

ORDINANCE NO. 2018-0-__

**AN ORDINANCE OF THE TOWNSHIP OF WARRINGTON,
BUCKS COUNTY, PENNSYLVANIA,
AMENDING THE WARRINGTON TOWNSHIP
ZONING ORDINANCE**

WHEREAS, Warrington Township, Bucks County, Pennsylvania, by Ordinance Number 85-2, as amended, duly established zoning rules and regulations within Warrington Township that were codified as Chapter 27 of the Codified Ordinances of Warrington Township; and

WHEREAS, the Warrington Township Planning Commission has proposed amendments to the RA Residential Agricultural, RA-A Residential Agricultural-Airfield, RA-2 Residential Agricultural, RA-3 Residential Agricultural, RA-4 Residential Agricultural Districts, which have been reviewed and revised by the Planning Commission on multiple occasions; and

WHEREAS, the Township desires to amend the provisions of the RA Residential Agricultural, RA-A Residential Agricultural-Airfield, RA-2 Residential Agricultural, RA-3 Residential Agricultural, RA-4 Residential Agricultural Districts in accordance with the recommendations from the Planning Commission; and

WHEREAS, adoption of this amendment will promote the following community development objectives:

1. The amendment will allow the Township in the RA Residential Agriculture and the RA-A Residential Agricultural-Airfield Districts to provide areas where low density residential atmosphere is preserved, to provide areas where continued agricultural use is feasible, to discourage higher intensity uses which would make agricultural preservation impossible and to discourage higher densities in areas where public utilities are not available or are not anticipated.

2. The amendment will allow the Township in the RA-2 Residential Agricultural, RA-3 Residential Agricultural and the RA-4 Residential Agricultural Districts to provide for small-lot single family residential development.

NOW, THEREFORE, it is hereby ENACTED and ORDAINED by the Board of Supervisors of Warrington Township, Bucks County, Pennsylvania that the Ordinance No. 85-2, Chapter 27 of the Codified Ordinances, as amended is further amended to provide as follows:

Section 1. Part 4 of Chapter 27 of the Codified Ordinance is hereby deleted in its entirety and is replaced with the following:

**Part 4. RA RESIDENTIAL AGRICULTURAL AND RA-A RESIDENTIAL
AGRICULTURAL-AIRFIELD DISTRICTS**

Article A. RA Residential Agricultural District.

§ 401. Purpose.

[Ord. 85-2, 3/5/1985, § 401; as amended by Ord. 92-8, 7/14/1992]

The purpose of the RA Residential Agricultural District is to provide areas within the Township where a low-density rural atmosphere is preserved; to provide area where continued agricultural use of the land is feasible, particularly where prime agricultural soils have been identified; to discourage development patterns which would make agricultural preservation and a rural residential atmosphere impossible; to discourage higher densities of development in areas where public utilities, particularly sewer and water, are not planned to be provided; and to otherwise achieve the goals and objectives of the Township as set forth in the adopted Comprehensive Plan in Warrington Township, Pennsylvania.

§ 402. Permitted Uses.

[Ord. 85-2, 3/5/1985, § 402; as amended by Ord. 92-8, 7/14/1992; by Ord. 94-15A, 10/25/1994, § 2; by Ord. 96-1, 1/9/1996, § I(B) and (C); and by Ord. 02-06, 7/9/2002, § 2]

The following uses may be permitted as a use by right:

A. Agricultural uses, including the keeping of livestock on lots of three acres or more. Agricultural uses include the growing of nursery stock and tilling of the soil shall be limited to one head of livestock, or 10 fowl per 40,000 square feet of lot area. Any building or area used for the keeping or raising of livestock or fowl shall be situated not less than 100 feet from any street line, property line or dwelling other than the owner's dwelling.

B. Greenhouse as principal or an accessory use to any permitted or conditional use within this district; provided:

- (1) The minimum site area for such use shall be five acres.
- (2) The maximum permitted impervious surface ratio of the site shall be 20 percent.
- (3) Parking. No less than one off-street parking space per two employees.

C. Municipal use.

D. Agricultural sales/roadside stands for the seasonal sale of farm or nursery products produced on the premises; provided:

- (1) Only farm produce or nursery material may be sold.
- (2) Farm produce and nursery material shall be limited to crops harvested from plants and plant material.
- (3) At least 50 percent of the produce or plant material must be grown or raised on the premises or in the immediate region.
- (4) Access/exit to the tract must be controlled by two points. Access/exit points shall be no more than 24 feet wide.
- (5) Sales building or stands shall be setback a minimum of 50 feet from the

ultimate right-of-way.

- (6) Parking. No less than one off-street parking space for each 200 square feet of building floor area or a minimum of four spaces, whichever is greater. All parking shall be behind the legal right-of-way.

E. Kennel. The keeping of more than six dogs that are more than six months old for breeding, training, selling or boarding for a fee is permitted, provided the following conditions are met:

- (1) Minimum lot size shall be 10 acres.
- (2) No animal shelter or runway shall be located closer than 300 feet from any residential building other than the owner's.
- (3) The total number of dogs on the property shall not exceed 25.
- (4) Parking. No less than one off-street parking space for each employee plus one space for each eight animals in capacity except for training where one space shall be provided for each three animals.

F. Riding Academy. Riding academy, livery or boarding stable, subject to the following provisions:

- (1) A lot area of not less than 10 acres shall be required.
- (2) Dwellings and accessory farm buildings shall be permitted in accordance with the regulations for agriculture and horticulture, use A-1.
- (3) No more than one horse per acre shall be permitted.
- (4) Horse shows shall be permitted only by approval of the Township Park and Recreation Board and shall be limited to a specified number each year for each riding academy.
- (5) Parking. No less than one off-street parking space shall be provided for every three persons present at such facilities when they are used to capacity.

G. Nursery. The outdoor raising of plants, shrubs and trees for sale and transplantation. Such material may be field grown or grown within a greenhouse, provided the following conditions are met:

- (1) The minimum lot size shall be five acres.
- (2) Any building or structure shall meet the yard, lot width and setback requirements for the applicable zoning district for use B-1 single-family detached dwelling.
- (3) Contracting for landscape contracting is permitted as an accessory use to a nursery operation, including outdoor storage of landscape building supplies, provided that, it does not exceed 20 percent of the area of the total nursery operation or one acre, whichever is less.
- (4) There shall be a planted buffer with a minimum width of 25 feet that surrounds all greenhouses and the area of any storage of landscape building supplies from any adjoining property.

- (5) Agricultural sales/roadside stands may be permitted as an accessory use.
- (6) A garden center may be permitted as an accessory use only within applicable commercial or industrial districts.

H. Single-family detached dwelling providing that the following standards are met:

- (1) Such use shall be permitted only with approved water and sewage disposal systems.
- (2) The location of the lot shall not be placed where it will interfere with the farm field operations or otherwise interfere with the operation of existing or future agriculture uses.
- (3) The dimensional standards shall be in accordance with § 405(1).

I. Conservation Residential Developments provided that the following standards are met:

- (1) The plan of development shall be designed to ensure that the maximum amount of land shall be retained for conservation or for agricultural purposes. The Township may permit encroachment into areas of woodlands, steep slopes, or prime agricultural soils only in order to ensure the best design of the site for conservation or agricultural purposes. The plan shall provide for a Conservation Area and a Development Area. In addition, the developer/owner must demonstrate that the development will be so located and designed that it will not adversely impact on prime agricultural soils on the site and the existing or future active agricultural uses on the site, or the existing rural streetscape.
- (2) Prior to the submission of any application for Land Development, the developer/owner shall consult with the Township Planning Commission in order to delineate the location and boundaries of the Conservation Area that will best preserve the environmental, forest, viewshed, and rural streetscape of the site.
- (3) The minimum tract area, measured to the ultimate rights-of-way of adjoining roads, shall not be less than 25 acres. There shall be no deductions from this computation other than areas within the ultimate right-of-way of existing roads and streets.
- (4) The minimum size of a Conservation Area shall be not less than 65 percent of the tract area as defined in the previous sub-section. The boundaries of Conservation Areas shall be permanently marked upon the ground at completion by means of permanent survey markers. The Board of Supervisors may require other forms of marking in addition to permanent survey markers. The remainder of the project site shall be the Development Area.
- (5) Only agricultural uses, naturalized basins, constructed wetlands, reforestation areas, or passive recreation shall be permitted in the Conservation Area. No structures may be located in the Conservation Area.

- (6) Development shall be designed to minimize the amount of perimeter adjacent to the Conservation Area and to maximize remoteness from existing public rights of way. The area within the ultimate right of way of any access road within the Conservation Area needed to access the Development Area shall be considered to be part of the Conservation Area.
- (7) The permitted gross density shall be 0.7 dwelling units per acre. Acreage shall be measured to the ultimate right of way with no other deductions except as herein provided.
 - (a) A bonus density of 0.18 dwelling units per acre gross density shall be allowed if a buffer of 100 feet shall be provided along the outer edge of all Type I streams, water bodies, natural watercourses, all wetlands, and any floodplains thereof, along with associated alluvial soils. The areas including Type 1 streams, water bodies, natural watercourses, wetlands, floodplain, and alluvial soils shall not be included in the buffer.
 - (b) A bonus density of 0.18 dwelling units per acre gross density shall be allowed if the Development Area is located as far as is practicable from existing street rights of way.
 - (c) A bonus density shall be allowed if more than 50 percent of the forest area on the site is preserved in the Conservation Area. The bonus shall be 0.04 dwelling units per acre gross density for each 10 percent of forest preserved over the minimum of 50 percent required by this Ordinance.
 - (d) A bonus density shall be allowed if the project provides sewer service to adjacent or closely proximate single family homes presently served by on lot individual sewer treatment systems. The bonus shall be 0.40 dwelling units per acre gross density for each home served. Such service shall be provided to the point of connection at the property line of such dwelling and any property so served may not be further subdivided.
 - (e) A bonus density shall be allowed if the project provides Conservation Area in excess of the 65 percent required. The bonus shall be 0.08 dwelling units per acre gross density for each 5 percent provided in excess of 65 percent.
 - (f) These bonuses may be combined, as appropriate.
- (8) Single family detached dwellings, two family semi-detached dwellings, single family zero lot line dwellings and townhouses shall be permitted.
- (9) Buffers shall be provided and conform to the requirements of Section 406 of this ordinance. In addition to the requirements of Section 406, buffers shall create a well-defined separation between the Development Area and the Conservation Area.
- (10) All homeowner's association agreements, agreements of sale for individual lots and deeds must include a "right-to-farm" provision.
- (11) Transferable development rights may not be used in the development, and transferable development rights may not accrue to any Conservation Area

lands.

- (12) The Conservation Area shall be either:
 - (a) Permanently deed restricted from further development by conservation easement in favor of the Township, but owned by a homeowner's association; or
 - (b) Conveyed to a conservancy, non-profit corporation or association, or similar legal entity; or
 - (c) Deeded in fee to the Township; or
 - (d) Any combination of the above; all at the sole discretion of the Township, and in accordance with such conditions as the Township may require to preserve and maintain the Conservation Area in perpetuity.
 - (e) Include such public access requirements as the Board of Supervisors shall deem appropriate.
- (13) All such developments shall be located in a public sewer service area, so designated by the Township's Sewage Facility Plan in accordance with Act 537, the Pennsylvania Sewage Facilities Act.
- (14) Any such development exceeding 12 dwelling units shall be connected to existing public streets at two separate locations.

J. No-impact home occupation.

[Added by Ord. 2012-O-09, 7/24/2012]

§ 403. Conditional Uses.

[Ord. 85-2, 3/5/1985; as added by Ord. 94-15A, 10/25/1994, § 2; as amended by Ord. 98-10, 4/28/1998, § I (2); by Ord. 02-06, 7/9/2002, § 3; and by Ord. 2008-O-05, 3/11/2008]

The following uses shall be permitted as a conditional use when authorized by the Board of Supervisors in accordance with the provisions of § 2302:

A. Public school provided that the following conditions are met:

- (1) Any school shall be served by public water and sewer.
- (2) The access drives to any school shall be located in such a manner that any increased traffic will not be directed upon roads where farm equipment is frequently mobilized from one field to another over public roads.
- (3) Buffer standards shall create a well-defined separation between adjoining farmlands and the school in accordance with § 2307, "Supplemental Regulations," herein.

B. Communications antennas mounted on an existing public utility transmission tower, building or other structure, communications towers and communications equipment buildings.

C. House of Worship.

- (1) General.
 - (a) It must be served by public water and sewer.
 - (b) It must meet determinations set forth elsewhere in the Chapter for local or community house of worship.
 - (c) It must demonstrate the ability to meet the standards for maximum impervious coverage as set forth in this chapter.

- (2) Local:
 - (a) Minimum lot area: five acres.
 - (b) Minimum front yard setback: 100 feet.
 - (c) Minimum side yard setback: 40 feet.
 - (d) Minimum rear yard setback: 60 feet.
 - (e) Maximum building height: 35 feet.
 - (f) Minimum distance between buildings: 25 feet.
 - (g) Maximum impervious coverage: 15 percent.

- (3) Community:
 - (a) Minimum lot area: 10 acres.
 - (b) Minimum front yard setback: 100 feet.
 - (c) Minimum side yard setback: 40 feet.
 - (d) Minimum rear yard setback: 60 feet.
 - (e) Maximum building height: 35 feet.
 - (f) Minimum distance between buildings: 25 feet.
 - (g) Maximum impervious coverage: 15 percent.

- (4) Maximum impervious coverage may be increased to 25 percent, subject to the following requirements:
 - (a) For impervious coverage greater than 15 percent, the difference between the volume of runoff from the two-year predevelopment storm and the two-year post-development storm must be infiltrated on site in accordance with Warrington Township Stormwater Regulations [Chapter 26, Part 1]. Infiltration testing at various locations on the site must be conducted prior to the conditional use hearing.
 - (b) When infiltration at the site cannot be achieved, the applicant may propose other methods of enhancing water quality and reducing the volume of runoff. The methods must be accepted by the Township Engineer after review of the infiltration testing results and test locations.
 - (c) Additional allowance for impervious coverage up to a maximum of 35 percent may be obtained through the use of transferable development rights (TDRs) as stipulated in this chapter, as amended.

D. Flag Lots.

[Added by Ord. 2014-O-14, 6/10/2014]

- (1) Applications for flag lots must conform to all of the requirements contained in Part 23, § 2302, Conditional Uses, of this chapter and all of the following conditions.
- (2) Flag lots must provide direct access to a public road through the staff of the flag lot by means of a private right-of-way with a minimum width of 25 feet and a maximum width of 49 feet. The private right-of-way line shall extend from the ultimate right-of-way line of the public road to the rear property line of the flag lot. The width of the staff shall remain constant.
- (3) No more than one property may use the private right-of-way.
- (4) Flag lots shall contain one single-family detached dwelling and customary accessory buildings to a single-family detached dwelling. No other type of dwelling or nonresidential use will be permitted on a flag lot.
- (5) Minimum lot area shall be computed using only the flag area of the lot. The area of the flag shall be computed from the property lines of the flag perimeter and the projected private right-of-way line of the staff. No part of the staff may be included in the minimum lot area.
- (6) All setbacks shall be measured from the property lines and the projected right-of-way line of the staff.
- (7) A dense evergreen screening buffer with a minimum width of 20 feet shall be provided along the property lines of the flag lot adjacent to all existing dwellings to provide effective year-round screening.
- (8) Area Requirements:
 - (a) Minimum lot area (flag): 3.0 acres.
 - (b) Minimum front yard: 50 feet.
 - (c) Minimum side yard: 20 feet; minimum total composite: 50 feet. The minimum side yard shall not include any portion of the staff.
 - (d) Minimum rear yard: 40 feet.
 - (e) Maximum building coverage: 15 percent of flag area.
 - (f) Maximum impervious coverage: 15 percent of total lot area (flag plus staff).
 - (g) Minimum width at the front setback line: 100 feet, not including any portion of the staff.
- (9) The private right-of-way must meet all applicable standards necessary for emergency access and firefighting as identified in reviews conducted by the Warrington Township Fire Marshal in accordance with the International Fire Code, as amended from time to time. If public water is available and no fire hydrant exists within 500 feet of the proposed flag lot dwelling, the applicant must install fire hydrants to a point no further than 500 feet from the proposed flag lot dwelling in accordance with all applicable standards of the Warrington Water and Sewer Department. All fire hydrants must be accessible by firefighting equipment.
- (10) Transferable development rights (TDRs) may not be used to create flag lots.
- (11) No flag lot staff may be created within 100 feet of another flag lot staff.

(12) No flag lot staff may exceed 500 feet in length.

§ 404. Special Exception.

[Ord. 85-2, 3/5/1985, § 403; as amended by Ord. 86-2, 4/15/1986; and by Ord. 92-8, 7/14/1992]

The following uses are permitted as a special exception when authorized by the Zoning Hearing Board as a special exception in accordance with the provisions of § 2406(6)(B):

- A. Camps or private recreation areas on lots of five acres or more.
- B. Home occupations.
- C. Accessory uses to the permitted uses under § 402.
- D. Accessory apartments subject to the regulations in § 2316.

§ 405. Area Regulations.

[Ord. 85-2, 3/5/1985, § 404; as amended by Ord. 92-8, 7/14/1992; by Ord. 94-15A, 10/25/1994, § 2; and by Ord. 02-06, 7/9/2002, § 4]

- A. Permitted Uses, Single Family detached dwellings.
 - (1) Minimum lot size: three acres.
 - (2) Minimum building setback: 1/2 of the ultimate right-of-way of each street the lot abuts, or 50 feet, whichever is greater.
 - (3) Side yard: 20 feet either side, minimum total composite 50 feet.
 - (4) Rear yard: 40 feet.
 - (5) Minimum lot width at setback line: 100 feet.
 - (6) Maximum percent of lot in impervious cover: 15 percent.

- B. Permitted Uses, Conservation Residential Developments.
 - (1) Maximum area ratio of the development area: 35 percent of the Gross Site Area.
 - (2) Minimum conservation area ratio: 65 percent.
 - (3) Minimum site area: 25 acres.
 - (4) Lot sizes and setbacks shall be permitted to vary as is necessary to provide the best possible design.
 - (5) As much building and impervious lot coverage, as is necessary to provide the best possible design shall be permitted, provided however, that adequate storm water management is provided.

- C. All Other Uses. Unless otherwise stipulated in §§ 403, 404 or 405, above, for all structures the following dimensional requirements shall apply:
 - (1) Minimum lot area: 10 acres.
 - (2) Minimum yards.
 - (a) Front yards: 100 feet.
 - (b) Side yards: there shall be two side yards, neither shall be less than 75 feet.
 - (c) Rear yards: 100 feet.

§ 406. Screening and Buffering

[Ord. 85-2, 3/5/1985, § 405; as amended by Ord. 92-8, 7/14/1992]

A. General Requirements. Along all exterior property boundary lines of the development area there shall be a permanent buffer at least twenty-five feet (25') in depth, unless this is waived pursuant to Subsection 406.C or Subsection 406.D below. A screen buffer (as defined herein) shall be provided wherever the development abuts existing residential uses or zoning and where abutting other type of uses when deemed necessary by the Board of Supervisors to provide sufficient buffering and transition. A softening buffer (as defined herein) at least seventy-five feet (75') in depth shall be provided wherever the development abuts any existing street [as modified by Subsection 406.C below], drive, or parking area; or open (not wooded) undeveloped land, except the conservation area as herein provided. An open buffer shall be provided wherever the development abuts wooded undeveloped land.

B. Components. The minimum component of each type of buffer shall be as follows:

- (1) Natural Buffers. Whenever existing forested areas are located where buffers are required by this part, they shall be retained and used as the required buffer. All dead vegetation shall be removed from such areas and they shall be supplemented with new understory plantings utilizing native species. Such planting shall be of the types and density needed to achieve the visual screening purpose of the buffer and shall be selected from the pre-approved plant list provided in the Warrington Township Subdivision and Land Development Ordinance. Where sufficient depth of forest is not present or forest is not present at all, then screen buffers or softening buffers shall be used to supplement the depth of the natural buffer.
- (2) Constructed Screen Buffers. The primary components of screen buffer shall be two (2) rows of evergreen trees, at the height of not less than six feet (6') when planted, spaced not more than 10 feet apart on-center, and these trees shall be of such species to attain a height at maturity of not less than 20 feet. The second row shall be offset five feet (5') from the trees in the first row and the rows shall be five feet (5') apart. Also required as secondary components are mounding (the use of which is encouraged), provided the slopes shall be a maximum of three to one, deciduous trees, deciduous shrubs, and coniferous shrubbery.
- (3) Constructed Softening Buffer. The softening buffer shall conform to the requirements of the Warrington Township Subdivision and Land Development Ordinance.
- (4) Open Buffer. The open buffer shall at a minimum consist of grass, ground cover, and/or similar vegetative material, and may include trees, shrubs or other natural landscaping materials.

C. Street Intersections. The softening buffer described in Section 406.B.(3), above,

may be modified wherever necessary for adequate sight distance.

D. Existing Buffers. In cases where an edge(s) of a development occurs along natural features which function as buffers including, but not limited to, mature vegetation, significant grade changes or stream valleys, which are likely to be permanently preserved, buffering may be waived or modified along that edge(s) upon approval of the Board of Supervisors.

E. Maintenance. All vegetation shall be maintained permanently and in the event of death or other destruction shall be replaced within one year by the persons responsible for maintenance when death or destruction occurred.

F. Buffer Landscape Plan. A landscaping plan shall be submitted with the preliminary plans showing all pertinent information including the location, size and species of all individual trees and shrubs to be preserved or planted, or alternatively the general characteristics of existing vegetation masses which are to be preserved.

§ 407. Parking.

[Ord. 85-2, 3/5/1985, § 406; as amended by Ord. 92-8, 7/14/1992]

See Part 21.

§ 408. Signs.

[Ord. 85-2, 3/5/1985, § 407; as amended by Ord. 92-8, 7/14/1992]

See Part 22.

§ 409. Application.

[Ord. 85-2, 3/5/1985, § 408; as amended by Ord. 92-8, 7/14/1992]

None.

§ 410. Utility Shed.

[Ord. 85-2, 3/5/1985, § 409; as amended by Ord. 88-13, 7/19/1988; by Ord. 92-8, 7/14/1992; and by Ord. 99-10, 7/27/1999, § 1]

A. Subject to all other restrictions provided in this section, utility sheds not in excess of 192 square feet in area on parcels greater than or equal to 7,500 square feet in area, and not in excess of 120 square feet in area on parcels less than 7,500 square feet in area, and in no event greater than 10 feet in height, may be erected in the rear or side yard of any developed lot in the RA District; provided, that such shed shall be at least seven feet from any property. Such shed may be located as close as one foot from the property line with written consent of adjoining neighbors. In the RA District, not more than two such structures are permitted per lot.

B. Building permits for utility sheds shall be obtained prior to the construction thereof based on plan submission and approval by the Township. Such sheds shall be exempt

from the requirements of the BOCA Basic Building Code.

C. No building permit will be issued for a utility shed unless, after construction of such shed, the maximum building coverage and impervious surface ratio for the RA District in which the lot is located will not be exceeded.

D. No shed may be erected in any easements or drainage swales.

§ 411. Transfer of Development Rights.

[Ord. 85-2, 3/5/1985, § 410; as amended Ord. 92-8, 7/14/1992; by Ord. 97-6, 7/15/1997, § II; by Ord. 00-2, 1/11/2000, § I (1-4); by Ord. 2008-O-01, 1/8/2008; by Ord. 2008-O-09, 5/27/2008; by Ord. 2102-O-15, 11/13/2012; by Ord. 2014-O-05, 3/11/2014; and by Ord. 2014-O-07, 4/8/2014]

To promote the preservation of large tracts of land for use as open space, trails, scenic vistas, agriculture, nurseries, forests, wetlands, floodplains, riparian buffers, natural wildlife areas, environmentally sensitive areas, and historically significant sites; to manage residential and commercial growth through use of the existing Transferable Development Rights (TDR) Program using the criteria established herein; to benefit landowners who will have accrued development rights for transfer or sale to other landowners in the Township in districts zoned Residential Agricultural (RA), and in other districts when approved by the Board of Supervisors after considering the recommendation of the Warrington Township Planning Department or Planning Commission; to establish guidelines to facilitate the transfers; and to benefit the community that will enjoy the open space:

A. General.

- (1) Pursuant to the enabling legislation contained in Section 619.1 of the Pennsylvania Municipalities Planning Code ("MPC"), 53 P.S. § 10619.1, transferable development rights ("TDRs") were previously created and those in existence can be utilized in accordance with the provisions of this Section. TDRs are severable from the land itself and are separately conveyable from the estate in fee simple to which they are applicable.
- (2) Transferable development rights shall be conveyed by a deed and conservation easement duly recorded in the office of the Recorder of Deeds of Bucks County, Pennsylvania, which deed and conservation easement shall be subject to the review and approval of the Board of Supervisors of Warrington Township.
- (3) No transferable development rights created by this section shall be transferable beyond the boundaries of Warrington Township.
- (4) Transferable development rights, if and after approval, shall be deemed to run with the land.

- (5) Warrington Township shall administer this provision consistent with the language and intent of this chapter and with the Warrington Township Comprehensive Plan, as revised.
- (6) No additional TDRs shall be created.

B. Base Density. In order to determine the number of TDRs required to achieve the density permitted for Residential Development Using Transferable Development Rights, or other equivalent development under Section 411 hereof a developer must first calculate the Base Density. The Base Density shall be calculated by determining the maximum density per gross buildable site area for single family detached dwellings (not served by public water and sewer) in the underlying zoning district. The difference between the Base Density and the density permitted by the use of TDRs shall determine the number of TDRs that are required to be utilized to achieve the density proposed in the TDR subdivision

C. Development Rights Created After September 2007.

- (1) Each development right shall carry the right to build one dwelling unit in accordance with Subsection G(6)(a), Standards for Single-Family Detached Residential Development Using Transferable Development Rights, or other equivalent development criteria as established in Subsection G(6)(b), Standards for Use of Transferable Development Rights in Nonresidential Zoning Districts, if approved by the Board of Supervisors in accordance with the provisions of this section.

D. Development Rights Created for the R-1-C District. Development rights created by Ordinance 2002-O-03 on March 12, 2002, by the adoption of the R-1-C Zoning District shall be used only in accordance with the terms expressed in the adopting ordinance.

E. Development Rights Created for the Klein Property. Development rights created for Parcel TMP 50-10-15, originally owned by Richard Urwiler, and then owned by Steven and Carol W. Klein, now owned by Warrington Township and used by the nonprofit agency known as the "Special Equestrians," shall be used only in accordance with the terms expressed in the Stipulation and Agreement signed February 18, 1997, and Ordinances 1997-O-6, dated July 15, 1997, and 1998-O- 15, dated August 11, 1998.

F. (Reserved)

G. Development Rights Created for Warrington Investments, Inc., (Stauffer, Kelman and Friedenber), and the Urwiler Group (Urwiler, Poley, Poolin, and Illg). Development rights created for Tax Parcels 50-10-6, 50-10-42, and 50-8-5 through -55, inclusive, 50-4-137, 50-4-164, 50-4-153, 50-4-167, 50-10-15, and 50-10-13, shall be used only in accordance with the terms expressed in the Stipulation and Agreement signed February 18, 1997, as implemented by Ordinance 1997-O-6, as amended by Ordinance 2000-O-2, and as expressed herein.

- (1) (Reserved)

- (2) Transferable development rights shall be created and conveyed by a deed and conservation easement duly recorded in the office of the Recorder of Deeds of Bucks County, Pennsylvania, which deed and conservation easement shall be subject to the review and approval of the Board of Supervisors of Warrington Township.
- (3) (Reserved)
- (4) (Reserved)
- (5) (Reserved)
- (6) The transferable development rights created in accordance with this § 411 [Nolan tract - 34 transferable development rights; Urwiler tract - 26 transferable development rights; Poley tract - three transferable development rights; Poolin tract - 26 transferable development rights; and Illg tract - 102 transferable development rights] may be transferred to any property located in the R-A Residential Agricultural District, R-1 Low Density Residential District, R-2 Medium Density Residential District, R-3 Single Family Residential District, R-2I Residential Infill District, CR/O Corridor Residential/Office District, OI Office Industrial District, PI-1 Planned Industrial District, PI-2 Planned Industrial District, C-1 Commercial District, C-2-Commercial District and/or CBD Central Business District. The standards for the use of transferable development rights in the above-referenced districts are as set forth hereinafter:

- (a) Standards for Single-Family Detached Residential Development Using transferable development rights.

- [1] In the RA District, transferable development rights may be utilized for the development of single-family detached dwellings when authorized by the Board of Supervisors pursuant to a conditional use procedure. In the R-1, R-3, R-21 and R-1-C Districts, TDRs may be utilized only for the development of single-family detached dwellings. In the R-2 District, TDRs may be utilized for either or both single-family detached and two-family semidetached dwellings when authorized by the Board of Supervisors pursuant to a conditional use procedure. A single-family detached and two-family semidetached residential development utilizing transferable development rights shall be known as a "subdivision with transferable development rights."

- [2] Density, Area and Dimensional Criteria for a Subdivision with transferable development rights. The density, area and dimensional criteria applicable to the subdivision with transferable development rights in the RA, R-1, R-2, R-3 and R-2I Districts shall be as set forth in the table below. The density area and dimensional criteria for a subdivision with transferable development rights in the R-1-C District

shall be identical to those expressed in § 722.

Table of Regulations for Residential Development Using Transferable Development Rights, or other equivalent development

	R-A District	R-1 District	R-2 District R-2I	R-3 District
Maximum Density	1.3 dwelling units per acre*	1.6 dwelling units per acre*	3 dwelling units per acre*	3 dwelling units per acre*
Minimum lot size	15,000 square feet	12,600 square feet	8,500 square feet	8,500 square feet
Minimum lot width	90 feet at the building setback line	90 feet at the building setback line	Single family detached dwelling: 85 feet at the building setback line. Two family semidetached dwelling: 65 feet at the building setback line	85 feet at the building setback line
Minimum front yard setback	35 feet	35 feet	Single family detached dwelling: 35 feet. Two family semidetached dwelling: 30 feet.	35 feet
Minimum side yard setback	Five feet, provided that the aggregate of the two side yards shall be not less than 25 feet	Five feet, provided that the aggregate of the two side yards shall be not less than 25 feet	Single-family detached dwelling: five feet provided that the aggregate of the two side yards is not less than 25 feet. Two family semidetached dwelling: zero feet between attached units and 25 feet from neighboring units	Five feet, provided that the aggregate of the two side yards shall be not less than 25 feet
Minimum rear	30 feet**	30 feet**	Single family	30 feet**

yard setback			detached dwelling: 30 feet** Two family semidetached dwelling: 30 feet**	
Minimum number of off-street parking spaces	2	2	2	2
Maximum building coverage	25 percent	25 percent	25 percent	25 percent
Maximum lot impervious surface ratio	35 percent	35 percent	50 percent	50 percent
Maximum building height	35 feet	35 feet	35 feet	35 feet
Minimum buffer yard	§2307 of this Chapter shall not apply***	§2307 of this Chapter shall not apply***	§2307 of this Chapter shall not apply***	§2307 of this Chapter shall not apply***
Open Space	One to 300 dwelling units: six acres per 100 dwelling units. Over 300 dwelling units: 18 acres plus one acre per 100 families over 300	One to 300 dwelling units: six acres per 100 dwelling units. Over 300 dwelling units: 18 acres plus one acre per 100 families over 300	One to 300 dwelling units: six acres per 100 dwelling units. Over 300 dwelling units: 18 acres plus one acre per 100 families over 300	One to 300 dwelling units: six acres per 100 dwelling units. Over 300 dwelling units: 18 acres plus one acre per 100 families over 300
Other Restrictions	No TDRs may be transferred to any lot which is less than 5 acres.	No TDRs may be transferred to any lot which is less than 5 acres.	No TDRs may be transferred to any lot which is less than 5 acres.	No TDRs may be transferred to any lot which is less than 5 acres.

*All maximum density is determined per acre of gross buildable site area, as defined in §304.

** Patios and decks shall be permitted to encroach into the minimum rear yard to within 15 feet of the rear property line and shall not be considered part of the building for purposes of calculating building coverage.

***Where the boundary of the tract proposed for development is within 200 feet of a single family detached dwelling occupied as of February 18, 1997, a ten foot wide easement with buffer plantings in accordance with the requirements of the Warrington Township Subdivision and Land Development Ordinance [Chapter 22] or a solid fence shall be provided along the portion of the common boundary line which lies within 200 feet of the existing dwelling. The area of the required easement shall be included in the calculation of the minimum lot area.

(b) Standards for Use of transferable development rights in Nonresidential Zoning Districts.

[1] General Standards. In order to facilitate and encourage the use of the transferable development rights in the PI-1, PI-2, OI, IU, I-U-A, I-U-A1, I-U-B, CR/O, CBD, C-1 and C-2 Zoning Districts, development criteria otherwise applicable to development in those districts shall be modified for developments utilizing transferable development rights according to the criteria set forth herein below. These criteria shall apply in lieu of the criteria set forth in regulations governing development in each of the enumerated districts.

[a] Alternative Dimensional Criteria. Minimum setbacks, building separations, isolation distances and buffer yard requirements shall be modified according to the following table:

Maximum Dimensional Reduction Applied to Setbacks, Separations, Gross Site Area, Isolation, and Buffers. One transferable development right shall be used for each type of reduction applied to a subdivision or land development plan.

Acres	Maximum
0.99 acres or less	45 percent maximum
1.0 acre to 2.00 acres	40 percent maximum
3.0 acres to 9.99 acres	35 percent maximum
10.0 acres or more	30 percent maximum

[b] Alternative Dimensional Criteria. Minimum setbacks, building separations, isolation distances and buffer yard requirements shall be modified according to the following table:

Maximum Dimensional Reduction Applied to Setbacks, Separations, Gross Site Area, Isolation, and Buffers. One transferable development right shall be used for each type of reduction applied to a subdivision or land development plan.

[c] A minimum ten-foot separation between parking areas and buildings shall be maintained for all nonresidential sites.

[d] A minimum fifteen-foot-wide planted buffer yard along the ultimate right- of-way of all streets on which the proposed development has frontage

(including sidewalks, where required) shall be provided.

- [e] A minimum distance of 20 feet between buildings where more than one building is proposed in a land development.
- [f] A minimum building setback of 50 feet.
- [g] The number of parking spaces required by the provisions of this chapter with respect to any nonresidential use may be reduced by 20 percent of the minimum requirement for nonresidential developments utilizing transferable development rights where such reduction is supported by a traffic study prepared by a qualified traffic engineer. The Board of Supervisors may, in its discretion, approve a greater reduction where the Board is satisfied that the parking proposed by the applicant will be adequate for the proposed use.
- [h] Within any required buffer yard, the buffer plantings for proposed developments utilizing transferable development rights shall be increased by a factor of 1 1/2 times the planting otherwise required for such use under the provisions of the Warrington Township Subdivision and Land Development Ordinance [Chapter 22].
- [i] The following table allows a transferable development right to be used for additional impervious surface coverage, inclusive of building coverage. For example, in the PI-1 District:
 - (i) One TDR might be used for up to 10,000 square feet of pavements, provided that the total impervious surfaces do not exceed 85 percent; or
 - (ii) One TDR might be used for up to 6,000 square feet of pavements, provided that the total impervious surfaces do not exceed 85 percent, and 4,000 square feet of building coverage, provided that the total building coverage does not exceed 45 percent; or
 - (iii) One TDR might be used for up to 8,000 square feet of pavements, provided that the

total impervious surfaces do not exceed 85 percent, and 2,000 square feet of building coverage, provided that the total building coverage does not exceed 45 percent, or any combination of impervious coverage and building coverage within the limits established.

Table for the use of TDRs for additional impervious surface.

District	Use	Additional impervious surface coverage
PI-1 Planned Industrial District	TDRs are available for use with respect to all uses permitted under §1202	Each TDR allows for an additional 10,000 square foot increase in impervious surface coverage up to a maximum impervious coverage of 85 percent, including 4,000 square feet of building coverage up to a maximum building coverage of 45 percent.
PI-2 Planned Industrial District	TDRs are available for use with respect to all uses permitted under §1302	
C-1 Commercial District	TDRs are available for use with respect to all uses permitted under §1002	
C-2 Commercial District	TDRs are available for use with respect to all uses permitted under §1102	
OI Professional Office Light Industrial District	TDRs are available for use with respect to all uses permitted under §1402	Each TDR allows for an additional 10,000 square foot increase in impervious surface coverage up to a maximum impervious coverage of 80 percent, including 4,000 square feet of building coverage up to a maximum building coverage of 45 percent.
IU, I-U-A, I-U-A-1 and I-U-B Institutional Use Districts	TDRs are available for use with respect to all uses permitted under §902	
CR/O Corridor Residential/Office District	TDRs are available for use with respect to all uses permitted under §1502.1 and §1502.2	For §1502.1, each TDR allows for an additional 10,000 square foot increase in impervious surface coverage up to a maximum impervious coverage of 85 percent, including 4,000 square feet of building coverage above the otherwise allowable floor area ratio.

		For §1502.2, each TDR allows one additional dwelling unit up to maximum of 10 dwelling units per acre, or a 10,000 square foot increase in impervious coverage up to a maximum impervious coverage of 60 percent.
CBD Central Business District	TDRs are available for use with respect to all uses permitted under §1602.	<p>§1602 subsection 1 through 12, 14 and 15 and §1603, each TDR allows for an additional 10,000 square foot increase in impervious coverage up to a maximum impervious coverage of 85 percent, including 4,000 square feet of building coverage up to a maximum building coverage of 45 percent.</p> <p>§1602 subsection 13 (Age Restricted Residential Uses as permitted in the IU-B District §902C) each TDR allows one additional dwelling unit up to a maximum of 10 dwelling units per acre, and an additional 10,000 square foot increase in impervious coverage up to a maximum impervious coverage of 85 percent, including 4,000 square feet of building coverage up to a maximum building coverage of 45 percent and additional equivalent floor area ratio up to 80 percent.</p>

H. If it is determined that open space land as represented on a subdivision or land development plan is not suitable with regard to the size, shape, location, access or provisions for maintenance, the Township may, at the discretion of the Board of Supervisors, require that open space be provided through payment of a fee in lieu of land and/or facilities. This fee shall be based upon the fair market value of the acreage that would otherwise be dedicated pursuant to this section, as stated in the adopted fee schedule. Such payment shall be made to the Warrington

Township Parks and Recreation Board, to be used for the acquisition, development, or improvement of open space land that will be available and accessible to, and that will benefit the residents of the development. This option is available in all zoning districts within the Township, in which open space is required.

I. At the sole discretion of the Board of Supervisors, forests may be disturbed in excess of the amount permitted in § 305, Subsection 5, where TDRs are to be applied to a site only if the amount disturbed in excess of the amount otherwise permitted is replaced on site, or at another site within the Township as directed by the Township, or a fee in lieu thereof is provided to the Township. All replacement trees shall be in accordance with the following standards outlined in the Warrington Township Code of Ordinances Chapter 22, Subdivision and Land Development, §§ 325 and 326 (henceforth called the "Landscape Ordinance"), as currently revised by Ord. 2012-O-04 and as may be revised hereafter from time to time.

- (1) The following are considered priorities for location of replacement trees:
 - (a) Establish or enhance forests within or adjacent to riparian buffers.
 - (b) Establish or enhance forests on one-hundred-year floodplains, when appropriate.
 - (c) Establish or enhance forest corridors to connect existing forests within or adjacent to the site; and, where practical, forest corridors should be a minimum of 300 feet in width to facilitate wildlife movement.
 - (d) Establish or enhance forest buffers adjacent to critical habitats where appropriate.
 - (e) Establish forest areas adjacent to existing forests to increase the overall area of contiguous forest cover.
 - (f) Establish or enhance forest buffers adjacent to areas of differing land use or adjacent to highways or utility rights-of-way.
- (2) The replacement trees used in the reforestation shall be native to the Township or other trees approved by the Township in accordance with the Landscape Ordinance.
- (3) All tree replacement shall be conducted in conformance with state and federal best management practices.
- (4) All tree replacement shall be completed prior to the recordation of the approved subdivision or land development plan or be guaranteed to be completed pursuant to the development/financial security agreements. All tree replacement areas shall be maintained until 18 months after completion of construction upon the site and acceptance of the public improvements by the Township.
- (5) All tree replacement shall occur upon nonbuildable areas of the site, including open space, recreation lands, buffers (but shall be in addition to any buffer requirements), stormwater management BMPs, and other such

areas. No tree replacement shall occur upon residential building lots.

- (6) Forest Conservation Fund. If an applicant subject to this section demonstrates to the satisfaction of the Board of Supervisors that the requirements for tree replacement cannot be reasonably accomplished on-site or off-site, the applicant shall contribute a fee- in-lieu-of, at a rate to be established by the Board of Supervisors.
- (7) Retention. The following trees, shrubs, plants, and specific areas shall be granted priority for retention and protection and shall be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the Board of Supervisors, that reasonable efforts have been made to protect them and the plan cannot be reasonably altered:
 - (a) Trees, shrubs, and plants located in the following sensitive ecological areas: steep slopes, riparian buffers, one-hundred-year floodplain, floodplain soils, streams, watercourses, waters of the commonwealth, waters of the United States, lakes, ponds, wetland margins, and critical habitats.
 - (b) Any part of a contiguous forest that is 10 acres or larger.
 - (c) Trees, shrubs or plants determined to be rare, threatened or endangered under the Federal Endangered Species Act of 1973 in 16 U.S.C. §§ 1531 through 1544 and in 50 CFR Part 17 or placed upon the Pennsylvania Threatened Species List or the Pennsylvania Endangered Species List (34 Pa.C.S.A. § 2101 et seq.).
 - (d) Trees that are part of an historic site, associated with an historic structure, or have been designated as a national, state, or county champion tree.
 - (e) Any tree having a caliper of 24 inches or more.

Article B. RA-A Residential Agricultural-Airfield District.

§ 421. Purpose.

[Ord. 85-2, 3/5/1985; as added by Ord. 94-17, 11/22/1994, § 2]

The purpose of the RA-A Residential Agricultural-Airfield District is to provide areas within the Township where a low-density residential atmosphere is preserved; to provide areas where continued agricultural use of the land is feasible, particularly where prime agricultural soils have been identified; to discourage higher-intensity uses which would make agricultural preservation and a rural residential atmosphere impossible; to discourage higher densities of development in areas where public utilities, particularly water and sewer, are neither presently available nor anticipated to be provided within the time period shown in the Comprehensive Year 2000; to attempt to preserve open space by allowing for a private turf field airport subject to certain limitations; and to otherwise achieve the goals and objectives of the Township as set forth in the adopted Comprehensive Plan for Growth Management in Warrington Township, Pennsylvania.

§ 422. Permitted Uses.

[Ord. 85-2, 3/5/1985; as added by Ord. 94-17, 11/22/1994, § 2]

The following uses may be permitted as a use by right:

- A. Single-family detached dwelling.
- B. Agricultural uses as limited by the provisions of § 702.
- C. Greenhouses as an accessory use to the above.
- D. Municipal use.
- E. Roadside stands for the sale of farm or nursery products produced on the premises.
- F. No-impact home occupation. [Added by Ord. 2012-O-09, 7/24/2012]

§ 423. Conditional Uses.

[Ord. 85-2, 3/5/1985; as added by Ord. 94-17, 11/22/1994, § 2]

1. The following uses may be permitted as a conditional use when authorized by the Board of Supervisors in accordance with § 2302:

- A. Greenhouses as a principal use.
- B. School, private educational, religious or philanthropic uses, excluding privately operated schools of trade, avocation or business.
- C. Private club or lodge for members only, not operated as private gainful business.
- D. Private utilities, installations and buildings.
- E. Cemeteries.
- F. Private airfield

2. In addition to the conditional use standards applicable under § 2302 of this chapter, the following standards shall apply to all airfields for which conditional use approval is sought:

- A. Such facility is to be privately owned and no aircraft landing at or departing from such field shall carry persons or property for hire in the course of such trip to or from such field nor shall any pilot landing at or departing from such field receive compensation for such trip.
- B. Such facility shall be licensed by the Bureau of Aviation of the Pennsylvania Department of Transportation as a private airport (private, individual or group only).

C. If requested by the Department of the Navy, the owners of the private airfield shall enter into a letter of agreement concerning safe operations of the private airfield in proximity to the Willow Grove Naval Air Station.

D. There shall be no more than five aircraft permanently tied down or hangered at the site at any one time. In addition, no more than one aircraft may be temporarily tied down or hangered at the site and such temporary storage on the site shall be for no more than 30 days.

E. There shall be no fuel storage on the property.

F. All aircraft permanently tied down or hangered on the site shall be owned in whole or in part (with no more than one other natural person — not a corporation or partnership) by the owner of the property or a member of his immediate family, who shall own at least a 50 percent interest in the aircraft. For purposes of this subsection, the phrase "immediate family" shall include only the spouse, siblings, parents and lineal ancestors and children and lineal descendants of the owner of the property.

G. No aircraft shall have more than one engine.

H. No gliders, helicopters or turbo prop airplanes shall land or take off at the private airfield.

I. Aircraft using the private airfield shall not land or depart at night. Night, for purposes of this section, shall be defined as beginning one hour after sunset and ending one hour before sunrise.

J. The landing field shall be turf only and not macadam or other hard surface.

K. The maximum number of takeoffs and landings in any one day shall be 12. There shall be no touch and go landings and no instructional flights from the private airfield.

L. The minimum front, side and rear yard setback for all structures shall be 100 feet.

M. In addition to the setback requirements set forth below, the runway for any airport established hereunder on such tax parcel shall be no closer than 1,200 feet from the existing cartway of Bristol Road and no closer than 200 feet to the Doylestown Township boundary line.

N. In addition to the minimum lot size requirements set forth below, the minimum lot size for a private airfield shall be 20 acres.

§ 424. Special Exception.

[Ord. 85-2, 3/5/1985; as added by Ord. 94-17, 11/22/1994, § I(1)]

The following uses are permitted as a special exception when authorized by the Zoning Hearing Board as a special exception in accordance with the provisions of § 2406(6)(B):

- A. Camps or private recreation areas on lots of five acres or more.
- B. Home occupations.
- C. Accessory uses to permitted uses under § 422.
- D. Dog kennels.
- E. Accessory apartments subject to regulations in § 2316.

§ 425. Area Regulations.

[Ord. 85-2, 3/5/1985; as added by Ord. 94-17, 11/22/1994, § 2]

- A. Minimum lot size: three acres.
- B. Minimum Building Setback.
 - 1. Setback line: 1/2 of the ultimate right-of-way on each street on which the lot abuts, or 50 feet, whichever is greater.
 - 2. Side yard: 15 feet either side, minimum total composite 40 feet.
 - 3. Rear yard: 35 feet.
- C. Minimum lot width at setback line: 100 feet.
- D. Maximum percent of lot in impervious cover: 15 percent.

§ 426. Standards.

[Ord. 85-2, 3/5/1985; as added by Ord. 94-17, 11/22/1994, § 2]

Screening and buffering. See Part 23, § 2307.

§ 427. Parking.

[Ord. 85-2, 3/5/1985; as added by Ord. 94-17, 11/22/1994, § 2]

See Part 21.

§ 428. Signs.

[Ord. 85-2, 3/5/1985; as added by Ord. 94-7, 11/22/1994, § 2]

See Part 22.

§ 429. Application.

[Ord. 85-2, 3/5/1985; as added by Ord. 94-7, 11/22/1994, § 2]

None.

§ 430. Utility Shed.

[Ord. 85-2, 3/5/1985; as added by Ord. 94-17, 11/22/1994, § 2; as amended by Ord. 99-10, 7/27/1999, § I (2)]

1. Subject to all other restrictions provided in this section, utility sheds not in excess of 192 square feet in area on parcels greater than or equal to 7,500 square feet in area, and not in excess of 120 square feet in area on parcels less than 7,500 square feet in area, and in no event greater than 10 feet in height, may be erected in the rear or side yard of any developed lot in the RA-A District, provided that such shed shall be at least seven feet from any property line. Such sheds may be located as close as one foot from the property line with written consent of adjoining neighbors. In all districts only one such structure is permitted per lot.

2. With respect to zoning districts permitted in multifamily detached or semidetached dwellings or mobile homes, subject to all other restrictions provided in this section, utility sheds may be erected in the rear or side yards thereof, not in excess of 64 square feet in area, not in excess of 10 feet in height, and at least seven feet from any property line. Such sheds may be located as close as one foot from the property line with written consent of adjoining neighbors.

3. Building permits for utility sheds shall be obtained prior to the construction thereof based on plan submission and approval by the Township. Such sheds shall be exempt from the requirements of the BOCA Basic Building Code.

4. No building permit will be issued for a utility shed unless, after construction of such shed, the maximum building coverage and impervious surface ratio for the zoning district in which the lot is located will not be exceeded.

5. No sheds may be erected in any easements or drainage swales.

6. Should the rear or side yard be irregular in area as often occurs in segmental lots in cul-de-sac and corner lots of higher curved street, the lot owner may apply for a zoning variance at a reduced fee of \$50.

Article C. RA-2 Residential Agricultural District.

§ 431. Purpose.

[Ord. 85-2, 3/5/1985, § 431; as added by Ord. 97-6, 7/15/1997, § III]

The purpose of the RA-2 District is to provide for small-lot single-family residential development in order to provide affordable housing for all persons who wish to reside in Warrington Township.

§ 432. Permitted Uses.

[Ord. 85-2, 3/5/1985, § 432; as added by Ord. 97-6, 7/15/1997, § III]

The uses permitted in §§ 402, 403(B), 403(C) and 404 of this chapter shall be permitted by right,

by conditional use and by special exception, as applicable. In addition, single-family detached dwellings shall be a permitted use by right.

§ 433. Area Regulations.

[Ord. 85-2, 3/5/1985, § 433; as added by Ord. 97-6, 7/15/1997, § III]

The area regulations for all uses except single-family detached dwellings shall be those set forth in §§ 405(1), 405(2)(B) and 405(3) of this chapter, as applicable to the specific use. The following area regulations shall apply only to single-family detached dwellings

- A. Minimum lot size: 8,500 square feet.
- B. Minimum lot width: 85 feet at the building setback line.
- C. Minimum front yard: 35 feet.
- D. Minimum side yard: five feet; provided, that the aggregate of the two side yards shall not be less than 25 feet.
- E. Minimum rear yard: 30 feet; provided, however, that patios and decks shall be permitted to encroach into the minimum rear yard to within 15 feet of the rear property line, and shall not be considered part of the building for purposes of calculating coverage.
- F. Minimum number of off-street parking spaces: two.
- G. Maximum building coverage: 25 percent.
- H. Maximum lot impervious surface ratio: 50 percent.
- I. Maximum building height: 35 feet.
- J. Buffer yard. Section 2307 of this chapter shall not apply. In lieu thereof, where the boundary of the tract proposed for development is within 200 feet of a single-family detached dwelling occupied as of February 18, 1997, a ten-foot wide easement with buffer plantings in accordance with the requirements of the Warrington Township Subdivision and Land Development Ordinance [Chapter 22] or a solid fence shall be provided along the portion of the common boundary line which lies within 200 feet of the existing dwelling. The area of the required easement shall be included in the calculation of the minimum lot area.

§ 434. Signs.

[Ord. 85-2, 3/5/1985, § 434; as added by Ord. 97-6, 7/15/1997, § III]

See Part 22.

§ 435. Application.

[Ord. 85-2, 3/5/1985, § 435; as added by Ord. 97-6, 7/15/1997, § III]

None.

§ 436. Utility Shed.

[Ord. 85-2, 3/5/1985, § 436; as added by Ord. 97-6, 7/15/1997, § III]

See § 410.

§ 437. Transfer of Development Rights.

[Ord. 85-2, 3/5/1985, § 437; as added by Ord. 97-6, 7/15/1997, § III; as amended by Ord. 98-15, 8/11/1998, § I; and by Ord. 00-2, 1/11/2000, § I(5)]

A. Pursuant to the enabling legislation contained in § 619.1 of the Pennsylvania Municipalities Planning Code ("MPC"), 53 P.S. § 10619.1, there are hereby created, as a separate estate in land, transferable development rights ("TDRs"). TDRs are severable from the land itself and are separately conveyable from the estate in fee simple to which they are applicable.

B. TDRs shall be conveyed by a deed duly recorded in the Office of the Recorder of Deeds of Bucks County, Pennsylvania, which deed shall contain the approval of the Board of Supervisors of Warrington Township, dated not more than 60 days prior to the recording thereof.

C. No TDRs created by this section shall be transferable beyond the boundaries of Warrington Township.

D. TDRs are created appurtenant to Bucks County Tax Map Parcel Nos. 50-4-153 and 50-4-164 (Urwiler) and the 39.8526-acre portion of Bucks County Tax Map Parcel No. 50-10-15 described in Exhibit "A" hereto.[1] The actual number of TDRs available for transfer from Tax Map Parcel 50-4-153 and 50-4-164 (Urwiler) shall be equal to 26 plus the difference between 177 and the number of lots available for development for single-family detached houses as shown on a subdivision plan given final approval by the Board of Supervisors, up to a maximum of 79. The actual number of TDRs available for transfer from the 39.8526 acre tract of land, being a portion of Bucks County Tax Map Parcel No. 50-10-15 described on Exhibit "A" hereto shall be equal to one hundred 115. There shall be no TDRs appurtenant to the remainder of Bucks County Tax Map Parcel No. 50-10-15.

[1] Editor's Note: Exhibit "A" is on file in the Township office.

E. The TDRs created appurtenant to Bucks County Tax Map Parcels 50-4-153 and 50-4-164 (Urwiler) may be transferred to any property located in the RA-Residential Agricultural District, R1-Lower Density Residential District, R2-Medium Density Residential District, R3-Single-Family Residential District, R2-I Residential Infill District, CR/O-Corridor Residential/Office District, OI- Office Industrial District, PI-1-Planned Industrial District, PI-2-Planned Industrial District, C-1 Commercial District, C-2 Commercial District and/or CBD-Central Business District. The TDRs created appurtenant to the 39.8526 acre portion of Bucks County Tax Map Parcel No. 50-10-15 may be transferred to any property located in the CR/O-

Corridor Residential/Office District, OI- Office Industrial District, PI-1-Planned Industrial District, PI-2-Planned Industrial District, C-1- Commercial District, C-2-Commercial District and/or CBD-Central Business District, or such other nonresidential zoning districts as may be hereafter created. As a condition of the approval of the Township for the conveyance of any TDRs appurtenant to the 39.8526 acre portion of Bucks County Tax Map Parcel No. 50-10-15, the transferor of the TDRs shall pay to the Township as a transfer fee the sum of \$3,000 per TDR payable at the time of transfer of each TDR. The standards for the use of TDRs in the above-referenced districts are those set forth in § 411(G)(6) of this chapter.

§ 438. Special Provisions for Development in the RA-2 District.

[Ord. 85-2, 3/5/1985, § 438; as added by Ord. 97-6, 7/15/1997, § III]

TDRs may only be used for the development of single-family detached dwellings. Notwithstanding any other provisions of this chapter, the following standards shall apply to the development of single- family detached dwellings in the RA-2 District:

A. Special Setback Requirements. The special setback provided for in § 2314 of this chapter shall apply to streams meeting the definition of Type I stream as defined in § 202 of this chapter; provided, however, that the width of a Type I stream shall be determined by the more extensive limits of the FEMA mapped floodplain or, in the absence of FEMA mapping, by the calculated flood limit; not by the limits of alluvial soils. The special setbacks shall not be applicable to Type II streams, or to natural water bodies or floodplains not meeting the definition of Type I stream. In lieu thereof, the permitting and approval requirements of the Bucks County Conservation District, Army Corps of Engineers and the Department of Environmental Protection, in its various branches, shall apply.

B. Eight Percent to 15 percent Slopes. The limitations provided for in this chapter governing the ability to regrade or develop slopes of between 8 percent and 1 percent shall not apply where the total area of slopes between 8 percent and 15 percent on a tract of land is less than 5 percent of the total tract and on any property developed using TDRs established by this chapter.

C. Forested Areas. There shall be no limit on disturbance of forested area.

D. Form 307.[1] In regard to proposals to develop single-family detached dwellings, an applicant for subdivision will not be required to complete Form 307. In lieu thereof, the density and design provisions as set forth hereinabove, as well as the permitting requirements of the Bucks County Conservation District, the Army Corps of Engineers and the Department of Environmental Protection, in its various branches, shall apply.

[1] Editor's Note: Form 307 is included as an attachment to this chapter.

E. Lot Area. Notwithstanding any other provision of this chapter, for the purpose of calculating "minimum lot area," up to 20 of the minimum lot area may consist of partially unusable land which cannot be developed and total unusable land; provided, that no portion of the building envelope may include such lands.

Article D. RA-3 Residential Agricultural District.

§ 441. Purpose.

[Ord. 85-2, 3/5/1985, § 441; as added by Ord. 97-6, 7/15/1997, § III]

The purpose of the RA-3 District is to provide for small-lot single-family residential development in order to provide affordable housing for all persons who wish to reside in Warrington Township.

§ 442. Permitted Uses.

[Ord. 85-2, 3/5/1985, § 442; as added by Ord. 97-6, 7/15/1997, § III]

The uses permitted in §§ 402, 403(B), 403(C) and 404 of this chapter shall be permitted by right, by conditional use and by special exception, as applicable. In addition, single-family detached dwellings shall be a permitted use by right.

§ 443. Area Regulations.

[Ord. 85-2, 3/5/1985, § 443; as added by Ord. 97-6, 7/15/1997, § III]

The area regulations for all uses except single-family detached dwellings shall be those set forth in §§ 405(1), 405(2)(B) and 405(3) of this chapter, as applicable to the specific use. The following area regulations shall apply only to single-family dwellings:

- A. Minimum lot size: 12,600 square feet.
- B. Minimum lot width: 90 feet at the building setback line.
- C. Minimum front yard: 35 feet.
- D. Minimum side yard: five feet; provided, that the aggregate of the two side yards shall be not less than 25 feet.
- E. Minimum rear yard. 30 feet; provided, however, that patios and decks shall be permitted to encroach into the minimum rear yard to within 15 feet of the rear property line, and shall not be considered part of the building for purposes of calculating coverage.
- F. Minimum number of off-street parking spaces: two.
- G. Maximum building coverage: 25 percent.
- H. Maximum lot impervious surface ratio: 35 percent.
- I. Maximum building height: 35 feet.
- J. Buffer yard. Section 2307 of this chapter shall not apply. In lieu thereof, where the boundary of the tract proposed for development is within 200 feet of a single-family detached dwelling occupied as of February 18, 1997, a ten-foot-wide easement with buffer plantings in

accordance with the requirements of the Warrington Township Subdivision and Land Development Ordinance [Chapter 22] or a solid fence shall be provided along the portion of the common boundary line which lies within 200 feet of the existing dwelling. The area of the required easement shall be included in the calculation of the minimum lot area.

§ 444. Signs.

[Ord. 85-2, 3/5/1985, § 444; as added by Ord. 97-6, 7/15/1997, § III]

See Part 22.

§ 445. Application.

[Ord. 85-2, 3/5/1985, § 445; as added by Ord. 97-6, 7/15/1997, § III]

None.

§ 446. Utility Shed.

[Ord. 85-2, 3/5/1985, § 446; as added by Ord. 97-6, 7/15/1997, § III]

See § 410.

§ 447. Special Provisions for Development in the RA-3 District.

[Ord. 85-2, 3/5/1985, § 448; as added by Ord. 97-6, 7/15/1997, § III]

Notwithstanding any other provisions of this chapter, the special provisions for development in the RA-2 District as set forth in § 438 of this chapter shall apply to the development of single-family detached dwellings in the RA-3 District.

Article E. RA-4 Residential Agricultural District.

§ 451. Purpose.

[Ord. 85-2, 3/5/1985, § 451; as added by Ord. 97-6, 7/15/1997, § III]

The purpose of the RA-4 District is to provide for small-lot single-family residential development in order to provide affordable housing for all persons who wish to reside in Warrington Township.

§ 452. Permitted Uses.

[Ord. 85-2, 3/5/1985, § 452; as added by Ord. 97-6, 7/15/1997, § III]

The uses permitted in §§ 402, 403(B), 403(C) and 404 of this chapter shall be permitted by right, by conditional use and by special exception, as applicable. In addition, single-family detached dwellings shall be a permitted use by right.

§ 453. Area Regulations.

[Ord. 85-2, 3/5/1985, § 453; as added by Ord. 97-6, 7/15/1997, § III]

The area regulations for all uses except single-family detached dwellings shall be those set forth in §§ 405(1), 405(2)(B) and 405(3) of this chapter, as applicable to the specific use. The following area regulations shall apply only to single-family dwellings:

A. Average lot size: 15,000 square feet; provided, that 75 percent of all lots shall be 15,000 square feet or greater.

B. Minimum lot size: 12,600 square feet.

C. Minimum lot width: 90 feet at the building setback line.

D. Minimum front yard: 35 feet.

E. Minimum side yard: five feet; provided, that the aggregate of the two side yards shall not be less than 25 feet.

F. Minimum rear yard: 30 feet; provided, however, that patios and decks shall be permitted to encroach into the minimum rear yard to within 15 feet of the rear property line, and shall not be considered part of the building for purposes of calculating coverage.

G. Minimum number of off-street parking spaces: two.

H. Maximum building coverage: 25 percent.

I. Maximum lot impervious surface ratio: 35 percent.

J. Maximum building height: 35 feet.

K. Buffer yard. Section 2307 of this chapter shall not apply. In lieu thereof, where the boundary of the tract proposed for development is within 200 feet of a single-family detached dwelling occupied as of February 18, 1997, a ten-foot wide easement with buffer plantings in accordance with the requirements of the Warrington Township Subdivision and Land Development Ordinance [Chapter 22] or a solid fence shall be provided along the portion of the common boundary line which lies within 200 feet of the existing dwelling. The area of the required easement shall be included in the calculation of the minimum lot area.

§ 454. Signs.

[Ord. 85-2, 3/5/1985, § 454; as added by Ord. 97-6, 7/15/1997, § III]

See Part 22.

§ 455. Application.

[Ord. 85-2, 3/5/1985, § 455; as added by Ord. 97-6, 7/15/1997, § III]

None.

§ 456. Utility Shed.

[Ord. 85-2, 3/5/1985, § 456; as added by Ord. 97-6, 7/15/1997, § III]

See § 410.

§ 457. Special Provisions for Development in the RA-4 District.

[Ord. 85-2, 3/5/1985, § 458; as added by Ord. 97-6, 7/15/1997, § III]

Notwithstanding any other provisions of this chapter, the special provisions for development in the RA-2 District as set forth in § 438 of this chapter shall apply to the development of single-family detached dwellings in the RA-District.

Section 2. Repealer. This Ordinance hereby repeals any provision inconsistent with the Subdivision and Land Development Ordinance now in effect or of other Ordinances, to the extent of such inconsistency. All other provisions of the Subdivision and Land Development Ordinance of Warrington Township, not inconsistent herewith, shall remain in full force and effect.

Section 3. Severability. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance

Section 4. Effective Date. This Ordinance shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED on this ____ day of _____, 2018.

BOARD OF SUPERVISORS OF WARRINGTON TOWNSHIP

ATTEST:

Barry P. Luber
Township Manager

Shirley Yannich, Chair

Fred R. Gaines, Vice Chair

Carol T. Baker, Member

Eileen Albillar

Ruth L. Schemm