



**Planning and Zoning
Department**

616 Germantown Pike, Lafayette
Hill, PA 19444-1821

484-594-2625

www.whitemarshTWP.org

Subdivision and Land Development Cover
Page for SLD # 01-23

Project Name: Whitemarsh - SALDO
Amendment - Tree Definitions - FINAL DRAFT

Address:

Date: January 11, 2023

Status: Under Review

Updates:

Montgomery County Planning Commission Review Letter - January 30, 2023
Ordinance as amended by Planning Commission - February 14, 2023

**WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE # _____

AN ORDINANCE OF THE TOWNSHIP OF WHITEMARSH, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 105, “SUBDIVISION AND LAND DEVELOPMENT”, OF THE CODE OF THE TOWNSHIP OF WHITEMARSH, BY UPDATING CERTAIN DEFINITIONS TO PROVIDE CONSISTENCY WITH RECENT UPDATES TO CHAPTER 55, “TREE PROTECTION STANDARDS” OF THE CODE OF THE TOWNSHIP OF WHITEMARSH

WHEREAS, the Board of Supervisors of Whitemarsh Township has enacted the Code of Ordinances of Whitemarsh Township that includes, *inter alia*, Chapter 105, “Subdivision and Land Development”, which governs subdivision and land development in Whitemarsh Township; and

WHEREAS, the Board of Supervisors recently amended Chapter 55, “Tree Protection Standards”, of the Code of Ordinances which now contains new and amended definitions of terms associated with tree protection; and

WHEREAS, the Board of Supervisors desires to amend the provisions of Chapter 105 to make the definitions of certain terms consistent with the definitions of those terms in the recently updated Chapter 55; and

WHEREAS, the Whitemarsh Township Board of Supervisors has determined that consistency between definitions of terms in Chapters 55 and 105 is in the best interests of the health, safety, and general welfare of the residents of Whitemarsh Township;

NOW, THEREFORE, it is hereby **ORDAINED** and **ENACTED** by the Board of Supervisors of Whitemarsh Township as follows:

I. Chapter 105, “Subdivision and Land Development”, of the Code of Whitemarsh Township be amended as follows:

Section 1. §105-5.C. ‘Definitions and word usage’ is amended such that the definition which currently reads:

CANOPY TREE

Large shade trees with deciduous foliage (bare in winter) generally reaching at least 40 feet in height at maturity.

is amended to read as follows:

CANOPY TREE

Large shade trees with deciduous foliage (bare in winter) generally reaching at least 45 feet in height at maturity, and a canopy width of at least 25 feet. Applicant

shall refer to the United States Department of Agriculture (USDA) Plants Database for guidance on the approximate expected size of tree species at maturity. Final determination of Canopy Tree status is subject to the discretion of the Shade Tree Commission.

Section 2. §105-5.C. ‘Definitions and word usage’ is amended such that the definition which currently reads:

HAZARD TREE

A tree with uncorrectable defects severe enough to pose present danger to people or buildings under normal conditions, as determined by the Township Shade Tree Commission.

is amended to read as follows:

HAZARD TREE

A tree with uncorrectable defects severe enough to pose present danger to people or buildings under normal conditions, as determined by the Township Shade Tree Commission or their designee.

Section 3. §105-5.C. ‘Definitions and word usage’ is amended such that the definition which currently reads:

HERITAGE TREE

A tree located on public or private property:

- (1) Which is specifically identified and considered worthy of preservation by the Township because of the species, size, rarity or historical importance; or
- (2) Having a dbh greater than 40 inches or an age greater than 75 years.

is amended to read as follows:

HERITAGE TREE

A Living and Healthy Tree located on public or private property:
having a DBH of 36 inches or greater, or an age of 75 years or greater.

Section 4. §105-5.C. ‘Definitions and word usage’ is amended such that the definition which currently reads:

PRESERVED TREE

A preserved tree is any tree that is to be properly protected and not destroyed or injured during construction as required by this chapter.

is amended to read as follows:

PRESERVED TREE

A preserved tree is any tree that is to be properly protected according to the provisions of Chapter 55 of the Whitemarsh Township Code.

Section 5. §105-5.C. ‘Definitions and word usage’ is amended such that the definition which currently reads:

ROOT PROTECTION ZONE

Area within a tree's temporary protection fencing which is to be maintained throughout the entire period of construction. The protective fencing shall be placed at a distance calculated at 1.25 feet (radius) per each one inch of (DBH) diameter breast height or to the outer edge of the dripline, whichever is greater.

is amended to read as follows:

ROOT PROTECTION ZONE

The area of soil, to remain undisturbed, surrounding the Tree trunk where roots required for future Tree health and survival are located, the dimension of which will be determined in accordance with Chapter 55 “Tree Protection Standards”.

Section 6. §105-5.C. ‘Definitions and word usage’ is amended such that the definition which currently reads:

TREE

Any hard-wooded perennial plant, whether evergreen or deciduous, or a species which normally reaches a height of eight feet or more at maturity.

is amended to read as follows:

TREE

Any hard-wooded perennial plant, whether evergreen or deciduous, or a species which normally reaches a height of fifteen feet or more at maturity.

Section 7. §105-5.C. ‘Definitions and word usage’ is amended such that the definition which currently reads:

TREE SURVEY PLAN

A plan identifying the size, species and location of all trees having a diameter at breast height (DBH) of six inches or greater, denoting each tree to be saved or removed, the location of tree protection fences and the proposed schedule of replacement trees.

is amended to read as follows:

TREE SURVEY PLAN

A plan identifying the size, species and location of all trees having a diameter at breast height (DBH) of six inches or greater, denoting each tree to be saved or removed, the location of tree protection fences and the proposed schedule of replacement trees. This plan is described and required per Chapter 55-4.A., Tree Protection Ordinance. All Removed Trees shall be identified if removed in the past five years, and all required information should also be included on the

Landscaping and Grading Plan.

II. All ordinances or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.

III. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Code of Ordinances of Whitmarsh Township.

IV. This Ordinance shall become effective on the earliest date permitted by the Whitmarsh Home Rule Charter.

ENACTED and **ORDAINED** this _____ day of _____, 2023.

ATTEST

**WHITEMARSH TOWNSHIP
BOARD OF SUPERVISORS**

Richard L. Mellor, Jr.
Secretary

Fran McCusker
Chair

UPDATES

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**

KENNETH E. LAWRENCE, JR., VICE CHAIR
JOSEPH C. GALE, COMMISSIONER



**MONTGOMERY COUNTY
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311
NORRISTOWN, PA 19404-0311
610-278-3722 • FAX: 610-278-3941
WWW.MONTCOFA.ORG

SCOTT FRANCE, AICP
EXECUTIVE DIRECTOR

January 30, 2023

Mr. Charles L. Guttenplan, AICP
Director of Planning & Zoning Officer
Whitemarsh Township
616 Germantown Pike
Lafayette Hill, Pennsylvania 19444

Re: MCPC #23-0007-001
Ordinance Amendment: Consistency of Definitions in Chapter 55, "Tree Protection Standards"
Whitemarsh Township

Dear Mr. Guttenplan:

We have reviewed the above-referenced subdivision ordinance amendment in accordance with Section 505 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on January 11, 2023. We forward this letter as a report of our review.

BACKGROUND

Whitemarsh Township has submitted for the planning commission's review an ordinance which amends the township's Subdivision and Land Development Code with revised definitions and word usage for Chapter 105.C - Definitions and Word Usage. The township desires to amend Chapter 55 in order to ensure consistency with the recently adopted updates to Chapter 55, "Tree Protection Standard". The accompany documentation states that the township recently amended Chapter 55 and the amendment updates the following definitions and word usage in the interest of consistency with the Subdivision and Land Development Code. The proposed ordinance amends the following definitions in Chapter 105-5.C: Canopy Tree, Hazard Tree, Heritage Tree, Preserved Tree, Root Protection Zone and Tree Survey Plan.

RECOMMENDATION & CONCLUSION

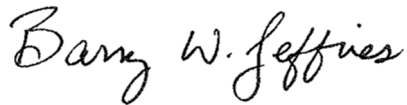
The Montgomery County Planning Commission (MCPC) generally supports the proposed amendment ordinance to Subdivision and Land Development Code in which the township seeks to provide consistency with the recently adopted Chapter 55. "Tree Protection Standards". We have not identified any issues in the proposed definitions and word usage that are of a concern. Thus we have not substantive comments.



Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body adopt this zoning ordinance amendment, Section 505 of the Municipalities Planning Code requires that the County Planning Commission be sent an official copy within 30 days.

Sincerely,

A handwritten signature in black ink that reads "Barry W. Jeffries". The signature is written in a cursive, flowing style.

Barry W Jeffries, ASLA, Senior Design Planner
610-278-3444 – barry.jeffries@montgomerycountypa.gov

c: Aaron Kostyk, Chm., Township Planning Commission
Krista Heinrich, PE, Township Engineer
David Sander, Esq., Township Solicitor
Richard Mellow, Township Manager

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