

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY,
BUCKS COUNTY, PENNSYLVANIA, AMENDING THE
SOLEBURY TOWNSHIP ZONING ORDINANCE
REGARDING AGRICULTURAL USES**

WHEREAS, Section 1516 (53 P.S. §66516) of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors of Solebury Township (the “Board of Supervisors”) include the ability to plan for the development of the Township through Zoning, Subdivision, and Land Development Regulations under the Act of July 13, 1968 (P.L. 805, No. 247), known as the “Pennsylvania Municipalities Planning Code”;

WHEREAS, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. §66601);

WHEREAS, the Board of Supervisors declare that the promotion of agriculture in Solebury Township (“Solebury” or the “Township”) strengthens the local economy and helps to maintain an important aspect of the Township’s heritage; and

WHEREAS, the proposed amendments will help local farmers stay competitive by making it easier for them to farm their land while at the same time striking an appropriate balance that protects the interests of all Township residents; and

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with Municipalities Planning Code Section 609 (53 P.S. §10609);

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, that the Code of Ordinances of Solebury Township is **AMENDED** as follows:

I. AMEND Section 27-103 of the Zoning Ordinance as follows:

A. STRIKE 1.A. and **REPLACE** it with the following:

To promote, protect and facilitate: the public health, safety, morals, general welfare; coordinated and practical community development; proper density of population; emergency management preparedness and operations; provision of adequate light and air; public requirements such as vehicle parking and loading space, transportation, sewage, water, recreational facilities, and public grounds; the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use; and the preservation of the natural, scenic and historic values in the environment and preservation of forests, farmland, wetlands, aquifers and floodplains.

B. STRIKE 1.C. and **REPLACE** it with the following:

To preserve prime agricultural land and farmland by considering topography, soil type and classification and present use, including the reasonable needs of farmers to continue to farm their lands in an economically viable manner.

II. AMEND Section 27-104 of the Zoning Ordinance as follows:

A. **STRIKE** 2.H. and **REPLACE** it with the following:

Encouraging the maintenance and preservation of prime agricultural land by supporting active and sustainable farming, historic resources, and the amenities of light and air, recreation and visual enjoyment.

III. AMEND Section 27-202 of the Zoning Ordinance as follows:

A. **STRIKE** the definition of “Building” and **REPLACE** it with the following:

Any structure having a roof supported by enclosing walls or columns, but not including a passive solar greenhouse.

B. **STRIKE** the definition of “Farm Building” and **REPLACE** it with the following:

Any building used for the storage of agricultural equipment or farm produce, or housing livestock or poultry. The term "farm building" shall not include the following: passive solar greenhouses, dwellings, kennels, stables or other shelters for animals not used for agricultural purposes.

C. **STRIKE** the definition of “Impervious Surface” and **REPLACE** it with the following:

Impervious surfaces are those surfaces which do not absorb rain. All buildings, including roof overhangs, parking areas, driveways, roads, sidewalks, and such areas as those in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces. The term expressly excludes passive solar greenhouses.

D. **STRIKE** the definition of “Improvements” and replace it with the following:

Physical addition and changes to land such as grading, paving, curbing, fire hydrants, water mains, sanitary sewers, capped sewers, storm sewers, storm drains, catch basins, culverts, sidewalks, monuments, crosswalks, bridges, earthworks, streetlights, wells, sewage disposal systems, street trees and other plantings, and other structures that may be necessary to produce usable and desirable land development. The term expressly excludes passive solar greenhouses.

E. **ADD** the term “Passive Solar Greenhouse” and its definition as follows:

PASSIVE SOLAR GREENHOUSE – means a movable, temporary structure that utilizes natural light for the cultivation and harvesting of products of the soil; its walls and roof are predominantly transparent or translucent and retractable and/or removable; it does not have a foundation or permanent electrical utilities; and its floor is not an impervious surface. It may also be called a hoop house or high tunnel.

IV. AMEND Section 27-2603 of the Zoning Ordinance as follows:

A. ADD a section 1.A.3. that states:

Passive solar greenhouses

- a. A passive solar greenhouse may only be used on lots where agriculture is the principal use.
- b. A passive solar greenhouse may be used at a given location for no more than 12 consecutive months unless its walls and roof are regularly retracted.
- c. Passive solar greenhouses are an important tool to enable farmers to increase their annual yield of crops. As such they are limited to the cultivation of soil and may not be used for storage, dwelling or any other purpose inconsistent with that goal.
- d. The use of one or more passive solar greenhouses on any lot may not result in more than 25% of the owner's total contiguous land area being covered by a structure of any kind.
- e. A passive solar greenhouse may not be erected unless it meets one of the following criteria:
 1. the passive solar greenhouse is located at least 100 feet from any perennial stream or watercourse, public or neighboring property line.
 2. The passive solar greenhouse is located at least 35 feet from any perennial stream or watercourse, public road or neighboring property line and located on land with a slope not greater than 7%.
 3. The passive solar greenhouse is supported with a buffer or diversion system that does not directly drain into a stream or other watercourse by managing storm water runoff in a manner consistent with the requirements of the Pennsylvania Storm Water Management Act.

B. ADD a Section C.5. that states:

Passive solar greenhouses may be located in a front yard, when the Board of Supervisors approves the location as a conditional use upon a finding that, after considering all available locations, the soil in question is the most suitable for cultivation within a passive solar greenhouse.

V. ADD a Section 27-2607 3.E. to the Zoning Ordinance that states:

Passive solar greenhouses.

VI. Partial Repealer

All other provisions of the Ordinances of Solebury Township, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Ordinance inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

VII. Severability

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

VIII. Effective Date

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

ORDAINED AND ENACTED this ____ day of _____, 2018.

BOARD OF SUPERVISORS OF SOLEBURY
TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA

Mark Baum Baicker, Chair

Kevin Morrissey, Vice Chair

Noel Barrett, Member

John Francis, Member

Robert McEwan, Member

Attest:

Catherine Cataldi, Township Secretary