

WEST VINCENT TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 201

AN ORDINANCE TO PROMOTE THE PROTECTION OF FOREST RESOURCES BY AMENDING THE WEST VINCENT TOWNSHIP CODE, CHAPTER 315 SUBDIVISION AND LAND DEVELOPMENT, INCLUDING PROVISIONS PERTAINING TO GREENWAYS, FOREST RESOURCE AND TREE PROTECTION, VISUAL RESOURCES, TRAILS, AND RELATED DEFINITIONS

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of West Vincent, Chester County, Pennsylvania as follows:

SECTION 1. The West Vincent Township Subdivision and Land Development Ordinance, Article II, Definition of Terms, Section 315-5, Definition of Terms, is hereby amended to add the following definitions:

CONSERVATION AREA, PRIMARY

Environmentally sensitive areas comprising floodplains, submerged lands, wetlands, riparian buffers, wetland buffers, critical value forests, critical value woodlands, and prohibitive steep slopes (above 25%).

CONSERVATION AREA, SECONDARY

Precautionary slopes (15% to 25%), seasonal high-water table soils, non-critical value woodlands, and non-critical value forests.

FOREST

Vegetative community dominated by trees over 16 feet tall that form a closed or nearly closed canopy, with a minimum of 60% tree canopy cover. Forest areas may be categorized as follows:

FOREST, CRITICAL VALUE – Interior forest areas with invasive plant species not sufficiently present to threaten forest’s ecological health; OR, forest within a Natural Heritage Area or Natural Heritage Area buffer as mapped by Chester County and/or delineated by the Pennsylvania Natural Heritage Program; OR, forest areas that are determined to be old-growth; OR, forest within a riparian buffer area.

FOREST, INTERIOR – Forest areas of minimum 3.75 acres that are greater than 300 feet from a non-wooded perimeter area. For a forest to have interior area, it must be at least 25 total contiguous acres. Interior forests uniquely support species with specialized habitat needs.

FOREST, OLD GROWTH – Forest areas that have been in existence for 100 years or more.

HERITAGE TREE

A specimen tree that is listed by the Township as having exceptional cultural or historic significance. The list of identified heritage trees is maintained at the Township office.

WOODLAND

Vegetated communities that include trees over 5 meters (16 feet) tall forming an open canopy with 25% to 60% tree canopy cover. Hedgerows, groves, copses, and thickets are types of woodland.

WOODLAND, CRITICAL VALUE – Woodlands that are within a Natural Heritage Area or Natural Heritage Area buffer as mapped by Chester County and/or delineated by the Pennsylvania Natural Heritage Program); OR, woodland within a riparian buffer area.

SECTION 2. The West Vincent Township Subdivision and Land Development Ordinance, Article II, Definition of Terms, Section 315-5, Definition of Terms, is hereby amended to amend definitions as follows:

GREENWAY LAND

That portion of a tract that is set aside for open space and which is comprised of environmentally constrained lands and other features as identified in Article XX, Chapter 390, Zoning, of the Township's Code.

SPECIMEN TREE

A healthy tree considered worthy of conservation by the Township because of its species, size, or cultural/historical importance, including listing by the Pennsylvania Natural Heritage Program as Endangered, Threatened, Rare, or Vulnerable. Any healthy native tree of 36 inches DBH or greater shall be considered a specimen tree. Dead, dying, or trees that pose a hazard to life and property shall not be considered specimen trees.

SECTION 3. The West Vincent Township Subdivision and Land Development Ordinance, Article IV, Preliminary Plan Content Requirements, Section 315-13.D is hereby amended to read as follows:

- D. Existing resources and site analysis plan. For all subdivisions, an existing resources and site analysis plan shall be prepared to provide the developer and the Township with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and from aerial photographs. The Township shall review the plan to assess its accuracy and thoroughness. Unless otherwise specified by the Planning Commission, such plans shall generally be prepared

at the scale of one inch equals 100 feet or one inch equals 200 feet, whichever would fit best on a single standard-size sheet (24 inches by 36 inches). The following information shall be included in this plan:

SECTION 4. The West Vincent Township Subdivision and Land Development Ordinance, Article IV, Preliminary Plan Content Requirements, Sections 315-13.D.4, 315-13.D.8, and 315-13.D.12 are hereby amended to read as follows:

- (4) Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, old field, hedgerow, critical value and non-critical value woodland, critical value and non-critical value forest, wetland, heritage trees, and specimen trees. The plan shall show the actual canopy line of existing trees, forests, and woodlands. Vegetative types shall be described by plant community, relative age and condition.
- (8) Visual resources.
- (12) Locations of existing and proposed public trails identified on the Township Trail Plan.

SECTION 5. The West Vincent Township Subdivision and Land Development Ordinance, Article IV, Preliminary Plan Content Requirements, Section 315-13.F is hereby amended to read as follows:

- F. Five-step design process for residential subdivisions. All preliminary plans in the residential districts shall include documentation of a five-step design process in determining the layout of proposed greenway lands, house sites, streets, stormwater facilities, and lot lines, as described below.
 - (1) Step 1: Delineation of greenway lands.
 - (a) Proposed greenway lands shall be designated using the existing resources and site analysis plan as a base map and complying with Article XX of Chapter 390, Zoning, of the Township's Code and Article VII herein, dealing with resource conservation and greenway delineation standards.
 - (b) Primary conservation areas shall be delineated per § 315-52 herein.
 - (c) Delineating secondary conservation areas. The applicant shall prioritize natural and cultural resources on the tract in terms of highest to lowest suitability for inclusion in the proposed greenway, in consultation with the Planning Commission. On the basis of those priorities, the tract's configuration, its proximity to resource areas on adjacent properties, and the applicant's subdivision objectives, secondary conservation lands shall be delineated to meet the greenway acreage requirements of the Zoning District, in a manner clearly indicating their boundaries as well as the types of resources included within them. Calculations shall be provided indicating the applicant's compliance with the acreage requirements for greenway areas on the tract.
 - (d) Where possible, greenways on adjacent properties shall be configured to create contiguous greenway corridors to maximize environmental and/or recreational benefits. Priority shall be given where applicable to maximizing protection of riparian buffer corridors and interior forest habitat.

- (2) Step 2: Location of house sites. Potential house sites shall be tentatively located, using the proposed greenway lands as a base map as well as other relevant data on the existing resources and site analysis plan. House sites should generally be located not closer than 100 feet from primary conservation lands and 50 feet from secondary conservation lands, taking into consideration the potential negative impacts of residential development on adjoining greenway areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.
- (3) Step 3: Alignment of streets and trails. Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, complying with the standards in § 315-43 herein and bearing a logical relationship to topographic conditions. Impact of the street plan on proposed greenway lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15%. Street connections shall generally be encouraged to minimize the number of new culs- de-sac and to facilitate access to and from homes in different parts of the tract (and adjoining parcels). Trails shall be shown in accordance with § 315-48 herein.
- (4) Step 4: Location of land-based water management facilities. Preferred locations for the stormwater and wastewater management facilities will be identified using the site analysis plan and proposed greenway lands as the base maps. Opportunities to use these facilities as an additional buffer between the proposed greenways and development areas are encouraged. These facilities shall be designed to improve the quality of stormwater runoff and wastewater effluent with emphasis placed on achieving maximum groundwater recharge. The facilities should be located in areas identified as groundwater recharge areas as indicated on the site analysis plan. The design of the facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater generated by the proposal.
- (5) Step 5: Drawing in the lot lines. Upon completion of the preceding four steps, lot lines are drawn as required to delineate the boundaries of individual residential lots.
- (6) Applicants shall submit five separate sketch maps indicating the findings of each step of the design process and/or a composite map.

SECTION 6. The West Vincent Township Subdivision and Land Development Ordinance, Article VII, Resource Conservation and Greenway Delineation Standards, Sections 315-51.C and 315-51.D are hereby amended to read as follows:

- C. Stream valleys, swales, springs and other lowland areas. Stream valleys (which include stream channels and floodplains), swales, springs and other lowland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property, their groundwater recharge functions, their importance to water quality and the health of aquatic communities, and their wildlife habitats. They are poorly suited for on-site subsurface sewage disposal systems.
- D. Woodlands and Forests. Woodlands and forests occur extensively throughout the Township, often in association with stream valleys and wet areas, poor and erodible soils, and moderate-

to-steep slopes. Approximately two thirds of the Township is within the Hopewell Big Woods, a globally significant landscape. Forested lands within the Township contain critical value forests and woodlands with exceptional habitat and ecological value. These areas are susceptible to degradation by disturbance that fragments or clears forested land. Greenways shall maximize preservation of an interconnected system of critical value forests and woodlands.

(1) Woodland conditions within the Township of West Vincent vary with respect to species composition, age, stocking and health. They range from young post-agricultural stands to mature mixed-age forests. Most woodlands in the Township represent one or more of the following resource values:

- (a) As soil stabilizers, particularly on moderate-to-steep slopes, thereby controlling erosion into nearby streams, ponds, impoundments and roads.
- (b) As areas with enhanced groundwater recharge.
- (c) As a means of maintaining stream base flows and protecting the water quality in Exceptional Value and High Quality watersheds.
- (d) As a means of ameliorating harsh microclimatic conditions, in both summer and winter.
- (e) As habitats for woodland birds, mammals and other wildlife, including endangered, threatened, rare, and vulnerable species, as well as species uniquely adapted to interior forest conditions.
- (f) As a source of wood products (i.e., poles, saw timber, veneer and firewood).
- (g) As recreation resources for walkers, equestrians, picnickers and to facilitate other outdoor activities.
- (h) As visual buffers between areas of development and adjacent roads and properties.

(2) Because of their resource values, all woodlands on any tract proposed for subdivision or land development shall be evaluated by the applicant to determine the extent to which such woodlands should be designated partly or entirely as greenway or development lands. Evaluation criteria shall include:

- (a) Configuration and size.
- (b) Present conditions (i.e., stocking, health and species composition).
- (c) Site potential (i.e., the site's capabilities to support woodlands, based upon its topographic, soil and hydrologic characteristics).
- (d) Ecological functions (i.e., in protecting steep slopes, erodible soils, maintaining stream quality and providing for wildlife habitats, including interior forests and Natural Heritage Areas).
- (e) Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.

- (f) Presence of specimen trees.
- (3) The evaluation of the tract's woodlands shall be undertaken by a forester, landscape architect, ecologist or other qualified professional acceptable to the Township. This evaluation shall be submitted as a report and made a part of the application for a preliminary plan. At a minimum, that report shall include one or more maps indicating boundaries and conditions of woodland areas accompanied by a report addressing the criteria in Subsection **D(2)** above.
- (4) In designing a subdivision and land development plan for any tract, the applicant shall adhere to the following standards:
- (a) Critical value forests, critical value woodlands, and interior forests shall be preserved and designated as greenway areas to the maximum extent possible.
 - (b) Where forested or woodland areas on the tract abut forest lands that are permanently protected through conservation easement, ownership by state or local government, or ownership by a conservation organization, the adjacent forest lands may be considered in determining location of interior forests.
 - (c) Forests and woodlands may comprise up to 100% of required greenway lands.
 - (d) Proposed site improvements shall be located, designed and constructed to minimize the fragmentation of forest and woodland areas and loss of heritage and specimen trees.
 - (e) Subdivisions shall be designed to preserve woodlands and forests along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows. Such lines and the native vegetation associated with them shall be preserved as buffers between adjacent properties and between areas being subdivided within a property.
 - (f) Disturbance or removal of woodlands and forests occupying environmentally sensitive areas shall be undertaken only when approved by the Board and on a limited, selective basis to minimize the adverse impacts of such actions. This shall include, but not necessarily be limited to, vegetation performing important soil-stabilizing functions on wet soils, stream banks and sloping lands.
 - (g) No clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems) shall be permitted on a site before the completion of subdivision and land development agreements. The determination of sight distance clearances along roadways shall be made graphically and not by clearing on site prior to final plan approval.

SECTION 7. The West Vincent Township Subdivision and Land Development Ordinance, Article VII, Resource Conservation and Greenway Delineation Standards, Sections 315-51.G and 315-51.J are hereby amended to read as follows:

- G. Critical habitat areas. Natural areas containing rare or endangered plants and animals as well as other features of natural significance exist throughout the Township. Some of these have been carefully documented (e.g., by the Pennsylvania Natural Diversity Inventory), whereas, for others, only their general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features either identified in Appendix L of the Township Zoning Ordinance, or by the applicant's existing resources and site analysis plan (as required in § 315-13D) by incorporating them into proposed greenway areas or avoiding their disturbance in areas proposed for development.

- J. Trails. When a subdivision or land development proposal is traversed by or abuts an existing or proposed trail as shown on the Township Trail Plan, the applicant shall make provisions for continued recreational use of the trail in accordance with the standards contained in § 315-48 of this chapter.

SECTION 8. The West Vincent Township Subdivision and Land Development Ordinance, Article VII, Design Process for residential Subdivisions with Greenway Lands, Section 315-52.B is hereby amended to read as follows:

- B. Five-step design process. Following the resource inventory and analysis, all residential subdivisions with greenway lands shall follow a five-step design process as described below. Applicants will be required to document the design process as described in § 315-13F of this chapter.

(1) Step 1: Delineation of greenway lands and development areas. Greenway lands and development areas shall be delineated according to the following procedure, as illustrated below, using as an example a hypothetical fifty-acre subdivision parcel, of which 40 acres are considered to be net usable land ("adjusted tract area").

Total Tract Area:	50 acres
Adjusted Tract Area (ATA):	40 acres
Minimum Greenway Requirements:	
Primary conservation areas (land unsuitable for development)	10 acres
Secondary conservation areas (50% of ATA)	20 acres
Total:	30 acres
Development Area (50% of ATA):	20 acres

- (a) "Primary conservation areas" (i.e., floodplains, submerged lands, wetlands, riparian and wetland buffers, critical value forests, critical value woodlands, and slopes over 25%) shall be deducted from the gross tract area per the Township Zoning Ordinance to determine adjusted tract area, and comprise 10 acres in the example. Primary conservation areas shall be delineated in their entirety on the plan.

- (b) Additional minimum acreage requirements for greenway areas consist of "secondary conservation areas," to be calculated on the basis of the standards in § 390-123 of Chapter 390, Zoning, of the Township's Code. In the example, a minimum of 50% of the adjusted tract (or 20 acres) must be secondary conservation areas.

- (c) Total greenway area requirements are the sum of primary conservation and secondary conservation areas, which, in the example, comprise 30 acres.

- (d) The locations and boundaries of primary conservation areas shall follow the actual boundaries of the environmental resources.
 - (e) The locations and boundaries of secondary conservation areas shall be based upon the applicant's analysis of the tract's resource features, using the design standards in § 315- 13D. The applicant shall also be guided by any written recommendations provided by the Township regarding the delineation of secondary conservation areas, following the site inspection or the pre-sketch conference.
 - (f) Development areas constitute the remaining lands of the tract outside of the designated greenway areas, which, in the above example, consist of 20 acres, where house sites, streets and lots are to be delineated in accordance with steps 2, 3 and 4 below.
- (2) Step 2: Location of house sites. Applicants shall identify house site locations in the tract's designated development areas, designed to: fit the tract's natural topography, served by adequate water and sewerage facilities, and provide views of and access to adjoining greenway areas (without encroaching upon them in a manner visually intrusive to users of such areas). House sites should be located no closer than 100 feet and 50 feet from primary conservation areas and secondary conservation areas, respectively.
- (3) Step 3: Alignment of streets and trails.
- (a) With house site locations identified, applicants shall delineate a street system to provide vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe pattern of circulation and ingress and egress to and from the tract.
 - (b) Streets shall avoid or at least minimize adverse impacts on the greenway areas. To the greatest extent practicable, wetland crossings and new streets or driveways traversing slopes over 15% shall be avoided.
 - (c) Street connections shall minimize the number of new culs- de-sac to be maintained by the Township and to facilitate easy access to and from homes in different parts of the tract (and on adjoining parcels).
 - (d) A network of trails shall also be shown, connecting streets with various natural and cultural features in the conserved greenway lands. Potential trail connections to adjacent parcels shall also be shown in areas where a Township trail network is envisioned in the Township Trail Plan.
- (4) Step 4: Location of land-based water management facilities. Preferred locations for the stormwater and wastewater management facilities will be identified using the site analysis plan and proposed greenway lands as the base maps. Opportunities to use these facilities as an additional buffer between the proposed greenways and development areas are encouraged. These facilities should generally be designed to improve the quality of stormwater runoff and wastewater effluent with emphasis placed on achieving maximum groundwater recharge. The facilities should be located in areas identified as groundwater recharge areas as indicated on the site analysis plan. The design of the facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater generated by the proposal.

- (5) Step 5: Design of lot lines. Lot lines for the subdivision should be drawn as the last step in the design procedure. They should follow the configuration of house sites and streets in a logical and flexible manner.

SECTION 9. The West Vincent Township Subdivision and Land Development Ordinance, Article VII, Greenway Design Review Standards, Sections 315-53.A, 315-53.B, and 315-53.C are hereby amended to read as follows:

- A. In designating greenway lands within the subdivision or land development plan, such areas shall be consistent with the following:
 - (1) Phoenixville Regional Comprehensive Plan, adopted as the Township Comprehensive Plan, and Zoning Ordinance.
 - (2) Article **XX** of Chapter **390**, Zoning, of the Township's Code.
- B. Resources to be conserved. The design of greenway lands in any subdivision or land development plan shall reflect the standards set forth in §§ **315-51** and **315-52** above and, to the fullest extent possible, incorporate any of the following resources if they occur on the tract:
 - (1) Stream channels, floodplains, wetlands, swales, springs and other lowland areas, including adjacent buffer areas which may be required to insure their protection.
 - (2) Areas where precipitation is most likely to recharge local groundwater resources because of topographic conditions and soils affording high rates of infiltration and percolation.
 - (3) Class I, II and III agricultural soils as defined by the United States Department of Agriculture Natural Resources Conservation Service.
 - (4) Moderate-to-steep slopes, particularly those adjoining watercourses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
 - (5) Woodlands and forests, particularly critical value forests, critical value woodlands, and those performing important ecological functions, such as protecting steep slopes, erodible soils, interior forest, and maintaining stream and/or wetland quality.
 - (6) Hedgerows, groups of trees, specimen and heritage trees, and other vegetative features representing the tract's rural past.
 - (7) Significant natural areas of species listed as endangered, threatened, rare, or vulnerable, such as those listed in Appendix L of the Township Zoning Ordinance.
 - (8) Historic resources.
 - (9) Visually prominent topographic features, such as knolls, hilltops and ridges, and scenic viewsheds, as seen from public roads (particularly those with historic features).
 - (10) Existing trails connecting the tract to other locations in the Township.
- C. Other design considerations. The configuration of proposed greenway lands set aside for common use in residential subdivisions shall comply with the following standards:

- (1) They shall be free of all structures except historic buildings, stone walls, and structures related to permitted greenway uses.
- (2) They shall generally not include parcels smaller than three acres, have a length-to-width ratio of less than four to one, or be less than 75 feet in width, except for such lands specifically designed as neighborhood greens or when part of a trail system or pathway network.
- (3) They shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to greenway land.
- (4) They shall be suitable for active recreational uses to the extent deemed necessary by the Board, without interfering with adjacent dwelling units, parking, driveways and roads.
- (5) They shall be interconnected to greenway lands or open space areas on abutting parcels wherever possible, including provisions for pedestrian pathways for general public use, to provide a continuous network of greenway lands within and adjoining the subdivision.
- (6) They shall provide buffers to adjoining parks, preserves or other protected lands.
- (7) Except in those cases where part of the greenway is located within private house lots, they shall provide for pedestrian pathways for use by the residents of the subdivision. Consideration shall be given to providing for public access on such trails if they are linked to other publicly-accessible pathway systems within the Township. Provisions should be made for access to the greenway lands as required for land management and emergency purposes.
- (8) They shall be undivided by public or private streets, except where necessary for proper traffic circulation.
- (9) They shall be provided with sufficient perimeter parking where necessary and with safe and convenient access by adjoining street frontage or other rights-of-way or easements capable of accommodating pedestrian, bicycle, maintenance and vehicular traffic, and containing appropriate access improvements.
- (10) They shall be suitably landscaped either by retaining existing natural cover and wooded areas and/or according to a landscaping plan to protect greenway resources and which minimize maintenance costs.
- (11) They shall be preserved from the removal or clearing of underbrush within woodland areas unless required or necessary for approved recreational uses.
- (12) They shall be preserved from the removal or clearing of streamside buffers and provided with additional landscaping to create stream buffers in accordance with § 390-182 of Chapter 390, Zoning, except for occasional and necessary stream access.
- (13) They shall be made subject to such agreement with the Township and such conservation easements duly recorded with each lot deed in the office of the County Recorder of Deeds as may be required by the Board for the purposes of preserving and guaranteeing management and maintenance of the greenway lands.
- (14) Any areas proposed be utilized for sewage disposal systems or stormwater management structures proposed as part of a subdivision may not be included or designated as greenway land

and shall be excluded from any calculation of greenway land requirements under this Article.

SECTION 10. The West Vincent Township Subdivision and Land Development Ordinance, Article VII, Resource Conservation Standards for Site Preparation and Cleanup, Sections 315-54.B.1 and 315-54.B.2 are hereby amended to read as follows:

- (1) Protection of vegetation from damage. Where earthwork, grading or construction activities will take place within fifty (50) feet of woodlands, forests, specimen trees, or other significant vegetation or site features, tree protection zones shall be delineated with fencing in accordance with § 390-174.D of Chapter 390, Zoning, of the Township's Code. Such fencing shall be installed prior to commencing of and shall be maintained throughout the period of construction activity.
- (2) Protective fences and barriers placed around woody vegetation during construction shall be removed at the conclusion of post-construction cleanup activities.

SECTION 11. If any sentence, clause, section or part of this ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

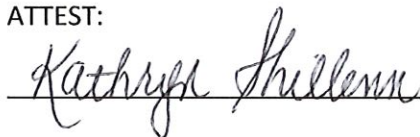
SECTION 12. All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed insofar as the same affects this ordinance.

SECTION 13. This amendment shall be effective 5 days following adoption, as by law provided.

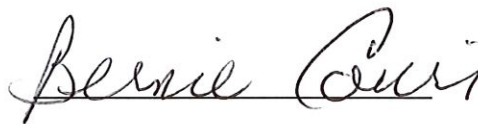
ENACTED AND ORDAINED this 17th day of October, 2022.

BOARD OF SUPERVISORS OF
WEST VINCENT TOWNSHIP

ATTEST:



Kathryn Shillenn, Secretary



BERNIE COURIS, Chair



SARA SHICK, Vice-Chair



DANA ALAN, Member