

ORDINANCE 89-01

AN ORDINANCE AMENDING THE WEST BRADFORD TOWNSHIP SUBDIVISION  
AND LAND DEVELOPMENT ORDINANCE BY ADDING CERTAIN SECTIONS.

SECTION I - The following terms are added to Article 200, Section 201:

Adverse Effects; Adverse Environmental Impacts. Results contributing to a harmful or degraded condition and/or producing environmental harm or degradation. Adverse effects/adverse environmental impacts may include: a negative impact on surrounding land uses; negative impacts which are contrary to the Comprehensive Plan and the intent of this Ordinance and the Zoning Ordinance; negative impacts which may create a threat to the public health, safety and general welfare; and negative impacts on naturally occurring physical and biological resources and systems.

Alternatives. Choices between or among two (2) or more plans, layouts, approaches, solutions and/or results.

Applicant. A landowner or developer, including heirs, successors, assigns and grantees, who has filed a complete application for subdivision and/or land development, or a complete application for a special exception, variance or conditional use.

Beneficial Effects. Results contributing to an improvement in condition and/or producing a favorable result such as making a use more compatible with the intent of this Ordinance and the goals of the Comprehensive Plan and promoting the public health, safety and general welfare.

Berm. An earthen embankment which serves purposes such as: retaining/detaining the flow of surface water runoff, preventing soil erosion or supporting plant materials to aid in screening.

Biological Resources. Characteristics of the natural environment manifest in its flora and fauna. The disposition of these characteristics is typically expressed in vegetation and/or wildlife units such as: field and meadow; tree, woodland or forest stands and related understory and groundcover growth; and aquatic and terrestrial wildlife and/or their habitats.

Caliper. The diameter of a tree trunk measured at a point four and one-half (4-1/2) feet from the ground surface at the center of the base of the tree for all existing trees. For all trees to be planted in accordance with the requirements of this Ordinance, such as street trees or trees in parking areas, the tree trunk shall be measured at a point six (6) inches from the ground surface at the center of the base of the tree.

Community Facilities. The services which provide for various community health, education, safety, leisure, and like needs and the locations at which these services are provided. Typical community facilities include: schools, parks and recreation areas, libraries, hospitals and other health-care facilities, fire protection, police, ambulance and rescue services and postal services.

Cultural Environment. The manifestation of man's influence on land and/or water through the use, organization, adornment and maintenance of property and structures.

Demographic Characteristics. Characteristics related to the distribution, density and vital statistics of populations.

Economic and Fiscal Characteristics. Characteristics related to the expenditures and revenues in conjunction with the management of income of a household, private business, community, association and/or government.

Environment. The conditions, resources and/or characteristics which exist within and surround the area to be affected by a project including, but not limited to: natural elements such as land, water, air, minerals, natural flora and natural fauna; and manmade components such as objects of historic or esthetic significance, infrastructure, and man-related attributes of a social and economic nature.

Environmental Impact Assessment Report. An assessment which objectively describes, analyzes and documents both the beneficial and adverse environmental and cultural effects of a proposed project and the measures to be undertaken to mitigate adverse effects in accordance with the provisions set forth in this Ordinance.

Historic Resources. Sites, areas, structures, trails and/or routes which are valued due to their significance as examples and/or locations of events, customs, skills and/or arts of the past.

Impact. The power of an event or condition to produce changes in other conditions. In the context of impact exerted on the environment, changes which effect existing conditions and/or quality are of greatest concern.

Improvements. Physical additions and changes to structures or land such as roads, curbing, fire hydrants, water mains, sanitary sewers, storm sewers, storm drains, catch basins, detention basins, retention basins, sidewalks, monuments, bridges, street lights, and other facilities that may be necessary to produce usable and desirable land development.

Land Development. Any of the following activities:

- a. The improvement of one (1) lot or two (2) or more contiguous lots or tracts of land for any purpose involving:
  - (i) a group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for

the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;

b. A subdivision of land;

c. Any other activities as defined in the Pennsylvania Municipalities Planning Code.

Land Use. The manner in which land is or may be used typically expressed in terms of the type of activity or development such as: agricultural, residential, commercial, industrial, institutional, recreational, municipal and the like, whether such use is principal or accessory.

Long-Term Effects. Results which occur or become apparent after short term effects are experienced.

Mitigation. The act of precluding a potentially adverse effect and/or making a potentially adverse effect less severe through measures which will improve a condition and/or lessen the impact.

Natural Environment. A composition of land, water and/or air represented by its inherent physical and biological resources.

Physical Resources. Characteristics of the natural environment manifest in its: landforms, soils, geological structure of surface and/or subsurface rock, minerals, natural bodies of water and/or man-made impoundments, watercourses, groundwater and the like. The disposition of these characteristics is typically expressed in physiographic, topographic and/or hydrologic units such as: rock formations, slopes, elevations, soil types, watersheds, surface water types, wetlands, floor plains, aquifers or aquifer recharge areas and the like.

Primary Effects. The results of the direct, immediate or principal influences of one entity or condition upon another. (Example: The construction of a road may involve the removal of mature trees as a primary effect. Also, see Secondary Effects)

Project. A subdivision; a land development; or any development involving the construction or alteration of buildings or other structures, or the grading or excavation of land to accommodate a building, structure or use.

Public Improvements. Improvements which are offered for dedication or proposed to be offered for dedication.

Secondary Effects. The results of an indirect or non-immediate influence of one entity or condition upon another. (Example: The removal of mature trees as a result of road construction, a primary effect, may also result in exposing a woodland to a wind-throw problem where trees which are otherwise protected are vulnerable to loss due to wind-throw, a secondary effect.)

Short-Term Effects. Results which occur immediately, or within a short period time, such as a week or month.

Subdivision. The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees conveyance or other transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Visual Resources. Characteristics of the natural and/or cultural environment which are visible. The visual resources of a particular area are typically expressed in terms of their visibility, character and/or attractiveness relative to their amenity value and/or quality.

Watercourse. A spring fed stream with year-round flow as shown on the USGS Quadrangle maps as a perennial stream.

Wetlands. Areas with hydric soils that are inundated or saturated by surface and/or groundwater which support hydrophytic vegetation such as swamps, bogs, marshes and the like, such areas being regulated by the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Resources.

Woodland and Forest. Those areas of extensive vegetation in which the dominant plants are trees that are indigenous to the area.

**SECTION II - Add the following sections as indicated.**

402 PRELIMINARY PLAN REQUIREMENTS

- C. The preliminary plan shall be accompanied by the following material:
  - 12. A preliminary Environmental Impact Assessment report in accordance with Article 900.

403 FINAL PLAN

- C. The final plan shall be accompanied by the following material:
  - 15. A final Environmental Impact Assessment report in accordance with Article 900.

**SECTION III - Add the following Article 900:**

ARTICLE 900 - SUPPLEMENTARY PROVISIONS

SECTION 901 - ENVIRONMENTAL IMPACT ASSESMENT REPORT

development proposals and other projects, an Applicant shall be required to disclose the environmental consequences or effects of such proposals through the submission of an Environmental Impact Assessment (EIA) report. The EIA report is intended to provide the Township with the information to objectively evaluate potential adverse impacts of a project, and most importantly, to require a mitigation of adverse impacts. The EIA report shall be a means of insuring that the overall objectives of Section 101.5 of the West Bradford Township Zoning Ordinance are met, and that existing features and conditions are not destroyed or degraded. The EIA report is also intended to better address the environmental protection objectives set forth in the Pennsylvania Municipalities Planning Code and Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania.

B. An EIA report shall be submitted for the following:

1. Any application for preliminary plan approval of proposed land development in the R-4, C-1, C-2, C-3 or I Districts as set forth in the West Bradford Township Zoning Ordinance, involving two (2) or more acres of land, or any development in these Districts involving public improvements.
2. Any application for preliminary plan approval of proposed land development in the R-1, R-1C, R-2, R-2A, R-2B or R-3 Districts as set forth in the West Bradford Township Zoning Ordinance, involving four (4) or more lots, or any development in these Districts involving public improvements.
3. Any applications in any District for any other land development on lots smaller in size than indicated in 901.B.1. and for fewer lots than indicated in 901.B.2., whenever deemed necessary by the Planning Commission. The determination of whether an EIA report is necessary shall be made in conjunction with the review of a Sketch Plan by the Planning Commission. If no Sketch Plan is submitted then an EIA report shall be submitted.
4. Any proposed land development in any Districts governed by Conditional Use or Special Exception provisions as set forth in the West Bradford Township Zoning Ordinance.

C. An updated EIA report shall accompany and form a part of any revised Preliminary and any Final Plan for any of the above, unless not required as determined in accordance with Section 901.B.3.

D. The EIA report shall contain text, tables, maps and analyses which document the probable impact resulting from the proposed subdivision and/or land development and the mitigation proposed to offset the impacts, in accordance with the format and content outline specified below.

E. Seven (7) copies of the EIA report shall be submitted. Within the EIA report, specific emphasis shall be directed toward the proposed project's effects on and relationship to applicable site, neighborhood (including areas in adjacent townships where applicable) and township-wide resources, conditions or characteristics. Unless otherwise noted, the mapping required below shall be drawn at a scale of 1"=50'. However, when a lot is twenty-five (25) acres or more, the mapping may be at a 1"-100' scale, when acknowledged by the Planning Commission. The EIA report shall address the following:

1. An identification of the site location and area through the use of a location map drawn at a scale of not more than two thousand (2000) feet to the inch. The location map shall depict all streets, adjoining properties, zoning district boundaries, municipal boundaries and watercourses within twenty-five hundred (2,500) feet of any part of the tract. In the case of development of a section of the entire tract, the location map shall also show the relationship of the section to the entire tract.
2. An identification of the site character and appearance through the presentation of black and white photographs or copies thereof. Such photographs shall provide a representation of what the site looks like from the ground. Photographs should be properly identified or captioned and shall be keyed to a map of the site.
3. A site development plan including notes pertaining to the number and type of lots or units, the square footage and/ or acreage of the lot and a depiction of the features which are proposed such as streets, driveways, parking areas, buildings and other structures, and all impervious surfaces. The plan shall reflect all the information required under the plan requirements of the West Bradford Township Subdivision and Land Development Ordinance, Article 400.
4. A statement indicating the proposed type of ownership of the lot and where applicable, the type of ownership, operation and maintenance proposed for areas devoted to open space or otherwise not under the control of a single lot owner.
5. A statement indicating the proposed staging or phasing of the project and a map depicting the boundaries of each stage or phase of the project. Such boundaries shall be superimposed on a version of the site development plan.

6. An identification of physical resources associated with the natural environment of the lot including such features as geology, topography, soils, hydrology and the like. The identification of physical resources shall include a narrative description of the qualitative and quantitative aspects of each of the resources mentioned above. These resources shall also be mapped as specified in Section 901.E., and may be either incorporated into the EIA report or submitted as attachments to the report.
  - a. A map depicting the geological characteristics of the lot. Such map shall define the location and boundaries of the rock formations at or influencing the lot and features such as faults and/or fractures.
  - b. A map depicting the topographical characteristics of the lot. Such map shall contain contours with at least two (2) foot intervals and shall depict slopes ranging from: zero to ten (0-10) percent, ten to twenty (10-20) percent, twenty to thirty (20-30) percent, and greater than thirty (30) percent.
  - c. A map depicting the soils of the lot. Such map shall depict all soil types and shall include a table identifying soil characteristics pertinent to the proposed project such as depth of bedrock, depth of water table, flood hazard potential, and limitations for septic tank filter fields.
  - d. A map depicting the hydrological characteristics of the lot. Such map shall depict: surface water resources, their drainage characteristics, watersheds and flood plains, and groundwater resources. Surface water resources include features such as creeks, runs and other streams, ponds, lakes, and other natural bodies of water, springs, wetlands, and any man-made impoundments. Groundwater resources include features such as aquifers and aquifer recharge areas.
  
7. An identification of biological resources associated with the natural environment of the lot including such features as vegetation and wildlife. The identification of biological resources shall include a narrative description of each of the resources mentioned above. These resources shall also be mapped as specified in Section 901.E. and, may be either incorporated into the EIA report or submitted as attachments to the report.
  - a. A map depicting the vegetation characteristics of the lot. Such map shall define the locations and boundaries of the woodland and forest areas of the tract and shall note the types of vegetation associations which exist in terms of their species types and sizes. In addition, all trees twelve (12) inches in caliper or greater, shall be accurately located on the map either as free-standing trees or as tree masses.

- b. A map depicting characteristics associated with wildlife habitats. Such map may draw upon vegetation, hydrology and soil maps in order to express habitat characteristics associated with terrestrial and aquatic wildlife on the lot and the relationship of the overall habitat(s).
8. An identification of the land use conditions and characteristics associated with the lot such as: current and past use, land cover, and encumbrances; and, the relationship of these to adjacent tracts. The identification of land use conditions and characteristics shall include a narrative description of the above. In addition, the following maps drawn at a scale as specified in Section 901.E., shall be incorporated into the EIA report or submitted as attachments to it.
  - a. A map depicting the land cover characteristics of the lot. Such map shall define existing features including: paved or other impervious surfaces, woodland and forest areas, cultivated areas, pasture, old fields, lawns and landscaped areas, and the like. Such map shall also indicate any past use or disturbance to the land which may affect the proposed project, such as a landfill, a hazardous waste disposal area, or other similar condition.
  - b. A map depicting any encumbrances to the lot. Such map shall define easements, rights-of-way and other areas where certain use privileges exist.
  - c. A map depicting the land uses adjacent to the proposed lot. Such map may be at the same scale as the location map.
9. An identification of the historic resources and any known or potential archeological resources associated with the lot such as areas, structures and/or routes and trails which are significant. Areas, structures and/or routes and trails included on the National Register of Historic Places, the Pennsylvania Inventory of Historic Places and the Historic American Building Survey, and any which may be identified in the Comprehensive Plan shall be identified. The identification of historic resources shall include a narrative description of the above. In addition, a map drawn at a scale as specified in Section 901.E. depicting historic resources shall be incorporated into the EIA report or submitted as an attachment to the report.

10. An identification of the visual resources associated with the lot such as areas which have a particular amenity value and areas which offer interest in viewing the lot. The identification of visual resources shall include a narrative description of the above. In addition, a map drawn at a scale as specified in Section 901.E. depicting visual resources shall be incorporated into the EIA report or submitted as an attachment to the report.
11. An identification of the community facility needs associated with the users and/or residents of the proposed project. The community facility needs assessment shall indicate in narrative form the type of services which will be in demand. Where applicable, community facilities (such as schools, park and recreation areas, libraries, hospitals, and other health care facilities, fire protection, police protection, ambulance, and rescue service and postal services) shall be discussed in terms of the ability of existing facilities and services to accommodate the demands of future users and/or residents of the lots and the need for additional or expanded community facilities.
12. An identification of the utility needs associated with the users and/or residents of the proposed project. The utility needs assessment shall indicate in narrative form the type of installations which will be in demand. Utilities (such as those used for water supply, sewage disposal, refuse disposal, storm drainage, communications and electrical transmission) shall be discussed in terms of: the ability of existing utility installations to accommodate the demands of the future users and/or residents of the property; the need for additional or expanded utility installations; the ability to achieve an adequate, potable quantity of water whenever individual wells are proposed; the ability to achieve an adequate system for on-site sewage disposal whenever such a system is proposed; and, the ability to achieve an adequate system for storm drainage and stormwater management.
13. An identification of the relationship of the transportation and circulation system needs of the proposed project to the existing street or highway network. A discussion of this relationship shall be in narrative form and shall indicate factors such as methods to be used for traffic control within the lot(s) and at points of ingress to and egress from it; and, expected traffic volumes generated from the project including their relationship to existing traffic volumes on existing streets for both peak hour and nonpeak hour traffic conditions. In addition, there shall be a discussion of the physical condition of existing streets which will service the proposed project and what improvements are proposed to remedy any physical deficiencies. All transportation analyses shall be in accordance with Section 406.1 to 406.5 of the West Bradford Township Subdivision and Land Development Ordinance.

14. An identification of the demographic characteristics related to the proposed project. The characteristics which shall be presented in narrative form shall include a profile of the future users and/or residents of the lot including information such as the number of people expected. Such information shall be related to initial and completed project conditions.
15. An identification of the economic and fiscal characteristics related to the proposed project. The characteristics which shall be presented in narrative form shall include a profile of the township, county and school district revenues which the proposal may generate and the township, county and school district costs it may create. Such information shall be related to initial and completed project conditions.
16. An identification of characteristics and conditions associated with existing, construction related, and future air and water quality and noise levels, vibration, toxic materials, electrical interference, odor, glare and heat, fire and explosion, smoke, dust, fumes, vapors and gases and/or radioactive materials.
17. An identification of compliance with the applicable Supplementary Regulations of Article 800 of the West Bradford Township Zoning Ordinance.
18. The assessment of the implications of the proposed project in terms of: the type of beneficial or adverse effects which may result from it; the duration of these effects in terms of their short-term or long-term nature; and, whether the effects are primary or secondary in nature. To indicate such effects, there shall be a discussion of the implications of the proposed project to the resources, conditions and characteristics described in subsections 3 through 17 above. In addition to a narrative presentation of implications, the Applicant shall display where the project adversely affects the resources, conditions or characteristics of the property through the use of a map drawn at a scale as specified in Section 901.E., wherein the areas adversely affected from proposed project are highlighted. Such map may be either incorporated into the EIA report or submitted as an attachment to the report. Further, the Applicant must demonstrate and specify in the EIA report how and where the findings in the EIA report and its attachments are reflected in the proposed plan.
19. Alternatives to the proposed project. To indicate such alternatives, the Applicant shall submit exhibits or diagrams which will depict the type of alternatives described in narrative form. The Applicant shall comment on how alternatives would preclude, reduce or lessen potential adverse impact or produce beneficial effects such as: revised location, redesign, layout or siting of buildings, roads and other structures; alternate methods for sewage disposal and water supply; and/or reduction in the size of proposed lots or structures or the number of lots or structures.

20. Measures to mitigate adverse effects. To indicate such measures, the Applicant shall submit exhibits or diagrams which will depict the type of remedial, protective and mitigative measures described in narrative form. These measures shall include those required through existing procedures and standards, and those unique to a specific project, as follows:

- a. Mitigation measures which pertain to existing procedures and standards are those related to current requirements of the state, county, and/or township for remedial or protective action such as: sedimentation and erosion control, stormwater runoff control, water quality control, air quality control, and the like.
- b. Mitigation measures related to impacts which may be unique to a specific project are those related to efforts such as: revegetation, screening, buffering, fencing, berming, emission control, traffic control, noise control, relocation or reduction of buildings or lots, land acquisition, and the like.

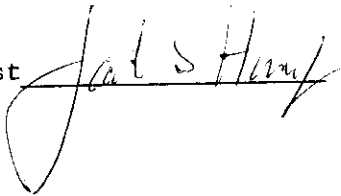
F. In making its evaluation, the Board of Supervisors, and/or the Planning Commission, may request any additional information it deems necessary to adequately assess potential environmental impacts. Further, whenever any information required in Section 901.E.6. to 901.E.17. above is not applicable to the proposed project, the Applicant shall indicate such inapplicability in the narrative of the EIA report, and state why such information is considered to be inapplicable in the case of the particular subdivision or land development in question.

G. The EIA report shall be prepared by a Professional Engineer, Certified Architect, Certified Landscape Architect, or Certified Land Planner.

SECTION IV - This amendment shall take effect immediately upon enactment.

SECTION V - Adopted this 11<sup>th</sup> day of April, 1989.

Attest



Board of Supervisors  
West Bradford Township

