

ORDINANCE NO. 2008-03

AN ORDINANCE OF DISTRICT TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AMENDING THE DISTRICT TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1999, AS AMENDED, BY ADDING PROVISIONS CONCERNING RIPARIAN BUFFERS APPLICABLE TO ALL PLANS INVOLVING WATER COURSES.

WHEREAS District Township, Berks County, PA (The Township) adopted the District Township Subdivision and Land Development Ordinance of 1999, as amended, (SALDO); and

WHEREAS the Township has recently adopted Ordinance 2008-01 (The Zoning Ordinance) to further the implementation of the Eastern Berks County Regional Comprehensive Plan (The Comprehensive Plan); and

WHEREAS the Berks County Planning Commission has recommended adoption of Regulations concerning the preservation and enhancement of riparian buffers as part of the Township's land use planning; and

WHEREAS the Township believes that the SALDO be amended to include these provisions.

NOW THEREFORE, in consideration of the above recitals which are incorporated herein by reference, the Board of Supervisors of District Township, Berks County, Commonwealth of Pennsylvania, hereby enact and ordain as follows:

Section 1. Specific Words and Phrases

Section 202 "Specific Words and Phrases" of the SALDO is amended by adding a new Item L under Natural Feature as follows:

"L. Riparian buffers."

Section 2. Specific Words and Phrases

Section 202 "Specific Words and Phrases" of the SALDO is amended by adding a new word as follows:

"Riparian buffers: Riparian buffers are vegetated areas adjacent to natural watercourses, including streams, ponds, estuaries and wetlands. Riparian buffers help shade and partially protect water resources from the impact of adjacent land uses."

Section 3. Preliminary Plan Requirements

Section 402 "Preliminary Plan" of the SALDO is amended by adding a new Paragraph 27 under Subparagraph D – "Plan Information" as follows:

"27. On all subdivision and/or land development plans involving tracts that contain natural watercourses, the plan shall show both riparian buffer zones, as described in Section 512, as well as existing features and vegetation within such buffer zones. The plan shall also detail proposed improvements to stabilize, preserve, and enhance riparian buffer zones, and shall list riparian buffer maintenance provisions as set forth in Section 512.C."

Section 4. Final Plan Requirements.

Section 403 "Final Plans" of the SALDO is amended by adding a new Paragraph 25 under Subparagraph D – "Plan Information" as follows:

"25. On all subdivision and/or land development plans involving tracts that contain natural watercourses, the plan shall show both riparian buffer zones, as described in Section 512, as well as existing features and vegetation within such buffer zones. The plan shall also detail proposed improvements to stabilize, preserve, and enhance riparian buffer zones, and shall list riparian buffer maintenance provisions as set forth in Section 512.C."

Section 5. Conservation Plan

Section 408 "Conservation Plan" of the SALDO is amended by adding a new Paragraph j under Subparagraph A.3 – "Conservation Plan Mapping" as follows:

" j. On all subdivision and/or land development plans involving tracts that contain natural watercourses, the plan shall show both riparian buffer zones, as described in Section 512, as well as existing features and vegetation within such buffer zones."

Section 6. Conservation Plan

Section 408 "Conservation Plan" of the SALDO is amended by renumbering Paragraph j under Subparagraph A.3 to Paragraph k.

Section 7. Design Standards

Article V "Design Standards" of the SALDO is amended by adding a new Section 512 – "Riparian Buffers" as follows:

"Section 512 Riparian Buffers

Riparian buffers, consisting of two zones, shall be provided for all natural watercourses in accordance with the following standards:

A. Riparian Buffer Delineation

1. Zone 1 shall be the landward area located between the streambank edge under typical flow conditions extending 25 feet as measured directly perpendicular from the streambank edge.
2. Zone 2 shall be the area beginning at the inland edge of the above-described Zone 1 and extending at least seventy-five (75) feet inland therefrom.

B. Riparian Buffer Plantings

Healthy riparian buffers should contain the vegetation described below. When such vegetation exists naturally within riparian buffer zones, disturbance of the vegetation is strongly discouraged. If existing vegetation is disturbed, new plantings to replace the disturbed vegetation must be provided. When such vegetation does not naturally exist within riparian buffer zones, the planting of the recommended vegetation is strongly encouraged.

1. Zone 1 should include mature canopy trees and a ground cover of warm season grasses. New tree plantings should be selected, arranged and managed to accelerate canopy growth, and offer native species habitat and food supply. New grass plantings should be selected and managed to filter-out pollutants and offer habitat. All vegetation within this Zone must thrive in wet conditions.

2. Zone 2 should include mature canopy trees generally three rows deep and a natural undercover. New tree plantings should be selected that are rapid growing so as to intercept passing nutrients. Such trees should also be arranged and managed to accelerate canopy growth, and offer native species habitat and food supply. Successive undercover plants should also be allowed to evolve with the canopy of this Zone. The most inland fifteen (15) foot portion of this zone should include warm season grasses that are allowed to mature naturally without mowing. The tall grasses ensure that overland storm water flows do not channel into the remainder of Zone 2. New grass plantings should be selected and managed to enable controlled grazing or haying so long as the grasses are not reduced to a point where they are no longer able to effectively disperse the surface water flows.

C. Riparian Buffer Maintenance

Riparian buffer zones should be maintained in accordance with the following standards:

1. Zone 1 should require little maintenance. As trees mature, die and decay it is important that such natural debris be allowed to decompose within the stream. This will provide important food and habitat for beneficial microorganisms, fish and amphibious animals. Streamside grasses should similarly be allowed to seasonally flourish and recede. Streamside cleanup of junk and manmade debris is permitted.
2. Zone 2 requires the most attention but not for some time after initial planting. Here the objective is to develop a stable and broad canopy of tree cover. The trees within Zone 2 are fast-growing and therefore consume many nutrients. The regular pruning and trimming of these trees will increase their nutrient consumption but should not jeopardize the important overhead canopy of shade. The natural undercover should be undisturbed except for periodic litter cleanup. The most inland fifteen (15) foot portion of this zone should require little maintenance. Long summer grasses should be allowed to flourish and recede with the seasons. Grazing and haying is permitted so long as the residual grass length is sufficient to disperse overland storm water flows into the remainder of Zone 2 and avoid channelization.

D. Riparian Buffer Disturbance

Disturbance associated with subdivision and/or land development activities of the required riparian buffer zones shall be allowed only in conformance with the following standards:

1. Zone 1 shall not be disturbed except for activities associated with a permitted corridor crossing including driveways, roads, recreational trails, and utilities, or for the removal of trees posing a direct flooding hazard. Corridor crossings must conform to the design standards of Section 512.E. Replanting of disturbed areas shall be in accordance with Section 512.B.
2. Zone 2 may be disturbed for activities associated with a permitted corridor crossing and for selective logging and other activities which minimally disrupt existing tree cover and soil mantle. Residential and agricultural uses are allowed, provided conservation practices and best management practices are utilized. Replanting of disturbed areas shall be in accordance with Section 512.B.
3. Uses and/or disturbances that would harm the functions and values of riparian buffer zones are not allowed in any of the zones. Such uses include but are not limited to clear-cutting of trees and other vegetation, storage of any hazardous or noxious materials, and parking lots.

E. Riparian Corridor Crossings Standards

Riparian corridor crossings shall be implemented in accordance with the following standards.

1. The width of driveways, road rights-of-way, and utility rights-of-way should not be greater than the minimum widths required by the SALDO.
2. Crossings should be designed to cross the riparian corridor at direct right angles to the greatest extent possible in order to minimize disturbance of the corridor.
3. Separation of corridor crossings should be maximized as much as feasible, subject to approval of the Township Planning Commission, with the advice of the Township Engineer.

4. Bridges should be used in place of culverts when crossings would require a 72 inch or greater diameter pipe. When culverts are installed they should consist of arch or box culverts and shall not be corrugated metal pipe. Culverts should also be designed to retain the natural channel bottom to ensure the passage of water during low flow or dry weather periods.
5. All existing trees which must be removed for the installation of corridor crossings must be replaced within the required riparian buffers. All disturbed areas must be replanted with ground cover as recommended in Section 512.B.
6. The area of the Zone 1 riparian buffer permanently disturbed by the installation of a corridor crossing must be mitigated by increasing the Zone 1 riparian buffer on each side of the watercourse until the area is equal to that which results from Section 512.A prior to the corridor crossing. The increase may be spread throughout the zone or may be concentrated as best suits the site."

Section 8. Ratification and Repeals

All Ordinances or parts of Ordinances that are inconsistent with the Provisions of this Ordinance are hereby repealed.

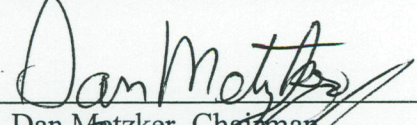
Section 9. Effective Date

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

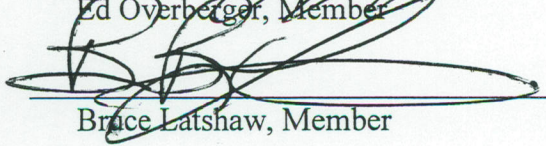
ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of District Township, County of Berks, Pennsylvania, in lawful session duly assembled, this 17 Day of JULY, 2008.

DISTRICT TOWNSHIP
BOARD OF SUPERVISORS

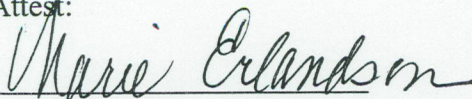
BY: _____


Dan Metzker, Chairman


Ed Overberger, Member


Bruce Latshaw, Member

Attest:


Marie Erlandson, Secretary