

FRANCONIA TOWNSHIP

ORDINANCE #18-400

AN ORDINANCE AMENDING THE FRANCONIA TOWNSHIP CODE AS FOLLOWS: (1) AMENDING CHAPTER 145 [ZONING], ARTICLE II [DEFINITIONS], SECTION 145-5.B TO ADD THE FOLLOWING DEFINITIONS: “BUILDING ENVELOPE”, “FLOODPLAIN SOILS (ALLUVIAL SOILS)”, “HYDRIC SOIL”, “RIPARIAN BUFFER”, “STEEP SLOPES”, “WATERCOURSE”, “WATERS OF THE COMMONWEALTH”, “WETLANDS”, “WETLANDS BUFFER”, AND “WOODLANDS”; (2) AMENDING CHAPTER 145 [ZONING], ARTICLE II [DEFINITIONS], SECTION 145-5.B TO AMEND THE DEFINITION OF “DEVELOPABLE ACREAGE”, “FLOOD-PRONE AREA (FLOODPLAIN)”, AND “OPEN SPACE”; (3) AMENDING CHAPTER 145 [ZONING], ARTICLE II [DEFINITIONS], SECTION 145-5.B TO DELETE THE DEFINITION OF “SLOPE/STEEP SLOPE/PRECAUTIONARY STEEP SLOPE/PROHIBITIVE STEEP SLOPE”; (4) REPLACING ALL REFERENCES TO “STEEP SLOPE REGULATIONS” IN THE ZONING CODE WITH THE TERM “NATURAL RESOURCE REGULATIONS”; (5) DELETING ALL REFERENCES TO “RIPARIAN BUFFER REGULATIONS”; (6) DELETING ARTICLE XXVI [NATURAL RESOURCE PROTECTION STANDARDS] IN ITS ENTIRETY AND REPLACING WITH NEW ARTICLE XXVI [NATURAL RESOURCE PROTECTION STANDARDS] WITH PROVISIONS FOR LEGISLATIVE INTENT, NATURAL RESOURCE PERFORMANCE STANDARDS, APPLICATION OF NATURAL RESOURCE PROTECTION STANDARDS, AND SITE CAPACITY CALCULATIONS; (7) AMENDING CHAPTER 145 [ZONING] ARTICLE XXVII [OSR OPEN SPACE RESIDENTIAL DISTRICT], SECTION 145-186; (8) AMENDING CHAPTER 145 [ZONING] ARTICLE XXIX [RR RURAL RESOURCE RESIDENTIAL DISTRICT] SECTION 145-200.1 [APPLICABILITY] TO CLARIFY THE DIMENSIONAL REQUIREMENTS APPLICABLE TO NON-CONFORMING LOTS IN THE RR RURAL RESOURCE RESIDENTIAL DISTRICT ; (9) AMENDING CHAPTER 145 [ZONING] TO DELETE ARTICLE XVIII [FP FLOODPLAIN CONSERVATION DISTRICT] IN ITS ENTIRETY; (10) AMENDING CHAPTER 122 [SUBDIVISION AND LAND DEVELOPMENT], ARTICLE I [GENERAL PROVISIONS], SECTION 122-5.B [DEFINITIONS] TO ADD THE FOLLOWING DEFINITIONS: “BUILDING ENVELOPE”, “FLOODPLAIN SOILS (ALLUVIAL SOILS)”, “RIPARIAN BUFFER”, AND “STEEP SLOPES”; AND (11) AMENDING CHAPTER 122 [SUBDIVISION AND LAND DEVELOPMENT], ARTICLE I [GENERAL PROVISIONS], SECTION 122-5.B [DEFINITIONS] TO AMEND THE DEFINITION OF “DEVELOPABLE ACREAGE”, “FLOOD-PRONE AREA (FLOODPLAIN)”, “WETLANDS” AND “WOODLANDS”.

THE BOARD OF SUPERVISORS OF FRANCONIA TOWNSHIP DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

SECTION 1. Chapter 145 [Zoning], Article II [Definitions], Section 145-5.B. [Definitions and

word usage] is hereby amended to add the following definitions (in alphabetical order):

**ARTICLE II
DEFINITIONS**

Section 145-5. Definitions and word usage.

B.

BUILDING ENVELOPE – The building envelope shall exclude the area of any required setbacks, buffer yards and natural resource protected land specified in this Chapter. The purpose of identifying a building envelope is to provide sufficient area for the general location of the building, driveway, patio, other improvements and site alterations while meeting natural resources protection standards and minimum setback requirements of this Part.

FLOODPLAIN SOILS (ALLUVIAL SOILS) – Areas subject to periodic flooding or listed in the Official Soil Survey provided by the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/>), as soils having a flood frequency other than none. A landowner may submit detailed soil profiles and a report to the Township for the purpose of determining an alluvial soil classification, which the Township may or may not accept as the correct boundary of soils on floodplain.

HYDRIC SOIL - Soils that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part.

RIPARIAN BUFFER - The area of land immediately adjacent to any watercourse, measured perpendicular to and horizontally from the top-of-bank on both sides of a watercourse.

STEEP SLOPES – A characteristic of natural terrain whereby the difference in the vertical elevation of the surface over a horizontal distance, known as rise over run and expressed as a percentage of 15% or more.

WATERCOURSE – A channel or conveyance of surface water, permanent stream, intermittent stream, river, brook, creek or a channel or ditch for water, whether natural or man-made.

WATERS OF THE COMMONWEALTH – Any and all rivers, streams, creeks, rivulets, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, 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 the commonwealth as defined by law.

WETLANDS – Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, ferns and similar areas. More specifically, an area meeting the official wetland definition of the U.S. Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1; or the Pennsylvania Department of Environmental Protection Wetlands Identification and Delineation, Chapter 105 Dam Safety and Waterways Management Rules and Regulations or the most recently amended reports, will be considered a wetland for the purposes of this chapter.

WETLANDS BUFFER – A transitional area extending from the outer limits of the wetlands, as defined in this chapter. Wetlands margins serve to filter pollutants, reduce stormwater velocities, provide for flood water storage, provide wildlife habitat (which may include endangered and threatened species), facilitate ground water recharge and allow for slight variations of the wetlands boundary seasonally or over time.

WOODLANDS – Areas, groves, or stands of mature or largely mature trees the majority of which are greater than six inches caliper measured four feet above grade covering an area greater than 1/4 acre; or groves of mature trees without regard to minimum area consisting of more than 10 individual specimens which are greater than 8 inches caliper measured four feet above grade and form a contiguous canopy. Woodlands shall be measured from the dripline of the outer trees.

SECTION 2. Chapter 145 [Zoning], Article II [Definitions], Section 145-5.B. [Definitions and word usage] is hereby amended to replace the current definitions with the following:

DEVELOPABLE ACREAGE - All that land within the lot lines of a tract excluding the following:

- (1) Lands located within the ultimate right-of-way of an existing or proposed street.
- (2) Lands subject to existing utility easements or rights-of-way.
- (3) Lands subject to open space requirements and/or natural resources to be protected, whichever is greater. The natural resources may be counted towards required open space.
- (4) Permanent bodies of water.
- (5) Existing Permanent Drainage Easements containing an open channel.

FLOOD-PRONE AREA (FLOODPLAIN) – A relatively flat or low land area adjoining a stream, river or watercourse, which is subject to partial or complete

inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

OPEN SPACE - Lands from which the potential for development has been permanently removed as a result of the land development or subdivision process under the zoning regulations of Franconia Township, or as a result of donation, acquisition or other means. Open space may be made up of either previously developed land or undevelopable land (including undevelopable land containing natural resources). The open space may be active or passive in nature, and improvements may be made on the property to facilitate the use and enjoyment of the land, whether on a private or public basis. Provision for the ownership and maintenance of the open space shall be made at the time of the land development approval in a manner so as to ensure its preservation. The specific manner shall be subject to approval by the Township Solicitor; it may be accomplished by dedication to the Township (at the Township's option), by deed restriction with conveyance to an acceptable association, condominium, conservancy, corporation, funded community trust, individual or other legal entity. For purposes of computing the area of required open space, segments of land that are four or more times longer than they are wide may be excluded by the Board of Supervisors.

SECTION 3. Chapter 145 [Zoning], Article II [Definitions], Section 145-5.B. [Definitions and word usage] is hereby amended to delete the defined term “SLOPE/STEEP SLOPE/PRECAUTIONARY STEEP SLOPE/PROHIBITIVE STEEP SLOPE” in its entirety.

SECTION 4. Chapter 145 [Zoning], Sections 145-32.F., 145-36.F., 145-40.F., 145-44.F., 145-66.I., 145-67.B.(9), 145-78.1.F., 145-78.4.F., 145-99.E., 145-100-B.(6), 145-105.E., 145-197.F., and 145-205.E. shall be amended to replace “Steep slope regulations: in accordance with Article XXVI” with “Natural Resource regulations: in accordance with Article XXVI.”

SECTION 5. Chapter 145 [Zoning], Sections 145-32.G., 145-36.G., 145-40.G., 145-44.G., 145-66.J., 145-67.B(10), 145-78.1.G., 145-78.4.G., 145-197.G. amended to replace “Riparian buffer regulations: in accordance with § 145-28.5” with “RESERVED.”

SECTION 6. Chapter 145 [Zoning], Article XXVI [Natural Resource Protection Standards] is hereby deleted in its entirety and replaced with the following:

Article XXVI. Natural Resource Protection Standards

§ 145-173. Legislative intent.

In the interest of promoting and protecting the public health, safety and welfare, the provisions of this article are intended:

- A. To maintain the supply of natural vegetation, prevent erosion of the topsoil on the site and surrounding properties, foster the retention of groundwater supply, and generally attempt to maintain the ecological balance in the Township.
- B. To protect the Township from development that may cause subsequent harm to the environmentally sensitive areas of the Township by minimizing disturbance of these areas.
- C. To recognize everyone's responsibility to be good and mindful stewards of the environment and that disturbance of these environmentally sensitive resources results in negative impacts to the public health, safety, and welfare by causing greater erosion, siltation and sedimentation, flooding, degradation of water quality, and other adverse effects on the environment.
- D. To reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, subsurface, and surface water bodies.
- E. To promote, protect and facilitate proper density of land use based on a site's capacity; the provisions of adequate light and air; the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural, or industrial use; the preservation of the natural, scenic, and historic values in the environment; and the preservation of forests, wetlands, aquifers, and floodplains.
- F. To conserve natural features important to protect natural resources; recognizing that headwater areas are highly sensitive to disturbance from the impact of human activity.

§ 145-174. Natural Resource Performance Standards

- A. Permitted uses and activities may be established and maintained only if it complies with the following standards. Site alterations, regrading, filling or clearing of any natural resources prior to the submission of applications for zoning or building permits or the submission of plans for subdivision or land development shall be a violation of this Chapter. The presence of any of these features on the subject tract shall be identified on the development plan or permit application plan.
- B. This Chapter contains standards for lot size, building coverage and density that should not be construed as guarantees that a certain number of dwelling units or amount of development can be accommodated on any individual site. Site constraints and other ordinance requirements will all have an effect on the actual development potential.
- C. The development of land on which there are areas having natural resources shall be governed by the following regulations:

1. In the event that two or more resources overlap, the resource with the greatest protection shall apply to the area of overlap.
2. Watercourse, Waters of the Commonwealth, Lakes and Ponds regulations. The entire extent of such areas shall be permanently protected, undisturbed, and undeveloped except where design approval is obtained from the Pennsylvania Department of Environmental Protection.
3. Floodplain regulations. All such lands shall be permanently protected, undisturbed, and undeveloped, except where design approval is obtained from the Pennsylvania Department of Environmental Protection and as permitted by Chapter 78, Floodplain Management of the Franconia Township Code.
4. Floodplain (Alluvial) Soils regulations. All such lands shall be permanently protected, undisturbed, and undeveloped, except that roads may cross floodplain soils where design approval is obtained from the Pennsylvania Department of Environmental Protection. Floodplain soils shall not be used where a floodplain line has been drawn. The Township reserves the right to verify the presence or absence of floodplain soils through the retention of a third party professional soil scientist.
5. Wetlands regulations. All such lands shall be permanently protected, undisturbed, and undeveloped, except where State and Federal permits have been obtained. Wetland boundaries shall be delineated through an onsite assessment which shall be conducted by a professional soil scientist. Such a person shall certify that the methods used correctly reflect currently accepted technical concepts, including the presence of wetlands vegetation, floodplain soils and/or hydrology/hydrologic indicators. The study shall be submitted with sufficient detail to allow a thorough review by the Township prior to approval by the Board of Supervisors, and the Township reserves the right to verify the presence and/or extent of wetlands through the retention of a third party professional soil scientist.
6. Wetlands Buffer regulations. No impervious surface area shall be located within 25 feet or the extent of hydric soils extending beyond the wetland boundary, whichever is greater, of a wetland boundary, and no more than 20% of such areas shall be disturbed. Any Pennsylvania Department of Environmental Protection regulations concerning activities in wetlands margins shall also be met. Where in the opinion of the Township, disturbance to the shape, but not the square footage, of a wetland transition area on a tract or parcel of land will result in minimal environmental impact and the modified transition area continues to serve the transition function, the wetland transition area may be reduced to 50% of its required width, so long as it is compensated by increasing the transition area width in another wetland transition area on the same site, and the total required wetland transition area is not reduced.

7. Woodlands and Individual Tree regulations. A minimum of 80% of woodlands associated with another natural resource on a site and a minimum of 50% of woodlands which are not associated with another natural resource on a site shall be permanently protected, undisturbed, and undeveloped. The woodlands shall not be planted as lawn and shall remain in its natural condition with the natural forest ground cover left intact. The following standards shall apply to any woodlands or individual trees to be destroyed as a result of street alignment, building placement, parking area location, grading, or otherwise, except as permitted pursuant to an approved zoning permit for a Forestry Use per Section §145-28.7 of this Chapter:
 - a. Removal necessary as a means to eliminate dead, diseased, hazardous, or invasive trees shall be permitted only after the review and approval of the Township Engineer. Any trees removed pursuant to this subsection shall not be required to be replaced unless the planting was or is required to satisfy a Township Ordinance requirement such as street trees, buffer trees, screening, etc. If replacement is required, each tree shall be replaced with an approved species to meet the intent of the quantity and spacing of the SALDO.
 - b. Every existing tree with a trunk eight inches or more in caliper [measured at one foot above existing ground line] shall be replaced with one new tree of a type specified by the Township with a trunk of not less than two inches in caliper measured at one foot above ground line.
 - c. Such new trees shall not be placed on the lot as street trees or in place of trees required by the Township's Subdivision and Land Development Ordinance (SALDO) for street trees, buffers, screening, etc. If any trees are removed as a means to eliminate dead, diseased or hazardous trees, but were required to meet the requirements of the SALDO regarding street trees, buffer trees, screening, etc. each tree shall be replaced with an approved species to meet the intent of the quantity and spacing of the SALDO.
 - d. At the discretion of the Township, a number of trees not greater in number than those destroyed may be planted on lands owned by the Township in order to maintain the proper ecological balance of the Township. The Township shall assess the developer the cost of these trees including the costs for delivery and installation. This cost shall be as stated in the Township's Fee Schedule, as it is amended from time to time. This fee may be used for the installation of trees within the Township, as well as any public improvements intended to enhance the air and/or water quality within the Township and its surrounding community.
8. Steep Slope regulations. In areas of steep slopes, the following standards shall apply:

- a. 15% to 25% grade. No more than 50% of such areas shall be altered, regraded, cleared or built upon. The remaining 50% shall permanently remain undisturbed in existing natural cover and as permanent open space.
 - b. 25% to 33% grade. No more than 25% of such areas shall be altered, regraded, cleared or built upon. The remaining 75% shall permanently remain undisturbed in existing natural cover and as permanent open space.
 - c. 33% or steeper. No portion of such areas shall be altered, regraded, cleared or built upon, with the exception of public utilities or driveways when no other location is possible.
 - d. Steep slope areas of less than 1,000 square feet of contiguous land and 20 feet in length, not abutting other areas of steep slope, may be excluded in determining areas of steep slopes.
 - e. The Township shall exempt for man-made slopes (for example, man-made slopes within a street right-of-way) from the provisions herein, if it is determined that alteration, regrading, clearing, construction upon such slopes will not be injurious to the health, safety and welfare of the community. It shall be the burden of the applicant to demonstrate that the steep slopes were man-made.
9. Riparian Buffer regulations. The riparian buffer shall include only the portion of land sloping towards the surface water bodies being protected, and shall extend either 35 feet from each side of the watercourse, lake, pond, at bankfull flow edge, or the extent of the one-hundred-year floodplain, whichever is greater. If a minimum of 35 feet cannot be provided as a buffer along the watercourse due to existing features or other impact, additional buffer width shall be provided elsewhere onsite or within the Township to the satisfaction of the Township Engineer to provide an equivalent buffer area with a priority to establish a continuous buffer versus a fragmented buffer. This requirement shall not apply to land sloping away from the watercourse. No land disturbance shall be permitted within any riparian buffer except as permitted below. The buffer area will consist of two distinct protection zones.
- a. Zone 1. This buffer area will begin at the edge of the lake, pond or watercourse and occupy a margin of land with a minimum width of 15 feet measured horizontally on a line perpendicular to the edge of water at bankfull flow or level. Open space uses that are primarily passive in nature may be permitted in Zone 1, including:
 - 1) Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, constructed wetlands, passive areas for public or private parklands and reforestation.

- 2) Customary agricultural practices in accordance with a soil conservation plan approved by the County Conservation District and a nutrient management plan in accordance with State requirements, if applicable.
 - 3) Regulated activities permitted by the Commonwealth and Township for watercourse/stream or wetland crossing or other encroachment (i.e., farm vehicle and livestock, recreational trails, roads, sewer or water lines, and utility transmission lines) provided that approval is obtained from the Army Corps of Engineers and/or Pennsylvania Department of Environmental Protection, and any disturbance is offset by riparian corridor improvements as approved by the Township.
 - 4) Vegetation management in accordance with an approved landscape or open space management plan.
 - 5) Streambank stabilization and/or restoration.
 - 6) Runoff to be buffered or filtered by Zone 1 will be limited to sheet flow or subsurface flow only. Concentrated flows must be converted to sheet flow or subsurface flows prior to entering Zone 1 for proposed stormwater management facilities.
- b. Zone 2. This buffer zone will begin at the outer edge of Zone 1 and shall occupy a minimum width of 20 feet. Where the width of the one-hundred-year floodplain extends greater than 35 feet from the edge of water at bankfull flow or level, Zone 1 shall remain a minimum of 15 feet and Zone 2 shall extend from the outer edge of Zone 1 to the outer edge of the one-hundred-year floodplain. Additional buffer width shall also be provided based on existing conditions as required by the Township Engineer. Uses permitted in this buffer area include open space uses that are primarily passive in nature, including:
- 1) Wildlife sanctuaries, nature preserves, forest preserves, constructed wetlands, and passive areas for public or private parklands, recreational trails and reforestation.
 - 2) Customary agricultural practices in accordance with a soil conservation plan approved by the County Conservation District.
 - 3) Regulated activities permitted by the Commonwealth and Township for watercourse/stream or wetland crossing or other encroachment (i.e., farm vehicle and livestock, recreational trails, driveways, roads, sewer or water lines and utility transmission lines) provided that any disturbance is offset by riparian corridor improvements as approved by the Township.

- 4) Recreational activities or uses, such as playing fields or golf courses, with no impervious surfaces installed within the zone.
- c. Prohibited Uses. Any use or activity not authorized in subsection (1) or (2) above shall be prohibited within the riparian buffer. The following activities and facilities are specifically prohibited:
- 1) Soil erosion and sedimentation. All developments shall protect lakes, ponds and watercourses from sedimentation damage, and shall control erosion in accordance with the "Clean Streams Law, P.L. 1987", as amended.
 - 2) Clear cutting of trees and other vegetation.
 - 3) Selective cutting of trees and/or the clearing of other vegetation, except where authorized by subsections (1) or (2) above, or where removal is necessary as a means to eliminate dead, diseased, hazardous, or invasive trees. Removal is subject to prior review and approval of the Township Engineer and re-vegetation by native plants that are most suited to the riparian corridor.
 - 4) Storage of any hazardous or noxious materials.
 - 5) Roads, access drives, parking area or driveways and corridor crossings, except as permitted by the Pennsylvania Department of Environmental Protection and the Township.
 - 6) Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the County Conservation District.
 - 7) Outdoor Storage.
 - 8) Any type of permanent structure, including fences except structures needed for a use permitted herein.
 - 9) Sod farming.
 - 10) Topsoil removal, unless approved by the Township Engineer.
 - 11) Subsurface and elevated sewage disposal areas and other wastewater disposal systems.
 - 12) Stormwater basins, including any berms or outfall facilities.

- e. Maintenance and Monitoring Plans shall be prepared for each buffer which will state the required annual maintenance duties for each zone including, but not limited to, the critical period during establishment of the buffer (typically the first 3 to 5 years, or as determined by the Township Engineer).
- f. Re-vegetation of Riparian Area. In cases where a major subdivision or land development is proposed, replanting of the riparian buffer shall be required where there is little or no existing streamside vegetation. Native vegetation approved by the Township must be used in replanting. These layers include herbaceous plants that serve as ground cover, under-story shrubs, and trees that form an overhead canopy. The re-vegetation plan shall be prepared by a qualified professional, who has specific experience in the delineation of riparian buffer areas, and shall comply with the following minimum requirements, unless modified by the Board of Supervisors upon recommendation of the Planning Commission.
 - 1) Trees and Shrubs. These planting layers include trees that form an overhead canopy and understory shrubs beginning at the top of the streambank and occupy a strip with a fixed width of 35 feet and shall be chosen from the Township's Recommended Plant Material List or PA Stormwater BMP Manual. The density of plantings shall be in accordance with the Planting Plan guidelines of the PA Stormwater BMP Manual. This area shall be reviewed and approved by the Township Engineer for erosion, bank stabilization/stream restoration and removal of dead, diseased, hazardous or invasive vegetation prior to re-vegetating.
 - 2) Ground Cover. Ground cover consisting of perennial grasses and forbs extending a recommended minimum width of 20 feet from the edge of Zone 2, where possible. Appropriate ground cover includes native material, exclusive of noxious weeds, as defined by the Pennsylvania State Department of Agriculture. This planted area shall be designated on the plan as a "no mow zone" or "limited mow zone" and shall be left as natural cover, except in accordance with the Maintenance and Monitoring Plan.
 - 3) Exceptions. These planting requirements shall not apply to existing farm fields located within the riparian buffer or the farmland tract areas if farming operations are to be continued and the required State nutrient management plan is met.
 - 4) Establishing continuous riparian forest buffers should be given a higher priority than establishing larger but fragmented buffers.

§ 145-175. Application of Natural Resource Protection Standards.

- A.** Plan Information. To meet the natural resource protection standards of this Part, the following information is required to be provided with an application for a subdivision or land development plan and/or a zoning/grading permit:
1. Existing and resource and site analysis map (ERSAM) showing environmentally sensitive areas, including, but not limited to, steep slopes, ponds, lakes, streams, wetlands, hydric soils, vernal pools, stream buffers, hydrologic soil groups. Existing and proposed land development, any existing recharge areas, potential infiltration areas or permeable soil areas, as well as off-site contributing runoff sources, downstream receiving swales, channels or watercourses and affected downstream or downslope properties shall also be included.
 2. A site plan which illustrates all natural resources and the proposed use for the site.
 3. All encroachments and disturbances necessary to establish the proposed use on the site.
 4. Calculations which indicate the area of the site with natural resources and the area of natural resources that would be disturbed or encroached upon.
- B.** Conservation Easements/Deed Restrictions. For subdivision and land development plans, a defined Conservation Easement shall be identified on the Plan and Declaration of Easement shall be recorded to provide for the continuance of the resource protection areas in accordance with the provisions of this Article. Alternatively, deed restrictions meeting Township specifications may be placed in the deed for each site or lot that has natural resource protection areas within its boundaries. Natural resource protection areas may be held as common open space in accordance with the requirements of this Chapter and the Subdivision and Land Development Ordinance [Chapter 122], or in the ownership of individual property owners. For this latter form of ownership, it shall be clearly stated in the individual deed that the maintenance responsibility lies with the individual property owner.

§ 145-176. Site Capacity Calculations.

- A.** The following site capacity calculations shall be provided on the record plan for all subdivision and land development applications. Through these calculations, the developable acreage, maximum number of lots or dwelling units, maximum amount of impervious surfaces and required open space will be determined for the specific site.
- a. Determine the Gross Site Area by an onsite boundary survey.

- b. Calculate the Net Site Area. From the Gross Site area, subtract any permanent body of water, any area within any public or private right-of-way or required ultimate right-of-way of a road, but including the area of any existing permanent drainage easement containing an open channel.

Gross Site Area = _____ acres
 Net Site Area = _____ acres

- c. Calculate the land with resource restrictions and the resource protection land. In the event that two or more resources overlap, only the resource with the highest open space ratio shall be used in the calculations.

Resource Protection Land	Protection Ratio	Acres of Land in Resource
Lakes, Ponds, or Watercourses	1.00	_____
Riparian Buffer	1.00	_____
Floodplain	1.00	_____
Floodplain (Alluvial) Soils	1.00	_____
Wetlands	1.00	_____
Wetlands Margin	0.80	_____
Woodlands (within other Resource(s))	0.80	_____
Woodlands	0.50	_____
Steep Slopes 33% or more	1.00	_____
Steep Slopes 25-33%	0.75	_____
Steep Slopes 15-25%	0.50	_____

Total Land with Resource Restrictions _____ acres
 Total Resource Protection Land Proposed _____ acres

*Note the Resource with the Greater Restriction in areas of resource overlap

- d. Determine Required Open Space. The required open space is the total of the resource protection land or the minimum open space, whichever is greater.

Required or Proposed Open Space _____ acres
 Total Land with Resource Restrictions _____ acres

- e. Calculate the developable acreage.

Net Site Area _____ acres
 Subtract Open Space _____ acres
 Developable Acreage _____ acres

- f. Calculate the maximum number of dwelling units.

Developable Acreage _____ acres
 Multiply by Maximum Density X _____
 OR Divide by Minimum Lot Area* ÷ _____ acres
 Number of Dwelling Units Permitted** _____ units/lots

*If Maximum Density is not defined per this Chapter
**Do not round up

- g. Calculate the maximum area of impervious surfaces.

Net Site Area _____ acres
Multiply by Maximum Impervious Coverage Percentage X _____ acres
Maximum Permitted Impervious Surface = _____ acres

SECTION 7. Chapter 145 [Zoning], Article XXVII [OSR Open Space Residential District], Section 145-186 [Calculation of site capacity] is hereby amended and restated as follows:

145-186. Density Calculations.

Density shall be calculated based on the tract's developable acreage, as defined in this chapter. To determine the number of units permitted on a given site, multiply the developable acreage by 1.10 dwelling units per developable acre.

SECTION 8. Chapter 145 [Zoning], Article XXIX [RR Rural Resource Residential District], Section 122-200.1 [Applicability] is hereby amended to and restated as follows:

145-200.1. Applicability.

In the RR Rural Resource Residential District, the following regulations shall apply. For those properties in the RR Rural Resource Residential District that became non-conforming as to lot size by the creation of the RR Rural Resource Residential District on January 16, 2006, the dimensional requirements of the R-175 Residential District as stated in § 145-31, shall apply.

SECTION 9. Chapter 145 [Zoning] is hereby amended to delete Article XVIII [FP Floodplain Conservation District] in its entirety.

SECTION 10. Chapter 122 [Subdivision and Land Development], Article I [Definitions], Section 122-5.B. [Definitions and word usage] is hereby amended to add the following definitions (in alphabetical order):

BUILDING ENVELOPE – The building envelope shall exclude the area of any required setbacks, buffer yards and natural resource protected land specified in this Chapter. The purpose of identifying a building envelope is to provide sufficient area for the general location of the building, driveway, patio, other improvements and site alterations while meeting natural resources protection standards and minimum setback requirements of this Part.

FLOODPLAIN SOILS (ALLUVIAL SOILS) – Areas subject to periodic flooding or listed in the Official Soil Survey provided by the United States Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/>), as soils having a flood frequency other than

none. A landowner may submit detailed soil profiles and a report to the Township for the purpose of determining an alluvial soil classification, which the Township may or may not accept as the correct boundary of soils on floodplain.

RIPARIAN BUFFER - The area of land immediately adjacent to any stream, measured perpendicular to and horizontally from the top-of-bank on both sides of a stream. (See "top-of-bank.")

STEEP SLOPES – A characteristic of natural terrain whereby the difference in the vertical elevation of the surface over a horizontal distance, known as rise over run and expressed as a percentage of 15% or greater.

SECTION 11. Chapter 122 [Subdivision and Land Development], Article I [Definitions], Section 122-5.B. [Definitions and word usage] is hereby amended to repeal and replace the current definitions of the following terms in their entirety with the following:

DEVELOPABLE ACREAGE - All that land within the lot lines of a tract excluding the following:

- (1) Lands located within the required ultimate right-of-way of an existing or proposed street.
- (2) Lands subject to existing utility easements or right-of-way.
- (3) Lands subject to open space requirements and/or natural resources to be protected, whichever is greater. The natural resources may be counted towards required open space.
- (4) Permanent bodies of water.
- (5) Existing Permanent Drainage Easements containing an open channel.

FLOOD-PRONE AREA (FLOODPLAIN) – A relatively flat or low land area adjoining a stream, river or watercourse, which is subject to partial or complete inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

WETLANDS – Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, ferns and similar areas. More specifically, an area meeting the official wetland definition of the U.S. Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1; or the Pennsylvania Department of Environmental Protection Wetlands Identification and Delineation, Chapter 105 Dam Safety and Waterways Management Rules and Regulations or the most recently amended reports, will be considered a wetland for the purposes of this chapter.

WOODLANDS – Areas, groves, or stands of mature or largely mature trees the majority of which are greater than six inches caliper measured four feet above grade

covering an area greater than 1/4 acre; or groves of mature trees without regard to minimum area consisting of more than 10 individual specimens which are greater than 8 inches caliper measured four feet above grade and form a contiguous canopy. Woodlands shall be measured from the dripline of the outer trees.

SECTION 12. Repeal and Ratification

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 13. Severability

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.


SECTION 14. Effective Date

This Ordinance shall become effective 5 days after enactment.

ENACTED AND ORDAINED by the Board of Supervisors of Franconia Township, Montgomery County, Pennsylvania, this 19 day of November, 2018

Attest:

**BOARD OF SUPERVISORS
FRANCONIA TOWNSHIP**



Jon Hammer, Secretary



Grey R. Godshall, Chairman