

## **ARTICLE 5**

### **NATURAL RESOURCE PROTECTION STANDARDS AND LANDSCAPING**

#### **500. PURPOSE**

The following natural resource protection standards are established to protect the public health, safety, and welfare by minimizing adverse environmental impacts. These standards are intended to meet the following purposes:

- A. To maintain the open character of a Green Countrie Towne community, while accommodating future growth and protecting the community's natural resources from the adverse impacts of development.
- B. To protect the rights of the residents of Newtown Township to enjoy clean air, pure water and the natural, scenic, historic and aesthetic values of the environment, as set forth in the Pennsylvania Constitution and in other commonwealth and federal statutes.
- C. Define and delineate selected natural resources within the Township and establish resource protection standards to assist the Township in reducing the impact proposed uses will have on the environment.
- D. Conserve valuable natural resources within the Township in accordance with the following goal and objectives of the Newtown Township Comprehensive Plan (2016), as amended;

#### **Natural Resources Goal**

Protect the Township's natural features, which are critical to residents' health and to the community's suburban-rural character

#### **Natural Resources Objectives**

- Protect mature trees and woodlands, especially large stands of woodlands with interior forest habitat;
- Maintain tree plantings and reestablish native trees and vegetation;
- Maintain and improve water supply and water quality for potable, and aquatic uses
- Manage current flooding problems and prevent future flooding
- Maintain the stability of steep and very steep slopes
- Preserve aquatic and terrestrial habitats
- Establish a connected system of greenways for recreation and conservation purposes (i.e., to link open spaces and other destinations, provide trail corridors, enhance stormwater management, and facilitate wildlife movement)

#### **501. SCOPE**

The scope of this chapter is as follows:

- A. To control disturbances to natural resources and the landscaping of land on all lots or tracts.

- B. To provide shade trees along public roads within the Township, including type of tree, initial planting, care of trees and replacement of trees.
- C. To establish the position of Landscape Inspector of Newtown Township.

## **502. DEFINITIONS AND WORD USAGE**

- A. The present tense includes the future, the singular number includes the plural, and the plural the singular. The word "shall" is always mandatory.
- B. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings indicated in this article:

### **BOARD**

The Newtown Township Board of Supervisors.

### **BUFFER**

An area of required yard space adjacent to a use or facility within a property or to the boundary of a property or district, upon which may be located a visual barrier to mitigate the visual impact of the adjacent development. Such barrier may be comprised of plant material, earth berms, fences and walls, or a combination of these materials. The width of the buffer area and the extent of screening required shall be determined by the type of use proposed and the adjacent uses, as provided herein. The impact of the proposed use on adjoining properties is the basis for the establishment of buffer area standards.

#### **(1) PRIMARY BUFFER AREA**

A buffer area located adjacent to any residential zoning district. The "primary buffer area" may be included in any front, side or rear yard area required under the provisions of this chapter. Any and all front, side or rear yard areas which adjoin residential zoning districts shall be treated as "primary buffer areas."

#### **(2) SECONDARY BUFFER AREA**

A buffer area located adjacent to any zoning district other than a residential zone. The "secondary buffer area" may be included in any front, side or rear yard area required under the provisions of this chapter. Any and all front, side or rear yard areas which are adjacent to any zoning district other than a residential zoning district shall be treated as a "secondary buffer area."

#### **(3) SPECIAL BUFFER**

A buffer area, as designated by the Township, which requires more stringent screening treatment in order to mitigate adverse visual conditions resulting from unique topographic or other physical factors evolved through the procedure in development of the land.

### **CALIPER**

The diameter of a tree trunk measured six inches above the ground level for trees up to and including four inches in caliper size. For trees of larger size caliper, the measurement is taken 12 inches above the ground level.

**DRIPLINE**

A line on the surface of the ground which is generally of a circular configuration, formed by the dripping of rainwater from the outermost ends of tree branches.

**EARTHWORK**

Operations connected with excavations and embankments of earth such as those encountered in the procedure of grading land areas and includes the stripping and stockpiling of topsoil.

**LANDSCAPE ARCHITECT**

A landscape architect registered in the Commonwealth of Pennsylvania or any other state having a reciprocal registration agreement with Pennsylvania.

**LANDSCAPE IMPROVEMENT**

The addition of features to the land which enhances a particular site from the standpoint of noise abatement, recreational enjoyment and visual amenity.

**LANDSCAPE INSPECTOR**

The Township official appointed annually by the Board of Supervisors and responsible to the Township Manager for the administration of this chapter.

**MITIGATION**

Any action taken to lessen the specified undesirable impacts of a proposed land use or land disturbance activity, including those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict or otherwise be deemed incompatible with surrounding properties.

**MULTIFAMILY RESIDENTIAL BUILDING**

A building containing two or more dwelling units, including but not limited to a four-family dwelling (fourplex, quadraplex), townhouse (single-family attached) or apartment building.

**NATURAL FEATURE**

A component of a landscape, either naturally occurring or man-made, such as a water body, wetland, special plant or woodland, or any part thereof identified by Newtown Township at any time as being important for conservation.

**PRESERVATION**

The planned management of a natural feature to prevent its exploitation, destruction or neglect.

**RIPARIAN BUFFER**

An area of trees and other vegetation adjacent to a watercourse that forms a transition area between the aquatic and terrestrial environment. The riparian buffer is designed to separate more intensive human land uses from sensitive water resources and especially to intercept runoff from upland sources for the purpose of mitigating the effects of nutrients, sediment, organic matter, pesticides or other pollutants prior to entry into surface waters. The riparian buffer shall be divided into two zones:

- A. *Zone One: Inner riparian buffer* — This zone shall begin at each edge of any identified watercourse and shall occupy a margin of land on each side, each

with a minimum width of 35 feet. The width of such margin shall be measured horizontally on a line perpendicular to the nearest edge of the water at bankfull flow, as reviewed and approved by the Township Engineer. Where very steep slopes (greater than 25 percent) are located within and extend beyond such margin, Zone One shall extend to include the entirety of the very steep slopes up to a maximum dimension of 100 feet on either side of the subject watercourse.

- B. *Zone Two: Outer riparian buffer* — This zone begins at the outer edge and on each side of any area delineated within Zone One and occupies any additional area, if any, within 100 feet of the nearest edge of any watercourse, measured as for Zone One.

#### RIPARIAN CORRIDOR

Riparian corridor means a linear open space network along the streams of Newtown Township and their tributaries intended to provide protective buffers to the streams for water quality, flood management, and wildlife habitat purposes, and so designated on any plan or map as may be adopted by the Board of Supervisors as an addendum to the Zoning Map of Newtown Township. Note that "riparian buffers" are separately defined and regulated under the ordinances of Newtown Township and may or may not coincide with mapped riparian corridors.

#### SHADE TREE

A deciduous tree grown for the purpose of providing shade.

#### SITE DISTURBANCE

Any activity which involves removal of vegetation or which causes land on a given site to be exposed to the danger of erosion, including clearing, grading, filling, plowing and/or other types of earthwork.

#### SPECIAL PLANT

A specifically selected plant, tree, shrub, flower or other vegetation considered worthy of preservation by the Township because of species, size, shape, age, historical importance or any other significant characteristics.

#### STREET TREE

A tree planted or growing adjacent to a highway or street.

#### SWALE

A channel which collects or carries surface water runoff.

#### TOWNSHIP

The Township of Newtown, Delaware County, Pennsylvania.

#### WETLAND

Those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, ponds, lakes and similar areas. Wetlands include all lands regulated as wetlands by the Pennsylvania Department of Environmental Protection or the

United States Army Corps of Engineers. In the event there is a conflict between the definitions of these agencies, the more restrictive definition shall apply.

#### WETLAND BUFFER

The transitional area extending a minimum of 50 feet from the outer limit of a wetland.

#### WOODLAND

A tree mass or plant community covering an area of one-quarter-acre or more, in which tree species are dominant or codominant and the branches of the trees form a complete or nearly complete aerial canopy. The extent of any woodland plant community or any part thereof shall be measured from the outermost dripline of all the trees in such plant community. Woodland shall include any area where timber has been harvested within the previous three years and/or woodland disturbance has occurred within the previous three years which would have met the definition of woodland prior to timbering or disturbance. Woodlands do not include orchards or old fields.

#### WOODLAND CORRIDOR

A linear open space network characterized by continuous woodland cover intended to provide habitat and safe passage for forest wildlife across Newtown Township and so designated on any plan or map as may be adopted by the Board of Supervisors as an addendum to the Zoning Map of Newtown Township.

#### WOODLAND DISTURBANCE

- A. Any activity which alters the existing structure of a woodland or hedgerow. Alterations include the cutting or removal of canopy trees, subcanopy trees, understory shrubs and vines, woody and herbaceous woodland floor species as well as the removal of humus or duff from the ground.
- B. Any activity which constitutes a land disturbance (exposes soils, alters topography) within a woodland or hedgerow.
- C. Woodland disturbance does not include the following:
  - (1) Removal of vegetation which constitutes hazardous condition(s); nor
  - (2) Selective cutting or removal of invasive alien trees, shrubs, vines or herbaceous species, including *Rosa multiflora* (Multiflora rose), *Eleagnus umbellata* (Autumn olive), *Lonicera japonica* (Japanese honeysuckle), *Celastrus orbiculatus* (Oriental bittersweet), *Acer platanoides* (Norway maple), *Pueriria lobata* (Kudzu) and *Polygonum perfoliatum* (Mile-a-minute weed).
- D. Where woodland disturbance is regulated as a timber harvesting operation, such operation shall not be separately regulated as woodland disturbance.

### 503. COMPLIANCE REQUIRED

Within the areas of the scope of this chapter as set forth in [Section 1502](#), no person shall disturb any natural resource or feature within Newtown Township identified in this article except in compliance with Sections 1505 and 1506. In assessing compliance with Sections 1505 and 1506,

the Township may take into account the extent to which the property owner is taking other remedial or compensatory actions which would fulfill the same basic intent as to the conservation standards.

- A. In the event that the provisions of this article and the provisions of other applicable Township ordinance standards are in conflict, the more restrictive provisions shall apply.
- B. In the event that two or more natural resource areas identified in this article overlap, the resources with the most restrictive standard (the least amount of permitted alteration, regrading, clearing or building) shall apply to the area of overlap.
- C. It shall be a violation of this chapter to regrade, fill, pipe, divert, channel, build upon, or otherwise alter or disturb a natural resource protected by this article prior to the submission, review and approval of:
  - (1) Applications for zoning or building permits;
  - (2) Conditional use or special exception approvals;
  - (3) Zoning variances;
  - (4) Subdivision or land development plans;
  - (5) Any other applicable permit or approval required by the Township that would involve disturbance of natural resources protected in this article.
- D. Where disturbance of a natural resource is permitted, it shall not take place until it has been determined that such disturbance is consistent with the provisions of this article and other applicable ordinance provisions.
- E. Restrictions to the disturbance of resources shall apply before, during and after construction on a site.
- F. Plan information required by this article shall be verified as correct by the Township Engineer or other qualified professional, as determined by the Township Engineer.

#### **504. SPECIFIC RESOURCE PROTECTION STANDARDS**

##### **A. Floodplain standards.**

- (1) Resource protection standards.

Areas identified as being within the boundaries of the floodplain shall not be regraded, filled, built upon, channeled, or otherwise altered or disturbed except in conformance with Article \_\_\_\_\_, Flood Hazard District, of this chapter.

- (2) Delineation.

The applicant shall delineate the limit of floodplains which are on the site in accordance with Article \_\_\_\_\_ of Chapter 148.

##### **B. Steep Slope Standards**

- (1) Resource protection standards.

Areas identified as containing slopes exceeding 15% shall not be altered or disturbed in any manner except in conformance with **Article \_\_\_\_**, Slope Conservation, of this chapter.

(2) Delineation.

The applicant shall delineate the limit of floodplains which are on the site in accordance with Article \_\_\_\_ of Chapter 148.

C. Wetland standards.

(1) Resource protection standards.

(a) Any applicant proposing a use, activity or improvement which would entail the regrading or placement of fill in wetlands shall provide the Township with proof that the Pennsylvania Department of Environmental Protection (Bureau of Dams and Waterway Safety and Bureau of Water Quality Management) and the United States Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations. Any applicant contacted by the PADEP or the United States Army Corps of Engineers shall concurrently provide to the Township a copy of such correspondence.

(b) Wetlands shall not be regraded, filled, piped, diverted, channeled, built upon, or otherwise altered or disturbed except where state or federal permits have been obtained.

(c) Wetland protection standards shall apply to ponds.

(2) Delineation. The applicant shall delineate the limits of wetlands on the site in accordance with **Section \_\_\_\_ of Chapter 148**. In addition, the following information shall be provided:

(a) A full wetland delineation report conducted by a qualified wetland biologist, soil scientist, or environmental professional of demonstrated qualifications shall be submitted to the Township. If there is a question as to the accuracy of the wetland delineation report, the Township may hire a qualified consultant to review the delineation and recommend revisions at the applicant's expense.

(b) Such a professional shall certify that the methods used correctly reflect the currently accepted technical concepts, including identification and analysis of wetland vegetation, hydric soils, and hydrologic indicators. Methods used in the delineation report shall be acceptable to the Township Engineer or other qualified consultant hired by the Township.

(c) The wetland report shall include a determination of whether wetlands are present on the site and a full delineation, area measurement (in square feet), and description of any wetlands determined to be present.

- (d) If no wetlands are found on the site, a note shall be added to the preliminary and final plans stating that "This site has been examined by (name and address with a statement of submitted qualifications), and no wetlands, as defined by the U.S. Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, January 1987 (or most currently used manual), were found to exist.

D. Wetland buffer standards.

(1) Resource protection standards.

- (a) With the exception of those uses or activities listed below, no more than 20 percent of a wetland buffer shall be regraded, filled, built upon, or otherwise altered or disturbed:

- [1] Regulated activities permitted by the commonwealth (i.e., permitted stream or wetland crossing);
- [2] Provision for trail and trail access;
- [3] Selective removal of hazardous or invasive alien vegetative species;
- [4] Vegetation management in accordance with an approved landscape plan or open space management plan; or
- [5] A soil conservation project approved by the Delaware County Conservation District.

- (b) Wetland buffer protection standards shall apply to pond shorelines.

- (2) Delineation. The applicant shall delineate the limits of the wetland buffers on the site in accordance with Section \_\_\_\_ of Chapter 148.

E. Watercourse and riparian buffer standards.

(1) Resource protection standards.

- (a) Zone One (35 feet).

With the exception of those uses or activities listed below, no woodland disturbance or other land disturbance shall be permitted within the Zone One riparian buffer:

- [1] Regulated activities permitted by the commonwealth (i.e., permitted stream or wetland crossing);
- [2] Provision for trail and trail access;

- [3] Selective removal of hazardous or invasive alien vegetative species;
- [4] Vegetation management in accordance with an approved landscape plan or open space management plan; or
- [5] A soil conservation project approved by the Delaware County Conservation District.

(b) Zone Two.

With the exception of those uses or activities listed below, no more than 20 percent of a Zone Two riparian buffer shall be regraded, filled, built upon, or otherwise altered or disturbed.

- [1] Those activities permitted in the Zone One riparian buffer; or
  - [2] Timber harvesting operation, when conducted in compliance with a timber harvesting plan approved by the Township.
- (2) Delineation. The applicant shall delineate watercourses and Zone One and Zone Two riparian buffers located on the site in accordance with **Section \_\_\_\_\_, of Chapter 148.**

F. Woodland, hedgerow and specimen vegetation standards.

(1) Resource protection standards.

- (a) Specimen vegetation, including, shall not be removed from any lot or tract except where heritage trees such removal is essential to eliminate a hazardous condition(s). Specimen trees and heritage trees to be retained shall be credited toward any tree replacement required by **Section \_\_\_\_\_, of Chapter 148.**
- (b) Disturbance limitations for woodlands and hedgerows.

[1] Clear-cutting of any woodland area shall be prohibited except to the minimum extent necessary to permit the implementation of an approved land development or building permit in conformance with this section. All woodland disturbance shall be subject to the following total disturbance limitations, regardless of calculation of disturbance allowances for purposes of determining replacement planting requirements:

- [a] Permitted disturbance of woodlands located in environmentally sensitive areas or areas designated as woodland or riparian corridor shall not exceed **20 percent** on any lot or tract. Environmentally sensitive areas shall include floodplains, floodplain soils, steep slopes, wetlands, wetland buffers and lake or pond shorelines.

- [b] Outside of environmentally sensitive areas or woodland or riparian corridors, as may be designated on any plan or map as may be adopted by the Board of Supervisors as an addendum to the Zoning Map of Newtown, permitted woodland disturbance on any lot or tract shall not exceed **40 percent**.
  - [c] Permitted woodland disturbance on any lot or tract shall not exceed ten percent of any area of **forest interior** habitat that may be so designated on any plan or map as may be adopted by the Board of Supervisors as an addendum to the Zoning Map of Newtown Township.
  - [d] Disturbance limitations shall be measured based on the extent of the subject woodland classification at the time of first submission of applicable application(s) after the adoption of this section and shall be indicated on applicable plan(s). Any disturbance limitation shall run with the land, once established. Subsequent applications shall be subject to the initial determination of disturbance limitations, regardless of intervening disturbance which may have occurred. If at any time within three years prior to an applicable application there had existed a greater extent of woodland, such greater area shall be utilized to calculate the extent of woodland disturbance and the limitations set forth herein.
- [2] Where disturbance to existing areas of woodlands and hedgerows exceeds any of the standards set forth in Section \_\_\_\_\_, Limitations to Disturbance, of Chapter 148, woodland replacement shall be required consistent with the standards of Section \_\_\_\_\_, the required vegetation replacement section of said ordinance. Determination of the extent of woodland disturbance shall be as described in said Section \_\_\_\_\_.
- [3] Guidelines for determining permitted woodland disturbance In determining where permitted woodland disturbance will occur, the following factors shall be considered:
- [a] The applicant shall consider the location(s) and benefit of conservation of healthy mature woodland stands and the classification of the woodland as designated on any plan or map as may be adopted by the Board of Supervisors, Newtown Township.
  - [b] Each building or structure shall be constructed in such a manner as to provide the least alteration or disturbance necessary of the existing woodland. Clear-cutting shall be minimized, and trees shall be selectively removed.

- [c] In each situation where the standards of this section are applied, consideration shall be given to balancing the benefits of woodland preservation with other valuable resources on the site, including scenic views. The Township shall not unreasonably restrict woodland disturbance where limited disturbance may permit siting of buildings in less visually obtrusive areas of the tract.
  - [d] The remaining undisturbed woodlands and other vegetation shall interconnect with woodlands or wooded areas of adjacent properties to preserve continuous woodland corridors and allow for the normal movement, dispersion, and migration of wildlife. The applicant shall consider the impacts, in terms of functions and values to wildlife, of separating, dividing or encroaching on wildlife travel corridors or extensive habitat areas, especially woodlands exceeding ten acres in area.
- [4] Protection of woodlands to remain on site. Woodlands, hedgerows, individual trees, and other vegetation that are to remain on the site shall be identified on the plan and protected from land disturbance and construction activities in accordance with **Section 505** and any tree protection provisions contained in Chapter 148. In addition:
- [a] Preserved woodlands and hedgerows may be used to provide the vegetative screens and buffers as required by Section 512D of this chapter. Where necessary to meet the intent and minimum standards of Section 512D, additional planting may be required to supplement existing vegetation.
  - [b] Provisions for the long-term management of woodland areas not subject to woodland disturbance shall be consistent with the woodland management planning requirements of Section \_\_\_\_\_ of Chapter 148.
- (2) Delineation. The applicant shall delineate or identify the limits of woodlands, hedgerows or specimen vegetation on the site in accordance with Section \_\_\_\_\_, of Chapter 148. Where vegetation on the site is to be preserved, it shall be clearly delineated on the plan as areas to be protected.

## 505. GENERAL PROTECTION STANDARDS

### A. Protection of vegetation from mechanical injury and grading change.

- (1) All trees to be retained within 25 feet of a building, parking or other proposed improvement shall be protected during construction from equipment damage by snow fencing or other effective barriers.
- (2) Heavy equipment operators shall exercise caution in the operation of such equipment so as to minimize damage to trees.

- (3) Tree trunks and tree roots damaged during construction shall be treated to salvage these plants. Bark damage shall be scar traced back to healthy tissue to promote proper healing. Root damage shall be treated by cutting back damaged areas to sound tissue and backfilling soil over the root system. Should an extensive portion of the root system require removal, a comparable amount of branching shall be removed to balance the effect of the root removal.
  - (4) Trees shall not be used to secure or support cables, ropes, signs, fencing or other objects.
  - (5) The area beneath the tree branching and over the root system within the dripline shall remain undisturbed. Equipment storage, material storage, debris and fill material shall not be permitted within the area of the dripline, unless approved by the Township.
  - (6) All grade changes shall reflect proper surface water drainage so as not to adversely affect vegetative growth or cause other possible damage.
- B. Protection of vegetation from excavations.
- (1) When digging trenches for utility lines or similar uses, disturbance 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 back to healthy tissue and the trench backfilled as soon as possible. The branching of trees with damaged root systems shall be trimmed and thinned out to balance the removal of damaged roots.
- C. Protection of topsoil.
- (1) Topsoil shall be stripped and stockpiled from all areas of construction. No topsoil shall be removed from a site unless a sufficient quantity is retained to provide at least six inches of topsoil cover over all of the disturbed surfaces of the site.
  - (2) Topsoil removed by grading operations shall be redistributed and stabilized as soon as possible following the completion of a phase of work or the entire project. All exposed earth surfaces shall be stabilized by the following methods or approved equal:
    - (a) Seeding or planting of slopes with a gradient of 30% or less steep.
    - (b) Sodding, hydroseeding or riprap of slopes with a gradient of 30% or more steep, and all swales designed to carry stormwater.
  - (3) Grading and earthmoving operations shall be scheduled so as to minimize site disturbance during the period when the soil is frozen.

- D. Protection during cleanup.
  - (1) All construction debris shall be hauled away from the site. Materials shall not be burned or buried on the site.
  - (2) Any protective fences and barriers used during construction shall be removed upon completion of construction.

#### **506. APPLICABILITY**

All persons undertaking any of the following activities shall comply with the standards in Section 507

- A. Building construction as follows:
  - (1) All nonresidential buildings
  - (2) All multifamily residential buildings.
- B. Construction of streets, parking areas, loading or storage areas as follows:
  - (1) All streets, whether dedicated to the Township or not.
  - (2) Driveways with cartways 18 feet or more in width and 40 feet or more in length.
  - (3) Any parking area which exceeds 3,000 square feet.
  - (4) Any loading or storage area, for equipment and materials, which exceeds 3,000 square feet.
- C. Construction of structures or facilities which exceed 3,000 square feet in ground coverage as follows:
  - (1) Public utility facilities and structures.
  - (2) Liquid and solid waste collection, storage, conveyance and treatment facilities.
  - (3) Stormwater management basins and related facilities.
- D. Construction of trash, garbage, refuse or other storage areas of any size.

#### **507. MITIGATION OF VISUAL IMPACTS**

- A. Consistent with the terms of Sections 510 and 511 the applicant shall plant trees and shrubs and make other landscape improvements (e.g., berms, fences) as necessary to mitigate the adverse visual impacts which the proposed actions will have on the property, adjoining properties and the Township in general.
- B. In demonstrating compliance with Subsection A hereof, the applicant shall adhere to the landscape design guidelines given in Sections 510 and 511.

## **508. COORDINATION WITH OTHER APPLICATIONS**

The submissions for approval as required under this chapter shall be closely coordinated with the submission of subdivision, land development and/or building permit applications, as deemed appropriate by the Township. Any application for subdivision or land development, which includes activities as described in Section 506, shall not be considered complete unless accompanied by the appropriate submittals as outlined in this section. In no instance shall any site disturbance occur, except for testing and surveying, in connection with activities as outlined in Section 506 prior to the Township approval of the final landscape plan.

## **509. EXISTING CONDITIONS AND PRESERVATION INVENTORY PLAN**

- A. A plan indicating existing site conditions, as prepared by a civil engineer or landscape architect is required as part of the submission of the landscape plan. This plan shall be entitled "Existing Conditions and Preservation Inventory" and shall include a preservation inventory indicating all special plants or other plants to be protected and salvaged on the site. These plants shall be noted on the plan and, in addition, keyed and listed in a columnar manner indicating the name and size of the tree or shrub. This plan shall indicate all plantings on the site by foliage lines or other graphic representation, noting which plants are to be salvaged and which plants are to be removed. It shall be the prerogative of the Township to visit the site of proposed development and to verify and/or determine which trees or other plants shall be considered as special plants which require protection and are to remain on the site. Trees over 24 inches in caliper shall not be removed unless authorized by the Township, in writing. If removal is authorized, two trees with a minimum caliper of three inches shall replace any trees removed for a property which are over 24 inches in diameter. The proposed tree species and variety and the proposed planting location shall be approved by the Township prior to planting.
- B. Should the site be devoid of plantings of any significance, this drawing is not required.

## **510. PRELIMINARY LANDSCAPE PLAN**

A preliminary landscape plan may be prepared and submitted to the Township for review, or at the option of the applicant, a final landscape plan may be submitted in lieu of the preliminary landscape plan. If submitted for review, the preliminary landscape plan shall be drawn to scale, indicate all existing trees or other plants to either be removed or retained in addition to plants proposed as part of the landscape design. This plan may include notes, sketches or other graphics that the applicant feels are necessary to indicate the proposed landscape treatment.

## **511. FINAL LANDSCAPE PLAN**

A final landscape plan shall be prepared and sealed by a landscape architect. The final landscape plan shall be prepared in accordance with the following requirements and submitted to the Township for review and/or approval:

- A. Plan requirements and graphics shall be as follows:
- (1) Sheet size: 24 by 36 inches.
  - (2) Scale: one inch equals 20 feet or one inch equals 30 feet. (Other scales may be used if deemed appropriate by the Township.)

- (3) North sign. Indicate direction of North on plans.
- (4) Detail drawings. Details covering the proper method for the planting of trees and shrubs, including details for staking and/or guying of trees, shall be indicated on the final landscape plan. Details covering special landscape treatment such as tree wells, tree walls, use of landscape timber and any other construction related to landscape work shall be indicated on the final landscape plan.
- (5) Exterior lighting. The location and type of all proposed exterior lighting fixtures shall be indicated on the final landscape plan to ensure that there is no conflict between the location of light standards and the location of trees and that trees will not adversely affect lighting patterns. Lighting fixture locations shall be indicated on the plan by symbol.
- (6) Statement of plant standards. The following statement shall be included on the final landscape plan: "All sizes and grading standards for plant materials shall conform with the Latest Edition of American Standard of Nursery Stock as sponsored by the American Association of Nurserymen, Inc., and approved May 2, 1986, by the American National Standards Institute, Inc., or the latest revised edition of this standard."
- (7) Planting schedule. A planting schedule or plant list shall be indicated on the final landscape plan and contain the following information presented in tabular form:
  - (a) Key/symbol, plants as indicated on plans.
  - (b) Botanical name of plant.
  - (c) Common name of plant.
  - (d) Quantity or number of each plant variety.
  - (e) Size of plant proposed.
  - (f) Pertinent remarks about proposed plant.
- (8) Number of plants required and proposed. The final landscape plan shall include a compilation of the number of plants required by the various criteria and categories stated in the chapter, as indicated in the example below:

<b>Plant Requirements</b>		
<b>Type</b>	<b>Required</b>	<b>Proposed</b>
Street trees		
Deciduous trees	10	10
Evergreen trees	10	10
Parking areas		
Deciduous trees	7	7

**Plant Requirements**

<b>Type</b>	<b>Required</b>	<b>Proposed</b>
<b>Building area</b>		
Deciduous/evergreen shrubs	36	87
Flowering/evergreen trees	8	8
Deciduous trees	4	4
<b>Buffer area</b>		
Evergreen trees	40	40
Deciduous trees	0	0
Evergreen shrubs	0	0
Deciduous shrubs	0	0

- (9) Statement of guaranty. The following statement shall be included on the final landscape plan: "All planting and related work shall be guaranteed for a period of one year from the date of acceptance by the Township. Dead plants shall be removed immediately and replacements made not later than during the next planting season."

**512. MINIMUM PLANTING REQUIREMENTS**

A. Street trees. Within any land development or subdivision where new streets are to be constructed and where there are no existing trees along the street frontage, street trees shall be planted. Also, within any land development or subdivision fronting on an existing street or streets and where there are no existing trees, street trees shall be planted along the frontage of the developed area.

- (1) Design criteria. The design for the planting of street trees may be of a formal or informal arrangement using large or medium deciduous trees, evergreen trees or a combination of these types. Large size deciduous trees are trees with a growth potential of over 50 feet in height. Medium size deciduous trees are trees with a growth potential of under 50 feet in height.

- (2) Trees recommended for street tree planting.

- (a) Large deciduous street trees.

Acer platanoides (Norway maple varieties/patents)  
 Acer rubrum (Red maple and varieties/patents)  
 Acer saccharum (Sugar maple varieties/patents)  
 Fraxinus americana (White ash varieties/patents)  
 Ginkgo biloba male (Male ginkgo varieties/patents)  
 Gleditsia triacanthos inermis (Thornless honey locust varieties/patents)  
 Liquidambar styraciflua (Sweetgum)  
 Platanus acerifolia (London plane tree)  
 Platanus occidentalis (American sycamore)

Quercus borealis (Northern red oak)  
Quercus coccinea (Scarlet oak)  
Quercus palustris (Pin oak)  
Quercus phellos (Willow oak)  
Tilia cordata (Littleleaf linden varieties/patents)  
Ulmus americana (American elm varieties/patents)  
Zelkova serrata (Japanese zelkova varieties/patents)

(b) Medium street trees

Acer campestre (Hedge maple)  
Acer ginnala (Amur maple)  
Acer griseum (Paperbark maple)  
Acer palmatum (Japanese maple)  
Acer palmatum atropurpureum (Japanese red maple)  
Celtis occidentalis (Hackberry)  
Cercidiphyllum japonicum (Katsura-tree)  
Chionanthus virginicus (White fringe tree)  
Cornus florida (Flowering dogwood varieties/patents)  
Cornus kousa (Kousa dogwood)  
Crataegus lavalleyi treeform (Treeform Lavalley hawthorn)  
Crataegus phaenopyrum treeform (Treeform Washington hawthorn)  
Koelreuteria paniculata (Goldenrain tree)  
Malus baccata (Siberian crab varieties/patents)  
Malus eleyi (Eley flowering crab)  
Malus hopy (Hopy red flowering crab)  
Phellodendron amurense (Amur corktree)  
Prunus Accolade (Accolade flowering cherry)  
Prunus sargentii columnaris (Columnar Sargent cherry)  
Prunus serrulata Kwanzan Treeform (Treeform Kwanzan cherry)  
Prunus serrulata Amanogawa (Amanogawa cherry)  
Pyrus calleryana (Callery pear varieties/patents)  
Sophora japonica (Chinese scholartree varieties/patents)  
Sorbus aucuparia (European mountain ash)

(c) Evergreen trees

Abies concolor (White fir)  
Cedrus atlantica (Atlas cedar varieties/patents)  
Chamaecyparis pisifera filifera (False cypress)  
Chamaecyparis pisifera veitchii (Blue false cypress)  
Cryptomeria japonica lobbii (Lobb cryptomeria)  
Cupressocyparis leylandii (Leyland cypress)  
Ilex opaca, berried (Female American holly)  
Ilex opaca male (Male American holly)  
Juniperus virginiana (Eastern red cedar varieties/patents)  
Picea excelsa (Norway spruce)  
Picea omorica (Serbian spruce)  
Picea pungens (Colorado spruce)

*Picea pungens glauca* (Colorado blue spruce)  
*Pinus nigra* (Austrian pine)  
*Pinus strobus* (White pine)  
*Pinus thunbergii* (Japanese black pine)  
*Pseudotsuga taxifolia* (Douglas fir)  
*Thuja occidentalis nigra* (Dark American arbor vitae)  
*Tsuga canadensis* (Canada hemlock)

(3) Street tree spacing

- (a) For street tree plantings where the proposed design is a formal arrangement, large street trees shall be planted at intervals of not more than 40 feet and medium street trees shall be planted at intervals of not more than 25 feet along the street frontage within the proposed subdivision or land development.
- (b) If development occurs on both sides of new and/or existing streets, trees may be planted opposite each other or in an alternate spacing alignment. The pattern shall be consistent throughout the entire development. Should development occur only on one side of new or existing streets, street trees shall be planted on the developed side using the arrangement and spacing specified herein.
- (c) Where there are some existing trees, the arrangement and spacing shall conform as close as is feasible to the requirements stipulated herein. The planting design covering the condition of both existing and new trees shall be coordinated to effect a pleasing visual effect.
- (d) For street tree plantings where the proposed design is of an informal arrangement, trees may be planted in groups with regular or random spacing between the individual trees and between groups of trees. The number of trees required under the informal arrangement shall be based on the following criteria:
  - [1] One large deciduous street tree will be permitted for each 40 feet of street frontage.
  - [2] One medium deciduous street tree will be permitted for each 25 feet of street frontage.
  - [3] Evergreen trees may be used as part of the informal design arrangement, and if included in the design, two evergreen trees will be permitted for every 30 feet of street frontage.
  - [4] The ratio of evergreen trees to deciduous trees shall not be greater than one evergreen tree to three deciduous trees.
- (e) Where the planting of new street trees is not feasible, the trees which would have been required for said area shall be allocated and used for planting in the median strip or any traffic islands adjacent to and within 300 feet of the property, as approved by the Township.

- (4) Minimum sizes for trees for street tree plantings.
    - (a) Large street trees shall have a caliper of 2 1/2 inches to three inches and a minimum height of 12 feet.
    - (b) Medium street trees shall have a caliper of 2 1/2 inches to three inches and a minimum height of 10 feet.
    - (c) Evergreen trees shall have a minimum height of eight feet.
  - (5) Street tree planting locations. Street trees shall be planted outside the public right-of-way along roads classified as a Major Collector or higher classification and along those roads with a speed limit of 40 miles per hour or greater, and within five feet of the right-of-way line. Where conditions exist that make such planting impractical, trees may be planted within the right-of-way, or allocated for use in a median strips or other public areas, as approved by the Township. Street trees may be planted inside the public right-of-way on roads classified as a Minor Collector or lower classification and having speed limits less than 40 miles per hour.
- B. Building area planting. The intent of these provisions is to establish minimum standards, not to dictate design criteria. The minimum plantings required around a new building or an addition to an existing building are based on the following criteria:
- (1) Shrubs. For every 100 feet of building perimeter, 15 evergreen or deciduous shrubs shall be planted. The minimum size of plants, when size is designated by spread, shall be in the eighteen-to-twenty-four-inch-spread category. For plants with the size designation by height, the minimum size shall be 24 inches to 30 inches in height.
  - (2) Flowering or evergreen trees. For every 100 feet of building perimeter, two flowering or evergreen trees shall be planted. The minimum size of the flowering or evergreen trees shall be eight feet high.
  - (3) Deciduous trees. For every 100 feet of building perimeter, one large deciduous tree of 2 1/2 inches to three inches in caliper shall be planted.
  - (4) Location of plantings. Plantings around buildings shall be located adjacent to or within 20 feet of the building perimeter. These plantings are minimal requirements and are not intended to limit the plantings around buildings. Additional plantings may be used as necessary to obtain the desired effect. Should site conditions indicate that the twenty-foot requirement is insufficient or not feasible, the distance requirement may be expanded or waived by the Township.
  - (5) Accessory buildings. Landscape treatment is required around accessory buildings, exterior electrical transformers, air-conditioning units and dumpster enclosures. One evergreen shrub or tree shall be required for every five foot of perimeter of such structures. Minimum size of plants shall be six feet high.
- C. Landscaping of parking areas. The landscaping of parking areas shall comply with Section \_\_\_\_\_, Required green area. Off-street parking areas shall be landscaped to

reduce wind and air turbulence, heat and noise, the glare of automobile lights and the level of carbon dioxide, to create shade and to provide a more aesthetic environment about paved areas.

- (1) Tree planting requirements.
  - (a) For every four parking spaces, one shade tree of 2 1/2 inches to three inches in caliper shall be planted. Should there be any existing trees adjacent to the parking area which create an effective shade pattern, each such tree shall be counted to meet this requirement.
  - (b) Trees shall be planted within traffic islands, parking bay separators or about the perimeter area in such locations so as to create a shade pattern.
- (2) Green area surface cover. All green areas within a parking lot shall have a surface cover of grass, ground cover plantings and/or dwarf-type shrubs. Also, stone mulch or shredded hardwood mulch may be used in conjunction with and to supplement grass, ground cover plantings and/or dwarf-type shrubs, but in no case are mulches to be used as the only cover or surfacing material of green areas within a parking lot.
- (3) Screening to prevent headlight glare. For parking spaces where the front of the parking space faces a residentially zoned property and where automobile headlights may produce glare toward the residential property, a screen shall be installed to alleviate this condition. Effective screening shall be accomplished through the use of evergreen plant material, fences, walls and earthen berms, individually or in combination. The intent of this section is to create a solid screen with a minimum maintained height of three feet above the grade at the edge of the parking area. This type of screening shall be required even where a street may intervene between the parking area and the adjacent residentially zoned property.

D. Buffer areas.

- (1) A primary buffer area is a buffer area located adjacent to any residential zoning district.
- (2) A secondary buffer area is a buffer area located adjacent to any zoning district other than a residential zoning district.
- (3) Special buffer. Should the Township determine that a more stringent or effective screening is necessary in the buffer area to mitigate an adverse visual impact resulting from development, the Board of Supervisors may require the installation of either of the following types of buffer screening:
  - (a) Wood screen-type fence. The height, type, design, finish and location of installation of a screen-type fence shall be approved by the Township. The height of the fence shall not exceed six feet.
  - (b) Evergreen screen with immediate effect.

- [1] New buffer areas. Because of unique topographic or other physical considerations, it may be deemed necessary to require a screen planting that has a more immediate effect in order to comply with Section 507, Mitigation of visual impacts. Should the Township require more immediate effect with the planting of Type A evergreen trees in the primary buffer area, starting with a height of eight feet at the time of planting, the table below, Size and Spacing of Evergreen Trees, shall be applicable. The Township shall select the height of the trees to be used and the length or portion of the buffer area to receive such treatment.

**Size and Spacing of Evergreen Trees**

Height (feet)	Spacing on Centers (feet)
8	5
10	12
12	7
14	8

- [2] Established buffer areas. Should screen plantings in an established buffer area die, the dead plants shall be removed immediately. Replacements shall be made immediately or during the subsequent planting season and with plants in the category entitled "Evergreen Screen with Immediate Effect." The height of the replacement trees shall be the same as the height of the existing evergreen trees in the buffer area to a maximum of 14 feet in height.
- (4) Storage areas and trash disposal units. The screening of storage areas, including trash disposal units, shall be constructed of masonry walls with a masonry cap or coping. The top of the cap or coping shall be at least one foot above the storage or trash disposal unit and the structure shall not be more than a total height of six feet. A solid wood face or solid metal face gate with a full height frame shall screen the opening. The applicant shall submit a drawing of the proposed storage unit, drawn to scale and with elevation views or a perspective sketch, for review and approval by the Township. In addition, the structure shall be landscaped as required for an accessory building.
  - (5) Existing plant material in buffer areas. In the preparation of the landscape plan, existing healthy plant material in the buffer area shall be indicated on the plan and may be included as part of the screening requirement, if acceptable to the Township. Photographs of such existing trees or shrubs shall be included as part of the plan submission.
  - (6) Required time schedule for planting of buffer area.
    - (a) Primary buffer areas. Plantings required in the primary buffer area shall be installed within 30 days from the beginning of construction. The Township may waive this requirement if special conditions warrant such action.

- (b) Other buffer areas. Plantings required in other buffer areas may be installed at such time that other required plantings are installed.
- (7) Plant material recommended for buffer areas shall be as follows:
- (a) Type A evergreen trees.
- Picea excelsa (Norway spruce)
  - Picea pungens (Colorado spruce)
  - Picea pungens glauca (Colorado blue spruce)
  - Pinus strobus (White pine)
  - Pinus thunbergii (Japanese black pine)
  - Pseudotsuga taxifolia (Douglas fir)
  - Tsuga canadensis (Canada hemlock)
- (b) Type B evergreen trees.
- Chamaecyparis pisifera filifera (False cypress)
  - Chamaecyparis pisifera veitchii (Blue false cypress)
  - Cupressocyparis leylandii (Leyland cypress)
  - Juniperus chinensis columnaris (Columnar Chinese juniper)
  - Juniperus virginiana (Eastern red cedar)
  - Taxus cuspidata capitata (Upright Japanese yew)
  - Thuja occidentalis nigra (Dark American arbor vitae)
- (c) Type C evergreen trees.
- Cornus alba sibirica (Siberian dogwood)
  - Cornus racemosa (Gray dogwood)
  - Euonymus alatus (Winged euonymus)
  - Forsythia intermedia spectabilis (Showy border forsythia)
  - Hamamelis vernalis (Vernal witch hazel)
  - Hamamelis virginia (Common witch hazel)
  - Hamamelis mollis (Chinese witch hazel)
  - Ligustrum ovalifolium (California privet)
  - Lonicera fragrantissima (Winter honeysuckle)
  - Lonicera korolkowii (Blue-leaf honeysuckle)
  - Philadelphus virginialis (Virginal mock orange)
  - Spiraea vanhouttei (Vanhoutte spirea)
  - Syringa vulgaris (Common lilac)
  - Viburnum dentatum (Arrowwood)
  - Viburnum lentago (Nannyberry)
  - Viburnum rhytidophyllum (Leatherleaf viburnum)
  - Viburnum tomentosum (Doublefile viburnum)
- (8) Buffer area planting arrangement requirements shall be as follows. For any linear distances under 100 feet, the requirements shall be prorated.
- (a) Zoning Districts **R-4, R-4A, R-5, A, A-O, and O.**

- [1] Primary buffer area. There shall be a primary buffer area along the district boundary line within **R-4, R-4A, R-5, A, A-O** and **O** Zoning Districts when adjacent to **R-1, R-1A, R-2** and **R-3** Zoning Districts, the depth of which shall be a minimum of 25 feet measured from the lot boundary line. The primary buffer area shall be planted with a combination of evergreen trees and deciduous scrubs based on the following criteria:
- [a] Type A evergreen trees: buffering using Type A evergreen trees. For each 10 feet of buffer area along the district boundary line, one evergreen tree a minimum of eight feet in height and one deciduous shrub a minimum of four feet in height shall be planted. In addition, one evergreen tree a minimum of eight feet high shall be planted at the end of the row. The deciduous shrub is to serve as a temporary screen filler until the evergreen trees mature. Trees and shrubs shall be planted in the buffer area in a straight row or in a staggered arrangement with the evergreen trees being 10 feet on center and the deciduous shrubs planted in line with and centrally located between the evergreen trees.
  - [b] Type B evergreen trees: buffering using Type B evergreen trees. For each five feet of buffer area along the district boundary line, one evergreen tree a minimum of six feet in height shall be planted. The evergreen trees shall be planted in the buffer area in a straight row or in a staggered arrangement five feet on center, with an additional tree planted at the end of the row.
- [2] Secondary buffer area.
- [a] There shall be a secondary buffer area along the property line when adjacent to any zoning district other than R-1, R-1A, R-2 and R-3 residential zoning districts, the depth of which shall be a minimum of 25 feet measured from the property line. The secondary buffer area may be included in any front, side or rear yard area required under the provisions of this chapter.
  - [b] For every 100 linear feet of secondary buffer area along the property line within the buffer area, the following shall be planted:
    - [c] Two Evergreen trees with a minimum height of six feet.
    - [d] Two flowering trees with a minimum height of eight feet.
    - [e] Four evergreen shrubs having a minimum height of three feet.

- [f] Four deciduous shrubs having a minimum height of three feet.
- (b) Zoning Districts **C-1, C-2, I, SU-1** and **SU-2**.
- [1] Primary buffer area. There shall be a primary buffer area along the district boundary line within **C-1, C-2, I, SU-1** and **SU-2** Zoning Districts when adjacent to **R-1, R-1A, R-2, R-3, R-4, R-4A** and **R-5** Residential Zoning Districts, the depths of which shall be a minimum of 50 feet measured from the lot boundary line. The primary buffer area shall be planted with a combination of evergreen trees and deciduous shrubs based on the following criteria:
    - [a] Type A evergreen trees: buffering using Type A evergreen trees. For each 10 feet of buffer area along the district boundary line, one evergreen tree a minimum of eight feet in height and one deciduous shrub a minimum of four feet in height shall be planted. In addition, one evergreen tree a minimum of eight feet high shall be planted at the end of the row. The deciduous shrub is to serve as a temporary screen filler until the evergreen trees mature. Trees and shrubs shall be planted in the buffer area in a straight row or in a staggered arrangement with the evergreen trees being 10 feet on center and the deciduous shrubs planted in line with and centrally located between the evergreen trees.
    - [b] Type B evergreen trees: buffering using Type B evergreen trees. For each five feet of buffer area along the district boundary line, one evergreen tree a minimum of six feet in height shall be planted. The evergreen trees shall be planted in the buffer area in a straight row or in a staggered arrangement five feet on center with an additional tree planted at the end of the row.
  - [2] Secondary buffer area.
    - [a] There shall be a secondary buffer area along the property line when adjacent to any zoning district other than residential districts, the depth of which shall be a minimum of 25 feet measured from the property line. The secondary buffer area may be included in any front, side or rear yard area required under the provisions of this chapter.
    - [b] For every 100 linear feet of secondary buffer area along the property line within the buffer area, the following shall be planted:
      - [c] Two evergreen trees with a minimum height of six feet.
      - [d] Two flowering trees with a minimum height of eight feet.
      - [e] Four evergreen shrubs having a minimum height of three feet.
      - [f] Four deciduous shrubs having a minimum height of three feet.

**513. MAINTENANCE OF BUFFER AREAS**

- A. Permanent plantings. All plantings and related work in the buffer area shall be maintained and kept in a neat and healthy growing condition. All dead plants shall be removed and replacements shall be made immediately or during the subsequent planting season. The buffer shall be maintained indefinitely. Should any screening die and result in a visual opening in the buffer screen, new plantings shall be made in accordance with the requirements under Section 512D, Evergreen screen with immediate effect.
- B. All landscape improvements and, in particular, plantings in the buffer area shall be maintained in a neat, healthy and sound condition as determined by the Township. Failed plantings, including ground cover, as shown on the final landscape plan shall be replaced.

**514. ALTERNATIVE DESIGN: REQUEST FOR WAIVER**

Where unique physical conditions or other hardships exist which make meeting the Requirements of this chapter impractical, the applicant may request a waiver of some of the requirements. For the Township to consider such a request, the applicant shall submit, in writing, the nature of the waiver request and the reasons for the request, along with a plan of the proposed alternative design for review and/or approval by the Township.

**515. APPOINTMENT OF LANDSCAPE INSPECTOR**

The Newtown Township Board of Supervisors shall appoint a Landscape Inspector for the purpose of administering the provisions of this chapter. The Landscape Inspector shall be appointed annually by the Newtown Township Board of Supervisors.

**516. SUBDIVISION AND LAND DEVELOPMENT APPLICATION**

When an application is required pursuant to Article V as part of a submission under Chapter 148, Subdivision and Land Development, the provisions of such chapter for application, review, site inspections, performance and maintenance guaranties, application fees, violations and penalties shall govern such an application.

**517. FEES AND COST ESTIMATES**

- A. The applicant shall agree, in writing, to reimburse the Township for all costs of administration and review of the application by the Township. Funds shall be deposited with the Township in an amount as specified by the Township.
- B. Fees covering the cost of inspections shall be paid by the applicant to the Township prior to plan approval. If problems arise requiring more extensive involvement of the Township during the inspection process, any resulting costs that exceed the initial fee will be assessed to the applicant.
- C. Upon the request of the Township, a cost estimate covering landscape development shall be submitted with the final landscape plan. The cost estimate may serve as the basis for establishing an escrow account for the landscape improvements

**518. APPEALS**

Appeals from any action or decision of the Township or from other administrative actions of the Township, in relation to the terms of this chapter, shall be to the Board of Supervisors.

**519. FINAL LANDSCAPE PLAN MODIFICATIONS**

- A. Major modifications of any approved final landscape plan shall be resubmitted in the same manner as the original plan. All development and land disturbance activities may be suspended by the Township Manager pending the approval of modified plans.
- B. Field modifications of a minor nature may be approved by the Township Manager in the form of written authorization.

**520. CEASE AND DESIST ORDER AND FAILURE TO COMPLY**

- A. If, at any time, the Township determines that the site work does not conform to the approved plan, a written notice to comply shall be given to the developer. Such notice shall set forth the nature of corrections required and the time within which corrections shall be made. Upon failure to comply within the time specified, the developer shall be considered in violation of this chapter, and the Township may issue a cease and desist order on all work on the site until corrections are made.
- B. If corrections are not undertaken within the time specified or the applicant violates the cease and desist order:
  - (1) Penalties shall be imposed per Section 521 hereof; and/or
  - (2) The work shall be completed by the Township and the costs charged to the developer.

**521. VIOLATIONS AND FAILURE TO COMPLY**

- A. Anyone damaging trees, shrubs or other vegetation located within the road right-of-way, in public parks and on property owned and utilized by the Township by cutting, striking or by vehicle shall be subject to a fine for each tree, shrub or other vegetation damaged of not more than \$1,000, plus the costs of replacement of such damaged trees, shrubs or other vegetation.
- B. Anyone violating any provision of Section 520 shall be guilty of a summary offense and, upon conviction, shall be subject to a penalty of not more than \$1,000 for each and every violation. Each day that the violation continues after proper notification shall be a separate violation. In addition thereto, the Township may institute injunctive, mandamus or any other appropriate action or proceeding at law or equity for the enforcement of this chapter or to correct violations of this chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions or other appropriate forms of remedy or relief.

