

*Township of North Coventry, PA
Thursday, February 6, 2020*

Chapter 340. Vehicles and Traffic

Article II. Traffic Regulations

§ 340-18. Vehicle weight limits.

[Amended 1-25-2016 by Ord. No. 131]

- A. Short title. This section shall be known as "Motor Vehicle Weight Limitation Ordinance of North Coventry."
- B. Enactment. This section is enacted pursuant to the authority conferred by the "Vehicle Code," Act of 1976, June 17, P.L. 1962, No. 81, Section 1, effective July 1, 1977 (75 Pa.C.S.A. Sec. 101 et seq.), as amended and is intended to include and be subject to all provisions of Section 4902 of the Vehicle Code, 75 Pa.C.S.A., Section 4902 and all Pennsylvania Department of Transportation regulations promulgated or to be promulgated under the Vehicle Code, by way of illustration and not limitation, under Sections 4902(1) and 6103 (75 Pa.C.S.A., Section 4902(f) and 6103).
- C. Definitions. The following words when used in this section shall have the following meanings, unless the context clearly indicates otherwise:

EMERGENCY VEHICLE

A fire department vehicle, police vehicle, ambulance, blood delivery vehicle, Armed Forces emergency vehicle, one private vehicle of a fire or police chief or assistant chief, or ambulance corps commander or assistant commander, or of a river rescue commander used for answering emergency calls, or other vehicle designated by the State Police under Sec. 6106 of the Vehicle Code (relating to designation of emergency vehicles by Pennsylvania State Police).

LOCAL TRAFFIC

Emergency vehicles and school buses, defined hereinafter, vehicles and combinations or governmental entities and utilities where their contractors are engaged in construction or maintenance on a posted highway or in a location which can be reached only via a posted highway, and vehicles and combinations going to or coming from a residence or farm located on a posted highway or which can be reached only via a posted highway.

MOTOR VEHICLE

Any vehicle or combination as defined and/or governed by the "Vehicle Code," 75 Pa.C.S.A., Section 101 et seq., as amended.

SCHOOL BUS

A motor vehicle designated for carrying more than 10 passengers, exclusive of the driver, and used for the transportation of school children.

- D. Findings of the Board of Supervisors of North Coventry Township. The Board of Supervisors has determined and hereby determines based upon engineering studies conducted by the Pennsylvania Department of Transportation and otherwise that the following roads may be damaged or destroyed unless the permissible weight of motor vehicles is restricted to the weight limits listed.

Route Numbers	Street Name	Between	Weight Limit (Ton)
T-452	Fernbrook Lane	Entire Length	9
T-464	Coldsprings Road	Township Line and St. Peters Rd SR-4043	10
T-470	Coventryville Road	St. Peters Rd SR-4043 to Township Line	10
T-500	Temple Road	Township Line and Unionville Rd T-520	10
T-504	Jones Road	Township Line to Coventryville Rd T-470	10
T-519	W. Cedarville Road	Creek Road T-480 and Dogwood Ct T-532	15
T-520	Unionville Road	Township Line and St. Peters Rd SR-4043	10
T-521	Shenkel Road	Coldsprings Rd T-464 and Unionville Rd T-520	10
T-522	Hill Camp Road	St. Peters Rd SR-4043 to Township Line	10

- E. Vehicle weight limits established.

- (1) Pursuant to the findings under Subsection D, supra, and by authority of Section 4902 of the Vehicle Code and regulations promulgated thereunder, no motor vehicle or combination shall be operated upon any of the roads listed in Subsection D with gross weight in excess of the weight limits listed for said road in Subsection D.
- (2) Local traffic as defined herein shall be exempted from the restrictions imposed under Subsection E(1) above. However, if the Board of Supervisors determines that any local traffic is likely to damage the road, the Board of Supervisors will so notify the registrants of the motor vehicle or combination and will also notify State Police. After two business days following delivery of the notice, or after five days following mailing of the notice, such local traffic vehicles shall not exceed the weight limits except in accordance with Subsection F hereof.

- F. Permits and security. The Board of Supervisors of North Coventry Township may issue permits for the movement of motor vehicles or combinations with weights in excess of the restrictions imposed under Section D, supra., and may require such undertaking or security as they deem necessary to cover the costs of anticipated

or probable repairs and restoration necessitated by the permitted movement of vehicles. All actions taken under the authority of this section shall be taken in accordance with the rules and regulations adopted by the Commonwealth of Pennsylvania, Department of Transportation, as found in Title 67 of the Pennsylvania Code.

- G. Erection of signs. The Township shall erect or cause to be erected and maintained restriction signs designating the restrictions at the end of the portion of road restricted as provided in this section. In the case of a restriction on a road which has not begun or ended at an intersection with an unrestricted highway, the Township shall also place an advance informational sign at the intersection nearest each end of the restricted portion of the road which would allow drivers to avoid the restricted portion of road.
- H. Penalties for violation. Any person operating a motor vehicle or combination upon a road or bridge in violation of a prohibition or restriction imposed under Subsection **D** is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$75, except that any person convicted of operating a vehicle with a gross weight in excess of a posted weight shall, upon conviction, be sentenced to pay a fine of \$150 plus \$150 for each 500 pounds, or part thereof, in excess of 3,000 pounds over the maximum allowable weight.

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Chapter 370. Zoning

Article IX. Overlay Districts

§ 370-29. Natural Resource Conservation Overlay District.

- A. Purpose. The standards of this overlay district have been established to protect the public health, safety, and welfare by minimizing adverse environmental impacts. These standards are intended to meet the following purposes:
- (1) Define and delineate selected natural resources within the Township and establish resource protection standards to mitigate potential public hazards associated with land use activity.
 - (2) Protect and conserve the natural resources, landscapes, and habitats that are an integral component of the Township's character in accordance with the following specific objectives of the North Coventry Township Comprehensive Plan (2000), as amended:
 - (a) Direct growth away from areas with sensitive natural resources and toward those areas most suitable for development in terms of available infrastructure (i.e., sewer, water, transportation), compatible land uses, and least impact on protected resources.
 - (b) Enforce existing zoning and subdivision ordinance standards that protect the Township's sensitive environmental resources, including: stream corridors, floodplains, woodlands, steep slopes, wetlands, and groundwater. Strengthen existing ordinance standards or adopt additional measures where necessary to ensure that resources are effectively protected.
 - (c) Protect the remaining wildlife habitat in the Township and strive to enhance the natural diversity of the Township's plants and animals.
 - (3) Protect identified natural resources within the Township in accordance with the following specific objectives of the North Coventry Open Space, Recreation and Environmental Resources Plan (1993), as amended:
 - (a) Encourage the preservation of the natural characteristics by protection of woodlands, wetlands, and other natural vegetation.
 - (b)

Protect existing natural water recharge areas (hydric soils and floodplain areas) by adopting appropriate zoning, subdivision, and land development regulations.

- (c) Encourage the growth of vegetation along streams and water bodies to filter particulates and nutrients and to retard the flow of water runoff.
 - (d) Encourage the conservation of wetlands and the preservation of hydric soils and wetland vegetation to ensure more even flow of surface water and reduce surface water runoff.
 - (e) Limit development on steep slopes to prevent the rapid runoff and loss of surface water and to prevent soil erosion.
 - (f) Discourage the development and disturbance of those areas where soils, slopes, or the water table do not readily allow the establishment or sustenance of natural vegetation.
 - (g) Protect water resources to foster a reliable source of clean water.
 - (h) Limit the extent and type of development within flood-prone areas by adopting up-to-date floodplain management regulations and practices.
- (4) Support and implement the principles set forth in Sustainable Watershed Management for Northern Chester County Watersheds (January 2000) prepared by the Green Valleys Association. The primary goals of this program are to:
- (a) Sustain and restore the quality and quantity of groundwaters and surface waters.
 - (b) Maintain natural stream conditions.
 - (c) Prevent groundwater and surface contamination.

B. Protection standards.

(1) General provisions.

- (a) The provisions of this Section shall overlay and supplement the provisions of the underlying zoning district. In the event that the provisions of the underlying zoning district and the provisions of this Section are in conflict, the more restrictive provisions shall apply.
- (b) In the event that two or more natural resource areas identified in this Section overlap, the resource with the most restrictive standard (the least amount of 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, build upon or otherwise alter or disturb a natural resource protected by this section. In addition, submission, review, and approval of the following permits and applications shall be contingent upon consistency with the requirements of this section:

- [1] Applications for zoning, building, or tree removal permits;^[1]
[1] *Editor's Note: See Subsection B(7)(e) for tree removal permit requirements.*

[2] Submission of plans for subdivision or land development;

[3] Conditional use or special exception; or

[4] Zoning variances.

(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 disturbance of resources shall apply whether or not construction is proposed on a site and, where proposed, before, during, and after the construction takes place.

(f) Plan information required by § 370-29C(1) shall be verified as complete by the Township Engineer or other qualified professional as determined by the Township.

(2) Floodplain.

(a) Definition. As used in this article, the following terms shall have the meanings indicated:

FLOODPLAIN

A relatively flat or low area adjoining a river, stream, or watercourse which is subject to partial or complete inundation, or an area subject to the unusual and rapid accumulation or runoff of surface waters from any source. For the purpose of this chapter, the floodplain shall include, but is not limited to, the area included in the Flood Plain Conservation District as defined in § 370-28 of this chapter.

(b) Resource protection standards. Areas identified as being within the boundaries of the one-hundred-year floodplain shall not be regraded, filled, built upon, or otherwise altered or disturbed except in conformance with § 370-28, Flood Plain Conservation District, of this chapter.

(c) Delineation. The applicant shall delineate floodplains which are on the site, in accordance with § 370-29C.

(3) Steep slopes.

(a) Definitions. As used in this article, the following terms shall have the meanings indicated:

STEEP SLOPES

[1] Those areas of land where the grade is 15% or greater. For the purposes of this chapter, steep slopes are divided into two categories:

- [a] Precautionary slopes are those areas of land where the grade is 15 to 25%.
 - [b] Prohibitive slopes are those areas of land where the grade is 25% or greater.
 - [2] Slope shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. For purposes of this chapter, slope shall be measured over three or more two-foot contour intervals (six cumulative vertical feet of elevation). All slope measurements shall be determined by a topographic survey signed and sealed by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania.
 - [3] Areas of steep slope that are 2,500 square feet or less of contiguous area shall be exempted from the steep slope standards set forth in this subsection.
- (b) Resource protection standards.
- [1] Steep slope areas shall be preserved in their natural state whenever possible. Disturbance shall be kept to the minimum necessary and, in no case, shall exceed the following permitted disturbance allowances:
 - [a] Precautionary slopes. No more than 20% of such areas shall be regraded, cleared, built upon, or otherwise altered or disturbed. The maximum impervious surface coverage of such areas shall be 5%. Areas within street rights-of-way, either public or private, shall be considered as a lot for the purposes of these protection standards. Maximum disturbance and impervious surface coverage percentages shall apply on a per lot basis.
 - [b] Prohibitive slopes. No more than 10% of such areas shall be altered, regraded, cleared, built upon, or otherwise altered or disturbed. The maximum impervious surface coverage of such area shall be 2%. Areas within street rights-of-way, either public or private, shall be considered as a lot for the purposes of these protection standards. Maximum disturbance and impervious surface coverage percentages shall apply on a per lot basis. The permitted 10% disturbance on prohibitive slopes shall be limited to the following activities:
 - [i] Grading for the minimum portion of a driveway necessary for access to the principal use and sewer, water, and other utility lines when it can be demonstrated that no other route is feasible.
 - [ii] Timber harvesting, when conducted in compliance with the required timber harvesting plan described in § **370-29B(7)(g)**.

[Amended 5-26-2009]

- [2] Each building or structure shall be constructed in such a manner as to provide the least alteration necessary to the existing grade and natural soils condition.
- [3] Finished slopes of all permitted cut and fill within steep slopes shall not exceed 25% slope. All stockpiles of earth shall be seeded or otherwise stabilized when stored for more than 30 days.
- [4] Finished driveways in steep slope areas shall cross the slope with the least disturbance reasonably possible.
- [5] Any disturbance of land shall be in compliance with the erosion and sedimentation control standards of Chapter **194**, Grading, Erosion and Sediment Control; Stormwater Management.
[Amended 1-27-2014]
 - [a] An erosion and sedimentation control plan shall be submitted consistent with the requirements of Chapter **194**, Grading, Erosion and Sediment Control; Stormwater Management.
 - [b] Such plan shall include a narrative describing the measures to be used to stabilize disturbed areas during and upon completion of construction.
 - [c] The plan and accompanying narrative shall be reviewed by the Township Engineer.
- (c) Delineation. The applicant shall delineate the two categories of steep slopes (15% to 25%, 25% or greater) which are on the site, in accordance with § **370-29C**.
- (4) Watercourses/riparian buffers.
 - (a) Definitions.

LAND DISTURBANCE

Any activity which exposes soils, alters topography and/or alters vegetation, except for removal of a safety hazard, diseased trees, or invasive vegetation.

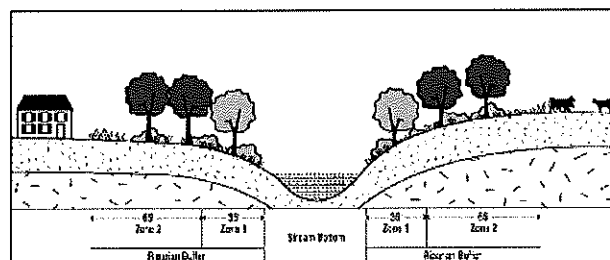
RIPARIAN BUFFER

- [1] A riparian buffer is 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 provides the following benefits: reduces the amount of nutrients, sediments, pesticides, and other harmful substances that reach watercourses, wetlands, and other surface water bodies; provides for shading of the aquatic environment to moderate temperatures and protect fish habitat; provides organic matter which provides food and habitat for bottom dwelling organisms essential to the food chain; increases streambank stability and reduces streambank erosion and sediment production; conserves natural features important to land and water features (e.g., headwater areas, groundwater recharge zones, streams,

and prime wildlife habitat); and conserves natural, scenic, and recreation areas and promotes the functioning of greenways.

- [2] For the purposes of this chapter, the riparian buffer shall be divided into two zones: (See Figure 9-1.)
- [a] Zone One: Inner Riparian Buffer. This zone begins at the top of each streambank of a watercourse and occupies a margin of land with a minimum width of 35 feet measured horizontally on a line perpendicular to the edge of the water at the top of the defined bank (at bankfull), as reviewed and approved by the Township Engineer. Where prohibitive slopes more than 25% are located within 35 feet of a watercourse, Zone One shall extend the entire distance of this sloped area.
- [b] Zone Two: Outer Riparian Buffer. This zone begins at the outer edge of Zone One and occupies a minimum width of 65 feet in addition to Zone One.
- [i] In cases where Zone One extends beyond 35 feet due to the presence of prohibitive slopes, the width of Zone Two shall be adjusted so that the full riparian buffer equals a total width of 100 feet.
- [ii] Where the Zone Two riparian buffer is not wooded, it shall be maintained as a filter strip of dense grass and forbs or other features to provide sediment filtering, nutrient uptake, and convert concentrated flow to uniform, shallow, sheet flow. (See Subsection B(4)(b) [5] below for requirements in buffer areas without preexisting vegetation.)

Figure 9-1
Riparian Buffer



WATERCOURSE

A channel or conveyance of surface water, such as a stream, creek, or run, having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow. For the purposes of this chapter, a watercourse shall not include man-made swales constructed expressly for the purpose of stormwater management.

WOODLAND DISTURBANCE

(1) 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, and herbaceous woodland floor species; (2) Any activity which constitutes a land disturbance within a woodland or hedgerow. Woodland disturbance does not include the selective cutting or removal of invasive plant species. (See "invasive plant species" definition in Article II for examples of invasive plants.)

(b) Resource protection standards.

- [1] Watercourses shall not be regraded, filled, piped, diverted, built upon, or otherwise altered or disturbed except where design approval is obtained from the Township and, if required, the Pennsylvania Department of Environmental Protection.
- [2] Zone One Riparian Buffer. Except as follows, no woodland disturbance or other land disturbance shall be permitted within the Zone One Riparian Buffer:
 - [a] Regulated activities permitted by the commonwealth (i.e., permitted stream or wetland crossing); maximum Zone One area disturbance permitted for this use: 5%;
 - [b] Provision for unpaved trail access;
 - [c] Selective removal of a safety hazard, diseased trees, or invasive plant species;
 - [d] Vegetation management in accordance with a Township approved landscape plan or open space management plan; or
 - [e] A soil or stream conservation project, including reforestation and streambank stabilization, approved by the Chester County Conservation District.
- [3] Zone Two Riparian Buffer.
 - [a] No more than 10% of a Zone Two Riparian Buffer shall be regraded, filled, built upon, or otherwise altered or disturbed.
 - [b] Those activities permitted in the Zone One Riparian Buffer shall be permitted in the Zone Two Riparian Buffer and shall, except as noted for stream or wetland crossings in Subsection **B(4)(b) [1]** above, not be counted towards the 10% disturbance allowance.
- [4] In no case shall the total riparian buffer width be reduced to less than 75 feet in width, measured from the top of each streambank. Where the riparian buffer is reduced to less than the one-hundred-foot total width, the following measures shall be provided:
 - [a] Best Management Practices (BMPs) such as level spreaders, meadow grass filter strips, or similar techniques to disperse

overland flow prior to entering the protected buffer area where the width of the buffer is less than 100 feet.

- [b] Comprehensive stormwater management practices^[2] to ensure that postdevelopment conditions are consistent with the natural characteristics of the receiving stream, including stormwater quality BMPs.

[2] *Note: (i.e., Practices that promote infiltration, reduce impervious surface, achieve postdevelopment "meadow condition" hydrologic characteristics, remove pollutants from stormwater prior to release, protect stable stream channel, reduce runoff rates, protect wetlands and floodplains, etc.)*

- [c] Conservation design techniques that minimize the amount of stormwater runoff and maximize the use of pervious areas for infiltration of rainfall and stormwater.

- [5] When a subdivision or land development is proposed where there is no established vegetated or wooded buffer (such as in areas previously cultivated for agriculture) a one-hundred-foot riparian buffer shall be established and maintained in accordance with the following guidelines:

- [a] Forested and unforested vegetation shall be established through natural succession. Selective planting shall be incorporated on sites devoid of vegetation to stimulate native species and discourage invasive species.

- [b] Plant selection and planting shall be consistent with Chester County Conservation District, PaDEP or USDA riparian forested buffer guidance. (The applicant is encouraged to involve local volunteer groups in the buffer planting.)

- [6] An erosion and sedimentation control plan, consistent with the requirements of Chapter 194, Grading, Erosion and Sediment Control; Stormwater Management, shall be required for any land disturbance proposed within 500 feet of any watercourse.

[Amended 1-27-2014]

- [7] Timber harvesting, in accordance with a Township approved timber harvesting plan, shall only be permitted within the 10% disturbance allowance of the Zone Two Riparian Buffer. Clear-cutting or grubbing of trees is prohibited within all riparian buffers. Permitted timber harvesting shall be undertaken in accordance with a timber harvesting plan consistent with the requirements of § 370-29B(7)(g).

[Amended 5-26-2009]

- (c) Delineation. The applicant shall delineate watercourses and Zone One and Two Riparian Buffers which are on the site, in accordance with § 370-29C.

- (5) Wetlands.

- (a)

Definitions. As used in this article, the following terms shall have the meanings indicated:

LAKES AND PONDS

Natural or artificial bodies of water which retain water year-round. Artificial bodies of water may be created by dams, or result from excavation. Lakes are bodies of water two or more acres in area. Ponds are bodies of water less than two acres in area.

WETLANDS

Those areas that are inundated and saturated by surface 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, and similar areas. More specifically, any area meeting the official wetland definition of the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection, as amended, shall be considered a wetland for the purposes of this chapter. In the event there is a conflict between the definitions of these agencies, the more restrictive definition shall apply.

(b) Resource protection standards.

- [1] 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 U.S. Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations.
- [2] Wetlands shall not be regraded, filled, piped, diverted, built upon, or otherwise altered or disturbed except where state and federal permits have been obtained.
- [3] For the purposes of this chapter, wetland protection standards shall apply to lakes and ponds.
- [4] Relocated/replaced wetlands and wetland margins, when permitted, shall be at least as large as the original wetlands, of the same composition, within North Coventry Township, and as close to the original site as possible, all shall subject to Township approval.

(c) Delineation. The applicant shall delineate the limits of the wetlands and lakes and ponds on the site or within 100 feet of the site in accordance with § 370-29C. In addition, the following information shall be provided:

- [1] A full wetland report conducted by a qualified wetland biologist, or other professional of demonstrated qualifications, shall be submitted to the Township.
- [2] Such a professional shall certify that the methods used correctly reflect currently accepted technical concepts, including identification

and analysis of wetland vegetation, hydric soils, and/or hydrologic indicators.

- [3] The wetland report shall include a determination of whether wetlands are present on site and a full delineation, area measurement (in square feet), and description of any wetlands determined to be present. The study shall be approved by the Township Board of Supervisors on the recommendation of the Township Engineer.
 - [4] Where applicable, evidence that the contacts required by Subsection **B(5)(b)[1]** above have been made.
 - [5] If no wetlands are found on the site, or within 100 feet of 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, were found to exist."
 - [6] The Township, at its discretion, may require a Jurisdictional Determination from the U.S. Army Corps of Engineers.
- (6) Wetland margins.
- (a) Definition. As used in this article, the following terms shall have the meanings indicated:

HYDRIC SOILS

- [1] A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of wetlands vegetation. For the purposes of this chapter, hydric soils include any soil inventoried or described as hydric or as a soil with hydric inclusions according to the Soil Survey of Chester and Delaware Counties, Pennsylvania, or other information provided by the U.S. Soil Conservation Service (SCS). In North Coventry Township, hydric soils shall include, but are not limited to:

Soils with Major Hydric Components	Soils with Hydric Inclusions and Hydric Component of the Inclusions
Bowmansville silt loam (Bo)	Chewacla silt loam (Ch) - Wehadkee (We)
Croton silt loam (Cr)	Congaree silt loam (Cn) - Wehadkee (We)
Wehadkee silt loam (We)	Readington silt loam (Rd) - Croton (Cr)
Worsham silt loam (We)	Rowland silt loam (Ro, Rp) - Bowmansville silt loam (Bo)

- [2] Where site conditions indicate that the location of hydric soils or the hydric inclusions differ from locations indicated by the SCS,

the burden shall be upon the applicant to verify such location(s) to the satisfaction of the Township Engineer, otherwise the SCS information shall be presumed to be accurate. Where the applicant seeks reclassification of hydric soils and their location, such reclassification shall be undertaken by a certified soil scientist or other similarly qualified professional.

LAKE AND POND SHORELINES

The land side edges of lakes and ponds from established shoreline to an upland boundary. For the purposes of this chapter, such boundary shall be equivalent to that required for a wetland margin.

WETLAND MARGIN

The transitional area extending from the outer limit of the wetland. For the purposes of this chapter, the wetland margin shall extend a minimum of 50 feet from the wetland boundary. When the wetland boundary is adjacent to hydric soils, hydric soil inclusions or precautionary or prohibitive slopes, the wetland margin shall extend to the limit of such hydric soils or slopes or to 50 feet, whichever is greater. However, in no case shall the wetland margin be required to extend beyond 100 feet from the edge of the wetland boundary. The wetland margin definition and protection standards shall also apply to the perimeter of approved wetland mitigation areas where all state and federal permits have been received. The limit of the hydric soils shall be as defined in this chapter unless reclassified by a certified soil scientist.

(b) Resource protection standards.

- [1] Except as noted below, no more than 10% of a wetland margin shall be graded, regraded, filled, built upon, or otherwise altered or disturbed.
- [2] The following uses or activities shall be permitted in the wetland margin and shall, except as noted in Subsection B(6)(b)[2][a], not be counted towards the 10% disturbance allowance:
 - [a] Regulated activities permitted by the commonwealth (i.e., permitted stream or wetland crossing, maximum disturbance permitted - 5% which shall count towards the 10% disturbance allowance);
 - [b] Provision for unpaved trail access;
 - [c] Selective removal of a safety hazard, diseased trees, or invasive plant species;
 - [d] Vegetation management in accordance with a Township approved landscape plan or open space management plan; or
 - [e] A soil or stream conservation project approved by the Chester County Conservation District.

[3]

Timber harvesting shall only be permitted within the 10% disturbance allowance. Clear-cutting or grubbing of trees is prohibited within the wetland margin. Permitted timber harvesting shall be undertaken in accordance with a timber harvesting plan consistent with the requirements of § 370-29B(7)(g).

[Amended 5-26-2009]

[4] For the purposes of this chapter, wetland margin protection standards shall also apply to lake and pond shorelines.

(c) Delineation. The applicant shall delineate wetland margins and lake and pond shorelines which are on the site in accordance with § 370-29C.

(7) Woodlands.

(a) Definitions. As used in this section, the following terms shall have the meanings indicated:

[Amended 5-26-2009]

ACCESS ROAD

A roadway, normally designed and intended for use by motor vehicles, which provides access to or into the forest land.

BUFFER ZONE

An area of variable width and length, in which forest practices are restricted and that is intended to provide a natural visual screen, prevent damage to adjoining properties or to protect environmental features.

CANOPY or FOREST CANOPY

The aerial cover formed by the outermost leaves and branches on the tree within any woodland area.

CLEAR-CUTTING

The removal of essentially all trees from a stand.

DBH

The diameter of a tree at breast height, measured at 4.5 feet from the ground surface at the point of the highest elevation in contact with the trunk of such tree.

DRIPLINE

The line extending vertically from the exterior edge of the outermost leaves and branches on the tree to the ground.

EROSION

The wearing away of the land surface by action of wind, water, gravity or other natural forces.

FELLING

The act of cutting a standing tree so that it falls to the ground.

FOREST MANAGEMENT

The practical application of biological, physical, quantitative, managerial, economic, social and policy principles to the regenerations, management, utilization and conservation of forests to meet specified goals and objectives while maintaining the productivity of the forest. Note: Forest management includes management for aesthetics, fish, recreation, urban values, water, wilderness, wildlife, wood products and other forest resource values.

HEDGEROW

A linear plant community dominated by trees and/or shrubs. Hedgerows often occur along roads, fence lines or property lines, or between fields, and may occur naturally or be specially planted (e.g., as a windbreak). For the purposes of this section, hedgerows are considered woodlands and regulated as such regardless of area or tree size.

HIGH-VALUE SPECIES

Any tree(s) of the following species that is greater than or equal to 12 inches in diameter at breast height (DBH):

Botanical Name	Common Name
Acre saccharium	Sugar Maple
Carya cordiformis	Bitternut Hickory
Carya glabra	Pignut Hickory
Carya ovata	Shagbark Hickory
Carya tomentosa	Mockernut Hickory
Fagus grandifolia	American Beech
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 PLANT SPECIES

Predominantly nonnative, nonindigenous, alien tree, shrub, vine or herbaceous species that grow or reproduce aggressively, usually because they have few or no natural predators, and which can so dominate an ecosystem that they kill off or drive out many indigenous plant species. Invasive trees, shrubs, vines or herbaceous species include, but are not limited to: Norway Maple (*Acer platanoides*), Tree-of-Heaven (*Ailanthus altissima*), Paper Mulberry (*Broussonetia papyrifera*), White Mulberry (*Morus alba*), Empress Tree (*Paulownia tomentosa*), White Poplar (*Populus alba*), Multiflora Rose (*Rosa multiflora*), Japanese Barberry (*Berberis thunbergii*), European Barberry (*Berberis vulgaris*), Autumn Olive

(*Eleagnus umbrella*), Border Privet (*Ligustrum obtusifolium*), Common Privet (*Ligustrum vulgare*), Morrow's Honeysuckle (*Lonicera morrowii*), Tartarian Honeysuckle (*Lonicera tatarica*), Japanese Honeysuckle (*Lonicera japonica*), Common Buckthorn (*Rhamnus cathartica*), Wineberry (*Rubus phoenicolasius*), Japanese Spiraea (*Spiraea japonica*), Linden Viburnum (*Viburnum dilatatum*), Guelder Rose (*Viburnum opulus*), Oriental bittersweet (*Celastrus orbiculatus*), Leatherleaf Climatis (*Clematis terniflora*), Mile-a-Minute Weed (*Polygonum perfoliatum*), Kudzu (*Pueraria lobata*), Garlic Mustard (*Alliaria petiolata*), Canada Thistle (*Cirsium arvense*), Crown Vetch (*Coronilla varia*), Tall Fescue (*Festuca elatior*), Purple Loosestrife (*Lythrum salicaria*), Sweet Clover (*Melilotus affinalis*), Japanese Stilt Grass (*Microstegium vimineum*), Reed Canary Grass (*Phalaris arundinacea*), and Johnson Grass (*Sorghum halepense*).

LANDING

A place where logs, pulpwood or firewood are assembled for transportation to processing facilities.

LEGAL HOLIDAY

The term "legal holiday," as used in this chapter, shall mean and include New Year's Day, birthday of Martin Luther King, Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day.

LITTER

Discarded items not naturally occurring on the site such as tires, oil cans, equipment parts and other rubbish.

LOP

To cut tops and slash into smaller pieces to allow material to settle close to the ground.

OPERATOR

The individual, partnership, company, firm, association or corporation engaged in forestry or harvest of timber, including his agents or subcontractors or employees.

OWNER; LANDOWNER

The individual, partnership, company, firm, association or corporation which holds title to standing timber and to the land on which it is situated, including his agents or subcontractor or employees.

PROFESSIONAL CONSULTING FORESTER

A forester who has obtained the professional certification of Certified Forester®, by the Society of American Foresters (SAF) or full membership in the Association of Consulting Foresters of America (ACF), for the purposes of this section shall be considered a professional consulting forester. Alternatively, and prior to filing any permit application, an individual can petition the Board of Supervisors to qualify as a professional consulting forester under this chapter by submitting his or her educational and professional

qualifications, samples of previous timber harvest plans and references from Pennsylvania townships/boroughs for review. The minimum requirements of a person for consideration are:

- [1] A Bachelor of Science degree in Forestry from a college accredited by the Society of American Foresters;
- [2] Engagement in forestry consulting work to the general public on a fee or contractual basis;
- [3] No economic interest in timber purchasing or procurement entities; and
- [4] Preparation of a minimum of five approved Timber Harvesting Plans within the state.

RARE SPECIES SITE

Any area which has been identified as possessing floral or faunal species of concern or sites in which federally and/or state-recognized rare, threatened or endangered species of flora and/or fauna are present.

SEDIMENT

Solid material, both mineral and organic, that is in suspension, is being transported, has been deposited or has been removed from its site of origin by erosion.

SKIDDING

Dragging trees on the ground from the stump to the landing by any means.

SKID ROAD/HAUL ROAD

A main pathway, normally intended for repeated skidding to each skid trail, where excessive exposure of soils can be expected from heavy use.

SKID TRAIL

A secondary pathway, intended for use skidding to a tree or small group of trees, where extensive exposure of soils is not expected.

SLASH

Debris left after logging, including logs, chunks, bark, branches, stumps and broken understory trees or brush.

SPECIMEN VEGETATION

Individual trees or other vegetation determined to be of specimen quality as determined by a registered landscape architect or which generally fall within the parameters of the following table shall be protected in accordance with these standards. The examples of specimen trees included in the following table are intended to provide general guidelines and examples of what constitutes a specimen tree and are not considered all inclusive.

Examples of Specimen Trees^[3]

	Minimum Size (dbh)		Minimum Size (dbh)		Minimum Size (dbh)
Species	(inches)	Species	(inches)	Species	(inches)
Apple	24	Locust	30	Sassafras	20
Ash	32	Maple	32	Spruce	30
Beech	32			Sycamore	36
Cherry	24	Oak	32	Tulip	36
				Poplar	
Elm	30	Osage Orange	20	Walnut	30
Hemlock	30"	Pine	30"	Hickory	32"

STAND

A contiguous group of trees, sufficiently uniform in species composition, arrangement of age classes, and condition to be a homogeneous and distinguishable unit.

STREAM

Any channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

[1] PERENNIAL STREAM

A stream whose water flow normally occurs year round.

[2] INTERMITTENT STREAM

A stream whose water flow normally occurs in the wetter part of the year (October through April) or following major storm events.

TIMBER HARVESTING AND LOGGING

The terms "logging" and "timber harvesting" are used interchangeably herein and defined as the act of cutting and removing trees, and all activities related thereto, for cordwood, for lumber, for pulp or for any commercial purpose.

TIMBER HARVESTING OPERATION

The disturbance, for commercial purposes, of more than four trees of greater than six inches DBH per acre from any lot or tract. The removal of dead or diseased trees or nonnative invasive species, the cutting of trees for personal firewood use or as a part of a Christmas tree farming operation, or the clearing of an area in accordance with an approved subdivision or land development plan or building permit shall not be considered a timber harvesting operation. Forestry, as defined by the Pennsylvania Municipalities Planning Code,^[4] as amended, shall be considered a timber harvesting operation and shall require the submittal and approval of a Timber Harvesting Plan.

TIMBER HARVESTING PLAN

A description, by means of text and maps, of proposed actions involving the removal of trees from a tract of land.

TOPS

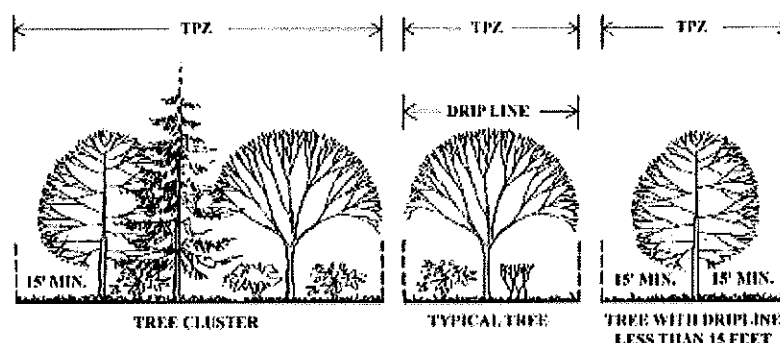
The upper portion of a felled tree not merchantable because of small size, taper or defect.

TREE PROTECTION ZONE

The area radial to the trunk of a tree in which no construction activity shall occur. The tree protection zone shall be 15 feet from the trunk of the tree to be retained or the distance from the trunk to the drip line, whichever is greater. Where there is a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees. (See Figure 9-2.)

Figure 9-2

Tree Protection Zone (TPZ)

**WOODLAND DISTURBANCE**

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. Woodland disturbance also includes any activity which constitutes a land disturbance (exposes soils, alters topography, destroys habitat) within a woodland or hedgerow. Woodland disturbance does not include the selective cutting or removal of invasive plant species. (See definition in Article II for examples of invasive plants.)

WOODLANDS

A tree mass or plant community in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Any area, grove or stand of mature or largely mature trees (i.e., larger than six inches DBH) covering an area of 1/4 acre or more, or consisting of 10 individual trees larger than six inches DBH, shall be considered a woodland. Woodlands do not include commercial horticulture enterprises, such as orchards, Christmas tree farms and commercial nurseries, which hold a valid permit from the Pennsylvania Department of Agriculture.

Any area, grove or stand of trees which has been harvested in accordance with silvaculture principles and/or is the subject of a Forest Management Plan, including the forestry activities of development, cultivation, harvesting and regeneration, regardless of the current condition or density of aerial canopy shall be considered a woodland for the purpose of this chapter. When determining the extent of woodland disturbance for the purpose of calculating the applicable tree replacement standards for § 370-29B(7)(d), woodlands shall include any area where timber has been harvested within the previous 10 years and/or woodland disturbance has occurred within the previous 10 years which would have met the definition of "woodlands" prior to the timbering or disturbance.

- [3] *Note: These sizes were developed by the Brandywine Conservancy and are the approximate size of a 70+ year old tree.*
- [4] *Editor's Note: See 53 P.S. § 10101 et seq.*

(b) Resource protection standards.

[1] Disturbance allowance for woodlands and hedgerows.

[a] Unless undertaken as a Township approved timber harvesting operation^[5] conducted in compliance with the required timber harvesting plan, no more than 25% of woodlands and hedgerows shall be regraded, cleared, built upon or otherwise altered or disturbed for residential uses and no more than 35% of woodlands and hedgerows shall be regraded, cleared, built upon or otherwise altered or disturbed for nonresidential uses. Where woodlands and hedgerows overlap other protected natural resources, the more restrictive disturbance standard shall apply. When determining the total acreage and the degree of disturbance permitted, areas of woodlands and hedgerows shall be considered in combination as a single resource.

- [5] *Note: Exceptions for timber harvesting are included because Section 603 (f) of the MPC states that "Zoning ordinances may not unreasonably restrict forestry activities." In addition, this section states that "forestry activities, including, but not limited to, timber harvesting, shall be a permitted use by right in all zoning districts in every municipality."*

[b] Unless specifically exempt by this chapter, no tree shall be cut or otherwise removed from any lands in the Township unless a tree removal permit has been secured in compliance with § 370-29B(7)(e).

- [2] Protection of specimen vegetation. Specimen vegetation shall not be removed from any lot or tract except where the applicant demonstrates to the satisfaction of the Township that such removal is essential to eliminate a hazardous condition(s) or there is a demonstrable financial hardship if the vegetation is not removed. Where permitted, removal of specimen vegetation shall be minimized.

[3]

Guidelines for 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 benefits of the conservation of mature, healthy woodland stands and their importance as wildlife habitat.
 - [b] Each building or structure shall be constructed in such a manner as to provide the least alteration necessary of the existing woodland. Where possible, the amount of clear-cutting shall be minimized and trees shall be selectively removed.
 - [c] Trees which are retained shall be identified and protected in accordance with the provisions of Subsection **B(7)(c)**, Tree protection zone, below.
 - [d] Woodland disturbance that would threaten the growth of remaining trees shall be avoided.
 - [e] Woodlands and other natural vegetation that remain undisturbed shall interconnect with woodlands or wooded areas of adjacent properties, where they exist, 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 10 acres in area.
- (c) Tree protection zone. In order to prevent injury to those trees which have been designated for protection, a tree protection zone shall be established, prior to any land disturbance, where trees or woodlands on the site are to be retained. In this zone, the following standards shall apply:
- [1] Grade changes and excavations shall not encroach upon the tree protection zone.
 - [2] Trees being removed shall not be felled, pushed, or pulled into a tree protection zone or into trees to be retained.
 - [3] No toxic materials, including petroleum based and derived products, shall be stored within 100 feet of a tree protection zone.
 - [4] The area within the tree protection zone shall not be built upon, nor shall any materials be stored there either temporarily or permanently. Vehicles and equipment shall not be parked in the tree protection zone.
 - [5] Sediment, retention and detention basins shall not be located within the tree protection zone, nor shall they discharge into the tree protection zone.

- [6] When tree stumps are located within 10 feet of the tree protection zone, the stumps shall only be removed by means of a stump grinder to minimize the effect on the surrounding root systems.
- [7] Tree roots which must be severed shall be cut by a backhoe or similar equipment aligned radially to the tree. (This method reduces the lateral movement of the roots during excavation, which if done by other methods, could damage the intertwined roots of adjacent trees.)
- [8] Within four hours of any severance of roots, all tree roots that have been exposed and/or damaged shall be trimmed cleanly and covered temporarily with moist peat moss, moist burlap or other biodegradable material to keep them from drying out until permanent cover can be installed.
- [9] If there is no alternative but to locate a utility line through a tree protection zone, tunneling shall be used instead of trenching, except where in the opinion of the Township, survival of the tree would not be affected by either method. The Township shall determine the most desirable location for the utility line. Trenches shall be filled as soon as possible, and tamped lightly to avoid air spaces.
- [10] Marking the tree protection zone on the site. Prior to construction, the tree protection zone shall be delineated by the following methods:
 - [a] The tree protection zone that is delineated on the site prior to construction shall conform to the approved development plans.
 - [b] All trees scheduled to remain shall be marked; where groups of trees exist, only the trees on the edge need to be marked.
 - [c] A suitable fence mounted on steel posts, located eight feet on center, shall be placed along the boundary of the tree protection zone. The fencing along the zone shall be maintained until all construction and other work has been completed. Any damages to the protective fencing shall be replaced and repaired before further construction commences.
 - [d] In addition to the tree protection zone, trees may be left standing as protection between the trunks of the trees to be retained and the limits of grading. When additional trees are used as protection, the tree protection zone on the approved plan shall be marked in the field so that the additional buffer area is delineated. When this method of protection is used, these additional trees shall be removed at the time of completion of the project.
- [11] Where a tree designated for preservation is severely damaged by construction (or is clearly not going to survive) within one year of the end date of construction, tree replacement shall occur as provided for in Subsection **B(7)(d)**, below.

(d) Tree replacement.

[1] Applicability.

- [a] Except when undertaken as an approved tree harvesting operation, tree replacement shall be required whenever permitted woodland disturbance exceeds either of the following standards:

- [i] Woodland disturbance in excess of 15,000 square feet of existing woodland for each principal use permitted on a lot or tract.
- [ii] Woodland disturbance in excess of 25% of an existing woodland on the subject tract measured in its entirety or woodland disturbance in excess of 50% on any single lot within a subdivision.

- [b] In determining the extent of the woodland disturbance, it shall include the entire area within the drip line of any tree comprising a wooded area, where any portion of the drip line of such tree is subject to disturbance.

[2] Tree replacement standards.

- [a] When required, the replacement of trees shall occur on the same lot or tract where disturbance occurs, except as may otherwise be permitted in Subsection B(7)(d)[2][c] below, and shall occur as prescribed in the Table 9-1, Tree Replacement Schedule.

Table 9-1
Tree Replacement Schedule

DBH of Tree Removed	Number of Replacement Trees
	(minimum three-inch caliper)
Less than 6 inches	1
Between 6 and 12 inches	3
Between 12 and 18 inches	5
Between 18 and 24 inches	7
Between 24 and 30 inches	10
Between 30 and 36 inches	12
36 inches or greater	The equivalent number of three-inch caliper trees or greater needed to equal the DBH of the removed tree.

- [b] Replacement trees shall be of nursery grade quality, balled and burlapped.

- [c] Where replacement trees are required but not suitable for the particular site prescribed due to the size of the site or other limitations, the trees shall be used for planting on public lands as close to the tract as possible. Such alternative sites shall be as approved by the Township.
- [d] The type of replacement trees shall be the same species as removed from the site unless the tree removed was an invasive or nonnative plant species or another species acceptable to the Township. The choice of replacement trees shall be approved by the Township.
- [e] Specimen trees retained shall be credited toward the tree replacement requirement at a ratio of three trees credited for each one specimen tree retained.
- [f] Replacement trees shall have been grown within the same USDA hardiness zone as the lot or tract and shall be nursery grown, except those deemed by the Township to be acceptable for transplanting from other disturbed portions of the lot or tract.
- [g] Species of replacement plantings shall reflect careful site evaluation, including:
 - [i] Existing and proposed site conditions and their suitability for the tree species, based on geology, hydrology, soil, and microclimate.
 - [ii] Specific functional and design objectives, including replacement of the woodlands being removed, enhancement of existing woodlands, reforestation of riparian buffers, landscape buffering, visual screening, noise abatement, energy conservation, wildlife habitats, and maximizing aesthetic values.
 - [iii] Maintenance considerations such as hardiness, resistance to insects and disease, longevity, and availability.
 - [iv] Because of the many benefits of native species (ease of maintenance, longevity, wildlife habitat, etc.), the use of nursery grown, free-fruiting native trees is strongly encouraged. Selection should reflect species diversity characteristic of the native deciduous landscape of Chester County.
- [h] The planting of replacement trees shall be done by or supervised by a person with horticultural training in tree care and planting methods.
- [i] Newly planted replacement trees shall be monitored for a period of one year to ensure the health of the trees. If a replacement tree(s) dies or is dying within the one year period, the applicant shall replace the dead tree(s) at no cost to the Township.

(e) Tree removal permits.

[1] Applicability.

- [a] Except for the exemptions set forth in Subsection **B(7)(e)[2]**, below, no trees shall be cut or otherwise removed from any lands in the Township without a tree removal permit.
- [b] All applications for approval of a subdivision or land development, building permit, special exception, conditional use, or zoning variance requiring tree removal shall include an application for a tree removal permit. Any lot owner, whether residential or nonresidential, wishing to remove trees from said lot shall comply with the appropriate sections of this chapter.
- [c] Applications for tree removal permits shall be submitted to the Zoning Officer for review and approval.

No tree planted or preserved as part of any landscape plan or in accordance with any street tree requirement approved in conjunction with a subdivision or land development plan shall be removed, except for such trees directed to be removed pursuant to other sections of this chapter.

[2] Exemptions. The following shall be exempt from requirements for a tree removal permit:

- [a] Trees expressly grown for or by commercial nurseries, fruit orchards, and Christmas tree farms.
- [b] Trees removed in conjunction with farmland greater than five acres in size that will be actively devoted primarily to agricultural uses and that yield a minimum annual gross income of 500 dollars from said farming activities except that where the owner desires to remove any trees for the purpose of expanding farmlands, an inventory of trees to be removed, identified by size and species, shall be prepared and filed with the Township Zoning Officer prior to any tree removal. In the event the expanded farmlands are not actively devoted primarily to farming activities for a period of seven years following tree removal, the tree replacement provisions of § **370-29B(7)(d)** shall apply.
- [c] Trees removed from residential lots that are less than two times the minimum required lot size, where removal is no more than three trees with a six-inch dbh or less in any two-year period.
- [d] Trees removed from residential lots that are greater than two times the required lot size and are removing no more than six trees with a six-inch dbh or less in any two-year period.
- [e] Any tree which is located within a cemetery.
- [f]

Trees directed to be removed by municipal, county, state, or federal authority pursuant to law.

- [g] Removal of trees which are dead or dying (except within a Zone 1 Riparian Buffer), diseased trees, trees which have suffered damage, or any tree whose angle of growth makes them a hazard to structures, roads, or human life.
 - [h] Removal of trees which appear to cause structural damage to buildings or foundations.
 - [i] Pruning or removal of trees within the right-of-way by utility companies for maintenance of utility wires or pipelines and the pruning of trees within sight easements.
 - [j] Removal of trees less than one year in age.
- [3] Tree removal permit requirements. The application for a tree removal permit shall include the following information:
- [a] Name and address of the owner of the lot or tract and legal status (individual, partnership, corporation, etc.).
 - [b] Description of the lot or tract where removal is to take place, including lot and block numbers and street address as assigned.
 - [c] A list of all trees to be removed with a dbh equal to or greater than six inches identified by size and species, including total number of each species to be removed.
 - [d] Purpose for tree removal (new construction, street or roadway, driveway, utility easement, recreation areas, parking lot, etc.).
 - [e] Proof that there are no delinquent property taxes or assessments due on the property for which the application is submitted.
 - [f] Sufficient information to allow a determination that the proposed tree removal is consistent with the woodland removal limitations and standards of § 370-29B(7) and any other applicable ordinance requirements.
 - [g] Such other information as may be deemed necessary by the Zoning Officer to effectively process and evaluate such permit application.
 - [h] Fees shall be as established in accordance with § 370-132 of this chapter.
- [4] Tree removal permit time limits.
- [a] Where the tree removal permit application is submitted as part of an application for a subdivision or land development, the time for approval shall be governed by the timing requirements applicable to subdivision and land developments.

- [b] Where the application is made in connection with a lot that is not part of a subdivision or land development, the Township shall act on the application within 30 days of its receipt or within such additional time as is consented to by the applicant. Failure to act on the application within 30 days, or any agreed to extension thereof, shall be deemed to be an approval of the application.
 - [c] Approval by default with regard to subdivision or land development plans shall not be deemed a waiver of the tree removal permit.
- [5] Duration of tree removal permit. Permits granted for the removal of trees under the terms and conditions of this chapter shall run with the land and shall remain in force and effect for the following periods of time, and not thereafter. Once the permit has expired, a new application must be submitted for review and a new permit issued. Time limits shall be as follows:
- [a] If granted for a lot or tract for which no building permit is required, one year from the date of issuance.
 - [b] If granted for a lot or parcel of land for which a building permit is required, but for which no subdivision or land development approval is required, until expiration of the building permit granted with such tree removal permit.
 - [c] If granted for a lot or tract of land for which land development approval is required by the Township as a condition precedent to obtaining a building permit, until expiration of the land development approval, or expiration of the building permit issued after such site plan approval.
 - [d] If granted for a lot or tract of land for which minor subdivision is sought, one year from the date of granting of approval for such minor subdivision.
 - [e] If granted for a lot or tract of land for which approval of a major subdivision is sought, until expiration of such approval.
- [6] Inspections and enforcement related to tree removal permits.
- [a] Prior to taking final action upon any application for a tree removal permit, an inspection of the site shall be made by the Township.
 - [b] Prior to any tree removal, all trees shall be marked and areas to be cleared identified, all of which shall be inspected by the Township.
 - [c] The Township shall periodically inspect the lot or tract during the construction phase to verify compliance with this chapter. Such inspection shall be made of the lot or tract referred to in the permit application and of contiguous and adjoining lands, as

well as of lands in the vicinity of the application, for the purpose of determining drainage and physical conditions thereon.

[7] Violations and enforcement remedies shall be as established in §§ **370-129** and **370-130** of this chapter. In addition, where regulated trees are removed without a tree removal permit, the affected areas shall be replanted, increasing replacement requirements of § **370-29B(7)(d)** by 50% and planted to the satisfaction of the Township.

(f) Delineation. The applicant shall delineate woodlands which are on the site, in accordance with § **370-29C**. In addition, where trees or woodlands on the site are to be preserved, they shall be clearly delineated on the plan as a tree protection zone.

(g) Timber harvesting.
[Added 5-26-2009]

[1] Responsibility.

[a] It shall be the responsibility of each operator and landowner on whose land tree harvesting is to be carried out to develop or have developed the Timber Harvesting Plan and to submit notification as required hereunder.

[b] It shall be the joint responsibility of the landowner and the operator to assure that the provisions of the Timber Harvesting Plan are fully executed and complied with.

[c] The plan shall be available at the harvest site at all times during the operation.

[d] In implementing the plan, the owner and operator shall be responsible to comply with all other applicable ordinances of the Township, including the North Coventry Township Zoning Ordinance, the North Coventry Township Subdivision and Land Development Ordinance,^[6] and the Grading, Erosion and Sediment Control Ordinance.^[7]

[6] *Editor's Note: See Ch. 320, Subdivision and Land Development.*

[7] *Editor's Note: See Ch. 194, Grading, Erosion and Sediment Control; Stormwater Management.*

[2] Permit application scope and applicability.

[a] No landowner or operator shall conduct or permit to be conducted any timber harvesting operation in North Coventry Township without first securing a timber harvesting permit. An application for a timber harvesting permit, and five copies, shall be filed with the Township at least 60 days prior to the commencement of the harvesting operation. The application shall contain, at a minimum, the following:

[i]

A Timber Harvesting Plan, as specified herein, prepared by a professional consulting forester for each harvesting operation within the Township.

- [ii] Erosion and sedimentation pollution control plan required by 25 Pennsylvania Code, Chapter 102^[8] as well as any other state requirements, including an approval letter from the Chester County Conservation District.

[8] *Editor's Note: See 25 Pa. Code § 102.1 et seq.*

- [iii] Proof of public liability insurance with sufficient coverage to include any damage to streams and public property.
- [iv] Payment of a nonrefundable permit fee, plus reasonable estimation of review expenses as established by the Township by resolution, and any amendment thereto.
- [v] The application must be signed by an owner of the property and by the logging operator and shall contain the following representation:

"The undersigned acknowledges reading the North Coventry Township Timber Harvesting Ordinance and understand that all of the undersigned are jointly and severally liable and obligated to comply with all the requirements of the ordinance."

- [b] A timber harvesting permit shall not be required with respect to the following:

- [i] Work performed in accordance with a land development plan or building permit approved by the Township.
- [ii] Routine maintenance of existing roads, utility easements and rights-of-way and clearing of farm fence lines.
- [iii] Trees directed to be removed by municipal, county, state or federal authority pursuant to law.

- [c] Application submission requirements.

- [i] A Timber Harvesting Plan, prepared by a professional consulting forester, as defined in this subsection, shall be filed with the application and shall contain the following information:

[A] Verification that a professional consulting forester has prepared the plan;

[B] The name, address and telephone number of all owners of property subject to the timber harvesting operation;

[C]

The name, business address and telephone number of the logging operator;

- [D] The name and mobile phone number of the individual who will be responsible on site for managing of the timber harvest operation;
 - [E] The total area involved in the proposed timber harvesting operation;
 - [F] The proposed starting and completion dates for the harvesting operation;
 - [G] A table or list, including the size at DBH and species of each tree to be harvested and the trees that are to remain. The harvest shall be related to the trees left standing and an estimated projection of the reforestation that shall be established, including the identification of the forest canopy to remain and that will be established at the end of the reforestation;
 - [H] A statement confirming that each tree to be removed has been designated by the professional consulting forester with paint or other distinctive mark at two points so as to be readily visible by the logging operator. One point shall be low enough on the tree so as to be visible on the stump after the tree is removed; and
 - [I] A Forest Management Plan shall be prepared and include the long-term goals, objectives and management recommendations related to: method, species composition and density of forest regeneration; practices to protect natural resources and insure erosion protection; and maintaining the natural vegetative system by addressing management of invasive plant species. The landowner shall be responsible that all such forested or wooded areas subject to the timber harvesting operation are either reforested or maintained in a forested state. The Forest Management Plan shall encompass a time period sufficient to reestablish the preexisting canopy to assure the woodland preservation subsequent to the harvest. The time period shall be approved by the Township Forester. However, no development shall occur subsequent to the harvesting until the canopy has been reestablished.
- [ii] A legibly drawn site plan of the property upon which the timber harvesting will be conducted. The plan shall be drawn to a scale not to exceed one inch equals 100 feet and prepared in accordance with standard engineering practices. The plan(s) shall include:

- [A] 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, including the acreage to be harvested. The Township may, at its discretion, require a survey, or partial survey, to define the location of the property boundaries;
- [B] The relationship to surrounding property boundaries, as well as the location and name of all streets and roads and all public utilities and easements in the area of the timber harvesting operation. The plan shall identify the name and address of all property owners of properties adjacent to the proposed timber harvesting operation;
- [C] All natural features and topography of the property and within 100 feet thereof subject to the timber harvest operations, including: all slopes of 25% or greater, wetlands, wetland margins, lakes and ponds, watercourses, riparian buffer zones, natural drainage swales, ridgeline protection zones, specimen vegetation, rare species sites or any other feature or condition related to potential environmental problems. The location and limits of these natural features shall be as defined and described as set forth in this chapter. The topography plan shall be from published USGS maps with contour lines at intervals of not more than five feet;
- [D] Soil map with general description of soil classifications located on the site. All hydric soils and soils with high seasonal water tables shall be identified;
- [E] All structures on and within 100 feet of the property;
- [F] The location and area of disturbance, in square feet, of any grading, logging trails or roads, and log landing areas proposed in connection with the operation;
- [G] Delineation of all required buffer areas, as defined in Subsection B(7)(g)[2][d], General operational standards and practices, related to any harvesting area, landing area, public road and adjacent property; and
- [H] A transportation map showing the general location of the proposed operation in relation to municipal and state highways and the proposed accesses to those highways. The map shall clearly reflect the proposed hauling route through North Coventry Township. The applicant shall review with the Township Engineer the condition of any Township roads and shoulders that will be used to access equipment or transport log loads

or that may otherwise be impacted by the timbering operation. The Township may require the posting of a bond or other approved security, in an amount as may be determined by the Township, to cover any damage to Township roads. Road bonding for timber harvesting shall comply with PennDOT regulations Chapter 189. The gross vehicle weight of all logging vehicles and equipment shall conform to existing weight limit restrictions, or, if in excess of such restrictions, a special hauling permit shall be obtained.

[iii] An erosion and sedimentation control plan shall be prepared for each timber harvesting operation and shall be reviewed by the Township Engineer and Township Forester. The plan shall comply with all applicable standards for erosion and sedimentation control and stream crossings regulations under 25 Pennsylvania Code, Chapter 102, Erosion Control Rules and Regulations,^[9] issued under the Clean Stream Law,^[10] and 25 Pennsylvania Code, Chapter 105, Dam and Waterway Management Rules and Regulations,^[11] issued under the Dam Safety and Encroachments Act,^[12] and the North Coventry Township Grading, Erosion and Sediment Control and Stormwater Management Ordinance, which is codified in Chapter 194 of the North Coventry Township Code. Minimum contents of the erosion and sedimentation control plan shall include:

- [A] Any permits required by county, state or federal laws and regulations shall be attached to and become part of the plan;
- [B] A description, design, location, construction and maintenance of all stormwater management and erosion control measures, devices and structures such as culverts, broad-based dips, filter strips, filter fabric, straw barriers and water bars;
- [C] Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;
- [D] Design, construction and maintenance of proposed stream and wetland crossings, including any applicable county, state or federal permits. At the discretion of the Township, a wetlands report shall be provided; and
- [E] The plan shall be submitted to the Chester County Conservation District for review and recommendation. An approval letter from CCCD shall be provided.

[9] *Editor's Note: See 25 Pa. Code § 102.1 et seq.*

[10] *Editor's Note: See 35 P.S. § 691.1 et seq.*

[11] *Editor's Note: See 25 Pa. Code § 105.1 et seq.*

[12] *Editor's Note: See 32 P.S. § 693.1 et seq.*

- [iv] The application shall be accompanied by the requisite permit and review payment as provided herein. Additional information and documentation, as the Township Zoning Officer may require to assure compliance with this subsection, shall be provided.
- [v] The Township shall forward all timber harvesting applications to the Township Engineer and Township Forester for review. The applicant shall be responsible for and shall pay all reasonable expenses for inspection, review, legal and other consulting expenses incurred by the Township in processing the timber harvesting application.
- [d] General operational standards and practices. The following management practices shall apply to all timber harvesting operations:
 - [i] The operation shall not cause harm to the environment or any other property. The operator and landowner shall be jointly and severally responsible for the restoration of any property, public or private, that may be damaged as a result of the timber harvesting operation.
 - [ii] Clear-cutting shall be prohibited.
 - [iii] Timber harvesting is prohibited on areas with slopes greater than 25%.
 - [iv] Timber harvesting is prohibited within a floodway, one-hundred-year floodplain, Zone One Riparian Buffer or wetland.
 - [v] As defined by § **370-29B(4)(b)[7]**, timber harvesting shall only be permitted within the ten-percent disturbance allowance in a Zone Two Riparian Buffer.
 - [vi] As defined by § **370-29B(6)(b)[3]**, timber harvest shall only be permitted within the ten-percent disturbance allowance in a wetland margin.
 - [vii] As defined in § **370-33E**, timber harvesting shall not be permitted within 35 vertical feet of the highest ground point of a ridgeline, and no more than 25% of woodlands shall be cleared, altered or disturbed on a site located partially or completely within the Ridgeline Protection Overlay District.
 - [viii] Specimen vegetation shall not be harvested unless the applicant can demonstrate to the satisfaction of the Township that such removal is essential to eliminate a hazardous condition(s) or there is a demonstrable financial hardship if the vegetation is not removed.

- [ix] Where possible, stream crossings shall be avoided. However, where deemed necessary by the Township Engineer and/or Township Forester, crossings shall be made at right angles across suitable culverts or bridges. Hauling, skidding or placing fill or obstructions in perennial or intermittent streams is prohibited, except for approved crossings.
- [x] No timber harvesting operation or removal of products shall take place between the hours of 7:00 p.m. and 8:00 a.m. or on any Sunday or legal holiday.
- [xi] At least 30% of the forest canopy shall be preserved in good condition after the completion of any timber harvesting operation. The remaining trees shall be well distributed throughout the area subject to the timber harvesting operation. At least 50% of such remaining trees shall be comprised of high-value species as defined in Subsection **B(7)(a)**, and confirmed by the Township Forester. Where the number of trees comprising high-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 high-value species may be harvested. The percentages stated herein shall apply to all consecutive harvests and no reharvesting or development shall be permitted until the canopy area is reestablished that existed prior to the initial tree harvesting operation to assure the woodland preservation.
- [xii] Trees selected for harvesting shall be marked at two distinctive locations thereon. The higher of the two marks shall be provided around the entire circumference of the tree. The lower mark must be visible on the stump after the tree is removed.
- [xiii] Felling and skidding of trees shall be undertaken in a manner which minimizes damage to trees or other vegetation not intended to be harvested.
- [xiv] Except when approved by the Township Engineer, all access roads, haul roads and skid trails shall be cut horizontally across slopes, and all access road, haul road and skid trail grades shall be less than 10% or up to 12% for 100 feet or less.
- [xv] Winch logs off steep slopes where possible. Minimize the number of skid roads/trails and the amount of skidder traffic on steep slopes.
- [xvi] Felling or skidding across any public street is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for the maintenance of said street. Such written consent shall be attached to and become part of the Timber Harvesting Plan.

- [xvii] Trees or logs shall not be skidded or transported within 50 feet of wetlands, streams or drainage ways, except at approved planned crossings.
- [xviii] No timber harvesting shall take place, and a buffer zone with a width of 50 feet shall be maintained along all streets. The buffer width shall be measured from the ultimate right-of-way of a public street and from the easement boundary of a private street. No trees shall be cut, removed, skidded or transported in this buffer zone, except as necessary access to the site from the street.
- [xix] No timber harvesting shall take place, and a buffer zone with a width of 50 feet shall be maintained along all properties abutting the property on which the timber harvesting operation is to be conducted. The buffer width shall be measured horizontally from and at right angles to an adjacent property line. No trees shall be cut, removed, skidded or transported in this buffer zone unless the owner of the adjacent property has provided a written waiver consenting to the operation encroaching closer than the aforesaid 50 feet. Such written consent shall be attached to and become part of the Timber Harvesting Plan.
- [xx] No tree may be cut which is the largest of its species in the Commonwealth of Pennsylvania.
- [xxi] Slash or tops resulting from a timber harvesting operation shall either be cut to a height of four feet or less and left on site or chipped and recycled on site. The burning of slash shall be prohibited.
- [xxii] No tops or slash shall be left within 50 feet of any public street, recreational trail or private roadway. No tops or slash shall be left on or across a property boundary without written consent of the adjoining landowner. Such written consent shall be attached to and become part of the Timber Harvesting Plan.
- [xxiii] No tops or slash shall be left in any stormwater swale, floodway, floodplain, Zone One Riparian Buffer or wetland.
- [xxiv] All soil and debris washed or carried onto public streets during a harvesting operation shall be cleaned immediately by the operator or landowner. The landowner shall be responsible to protect and clean up, on a daily basis, neighboring properties from sediment/silt and debris which have washed down, carried or fallen onto their property as a result of the harvesting operation.
- [xxv] No processing of wood products or commercial sale of wood or logs shall be permitted on the property unless zoning approval is obtained.

[xxvi] Removal of stumps as part of any timber harvesting operation shall be considered earth disturbance and is subject to applicable sections of the Code of North Coventry.^[13]

[13] *Editor's Note: See Ch. 194, Grading, Erosion and Sediment Control; Stormwater Management.*

[xxvii] Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the operator.

[xxviii] No loading or unloading of vehicles, equipment or timber may take place upon any Township or state road. Such activities shall be conducted entirely within the boundary of the harvest site.

[xxix] No temporary living quarters for workers may be placed upon the worksite.

[xxx] When the harvest is completed, all access roads and skid and haul trails and landing areas must be graded to original contours and be seeded and mulched as necessary until stable groundcover is established. Water diversion devices should be installed where necessary to prevent erosion and sedimentation. Roadside ditches shall be cleaned, and it shall be regarded as necessary to restore them to their condition prior to harvest. Inspection and remediation shall continue until the Township Engineer has determined that stabilization of disturbed areas is equal to, or better than, preharvest conditions.

[xxxi] Between 2 1/2 years and 4 1/2 years following completion of a timber harvesting operation, the property owner shall inventory forest regeneration and provide inventory results to the Township. If such inspection shows evidence of inadequate regeneration based on the forest management plan, the landowner shall replant and take such measures to protect the seedlings, including, but not limited to, weed mats, tree tubes and fencing as recommended by the Forester as necessary to insure success of forest regeneration. The obligation shall continue each year thereafter to assure adequate regeneration until such adequate regeneration is established.

[xxxii] Invasive plant species, as defined by the Township Zoning Ordinance,^[14] shall be removed from the timber harvest area. The Forest Management Plan shall provide for the management and control of invasive plant species.

[14] *Editor's Note: See § 370-9 and § 370-29B(7)(a).*

[xxxiii]

Deviation from the hauling route, as set forth in the approved Transportation Map, without written permission from the Township shall terminate the permit.

- [e] Conditional use process. The applicant may request a conditional use hearing in accordance with this chapter to amend or modify the requirements of the Timber Harvesting Plan, wherein the applicant shall have the burden to prove that any deviation or modification pursuant to the standards in this chapter for conditional use applications and shall effectuate the following:

- [i] North Coventry Township recognizes that the timber resources are a renewable resource of significant value and may be harvested. North Coventry Township also recognizes that if timber harvesting practices are carried out poorly, they can result in significant environmental and aesthetic damage to land and to adjacent lands and waters. Thus, this subsection is intended: to regulate those harvesting activities, such as stream crossings and the location of landings, haul roads and skid trails, that most readily affect the environment, particularly with regard to controlling soil erosion and sediment-laden runoff; and to encourage the use of professional forest management expertise in the preparation and evaluation of timber harvests. The destruction and indiscriminate removal of trees and related vegetation causes increased municipal costs for proper drainage control, impairs the stability and value of both improved and unimproved real property in the area of destruction, modifies the groundwater regime that adversely affects groundwater and surface water levels, and adversely affects the health, safety and general welfare of the inhabitants of North Coventry Township. A Tree Harvesting Plan is intended to prevent:

- [A] Pollution of lakes, ponds and watercourses from sediment or other materials;
- [B] Unnecessary destruction of trees and other vegetation;
- [C] Excessive exposure of soils to erosion;
- [D] Unnecessary modification of natural topography or unique geological features;
- [E] Failure to restore sites to an attractive natural condition;
- [F] Damage to private property; and
- [G] North Coventry Township, or other governmental bodies, from having to undertake, at public expense, programs of restoring or repairing roads, stormwater management and flood protection facilities or any other

public facilities arising from the adverse effects of improper timber harvesting.

- [ii] In order to conserve forested open space and the environmental and economic benefits they provide, it is the policy of the Township to encourage the owner of forest land to continue to use his or her land for forestry purposes, including the long-term production of timber, and to promote forest stewardship and the environmental and economic benefits they provide, including recreation, wildlife preservation and watershed protection. The forestry and timber harvesting regulations contained in this section are intended to further this policy by:

- [A] Promoting proper forest stewardship;

- [B] Protecting the rights of adjoining property owners;

- [C] Minimizing the potential for adverse environmental impacts associated with any timber harvesting operation; and

- [D] Avoiding unreasonable and unnecessary restriction on the right of property owners to harvest timber, which activity is a permitted use in all zoning districts.

- [iii] The Board of Supervisors, solely at its discretion, may grant a modification of the requirements of one or more provisions of this subsection if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question or if an alternative standard can be demonstrated to provide equal or better results, provided that such modification will not be contrary to the public interest and that the purpose and intent of this subsection is observed.

- (8) Wellhead protection. Wellhead protection of community water supply wells shall be consistent with the requirements of the Wellhead Protection Ordinance of North Coventry Township.

C. Application of natural resource protection standards.

- (1) Plan information and delineation of protected resources. To ensure compliance with the natural resource protection standards of this section, the following information shall be submitted by the applicant when land disturbance is contemplated in conjunction with a zoning or building permit, conditional use or special exception approval, zoning variance, or subdivision and land development approval. Where applicable, such information shall be included with a preliminary plan as required in Chapter 320, Subdivision and Land Development, and shall be consistent with the informational requirements of Chapter 320, Subdivision and Land Development.

- (a)

A site plan which identifies the limits of each of the natural resources on the site, including tree protection zones if applicable, and the proposed use of the site including any existing or proposed structures;

- (b) All encroachments and disturbances necessary to establish the proposed use on the site, including a grading plan showing existing and proposed contours;
- (c) The minimum buildable area(s) and areas reserved for on-lot sewage systems, as described in Subsection **C(2)**, below;
- (d) In those cases where only a limited amount of the site or tract will be subject to disturbance (i.e., 1,000 square feet or less), the Zoning Officer may determine the area of land required to be shown on the plan information that will adequately demonstrate compliance with the natural resource protection standards of this section. Where less than the entire site is to be shown on the plan, the application shall be accompanied by a written explanation from the applicant as to why it is not necessary to include the entire site with the plan information.
- (e) Calculations indicating the area of the site with natural resources and the area of natural resources that would be disturbed or encroached upon. The calculation shall be shown on the plan as indicated in Table 9-2.

Table 9-2
Site Disturbance Calculations

	A Amount of Land in Protected Resource* (square feet)	B Maximum Disturbance Allowance** (percent)	C	
			Maximum Amount of Disturbance Allowed (square feet) (A X B)	D Proposed Disturbance (square feet)***
Protected Resource				
Floodplain		0%		
Watercourses		0%		
Riparian Buffers				
Zone 1 Buffer		0%		
Zone 2 Buffer		10%		
Wetlands		0%		
Wetlands Margin		10%		
Steep Slopes				
Greater than 25%		10%		

Table 9-2
Site Disturbance Calculations

Protected Resource	A	B	C	D
	Amount of Land in Protected Resource* (square feet)	Maximum Disturbance Allowance** (percent)	Maximum Amount of Disturbance Allowed (square feet) (A X B)	Proposed Disturbance (square feet)***
15% to 25%		20%		
Woodlands:				
Residential Uses		25%		
Nonresidential Uses		35%		

* Where a resources overlap, the overlapping area should be included under the more restrictive resource category (i.e., where woodlands overlap with wetlands, include the area of overlap in the wetlands category).

** Disturbance allowances may be modified where federal or state permits have been obtained by the applicant and provided to the Township.

*** The figures in Column D must be less than or equal to the figures in Column C.

(2) Minimum buildable area.

- (a) Purpose. The purpose of the identification of the minimum buildable area is to ensure sufficient area is provided for the general location of the building, driveway, patio, other important improvements and site alterations while meeting the natural resource protection standards and minimum setback requirements of this chapter.
- (b) Building area delineation. The applicant shall delineate on the plan a buildable area sufficient in size to accommodate proposed site improvements and which complies with the maximum disturbance requirements of this section and any other applicable ordinances and codes.
- (c) On-lot sewage facilities delineation. For uses with individual on-lot sewage systems, a 2,000 square foot or larger area, in addition to the minimum buildable area specified above, shall be identified for the location of the sewage system. A minimum 2,000 square foot reserve or replacement area shall also be identified. Such area(s) shall not include the portion of those environmentally sensitive areas that may not be developed or intruded upon as specified in § 370-29B.

- (3) Continued protection of identified natural resources. To ensure the continued protection of identified natural resources, the following requirements shall apply:
- (a) Protected resources on individual lots.
 - [1] For natural resource protection areas on individual lots, restrictions meeting Township specifications shall be placed in the deeds for each site or lot that has natural resource protection areas within its boundaries. It shall be clearly stated in the individual deeds that the maintenance responsibility lies with the individual property owner. The restrictions shall provide for the continuance of the resource protection areas in accordance with the provisions of this chapter.
 - [2] Other mechanisms for ensuring the continued protection of identified resources, such as conservation easements, may also be considered and used if approved by the Township.
 - (b) Protected resource areas held in common. For natural resource protection areas held in common, the provisions of § 370-81, common open space, shall apply. In addition to the provisions of § 370-81, restrictions meeting Township specifications shall be placed on the natural area to be held in common. The party or organization responsible for the maintenance of the natural area shall be clearly identified in the deed. The restrictions shall provide for the continuance of the resource protection areas in accordance with the provisions of this chapter. In addition, restrictions on protected areas shall be included in the development's declaration of covenants, easements, or restrictions or similar documents regulating the use of property and setting forth methods for maintaining open space. A copy of such documents shall be provided to the Township.
 - (c) Changes to approved plans. All applicable plans and deeds shall include the following wording: "Any structures, infrastructure, utilities, sewage disposal systems, or other proposed land disturbance indicated on the approved final plan shall only occur at the locations shown on the plan. Changes to such locations shall be subject to additional review and re-approval and shall be consistent with the resource protection standards of § 370-29 of the North Coventry Township Zoning Chapter."

*Township of North Coventry, PA
Thursday, February 6, 2020*

Chapter 370. Zoning

Article X. Supplemental Use Regulations

§ 370-40. Agriculture.

A. General requirements.

- (1) Except for a dwelling, no barn or other agricultural-related structure shall be constructed closer than 50 feet to any lot boundary or closer than 100 feet to an existing dwelling other than that of the property owner.
- (2) Lots shall be graded so that animal wastes are confined, stored or disposed of within the lot on which they originate, and are not directed to the Flood Plain Conservation District, stream, or other body of water.
- (3) All pasture areas shall be fenced.

B. Nonintensive agricultural uses. Nonintensive agricultural uses and customary buildings associated with nonintensive agricultural uses shall be permitted when in accordance with the following standards:

- (1) The minimum gross lot area for nonintensive agricultural uses shall be five acres.
[Amended 2-26-2007]
- (2) The keeping of animals, exclusive of customary household pets and large domestic animals kept as pets [see § **370-36B(6)**] shall not be permitted except on property qualifying for agricultural use in accordance with the provisions of this section. The keeping of farm animals, to be maintained for the private, noncommercial use of the individual property owner, shall not be permitted on lots of less than five acres in gross lot area.
[Amended 2-26-2007]
- (3) No slaughtering operations for commercial purposes shall be permitted.
- (4) Commercial piggeries shall not be permitted as part of a nonintensive agricultural use.

C. Intensive agricultural uses. Intensive agricultural uses and customary buildings associated with intensive agricultural activities shall be permitted when in accordance with the following standards:

- (1) The minimum gross lot area for intensive agricultural uses shall be 10 acres.
[Amended 2-26-2007]

- (2) Agricultural buildings or structures housing mushrooms, poultry, hogs, or other livestock; accessory mushroom composting; feed lots; or other odor or dust producing activities shall be set back a minimum of 200 feet from any lot boundary or stream.
 - (3) Land area used for feed lots shall be fenced and shall be graded so that animal wastes and surface runoff are confined to the lot on which they originate, and are not directed to the Floodplain Conservation District, streams, or other bodies of water.
- D. Sale of agricultural products. The display and sale of agricultural products shall be permitted from a permanent building or from a temporary stand dismantled and removed at the end of the growing season provided that:
- (1) At least 50% of agricultural products displayed for sale shall be produced on the agricultural land contiguous to said building. Agricultural sales shall clearly be subordinate to the principal agricultural uses.
 - (2) Such stand or building shall be located a minimum of 30 feet from any street right-of-way line.
 - (3) A minimum of three parking spaces, or one space for each 300 square feet of building floor area, whichever shall be greater, shall be provided behind the street right-of-way line.
 - (4) Any sales, display or parking area shall be at least 75 feet from a side or rear yard lot line.
 - (5) Signs associated with the sale of farm products shall conform to the sign regulations under Article XIII.