

HONEY BROOK TOWNSHIP  
CHESTER COUNTY, PA

ORDINANCE #133 - 2008

AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK AMENDING THE HONEY BROOK TOWNSHIP ZONING ORDINANCE OF 2003, AS AMENDED, TO AMEND PART 2 TITLED "DEFINITIONS" TO AMEND EXISTING DEFINITIONS AND ADD NEW DEFINITIONS RELATED TO WOODLANDS PROTECTION; TO AMEND VARIOUS SECTIONS OF PART 5 TITLED "RC-RESOURCE CONSERVATION DISTRICT"; TO AMEND VARIOUS SECTIONS OF PART 11 TITLED "CONSERVATION DESIGN OPTION"; TO AMEND PART 13 TITLED "NATURAL FEATURES CONSERVATION STANDARDS" TO ADD NEW SECTION 1306 TITLED "WOODLAND AND HEDGEROW CONSERVATION STANDARDS"; AND AMENDING THE HONEY BROOK TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 2004, AS AMENDED, TO AMEND VARIOUS SECTIONS OF PART 6 TITLED "DESIGN STANDARDS" CONSISTENT WITH ZONING ORDINANCE REVISIONS FOR WOODLANDS PROTECTION; AND TO AMEND PART 2 TITLED "DEFINITIONS" TO AMEND EXISTING DEFINITIONS CONSISTENT WITH ZONING ORDINANCE REVISIONS.

**SECTION 1.** Section 27-502.1 shall be amended to add the following use by right:

O. Conservation Design Option, subject to the standards given in §27-503.2.

**SECTION 2.** Section 27-502.2 shall be amended by deleting subpart C. and renumbering subparts D., E. and F. as subparts C., D. and E., respectively.

**SECTION 3.** Section 27-502.3 shall be amended by deleting subparts C., F., and G., and renumbering subparts D. and E. as subparts C. and D., respectively.

**SECTION 4.** Section 27-503 shall be amended as follows:

A. Subsection 503.1 shall be amended to read as follows:

1. *Single-family detached dwellings:*

- |   |   |
|---|---|
| A. Minimum lot area:                        | 5 acres.                                  |
| B. Minimum lot width:                       | 175 feet at the building setback line.    |
| C. Minimum front yard:                      | 60 feet.                                  |
| D. Minimum individual/aggregate side yards: | 30 feet individual.<br>70 feet aggregate. |
| E. Minimum rear yard:                       | 60 feet.                                  |
| F. Maximum impervious surface ratio:        | 8% of the lot area.                       |
| G. Minimum lot width at street line:        | 50 feet.                                  |

B. A new subsection 503.2 shall be added which shall read as follows:

2. *Single-family detached dwelling utilizing the Conservation Design Option shall be governed by regulations in Part 11.*

C. Subsections 503.2 and .3 shall be renumbered as 503.3 and .4, respectively. New subsection 503.3.F shall be amended to read as follows:

- |                                      |                      |
|--------------------------------------|----------------------|
| F. Maximum impervious surface ratio: | 10% of the lot area. |
|--------------------------------------|----------------------|

**SECTION 5.** New Section 27-505 shall be added and shall read as follows:

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**§27-505. Forestry Activities and Future Subdivision or Land Development.**

If a lot within the RC-Resource Conservation District is clearcut, as defined by this Chapter, prior to submittal or approval of a subdivision or land development application, such lot shall not be approved for subdivision or land development for a period of five (5) years.

**SECTION 6.** Section 27-1102 shall be amended to read as follows:

The opportunity to develop under the conservation design option shall be deemed an overlay on any eligible tract in the RC - Resource Conservation, FR - Farm Residential, and R - Residential Districts, offering additional choices beyond those of the applicable underlying zoning district. To utilize this overlay opportunity, a tract must comply with the standards and criteria of this Part. The overlay of the conservation design option shall have no effect on the permitted uses available to such tracts through the underlying zoning districts. To the extent that the regulations and requirements within this Part differ from other provisions of this Chapter, the regulations and requirements of this Part shall govern.

**SECTION 7.** Section 27-1104.2 shall be amended to add a new subpart A. which shall read as follows:

A. In the RC - Resource Conservation District:

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|--|---------|
| (1) With on-lot sewage disposal systems: | by 0.4. |
| (2) With community sewage systems:       | by 0.5. |

Subsection 27-1104.2.A. and .B shall be renumbered as 27-1104.2.B. and .C, respectively.

**SECTION 8.** Section 27-1105 shall be amended to add a new subsection 1. as follows:

1. *RC - Resource Conservation District.* Conservation design is a mandatory process for all subdivisions of parcels five (5) acres in size or greater. *Single-family detached dwellings using the Conservation Design Option, under one of the following scenarios:*

A. Using a Community Sewage System, per lot:

- |                                      |                                    |
|--------------------------------------|------------------------------------|
| 1. Minimum lot area:                 | 20,000 square feet.                |
| 2. Minimum lot width:                | 100 feet at building setback line. |
| 3. Minimum front yard:               | 25 feet.                           |
| 4. Minimum side yard:                | 10 feet each side.                 |
| 5. Minimum rear yard:                | 25 feet.                           |
| 6. Maximum impervious surface ratio: | 30% of the lot area.               |
| 7. Minimum lot width at street line: | 40 feet.                           |

B. Using on-lot sewage disposal systems, per lot:

- |                                      |                                    |
|--------------------------------------|------------------------------------|
| 1. Minimum lot area:                 | 1 acre.                            |
| 2. Minimum lot width:                | 100 feet at building setback line. |
| 3. Minimum front yard:               | 25 feet.                           |
| 4. Minimum side yard:                | 10 feet each side.                 |
| 5. Minimum rear yard:                | 25 feet.                           |
| 6. Maximum impervious surface ratio: | 15% of the lot area.               |
| 7. Minimum lot width at street line: | 50 feet.                           |

Subsections 27-1105.1 and .2 shall be renumbered as 27-1105.2. and .3, respectively.

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**SECTION 9.** Section 27-1108.A shall be amended to delete subsection (1), renumber subsection (2) as subsection (1), and amend new subsection (1) to read as follows:

- (1) One accessory building no larger than 624 square feet and no more than 26 feet on one side shall be permitted on a lot in the RC – Resource Conservation, FR - Farm Residential, and R - Residential districts, in addition to a storage shed authorized under §27-1108.B.

**SECTION 10.** Section 27-1109 shall be amended to add new subsection A. as follows:

A. RC District:

- (1) Using on-lot sewage disposal systems: 15% of the lot area.
- (2) Using community sewage system: 30% of the lot area.

Subsections 27-1109.A. and .B shall be renumbered to subsections 27-1109.B. and .C, respectively.

**SECTION 11.** Section 27-1111 shall be amended as follows:

A. Subsection 1111.1.A. shall be amended to read as follows:

A. Except as provided in paragraph .C, below, any tract proposed for a conservation design development shall be served by a community sewage system, as defined by this Chapter. Such system shall be consistent with the preferred treatment and disposal methods stipulated in the Township Act 537 Sewage Facilities Plan, and shall comply with all applicable requirements of the Township Subdivision and Land Development Ordinance [Chapter 22], the Northwestern Chester County Municipal Authority, the Chester County Health Department, and the Pennsylvania Department of Environmental Protection. This section shall not apply to conservation design development in the RC – Resource Conservation District, where community sewage systems are not feasible due to physical site constraints. Such conservation design development shall comply with the requirements for on-lot sewage disposal systems as provided by the Township Subdivision and Land Development Ordinance [Chapter 22], the Chester County Health Department, and the Pennsylvania Department of Environmental Protection.

B. Subsection 1111.5 shall be deleted. Subsections 1111.6, .7, and .8 shall be renumbered as subsections 1111.5, .6, and .7 respectively.

**SECTION 12.** Section 27-1112 shall be amended as follows:

A. Subsection 1112.1 shall be amended to add new subpart A. as follows:

- A. RC – Resource Conservation District: 50%

Subsections 1112.1.A. and .B shall be renumbered as subsection 1112.1.B. and .C, respectively.

B. Subsection 1112.4 shall be amended to read as follows:

4. Protected open space land may contain and be used for:
  - A. Land surrounding historically significant structures and sites and/or archaeological sites.
  - B. Active and passive recreation, except that such use shall be limited to passive only in the RC – Resource Conservation District.
  - C. Agriculture, including the cultivation of nursery stock or orchard trees.
  - D. Woodland, meadow, floodplain, wetland, or similar conservation purpose.
  - E. Wastewater systems, including spray and drip irrigation or other community system components deemed acceptable by the Township.

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F. Stormwater management facilities limited to infiltration facilities and low-disturbance water quality best management practices, as determined by the Township Engineer.

G. Trail or pathway corridor, the use of which shall be limited to pedestrian, equestrian, non-motorized vehicles, and maintenance equipment.

H. Equestrian center, when approved as a conditional use by the Board of Supervisors, provided a minimum of 20 acres is designated for this use and the area so designated comprises not more than 80 percent of the total amount of protected open space on the tract.

I. Non-common open space on a private lot, consistent with the terms of §27-1112.9.B.

C. Subsection 1112.6.A, shall be amended to read as follows:

A. No individual segment of protected open space shall have an area less than 1 acre or 10 percent of the gross tract area, whichever is less, nor a width less than 150 feet at any point, except that the minimum area may be reduced to not less than 22,500 square feet and/or the minimum width may be reduced to not less than 15 feet where:

**SECTION 13.** Part 13 of Chapter 27, Zoning, of the Honey Brook Township Code shall be amended to add the following new Section 1306.

**§27-1306. Woodland and Hedgerow Conservation Standards**

1. Disturbance Limitations for Woodlands and Hedgerows. Notwithstanding the provisions of this Section, selective harvesting of timber shall be permitted where undertaken in compliance with the provisions set forth in §27-1306.10 below. Clearcutting 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. Except for an approved timber harvesting operation, all woodland disturbance shall be subject to the following total disturbance limitations:

A. Permitted woodland disturbance on any lot or tract shall not exceed five (5) percent of any area designated Class I Woodland on the Honey Brook Township Woodland Classification/Priority Map (Figure 3 of the Township Comprehensive Plan), where such woodland is coextensive with any area of Prohibitive Slope.

B. Except where §27-1306.1.A applies, permitted woodland disturbance on any lot or tract shall not exceed fifteen (15) percent of any area designated Class I or Class II Woodland on the Honey Brook Township Woodland Classification/Priority Map (Figure 3 of the Township Comprehensive Plan), nor any woodland within a designated Greenway Corridor, as shown on Figure 4 of the Township Comprehensive Plan.

C. Outside of areas designated as Greenway Corridors, permitted woodland disturbance on any lot or tract shall not exceed twenty-five (25) percent of any Class III Woodland.

D. Permitted woodland disturbance on any lot or tract shall not exceed ten (10) percent of any area designated as Forest Interior Habitat on the Honey Brook Township Woodland Classification/Priority Map.

E. 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). The extent of any area of woodland disturbance shall be measured to include the entire area within the drip line of any tree where any part of the area within the drip line of said tree is subject to woodland disturbance. 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

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greater extent of woodland, such greater area shall be utilized to calculate the extent of woodland disturbance and the limitations set forth herein.

2. Woodland Replacement.

A. Where permitted, any woodland disturbance exceeding any of the following standards shall require provision for vegetation replacement as set forth in §27-1306.5 below. Each of the following standards shall be applied independently and the corresponding replacement requirements shall be cumulative.

(1) Any woodland disturbance in any of the following areas:

(a) Any area designated as Class I or Class II Woodland on the Honey Brook Township Woodland Classification/Priority Map;

(b) Any area designated as a Greenway Corridor;

(c) Any area within any Riparian Buffer.

(2) Woodland disturbance in excess of 10,000 square feet of existing area of Class III woodland or hedgerow(s) for each principal use permitted on any lot or tract. As an example, where two principal uses are permitted, woodland disturbance may involve up to 20,000 square feet (10,000 X 2) before replacement is required, except as otherwise provided herein.

3. In determining where necessary woodland disturbance shall occur in the context of any subdivision or land development regulated under Chapter 22, or other land use activity regulated by this Chapter, the applicant shall consider the following:

A. The location(s) and benefit of conservation of healthy mature woodland stands;

B. The impacts, in terms of functions and values to wildlife, of separating, dividing and/or encroaching on wildlife travel corridors and/or extensive habitat areas. Such impacts must be explicitly assessed in any area designated as one or more of the following:

(1) Greenway Corridor;

(2) Forest Interior Habitat;

(3) Riparian Buffers;

(4) Class I or Class II woodlands.

4. In areas of permitted woodland disturbance and areas adjacent to permitted woodland disturbance, remaining trees shall be protected from damage. The following procedures shall be utilized during construction in order to protect remaining trees:

A. Where existing trees are to remain, no change in existing grade shall be permitted within the drip line of the trees. Appropriate fencing 4 feet in height shall be placed at the drip line of trees to remain, wherever adjacent to proposed construction. Such fencing shall be maintained in place throughout the duration of construction activity. Roots shall not be cut within the drip line of any trees to remain.

B. Trees within 25 feet of a building, or bordering entrances or exits to building sites, shall be protected by a temporary barrier to be maintained in place throughout the duration of construction activity.

C. No boards or other material shall be nailed or otherwise attached to trees during construction.

D. Construction materials, equipment, soil and/or debris shall not be stored nor disposed of within the drip lines of trees to remain.

E. Tree trunks, limbs, and exposed roots damaged during construction shall be protected from further damage by being treated immediately in accordance with accepted professional landscape procedures.

5. Required Vegetation Replacement. Where woodland disturbance exceeds any of the standards set forth in §27-1306.2 above, applied independently and cumulatively, replacement plantings shall be installed in accordance with the standards set forth below. A sample list of acceptable replacement plantings is found in Appendix 22-A of the Township Subdivision and Land Development Ordinance [Chapter 22].

A. Required Replacement Trees shall be determined using the calculation set forth below which results in the greatest number of replacement trees:

(1) Replacement Tree Calculation Based on Area of Woodland Disturbance. At a minimum, for each five hundred (500) square feet of woodland disturbance area, or fraction thereof, in excess of the applicable standard set forth in §27-1306.2 and regardless of the character and sizes of the disturbed vegetation, one tree at least 2-2½" caliper shall be planted.

(2) Replacement Tree Calculation Based on Specific Tree Removal. Regardless of any disturbance allowances, for each tree greater than 12" dbh to be removed, required replacement trees also shall be calculated in accordance with the following schedule. For purposes of this section, it shall be assumed that any tree greater than 12" dbh shall be removed if located within twenty-five (25) feet of any proposed land disturbance:

| <b>For each tree to be removed,<br/>at the following sizes, dbh:</b> | <b>Minimum number &amp; caliper<br/>of replacement trees:</b> |
|--|---|
| One, 12" to 18" dbh  | Two 2-2½" caliper   |
| One, 18" to 24" dbh  | Three 2-2½" caliper   |
| One, 24" to 36" dbh  | Four 2-2½" caliper  |
| One, greater than 36" dbh  | Six 2-2½" caliper   |

B. Required Replacement Shrubs. At a minimum, for each one hundred (100) square feet of woodland disturbance area, or fraction thereof, in excess of the applicable standard set forth in §27-1306.2 and regardless of the character and sizes of the disturbed vegetation, one shrub at least 24-30" 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.

C. Required replacement plantings shall be in addition to any required street trees or any other landscape material required under applicable provisions of this Chapter or Chapter 22.

D. 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, 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).

E. 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, some or all of the required replacement plantings may be installed at a site other than that subject to required replacement planting.

F. In lieu of actual installation of replacement plantings, 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

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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 also may be conditioned upon the placement of equivalent cash value for otherwise required replacement plantings into such a fund.

G. 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.

6. Required replacement vegetation and their measurement shall conform to the requirements of §22-629.11.A and the list of recommended planting materials contained in Appendix 22-A. All plant material used on the site shall have been grown so as to have a high likelihood of survival on the site (e.g., 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.

7. Species of replacement plantings selected and planting locations shall reflect careful site evaluation and in particular the following considerations:

A. Existing and proposed site conditions and their suitability for the plant materials, based upon the site's geology, hydrology, soils, and microclimate.

B. 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.

C. Maintenance considerations such as hardiness, resistance to insects and disease, longevity, and availability.

D. 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 required unless demonstrated by the applicant that such species are not available. Species selection should reflect species diversity characteristic of the native deciduous woodland.

8. All replacement plantings shall be guaranteed and maintained in a healthy and/or sound condition for at least twenty-four (24) months or shall be replaced. In addition, the Applicant shall 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.

9. All applicants shall include, as part of preliminary and final plan submission, where applicable, a plan for the long-term management of any woodland area not subject to woodland disturbance and any area selected for introduction of replacement plantings in accordance with this Section. Such plan shall include a statement of woodland management objectives and shall demonstrate to the satisfaction of the Board of Supervisors the feasibility of intended management practices, aiming to ensure the success of stated objectives, including the viability of introduced plantings, deterrence of invasive vegetation, and means to minimize any future woodland disturbance. Applicants are strongly encouraged to seek woodland management assistance from a qualified professional.

#### 10. Timber Harvesting Operations

A. Any timber harvesting operation shall be undertaken in accordance with a Timber Harvesting Plan approved by the Township. All Timber Harvesting Plans shall be submitted to the Township for review for compliance with the standards for timber harvesting operations set forth

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herein not less than forty-five (45) days prior to commencement of the timber harvesting operation. Within thirty (30) days of submission to the Township, a Timber Harvesting Plan shall be approved, denied, or approved subject to reasonable conditions and the Applicant so notified in writing.

B. Any Timber Harvesting Plan submitted to the Township for review and approval shall be consistent with the Timber Harvesting Guidelines of the Pennsylvania Model Forestry Regulations of the Penn State School of Forest Resources, as applicable, and shall include a plan or plans indicating the following information:

- (1) Site location and boundaries of both the entirety of the property upon which the timber harvesting operation shall occur and the specific area proposed for timber harvesting;
  - (2) Significant natural features on the property including steep slopes, wetlands, floodplains, and riparian buffer zones.
  - (3) Identification of the classification of the woodland or woodland(s) where the timber harvesting operation is proposed to occur, as indicated on the Honey Brook Township Woodland Classification/Priority Map;
  - (4) Identification of areas of Forest Interior Habitat where timber harvesting is proposed to occur;
  - (5) Identification of Greenway Corridors where timber harvesting is proposed to occur, as indicated on the Honey Brook Township Greenway Corridors Map.
  - (6) The general location of the proposed operation in relation to municipal and state highways and any proposed accesses to those highways;
  - (7) Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;
  - (8) Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;
  - (9) Design, construction, and maintenance of proposed stream and wetland crossings;
- and,
- (10) Identification of forest canopy to remain as provided under §27-1606.10.F.

C. Any permits required by any other agency under any applicable regulation shall be the responsibility of the landowner or timber harvesting operator as applicable. Copy of all required permits shall be submitted to Honey Brook Township at least twenty (20) days prior to commencement of the timber harvesting operation.

D. The following management practices shall apply to all timber harvesting operations:

- (1) Felling and skidding of trees shall be undertaken in a manner which minimizes damage to trees or other vegetation not intended to be harvested (e.g., successive limbing up the tree rather than felling in its entirety).
- (2) Felling or skidding across any public thoroughfare is prohibited without the express written consent of the Township or Penn DOT, whichever is responsible for the maintenance of said thoroughfare.
- (3) No timber loads weighing more than 60,000 pounds shall be permitted on Township roads. The applicant shall review with the Township Roadmaster the condition of any Township road that will be used to transport log loads or that may otherwise be impacted by the timbering operation. The Township shall require the posting of a bond or other approved security of no less than \$50,000 to cover any damage to Township roads.

(4) Slash, tops or litter resulting from a timber harvesting operation shall either be cut to a height of three (3) feet or less and left on-site, or chipped and recycled on-site. The burning of slash shall be prohibited.

(5) No tops, slash or litter shall be left within twenty-five (25) feet of any public thoroughfare or private roadway.

(6) Litter resulting from a timber harvesting operation shall be removed from the site or otherwise dealt with as approved by the Township (e.g., chipped and recycled on-site).

(7) The operation shall not cause harm to the environment or any other property.

E. No timber harvesting activities shall be permitted within any Zone One Riparian Corridor Conservation District. No clear-cutting of timber shall be permitted within any Zone Two Riparian Corridor Conservation District.

F. In all woodlands, a minimum percentage of the forest canopy trees shall remain in good condition after the completion of any timber harvesting operation, as set forth in the table below. Remaining forest canopy trees shall be well distributed throughout the area subject to the timber harvesting operation.

| Woodland Class          | Percentage Forest Canopy Trees to Remain by Location |                                  |                  |
|-------------------------|--|----------------------------------|------------------|
|                         | <u>Zone One<br/>RCC District</u>                     | <u>Zone Two<br/>RCC District</u> | <u>All Other</u> |
| Class III               | 100  | 60                               | 30               |
| Class II                | 100  | 70                               | 40               |
| Class I                 | 100  | 80                               | 50               |
| Forest Interior Habitat | 100  | 90                               | 60               |

G. At least fifty (50) percent of the required remaining forest canopy trees, as provided above, shall be comprised of Higher Value Species. Where the number of trees comprising Higher Value Species that exist prior to the approval of any timber harvesting operation, is less than the number which would be required to comply with this provision, no Higher Value Species may be harvested.

H. Upon determination that a timber harvesting operation is in violation of these regulations, each day where any violation occurs shall constitute a separate violation subject to the provisions of this Chapter.

**SECTION 14.** Section 22-625.4 shall be amended as follows:

A. Subsection 625.4.A. shall be amended to read as follows:

A. Consistent with the Honey Brook Township Comprehensive Plan.

B. Subsection 625.4.D. shall be amended to read as follows:

D. Comprised of areas not less than 150 feet in width, and not less than 22,500 square feet of contiguous area, except when part of a trail system or pathway network.

**SECTION 15.** Section 22-628 shall be amended as follows:

A. Subsection 628.3 shall be amended as follows:

1. Amend subsection 628.3.A to read as follows:

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A. Site preparation and development shall meet the requirements of §27-1306 of the Township Zoning Ordinance.

2. Delete subsection 628.3.B, renumber subsection 628.3.C as subsection 628.3.B, and amend new subsection 628.3.B to read as follows:

B. Disturbance to or removal of vegetation occupying environmentally sensitive areas shall be undertaken only when necessary and on a limited, selective basis to minimize the adverse impacts of such actions in accordance with §27-1306 of the Township Zoning Ordinance.

- B. Subsection 628.4.A. shall be amended to read as follows:

A. *Protection of Vegetation from Mechanical Injury.*

(1) Where existing trees are to remain, no change in existing grade shall be permitted within the drip line of the trees. Appropriate fencing 4 feet in height shall be placed at the drip line of trees to remain, wherever adjacent to proposed construction. Such fencing shall be maintained in place throughout the duration of construction activity.

(2) Operators of heavy equipment shall not damage existing tree trunks and root systems. Roots shall not be cut or disturbed within the area circumscribed by the drip line of any tree. Individual trees shall be preserved by use of appropriate fencing as identified in subpart (1), above.

(3) Tree trunks and exposed roots damaged during construction shall be protected from further damage by fencing or other structural barrier. Treatment of damaged trees shall be conducted immediately upon discovery of injury, and shall be dictated by the nature of the injury, e.g., damaged bark should be cut back to a point where the bark is intact and tight to the tree, exposed roots shall be cleaned up and covered with top soil.

(4) Trees shall not be used for roping, cables, signs, or fencing. Nails and spikes shall not be driven into trees.

(5) The area around the base of existing woody vegetation shall be left open. No storage of equipment, materials, debris, or fill shall be allowed within the drip line of any existing tree.

(6) Trees within 25 feet of a proposed building, or bordering entrances or exits to building sites, shall be protected by a temporary barrier to be maintained in place throughout the duration of construction activity.

**SECTION 16.** Section 22-629 shall be amended as follows:

- A. Subsection 629.2 shall be amended to read as follows:

2. *Protection of Existing Vegetation.* Existing vegetation designated "To Remain" as part of the landscaping of a subdivision or land development shall be identified in the field prior to any clearing and shall be physically protected throughout the construction process. Appropriate fencing 4 feet in height shall be placed at the dripline on all sides of individual trees, tree masses or woodlands prior to major clearing or construction. The barrier shall be placed to prevent disturbance to, or compaction of, soil inside the barrier and shall remain until construction is complete. The barrier shall be shown on the erosion and sedimentation control plan and the landscape plan. Reference to the installation of tree protection should be included in the sequence of construction notes to insure incorporation of tree protection at the earliest stages of site disturbance.

- B. Subsection 629.3 shall be amended to read as follows:

3. *Replacement of Existing Vegetation.* Replacement of existing vegetation shall be governed by the requirements in §27-1306.5.

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**SECTION 17.** Part 2 of Chapter 27, Zoning, of the Honey Brook Township Code shall be amended as follows:

A. The following definitions shall be amended to read as follows:

*Clearcutting* – The removal of all trees greater than twelve (12) inches dbh on a site, or any portion thereof greater than one-half (0.5) acre in contiguous area, during a single timber harvesting operation or within a three (3) year period.

*Diameter at breast height (DBH)* – The diameter of a tree trunk, measured at four and one-half (4.5) feet from the ground surface at the point of the highest elevation in contact with the trunk of such tree.

*Woodland* – A tree mass or plant community covering an area of one-quarter acre or more, in which tree species are dominant or co-dominant 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 drip line 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. A woodland also may be termed a “forest.”

B. The following definitions shall be added as follows:

*Forest* – Any area defined as “woodland” herein or depicted as woodland on the Woodland Classification/Priority Map.

*Forest canopy* – The aerial cover formed within any woodland area by the crowns of trees greater than fifty (50) feet in height.

*Forest canopy trees* – The individual trees which collectively form the forest canopy.

*Forest Interior Habitat (FIH)* – Forest Interior Habitat is that portion of a forest or woodland which lies beyond most of the influences which degrade a forest from the outside - influences such as light, wind, noise, and non-native species. Forest Interior Habitat provides the best habitat for certain rare and sensitive species and can be referred to as the ‘deep’ woods or the ‘heart of the forest.’ Forest Interior Habitat is defined as any area meeting the definition of Woodland which is located more than 300 feet from the outermost drip line of all trees along the edge of the subject woodland area. Generalized mapping of Forest Interior Habitat is indicated on the Honey Brook Township Woodland Classification/Priority Map.

*Greenway corridor* – A linear landscape feature indicated as such on the “Greenway Corridors Map” and intended to function as part of an integrated system or network which is multi-purpose in nature, benefiting watershed and biodiversity resources as well as farmland, scenic, recreational, and historic resources on a case-by-case basis. Such corridors provide wildlife habitat while incorporating stream corridors and woodlands, supplemented by areas of steep slopes, floodplains, wetlands, and hydric soils.

*Greenway Corridors Map* – The Greenway Corridors Map is a map indicating the locations of all Greenway Corridors and is incorporated by reference into this Chapter and made a part hereof as part of the Appendix.

*Hedgerow* – A hedgerow is a linear plant community dominated by trees and/or shrubs. Hedgerows often occur along roads, fence lines, property lines, or between fields, and may occur naturally or be specially planted (e.g. as a windbreak). Hedgerows are considered woodlands and regulated as such.

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*Higher Value Species* – Any tree(s) of the following species where greater than or equal to twelve inches (12”) diameter at breast height (dbh):

| <b>Tree, Botanical Name</b> | <b>Common Name</b>   |
|-----------------------------|----------------------|
| Acer saccharium             | Sugar Maple          |
| Carya cordiformis           | Bitternut Hickory    |
| Carya glabra                | Pignut Hickory       |
| Carya ovata                 | Shagbark Hickory     |
| Carya tomentosa             | Mockernut Hickory    |
| Fraxinus americana          | White Ash            |
| Juglans nigra               | Eastern Black Walnut |
| Quercus alba                | White Oak            |
| Quercus bicolor             | Swamp White Oak      |
| Quercus coccinea            | Scarlet Oak          |
| Quercus montana             | Chestnut Oak         |
| Quercus palustris           | Pin Oak              |
| Quercus rubra               | Northern Red Oak     |
| Quercus velutina            | Black Oak            |

*Invasive vegetation* – Any plant species not native to local natural communities that grow and spread aggressively and displace native plants. Also called “exotics” and “aliens,” these species tend to reproduce prolifically and out-compete native plants for light, space, and nutrients, reducing plant diversity and wildlife habitat. Invasive vegetation includes, but is not limited to: Rosa multiflora (Multiflora Rose), Eleagnus umbellata (Autumn Olive), Lonicera japonica (Japanese Honeysuckle), Celastrus orbiculatus (Oriental Bittersweet), Acer platanoides (Norway Maple), Pueraria lobata (Kudzu) and Polygonum perfoliatum (Mile-a-Minute Weed).

*Oldfield* – An area undergoing natural succession characterized by the presence of herbs, shrubs, and small trees (seedlings) whose branches do not form a complete or nearly complete aerial canopy.

*Riparian buffer* – A riparian buffer is an area of trees and other vegetation adjacent to a watercourse or wetland that forms a transition area between the aquatic and terrestrial environment. The riparian buffer is designed 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. Such is regulated under §27-1304.

*Selective cutting* – The felling of certain, but not all trees, in an area for the purpose of removing dead, diseased, damaged, mature, or marketable timber or for improving the quality of a tree stand.

*Timber harvesting operation* – The uprooting or removal for any purpose of more than four (4) trees of Higher Value Species or six trees total of six (6) inches or greater dbh, per acre, from any area identified as woodland on the Woodland Classification Map, whether accomplished in a single operation or in more than one operation over three or fewer years. The removal of trees pursuant to an approved subdivision or land development plan, landscape plan or open space management plan, the removal of dead or diseased trees, or invasive vegetation, and the cutting of trees as part of a Christmas tree farming operation shall not be considered Timber Harvesting Operations. Forestry, as defined by the Pennsylvania Municipalities Planning Code, as amended, shall be considered a Timber Harvesting Operation. All Timber Harvesting Operations shall comply with the provisions set forth in §27-1306.10.

*Timber harvesting plan* – A plan submitted in conformance with the provisions set forth in Subsection 27-1306.10. which describes, by means of text and maps, proposed actions involving

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the removal of trees from a tract of land. Such plan shall have been prepared by a professional with demonstrable expertise in forest management, and shall document measures to be taken to: protect water quality; minimize impacts from skid trails and logging roads, land areas, and the tree removal process; and ensure site restoration.

*Woodland Classification/Priority Map* – The Woodland Classification Map is a map indicating the locations of all woodlands classified as Class I, Class II or Class III Woodlands, and also indicating the locations of areas identified as Forest Interior Habitat. Where specific application of the definition of Forest Interior Habitat results in variation from mapping as indicated on the Woodland Classification Map, application of said definition shall supercede. The Woodland Classification Map is incorporated by reference into this Chapter and made a part hereof as part of the Appendix.

*Woodland Disturbance* – activity that includes either of the following:

- 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;

Woodland disturbance does not include the removal of vegetation which constitutes hazardous condition(s); nor selective cutting or removal of invasive vegetation.

Where woodland disturbance is regulated as a Timber Harvesting Operation, such operation shall not be separately regulated as woodland disturbance.

- C. Delete the definition for Woodland Management Plan.

**SECTION 18.** Part 2 of Chapter 22, Subdivision and Land Development, of the Honey Brook Township Code shall be amended by amending the following definitions:

*DBH* – the diameter of a tree trunk, measured at four and one-half (4.5) feet from the ground surface at the point of the highest elevation in contact with the trunk of such tree.

*Woodland* – a tree mass or plant community covering an area of one-quarter acre or more, in which tree species are dominant or co-dominant 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 drip line 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. A woodland also may be termed a “forest.”

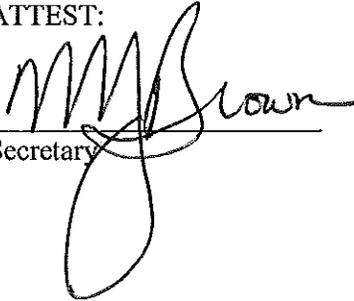
**SECTION 19, SEVERABILITY.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of Honey Brook Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 20, REPEALER.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

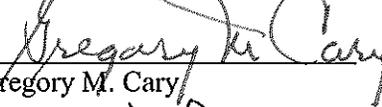
**SECTION 21, EFFECTIVE DATE.** This Ordinance shall become effective five days after enactment as provided by law.

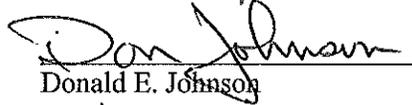
SO IT IS ENACTED AND ORDAINED this 9<sup>th</sup> Day of April, 2008.

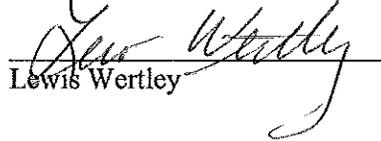
ATTEST:

  
Secretary

HONEY BROOK TOWNSHIP  
BOARD OF SUPERVISORS

  
Gregory M. Cary

  
Donald E. Johnson

  
Lewis Wertley