a new system cannot feasibly be accomplished, individual on-lot water supply systems may be utilized.
- 11.5.6.4 Where the applicant proposes water service other than in one of the three ways above, the applicant shall submit a narrative describing the proposed method with appropriate plans and specifications. Six (6) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.
- 11.5.7 Sewer Service Facilities. The applicant shall submit evidence that sewage service for each lot shall be provided by complying with and providing the required information pertaining to one of the methods listed in the following subsections:
 - 11.5.7.1 When sewer service to the proposed subdivision or land development is to be provided by connecting to an existing public or private central collection and treatment system, the applicant shall submit a letter from the owner or

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operator of the system which states that they will accept the sewage flows generated by the proposed subdivision or land development.

Six (6) copies of plans and profiles of the proposed sewerage system shall be submitted showing: material; pipe sizes; location of manholes; accurate grades, dimensions, and depths; and other pertinent information.

- 11.5.7.2 When sewer service to the proposed subdivision or land development is to be provided by a new public or private central collection and treatment system, the applicant shall submit six (6) copies of plans and profiles of the proposed sewerage system showing materials; pipe sizes; location of manholes; accurate grades, dimensions, and depths; and other pertinent information.
- 11.5.7.3 When connection to an existing system or construction of a new system cannot feasibly be accomplished, individual on-lot sewage systems may be utilized. The location and construction of individual on-lot sewer systems shall meet the requirements of DEP and the municipal sewage enforcement officer.
- 11.5.7.4 When the applicant proposes sewer service other than in one of the three ways above, the applicant shall submit a narrative describing the proposed method with appropriate plans and specifications. Six (6) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.
- 11.5.8 Electric Service Facilities. Six (6) copies of a letter from the electric utility company in whose service area the subdivision or land development is located stating that they will provide electric service to this subdivision or land development.
- 11.5.9 Telephone Service Facilities. Six (6) copies of a letter from the telephone company in whose service area the subdivision or land development is located stating that they will provide telephone service to this subdivision or land development.
- 11.5.10 Gas Service Facilities. If gas service is proposed by the applicant for this subdivision or land development, six (6) copies of a letter from the gas company in whose service area the subdivision or land development is located stating that they will provide gas service to this subdivision or land development.
- 11.5.11 Cable Television Service Facilities. If cable television service is proposed by the applicant for this subdivision or land development, six (6) copies of a letter from the cable television company in whose service area the subdivision or land development is located stating that they will provide cable television service to this subdivision or land development.
- 11.5.12 If the applicant proposes to dedicate all or some portion of the amenities and/or facilities to Preston Township at some future date, the applicant shall submit a narrative description of how responsibility for maintenance and care of those amenities and/or facilities shall be handled during the period before the offer of dedication to Preston Township. In not event

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shall Preston Township be bound to accept dedication of such amenities and/or facilities if, at the time of offer of dedication, they do not meet the standards of Preston Township as they exist at that time.

- 11.5.13 The type, location and extent of all erosion and sedimentation control measures shall be shown on an erosion and sedimentation control plan that conforms to the requirements of Chapter 102 (Erosion and Sediment Pollution Control) of Title 25 Rules and Regulations of the PA DEP. Evidence of compliance with Chapter 102 can normally be provided with a letter of approval from the Wayne Conservation District.
- 11.5.14 Where the subdivision or land development lies partially or completely in any designated one-hundred (100) year flood plain, the applicant shall submit plans showing the relationship of the subdivision or land development with respect to the elevations and extent of flood plain areas as shown on the municipality's flood plain maps provided by the Federal Emergency Management Agency. The plans shall include a description as to how the subdivision or land development will be made to comply with Township's flood plain management regulations, if any. Six (6) copies of plans shall be submitted.
- 11.5.15 Upon the discretion of the Board of Supervisors, a Property Owners Association (POA) may be required for submissions which require the construction of improvements required by this Ordinance. Along with any other items determined to be necessary, ownership, maintenance, and repair of the improvements shall be established with documentation determined to be acceptable by Preston Township.
- 11.6 Final Plan Procedures. The applicant shall submit eight (8) copies of the final plat and the applicable number of copies of all supporting material as specified in § 11.8 to the Preston Township Planning Commission. Only original unaltered prints of the plat shall be accepted. Copies of the plan may be distributed to other reviewing agencies as may be appropriate.
- 11.6.1 Generally, no major subdivision or land development, or portion thereof, shall be considered for final approval unless it has a valid preliminary approval in effect.
- 11.6.2 Application for final approval may be submitted in sections or stages of development involving portions of the approved preliminary plan if so desired by the applicant. The Board of Supervisors shall review the application and determine what, if any, requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the subdivision or land development. In determining these requirements or guarantees, the Board of Supervisors shall insure that each section or stage shall relate logically and provide continuity of access, extension of utilities, and availability of amenities and services. The requirements or guarantees as determined shall become a part of the requirements of this Ordinance which shall be met by the applicant prior to the granting of final approval by the Township Board of Supervisors and shall carry the same weight as if they had been incorporated into the Ordinance at the time of adoption.
- 11.6.3 The final plan shall conform to the approved preliminary plan. Where, in the opinion of the Board of Supervisors, there have been significant modifications or changes to the

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- approved preliminary plan, final approval shall be denied and the applicant shall be required to resubmit the subdivision or land development for preliminary approval.
- 11.6.4 All applicable items listed in § 11.7 and § 11.8 shall be required for a complete submittal.
- 11.6.5 The Preston Township Planning Commission, shall review the final plan to determine its conformance with the requirements and standards contained in this Ordinance. The Preston Township Planning Commission shall make a report of its recommendations to the Board of Supervisors. One (1) copy of the final plat shall be retained by the Preston Township Planning Commission in their files.
- 11.6.6 All applications for subdivision and land development within Preston Township shall be forwarded after review by the Preston Township Planning Commission to the Wayne County Department of Planning for review and report, together with a fee sufficient to cover the costs of the review and report, which fee shall be paid by the applicant. Preston Township shall not approve such application until the County's report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.
- 11.6.7 All applications for final approval shall be acted upon by the Township Board of Supervisors which shall render its decision and communicate it to the applicant no later than ninety (90) days following the date of the regular meeting of the Preston Township Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed. The decision shall be in writing and shall be communicated to the applicant personally or mailed to him at his last know address not later than fifteen (15) days following the decision.
- 11.6.8 If the final plan is approved, each plat shall be stamped and signed. One (1) copy shall be retained by the Board of Supervisors. One (1) copy shall be forwarded to DEP One (1) copy shall be returned to the Preston Township Planning Commission, to place in their files with the copy they had kept after completing their review and report. The remaining copies shall be returned to the applicant.
- 11.6.9 The applicant shall record the approved plat with the Register and Recorder's Office of Wayne County, Pennsylvania within ninety (90) days from the date of approval placed on the approved plat. The approval shall be deemed to have lapsed if the applicant has failed to record the approved plat within that time period. The Register and Recorder's Office shall not accept any plat for recording unless such plat officially notes the approval of the Board of Supervisors.
- 11.6.10 The completion of improvements or a suitable guarantee thereof as set forth in § 14 is a prerequisite to final plan approval.
- 11.7 Final Plat Specifications. The final plat shall be clearly and legibly drawn on a sheet or multiple sheets (with match lines) not more than 2'x3' and not less than 11" x 17". All prints and

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reproductions for use by the Township shall be in black and white. The plat shall be designed in compliance with applicable provisions of this Ordinance, and shall show the following information:

- 11.7.1 Location map.
- 11.7.2 Title block containing name of owner, name of municipality and county.
- 11.7.3 Name and mailing address of present landowner.
- 11.7.4 Name and mailing address of applicant, if different from landowner.
- 11.7.5 Subdivision or land development name, if any.
- 11.7.6 Current tax map and parcel identification number of tract.
- 11.7.7 Current deed book and page identification number of tract.
- 11.7.8 Boundaries of the tract and approximate location of abutting properties.
- 11.7.9 The names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records. Include current tax map and parcel ID numbers and current Deed Book and page numbers.
- 11.7.10 Graphic scale.
- 11.7.11 Reference meridian - North arrow indicating true, magnetic, or other source.
- 11.7.12 Date map was drawn and dates of all revisions.
- 11.7.13 All existing and proposed lot lines, with accurate dimensions and bearings of straight lines and radii, arcs, and central angles of curved lines.
- 11.7.14 Each lot identified by number and/or letter.
- 11.7.15 Area of each proposed lot and the total area remaining in parent parcel, if any.
- 11.7.16 Sewage test pit and percolation test sites along with soil types and boundaries.
- 11.7.17 Location of all existing streets, with information concerning right-of-way widths, types of street surfaces, and street names.
- 11.7.18 The location and identification of all existing bodies of water, water courses with direction of flow, buildings, drain pipes, culverts, sewer lines, sewage systems, water lines, water wells, oil wells, gas wells, gas lines, power lines, telephone lines, structures, public facilities, and any other significant man-made or natural features on the tract to be subdivided or developed.

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- 11.7.19 The location, dimension, and purpose of existing easements or other rights-of-way including any limitation on their use.
- 11.7.20 The location, dimension, and identification of building setback lines.
- 11.7.21 Name, mailing address, signature, and title of person who prepared the map if done by someone other than the professional(s) who certified the plan.
- 11.7.22 An approval block area of approximately 5"x5" free of all writing and drawing, for use by Preston Township in recording any approval and conditions.
- 11.7.23 Where the subdivision or land development lies partially or completely in any designated one-hundred (100) year flood plain, these areas shall be accurately identified and boundaries shown.
- 11.7.24 A site data table listing the following: total acreage; number of lots; lineal feet of new streets; zoning districts; proposed water service facilities; proposed sewer service facilities.
- 11.7.25 Any common open space reserved.
- 11.7.26 New street lines, right-of-way lines, and easements indicating dimensions, purposes, and any limitations on their use.
- 11.7.27 Names of new streets and type of road surface.
- 11.7.28 Location of any new water, sanitary sewer, and storm sewer lines.
- 11.7.29 Existing and proposed use of all lots involved.
- 11.7.30 Location and type of all lot corners and other permanent monuments, designating which have been set in place or found.
- 11.7.31 Name, mailing address, original certification by stamp or seal, and original signature of the professional(s) who certified the map and/or survey. Each print shall be individually signed and sealed or stamped by the appropriate professional(s) certifying the plat. Land surveys must be certified by a professional land surveyor. The following statement to be on final plat:
I hereby certify that that I am a professional land surveyor licensed in the Commonwealth of Pennsylvania and this survey was made by me. The survey is true and complete as shown. Monumentation found and set are of the character and occupy the position shown hereon and are sufficient to enable the survey to be retraced.
- 11.7.32 The final plat for a major land development shall contain the following statement:

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“[The applicant] certifies the information contained in this application is true and correct. Alterations from this approved plan by the present or future owners is a violation of the Preston Township Subdivision and Land Development Ordinance. Changes in the scope and/or limits of the project and its features will require a new application to be submitted.

[signature of applicant]”

This statement must appear on the map with an original signature of the applicant on every copy submitted for approval.

- 11.7.33 Contour lines, stating whether derived from a field survey or based on USGS topographic maps, with a maximum twenty (20) foot interval, if necessary. Preston Township may require greater detail when it is determined to be needed for a plan.
- 11.7.34 No plats that will require access to a public highway shall be finally approved unless highway occupancy permits from the Pennsylvania Department of Transportation or Preston Township, depending on jurisdiction, are obtained. Waivers of this standard, with notice of such requirements given on the plat, may be approved where the proposed use is agricultural or of a similar non-building purpose.
- 11.8 Final Plan Supporting Materials. The following items shall be submitted by the applicant in support of and as part of the final plan:
- 11.8.1 An application or letter of intent, as the case may be, signed by the property owner, including a statement that the application is for final approval and clearly indicating which lots are to be included for consideration. The letter should authorize municipal officials and representative(s) to enter the property for inspection(s) required by the application and concisely explain the scope of the proposal. One (1) original and six (6) copies are required.
- 11.8.2 All applicable fees as required herein by Preston Township and Wayne County. See Article VII.
- 11.8.3 Six (6) copies of evidence (usually in the form of a letter) that DEP has reviewed and accepted the subdivision or land development as an amendment to Township's Official Plan in accordance with the provisions of the Pennsylvania Sewage Facilities Act and Chapter 71, Administration of the Sewage Facilities Program.
- 11.8.4 Six (6) copies of as-built drawings, including cross-sections, profiles and other design specifications for any the following improvements that have been required or installed in accordance with these or applicable regulations, unless the same have been financially guaranteed pursuant to § 14 hereof. Proposed as-built drawings format shall be submitted as part of the final plan supporting materials. Completed as-built drawings shall be submitted to Preston Township upon completion of the subdivision project.
- 11.8.4.1 Streets, bridges or culverts.

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- 11.8.4.2 Storm water management facilities.
- 11.8.4.3 Water service facilities other than individual on-lot wells.
- 11.8.4.4 Central sewage disposal facilities.
- 11.8.4.5 Electric, telephone, gas and cable television service facilities other than those extensions designed to serve individual dwelling units on each lot.

§ 12 Required Improvements - Generally

Physical improvements to the proposed subdivision or land development shall be provided, constructed and installed by the applicant prior to the Township Board of Supervisors giving Final Approval to any subdivision or land development plan, or in the case of financially guaranteed improvements, the release of such guarantee. All improvements shall be constructed in accordance with the design specifications of this Ordinance or, as applicable, those of the Pennsylvania Department of Transportation, Department of Environmental Protection, or such other federal, state, county, or Preston Township agency having jurisdiction. All minor subdivisions or land developments shall be required, at a minimum, to have installed lot corner and/or line markers and wooden stake witnesses.

§ 13 Required Improvements - Major Subdivisions

All major subdivisions or land developments shall be required to have installed the following as a minimum:

- 13.1 Permanent lot corner and/or line markers (iron pipes or concrete) consistent with § 28 hereof.
- 13.2 Sewer service facilities. Individual on-lot sewage disposal facilities shall not be deemed part of the required improvements of this Ordinance.
- 13.3 Water service facilities. Individual on-lot water supply and distribution systems shall not be deemed part of the required improvements of this Ordinance.
- 13.4 Erosion and sedimentation control measures, facilities, and restoration work, if any required.
- 13.5 Storm water management facilities, if any required.
- 13.6 Flood plain management measures, if any required.
- 13.7 All grading, excavation, and filling.
- 13.8 Streets, including sub-base, shoulders, ditches, culverts, base course, surface course, and grading.
- 13.9 Street signs.

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- 13.10 Trenching for underground utility lines, when necessary, unless exempted therefrom by the Pennsylvania Public Utility Commission.
- 13.11 Fire hydrants, if any required.
- 13.12 Bridges, if any required.
- 13.13 Sidewalks and curbs, if any required.

§ 14 Completion of Improvements or Guarantee Thereof

- 14.1 After approval of the Preliminary Plan, the subdivider, in a manner consistent with the Pennsylvania Municipalities Planning Code, shall provide for the installation of the required improvements. Before requesting Final Plan approval the subdivider must:
 - 14.1.1 Install all the improvements approved on the Preliminary Plan and required in Article V at the standards required, or
 - 14.1.2 File with the Secretary of the Township a performance guarantee to insure installation and construction of all required improvements at the standards required. Such guarantee shall meet with the approval of the Township Solicitor as to form and procedure.

The subdivider shall meet with the Township Engineer to develop a schedule, so that at the time each improvement is to be installed and upon its completion, adequate inspections can be made.

- 14.2 This Section is designed to be consistent with Section 509 through Section 511 of the Pennsylvania Municipalities Planning Code and the Township hereby incorporates all authorities and requirements contained therein as part of this Ordinance.
 - 14.2.1 Posting - The performance guarantee must be approved by the Board with the advice of the Township Solicitor and Engineer, and must:
 - 14.2.1.1 Be a corporate surety bond, certified check, or other security, provided the same is satisfactory to the Board and consistent with the requirements of the Pennsylvania Municipalities Planning Code.
 - 14.2.1.2 Be payable to Preston Township.
 - 14.2.1.3 Be in an amount sufficient to complete the improvements in compliance with these and other Township regulations plus expected cost increases as provided in the Municipalities Planning Code.
 - 14.2.1.4 In the case of cash or its equivalent, be held in an escrow fund in the name of the municipality.

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- 14.2.1.5 Specify a satisfactory completion date for improvements which shall not be more than one (1) year from the date of the Final Approval. Provisions may also be made, pursuant to the aforementioned Code, for completion of improvements in phases or over a longer period, in cases of large developments.
- 14.2.2 Return - When the improvements have been completed and reviewed for conformity with these and other Township regulations by the Township Engineer, or other qualified individual designated by the Township, and approved by the Township Board of Supervisors, the guarantee shall be released and returned pursuant to Section 510 of the Pennsylvania Municipalities Planning Code. When any of the required improvements have been completed and approved or materials for the same have been secured site, a portion of the security commensurate with the cost of these improvements, may be released and returned.
- 14.2.3 Default - In the event of default, the obligor and surety shall be liable thereon to the Township for the cost of the improvements or parts thereof not installed. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

§ 15 Inspection Costs Related to Improvements

Prior to the certification of any improvements or release of any guarantee, the subdivider shall pay all inspection and related costs (for professional services, meetings, advertisements and expenses other than legal) associated with the improvements or guarantees. These costs will be assessed as a special fee apart from any regular fees provided for in § 47 of these regulations. Said payment shall be made to the Township.

§ 16 Maintenance Guarantees

Where improvements are being dedicated to the Township, the subdivider shall comply with the applicable requirements of any other Township ordinances governing dedication of improvements and submit a maintenance bond or other approved performance guarantee to guarantee maintenance and repair of those improvements for eighteen months from the date of dedication. The maintenance bond shall generally be a maximum of 15% of the costs of improvements, subject to approval of the Board of Supervisors.

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**ARTICLE IV
Special Approvals**

§ 17 General

Where provisions of this Article differ from or are not addressed in other articles of this Ordinance, the provisions of this Article shall apply.

§ 18 Conditional Approval

- 18.1 The Board of Supervisors may decide when considering an application to offer the applicant a conditional approval. If the Township Board of Supervisors decides to make such an offer to the applicant, Preston Township shall specify in writing to the applicant the conditions and the time within which he may accept the same.
- 18.2 After the notice required above has been sent to the applicant, a conditional approval shall be granted within the time specified by said notice if:
- 18.2.1 Both the Board of Supervisors and the applicant enter into a written agreement which conforms with the provisions of § 18.3 below; and
 - 18.2.2 Said written agreement if filed with the Board of Supervisors within a time period established by the Board of Supervisors; and
 - 18.2.3 No condition specified in the agreement shall in any way negate or vary the requirements of this Ordinance or any other regulations as they shall pertain to the application.
- 18.3 The agreement between the applicant and the Board of Supervisors shall contain the following information:
- 18.3.1 Statement of conditions.
 - 18.3.2 A time period established by the Board of Supervisors in which the applicant must agree to the conditions of approval.
 - 18.3.3 Signatures of both parties.
 - 18.3.4 The Board of Supervisors shall determine a time period in which the applicant must complete the conditions as set forth with the approval. Failure to complete the conditions within the time frame established by the Board of Supervisors without requesting and receiving an extension of time will result in an automatic revocation of approval.

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§ 19 Addition

- 19.1. An addition shall be considered as a minor subdivision or land development.
- 19.2. Required supporting material for an addition:
- 19.2.1 A letter of intent, signed by the applicant, or his agent, including a statement that the application is for an addition.
- 19.2.2 No planning module shall be required if the remaining land from the parcel where the addition was taken contains an existing septic system or the remaining land contains a currently acceptable sewage testing area that was previously approved by the municipality and the DEP. Documentation confirming the acceptability of prior testing is required.
- 19.2.3 Two (2) deeds shall be recorded after approval of the plat. The first deed will include the acreage being conveyed as an addition to the parent parcel of the grantee. The second deed will describe the parent parcel and the addition as one (1) lot. Copies of the proposed deed language shall be submitted with any application.

§ 20 Reapproval

- 20.1 A reapproval may be granted by the Board of Supervisors.
- 20.2 Required supporting material for a reapproval:
- 20.2.1 A letter of intent, signed by the applicant, or his agent, including a statement that the application is for reapproval. The letter shall also contain a statement indicating that the submission for reapproval has not been altered in any way from the original submission that had been previously approved.
- 20.2.2 No planning module shall be required.

§ 21 Lot of Record

- 21.1 Approval may be granted to a lot of record by the Board of Supervisors.
- 21.2 Required supporting material for a lot of record:
- 21.2.1 A letter of intent, signed by the applicant, or his agent, including a statement that the application is for a lot of record. The applicant shall also provide evidence that the parcel in question is, in fact, a lot of record.
- 21.2.2 No planning module shall be required.

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§ 22 Change in Lot Lines

22.1 A change in lot lines shall be considered as a minor subdivision or land development.

22.2 Required supporting material for a change in lot lines:

22.2.1 A letter of intent, signed by the applicant, or his agent, including a statement that the application is for a change in lot lines.

22.2.2 No planning module shall be required provided the proposal does not violate existing sewage status.

§ 23 Un-Subdivision

23.1 An un-subdivision shall be considered as a minor subdivision or land development.

23.2 Required supporting material for an un-subdivision:

23.2.1 A letter of intent, signed by the applicant, or his agent, including a statement that the application is for an un-subdivision.

23.2.2 No planning module shall be required.

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**ARTICLE V
Design Standards**

The following standards shall be applicable to the design of all subdivisions and land developments in Preston Township, Wayne County. The standards and requirements contained in this Article are intended as minimums for the promotion and protection of the public health, safety, and general welfare.

§ 24 Lots

24.1 General

- 24.1.1 Unless particular circumstances of the property make it impractical, side lot lines shall be at approximate right angles to straight street lines and approximately on radial lines to curved street lines.
- 24.1.2 All lots shall front on, and have direct access to, an existing public or private street or a proposed street which meets the requirements of this Ordinance and/or any applicable regulations.
- 24.1.3 Unless particular circumstances of the property make it impractical, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.
- 24.1.4 All lots shall be served by off-street parking.

24.2 Lot Size

- 24.2.1 Lots shall conform to the Preston Township zoning ordinance requirements, if any. Where no zoning ordinance exists, lots shall be not less than the following dimensions (also see Conservation Subdivisions section):

Sewage-Water Arrangement	Minimum Lot Size	Minimum Average Lot Width	Minimum Road Frontage	Minimum Front Setback	Minimum Side/Rear Setback
On-lot Sewage/On-lot Water	87,120 sq. ft.	200 ft.	75 ft.	35 ft.	20 ft.
On-lot Sewage/Central Water	87,120 sq. ft.	200 ft.	75 ft.	35 ft.	20 ft.
Community Subsurface Sewage/On-lot Water	43,560 sq. ft.	150 ft.	75 ft.	35 ft.	20 ft.
Community Subsurface Sewage/Central Water	43,560 sq. ft.	150 ft.	75 ft.	35 ft.	20 ft.
Central Sewage/On-lot Water	43,560 sq. ft.	150 ft.	75 ft.	35 ft.	20 ft.
Central Sewage/Central Water	43,560 sq. ft.	150 ft.	75 ft.	35 ft.	20 ft.

- 24.2.2 Lots fronting on a cul-de-sac turnaround shall have a minimum frontage at street right-of-way of 50 feet.
- 24.2.3 The minimum lot sizes as shown in 24.2.1 above are the equivalent of two (2) acres (87,120 sq. ft.) and one (1) acre (43,560 sq. ft.).

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§ 25 Streets

The following standards shall apply to all proposed streets connected with a subdivision or land development:

25.1 General

- 25.1.1 Proposed streets shall provide for the continuation, connection, and projection of streets in surrounding areas and shall conform to all plans and policies as may have been adopted by Board of Supervisors.
- 25.1.2 Proposed streets shall be properly related to the street and highway plans of the state, county, and local municipality. Streets shall be designed to provide adequate vehicular access to all lots and with regard for topographic conditions, projected volumes of traffic, and subdivision or land development possibilities in the area.
- 25.1.3 The street system of a proposed subdivision or land development shall be designed to create a hierarchy of street functions.
- 25.1.4 All streets shall be designed with proper drainage to avoid future damage to the street. The design shall ensure that the surface sheds water, side ditches collect and carry water away, and an adequate number and sizing of culverts has been planned.
- 25.1.5 Access to a state road requires authorization from the Pennsylvania Department of Transportation and receipt of a valid highway occupancy permit.
- 25.1.6 Access to a Preston Township street shall require authorization from Preston Township and receipt of a valid highway occupancy permit.

25.2 Public Streets

- 25.2.1 New public streets shall be constructed to the standards that are required by the Preston Township Road Ordinance.
- 25.2.2 Final approval for subdivisions and land developments which propose public streets shall not be granted until all applicable standards have been met or street construction is financially guaranteed.

25.3. Private Streets

- 25.3.1 New private streets shall be constructed to the standards that are set forth in § 25.4 below.
- 25.3.2 Preston Township shall not be required to accept such new private streets for public dedication until the streets meet such additional standards and specifications as Preston Township may require for public dedication.

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25.3.3 Final approval for subdivisions and land developments which propose private streets shall not be granted until all applicable standards have been met or street construction is financially guaranteed.

25.4 Engineering Standards for Private Streets

25.4.1 Right-of-way - The minimum street right-of-way width shall be 50 feet.

25.4.2 Cartway - The minimum width of the cartway shall be 18 feet. The cartway shall generally be centered within the right-of-way.

25.4.3 Street Construction

25.4.3.1 The cartway, shoulders, and ditch areas shall be cleared and grubbed to a depth sufficient to remove all organic material, and graded to the lines and profile of the cross-section governing the road design. The design and construction of the street bed shall take into consideration the supporting capacities of the subgrade, with particular attention to those soils which are subject to frost heave.

25.4.3.2 All disturbed areas outside of the ditches shall be graded to match the existing ground contour, seeded or planted, and mulched until vegetation is re-established.

25.4.3.3 The base contour shall have a minimum thickness of 8 inches of natural gravel or durable crushed stone with a maximum size of 6 inches.

25.4.3.4 The surface course shall have a minimum thickness of 4 inches of 2B modified compacted.

25.4.3.5 The subgrade, base, and surface course shall all be constructed so that there is a uniform slope away from the center of a minimum of 0.5 inch per foot.

25.4.4 Shoulders. Where curbs are not provided, shoulders 4 feet wide constructed of 6 inches of natural gravel or durable crushed stone shall be required. They shall slope toward the ditch 1 inch to 2 inches per foot.

25.4.5 Ditches. Side ditches on both sides of the street shall be provided to handle surface water from the cartway, back slope, and ground water. The ditches shall be a minimum of 24 inches deep measured below the elevation of the edge of the shoulder adjacent to the ditch. They shall have side slopes of a minimum 1.5 horizontal to 1.0 vertical. The bottom width will be sized to carry the flow from a storm of ten (10) year frequency. Side ditches shall be provided when the capacity of the parallel ditches is reached for the design storm. Traverse ditches shall not intersect parallel ditches at an angle of more than 30 degrees to minimize scour and sedimentation. Where the non-erodible velocity of the ditch material is exceeded, the ditch shall be lined with stone, concrete, bituminous paving, or other accepted methods to prevent scouring and erosion.

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- 25.4.6 Culverts. Culverts shall be provided to carry all surface water under roads. The applicant shall provide engineering hydraulic calculations to justify the locations and sizes of the proposed culverts. The minimum inside diameter of culverts shall be 15 inches or the equivalent pipe arch where head room is restricted. The culvert shall have a minimum of 12 inches of cover under the cartway. Culverts shall be designed for a minimum of 10 (ten) year storm frequency, and will be sized to carry the design flow based on inlet or outlet conditions, whichever governs. The inlets and outlets shall be designed and constructed with due consideration to storm water management and to minimize erosion.
- 25.4.7 Grades. The maximum grade shall be 15% measured along the centerline.
- 25.4.7.1 The maximum grade across the turnaround in a cul-de-sac shall be 0.5 inches per foot in any direction.
- 25.4.7.2 Intersections shall be approached on all sides by leveling areas. Such leveling areas shall have a minimum length of 50 feet measured from the intersection of the centerline, within which no grade shall exceed a maximum of 5%.
- 25.4.8 Sight Distance. Measured along the centerline from height of eye of 3.75 feet to height of object of 0.5 feet, sight distance in both directions with respect to any new private street intersection with another street shall be a minimum of 200 feet, except along State highways where Pennsylvania Department of Transportation criteria shall apply.
- 25.4.9 Horizontal Curves. Whenever street lines are deflected from each other by more than 5 degrees, the centerlines shall be connected with a curve having a minimum radius of 100 feet. A minimum tangent of 50 feet shall be required between a curve and a street intersection. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.
- 25.4.10 Vertical Curves. Vertical curves shall be used at changes in grade exceeding 1%.
- 25.4.11 Intersections
- 25.4.11.1 No intersection shall be more than a four (4) way intersection.
- 25.4.11.2 Streets shall intersect as nearly as possible at 90 degree angles. No street shall intersect another at an angle of less than 70 degrees.
- 25.4.11.3 Streets intersecting another street shall either intersect directly opposite each other or shall be separated by at least 150 feet between centerlines measured along the centerline of the street being intersected.
- 25.4.11.4 Grades at intersections shall meet the requirements set forth in § 25.4.7 above.

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- 25.4.11.5 Horizontal approaches of streets at an intersection shall follow a straight line for a distance of at least 50 feet measured from the intersection of the centerline.
- 25.4.11.6 Clear sight triangles. Clear sight triangles shall be provided at all street intersections. The triangular area shall be graded and/or sight obstructions removed and prohibited to permit unimpeded vision in both directions for a minimum of 50 feet. Sight distances shall be computed along the intersection right-of-way lines.
- 25.4.12 Cul-de-sac Streets. Dead end streets shall be designed as cul-de-sacs.
- 25.4.12.1 Cul-de-sac streets shall not exceed 1,200 feet in length measured from the centerline of the intersection to the centerline of the turnaround, nor shall more than ten (10) lots be fronted on a cul-de-sac street under any circumstances.
- 25.4.12.2 The minimum diameter of the right-of-way line for the turnaround shall be 120 feet.
- 25.4.12.3 The minimum diameter of the cartway for the turnaround shall be 100 feet.
- 25.4.12.4 Grades within the turnaround shall meet the requirements set forth in § 25.4.7.1 above.
- 25.4.13 Where a subdivision or land development abuts or contains an existing or proposed arterial, limited access right-of-way, or major traffic street, the Board of Supervisors may require marginal access streets, reverse frontage lots or other such treatment as will provide protection for abutting properties, reduction in the number of intersections with the arterial, limited access right-of-way, or major street and separation of local and through traffic.
- 25.4.14 The slopes of banks along streets and roads, measured perpendicular to the cartway centerline, shall be no greater than required to provide a factor of safety of 1.75 against slides, slumps, spreads, or slope movement from any cause. In the absence of detailed engineering stability analysis for the material involved, a minimum of 1.5 horizontal to 1.0 vertical for cut slopes and 2.0 horizontal to 1.0 vertical for fill slopes will be required provided the material is adequate to provide these slopes. All fills will be placed in accordance with good engineering practice, free of stumps and other organic material and compacted.
- 25.4.15 Curbs and sidewalks may be proposed and installed by the applicant, but are not generally required. The Board of Supervisors may require curbs and/or sidewalks if they exist in the adjacent neighborhood or if they would be deemed necessary to provide access to community facilities such as schools, shopping areas, or recreation areas.

This shall be determined by the Board of Supervisors during or before the preliminary plan submission. Sidewalks and curbs shall be constructed to the specifications of the

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Pennsylvania Department of Transportation for the material chosen by the applicant and agreed to by the Board of Supervisors.

25.5 Private Drives

Private driveways to be owned in common or individually by the prospective lot owners may be used to access a maximum of three (3) single-family dwellings. The following standards shall apply to private driveways:

25.5.1 Individual driveways serving only one single-family dwelling, or two such dwellings in the case of shared driveways, shall not be subject to any of the street design or improvement requirements of this Ordinance or the Township Road Ordinance, provided that, in the case of two dwellings, the deed for each lot (a copy of which shall be submitted) shall contain appropriate restrictive covenants;

25.5.1.1 Setting forth the manner in which the costs of repairs, upgrade and maintenance shall be apportioned between the owners,

25.5.1.2 Restricting each parcel from further subdivision,

25.5.1.3 Providing for the maintenance of a minimum right-of-way of fifty (50) feet in width for said driveway, and

25.5.1.4 Documenting that the parties understand the driveway is the not the responsibility of the Township and that they have no recourse to the Township for repairs, upgrades or maintenance unless and until said driveway is brought completely up to then prevailing road dedication requirements of Preston Township and is accepted by the Board of Supervisors.

25.5.2 Standards of construction for other shared driveways servicing up to three (3) single-family dwellings may be modified provided;

25.5.2.1 The deed for each lot (a copy of which shall be submitted) shall contain appropriate restrictive covenants meeting the requirements of § 25.4.1 immediately above,

25.5.2.2 The driveway shall meet the following minimum design standards:

Minimum Right-of-Way	50 feet
Minimum Pavement Width	16 feet
Minimum Shoulder Width	3 feet

25.5.2.3 Pavement shall consist of an all-weather surface,

25.5.2.4 Applicants proposing driveways of this nature shall not be required to submit detailed engineering data (e.g. profiles, grade analyses, etc.) in conjunction

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with the submission but driveways shall be subject to inspection by Township representatives to determine compliance with these standards.

- 25.5.3 No more than two (2) lots (a single new lot) shall be created on a cumulative basis from any parcel accessed through an existing easement where the right-of-way is not already controlled through fee simple ownership by the subdivider.

§ 26 Signs

- 26.1 Each new street shall be named. Names of new streets shall not duplicate or approximate existing or platted street names within Preston Township, adjacent local municipalities within the County, or postal delivery district, or approximate such names by the use of suffixes such as lane, way, drive, court, avenue, etc. If a zoning ordinance is in effect, these regulations would also apply.
- 26.2 Street name signs shall be provided and installed by the applicant at each intersection prior to final approval. The signs shall conform to all applicable regulations currently in effect. At a minimum they shall be 6 inches high and 18 inches long mounted on standard break-away posts approximately 10 feet above the ground that conform to PennDOT standards. The lettering shall be a minimum of 4 inches high and double faced.
- 26.3 Signs indicating "no outlet" shall be provided and installed by the applicant on each cul-de-sac street prior to final approval. The sign shall be located on the right hand side of the street, facing the intersection, and be between 50 and 200 feet from the centerline of the intersections. The sign shall meet the standards of the Pennsylvania Department of Transportation for design specifications and installation.

§ 27 Utilities

- 27.1 Easements. Utility easements shall be provided for wires, conduits, storm and sanitary sewers, gas, water, and/or other utility lines intended to service abutting lots. Utility companies shall be consulted by the applicant when locating utility easements using the "one-call system." The requirements of the utility company shall serve as the minimum standards.
- 27.2 The Pennsylvania Public Utility Commission order regulating underground and overhead electrical distribution shall be complied with by the applicant.

§ 28 Survey Markers

- 28.1 Survey markers shall be established or located at each existing and proposed lot corner. If it is impossible or impractical to set a survey marker precisely on the corner, then survey markers may be established on the line of the lot and offset a distance from the actual corner. Such distance shall be so noted on the final plat.
- 28.2 Survey markers shall be made of iron pipe, iron or steel bars, concrete, stone, or other similar durable material. Wooden stakes or other similar less durable material shall be prohibited.

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28.3 A wooden stake or other suitable object shall be placed or found near each survey marker as a witness with a notation made on it which identifies the lot by number, letter, or name of landowner.

§ 29 Drainage Easements

Drainage along and across streets shall be designed so as to meet the applicable requirements of this Ordinance, the storm water management ordinance and/or the road ordinance. All drainage facilities for this purpose shall be located, to the best of the applicant's ability to adequately meet the engineering requirements of the facility, within the street right-of-way. If this is not possible, additional drainage easements shall be provided adjacent to the street right-of-way by the applicant and indicated on all plans. Drainage easements shall also be provided along all side and rear lot lines. The easements shall extend a minimum of 10 feet from each side and rear lot line onto the lot.

§ 30 Sewage Disposal

- 30.1 All subdivisions and land developments shall be required to have provisions for disposal of sewage and all other waste water. The applicant shall provide for the most effective type of sanitary sewage disposal facility consistent with existing physical, geographical, and geological conditions.
- 30.2 The applicant shall comply with all appropriate state and Preston Township regulations for inclusion of the proposed subdivision or land development in the Township's Official Plan for sewage systems.
- 30.3 If the applicant proposed to construct or connect to a public or private collection and treatment system, the system shall be designed in accordance with specifications of the Department of Environmental Protection and Preston Township.
- 30.4 If the applicant proposes that individual on-lot sewage systems will be used, the requirements of DEP and Preston Township governing the location and design of such systems shall be followed by the applicant and all present and future owners.
- 30.5 Approval of a subdivision or land development proposing the use of on-lot sewage disposal shall in no way indicate or guarantee approval of any on-lot disposal system.
- 30.6 The applicant and/or all present and future owners shall be required to obtain appropriate permits from the state and/or Preston Township prior to the construction of any sewage disposal system, including holding tanks.
- 30.7 If the applicant proposes a community subsurface sewage disposal system as the means of treating and disposing of sewage, disposal areas shall be on separate "sewage disposal lot(s)". Each sewage disposal lot shall be a minimum of 1 acre.

§ 31 Water Supply

- 31.1 All subdivisions and land developments shall be required to have provisions for the supply and

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distribution of water. The applicant shall provide for the most effective type of water supply system consistent with existing physical, geographical, and geological conditions.

- 31.2 If the applicant proposes to construct or connect to a public or private water supply and distribution system, the system shall be designed in accordance with specifications of the federal Environmental Protection Agency, state and Preston Township as they may apply. If no such federal, state, or Preston Township specifications exist or apply, the system shall be designed to meet accepted engineering practices. The specifications of the Association of Fire Underwriters and the American Water Works Association shall be used as guides in designing water supplies and distribution systems.
- 31.3 If the applicant proposes that individual on-lot water systems will be used, the requirements of the state and Preston Township governing the location and design of such systems shall be followed by the applicant and all present and future owners. Any on-lot water supply system must be (50) fifty feet from septic tanks and (100) one hundred feet from sewage absorption areas.
- 31.4 If the applicant proposed a new central water system, the well shall be located on a "well lot" if the system is intended to serve 3 or more lots. The "well lot" must be a minimum of 25 feet by 25 feet. If the central system will serve only 2 lots, and is simply a "shared well" no "well lot" will be required.

§ 32 Erosion and Sedimentation

- 32.1 The erosion and sedimentation control plan, control measures, facilities, and restoration work shall comply with DEP rules and regulations.
- 32.2 If the County and/or Preston Township has additional rules and regulations, the erosion and sedimentation control plan, control measures, facilities, and restoration work shall be designed to comply with these additional rules and regulations.
- 32.3 If the earthmoving activity proposed requires the obtaining of a DEP erosion and sedimentation control permit, the DEP rules and regulations governing the issuance of permits shall be adhered to.

§ 33 Storm Water Management

Storm water management shall comply with the Preston Township Storm Water Management Ordinance. Said Ordinance is specifically applicable to all areas within the Delaware River, Equinunk Creek, Lackawaxen River, Lackawanna River, Starrucca/Cascade Creek and Susquehanna River watersheds, these collectively encompassing all of Preston Township's land area. Where no storm water management ordinance applies, the following shall apply:

- 33.1 Storm water management plans shall be drawn to the specifications and requirements of state, county, and/or Preston Township regulations. If no such regulations exist, the plans shall meet accepted engineering practices.

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- 33.2 Storm sewers, culverts, and related facilities shall be provided in order to permit unimpeded flow of natural water courses, insure adequate drainage of all low points and areas along streets, and intercept water runoff along streets at intervals that are properly related to the extent and grade of the area drained.
- 33.3 Measures shall be implemented to: assure that the maximum rate of stormwater runoff is no greater after subdivision and land development than prior to subdivision and land development activities; or, manage the quantity, velocity, and direction of resulting storm water runoff in a manner which otherwise adequately protects health and property from possible injury.

§ 34 Flood Plain Management

- 34.1 All subdivisions and land developments shall comply with the provisions of state, and Preston Township Flood Plain Ordinance and regulations.
- 34.2 In addition thereto, the following shall be applied:
- 34.2.1 The general health, safety, and welfare of the community shall be promoted and preserved.
- 34.2.2 Each subdivision lot or land development site within designated (100) year flood plains shall be provided with a safe building lot or site with adequate access. Public facilities which serve such lots or sites shall be designed and installed to preclude flood damage.
- 34.2.3 Where not prohibited by this or any other codes or ordinances, land located in designated one-hundred (100) year flood plains may be subdivided or developed with the provision that the applicant construct all buildings and structures to preclude flood damage in accordance with this and any other codes or ordinances regulating such subdivision or land development.
- 34.2.4 The finished elevation of proposed streets within designated one-hundred (100) year flood plains shall be no more than 1 foot below the one-hundred (100) year flood elevation. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.
- 34.2.5 All new or replacement sewer service facilities, water service facilities, and utilities, whether public or private, located in designated one-hundred (100) year flood plains, shall be flood-proofed up to a point 1-1/2 feet above the one-hundred (100) year flood elevation.

§ 35 Commercial and Industrial Subdivisions and Other Land Developments - Generally

35.1 Application.

All commercial and industrial subdivisions and land developments shall conform with the provisions

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of the applicable section(s) of this Ordinance. Notwithstanding any requirements that may exist under the Pennsylvania Municipalities Planning Code to submit an application for approval, the land development standards contained herein shall not, however, apply to the following:

- 35.1.1 Temporary or accessory activities.
- 35.1.2 Minor building alterations, repairs or maintenance activities.
- 35.1.3 Conversion of single-family dwellings to two-family dwellings.
- 35.1.4 Replacement, rehabilitation or reconstruction of a structure or facility for the same use at the same scale.
- 35.1.5 Construction of any non-residential structure of less than one thousand (1,000) square feet in floor area that does not involve any of the activities specifically regulated herein.

These standards contained herein shall also not apply to new commercial agricultural land developments that involve the husbandry, at any one time, of less than one hundred (100) livestock units or one (1) livestock unit per acre of land; or to animals raised for 4-H or other youth club activities. Where new commercial agricultural land developments exceed both these thresholds, they shall be subject to review hereunder. A livestock unit shall consist of any one of the following and livestock units for non-specified animals shall be calculated based on similarity to those that are specified:

- One (1) hog;
- One (1) large animal (cows, sheep, goats, deer, etc.);
- Five-hundred (500) poultry;
- Three-hundred (300) other small animals (rabbits, chinchillas, mink, etc.).

The above list is intended to clarify, in terms of their practical application, the exceptions already provided under the Pennsylvania Municipalities Planning Code. No person is exempted from the demands to file any plan required under such Code regardless whether or not standards for the same have been included in this Ordinance.

35.2 Procedure. Commercial, industrial and other non-residential land developments shall comply fully with the procedures set forth in Article III of this Chapter, "Procedures, Plans and Improvement Requirements," regardless whether or not any actual conveyance of land by metes and bounds or other means is involved. Plans for new or expanded commercial, industrial or other non-residential developments shall be prepared and submitted for review and approval in the same manner as plans for subdivisions.

35.3 Street Systems.

35.3.1 Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor should they create hazards for adjacent residential areas.

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- 35.3.2 The design of streets, service drives, and pedestrian ways, should provide for safe and hazard-free internal circulation, including provision for fire lanes where appropriate.
- 35.3.3 The points of ingress and egress shall be designed so as not to require commercial or industrial traffic to pass through residential areas.
- 35.3.4 All commercial access streets shall be paved pursuant to the requirements for public streets in the Preston Township Road Ordinance.
- 35.4 Plan Review Standards. Plans shall address the specific site conditions, delivering the best possible service to customers in terms of traffic circulation, parking and pick-up and delivery services, while also protecting the public health, safety and general welfare. The Township may, in the interest of achieving these objectives, impose specific conditions on the approval of such a land development to address site conditions including but not limited to steep slopes, limited sight distance and lack of existing site buffers.
- 35.4.1 The amount of parking required shall be based on Industry studies of parking needs for the type of use proposed or actual case-study comparisons for projects of similar character. The Township may require the developer or applicant to gather and submit such data in support of its proposed parking provisions and the National Parking Association and Urban Land Institute are examples of such industry sources. Where the Township Board of Supervisor shall determine such industry standards are inadequate for the particular use or site involved or such standards are unavailable, the following standards shall be applied:
- | | |
|---------------------------|------------------------------------|
| Hotels/motels | 1 space per rental room |
| Industrial uses | 1 space per 400 sq. ft. floor area |
| Places of public assembly | 1 space per 5 seats |
| Offices | 1 space per 300 sq. ft. floor area |
| Restaurants | 1 space per 50 sq. ft. floor area |
| Auto service stations | 4 spaces plus 1 per employee |
| Other Commercial uses | 1 space per 250 sq. ft. floor area |
- 35.4.2 Each parking space shall consist of not less than an average of two hundred seventy (270) square feet of usable area for each motor vehicle, including interior driveways, driveways connecting the garage, or parking space, with a street or alley.
- 35.4.3 Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways. All parking areas which are designed to accommodate twelve (12) or more vehicles shall be landscaped using materials of sufficient growth and height to aesthetically balance the impact of the open paved area and provide effective stormwater control.
- 35.4.4 Any building erected, converted or enlarged for commercial, office, manufacturing, wholesale, institutional or similar uses shall also provide adequate off-street areas for loading and unloading of vehicles. The minimum size loading space shall be sixty (60) feet

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in depth and twelve (12) feet in width, with an overhead clearance of fourteen (14) feet.

- 35.4.5 Access drives shall not open upon any public right-of-way within one-hundred (100) feet of the nearest right-of-way line of any intersecting public street or highway or where the sight distance in either direction would be less than five-hundred (500) feet. These standards shall supersede those found in any other ordinance
- 35.4.6 There shall be no more than one entrance and one exit to any business or parking area on any one highway unless safety considerations should demand it. Each entrance and exit shall be clearly defined with curbing, fencing or vegetative screening so as to prevent access to the area from other than the defined entrance and exits provided that such screening shall not impede sight distance in either direction. In no case shall one entrance and exit be located within one-hundred (100) feet of any other on the same property or adjoining property along the same public right-of-way. Existing lots of record, however, shall be exempt from this separation requirement to the extent there is no other means of providing access.
- 35.4.7 All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least fifteen (15) feet in depth.
- 35.4.8 The Board of Supervisors, at its discretion, may require a traffic impact study with any land development application involving an activity likely to generate more than five-hundred (500) trip-ends per day based on the following daily rates:

Residential uses	9.6 trip-ends per dwelling unit
Industrial uses	3.3 trip-ends per employee
Restaurants	7.9 trip-ends per seat
Fast-food restaurant	23.9 trip-ends per seat
Convenience market	605.6 trip-ends per 1,000 sq. ft. gross floor area
Supermarket	177.6 trip-ends per 1,000 sq. ft. gross floor area
Car wash	108.0 trip-ends per car stall
Offices	6.0 trip-end per employee
Other commercial uses	50.0 trip-ends per 1,000 sq. ft. gross floor area
Institutional uses	4.0 trip-ends per employee
Other uses	See "Trip Generation" – Institute of Transportation Engineers

The study shall examine existing and projected traffic flows before and after development and generally follow the guidelines set forth for such studies by the Institute of Transportation Engineers. Its purpose shall be to ensure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access to the site from the network. It shall identify solutions to potential problems and any improvements needed. The scope of the study shall be approved in

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advance by the Planning Commission.

The impacts of additional traffic associated with any land development shall be mitigated with appropriate design measures approved by the Pennsylvania Department of Transportation or Preston Township, if such impacts would result in a significant decline in the level of service of any existing highway or intersection. Traffic delays shall be maintained at a level below where the highway is expected to be in 10 years absent the new land development.

- 35.4.9 Landscaping may be required, access may be required to be modified and other measures taken to accomplish these purposes and to secure conformance with the objectives of the Township Comprehensive Plan, or other plans of the Township or County.

35.5 Lot, Block and Setback Standards

- 35.5.1 Block lengths shall be a minimum of six-hundred (600) feet. Where safety considerations mandate, eight-hundred (800) feet may be required as a minimum.

- 35.5.2 Lot sizes shall be sufficient to provide adequate space for off-street parking and loading, landscaping, and other facilities. They shall also be substantial enough to buffer the use from adjacent residences and mitigate any negative environmental impacts on the community or neighborhood. Lots shall, in no case, be less than one-half acre in lot area and, where on-site sewage disposal facilities are to be utilized, a minimum of one-acre shall be required.

- 35.5.3 The following minimum setbacks, as provided for under Section 503 (4.1) of the Pennsylvania Municipalities Planning Code, shall apply to all commercial, industrial and other non-residential land developments in Preston Township:

Utilities Available	Minimum Front Lot Line Setback*	Minimum Side Lot Line Setback	Minimum Rear Lot Line Setback
Off-site water and sewage	50 feet	20 feet	20 feet
Either off-site water or off-site sewage	50 feet	35 feet	35 feet
On-site water and sewage	50 feet	50 feet	50 feet

*Note: Applied from the edge of the highway right-of-way.

These setback areas, however, may be used for purposes of parking, fencing, wells and sewage disposal systems consistent with State law, but shall otherwise apply to all structures and improvements, including dams.

- 35.5.4 Any setback which does not adequately buffer a land development from adjacent residences or otherwise mitigate environment impacts on the community or neighborhood shall be increased as may be necessary to accomplish these purposes and

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landscaping shall be required to create an effective buffer within 5 years or less. However, the additional buffer area shall be restricted to the minimum required to effectively limit such impacts to the property being developed (e.g., maintain odors, lights, vibrations and noise on-site, ensure that industrial operations are fully screened, etc.).

- 35.5.5 All setbacks in the case of uses which may generate significant amounts of commercial truck traffic, flood-lighting, noise or odors, including trucking terminals, distribution facilities, amusements parks, auto race tracks, wood products manufacturers, concentrated animal feeding operations not otherwise exempt from this Ordinance, all-night recreational facilities, junkyards or similar enterprises shall be increased to a minimum of 200 feet where off-site water supply and sewage disposal facilities are provided and a minimum of 300 feet where on-site water supply and sewage facilities are used. Additional setbacks, landscaping or other buffer screening may be required where such areas are not forested. Also, in those instances where greater setback are demanded by other Township regulations, those greater setbacks shall apply.

"Significant" shall mean any degree or amount of impact which can be seen, felt, heard, smelled or otherwise detected by the human senses from two-hundred (200) feet away on a regular and continuing basis.

§ 36 Telecommunications Facilities

The following standards shall apply to telecommunications facility land developments. These shall be in addition to any applicable regulation of the Federal Communication Commission (FCC) and Federal Aviation Administration (FAA):

- 36.1 Notwithstanding minimum setbacks provided for § 35.5.3, any tower shall be setback from all property lines a distance that is at least equal to one and one-half times the height of the tower. The tower shall also be setback from any active recreation facilities or fields a distance that is at least equal to one and one-half times the height of the tower.
- 36.2 The applicant shall demonstrate that the tower for the communications facility is the minimum height necessary for the service area and that the site chosen is the one which will afford the opportunity to construct the lowest height communications tower possible, taking into consideration all lands available within a reasonable distance including those which may lie within adjoining municipalities.
- 36.3 The applicant shall present documentation that the tower is designed in accordance with best industry practice.
- 36.4 The applicant shall demonstrate that the proposed tower adequately addresses all aspects of aviation safety in view of known local aviation traffic as well as FAA requirements.
- 36.5 The need for additional buffer yard treatment shall be evaluated. Proximity of the communications structure to existing or platted residential properties shall be considered in applying such requirements. Existing trees on the site which serve to provide a natural buffer shall be preserved unless absolutely required to be removed for purposes of access or safety.

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- 36.6 The applicant shall provide visual depictions or studies to indicate how the communications facility will appear once constructed in relation to the surrounding natural environment and from the perspective of adjacent or nearby residents as well as travelers.
- 36.7 Where the telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted or will grant an easement for the proposed facility and that vehicular access is provided to the facility.
- 36.8 Free-standing pole-type communications structures shall be given preference over towers supported by guy wires.
- 36.9 All communications structures shall be lighted for safety in a manner consistent with industry best practices and where lighted additional setbacks may be imposed to shield adjacent properties from the effects of such lighting.
- 36.10 All property owners and adjacent municipalities within five hundred (500) feet of the outside perimeter of the communications structure, including guy wires, shall be notified by certified mail prior to the Planning Commission making a recommendation on a Preliminary Plan for such a land development. This responsibility shall be the applicant's and such applicant shall provide proof of notification as part of their application.
- 36.11 Should any tower cease to be used as a communications facility, the owner or operator or then owner of the land on which the tower is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and charge back the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees.
- 36.12 An applicant for approval of a communications structure shall include with the application evidence of written contact with all wireless service providers who supply service within the Township for the purpose of assessing the feasibility of co-located facilities. Should co-location not be feasible, the applicant shall demonstrate that a good faith effort has been made to mount the antenna on an existing building or structure, including proof of contacts, building investigations and similar evidence. Should such efforts fail to result in a suitable site, a new communications tower may be permitted, but shall be constructed to provide available capacity for other providers should there be a future additional need for such facilities.
- 36.13 Wind power generation facilities shall be subject to these same standards to the extent applicable.

§ 37 Kennel and Animal Farm Land Developments

It shall be unlawful to keep more than six (6) dogs of six (6) months of age or more on any property, regardless of the number of owners, unless there is minimum of 10,000 square feet of lot area per dog. Kennels shall be located a minimum of three hundred (300) feet from any adjoining property line and the Township Board of Supervisors shall be authorized to impose special setbacks, buffers and other measures to limit noise, odor, water pollution and other impacts on adjacent properties. No kennel shall be operated on

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any property which lacks a full-time manager or resident manager to deal with problems of noise and other impacts on adjoining properties. These same standards shall also apply to any animal shelter, animal refuge, animal farm, game farm or similar facility where six (6) or more animals of more than twenty-five (25) pounds and six (6) months of age each are kept. These standards shall not apply to any dairy, poultry, sheep, horse or goat farms, however.

§ 38 Recreational Land Developments & Recreational Vehicle (RV) Requirements

The following design standards and other requirements shall apply to recreational land developments.

- 38.1 A recreational land development shall have a gross area of at least five (5) contiguous acres of land in single ownership or under unified control.
- 38.2 All recreational land developments shall provide and maintain a vegetative screening strip of planted or natural growth, along all property boundary lines. Such screening shall be at a depth of not less than twenty (20) feet, to effectively screen the area to a minimum of six (6) feet in height within a reasonable time period (one year of application approval). A planting plan specifying types, size and location of existing and proposed plant material shall be required and approved by the Board of Supervisors.
- 38.3 Recreational land development lots or camping sites in non-transient recreational land developments shall comply with the lot requirements found in § 24 hereof. Transient recreational land development lots or camping sites shall be a minimum of fifty (50) feet wide and seventy-five (75) feet deep and may be clustered. Gross density, however, shall not exceed a total of five (5) sites per acre in such instance (eight [8] sites per acre if tent/primitive type camping only). Frontages on cul-de-sacs may be varied.
- 38.4. Individual recreational land development lots or camping sites shall be separated from service building structures and other occupied buildings and structures by a minimum distance of fifty (50) feet. Also, notwithstanding the above requirements, no recreational vehicle or tent platform shall be located closer than twenty-five (25) feet to the street right-of-way; closer than twenty-five (25) feet to any other recreational vehicle or tent platform; or one hundred (100) feet to any adjacent property line.
- 38.5 At least two off-street parking spaces of two-hundred-seventy (270) square feet each shall be provided for each site. At least one such off-street parking space shall be provided on each lot as required.
- 38.6 The street design standards contained in Article V of this Ordinance shall apply to streets within non-transient recreational land developments. Transient recreational land development streets shall be not less than fifty (50) feet in right-of-way width, and shall be cleared, graded and constructed as required by the Township Board of Supervisors upon recommendation of the Township Engineer, based upon the size of the development, site conditions and type of development proposed (i.e. primitive tent camping or RV camping).
- 38.7 No individual on-site sewage or water supply shall be permitted, and all community systems for the common use of campsite occupants shall fully comply, as evidenced by approved plans, with the

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- standards imposed by the Pennsylvania Department of Environmental Protection and Preston Township.
- 38.8 No permanent external appurtenances, such as carports, cabanas or patios - physically and permanently attached to the recreational unit, may be attached to any travel trailer or other recreational vehicle parked in a recreational land development, and the removal of wheels or placement of the unit on a foundation in such a park is prohibited.
- 38.9 A recreational land development shall be so located that no entrance or exit from a park shall discharge traffic into a densely populated residential area exceeding one dwelling unit per acre, nor require movement of traffic from the park through such an area to obtain access to a public highway. A minimum of 150 feet of frontage on a State or Township highway shall be required.
- 38.10 A minimum of 10% of the gross site area of the recreational land development shall be set aside and developed as common use areas for open and enclosed recreational facilities. No recreational vehicle site, required buffer strip, street right-of-way, cartway, storage area or utility site shall be counted as meeting this requirement.
- 38.11 Entrances and exits to recreational land developments shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. Streets shall be laid out to intersect as nearly as possible at right angles; in any event, no street shall intersect another at less than seventy (70) degrees. The radii of curbs and pavements at intersections shall be such as to facilitate easy turning movement for vehicles with trailer attached. No intersection of an entrance and/or exit with a State or Township highway shall be located where less than 500 feet of sight distance exists in either direction along the State or Township highway, nor shall such intersection be located within 150 feet of any other intersection.
- 38.12 In connection with the use of any recreational land development, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way or any public grounds; or any private grounds not part of the recreational land development, unless the owner has given written permission for such use. Each recreational land development operator shall provide off-street parking, loading and maneuvering space located and sealed so that the prohibitions above may be observed, and shall be responsible for violations of these requirements.
- 38.13 Campsites shall be used only for camping purposes. No improvement or any mobile home designed for permanent occupancy shall be erected or placed on any campsite. All recreational vehicles in the development shall be maintained in a transportable condition at all times. Any action toward removal of wheels or to attach the recreational vehicle to the ground for stabilizing purposes is hereby prohibited. Moreover, no campsite shall be occupied for more than 12 consecutive months, and no campsite shall be the primary and principal residence of the owner or any other occupant; each campsite to be used and occupied (excepting occasional guests) for camping and recreational purposes only by a single household. The Township may require any owner to remove a recreational vehicle from the campground for a period of 7 days, unless such owner can establish a prior removal within the immediately preceding 12 months. These requirements shall be attached to each campsite sale or membership in non-transient recreational land developments by restrictive covenant.

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- 38.14 The management of every recreational land development shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The term "management" shall include associations of property owners when such are responsible for maintenance and operation of common facilities. The Township Board of Supervisors and/or its designated agents shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Township Board of Supervisors and/or their designated agents shall, in addition, have the authority, when any provision of this Article is violated, to prohibit the occupancy of any and all campsites in a recreational development until the owners and/or management provide evidence of compliance with these provisions.
- 38.15 No owner or occupant of any campsite or recreational land development lot shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campsite or elsewhere within the development, except in places designated therefore. No outside toilets shall be erected or maintained on any campsite. Plumbing fixtures within any recreational vehicles placed upon lots in the recreational land development shall be connected to the sewage disposal system for the development. Sanitary facilities, including toilets, urinals and showers, shall be provided within five-hundred (500) feet of each lot or campsite. A minimum of one toilet per sex per twenty-five (25) lots or campsites shall be provided.
- 38.16 All property lines within the development shall be kept free and open; and no fences, except as may be required by screening sections or may exist naturally, ledges or walls, shall be permitted thereon. This shall not, however, preclude the erection of fences around the perimeter of the development.
- 38.17 No noxious or offensive activities or nuisances shall be permitted on any campsite or lot. The management plan shall provide for limiting significant noise generating activities to specified periods of time that allows for sleeping by neighboring residents.
- 38.18 No animals shall be kept or maintained on any campsite or lot, except the usual household pets. Pets shall be kept confined so as not to become a nuisance.
- 38.19 No person shall burn trash, garbage or other like refuse on any campsite. All such refuse shall be placed and kept in airtight receptacles for the same. No owner shall permit the accumulation of litter or refuse or junk vehicles on a campsite or lot.
- 38.20 Notwithstanding any provisions herein contained to the contrary, picnic tables, benches, storage sheds, fire boxes or fireplaces, and similar items of personal property, may be placed on a campsite. All personal property on a campsite shall be maintained in good condition so as not to become unsightly.
- 38.21 Each owner shall keep drainage ditches and swales located on his campsite free and unobstructed and in good repair, and shall provide for the installation of such culverts upon his campsite as may be reasonably required for proper drainage. He shall also prevent erosion on his campsite or lot.
- 38.22 No drilling, refining, quarrying or mining operation of any kind shall be permitted, nor shall drilling for water or digging of water wells be permitted on any individual campsite or lot.

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- 38.23 No recreation vehicle shall be parked on any street or roadway within the development.
- 38.24 Each campsite fireplace shall be provided with a fire rim of concrete construction at least eight (8) inches in height to contain the fire.
- 38.25 Potable water drinking fountains shall be provided within three-hundred (300) feet of each campsite and fire fighting needs shall also be addressed in the case of recreational land developments accommodating recreational vehicles by providing an emergency water source approved by the local fire department.
- 38.26 The operational standards contained in this section shall be incorporated in restrictive covenants attached to the deeds for lots in non-transient recreational developments and shall be made part of a management plan for any transient recreational developments, which covenants and/or plan shall be approved by the Township Board of Supervisors in its review of preliminary and final plans for the recreational development. A management plan shall be required for all recreational land developments and restrictive covenants incorporating the standards of this section shall be required of all non-transient recreational developments. This shall be in addition to the submission requirements contained in Article III of this Ordinance. A plan or set of covenants that does not adequately provide for conformance with this Section shall not be approved. Where deed covenants are used, they shall provide for the establishment of a bona fide property owners association. The plan and/or covenants shall also provide the Township with the option (but not the obligation) of being a party to their enforcement and include a right for the Township to periodically inspect the development for continued compliance with the plan and/or covenants.
- 38.27 These regulations shall apply to any extensions of existing recreational subdivisions and land developments, including increases in the number of lots or available spaces, even though no addition to total land area is involved. However, nothing herein shall apply to existing facilities.
- 38.28 Recreational Vehicle (RV) Requirements For Units which are not part of a Recreational Land Development.
The following standards and other requirements shall apply to all recreational vehicles (RV) which are not part of a Recreational Land Development (see 38.1 through 38.27), but are units on privately owned parcels in Preston Township.
- 38.28.1 For purposes of this ordinance, Recreational Vehicles (RV) are defined as: motorhomes, camping trailers, travel trailers, fifth wheel trailers, truck camper, pickup coaches, fold-down or popup trailers and park models. These are vehicular units primarily designed for transient use and as temporary living quarters for recreational use only.
- 38.28.2 These units are not intended to be permanent or long-term dwellings. No unit shall be the primary and principal residence of the owner or any other occupant. Each unit is to be used and occupied (except for occasional guests) for camping and recreational purposes only by a single household.
- 38.28.3 All recreational vehicles (RV) shall be always maintained in a transportable condition. Any action toward removal of wheels or attaching the RV to the ground for stabilizing purposes is hereby prohibited. Placement of the unit on a foundation is prohibited.

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- 38.28.4 At all times, recreational vehicles (RV) must be licensed, insured, and registered and be in compliance with all laws of the Commonwealth of Pennsylvania.
- 38.28.5 No permanent external appurtenances such as carport, cabanas, or patios, etc. may be attached to any RV. Attachments installed by the vehicle manufacturer (i.e. awnings and slide-outs) are acceptable.
- 38.28.6 No owner or occupant of any recreational vehicle (RV) shall permit or allow the dumping or placement of any sewage or wastewater anywhere upon the parcel or any adjoining parcels. No outside toilets shall be erected or maintained on any parcel occupied by an RV.
- 38.28.7 No person shall burn trash, garbage, brush, or other like refuse on any lot containing a RV. No owner shall permit the accumulation of litter, refuse, or junk vehicles on any lot containing a RV.
- 38.28.8 No persons may reside in a recreational vehicle (RV) placed or maintained on a parcel located within Preston Township for a period longer than (14) fourteen days unless the parcel contains an approved on-lot sewage and wastewater disposal system dedicated solely to the RV. This system must meet the requirements of Preston Township and Pennsylvania DEP. Only (1) one singular RV is allowed to be connected to the on lot sewage system.
- 38.28.9 If no on-lot sewage and wastewater disposal system exists on the parcel and a recreational vehicle (RV) is used for human habitation in Preston Township for a period of up to (14) fourteen days (or less if the RV's holding tanks are full), then the owner of the lot on which the RV is used must adhere to one of the following options.
- 38.28.9.1 The owner of the lot and/or recreational vehicle (RV) must have the unit pumped out by a sanitation service and taken off-site for disposal. The owner must provide a sewage pumping report and/or pumping receipt to Preston Township to show evidence that the sewage pumping service was performed. All wastewater and sewage must be self-contained with the vehicle's holding tanks until the pumping is performed.
- 38.28.9.2 The owner of the recreational vehicle (RV) must remove the RV from the lot and transport it off-site to have the holding tanks pumped out by a sewage pumping service. All other rules of 38.28.9.1 apply to this option.
- 38.28.10 An exception to the above requirements would be if the recreational vehicle (RV) is parked in storage for future use, is not inhabited, and does not have any electrical, water, and sewage hookups made to the RV during the storage period.
- 38.28.11 The owner of any property on which there are recreational vehicles (RV) in existence at the date of adoption of this ordinance, must take all necessary steps to come into compliance with the terms and conditions of this ordinance within (30) thirty days of the adoption of this ordinance.
- 38.28.12 When a recreational vehicle (RV) is used for habitation in Preston Township, the owner or occupant of the RV shall permit a periodic inspection of the unit and surrounding parcels by Preston Township officials (i.e. Township Supervisors, Township Sewage Enforcement Officer, or

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their designees) for the purposes of determining that the unit is habitable and does not present a risk to the health and safety of Preston Township or its residents.

- 38.28.13 Necessary reasons requiring an inspection would include: 1) to assure that all provisions of this and other Preston Township ordinances are being adhered to; 2) Preston Township has reasonable cause to believe that there exists upon the premises a condition in violation of this and other township ordinances.
- 38.28.14 The administration, enforcement, penalties, and enactment of this ordinance are addressed in Article VII of this ordinance.

§ 39 Sand, Gravel and Quarrying Land Developments

- 39.1 Sand, gravel and other quarrying and excavation land developments shall extend no closer than five-hundred (500) feet to any existing residence, institution or public or semi-public facility. In the case of blasting operations, this distance may be increased by the Board of Supervisors. The Township Board of Supervisors shall ensure all such operations are buffered from adjoining properties and the public highway by landscaping or existing wooded areas of no less than one-hundred (100) feet in depth.
- 39.2 All extraction industries shall comply fully with the Pennsylvania Surface Mining legislation and provide evidence of such compliance in connection with any land development application.

§ 40 Seasonal Camp Land Developments

- 40.1 Seasonal camp land developments where lodging, combined with recreational experiences, is offered for remuneration on either a profit or non-profit basis shall maintain a building setback of no less than one-hundred (100) feet for all new principal structures, including any structure where meals, lodging or entertainment is offered.
- 40.2 Any structure or device to be used for outdoor public announcement purposes shall be located a minimum of two-hundred (200) feet from any property boundary and include buffering and operational controls to limit the negative impacts on adjacent property owners as shall be determined necessary by the Board of Supervisors.
- 40.3 Seasonal camp land development proposals shall include evidence of compliance with the sewage disposal and water supply planning requirements contained herein as well as those of the Department of Environmental Protection.
- 40.4 Seasonal camp land development proposals shall include fire protection planning in conjunction with the local fire departments.

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40.5 Seasonal camp land development shall require a minimum of 43,560 square feet of land area per 6 individuals lodged at any one time.

§ 41 Multi-family Dwelling Land Developments

Multi-family dwelling projects shall be considered major subdivisions and land developments subject to the jurisdiction of this ordinance. The "major subdivision" classification shall apply to all subdivisions of property in connection with the development, regardless of whether or not these are connected with building development, and approvals required shall be requested and acted upon concurrently as one subdivision. Application for preliminary approval of multi-family dwelling projects, accordingly, will be made to Preston Township in the manner provided under Article III hereof.

41.1 Application Requirements. The developer shall also submit the following additional information:

- 41.1.1 An application for multi-family dwelling approval on a form to be supplied by the Township or, in the absence of such form, by a letter or brief from the developer or the developer's representative indicating how the development will meet the general site requirements of this ordinance and otherwise comply with the intent of this section, describing the organization and management of the project.
- 41.1.2 A proposed lot plan showing the approximate (generally within five feet) location of all buildings and improvements including parking areas, planting strips (if any), signs, storm drainage facilities, water supply and distribution system, sewage treatment and collection systems and the specific areas provided as open space in connection with the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas (apart from the open space referenced below), lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in Preston Township. Setbacks from property lines, improvements and other buildings shall also be indicated.
- 41.1.3 A schedule or plan, and proposed agreement(s) either with the Township or a property owners' association for the purpose of dedicating, in perpetuity, the exclusive use and/or ownership of the recreation area and open space required by this Ordinance to the prospective dwelling owners or occupants. Such agreement may be incorporated in the applicant's proposed covenants and restrictions, but shall in any event, provide to the satisfaction of the Township that maintenance and use of the property, regardless of ownership, be restricted to either: (1) activities intended for the sole benefit of the occupants of the particular project proposed, or (2) permanent open space as hereinafter provided.

The application package shall be processed on a schedule identical with requirements for review and approval of other Preliminary Plans under the Subdivision and Land Development Ordinance including providing the Wayne County Planning Department with an opportunity to review copies of the entire package.

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- 41.2 Planning Commission Action. The Township Planning Commission, before recommending action to Board of Supervisors, may also hold a public meeting pursuant to the Pennsylvania Municipalities Planning Code. The Preston Township Planning Commission shall then report its findings together with a recommendation for approval, conditional approval or disapproval.
- 41.3 Board of Supervisors Action. The Board of Supervisors shall act on the Preliminary Plan and "Planning Module for Land Development" concurrently, making the Preliminary Plan approval, if one shall be given, subject to approval by the Pennsylvania Department of Environmental Protection (DEP). The plan approval shall be null and void absent such DEP approval unless the Board of Supervisors shall have determined the legal limit of time for DEP action has passed.

No building permit shall be issued to the applicant, however, until all conditions attached to the approval of any Preliminary Plan, including DEP approval of the "Planning Module" shall have been satisfied and nothing herein shall be construed as permitting the issuance of a building permit prior to Preliminary approval. This requirement notwithstanding, the building permit application shall be made with the Preliminary Plan and shall, if granted, be valid for a period equal to that for Preliminary Plan approval. If the Preliminary Plan shall be rejected no building permit shall be granted.

- 41.4 Installation of Improvements. Following Preliminary Plan approval, the developer shall provide for the installation of required or proposed improvements including, but not limited to; landscaping, streets, parking areas, storm drainage facilities, recreational facilities and lighting. Building improvements shall similarly be completed or guaranteed prior to the applicant's request for Final Approval. No right of occupancy shall, however, exist until such time as Final Plan approval shall have been granted in accordance with the procedures and informational requirements of this ordinance, and buildings have been completed and inspected by the Building Permit Officer. Complete final building plans shall also be submitted as part of the Final Plan application.
- 41.5 Recording Requirement. No person shall sell, transfer, lease or agree or enter into an agreement to sell or lease any land and/or building or interests in the individual dwelling units to be created, or erect any building thereon except in accord with the provisions of this Section, unless Final Plan approval has been granted and the Final Plan has been recorded in the Office of the Wayne County Recorder of Deeds.
- 41.6 Location. There shall be a one hundred (100) foot setback of all buildings and improvements in a multi-family dwelling project from the property lines of any adjacent parcels and a seventy-five (75) feet setback from any public right-of-way. This shall not apply to fences, utility lines or rights-of-way, and sewage systems installed under State law, however.
- 41.7 Land Area Per Dwelling Unit. Multi-family dwelling projects shall be granted a 100% density bonus above the number of dwelling units per acre which would be permitted if the parcel on which the units are to be constructed were to be developed for single-family residential use. Therefore, where the minimum lot size is one-half acre (21,780 square feet) and multi-family dwellings are to be constructed, the number of units permitted shall be obtained by dividing the total tract size in square feet by 10,890 square feet (one-fourth acre and 50% of the minimum lot size). Density,

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however, shall be calculated by taking the total acreage of the development and deducting the following acreages;

- 41.7.1 Land contained within public rights-of-way
 - 41.7.2 Land contained within the rights-of-way of existing or proposed private streets (Where formal rights-of-way are not involved the width of the street shall be assumed as fifty (50) feet wide); and
 - 41.7.3 Land contained with the boundaries of easements previously granted to public utility corporations.
- 41.8 Recreation Areas and Open Spaces. All areas of a multi-family development not conveyed to individual owners; and not occupied by buildings and required or proposed improvements shall remain as permanent open space or be dedicated to recreation area to be used for the sole benefit and enjoyment of the residents of the particular units being proposed. Such open space shall be part of the same parcel and contiguous and shall be subject to the following regulations:
- 41.8.1 Recreation areas shall be immediately adjacent to the proposed units and freely and safely accessible to all residents of the development and shall not be used to fulfill open space requirements or provide recreational areas for residents of other units, except those provided for in § 41.8.2 below. No less than 50% of the open space to be provided shall be dedicated to recreational area for the sole benefit and enjoyment of the residents of the particular units proposed.
 - 41.8.2 Land designated simply as open space shall be maintained as open space and may not be separately sold, used to meet open space or recreation area requirements for other developments, subdivided or developed excepting that a holding zone may be reserved for future development pursuant to such density requirements as presently exist, provided such lands are specifically defined and indicated as "reserved for future development" on all plats. Such lands shall not be included in calculating permitted density for the proposed development. These provisions, however shall not be construed as granting or reserving to the developer any rights or privileges to develop on the basis of a "pre-approved plan" if density requirements shall have been modified to preclude such development.
 - 41.8.3 Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Such areas may be owned, preserved and maintained by either one or both of the following mechanisms:
 - 41.8.3.1 Dedication to a property owners association which assumes full responsibility for maintenance of the open space.
 - 41.8.3.2 Deed-restricted private ownership which shall prevent development of the open space, provide for its maintenance and protect the rights of owners or occupants of dwelling units to use and enjoy, in perpetuity, such portion of the open space as shall have been dedicated to recreation area for the project. This is intended to allow the owner/developer to retain ownership and use of a

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portion of the property (for hunting, fishing, etc.) provided the permanence of the open space is guaranteed.

Whichever mechanism(s) may be used, the developer shall provide, to the satisfaction of the Township and its Solicitor, and prior to the granting of any Final Plan approval, for the perpetual maintenance of the open space and also the use and enjoyment of the recreation area by residents of the units being approved. No lots shall be sold nor shall any building be occupied until and unless such arrangements or agreements have been finalized and recorded.

41.8.4 At least fifty (50) percent of the designated recreation area shall be usable for active recreational activities and shall not include swamps, quarries, slopes over 24% in grade, or acreage used for improvements. Storm drainage facilities and sewage effluent disposal areas are considered improvements.

41.8.5 Developments of 50 units or more shall also provide one-half acre of parks and playgrounds per 50 units.

41.9 Design Criteria.

The following design criteria shall apply to multi-family developments;

41.9.1 There shall be no more than eight (8) dwellings in each multi-family building.

41.9.2 No structure shall be constructed within twenty (20) feet of the edge of any access road to or through the development or within ten (10) feet of the edge of any parking area.

41.9.3 Access roads through the development shall comply with street requirements of this ordinance and no parking space shall be designed such that a vehicle would be backing or driving out onto a through road. Instead, there shall be a defined entrance and exit to and from each parking area.

41.9.4 No multi-family development shall be served by more than one access to any public highway, unless topography or other physical circumstances would preclude the use of a single entrance in a safe manner.

41.9.5 Two (2) improved parking spaces per dwelling unit shall be provided and for every two (2) units intended for rental or other transient occupancy, one additional space shall be provided to accommodate parking needs during sales and other peak visitation periods.

41.9.6 No more than sixty (60) parking spaces shall be provided in one lot, nor more than fifteen (15) in a continuous row without being interrupted by landscaping. All off-street parking shall be adequately lighted and so arranged as to direct light away from residences.

41.9.7 No structure shall be erected within a distance equal to its own height of any other structure.

41.9.8 Where a property line is not wooded, a planting strip of fifty (50) feet in width shall be

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required to buffer adjoining property owners and ensure privacy. A landscaping plan shall be prepared by the developer and approved by the Township.

- 41.9.9 Multi-family developments shall be subject to the Township Stormwater Management Ordinance and stormwater management requirements of this ordinance, as the case may be. Facilities shall be, at a minimum, designed to accommodate storms of a 10 year frequency unless a more stringent standard shall be recommended by the Township

Engineer. The general performance standard shall be that the amount of uncontrolled stormwater leaving the site along any property line after development shall not exceed that estimated for the site prior to development. In instances where stormwater facilities are impractical for engineering reasons the Township Engineer may modify this standard as it applies to a particular project but shall provide for the maximum practical reduction in flow which can be achieved under the circumstances.

- 41.10 Water and Sewage Facilities. All multi-family developments shall be served with off-site sewage facilities and water supplies as defined herein.
- 41.11 Non-Residential Uses. Non-residential uses shall not be permitted in a multi-family development unless planned as part of a Planned Residential Development. This, however, shall not preclude such ancillary facilities as laundry areas, service buildings, recreational facilities and the like. Where a developer proposes to construct multi-family units on property on which there are existing or proposed non-residential uses (other than ancillary facilities and open space uses) there shall be a minimum setback of the multi-family structures from such uses of two hundred (200) feet and the parcels shall be clearly segregate.
- 41.12 Conversions of Existing Structures. Conversions of motels, hotels or other existing structures to multi-family dwelling use regardless of whether such conversions involve structural alterations, shall be considered subdivisions and land developments and be subject to this ordinance. If the proposed project does involve structural alterations, the Preliminary Plan shall include a certification of a registered architect or engineer to the effect that the existing building is structurally sound and that the proposed conversion will not impair structural soundness.
- 41.13 Maintenance of Common Facilities. Maintenance of a multi-family dwelling project shall be vested (1) an association or other legal entity organized prior to the offering of the first unit for occupancy, or (2) a manager, who may be the developer, or a person designated by the developer before the developer offers a unit for occupancy, or (3) the owners or occupants of units themselves if the total number of owners or occupants within the development is not more than five (5). If the developer shall opt to manage the project or designate a manager, the preliminary application shall include financial statements, a description of previous management experiences and other data sufficient for the Township to ascertain the financial responsibility of the manager.

The association or manager, as the case may be, shall be responsible for maintenance, repair and replacement of the common areas of the development including buildings and, if applicable, the furniture, fixtures and equipment within the units. The project instruments shall specify the expenses which the maintenance organization may incur and collect from purchasers as a maintenance fee

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and secure maintenance of the project as well as enforcement of applicable covenants and restrictions in perpetuity. The Township may require that a Certified Public Accountant review, at the applicant's expense, such financial data for purposes of determining that proposed fees are, in fact, adequate to secure maintenance on a continuing basis.

The developer shall, in filing a Preliminary Plan, provide a narrative description of how responsibility for maintenance and care of the units, common areas and other amenities will be assured and a pro forma operating budget for the maintenance organization including a breakdown of the common

expense to be borne by the maintenance organization and a separation of long-term maintenance costs from on-going routine maintenance costs. There shall also be provided a narrative description of how the developer proposes to assure maintenance and care of the units and common facilities during any sales program, based on which the Township may require additional temporary facilities to accommodate service demands. Copies of all applicable instruments shall be provided, for purposes of determining that long-term arrangements for maintenance of common facilities have, in fact, been made by the developer and/or with the occupants.

Any developer who proposes to construct multi-family dwellings for transient use under the terms of this ordinance and who proposes to convey the common elements of said multi-family dwelling project to an association of purchasers of units therein shall submit a maintenance bond or other performance guarantee acceptable to the Township Solicitor ensuring long-term maintenance and repair of said common elements. Such maintenance bond or other guarantee shall;

- 41.13.1 Be for a period of not less than fifteen (15) years from the date of the final approval of said multi-family dwelling-transient use by the Township;
- 41.13.2 Be in an amount equal to the amount collected or to be collected for long-term maintenance (as indicated in the budget referenced above) by the developer or other responsible parties from each purchaser during the first year after sales to such purchases begin, multiplied by the total number of expected purchasers.

If the development shall be subject to the Pennsylvania Uniform Condominium Act or other applicable Commonwealth statutes governing the sale of real property used for multi-family occupancy, the developer shall certify as to his or her compliance with said statutes. To the extent the provisions of such statutes conflict with this sub-section such certifications shall suffice as to conformance with these requirements. If a developer is not subject to the Pennsylvania Uniform Condominium Act he or she shall present an Attorney's opinion to this effect.

§ 42 Conservation Subdivisions

Developments which provide for single-family dwelling units wherein dwelling units are grouped in sections in order to maximize the amount of common open space and to preserve the natural settings, shall be designated as conservation subdivisions. This section is intended to provide for such conservation subdivisions so that landowners might be able to preserve the equity in their land for development purposes while also preserving open space for public benefit. Conservation subdivisions can produce the same return

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for landowners, reduce the cost of public services, create a far more solid sense of community and truly preserve open space while conventional subdivisions tend to isolate, require more roads and services, reduce the potential for agriculture and consume vast amounts of open space in the name of "preserving rural character."

Conservation subdivisions are encouraged and may be required by this ordinance. They shall be processed in the same manner as other major subdivisions and in accord with the standards and procedures which follow.

42.1 Sketch Plan Requirements. The Planning Commission shall have the authority to require preparation of two Sketch Plans as provided herein, for any subdivision of ten (10) lots or more, one illustrating a conventional subdivision and the other depicting how the property might be developed using the conservation subdivision technique. If this latter Sketch Plan is determined to provide a superior design in accord with the purposes of this ordinance and the same density can be achieved, the Planning Commission may then require use of this technique. This review and decision making process shall take place within the total time frame provided for review of and action on a Preliminary Plan.

42.2 Permitted Number of Dwelling Units. The maximum permitted number of dwelling units shall be determined by deducting from the total tract area:

42.2.1 All areas within the rights-of-way of any existing or proposed streets; and

42.2.2 All areas occupied by public utility easements.

42.2.3 All wetlands, floodplains, slopes of 25% or more, water bodies and other undevelopable areas.

The net figure shall be divided by the minimum lot size applicable and rounded to the nearest whole number of dwelling units permitted.

42.3 Dwelling Types Permitted. Only single-family detached and two family dwellings shall be employed in this concept. All other dwelling types shall be considered multi-family dwellings and be subject to the standards of Section 41 of this Ordinance.

42.4 Reduction of Development Standards. Development standards for lot size, lot width and setbacks may be reduced as necessary to create a safe and workable design that maximizes preservation of open space, provided no dwelling structure (single-family or two-family) is located on less than one-acre of land where on-site sewer and/or water facilities are to be provided or one-half acre of land where off-site sewer and water facilities are to be provided; and further provided the total density (in individual dwelling units) for the tract shall not exceed that which would result from a conventional subdivision plan designed in accord with this ordinance, as determined from the basic Sketch Plan submission. No lot in a conservation subdivision shall exceed 150% of the minimum lot size that otherwise would apply excepting that up to 20% of the open space requirement may be met with estate lots exceeding ten (10) acres in lot area, provided that such lots are limited to one dwelling unit each.

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- 42.5 Open Space Requirements. No individual parcel of common open space shall be less than one (1) acre except as to roadway median strips, traffic islands, walkways, trails, courtyards, play areas, recreation facilities, drainageways leading directly to streams, historic sites or unique natural features requiring common ownership protection. No less than 40% of the total land area of the conservation subdivision shall be dedicated to permanent open space. No less than 25% of this open space shall be usable for active recreational activities and not include wetlands, floodplain, slopes over 25% in grade or other undevelopable area.
- 42.6 Protection of Open Space. The open space resulting from conservation subdivision design shall be permanently protected through a conservation easement and generally titled to a property owner's association (POA) prior to the sale of any lots or dwelling units by the subdivider. Membership shall be mandatory for each property owner within the subdivision and successive owners with voting of one vote per lot or unit and the subdivider's control, therefore, passing to the individual lot/unit owners on sale of the majority of the lots or units. All restrictions on the ownership, use and maintenance of common open space shall be permanent and the POA shall be responsible for liability insurance, local taxes, and maintenance of all open space, recreational facilities and other commonly held amenities. Each property owner must be required to pay their proportionate share of the POA's cost and the POA must be able to file liens on the lot/unit owner's property if levied assessments are not paid. The POA must also have the ability to adjust the assessment to meet changing needs.
- 42.7 Trail Requirements. All lots and dwelling units shall have direct access to the open space provided in a conservation subdivision and there shall be a system of marked and/or improved trails developed to connect the open spaces with each other and with individual lots and dwelling units.
- 42.8 Density Bonus. If the permanent open space created by the conservation subdivision technique is in active agricultural use for the raising of farm animals or crops (not including forestry) and this use is continued and protected by an easement for this purpose, the total number of dwelling units permitted in the conservation subdivision may be increased by up to 20%. A similar bonus will be provided in those instances where no new lots are created along an existing public highway, but rather are fronted on interior or marginal access streets.

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**ARTICLE VI
Mobile Home Parks**

This Article contains provisions setting forth minimum standards for the design, construction, alteration, and extension of mobile home parks and related utilities and facilities.

§ 43. Design Standards and Other Requirements

- 43.1 A mobile home park shall have a gross area of at least five (5) contiguous acres of land under the unified control of an owner/operator or a property owners association.
- 43.2 Mobile home parks shall not be located in any area subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare; nor shall they be located on any soils classified by the U.S.D.A. Natural Resource Conservation Service as having a seasonal high water table within twenty-four (24) inches of the surface or on any slope of 15% or greater.
- 43.3 The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner. All stormwater facilities shall comply with the Township Stormwater Management Ordinance. Stormwater management plans for achieving this objective shall be reviewed by the Wayne Conservation District and the Township Engineer.
- 43.4 All exposed ground surfaces shall be protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather. The owner shall, within a reasonable period of time, insure that the above requirements have been satisfied.
- 43.5 Park Areas for Non-Residential Uses
- 43.5.1 Mobile home parks shall be restricted to residential uses, except those uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.
- 43.5.2 Nothing contained in this Section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to utilities.
- 43.5.3 In all parks designed to accommodate ten (10) or more mobile homes, there shall be one or more recreation areas that are easily accessible to all park residents. The size of such recreation areas shall be not less than 10% of the total area of the mobile home park. Recreation areas shall be located so as to be free of traffic hazards, and should, where the topography permits, be centrally located.
- 43.6 Required Setbacks, Buffer Strips and Screening
- 43.6.1 All mobile homes shall be located at least seventy-five (75) feet from the right-of-way line of any public street or highway, and at least fifty (50) feet from any other park property boundary lines.

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- 43.6.2 There shall be a minimum distance of twenty (20) feet between an individual mobile home and the adjoining pavement of a park street, common parking area or other common areas and structures.
- 43.6.3 All mobile home parks shall be required to provide screening, such as fencing or natural growth, along the property boundary line separating the park from adjacent uses. A planting or screening plan shall be approved by the Board of Supervisors.
- 43.6.4 Accessory structures, including tool sheds, trash receptacles, patios, porches, garages and bike racks, may be erected within required setback and buffer areas, provided that a fire lane of at least ten (10) feet in width is maintained, clear of all obstacles, on each side of each mobile home lot. No structures of any kind may be erected within ten (10) feet of the mobile home lot line.
- 43.6.5 Mobile homes shall not be located within fifty (50) feet of the top-of-bank of any watercourse.

43.7 Erection and Placement of Mobile Homes

- 43.7.1 Mobile homes shall be separated from each other, and from other buildings and structures, by at least thirty (30) feet.
- 43.7.2 An enclosure of similar design and material to the mobile home itself shall be erected around the entire base of each mobile home. Enclosures shall be placed within one year of occupancy of the mobile home.

43.8 Park Street System

- 43.8.1 A safe and convenient vehicular access shall be provided from abutting public streets or roads.
- 43.8.2 The entrance road connecting the park with a public street or highway shall have a pavement width of no less than twenty-four (24) feet and a right-of-way of no less than fifty (50) feet, and no parking shall be allowed on either side of the street. All mobile home lots shall be served by the entrance road or internal streets connected thereto, and none shall be served directly from the public street or highway.
- 43.8.3 Surfaced roadways shall be of adequate width to accommodate anticipated traffic. The minimum pavement width shall be eighteen (18) feet. Dead-end (cul-de-sac) streets shall be provided with a paved turn-around having an outside diameter of no less than one-hundred-twenty (120) feet and shall not exceed 1,200 feet in length. All streets shall have a right-of-way of no less than fifty (50) feet. Rumble strips or other pavement warnings may be required at intersections.

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- 43.8.4 All parks shall be furnished with lighting units so spaced, and equipped with luminaries placed at such mounting heights, as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night.
- 43.8.5 All park streets shall adhere to the Pennsylvania Department of Transportation "Guidelines for Design of Local Roads and Streets." For purposes of evaluation under these guidelines, park streets shall be considered local access urban highways.
- 43.8.6 There shall generally be at least two points of ingress and/or egress in each mobile home park but no more than two accesses to a mobile home park from any one public right-of-way (emergency accesses excepted), and all driveways to individual units along a public right-of-way shall front on an interior or marginal access street. Accesses shall be separated by at least 150 feet where they intersect with a public street.
- 43.9 Walks
- 43.9.1 General Requirements - All parks containing ten (10) or more mobile homes shall be provided with safe, convenient, all-weather surfaced pedestrian walkways between individual mobile homes, the park streets, and all community facilities provided for park residents.
- 43.9.2 Common Walk System - A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half feet.
- 43.9.3 Individual Walks - All mobile home stands shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two feet.
- 43.10 Mobile Home Site. The area of the mobile home site shall be improved to provide a permanent foundation for the placement and tiedown of the mobile home, thereby securing the structure against uplift, sliding, rotation and overturning. Mobile homes shall not be considered placed on a permanent foundation unless wheels have been removed and the home is resting on concrete piers to the frost level, a foundation of poured concrete, block construction or a concrete slab.
- 43.10.1 The mobile home site shall not heave, shift or settle unevenly under the weight of the mobile home, due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
- 43.10.2 The mobile home site shall be provided with anchors and tiedowns, such as cast-in-place concrete "deadmen", eyelets embedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home.
- 43.10.3 Anchors and tiedowns shall be placed at least at each corner of the mobile home site, and each shall be able to sustain a minimum tensile strength of 2,800 pounds.

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43.11 Mobile Home Lot Size and Density

43.11.1 All mobile home lots shall be served with an off-site sewage disposal system and an off-site water supply, shall have a minimum lot area of 10,000 square feet and shall be not less than 75 feet wide at the setback line. Density within the park as a whole shall not exceed one mobile home per 21,780 sq. ft. (0.50 acre) and no less than 50% of the park shall be dedicated to permanent open space. No less than half of this open space shall be usable for active recreational activities and not include wetlands, floodplains, slopes over 15% in grade or other undevelopable area.

43.11.2 All square feet areas and density calculations shall be measured or taken exclusive of any rights-of-way. For the purpose of administration, public rights-of-way shall mean all easements or other rights-of-way that are open for free and easy use by other lot occupants and/or the general public.

43.11.3 All lots intended to be conveyed individually to mobile home occupants shall meet minimum lot area standards applicable to other single-family homes in recognition of the lesser degree of control inherent in parks managed by multiple owners as opposed to a single operator.

43.12 Water Supply. An adequate off-site supply of water shall be provided for mobile homes, service buildings, and other accessory facilities, as required by this Ordinance. The water supply shall be capable of supplying a minimum of 400 gallons per day per mobile home, and the water distribution system shall be designed and maintained so as to provide a pressure of not less than 35 pounds per square inch under normal operating conditions, at service buildings and other locations requiring potable water supply. There must also be an adequate reserve supply of water at adequate pressure to meet fire fighting needs as estimated by the fire company serving the area. Any other applicable requirements of the Pennsylvania Department of Environmental Protection with respect to water supply shall also be met. Fire hydrants and accompanying water storage for fire suppression may be required at the discretion of the Township Board of Supervisors.

43.13 Sewage Disposal. An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings, and other accessory facilities. Such system shall be designed, constructed, and maintained, in accordance with the Pennsylvania Department of Environmental Protection and local sewage regulations.

43.14 Required Off-Street Parking. Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. No less than 2 vehicular parking spaces of at least 200 square feet each in size shall be provided for each mobile home lot. Common parking areas shall not be located further than 300 feet from the mobile home lots they are intended to serve. Any common parking areas shall be all-weather surfaced.

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43.15 Utilities

43.15.1 Electrical Distribution: All mobile home parks shall have an underground electrical/telephone distribution system which shall be installed and maintained in accordance with the local electric power company's and telephone company's specifications regulating such systems. All connections from the meter box to the trailer shall be installed by a qualified electrician and each trailer shall have its own meter box.

43.15.2 Liquefied Petroleum Gas (LPG) Systems. Liquefied petroleum gas systems, when provided in mobile home parks, shall be provided with safety devices to relieve excessive pressures with discharges terminating at a safe location. Systems shall have at least one accessible means for shutting off gas located outside the mobile home, and which shall be maintained in effective operating condition. All LPG piping outside of the mobile home shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas shall not be conveyed through piping equipment and systems in mobile homes. Vessels of more than 12 and less than 60 U.S. gallons gross capacity shall be secured to prevent accidental overturning. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure.

43.15.3 Fuel Oil Supply Systems. All fuel oil supply systems, when provided in mobile home parks, shall be installed and maintained in conformity with the following regulations:

43.15.3.1 All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely fastened in place.

43.15.3.2 All fuel oil supply systems shall have shutoff valves located within five (5) inches of storage tanks.

43.15.3.3 All fuel storage tanks or cylinders shall be securely placed and shall not be located closer than ten (10) feet from any mobile home parking area or exit.

43.15.3.4 Storage tanks located in areas subject to traffic shall be protected against physical damage.

43.16 Licensing and Inspection. The Township Board of Supervisors, by general resolution or in the granting of approval for a mobile home park, may attach a condition requiring annual inspection and licensing of mobile home parks, including provisions for revocation of licenses if the owner/operators or property owners' associations shall fail to meet standards contained herein. The Township Board of Supervisors and/or its designated agents shall, in addition, have the authority, when any provision of this Article is violated, to prohibit the occupancy of any vacant mobile home sites in a mobile home park until the owners and/or management provide evidence of compliance with these provisions.

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§ 44. Application to Existing Parks

- 44.1 Extensions or enlargements of existing mobile home parks by addition of land areas or increase in the number of available lots shall fully comply with the provisions of this Article, except to the extent which they would be modified by restrictive covenants approved by the Township for an existing contiguous portion of the park.
- 44.2 No new or replacement mobile home in an existing park shall be erected any closer than 20 feet to another home site, structure or property line; and on one side of the home there shall be maintained a completely open, unobstructed yard of ten (10) feet in width for a fire lane. No decks, parking areas, service buildings or other structures shall be erected in said yard. All replacement mobile homes shall comply with the skirting and anchoring requirements applying to mobile homes in new parks.

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**ARTICLE VII
Administration, Enforcement, Penalties, and Enactment**

§ 45 Amendments to the Pennsylvania Municipalities Planning Code (ACT 247)

All Pennsylvania laws enacted which amend the Pennsylvania Municipalities Planning Code shall automatically supersede and amend those portions of this Ordinance which are affected by such enacted laws, unless specifically not intended or mandated to do so under the law.

§ 46 Waivers and Modifications

The Board of Supervisors shall have the power to authorize such waivers or modifications from the provisions or requirements of these regulations as will not be contrary to the public interest and will maintain the spirit and original intent of this Ordinance.

46.1 Application. The Board of Supervisors may grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision(s) of the ordinance involved and the minimum modification necessary. The request for modification shall be referred to the Preston Township Planning Commission for advisory comments. The Board of Supervisors shall keep a written record of all actions on all requests for modifications. The Board of Supervisors may also waive any requirement that by its nature would not be applicable to a given application.

46.2 Approvals. The Board of Supervisors may grant a modification from these regulations providing the following findings are made where relevant in a given case:

46.2.1 That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance.

46.2.2 That because of such physical circumstances or conditions, there is no possibility that the property can be subdivided or developed in strict conformity with the provisions of this Ordinance and that the authorization of a modification is therefore necessary to enable the reasonable use of the property.

46.2.3 That such unnecessary hardship has not been created by the applicant. Financial hardship is not grounds for a modification.

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- 46.2.4 That the modification, if authorized, will not alter the essential character of the area in which the property is located, nor substantially or permanently impair the appropriate subdivision or land development of adjacent property, nor be detrimental to the public welfare.
- 46.2.5 That the modification, if authorized, will represent the minimum modification that will afford relief and will represent the least modification possible of the regulations in issue.
- 46.2.6 In granting any modification, the Board of Supervisors may attach such conditions and safeguards as it may deem necessary.

§ 47 Fees

The Board of Supervisors shall from time to time adopt a schedule of fees to defray a portion of the expenses associated with processing applications. Such fees may include engineering and planning review fees and the inspection fees associated with improvements. All fees shall be submitted by applicants with their applications, including estimated payments in advance for all review fees and associated professional expenses, actual costs to be assessed and settled prior to final approvals or release of financial guarantees.

§ 48 Enforcement

In addition to those who may, by law, have the authority to enforce and/or prosecute, it is specifically designated that it shall be the duty of the Board of Supervisors to administer this Ordinance.

§ 49 Preventive Remedies

- 49.1 In addition to other remedies, Preston Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. 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 transferor from such penalties or from the remedies herein provided.
- 49.2 Preston Township 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:
 - 49.2.1 The owner of record at the time of such violation.
 - 49.2.2 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.
 - 49.2.3 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.

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49.2.4 The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, Preston Township 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.

§ 50 Enforcement Remedies

50.1 Any person, partnership or corporation who or which has violated the provisions of the Subdivision or Land Development Ordinance of Preston Township or any related Ordinance enacted under the Pennsylvania Municipalities Planning Code or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by Preston Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by Preston Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, Preston Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

50.2 The Court of Common Pleas, of Wayne County, Pennsylvania, upon petition, may grant an Order of Stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

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

§ 51 Jurisdiction

The duly designated District Justice having authority in and for Preston Township, Wayne County, Pennsylvania, shall have initial jurisdiction in proceedings brought under this Ordinance.

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§ 52 Continuation

The modification or repeal of any prior ordinance, resolution, or regulation by this Ordinance shall not annul or otherwise relieve any party from any permit issued, condition imposed, approval granted, approval denied, order issued, or violation, penalty, or other liability incurred pursuant to such affected ordinance, resolution, or regulation.

§ 53 Enactment

Ordained and enacted this 5th day of January, 2004, to be effective five (5) days hence.

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**ARTICLE VIII
PRESTON TOWNSHIP SOLAR ENERGY SYSTEMS**

§ 54 General Provisions

- 54.1 Purpose: Preston Township seeks to promote the general health, safety and welfare of the community by regulating solar energy system land development and the dismantling and disposal of improvements made in connection therewith.
- 54.2 Authority: This ordinance is enacted under the authority of the Pennsylvania Municipalities Planning Code and all applications made hereunder shall be subject to the procedures applicable to other land developments, including Preston Township Planning Commission review.
- 54.3 Repeal: Subdivision and Land Development Ordinance Adopted January 5, 2004 and as amended regulating solar energy systems is fully repealed and replaced with the provisions contained herein.

§ 55 Special Definitions

ACCESSORY SOLAR ENERGY SYSTEM: An area of land used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. This system installation typically contains panels less than or equal to 5MW.

APPLICANT: The Landowner or Developer, as those terms are defined in the Municipalities Planning Ordinance Code and including their heirs, successors and assigns, who has filed an application for development of a Solar Electric Energy Facility under this Ordinance.

BUILDING-INTEGRATED SYSTEM: A solar photovoltaic system and/or a geothermal energy system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings, and roofing. A building-integrated system may occur within vertical facades, replacing view glass, spandrel glass or other façade material; into semi-transparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

BUILDING-MOUNTED SYSTEM: A solar photovoltaic system attached to a part or type of roof on any lawfully permitted building or structure that is either the principal structure or an accessory structure on a recorded property. This system also includes any solar-based architectural elements.

CELL: The smallest basic solar electric device which generates electricity when exposed to light.

COLLECTOR HEIGHT: The distance measured from the surface of the foundation to the highest point of the Collector face.

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DECOMMISSIONING: The phase of a solar project after the operational phase during which the panels and all associated equipment are removed from the site.

DUE DILIGENCE: The research and analysis done by both parties in a legal agreement to thoroughly investigate the details of the transaction in question.

DRIP LINE: The outermost edge of a roof including eaves, overhangs, and gutters.

EASEMENT: A legal right to some part of another's private land.

ESCROW: Funds paid by the developer and held for use in decommissioning a solar site at the end of the lease term and restoring the land.

FACILITY OWNER: The entity or entities having an equity interest in the Solar Energy facility, including their respective successors and assigns.

GIGAWATT (GW): A unit of power equal to 1 billion watts, 1 million kilowatts, or 1,000 megawatts.

GLARE: The effect produced by light with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GRID-SCALE SOLAR (GSS): Solar installation intended to supply power to the grid for use off-site from where the panels are; typically >5 MW. Also called "utility-scale solar".

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar photovoltaic system mounted on a structure, pole, or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

INTERCONNECTION: The technical and practical link between the solar generator, or wind generator, or other electrical generating systems and the grid providing electricity to the greater community.

INVERTER: Electrical equipment that converts direct current (DC) produced from the sun's rays to alternating current (AC), which powers most electrical equipment.

KILOWATT (kW): A unit of electrical power equal to 1,000 Watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used. 1,000 kW is equal to 1 megawatt (MW).

LANDOWNER: The individual taxpayer that the deeded property belongs to.

LETTER OF INTENT: Document sent by solar developer to landowner. Sometimes comes before the option agreement. Can be legally binding and lay out terms of a potential lease. The main purpose is often to establish a nondisclosure agreement specifying that future terms negotiated cannot be disclosed. Also called a term sheet or preliminary agreement.

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MEGAWATT (MW): The standard measure of solar array's generating capacity; equal to 1,000 kilowatts or 1,000,000 watts.

Module: A module is the smallest protected assembly of interconnected PV cells.

NONDISCLOSURE AGREEMENT (NDA): A provision common to many solar leases stating that the signer may not divulge sensitive information contained in the agreement.

NON-PARTICIPATING LANDOWNER: Any landowner except those on whose property all or a portion of a Solar Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

OCCUPIED BUILDING: A primary residence, school, hospital, church, public library, business or other building used for public gathering that is regularly in use when the land development application is submitted.

OPERATOR: The entity responsible for the day-to-day operation and maintenance of the Solar Energy Facility.

OPTION AGREEMENT: A legally binding agreement between a solar developer and a landowner granting rights to the developer.

NET METERING AGREEMENT: An agreement with a local electric utility that allows customers to receive a credit for surplus electricity generated by certain renewable energy systems.

PHOTOVOLTAIC (PV): A semiconductor-based device that converts light directly into electricity.

PJM INTERCONNECTION, LLC: A regional transmission organization that manages the high-voltage electricity grid reaching more than 65 million people in the Mid Atlantic and parts of the Midwest. They also manage a long-term regional electric transmission planning process for the service area.

PRINCIPAL SOLAR ENERGY SYSTEM: An area of land used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing solar collector devices, solar related equipment and other accessory structures and building including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures. This system installation typically contains panels greater than 5MW.

PRIVACY FENCING: A fence designed and meant to inhibit the public view and provide seclusion.

RIGHT-OF-WAY: Permanent or temporary easement allowing certain access to private land.

SOLAR ARRAY: Numerous solar modules grouped to collect the sun's energy. Sometimes called a "solar facility".

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SOLAR-BASED ARCHITECTURAL ELEMENT: Structural/architectural element that provides protection from weather that includes awnings, canopies, porches, or sunshades and that is constructed with the primary covering consisting of solar PV modules, and may not include additional solar PV related equipment.

SOLAR COLLECTION SYSTEM: A panel or other solar energy device, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating space cooling or water heating.

SOLAR DEVELOPER: A company that sees a solar array from idea to construction, including identifying suitable land; conducting relevant technical studies for the site; obtaining necessary local, state, and/or federal permits; finding a buyer for the power to be produced; obtaining financing to build the solar array and identifying a company to build the solar array. Many times, the developer sells the array to another company once building is set to start or once it is completed.

SOLAR EASEMENT: A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.

SOLAR ENERGY: Radiant energy (direct, diffused and/or reflective) received from the sun.

SOLAR ENERGY FACILITY (SEF): An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Solar Collection Systems and other accessory structures and buildings, including substations, meteorologic towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

SOLAR ENERGY SYSTEM: Any device, facility or structure that converts solar energy into another form of energy such as electricity or heat, whether directly or indirectly. A Solar Energy System shall include all equipment, components, structures, and buildings used in the conversion, storage, and distribution of the converted solar energy, including control units, transformers, inverters, switching equipment, electrical cabinets, pumps, regulators and other associated components of the system.

SOLAR FARM: The location of which the solar electric energy facility is situated. The solar farm shall be located on a parcel or combined parcels of land with a minimum acreage of twenty (20) acres.

SOLAR LEASE: A legally binding agreement between a solar developer and a landowner granting the developer the right to develop the land for solar energy production.

SOLAR PANEL: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for the use in space heating or cooling, for water heating and/or for electricity.

SOLAR PHOTOVOLTAIC (PV) RELATED EQUIPMENT: Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

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SOLAR PHOTOVOLTAIC (PV) SYSTEM: A solar collection system consisting of one or more building- and/or ground-mounted systems, solar photovoltaic cells, panels or arrays, and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation.

SOLAR POWER PURCHASE AGREEMENT: A contract between the producer of solar power and the purchaser of the electricity generated through the solar array. It addresses how much energy the purchaser will buy and at what price.

SUBSTATION: Equipment that changes the voltage of energy. Electricity comes from the solar array to the substation and is converted into a higher voltage at the substation for transmission via high-voltage lines. Near the end user of the electricity, a substation would step the electricity down to a lower voltage usable by most appliances.

TRACKING SYSTEM: A number of photovoltaic modules mounted such that they track the movement of the sun across the sky to maximize energy production, either with a single-axis or dual-axis mechanism.

UTILITY-SCALE SOLAR: See “grid-scale solar”.

§ 56 Accessory Solar Energy Systems:

56.1 Applicability

56.1.1 Accessory systems with an aggregate collection and/or focusing area of 100 square feet or less shall be exempt from this ordinance.

56.1.2 Accessory systems constructed prior to the effective date of this Article VIII shall not be required to meet the terms and condition of this Ordinance. Any physical modification to an existing accessory system, whether or not existing prior to the effective date of this Article VIII, that materially alters the size of the accessory system shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.

56.1.3 This section applies to Solar Energy Systems with an aggregate collection and/or focusing area of greater than 100 square feet and supplying electrical or thermal power primarily for on-site use. This system installation typically contains panels less than or equal to 5MW.

56.2 Design and Installation Standards

56.2.1 The layout, design, installation, and ongoing maintenance of an accessory system shall comply with the PA Uniform Construction Code (UCC), Act 45 of 1999, as amended, including all required permits and inspections, and all other applicable and life safety requirements. The manufacturer specifications for the key components of the accessory system shall be submitted as part of the application.

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- 56.2.2 Other requirements outlined in Preston Township SALDO (Sub-Division Land Development Ordinance) shall also apply to installation of Accessory Solar Energy Systems. These are primarily defined in Articles III, IV, V and VII as applicable.
- 56.2.3 Other regulations, covered outside the scope of this ordinance, will also apply to the solar installation. Specific details of these regulations are not included in the SALDO.
- 56.2.4 Onsite Placement of Utility Lines: All onsite utility, transmission lines, and plumbing shall be placed underground to the extent feasible.
- 56.2.5 Signage / Warnings / Lighting:
- No advertising signage or graphic content may be displayed on the solar photovoltaic system except the manufacturer's badge, safety information, and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size. No display shall be artificially lighted except to the extent required for safety.
 - Appropriate safety/warning signage concerning voltage shall be placed on ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the accessory system shall be locked to prevent unauthorized access or entry.
 - Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on anchor points of guy wires for any gantries or transmission line poles and along the guy wires up to a height of ten (10) feet from the ground.
- 56.2.6 Solar Radiation and Glare: All accessory systems shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- 56.2.7 Easements and Right-of-Ways: Accessory systems shall not be placed within any legal easement or right-of-way location, nor be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
- 56.2.8 Solar Facility Lot size and Setbacks: The minimum yard setbacks from front, side and rear property lines of § 35.5.3 hereof shall apply. In addition, lot size shall be a minimum of (2) two acres or more providing that all distance and setback requirements of Preston Township SALDO have been met. Acreage for accessory solar energy systems shall not exceed (10) ten acres. Installations over (10) acres must meet the requirements of Paragraph 57 of this ordinance.
- 56.2.9 Height Restrictions:
- A. Ground-mounted accessory systems shall not exceed fifteen (15) feet in height.

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- B. For building-mounted Solar Energy Systems installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
- C. For building-mounted Solar Energy Systems installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.

56.2.10 Screening, Visibility, Fencing:

- A. Accessory systems shall be screened from any adjoining residences within one hundred (100) feet, which screen shall consist of evergreen plant materials that provide an effective visual screen in keeping with the character of the area. In lieu of a planting screen, a decorative seven (7) feet tall fence may be used to provide a visual screen.
- B. Ground-mounted Solar Energy Systems – the Board of Supervisors may impose other screening requirements for systems in locations that would create a negative visual impact.
- C. Solar Energy Systems that are building-mounted or roof-mounted shall not be required to be screened.

56.2.11 Adjoining Property to Solar Facility: Applicants must acknowledge in writing that the issuing of an approval for an accessory system shall not and does not create in the property owner, its his, her, or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

56.2.12 Prevention of Unauthorized Entry: Fencing of not less than seven (7) feet in height will be provided around the perimeter of the Solar Energy Facility Development in compliance with the National Electrical Code (NEC). A locking gate will be provided at each access road to prevent entry by non-authorized persons and shall make provisions for knock box type of entry if requested by emergency services. All access to substation or high voltage electrical equipment shall be locked or fenced, as required by any applicable safety standard.

56.2.13 Maintenance of Accessory System after Construction: Upon completion of installation, the accessory system shall be maintained in good working order in accordance with standards of the Preston Township codes under which the accessory system was constructed. The subject use shall conform to and be maintained in accordance with the above-mentioned manufacturer specifications for the entire life of the use. Failure of the property owner to maintain the accessory system in good working order is grounds for appropriate enforcement actions by Preston Township in accordance with applicable ordinances.

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56.3 Solar Easements

Where a subdivision or land development involves the use of accessory systems, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:

- 56.3.1 A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
- 56.3.2 Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
- 56.3.3 Enumerate terms and conditions, of any, under which the easement may be revised or terminated;
- 56.3.4 Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.
- 56.3.5 If required, an accessory system owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

56.4 Connection to Public Utility Company

The owner of an accessory system shall provide Preston Township written confirmation that the public utility company to which the system will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.

56.5 Local Emergency Services Emergency Planning

- 56.5.1 The applicant shall provide a copy of the project summary and site emergency response plan to the local emergency services, including paid or volunteer Fire Departments, Emergency Medical Services, County Emergency Management Agency and 911 Communications for the associated PSAP within 30 days of the start of operations.
- 56.5.2 The applicant shall procure a valid 911 Physical Address for the site from the Wayne County 911 Communications Center – GIS Division and said address shall be posted clearly at the entrance to the facility along with an emergency contact number and site name.

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56.6 Decommissioning

- 56.6.1 The Facility Owner and Operator shall, at its expense, complete decommissioning of the Solar Energy Facility, or individual Solar Collection Systems, within twelve (12) months.
- 56.6.2 Each accessory system and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same. The system shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months. The system owner shall, at the request of the Township, provide information concerning the amount of energy generated by the accessory system in the last twelve (12) months.
- 56.6.3 Decommissioning shall include removal of Solar Collection Systems, buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.

56.7 Permit Requirements

- 56.7.1 Procedures related to permitting are outlined in Section 58.0 of this ordinance.

§ 57 Principal Solar Energy Systems

57.1 Applicability

- 57.1.1 Principal systems with an aggregate collection and/or focusing area of 100 square feet or less shall be exempt from this ordinance.
- 57.1.2 Principal solar energy systems (“principal systems”) constructed prior to the effective date of this Article VIII shall not be required to meet the terms and conditions of the Ordinance. Any physical modification to an existing principal system, whether or not existing prior to the effective date of this Article VIII, that materially alters the system shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
- 57.1.3 This section applies to Solar Energy Systems with an aggregate collection and/or focusing area of greater than 100 square feet and supplying electrical or thermal power primarily for off-site use. This system installation typically contains panels more than 5MW (i.e. grid-scale solar or utility-scale solar).

57.2 Design and Installation Standards

- 57.2.1 The layout, design, installation, and ongoing maintenance of an principal system shall comply with the PA Uniform Construction Code (UCC), Act 45 of 1999, as amended, including all required permits and inspections, and all other applicable and life safety requirements. The manufacturer

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specifications for the key components of the principal system shall be submitted as part of the application.

57.2.2 Other requirements outlined in Preston Township SALDO (Sub-division and Land Development Ordinance) shall also apply to installation of principal Solar Energy Systems. These are primarily defined in Articles III, IV, V, and VII as applicable.

57.2.3 Other regulations, covered outside the scope of this Ordinance, will also apply to the solar installation. Specific details of these regulations are not included in the SALDO.

57.2.4 Installer Certification:

The principal system installer must demonstrate they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer.

57.2.5 On-Site Placement of Utility Lines:

All on-site utility, transmission lines, and plumbing lines shall be placed underground to the extent possible.

57.2.6 Signage / Warnings / Lighting:

No portion of the principal system shall obtain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the principal system.

A principal system shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.

All principal systems shall be completely enclosed by a minimum seven (7) foot high fence with a self-locking gate. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations, electrical devices, equipment, structures, and on the fence surrounding the system informing individuals of potential voltage hazards.

Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires for any gantries or transmission line poles and along the guy wires up to a height of ten (10) feet from the ground.

57.2.7 Solar Radiation and Glare:

All principal systems shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

57.2.8 Easements and Rights of Way:

Principal systems shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

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57.2.9 Solar Facility Lot Size and Setbacks:

The principal system shall comply with the setbacks set forth in § 35.5.3 hereof for commercial and industrial subdivisions with a minimum of one hundred (100) feet from any adjacent residential structure. Battery storage systems shall be located a minimum of two hundred (200) feet from any property line and be placed on concrete pads. No principal system element shall be placed within any wetland. In addition, lot size shall be more than (10) ten acres providing that all distance and setback requirements of Preston Township SALDO have been met. Maximum acreage for principal solar energy systems shall not exceed (150) one hundred fifty acres per singular solar installation.

57.2.10 Height Restrictions:

- A. Ground Mounted principal systems shall not exceed fifteen (15) feet in height.
- B. For building-mounted Solar Energy Systems installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.
- C. For building-mounted Solar Energy Systems mounted on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.

57.2.11 Screening, Visibility, Fencing:

- A. Principal systems shall be screened from adjoining residences within 200 feet of any part of a system. The screen shall consist of two rows of evergreen trees on 15' staggered centers to provide a visual screen. Evergreens shall be a minimum of 3' tall when planted. Immediate replacement of dead trees shall be required, and all buffers shall be in keeping with the character of the area. In lieu of planting, a decorative seven (7) feet tall fence may be required at the discretion of the Preston Township Supervisors, in keeping with the character of the area.
- B. For ground-mounted Solar Energy Systems, Preston Township Supervisors may impose screening requirements for systems in locations that would create a negative visual impact.
- C. Solar Energy Systems that are building-mounted or roof-mounted shall not be required to be screened.

57.2.12 Property Adjoining the Solar Facility:

Prior to the issuance of a land development approval for a principal system, applicants must acknowledge in writing that the issuing of said approval shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

57.2.13 Prevention of Unauthorized Entry:

Fencing of not less than seven (7) feet in height will be provided around the perimeter of the Solar Energy Facility Development in compliance with the National Electrical Code (NEC). A locking gate will be provided at each access road to prevent entry by non-authorized persons and shall make provision for knock box type of entry if requested by emergency services. All access to substation or high voltage electrical equipment shall be locked or fenced, as required by any applicable safety standard.

57.2.14 Noise Requirement:

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Noise from a principal system shall not exceed fifty (50) dBA, as measured at the property line.

57.2.15 Trees and Landscaping Required by Township:

No trees or other landscaping otherwise required by Township ordinances or attached as a condition approval of any plan, application, or permit may be removed for the installation or operation of a system.

57.2.16 Access Roads and Internal Facility Roads:

At a minimum, a 25' wide paved access road must be provided from a State or Township roadway into the site. At a minimum, a 20' wide gravel access drive with 5' grassed shoulders shall be provided through or around the solar arrays to the pad mounted equipment to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. (This does not refer to access drives between the solar racks). During winter months, snow removal on site roadways shall be performed to allow access for emergency and maintenance vehicles to access.

57.2.17 Maintenance of Principal System after Construction:

Upon completion of installation, the principal system shall be maintained in good working order in accordance with standards of the Preston Township codes under which the principal system was constructed. The subject use shall conform to and be maintained in accordance with the above-mentioned manufacturer specifications for the entire life of the use. Failure of the property owner to maintain the principal system in good working order is grounds for appropriate enforcement actions by Preston Township in accordance with applicable ordinances.

57.3 Solar Easements

Where a subdivision or land development proposes a principal system, solar easements may be provided. Said easements shall be in writing, specifically depicted on the land development plan with metes and bounds and shall be subject to the same conveyance and instrument recording requirements as other easements. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to:

57.3.1 A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;

57.3.2 Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;

57.3.3 Enumerate terms and conditions, if any, under which the easement may be revised or terminated;

57.3.4 Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.

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57.3.5 If necessary, a principal system owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

57.4 Connection to Public Utility Company

The owner of a principal system shall provide to Preston Township written confirmation that the public utility company to which the principal system will be connected has been informed of the customer's intent to install a grid connected system and has approved such connection.

57.5 Emergency Planning / Inquiries / Complaints

The principal system owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to Preston Township. The principal system owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.

The principal system owner and/or operator shall conduct/provide on-site solar energy/solar panel and associated solar related equipment safety training for local firefighters and emergency responders prior to commissioning, energizing, and/or activating the system. Any and all fire suppression or other emergency measures determined necessary by the primary emergency service providers for the property shall be provided and evidenced by the providers' written confirmations.

57.6 Stormwater Management

The applicant shall submit a storm water Management Plan that demonstrates compliance with Preston Township storm water management regulations. Principal system owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.

57.7 Agricultural Security Area

If the proposed principal solar energy system will occupy any part of an approved Agricultural Security Area the applicant shall document how it intends to minimize agricultural impacts.

57.8 Clean and Green Area

Principal solar installations may occur on land currently enrolled in Clean and Green program only after the land is removed from the program and the landowner repays seven years of rollback taxes. The rollback tax is the difference between what was paid under Clean and Green versus what would have been paid, if the property had not been enrolled, plus 6% simple interest per year. Following project construction, property not used for grid-scale solar development may be reenrolled into the Clean and Green program. Like in Agricultural Conservation Easements, solar panels may be constructed to supply energy for on-site use and the land used is not subject to rollback tax penalties.

57.9 Decommissioning of Principal System

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Decommissioning of the principal system shall be subject to the following:

- 57.9.1 The principal system owner is required to notify Preston Township immediately upon cessation or abandonment of the operation. The principal system shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
- 57.9.2 The principal system owner shall then have twelve (12) months in which to dismantle and remove the principal system including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the principal system within the established timeframes, the Township may complete the decommissioning at the owner's expense.
- 57.9.3 At the time of issuance of the approval for the construction of the principal system, the owner shall provide financial security in the form and amount acceptable to Preston Township to secure the expense of dismantling and removing said system, regarding as necessary and revegetation/seeding of any disturbed areas to provide erosion control. Specifically, owner shall post a bond for decommissioning in an amount necessary to cover the expense to dismantle and remove the principal system including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associate facilities from the property, as security if owner fails to comply with the above decommissioning requirements. In lieu of the bond, owner may deliver other security acceptable to Preston Township. The amount of financial security required shall be updated every five years utilizing decommissioning costs estimated by the principal system owner and validated by the Township Engineer. Failure to update the amount of financial security shall be cause to order the immediate dismantling of the principal system using existing security, which shall not be released until replaced with the approval of the Township.

57.10 Permit Requirements

- 57.10.1 Procedures related to permitting are outlined in Section 58.0 of this Ordinance.

§ 58 Permitting and Schedule of Fees

Preston Township Permit requirements and schedule of fees for Accessory and Principal Solar Systems:

- 58.1 Before any construction or installation on any Solar Energy System shall commence, a permit or permits issued by Preston Township shall be obtained to document compliance with this Ordinance. In cases where the proposed Solar Energy System area includes more than (1) one existing parcel and more than (1) one landowner within its boundaries, separate applications for each parcel must be provided. If the area contains more than (1) one parcel with

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- only (1) one landowner, then only (1) one permit application is required. Total acreage of the solar installation shall not exceed the requirements of Sections 56.0 and 57.0 above.
- 58.2 A "Solar Energy Systems Permit Application" can be requested from the Township at the Township Municipal Building.
- 58.3 The permit application shall be filled out in its entirety by the Owner/Applicant before submittal to Preston Township. Questions on the application can be directed to the Preston Township Supervisors and/or the Preston Township Planning Commission before submittal.
- 58.4 During the application procedure, a determination will be made to process the proposed Solar Installation as a) A minor Subdivision and Land Development (see Article III Section 10.0); b) a Major Subdivision and Land Development (see Article III Section 11.0), or; c) Commercial and Industrial Subdivisions and Other Land Developments (Article VI Section 35).
- 58.5 As required by Preston Township SALDO Article III Sections 11.0, 13.0, 14.0, both a preliminary and a final plan are required for Major Subdivisions and Land Development.
- 58.6 Upon receipt of the completed application, Preston Township will review the application along with supporting documents for compliance to this Ordinance.
- 58.7 After review of the permit application, Preston Township may require the applicant to place a reasonable deposit into escrow to cover the engineering and legal fees incurred with the permitting process.
- 58.8 Within 30 days after receipt of a permit application, Preston Township will determine whether the application is complete and advise the applicant accordingly.
- 58.9 Within 60 days of a permit completeness determination, Preston Township will schedule a public hearing before the Township Board of Supervisors. The applicant shall participate in the hearing and be afforded the opportunity to present the project to the public and municipal officials, and answer questions about the project. The public shall be afforded the opportunity to ask questions and provide comment on the proposed project.
- 58.10 Within one hundred and twenty (120) days of a permit completeness determination, or within forty-five (45) days after the close of any hearing, whichever is later, the Preston Township Board of Supervisors will issue a written decision whether to issue or deny the permit application. An appeal from the denial of a permit may be brought before the Wayne County Court of Common Pleas within thirty (30) days of the denial by an aggrieved party with standing to do so.
- 58.11 Throughout the permit application process, the applicant shall promptly notify Preston Township of any material changes to the information contained in the permit application.
- 58.12 Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

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- 58.13 After the permit application has been approved, and a permit has been issued, construction and installation of the Solar Energy Facility may commence. If any changes to the submitted construction / installation plan need to be made during construction, the applicant shall immediately notify Preston Township Board of Supervisors so that a review of the proposed changes can be performed and adopted.
- 58.14 Once the applicant completes the SEF installation, it shall notify Preston Township and request that approval be issued to begin facility operation. After review and recommendation by Preston Township's engineer and solicitor that the SEF was constructed as designed and submitted, the approval will be issued.
- 58.15 Schedule of Fees:
- 58.15.1 Preston Township has adopted a resolution setting forth the Fee Schedule for the Subdivision and Land Development Ordinance of Preston Township, Wayne County, Pennsylvania. The schedule is available at the Township Municipal Building.
- 58.15.2 Wayne County Commissioners have also adopted a resolution setting forth a Fee Schedule for the Wayne County Subdivision and Land Development Ordinance. The schedule is available at the Wayne County Courthouse.

§ 59 Severability

If any chapter, section, subsection paragraph, sentence or phrase of this ordinance is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole or any section or part thereof other than the section or part thereof so declared to be invalid.

§ 60 Repealer

Any ordinance, chapter, section, subsection, paragraph, sentence or phrase of any ordinance conflicting with the provisions of this ordinance shall and the same is hereby repealed to the extent of such conflict.

The following Articles and/or Sections of this Subdivision and Land Development Ordinance (SALDO) have been revised/updated for this latest edition dated Nov. 2025

- Article II. Section 9
- Article III. Sections 10, 11
- Article V. Sections 24, 25, 31, 38
- Article VIII. Sections 55, 56, 57, 58

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PRESTON TOWNSHIP BOARD OF SUPERVISORS

by: _____
Chairman

Supervisor

Supervisor

ATTEST: _____
Preston Township Secretary

DATE: _____