TOWNSHIP OF NEW BRITAIN
BUCKS COUNTY, PENNSYLVANIA

ORDINANCE NO.: 2022-11-05

AN ORDINANCE OF THE TOWNSHIP OF NEW BRITAIN, BUCKS COUNTY, PENNSYLVANIA; PROVIDING FOR THE AMENDMENT OF CHAPTER 27, ZONING, OF THE NEW BRITAIN TOWNSHIP CODE BY THE ADOPTION OF MODIFICATIONS TO THE PROVISIONS OF§ 27-502.b.5 AND §27-2400.i, BOTH OF WHICH RELATE TO STORMWATER MANAGEMENT REGULATIONS AND RIPARIAN BUF!i'ERS.

NOW THEREFORE, be it hereby ENACTED and ORDAINED by the Board of Supervisors ofthe Township ofNew Britain, Bucks County, Commonwealth of Pennsylvania, as follows:

ARTICLE I.

The provisions of §27-502.b.5 shall be amended so as to delete the provisions set forth therein and in lieu thereofproviding as follows:

When an applicant is proposing a land development, the stormwater management facilities shall be designed to manage the runoff from the maximum impervious surface permitted for the entire site. Where an applicant is permanently preserving natural resources and/or other portions of the site by the placement of a permanent conservation easement, either voluntarily or in accordance with the requirements of this chapter, those areas so preserved can be removed from the calculation of the maximum impervious surface permitted for the entire site at the option of the applicant by the recording ofthis restriction permanently against the property.

ARTICLE II.

The provisions of §27-2400.i shall be amended so as to delete the provisions as set forth therein and in lieu thereofproviding as follows:

Riparian Buffer. The riparian buffer shall include only the portion of land sloping towards the surface water bodies being protected and shall extend no more than 75 feet from each side of the watercourse, lake or pond, at bankfull flow edge, or shall extend the extent of the one-hundred-year floodplain, whichever is greater. No land disturbance shall be permitted within any riparian buffer except as permitted below. The buffer area will consist oftwo distinct protection zones.

1. Zone 1. This buffer area will begin at the edge ofthe lake, pond or watercourse and occupy a margin ofland with a minimum width of 25 feet measured horizontally on a line perpendicular to the edge ofwater at bankfull flow or level. Open space uses that are primarily passive in nature may be permitted in Zone 1, including:

(a) Open space uses such as wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas for public or private parklands and reforestation.
(b) Customary agricultural practices in accordance with a soil conservation plan approved by the Bucks County Conservation District and a nutrient management plan in accordance with state requirements, if applicable.
(c) Regulated activities permitted by the Commonwealth and Township for stream or wetland crossing or other encroachment (i.e., farm vehicle and livestock, recreational trails for non-motorized use only , roads, sewer or water lines, and utility transmission lines) provided that any disturbance is offset by riparian corridor improvements as approved by the Township and all regulated activities designed to have the least impact on native plant species and other sensitive environmental features.
(d) Vegetation management in accordance with an approved landscape or open space management plan.
(e) 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.
(f) The Riparian Buffer Easement shall be planted with native trees, shrubs and other vegetation to create a diverse native plant community appropriate to the intended ecological context of the site. Invasive species shall be removed, whenever practicable.

2. Zone 2. This buffer zone will begin at the outer edge of Zone 1 and occupy a minimum width of 50 feet in addition to Zone 1. However, where the width of the one-hundred-year floodplain extends greater than 75 feet from the edge of water at bankfull flow or level, Zone 1 shall remain a minimum of 25 feet and Zone 2 shall extend from the outer edge of Zone 1 to the outer edge of the one-hundred-year floodplain. Uses permitted in this buffer area include open space uses that are primarily passive in nature, including:

(a) Open space uses such as wildlife sanctuaries, nature preserves, forest preserves and passive areas for public or private parklands, recreational trails for non-motorized use only and reforestation.
(b) Customary agricultural practices in accordance with a soil conservation plan approved by the Bucks Conservation District.
(c) Regulated activities permitted by the Commonwealth and Township for stream or wetland crossing or other encroachment (i.e., farm vehicle and livestock, recreational trails for non-motorized use only, roads, sewer or water lines and utility transmission lines) provided that any disturbance is offset by riparian co1Tidor improvements as approved by the Township and all regulated activities designed to have the least impact on native plant species and other sensitive environmental features.
(d) Recreational activities or uses not involving impervious surfaces such as playing fields or golf courses.

(e) The Riparian Buffer Easement shall be planted with native trees, shrubs and othre vegetation to create a diverse native plant community appropriate to the intended ecological context of the site. Invasive species shall be removed, whenever practicable.

ARTICLE III. Repealer

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

ARTICLE IV. Severability

If any section, paragraph, subsection, clause or prov1s1on of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

ARTICLE V. Effective Date

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

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NEW BRITAIN TOWNSHIP
ZONING AMENDMENT- STORMWATER
MANAGEMENT FACILITIES AND RIPARIAN BUFFERS

Ordinance No.: 2022-11-05

***ENACTED* and *ORDAINED* this 12th day of December, 2022.**

ATTEST:

Matt West, Township Manager

Gregory T. Hood, Chair

William B. Jones, III, Vice Chair

Cynthia M. Jones, Member

Mary Beth McCabe, Esquire, Member

Stephanie Shortall, Member