

*****ADOPTED NOVEMBER 14, 2022*****

**TOWNSHIP OF DELANCO
ORDINANCE 2022-11**

**AMENDING CHAPTER 91 GOVERNING SITE PLAN
APPROVAL AND CHAPTER 100 SECTION 17
GOVERNING PRESERVATION OF NATURAL
RESOURCES**

WHEREAS, the Township of Delanco has existing provisions governing “Site Plan Approval” under Chapter 91 of the Township Code; and

WHEREAS, the Township of Delanco has existing provisions governing “Preservation of Natural Resources” under Chapter 100 Section 17 of the Township Code; and

WHEREAS, the Township Committee desires to protect the existing trees and vegetation within the Township and promote replanting of trees that are removed with appropriate native species; and

WHEREAS, pursuant to a recommendation made by the Joint Land Use Board with input from the Township Planner and upon a review of the existing provisions the Township Committee has determined to amend the existing provisions;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey, hereby amends Chapter 91 and Chapter 100 of the Code of the Township of Delanco as follows:

SECTION 1.

§91-4 entitled “Definitions” shall be amended to include the following additional definitions:

MATURE UPLAND FOREST – a stand of trees, which may be interspersed with small tree, shrubs, and herbaceous species, that has developed relatively free of stand replacement over a 40-year period.

OLD GROWTH FOREST – a stand of trees, which may be interspersed with small trees, shrubs, and herbaceous species, that has developed relatively free of stand replacement over a 120-year period.

UPLAND – as defined by the USEPA, and as may be amended, any area that is developable under the law, with the exception of areas which qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils, and/or hydrologic characteristic associated with wetlands and also not waters of the United States.

SECTION 2.

§91-6 entitled “Preservation of natural and cultural resources” subsection B – Mature vegetation shall be amended as follows:

B. Mature vegetation. The applicant shall prepare a plan showing all trees in excess of ~~eight~~ ten (10) inches caliper at four and a half (4.5) feet in height. Wherever possible, mature vegetation will be spared, and appropriate conservation measures undertaken. The location(s), species, and size of all deciduous trees ten (10) inches or greater in caliper at four and a half (4.5) feet in height or evergreen and coniferous trees greater than eight (8) feet in height, to be removed shall be shown on a survey or site plan. The location of replacement trees including a replacement schedule, indicating species, quantities, and size in accordance with §91-6(B)(5) shall be provided.

- (1) In residential developments, trees shall be planted throughout the site at a rate of one (1) tree per 1,000 square feet of upland lot area, outside of improvements, or fraction thereof.
- (2) In nonresidential developments, trees shall be planted throughout the site at a rate of one (1) tree per 1,000 square feet of upland lot area, outside of improvements or fraction thereof.
 - (a) Of the quantity specified above, 60% shall be shade trees at a minimum caliper size of two (2) inches to two and a half (2.5) inches and/or evergreen and coniferous trees at six (6) to eight (8) feet in height.
 - (b) Of the quantity specified above, 40% shall be shade trees a minimum caliper size of two and a half (2.5) inches to three and a half (3.5) inches and/or evergreen and coniferous trees at eight (8) to ten (10) feet in height.
- (3) Where existing, mature upland forest, containing a predominance of tree four (4) inches in diameter at four and a half (4.5) feet height at the approval of the Board Landscape Architect, which are preserved and adequately protected and not injured during and subsequent to construction may be deducted from the quantity of trees required at the rate of one (1) tree for every 2,000 square feet of mature upland forest. Note: Only upland areas and existing trees, which are located on the property being developed shall be considered to satisfy this requirement; neither plantings provided in conjunction with other ordinance requirements nor trees within the right-of-way shall be considered.
- (4) An accurate limit of woodland to be cleared, and planting sites for new plantings shall be indicated on the landscape plan, individual plot plan, or site plan and must be submitted to the Board Landscape Architect for review and approval prior to preliminary approval.
- (5) Mitigation required for tree removal in excess of ten (10) inches caliper or eight (8) feet in height.
 - (a) Mitigation for tree removal shall be required for removal of trees requiring site plan or subdivision approval; and/or for clearing of trees occurring beyond any approved limit of clearing that was not approved as part of any site plan or subdivision approval.

- (b) Replacement trees. Replacement trees shall generally be replaced with the same species, or other native New Jersey species, except in the case of disease prone or not aesthetically appropriate species; and shall be required in accordance with the following schedule:

<u>Caliper or Height of Removed Tree</u>	<u>Number of Replacement Trees for each tree removed measuring:</u>
<u>10-12" caliper deciduous/ 8 -14' height evergreen & coniferous</u>	<u>1</u>
<u>12-16" caliper deciduous / 14-18' height evergreen & coniferous</u>	<u>2</u>
<u>16-24" caliper deciduous / 18-26' height evergreen & coniferous</u>	<u>3</u>
<u>24+" deciduous/ 26 +' height evergreen & coniferous</u>	<u>4</u>

(6) Exceptions.

- (a) Commercial nurseries, fruit orchards, state approved forest management, and agricultural uses.
- (b) Removal of dead, dying, diseased, severely damaged, or any tree which is deemed a hazard to structures, infrastructure, or human life.
- (c) Any tree on public lands under the control of any governing entity, including parks and rights-of-way.
- (d) Approved pruning or removal by utility companies for maintenance.
- (e) Fire Hazard Areas.
- (f) Where lot area is less than two times the required minimum lot size, then lots containing single-family or two-family dwellings and properties within these residential districts.

(7) Planting standards. All replacement trees shall be nursery grown, certified and guaranteed for a life of at least two (2) years from the date of installation or planting and if dead or dying (as determined by the Planner), replacement is required. The replacement trees shall have a minimum caliper of two and a half (2.5) inches for shade trees, one and a half (1.5) inches for ornamental trees, and a height of six (6) feet for evergreen and coniferous trees.

(8) Off-site compensation. If all the required replacement trees cannot be accommodated on the Applicant's site, at the request of the Applicant, the deficit may be planted at an off-site location, which shall be Township or other publicly owned property, as determined by the Township Committee or their designee. The replanting plan shall be prepared by the Applicant for approval by the Township Landscape Architect. In the alternative to on-site replanting, the applicant may elect to contribute a cash equivalent to the Township, to be placed in an account and used for the purpose of replacement trees by the Township or their designee for use on public property or within any right-of-way. If a cash contribution is offered, the contribution will be calculated, based upon current bond estimating, and made prior to the filing of any subdivision plan or prior to the issuance of permits.

SECTION 3.

§91-8 entitled “Landscaping, screening and lighting” subsection A shall be amended as follows:

- A. Landscape buffers shall be provided pursuant to §110-15; and trees shall be preserved, maintained, and/or planted consistent with §91-6 and/or §100-17.
- a. Landscape buffer areas. The landscape buffer areas shall create continuous unbroken screen consisting of deciduous and evergreen trees and shrubs.
 - b. Street trees shall be planted 50 feet on center for all new development, within the right-of-way, in the planting strip, located between the curb and the sidewalk, wherever possible. Where that arrangement is not possible, the street trees shall be placed within the right-of-way between the curb and the property line.
 - c. The following list of invasive exotic trees are prohibited:
 - Acer ginnala — Amur maple
 - Acer japonicum — Japanese red maple
 - Acer platanoides — Sycamore maple
 - Acer pseudoplatanus — Norway maple
 - Ailanthus altissima — Tree-of-Heaven
 - Alnus glutinosa — black alder
 - Broussonetia papyrifera — paper mulberry
 - Kolreuteria paniculata — golden rain tree
 - Mela azedarach — chinaberry
 - Morus alba — white mulberry
 - Paulownia tomentosa — princess paulownia
 - Phellodendron amurense — Amur cork tree
 - Quercus acutissima — sawtooth oak
 - Populus alba — white poplar
 - Ulmus purnila — Siberian elm
 - Sapium sebiferum — Chinese tallow tree
 - d. The following list of invasive exotic shrubs or smaller trees are prohibited:
 - Albizia julibrissin — mimosa
 - Berberis japonica — Japanese barberry
 - Berberis thunbergii — Japanese barberry
 - Berberis vulgris — common barberry
 - Cytisus scoparius — Scotch broom
 - Eleagnus angustifolia — Russian olive
 - Eleagnus pungens — thorny eleagnus
 - Eleagnus umbellata — autumn olive
 - Euonymus alatus — winged wahoo
 - Hibiscus syriacus — shrub althea
 - Ligustrum obtusifolium — blunt leaved privet

Ligustrum sinense — Chines privet
Lnicera maackii — Amur honeysuckle
Lonecera morrowi — Morrow honeysuckle
Lonicera morrowi z tatarica — Bell’s honeysuckle
Lonicera tatarica — Tartarian honeysuckle
Rhamnus frangula — glossy buckthorn
Rhamnus cathartica — buckthorn
Rosa multiflora — multiflora rose
Rubus laciniata — cut leaved blackberry
Rubus phoenicolasius — wineberry
Spiraea japonica — Japanese spirea

SECTION 4.

§100-17 entitled “Preservation of natural resources” subsection B – Existing trees shall be amended as follows:

- B. Existing trees. To the fullest extent possible, existing trees shall be preserved by the developer. Special consideration shall be given to the layout of lots and the position of dwellings on lots to ensure that existing trees are preserved. Special precautions shall also be taken to protect existing trees during the process of grading lots and roads. See §91-6.B for forestation and reforestation requirements.

SECTION 5. Repealer. Any Ordinances inconsistent with this ordinance are hereby repealed to the extent of its inconsistency.

SECTION 6. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of the Ordinance are hereby declared to be severable.

SECTION 7. Effective date. This Ordinance shall be effective upon proper passage in accordance with the law.