

ORDINANCE NO. 419

AN ORDINANCE OF THE TOWNSHIP OF LOWER MAKEFIELD, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP CODE CHAPTER 200 – “ZONING,” SECTION 51 – “NATURAL RESOURCE PROTECTION REQUIREMENTS” AND SECTION 52 – “SITE CAPACITY CALCULATIONS” TO REVISE CERTAIN NATURAL RESOURCE PROTECTION REQUIREMENTS AND SITE CAPACITY CALCULATIONS UNDER THE ZONING CODE

WHEREAS, the Township of Lower Makefield is a township of the second class, organized and operating in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to the Second Class Township Code of the Commonwealth of Pennsylvania, the Board of Supervisors of Lower Makefield Township (hereinafter referred to as the “Board of Supervisors”) has the authority to enact, amend, and repeal the provisions of the Lower Makefield Township Code of Ordinances (hereinafter referred to as the “Code”); and

WHEREAS, the Board of Supervisors has determined that Chapter 200 – “Zoning”, Section 51 – “Natural Resource Protection Requirements,” and Section 52 – “Site Capacity Calculations” should be amended to revise certain natural resource protection requirements and site capacity calculations for the proper management, care and control of the Township and its finances, and the maintenance of peace, good government, health and welfare of the Township and its residents.

NOW, THEREFORE, be it and it is hereby resolved as follows:

1. The Board of Supervisors hereby amends Chapter 200 – “Zoning,” Section 51 – “Natural Resource Protection Requirements,” Subsection B – “Natural Resource Protection,” Part 6 – “Woodlands,” Subpart b – “Resource Protection Ratio of Woodlands,” (Section 200-51(B)(6)(b) of the Township Code) by deleting the words or letters indicated by strikethrough text and inserting the underlined language as follows:

“Resource protection ratio for woodlands. For land zoned R-RP, eighty-five (85) percent of woodlands shall remain undisturbed as resource protected land. For land zoned R-1, eighty (80) percent of woodlands shall remain undisturbed as resource protected land. For land zoned R-2, seventy-five (75) percent of woodlands shall remain undisturbed as resource protected land. For land not zoned R-RP, R-1, or R-2, ~~§~~ seventy percent of woodlands shall remain undisturbed as resource protected land. This resource protection ratio for woodlands shall not apply to applications for permits pertaining to developed residential lots which cannot be further subdivided, or to applications for permits for forestry/timber harvesting pursuant to this chapter. Resource protected woodlands shall be protected during any construction activities from root compaction by equipment and materials, mechanical damage or change in grade level.”

2. The Board of Supervisors hereby amends Chapter 200 – “Zoning,” Section 52 – “Site Capacity Calculations,” Subsection B – “Step II,” (Section 200-52(B) of the Township Code) by deleting the words or letters indicated by strikethrough text and inserting the underlined language as follows:

“Step II. Determine natural resources land to be protected and percent of base site area in resource-protected land.

- (1) Determine land subject to natural resources. Each site has unique natural features. All applications shall include maps showing the locations of the resources together with the calculations on the following chart. In the event that two or more resources overlap, only the resource with the highest protection ratio shall be used:

	I	II	III	IV
	Natural Resource	Percent of Resource to be Protected	Total Natural Resource Land in Acres	Total Resource Protected Land (II x III)
HYDROLOGIC SURFACE	Floodplain	100%		
	Floodplain soils (Delaware River)	50%		
FEATURES:	Lakes or ponds	100%		
	Wetlands	100%		
	Lake and pond shoreline	100%		
	Wetland and watercourse buffers	100% ¹		
SLOPES:	Class I steep slope (8% to less than 15%)	50%		
	Class II steep slope (15% to 25%)	70%		
	Class III steep slope (greater than 25%)	100%		
WOODLANDS:	Woodlands Associations	70%		
	<u>Woodland Associations Zoned R-RP</u>	<u>85%</u>		
	<u>Woodland Associations Zoned R-1</u>	<u>80%</u>		
	<u>Woodland Associations Zoned R-2</u>	<u>75%</u>		
	<u>All other Zoning Categories</u>	<u>70%”</u>		

3. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance, are hereby repealed.
4. 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 Township 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.

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

ENACTED AND ORDAINED BY THE TOWNSHIP OF LOWER MAKEFIELD THIS
____ DAY OF _____ 2019.

BOARD OF SUPERVISORS
TOWNSHIP OF LOWER MAKEFIELD

By: _____,
Daniel R. Grenier, Chair

ATTEST:

Kurt Ferguson, Township Manager