

NEW BRITAIN BOROUGH
BUCKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 430

AN ORDINANCE OF THE BOROUGH OF NEW BRITAIN, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE NEW BRITAIN BOROUGH CODE OF ORDINANCES BY AMENDING CHAPTER 450 ZONING, ARTICLE IV USE REGULATIONS, SECTION 450-14 USE REGULATIONS, AND SPECIFICALLY BY AMENDING THE REQUIREMENTS FOR MINIMUM TRACT OR SITE AREA FOR TOWNHOUSE DWELLINGS; AMENDING THE BOROUGH'S ZONING MAP TO REZONE THE PROPERTY LOCATED AT 117 BRISTOL ROAD (TAX PARCEL NO. 25-001-025) FROM LI LIGHT INDUSTRIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT; FURTHER REZONING THAT CERTAIN PROPERTY LOCATED AT EAST BUTLER AVENUE (TAX PARCEL NO. 25-006-056) FROM R-1 RESIDENTIAL DISTRICT TO C-3 COMMERCIAL DISTRICT; REPEALING ALL PRIOR INCONSISTENT ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.* ("MPC") the Borough Council of the Borough of New Britain has adopted a zoning ordinance and zoning map for the Borough;

WHEREAS, from time-to-time the Borough receives requests for zoning map amendments and/or for text amendments to the Borough's zoning ordinance;

WHEREAS, the Borough has received certain requests for zoning map amendments and zoning ordinance text amendments, which have been reviewed and recommended by the Borough's planning commission;

WHEREAS, the Borough Council of the Borough of New Britain hereby affects the zoning map amendments and zoning ordinance text amendments set forth hereinbelow, and believes it to be in the best interest of the Borough to do so.

NOW THEREFORE, be it **ORDAINED** and **ENACTED**, by the Borough Council of the Borough of New Britain as follows:

SECTION 1. The Code of Ordinances of the Borough of New Britain is hereby amended by amending Chapter 450 *Zoning*, Article IV *Use Regulations*, Section 450-14 *Use Regulations*, by repealing subsection 450-14.A(3)(a)[1] in its entirety and replacing the section with the following:

- [1] Minimum tract or site area eligible for townhouse dwelling use, six acres. The minimum tract or site area may be reduced to 2.5 acres where the proposed townhouse development shares a common property boundary with an existing townhouse development such that the tract or site area of the proposed townhouse development and the tract or site area of the existing townhouse development total at least 6 cumulative acres.

SECTION 2. The Zoning Map of the Borough of New Britain is hereby amended by rezoning the following properties from the current zoning stated below to the new zoning stated below:

<u>Address</u>	<u>Tax Parcel No.</u>	<u>Current Zoning</u>	<u>New Zoning</u>
117 Bristol Road	25-001-025	LI Light Industrial	R-2 Residential
East Butler Avenue	25-006-056	R-1 Residential	C-3 Commercial

SECTION 3. REPEALER. Any and all other Ordinances or parts of Ordinances in violation or in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 4. SEVERABILITY. The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, enforceable or unconstitutional, the Council hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, enforceable, or unconstitutional portion, part or provision of this Ordinance.

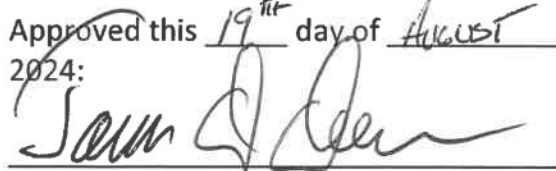
SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective at the earliest time permitted under Pennsylvania law.

ORDAINED and **ENACTED** an ordinance of the Borough of New Britain this 14
day of AUGUST, 2024.

NEW BRITAIN BOROUGH COUNCIL
By: 
Peter LaMontagne, Council President

Attest:


Borough Secretary

Approved this 19th day of AUGUST,
2024:

James Donovan
Mayor



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Evan J. Stone
Executive Director

MEMORANDUM

To: New Britain Borough Council
New Britain Borough Planning Commission

From: Bucks County Planning Commission

Date: August 7, 2024

Subject: BCPC #25-24-1
Proposal to Amend the Zoning Map and Zoning Ordinance
TMPs #25-1-25 & 25-6-56
Applicant: Borough Council
Date Received: July 8, 2024
Hearing Date: Not specified

In accordance with the provisions of Section 304 and 609 of the Pennsylvania Municipalities Planning Code, this proposal was sent to the Bucks County Planning Commission for review. The following review has been prepared by the staff and endorsed by the Bucks County Planning Commission at a meeting held on August 7, 2024.

GENERAL INFORMATION

Proposed Action: Amend the zoning ordinance text to modify the requirements for minimum tract or site area for townhouse dwellings. Amend the zoning ordinance map to rezone two parcels.

Location and size of parcels: The two parcels proposed to be rezoned are TMPs #25-1-25 and 25-6-56. TMP #25-1-25 is 3.02 acres and is located along the northeastern side of Bristol Road, approximately 1,100 feet southeast of its intersection with Butler Avenue. TMP #25-6-56 is 2.16 acres and is located along the northern side of East Butler Avenue, approximately 200 feet west of its intersection with Beulah Road. TMP #25-1-25 is situated in the LI Light Industrial zoning district and is proposed to be rezoned into the R-2 Residential District. TMP #25-6-56 is situated in the R-1 Residential District and is proposed to be rezoned into the C-3 Commercial District.

Proposed Zoning Provisions: The proposal seeks to add a provision that the minimum tract or site area for townhouse dwellings may be reduced to 2.5 acres where the proposed townhouse development shares a common property boundary with an existing townhouse development such that the tract or site area of the proposed townhouse development and the tract or site area of the existing townhouse development total at least 6 cumulative acres.

Existing Zoning Provisions: The ordinance currently provides that the minimum tract or site area eligible for townhouse dwelling use is 6 acres.



COMMENTS**A. Zoning Map Change**

We recommend that the borough council consider the following in addressing the proposal to rezone TMPs #25-1-25 and 25-6-56 from the LI Light Industrial Districts and the R-1 Residential Districts to the R-2 Residential District and the C-3 Commercial District, respectively:

1. **Comprehensive Plan**—Section 603.(j) of the Pennsylvania Municipalities Planning Code states that zoning shall be consistent with a municipality's comprehensive plan. Accordingly, the merits of the proposed rezoning should be coordinated with the analysis and recommendations from the *New Britain Borough Comprehensive Plan (2020)*.

The proposed amendment is in part consistent with the planned growth pattern presented in the comprehensive plan's Future Land Use map, which show both subject parcels as within an area designated as "Residential." The proposed zoning map amendment for TMP #25-1-25 aligns with the Future Land Use map, while that of TMP #25-6-56 does not, as the C-3 Commercial District only allows for a limited number of residential use types.

2. **Compatibility with surrounding zoning and land use**¹—The permitted land uses in the proposed R-2 Residence District and C-3 Commercial District are generally compatible with the surrounding land uses and zoning districts, with the exception of the LI Light Industrial District to the west and north of TMP #25-1-25 and the R-1 Residence District to the north and east of TMP #25-6-56. The borough should remain mindful of landscaping and buffering requirements for proposals in which certain permitted land uses in the subject zoning districts are proposed near their neighboring zoning districts, particularly for residential uses adjacent to nonresidential uses.

B. Zoning Amendment

We recognize that the amendment is consistent with the comprehensive plan and municipal ordinances; however, we recommend that the borough council not adopt the amendment until the following concerns have been addressed:

1. Editorial

- a. **Borough reference**—The first whereas clause of the proposal mistakenly references the Borough of East Greenville. The fourth whereas clause of the proposed amendment mistakenly references the Borough of Conshohocken.
- b. **District references**—The proposal refers to the C-3 District as "Professional Office" and the R-1 and R-2 Districts as "Residence District" rather than C-3 Commercial District and R-1 and R-2 Residential Districts as they appear in the zoning ordinance.

We would appreciate being notified of the borough council's decision regarding this matter. If the amendment is adopted, please send a copy within 30 days as required by Section 609(g) of the Pennsylvania Municipalities Planning Code.

JWS:emh
24-0598

cc: Michael Peters, Esq., Eastburn and Gray, PC, Borough Solicitor (via email)
John Wolff, Borough Manager (via email)

¹ The surrounding land use and zoning is described on the last page of our review under Pertinent Information.

PERTINENT INFORMATION

Site Characteristics, Natural Features:

TMP #25-1-25: The parcel is within the LI Light Industrial District and is approximately 3.02 acres in size.

TMP #25-6-56: The parcel is within the R-1 Residential District and is approximately 2.15 acres in size. The parcel is bisected by Cooks Run, a tributary to Neshaminy Creek.

Existing Land Use:

TMP #25-1-25: Vacant

TMP #25-6-56: Vacant

Surrounding Land Use:

TMP #25-1-25:

North: Industrial
East: Residential
South: Residential
West: Industrial

TMP #25-6-56:

North: Residential
East: Wooded
South: Commercial
West: Commercial

Surrounding Zoning:

TMP #25-1-25:

North: LI Light Industrial
East: R-2 Residential
South: R-1 Suburban Residential (Chalfont Borough)
West: LI Light Industrial

TMP #25-6-56:

North: R-1 Residential
East: R-1 Residential
South: C-3 Commercial and MUO Mixed Use Overlay
West: C-3 Commercial

Municipal Comprehensive Plan: The Future Land Use map of the *New Britain Borough Comprehensive Plan (2020)* designate both parcels as "Residential."