

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY,
BUCKS COUNTY, PENNSYLVANIA, AMENDING
CHAPTERS 22 (SUBDIVISION AND LAND
DEVELOPMENT), AND 27 (ZONING)**

WHEREAS, Section 1516 (53 P.S. § 66516) of the Pennsylvania Second Class Township Code provides that the corporate powers of 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), as amended, 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 proposed amendments are geared toward fulfilling the Township’s obligations under Article I, Section 27 of the Pennsylvania Constitution, and of protecting the public health, safety, and welfare of Township citizens;

WHEREAS, the proposed amendments are geared toward correcting the Zoning Ordinance, located at Chapter 27 of the Code of Ordinance of Solebury Township, the Subdivision and Land Development Ordinance, located in Chapter 22 of the Code of Ordinance of Solebury Township, and correcting other inconsistencies; 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, as follows:

I. Chapter 22 of the Township Code of Ordinances is hereby **AMENDED** as follows:

A. AMEND Section 22-301.5 as follows:

1. STRIKE Section 22-301.5. and **REPLACE** it with the following:

5. Where a definition does not appear in this chapter, the Township Zoning Ordinance [Chapter 27] shall be referenced. Where the term appears in the Zoning Ordinance [Chapter 27], that definition shall govern. Any other word or term not defined herein shall be used with a meaning of standard usage.

2. ADD a new Section 22-301.6 as follows:

6. In the case of a conflict between a term defined both in this Chapter and in Chapter 27 [Zoning Ordinance], the stricter definition shall apply.

B. AMEND Section 22-302 as follows:

1. STRIKE the definition of “building envelope” and **REPLACE** it with the following:

The area within a lot within which a building may be placed, as defined by the minimum yard setbacks, and all required setbacks set forth in Chapters 22 and 27, including but not limited to natural resource setbacks and setbacks specified by Section 27-2515.

2. STRIKE the definition of “building line” and **REPLACE** it with the following:

A line within a lot that defines the building envelope.

Building Line, Front – The rear line of the minimum front yard at a distance measured from the street line, or in the case of narrow lots, from a line along the point (measured from the street from which access will be gained) where the lot first obtains the minimum lot width, and with the distance equal to the depth of the minimum front yard required.

Building Line, Rear – A line parallel to the rear lot line at a distance from the rear lot line equal to the depth of the minimum rear yard required.

Building Line, Side – A line parallel to the side lot line at a distance from the side lot line equal to the depth of the minimum side yard required.

3. STRIKE the definition for “building setback line,” including all subterms and subdefinitions, and **REPLACE** it with the following:

See “building line.”

4. AMEND the existing definition for “Caliper” by **STRIKING** the phrase “natural ground line” and **REPLACING** it with the phrase “natural ground surface.”

5. STRIKE the definition of “density” and **REPLACE** it with the following:

A measure of the number of dwelling units per unit of area calculated by dividing the number of dwelling units by the buildable site area.

6. **STRIKE** the definition of “lot area” and **REPLACE** it with the following:

The area of land contained within the property lines of a lot excluding the following: all land within existing and proposed future roads and their ultimate rights-of-way; land within existing and proposed future utility rights-of-way or easements; land previously subdivided from the area of land in question; land prohibited from development by deed restrictions, restrictive covenants and/or easements; any area presently used or previously or presently set aside for any stormwater management facilities including basins, retention areas or drainage easements; and land shown on previous subdivision or land development plans as reserved from development.

7. **STRIKE** the definition of “lot width” and **REPLACE** it with the following:

The distance measured between the side lot lines at the required building line. When there is only one side lot line, as in the case of a corner lot or single-family attached dwellings, the lot width shall be measured between such lot line and the opposite lot line.

8. **STRIKE** the definition for “site” and **REPLACE** it with the following:

A tract or parcel of land or combination of contiguous lots or parcels of land that are not divided by a street and are under the same ownership.

9. **STRIKE** the definition for “site area” and **REPLACE** it with the following:

Any land area within a site as determined by an actual site survey, minus the following: all land within existing and proposed future roads and their ultimate rights-of-way; land within existing and proposed future utility rights-of-way or easements; land previously subdivided from the area of land in question; land prohibited from development by deed restrictions, restrictive covenants and/or easements; any area presently used or previously or presently set aside for any stormwater management facilities including basins, retention areas or drainage easements; and land shown on previous subdivision or land development plans as reserved from development.

10. **STRIKE** the definition of “Subdivision, Minor” and **REPLACE** it with the following:

Any division or re-division of a lot, tract or parcel of land by any means into not more than two lots, provided that no division or re-division has

been approved with regard to said lot, tract or parcel of land within the preceding 5 years. Plans that solely propose the creation or relocation of a street shall be treated as minor subdivisions and shall be subject to the time standards set forth in this definition.

11. **STRIKE** the definition of “Tree Dripline” and **REPLACE** it with the following:

A generally circular line, the circumference of which is determined by the outer reaches of a tree’s widest branching points (the outer edges of the branches of the tree).

12. **STRIKE** the term and definition for “Tree Protection Area” and **REPLACE** it with the following:

TREE PROTECTION ZONE or TREE PROTECTION AREA

An area that is radial to the trunk of a tree in which construction and development activity is prohibited to protect the health of the tree. The tree protection zone shall be 15 feet from the trunk of the tree to be retained, or the distance from the trunk to the tree dripline, whichever is greater. Where there is a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees.

13. **STRIKE** the definition for “watercourse” and **REPLACE** it with the following:

A stream, river, brook, creek, or swale, or a channel or ditch for water, whether natural or man-made, with perennial or intermittent flow.

14. **STRIKE** the term and definition of “Waters of the Commonwealth/Waters of the U.S.” and **REPLACE** it with the following:

WATERS OF THE COMMONWEALTH

Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, ponds, springs, wetlands, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

15. **STRIKE** the term and definition for “Woodlands” and **REPLACE** it with the following:

WOODLANDS OR WOODED AREA

This term is defined as:

- (1) A tree mass or plant community in which tree species are dominant or co-dominant and the branches of the trees and foliage form at least a 70% aerial canopy during the growing season; and/or
- (2) Any area, grove, or stand of mature or largely mature trees (i.e., larger than six inches caliper) covering an area of 1/4 acre or more, or consisting of 10 individual trees of six inches caliper or larger shall be considered a woodland.

For the purpose of this chapter, the extent of any woodland plant community or any part thereof shall be measured from the outermost dripline of all the trees in the community.

Woodlands do not include orchards or old fields (former agricultural fields or pastures where natural succession has been allowed to occur, but where most trees are smaller than six inches caliper).

16. **STRIKE** the definition of “yard” and **REPLACE** it with the following:

A space open to the sky on the same lot with a building, use, or structure and that is unoccupied except for accessory structures or uses to the extent specifically permitted by this chapter and Chapter 27. The minimum dimension of a required yard shall be that which is required in the zoning district of the proposed building, use, or structure. The size of a required yard shall be measured as the shortest distance between the lot line (or, as the case may be, the street line) and the building line.

17. **STRIKE** the definition of “yard, front” and **REPLACE** it with the following:

A yard between the front building line and the street line and that extends the entire length of the street line. In the case of narrow lots, the front yard is a yard between the front building line and a line along the point where the lot first obtains the minimum lot width, and that extends the entire length of that line. In the case of a corner lot and any other lot that fronts on more than one street, front yards of the required depth shall be provided along all streets.

18. **STRIKE** the definition of “yard, rear” and **REPLACE** it with the following:

A yard between the rear building line and the rear lot line and that extends the entire length of the rear lot line.

19. **STRIKE** the definition of “yard, side” and **REPLACE** it with the following:

A yard between a side building line and a side lot line on the same side of the lot, and that extends in length from the front building line to the rear building line. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

20. **STRIKE** the following terms, along with their definitions:

Agricultural soils
Lakes and ponds
Lot, Flag
Site Area, Base
Site Area, Net Buildable

21. **ADD** the following definitions:

HEDGEROW

A hedgerow is a linear plant community dominated by trees and/or shrubs. Hedgerows often occur along roads, fence lines, property lines, or between fields, and may occur naturally or be specially planted (e.g., as a windbreak). For the purposes of this chapter, hedgerows are considered woodlands or wooded areas and regulated as such.

INVASIVE PLANT SPECIES or INVASIVE SPECIES or INVASIVE PLANTS

Predominantly non-native, non-indigenous, alien tree, shrub, vine, or herbaceous species that grow or reproduce aggressively, usually because they have few or no natural predators, and which can so dominate an ecosystem that they kill off or drive out many indigenous plant species. Invasive trees, shrubs, vines or herbaceous species include, but are not limited to: Bamboo (as further defined in Chapter 10, Section 10-402), Norway Maple, Tree-of-Heaven, Paper Mulberry, White Mulberry, Empress Tree, White Poplar, Multiflora Rosa, Japanese Barberry, European Barberry, Autumn Olive, Border Privet, Common Privet, Morrow's Honeysuckle, Tartarian Honeysuckle, Japanese Honeysuckle, Common Buckthorn, Wineberry, Japanese Spiraea, Linden Viburnum, Guelder Rose, Oriental Bittersweet, Chinese Wisteria, Japanese Wisteria, Leatherleaf Clematis, Mile-a-Minute Weed, Kudzu, Japanese Knotweed, Giant Hogweed, Garlic Mustard, Canada Thistle, Crown Vetch, Tall Fescue, Purple Loosestrife,

Dame’s Rocket, Sweet Clover, European Water Chestnut, Japanese Stilt Grass, Reed Canary Grass, Shattercane, and Johnson Grass.

LOT, NARROW

A lot that does not have the required minimum lot width at the front building line, but that has direct access to a public street. Examples of narrow lots include, but are not limited to, flag lots and lane lots.

NATURAL GROUND SURFACE

Ground surface in its original state before any earth disturbance (as defined in Chapter 9, Section 9-104).

SITE AREA, BUILDABLE

The site area minus the following: all land area required to be protected under Part 22 of the Zoning Ordinance, and all land area required to be kept as open space or to otherwise be protected under the Township’s Ordinances.

SPECIMEN VEGETATION or SPECIMEN TREE

Individual trees or other vegetation determined to be of specimen quality as determined by a natural resource professional such as, but not limited to, a certified landscape architect or arborist or which generally fall within the parameters of the following table shall be protected in accordance with these standards. The examples of specimen trees included in the following table are intended to provide general guidelines and examples of what constitutes a specimen tree. The list is not considered all inclusive:

| Species-Common Name | Minimum Size (Caliper) |
|----------------------------|-------------------------------|
| Apple | 24 inches |
| Locust | 30 inches |
| Sassafras | 20 inches |
| Ash | 32 inches |
| Maple | 32 inches |
| Spruce | 30 inches |
| Beech | 32 inches |
| Sycamore | 36 inches |
| Cherry | 24 inches |
| Oak | 32 inches |
| Elm | 30 inches |
| Walnut | 30 inches |

| Species-Common Name | Minimum Size (Caliper) |
|----------------------------|-------------------------------|
| Hemlock | 30 inches |
| Pine | 30 inches |
| Hickory | 30 inches |

THREATENED AND/OR ENDANGERED SPECIES

Fauna or flora listed as “threatened” or “endangered” under the Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq., the Wild Resource Conservation Act, 32 P.S. § 5301 et seq., the Fish and Boat Code, 30 P.S. § 101 et seq., the Game and Wildlife Code, 34 Pa.C.S. § 101 et seq., or regulations adopted pursuant to any of the said Acts and Codes.

C. STRIKE Section 22-401.2. and **REPLACE** it with the following:

Review Process and Plan Submissions. Section 22-402 sets forth the general review process and requirements, including pre-plan submissions and site visits. Sections 22-403 through 22-406 set forth the requirements and procedures for sketch plans, preliminary plans, and final plans. Section 22-407 provides modified procedures for minor subdivisions and for lot line adjustments. Section 22-409 provides a simplified procedure for subdivisions of preserved property where subdivision is permitted under the conservation easement or other preservation document or rules.

D. AMEND Section 22-402 as follows:

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

Review Process and Requirements

2. STRIKE the language at Section 402.1 and **REPLACE** it with the

following:

The following procedures are to be followed for all subdivisions and land developments, including lot line adjustments submitted to the Township. The chart below provides a summary of these requirements, but the language of this Chapter shall prevail if there is a conflict. The content of the plan submission will vary depending on the type of plan submitted (sketch, preliminary, or final) and are specified in other sections of this Chapter.

| | Lot Line Adjustment | Minor Subdivision | Major Subdivision | Land Development |
|-------------------------|----------------------------|--------------------------|--------------------------|-------------------------|
| Pre-Application Meeting | Recommended | Recommended | Recommended | Recommended |

| | | | | |
|---|---|---|---|---|
| Existing Resources and Site Analysis Plan (“ERSAP”) | Recommended | Required | Required | Required |
| Site Visit with Township | Not Required, Unless Twp. Finds Necessary | Required, Unless Twp. Finds Unnecessary | Required, Unless Twp. Finds Unnecessary | Required, Unless Twp. Finds Unnecessary |
| Pre-Plan Conference | Recommended | Required | Required | Required |
| Four-Step Design Process | Recommended | Required | Required | Required |
| Sketch Plan | Recommended | Recommended | Recommended | Recommended |
| Preliminary Plan | Not Required | Not Required | Required | Required |
| Final Plan | Required | Required | Required | Required |

3. STRIKE Section 22-402.1.B. in its entirety and **REPLACE** it with the following:

B. Existing Resources and Site Analysis Plan (“ERSAP”). The purpose of the ERSAP is to ensure that all development in the Township occurs in a manner that respects the natural environment and that the applicant and the Township have a solid understanding of the natural conditions of any proposed development site, as well as conditions around the site which provide the context for the proposed development. It also provides a complete and factual reference for making a site visit, if a site visit is required.

1. **Applicability.** All applicants must prepare and submit an ERSAP that complies with the requirements of this section, except for a lot line adjustment. No plans for minor subdivisions, major subdivisions, or land developments will be accepted by the Township which does not include the ERSAP.

2. **Timing of Submission.** When a site visit is required, the applicant must submit the ERSAP to the Township prior to the visit. For all other applicants, the information must be submitted with the first set of plans that the applicant submits to the Township. For example, if the applicant chooses to provide a sketch plan to the Township, it must provide the ERSAP at that time. The first item to be discussed when the plan reaches reviewing boards and commissions shall be the ERSAPs.

3. Requirement to Update. The applicant shall promptly update the ERSAP to address new information about site conditions or any of the items required to be included in the ERSAP. It shall promptly provide such updated ERSAP to the Township.
4. Required Contents of ERSAP.
 - a. Site boundaries.
 - b. Existing Resources Inventory. A comprehensive analysis of existing conditions on the proposed development site and areas within 500 feet of the site, showing:
 - a. Soils. Soils types within the site, based on maps contained in the Soil Survey of Bucks and Philadelphia Counties, Pennsylvania, U.S. Department of Agriculture, as last revised. The soil classifications and boundary lines of all soils located on the tract shall be shown with reference to any alluvial soils, hydric soils, floodplain soils boundary and productive agricultural soils. Soil descriptions for all soil types shall be provided. Any building or septic system restrictions due to wet soils, seasonably high water table or other restrictions shall be noted on the plans and considered in the site layout. Hydrologic soil groups shall be noted.
 - b. Topography. Contour lines measured at vertical intervals of two feet. Such slopes shall be determined by an on-site survey, not interpolation of U.S.G.S. maps.
 - c. Slope areas. Areas to be shown graphically. Slope delineation must use the same data as that use to depict site topography. The amount of each area in each slope category shall be shown numerically, with a calculation of the amount of the slope to be preserved and the amount and percentage to be disturbed:
 - i. Eight percent to less than 15%.
 - ii. Fifteen percent to 25%.
 - iii. Greater than 25%.
 - c. Ridge lines and watershed boundaries.
 - d. Floodplain areas as determined pursuant to § 8-301, "Identification," of the Solebury Township Floodplain Ordinance [Chapter 8].
 - e. Limestone areas or any areas of carbonate geology.
 - f. Vegetative cover conditions on the site in accordance with the requirements of § 22-520, Subsection 1A, for landscape conservation and improvement plans, including forest and woodland areas and large trees standing alone (i.e., outside of

- forest or woodland areas measuring six inches diameter at 4.5 feet above natural ground surface).
- g. Streams, watercourses, waters of the Commonwealth, lakes, ponds, and all natural drainage areas with an explanation of how site drainage works.
 - h. Wetlands. Areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
 - a. The Township may undertake its own wetland delineation at the applicant's expense if any of the following site-specific criteria are applicable:
 - i. It is recommended by the Township Engineer due to uncertainties raised by the applicant's delineation or conflicts exist between the applicant's delineation and wetlands information obtained from other sources including surrounding subdivision.
 - ii. Greater than one acre of wetlands are on-site.
 - iii. Wetlands on-site are associated with a wetland system of 10 or more contiguous acres.
 - iv. On-site wetlands are adjacent to a park, wildlife refuge or sanctuary, or other open space area managed for resource preservation purposes.
 - v. The wetlands are within a watershed determined to be of exceptional value or high quality as defined in 25 Pa. Code, Chapter 93, "Water Quality Standards."
 - b. If any of the three wetlands parameters (hydric soils, hydrophytic vegetation or evidence of hydrology) are present on a site proposed for development, a separate wetlands delineation of sufficient detail to allow for thorough review by Township officials must be submitted to the Township. As part of the delineation process, a field investigation shall be performed and wetlands boundaries on the site shall be verified and flagged. Delineation and verification shall be performed by a qualified wetlands professional. The person or organization performing the delineation shall certify that the delineation has been performed in accordance with the criteria for wetlands delineation established in the 1989 "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," or any more restrictive amendments thereto. Wetlands shall be defined by metes and bounds.

- c. In the event the applicant's and the Township's delineations are conflicting, the delineation that causes the preservation of the larger area of wetlands shall govern.
- i. Existing land uses.
- j. Historic buildings and resources.
- k. All easements and deed restrictions, including relevant documents and recordation information.
- l. Existing buildings, structures and roads.
- m. Photographs of the site including views of the proposed development from all abutting public roads.
- n. Any Pennsylvania Natural Diversity Inventory (“PNDI”) information for the site, including identification of any PNDI reports of threatened and/or endangered species on or around the site, including species’ habitat.
- o. Reference to any areas or properties designated as preservation areas by the Solebury Township Open Space Plan.
- p. Orientation of site to sun for use of solar resources.
- q. Any pedestrian or equestrian trails commonly used on the site.
- r. Viewsheds and scenic roads (as listed in the Township Comprehensive Plan). A viewshed analysis showing the location and extent of views into the site from public roads and from public parks and public open space.
- s. Aerial photographs of the site. The applicant shall use the most recent available photographs from the Delaware Valley Regional Planning Commission, but they may not be more than five years old.
- t. Water resources available, including groundwater availability.
- u. Location relative to the Delaware Canal State Park, and, if the site abuts the state park, the impact on the state park.
- v. Delaware River Wild and Scenic Requirements. If the site is within the Wild and Scenic Area (within 1/4 mile of the bank of the Delaware River or the Paunacussing Creek), the plan and information shall address the goals of the Wild and Scenic Program (see § 22-532).
- w. Geologic formations on the proposed development parcel, including rock outcroppings covering 25 square feet or more, cliffs, escarpments, sinkholes, closed depressions, disappearing streams, ghost lakes, surface pinnacles, fracture traces, fissures, lineaments and fault lines, based on available published information or more detailed site data obtained by the applicant. If the site is within 500 feet of a delineated carbonate area, a detailed carbonate study shall be performed in accordance with the Township requirements.
- x. All other natural resources described in Chapter 27, Part 22.

- y. Setbacks required by Chapter 27, including those set forth in Section 27-2515.
- z. The Township may require the applicant to include additional information that the Township deems necessary or helpful to determining compliance with this Chapter and Chapter 27.

4. STRIKE Section 22-402.1.C. and **REPLACE** it with the following:

C. Site Visit.

1. All applicants for minor subdivisions, major subdivisions, and land developments shall, after preparing the ERSAP, arrange for a site visit by Township representatives unless the Township determines that a site visit is not necessary..

2. A site visit is recommended for applicants for lot line adjustments. The Township may require a site visit if it finds that it necessary.

3. The purpose of the site visit is to familiarize officials with the site’s existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated required open space (if applicable), potential locations for proposed buildings and street alignments, stormwater management concepts, and protection of resources (natural and historic).

5. Comments made by the Township or its staff and consultants are only advisory and are not binding on either the Township or the applicant. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the site visit or during the sketch plan process.

5. STRIKE Section 22-402.1.D. and **REPLACE** it with the following:

D. Pre-Plan Conference. Applicants for minor and major subdivisions and land development shall meet with Township officials to discuss the findings of the site visit and to develop a mutual understanding on the general approach for subdividing and/or developing the site. At the discretion of the Township, this conference may be combined with or occur during the site visit.

Otherwise, the conference shall occur after the site visit, but prior to the applicant’s first plan submission. Applicants for lot line adjustments are not required to participate in a pre-plan conference, but it is highly recommended.

6. STRIKE the opening paragraph of Section 22-402.1.E. and **REPLACE** it with the following:

E. Four-Step Design Process. Applicants for minor and major subdivisions and land developments shall use the four-step design process set forth below to determine the most suitable development for the site. The layout of lots or development shall occur so that the areas identified as being important in the ERSAP and during the site visit are preserved and the areas of secondary importance are used for development. Lot line adjustment applicants are not required to follow this process, but it is highly recommended. The steps in the four-step design process are as follows:

E. STRIKE Section 22-403.4.J. and 22-403.4.K. and **REPLACE** them with the following:

J. ERSAP (see Section 22-402) and the location of all natural resources protected under Chapter 27 of the Township’s Code of Ordinances and/or identified in the ERSAP.

K. Documentation of four-step design process (see Section 22-402) if required

F. AMEND Section 22-404.2 as follows:

1. ADD a Section 22-404.2.I.(19)(m) as follows:

(m) The location of all natural resources protected under Chapter 27 of the Township’s Code of Ordinances and/or identified in the ERSAP.

2. STRIKE Section 22-404.2.J. and **REPLACE** it with the following:

J. Preliminary Plan Submission Requirements: Existing Resources and Site Analysis Plan (ERSAP). The Applicant, if it has not already done so, must prepare and submit an ERSAP in accordance with Section 22-402.

G. STRIKE Section 22-407 in its entirety and **REPLACE** it with the following:

Section 22-407 Minor Subdivisions and Lot Line Adjustments Plan And Review Requirements.

1. The provisions of this section apply only to minor subdivisions and to lot line adjustments, as defined in this Chapter. Where the provisions of this section are not applicable, the applicant must comply with all requirements and procedures for major subdivisions and land developments.

2. Plan Requirements. The final plan submitted by an applicant for a minor subdivision or lot line adjustment shall comply with the requirements in Section 22-404.2.H. through J., except that lighting plans shall not be required for lot line adjustments.

3. Other Plans and Documentation Required for Minor Subdivisions and Lot Line Adjustments.

A. Sedimentation and erosion control plan pursuant to the Clean Streams Law, P.L. 1987, 35 P.S. § 691.1 et seq., and in accordance with standards and requirements of DEP and the Bucks County Conservation District, and Chapter 9, "Grading and Excavating," if applicable.

B. Stormwater management plan, showing all elements required by the stormwater management section, § 22-513, of this chapter and Chapter 23, "Stormwater Management," if applicable.

C. Grading Plan. Site and lot grading plans and such additional drawings as required to detail the construction of all proposed subdivisions and land developments. Grading for utilities and utility installation shall be shown in accordance with Chapter 9, "Grading and Excavating," if applicable.

D. Wastewater Disposal Systems.

(1) The applicant shall submit a planning module for land development to the Bucks County Department of Health and/or the Pennsylvania Department of Environmental Protection (PaDEP), as required by PaDEP.

(2) All applicants and/or property owners must submit written documentation from the Bucks County Department of Health stating whether any existing on-lot sewage disposal system is permitted or is subject to a rural residence exemption together with their application.

(3) Where a subdivision or lot line change is proposed for a property which is determined by the Department of Health

to be subject to the rural residence exemption, the applicant or property owner must obtain a permit for the sewage disposal system which will serve the newly configured lots. If the applicant or property owner is unable to obtain a permit for the existing system, the applicant or property owner shall be required to obtain a permit for a replacement sewage disposal system.

(4) If a permit is not on file with the Department of Health for the existing system, and the property is not subject to the rural residence exemption, the applicant or property owner must obtain a permit for a new system if the parcel containing the existing system will be less than five acres.

(5) If there is a permit on file for the existing system, the applicant or the property owner must submit written documentation to the Township that the existing system is not visibly malfunctioning to the surface of the ground, has not been implicated in the contamination of any drinking water supply or surface water body, is currently in satisfactory structural condition and appears to have been maintained in a satisfactory manner from a registered professional engineer before a subdivision or lot line change is finally approved.

E. A copy of the deed by which the property was acquired and the names of the real (title) owner of the property, the names of all equitable owners, and the names of all option holders.

4. Review Procedures.

a. Minor Subdivisions. The procedures in Section 22-406.3 through 6. shall apply to the review of minor subdivisions, except that the Township shall only deliver copies of the plans and application materials to the Township staff, boards, and commissions assigned to the review the plans, in addition to the Township Fire Marshal. These entities and personnel shall have the discretion to involve other agencies, such as the Bucks County Water and Sewer Authority, as they deem necessary to fully review the plans.

b. Lot Line Adjustments. The procedures in Section 22-406.3 and Section 22-406.6 shall apply to the review of lot line adjustment plans, except that no report from the Township Planning Commission shall be necessary prior to the Board of Supervisors' review under Section 406.6 unless the Board of

Supervisors determines that referral to and a report from the Planning Commission will aid in its review of the applicant's plans.

H. AMEND Section 22-502 as follows:

1. STRIKE Section 22-502.2 and **REPLACE** it with the following:

Where the sketch and/or preliminary plan includes a portion of a tract that could be further subdivided or developed under the standards of the Zoning Ordinance [Chapter 27], the applicant shall demonstrate how the proposed development will affect the remainder of the site in terms of potential for future use, resource protection, and community circulation.

2. ADD the following to Section 22-502:

3. Standards for Narrow Lots. A plan submitted for a land development or the subdivision of land shall have a well-designed street system to serve interior lots. Narrow lots are permitted only when no other practical design layout is possible. The subdivision of land primarily by the use of narrow lots is not permitted. No more than two narrow lots may be created from the same tract even if the lots are subdivided from the tract at different times. Narrow lots must comply with all of the following requirements:

A. The narrow portion of the lot containing the access to a public road shall be separated from any other narrow lot by at least a distance equal to twice the minimum lot width for the district in which the lots are located. This minimum spacing applies if the narrow lots are part of the same subdivision or not, are owned by the same persons or are subdivided at different times.

B. The narrow portion of the lot shall be limited to a maximum length of 800 feet measured from the street line to the point where the lot first obtains the minimum lot width measurement.

C. Narrow lots must be offset by at least one minimum building lot width from narrow lots on the opposite side of the road.

D. The portion of the lot from the point at which the lot reaches minimum lot width to the street line is not to be included in the lot area.

E. The narrow portion of the lot shall have at least 50 feet of frontage on a public street and no portion of the lot shall be narrower than 50 feet.

I. AMEND Section 22-520 as follows:

1. STRIKE Section 22-520.1.J.(2) and **REPLACE** it with the following:

(2) A tree protection zone must be delineated and abided by throughout the entire construction and development process.

2. STRIKE from Section 22-520.1.J.(3) the following language: “(as defined pursuant to § 27-2205, Subsection 1.C.(1)(c), of the Zoning Ordinance [Chapter 27])”.

3. STRIKE from Section 22-520.1.L.(4) this language: “Section 27-2204, Subsection 2, of the Zoning Ordinance [Chapter 27]” and **REPLACE** the stricken language with “Part 22 of the Zoning Ordinance [Chapter 27]”

II. Chapter 27 of the Township Code of Ordinances is hereby **AMENDED** as follows:

A. AMEND Section 27-201 as follows:

1. AMEND Section 27-201.1.E. by adding the following language at the end:

Any other word or term not defined herein shall be used with a meaning of standard usage.

2. ADD a new Section 27-201.1.F. as follows:

F. In the case of a conflict between a term defined both in this Chapter and in Chapter 22 [Subdivision and Land Development Ordinance], the stricter definition shall apply.

B. AMEND Section 27-202 as follows:

1. STRIKE the definition of “building envelope” and **REPLACE** it with the following:

The area within a lot within which a building may be placed, as defined by the minimum yard setbacks, and all required setbacks set forth in Chapters 22 and 27, including but not limited to natural resource setbacks and setbacks specified by Section 27-2515.

2. STRIKE the definition for “building line” and **REPLACE** it with the following:

A line within a lot that defines the building envelope.

Building Line, Front – The rear line of the minimum front yard at a distance measured from the street line, or in the case of narrow lots, from a line along the point (measured from the street from which access will be gained) where the lot first obtains the minimum lot width, and with the distance equal to the depth of the minimum front yard required.

Building Line, Rear – A line parallel to the rear lot line at a distance from the rear lot line equal to the depth of the minimum rear yard required.

Building Line, Side – A line parallel to the side lot line at a distance from the side lot line equal to the depth of the minimum side yard required.

3. **STRIKE** the definition for “building setback line” and **REPLACE** it with the following:

See “building line.”

4. **STRIKE** the definition of “density” and **REPLACE** it with the following:

A measure of the number of dwelling units per unit of area calculated by dividing the number of dwelling units by the buildable site area.

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

Impervious surfaces are those surfaces that do not absorb water. All buildings, including roof overhangs, parking areas, driveways, roads, sidewalks and such areas as those in concrete and asphalt shall be considered impervious surfaces. Other areas determined by the Township Engineer to be impervious will also be classified as impervious surfaces.

6. **STRIKE** the definition of “lot area” and **REPLACE** it with the following:

The area of land contained within the property lines of a lot excluding the following: all land within existing and proposed future roads and their ultimate rights-of-way; land within existing and proposed future utility rights-of-way or easements; land previously subdivided from the area of land in question; land prohibited from development by deed restrictions, restrictive covenants and/or easements; any area presently used or

previously or presently set aside for any stormwater management facilities including basins, retention areas or drainage easements; and land shown on previous subdivision or land development plans as reserved from development.

7. **STRIKE** the definition of “lot line” and **REPLACE** it with the following:

A property boundary line shown on a recorded plan or described in a recorded deed. In the case of any lot abutting a street, the lot line for such portion of the lot as abuts such street shall be deemed to be the same as the street line, and shall not be the center line of the street, or any other line within the street right-of-way.

8. **STRIKE** the definition of “lot width” and **REPLACE** it with the following:

The distance measured between the side lot lines at the required building line. When there is only one side lot line, as in the case of a corner lot or single-family attached dwellings, the lot width shall be measured between such lot line and the opposite lot line.

9. **STRIKE** the definition of “Site” and **REPLACE** it with the following:

A tract or parcel of land or combination of contiguous lots or parcels of land that are not divided by a street and are under the same ownership.

10. **STRIKE** the definition of “street line” and **REPLACE** it with the following:

The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way provided that where a future/ultimate right-of-way width for a road or street has been established, then that width shall determine the location of the street line.

11. **STRIKE** the definition of “Subdivision, Minor” and **REPLACE** it with the following:

Any division or re-division of a lot, tract or parcel of land by any means into not more than two lots, provided that no division or re-division has been approved with regard to said lot, tract or parcel of land within the preceding 5 years. Plans that solely propose the creation or relocation of a street shall be treated as minor subdivisions and shall be subject to the time standards set forth in this definition.

12. **STRIKE** the definition of “yard” and **REPLACE** it with the following:

A space open to the sky on the same lot with a building, use, or structure and that is unoccupied except for accessory structures or uses to the extent specifically permitted by this chapter and Chapter 22. The minimum dimension of a required yard shall be that which is required in the zoning district of the proposed building, use, or structure. The size of a required yard shall be measured as the shortest distance between the lot line (or, as the case may be, the street line) and the building line.

- 13. STRIKE** the definition of “yard, front” and **REPLACE** it with the following:

A yard between the front building line and the street line and that extends the entire length of the street line. In the case of narrow lots, the front yard is a yard between the front building line and a line along the point where the lot first obtains the minimum lot width, and that extends the entire length of that line. In the case of a corner lot and any other lot that fronts on more than one street, front yards of the required depth shall be provided along all streets.

- 14. STRIKE** the definition of “yard, rear” and **REPLACE** it with the following:

A yard between the rear building line and the rear lot line and that extends the entire length of the rear lot line.

- 15. STRIKE** the definition of “yard, side” and **REPLACE** it with the following:

A yard between a side building line and a side lot line on the same side of the lot, and that extends in length from the front building line to the rear building line. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

- 16. STRIKE** the following terms and definitions:

Caliper
Narrow Lot
Stream
Watercourse
Woodlands
Wetlands

- 17. ADD** the following definitions:

INTERMITTENT STREAM

A body of water flowing in a channel or bed composed primarily of substrates associated with flowing water, which, during periods of the year, is below the local water table and obtains its flow from both surface runoff and groundwater discharges.

LOT, NARROW

A lot that does not have the required minimum lot width at the front building line, but that has direct access to a public street. Examples of narrow lots include, but are not limited to, flag lots and lane lots.

PERENNIAL STREAM

A body of water in a channel that flows throughout a majority of the year in a defined channel and is capable, in the absence of pollution, drought or man-made stream disturbances, of supporting a benthic macroinvertebrate community that is composed of two or more recognizable taxonomic groups of organisms, large enough to be seen by the unaided eye and can be retained by a U.S. Standard No. 30 sieve (28 meshes per inch, 0.595 mm openings) and live at least part of their life cycles within or upon available substrates in a body of water or water transport system. A perennial stream can have Q7-10 flow of zero. This term shall include streams identified in USGS or SCS mapping, and any other delineated waters of the Commonwealth.

SITE AREA

Any land area within a site as determined by an actual site survey, minus the following: all land within existing and proposed future roads and their ultimate rights-of-way; land within existing and proposed future utility rights-of-way or easements; land previously subdivided from the area of land in question; land prohibited from development by deed restrictions, restrictive covenants and/or easements; any area presently used or previously or presently set aside for any stormwater management facilities including basins, retention areas or drainage easements; and land shown on previous subdivision or land development plans as reserved from development.

SITE AREA, BUILDABLE

The site area minus the following: all land area required to be protected under Part 22, and all land area required to be kept as open space or to otherwise be protected under the Township's Ordinances.

THREATENED AND/OR ENDANGERED SPECIES

Fauna or flora listed as “threatened” or “endangered” under the Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq., the Wild Resource Conservation Act, 32 P.S. § 5301 et seq., the Fish and Boat Code, 30 P.S. § 101 et seq., the Game and Wildlife Code, 34 Pa.C.S. § 101 et seq., or regulations adopted pursuant to any of the said Acts and Codes.

TREES IN THE RIGHT-OF-WAY

All viable vegetation and specimen trees located within the area of the ultimate right-of-way. For the purposes of this chapter, all trees in the right-of-way that meet the definition of “woodlands or wooded area” shall be subject to the protections applicable to woodlands and wooded areas.

VIABLE VEGETATION

Vegetation that is not dead, dying, invasive, non-native or non-indigenous.

ZONING OFFICER

A Township official/employee responsible for zoning and subdivision and land development functions as set out by the Municipalities Planning Code, the Zoning Code and the Subdivision and Land Development Ordinance, and for administering and enforcing Township Code of Ordinances.

- C. STRIKE** Section 27-2202 in its entirety and **REPLACE** it with the following:

Section 27-2202 Applicability

The following shall comply with the resource protection standards of this Part and such other resource protection standards that may be present in other portions of the Zoning Ordinance:

1. Any use or activity established after the effective date of the Township’s 1988 Zoning Ordinance and for which subdivision or land development approval is required under the Township’s subdivision and land development ordinance [Chapter 22]; and
2. Any use or development for which a zoning permit is required under Section 27-2902, except for the following:
 - a. routine maintenance that does not alter, raze, reconstruct, or remove any structure; and
 - b. agricultural activity, as defined in Chapter 23, Section 23-201. Construction of new and/or

expansion of existing farm buildings, structures, and/or impervious surfaces shall not be considered agricultural activity and shall be subject to this Part.

D. STRIKE Section 27-2203 in its entirety and **REPLACE** it with the following:

Section 27-2203 Applicability to Building Permits and Subdivision and Land Development

1. Applicability to Building Permits

A. Any development requiring a building permit shall comply with resource protection standards listed in § 27-2206, Subsection 6, except for routine maintenance that does not alter, raze, reconstruct, or remove any structure. Information to be submitted shall be in accordance with § 27-2902 "Requirement for a Zoning Permit," of this chapter.

2. Site Layout Plan, Delineation Requirements.

A. All uses or development must submit a site layout plan that delineates and identifies the natural resources on the site, including those protected by this Part. The plan shall, at a minimum:

- (1) identify natural resources required to be protected under this Chapter and, if applicable, Chapter 22;
- (2) how much of each resource is proposed to be encroached upon, disturbed, and/or removed;
- (3) all setbacks required by this Chapter, including those set forth in Section 27-2515, and, if applicable, Chapter 22;
- (4) show the topography of the site using contour lines measured at vertical intervals of two feet. Actual field surveys or aerial surveys must be used as the source of contour information and for depicting slopes.

B. In lieu of preparing the above-required site layout plan, applicants for subdivision and/or land development under Chapter 22 may submit an up-to-date ERSAP, documentation of the use of the four-step design process, and an up-to-date plan set that conforms to Chapter 22's requirements. Lot line adjustment applicants under Chapter 22 may submit an up-to-date ERSAP and up-to-date plan, along with any other voluntary documentation created for purposes of Chapter 22. The Township has the discretion to require additional drawings or plans as needed to determine compliance with this Part and the Zoning Ordinance as a whole.

E. AMEND Section 27-2205 as follows:

1. **AMEND** Section 27-2205.1. to **STRIKE** the language “to all minor and major subdivisions and land developments”.
2. **AMEND** Section 27-2205.1.A. to **ADD** the following:
 - (3) All land uses shall also comply with Chapter 8 [Floodplains].
3. **STRIKE** Section 27-2205.1.B.(2) and **REPLACE** it with “RESERVED.”
4. **ADD** the following sentence to the end of Section 27-2205.1.B.(3)(d):

Conditional use approval may grant only up to an additional 10% disturbance of Class I and II slopes beyond each slope class’s respective protection standards.
5. **ADD** the following to the end of Section 27-2205.1.C.:

The following standards shall apply to all vegetation disturbance.
6. **STRIKE** Section 27-2205.1.C.(1) and (2) in their entirety and **REPLACE** them with the following:
 - (1) No more than 20% of vegetation shall be disturbed. The Board of Supervisors, in their sole discretion, may grant conditional use approval to no more than 50% of vegetation to be disturbed provided that the additional vegetation disturbance is offset by additional preservation of productive agricultural soils. All requirements of the Landscape Conservation and Improvement Plant shall be met.
 - (2) All wooded areas which are required to be preserved shall remain in their natural condition with the natural forest understory and ground cover left intact.
 - (3) Wildlife Habitat. Wooded areas and/or specimen trees providing habitat for threatened and/or endangered species shall not be disturbed and shall be contained within a tree protection zone.
 - (4) Should any existing viable vegetation within the tree protection zone be irreparably damaged during construction or site preparation activities and as a consequence thereof, die within two years of the conclusion of construction or site preparation activities, such trees shall be replaced in accordance with § 22-520, Subsection 1L, of the SALDO [Chapter 22], whether or not an application for subdivision or land development is required.

(5) The removal or destruction of each viable tree within the tree protection zone is prohibited without approval from the Township or its appointed representative.

(6) Tree Replacement. Compliance with the requirements of the tree replacement provisions of § 22-520, Subsection 1L, “Landscape Conservation and Improvement Plans,” of the Subdivision and Land Development Ordinance [Chapter 22] shall be required when a zoning permit is issued for a building, structure, or use affecting an area greater than 2,000 square feet.

7. **AMEND** Section 27-2205.1.D as follows:

a. **STRIKE** the word “Regulated” from the first sentence of Section 27-2205.1.D.

b. **STRIKE** the final sentence of Section 27-2205.1.D. and **REPLACE** it with the following:

In addition, the provisions of the Riparian Corridor Overlay District provided in § 27-2208 of this chapter shall apply.

8. **AMEND** Section 27-2205.1.E as follows:

a. **AMEND** Section 27-2205.1.E. by striking all language after “Wetlands” but before Section 27-2205.1.E.(1).

b. **AMEND** Section 27-2205.1.E.(4) to **STRIKE** “provided at Subsection 1F hereof” and **REPLACE** it with “in § 27-2208 of this chapter”.

c. **STRIKE** Section 27-2205.1.E.(5)(a) in its entirety and **REPLACE** it with the following:

Exceptional value wetlands are those wetlands that meet one or more of the characteristics set forth in 25 Pa. Code § 105.17(1)(i)-(v).

9. **STRIKE** Section 27-2205.1.G. in its entirety and **REPLACE** it with the following:

G. Productive Agricultural Soils.

(1) No more than 20% of productive agricultural soils located on a site (refer “agricultural soils, productive” in § 27-202, “Definition of Terms”), shall be altered, graded or built upon except in

accordance with the provisions of this chapter. However, the Board of Supervisors may grant conditional use approval in accordance with the provisions of this chapter to permit an area greater than 20%, but no more than 50%, of productive agricultural soils to be disturbed if the applicant provides additional protection to other natural resources.

(2) Protection of productive agricultural soils is not applicable on lots with an area of three acres or less existing as of May 3, 2011 and developed with a single-family dwelling.

(3) Protection of productive agricultural soils is not required within the TNC, LI, VC, VC-1 or VR Zoning Districts on lots existing as of May 3, 2011.

10. ADD a Section 27-2205.H. as follows:

H. Delaware Canal. The standards in Part 26 and in Section 27-2208 (Riparian Corridor Overlay District) shall apply. There shall also be no grading or disturbance within 50 feet of the top of the bank.

F. STRIKE Section 27-2206 in its entirety and **REPLACE** it with the following:

Section 27-2206 Application of Natural Resource Protection Standards.

1. Natural resource protection standards shall be applied as follows:

a. Determine the site area.

b. Determine, based on the site area, all land area required to be protected under this Part, and all land area required to be kept as open space or to otherwise be protected under the Township's Ordinances.

2. Setbacks from Natural Resources. Minimum building setbacks shall be measured from the limit of the below-specified protected natural resources rather than from the lot lines so that the required minimum yard is free from protected natural resources. Resources requiring these setbacks are: floodplains, wetlands, slopes of 25% or greater; ponds; and lakes. Where a conflict arises between provisions, the stricter provision shall control.

3. All areas required to be protected under this Part and all land area required to be kept as open space or to otherwise be protected under the Township's Ordinances shall be restricted from future development and/or subdivision, whether through deed restriction, easement, or other instrument that runs with the land in perpetuity and puts future landowners and occupants on notice of the restrictions and land to be protected. The document evidencing the restriction shall also state whether any conditional use

approval was granted under Section 27-2207, and the details of such approval, including the date of the approval and approval terms and conditions. Requests to amend or alter such restrictions by future landowners to disturb natural resources protected by this Part beyond that which is permitted in the restriction shall require conditional use approval from the Board of Supervisors under Section 27-2207.

G. STRIKE Section 27-2207 in its entirety and **REPLACE** it as follows:

Section 27-2207 Conditional Use Criteria

1. The Board of Supervisors of the Township may grant conditional use approval to permit disturbances of percentages of natural resources greater than those set forth in this Part, including when optimization of protection of the most highly valued natural resources on the site require deviations from the standards in this Part. The Board, in its sole discretion shall consider conditional use approval applications applying the standards and procedures hereafter set forth. A single application shall be submitted for all natural resources proposed to be protected in a percentage less than that required under this Part.

A. Application Procedure.

1. The applicant shall submit its Existing Resources and Site Analysis Plan (“ERSAP”) prepared in accordance with the requirements of Chapter 22 of the Township’s Code of Ordinances. If the applicant is not otherwise required to prepare an ERSAP that complies with Chapter 22, it shall prepare one to accompany its conditional use application.
2. The applicant shall comply with the provisions of § 22-402, Subsection 1C and D of the SALDO [Chapter 22] including a site visit with Township representatives and attendance at a pre-plan conference.
3. The applicant shall determine the areas to be left undisturbed and shall prepare a proposed resource conservation plan in accordance with the provisions of § 22-402, Subsection 1E, Step 1 and Step 2, of the SALDO [Chapter 22].

B. The Township Board of Supervisors, in its sole discretion, may grant conditional use approval to permit certain natural resources to be preserved in a percentage less than the by-right protection standard provided for in this Part when it determines, after applying the standards and procedures set forth below and in this Part, that a lesser percentage of protection is warranted and furthers the purposes of this Part and the Zoning Ordinance. In no event may the Board of Supervisors grant conditional use approval for less than the minimum percentage of protection specified in this Part.

1. General Standards. The Board of Supervisors shall consider the following factors in determining whether to permit the applicant to disturb one or more natural resources on the site to a greater degree than the by-right protection standards:

a. the best layout and design for the development of the site which, at the same time, protects the greatest percentage of valuable natural resources and most nearly achieves the goal of sustainability for the subdivision, land development, or other development, and the community surrounding the subdivision, land development, or other development.

b. the extent to which additional disturbance aids in the optimal protection of the natural resources of the Township from a holistic perspective, achieves the objectives of the Comprehensive Plan, assures the sustainability of the community of which the subdivision, land development or other development is a part, and achieves the purposes set forth under § 27-2201.

2. Standards Specific to Certain Natural Resources. The Board of Supervisors shall also consider and apply the following natural resource-specific criteria in determining whether to approve a conditional use application under this section:

a. Vegetation and Woodland/Forested Area Disturbance.

i. Groundwater and Surface Water Stabilization.

The removal of wooded areas and/or specimen trees shall not adversely impact groundwater and surface water by altering the water table by removing vegetation that would otherwise provide a mechanism for water assimilation through the evapotranspiration process.

ii. Ecological Impact. The removal of wooded areas and/or specimen trees shall not adversely impact the existing biological and ecological systems, or the microclimatic conditions which directly affect these systems including the effects of removal of a part of the woodland on the health of the remainder.

iii. Noise Pollution. The removal of wooded areas and/or specimen trees shall not significantly increase ambient noise levels by more than 10 dBa

in accordance with the standards of § 27-2512 hereof.

iv. Air Movement. The removal of wooded areas and/or specimen trees shall not significantly reduce the ability of existing vegetation to reduce wind velocity to the degree that it would substantially impact the remainder of the woodland or would have a substantial impact on the heating efficiency of homes in the vicinity of the woodland.

v. Wildlife Habitat. The removal of wooded areas and/or specimen trees shall not significantly reduce habitat for wildlife existence and reproduction or result in the emigration of wildlife from adjacent or associated ecosystems. Wooded areas and/or specimen trees providing habitat for threatened and/or endangered species shall not be disturbed and shall be contained in a tree protection zone.

vi. Scenic Impacts. The removal of wooded areas and/or specimen trees shall not have an adverse impact upon the scenic values of the property as identified in the ERSAP and site visit.

vii. The Board may not grant conditional use approval unless the applicant proposes greater protection to productive agricultural soils than the 80% protection standard (by-right protection standard) required under this Part.

viii. The Board shall consider the extent to which the proposed vegetation disturbance hinders and/or removes invasive plant species, and/or promotes growth and/or spread of invasive plant species. The Board may impose conditions to prevent the growth and/or spread of invasive plant species.

b. Steep Slope Protection.

i. The effect protecting less than the standard percentage of steep slopes would have on adjacent properties, particularly when such slopes abut another lot or tract of land.

ii. The extent to which protection of less than the standard percentage of steep slopes would result in

excessive grading, land form alteration and extensive vegetation removal.

iii. The extent to which the ecological balance may be disturbed by increased runoff, flooding, soil erosion and sedimentation, blasting and ripping of rock, landslide and soil failure.

iv. The extent to which steep slopes can be protected as open space and other uses which are compatible with preservation of natural resources and protection of areas of environmental concern.

v. The Board may consider the extent to which the steep slope is man-made rather than natural and whether its disturbance will facilitate, in the opinion of the Board, the optimal design for the development of the property.

vi. The Board may not grant conditional use approval unless the applicant proposes greater protection to other natural resources, such as vegetation and productive agricultural soils, than the relevant by-right protection standards under this Part. The Board shall consider the extent to which the reduction of slope protection will adversely impact the natural resources sought to be protected to a greater extent. It shall also consider the extent to which the added natural resource protection mitigates or minimizes adverse impacts from reduction of slope protection. The Board may impose conditions accordingly.

c. Productive Agricultural Soils.

i. The extent to which the property proposed to be developed is or can be actively farmed and the protected soils are in a location and configuration which would support an agricultural enterprise.

ii. The extent to which preserving the soils in the standard percentage would not result in a suitable site for farming.

iii. The extent to which the productive agricultural soils would be inappropriate for open space and other uses which are compatible with preservation

of natural resources and protection of areas of environmental concern.

iv. The extent to which preserving less than the standard percentage of productive agricultural soils would have an adverse impact on the scenic values of the property and the area surrounding the property.

v. The Board may not grant conditional use approval unless the applicant proposes greater protection to other natural resources, such as vegetation and steep slopes, than the relevant by-right protection standards under this Part.

H. AMEND Section 27-2208 as follows:

1. **AMEND** Section 27-2208.2.B.(7) to **STRIKE** all language after the phrase “Perennial streams.”
2. **AMEND** Section 27-2208.2.B.(8) to **STRIKE** all language after the phrase “Intermittent streams.”
3. **AMEND** Section 27-2208.2.B.(11) to **STRIKE** all language after the word “wetlands.”
4. **AMEND** Section 27-2208.2.C.(3) to **STRIKE** the term “exceptional wetlands” and **REPLACE** the term with “exceptional value wetlands.”
5. **AMEND** Section 27-2208.6.C.(3) to **ADD** the following after the last sentence:

No invasive species may be proposed or planted.

6. **AMEND** Section 27-2208.6.D.(3)(d) to **STRIKE** “and similar areas (“wetlands”)” and **REPLACE** it with “and similar areas, including wetlands,”

I. AMEND Section 27-2209 to **STRIKE** the existing language and **REPLACE** it with the following:

27-2209. Additional Regulations.

Any area encompassed within the Delaware Wild and Scenic River designation including, but not limited to, the Paunacussing Creek, shall comply with the standards and management plans pertaining thereto promulgated by the United

States Department of Interior, and where applicable, the provisions of Chapter 22, Section 22-532.

- J.** **AMEND** Section 27-1204.1. to **STRIKE** the phrase “Part 25” and **REPLACE** it with “Part 26.”
- K.** **AMEND** Section 27-2004.1. to **STRIKE** the phrase “Part 25” and **REPLACE** it with “Part 26.”
- L.** **AMEND** Section 27-2502 as follows:
 - 1.** **STRIKE** Section 27-2502.3 and **REPLACE** it with the following:
 - 3.** In the event that a zoning district under this Ordinance allows only one principal use per lot, the following uses shall be allowed on the same lot despite such a restriction:
 - a. Conversions of existing buildings in accordance with Part 26.
 - b. Single-family detached residential dwelling and agricultural use.
 - 2.** **AMEND** Section 27-2502.5 to **STRIKE** the phrase “Part 25” and **REPLACE** it with “Part 26.”
 - 4.** **STRIKE** Section 27-2502.6. and **REPLACE** it with the following:

In the case of a corner lot and any other lot that fronts on more than one street, front yards of the required depth shall be provided along all streets.
 - 5.** **STRIKE** Section 27-2502.7. and **REPLACE** it with “**RESERVED.**”
- M.** **STRIKE** Section 27-2503 in its entirety and **REPLACE** it with the following:
 - 1.** All plans submitted for land development or subdivision of land shall have a well-designed street system to serve interior lots. Narrow lots are permitted only when no other practical design layout is possible, and in compliance with the Subdivision and Land Development Ordinance [Chapter 22] narrow lots provisions, including Section 502.
- N.** **STRIKE** Section 27-2515.1.C. and **REPLACE** it with “**RESERVED.**”
- O.** **AMEND** Section 27-2607.3.A. to **ADD** the word “gates” so it reads:

Landscape treatment such as berms, fences, gates or walls which aid in screening and do not conflict with the character of adjoining properties, or block the clear sight distance required at intersections.

P. AMEND Section 27-2611.5.K. to **STRIKE** the following language:

“under the Endangered Species Act of 1973, 16 U.S.C.A. § 1531 et seq., and the Wild Resource Conservation Act, 32 P.S. § 5301, and all regulations adopted under such Acts.”

Q. AMEND Section 27-2902.1.A.(2) to **ADD** the following sentence at the end of the existing paragraph:

The site layout plan shall also meet the requirements of Section 27-2203 and demonstrate compliance with all natural resource protection standards in the Zoning Ordinance and, as applicable, the Subdivision and Land Development Ordinance.

III. 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.

IV. 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.

V. 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 _____, 2021.

BOARD OF SUPERVISORS OF SOLEBURY
TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA

Mark Baum Baicker, Chair

John Francis, Vice-Chair

Noel Barrett, Member

Kevin Morrissey, Member

Robert A. McEwan, Member

Attest:

Catherine Cataldi, Township Secretary