

ORDINANCE NO. 285

AN ORDINANCE OF THE TOWNSHIP OF PARADISE, MONROE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 131 SUBDIVISION AND LAND DEVELOPMENT BY AMENDING THE ORDINANCE TO 1) REORGANIZE PROVISIONS FOR CLARITY; 2) SUPPLEMENT THE EXISTING PROVISIONS FOR BUFFERS; AND 3) ADDING PROVISIONS FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, Paradise Township is a municipal corporation organized under the laws of the Commonwealth of Pennsylvania as a Second Class Township pursuant to 53 P.S. §65101, *et seq.* (the “Township”); and

WHEREAS, the Township has the authority to adopt ordinances, bylaws, rules and regulations necessary for the proper management, care, and control of the Township and its finances and to maintain peace, good government, health, and welfare of the Township and its citizens; *see* 53 P.S. §66506 (General powers); §66527 (Public safety); §66529 (Nuisances); §66601 (Ordinances); and

WHEREAS, the Township has the authority to establish an ordinance for zoning, subdivision, and land development for planning purposes consistent with the Pennsylvania Municipalities Planning Code (53 P.S. §§10101, *et seq.*); *see* 53 P.S. §66516 (Land use regulations); and

WHEREAS, the Paradise Township Code of Ordinances contains Chapter 131 Subdivision and Land Development which Chapter regulates the orderly growth and coordinated development of the Township by establishing rules and regulations consistent with the Pennsylvania Municipalities Planning Code for land development, subdivisions, earth disturbances, and implementation of various uses in Paradise Township (*see* Chapter 131-4 Purpose); and

WHEREAS, the Paradise Township Board of Supervisors has reviewed the proposed amendments to Chapter 131 Subdivision and Land Development, as set forth below, and has determined that the Chapter should be revised to protect the health, welfare, and safety of the Township and its citizens.

AND NOW, the Board of Supervisors of Township hereby enacts and ordains amendments to Chapter 131 Subdivision and Land Development, as follows:

SECTION 1. Ordinance Amendments. Existing Chapter 131 Subdivision and Land Development is amended by deleting and replacing the provisions of the enumerated sections set forth below, to wit:

Chapter 131 Subdivision and Land Development

§ 131-34. Buffer requirements.

§131-34.A – The provisions in §131-34.A are deleted in its entirety and replaced with the following:

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) Unless otherwise provided for in this Section, the Buffer required for a given development shall be based on the relationship between the adjacent land uses in accordance with Table 2, below. Unless otherwise provided for in this Section, if an adjoining parcel is undeveloped, the minimum Buffer required shall be determined utilizing Class 1 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 2: Buffer Chart*

Proposed Use	Adjacent Use					
	Class 1	Class 2	Class 3	Class 4	Class 5	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.

- (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 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.

§131-34.B – The provisions in §131-34.B are deleted in its entirety and replaced with the following:

B. Planting material.

- a. 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.
- b. 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.
- c. All plants shall be mulched to a depth of approximately two 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.
- d. All plant material shall be guaranteed for two full growing seasons (April 1 to September 30) 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 with the Township. The performance guarantee shall be in an amount equal to the estimated cost of trees and shrubs and plantings. Such guarantee shall be released only after passage of the second growing season following planting. Any plant material, 25% or more of which is dead, shall be considered dead. A tree shall be considered dead when the main leader has died or 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.
- e. The following note shall be placed on the conditional use plans (if applicable) and on the recorded land development plan: "Plant materials

shall be permanently maintained and any plant material which dies shall be replaced by the landowner."

- f. 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 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 usable as a Buffer.

§131-34.C – The provisions in §131-34.C are deleted in its entirety and replaced with the following:

C. Buffer types.

- (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) 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 4.
- (3) Requirements for 100-foot-wide raised berm buffer. Where 100-foot-wide raised berm buffers are required, the following criteria shall be met:
 - (a) The buffer yard shall consist of evergreen and deciduous trees, flowering trees, shrubs and raised berms.
 - (b) The buffer yard shall be measured from the district boundary line or from the near street line where a street serves as the district boundary line. The buffer yard may not be part of the street right-of-way but shall be in addition to that right-of-way. The buffer yard may include the required side or rear yards, and in case of conflict the larger yard shall apply.
 - (c) The buffer yard shall be a landscaped area free of roads, sidewalks, driveways, parking lots, storage, buildings and structures of any kind except for emergency access roads or pathways and/or sidewalks as may be required by Township ordinances or fire or safety regulations and/or as may be required and/or approved by the Board of Supervisors.
 - (d) The raised berm in the buffer yard shall be a minimum height of 14 feet measured from existing grade or the finished first-floor grade of the closest existing or proposed building on the property, whichever is higher, or as otherwise approved by the Board of Supervisors during site or land development plan review.

Table 3: Buffer Yard Landscaping Requirements					
Buffer Yard Type	Minimum Width	Minimum Required Large Trees	Minimum Required	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

Table 4: Points for Individual Plant Types	
Type of Plant	Points
Large Tree	12
Small Tree	6
Large Shrub	3
Medium Shrub	2
Small Shrub	1

- (e) The trees and shrubs shall be planted in the following minimum amounts per 100 linear feet of buffer, as measured parallel to the buffer yard:
 - [a] Ten evergreens.

- [b] Five deciduous trees.
- [c] Three flowering trees.
- [d] Ten shrubs.
- (f) The toe of the slope of the berm shall begin, at a minimum, 25% of the width of the buffer yard away from any residentially zoned district.
- (g) Berms shall not be constructed within side or rear yard drainage and utility easements.
- (h) The berm shall have a minimum six-foot flat area at the top.
- (i) Plants shall be arranged on berms to provide a visual barrier. A minimum of 1/2 of the shrubbery and flowering trees shall be planted on the residential side of the berm.
- (j) The height of evergreen trees shall be a minimum of eight feet at the time of planting, measured from finished grade. The average size of deciduous trees shall be two inches caliper measured three feet above finished grade, and deciduous trees shall also have a minimum height of 12 feet at the time of planting. Flowering trees shall be seven feet high at the time of planting. Shrubs shall be a minimum of 30 inches in height at the time of planting.
- (k) Berms within the buffer yards shall have a maximum slope of 3:1.
- (l) Variations in the sizes and shapes of the berms are strongly encouraged. The unnaturally graded appearance of uniform, linear mounding shall be avoided. As an alternative to the possibly linear appearance which could result from the minimum requirements, applicants are encouraged to provide innovative, freeform screening buffers which need not be located entirely within the required buffer.
- (m) When abutting property is already effectively screened by existing topography or vegetation, located on the property, the Board of Supervisors may waive the above requirements. Where partial screening exists, the Board of Supervisors may require additional planting or berming to supplement the existing screen.
- (n) In all buffer yards, the exterior width beyond the planting screen shall be planted with grass seed, sod or ground cover and shall be maintained and kept clean of all debris, rubbish, weeds, and tall (no more than six inches) grass. All plant material which dies shall be replaced by the owner.

SECTION 2. Severability. The provisions of this Ordinance shall be severable. If any of the provisions hereof shall be invalid or unenforceable, the remaining provisions of the Ordinance shall remain in full force and effect.

SECTION 3. Repealer. All ordinances or parts of ordinance conflicting with or inconsistent with the provisions of this Ordinance are hereby repealed, but only insofar as the same are in direct conflict or directly inconsistent with this Ordinance.

SECTION 4. Effective Date. This Ordinance shall be effective five (5) days after enactment.

ORDAINED AND ENACTED into an ordinance at the regular meeting of the Paradise Township Board of Supervisors, Monroe County, this _____ day of _____, 2026.

ATTEST:

PARADISE TOWNSHIP

(Assistant) Secretary

By: _____
Chair

By: _____
(Vice) Chair

By: _____
Supervisor

SECRETARY’S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of an Ordinance No. _____ adopted by a majority vote of the Paradise Township Board of Supervisors at a meeting of said Board duly held on _____, 2026. Present at the meeting were and a record of their vote was as follows:

	Present	Aye	Nay
Peter Gonze	_____	_____	_____
Reda Briglia	_____	_____	_____
Michael Stein	_____	_____	_____

Further be it certified that public notice of said meeting was given in the manner provided by law; that said Ordinance shall be duly recorded upon the Minutes of the Board, has not been amended or rescinded, and is in full force and effect this _____ day of _____, 2026.

Tina Transue, Secretary

(Township Seal)