

ORDINANCE NO. 418

AN ORDINANCE OF THE TOWNSHIP OF LOWER MAKEFIELD, BUCKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 178 – “SUBDIVISION AND LAND DEVELOPMENT,” SECTION 85 – “TREE PROTECTION STANDARDS,” TO REVISE CERTAIN TREE REPLACEMENT AND TREE PROTECTION PROVISIONS UNDER THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

WHEREAS, the Township of Lower Makefield is a township of the second class, organized and operating in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to the Second Class Township Code of the Commonwealth of Pennsylvania, the Board of Supervisors of Lower Makefield Township (hereinafter referred to as the “Board of Supervisors”) has the authority to enact, amend, and repeal the provisions of the Lower Makefield Township Code of Ordinances (hereinafter referred to as the “Code”); and

WHEREAS, the Board of Supervisors has determined that Chapter 178 – “Subdivision and Land Development”, Section 85 – “Tree Protection Standards,” should be amended to revise certain tree replacement and tree protection provisions for the proper management, care and control of the Township and its finances, and the maintenance of peace, good government, health and welfare of the Township and its residents.

NOW, THEREFORE, be it and it is hereby resolved as follows:

1. The Board of Supervisors hereby amends Chapter 178 – “Subdivision and Land Development”, Section 85 – “Tree Protection Standards,” Subsection C – “Tree Protection Area” (Section 178-85(C) of the Township Code) by inserting the underlined language as follows:

“Tree protection area. An area that is radial to the trunk in all directions of a tree. The tree protection area shall be 15 feet from the trunk of the tree to be retained, or the distance from the trunk to the dripline (the line marking the outer edge of the branches of the tree),

whichever is greater. Where there is a group of trees or woodlands, the tree protection area shall be the aggregate of the protection areas for the individual trees. Trees located off-site shall be given the same protection as the on-site trees when their tree protection area extends on to the site being developed.”

2. The Board of Supervisors hereby amends Chapter 178 – “Subdivision and Land Development”, Section 85 – “Tree Protection Standards,” Subsection H – “Tree Replacement,” Part 4 – “Replacement Sizes; Alternatives,” Subpart C (Section 178-85(H)(4)(c) of the Township Code) by deleting the words indicated by strikethrough text and inserting the underlined language as follows:

~~“Replacement trees may be planted within, but not in place of, †~~ The required buffer trees as specified in §178-82, the required street trees as specified in §178-81, † ~~and the required parking lot trees as specified in Subsection §178-57(D)~~ shall be counted as replacement trees when planted on-site.”

3. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance, are hereby repealed.
4. The provisions of this Ordinance are severable. If any section, clause, sentence part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Township Supervisors that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence or part of a provision had not been included herein.
5. This Ordinance shall be effective five (5) days after enactment.

ENACTED AND ORDAINED BY THE TOWNSHIP OF LOWER MAKEFIELD THIS
____ DAY OF _____ 2019.

BOARD OF SUPERVISORS
TOWNSHIP OF LOWER MAKEFIELD

By: _____,
Daniel R. Grenier, Chair

ATTEST:

Kurt Ferguson, Township Manager