

## CHAPTER 131

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**HISTORY:** Adopted by the Board of Supervisors of the Township of Paradise 2/3/1987 as Ch. 22 of the 1987 Code; amended in its entirety during codification (see Ch. 1, General Provisions, Art. III). Adopted 06-05-07 by Ord. No. 158, Subsequent amendments noted where applicable. (Revised 10/21/08 by Ord. No. 166; Revised 3/1/11 by Ord. No. 188; Revised 1/18/16 by Ord. No. 237; revised 4/3/17 by Ord. No. 243)

#### GENERAL REFERENCES

Planning Commission -- See Ch. 21.  
Driveways -- See Ch. 58.  
Floodplain management -- See Ch. 65.  
Mobile homes and mobile home parks -- See Ch. 80.  
Stormwater management -- See Ch. 123.  
Zoning -- See Ch. 160.

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#### ARTICLE I Authority, Jurisdiction, Title and Purpose

##### § 131-1. Authority.

The Township Supervisors, by virtue of the Pennsylvania Municipalities Planning Code, Act 247, Article V,<sup>1</sup> hereby adopts the following rules and regulations, governing the subdivision and land development of all land within the boundaries of the municipality.

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<sup>1</sup>Editor's Note: See 53 P.S. §10101 et seq.

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#### § 131-2. Jurisdiction.

- A. No subdivision or land development of any lot, tract or parcel of land shall be effected; no street, sanitary sewer, storm sewer, water main or other facility 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 strict accordance with the provisions of these regulations.
- B. No lot in a subdivision or land development may be sold, no permit to erect, alter or repair any building within 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 and until the required improvements in connection therewith have been constructed or guaranteed.
- C. The provisions and requirements of these regulations shall apply to and control all subdivisions and developments whose plans have not been recorded in the office of the Recorder of Deeds in and for Monroe County, Pennsylvania, prior to the effective date of these regulations.
- D. Combining Contiguous Lots.
  - (1) Any proposed consolidation of more than two lots, as well as any proposed consolidation of two lots which does not satisfy all of the requirements set forth in sub-sections 131-2(D)(2)(a), (b) and (c) below shall require review and approval in the same manner as a Minor Subdivision.
  - (2) Consolidation of two contiguous lots, into one, inseparable lot shall not require review and approval as a Minor Subdivision under this Chapter provided:
    - (a) The Applicant is the legal owner of record of both lots;
    - (b) The lots to be consolidated are contiguous to one another;
    - (c) No land development is proposed in connection with, or as part of, the lot consolidation;
    - (d) A Lot Consolidation Application, utilizing a form provided by the Township, is completed and submitted to the Zoning Officer together with:
      - [1] The appropriate fee as established by resolution of the Board of Supervisors;
      - [2] A survey plan prepared, signed and sealed by a Pennsylvania Registered Surveyor depicting the two lots proposed to be consolidated;

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- [3] A true and correct copy of the current recorded deed for each lot; and
  - [4] The proposed deed to consolidate both lots which shall be in form and content acceptable to the Township Solicitor, and which shall contain the following statement: "LOT \_\_\_\_ AND LOT \_\_\_\_ ARE HEREBY CONSOLIDATED AND JOINED INTO ONE INSEPARABLE LOT FOR ALL PURPOSES, AND SHALL NOT BE SUBDIVIDED OR SEPARATELY CONVEYED EXCEPT IN COMPLIANCE WITH THE REQUIREMENTS OF THE PARADISE TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE."
- (e) The Zoning Officer approves the Lot Consolidation Application in writing; and;
- (f) The Applicant records the deed to consolidate both lots with the Monroe County Recorder of Deeds and provides proof of such recording to the Township within thirty (30) days of the approval of the Lot Consolidation Application by the Zoning Officer. Failure to so record and provide proof thereof within said thirty (30) day period shall automatically render the approval of the Lot Consolidation Application null and void without any further action by the Township.

#### **§ 131-3. Title.**

These regulations shall be known and may be cited as the "Paradise Township Subdivision and Land Development Regulations."

#### **§ 131-4. Purpose.**

The Township Supervisors declare that these regulations intended to provide for the orderly growth and coordinated development of the Township and to assure the comfort, convenience, safety, health and general welfare of the people. Further, the approval of such subdivisions and land developments shall be based on the following broad considerations:

- A. Conformance with the various parts of the Comprehensive Plan and Zoning Ordinance.<sup>2</sup>
- B. Conformance of subdivision and land development plans with any public improvement plans of the Township.
- C. Provisions for assisting the orderly and efficient integration of subdivisions and land developments within the Township.

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<sup>2</sup>Editor's Note: See Ch. 160, Zoning.

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- D. Recognition of a desirable relationship to the land from its topography and geology, to natural drainage and surface water runoff and to the groundwater table.
- E. Recognition of desirable standards of subdivision design, including provision for pedestrian and vehicular traffic, surface water runoff and for suitable building sites for the land use contemplated.
- F. Provision for such facilities that are desirable complements to the proposed use such as parks, recreation areas, off-street parking and similar public facilities.
- G. Preservation of natural assets such as streams, ponds, drainage channels, forests and attractive scenic areas.
- H. Provision of adequate utilities and services such as water and sewage facilities.
- I. Encouragement of variety and flexibility in residential development.
- J. Assurance of the equitable handling of all subdivision and land development plans by providing uniform procedures and standards.
- K. Safeguards for the public interest, the homeowner, the developer and all municipalities.

## **ARTICLE II**

### **Submission and Review Procedures**

**Revised 4/20/05, Ordinance No. 151**

**Revised 01/03/06, Ordinance No. 153**

#### **§ 131-5. General procedure.**

- A. Full compliance with the provisions of the Pennsylvania Municipalities Planning Code and these regulations concerning the preparation of subdivision and land development plans are necessary for the information of the Township and of the public at regular scheduled meetings as provided in this article. Due care in the preparation of the maps and other information called for will expedite the process of obtaining the Commission's recommendations and the Supervisor's decision concerning the subdivision or land development.
- B. All preliminary and final subdivision or land development plans shall be referred to and reviewed by the Planning Commission and shall be approved or disapproved by the Board of Supervisors in accordance with the procedures specified in this Article and in other sections of this ordinance. Any application not processed as required

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herein shall be null and void unless it was made prior to the adoption of these regulations.

C. Overview of Procedures: Items 6-11 below are required under this Ordinance. Items 1-5 are optional but strongly encouraged as an important, valuable and highly recommended step that will speed the review process and may result in lower costs for the project. These steps will generally be followed sequentially, but may be combined at the discretion of the Township:

- (1) Pre-Application Meeting.
- (2) Separate submission of an Existing Resources and Site Analysis Plan, as described in Section 131-38 of this Ordinance.
- (3) Site Inspection by Planning Commission and Applicant.
- (4) Pre-Sketch Plan Conference.
- (5) Sketch Plan Submission and Review (diagrammatic sketch, optional step).
- (6) Preliminary Plan: Determination of Completeness; Preliminary Resource Conservation Plan and Sewage Planning Module Submission; Review by Municipal and County Planning Commissions, Township Engineer and Sewage Enforcement Officer; and Approval by Supervisors on advice of the Municipal Planning Commission. The Five-Step Design Process described in Section 131-22 of this Ordinance must be followed.
- (7) Final Plan, Preparation: Incorporation of all Preliminary Plan Approval Conditions, Documentation of all other agency approvals, as applicable.
- (8) Final Plan, Submission: Determination of Completeness, Review, and Approval.
- (9) Municipal Board signatures.
- (10) Recording of approved Final Plan with County Recorder of Deeds.

#### **§ 131-6. Plan Classification For Conservation and Minor Subdivisions.**

A. Classification. For purposes of procedure, all applications shall be classified as either conservation subdivisions or minor subdivisions:

- (1) Minor: Any subdivision in which:

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- (a) No more than one private street is constructed or is required to be widened;
  - (b) No other completion of public improvement or guarantee thereof is required other than individual on-lot stormwater management systems;
  - (c) No earthmoving activities will take place except those incidental to construction of a single-family dwelling on each lot; and
  - (d) No more than five (5) lots are created.
- (2) Conservation subdivision: any land development or subdivision application not in compliance with §131-6.A.1 or any part thereof, or for any use other than single-family residential, shall be considered a conservation subdivision plan.

#### B. Review

- (1) Minor subdivision and conservation subdivision applications shall be subject to all review procedures specified in this article.

#### **§ 131-7. Sketch plan.**

- A. Submission. A developer may, prior to submitting an application for subdivision or land development, submit to the Administrator, at least 14 days prior to a regular scheduled meeting of the Commission, two copies of a sketch plan of the proposed subdivision or land development, which complies with the requirements of Section 131-36 for the purpose of classification and preliminary discussion.
- B. Meeting attendance. The developer or his duly authorized representative may attend the meeting of the Planning Commission to discuss the requirements of these regulations for road improvements, drainage, sewerage, water supply, fire protection and similar aspects, as well as the availability of existing services and other pertinent information.
- C. Classification. At or before the first regular monthly meeting following the submission of the sketch plan to the Commission Secretary, the Planning Commission shall classify the sketch plan into one of the two categories as defined herein: minor subdivision or conservation subdivision. All plans shall comply with the appropriate procedures outlined herein.
- D. Applicability. A diagrammatic sketch plan is strongly encouraged for all proposed minor or conservation subdivisions. Sketch Plans, as described in Section 131-36, shall be submitted to the municipality for review by the Planning Commission. Such plans are for informal discussion only. Submission of a Sketch Plan does not constitute formal filing of a plan with the Municipality, and shall not commence the

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statutory review period as required by the Municipalities Planning Code. The procedures for submission of a diagrammatic Sketch Plan are described in I below, and may be altered only at the discretion of the Municipality.

- E. Pre-Application Meeting. A pre-application meeting is encouraged between the applicant, the site designer, and the Planning Commission (and/or its planning consultant), to introduce the applicant to the municipality's zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, meetings and plan submissions as described below. Applicants are also encouraged to present the Existing Resources and Site Analysis Plan at this meeting.
- F. Existing Resources and Site Analysis Plan. Any Existing Resources and Site Analysis Plan presented should be prepared in accordance with the requirements contained in Section 131-38. The purpose of this plan submission is to familiarize officials with existing conditions on the applicant's tract and within its immediate vicinity, and to provide a complete and factual reference for them in making a site inspection. This Plan should be provided prior to or at the site inspection, and should form the basis for the development design as shown on the diagrammatic Sketch Plan.
- G. Site Inspection. Applicants are encouraged to arrange for a site inspection of the property by the Planning Commission and other Township officials, and are also encouraged to distribute copies of an Existing Resources and Site Analysis Plan at, or before, that on-site meeting. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission. The purpose of the visit is to familiarize Township officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated greenway lands (if applicable), and potential locations for proposed buildings and street alignments. Comments made by Township officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the Site Inspection.
- H. Pre-Sketch Conference. Following the site inspection and prior to the submission of a diagrammatic sketch plan, the applicant is encouraged to meet with the Planning Commission and other Township officials who so desire to discuss the findings of the site inspection and to attempt to develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the five-step design procedure described in Section 131-23 of this ordinance, where applicable. At the discretion of the Commission, this conference may be combined with the site inspection.

- I. Sketch Plan Submission and Review



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- (1) If submitted, copies of a diagrammatic Sketch Plan, meeting the requirements set forth in Section 131-36 are to be provided to the administrator during business hours for distribution to the Board, the Planning Commission, the Township Planner (if applicable), the Township Engineer, the Zoning Officer, and applicable Township advisory boards at least fourteen (14) days prior to the Planning Commission meeting at which the Sketch Plan is to be discussed. The Sketch Plan diagrammatically illustrates initial thoughts about a conceptual layout for greenway lands, house sites, and street alignments, and shall be based closely upon the information contained in the Existing Resources and Site Analysis Plan, if one has been submitted. The Sketch Plan should also be designed in accordance with the five-step design process described in Section 131-23, and with the design review standards listed in Article III.
- (2) The Planning Commission shall review the Sketch Plan in accordance with the criteria contained in this ordinance and with other applicable ordinances of the municipality. Their review shall informally advise applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this Ordinance, and may suggest possible plan modifications that would increase its degree of conformance. Their review shall include but is not limited to:
  - (a) the location of all areas proposed for land disturbance (streets, foundations, yards, septic disposal systems, storm water management areas, etc.) with respect to notable features of natural or cultural significance as identified on the applicant's Existing Resources and Site Analysis Plan, if one has been submitted, and on the Township's Map of Potential Conservation Lands;
  - (b) the potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels;
  - (c) the location of proposed access points along the existing street network;
  - (d) the proposed building density and impervious coverage;
  - (e) the compatibility of the proposal with respect to the objectives and policy recommendations of the Comprehensive Plan and the Open Space Plan; and
  - (f) consistency with the zoning ordinance.
- (3) The Commission may, but shall not be required, to submit written comments to the applicant and the Board. The diagrammatic Sketch Plan will also be submitted by the Board to the County Planning Commission for review and comment. The Township shall not be bound by comments made or not made as part of a sketch plan review.

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#### § 131-8. Submission Of Preliminary Plan Documents

##### A. Preliminary Plan

- (1) The Preliminary Plan is a preliminarily-engineered scale drawing in which layout ideas are illustrated in more than the rough, diagrammatic manner appropriate for Sketch Plans, but before heavy engineering costs are incurred in preparing detailed alignments and profiles for streets, and/or detailed calculations for stormwater management. If an applicant opts not to submit a Sketch Plan, the Preliminary Plan shall include all information required for Sketch Plans listed in §131-36, specifically including the Existing Resources and Site Analysis Plan, plus further details as noted below and in Section 131-39.
- (2) The applicant shall complete and sign the application form provided by the Township and shall accompany such application form with the type and number of plans, documents and other submissions required and the appropriate filing fee(s). The applicant must identify the name, address and telephone number of the record holder of legal title to the land involved (if different from the applicant), the nature of the applicant's interest in the land (whether holder of legal or equitable title or otherwise), and the name, address, and telephone number of the agent, if any. No application shall be deemed filed unless all requirements have been met and all fees therefore paid in full.
- (3) If not previously submitted, the Existing Resources and Site Analysis Plan shall be presented and distributed to those Township officials and consultants who attend the Site Inspection described in Section 131-7 (which shall occur at the Preliminary Plan stage if it has not already occurred at the Sketch Plan stage).
- (4) The application "window" and deadline dates for submission of Preliminary Plans shall be as follows: Applicants shall submit to the Administrator, at least 21 days (but not more than 28 days) prior to the date of the next regularly scheduled Planning Commission meeting at which official review is requested, sixteen copies of a complete Preliminary Plan and all other required documents and information, including the same number of copies of the Existing Resources and Site Analysis Plan. All applications shall be accompanied by full payment of the required fees and escrow deposits established in accordance with the terms of this ordinance for proposed subdivisions. The Administrator shall note the date of receipt of the application, fees, and escrow deposit, and shall forward copies of the proposed plan to the same individuals and bodies named in Section 131-7 as recipients of Sketch Plans, with the exception of the Board, and also to the Planning Commission Solicitor. The official 90-day review period provided for Preliminary Plans under the Municipalities Planning Code shall commence at the next regular meeting of the Planning Commission, provided that should the said next regular meeting occur more than 30 days following the filing of the

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application, the said 90-day period shall be measured from the 30<sup>th</sup> day following the day the application was filed.

- (5) The submission is subject to review by the township staff and/or Township Engineer to determine if all required materials, fees and escrow deposits have been submitted by the applicant. If the application is defective or incomplete, the Planning Commission at its first regularly scheduled meeting after the application has been filed in a timely fashion, shall have the authority to determine that the application is incomplete and therefore refuse to review the submission further and do one of the following: (a) not accept the application, in which event the applicant shall be notified of the deficiencies in writing within fifteen (15) days of the date of said meeting, the submission shall be returned to the applicant with any fees paid (minus the costs of any Township review) and the application shall be null and void and deemed withdrawn by the applicant; (b) accept the application as being filed for review on the condition that the applicant shall file such additional required materials and information to the Township or to an individual or individuals designated by the Planning Commission by a specific deadline; (c) table the acceptance of the application until the next Planning Commission meeting after the applicant has met all of the submission requirements within the required time period prior to the meeting, provided the applicant agrees in writing that the 90 day review period shall not begin until the application is accepted as complete; or (d) recommend to the Board of Supervisors that the application be disapproved by the Board of Supervisors, setting forth the reasons for that recommendation. If the Planning Commission determines that the application is complete, as filed and as required, the Planning Commission shall accept the same and may begin its review. Action shall be taken by the Board of Supervisors on the application no more than ninety (90) days following the date of the next regular meeting of the Planning Commission following the date the complete and timely application was filed, provided that should 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 was filed unless the applicant has agreed in writing to extend the time requirement.

#### **§ 131-9. Review Of Preliminary Plan**

##### **A. Planning Commission Review**

- (1) The Planning Commission shall review the plan and any recommendations made by County, State and Federal agencies and the Township Planner and the Township Engineer, to determine conformance of the Plan to this ordinance, the zoning ordinance, and any other relevant ordinances of the municipality.

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- (2) After such review, the Planning Commission shall submit its report to the Board, containing its findings, recommendations, and reasons, citing specific sections of the statutes or ordinances relied upon. A copy of said report shall be given to the applicant.
- (3) If the applicant agrees that this review period shall be extended, to provide additional time for him to submit all the required materials and for the Planning Commission to review the same, a written agreement to this effect shall be signed in duplicate, with a file copy being retained by the Planning Commission and by the applicant. Such an extension shall be entered in good faith and for specific reasons relating to the review process, including but not limited to providing sufficient time for the township to receive the written report of the County Planning Commission, the Township Planner and the Township Engineer, or to allow the applicant additional time in which to revise his/her application documents.

#### **B. Board Review**

- (1) When the recommendations on the Preliminary Plan have been officially submitted to the Board of Supervisors by the Planning Commission, such recommendations shall be placed on the Board's agenda for review and action.
- (2) In acting on the preliminary subdivision or land development plan, the Board shall review the plan and the written comments of the Township Planner, the Township Engineer, the Planning Commission, the Zoning Officer, the County Planning Commission, the Sewage Enforcement Officer and all other reviewing agencies, and comments from public hearings. The Board may specify conditions, changes, modifications or additions thereto which it deems necessary or appropriate, and may make its decision to grant preliminary approval subject to such conditions, changes, modifications or additions. Whenever the approval of a Preliminary Plan is subject to conditions, the written action of the Board should (1) specify each condition of approval; and (2) request the applicant's written agreement to the conditions within ten (10) days of receipt of the Board's written decision.
- (3) If the Preliminary Plan is not approved, the Board's decision shall specify the defects found in the plan, shall describe the requirements that have not been met, and shall cite in each case the provisions of the Ordinance relied upon.
- (4) Notwithstanding the foregoing procedure, unless the applicant agrees in writing to extend the period for decision, the Board shall render a decision on all Preliminary Plans not more than ninety (90) days from the date of the first regular meeting of the Planning Commission held after the complete application was filed. However, if that regular meeting of the Planning Commission occurred more than thirty (30) days after the complete application was filed, the ninety (90)

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day period shall be measured from the thirtieth day following the date the complete application was filed.

- (5) The decision of the Board 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. The form and content of the decision shall comply with applicable requirements of the Municipalities Planning Code.
- (6) If a revised plan is submitted, it shall be accompanied by the applicant's written and executed agreement of an extension of the period for decision.
- (7) The decision of the Board shall also be communicated to the governing body of any adjacent municipality, if the plan includes land in that municipality and/or directly abuts its boundaries.

#### **§ 131-10. Submission Of Final Plan**

- A. Within five years after approval of the Preliminary Plan, a Final Plan and all supplementary data, together with an application form provided by the Township and filing fees shall be officially submitted to the Administrator. The Final Plan shall conform to the requirements set forth in Section 131-40. It shall also conform to the Preliminary Plan as previously approved by the Board, and shall incorporate all conditions set by the Board in its approval of the Preliminary Plan. No application shall be deemed filed unless all requirements have been met and all fees paid in full.
- B. If requested by the Applicant, the Board may permit submission of the Final Plan in phases, each covering a reasonable portion of the entire proposed development as shown on the approved Preliminary Plan; provided that each phase shall relate logically to provide continuity of access, extension of utilities and availability of amenities to allow the development/subdivision to properly function if the future stages are not built, and except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the Preliminary Plan (unless a lesser percentage is approved by the Board in its discretion). The boundaries, configuration and timing of the phases, and the timing of related improvements, shall be subject to the approval of the Board of Supervisors. The Applicant shall file a schedule with the Preliminary Plan delineating all proposed sections as well as deadlines within which applications for Final Plan approval of each section are intended to be filed. Such schedule shall be updated annually by the Applicant on or before the anniversary of the Preliminary Plan approval, until final plan approval of the final section has been granted. Any modifications in the aforesaid schedule shall be subject to approval of the Board of Supervisors, in its discretion.
- C. The impact of any changes in the Township ordinances after approval of the Preliminary Plan but before submission of the Final Plan shall be governed by the

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provisions of Section 508(4) of the Pennsylvania Municipalities Planning Code, or its successor section.

- D. Official submission of the Final Plan to the Administrator shall consist of:
- (1) Three (3) copies of the application for review of final subdivision or land development plan.
  - (2) Eight (8) or more copies of the Final Plan and all supporting plans and information to enable proper distribution and review, as required by the Board.
  - (3) Copies of all applications made or notices provided to Federal, State and County agencies by or on behalf of the applicant for permits, certifications, approvals or waivers required or sought for either subdivision or land development as proposed in the Preliminary Plan or in the Final Plan, including, but not limited to, applications or notices provided to the U.S. Army Corps of Engineers, the Monroe County Conservation District, the U.S. Environmental Protection Agency, the state Department of Environmental Protection (DEP), or the state Department of Transportation.
  - (4) Payment of application fees and deposit of escrow, if required, for plan review costs.
- E. Copies of the Final Plan and all required supplementary data shall be submitted to the Administrator together with the required fees and escrow deposit as prescribed by resolution of the Board. The Administrator shall note the date of receipt and shall then forward:
- (1) Two (2) copies of the Final Plan and application to the Planning Commission; and
  - (2) One (1) copy each to the Zoning Officer and the Township Engineer;
  - (3) One (1) copy for the municipal files;
  - (4) One (1) copy to the municipal Historical Commission, where applicable;
  - (5) One (1) copy to the Township Environmental Advisory Council;
  - (6) One (1) copy to the regional Parks Board;
  - (7) One (1) copy to the municipal Shade Tree Commission, where applicable;
  - (8) One (1) copy, referral letter and sufficient fee to the Monroe County Planning Commission, when required by the Board;

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- (9) One (1) copy to the Paradise Township Sewage Enforcement Officer.
  - (10) One (1) copy to governing body of any adjacent municipality or municipalities if tract to be subdivided abuts or lies partially in that municipality.
- F. Where the final plan is for a minor subdivision, the applicant shall submit the plan in accordance with the requirements of Section 131-8 above.

#### **§ 131-11. Review Of Final Plan**

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

- (1) The Final Plan shall conform in all important respects to the Preliminary Plan as previously reviewed and approved by the Board, and shall incorporate all modifications and revisions specified by the Board in its approval.
- (2) The Final Plan and supporting data (including reports from the State Department of Environmental Protection, the Monroe County Conservation District, and the Monroe County Planning Commission) shall comply with the provisions of this Ordinance and those of the zoning ordinance. Failure to do so shall be cause for denying the plan (or, in situations where only minor details are missing and when the official approval deadline allows, tabling the plan).

##### **B. Planning Commission Review**

- (1) The Planning Commission will review the Final Plan and the recommendations of the Township Engineer and any other reviewing agencies, to determine its conformance with the requirements of this ordinance and with those of the zoning ordinance.
- (2) After such review, and prior to any action by the Board within the required ninety (90) day review period, the Planning Commission shall forward its recommendations, and its reasons to the Board and the applicant. If the plan includes land in any adjacent municipality and/or directly abuts its boundaries, then such notice and recommendation should also be transmitted to the governing body of the adjacent municipality.
- (3) No recommendations shall be made by the Planning Commission until the municipality has received the written report of the County Planning Commission, the Township Engineer, the state Department of Environmental Protection (DEP), the Department of Transportation, if applicable, and the approval of the Monroe County Conservation District, provided, however, that if these reports are not received within forty-five (45) days after transmittal of the Final Plan to these

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agencies, then the Planning Commission may act without having received and considered such report.

#### **C. Board Review**

- (1) Prior to, or as part of, the Final Plan review process, the Board should complete its review of the proposed Sewage Facilities Planning Module in accordance with DEP regulations and procedures. When approved or adopted by the Board, the Planning Module shall be forwarded to DEP for review and approval.
- (2) No unconditional approval of the Final Plan shall be granted by the Board until the Township receives notification of DEP's approval of the Sewage Facilities Planning Module.
- (3) When a recommendation on a Final Plan has been submitted to the Board by the Planning Commission, such plan shall be placed on the agenda of the Board for its review and action.
- (4) Upon receipt of the Planning Commission's recommendation and other supporting information, the Board may, at one or more regular or special public meetings, review the Final Plan and shall, within the time limitations set forth herein below, either approve, approve with conditions, or disapprove the plan. Whenever the approval of a Final Plan is subject to conditions, the written action of the Board shall (1) specify each condition of approval; and (2) request the applicant's written agreement to the conditions within ten days of receipt of the Board's written decision.
- (5) If the Final Plan is not approved, the decision shall specify the defects found in the plan, shall describe the requirements that have not been met, and shall, in each case, cite the provisions of the Ordinance relied upon.
- (6) Notwithstanding the foregoing procedure, unless the applicant agrees in writing to extend the time period for decision, the Board shall render a decision on all Final Plans within the statutory time limitations.
- (7) The decision of the Board shall be in writing and shall be communicated to the applicant as required by the Act.
- (8) If at any time the applicant submits a revised Final Plan, it shall be deemed a new application and shall not be accepted unless it is accompanied by the applicant's written and executed agreement of a ninety (90) day extension of the period required by the Act for decision. No new application fee shall be required for any revision submitted within two years of the first final plan application.



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- (9) Copies of the Final Plan, as finally approved with the appropriate endorsement of the Board, shall be distributed as follows:
- (a) At least three (3) copies to the applicant of which two (2) shall be recorded in accordance with Section 131-15.
  - (b) One (1) copy to the Township Planning Commission.
  - (c) One (1) copy to the County Planning Commission.
  - (d) One (1) copy to be retained in the municipal files.
  - (e) One (1) copy to the Township Engineer. If a new street is proposed, an additional "as built" plan with deed of dedication application shall be submitted.

#### **D. Conditions of Final Plan Approval**

Approval of any Final Plan shall, in addition to any other applicable provisions of this ordinance, shall be subject to the following conditions:

- (1) The applicant shall execute a Development Agreement in accordance with Section 131-35 of this ordinance, verifying that he agrees to construct all required improvements and common amenities, and further verifying that he guarantees completion and maintenance of these improvements and amenities through a type of financial security acceptable to the municipality.
- (2) Where applicable, the landowner shall execute an Escrow Agreement to cover the cost of all required improvements and common amenities, in accordance with Section 131-12 of this ordinance.
- (3) If the applicant desires to offer the streets or any improvements for dedication to the Township, the applicant agrees, if requested, to tender to the Township a deed of dedication in a form satisfactory to the Township Solicitor for streets and improvements thereto, including street paving, water mains, fire hydrants, storm sewers, inlets, pumping stations and other appurtenances as shall be constructed as public improvements within the public right-of-way and are required for the promotion of public welfare, after all streets and improvements proposed to be dedicated to the Township are completed and are certified as being satisfactory by the Township Engineer. The Board may require that the applicant provide a certificate from a duly licensed title insurance company certifying that the title to be conveyed is good and marketable, free of all liens and encumbrances, except utility easements, before any property is accepted by the Township. Nothing contained in this paragraph shall require the Township to accept any offer of dedication.

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- (4) Whenever the applicant is providing greenway land as part of the development, an easement in perpetuity restricting such greenway land against further subdivision or development (except as otherwise permitted for greenway lands in the Zoning Ordinance) shall be executed between the landowner and the Township or a conservation organization acceptable to the Township and duly filed of record, immediately after the recording of the approved Final Plan, in the Monroe County Recorder of Deeds Office, at the cost and expense of the Applicant.
- (5) The applicant shall submit to the Township all required permits, approvals or waivers from agencies having jurisdiction over ancillary matters necessary to effect the subdivision or land development, such as Pennsylvania Departments of Transportation, Environmental Protection or Public Utility Commission, U.S. Army Corps of Engineers and Monroe County Conservation District.
- (6) All final approvals or waivers required by Federal, State and County agencies for development in accord with the Final Plan including, but not limited to, approval of the Sewage Facilities Planning Module by the DEP, approval by the Monroe County Conservation District, and a highway occupancy permit, if required, from the state Department of Transportation shall be presented to the Township.

#### **§ 131-12. Completion of improvements or guarantee thereof prerequisite to final plan approval.**

- A. No plan shall be finally approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition or improved as may otherwise be required by this chapter and any walkways, curbs, gutters, streetlights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this chapter have been installed in accordance with this chapter. In lieu of the completion of any improvements required as a condition for the final approval of a plan, including improvements or fees otherwise required by this chapter, the developer may deposit with the Township financial security in an amount sufficient to cover the costs of such improvements or common amenities including basins and other related drainage facilities, recreational facilities, open space improvements or buffer or screen plantings which may be required.
- B. When requested by the developer, in order to facilitate financing, the Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan shall not be signed or recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days, unless a written extension is granted by the Supervisors. Such extension shall not

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### SUBDIVISION AND LAND DEVELOPMENT

be unreasonably withheld and shall be placed in writing at the request of the developer.

- C. Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, federal or commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
- D. Such financial security shall be posted with a bonding company or federal or commonwealth chartered lending institution chosen by the party posting the financial security, provided that said bonding company or lending institution is authorized to conduct such business within the commonwealth.
- E. Such bond or other security shall provide for and secure to the public the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
- F. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.
- G. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the applicant or developer and prepared by an engineer. Such estimate shall be certified by the engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another engineer chosen mutually by the Township and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the developer.
- H. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not

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exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.

- I. In the case where development is projected over a period of years, the Board of Supervisors may authorize the submission of final plats by sections or stages of development subject to such requirements or guaranties as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- J. As the work of installing the required improvements proceeds, the party posting the financial security may request the Supervisors to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors. The Supervisors shall have 45 days from receipt of such request within which to authorize the Township Engineer to certify, in writing, to the Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification, the Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Supervisors fail to act within said forty-five-day period, the Supervisors shall be deemed to have approved the release of funds as requested. The Supervisors may, prior to final release at the time of completion and certification by the Township Engineer, require retention of 10% of the estimated cost of the aforesaid improvements.
- K. Where the Supervisors accept dedication of all or some of the required improvements following completion, the Supervisors may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.
- L. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
- M. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this section, the

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Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plan upon actual completion of the improvements depicted upon the approved final plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

#### **§ 131-13. Release from improvement bond.**

- A. When the developer has completed the necessary and appropriate improvements, the developer shall notify the Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Supervisors shall, within 10 days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall thereupon file a report, in writing, with the Supervisors and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Township Engineer of the aforesaid authorization from the Supervisors. Said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part. If said improvements or any portion thereof shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
- B. The Supervisors shall notify the developer, within 15 days of receipt of the engineer's report, in writing by certified or registered mail of the action of said Supervisors with relation thereto.
- C. If the Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
- D. If any portion of said improvements are not approved or are rejected by the Supervisors, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- E. However, nothing herein shall be construed in limitation of the developer's right to contest or question, by legal proceedings or otherwise, any determination of the Supervisors or the Township Engineer.

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F. Where herein reference is made to the Township Engineer, he shall be as a consultant thereto.

G. The applicant or developer shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer to the Township when fees are not reimbursed or otherwise imposed on applicants.

- (1) In the event that the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within 10 working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
- (2) If, within 20 days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Township shall jointly, by mutual agreement, appoint another engineer to review said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- (3) The engineer so appointed shall hear such evidence and review such documentation as the engineer, in his or her sole opinion, deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- (4) In the event that the Township and applicant cannot agree upon the engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Township is located (or if at the time there is no President Judge, then the Senior Active Judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any other engineer who has been retained by or performed services for Paradise Township or the applicant within the preceding five years.
- (5) The fee of the appointed engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the engineer, but otherwise the Township and the applicant shall each pay 1/2 of the fee of the appointed professional engineer.

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#### **§ 131-14. Remedies to effect completion of improvements.**

In the event that any improvements which may be required have not been installed as provided in this chapter or in accord with the approved final plan, the Supervisors are

hereby granted the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If the 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 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 Township purpose.

#### **§ 131-15. Recording of approved plans.**

A. Final approval. Upon completion of the review procedures and all requirements of these regulations, final approval of all subdivision and land development plans shall be indicated by a statement to that effect on the original record plan and at least one copy thereof, together with the signatures of the Commission Chairman, Commission Secretary, Supervisor Chairman and Supervisor Secretary and the dates of approval.

B. Plat void if revised after approval. No changes, erasures, modifications or revisions shall be made in any plan after approval has been given by the Supervisors and endorsed in writing on the plan, unless said plan is first resubmitted to the Commission and Supervisors with subsequent approval of any modifications. In the event that any such plan is recorded without complying with this requirement, the same shall be considered null and void and the Supervisors shall institute proceedings to have the plan stricken from the records of the County Recorder of Deeds.

C. Recording plats and deeds.

- (1) Upon the approval of a final plan, the developer shall within 90 days of such final approval record such plan in the office of the Recorder of Deeds of Monroe County. The Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Supervisors and review by the county planning agency.
- (2) The recording of the plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plan.

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### **SUBDIVISION AND LAND DEVELOPMENT**

(3) Should the applicant fail to record the subdivision plan within 90 days from the date of endorsement, said approval shall be null and void.

D. Additional filing. The developer shall file one additional copy of the approved final plan with the County Planning Commission and one additional copy of the approved final plan with the County Tax Assessor within 90 days of endorsement of the subdivision plan by the Supervisors.

#### **§ 131-16. Dedications.**

Every street, easement, park, playground, greenway land or other improvement shown on a subdivision or land development plan that is approved as provided herein shall be deemed to be a private street, easement, park, playground, greenway land or improvement until such time as the same has been offered for dedication to the Township and officially accepted by resolution or until it has been condemned for use as a public street, park or other improvement.

#### **§ 131-17. Effect of recording dedications.**

After a subdivision plan has been duly recorded, the roads, parks and other public improvements shown thereon shall be considered to be a part of the Official Map of the Township.

#### **§ 131-18. Resubdivision procedure.**

Any resubdivision of land, including changes to record plans, shall be considered a subdivision or land development and shall be submitted and reviewed in accordance with final plan procedures of these regulations.

#### **§ 131-19. Minor land development.**

The application and review procedure for a minor land development shall follow the procedure for a minor subdivision.

#### **§ 131-20. Major land development.**

The application and review procedure for a major land development shall follow the procedure for a conservation subdivision.

## **ARTICLE III**

### **Design Standards**

**Revised 5/20/02, Ordinance No. 131; 4/20/05, Ordinance No. 151; 01-03-06,  
Ordinance 153**



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#### **§ 131-21. Application.**

The standards and requirements contained in these regulations are intended as the minimum for the promotion of the public health, safety and general welfare and shall be applied as such by the Commission and Supervisors in reviewing all subdivision or land development plans. Said standards and requirements may be modified by the Supervisors, upon recommendation of the Commission, only under circumstances set forth in Article VII, §131-50, of this chapter.

#### **§ 131-22. General.**

- A. Land subject to hazards to life, health or property, such as may arise from fire, floods, disease or other causes, shall not be developed for building purposes unless such hazards have been eliminated or unless the submitted plans show adequate safeguards against them and are approved by the appropriate regulatory agencies.
- B. Earth disturbance in primary conservation areas shall be limited to passive recreation and stormwater conveyances in compliance with Chapter 123.
- C. All subdivisions and land developments shall avoid or minimize adverse impacts on the municipality's natural, cultural and historic resources.
- D. The proposed subdivision and land development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, through careful planning of vegetation and land disturbance activities, and the placement of streets, buildings and other impervious surfaces in locations other than those identified on the Existing Resources and Site Analysis Plan as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.
- E. In reviewing subdivision and land development plans, the Planning Commission and developer shall consider resources identified on the Map of Potential Conservation Lands and include secondary conservation areas in greenway lands to the fullest extent possible, including the following:
  - (1) Moderate slopes. All grading and earthmoving on slopes exceeding 15 percent shall be minimized. Grading or earthmoving on slopes exceeding 15 percent shall not result in earth cuts or fills whose highest vertical dimension exceeds 6 feet, except where, in the judgment of the Board, no reasonable alternatives exist for construction of roads, drainage structures and other public improvements, in which case such vertical dimensions shall not exceed 12 feet. Roads and driveways shall follow the line of existing topography to minimize required cut

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### SUBDIVISION AND LAND DEVELOPMENT

and fill. Finished slopes of all cuts and fills shall minimize disturbance of natural grades.

- (2) Woodlands. Woodlands on any tract proposed for subdivision or land development shall be evaluated by the applicant to determine the extent to which such woodlands should be designated partly or entirely as greenway lands. The woodland evaluation shall be undertaken by a forester, landscape architect, horticulturist or another qualified professional acceptable to the municipality. This evaluation shall be submitted as a report as part of a preliminary plan application, and include maps indicating boundaries and conditions of woodland areas. Healthy woodlands exceeding one acre should be preserved to the extent practicable. Woodlands and vegetation along property lines and natural features that function as natural buffers should be preserved.
  - (3) Rare and endangered species. Natural areas containing rare or endangered plants or animals identified by the Pennsylvania Natural Diversity Inventory, or features identified by the Paradise Township Environmental Advisory Council as having significant local interest should be preserved in greenway lands.
  - (4) Historic resources. Preservation of historical structures should include conservation of the landscape immediately associated with and significant to that resource, to preserve the historical context.
  - (5) Rural streets and viewsheds. Historical rural street corridors and scenic viewsheds should be preserved in greenway lands, or protected through the use of architectural design and/or landscape buffers to minimize adverse visual impacts.
  - (6) Trails. When a subdivision or land development proposal is traversed by or abuts an existing trail customarily used by pedestrians and/or equestrians, the Township may require the applicant to make provisions for continued recreational use of the trail.
- F. In reviewing subdivision and land development plans, the Planning Commission and developer shall consider needs and requirements for the following uses and community facilities:
- (1) Locations for water supply systems or sewage treatment plant facilities in accordance with local and regional comprehensive plans.
  - (2) Highway right-of-way reservations in accordance with local and regional comprehensive plans.
  - (3) In considering the needs for parks, recreation and similar facilities, the standards recommended in the Township Comprehensive Plan and the Barrett-Mt. Pocono-Paradise Open Space and Recreation Plan may be generally applied.

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- (4) Subdivision plans shall conform to the Official Map, if any, of the Township.

**§ 131-23. Design process for residential subdivisions and land developments with greenway lands.**

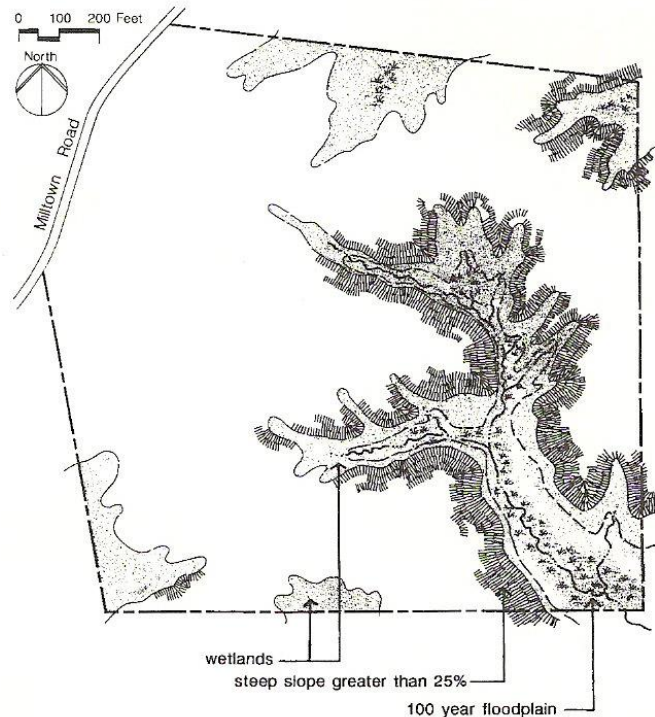
Following the ERSAP, all residential subdivisions and land developments with greenway lands shall generally follow a five-step design process as described below. Applicants will be required to document how the design process was followed.

- A. Step 1: Delineation of Greenway Lands and Development Areas. Greenway lands and development areas shall be delineated according to the following procedure.
- (1) Minimum acreage requirements for greenway lands in residential subdivisions shall be calculated on the basis of procedures described in Section 160-21-C of the Zoning Ordinance.
  - (2) Minimum acreage requirements for greenway lands in land developments associated with Master Development Plan Conditional Uses shall be calculated on the basis of procedures described in Section 160-21-C of the Zoning Ordinance.
  - (3) All primary conservation areas shall be delineated in their entirety as part of greenway lands. The balance of required greenway acreage shall preferentially include secondary conservation areas.

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#### IDENTIFY PRIMARY CONSERVATION AREAS

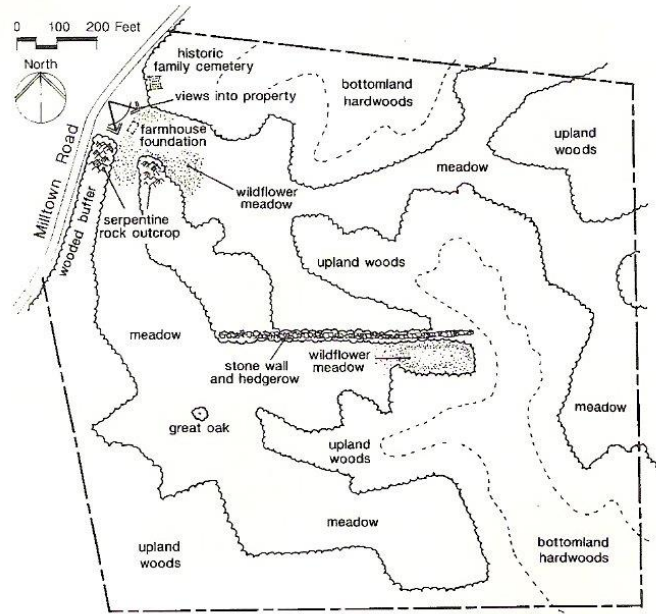


- (4) The locations and boundaries of secondary conservation areas to be included in greenway lands shall be based upon the applicant's analysis of the tract's resource features using the Existing Resources Site Analysis Plan. The applicant shall also be guided by the Township's Map of Potential Conservation Areas and any written recommendations provided by the municipality (including the Environmental Advisory Council) regarding the prioritization of secondary conservation areas, following the site inspection or the pre-sketch conference.

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### SUBDIVISION AND LAND DEVELOPMENT

#### IDENTIFY SECONDARY CONSERVATION AREAS

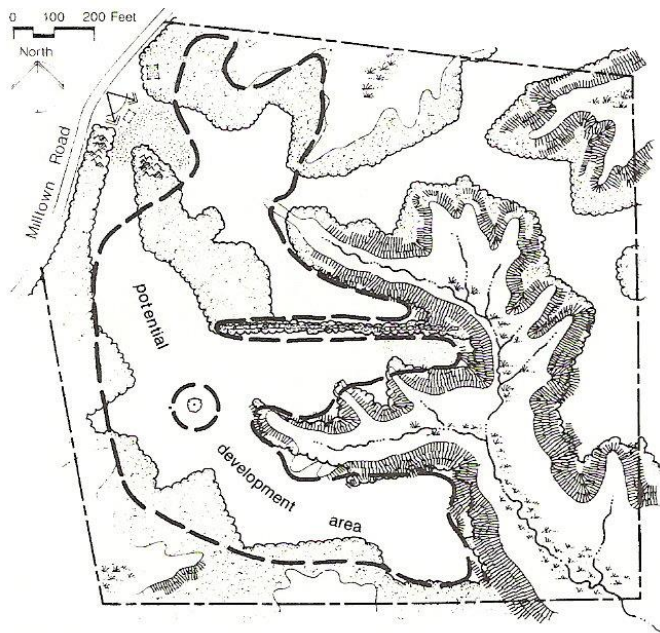


- (5) Development areas constitute the remaining lands of the tract outside of the designated greenway lands, where house sites, streets and lots are to be delineated in accordance with Steps 2, 3 and 5 below.

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#### IDENTIFY DEVELOPMENT AREAS

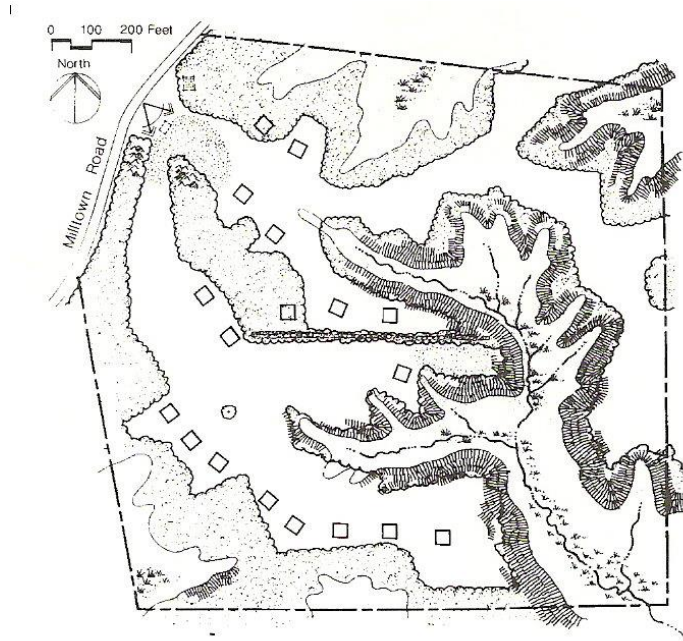


B. Step 2: Location of Houses. Applicants shall identify house locations in the tract's designated development areas, designed to: fit the tract's natural topography, be served by adequate water and sewerage facilities, and provide views of and access to adjoining greenway lands (without encroaching upon them in a manner visually intrusive to users of such areas). Houses should be located no closer than 10 feet from primary conservation areas.

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#### LOCATE HOUSE SITES



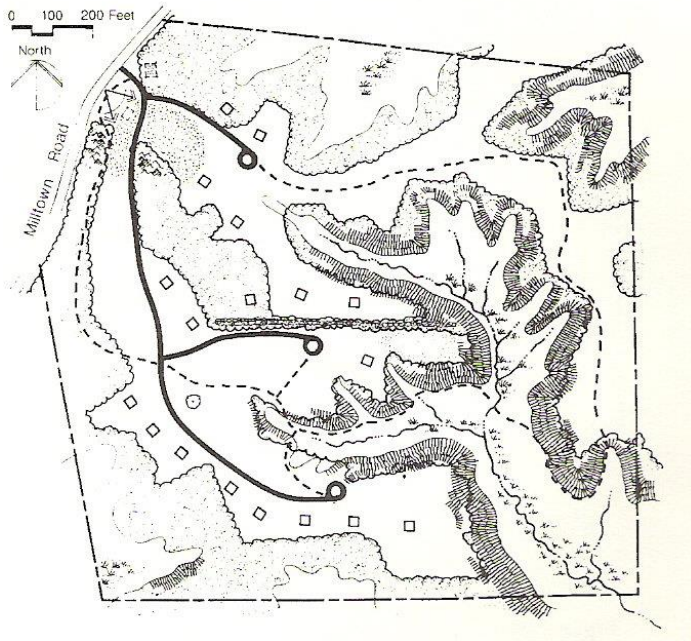
#### C. Step 3: Alignment of Streets and Trails

- (1) With house locations identified, applicants shall delineate a street system to provide vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe pattern of circulation and ingress and egress to and from the tract.
- (2) Streets shall avoid or at least minimize adverse impacts on the greenway lands. To the greatest extent practicable, wetland crossings and new streets or driveways traversing slopes over 15 percent shall be avoided.
- (3) Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the municipality and to facilitate easy access to and from homes in different parts of the tract (and on adjoining parcels).
- (4) A tentative network of trails shall also be shown, connecting streets with various natural and cultural features in the conserved greenway lands. Potential trail connections to adjacent parcels shall also be shown, in areas where a Township trail network is envisioned.

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#### ALIGN STREETS AND TRAILS AND LOCATE WATER MANAGEMENT FACILITIES



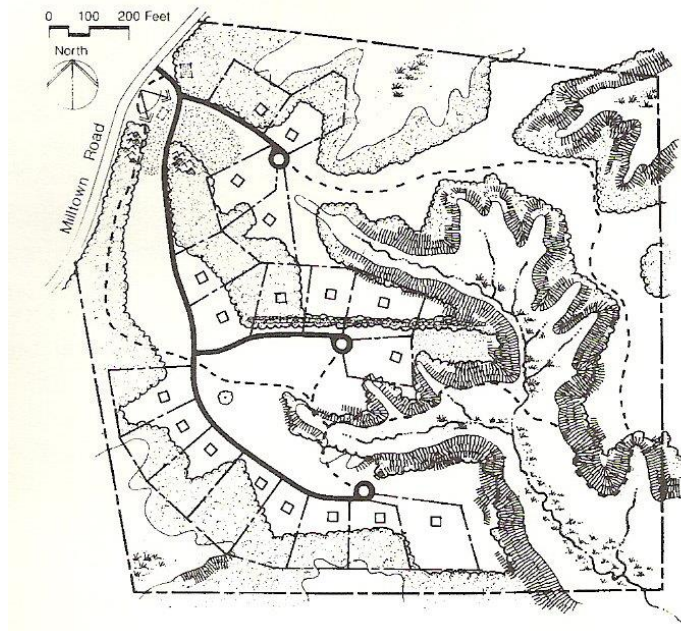
- D. Step 4: Location of Land-Based Water Management Facilities. Preferred locations for the stormwater and wastewater management facilities will be identified using the Existing Resources Site Analysis Plan and proposed greenway lands as the base maps. Opportunities to use these facilities as an additional buffer between the proposed greenway lands and development areas are encouraged. These facilities should generally be designed to improve the quality of stormwater runoff and wastewater effluent with emphasis placed on achieving maximum groundwater recharge. The facilities should be located in areas identified as groundwater recharge areas as indicated on the Existing Resource Site Analysis Plan. The design of the facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater generated by the development.
- E. Step 5: Design of Lot Lines. Lot lines for the subdivision should be drawn as the last step in the design procedure. They should follow the configuration of house sites and streets in a logical and flexible manner.



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### SUBDIVISION AND LAND DEVELOPMENT

#### DESIGN LOT LINES



**§ 131-24. Other Design Considerations.** The configuration of proposed greenway lands in residential subdivisions shall comply with the following standards:

**A. Greenway lands:**

- (1) Greenway lands shall be free of all structures except historic buildings, stone walls, and structures related to greenway land uses. The Township may grant approval of structures and improvements required for storm drainage, sewage treatment, water supply, and recreation within the greenway lands as described in Section 160-12(A)(32-A) of the Zoning Ordinance, provided that such facilities would not be detrimental to the greenway lands.
- (2) Greenway lands shall generally not include parcels smaller than 3 acres, have a length-to-width ratio of less than 4:1, or be less than 75 feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
- (3) Greenway lands shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to greenway land.
- (4) Recreational areas included in greenway lands shall not interfere with adjacent dwelling units, parking, driveways, and streets.

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- (5) Greenway lands shall be interconnected wherever possible to provide a continuous network of greenway lands within and adjoining the subdivision.
- (6) Greenway lands shall provide buffers to adjoining parks, preserves or other protected lands.
- (7) Except in those cases where part of the greenway land is located within private houselots, they shall provide for pedestrian pathways for use by the residents of the subdivision. Consideration shall be given to providing for public access on such trails if they are linked to other publicly-accessible pathway systems within the Township. Provisions should be made for access to the greenway lands, as required for land management and emergency purposes.
- (8) Greenway lands shall be undivided by public or private streets, except where necessary for proper traffic circulation.
- (9) Greenway lands shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect natural resources.
- (10) Greenway lands shall be made subject to such agreement with the Township and such conservation easements duly recorded in the office of the County Recorder of Deeds.
- (11) Greenway lands shall be consistent with the Paradise Township Strategic Plan and the Barrett-Mt. Pocono-Paradise Open Space and Recreation Plan.
- (12) Applicants shall demonstrate compliance with greenway lands ownership and maintenance standards in Section 160-21-C (E) and (F) of the Zoning Ordinance.

#### **B. Small lot design:**

- (1) Where individual lots of less than 40,000 square feet in area are proposed with on-lot septic treatment and water supply facilities, a detailed site/plot plan shall be provided for each lot under 40,000 square feet showing, as a minimum, the locations of a proposed dwelling, setbacks, easements, access drive, off-street parking, primary and reserve septic areas, septic/pump tank(s), water supply, grading (including grading of the primary septic area), adjoining water supplies and adjoining sewage disposal areas demonstrating that all improvements can be constructed on said lot meeting all municipal and regulatory requirements and isolation distances.

#### **§ 131-25. Street layout.**

##### **A. General standards.**

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- (1) Right-of-way width. The proposed street system may extend existing or recorded streets at the same right-of-way width, but in no case at less than the required minimum right-of-way width.
- (2) Street access. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, street stubs shall be extended by dedication to the boundary of such property.
- (3) Local streets. New local streets shall be so designed as to discourage through traffic, but the developer shall give adequate consideration to provision for the extension and continuation of arterial and collector streets into and from adjoining properties.
- (4) Improper streets. Where a development abuts or is traversed by an existing street with an undefined right-of-way alignment, the right-of-way shall be established mathematically with a series of curves and tangents at the dedicated width substantially conforming to the existing alignment of the street and conforming to the requirements of this chapter as closely as practical. An easement for future roadway widening of sufficient width to provide the required width on either side of the center line as set forth in this chapter shall be provided parallel to and concentric with the established right-of-way line. The Supervisors may require the dedication of land sufficient to widen or correct the alignment of existing streets of improper width or alignment.
- (5) Private street. Private streets (streets not to be offered for dedication) shall meet the design standards of these regulations.
- (6) Private street. A private street (a street not to be offered for dedication) may be utilized solely to provide access to not more than five single-family residential lots in a minor subdivision, which lots do not abut or have frontage on a public or approved street. A private street shall not exceed 500 feet in length and shall have a road right-of-way 40 feet in width. Only lots of at least one acre in size may be served by a private street. Construction and maintenance of private streets shall be the sole responsibility of owners benefiting by use thereof and shall not be offered to or accepted by the municipality for public maintenance, unless improved to Township standards for the required classification of street as determined by the Supervisors and covenants indicating the same shall be expressly set forth on the recorded subdivision plan. An express covenant shall be set forth on the subdivision plan prohibiting any further subdivision of any lot shown thereon abutting a private street until such time as the private street is improved to the aforesaid Township standards. Private streets shall not be permitted in any proposed or approved conservation subdivision. Private streets shall meet the design standards set forth in this chapter and the street grading and construction requirements set forth in §131-35A of this chapter, but shall not be required to

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meet the paving requirements in §131-35B of this chapter. No more than one private street shall be permitted in any minor subdivision.

#### B. Street widths.

- (1) Minimum street right-of-way and cartway (pavement) widths shall be as shown in Table 1.<sup>3</sup>
- (2) Additional right-of-way and cartway widths may be required by the Supervisors, upon recommendation of the Commission, for the purpose of promoting the public safety and convenience or to provide parking in commercial areas and in areas of intense residential development.

#### C. Street grades.

- (1) There shall be a minimum center-line grade of 1/2%.
- (2) Center-line grades shall not exceed the maximum grades as shown on Table 1.<sup>4</sup>
- (3) Maximum street grades as set forth in Table 1<sup>5</sup> shall be limited to the following horizontal lengths:
  - (a) Local streets: 400 feet.
  - (b) Collector streets: 300 feet.
  - (c) Arterial streets: 200 feet.
- (d) If the centerline grade of a street exceeds the sustained grade listed in Table 1 for the horizontal lengths listed in Sections a, b and c above, the centerline grade shall be reduced to the sustained grade (or less) for a horizontal distance of not less than 500 feet before the sustained grade is again exceeded.
- (4) Street grades at intersections shall be a maximum of 4% for a distance of 50 feet along the center line from the point of intersection as specified in Subsection F below.

#### D. Horizontal curves.

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<sup>3</sup>Editor's Note: Table 1 is included at the end of this chapter.

<sup>4</sup>Editor's Note: Table 1 is included at the end of this chapter.

<sup>5</sup>Editor's Note: Table 1 is included at the end of this chapter.

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- (1) Whenever street lines are deflected in excess of  $5^{\circ}$ , connection shall be made by horizontal curves.
- (2) To ensure adequate sight distance, minimum center-line radii for horizontal curves shall be as specified in Table 1.<sup>6</sup>
- (3) A tangent of at least 100 feet shall be introduced between all horizontal curves on collector streets and greater.
- (4) To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

#### E. Vertical curves.

- (1) At all changes of street grades where the deflections exceed 1%, vertical curves shall be provided to permit the minimum sight distances as specified in Table 1.<sup>7</sup>

#### F. Intersections.

- (1) Streets shall intersect as nearly as possible at right angles and no street shall intersect another at an angle of less than  $60^{\circ}$  or more than  $120^{\circ}$ .
- (2) No more than two streets shall intersect at the same point.
- (3) Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least 150 feet between center lines, measured along the center line of the street being intersected.
- (4) Intersections with arterial streets shall be located not less than 1,000 feet apart, measured from center line to center line of the arterial street.
- (5) Street intersections shall be rounded by a tangential arc with a minimum radius of:
  - (a) Local streets and lesser: 20 feet for all intersections.
  - (b) Collector streets and greater: 30 feet for all intersections.
- (6) Street right-of-way lines shall be parallel to (concentric with) arcs at intersections.

#### G. Clear sight distance at intersections.

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<sup>6</sup>Editor's Note: Table 1 is included at the end of this chapter.

<sup>7</sup>Editor's Note: Table 1 is included at the end of this chapter.

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- (1) Clear sight triangles shall be provided at all street intersections. With such triangles, no vision-obstructing object shall be permitted which exceeds a height of 30 inches above the elevation of the intersecting streets. Such triangles shall be established from a distance of:
  - (a) Fifty feet from the point of intersection of the right-of-way lines; except that
  - (b) Clear sight triangles of 100 feet shall be provided at all intersections with arterial streets.
- (2) Wherever a portion of the line of such triangles occurs behind (i.e., from the street) the building setback line, such portion shall be shown on the final plan of the subdivision and shall be considered a building setback line.

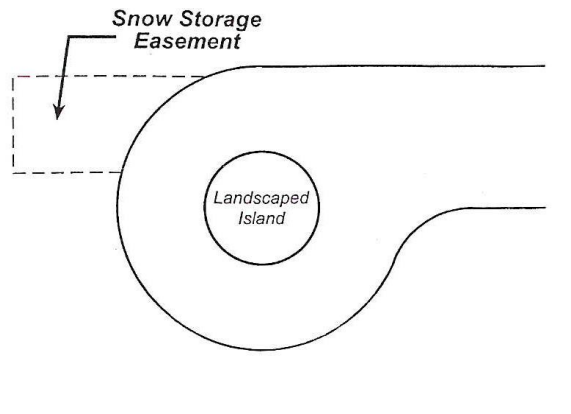
#### H. Cul-de-sac streets.

- (1) Cul-de-sac streets shall be permitted with a maximum length of 800 feet. This distance shall be extended to a maximum length of 1,500 feet if the street: a) is within a Conservation Subdivision, and b) the applicant proves to the satisfaction of the Board of Supervisors that a suitable and conveniently located firefighting water supply source will be readily accessible to the subdivision. Cul-de-sac streets must be provided with a turn-around with a minimum paved radius of 40 feet and a minimum radius of 50 feet to the legal right-of-way.
- (2) The circular right-of-way of the cul-de-sac shall maintain a minimum 10 feet width between the edge of paving and the edge of the right-of-way. The circular paving of the cul-de-sac shall be connected to the approach paving by an arc having a radius of not less than 50 feet.
- (3) The Board of Supervisors, after offering the proposal for review by the Planning Commission, may permit acceptable alternative turn-around designs, including a turn-around of acceptable radii incorporated into a parking court or a landscaped island within a cul-de-sac or a one-way loop street.
  - (a) The turn-around shall have a sufficient radius to allow movement by school buses, snow plows and delivery trucks, even if a vehicle is parked along the side of the cartway.
  - (b) If a landscaped island is used, it shall be planted in a manner that will require minimal maintenance and shall include a system to provide maintenance that is acceptable to the Township.

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- (c) If a one-way loop street is used, it shall not require one way traffic for more than 500 feet of street length, and shall have a minimum paved width of 14 feet.
- (4) No street shall dead-end without an approved turn-around at the end of the street. Temporary stub streets shall be required to include at least a temporary cul-de-sac, if the stub would be longer than 150 feet or serve more than 3 dwellings or lots.
- (5) The maximum cross slope on the circular part of a cul-de-sac shall be 7 percent.
- (6) A cul-de-sac street shall serve a maximum of 20 dwelling units, except that 25 dwelling units shall be allowed for a conservation subdivision.
- (7) A snow storage easement shall be established at the end of the cul-de-sac, which shall provide for proper drainage as the snow melts. This easement shall be located so that a snow plow can push snow relatively straight from the street to the far end of the cul-de-sac. This snow storage easement shall be located clear of any driveways.



#### I. Service streets.

- (1) Service streets may be required in commercial subdivisions for business establishments in order to avoid direct driveway access to arterial streets, provided that the developer produces evidence satisfactory to the Planning Commission of the need for such service streets.
- (2) Where permitted, service streets in developments shall have a minimum improved width of 20 feet, except that, where service streets serve dwellings on only one side, the Planning Commission may permit an improved surface of not less than 12 feet.

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(3) No part of any dwelling, garage or other building shall be located within 16 feet of the center line of a service street.

(4) Service street intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded or cut back sufficiently to permit safe vehicular circulation.

J. Restriction of access. Whenever a subdivision abuts or contains an existing or proposed collector or arterial street, the Planning Commission may require restriction of access to said street.

K. Street names.

(1) Proposed streets which are obviously in alignment with others already existing and named shall bear the names of the existing streets.

(2) In no case shall the name of a proposed street duplicate an existing street name in the Township, irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, lane, etc., and wherever possible, the names of proposed streets shall not duplicate existing street names in the same postal district.

(3) All street names shall be subject to the approval of the Supervisors.

#### **§ 131-26. Blocks.**

A. Layout. The length, width and shape of blocks shall be determined with due regard to provision of adequate sites for buildings of the type proposed; zoning requirements; topography; and requirements for safe and convenient vehicular and pedestrian circulations, including the reduction of intersections with arterial streets.

B. Length.

(1) Where practicable, blocks along arterial and collector streets shall not be less than 1,000 feet.

(2) In the design of blocks longer than 1,000 feet, special consideration shall be given to the requirements of satisfactory fire protection.

C. Depth. Residential blocks shall be of sufficient depth to accommodate two tiers of lots; except where prevented by the size, topographical conditions or other inherent conditions of property, in which case the Planning Commission may recommend a single tier or lots.



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D. Commercial blocks. Blocks in commercial areas may vary from the elements of design detailed above if required by the nature of the use. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation and parking for employees and customers.

#### **§ 131-27. Lots and parcels.**

##### A. General standards.

- (1) The size, shape and orientation of lots shall be appropriate for the type of development and use contemplated.
- (2) Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
- (3) Where feasible, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.
- (4) Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.

B. Lot frontage. All lots shall have direct access to a public or private street that meets the requirements of this chapter.

C. Building setback lines. All building setback lines shall comply with the minimum requirements specified in the Township Zoning (or other) Ordinance.<sup>8</sup>

D. Off-street parking. Each proposed dwelling unit in a subdivision shall be provided with at least two off-street parking spaces per dwelling.

E. Lot size. All lots shall comply with the minimum lot dimensions and area requirements specified in the Township Zoning<sup>9</sup> (or other) Ordinance, subject to the following provisions designed to assist in the protection of the public health, safety and welfare:

- (1) The Commission may recommend that the minimum lot requirements be increased where the findings of the soil surveys and tests (required in §131-28

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<sup>8</sup>Editor's Note: See Ch. 160, Zoning.

<sup>9</sup>Editor's Note: See Ch. 160, Zoning.

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hereof) indicate that health and sanitation problems may result from the subdivision as proposed.

- (2) Flag lots of three acres or less in size shall be permitted, provided that the strip of land between the public street and the buildable area of the lots do not exceed 500 feet in length and can meet the requirements for a private street. Such a private street need not be constructed and improved in accordance with other standards set forth under this chapter. Lot width for flag lots shall be measured at the building setback line.

#### **§ 131-28. Sanitary sewage disposal and water distribution systems.<sup>10</sup>**

- A. The developer shall, as a condition of sale for each lot, install or shall provide for the installation of the highest type of sanitary sewage and water distribution facilities consistent with existing physical, geographical and geological conditions in the Township. Approval by the Pennsylvania Department of Environmental Protection shall be required for all centralized water supply and sanitary sewage disposal facilities for a proposed subdivision. The Planning Commission shall require that a copy of such approval certification be submitted with the application for final plan approval.
- B. All lots which are not connected with a centralized sanitary sewage disposal system at the time of construction of a principal building shall be provided with an individual on-site sanitary sewage disposal system that meets the requirements of the Pennsylvania Department of Environmental Protection.
- C. Where individual on-site sewage distribution system(s) are to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system and no well shall be placed within 100 feet of any part of an absorption (tile) field of any on-site sanitary sewage disposal system.
  - (1) Adequate soil percolation tests shall be made in accordance with procedures required by the Pennsylvania Department of Environmental Protection and the results of the tests shall be included in a report submitted with the preliminary (or sketch) plan.
  - (2) A tested and suitable primary absorption area and a tested and suitable secondary absorption area shall be provided on each lot.
  - (3) The Planning Commission may recommend that the Supervisors waive the requirement of soil percolation tests, in whole or in part, for any lot with an area of more than one acre, provided that detailed soil survey information is available.

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<sup>10</sup>Editor's Note: See also 53 P.S. §10503.1.

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D. Prior to Subdivision and/or Land Development Plan approval, and/or approval to increase wastewater disposal for any existing land use, when such Subdivision, Land Development or land use will rely on sewage disposal by way of land application of treated wastewater, by any means, including drain field and/or drip or spray irrigation, the applicant must test the soil suitability for land application and confirm, to the satisfaction of the Township, that sufficient area is designated for a primary effluent disposal area and one (1) full replacement area, and that such areas have been designated on the Subdivision and/or Land Development Plan submissions or otherwise protected from use or disturbance. Except however, the Applicant for construction of a single-family detached home on an existing subdivided lot shall only be required to provide confirmation of suitable soils for a primary effluent disposal area, in accordance with Chapter 73 of the Pennsylvania DEP Regulations.

E. Prior to the Township Planning approval for any Community Sewage System, or parts thereof, that will provide sewage conveyance and/or treatment and/or disposal of any wastewater flow generated by development in a Municipality, other than Paradise Township, the Municipality in which the flow is generated and Paradise Township shall enter into an Intermunicipal Agreement. This Intermunicipal Agreement shall delineate, amongst other conditions, the responsibility of the Municipality generating the need for the Sewage Facilities in the event that the Sewage Facilities in Paradise Township are not properly constructed and/or not properly operated and maintained and the responsibility of that Municipality in the event of a Sewage Facilities malfunction or in the event that the wastewater or treated effluent causes a pollution event, permit violation or property damage.

F. All Sewage Facilities must be designed and constructed in accordance with State and township laws, ordinances and regulations, including but not limited to Chapter 110.

#### **§ 131-29. Storm drainage.**

- A. Storm sewers and related improvements shall be required when the runoff of stormwater cannot be satisfactorily handled within the road right-of-way. Storm sewers, culverts, site grading and related improvements shall be provided as necessary, to permit unimpeded flow of natural watercourses; to ensure adequate drainage of all low points along the line of roads; to intercept groundwater runoff along roads at intervals related to the extent and grade of the area drained; and to provide positive drainage away from individual on-site sewage disposal facilities.
- B. Storm drainage facilities shall be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the same

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watershed is fully developed. Special consideration shall be given to the avoidance of problems which may arise from the concentration of stormwater runoff onto adjacent development or undeveloped properties.

- C. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, the Commission may require storm drainage easements or drainage rights-of-way conforming substantially with the high water line of such watercourse, drainageway, channel or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities.
- D. Combined sanitary and storm sewers are prohibited.
- E. Storm water retention and/or unlined detention basins shall be prohibited within Wellhead Protection Zone 1.

#### **§ 131-30. Flooding.<sup>11</sup>**

- A. The developer's engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Township Engineer. Where it is anticipated that the additional runoff incident to the development of the subdivision will either overload an existing downstream drainage facility or cause periodic flooding during a five-year period, the Planning Commission shall notify the Supervisors of such potential condition. In such case, the proposed subdivision plan shall not be approved until such time as provision has been made for the improvement of said condition and said improvement(s) has been approved by the Pennsylvania Water and Power Resources Board.
- B. Where any area within the proposed subdivision is known to be subject to flooding, such area shall be clearly marked "Floodplain Area." No such area or parts thereof shall be platted for roads, permanent human occupancy or for such other uses as may cause danger to health, life or property until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the developer.
- C. Adequate drainage easements shall be reserved along any watercourse, water body or floodplain area subject to periodic flooding. Scientific records of the normal flow line, the annual high water line and detailed soil data may be used as the basis for determining said easements.

#### **§ 131-31. Easements.**

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<sup>11</sup>Editor's Note: See also Chapter 65, Floodplain Management.

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- A. Easements within a minimum total width of 20 feet may be provided for drainage channels and utility lines intended to service the abutting lots. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines. No structures or trees shall be placed within such easements.
- B. There shall be a minimum distance of 25 feet, measured in the shortest distance, between any proposed dwelling unit and any petroleum, petroleum products, natural gas or other hazardous transmission line.

#### **§ 131-32. Reserve strips.**

Reserve strips of land, which might be used to control road access from the proposed subdivision to neighboring property or to land within the subdivision itself, shall be prohibited.

#### **§ 131-33. Resource conservation standards for site preparation and cleanup.**

- A. Protection of vegetation from mechanical injury. Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, old fields or other significant vegetation or site features, the Governing body may require that the limit of disturbance be delineated and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of and shall be maintained throughout the period of construction activity.
- B. Protection of vegetation from grading change. Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.
- C. Protection of vegetation from excavations.
  - (1) When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized.
  - (2) If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.
- D. Protection of topsoil.
  - (1) No topsoil shall be removed from the site.
  - (2) Prior to grading operations or excavation, topsoil in the area to be disturbed shall be removed and stored on site.

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- (3) Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized by hydroseeding on slopes of less than ten percent, and by sodding, hydroseeding, or rip-rap on slopes exceeding ten percent.
- (4) Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when revegetation of exposed ground is difficult.

#### **ARTICLE IV**

##### **Improvement Specifications**

**Revised 4/20/05, Ordinance No. 151; Revised 01/03/06, Ordinance 153; Revised 4/3/17, Ordinance 243.**

#### **§ 131-34. Buffer requirements.**

##### **A. General requirements.**

- (1) Plan preparation: All Buffer plans shall be prepared by a landscape architect licensed by the Commonwealth of Pennsylvania.
- (2) Species: All required vegetation shall be limited to plants contained in Appendix I of this Chapter and shall not include any invasive plants. For the purposes of this section, references to Large Trees, Small Trees, Large Shrubs, Medium Shrubs and Small Shrubs shall be those listed in Appendix I.
- (3) The Buffer required for a given development shall be based on the relationship between the adjacent land uses in accordance with Table 2, below. If an adjoining parcel is undeveloped, the minimum Buffer required shall be determined utilizing Class 1 described in § 131-34(C)(3), below.
- (4) The Buffer area shall be used for no purpose other than planting of vegetation to meet planting requirements and may include a wall, fence or rain garden.
- (5) A Buffer is required even where complete visual separation is required pursuant to Chapter 160 (Zoning).
- (6) The property owner, including subsequent or successor owners, and their authorized agents, are jointly and severally responsible for maintenance of Buffers on a continuing basis for the life of the development. All required plantings shall be properly maintained at all times. This shall include, but is

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not limited to, mowing, edging, pruning, fertilizing, watering, weeding and other activities common to the maintenance of the plantings.

- (7) Buffers shall be kept free of trash, litter, weeds and invasive plants.
- (8) Required plantings shall be maintained for the life of the development. After initial installation, the owner of the property upon which the Buffer is installed shall maintain all required plantings in a healthy, vigorous and attractive state.
- (9) Plant material which exhibits evidence of insect pests, disease or damage shall be appropriately treated. Dead plants shall be promptly removed and replaced within the next planting season after removal. If replacement is necessary, all plants shall be equal in size, density and appearance as originally required at the time of the approval of the development.

#### **B. Planting material.**

- (1) All plant material shall meet the standards of the American Standard for Nursery Stock by the American Nursery and Landscape Association (2004), or most recent edition.
- (2) Plant materials shall meet the minimum requirements for height, spread and/or caliper for trees and shrubs as stated in Section 131-34(D), below. A note shall be added to the landscape plan stating this.
- (3) All plants shall be mulched to a depth of approximately two (2) inches. No “volcano” or otherwise excessive mulching shall be permitted. Mulch shall be used only in association with planting material. Mulch shall not be used as a groundcover on its own.
- (4) All plant material shall be guaranteed for eighteen (18) months from the day of final approval of the landscape installation by the Township, which guarantee shall be secured by the posting of a maintenance guarantee. Any plant material, twenty five percent (25%) or more of which is dead, shall be considered dead. A tree shall be considered dead when the main leader has died or twenty five percent (25%) of the crown is dead. Any dead plant material shall be promptly replaced with new plant material and installed according to the approved planting practices.
- (5) Existing healthy, non-invasive vegetation may be counted toward the required Buffer. In order to do so, the landscape plan shall indicate the type, number and size of existing plants which are sufficient to comply with the required Buffer. It shall not be necessary to indicate the total inventory of existing plants. Only plants required to meet the provisions of this Chapter are

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required to be listed. Existing invasive plants must be removed in order for existing vegetation to count toward the required Buffer. The Township may conduct site inspections in order to determine whether the existing vegetation is useable as a Buffer.

#### C. Buffer types.

- (1) Width and density of plantings required in a Buffer are described in Table 3 using letters (A, B, C, and D) and are based on the point system in Table 1.
1. The width of the Buffer and the density of plantings increase as the difference in the nature and intensity of development in the respective adjacent land use increases, as shown in Table 3.
2. Classes of land uses are described below:
  - (a) Class 1 land uses include Common Residential Uses, and Agricultural Uses;
  - (b) Class 2 land uses include Dense Residential Uses and Light Institutional Uses;
  - (c) Class 3 land uses include Light Indoor Recreation Uses, Light Service Uses, Light Transportation Uses and Guest Lodging;
  - (d) Class 4 land uses include Outdoor Recreation, General Indoor Recreation and Light Industrial Uses.
  - (e) Class 5 land uses include General Institutional Uses and General Service Uses;
  - (f) Class 6 land uses include General Transportation Uses and General Industrial Uses.

TABLE 1: POINTS FOR INDIVIDUAL PLANT TYPES

TYPE OF PLANT	POINTS
Large Tree	12
Small Tree	6
Large Shrub	3
Medium Shrub	2
Small Shrub	1



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TABLE 2: BUFFER CHART\*

PROPOSED USE	ADJACENT USE					
	Class 1	Class 2	Class 3	Class 4	Class5	Class 6
Class 1	None	None	None	None	None	None
Class 2	A	A	A	None	None	None
Class 3	B	B	None	None	None	None
Class 4	C	B	B	None	None	None
Class 5	D	D	D	C	None	None
Class 6	D	D	D	D	D	D

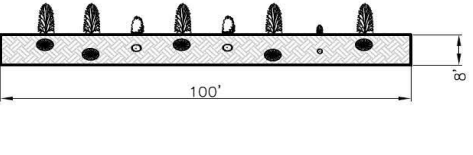
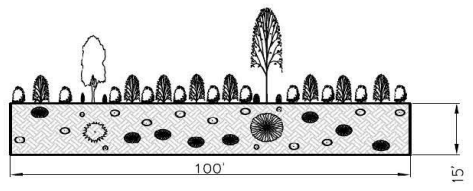
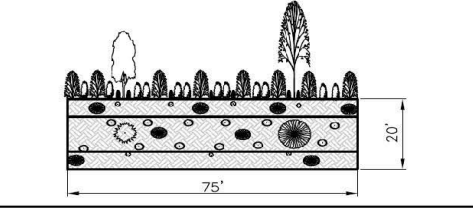
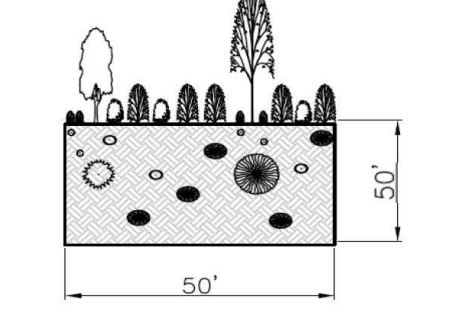
\*Refer to Table 3 for Buffer Type Requirements.

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TABLE 3: BUFFER YARD LANDSCAPING REQUIREMENTS

Buffer Yard Type	Minimum Width	Minimum Required Large Trees	Minimum Required Small Trees	Minimum Required Points Per Linear Foot	Illustration
A	8'	Optional (Maximum 1)	Optional (Maximum 1)	0.2	
B	15'	1 per 75'*	1 per 100'*	0.7	
C	20'	1 per 50'*	1 per 75'*	1	
D	50'	1 per 50'*	1 per 50'*	1.2	

\* Balance of points must be from Large Shrub, Medium Shrub, and/or Small Shrub Categories

#### D. Size standards

- (1) Large Trees shall measure a minimum of two (2) inches in caliper at four (4) feet, and stand at least eight (8) feet in height at the time of planting.

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- (2) Small Trees shall measure a minimum of two (2) inches in caliper at four (4) feet for single-stem trees or one and one half (1.5) inches in caliper at four feet for multi-stem trees, and stand at least six (6) feet in height at the time of planting.
- (3) Large Shrubs shall measure a minimum of three and one half (3.5) feet in height at the time of planting.
- (4) Medium Shrubs shall measure a minimum of three (3) feet in height at the time of planting. A mix of deciduous and evergreen shrubs is encouraged in order to obtain a variety of color and texture throughout the year.
- (5) Small Shrubs shall measure a minimum of twenty-four (24) inches in spread and/or height at the time of planting. A mix of deciduous and evergreen shrubs is encouraged in order to obtain a variety of color and texture throughout the year.

#### E. Additional requirements.

- (1) Buffer plantings shall be located in the middle of the Buffer width.
- (2) Use of Trees is optional toward point requirements in type "A" Buffers.
- (3) Plantings shall be a mixture of the size standards set forth in Section D above, and derived from plants listed in Appendix I.
- (4) When calculating points and plant quantities, fractions with decimals of 0.5 and higher should be rounded up to the next whole number; while fractions less than 0.5 should be rounded down to the lower whole number.

#### F. Street trees.

- (1) Street trees shall be required for any Major Subdivision or Land Development involving:
  - (a) New Streets;
  - (b) New sidewalks or pedestrian ways;
  - (c) Existing Streets, sidewalks, pedestrian ways, highways, bicycle trails or pathways when they abut or lie within the Major Subdivision or Land Development.

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- (2) Street trees shall include a minimum of one (1) Large Tree or two (2) Small trees listed in Table 3 for every fifty (50) linear feet of Street frontage spaced to permit the healthy growth of each tree.
- (3) Street trees shall be planted within a planting area a minimum of six (6) feet in width outside the Street Right-of-Way, and within fifteen (15) feet of the Street Right-of-Way.
- (4) Where trees would interfere with Clear Sight Distance at intersections, as defined in §131-25(G) above, the trees shall be planted at other locations on the tract.
- (5) Trees shall be located no closer than fifty (50) feet to the end of the return of any Street intersection.
- (6) Existing Large Trees within fifteen (15) feet of the Street Right-of-Way, that are at least two (2) inches in caliper at four (4) feet and at least eight (8) feet in height, may be utilized to meet the Street tree requirement.
- (7) Street trees shall not be planted beneath utility lines. If utility lines are present, the Street trees shall be planted not less than fifteen (15) feet nor more than twenty-five (25) feet from the utility line. Where this is not possible due to space limitations or other reasons, a lower-growing variety or species may be substituted.

#### G. Parking area landscaping.

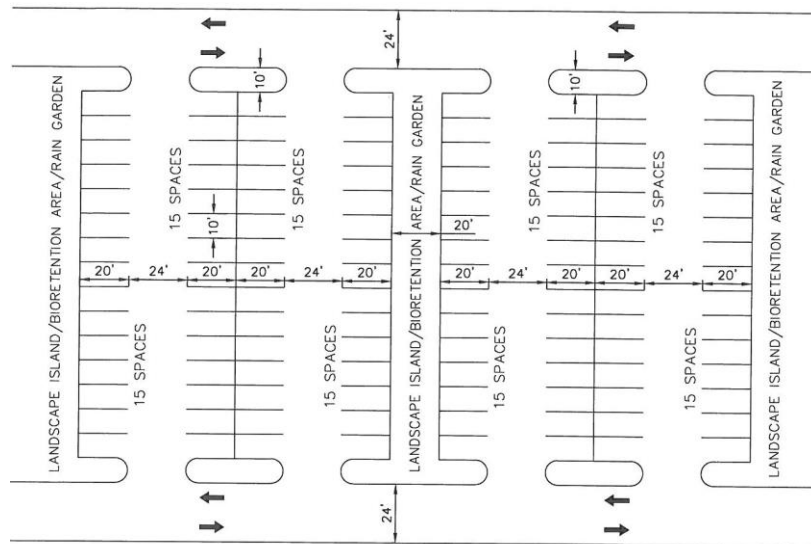
- (1) All parking facilities of ten (10) or more spaces or loading areas adjacent to any lot in a residential district, or adjacent to any lot with an existing residential use, shall be provided with a type “C” Buffer in accordance with Table 3, above, along the shared property lines for the entire length of the adjacency of the parking spaces or loading areas. Such Buffer shall not obstruct visibility of on-coming traffic between three (3) and ten (10) feet measured from the ground surface.
- (2) No parking area for a nonresidential use shall be closer than thirty-five (35) feet to a Street Right-of-Way and that thirty-five (35) ft. setback shall include a type “B” Buffer in compliance with Table 3, above. No parking area shall be within any required Clear Sight Distance requirements in §131-25(G), above.
- (3) For purposes of traffic channelization, delineation of parking areas, reduction of visual monotony, and the provision of amenities, for parking lots of fifteen (15) or more spaces, an area equivalent, at a minimum, to ten percent (10%) of all surface parking areas shall be devoted to interior parking lot vegetative cover. Such areas shall be in addition to any other

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Buffer requirements of this Ordinance. The location of the vegetative cover may be concentrated or clustered to meet other specified open space and pedestrian needs such as a sitting area.

- (4) If a parking lot includes ten (10) or more parking spaces, then one Large Tree or two (2) Small Trees, and eight (8) Small Shrubs shall be planted for each twenty (20) parking spaces. Such trees/shrubs shall be planted within or immediately adjacent to the parking area. The requirement for such trees may be waived by the Board of Supervisors if existing trees immediately adjacent to the parking area will remain and serve the same purpose.
- (5) A vegetated space at least ten (10) feet in width shall be provided where fifteen (15) or more parking spaces are proposed in a row. Vegetated spaces shall contain not less than one hundred eighty (180) square feet of planting area, as depicted in the graphic below.

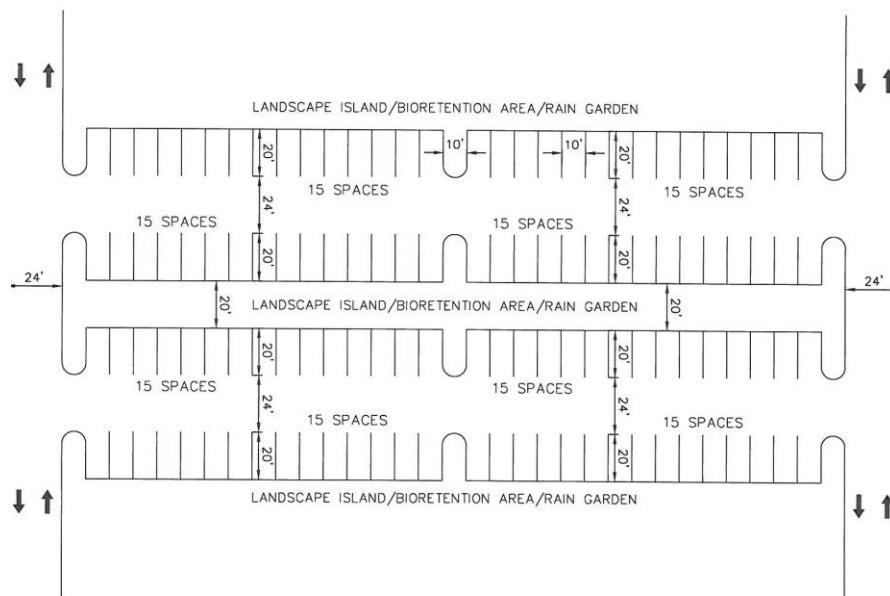


- (6) Parking vegetated spaces shall be placed at the end of each row of parking spaces beginning and/or terminating at an internal circulation drive.
- (7) Each one hundred eighty (180) square feet of vegetated spaces shall contain one Large Tree. No more than one Large Tree shall be permitted per vegetated space. The use of salt-tolerant species is required.
- (8) Plantings shall not be permitted in vegetated spaces located at the terminus of a parking row that at maturity would obstruct visibility of on-coming traffic between a height of three (3) and ten (10) feet measured from the ground surface.

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- (9) Parking areas containing more than sixty (60) parking spaces shall be separated by vegetated areas a minimum of twenty (20) feet in width and large enough to reasonably contain four (4) Small Trees and eight (8) Small Shrubs, as depicted in the graphic below.
- (10) Solid curbs that do not contain breaks to allow for stormwater runoff are discouraged. All parking vegetated spaces are encouraged to contain native species tolerant of wet soils in order to function as rain gardens, and may be utilized for stormwater management best management practices such as rain gardens and vegetated swales.
- (11) Entrance driveways, from the Street cartway to the parking area, shall be lined on each side with one (1) Large Tree and two (2) Medium Shrubs per forty (40) linear feet.
- (12) Planting design shall provide for snow removal areas and pedestrian circulation.
- (13) One additional large landscaped area shall be provided per two hundred fifty (250) parking spaces consisting of a minimum of two thousand (2000) square feet and containing a minimum of five (5) Large Trees plus ten (10) Small Shrubs. Areas may be combined to form fewer, larger landscaped areas when approved by the Board of Supervisors. These areas may be utilized for stormwater management best management practices including, but not limited to, rain gardens, vegetated swales or other nonstructural methods described in the Pennsylvania DEP Stormwater BMP Manual.



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#### H. Above ground stormwater management area landscaping.

(1) Whenever an above ground detention basin or retention pond is provided, it shall be so designed that the planting in and adjacent to it shall not impair the hydrological function of the facility.

(a) There shall be a minimum of one (1) Medium Tree and two (2) Medium Shrubs for each thirty (30) linear feet of stormwater management facility exterior perimeter.

(b) Up to fifty percent (50%) of the Large Trees may be substituted with an option of two (2) Medium Trees.

(c) No trees shall be planted on the fill area of the berm.

(d) No trees or Shrubs shall be planted within the emergency spillway or in any location which blocks access to the spillway.

I. Complete visual separation. This section applies only where complete visual separation is required by Chapter 160 (Zoning). Where complete visual separation is required it may be accomplished through the use of landscaping which provides year-round opaque screening, earth berms, masonry walls, or fences constructed of pressure-treated wood or other wood resistant to deterioration due to exposure to weather, moisture and insects, or a combination of two (2) or more of these techniques. Where complete visual separation is achieved using berms, walls or fences, the "A" Buffer requirements still apply.

J. Maintenance guarantee. The maintenance guarantee shall be in an amount equal to fifteen percent (15%) of the original cost to purchase and install all plant material. Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.

#### **§ 131-35. General requirements.**

A. Physical improvements to the property being subdivided shall be provided, constructed and installed where required by these regulations, by the Supervisors or by other applicable codes and ordinances.

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- B. All improvements installed by the developer shall be constructed in accordance with the design standards, specifications and procedure set forth in these regulations and other applicable Township regulations and ordinances.
- C. An inspection of all required improvements shall be conducted upon their completion to assure that said improvements are in accordance with §131-33B of this chapter. All such inspections shall be performed by the Township Engineer or the appropriate state regulatory agency, at the cost of the developer of the subdivision.

#### **§ 131-36. Required improvements.**

The following improvements shall be provided by or guaranteed by the developer in all subdivisions prior to final approval and endorsement of the subdivision plan by the Supervisors:

- A. Street grading. The developer shall be required to grade and construct roads with a minimum base depth of eight inches of crushed stone, shale stone, bank-run gravel or other select material as approved by the Township for the travelway, properly sloped for drainage and a minimum depth of four inches for shoulders of the same material as the travelway.
- B. Construction of streets. The developer shall be required to construct, improve and pave streets in accordance with the specifications set forth in Chapter 127, Article II, Construction Standards, §§127-7 to 127-14, as amended, and to receive the approval of the Township Supervisors before the sale of any lot abutting said street is consummated.
- C. Storm sewers. Storm sewers, drainage ditches and related drainage facilities shall be installed consistent with the design principles and requirements contained in §131-29 of these regulations, shall be located in utility or street rights-of-way and shall be constructed in accordance with Township specifications.
- D. Sanitary sewage disposal and water distribution system(s). Sanitary sewage disposal and water distribution system(s) shall be provided, consistent with the design standards and requirements contained in §131-28 of these regulations.
  - (1) Wherever a developer proposes that individual on-site sanitary sewage disposal and/or individual on-site water distribution systems shall be utilized within the subdivision, the developer shall either install such facilities or shall require, as a condition of the sale of each lot or parcel within the subdivision, that such facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed and in accordance with these regulations.
  - (2) In all other cases the developer shall provide or shall guarantee a complete centralized sanitary sewage disposal and/or water distribution system. The design



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and installation of such system(s) shall be subject to the approval of the Pennsylvania Department of Environmental Protection. Such system shall be further subject to satisfactory provision for the maintenance thereof.

- (3) Whenever a centralized sewage disposal system is provided, the sewer lines shall be located in the street right-of-way at a depth greater than that of any parallel, adjacent or crossing water line. All such sewer and/or water lines shall provide service connections to the property line of each and every lot, said service connections being properly capped.
- E. Fire hydrants. Wherever a centralized water distribution system is provided, fire hydrants shall comply with the International Fire Code and associated appendices.
- F. Markers. Metal markers are required to be accurately placed at all lot corners. Where physical or topographical features preclude the placement of a permanent marker at the corner, a marker shall be accurately placed on line as near to the corner as practical. Markers normally shall be set with the top two inches above the surrounding grade.
- G. Monuments. Permanent reference monuments shall be accurately placed at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of the property being subdivided where permanent corners did not exist at the time of the boundary survey, except on that portion of the property where only a record plot is required pursuant to §131-37(A)(5). Where physical or topographical features preclude the placement of monuments at required locations, a monument shall be placed on line as near to the required location as practical. When the boundary lines are in streams, existing roadways or other locations where the placement of permanent monuments is impractical, permanent monuments shall be offset from the line to be monumented and placed not further than 800 feet apart, preferably on lot lines and referenced to other permanent monuments.
- (1) Permanent reference markers and monuments shall be properly installed in accordance with §131-35F and G of this chapter.
  - (2) All monuments shall be placed by a competent engineer or surveyor so that the scored or marked point shall coincide exactly with the point being monumented.
  - (3) Monuments shall be set with their top level not more than six inches above the finished grade of the surrounding ground.
  - (4) All streets shall be monumented on the right-of-way line at the following locations:
    - (a) One in each quadrant of a street intersection. At a T-intersection, one shall also be placed at a lot corner most nearly opposite the intersecting street.

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- (b) One at a lot corner on each side of the street approximately midway through the block when the distance between intersecting streets exceeds 800 feet.
  - (c) One on each side of the street near the turnaround on a temporary or permanent cul-de-sac street.
  - (d) One at the intersection of a street right-of-way with an exterior property line.
  - (e) At such other places along the line of streets as may be determined by the Township Engineer to be necessary so that any street may be readily defined in the future.
- (5.) Location and monumenting of wetlands. Areas identified as wetlands shall be located on the Existing Resources and Site Analysis Plan and marked with monuments in accordance with requirements for monuments set forth above.
- H. Manholes. Wherever applicable, sanitary and storm sewer manholes shall be provided at all changes in grade and direction and in no instance shall the distance between said manholes exceed 400 feet.

## ARTICLE V

### Plan Requirements

Rev.10/21/08, Ord. No. ; 8/3/04, Ord. No. 146; 4/20/05, Ord. No. 151

#### **§ 131-37. Sketch plans.**

The sketch plan, which is the initial submission to the Planning Commission, shall show the layout of proposed and existing streets and lots sketched roughly on a print of a survey of the property drawn to a scale of not less than one inch equals 100 feet. For informal discussion with the Commission, the developer may also include the information specified in §131-39(B)(1) through (9) as well as a copy of the detailed soil survey map if available.

#### **§ 131-38. Minor subdivision plan.**

- A. In the case of a minor subdivision, the subdivision plan application shall be clearly and legibly drawn in accordance with §§131-39A and 131-40A and shall include the following information:
- (1) Name of the proposed subdivision, if any.
  - (2) North point, scale and date the drawing was completed.

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- (3) Name and address of the owner of the property.
- (4) Names of adjoining property owners.
- (5) Tract and lot line requirements:
  - (a) When the total tract of land is being subdivided, accurate parcel or lot lines within the tract and tract boundary lines of the entire tract showing bearings and distances.
  - (b) When a portion of a tract of land is being subdivided with a residual parcel being retained by the developer, accurate parcel or lot lines within the subdivided portion of the tract and tract boundary lines of only that portion of the tract being subdivided showing bearings and distances, provided that the residual parcel exceeds twice the area of the subdivided portion of the tract, is 10 acres or larger and has adequate road frontage on a public road. In addition, a record plot of the total tract shall be shown at a lesser scale with the subdivided portion of the tract accurately plotted thereon.
- (6) A land planning module completed, signed and approved by the Township Sewage Enforcement Officer as required by the Pennsylvania Department of Environmental Protection.
- B. Copies of all proposed deed restrictions, if any, shall be attached to the subdivision plan.
- (7.) The location of watercourses, tree masses, floodplain areas, wetlands and other significant natural features within the proposed subdivision.
- (8.) Contour lines at intervals of 2 feet. Plans that include floodplains shall be based on National Geodetic Vertical Datum (NGVD29).
- (9.) Locations of all test pits and wells.
- (10.) Locations of all proposed sewage disposal areas and existing or proposed wells.

#### **§ 131-39. Existing resources and site analysis plan.**

The Existing Resources and Site Analysis Plan (ERSAP) shall be prepared to provide the developer and the Township with a comprehensive analysis of existing site conditions. The Township shall review the Plan to assess its accuracy, thoroughness, and the manner in which the information generated has been applied to the design of the subdivision or land development. Unless otherwise specified by the Planning Commission, such plans shall be prepared at the scale of one inch equals fifty feet (1"=50)'. The following information shall be included in this Plan:

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- A. Geologic formations, based on available published information or more detailed data obtained by the applicant.
- B. Topography, the contour line intervals of which shall not be less detailed than five (5) feet for hilly sites, and two (2) feet for gently rolling or relatively flat sites. The determination of appropriate contour intervals shall be made by the Planning Commission. Slopes between 15 and 25 percent and exceeding 25 percent shall be clearly indicated. Topography for conservation subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.
- C. The location and delineation of ponds, lakes, streams, wetlands, vernal pools, and natural drainage swales, as well as floodplains and related riparian buffer areas. Additional areas of wetlands as evident from testing, visual inspection, or from the presence of wetland vegetation, shall be indicated.
- D. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Soil Conservation Service and accompanying data tabulated for each soil. The following soil types shall be specifically identified:
  - (1) Alluvial soils.
  - (2) Seasonal high water table soils.
  - (3) Hydric soils.
  - (4) Class I and II agricultural soils.
  - (5) Soil hydrologic groups (i.e., Group A, B, C or D).
- E. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, old field, hedgerow, woodland and wetland, trees with a caliper in excess of eighteen inches, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
- F. Ridge lines and delineation of watersheds on the property shall be identified.
- G. The location and dimensions of all existing streets, roads, buildings, utilities and other man-made improvements.
- H. Locations of all historically significant sites or structures on the tract and on any abutting tract.

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- I. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
- J. All easements and other encumbrances of property which are or have been filed of record with the Recorder of Deeds of Monroe County shall be shown on the plan.
- K. The location, delineation, and identification of any resource included within the Pennsylvania Natural Diversity Inventory (PNDI).
- L. Wellhead protection areas.

#### **§ 131-40. Conservation subdivision preliminary plan.**

- A. The preliminary plan of a proposed subdivision shall be clearly and legibly drawn to a scale of one inch equals fifty feet ( 1" = 50'). The original drawing and all submitted prints thereof shall be made on sheets 24 inches by 36 inches in size. If the preliminary plan requires more than one sheet, a key diagram showing the relative location of the several sections shall be provided.
- B. The preliminary plan shall show:
  - (1) Name of the proposed subdivision.
  - (2) Magnetic or true North point, graphic scale and date the original drawing was completed.
  - (3) Name and address of the owner of the property.
  - (4) Name and address of the registered engineer, surveyor or land planner responsible for the plan.
  - (5) Names of owners of all abutting unplatted land and the names of all abutting subdivisions, if any.
  - (6) Tract boundary lines of the property being subdivided showing bearings and distances and a statement of total acreage of the property. All dimensions shall be shown in feet and hundredths of a foot and all bearings or angles shall be shown in degrees to the nearest one second.
  - (7) The location of all existing buildings, utility transmission lines, culverts, bridges, railroads and other significant man-made features within the proposed subdivision.

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- (8) The location of watercourses, tree masses, floodplain areas, wetlands and other significant natural features within the proposed subdivision.
  - (9) All existing streets on or abutting the tract, including names, right-of-way widths and pavement widths.
  - (10) Contour lines at intervals of 2 feet. Plans that include floodplains shall be based on National Geodetic Vertical Datum (NGVD29).
  - (11) Location and width of all proposed streets, rights-of-way and easements with a statement of any conditions governing their use.
  - (12) Building setback lines along each street.
  - (13) Lot lines with approximate dimensions.
  - (14) Playgrounds, parks and other areas to be dedicated or reserved for public use.
  - (15) A land planning module completed, signed and approved by the Township Sewage Enforcement Officer as required by the Pennsylvania Department of Environmental Protection, together with any required soil test reports and detailed soil survey information, with detailed soil maps, shall accompany each subdivision plan where either on-site water supply systems or on-site sewage disposal systems are proposed. (See §131-28 hereof.)
  - (16) Copies of proposed deed restrictions, if any, shall be attached to the preliminary plan.
  - (17) Locations of all test pits and wells.
  - (18) Locations of all proposed sewage disposal areas and existing or proposed wells.
  - (19) Water supply. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Board of Supervisors that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.
- C. The preliminary plan shall be accompanied by the following supplementary data, as applicable:

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- (1) The existing resources site analysis plan.
- (2) Documentation of the five-step design process required in Section 131-23.
- (3) Typical street cross-section drawings for all proposed streets shall be drawn on either the plan or on separate profile sheets.
- (4) Profiles along the center line of each proposed street showing both natural and finished grades.
- (5) A traffic study in compliance with §160-20.
- (6) Receipt(s) and/or submission acknowledgement(s) documenting delivery of the plans for review by the Monroe County Planning Commission, Monroe County Conservation District, if required, and delivery to any other municipal, county, state or federal agencies.

#### **§ 131-41. Final subdivision plan.**

- A. The final subdivision plan shall consist of one or more sheets of drawings which shall be clearly and legibly drawn in accordance with the provision of §131-39A. Such sheets shall have a one-inch margin on all sides. Adequate space shall be reserved thereon for endorsement by all applicable agencies, as well as the Commission and Supervisors.
- B. The final plan shall include the following:
  - (1) Identification and other information in accordance with the provisions of §131-39B(1) through (19), inclusive, including closure with error not to exceed 1 ft. / 5000 ft.
  - (2) The location of all permanent reference monuments shall be shown.
  - (3) The name (or number), right-of-way width and pavement width of all streets within and adjacent to the subdivision.
  - (4) All easements and rights-of-way shall be shown on the plan and any limitations on such shall be so noted.
  - (5) Location, size and invert elevations of all sanitary and/or storm sewers and location of all manholes, inlets and culverts shall be shown and may be submitted as a separate plan.

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- (6) All dimensions shall be shown in feet and hundredths of a foot and all bearings or angles shall be shown in degrees to the nearest one (1) second.
  - (7) Data required to readily determine the location, bearing and length of every street, lot and boundary line.
  - (8) The length of all straight lines, radii and curved lines (arcs) and the tangent bearings or deflection angles of all curved lines for each existing or proposed street.
  - (9) All dimensions and deflection angles or bearings of the lines of each lot.
  - (10) The proposed building setback line for each lot or street.
  - (11) Lot and block numbers and a statement of the total number of lots and total lot acreage.
  - (12) A statement of the intended use of all nonresidential lots, with reference to restrictions of any type pertaining to such lots.
  - (13) A certificate of ownership shall be lettered on the plan and signed by the owner(s) of the property.
  - (14) Certificates of approval by all applicable agencies under §131-10D hereof.
  - (15) Water supply. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Board of Supervisors that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.
- C. The final plan shall be accompanied by the following supplementary data, as applicable.
- (4) As-built street profile sheets shall show the length of all vertical curves as well as all existing and proposed water mains, storm sewer mains, sanitary sewer mains, manholes, inlets, culverts and bridges and shall be drawn at a scale of one inch equals:
    - (a) Ten feet horizontal and one foot vertical; or



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- (b) Twenty feet horizontal and two feet vertical; or
  - (c) Forty feet horizontal and four feet vertical; or
  - (d) Fifty feet horizontal and five feet vertical.
- (5) All written offers of dedication to the Township of streets and other public properties shall be shown on the plan and shall be signed by the owners of the property.
- (6) Copies of private deed restrictions, including building setback lines and on-site water and/or sewage facilities, which shall be imposed upon the property as a condition of sale.
- (7) A certificate from the Design Professional that all improvements required by the Commission and Supervisors were satisfactorily completed in accordance with applicable standards and specifications.

#### **§ 131-42. Minor land development.**

- A. An application for a minor land development shall be clearly and legibly drawn on a scale of one inch equals not more than 100 feet.
- B. The application shall include the following information:
- (1) Name and address of owner and developer.
  - (2) North point, scale and date the drawing was completed.
  - (3) Names of adjoining property owners.
  - (4) A plan of the area proposed to be developed, including tract boundaries from records, as appropriate. An accurate field survey map may be required if the Planning Commission deems it necessary.
  - (5) Sufficient data acceptable to the Planning Commission and the Board of Supervisors upon recommendation of the Township Engineer to determine that the proposed land development will meet all design standards for subdivision as set forth in this chapter and is in conformance with all requirements of the Township Zoning Ordinance<sup>12</sup> and all other applicable ordinances.

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<sup>12</sup>Editor's Note: See Ch. 160, Zoning .

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- (6) Any existing and proposed buildings located on the tract being developed to demonstrate compliance with setback requirements.
- (7) The location of watercourses and the one-hundred-year floodplain.
- (8) A place on the plan for the recommendation of the Planning Commission and the approval of the Board of Supervisors, including a space for the date of approval.
- (9) Name, address and seal of registered engineer, surveyor or land planner responsible for the plan.
- (10) Contour lines at an interval not greater than 20 feet, as superimposed from the U.S.G.S. Quadrangle or from field survey.
- (11) The location and extent of various soil types, together with the Pennsylvania Department of Environmental Protection group classification for each type.
- (12) The location of any soil test pits.
- (13) The recommended areas for well location, if any and for on-site sewage disposal, if any.
- (14) A drainage plan and an erosion and sedimentation control plan may be required if deemed necessary by the Planning Commission.
- (15) The plan shall show or be accompanied by the following:
  - (a) The latest U.S.G.S. Quadrangle map or portion thereof with the perimeter or the development plotted thereon to scale.
  - (b) A sketch to an appropriate scale on one sheet covering the entire tract, showing the location of the area to be developed, together with a sketch of any proposed streets to demonstrate that the proposed development provides for the orderly development of any residual land and/or does not adversely affect the residual lands.
  - (c) A covenant stating that the lots shown on the development plan cannot be sold without meeting the requirements for a minor or conservation subdivision as set forth in this chapter.
  - (d) An approved land planning module as required by the Pennsylvania Department of Environmental Protection.
- (16) Water supply. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or

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development, applicants shall present evidence to the Board of Supervisors that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.

#### **§ 131-43. Major land development.**

In the case of a major land development, plan requirement procedures for a conservation subdivision shall be followed.

#### **§ 131-44. Subdivision wetland notes.**

On all subdivisions which contain wetland areas, the following notes shall be boldly set forth on the subdivision plan, to wit:

- A. Developer responsibility. The developer assumes full responsibility for obtaining any and all necessary permits and/or approvals, relating to the existence and designation of any wetlands on the within subdivision, as may be required by the U.S. Army Corps of Engineers, the Pennsylvania Department of Environmental Protection or any other state or federal agency having appropriate jurisdiction over wetlands. The developer represents and warrants that it has accurately and properly delineated the areas of wetlands on the within subdivision; that it will give a copy of same to any prospective purchaser(s), together with the name, address and telephone number of the governmental agencies having jurisdiction over wetlands; and that it will advise any prospective purchaser(s) of the existence of wetlands, if any, on any lot proposed to be purchased.
- B. Owner responsibility. After conveyance or sale of any lands in said subdivision to any purchaser(s), the purchaser(s) shall assume and bear continuing responsibility for compliance with any and all governmental regulations regarding the use of wetlands. Any purchaser(s) of any lands set forth in the within subdivision agree to look solely to the developer and/or to the appropriate governmental agency for compliance with any wetlands regulations or requirements.
- C. Township disclaimer. The approval of the within subdivision by the Planning Commission and Township Supervisors shall not in any manner be construed to be or to constitute an approval of compliance by the developer with statutes or regulation promulgated by any state or federal agencies relating to wetlands existing on the within subdivision. The Township shall have no liability or responsibility to the purchaser(s) or to any other person for compliance with any state or federal wetland regulations with respect to the within subdivision or any lands contained therein.

**CHAPTER 131**  
**SUBDIVISION AND LAND DEVELOPMENT**

**ARTICLE VI**  
**Definitions**

**§ 131-45. Word usage.**

Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meanings indicated:

- A. Words in the singular include the plural and those in the plural include the singular.
- B. Words used in the present tense include the future tense.
- C. The words "person," "developer" and "owner" include a corporation, unincorporated association and a partnership or other legal entity, as well as an individual.
- D. The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof."
- E. The word "watercourse" includes channel, creek, ditch, dry run, spring, stream and river.
- F. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

**§ 131-46. Definitions.**

Except as defined in this Code (see Chapter 1, General Provisions, Article II, Definitions), all words shall carry the customary meaning.

**ARTICLE VII**  
**Administration**

**§ 131-47. Amendments.**

- A. Amendments to this chapter shall become effective only after a public hearing held pursuant to public notice. A brief summary setting forth the principal provisions of the proposed amendment and a reference to the place within the Township of Paradise where copies of the proposed amendments may be secured or examined shall be incorporated in the public notice. Unless the proposed amendment shall have been prepared by the Planning Commission, the Board of Supervisors shall submit the amendment to the Planning Commission at least 30 days prior to the hearing on such amendment to provide the Planning Commission an opportunity to submit

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### SUBDIVISION AND LAND DEVELOPMENT

recommendations. In addition, at least 30 days prior to the public hearing on the amendment, the Township of Paradise shall submit the proposed amendment to the county planning agency for recommendations.

- B. Within 30 days after adoption, the Board of Supervisors shall forward a certified copy of the amendment to the county planning agency.
- C. Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township of Paradise where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed amendment once in a newspaper of general circulation in the Township of Paradise not more than 60 days nor less than seven days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
  - (1) A copy thereof shall be supplied to a newspaper of general circulation in the Township of Paradise at the time the public notice is published.
  - (2) An attested copy of the proposed amendment shall be filed in the county law library (or other county office designated by the County Commissioners).
- D. In the event that substantial amendments are made in the proposed amendment, before voting upon enactment, the Board of Supervisors shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the Township of Paradise, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

#### **§ 131-48. Fees.**

- A. To defray a portion of the expense of subdivision review and improvement inspection, all applicants for subdivision approval shall pay a fee in such amount as may be established by resolution duly adopted by the Board of Supervisors of Paradise Township. The Supervisors may provide for the inspection of required improvements during and after construction to ensure their satisfactory completion and the applicant shall be required to pay the cost of any such inspection. All of the above fees shall be due and payable to the Township of Paradise.
- B. Inspection. The Township shall provide for the inspection of required improvements during and after construction to ensure their satisfactory completion and the developer shall reimburse the Township for the actual cost of any such inspections.

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The Township shall be notified at least 48 hours prior to each stage of construction so that proper inspection can be made.

C. Payable. All of the above fees are due and payable to the Township.

D. Review fees.

(1) Review fees shall include the reasonable and necessary charges by the Township of Paradise's professional consultants or engineer for review and report to the Township of Paradise and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township of Paradise when fees are not reimbursed or otherwise imposed on applicants.

(2) In the event that the applicant disputes the amount of any such review fees, the applicant shall, within 10 days of the billing date, notify the Township of Paradise that such fees are disputed, in which case the Township of Paradise shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

(3) In the event that the Township of Paradise and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the fees shall be recalculated and recertified by another professional engineer licensed as such in this commonwealth and chosen mutually by the Township of Paradise and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township of Paradise and the applicant or developer.

#### **§ 131-49. Preventive remedies.**

A. In addition to other remedies, the Township of Paradise 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.

B. The Township of Paradise may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this chapter.

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### SUBDIVISION AND LAND DEVELOPMENT

This authority to deny such a permit or approval shall apply to any of the following applicants:

- (1) The owner of record at the time of such violation.
  - (2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
  - (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  - (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township of Paradise 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.

#### **§ 131-50. Enforcement remedies; violations and penalties.**

- A. Any person, partnership or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township of Paradise, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township of Paradise 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, the Township of Paradise 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 this chapter 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.

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- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township of Paradise the right to commence any action for enforcement pursuant to this section.
- D. District Justices shall have initial jurisdiction in proceedings brought under this section.
- E. In addition, the Township may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Chapter. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief, including recoup of any Court costs and reasonable attorneys fees incurred by Paradise Township in such proceedings.

#### **§ 131-51. Modifications.**

- A. The Board of Supervisors may grant a modification of the requirements of one or more provisions of this chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this chapter is observed.
- B. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this chapter involved and the minimum modification necessary.
- C. The request for modification shall be referred to the Planning Commission for advisory comments.
- D. The Board of Supervisors shall keep a written record of all action on all requests for modifications.

#### **§ 131-52. Records.**

The Planning Commission shall keep an accurate, public record of its findings, decisions and recommendations relative to all subdivision plats, submitted to it for review.

### **Township of Paradise Subdivision and Land Development**



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### SUBDIVISION AND LAND DEVELOPMENT

**TABLE 1**

**Revised 4/20/05; Ordinance No. 151**  
**Design Standards for Streets <sup>1</sup>**  
**(All dimensions in feet except as specified.)**

<b>Design Specification</b>	<b>Arterial<sup>2</sup></b>	<b>Collector</b>	<b>Minor and Loop</b>	<b>Cul-de- Sac</b>	<b>Private</b>
Design speed	60	35	25	25	25
Right-of-way width	80 <sup>3</sup>	60 <sup>3</sup>	40 <sup>3</sup>	40 <sup>3</sup>	40 <sup>3</sup>
Cartway width	44	32	22	26	20
Travelway width	24	22	18	20	10
Shoulder width	*	*	*	*	*
Minimum center-line radii <sup>4</sup>	600	300	150	150	150
Minimum sight distance	475	225	150	150	150
Maximum grade	8%	12%	14%	14%	14%
Sustained grade	6%	8%	10%	10%	10%

\* Sight distance shall be determined in accordance with AASHTO "Green Book" requirements.

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**Table 2**  
**Roadway Pavement Specifications**

<b>ROADWAY PAVEMENT SPECIFICATIONS</b>		
	<b>ARTERIAL ROADS</b>	<b>COLLECTOR, LOCAL AND PRIVATE ROADS</b>
2A AGGREGATE SUBBASE	4"	4"
BASE COURSE	6"	5"
BINDER COURSE	2"	N/A
WEARING COURSE	1.5"	1.5"
LANE WIDTH	2 @ 12'	2 @ 11'
SHOULDERS *	8' PAVED TYPE 1-I	4' PAVED – FULL PAVEMENT DEPTH

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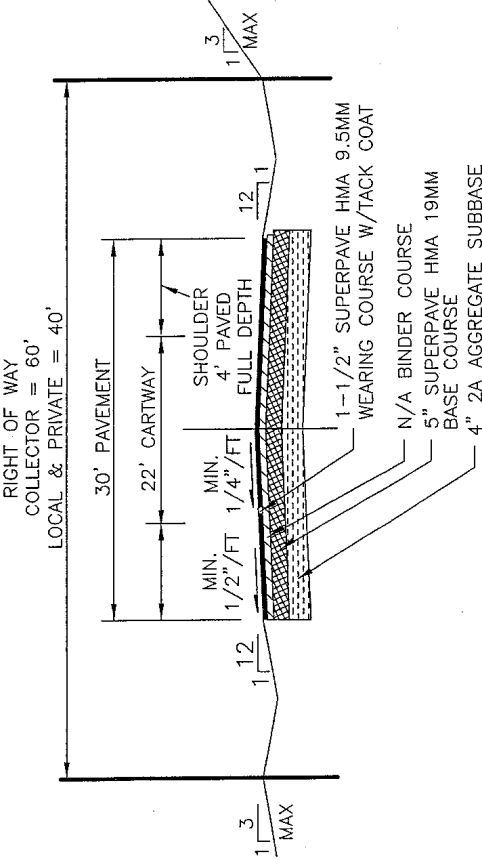
<b>* PennDOT specifications from Publication 72M, RC-25M</b>
--------------------------------------------------------------

Notes:

- <sup>1</sup> See Chapter 127, Article II, for construction standards.
- <sup>2</sup> Arterial expressways require 200 feet +/- for right-of-way width. Additional standards are as per PennDOT specifications.
- <sup>3</sup> Plus slope, drainage and utility easements, as required.
- <sup>4</sup> Larger radii may be required as determined by alignment to provide the required sight distance. To be determined by the Township Engineer and/or PennDOT.

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PARADISE TOWNSHIP  
ROADWAY PAVEMENT SPECIFICATIONS  
COLLECTOR, LOCAL AND PRIVATE

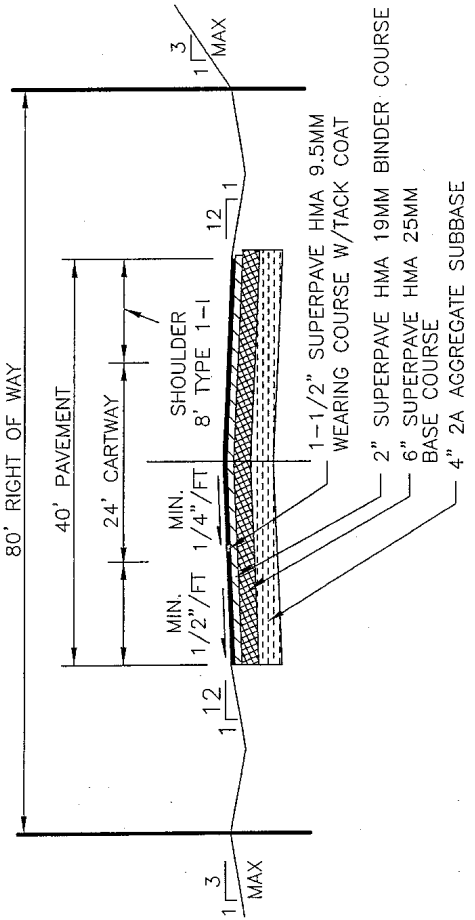


TYPICAL ROADWAY CROSS-SECTION  
WITHOUT CURB OR SIDEWALK

N . T . S .

SUBDIVISION AND LAND DEVELOPMENT

PARADISE TOWNSHIP  
ROADWAY PAVEMENT SPECIFICATIONS  
ARTERIAL ROADS



TYPICAL ROADWAY CROSS-SECTION  
WITHOUT CURB OR SIDEWALK

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#### APPENDIX I

Large Trees (at least 30 feet in height at maturity)	
<b><i>Botanical</i></b>	<b><i>Common</i></b>
<i>Abies balsamea</i>	Balsam Fir
<i>Acer pensylvanicum</i>	Striped Maple
<i>Acer rubrum</i>	Red Maple
<i>Acer saccharum</i>	Sugar Maple
<i>Betula lenta</i>	Sweet Birch
<i>Betula nigra</i>	River Birch
<i>Betula papyrifera</i>	Paper Birch
<i>Carya glabra</i>	Pignut Hickory
<i>Carya ovata</i>	Shagbark Hickory
<i>Diospyros virginiana</i>	Common Persimmon
<i>Fagus grandifolia</i>	American Beech
<i>Fraxinus americana</i>	White Ash
<i>Fraxinus pennsylvanica</i>	Green Ash
<i>Gleditsia triacanthos</i> var. "inermis"	Thornless Honeylocust
<i>Gymnocladus dioica</i>	Kentucky Coffeetree
<i>Juglans cinerea</i>	Butternut
<i>Larix laricina</i>	American Larch
<i>Liquidambar styraciflua</i>	Sweetgum, including var. "Rotundiloba"
<i>Liriodendron tulipifera</i>	Tulip Poplar
<i>Nyssa sylvatica</i>	Blackgum
<i>Platanus acerifolia</i>	London Planetree
<i>Platanus occidentalis</i>	American Sycamore or American Planetree
<i>Picea glauca</i>	White Spruce
<i>Pinus echinata</i>	Short-leaf Pine
<i>Pinus resinosa</i>	Red Pine
<i>Pinus strobus</i>	Eastern White Pine
<i>Prunus serotina</i>	Black Cherry
<i>Quercus alba</i>	Northern White Oak
<i>Quercus bicolor</i>	Swamp White Oak
<i>Quercus rubra</i>	Northern Red Oak
<i>Quercus coccinea</i>	Scarlet Oak
<i>Quercus falcata</i>	Southern Red Oak
<i>Quercus imbricaria</i>	Shingle Oak
<i>Quercus laurifolia</i>	Laurel Oak
<i>Quercus macrocarpa</i>	Burr Oak
<i>Quercus palustris</i>	Pin Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus prinus</i>	Chestnut oak
<i>Quercus velutina</i>	Black Oak
<i>Quercus stellata</i>	Post Oak
<i>Robinia pseudoacacia</i>	Black Locust
<i>Sassafras albidum</i>	Common Sassafras
<i>Taxodium distichum</i>	Southern Bald-Cypress
<i>Tilia Americana</i>	American Linden

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<i>Tsuga canadensis</i>	Eastern Hemlock
<i>Ulmus americana</i>	American Elm ( Dutch Elm resistant cultivars only)
<b>Small Trees (10 to 30 feet in height at maturity)</b>	
<i>Amelanchier arborea</i>	Downy Service-Berry
<i>Asimina triloba</i>	Common Pawpaw
<i>Carpinus caroliniana</i>	American Hornbeam
<i>Cercis canadensis</i>	Eastern Redbud
<i>Chionanthus virginicus</i>	White Fringetree
<i>Cornus florida</i>	Flowering Dogwood
<i>Crataegus crus-galli</i>	Cock-Spur Hawthorn
<i>Crataegus mollis</i>	Downy Hawthorn
<i>Crataegus phaenopyrum</i>	Washington Hawthorn
<i>Hamamelis virginiana</i>	American Witch-Hazel
<i>Ilex opaca</i>	American Holly
<i>Juniperus virginiana</i>	Eastern Red-Cedar
<i>Magnolia acuminata</i>	Cucumber-Tree Magnolia
<i>Magnolia virginiana</i>	Sweet-Bay Magnolia
<i>Malus species</i>	Crabbapple (native species only)
<i>Ostrya virginiana</i>	Eastern Hop-Hornbeam or Ironwood
<i>Oxydendrum arboreum</i>	Sourwood
<i>Pinus virginiana</i>	Virginia Scrub Pine
<i>Prunus pensylvanica</i>	Fire Cherry or Pin Cherry
<i>Prunus virginiana</i>	Common Choke Cherry
<i>Ptelea trifoliata</i>	Common Hoptree or Wafer Ash
<b>Large Shrubs (at least 8 feet at maturity)</b>	
<i>Aesculus parviflora</i>	Bottlebrush Buckeye
<i>Aronia arbutifolia</i>	Red Chokeberry
<i>Cornus amomum</i>	Silky Dogwood
<i>Corylus americana</i>	American Hazelnut or American Filbert
<i>Ilex verticillata</i>	Common Winterberry
<i>Kalmia latifolia</i>	Mountain-Laurel (including cultivars)
<i>Lindera benzoin</i>	Northern Spicebush
<i>Myrica pennsylvanica</i>	Northern Bayberry
<i>Vaccinium corymbosum</i>	Highbush Blueberry
<i>Viburnum dentatum</i>	Southern Arrow-Wood or Arrowwood Viburnum
<i>Viburnum lentago</i>	Nanny-Berry
<i>Viburnum prunifolium</i>	Smooth Blackhaw or Blackhaw Viburnum
<i>Viburnum trilobum</i>	AmericanCranberrybush Viburnum
<b>Medium Shrubs (5 to 8 feet at maturity)</b>	
<i>Calycanthus floridus</i>	Eastern Sweetshrub
<i>Clethra alnifolia</i>	Coastal Sweet-Pepperbush or Summersweet Clethra

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### SUBDIVISION AND LAND DEVELOPMENT

<i>Euonymus americanus</i>	American Strawberry-Bush
<i>Juniperus communis</i>	Common Juniper
<i>Ilex glabra</i>	Inkberry Holly
<i>Rhododendron maximum</i>	Great-Laurel or Rosebay Rhododendron
<i>Rosa carolina</i>	Carolina Rose
<i>Viburnum acerifolium</i>	Maple-Leaf Arrow-Wood or Maple-Leaf Viburnum
<i>Viburnum cassinoides</i>	Withe-Rod Viburnum
<b><u>Small Shrubs (2 to 5 feet at maturity)</u></b>	
<i>Azalea</i> species	Native species only
<i>Ceanothus Americanus</i>	New Jersey-Tea
<i>Cephalanthus occidentalis</i>	Common Buttonbush
<i>Itea virginica</i>	Virginia Sweetspire
<i>Leucothoe racemosa</i>	Sweetbells Leucothoe or Swamp Doghobble
<i>Rosa blanda</i>	Meadow Rose or Smooth Rose
<i>Rosa virginiana</i>	Virginia Rose
<i>Symphoricarpos albus</i>	Common Snowberry
<i>Vaccinium angustifolium</i>	Late Lowbush Blueberry
<b><u>Ground Covers</u></b>	
<i>Pachysandra procumbens</i>	Allegheny Pachysandra
<i>Xanthorhiza simplicissima</i>	Yellowroot
<i>Adiantum pedatum</i>	Northern Maidenhair Fern
<i>Athyrium Filix Femina</i>	Lady Fern
<i>Dennstaedtia punctilobula</i>	Hay-Scented Fern
<i>Dryopteris carthusiana</i>	Spinulose Wood Fern
<i>Dryopteris celsa</i>	Log Fern
<i>Dryopteris goldiana</i>	Goldie's Wood Fern
<i>Dryopteris marginalis</i>	Marginal Wood Fern
<i>Matteuccia struthiopteris</i>	Ostrich Fern
<i>Onoclea sensibilis</i>	Sensitive Fern
<i>Osmundastrum cinnamomeum</i> ( <i>Osmunda cinnamomeum</i> )	Interrupted Fern
<i>Osmunda claytoniana</i>	Interrupted Fern
<i>Osmunda regalis</i>	Royal Fern
<i>Polystichum acrostichoides</i>	Christmas Fern
<i>Thelypteris noveboracensis</i>	New York Fern