

NEWLIN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Last Updated March 11, 2013

BOARD OF SUPERVISORS

Janie Baird, Chairman
Robert R. Pearson, Vice Chairperson
Bill Kelsall, Member
Gail A. Abel, Newlin Township Secretary

PLANNING COMMISSION

Bob Shippe, Chairperson
Bill Steuteville, Vice Chairman
Lee Trainer, Member
Barbara Forney, Member
John C. Bailey, Member
Gail A. Abel, Secretary

The preparation of this Subdivision and Land Development Ordinance was funded in part through a grant from the Vision Partnership Program sponsored by the Chester County Board of Commissioners. This Ordinance has been prepared in conjunction with the principles of the 1996 Chester County Comprehensive Plan, **Landscapes**, as a means of achieving greater consistency between local and County plans.

TABLE OF CONTENTS

TABLE OF CONTENTS	1
LIST OF FIGURES	4
ARTICLE I – PREAMBLE	5
SECTION 100 ADOPTION	5
SECTION 101 TITLE	5
SECTION 102 PURPOSE	5
SECTION 103 INTERPRETATION	6
SECTION 104 SUBDIVISION AND LAND DEVELOPMENT CONTROL	6
SECTION 105 VALIDITY AND CONSTITUTIONAL CONSTRUCTION	7
SECTION 106 REPEALER	7
SECTION 107 EFFECTIVE DATE	7
ARTICLE 2 – DEFINITIONS	8
SECTION 200 GENERAL TERMS	8
SECTION 201 DEFINITIONS	9
ARTICLE 3 - INFORMATION TO BE SHOWN ON SUBDIVISION AND LAND DEVELOPMENT PLANS	32
SECTION 300 PURPOSES AND APPLICABILITY	32
SECTION 301 SKETCH PLAN	32
SECTION 302 DOCUMENTS REQUIRED FOR THE PRELIMINARY PLAN	33
SECTION 303 FINAL PLAN	38
ARTICLE 4 - PLAN PROCESSING PROCEDURES	48
SECTION 400 INTENT	48
SECTION 401 GENERAL	48
SECTION 402 MINOR SUBDIVISIONS	50
SECTION 403 SUBMISSION AND REVIEW OF SKETCH PLAN	50
SECTION 404 SUBMISSION OF PRELIMINARY PLAN DOCUMENTS	52
SECTION 405 REVIEW OF PRELIMINARY PLAN	52
SECTION 406 SUBMISSION OF FINAL PLAN	53
SECTION 407 REVIEW OF FINAL PLAN	55

SECTION 408	PROCEDURE FOR REQUESTING WAIVERS OR MODIFICATIONS TO THE PROVISIONS OF THIS ORDINANCE	58
ARTICLE 5 - LANDSCAPING REQUIREMENTS		59
SECTION 500	LANDSCAPING REQUIREMENTS	59
SECTION 501	RESOURCE CONSERVATION STANDARDS FOR SITE PREPARATION AND CLEANUP	70
ARTICLE 6 - RESOURCE DELINEATION AND PROTECTION STANDARDS		73
SECTION 600	APPLICABILITY	73
SECTION 601	PLANNING AND DESIGN STANDARDS	73
SECTION 602	DESIGN PROCESS FOR RESIDENTIAL SUBDIVISIONS WITH GREENWAY LANDS	78
ARTICLE 7 - MOBILE HOMES AND MOBILE HOME PARKS		81
SECTION 700	PURPOSE	81
SECTION 701	INTENT	81
SECTION 702	GENERAL REQUIREMENTS	81
SECTION 703	DESIGN REQUIREMENTS	81
SECTION 704	STREETS, WALKWAYS, AND OFF-STREET PARKING	82
SECTION 705	SUBDIVISION PLAN REQUIRED	83
SECTION 706	ARRANGEMENT AND CONSTRUCTION OF LOTS AND PADS	84
SECTION 707	WATER SUPPLY	84
SECTION 708	SEWAGE DISPOSAL	84
SECTION 709	ELECTRICAL DISTRIBUTION SYSTEM	84
SECTION 710	STORM WATER COLLECTION	84
SECTION 711	GRADING, EXCAVATION, EROSION AND SEDIMENTATION CONTROL	84
SECTION 712	SERVICE BUILDINGS AND OTHER COMMUNITY SERVICE FACILITIES	85
SECTION 713	OPEN SPACE AND RECREATIONAL AREAS	86
SECTION 714	SINGLE MOBILE HOMES OUTSIDE MOBILE HOME PARKS	87
SECTION 715	MOBILE HOME PARK PERMITS, LICENSES, INSPECTIONS	87
SECTION 716	MAINTENANCE	89
ARTICLE 8 - IMPROVEMENT CONSTRUCTION REQUIREMENTS		90
SECTION 800	REQUIRED IMPROVEMENTS AND FINANCIAL GUARANTEES	90
SECTION 801	PERFORMANCE GUARANTEE	91
SECTION 802	RELEASE FROM IMPROVEMENT BOND	92
SECTION 803	RELEASE FROM PERFORMANCE GUARANTEE	93
SECTION 804	PUBLIC UTILITIES AND LATERALS	93
SECTION 805	INSPECTION OF WORK AND MATERIALS	93
SECTION 806	REQUIRED INSPECTION STAGES	94

SECTION 807	DEDICATION OF IMPROVEMENTS	94
SECTION 808	CONDITIONS OF ACCEPTANCE	94
ARTICLE 9 - DESIGN STANDARDS		95
SECTION 901	PURPOSE	95
SECTION 902	GENERAL PRINCIPLES	95
SECTION 903	LAND REQUIREMENTS	96
SECTION 904	BLOCKS	97
SECTION 905	LOTS AND LOT AREA	97
SECTION 906	STREET SYSTEM	99
SECTION 907	LOCAL STREETS	100
SECTION 908	STREET WIDTHS	102
SECTION 909	STREET ALIGNMENT	110
SECTION 910	STREET GRADES	110
SECTION 911	STREET INTERSECTIONS	111
SECTION 912	STREET CONSTRUCTION STANDARDS	112
SECTION 913	PRIVATE STREETS	115
SECTION 914	ALLEYS	118
SECTION 915	DRIVEWAYS	118
SECTION 916	EASEMENTS	119
SECTION 917	SIDEWALKS AND PATHS	120
SECTION 918	CURBS	121
SECTION 919	MONUMENTS AND MARKERS	122
SECTION 921	SOIL EROSION, SEDIMENT CONTROL AND GRADING REQUIREMENTS	135
SECTION 922	STORMWATER MANAGEMENT AND SOIL EROSION AND SEDIMENT CONTROL PLAN INFORMATION REQUIREMENTS	140
SECTION 923	WATER SUPPLY	145
SECTION 924	SEWAGE DISPOSAL FACILITIES	147
SECTION 925	LIGHTING REQUIREMENTS AND DESIGN STANDARDS	149
ARTICLE 10- AMENDMENT, ADMINISTRATION, AND ENFORCEMENT		156
SECTION 1000	PURPOSE	156
SECTION 1001	PROCEDURE	156

LIST OF FIGURES

Table 1 - Plant Material Point Values 64

Table 2 - Points Required for Parking Lots 64

Table 3 - Trees Acceptable for Streets and Parking Lot Landscaping 66

Table 4 - Minimum Perimeter Greenbelt Width (feet) 69

Table 5 - Required Paving Radii for Cul-de-Sacs 106

Table 6 - Trip Generation Rates 103

Table 7 - Local Access Streets 104

Table 8 - Secondary Distributor Street Standards 106

Table 9 - Primary Distributor Street Limitations 107

Table 10 - Minimum Street Widths 108

Table 11 - Typical Outdoor Lighting Intensities 151

**ARTICLE 5 - LANDSCAPING REQUIREMENTS PLAN PROCESSING
PROCEDURES**

SECTION 500 LANDSCAPING REQUIREMENTS

A. Purpose and Intent. It is the purpose of these regulations to protect and preserve the natural resources of Newlin Township. Installation of ground cover and plant matter prevents erosion and reduces storm water management problems. These requirements are intended to improve groundwater recharge, and buffer and screening areas are intended to reduce glare, dust, noise, and heat in summer. Trees will provide screening as well as form wind breaks. Landscaping can provide food and shelter for wildlife and help decrease air pollution, and also help preserve the rural character of the Township and its scenic views while permitting the development by providing the amenities that property owners desire and that are in harmony with existing vegetation. It is the specific intent of this Article to preserve the Township's existing natural landscape and integrate the design of land developments into the natural landscape.

1. Landscape Plans. All applicants for subdivision or land development approvals for land uses other than agriculture or other than residential developments containing less than five dwellings or residential lots shall submit to the Township a landscape plan for the site, prepared to the requirements of Section 302D. Landscape plans shall include any required Greenbelt or Greenway. Landscaping plans shall include a Greenbelt Plan and Greenway Lands Plan:
 - a. Greenbelt Plans. Applicants for developments of five or more dwellings and all non-residential land uses (except agriculture) shall submit to the Township a Landscape Plan that includes a perimeter greenbelt, prepared to the requirements of Section 500 N of this Article. When the goal of the landscape plan is to maintain views from township roads into the site, the greenbelt need not be a screen.
 - b. Greenway Lands. Greenway lands shall be required in subdivision or land development plans and shall include the Prioritized List of Resources listed in this Ordinance-
2. Landscaping of Specific Areas. Certain additional areas and land uses as identified in this Section shall be landscaped according to the specifications herein.

B. Landscape Plans Required. Applicants shall submit landscape plans prepared according to the provisions of this Section.

1. Preliminary landscape plan. The applicant shall submit a preliminary landscape plan with the application for preliminary plan approval, containing the elements in this Ordinance below.
2. Final landscape plan. Applicants shall submit a final landscape plan at the time of submission of final plan approval, containing the elements in this Ordinance.
3. Modifications. Modifications or adjustments may be made at any time to any landscape plan to account for site-specific conditions or other factors that may not have been evident at the time of the plan's preparation.

4. Delays in installation of landscaping. The Zoning Officer may authorize the applicant to delay the installation of the landscaping until after the last frost, but shall condition the issuance of the certificate of occupancy upon proper installation of the landscaping. The Zoning Officer may issue a temporary Certificate of Use and Occupancy conditioned on the completion of planting by a certain date, after which date the temporary Certificate of Use and Occupancy shall expire. These conditions shall apply to landscaping materials placed on either areas that are proposed for dedication to the Township or to areas not intended for dedication.
5. Exemptions. This Article shall not apply to proposals to expand existing non-residential land uses by not more than 50% of floor area or utilized area.

C. Content of Preliminary Landscape Plans. Preliminary landscape plans shall contain the following:

1. Parcel boundary lines and lot dimensions, existing and proposed streets, access drives and parking areas, and bulk and lot data.
2. Existing and proposed easements.
3. Location and species of existing trees having a minimum caliper of six inches diameter at grade.
4. Adjacent land uses and zoning, including existing development, roadways, stream corridors, historic sites, and floodplains.
5. Existing and proposed buildings and other significant structures.

D. Content of Final Landscape Plans. Final landscape plans shall be based on the preliminary landscape plan, and shall contain the following:

1. Location, sizes and type of proposed and preserved landscaping and the size of the proposed landscape area. Botanical nomenclature as well as common names shall be provided. Native plant materials shall be used.
2. Canopy and evergreen trees shall be labeled as existing, containerized, or balled and burlapped.
3. Description of the methods that will be used to protect existing trees during construction.
4. Calculations showing that the minimum required landscaping has been provided according to the requirements of Section 500 I of this Ordinance, including a listing of the landscaping points provided for each lot.
5. Sedimentation and erosion and control measures used prior, during and after construction.
6. Name and seal of the landscape architect who prepared the plan.
7. Location of irrigation systems or hose connections, if proposed.

E. Greenway Plan Design Review Standards - Prioritized List of Resources to be Conserved. The design of Greenway lands shall incorporate any of the following resources if they occur on the tract:

1. Stream channels, floodplains, wet soils, swales, springs and other lowland areas, including adjacent buffer areas which may be required to insure their protection.
2. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Pennsylvania Natural Diversity Inventory.
3. Steep slopes (over 25%) particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
4. Woodlands and Class I, II and III agricultural soils as defined by the USDA Soil Survey Natural Resource Conservation Service.
5. Soil conditions affording high rates of infiltration and percolation.
6. Hedgerows, groups of trees, large individual trees of botanical significance, and other vegetation features representing the site's rural past.
7. Moderate slopes (between 15% and 25%).
8. Visually prominent topographic features such as meadows, knolls, hilltops and ridges, and scenic viewsheds as seen from public roads (particularly those with historic features).
9. Historic structures and sites as identified in the Chester County Newlin Township Historic Resource Atlas of 2010, the Unionville Area Regional Comprehensive Plan Chapter 4 of 2011 or Newlin Township Open Space, Recreation and Environmental Resources Plan of 1994.
10. Existing trails connecting the tract to other locations in the Township.

F. Other Greenway Design Considerations. The configuration of proposed Greenway lands set aside for common use in residential subdivisions shall comply with the following standards:

1. Greenway lands shall be free of all structures except historic buildings, stone walls, and structures related to Greenway uses. The Township may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the Greenway provided that such facilities would not be detrimental to the Greenway (and that the acreage of lands required for such uses is not credited towards minimum Greenway acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use).
2. Greenway lands should generally not include parcels smaller than three 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 and where such lands link other open spaces.

3. Greenway lands shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjointing lots shall be provided with safe and convenient pedestrian access to Greenway land.
 4. Greenway lands shall be suitable for active recreational uses to the extent deemed necessary by the Township, without interfering with adjacent dwelling units, parking, driveways, and roads.
 5. Greenway lands shall be interconnected wherever possible to provide a continuous Greenway network 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 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 and native cover and wooded areas and/or according to a landscaping plan to protect Greenway 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 as may be required by the Township for the purpose of preserving the common open space for such uses.
 11. Greenway lands shall be consistent with the goals, objectives and policies of the Newlin Township Comprehensive Plan and Open Space, Recreation and Environmental Resources Plan.
 12. Greenways shall be designed to make maximum reasonable use of existing vegetation and shall maintain a natural appearance (as contrasted with a formal appearance).
- G. Ownership and Maintenance.** Applicants shall demonstrate compliance with Greenway ownership and maintenance standards of the Zoning Ordinance.
- H. Plan Referred to Planning Commission.** The Zoning Officer shall transmit two copies of the landscape plan to the Planning Commission upon receipt, as part of an application of a subdivision and land development. The Zoning Officer may, at the direction of the Supervisors, consult a registered landscape architect or other expert to assist in the review of the plan.
- I. Minimum Point Values Required.** Landscaping plans shall provide plant materials that meet the minimum requirements as expressed by point values.
1. Points for Lots. Each subdivision or land development shall provide plant materials representing not less than **400 points** per lot, composed of materials from the list expressed in Table 1 below. Not less than 40% of the total number

of landscaping points on any lot shall be provided through the use of canopy or evergreen trees meeting the standards of Section 500 L of this Article.