

## ZONING

### Appendix A

---

#### **SPECIAL ZONING PROVISIONS FOR AREAS ADJOINING THE DELAWARE CANAL**

The officials and citizens of Tullytown Borough recognize the historical significance of the Delaware Canal for past, present, and future residents.

Tullytown's portion of the Delaware Canal is part of the Delaware Canal's End Reach.<sup>1</sup> It is a significant link to the canal's industrial heritage since it leads to where, until the 1930s, coal boats entered the Delaware River for Philadelphia. Later, in the 1950s, the Delaware Canal delineated the physical edge of Tullytown's Levittown section.

Now, and into the 21st century, with resourceful planning, there will be opportunity to reopen the paved portion of the Delaware Canal that was covered over and piped to build the Levittown Shopping Center and to restore this important landscape feature to Tullytown Borough.

#### **I. Goals for Canal Enhancement Area**

The following statement of goals for the canal area shall serve as a guideline for preserving and interpreting the Tullytown Borough portion of the Delaware Canal Corridor.

- To preserve the environmental, scenic, cultural, historical and recreational heritage of the Delaware Canal for the future generations of Tullytown Borough;
- To recreate and maintain the Tullytown portion of the Delaware Canal and adjacent lands as an important link in the Delaware Canal Corridor through the shared responsibilities of public and private property owners;
- To encourage reestablishment and protection of the physical integrity of the Delaware Canal Enhancement Area in Tullytown Borough and to seek ways of improving access and public enjoyment for residents;
- To develop educational information and an exhibit that tell the history of the Delaware Canal in Tullytown for the Delaware Canal Interpretive System;

---

<sup>1</sup> As indicated in the Management Action Plan for the Delaware and Lehigh Canal National Heritage Corridor and State Heritage Park report of 1993, "a reach is a landscape with a critical mass of resources that contribute to the corridor's significance. The End Reach marks both the historical beginning of the corridor—its earliest European settlement, and its physical end ..."

## TULLYTOWN CODE

- To conserve natural areas along the canal by providing a trail along the towpaths for passive recreational activities such as walking, jogging, hiking, bicycling, picnicking, and fishing;
- To seek funding for the continued repair and maintenance of the Delaware Canal in Tullytown through local, state, and federal government, as well as private sources;
- To foster water quality protection and healthy wildlife habitats in the canal area by monitoring and preventing further pollution and contamination from runoff as well as sedimentation in the canal;
- To protect and enhance the canal overlay area through appropriate zoning and subdivision regulations, as well as with comprehensive planning policies;
- To work with PennDOT and Delaware Canal State Park officials to plan and implement safe pedestrian access over U.S. Route 13 to connect the Old Tullytown area with the Delaware Canal.

### II. General Regulations

#### A. DELAWARE CANAL ENHANCEMENT AREA GUIDELINES FOR REGULATIONS

##### 1. Purpose

The purpose of these regulations is to preserve and enhance the Delaware Canal's recreational, environmental, historical, and scenic qualities and to ensure public access and compatible land uses along the canal.

##### 2. Identification of Area

These regulations shall apply to the lands within the "Delaware Canal Enhancement Area" as delineated on the Tullytown Borough Zoning Map and defined in Item II A.3. below.

##### 3. Definitions

As used in this appendix, the following terms shall have the meanings indicated.

**Delaware Canal** The towpath and intended waterway of the Delaware Division of the Pennsylvania Canal and including all adjacent lands, aqueducts and drainage channels owned by the Commonwealth of

## ZONING

Pennsylvania as part of the “Delaware Canal State Park.” For purposes of measuring setbacks from the center of the canal, such center shall mean the center of the channel intended to be the main waterway of the canal.

**Recommended Canal Enhancement Area** All properties that abut the lands of the Commonwealth of Pennsylvania as part of the Delaware Canal State Park; all properties that abut or include part of the Delaware Division of the Pennsylvania State Canal.

#### **4. Relationship to Existing Districts**

In Tullytown Borough, the Delaware Canal Enhancement Area shall be an overlay area to the existing zoning districts as shown on the Tullytown Borough Zoning Map.

The provisions of the zoning district in which these properties lie shall remain in full force, except where the provisions of this section differ from the provisions of the zoning district, in which case, the provision that is more restrictive and least permissive to an applicant, landowner, or developer shall apply.

#### **B. USES PROHIBITED WITHIN CANAL ENHANCEMENT AREA**

The following uses are specifically prohibited in the Canal Enhancement Area, in addition to any other uses that are not specifically permitted in the underlying zoning district:

- drive-through facilities
- car wash
- vehicle service station, vehicle body shop, or vehicle repair garage
- vehicle sales or repair
- adult entertainment or adult book store
- junkyard
- solid waste disposal or transfer facilities, including recycling collection centers

#### **C. DIMENSIONAL REQUIREMENTS FOR THE DELAWARE CANAL AND RELATED CANAL ENHANCEMENT AREA**

Lot and setback regulations for the Delaware Canal Enhancement Area (overlay) shall be as follows, unless a more restrictive requirement is stated elsewhere in this ordinance.

## TULLYTOWN CODE

1. All new accessory and principal buildings shall be set back a minimum of one hundred-fifty (150) feet from the center of the intended waterway (where it is not watered, or is paved over) of the Delaware Canal. Furthermore, for any new land development or addition, the landowner must provide a legal description (metes and bounds of the site) when property boundary lines abut Delaware Canal State Park lands.
2. During any filling, grading, dredging, or construction activity, all reasonable efforts shall be made to leave the setback areas undisturbed.
3. In addition, all new uses or expanded uses shall comply with the following borough requirements in order to be eligible for a zoning permit.
  - a. A plan for the control of erosion, sediment, and grading is required whenever the topography and vegetation on a property will be disturbed by the establishment of a new or expanded use.
  - b. Applications for permits must provide the following:
    - (1) plan of existing and proposed site features (vegetation, streams, etc.)
    - (2) a topography survey
    - (3) a plan of proposed improvements
    - (4) description of the soil and erosion control measures to be used
    - (5) time schedule
    - (6) grading plan showing cuts and fills, wells, septic systems
    - (7) proposed final topography
    - (8) plan for the disposition of water and runoff
  - c. Grading standards
    - (1) Drainage facilities shall be constructed to convey water to street or other drainage facilities but not into the canal;
    - (2) All graded surfaces must be seeded or stabilized within sixty (60) days;
    - (3) No slopes greater than twenty-five (25) percent shall be created;
    - (4) No depositing or placing of debris or other material into any drainage ditch or drainage structure or the canal shall be permitted;
    - (5) The applicant shall not modify, fill, excavate, or regrade the land in any manner within five (5) feet of the property line of the Delaware Canal.

## ZONING

*(Application of the following range of ratios depends on site specific provisions for soil and water conservation and stormwater management. Applicants would be required to submit plans for a full technical review by the borough's engineer.)*

4. Maximum building coverage for that portion of the lot within the Delaware Canal Enhancement area, not including the canal and the Canal State Park, shall be no more than thirty (30) percent.
5. Maximum impervious lot coverage for that portion of the lot shall be sixty-five (65) percent.

### **D. EXEMPTION**

The setbacks required for the canal enhancement area shall not apply to:

- permitted public utility facilities
- publicly-owned recreational facilities

### **E. FLOODPLAIN AREAS**

The requirements of the municipal floodplain ordinance (Article 9, as amended) shall apply and are hereby incorporated into these overlay regulations by reference.

### **F. PRESERVATION OF TREES AND FORESTS WITHIN 200 FEET OF THE DELAWARE CANAL**

The following provisions shall apply within two hundred (200) feet of the centerline of the intended waterway of the Delaware Canal.

*(Measured from USGS topographic aerial photograph map and aerial photographs, it appears that a 200-foot-wide distance would provide enough area to cover potential range of need for the recreation trail as well as natural and buffered spaces parallel to Route 13.)*

#### **1. Intent**

To protect wildlife and bird habitats, encourage groundwater recharge, avoid pollution of creeks by high temperature runoff, maintain the attractive character of areas, conserve energy, control soil erosion and sedimentation and decrease air pollution.

#### **2. Tree Removal**

On any lot, no more than twenty-five (25) percent of the total number of trees that have a trunk diameter of six (6) inches or more (measured at a height three [3] feet above original grade) shall be removed in any calendar year as part of the development, expansion or change of a use

## TULLYTOWN CODE

unless each such additional tree meets or will meet one or more of the following conditions:

- a. Is located within ten (10) feet of an uncurbed vehicular cartway;
- b. Is within five (5) feet of a proposed or existing vehicular cartway, shoulder, sidewalk, bikeway, curblineline or utility corridor;
- c. Is within twenty-five (25) feet of an approved stormwater detention basin, paved area, driveway, on-lot sewage system, or the base or walls of an approved structure;
- d. Is diseased, dead or poses a clear danger to a structure, utility or public improvement;
- e. Is a hazard to vehicular sight distance;
- f. Is clearly of old age and unhealthy and cannot reasonably be expected to live for more than an additional five (5) years;
- g. Is within an area of an approved principal or accessory use that clearly requires the removal of the tree, including open areas of an approved golf course; or
- h. Is clearly necessary to allow longer rows for crop farming.

### **3. Protection of Trees During Construction**

Reasonable efforts shall be taken during any construction to ensure that trees protected by this section are not accidentally injured or removed, including root compaction by equipment and materials, damage by equipment or change in grade level. Trees that were required to be preserved and that were destroyed shall be replaced by the developer with new trees with the closest trunk width that is reasonably available, in addition to any penalty that may be exercised under this ordinance.

## **G. EROSION CONTROL**

An erosion and sedimentation control plan shall be required to be submitted to the county conservation district and the municipality for any use involving:

- The disturbance of more than twenty thousand (20,000) square feet of ground in any calendar year (unless another stricter requirement applies); or
- The cutting down of more than thirty (30) percent of the trees within a wooded area of over one (1) acre. This requirement shall not apply if such activity will comply with an appropriate erosion and sedimentation control plan that was approved as part of the subdivision or land development plan pertaining to that lot or use.

As a condition of any permit or approval granted by the municipality under this ordinance, all uses are required to comply with Pennsylvania Department of Environmental Protection regulations controlling soil erosion and resulting sedimentation and shall also comply with any erosion and sedimentation plan submitted

## ZONING

to the county conservation district and/or the municipality. Any violation of these requirements shall be a violation of this ordinance and may be enforced by the officer (with advice requested from the municipal engineer as the zoning officer may determine is needed), in addition to any violation under state regulations.

### **H. BUFFER YARDS ALONG THE DELAWARE CANAL**

#### **1. Buffer Yard**

Whenever the following uses are adjacent to or across the street from and visible from Delaware Canal State Park, a twenty (20)-foot-wide buffer yard with evergreen screening shall be required.

Any newly developed or expanded:

- commercial or industrial use
- outdoor commercial or industrial storage area
- area routinely used for the parking, loading or unloading of two (2) or more tractor trailer trucks
- any stormwater detention basin of more than twenty thousand (20,000) square feet in maximum water detention area (other than a basin that is to be planted in grass and is suitable for being mowed or will clearly resemble a natural pond)

#### **2. Standards for Buffer Yards**

- a. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas, or vehicular parking. No new driveways or streets shall be permitted in the buffer yards except at points of ingress or egress.
- b. The zoning officer may waive the required evergreen screening if a substantial natural berm or slope or dense vegetation will be maintained and will be substantial enough to meet the buffer provisions of this section, or if topographic conditions or the creation of berming by the developer would clearly relieve the need and cause for screening.
- c. Any fence that may be constructed shall be on the inside of any required evergreen screening.
- d. Each buffer yard shall include a planting screen of evergreen (as opposed to deciduous) trees or shrubs extending the full length of the required buffer yard. Required plant materials shall have a minimum height when planted of three (3) feet. Plant materials used in the planting screen shall be of such species, spacing and

## TULLYTOWN CODE

size as can reasonably be expected to produce, within five (5) years, a solid year-round visual screen at least six (6) feet in height.

### **I. SIGN REGULATIONS IN COMMERCIAL AND INDUSTRIAL DISTRICTS WITHIN 200 FEET OF THE DELAWARE CANAL OR A SCENIC ROAD.**

The following regulations shall apply to any signs within two hundred (200) feet of the centerline of the intended waterway of the Delaware Canal, unless stricter requirements are established elsewhere in Article 7, or unless clearly proven to the satisfaction of the zoning officer that such sign clearly would not be partially or wholly visible from any portion of the Delaware Canal State Park.

#### **1. Wall Signs**

The area of all wall signs on any side of a building shall not be greater than five (5) percent of total vertical area (not including the area of any slanted roof) of the building face on which the sign(s) is located. Such signs shall be located on a maximum of two faces of a building. Such signs and/or their backing shall not project above the structural roof line of the building to which they are attached.

#### **2. Freestanding Sign**

There shall be a maximum of one freestanding sign structure per lot or per principal use, whichever is more restrictive, with maximum total sign area of twenty (20) square feet on each of two sides. This sign structure may consist of several attached signs, within the total permitted square footage. Such sign shall have a maximum total height of nine (9) feet above the surrounding average ground level.

#### **3. Freestanding Sign on a Mobile Stand**

Freestanding signs on a mobile stand that are not permanently attached to the ground and that could be towed from one location to another are prohibited.

#### **4. Off-Premise Signs**

Off-premise signs are prohibited, except for signs specifically erected by an authorized federal, state, county or municipal entity for a valid public purpose.

### **J. ACCESS TO THE DELAWARE CANAL ENHANCEMENT AREA**

The Borough Council, after receiving the advice of the Planning Commission, may require a subdivision or land development to include an appropriate bicycle or pedestrian easement, and/or to construct an appropriate sidewalk, pathway and/or bikepath as needed to provide access the Delaware Canal State Park from the

## ZONING

subdivision or land development and/or adjacent bikepaths, parks, streets, or residences.

*(It is recommended that the Planning Commission, together with the borough's solicitor devise an incentives program to encourage the cooperation of the landowners near the Delaware Canal Enhancement Area to provide points for ease of public access within walking distance to the canal. [An example would be to provide tax relief in exchange for allowing public use of private land or to allow landowners to post warning signs without imposing liability on the landowner.]*)

### **K. STORMWATER AND EROSION CONTROL**

Proper control of stormwater runoff is essential to prevent severe damage to the Delaware Canal from erosion. The Borough Council requires all proposed development in the Delaware Canal Enhancement area overlay to be carefully reviewed by experienced professionals the (borough's engineer, together with the county Conservation District staff) to ensure proper stormwater management and erosion control utilizing best management practices. (BMPs).

*(The stormwater requirements for the Delaware Canal Enhancement Area overlay should be compatible with the borough's subdivision and land development regulations, Section 609.<sup>2</sup>)*

---

<sup>2</sup> Editor's Note: See § 153-41 of Ch. 153, Subdivision and Land Development, of the Code of the Borough of Tullytown.