

HONEY BROOK TOWNSHIP  
CHESTER COUNTY, PA  
ORDINANCE #181-2016

**AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK AMENDING THE HONEY BROOK TOWNSHIP ZONING ORDINANCE OF 2003, BY REVISING STANDARDS FOR WOODLAND DISTURBANCE AND MISCELLANEOUS OTHER PROVISIONS FOR CONSISTENCY.**

**WHEREAS**, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§10101 *et seq.*, enables a municipality through its zoning ordinance to regulate the uses of property; and

**WHEREAS**, the Board of Supervisors of Honey Brook Township desires to update the Honey Brook Township Zoning Ordinance of 2003 to revise standards for woodland disturbance, conform to the Municipalities Planning Code, and other administrative updates for accurate cross-references to the Zoning Ordinance and Subdivision and Land Development Ordinance; and

**NOW, THEREFORE BE IT ORDAINED** by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania, pursuant to the authority conferred by the Municipalities Planning Code, that the following be and is hereby enacted:

**SECTION 1.** Amend §27-202, *Definitions*, by:

1. Deleting from the definition of "Higher value species" the line item "Fraxinus americana White Ash" and adding, in alphabetical order by Tree, Botanical Name "Liriodendron Tulipifera Tulip Yellow Poplar".
2. Replacing, in the "Timber Harvesting Operation" definition, the section reference "§27-1306 .10" to "§27-1306.8".
3. Replacing, in the "Timber Harvesting Plan" definition, the section reference "§27-1306 .10" to "§27-1306.8".

**SECTION 2.** Amend §27-1111, *Supplemental Design and Facility Regulations*, by:

1. Deleting subsection "3. Street Trees and Existing Vegetation" in its entirety and replacing with "*Landscaping*. Landscaping shall be provided and maintained in accordance with the requirements of §22-629".
2. Deleting subsection "4. Screening requirements" in its entirety and replacing with "*Existing Vegetation*. Existing vegetation shall be protected to the greatest extent possible in accordance with the provisions of §27-1306 and §22-629."
3. Deleting subsection "5.B.(2)" in its entirety and replacing with "Views of the proposed dwelling or dwellings from the existing street shall be screened in a manner consistent with the character of the surrounding community as determined by the Township Planning Commission and in accordance with the requirements of §22-629 of the Township Subdivision and Land Development Ordinance [Chapter 22]."

**SECTION 3.** Amend §27-1304, Riparian Corridor Conservation District as follows

1. In subsection 1304.3.B.(1).(j) , deleting the section reference "§§22-629.8 and 22-629.9" and replacing with §22-629.

2. Add a new subsection 1304.3.A.(1)(i) to read “Forestry activities, including timber harvesting, provided it is conducted in accordance with the provisions of this Zoning Ordinance, specifically §27-1306.”
3. Add a new subsection 1304.3.B.(1)(k) to read “Forestry activities, including timber harvesting, provided it is conducted in accordance with the provisions of this Zoning Ordinance, specifically §27-1306.”

**SECTION 4.** Amend §27-1306 Woodland and Hedgerow Conservation Standards as follows:

1. Add subsection 1.F to read “F. Preservation and protection of existing woodlands shall be in compliance with §22-629.1 of the Honey Brook Township Subdivision and Land Development Ordinance (SALDO).”
2. Deleting subsection “2.” in its entirety and replace with:  
 “2. *Woodland Replacement.* Where permitted, any woodland disturbance exceeding the allowance specified in §27-1306.1, shall require provision for replacement plantings as outlined in §27-1306.4 below for that woodland disturbance in excess of the permitted disturbances in §27-1306.1.”
3. Delete subsections “4., 5., 6., 7, and 8 in their entirety and replace with:”  
 “4. *Required Vegetation Replacement.* As required by subsection 2. above, 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.* 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 one thousand (1000) square feet of woodland disturbance area, or fraction thereof, in excess of the allowable disturbance outlined in subsection .1 above and regardless of the character and sizes of the disturbed vegetation, one tree of at least 2 to 2-1/2 inch caliper shall be planted.
- (2) *Replacement Tree Calculation Based on Specific Tree Removal.* For each tree greater than 12 inches dbh to be removed, required replacement trees also shall be calculated in accordance with the following schedule:

For each tree to be removed, at the following sizes, dbh:	Minimum number and caliper of replacement trees:
One, 12 inches to 18 inches dbh	Two 2 to 2-1/2 inches caliper
One, 18 inches to 24 inches dbh	Three 2 to 2-1/2 inches caliper
One, 24 inches to 36 inches dbh	Four 2 to 2-1/2 inches caliper
One, greater than 36 inches dbh	Five 2 to 2-1/2 inches caliper

- B. *Required Replacement Shrubs.* For each one thousand (1000) square feet of woodland disturbance area, or fraction thereof, in excess of the allowable disturbance set forth in subsection .1 and regardless of the character and sizes of the disturbed vegetation, two shrubs at least 24-30 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.
  - C. Required replacement plantings shall be in addition to any other landscape material required under applicable provisions of this Chapter or Chapter 22.
  - D. Where approved by the Township, 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, some or all of the required replacement plantings may be installed at a site other than that subject to required replacement planting. Off-site plantings shall be subject to a conservation easement satisfactory to the Township to prevent their removal and to require their continued maintenance.
  - F. In lieu of actual installation of replacement plantings, the Township may permit an 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.
  - 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 landscaping plan designed in accordance with §22-629.10., submitted as part of the subdivision/land development plan(s) or building permit application, as applicable.
5. Species of replacement plantings selected and planting locations shall conform to §22-629 of the Honey Brook Township Subdivision and Land Development Ordinance.
  6. All replacement plantings shall be guaranteed and maintained in a healthy and/or sound condition for at least 18 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 18-month replacement period and to provide for the removal and replacement of vegetation damaged during construction, based upon the recommendation of the Township Engineer."
4. Renumber subsections "9." and "10." as "7." and "8." respectively.
  5. In new subsection 8.B.(10), change the subsection "10.F" reference to read "8.F".

6. In new subsection 8.D.(3), delete the last sentence beginning with "The Township shall" and replace with "The Township may require the posting of a bond or other approved security of no less than \$50,000 to cover any damage to Township roads."
7. In new subsection 8.E, delete in its entirety and replace with "No clear-cutting of timber shall be permitted within any Zone One or Zone Two Riparian Corridor Conservation District."

**SECTION 5.** Amend §27-1505.C to delete the section reference "§22-629.6" and replace with "§22-629".

**SECTION 6.** Amend §27-1507.D *Industrial and Warehouse Uses* by amending subsection D.(3) to read "Manufacturing, Warehouse, or Wholesale Distribution. One and one-half parking spaces for every employee on the shift of greatest employment."

**SECTION 7.** Amend §27-1602.V.(8).(g)(3) by deleting the existing language in its entirety and replacing with "A vegetative screening buffer shall be installed between the rural occupation buildings / area and adjoining property lines and street right-of-ways to mitigate the visual effects of the rural occupation. Screening shall comply with the provisions of §22-629 as determined by the Township Engineer or Zoning Officer."

**SECTION 8.** Amend §27-1604.Q *Retail Stores in Excess of 25,000 Square Feet* to read "Retail uses requiring conditional use approval."

**SECTION 9.** Amend §27-1604.R *Retail Uses requiring Conditional Use Approval* to read "Reserved".

**SECTION 10.** Amend §27-1714.4 to delete the section reference "§22-629.6" and replace with "§22-629".

**SECTION 11.** All other articles, sections, parts and provisions of the Ordinances of the Township of Honey Brook shall remain in full force and effect as previously enacted and amended.

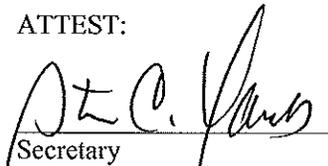
**SECTION 12. SEVERABILITY.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts 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 13. REPEALER.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

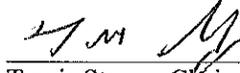
**SECTION 14. EFFECTIVE DATE.** This Ordinance shall become effective five days after enactment as provided by law.

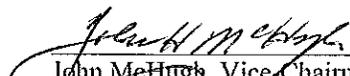
SO IT IS ENACTED AND ORDAINED this 13<sup>th</sup> day of April, 2016.

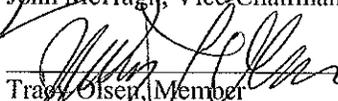
ATTEST:

  
Secretary

HONEY BROOK TOWNSHIP  
BOARD OF SUPERVISORS

  
Travis Stacey, Chairman

  
John McHugh, Vice Chairman

  
Tracy Olsen, Member

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 181-2016 enacted by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania at a regular meeting held on April 13, 2016, pursuant to notice as required by law.

Dated: 4/14/16

Steve P. Jones  
Township Secretary