

EAST BRANDYWINE TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO. 1 of 2024

AN ORDINANCE OF THE TOWNSHIP OF EAST BRANDYWINE, CHESTER COUNTY, PENNSYLVANIA, AUTHORIZED BY THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE AMENDING THE EAST BRANDYWINE TOWNSHIP CODE, PART III, KNOWN AS THE LAND USE CODE OF THE TOWNSHIP OF EAST BRANDYWINE, CHAPTER 300, SECTION 300-17, DEFINITIONS, AND CHAPTER 399, SECTIONS 399-78, LANDSCAPING AND SITE DESIGN; AND SECTION 399-79, BUFFERING AND SCREENING OF VISUAL IMPACTS

IT IS HEREBY ENACTED by the Board of Supervisors of East Brandywine Township, Chester County, Pennsylvania, that Chapters 300 and 399 of the Land Use Code of the Township of East Brandywine are amended as set forth in Section 1 hereinbelow:

SECTION 1. Section 300-17 - Definitions, Section 399-78 – Landscaping and Site Design, and Section 300-79 – Buffering and Screening of Visual Impacts are amended as set forth in Exhibit A attached hereto and incorporated herein by reference, specifically by deleting text indicated by ~~red strikethrough text~~ and adding text indicated by red underlined text.

SECTION 2. Severability. 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 3. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

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SECTION 4. Effective Date. This Ordinance shall be effective 5 days following enactment, as by law provided.

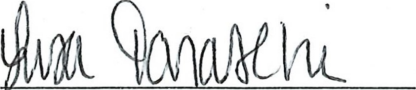
ENACTED this 7 day of March, 2024.

**BOARD OF SUPERVISORS
EAST BRANDYWINE TOWNSHIP**

ATTEST:



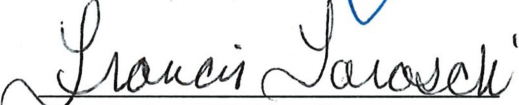
Kyle P. Scribner, Chairman



Lisa Taraschi, Secretary



Carl R. Croft, Vice Chairman



Francis Taraschi, Member

Exhibit A

§ 300-17 Definitions.

[Amended 9-20-2017 by Ord. No. 03-2017]

GROUND FLOOR AREA/BUILDING FOOTPRINT – That portion of the floor area, as defined herein, of one or more buildings on a lot or tract that is contained in and limited to the area comprising the footprint of the building(s) on the land.

§ 399-78 Landscaping and site design.

- A. Any portion of a lot, site, or tract which is not used for buildings or structures, loading or parking spaces and aisles, or other impervious surfaces or designated storage areas shall be planted with an all-season ground cover. A major objective for such ground cover shall be to prevent soil erosion and sedimentation off the site.
- B. Any use or activity proposed as part of a subdivision or land development shall further comply with the requirements for shade trees, street trees, and other landscaping components stipulated in § 350-54 of Chapter 350, Subdivision and Land Development.
- C. For the purposes of promoting disease resistance, minimum maintenance, diverse natural plant associations, and long-term stability of plantings, the applicant is required to choose those combinations of species which may be expected to be found together under more-or-less natural conditions on sites comparable to those where the trees and shrubs are to be planted. Specification of native species will assist in fulfilling this requirement. A list of suggested plant materials shall be established by resolution of the Board of Supervisors.

§ 399-79 Buffering and screening of visual impacts.

[Amended 8-16-1995 by Ord. No. 95-02; 11-29-2018 by Ord. No. 05-2018]

- A. General applicability. All persons undertaking any of the following activities shall comply with the standards and procedures in Subsections B through G below:
 - (1) Building construction.
 - (a) All nonresidential buildings, excluding agricultural buildings and buildings accessory to single-family residential uses.
 - (b) All residential buildings.
 - (2) Construction of the following streets, parking areas, loading and storage areas:
 - (a) All streets to be dedicated to the Township.
 - (b) All private streets and driveways with cartways 18 feet or more.
 - (c) Any parking area which exceeds 8,000 square feet.

- (d) Any loading or storage area, for equipment and materials, which exceeds 8,000 square feet.
 - (3) Construction or expansion of any of the following structures or facilities that exceeds 4,000 square feet in ground coverage:
 - (a) Public utility facilities and structures.
 - (b) Liquid and solid waste collection, storage, conveyance, and treatment facilities; junkyard.
 - (c) Stormwater management basins and related facilities.
 - (4) Earthmoving and grading areas exceeding one acre, excluding those areas associated with on-lot site preparation for single-family and two-family residential lots, and further excluding agricultural operations.
- B. Mitigation of visual impacts.
- (1) Consistent with the visual impact plan developed under Subsection **D**, below, the applicant shall plant trees and shrubs and make other landscape improvements (e.g., berms, fences), as necessary, to mitigate the adverse visual impacts which his proposed actions will have on his property, adjoining properties, and the Township in general.
 - (2) In demonstrating compliance with Subsection **B(1)** above, the applicant shall follow the minimum planting guidelines and landscape design guidelines set forth below. Where the proposed landscape improvements do not conform to these guidelines, the applicant shall undertake other design measures (e.g., site planning, architectural, landscape architectural) which, in the judgment of the Board of Supervisors, achieve comparable results or which render the guidelines unnecessary or inappropriate.

Continued on Next Page

Table 1

Minimum Planting Guidelines

Improvement Conditions	Deciduous Trees	<u>Deciduous Shrubs</u>	<u>Understory Trees</u>	Evergreen Trees	<u>Evergreen Shrubs</u>
Per 1,000 square feet gross building-area <u>Ground Floor Area / Building Footprint</u>	<u>2</u> <u>1</u>	4	<u>1</u>	<u>2</u> <u>1</u>	4
Per 1,000 square feet paved area (not including single-family driveways)	1	2	<u>*</u>	1	2
Per 100 linear feet of existing road frontage	<u>1</u>	<u>5</u>	<u>1</u>	<u>1</u>	<u>5</u>
With hidden view	*	*		*	*
With filtered view	*	*		*	5
With unobstructed view	1	5		1	5
Per 100 linear feet of property boundary along adjoining residential or institutional properties	<u>1</u>	<u>5</u>	<u>1</u>	<u>1</u>	<u>5</u>
With hidden view	*	*		*	*
With filtered view	*	*		2	5
With unobstructed view	*	*		3	10

Explanatory Notes for Table 1

1. Asterisk (*) indicates additional plantings at the applicant's discretion.
2. Minimum sizes of plantings should be:
 - (a) Trees: 2.5 to 3.0 inches DBH.
 - (b) Shrubs: 24 to 30 inches height or spread.
3. Fractions of plants calculated from Table 1 should be rounded up to the nearest whole number.
4. Plantings required per gross building area and paved areas may be utilized for on-lot or supplemental perimeter buffers.

- (3) In addition to the standards in Table 1, these minimum guidelines shall be followed for parking areas:
 - (a) Parking areas exceeding 20,000 square feet:
 - [1] The parking area's net perimeter (total perimeter less street access lanes) should be bordered by planting areas at least 15 feet in width.
 - (b) No more than 12 parking spaces shall be placed in a continuous row without an intervening planting area of at least 72 square feet.
 - (4) Because of the many benefits of native plants (price, longevity, wildlife habitat, etc.), the applicant shall conform to the minimum planting guidelines in Table 1 through the use of native trees and shrubs. Seventy-five percent of all plantings shall be species native to this geographic area as determined by Penn State Extension.
 - (5) Species selected by the applicant should reflect the following considerations:
 - (a) Existing site conditions and their suitabilities for the plant materials, based upon the site's geology, hydrology, soils, and microclimate.
 - (b) Specific functional objectives of the plantings, which may include but need not be limited to visual screening, noise abatement, energy conservation, wildlife habitats, and aesthetic values.
 - (c) Maintenance and replacement considerations such as hardiness, resistance to insects and disease, longevity, and availability and cost of plant materials.
 - (6) For the purposes of promoting disease resistance, minimum maintenance, diverse natural plant associations, and long-term stability of plantings, the applicant is encouraged to choose those combinations of species which may be expected to be found together under more-or-less natural conditions on sites comparable to those where the trees and shrubs are to be planted. Specification of native species as noted above will assist in fulfilling this requirement.
- C. Landscape design guidelines.
 - (1) Plantings should be provided in arrangements and locations which best mitigate the adverse impacts of the applicant's proposed site disturbance actions.
 - (2) Planting areas should be selected and designed to reflect natural landscape characteristics existing prior to site disturbance, as well as those environmental conditions to be created following site disturbance by the applicant.
 - (3) The locations, dimensions, and spacing of required plantings should be adequate for their proper growth and maintenance. This includes taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as moisture and sunlight.
- D. Visual impact plan. For all activities identified in Subsection A above, the applicant shall submit a plan that includes provisions for impact mitigation and long-term maintenance, as follows:
 - (1) Depiction on the property base map of mitigation measures proposed by the applicant, including number and placement of plantings, and of other landscape or design improvements as specified in Subsection B.
 - (2) Delineation of views of the applicant's property as it would be developed, as seen from adjoining properties used or zoned for residential or institutional purposes, and from existing adjoining public roads.

Such views shall be classified according to whether views of the applicant's proposed improvements would be hidden, filtered, or unobstructed. With respect to adjoining roads, such views shall be based upon the viewer's location at the far edge of the road cartway, the opposite edge of which directly abuts the property. With respect to adjoining properties, the viewer's location shall be along the lines established by the minimum front, side, and rear yard distances as required by existing zoning for those properties.

- (3) Documentation showing the extent to which the landscape planting and design measures conform to the guidelines in Table 1. Where they do not conform, the applicant shall demonstrate one or more of the following:
 - (a) That other mitigation measures chosen will produce comparable or superior results;
 - (b) That, through design excellence in site planning, landscape architecture, and/or architecture, the guidelines in Table 1 are unnecessary or inappropriate;
 - (c) That the need to mitigate in accordance with the guidelines constitutes an unreasonable or unnecessary financial burden.
 - (4) Sufficient information to demonstrate that all maintenance standards in Subsection **E** will be complied with.
- E. Site maintenance standards.
- (1) All landscape improvements to be provided in accordance with Subsection **B** above shall be installed and maintained by accepted practices as recognized by the American Society of Landscape Architects. Planting and maintenance of vegetation shall include, as appropriate, but need not be limited to, provisions for surface mulch, guy-wires and stakes, irrigation, fertilization, insect and disease control, and pruning.
 - (2) The applicant shall make arrangements acceptable to the Township that all landscape improvements installed in accordance with this chapter shall be maintained in a healthy and/or sound condition, or otherwise be replaced by equivalent improvements, for a period of at least 18 months following their installation, except as otherwise required by Chapter **350**, Subdivision and Land Development.
- F. Additional screening requirements. In addition to complying with applicable standards of this section, certain uses permitted under terms of this chapter shall be required to comply further with specific screening standards necessitated by the nature of the use. In such cases, compliance with those standards shall be in addition to meeting the applicable standards of this section; where standards appear to be in conflict, compliance shall be with the more stringent requirement.
- G. In response to this ordinance, a combination of elevation, section or perspective drawings shall be submitted to adequately portray the completed project appearance.