

**OFFICIAL
BOROUGH OF FRANKLIN PARK
ORDINANCE NO. 684-2024**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN PARK,
ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING
CHAPTER 184 OF CODE OF THE BOROUGH OF FRANKLIN
PARK, "SUBDIVISION AND LAND DEVELOPMENT," TO
ADOPT REGULATIONS FOR THE PRESERVATION OF
EXISTING TREE VEGETATION AND WOODED AREAS.**

WHEREAS, the Municipalities Planning Code ("MPC"), 53 P.S. §10101 *et seq.*, authorizes the Borough of Franklin Park (the "Borough") to regulate subdivisions and land developments in the Borough; and

WHEREAS, Chapter 184 of the Code of the Borough of Franklin Park, "Subdivision and Land Development," as amended, (the "Subdivision and Land Development Ordinance") regulates subdivisions and land developments within the Borough; and

WHEREAS, the Borough Council desires to adopt amendments to the Subdivision and Land Development Ordinance as set forth below in order to maintain, preserve and protect the public health, safety and welfare.

NOW THEREFORE, the Borough Council of the Borough of Franklin Park hereby ordains and enacts as follows, incorporating the above recitals by reference:

SECTION 1. The Subdivision and Land Development Ordinance is amended to create a new Section 184-916 by adding the following text:

§ 184-916 Trees and wooded areas.

The purpose of this section is to preserve existing tree vegetation by recognizing the environmental, aesthetic, and economic benefit of trees, to alleviate soil erosion, reduce flooding, to control stormwater management and to reduce the harmful effects of land disturbance to adjacent lands and watercourses. As used in this section, diameter at breast height (DBH) shall mean the tree's diameter at 54 inches above the ground.

- A. Requirement standard. The standards contained in this section shall apply to all land development or subdivision plans (except conservation subdivision plans) containing 10 acres or more.
- B. Wooded area preservation and protection of significant or unique trees shall be according to the following standards:
 - (1) No more than 60% of a wooded area may be cleared or developed. The remaining 40% shall be preserved as permanent open space. For any property on which logging operations have been conducted at least five years before the application for subdivision or land development approval, the applicant shall use the site plan

showing the areas of trees to be harvested submitted for the logging permit as the basis for compliance with this section rather than use the existing conditions for trees and wooded areas.

- (2) All trees, which are identified to be retained on the development site, shall be protected during construction by the placement of securely staked fencing with a minimum height of 36 inches outside of the drip area of all such trees. No storage or placement of any soil or construction materials, including construction wastes, shall occur within the fenced area. Cables, ropes, signs, and fencing shall not be placed on protected trees. This area is considered the tree protection zone.
- (3) All trees of significance (those trees with a DBH of 12 inches or greater), which are located within the area of disturbance shall be preserved unless:
 - (a) The tree is diseased or dead; or
 - (b) The removal of the tree is mitigated pursuant to Section 184-916E.
- (4) Trees are not to be cleared unless they are located within an area approved for grading, or the area to be occupied by a structure, or can be clearly demonstrated that the tree or trees are detrimental to the proposed development.

C. Preservation of wooded areas as described above is limited based on prioritization of site specific resources intended to be preserved, as follows:

- (1) Wooded slopes of 15% to 25%: no more than 40% of such areas shall be cleared.
- (2) Wooded slopes of 25% or more: no more than 20% of such areas shall be cleared.
- (3) Wetlands and stream corridors: no clearing within 50 feet of designated wetlands as identified by either (a) the preapplication review for subdivisions and land developments in Section 184-204, or (b) Chapter 212 of the Code of the Borough of Franklin Park, "Zoning," or (c) Chapter 178 of the Code of the Borough of Franklin Park, "Stormwater Management," or (d) within the riparian buffer determined by Section 212-1505 of the Zoning Ordinance.
- (4) Drainageways: no more than 50% of such areas shall be cleared, and their development shall be limited to recreational and open space uses.
- (5) Buffer yards not falling in the above categories, where existing wooded areas occur: no more than 50% of such areas shall be cleared.
- (6) Areas of landslide susceptibility: any proposed clearing within these areas shall be supported by a plan for landslide mitigation prepared by a professional engineer or landscape architect licensed in the Commonwealth of Pennsylvania, approved by the Borough Council.

D. Replacement and mitigation standards. Replacement of existing wooded areas and site vegetation cleared for site improvements shall be according to the following standards:

- (1) Tree replacement shall be compatible to the existing native vegetation found or cleared from the site. Tree types, deciduous or conifer, and tree species shall be required to be matched for replacement vegetation.
- (2) Wooded area replacement shall be on a one-fourth-to-one basis. If one acre is cleared, 1/4 acre is to be replaced.
- (3) Minimum width of new planting areas shall be 25 feet wide.
- (4) Wooded areas shall be established in new, unforested, or nonvegetated areas on the property and should be contiguous unless the owner/developer establishes that such contiguity is not feasible and requests a modification.
- (5) Plant material requirements for replacement/mitigation shall be as required below. Plant materials shall be pursuant to one of the below-described options:

Option	Tree Type	Units/Acre	Minimum Size
1	Large canopy trees	30	2 1/2 inches caliper
2	Large canopy trees	20	2 1/2 inches caliper
	Understory trees	30	1 1/2 inches caliper
3	Large canopy trees	10	2 1/2 inches caliper
	Understory trees	60	1 1/2 inches caliper
4	Understory trees	90	1 1/2 inches caliper
5	Conifers	45	5 feet height

- (6) Existing vegetation preserved on the site shall not be included in the above counts required for new plantings and replacement vegetation.
- (7) Tree replacement of existing wooded areas and site vegetation cleared for grading of slopes shall be replaced in the same locations as cleared to reforest slopes and shall be compatible to the existing native vegetation found or cleared from the site.
- (8) Protection. All trees should be protected from wildlife by a tree guard/tube or other fencing form and staked as appropriate. The placement and spacing of the replacement trees shall be appropriate to conditions of the replacement site and is subject to the approval of the Borough, but shall at a minimum be such as to ensure the health and longevity of replacement trees.

E. Trees of significance. Any tree of significance removed for new development shall either be replaced or mitigated as follows:

- (1) On-site mitigation of the removed tree of significance shall be as follows:
 - (a) Any tree of significance removed for new development with a DBH between 12 inches and 24 inches shall either be replaced with one six-inch caliper DBH tree; two four-inch caliper DBH trees; or four three-inch caliper DBH trees elsewhere on the development site.
 - (b) Any tree of significance removed for new development with a DBH greater than 24 inches shall either be replaced with two six-inch caliper DBH trees; four four-inch caliper DBH trees; or eight three-inch caliper DBH trees elsewhere on the development site.
 - (c) Any unauthorized removal of a tree of significance for new development with a DBH greater than 12 inches shall be replaced with a tree of same diameter and species unless otherwise approved by the Borough.
 - (2) When on-site mitigation is not possible due to the nature of the site, off-site mitigation of the removed tree of significance may be permitted as follows:
 - (a) Any tree of significance removed for new development with a DBH between 12 inches and 24 inches shall either be replaced with one six-inch caliper DBH tree; or two four-inch caliper DBH trees; or four three-inch caliper DBH trees at a location mutually agreed by the developer and the Borough.
 - (b) Any tree of significance removed for new development with a DBH greater than 24 inches shall either be replaced with two six-inch caliper DBH trees; four four-inch caliper DBH trees; or eight three-inch caliper DBH trees at a location mutually agreed by the developer and the Borough.
- F. Maintenance. Developer/owner shall be responsible to replace all dead or damaged trees installed pursuant to these requirements for a period of two years after the installation date of the vegetation described herein.
- G. Additional clearing in excess of the above. The developer shall plant new wooded areas at 1.25 times the surface acreage of disturbed area for that portion which exceeds the above requirements for areas of disturbance, which exceeds 60% of wooded areas.

SECTION 2. All prior ordinances and resolutions are hereby repealed in whole or in part to the extent inconsistent herewith.

SECTION 3. If any sentence, clause, section, or part of this Ordinance is for any reason found to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. This Ordinance shall take effect in accordance with applicable law.

ORDAINED AND ENACTED into law by Borough Council of the Borough of Franklin Park, Allegheny County, Pennsylvania, at its meeting held on the _____ day of _____, 2024.

ATTEST:

BOROUGH OF FRANKLIN PARK

_____ By: _____

Secretary

President

Approved by me this _____ day of _____, 2024.

Mayor