

**BOARD OF SUPERVISORS
EAST MARLBOROUGH TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 05-01

AN ORDINANCE (i) MODIFYING THE SIGNAGE PROVISIONS (ARTICLE XVII), (ii) CLARIFYING THE APPLICABILITY OF CERTAIN DESIGN STANDARDS WITHIN THE WILLOWDALE MULTIPLE USE DISTRICT, (iii) ADDING DEFINITIONS, (iv) ADDING NEW REGULATIONS, FOR CONSERVATION OF TREES AND NATURAL RESOURCES, AND (v) CORRELATING FORESTRY ACTIVITIES TO SUCH NEW REGULATIONS OF THE EAST MARLBOROUGH TOWNSHIP ZONING ORDINANCE OF 1992, AS MODIFIED BY AMENDMENTS THROUGH 2004.

UNDER AND BY VIRTUE OF THE AUTHORITY OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, THE BOARD OF SUPERVISORS OF EAST MARLBOROUGH TOWNSHIP DOES HEREBY ENACT AND ORDAIN THAT THE EAST MARLBOROUGH TOWNSHIP ZONING ORDINANCE OF 1992, AS HERETOFORE AMENDED, SHALL BE AND IS HEREBY FURTHER AMENDED AS FOLLOWS:

Section 1.

Section 1701 ("Conformance Required") is hereby modified to read in its entirety as follows:

"Any Sign hereafter erected or maintained shall conform with the provisions of this Article and any other ordinance or regulations of the Township of East Marlborough relating thereto. See §1904 for regulations affecting non-conforming Signs and §2004 for permit requirements."

Section 2.

Section 1702 ("Definitions" with respect to Signage) is hereby modified to read in its entirety as follows:

- "A. ACCESSORY USE SIGNS
Signs which designate Home Occupations.

- B. ARTISAN SIGN
Temporary advertising Signs of workmen performing services at or alterations to a building or premises.

- C. **BULLETIN BOARD**
A non-commercial Sign of permanent character, used in conjunction with an institution or organization, with movable letters, words or numerals, indicating the names of persons associated with or events conducted upon the premises upon which such a Sign is maintained.
- D. **BUSINESS SIGN**
A Sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which a Sign is maintained.
- E. **CHANGEABLE COPY SIGN**
A Sign that permits the message on the Sign to be altered periodically, either by manual change of lettering or by electronics, such as LED bulbs or neon tubing.
- F. **DEVELOPMENT SIGN**
A Sign indicating that the premises is in the process of being subdivided and developed for the construction of Dwellings or other buildings.
- G. **DIRECTIONAL SIGN**
A Sign conveying instructions with respect to the premises on which it is maintained, such as the entrance and exit of a parking area, a warning Sign, a danger Sign and similar Signs.
- H. **FREE-STANDING SIGN**
A detached Sign which shall include any Sign supported by uprights or braces placed upon or in or supported by the ground and not attached to any building. Pole Signs and monument Signs are free-standing Signs.
- I. **IDENTIFICATION SIGN**
A Sign, other than a Bulletin Board or Nameplate Sign, indicating the name of a permitted use, the name or address of a building or the name of the management thereof.
- J. **ILLUMINATED SIGN**
A non-flashing or non-twinkling Sign which has characters, letters, figures, designs or outlines illuminated by direct or indirect electric lighting or luminous tubes as part of the Sign.
- K. **MONUMENT SIGN**
A type of Free-standing Sign that is anchored by brick or similar materials in a structure, rather than by a pole or poles, and which has little or no space between the bottom of the Sign and the ground.
- L. **NAMEPLATE SIGN**
A Sign which designates the name and address of an occupant or group of occupants.
- M. **OFFICIAL TRAFFIC SIGN**

Signs erected by the Commonwealth of Pennsylvania Department of Transportation or the Township of East Marlborough which are designed to regulate traffic or to describe road conditions.

- N. **OFF-SITE DIRECTIONAL SIGNS**
Non-illuminated Signs used to direct patrons, members or audiences to service clubs, Churches, Schools, non-profit organizations or other public or quasi-public sites or facilities. Such Signs shall indicate only the name of the facility, organization or site, including location or meetings, the direction in which it is located and approximate distance and shall not exceed two (2) square feet in area. No more than two (2) such Signs shall be permitted within the Township, unless otherwise approved by the Board of Supervisors.
- O. **POLE SIGN**
A type of Free-standing Sign that is anchored by poles or similar uprights.
- P. **PROFESSIONAL SIGNS**
Signs which indicate the profession of a doctor of medicine, veterinarian, dentist, teacher, artist, architect, musician, lawyer, district justice or practitioner of similar character.
- Q. **PROJECTING SIGN**
A display Sign which is attached directly to any building wall and which extends more than twelve (12) inches from the face of the wall.
- R. **REAL ESTATE SIGN**
A temporary Sign indicating the sale, rental or lease of the premises on which the Sign is located.
- S. **SIGN AREA or SIZE**
Includes the entire Sign, together with all moldings, battens, cappings, nailing strips, latticing and platforms which are attached and are part of the Sign proper or incidental to its decoration. For the purposes of this Article, Signs which are composed of letters, works or representations only, and which do not form a square or rectangular pattern, shall be considered to include in Sign area a square or rectangle as drawn at the outer limits of the letters, words or representation.
- T. **TEMPORARY SIGNS**
A Sign notifying of or advertising a special event, such as festivals, concerts or exhibits, or sale of seasonal agricultural products, being displayed for not more than forty-five (45) days in duration.
- U. **WALL SIGNS**
Any Sign erected against the wall of any building, or displayed on windows or doors, or displayed with the exposed face thereof in a plane parallel to the face of said wall, window, or door and which Sign is mounted at a distance measured perpendicular to said wall not greater than twelve (12) inches."

Section 3.

Subsection 1703 ("Signs in Commercial Districts") H is hereby amended to read in its entirety as follows:

- "H. Bulletin Board Signs for non-profit institutions and organizations, such as Churches and Schools, provided that the Sign area does not exceed twelve (12) square feet and, if illuminated, is indirectly illuminated."

Section 4.

The following new subsection C.1.c is hereby added to Section 1704 (Signs in Commercial, Multiple Use and Limited Industrial Districts):

- "c. Any free-standing Sign exceeding thirty (30) square feet shall be in the form of a Monument Sign."

Section 5.

Subsection 1705 (General Regulations) L is hereby amended to read in its entirety as follows:

- "L. No Free-standing Monument Sign shall, at its highest point, be more than twelve (12) feet above ground level, and no Free-standing Pole Sign shall, at its highest point, be more than ten (10) feet above ground level."

Section 6.

The following new subsections are hereby added to Section 1705 (General Regulations):

- "M. Bulletin Board Signs shall not be permitted in conjunction with any commercial use, but are limited to non-profit institutions and organizations such as churches and schools.
- N. Changeable Copy Signs shall be permitted in conjunction with commercial uses only in the following circumstances:
 1. Changeable copy shall not be used to advertise merchandise or special sales events.
 2. Changeable copy shall be used only to display information required by law or regulation to be displayed, such as gasoline prices.
 3. The sign area of a Changeable Copy Sign shall be included in the total permissible area of the sign."

Section 7.

The following definition of "Specimen Tree" is added in alphabetical order to §202 and the existing definition of "Specimen Tree" in §1821.C is hereby modified to conform therewith, and the definition of "Acreage, Adjusted, Adjusted Acre or Adjusted Lot Area" is modified to read in its entirety as follows:

"SPECIMEN TREE - a tree specifically worthy of conservation because of species, size, shape, form, location, age, historical importance or other significant characteristic. Specimen Trees are any trees located within the Township with a diameter of 36" or greater and any trees identified in the August 8, 1993 East Marlborough "Open Space, Recreation and Environmental Resources Plan" on the Biotic Resources Map (Map 4) as "Locally Important Vegetation," said Map being incorporated herein by reference.

"ACREAGE, ADJUSTED, ADJUSTED ACRE OR ADJUSTED LOT AREA - The total area of a tract or Lot, less (i) areas within existing road rights-of-way, (ii) 75% of Wetlands and Floodplains, (iii) 50% of steep Slopes of 20% or more, (iv) 75% of the area within the dripline of any Specimen Tree, and (v) 50% of the outer dripline area of a Stand of Trees."

Section 8.

The following new subsection 3 is hereby added to subsection 754.A ("Design Standards"):

- "3. Every tract of two (2) acres or more to be subdivided or developed with Two Family or Multi-Family Dwelling Units shall comply with the site planning requirements for Landscaping and Buffers, Access and Highway Frontage, Interior Circulation, and Conservation of Trees and Natural Features, set forth in Sections 1504(C)9, 1812(B), 1812(C), 1812(D), 1812(E), 1812(F) and 1822 of this Ordinance."

Section 9.

The following new Section 1822 ("Conservation of Trees and Natural Features") is hereby added to Article XVIII ("General Regulations"):

"1822. CONSERVATION OF TREES AND NATURAL FEATURES

A. Scope; Applicability.

This Section shall apply to all Zoning Districts within the Township.

B. Specimen Trees.

1. All Specimen Trees shall be surveyed and located and shown by size and type on sketch, tentative, preliminary, and final plans submitted for subdivision, land development, or building permits. If there are no Specimen Trees present on the site, a note shall be provided on the plans to that effect.

2. No Specimen Tree shall be cut down, damaged or destroyed, except as provided in Section 1822(B)3 below. To the contrary, all Specimen Trees shall be preserved to the maximum extent feasible.
3. A Landowner shall be permitted to remove all or a portion of a Specimen Tree upon presentation of evidence that conclusively proves to the Township in its sole discretion that such removal is necessary and appropriate due to the existence of disease, rot or other damage to the Specimen Tree or due to a serious threat to public health or safety.
4. In the event that a property owner proposes any earth disturbance activities or construction in proximity of a Specimen Tree, (i) no such earth disturbance or construction shall occur within the dripline of the Specimen Tree, and (ii) applicable precautions set forth in Section 1822(C)4 below shall be observed, whether or not such activities are in conjunction with a subdivision or land development.
5. In the event a Specimen Tree is cut down, damaged or disturbed in violation of this Section 1822, the applicable Landowner shall be required, at the Landowner's sole cost and expense, to take all necessary and appropriate steps to restore the Specimen Tree to its condition prior to any such damage or disturbance, and, if such restoration is not possible, to replace such Specimen Tree. The replacement shall be at a rate of 3 trees for each 36" caliper Specimen Tree removed with 1 additional replacement tree for each additional 12 inches or fraction thereof removed or such other reasonable remedial action that the Board of Supervisors in its discretion determines to be necessary or appropriate to ameliorate the loss of the Specimen Tree. The replacement trees shall be at least 4 inches in caliper with the location and species to be approved by the Board of Supervisors. Any such replacement trees shall be deemed a Specimen Tree for purposes of this Ordinance, and the area within the dripline of such replacement tree shall be deemed to include the area within the dripline of the Specimen Tree at the time of its removal.

C. Development and Forestry Regulations.

1. Any subdivision or development shall be designed and programmed so as to minimize earthmoving, erosion, tree clearance, and the destruction of natural amenities. All existing tree masses or trees with caliper of four (4) inches or greater shall be plotted on sketch, tentative, preliminary, and final plan submissions.
2. No portions of tree masses or trees with caliper of four (4) inches or greater shall be removed unless clearly necessary for effectuation of a proposed development or in accordance with the Forestry and Timber Harvesting Regulations of §1821 hereof. The burden of proof for this necessity shall rest with the property owner or developer. Developers shall make all reasonable efforts to harmonize their plans with the preservation of existing trees. The Planning Commission will satisfy itself of this by on-site inspection before any trees are removed.

3. When effectuation of a proposed subdivision or development, or effectuation of a permissible Forestry or Timber Harvesting Operation necessitates the clearing of trees or portion of tree masses, the property owner shall be guided by the following criteria in selecting trees and ornamentals for retention or clearing.
 - a. Aesthetic values. Including autumn coloration, type of flowers or fruit, bark and crown characteristics, amount of die-back present.
 - b. Susceptibility of tree to insect and disease attack and to air pollution.
 - c. Species longevity.
 - d. Wind firmness and characteristics of soil to hold trees.
 - e. Wildlife values: e.g., oak, hickory, pine, walnut and dogwood have high food value.
 - f. Comfort to surroundings: e.g., hardwoods reduce summer temperatures more effectively than pines or cedars.
 - g. Existence of disease, rot or other damage to the tree.
 - h. Protection of buildings. Dead and large limbs hanging over buildings should be removed.
 - i. The size of the tree at maturity.
4. Property owners shall exercise care to protect remaining trees from damage during construction. All trees, tree masses and their associated vegetation layers, mature trees and other vegetation (other than invasive plants such as poison ivy, multiflora rose, etc.) within twenty-five (25) feet of a building site, parking area, stormwater management system or other proposed improvement, construction or earth disturbance related thereto shall be considered within a Tree Protection Zone and protected from damage during construction activities with approved fencing, or other barrier, to the limits of a tree protection zone. During construction, the following procedures shall be followed in order to protect remaining trees:
 - a. The limits of tree protection fencing shall be clearly delineated on the Soil Erosion and Sedimentation Control plans. Its installation, prior to earth movement, and removal, following construction activities, shall be listed in the sequence of construction. Details noting placement and materials shall be provided on the plans.

- b. There shall be no encroachment and/or compaction of soil and roots within the tree protection zone by excavation or trenching, change of grade, storage of materials, soil, debris or vehicles. In addition, there shall be no storage of toxic materials, including petroleum-based products, within seventy-five (75) feet of a tree protection zone.
- c. Trees shall not be used for roping, cables, signs or fencing. Nails and spikes shall not be driven into trees.
- d. Tree protection zone fencing is subject to periodic monitoring by the Township. Any downed fencing shall be replaced immediately.
- e. Grade changes to occur at any location on the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.
- f. Roots from trees within the tree protection zone, which must be trimmed as a result of earth disturbance, shall be cut in accordance with approved professional pruning techniques. The cut shall be aligned radially to the tree. This method reduces the lateral movement of the remaining roots, reducing the possibility of damage to the intertwined roots of surrounding trees and other vegetation. Within four hours of any severance of roots, all roots that have been exposed and/or damaged shall be trimmed cleanly and covered temporarily with peat moss, moist burlap or biodegradable material to keep them moist and protected from disease until permanent cover is installed. Permanent cover shall be installed within 72 hours of the initial severance of roots.
- g. Tree stumps, which are located within ten (10) feet of a tree protection zone, shall be removed by means of a stump grinder or similar device which will minimize the effect of existing, intertwined roots within a tree protection zone. A stump shall be ground and removed to a point at least six inches below ground level.
- h. Trees that are to be removed shall not be felled, pushed or pulled into a tree protection zone.
- i. Tree limbs damaged during construction shall be sawed in accordance with approved professional pruning techniques.

- j. All trees impacted by construction shall be given an application of deep root fertilizer to aid in their recovery from damage caused by construction operations. The fertilizer application shall be administered at the appropriate time of the year and the requirement for it shall be noted on the landscape plans.
- k. Construction debris shall not be disposed of near or around the bases of such trees, except for mulched vegetative matter used to prevent soil compaction.
- l. Hazardous trees or trees in poor physical condition located within a tree protection zone may only be removed after written permission is received from the Township. The request for removal must be submitted to the Township in writing and must contain documentation that outlines the specific reasons the trees should be removed.

Section 10.

The following new subsection 9 is hereby added to subsection 1821.F ("Forestry Regulations"):

- "9. The requirements of Section 1822 ("Conservation of Trees and Natural Features") shall apply to any permissible Forestry or Timber Harvesting operation, except where any such requirements are expressly contrary to the provisions of this Section 1821."

Section 11.

Subsection 1821(L) ("Relation to Subdivision and Land Development Ordinance") is hereby amended to read in its entirety as follows:

- "L. Where Felling or Tree Cutting activities are proposed or contemplated to be conducted in conjunction with or in anticipation of an existing or future subdivision or land development, regulated under the provisions of this Ordinance or the Township Subdivision and Land Development Ordinance, all such activities shall conform with the requirements of Section 1822 of this Ordinance and the requirements of the Subdivision and Land Development Ordinance."

Section 12.

This Ordinance shall be effective five (5) days after its enactment.

ENACTED AND ORDAINED by the East Marlborough Township, Chester County, Board of Supervisors this 3rd day of March , 2005.

**BOARD OF SUPERVISORS
EAST MARLBOROUGH TOWNSHIP**

Angela H. Wall

Richard H. [Signature]

Edgar G. Cassell

Robert F. Weer

Paul [Signature]

Attest:

James [Signature]