

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE PLUMSTEAD TOWNSHIP CODE OF ORDINANCES, CHAPTER 27-ZONING TO REVISE USE REGULATIONS UNDER PART 3 FOR GEOTHERMAL SYSTEMS, THE KEEPING OF ANIMALS IN RESIDENTIAL AREAS, SOLAR ENERGY SYSTEMS, AND HOTELS OR INNS; TO CREATE A NEW EVENT VENUE USE AND REGULATIONS THERETO UNDER PART 3; TO PERMIT THE EVENT VENUE USE AS A CONDITIONAL USE ACCESSORY TO RESIDENTIAL USES AND UPDATE THE TABLE OF USES ACCORDINGLY; TO PROHIBIT DETACHED GARAGES FROM ENCROACHING INTO REQUIRED YARDS UNDER PART 23; AND AMENDING CHAPTER 22- SUBDIVISION AND LAND DEVELOPMENT TO AMEND THE DEFINITION OF “LOOP STREET”; TO REVISE SECTION 502 AND 603 TO REFERENCE THE NAVD 88 VERTICAL DATUM REFERENCE POINT; TO ADD A NEW SUBSECTION 507.3.E REQUIRING LAND DEVELOPMENT APPLICANTS TO SUPPLY LETTER DEMONSTRATING CONFORMITY TO THE COMPREHENSIVE PLAN; TO UPDATE THE PROCEDURES FOR FINAL PLAN RECORDING UNDER SECTION 706; TO REVISE REFERENCES TO PENNDOT PUBLICATIONS FOUND IN PART 9; AND TO AMEND SECTION 1101.5.A TO ALLOW FEE-IN-LIEU OF RECREATIONAL SPACE TO BE SET BY RESOLUTION OF THE BOARD OF SUPERVISORS

The Board of Supervisors of Plumstead Township, upon recommendation of the Township Planning Commission and the Bucks County Planning Commission, hereby enacts and ordains the following Ordinance:

ARTICLE I.

1. Chapter 27, Part 3, Section 304.28.M(5) relating to Geothermal Systems as a Residential Accessory Building, Structure, or Use is hereby amended so it reads as follows:

Section 304.28.M(5)- No geothermal well shall be located within fifty (50) feet of any existing drinking water wells nor of on-lot sewage disposal systems. No geothermal system horizontal piping shall be located within ten (10) feet of any existing drinking water wells.

2. Chapter 27, Part 3, Section 304.28.J relating to Keeping of Animals in Residential Areas shall be amended with the addition of a new subsection (5) which shall read as follows:

Section 304.28.J(5)- No more than six chickens or fowl shall be kept on any residential property with lot size under three acres. Roosters are expressly prohibited from being kept on the property. On such properties, any coop, building, or structure used for

keeping, housing, or containing the fowl shall be situated not less than fifty (50) feet from any street line or property line.

3. Chapter 27, Part 3, Section 304.28.L(3)(b) relating to Use Regulations for Solar Energy Systems shall be revised with respect to the setback requirements so that it reads:

Section 304.28.L(3)(b)- All ground arrays may not project into a required yard by more than ten percent (10%) of the required yard.

4. Chapter 27, Part 3, Section 304.69 relating to Use Regulations for Hotel or Inn shall be amended with the addition of a new subsection “C” which shall read as follows:

Section 304.69.C- No guests shall be permitted to stay for a period of longer than fourteen consecutive days.

5. Chapter 27, Part 3, Section 304.67 relating to Use Regulations for Convenience Store is hereby amended so it reads as follows:

Section 304.67. G17 Convenience Store. A retail store offering primarily groceries, prepared food items, and other small consumer items intended for carry-out trade. Where sale of gasoline or fuel is proposed, the use shall be located only in a district where the Use G22, Motor Vehicle Gasoline Station, is permitted and only where the requirements of Use G22 are met; however the sale of gasoline and fuels for automobiles need not be the principal function of the use.

A. Minimum Lot Area: one acre.

B. The use must have direct access to an arterial street. Access shall be limited to the arterial road.

C. There shall be only one point of ingress and only one point of egress per collector or arterial street.

D. No drive-through or drive-up windows are permitted.

E. Trash receptacles and recycling receptacles shall be provided. If outdoor collection stations are provided for garbage and trash removal, these stations shall be located to the rear of the structure and shall be screened from view and landscaped.

F. Parking: one off-street parking space for each 100 square feet of gross area used or intended to be used for servicing customers.

G. The architectural design of the building shall be reflective of the Township's style and heritage and shall be subject to review and approval by the Township.

ARTICLE III.

1. Chapter 27, Part III, Section 27-304 is hereby amended to create a new use under Section 34 entitled Event Venue Use with attendant use regulations. The remaining sections shall be renumbered sequentially. The new subsection 27-304.34 reads as follows:

34. B18 Event Venue Use. The use of a property for housing private social events by persons or groups who have no familial relation to the property owner, not open to the general public, including but not limited to weddings, wedding rehearsals, wedding parties, with or without live entertainment, where food and drink may be consumed on site, but which provides no overnight accommodations. Event Venue Use shall be allowed as a Conditional Use accessory to any permitted residential use, subject to the following requirements:

- A. **Minimum Lot Size.** 10 acres
- B. **Maximum Number of Events.** An annual maximum of 30 events is permitted. In its discretion, as a condition of conditional use approval, the Board of Supervisors may allow greater than thirty events annually. All indoor events shall occur within existing buildings. Outdoor events, including events held under tents or other temporary structures, shall not occur within the required setbacks.
- C. **Maximum Attendance.** The maximum allowed attendance will be in accordance with the Fire Marshal's maximum occupancy requirements.
- D. **Buffer and Setback.** No outdoor activity/event or temporary structure associated with a special event shall be located within 150 feet of any property line, except that parking areas may be located as close as fifty feet to the property lines. There shall be a vegetative buffer area between all parking areas and adjacent residential uses and districts. The buffer shall include evergreen planting, at least three feet in height. The species and spacing of such plantings shall be done with reference to the Subdivision and Land Development Ordinance. The buffer and setback requirements may be reduced at the discretion of the Board of Supervisors after request by the Applicant in conjunction with its Conditional Use application.
- E. **Site Plan.** In its submission to the Board of Supervisors seeking conditional use approval, the applicant shall provide a site plan showing the location of restrooms, parking, amplified sound, any conservation or agricultural easements on the property, and any other significant features of the property. Applicant shall additionally show any and all proposed location(s) of temporary structures, such as event tents. If the applicant proposes any new, permanent structure to be constructed and used as part of the Event Venue Use, whether or not the structure qualifies as a residential accessory structure, the applicant shall nevertheless comply with the requirements of Chapter 22 of the Plumstead Township Code-Subdivision and Land Development.
- F. **Time and Dates of Events.** All events, whether indoor or outdoor, shall end no later than 10:00 P.M. Any and all vendors are required to vacate the property no

later than 11:30 P.M. Events shall be permitted to be held only on Thursdays, Fridays, Saturdays, and Sundays only and such days, including holidays, as the Board of Supervisors sees fit to grant as part of a conditional use approval Under no circumstance shall a single event be deemed to last longer than sixteen hours.

- G. **Food.** Any food provided for the special event shall be prepared off-site and transported to the property. No permanent kitchen facilities are permitted, except in connection with an existing residential use.
 - H. **Alcohol.** Alcohol shall be provided only in accordance with the statutes and regulations set forth by the federal, state, and county governments, including and especially the Pennsylvania Liquor Control Board and the Bucks County Department of Health.
 - I. **Noise.** No amplified music shall be audible beyond the property line of the property on which the special event is held.
 - J. **Parking.** The Event Venue Use shall require the owner or operator to supply one space per 3 seats or per 4 persons of capacity.
 - K. **Lighting.** Lighting may be used for the duration of the event only and may not shine or produce glare on adjacent properties.
 - L. **Facilities.** Sewer facilities shall be provided in accordance with the applicable regulations of the Bucks County Health Department and Plumstead Township.
 - M. **Approvals.** All applicable approvals must be obtained from Bucks County and the Commonwealth of Pennsylvania, including, but not limited to: any necessary water or sewer approval from the Bucks County Health Department and any necessary approvals from Labor and Industry.
2. Chapter 27, Part 4, Section 27-402(2)- Uses Permitted by Conditional Use in the RP-Resource Protection District is hereby amended to include B19 Event Venue Use.
 3. Chapter 27, Part 5, Section 27-502(2)- Uses Permitted by Conditional Use in the RO-Rural Residential District is hereby amended to include B19 Event Venue Use.
 4. Chapter 27, Part 6, Section 27-602(2)- Uses Permitted by Conditional Use in the R-1 Rural Residential District is hereby amended to include B19 Event Venue Use.
 5. Chapter 27, Part 7, Section 27-702(2)- Uses Permitted by Conditional Use in the VR-Village Residential District is hereby amended to include B19 Event Venue Use.
 6. Chapter 27, Part 8, Section 27-802(2)- Uses Permitted by Conditional Use in the R-2 Residential District is hereby amended to include B19 Event Venue Use.
 7. Chapter 27, Part 9, Section 27-902(2)- Uses Permitted by Conditional Use in the R-3 Residential District is hereby amended to include B19 Event Venue Use.

8. Chapter 27, Part 10, Section 27-1002(2)- Uses Permitted by Conditional Use in the R-4/CA-1 Residential District is hereby amended to include B19 Event Venue Use.
9. Chapter 27, Part 11, Section 27-1102(2)- Uses Permitted by Conditional Use in the R-5/CA-2 Residential District is hereby amended to include B19 Event Venue Use.
10. Chapter 27, Part 12, Section 27-1202(2)- Uses Permitted by Conditional Use in the VC-Village Center District is hereby amended to include B19 Event Venue Use.
11. Chapter 27, Part 16, Section 27-1602(2)- Uses Permitted by Conditional Use in the MHP-Mobile Home Park District is hereby amended to include B19 Event Venue Use.
12. Chapter 27, Attachment 1 is hereby amended to include a new row for the Event Venue Use. The amended Chapter 27- Attachment 1 is attached hereto and incorporated herein as ***“Exhibit A”***.

ARTICLE III.

1. Chapter 27, Part 23, Section 2305.B relating to Accessory Buildings or Structures in Yards shall be amended to prohibit detached garages from occupying required side and rear yards so it reads as follows:

Section 2305.B- Except for wind energy systems, solar energy systems, geothermal systems, outdoor wood-fired boilers, and detached garages, accessory buildings or structures may occupy a required side or rear yard, but shall not be located closer than ten (10) feet to any side or rear property line.

ARTICLE IV.

1. Chapter 22, Part 2, Section 202 relating to Definitions shall be amended to remove from the definition of “Loop Street” the reference to the “diagram in Appendix,” which no longer exists. The definition for Loop Street shall read as follows:

LOOP STREET- A street which has one point of intersection with the same road. In its simplest form, a loop street enters a tract, follows a course through it and returns to the same road at some distance from the other intersection.

2. Chapter 22, Part 5, Section 502.2.P shall be amended to replace the reference to “USGS datum reference points” with a reference to “NAVD 88 vertical datum reference points” so that Section 22-502.2.P reads as follows:

Section 502.2.P. Contour lines measured at maximum vertical intervals of two feet. Contour lines shall be determined by on-site survey, not interpolation of USGS mapping or use of Lidar contours. Datum shall be the North American Vertical Datum of 1988 (NAVD88). Location and elevation of the site benchmark shall be noted.

3. Chapter 22, Part 5, Section 507.3 shall be amended with the creation of a new subsection (E) which shall read as follows:

Section 507.3.E. Analysis of the Proposal’s Consistency with the Township Comprehensive Plan. Narrative shall be provided that discusses the proposed project’s relationship to the existing and intended land uses, on and adjacent to, the development site, as well as a discussion of how the proposed project relates to the goals and objectives stated in the Comprehensive Plan for the area of the Township in which the project is located.

4. Chapter 22, Part 6, Section 603.2.P shall be amended to replace the reference to “USGS datum reference points” with a reference to “NAVD 88 vertical datum reference points” so that Section 22-502.2.P reads as follows:

Section 603.2.P. Contour lines measured at maximum vertical intervals of two feet. Contour lines shall be determined by on-site survey, not interpolation of USGS mapping or use of Lidar contours. Datum shall be the North American Vertical Datum of 1988 (NAVD88). Location and elevation of the site benchmark shall be noted.

5. Chapter 22, Part 7, Section 706.1 and 706.3.A shall be amended to update final plan recording and submission procedures so that the sections read:

Section 706.1. Requirement to Record. Following the action of the Board of Supervisors or of the court on appeal in approving any subdivision or land development plan, an approved duplicate copy of the plan shall, within 90 days of the date of approval, be recorded at the owner's expense at the Office of the Recorder of Deeds of Bucks County. If the plan is not recorded within the ninety-day period, the approval shall lapse and become void. No record plan shall be recorded until a development agreement between the applicant and the Township has been executed and all conditions of final plan approval have been satisfied in a manner satisfactory to the Township

...

Section 706.3.A. The record plan shall be a clear and legible black line print on white paper or opaque mylar. The record plan shall be an exact copy of the approved final plan on a sheet size required for final plans. One opaque mylar and two paper prints, containing executed ownership, notary, and design professional seals/certifications, shall be submitted for execution and recording. A PDF version of the complete plan set, approved stormwater management calculations, and all other plans/reports required by final plan approval must be provided in digital format for Township records and use during construction.

6. Chapter 22, Part 9, Section 907.1.E shall be amended to remove the references and regulations relating to “PA Title 67, PennDOT Publications 236 and 68 (Chapter 211)” so that Section 907.1.E reads as follows:

Section 907.1.E. Street names shall be coordinated with existing or platted street names, and shall be reviewed by the servicing Postmaster and Township emergency services. If a new street is a continuation of, or is aligned with, an existing or platted street, it shall bear the same name as the existing or platted street. All street names shall be of historical, geographic, topographic, or other local significance. Street names shall be subject to approval of the Board of Supervisors.”

7. Chapter 22, Part 9, Section 914.4 shall be amended to replace the reference to PA Title 67, PennDOT Publications 236 and 68 (Chapter 211)” so that Section 914.4 reads as follows:

Section 914.4. All street, regulatory, and advisory signage shall be installed along new development streets in accordance with the 2009 Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), as subsequently revised and amended, published by the Federal Highway Administration (FHWA). Street name sign lettering shall conform with MUTCD and shall have white lettering with green background consistent with the design utilized by the Township Public Works Department.”

8. Chapter 22, Part 9, Section 918.4 shall be amended to correct a typographical error and update construction standards so that the corrected Section 22-918.4 shall read:

Section 918.4. The minimum width for all sidewalks, pedestrian paths, and asphalt crosswalks shall be four feet for residential development and six feet for non-residential areas, unless a greater width is required by PennDOT along State highways. Concrete sidewalk shall have a minimum thickness of four inches and be placed on a four-inch-thick bed of PennDOT 2B stone base, mechanically compacted. Concrete driveways, driveway aprons, and sidewalks that will provide access for vehicles shall have a minimum depth of six inches (reinforced with welded wire fabric) and be placed on a six-inch bed of PennDOT 2B stone base, mechanically compacted. Concrete shall conform to specifications contained in Appendix 10.”

9. Chapter 22, Part 9, Section 918.14 shall be amended to include reference to patterned asphalt crosswalks so that section reads:

Section 918.14. Patterned/stamped crosswalks shall be installed on major pedestrian routes and internally on new streets where determined necessary by the Township due to anticipated pedestrian traffic volumes and for traffic calming. Patterned/stamped asphalt crosswalks shall conform to PennDot MS-0530-0024, and pattern and color shall be subject to approval by the Township. Patterned/stamped concrete crosswalks shall conform to requirements of Appendix 11 and general concrete specifications of Appendix 10.

10. Chapter 22, Part 9, Section 920.1.I(1) shall be amended to remove “Fraxinus Americana (White Ash)” from the list of approved Medium to Large Deciduous Trees.

11. Chapter 22, Part 9, Section 920.1.I(2) shall be amended to remove “Pseudotsuga menziesii (Douglas Fir)” from the list of approved Evergreen Trees.
12. Chapter 22, Part 11, Section 1101.5.A shall be amended to allow the fee to be determined by resolution of the Board of Supervisors so that Section 22-1101.5.A reads as follows:

Section 1101.5.A. The fee shall be equal to the fair market value of the land otherwise required to be dedicated and improved for recreational use as established by separate resolution of the Board of Supervisors.

ARTICLE V. Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

ARTICLE VI. Severability.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Plumstead Township, that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

ARTICLE VII. Effective Date.

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

ENACTED AND ORDAINED this ____ day of _____, A.D., 2020.

ATTEST:

**PLUMSTEAD TOWNSHIP
BOARD OF SUPERVISORS**

Angela P. Benner, Manager
Plumstead Township

Peter Busillo, Chair

Dan Hilferty, Vice Chair

James McComb, Treasurer

Ken Lichtenstein, Secretary

Brian Trymbiski

Exhibit A

LIST OF USES		ZONING DISTRICTS														
		RP	RO	R-1	R-2	R-3	R-4	R-5	MHP	VR	VC	C-1	C-2	C-3	LI	Q
A.	AGRICULTURAL USES															
A1	General Farming	Y	Y	Y	Y	Y		Y		Y						
A2	Agricultural Retail	Y	Y	Y	Y	Y		Y								
A3	Intensive Agriculture		C													
A4	Forestry	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
A5	Accessory Farm Business		C	Y												
A6	Farm Support Facility		S													
A7	Commercial Kennel		S													
A8	Riding Stable and Horse Boarding	Y	Y													
B.	RESIDENTIAL USES															
B1	Single Family Detached Dwelling	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
B2	Land Preservation Subdivision			C	C											
B3	Land Preservation Subdivision/TDR			C	C					C	C					
B4	Two-Family Dwelling - Twin/Duplex							Y		Y	Y					
B5	Multi-Family - Apartments						Y	Y		Y	Y					
B6	Multi-Family - Townhouse						Y	Y		Y	Y					
B7	Mobile Home Park								Y							
B8	Flexible Lot Size Subdivision			Y	Y											
B9	Life Care/Full Care Facility	Y												S		
B10	Residential Conversion									S	S					
B11	Accessory Dwelling	Y	Y	Y	Y	Y				Y	Y					
B12	Accessory Home Occupations	Y	Y	Y	Y	Y	Y	Y	Y***	Y	Y					
B13	Bed and Breakfast	S	C	S						S	S					
B14	Residential Accessory Building etc.	Y	Y	Y	Y	Y	Y	Y**	Y****	Y	Y					
B15	Mixed Residential Development					Y										
B16	Village Preservation Development							Y								
B17	Short-Term Transient Rentals	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y					
B18	Event Venue	C	C	C	C	C	C	C	C	C	C					

LIST OF USES		ZONING DISTRICTS														
		RP	RO	R-1	R-2	R-3	R-4	R-5	MHP	VR	VC	C-1	C-2	C-3	LI	Q
G.	COMMERCIAL USES															
G1	Commercial or Trade School										S		Y		Y	
G2	Day Care Center			C	C						Y	Y			Y	
G3	Retail Store											Y	Y	Y		
G3a	Hookah Lounge/Vape Store														Y	
G3b	Consumer Fireworks Sales												C	C		
G4	Adult Commercial														S	
G5	Village Oriented Shop										Y	Y				
G6	Service Business										Y	Y	Y	Y		
G7	Financial Establishment										Y	Y	Y	Y		
G8	Funeral Home			C*	C*						Y	Y	Y			
G9	Eating Place										C	Y	Y			
G10	Eating Place with Drive-Throughs												C			
G11	Tavern/Bar										S	Y	S			
G12	Repair Shop										S		Y		Y	
G13	Garden/Horticultural Center												Y			
G14	Theater												S			
G15	Indoor Athletic Club												Y	Y	Y	
G16	Amusement Halls and Arcade											C	C	C		
G17	Convenience Store												Y			
G18	Laundry												S		Y	
G19	Hotel or Inn										S		S		S	
G20	Motor Vehicle Sales												Y			
G21	Large Retail Store												C			
G22	Motor Vehicle Gasoline Station												Y			
G23	Automotive Service Center/Repair												Y		Y	
G24	Car Wash												Y			
G25	Shopping Center												C	Y		
G26	Miniwarehouse														S	
G27	Dwelling in Combination			C*	C*						Y					

LIST OF USES		ZONING DISTRICTS															
		RP	RO	R-1	R-2	R-3	R-4	R-5	MHP	VR	VC	C-1	C-2	C-3	LI	Q	
G28	Telecommunications Facility	C****	C****	C****	C****	C****	C****	C****	C****	C****	C****	C****	C****	C****	C****	C****	
G29	Motor Vehicle Rental												Y		Y		
H. INDUSTRIAL USES																	
H1	Manufacturing														Y		
H2	Reserch														Y		
H3	Warehousing and Distribution												S		Y		
H4	Contracting												S		Y		
H5	Truck Terminal												C		C		
H6	Crafts														Y		
H7	Lumber Yard/Improvement Center														Y		
H8	Fual Storage and Distribution														C		
H9	Junk Yard or Auto Salvage Yard														C		
H10	Extractive Operations															Y	
H11	Asphalt Plant														Y		
H12	Ready Mix Concrete Plant														Y		
H13	Industrial Park														Y		
H14	Resource Recovery Facility														S	C	
H15	Solid Waste Landfill															C	
H16	Flex Space														Y		
H17	School Bus Depot														Y		
I. OTHER USES																	
I1	Nonresidential Accessory Building										Y	Y	Y	Y	Y		
I2	Accessory Outside Storage/Display											Y	S	Y			
I3	Temporary Structure												S	S			
I4	Accessory Drive-Through Facility										C	C	C				
I5	Vending Machines										Y	Y	Y	Y	Y	Y	
I6	Accessory Uses	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Y - Permitted by right																	*Must have frontage on U.S. Route 611 (Easton Road)
C- Permitted by conditional use																	** Accessory to Single Family Detached Dwellings only
S. - Permitted by special exception																	*** No-impact home-based business only
BLANK SPACE - Not permitted																	**** Storage sheds only

