

*****ADOPTED JUNE 10, 2019*****

DELANCO TOWNSHIP

ORDINANCE 2019-9

AMENDING CHAPTER 100

**GOVERNING “SUBDIVISION OF LAND” TO REQUIRE APPROVAL BY THE
DELANCO SHADE TREE COMMISSION FOR PLANTING OF TREES IN THE
PUBLIC RIGHT OF WAY IN NEW SUBDIVISIONS**

WHEREAS, it has been determined that it is in the best interests of the Township that shade trees be required to be planted in the public right of way whenever the Joint Land Use Board (JLUB) approves new subdivisions per Chapter 100; and

WHEREAS, the current provision in the Township Code makes the technical approval of species and location part of the plan approved by the JLUB; and

WHEREAS, the Township Committee has determined that since any trees planted in the public right of way by a developer of an approved subdivision or project will become the responsibility of the Delanco Shade Tree Commission (DSTC) to maintain, any plan for such planting should be only as approved by the DSTC, whose approval shall be a condition of any future subdivision approval by the JLUB.

NOW, THEREFORE, BE IT HEREBY ORDAINED that Chapter 100, governing “Subdivisions” is hereby amended to read as follows:

Section 1.

Article III. Minor Subdivisions.

Chapter 100-7. Required construction improvements for minor subdivisions.

The following construction improvements shall be required for all minor subdivisions:

- C. Shade trees shall be planted within the public right of way between the curb, or the edge of road if no curb, and the edge of the existing sidewalk or sidewalk easement, according to a plan that complies with Chapter 238 of this Code and is approved by the Delanco Shade Tree Commission. All developers must provide a seven-foot shade tree easement at the time of the subdivision application.

Section 2.

Article V. Required Improvements.

Chapter 100-11. Construction improvements for major subdivisions.

The following construction improvements shall be required for all major subdivisions. All of the following improvements shall be designed in accordance with the design standards contained in Chap. 100-12 through 100-17 and constructed in accordance with the construction standards with 100-18:

- D. Shade trees shall be planted within the public right of way between the curb, or the edge of road if no curb, and the edge of the existing sidewalk or sidewalk easement, according to a plan that complies with Chapter 238 of this Code and is approved by the Delanco Shade Tree Commission.

Section 3.

Article X. Design Standards.

Chapter 100-42. Shade trees.

- A. Location. Shade trees shall be planted within the public right of way between the curb, or the edge of road if no curb, and the edge of the existing sidewalk or sidewalk easement, on both sides of all streets according to a plan that complies with Chapter 238 of this Code and is approved by the Delanco Shade Tree Commission.
- B. Tree type. Tree types may vary depending on the overall effect desired, but selection shall be approved by the Delanco Shade Tree Commission.
- C. Planting specifications. All trees shall have a caliper of two inches and be nursery grown, of substantially uniform size and shape and have straight trunks. Trees shall be properly planted and staked and provision made by the applicant for regular watering and maintenance until they are established. Dead and dying trees shall be replaced by the applicant during the next planting season.

Section 4. Repealer. Any Ordinances inconsistent with this ordinance is hereby repealed to the extent of its inconsistency.

Section 5. Severability. If any provision of this Ordinance is deemed unlawful by a Court is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.

Section 6. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law.