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Redevelopment Authority of the County of Bucks

From: Jane Dembner, HNTB

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**Subject: Summary of Existing Conditions—Study Area Regulatory Overview
(Revised)**

This technical memorandum provides an overview of the existing regulatory framework in the Bucks County Waterfront Revitalization study area. This is one of several background memos supporting the Bucks County Waterfront Revitalization Plan. The purpose of the study is to provide for improved access to the riverfront and to promote targeted economic development in the study area. The study area includes portions of the following municipalities: Bensalem Township, Bristol Borough, Bristol Township, Falls Township, Morrisville Borough, and Tullytown Borough.

Background

Successful plan implementation depends upon regulations that support and further the goals and policies of the plan.

Regulations, especially zoning and subdivision ordinances, are not always drafted in conjunction with a planning process or even a community vision. Traditionally, land development regulations are prepared to stop inappropriate development patterns, such as industrial uses next to residential, or high traffic-generating uses along narrow streets. When a community updates its comprehensive plan or shifts goals and policies without updating the regulations, two results are common: (1) the regulations fail to support innovative ideas and development patterns, and development proceeds in the same manner as it did before the plan; or (2) the regulations severely restrict or prohibit the goals of the plan, making it impossible for development to proceed at all.

This problem is complicated in the case of redevelopment. Unlike greenfield development, redevelopment often proposes round-peg solutions to square-hole problems. Redevelopment requires a flexible format that combines changes to existing development with new construction. This means that the zoning standards that guided original construction need to be amended in favor of new standards for the updated project. In addition, redevelopment often incorporates financial incentives and environmental review processes that involve different oversight agencies and run on separate time frames for zoning and subdivision review.

Removing the barriers to preferred development and redevelopment is a four step process:

1. Understand existing regulatory process.
2. Identify issues and inconsistencies between plan goals and regulations; define alternative regulatory approaches.
3. Select preferred regulatory approaches and draft changes to existing regulations.
4. Review, refine, and adopt changes.

The purpose of this memo is to complete Step 1 of this process and provide an understanding of existing regulation processes. As summarized below, there are two preliminary regulatory issues that will play an important role in shaping the Bucks County Waterfront Study planning process: 1) the involvement of multiple jurisdictions in the planning process; and 2) the varying types of zoning ordinances currently used by the participating municipalities.

Jurisdictions

The current planning process is being undertaken by Bucks County and its constituent jurisdictions of Bristol Township, Falls Township, Bensalem Township, and the Boroughs of Tullytown, Bristol, and Morrisville. We reviewed the ordinances listed in Table 1.

Table 1: Municipal Ordinances Reviewed

Bristol Township	Zoning Ordinance No. 2002-05
Falls Township	Zoning Chapter 209
Bensalem Township	Chapter 232 Zoning, Supplement No. 3-7
Tullytown Borough	Zoning Ordinance Year 2003 Update
Bristol Borough	Code of Ordinances 1986, as amended
Morrisville Borough	Ordinances 752-A (1980), as amended through 1993

With a multi-jurisdictional project, it is important to consider the end of the process at the beginning; that is, how will this planning work be adopted and incorporated by each of the jurisdictions and to what extent will consistency of the planning work be reflected throughout the various regulatory processes?

In this case, the number of participants to this process creates a matrix of implementation approaches. First, there are multiple ways to incorporate plan information into a zoning ordinance, including creation of a special district, placement of an overlay zone, or changes to existing districts and standards. Second, there are also multiple degrees to which this information can be adopted, ranging from the addition of new goals and policy statements to the zoning ordinance, to complete incorporation of the plan material into the regulations. And third, each jurisdiction may choose its own unique way to incorporate and use this information. Indeed, as we see in the next section, each jurisdiction takes a slightly different approach to zoning in the first place. It will be very helpful to the ultimate regulatory process to determine the initial approach of each of the jurisdictions to this material at the outset so that the plan can be shaped accordingly.

Assuming at this point that the final plan will be a starting point for zoning changes, we should also identify those concepts that will need to be translated from planning to regulatory language and ensure their inclusion in the plan with as much specificity as will be necessary for the various communities. These issues may be presented as policy statements or provided with more detailed information, and include consideration of:

- Overall goals and policies,
- Measurement (or bulk) regulations,
- Allowed and prohibited uses,
- Parking requirements,
- Site access and road capacity,
- Infrastructure capacity and availability,
- Performance standards, and
- Nonconforming sites and uses.

By considering these issues at the start of the process, it will be possible to target the plan to contain sufficient information to inform the regulatory update at the end of the process.

Approaches to Regulation

Add to the multi-jurisdictional consideration the fact that there are three distinct approaches to zoning across the jurisdictions (with varying degrees of complexity), and we round out the boundaries of our initial consideration. In broad categories, the ordinances we reviewed are:

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Traditional Euclidean zoning with uses in districts,
Hybrid traditional/performance, or
Performance zoning with uses by impact

The traditional ordinances rely on the creation of a number of zoning districts or classifications to separate (or combine) uses in patterns acceptable to the jurisdiction. The location of the use within the district is usually determined by setback and bulk regulations applicable to each lot. Performance zoning, in contrast, requires site evaluation and consideration of minimum open space, maximum density, and maximum impervious surface. Performance zoning approaches tend to create fewer districts, allowing a greater range of uses depending upon the impact of the specific use. The use of performance zoning appears to be encouraged by Bucks County as an approach to protecting natural resources while providing flexibility for development design. The hybrid ordinances incorporate pieces from both approaches, and tend to have a wider range of districts, combined with performance or impact standards.

For the purposes of this project, the regulatory approaches will not need to be standardized, but rather the plan will need to contain sufficient information to meet the needs of the regulations. In other words, if the plan wants to allow vertical mixed-uses, it will need to provide enough information to either place the use in an appropriate Euclidean district, or to incorporate this use in the performance/impact equation.

Table 2 presents a summary overview of the individual regulatory approaches (*note: this table is for the purposes of discussion only and is not presented at a level of detail sufficient for comparison or analysis, nor have the individual jurisdictions been provided opportunity to discuss their views of local regulatory processes*). Table 2 provides a look at the range of information contained in the local regulations. As we move further into the project we will explore the specific pieces of the regulations to identify potential changes to allow redevelopment.

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Table 2: Summary Overview of Regulatory Approaches

	Bristol Township	Falls Township	Bensalem Township	Tullytown Borough	Bristol Borough	Morrisville Borough
Type	Hybrid	Traditional	Traditional	Hybrid	Traditional	Performance
Districts	Yes	Yes	Yes	Yes	Yes	Yes
Performance Standards	Yes	Yes	By district	Yes	No	Yes
Goals/ Objectives	Yes	No	Yes – limited	Yes	No	Yes
Residential Districts	4	10	13	2	5	5
Commercial/ Office Districts	5	5	5	3	4	5
Manufacture/ Industrial Districts	3	6+	2+	1	3	2
Other Districts	Park	Sanitary Landfill	Commuter Station Overlay	Solid Waste Staging and Disposal Districts	Conservation District	Non-Profit Elderly Housing
	Municipal Services	Resource Recovery	Planned Gateway District	3 Flood Hazard Districts	Town Center District	Community Service District
	Floodplain	Flood Hazard regulations			Historic District	
Unique Provisions	Town Center Overlay	Metropolitan Opportunity District	Multi-family design guidelines	Article 6 – Environmental Protection Standards	MX Mixed Use District for water-related facilities	Impact Assessment
	Elderly Housing Overlay	Historic District	Planned Residential community district	Appendix A – Areas Adjoining the Delaware Canal	Historic district design review	
	Appendix B: Areas Adjoining Delaware Canal		Natural Resource protection district		Part 5 – Environmental Protection	

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