

As prepared 4/1/2010

**Pike Township Subdivision
and Land Development Ordinance Amendment**

ORDINANCE NO. ____

AN ORDINANCE OF PIKE TOWNSHIP TO AMEND THE
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE,
INCLUDING PROVISIONS REGARDING DEFINITIONS,
SUBMITTAL REQUIREMENTS, IMPROVEMENT
REQUIREMENTS, RECREATION LAND AND FEES, AND
NATURAL FEATURE CONSERVATION REQUIREMENTS.

Under the authority and procedures of the Pennsylvania Municipalities Planning Code, the Board of Supervisors of Pike Township, Berks County, Pennsylvania hereby adopts the following amendment to the Pike Township Subdivision and Land Development Ordinance:

Part 1. Revisions to Article 2.

Add the following as a new Section 201.A.:

"If a term is not defined by this Subdivision and Land Development Ordinance (SALDO), but is defined in the Zoning Ordinance, then the Zoning Ordinance definition shall apply to this SALDO."

In Section 202, to provide consistency with the Zoning Ordinance, delete the following definitions: Agriculture - Intensive, Building Coverage, Conservation Subdivision, Lot, Lot Area, Lot, Corner, Lot Coverage, Lot, Interior (Flag), Lot Line, Front, Lot Line - Rear, Lot Line - Side, Lot- Reverse Frontage, Lot Width, Mobile Home, Mobile Home Lot, Mobile Home Park, Recreational Vehicle, Recreational Vehicle Park, Yard, Yard- Front, Yard - Rear, and Yard - Side.

In Section 202, add the following new definition:

“Heritage Tree. Any tree greater than 30 inches diameter at breast height (dbh) shall be considered a Heritage Tree, with the exception of invasive alien trees including Norway maple (*Acer platanoides*), Siberian elm (*Ulmus pumila*), and Tree-of-heaven (*Ailanthus altissima*). An Aspen shall not be considered a Heritage Tree. However, such minimum dbh shall be 36 inches for Tulip Poplars and Sycamores. In the context of a subdivision or land development review or in consideration of any application for approval of special exception, variance, or conditional use, and upon the recommendation of a qualified forester or equivalent professional, the Township may designate as additional Heritage Trees any tree or other plant selected as uniquely representative of a class or group in terms of size, shape, form, age, historical importance, scenic qualities, visual prominence or other characteristics. Trees or other plants determined to be dead or diseased or in any manner constituting a safety hazard shall not be considered Heritage Trees.”

In Section 202, in the definition of Conservancy Lot, change "in an Option 1 conservation

subdivision (see Section 490 of the Township Zoning Ordinance)" to "in an Open Space Development".

Part 2. Revisions to Article 6.

Delete Section 632.C., to remove a Zoning Ordinance reference.

Replace Section 624.B.2 with the following:

“Where there is mutual consent of the Township and the applicant to allow the payment of fees-in-lieu of land, or where the applicant has not proposed recreation land that would meet the requirements of this Section 624 and/or would not be suitable for the recreation purposes, then recreation fees shall be required to be paid in lieu of providing recreation land. The recreation fee shall be \$2,000 per each new approved dwelling unit, unless such fee is amended by future action of the Board of Supervisors.”

Add the following as a new Section 625.C.(8):

“Such fees shall be used in a location that will serve the inhabitants of the developments that paid fees towards their cost. Such fees do not necessarily need to be expended within Pike Township. Such fees may also be used for following: acquisition of public open space/recreation land and related debt payments, easements that allow public recreation use of land, development of public recreational facilities, landscaping of public open space and necessary engineering and design work.”

To comply with the Municipalities Planning Code, replace Section 625.E. with the following:

“E. Modification. In response to a written application by the applicant, the Board of Supervisors may approve a modification to the requirements of this Section 625 if the modification will result in an equal recreation benefit to the inhabitants of the development and/or the residents of the Township. For example, the Board of Supervisors may approve the construction of recreation facilities in place of part or all of the recreation land or fee requirements.”

In Section 629.D., add the following:

“4. In locations where street trees are required by the Zoning Ordinance, such Zoning Ordinance provisions shall apply in place of street tree requirements of this Section 629.D.”

In Section 629.E. at the end of the first paragraph:

“In locations where a buffer yard with plant screening is required by the Zoning Ordinance, such Zoning Ordinance provisions shall apply in place of buffer yard and planting requirements of this Section 629.E.”

Add the following new Section 628.E.:

“628.E.

Disturbance Thresholds for Woodland Replacement.

1. See the Zoning Ordinance, which includes a definition of “Woodland” and a “Woodland Classification Map”, which are hereby included by reference. See Section 508 of the Zoning Ordinance that establishes maximum disturbance limits for Woodland.
2. If woodland disturbance that is allowed under Section 508 of the Zoning Ordinance and exceeds the following thresholds (measured as a percentage of the entire area of woodland within the respective designation), then woodland replacement shall be required under this Section:
 - a. 5 percent of any area designated Class I Woodland on the Woodland Classification Map.
 - b. 10 percent of any Class II Woodland as indicated on the Woodland Classification Map.
 - c. 15 percent of any Class III Woodland as indicated on the Woodland Classification Map.
3. Calculation of Required Vegetation Replacement.
 - a. Where woodland replacement is required by Subsection E.2. above, replacement plantings shall be installed as follows:
 - 1) At a minimum, for each 300 square feet of woodland disturbance area in excess of each applicable threshold set forth in Section E.2., one tree at least 2 inch caliper shall be planted. A sample list of acceptable replacement plantings is provided below
 - 2) Required Replacement Shrubs. At a minimum, for each 100 square feet of woodland disturbance area, in excess of the applicable standard set forth in E.2., one shrub at least 24 inches in height shall be planted (in addition to any required tree replacement). Shrubs planted in accordance with this requirement may be of restoration quality and not necessarily landscaping quality.
 - b. Required replacement plantings shall be in addition to any required street trees or any other landscape material required under applicable provisions of the Zoning Ordinance or this Ordinance.
 - c. Where approved by the Township as a condition of any building, zoning, subdivision or land development approval or as a condition of grant of modification under this Article, required replacement trees may be substituted for greater numbers of trees of smaller caliper than otherwise required or by vegetation other than trees (e.g., for purposes of reforestation).

- d. If mutually agreed upon by the Township and the applicant as a condition of any subdivision or land development approval or modification under this Article, some or all of the required replacement plantings may be installed at a site other than that subject to required replacement planting.
- e. In lieu of actual installation of replacement plantings, if mutually agreed upon by the Township and the applicant, the Township may permit any applicant to place the equivalent cash value, as agreed upon by the Township and the applicant, for some or all of the required replacement plantings into a special fund established for that purpose. Such fund shall be utilized at the discretion of the Township for the purchase and installation of plantings elsewhere in the Township. Installation of such plantings on private lands shall be dependent upon the establishment of conservation easement(s) or other restriction(s) acceptable to the Township that will reasonably guarantee the permanent protection of such plantings. Where the provisions of this Section are otherwise applicable, any grant of approval of modifications requested pursuant to this Article also may be conditioned upon the placement of equivalent cash value for otherwise required replacement plantings into such a fund.
- f. The locations, selected species, and sizes of all replacement plantings, along with a planting schedule tied to the timing and/or phasing of the development, shall be indicated on the Final Subdivision /Land Development Plan(s) or building permit application, as applicable.
- g. Required replacement vegetation and their measurement shall conform to the standards of the publications "American or U.S.A. Standard for Nursery Stock," ANSI or U.S.A.S. Z60.1 of the American Association of Nurserymen, as amended. All plant material used on the site shall have been grown so as to have a high likelihood of survival on the site (grown specifically for planting in the applicable USDA hardiness zone) and shall be nursery grown, unless it is determined by the Township that the transplanting of trees partially fulfills the requirements of this section.
- h. Species of replacement plantings selected and planting locations shall reflect careful site evaluation and in particular the following considerations:
 - 1) Existing and proposed site conditions and their suitability for the plant materials, based upon the site's geology, hydrology, soils, and microclimate.
 - 2) Specific functional and design objectives of the plantings,

which may include but not necessarily be limited to: replacement of woodland area removed, enhancement of existing woodland or oldfield area(s), reforestation of riparian buffer areas, mitigation of new woodland edge conditions as a result of land disturbance, provision for landscape buffer, visual screening, noise abatement, energy conservation, wildlife habitats, and aesthetic values.

- 3) Maintenance considerations such as hardiness, resistance to insects and disease, longevity, and availability.
 - 4) Because of the many benefits of native plants (ease of maintenance, longevity, wildlife habitat, etc.), the use of nursery-grown free-fruiting native trees and shrubs is strongly encouraged. Species selection should reflect species diversity characteristic of the native deciduous woodland.
- i. All replacement plantings shall be guaranteed and maintained in a healthy and/or sound condition for at least 24 months or shall be replaced. In addition, the Applicant may be required to escrow sufficient additional funds for the maintenance and/or replacement of the proposed vegetation during the 24 month replacement period and to provide for the removal and replacement of vegetation damaged during construction, based upon the recommendation of the Township Engineer.
 - j. Invasive Species. Removal of recognized invasive species is allowed without regulation. See the definition in Article 2 of the Zoning Ordinance. Removal of dangerous or diseased trees and vegetation is also allowed.
 - k. Suggested Plant List. The following list includes species acceptable for woodland replacement plantings. Examples of species appropriate for use where screening or buffering is desirable or required are indicated with an asterisk (*). Appropriate species for street tree plantings are indicated by the notation "ST." Specific species selection and planting locations shall reflect careful site evaluation as further set forth herein.

Tree, Common Name	Botanical Name
<u>Evergreen Trees</u>	
Eastern redcedar*	Juniperus virginiana
Canadian Hemlock	Tsuga canadensis
Red (Eastern or Yellow) spruce*	Picea rubens

Norway spruce*	Picea abies
Eastern White Pine*	Pinus strobes
<u>Shade Trees</u>	
Red maple, ST	Acer rubrum
Sugar maple, ST	Acer sacchar um
White ash, ST	Fraxinus americana
Green ash, ST	Fraxinus pennsylvanica
Sycamore	Platanu s occide ntalis
White oak, ST	Quercu s alba
Northern red oak, ST	Quercus rubra
Tulip poplar	Liriode ndron tulipife ra
Scarlet oak, ST	Quercu s coccin ea
Pin oak, ST	Quercu s palustri s
Shagbark hickory	Carya ovata
American basswood	Tilia americana
American beech	Fagus grandif olia
Black cherry	Prunus serotina
London plane tree	Platanus acerifolia
<u>Small Trees and Shrubs</u>	
Rhododendron	Rhodo

	dendro n sp.
Black chokecherry	Aronia melanocarpa,
Shadbush/Serviceberry*	Amelanchier canadensis
Redbud	Cercis canade nsis
Flowering dogwood*	Cornus florida white
Winterberry	Ilex verticu lata
Washington hawthorn*	Crataegus phaemopyrum
New Jersey tea	Ceanot hus americ anus
Sourwood	Oxyde ndrum arbore um
Ironwood	Ostrya virgini ana
Arrowwood	Viburn um dentatu m
Black Haw	Viburn um prunifo lium
Maple Leaf viburnum	Viburnum acerifolium
Mountain laurel	Kalmia latifoli a
Highbush blueberry	Vaccinium corybosum
Lowbush blueberry	Vaccinium vacillans
Common juniper	Juniperus communis

Add the following new Section 628.D.:

“ 628.D. Heritage Trees. (See definition in Article 2)

1. Heritage Trees shall be preserved and protected to the greatest extent feasible. This Section 628.D. shall not apply to Township-approved forestry. Heritage trees need to be identified on subdivision and land development plans, except within land areas where the plan designates that those land areas are not proposed for any disturbance or tree removal.
2. Where any land disturbance is proposed as part of any subdivision or land development application, removal of Heritage Trees shall only be allowed where the Applicant demonstrates to the satisfaction of the Township that such removal is essential to eliminate hazardous condition(s). In consideration of any need for tree removal, the Township may engage the services of an arborist, with the reasonable costs required to be funded by the Applicant.
3. Where any applicant for building, zoning, subdivision or land development approval establishes conservation restrictions acceptable to the Township which shall result in the conservation of Heritage Trees, all such Heritage Trees to be retained shall be credited toward any tree replacement required under Section 628.C., at the ratio of four trees credited for each Heritage Tree retained.
4. Where any minimum setback line for a dwelling as set forth in the Zoning Ordinance and measured from any applicable lot line is located so as to cause any permissible structure or land disturbance to intrude within the drip line of any Heritage Tree, such setback requirement may be reduced 50% where approved as a modification of this Ordinance if the applicant proves to the Board of Supervisors that such reduction shall minimize intrusion into the drip line of any Heritage Tree as applicable.”

Part 3. Editorial/Typographic Corrections

Where a section references a section number of the previous zoning ordinance, it shall be interpreted as meaning the applicable section of the current zoning ordinance, as amended.

To correct a typo, on page 48, “502.D” shall be changed to “502.C.”

Wherever the term "Conservation Subdivision", “Conservation Design” or "Cluster Development" is used, it shall be changed to "Open Space Development."

Repealer.

Any portions of Township ordinances or resolutions which are clearly in direct conflict with this Ordinance Amendment are hereby repealed.

Enactment.

This Ordinance Amendment is hereby enacted and ordained on this date of
_____ and shall become effective in five calendar days.

Chairperson, Board of Supervisors

Attest, Township Secretary