HILLTOWN CODE
Chapter 160

ZONING
August, 13, 2013 Edition

Disclaimer: This copy of the Hilltown Zoning Ordinance represents a codification of the Hilltown Township Zoning Ordinance of 1995, with referenced amendments by General Code Publishers through Ordinance 2005-01.

Subsequent amendments through Ordinance 2013-02 have been edited in by the Zoning Officer and Township Engineer.

Date of this edition is August 13, 2013.
(formatting corrections made thru 3/25/2013)

If any conflicts between this document and the official ordinances stored in the township building occur, the official documents take precedence.

Table Of Contents

Article I 9
Title, Purpose &

Title, Purpose & Jurisdiction……9
Interpretation……..10
Severability 11
Repealer 11
Uniformity of Application 12
Application of Regulations 12

Article II 13

Definitions & Word Usage 13
Definintions 13

Article III 37

Establishment of Districts 37
Classes of Districts 37
Official Zoning Map 38
Interpretation of District Boundaries 38
Statement of Purpose and Intent for Districts and Special Hazard Areas 38

Article IV 42

Applicability of Regulations 42
Use Type Classifications 42
Uses Subject to Additional Regulations 42
Accessory and Temporary Uses And Structures 42
Airport Hazard Regulations 43
Table of Use Regulations 44

Use Regulations 45

A. Agricultural 45
A1 Agriculture 45
A2 Nursery 45
A3 Intense Agriculture 45

Article IV (cont.)

A4 Forestry 46
A5 Riding Academy 49
A6 Kennel-Commercial 49
A7 Agricultural Retail 50
A8 Farmstead 50

B. Residential 52
B1 Single Family Dwelling 52
B1a Conservation Management Design 52
B2 Mobile Home 53
B3 Single Family Detached Cluster 53
B4 Performance Subdivision 54
B5 Conversion 60
B6 Mobile Home Park 60
B7 Retirement Village 62
B8 **RESERVED**
B9 Age Qualified Residential Community 63
B10 Traditional Neighborhood Development 67

C. Religious, Educational, Recreation & Institutional 76
C1 Place of Worship 76
C2 School 76
C3 Commercial School 76
C4 Library 76
C5 Recreational Facility 77
C6 Rifle Range 77
C7 Private Recreational Facility 77
C8 Golf Course 78
C9 Private Club 78
C10 Community Center 78
C11 Day Nursery 78
C12 Hospital 79
C13 Nursing Home 79
C14 Cemetery 79
C15 Funeral Home 80
C16 Correctional Facility and Group Institution 80

Table Of Contents

Article IV (cont.)

D.	**Office**	**82**
D1	Medical Office	82
D2	Veterinary Office	82
D3	Office	82
E.	**Retail & Consumer**	**83**
E1	Retail Store	83
E2	Large Retail	83
E3	Personal Services	83
E4	Financial Services	83
E5	Eating Place	83
E6	Fast Food Restaurant	84
E7	Repair Shop	85
E8	Hotel Motel	85
E9	Entertainment	85
E10	Gasoline Service Station	86
E11	Automobile Sales	87
E12	Automobile Repair or Car Washing Facility	87
E13	Truck and Farm Equipment Sales	87
E14	Automotive and Farm Accessories	87
E15	**RESERVED**	
E16	Shopping Center	87
E17	Commercial Conversion	87
E18	Tavern	88
E19	Indoor Athletic Club	88
E20	Mini-Storage	88
E21	Adult Entertainment	88
E22	Theatre	91
E23	Public Entertainment Facility	91
E24	Outdoor Motion Picture Establishment	91
F.	**Utilities, Comm. Carriers and Community Facilities**	**93**
F1	Public and Commercial Utilities	93
F2	Emergency Servics	93
F3	Bus Station	93
F4	Municipal Use	93
F5	Airport, Heliport, Etc.	93

Article IV (cont.)

F6	Communications Tower and Cellular Telecommunications Facility	93
G.	**Light Industrial**	**98**
G1	Truck Terminal	98
G2	Research	98
G3	Wholesale	98
G4	Printing	98
G5	Contracting	98
G6	Fuel Storage & Distribution	98
G7	Warehousing	98
G8	Commercial & Industrial Crafts	98
G9	Truck Business	99
H.	**Heavy Industrial**	**100**
H1	Manufacturing	100
H2	Planing Mill	100
H3	Lumber Yard	100
H4	Quarry	100
H5	Resource Recovery Facility	100
H6	Auto Salvage Yard	102
H7	Junkyard	102
H8	Composting Facility	102
H9	Outdoor/Wholesale Storage	103
I.	**Accessory Uses**	**104**
I1	Home Occupation (General)	104
	Professional Offices	104
	Instructional Services	105
	Home Crafts	105
	Family Day-Care Home	105
I2	Residential Accessory Structures and Uses	106
I2(b)	In-Law Residence	106
I3	Residential Boarding	107
I4	Non-Residential Accessory Building	107
I5	Outside Storage or Display	107
I6	Temporary Structure and Use	107
I7	Off Street Parking	108
I8	Signs	108
I9	Noncommercial Kennels	108

Table Of Contents

Article IV (cont.)

I10	Recreational Vehicles	108
I11	Noncommercial Swimming Pool	108
I12	Wind Energy Conversion System	109
I13	Radio and Television Towers	110
I14	Commercial Acc. Office	110
I15	Accessory Retail Use	111
I16	Bed and Breakfast	111
I17	Residential Agriculture	112
I18	Trade Business	112
I19	Additional Use Opportunities for Barns	113
I20	Accessory Uses for Places Of Worship	114
I21	Solar Energy System	114

Article V **117**

Performance Standards

160-25	Site Capacity Calculation	117
160-26	Table of Performance Standards	121
160-27	Non-Residential Lot and Yard Requirements	122
160-28	Environmental Performance Standards	122
160-29	Sewage Treatment, Private	124
160-30	Sewage Treatment, Public	124
160-31	Public Water Supply Extension Requirements	124
160-32	New Development Water Systems	124
160-33	Buffers Yards	125
160-34	**RESERVED**	
160-35	**RESERVED**	
160-36	Noise	130
160-37	Smoke	132
160-38	Dust, fumes, vapors & gases	132
160-39	Heat	132
160-40	Odor	132
160-41	Non-residential Lighting	132
160-42	Vibrations	138

Article V (cont.)

160-43	Storage and waste disposal	138
160-44	Quarry Performance Standards	138
160-45	Floodplain Performance Standards	148
160-46	Parking Standards	148
160-47	Reduction of Non-Residential Parking	149
160-48	Off-Street Loading	150
160-49	Lot Area and Yard Required	150
160-50	Minimum Lot Size	150
160-51	Minimum Lot Width	151
160-52	Yard Modifications	151
160-53	Projections into Yards	151
160-54	Fences and Terraces in Yards	151
160-55	Height	151
160-56	General Open Space and Municipal Land	152
160-57	Design Standards for Open Space Land	152
160-58	Designation of & Permitted Uses on Open Space Land	153
160-59	Municipal Use/Open Space Performance Bond	153
160-60	Conveyance & Maintenance Municipal Use & Open Space Lands	153

Article VI **156**

Non-Conformities

160-61	Continuation	156
160-62	Expansion or Alteration	156
160-63	Discontinuation of Use; Abandonment	156
160-64	Changes in Non-Conforming Uses	157
160-65	Damage or Destruction of Building	157
160-66	Condemnation of Building	157
160-67	Signs	157
160-68	Displacement	157

Table Of Contents

Article VI (cont.)

160-69 Registration of Non-Conforming Uses 157

Article VII 158

Signs

160-70 Scope and Applicability 158
160-71 Continuation 158
160-72 Purpose 158
160-73 Signs Prohibited 158
160-74 Exempt Signs 159
160-75 Relief from Sign Regulations 159
160-76 Area of Signs 159
160-77 General Sign Regulations 160
160-78 Temporary Signs 160
160-79 Signs in CR-1, CR-2, RR MHP and AQRC Districts 162
160-80 Signs in PC-1, PC-2, VC, Q, LI and HI Districts 163
160-81 Billboards 164
160-82 Permit Requirements for Signs 166

Article VIII 167

Administration

160-83 Enforcement: Zoning Officer, Duties & Powers 167
160-84 Planning Commission Powers & Duties 168
160-85 Zoning Permit Requirements 169
160-86 Zoning Permit Application 169
160-87 Issuance of Permits and Occupancy Certificates 169
160-88 Fees 170
160-89 Violations and Penalties 170
160-90 Time Limit After Zoning Change 170
160-91 Remedies 171
160-92 Enforcement Notice 171
160-93 Complaints and Violations 171

Article VIII (cont.)

160-94 Conditional Uses 171

Article IX 174

Zoning Hearing Board

160-95 Establishment of Zoning Hearing Board 174
160-96 Membership; Terms of Office 174
160-97 Alternate Members 174
160-98 Organization of Zoning Hearing Board 174
160-99 Persons Entitled to Initiate Action before the Zoning Hearing Board; Jurisdiction 175
160-100 Manner of Initiating Action Before Zoning Hearing Board 175
160-101 Time Limitations 176
160-102 Mediation Option 176
160-103 Hearings 176
160-104 Powers and Duties 178
160-105 Validity and Substantive Challenges 179
160-106 Expiration of Special Exception or Variance 180

Article X 181

Amendments & Appeals

160-107 Power of Amendment 181
160-108 Public Hearings Prior to Amendment 181
160-109 Private Petition for Amendment 181
160-110 Submission to Township Planning Commission and County Planning Commission 182
160-111 Proposals by Private Curative Amendment 182
160-112 Municipal Curative Amendment 183

Table Of Contents

Article X (cont.)

160-113 Appeals to Court 183

Article XI 184

Floodplain Standards

160-114 Applicability 184
160-115 Abrogation and Greater Restrictions 184
160-116 Warning and Disclaimer of Liability 184
160-117 General Provisions 184
160-118 Definitions 185
160-119 Floodplain Permit Requirements 188
160-120 Application Procedure And Requirements 188
160-121 Review of Application by others 190
160-122 Changes 191
160-123 Placards 191
160-124 Life of Permit 191
160-125 Inspection and Revocation 191
160-126 Identification of Flood Plain Areas 191
160-127 Determination of 100 Year Flood Elevation 191
160-128 Changes in Delineation 192
160-129 Boundary Disputes 192
160-130 Performance Standards 192
160-131 Design and Construction Standards 193
160-132 Additional Requirements 194
160-133 Manufactured Homes in in Flood Plain Areas 195
160-134 Special Permit Provisions 195
160-135 Application for a Special Permit 196
160-136 Requirements for Special Permit 196
160-137 Existing Nonconformities in Flood Plain 197
160-138 Relief 197

Table 160-22 199

Allowable Uses By District

Appendix A 201

Representative Building Designs for Traditional Neighborhood Developments

Notes 208

[HISTORY: Adopted by the Board of Supervisors of the Township of Hilltown 5-22-1995 by Ord. No. 95-2, as amended through 5-29-2001 by Ord. No. 2001-1. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Construction codes -- See Ch. 65.
Licensing of contractors -- See Ch. 68.
Junkyards and junk dealers -- See Ch. 92.
Nuisances -- See Ch. 103.
Rental occupancy reports -- See Ch. 117.
Sewers -- See Ch. 124.
Stormwater management -- See Ch. 134.
Streets and sidewalks -- See Ch. 137.
Subdivision and land development -- See Ch. 140.
Water -- See Ch. 157.

ARTICLE I
Title, Purpose and Jurisdiction

§ 160-1. Title.

The title shall be "An ordinance regulating and restricting the use of real property, the size, height, number of stories, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the percentage of lot which may be occupied; the size of yards, courts and other open spaces; the density and distribution of dwelling units and population; the intensity of use of all lands and of bodies of water within Hilltown Township for trade, industry, residence, recreation, public activities, grading, agriculture, water supply, conservation, environmental protection, and/or other purposes as specified herein."

§ 160-2. Short title.

This chapter shall be known as, and may be cited as, the "Hilltown Township Zoning Ordinance of 1995."

§ 160-3. Purpose.

The purpose of this chapter is to effectuate and implement the land use policies established by the Hilltown Township Comprehensive Plan, and by doing so, promote the health, safety, morals, convenience, order and welfare of the present and future inhabitants, and protect and conserve the natural environment of the Township of Hilltown by:

A. Encouraging the most appropriate use of land.

B. Protecting and preserving the Township's remaining agricultural industry and the prime agricultural lands considering topography, soil type and classification, and present use essential to the conduct of this industry.

C. Providing standards to control the amount of open space and impervious surfaces within a development; to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts.

D. Providing methods to implement Article I, Section 27, of the Constitution of the Commonwealth of Pennsylvania, which decrees that the people have a right to clean air, pure water, and to the preservation of natural, scenic, historic, and aesthetic values of the environment and to protect natural resources which are a part of the ecological system to which we are all bound, and therefore are the common property of all the people, including generations yet to come, and must be protected to insure the health, safety and welfare of all the people.

E. Providing standards for all types of dwelling units so that all the people may have access to decent, sound, and sanitary housing; and to provide adequate zoning to meet a fair share of the region's housing needs to the year 2000 and beyond.

F. Giving effect and enforcement to the policies and proposals of the Hilltown Township Comprehensive Plan, dated November 1991, and duly adopted by the Board of Supervisors of Hilltown Township on November 25, 1991, and herein incorporated by reference the Statement of Community Development Objectives contained therein.

G. Controlling and regulating the growth of the Township, concentrating development in areas where adequate public sewage and water facilities, roads and schools can be provided, and limiting development in areas where these facilities are not provided.

H. Lessening the danger and congestion of traffic on the streets and highways and reducing excessive numbers of roads by in part developing a hierarchy network of street systems.

I. Securing safety from fire, panic, flood, and other dangers.

J. Providing adequate light and air.

K. Protecting the current and future tax base.

L. Securing economy in local government expenditures, and

M. Supporting the development area concept.

N. Providing for the reasonable development of minerals in the township. **[added 8-31-2005 by ord. no. 2005-02]**

§ 160-4. Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion and protection of the public health, safety, comfort, convenience and the physical and natural environment. In applying and interpreting the provisions of this chapter the following provisions shall apply:

A. Whenever any regulations made under authority of this chapter require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings or lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in, or under, any other statute, the provisions of the regulations made under authority of this chapter shall govern.

B. Whenever the provisions of any other statute require a greater width or size of yards, courts or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required by any regulations made under authority of this chapter, the provisions of such statute shall govern.

C. This chapter does not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically or implicitly repealed by this chapter, or any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.

D. Those provisions in Chapter 140, Subdivision and Land Development, concerned with varying design standards shall not be considered to be in conflict with the provisions of this chapter.

E. When a legitimate proposed use is not specifically listed in § 160-22, Table of Use Regulations, the Zoning Officer shall attempt to align the use with a similar listed use in order to provide for said use. If the Zoning Officer finds that such alignment is not possible, the applicant can apply to the Zoning Hearing Board for an interpretation in order to align the use with the most nearly compatible use.

F. Upon alignment or interpretation by the Zoning Officer or Zoning Hearing Board, such use may be permitted as a conditional use and shall be subject to the conditional use provisions of this chapter and the following standards:

G. Such other residential or institutional uses shall be permitted only within the Country Residential 1 (CR-1) District, such other commercial or office uses shall be permitted only within the Planned Commercial (PC-1) District, and such other industrial uses shall be permitted only within the Heavy Industrial (HI) or Light Industrial (LI) Districts.

H. Nothing contained in the provisions of this Chapter shall be interpreted or construed to permit discrimination against any person who suffers from a "handicap" as that term is defined in Section 3602 of the Fair Housing Act (42 U.S.C. Section 3602(h)) and is defined in Section 3602(h) of the Fair Housing Act (42 U.S.C. Section 3602(h)) and is protected as such from discrimination under the provisions of Section 3604(f) thereof (42 U.S.C. Section 3604(f)) and the Zoning Officer is hereby authorized to make reasonable accommodation in the interpretation, application, and enforcement of the provisions of this Chapter and any rules, policies, practices or services implemented in conjunction therewith when such accommodation may be necessary to afford such person equal opportunity to use and enjoy a dwelling. **[Added by Ordinance 2013-002, May 28, 2013].**

§ 160-5. Severability.

It is hereby declared to be the legislative intent of the Board of Supervisors that:

A. If a court of competent jurisdiction declares any provisions of this chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this chapter shall continue to be separately and fully effective.

B. If a court of competent jurisdiction finds the application of any provision or provisions of this chapter to any lot, building or other structure, of tract of land, to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected.

§ 160-6. When effective.

This chapter shall become effective five days after the date of its formal adoption by the Hilltown Township Board of Supervisors, and in accordance with applicable provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

§ 160-7. Repealer.

The existing Zoning Ordinance, adopted January 24, 1983, and entitled "Zoning Ordinance of the Township of Hilltown, Pennsylvania," and all supplements and amendments thereto, upon adoption of this chapter, are hereby amended. This chapter does not repeal provisions of other laws or ordinances except those specifically or implicitly repealed by this chapter. Further provided, however, if the present ordinance is held to be ineffective or invalid by reason of some irregularity in or impediment to its passage, this repealer shall also be ineffective as aforesaid. Then, and only in that event, the Zoning Ordinance of 1983, together with its supplements and amendments, would remain in full force and effect, only and until such time as the irregularity in, or impediment to, this chapter has been overcome.

§ 160-8. Uniformity of application.

The regulations of this chapter shall apply uniformly to each class, use and structure within each district except as otherwise provided herein and permitted under provision of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

§ 160-9. Application of regulations.

Hereinafter, there shall be no change of the use of any land, structure of portion thereof, construction, erection, structural change, alteration of, or addition to, any structure or portion thereof, construction, grading or earth moving, and/or erection of any stationary sign unless and until a valid zoning permit has been approved by, and acquired from, the Hilltown Township Zoning Officer or his or her designated representative. Failure to obtain a zoning permit shall constitute a violation of this chapter as herein provided.

ARTICLE II
Definitions and Word Usage

§ 160-10. Interpretation and usage.

A. Unless a contrary intention clearly appears, the following words and phrases shall have, for the purposes of this chapter, the meanings given in the following clauses.

B. For the purpose of this chapter, words and terms used herein shall be interpreted as follows:

(1) Words used in the present tense include the future.

(2) The singular includes the plural.

(3) The word "person" includes a corporation, partnership, association, receiver, legal representative, trustee, trustee in bankruptcy, labor organization, municipality, as well as an individual and any other entity recognized as a "person" at law.

(4) The word "lot" includes the word "plot," "parcel" or "tract."

(5) The term "shall" is mandatory.

(6) The word "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged, or designed to be used or occupied."

(7) The word "Commission" and the words "Planning Commission" always mean the Hilltown Township Planning Commission.

(8) The word "Board" or the words "Zoning Hearing Board" always mean the Hilltown Township Zoning Hearing Board.

C. Any word, term or phrase used in this chapter, but not specifically defined herein, shall be given its normal and customary meaning as found in the most recent edition of Webster"s New Collegiate Dictionary.

§ 160-11. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESS -- A way or means of approach to provide physical entrance to a lot.

ACCESSORY BUILDING -- (See "building, accessory.")

ACCESSORY USE -- (See "use, accessory.")

ACRE -- A measure of land area containing 43,560 square feet.

ADAPTIVE REUSE -- The development of a new use for an older building or for a building originally designed for a special or specific purpose. [Added by Ordinance 2009-2]

AGRICULTURAL SOILS -- (See "soils, agricultural.")

AIRPORT -- Any area of land or water which is used or intended to be used, for the landing and takeoff of aircraft.

AIRPORT ELEVATION -- The highest point of an airports usable land area measured in feet above mean sea level.

ALLEY -- A right-of-way or service way which provides a secondary means of public access to the side or rear of abutting properties and is not intended for general vehicular circulation.

ALTERATIONS -- As applied to a building or structure, a change or rearrangement in the structural parts, or an enlargement or diminution, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ANTENNA -- A device used to collect or transmit telecommunications or radio signals. Examples are panels and signal poles known as whip antennae.

APPLICANT -- A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT -- Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.[1]

APPROACH SURFACE -- A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation set forth in the "airport zones" section of this chapter. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

AREA, FLOOR -- The sum of the areas of the several floors of a building or structure, including areas used for human occupancy or required for the conduct of the business or use, and basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy, nor any floor space in an accessory building nor in the main building intended or designed for the parking of motor vehicles in order to meet the parking requirements of this chapter, nor any such floor space intended and designed for accessory heating and ventilating equipment.

AREA, LOT-

A. The area contained within the property lines of the individual parcels of land shown on a subdivision plan or required by this chapter. Excluded are easements for overhead facilities, public water and sewer facilities, and any area within an existing or designated future street right-of-way or the area of any easement which would interfere with the proposed use, including but not limited to easements for detention basins or other above ground stormwater management and/or drainage facilities. The minimum lot area does not include any area designated as open space under the requirements of § 160-25, Site capacity calculations, and § 160-26, Table of Performance Standards.

B. For all proposed residential uses having a lot area greater than 30,000 square feet, there shall be an area within the overall lot area of at least 30,000 square feet for primary buildings, accessory buildings, driveways, parking areas, and on-site sewer and water systems. This area shall not contain floodplains, floodplain soils, lakes, ponds, watercourses or wetlands. For all proposed residential uses having a lot area of 30,000 square feet or less, the lot area shall not contain any of these noted natural features. For all proposed nonresidential uses, the proposed lot area shall contain an area of at least the minimum lot size, as specified in § 160-26, which shall not contain any of these noted natural features.

C. Lots with natural features must comply with the requirements of § 160-28, Environmental performance standards, when the lot is developed.

AUTHORITY -- The authority supplying service to the area, including Hilltown Township Water and Sewer Authority, Telford Borough Authority, North Penn Water Authority, or any other authority supplying services within the Township.

A-WEIGHT SOUND LEVEL -- The level so read is designated dB(A) or dBA as measured on the slow weight scale. All sound levels referred to in this chapter shall be measured in dBA.

BASAL AREA -- The cross sectional area of the stem of a tree measured four and one-half (4.5) feet above grade (dbh). **[added 5-23-2011 by ord. no. 2011-6]**

BASAL AREA PER ACRE -- The sum of each tree's basal area in a woodland divided by the number of acres within the woodland. **[added 5-23-2011 by ord. no. 2011-6]**

BASEMENT -- A story partly underground, but having 1/2 or more of its height (measured from floor to ceiling) above the average level of the adjoining ground and with a floor to ceiling height of not less than six feet eight inches. A basement shall be counted as a story for the purpose of height measurements or determining square footage, only if the vertical distance between the ceiling and the average level of the adjoining ground is more than four feet, or if used for business or dwelling purposes.

BILLBOARD SIGN -- Any freestanding sign over 32 square feet but not to exceed 100 square feet which directs attention to a person, business or profession, or home occupation not conducted on the same lot.

BOARD -- The Zoning Hearing Board of the Township of Hilltown, granted jurisdiction under Article VI of the Municipalities Planning Code, Act 247, as amended, of the Commonwealth of Pennsylvania.

BOARDER, ROOMER or LODGER -- A person, except family, occupying any room or group of rooms forming a single, habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by prearrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without prearrangement or for less than a week at a time shall be classified for purposes of this chapter not as a roomer, boarder or lodger but as a guest of a commercial lodging establishment (motel, hotel, tourist home).

BOARD OF SUPERVISORS -- The governing body of the Township of Hilltown granted jurisdiction under Article VI of the Municipalities Planning Code, Act 247, as amended, of the Commonwealth of Pennsylvania.[1]

BUILDABLE AREA -- (See "building envelope.")

BUILDING -- A structure under roof, used for the shelter or enclosure of persons, animals or property. The word "building" shall include any part thereof.

BUILDING, ACCESSORY -- A subordinate building located on the same lot as a principal building and clearly incidental and subordinate to the principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

BUILDING COVERAGE -- The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

BUILDING ENVELOPE -- The two-dimensional area of a lot within which a principal structure is permitted to be built and which is defined by the required yard setbacks.

BUILDING HEIGHT -- The vertical distance of a building measured from the average elevation of the proposed finished grade within 20 feet of the front of the structure to the highest point of the roof, not including church steeples, clock towers and silos.

BUILDING INSPECTOR -- That individual designated by the Board of Supervisors to enforce the provisions of the building code.

BUILDING, PRINCIPAL -- A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

BUILDING RESTRICTION LINE -- (See "building setback line.")

BUILDING SETBACK LINE -- A line extending the full width of a lot which is parallel to the ultimate street right-of-way at a perpendicular distance therefrom equal to the required front yard for the zone in which said lot is located. The location of this line determines the closest point to the street that any building may be located.

BUSINESS -- Includes commercial, industrial, and professional activity, whether "for profit" or otherwise.

CANDELA -- The SI unit of luminous intensity. One candela is one lumen per steradian (lm/sr). **[added 6-28-2004 by ord. no. 2004-6]**

CANDLEPOWER -- Luminous intensity expressed in candelas. **[added 6-28-2004 by ord. no. 2004-6]**

CELLAR -- A space partly underground and having more than 1/2 of its height (measured from floor to ceiling) below the average finished grade of the adjoining exterior ground surface, or with a floor-to-ceiling height of less than six feet eight inches. A cellar shall not be included in determining the permissible number of stories or square footage, nor shall it be used for dwelling, office or business purposes.

CELLULAR TELECOMMUNICATIONS FACILITY -- The set of equipment and network components, including antennas, transmitters, receivers, base stations, cabling and accessory equipment, used to provide wireless data and telecommunications services. The term shall not include the wireless support structure. **[Revised by Ordinance 2013-002, May 28, 2013].**

A. **Collocation:** the placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the municipality. The term includes the placement, replacement, or modification of accessory equipment within a previously improved equipment compound.

B. **Replacement:** the replacement of existing wireless telecommunications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair, or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight, and height as the wireless telecommunication facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

C. **Substantial Change:** (1) any increase in height of the wireless support structure by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater or (2) any further increase in height of a wireless support structure which has already been extended by more than 10% of its originally approved height or by the height of one additional antenna array.

D. **Wireless Support Structure**: a freestanding structure, such as a guyed or self-supporting monopole or tower, electrical transmission tower, water tower or other structure not classified as a wireless support structure that could support the placement or installation of wireless telecommunications facilities if approved by the Township,

CERTIFICATE OF OCCUPANCY AND USE -- A document issued by the Building Inspector and/or Zoning Officer allowing the occupancy and/or use of a building and certifying that the structure and/or use has been constructed and/or will be used in compliance with all the applicable municipal codes and ordinances.

CHANGE OF USE AND OCCUPANCY -- Any use which substantially differs from the previous use of a building or land, such as a change of use from an E1 type use to an E2 type use as described within the Table of Use Regulations herein.

CLUSTER -- A development design technique that concentrates buildings in specific areas on a site to allow the remaining land area to be used for recreation, common open space, and preservation of environmentally sensitive features.

CLUSTER SUBDIVISION -- A form of development for single-family residential subdivisions that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision and the resultant land area is devoted to open space.

COMMON OPEN SPACE -- (See "open space, common.")

COMMUNICATIONS TOWER -- A structure intended to support equipment used to transmit and/or receive telecommunications or radio signals. Examples of such structures include monopoles and lattice construction steel structures.

COMMUNITY FACILITY -- (See "use, municipal.")

CONDITIONAL USE -- A use permitted in a particular zoning district pursuant to the provisions in Article VI of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

CONDOMINIUM

A. A condominium is an ownership arrangement and not a land use, therefore it is allowed in any district and under the same restrictions of the land use that comprises it.

B. A condominium is a building or group of building units which have all of the following characteristics:

(1) The unit (the interior and associated exterior areas designated for private use in the development plan) is owned by the occupant.

(2) The unit may be any permitted building type.

(3) All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq., and in accordance with the provisions for open space, roads or other development features in this chapter and Chapter 140, Subdivision and Land Development.

CONSTRUCTION, NEW -- Construction pursuant to a valid building permit issued subsequent to the enactment of Ordinance No. 87-2, adopted May 5, 1987.

CONSTRUCTION PERMIT -- (See "permit, building.")

CONSUMER -- Includes a person, partnership, association or corporation, and shall mean anyone to whom water is supplied by an authority as defined herein, whether as owner or tenant.

CONTIGUOUS -- Next to, abutting, or touching and having a boundary or portion thereof which is coterminous, or a lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

CONVERSION -- The change in the use of land or a structure.

CORNER LOT -- (See "lot, corner.")

COURTYARD -- Any open space, unobstructed from the ground to sky, other than a yard as defined herein, that is on the same lot with, and bounded on two or more sides by, walls of a building.

CRITICAL AREA -- (See "environmentally sensitive area.")

CUTOFF ANGLE (OF A LUMINAIRE) -- The angle, measured up from nadir, between the vertical axis and first line of sight at which the bare source is not visible. **[added 6-28-2004 by ord. no. 2004-6]**

DBH -- Diameter breast height. The diameter of a tree measured at four and one-half (4.5) feet above grade. **[added 5-23-2011 by ord. no. 2011-6]**

DECIBEL -- A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

DECISION -- The final adjudication of any board or other body granted jurisdiction under the Municipalities Planning Code, Act 247, as amended, to do so, either by reason of the grant of exclusive jurisdiction or by reasons of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.

DENSITY -- Density is a measure of the number of dwelling units per unit of area. It shall be expressed in dwelling units per acre (DU/Ac.).

DENSITY, GROSS -- A number determined by dividing the total number of dwelling units by the base site area (the total amount of land area in a lot, parcel or tract, minus all of the land area within existing or the ultimate rights-of-way of existing streets).

DENSITY, NET -- This is the maximum density permitted on the buildable portion of the site, as determined by § 160-25.

DETERMINATION

A. The final action taken by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, to specifically include the Zoning Officer and excluding the following:

   (1) The governing body.

   (2) The Zoning Hearing Board.

B. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPER -- Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT PLAN -- The provisions for development, including a planned residential development, a plat for subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, pedestrian ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this chapter shall mean the written and graphic materials referred to in this definition.

DEVELOPMENT REGULATION -- Zoning, subdivision, site plan, official map, floodplain regulation or other governmental regulation over the use and development of land.

DIRECT LIGHT -- Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire. **[added 6-28-2004 by ord. no. 2004-6]**

DISTRICT -- A part, zone or geographical area within the municipality within which certain and specific land use, zoning and/or development regulations apply uniformly.

DORMITORY -- A building occupied by and maintained exclusively for faculty, students or other such persons affiliated with a school, church, recreational or educational facility or other recognized institution when regulated by such institution.

DRAINAGEWAY, NATURAL -- Any natural waterway or watercourse, formed to carry over land stormwater and are typically referred to as swales and/or intermittent streams.

DRIVEWAY -- A private vehicular way providing access to parking spaces, a garage, dwelling or other structure.

DWELLING -- A building containing one or more dwelling units on a separate parcel of land or where properly zoned, a building containing one or more dwelling units on a single parcel of land, used exclusively for human habitation.

DWELLING, MULTIFAMILY -- A dwelling containing more than two dwelling units.

DWELLING, PATIO HOUSE -- A single-family dwelling on a separate lot which is fully enclosed to create a court.

DWELLING, SINGLE-FAMILY -- A building containing one dwelling unit.

DWELLING, SINGLE-FAMILY ATTACHED -- A single-family dwelling attached to two or more single-family dwellings by common vertical walls.

DWELLING, SINGLE-FAMILY DETACHED -- A dwelling which is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

DWELLING, SINGLE-FAMILY SEMIDETACHED -- A single-family dwelling attached to one other single-family dwelling by a common vertical wall, and each dwelling is located on a separately deeded lot.

DWELLING, TWO-FAMILY -- A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from the ground to the roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

DWELLING UNIT -- One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

EASEMENT -- A grant of one or more of the property rights by the property owner to, and/or for, the use by the public, a corporation, or other person in equity, which is subordinate to, but not inconsistent with, the owner's general property rights.

EASEMENT, CONSERVATION -- An easement precluding future or additional development of a lot, parcel or tract of land, generally for a finite period of time.

EASEMENT, DRAINAGE -- An easement secured for the preservation of natural drainageways, stream corridors and perennial and/or intermittent streams, and for related man-made drainage facilities related thereto.

EGRESS -- An exit.

ELECTRIC SUBSTATION -- (See "utilities.")

EMPLOYEE -- A term referred to in the parking standards as a measure of the number of parking spaces required. It shall refer to the maximum number of employees on duty at any time, whether the employees are full- or part-time. If shifts are involved in which two shifts overlap, it refers to the total of both shifts.

ENCROACHMENT -- Any placement or obstruction in a delineated floodway, right-of-way, easement, required yard, setback or adjacent land.

ENVIRONMENTAL IMPACT ASSESSMENT -- A detailed report of the geophysical effect that a development proposal may have on the natural environment, including methods and techniques for mitigating any potentially adverse consequences of said development.

ENVIRONMENTALLY SENSITIVE AREA -- An area with one or more of the following characteristics:

A. Slopes in excess of 8%;
B. Floodplains and/or alluvial soils;
C. Hydric soils;
D. Soils classified as highly erodible or corrosive;
E. Land incapable of meeting percolation requirements;
F. Land formerly used for landfill operations or hazardous industrial uses;
G. Geologic fault areas;
H. Stream corridors;
I. Mature stands of native vegetation;
J. Aquifer recharge and discharge areas.

EQUIVALENT DWELLING UNIT (EDU[2]) -- (See Hilltown Township Water and Sewer Authority regulations.)

ESTABLISHMENT -- An economic unit, generally at a single physical location, where business is conducted or services or industrial operations are performed.

EVEN-AGE MANAGEMENT -- Management of a forest stand where the range in tree age does not exceed 20% of the rotation length resulting in a forest consisting of trees of the same or nearly the same age. **[added 5-23-2011 by ord. no. 2011-6]**

EXCAVATION -- The removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

EXISTING USE -- The use of a lot or structure at the time of the enactment of this chapter.

FAMILY -- One person or two or more persons, related by blood, foster relationship, marriage or adoption, and in addition, any domestic servants or gratuitous guests thereof; or one or more persons who need not be so related, and, in addition, domestic servants or gratuitous guests thereof, who are living together in a single, nonprofit dwelling unit and maintaining common household with single cooking facilities; and including such other uses related to the occupancy thereof by persons who suffer from a "handicap" as that term is defined in Section 3602{h} of the Fair Housing Act (42 U.S,C. Section 3602(h)) and who are protected as such from discrimination under the provisions of Section 3604 thereof (42 U.S.C.

Section 3604), and uses accessory thereto, and no other. The word "family" as used herein shall not include roomers, boarders or lodgers (except those protected as suffering from a "handicap" under the provisions of Sections 3602(h) and 3604 of the Fair Housing Act) or any use otherwise defined, described or regulated in the Chapter. **[Revised May 28, 2013 by ord. no. 2013-02]**

FENCE -- An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land or land use.

FILL -- Sand, gravel, earth, earthen or other materials of any composition whatsoever placed or deposited by humans on or under the ground surface.

FIXTURE -- The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and/or refractor or lens. **[added 6-28-2004 by ord. no. 2004-6]**

FLAG LOT -- A lot with reduced frontage on a public street and where access to the public street is by means of a private drive and/or easement.

FLOOD -- The temporary inundation by surface water of land areas usually devoid of surface waters.

FLOOD FRINGE -- That portion of the floodplain outside of the floodway. The area between the one-hundred-year and five-hundred-year flood elevations.

FLOOD HAZARD AREA -- The floodplain consisting of the floodway and flood fringe area.

FLOOD OR SPOT LIGHT -- Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction. **[added 6-28-2004 by ord. no. 2004-6]**

FLOODPLAIN -- The channel and the relatively flat area adjoining the channel of a natural stream, river or watercourse which has been, or may be, subject to partial or complete inundation during a one-hundred-year frequency storm, or an area subject to the accumulation or runoff of surface waters from any source.

FLOODPLAIN SOILS -- (See "soils, alluvial.")

FLOODWAY -- The channel of a natural stream or river and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of the five-hundred-year inundation of any natural stream, river or other natural watercourse and/or drainageway.

FLOOR AREA -- (See "area, floor.")

FLOOR AREA RATIO -- The numerical ratio of the floor area to the lot area, as determined by dividing the floor area by the lot area. (See "area, floor.")

FOOTCANDLE -- A unit of illuminance. One footcandle is one lumen per square foot (lm/ft2). **[added 6-28-2004 by ord. no. 2004-6]**

FOREST -- (See "woodlands.")

FORESTRY -- The management of forests and timberlands when practiced in accordance with accepted silviculture principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, and which does not involve any land development. **[added 5/23/2011 by ord. 2011-06]**

FRONTAGE -- That dimension of a lot abutting on a street that is between the side lot lines measured along the principal street's ultimate right-of-way line.

FRONT LOT LINE -- (See "lot line, front.")

FRONT YARD -- (See "yard, front.")

FULLY SHIELDED LIGHTS -- Outdoor light fixtures shielded or constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element or indirectly by reflection or refraction, is projected below the horizontal plane through the fixture's lowest light-emitting part as certified by a photometric test report. **[added 6-28-2004 by ord. no. 2004-06]**

GARAGE -- A deck, building or structure, or part thereof, used or intended to be used for the parking and/or storage of vehicles.

GARAGE, MUNICIPAL -- A structure owned and operated by a municipality and used primarily for the storage of municipal public works vehicles. (See Use, Municipal)

GARAGE, PRIVATE RESIDENTIAL -- A building, structure or part thereof which is accessory to a residential dwelling and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and in which no commercial activities, use, or service, is rendered, provided or conducted, for the benefit of the general public. Private garage sales shall be permitted in private residential garages provided that all applicable regulations of this chapter are met.

GARAGE, REPAIR -- Any building, structure or part thereof, in which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

GLARE -- The sensation produced by luminances within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance or visibility. **[added 6-28-2004 by ord. no. 2004-6]**

A. BLINDING GLARE -- Glare that is so intense that, for an appreciable length of time after it has been removed, no object can be seen.

B. DIRECT GLARE -- Glare resulting from high luminances or insufficiently shielded light sources in the field of view.

C. DISABILITY GLARE -- The effect of stay light in the eye whereby visibility and visual performances are reduced.

D. DISCOMFORT GLARE -- Glare that produces discomfort. It does not necessarily interfere with visual performance or visibility.

E. REFLECTED GLARE -- Glare resulting from reflections of high luminances in polished or glossy surfaces in the field of view.

GRADE -- The degree of rise or descent of a sloping surface.

GRADE, FINISHED -- The final elevation of the ground surface after development.

GRADE, NATURAL -- The elevation of the ground surface in its natural state, before man-made alterations.

GRADING -- The changing of the natural topography through cutting or filling by more than one foot in elevation over an area exceeding 1,000 square feet, or in which the natural drainage pattern of a lot is altered.

HABITABLE ROOM -- Any room in a dwelling unit other than a kitchen, bathroom, closet, pantry, hallway, cellar, storage space, garage and basement recreation room.

HAZARD TO AIR NAVIGATION -- An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEARING -- An administrative proceeding conducted by a Board pursuant to Section 909.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

HEIGHT -- (See "building height.")

HEIGHT, AIRPORT -- For the purposes of determining height the datum shall be mean sea level unless otherwise specified.

HEIGHT OF LUMINAIRE -- Height of a luminaire shall be the vertical distance from the ground directly below the center line of the luminaire to the lowest direct-light-emitting part of the luminaire. **[added 6-28-2004 by ord. no. 2004-6]**

HISTORIC AREA -- A district, zone, or area designated by the Board of Supervisors within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including color, proportion, form and architectural detail, or because of their being part of, or related to, a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical and/or architectural motives or purposes.

HISTORIC PRESERVATION -- The protection, rehabilitation, and/or restoration of districts, sites, buildings, structures and artifacts significant in American history, architecture, archaeology, or culture.

HOME OCCUPATION -- Any use carried out for remuneration conducted entirely within a dwelling unit by members of the family residing therein, which is clearly incidental and secondary to the residential use of the dwelling, does not change the residential appearance or character of the dwelling, and does not emit any sound, noise, or noxious odors discernible outside of the dwelling unit, and does not increase traffic or parking requirements.

HORIZONTAL SURFACE -- A horizontal plane 150 feet above the established airport elevation, the perimeter of which coincides with the perimeter of the horizontal zone.

HORIZONTAL ZONE -- The area of 150 feet above the airport elevation established by swinging arcs 5,000 feet radii for all runways designated utility or vision and 10,000 feet radii for all other runways from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. This zone specifically does not include the approach and transitional zones.

HYDRIC SOILS -- (See "soils, hydric.")

ILLUMINANCE -- Quantity of light measured in footcandles or lux. **[added 6-28-2004 by ord. no. 2004-6]**

ILLUMINATION -- An alternative term for illuminance. Commonly used in a qualitative or general sense to designate the act of illuminating or the state of being illuminated. **[added 6-28-2004 by ord. no. 2004-6]**

IMPACT ANALYSIS -- (See "environmental impact assessment.") **[revised 5-24-2004 by ord. no. 2004-4]**

IMPERVIOUS SURFACE -- Impervious surfaces are those surfaces which do not readily absorb rain. All buildings, structures, parking areas, driveways, roads, sidewalks and any areas in concrete, asphalt, and

packed stone shall be considered impervious surfaces within this definition. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classified as impervious within the meaning of this definition.

IMPERVIOUS SURFACE RATIO -- The impervious surface ratio is a measure of the intensity of the use of a piece of land. It is measured pursuant to Section 160.25, Site Capacity Calculations. Within a development site, land area and proposed impervious surface required for construction of new public streets or private streets constructed pursuant to an approved Age Qualified Residential Community plan shall not be included to determine the Impervious Surface Ratio of a site. **[revised 6-25-2007 by ord. no. 2007-06]**

INDIRECT LIGHT -- Direct light that has been reflected or has scattered off of other surfaces. **[added 6-28-2004 by ord. no. 2004-6]**

JUNK -- Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

JUNKYARD -- An area of land, with or without buildings, used for the storage outside of a completely enclosed building, or used for discarded materials, including but not limited to waste paper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, salvage, sale or other use or disposition of the same. The deposit or storage of two or more motor vehicles in an inoperative condition and/or not having valid inspection stickers issued by the Pennsylvania Department of Transportation, except farm vehicles, shall be deemed to constitute a junkyard. Auto salvage yards, and junk on individual lots, constitute junkyards.

KENNEL -- An establishment in which more than three dogs, cats or other domestic pets that are more than six months old are housed, groomed, bred, boarded, trained or sold.

LAKES AND PONDS -- Natural or artificial bodies of water which retain water year-round. Artificial ponds may be created by dams, or result from excavation. The shoreline of such water bodies shall be measured from the spillway crest elevation rather than permanent pool if there is any difference. Lakes are bodies of water two or more acres in surface area. Ponds are any water bodies less than two acres in surface area.

LAMP -- The component of luminaire that produces light. A generic term for man-made source of light, i.e., a light bulb. **[added 6-28-2004 by ord. no. 2004-6]**

LAND -- Ground, soil or earth including structures thereon, above or below the ground surface.

LAND DEVELOPMENT -- Any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
   (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
   (2) The division or allocation of land or space, whether initially or cumulatively, between or among two 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. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

LANDOWNER -- The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is

authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LAND USE -- A description of how land is occupied/utilized or intended to be occupied/utilized.

LIGHT -- Radiant energy that is capable of exciting the retina and producing a visual sensation. The visible portion of the electromagnetic spectrum extends from about 380 to 770 nanometers. **[added 6-28-2004 by ord. no. 2004-6]**

LIGHT LOSS FACTOR (LLF) -- The ratio of illuminance for a given area to the value that would occur if lamps are operated at their initial rated lumen output and if no system variation or depreciation had occurred. **[added 6-28-2004 by ord. no. 2004-6]**

LIGHT TRESPASS -- The shining of light produced by luminaire beyond the boundaries of the property on which it is located. **[added 6-28-2004 by ord. no. 2004-6]**

LIVE-WORK UNITS -- A dwelling unit in combination with a place of business within the same building, whereby the resident occupant lives above the shop, studio or other place of employment that is located below, on the ground floor of the building. **[added 1-26-2009 by ord. no. 2009-02]**

LOT -- A designated parcel, tract or area of land, established by plat, or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT AREA -- (See "area, lot.")

LOT, CORNER -- A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135°.

LOT COVERAGE -- That portion of a lot covered by impervious surfaces.

LOT DEPTH -- The mean distance measured from the front lot line to the rear lot line along the side lot lines.

LOT, DOUBLE FRONTAGE -- A lot (except for a corner lot) which fronts on two streets.

LOT, FLAG -- (See "flag lot.")

LOT FRONTAGE -- (See "frontage.")

LOT, INTERIOR -- A lot other than a corner lot.

LOT LINE -- A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public or private space.

LOT LINE, FRONT -- The lot line separating a lot from a street right-of-way.

LOT LINE, REAR -- Any lot line which is parallel to or within 45° of being parallel to a street line, except for a lot line that is itself a street line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line furthest from any street shall be considered a rear lot line.

LOT LINE, SIDE -- Any lot line other than a front or rear lot line.

LOT LINE, SIDE PARTY WALL -- Any side lot line which also divides attached dwellings by common vertical walls.

LOT, MINIMUM AREA OF -- The smallest lot area established by this chapter on which a use or structure may be located in a particular district.

LOT, REVERSE FRONTAGE -- A through lot fronting on two classifications of streets which shall gain access exclusively from the lower order street. When a lot fronts on both a collector and local status street the lot shall gain access from the local street.

LOT, THROUGH -- A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

LOT WIDTH -- The distance measured between the side lot lines at the required building setback line. In a case where there is only one side lot line, lot width shall be measured between such lot line and the opposite rear lot line or ultimate right-of-way line.

LUMEN -- A standard unit of luminous flux. Photometrically, it is the luminous flux emitted within a unit solid angle (one steradian) by a point source having a uniform luminous intensity of one candela. One footcandle is one lumen per square foot. For the purposes of this section, the lumen-output values shall be the initial lumen output ratings of a lamp, as specified by the manufacturer of the lamp (light bulb). **[added 6-28-2004 by ord. no. 2004-6]**

LUMINAIRE -- A complete lighting unit consisting of one or more lamps together with the fixture; other parts designed to control the light distribution; and other mechanical and electrical components. **[added 6-28-2004 by ord. no. 2004-6]**

LUMINAIRE, CUTOFF -- A luminaire whose candlepower per 1,000 lumens does not numerically exceed 25 (2.5%) at an angle of 90 above nadir (horizontal), and 100 (10%) at a vertical angle of 80 above nadir. **[added 6-28-2004 by ord. No. 2004-6]**

LUMINANCE -- The physical and measurable quantity corresponding to the brightness of a surface in a specific area from which light is emitted or reflected (e.g., a lamp, luminaire, reflecting material). Can be measured in candelas per square meter (cd/m2) or luxes. **[added 6-28-2004 by ord. no. 2004-6]**

LUMINOUS FLUX (RADIANT FLUX or POWER) -- The time rate of flow of radiant energy evaluated in terms of a standardized visual response. **[added 6-28-2004 by ord. no. 2004-6]**

LUMINOUS INTENSITY -- The luminous flux per unit solid angle in the direction in question. May be expressed in candelas or lumens per steradian (lm/sr). **[added 6-28-2004 by ord. no. 2004-6]**

LUX -- The standard unit of illuminance. One lux is one lumen per square meter (lm/m2). **[added 6-28-2004 by ord. no. 2004-6]**

MEDIATION -- A voluntary negotiating process in which parties in a land use dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MINERAL ACTIVITIES, RESOURCE EXTRACTION ACTIVITIES -- Resource extraction activities, including, but not limited to, the extraction of minerals from the earth, from waste, stockpiles or from pits or from banks by removing the strata or material that overlies or is above or between them or otherwise exposing and retrieving them from the surface. The term includes, but is not limited to, strip mining, auger mining, dredging, quarrying and leaching and the surface activity connected with surface mining, including, but not limited to, exploration, site preparation, entry, tunnel, drift, slope, shaft and borehole drilling and construction and activities related thereto. The term does not include mining operations carried out beneath the surface by means of shafts, tunnels or other underground mine operations, nor does the term include the removal of overburden, the construction of berms, fencing, and roadways. **[added 8-31-2005 by ord. no. 2005-02]**

MOBILE HOME -- A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed on a permanent axle so that it may be used without a permanent foundation.

MOBILE HOME LOT -- A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PAD -- That part of an individual mobile home lot which has been reserved for the placement of a mobile home, appurtenant structures or additions and constructed according to specifications in this chapter.

MOBILE HOME PARK -- A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MUNICIPAL ENGINEER -- A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the municipality and/or planning agency.

MUNICIPAL USE -- (See "use, municipal.")

NEW CONSTRUCTION -- (See "construction, new.")

NIGHTTIME -- The hours between the end of evening civil twilight and the beginning of morning civil twilight. Civil twilight ends in the evening when the center of sun's disk six degrees below the horizon. **[added 6-28-2004 by ord. no. 2004-06]**

NOISE DISTURBANCE -- Any sound which:

A. Endangers or injures the safety or health of humans or animals; or

B. Annoys or disturbs a reasonable person of normal sensitivities; or

C. Endangers or injures personal or real property; or

D. Violates the noise standards set forth in § 160-36 of this chapter.

NONCOMMERCIAL SWIMMING POOLS -- An accessory recreational facility designed to contain a water depth of 24 inches or more for use by the residents of the principal use and/or their guests.

NONCONFORMING LOT -- A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

NONCONFORMING STRUCTURE -- A structure or part thereof manifestly not designed to comply with the applicable bulk standards or extent thereof in a zoning ordinance or amendment thereto, where such structure lawfully existed prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment thereto. Such nonconforming structures include but are not limited to signs.

NONCONFORMING USE -- A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment thereto, where such use was lawfully in existence prior to the enactment or amendment of such ordinance.

OBSTRUCTION, AVIATION -- Any structure, growth or object, whether or not fixed to the ground, which exceeds the maximum height prescribed by the regulations of the Federal Aviation Administration or other regulatory authority.

OCCUPANCY -- The use of a building, lot or portion thereof for a specific purpose.

OCCUPANCY PERMIT -- A required permit allowing occupancy of a building, structure, lot or portion thereof after it has been determined that the building and/or use meets all applicable ordinance requirements.

OPEN SPACE -- Any parcel or area of land or water essentially unimproved and set aside, dedicated or reserved for resource protection, public or private use and enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space shall not include land occupied by nonrecreational structures, roads, street rights-of-way, parking lots, land reserved for future parking, or any portion of required minimum lot areas as required by this chapter.

OPEN SPACE, COMMON -- A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. [Amended 5-24-2004 by Ord. No. 2004-4]

OPEN SPACE RATIO -- The total amount of proposed or required open space within a site divided by the base site area.

OUTDOOR LIGHTING -- The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means. **[added 6-28-2004 by ord. no. 2004-6]**

OUTDOOR LIGHTING, TEMPORARY -- Outdoor lighting that is used for a period of less than 30 days, with at least 90 days passing before being used again annually for a period of 30 days or less. **[added 6-28-2004 by ord. no. 2004-6]**

OUTDOOR STORAGE -- The keeping in an unroofed area of any goods, junk, material, merchandise, or inoperable vehicles.

PARCEL -- (See "lot.")

PARKING AREA -- Any public or private land area designated and/or used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

PEDESTRIAN -- An individual who travels by foot.

PERFORMANCE SUBDIVISION -- A type of planned subdivision that encourages sound land planning practices for the preservation of environmental features and open space by encouraging a variety of housing choices in a clustered design.

PERMIT -- Written governmental permission issued by an authorized official empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

PERMIT, BUILDING -- A permit issued by the designated Township official prior to the construction, reconstruction, alteration, repair or addition to a building, structure or part thereof.

PERMITTED USE -- A use allowed by right in a zoning district subject to the restrictions applicable to that use and zoning district.

PERMIT, ZONING -- A permit issued by the Zoning Officer stating that the purpose for which a building, structure, land or portion thereof will be used shall be in conformance with all applicable requirements of this chapter for the zoning district in which the use and property is situated.

PERSON -- Any corporation, partnership, association, receiver, legal representative, trustee, trustee in bankruptcy, labor organization, municipality, or individual, as well as any other entity recognized as a "person" at law.

PLANNING AGENCY -- The Planning Commission of Hilltown Township as designated by the Board of Supervisors.

PLOT PLAN -- A drawing submitted for a zoning permit indicating the uses, locations, dimensions and orientations of all physical features on a lot including but not necessarily limited to property lines, streets, buildings, structures, driveways, parking areas, walkways, patios, or other impervious surfaces, large trees, and other significant natural features located on a lot, and the uses of all adjacent lots.

PRIMARY SURFACE -- A surface longitudinally centered on a runway. When the runway has a specifically hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specifically prepared hard surface, or panned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is 250 feet. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

PRINCIPAL USE -- The primary or predominate use of a lot.

PROHIBITED USE -- A use that is not permitted in a zoning district.

PROPERTY

A. A building or enclosure occupied as a single dwelling unit or business;

B. A combination of buildings in a common enclosure occupied as a single dwelling or business;

C. One side of a double house with a solid vertical partition wall occupied as a single dwelling unit;

D. Each dwelling unit, business, or profession occupying the same building or enclosure, regardless of whether or not any additional plumbing facilities are existing with respect to such dwelling units, businesses, or professions in addition to those installed or existing in the first year thereof; provided, however, that during the first year following the date upon which newly constructed or reconstructed commonly owned multiple dwelling, business or professional unit shall be considered as property for purposes of this chapter only upon its having been rented for occupancy. Upon the expiration of such first year, such additional dwelling, business or professional unit shall be considered a property thereunder, regardless of whether or not it has been so rented.

PUBLIC HEARING -- A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

PUBLIC MEETING -- A forum held pursuant to notice under the Act of October 15, 1998 (P.L. 729, No. 93), known as the "Sunshine Act" (65 Pa.C.S.A. § 701 et seq.).[1]

PUBLIC NOTICE -- Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

QUARRY -- The use of open spaces, non-coal surface mining, ready mix concrete plant, manufacture of stone related products, retail and wholesale sales of stone and stone related products, the manufacture of concrete items, bituminous asphalt plants, the storage, maintenance and repair of construction and quarry vehicles, equipment, raw materials and furnished products, and operations necessary therefore, including but not limited to blasting, crushing and sorting and accessory uses, including, but not limited to, quarry, construction, concrete and bituminous asphalt business and sales offices related to the aforesaid uses or any one or more of the aforesaid uses. **[added 8-31-2005 by ord. no. 2005-02]**

QUARRY OPERATOR or OPERATOR -- The owner or other user who is conducting the use and operations of the quarry site in accordance with this ordinance. **[added 8-31-2005 by ord. no. 2005-02]**

QUORUM -- A majority of the full membership of the Planning Commission, Zoning Hearing Board or Board of Supervisors as is required by the Municipalities Planning Code, Act 247, as amended, to take official action or render a decision regarding a land use application.

RECREATIONAL VEHICLE OR UNIT -- A vehicle or piece of equipment, whether self-powered or designed to be pulled, carried, or flown, intended primarily for leisure time or recreational use. Recreational vehicles or units include but are not limited to the following: travel trailers, truck campers, automobiles, buses or trucks adapted for recreational use, snowmobiles, mini-bikes, all terrain vehicles, go-carts, boats and trailers, ultra-lights, hang gliders and the like.

RELIGIOUS WORSHIP, PLACE OF -- Any structure or structures used for worship or religious instruction, including social and administrative rooms accessory thereto, but not including any commercial activity.

REPORT -- Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom.

RESOURCE EXTRACTION ACTIVITIES – See "Mineral Activities". **[added 8-31-2005 by ord. no. 2005-02]**

RIGHT-OF-WAY -- Land usually linear in configuration, set aside for use as streets, roads, pedestrian ways or other means of travel and/or for the location of public utilities.

RIGHT-OF-WAY, EXISTING -- The legal right-of-way as established by the commonwealth or other appropriate governing authority and currently in existence.

RIGHT-OF-WAY, STREET LINE -- The dividing line between the street and a lot. The street right-of-way line shall be coterminous with the ultimate right-of-way line and associated lot line therewith.

RIGHT-OF-WAY, ULTIMATE (FUTURE) -- The right-of-way deemed necessary by the Hilltown Township Comprehensive Plan and Chapter 140, Subdivision and Land Development, and established herein as appropriate to provide adequate width for future street and/or utility improvements.

ROADSIDE STAND -- A Roadside Stand is a building or structure for the display and sale of agricultural products. A Roadside Stand shall not contain a basement or cellar; and shall not be provided with either water or sanitary sewer service. **[added 2-22-2010 by ord. no. 2010-01]**

RUNWAY -- A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SETBACK -- The distance between a lot line and the closest portion of a building or any projection thereof, excluding uncovered steps.

SETBACK LINE -- That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be located. (See "building envelope.")

SEWAGE DISPOSAL, PRIVATE

A. **ON-LOT** -- A sewage disposal system designed and intended to serve a single lot under single ownership intended to service effluent disposal from one building or a group of buildings, in compliance with the Pennsylvania Department of Environmental Protection regulations or the regulations of the Township, whichever is more stringent.

B. **COMMUNITY SYSTEMS** -- A sewage disposal system designed and intended to serve more than a single lot or more than one building or dwelling unit under separate ownership in compliance with the Pennsylvania Department of Environmental Protection regulations or the regulations of the Township, whichever is more stringent.

SEWER, PUBLIC SANITARY -- A public or private utility system designed to collect, centrally treat and dispose of sewage from customers in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the Township, whichever is more stringent.

SEWER, STORM -- A system of conduits that collects and routes stormwater to a surface water discharge point.

SHOPPING CENTER -- A group of commercial establishments, planned, developed, owned and managed as a unit related in location, size, and type of shops to the trade area that the unit serves; it provides on-site parking in definite relationship to the types and sizes of stores.

SIGHT TRIANGLE, CLEAR -- An area of unobstructed vision at street intersections defined by the center line of the streets and by a line of sight between points on their center lines at a predetermined distance from the intersection of the center lines, measured at three feet in height.

SIGN -- Any device used to identify or call attention to a business, residence, location, event, organization or notice.

A. **BILLBOARD** -- A type of freestanding sign, with an area in excess of 100 square feet but not in excess of 350 square feet. For purposes of this chapter, freestanding signs mounted on rooftops are not considered billboards.

(1) **Electronic Graphic Displays (Digital Billboards)** - An off-premise sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade. Electronic graphic display signs shall include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects. **[added 7-27-2009 by ord. no. 2009-006]**

(2) **Video Billboard** - A billboard that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which mimic the illusion of motion, including but not limited to moving objects, moving patterns or bands of light, or expanding and contracting shapes and/or fade, dissolve, travel or scrolling features. Video Billboards include projected images or messages with these characteristics onto buildings or other objects. **[added 7-27-2009 by ord. no. 2009-006]**

B. **DOUBLE-FACED SIGN** -- Any sign which contains two separate and distinct message display areas facing different directions.

C. **FREESTANDING SIGN** -- A sign supported by means of poles or stands either on the ground or on the roof of a building. The height of a freestanding sign shall be measured from the finished grade. For purposes of this chapter, all references to freestanding signs shall not include billboards unless expressly stated otherwise.

D. **ON-PREMISES SIGN** -- A sign which directs attention to a person, business, profession, home occupation, or activity conducted on the same lot.

E. **OFF-PREMISES SIGN** -- A sign which directs attention to a person, business, profession, product, home occupation, or activity not conducted on the same lot.

F. **PARALLEL SIGN** -- A sign mounted parallel to a wall or other vertical building surface.

G. **PROJECTING SIGN** -- A sign mounted to a wall or other vertical building surface other than a parallel sign.

H. **TEMPORARY SIGN** -- A nonpermanent sign to be erected, affixed, or maintained on a premises for a short, usually fixed, period of time.

I. **WINDOW SIGN** -- A temporary or permanent sign which is oriented to the public right-of-way, is legible to persons in vehicles, and is located on the outside or inside of a window to direct attention to an activity conducted on the same lot.

SITE -- A parcel of land intended to have one or more buildings or intended to be subdivided into one or more lots.

SITE AREA -- All land area within a site as defined by deed and determined by field survey.

SITE AREA, BASE -- The area of a lot, parcel or tract of land exclusive of the area located within all existing and future street rights-of-way.

SITE AREA, NET BUILDABLE -- That area of a site remaining after the minimum required open space area, as defined by this chapter, is deducted from the base site area.

SLOPE -- The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees. (See "grade.")

SOIL -- All unconsolidated mineral and organic material of whatever origin that overlies bedrock and can be readily excavated.

SOILS, AGRICULTURAL -- Soils classified in the Soil Survey of Bucks and Philadelphia Counties, Pennsylvania, U.S. Department of Agriculture, Soil Conservation Service, July 1975. The term, unless otherwise specified, refers to land capability units I, II and III; those soils which may be considered prime agricultural soils.

SOILS, ALLUVIAL/FLOODPLAIN -- Areas subject to periodic flooding and listed in the Soil Survey of Bucks and Philadelphia Counties, Pennsylvania, U.S. Department of Agriculture, Soil Conservation Service, July 1975, as being "on, or in, the floodplain" or subject to flooding. The following soil types are alluvial and/or floodplain soils:

A. Alluvial land.

B. Alton gravelly loam, flooded.

C. Bowmansville silt loam.

D. Hatboro silt loam.

E. Marsh.

F. Pope loam.

G. Rowland silt loam.

SOILS, HYDRIC -- Soils that are categorized as poorly drained that can support hydrophytic plants, but may not do so in many cases. For the purpose of this chapter hydric soils are general wetland indicator soils. (See "wetlands.")

SOUND -- An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compressions and refraction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

SOUND LEVEL METER -- An instrument which includes a microphone, amplifier, RMS detector, integrator or time averages, output meter, and weighting networks used to measure sound pressure levels.

SPECIAL EXCEPTION -- A use permitted in a particular zoning district requiring prior approval and decision by the Zoning Hearing Board that the use complies with the standards as set forth in this chapter.

STEEP SLOPES -- Areas where the average slope exceeds 8% which, because of the slope, may be subject to high rates of stormwater runoff and therefore erosion.

STERADIAN, SR (UNIT OF SOLID ANGLE) -- The solid angle subtended at the center of a sphere by an area on the surface of the sphere equal to the square of the sphere radius. **[added 6-28-2004 by ord. no. 2004-6]**

STORY -- That part of a building located between a floor and the floor or roof next above. The first story of a building is the lowest story having one half or more of its wall area above grade level. A half story is a story immediately under a gable, hip or gambrel roof.

STORY, GROUND -- That story with its floor level immediately above the average finished grade level of the adjoining ground at any particular point or side of a dwelling.

STREAM -- Rivers, creeks, springs, and other perennial or intermittent watercourses containing water at least on a seasonal basis during an average water year. The term "stream" shall include all “Ephemeral”, "Intermittent”, and "Perennial” Streams.

(a) Stream, Ephemeral. A reach of a naturally occurring stream that flows only during and for short periods following precipitation, and flows in low areas that may or may not have a well-defined channel. Ephemeral streams connect to a perennial or intermittent stream, or other natural waterbody such as a pond, lake or wetland. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Ephemeral streams typically have little or no aquatic community.

(b) Stream, Intermittent. A reach of stream that flows only during wet periods of the year and flows in a continuous well-defined channel. During dry periods, especially in summer months, intermittent streams may only have a trickle of visible flow, but there is subsurface flow. This condition is usually caused by seasonal changes in groundwater table or periods of drought. The aquatic community has low diversity, and/or a dominance of forms with relatively short aquatic life stages, and/or absence of predators or multiple life stages.

(c) Stream, Perennial. A body of water in a channel that flows throughout a majority of the typical water year in a defined channel and is capable, in the absence of pollution, drought or man-made stream disturbances, of supporting a benthic macroinvertebrate community with relatively long aquatic life stages and/or the presence of multiple life stages, and/or the presence of rooted aquatic plants. **[added 5-23-2011 by ord. no. 2011-6]**

STREET -- Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic whether public or private.

STREET LINE -- (See "right-of-way, street line.")

STRUCTURE -- Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the surface.

SUBDIVISION -- The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purposes, whether immediate or future, of lease, partition by the court for the distribution to heirs or devisees, 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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempt.

SWIMMING POOL -- Any structure of solid materials so designed, either below or above the surface of the ground, as to hold water and to be used for the purpose of bathing or swimming in which the depth of the water stored therein above or below ground level exceeds two feet in depth.

TELECOMMUNICATIONS EQUIPMENT BUILDING -- The structure in which the electronic receiving and relay equipment for a cellular telecommunications facility is housed.

TRANSITIONAL SURFACES -- A surface extending outward at a ninety-degree angle to the runway center line with the runway center line extending at a slope of seven feet horizontal for each one foot vertical from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. With respect to precision approach surfaces, transition surfaces project through (and beyond) the limits of the conical surface, extending a distance of 5,000 feet measured horizontally from the edge of the approach surface and at ninety-degree angles to the extending runway center line.

TRANSITIONAL ZONE -- A zone consisting of the areas beneath the transitional surfaces. This zone begins at the sides of and at the same elevation as the primary surface and approach surface extending seven feet horizontal for each one foot vertical and extending to a height of 100 feet above the airport elevation and extending to the intersection with the conical surface.

TRUCK AND/OR BUS STORAGE FACILITY -- Any lot or tract of land which is utilized for the parking and/or storage of two or more commercial-type trucks, and/or commercial-type vans and/or buses, whether or not said vehicles are registered and/or inspected. A commercial-type truck or van is defined as a vehicle primarily utilized for a commercial purpose, and is exclusive of privately owned pickup trucks, vans, and jeeps primarily utilized for recreational, noncommercial private uses. Trucks and vans in conjunction with agricultural uses are not included as commercial-type trucks or vans herein.

UNEVEN-AGE MANAGEMENT -- Management of a forest stand to maintain or create and regenerate a forest that has three or more distinctly different age classes including regeneration. **[added 5-23-2011 by ord. no. 2011-6]**

USE -- Includes the phrases "arranged," "designed" and " intended to be used" and shall mean a specific purpose for which land, buildings or structures are designed, arranged, intended, occupied or maintained, or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a lot, parcel or tract of land.

USE, ACCESSORY -- A use located on the same lot with a principal use, and clearly incidental or subordinate to, and in connection with, the principal use.

USE, CONDITIONAL -- (See "conditional use.")

USE, EXISTING -- (See "existing use.")

USE, MUNICIPAL -- A use conducted by the Township or a municipal authority duly incorporated by the Township, for the health, safety and general welfare of Township residents. Real property dedicated to either the Township or authority may be used for any municipal use, including but not limited to water systems, sewer systems, municipal buildings, streets, parking areas, parks, playgrounds, swimming pools, tennis courts, all municipal owned utilities and appurtenances used in connection with supplying such services, etc. In no event shall the landowner, in meeting the requirements of § 160-25 or § 160-26 which sets forth the amount of open space or municipal use property required of each subdivision, include real property upon which streets, parking areas, aboveground buildings used in the connection with water and/or sewer systems, or designated easements for public improvements or public utilities which improvements are required for the use of the property as a residential subdivision be designated as municipal use land. Land dedicated to the municipal use shall be owned and maintained in accordance with § 160-60, Conveyance and maintenance of open space/municipal use. Municipal uses may contain impervious surfaces. Such impervious surfaces shall be included in calculations of the impervious surface ratio. Open space/municipal use areas required by § 160-25, Site capacity calculations, and § 160-26, Table of Performance Standards, does not include the minimum lot area and minimum yard requirements for single-family or multifamily dwelling units for Uses B3, B4 or B6 noted herein. This open space does not include land occupied by nonrecreational structures, roads, road rights-of-way, or parking areas required for the use of the property as a residential subdivision.

USE, PRINCIPAL -- The main use on a lot and/or of a building or structure thereon.

UTILITIES -- Those services customarily rendered by public utility corporations, municipalities, or municipal authorities, to include but not necessarily limited to, electricity, gas, telephone, water and sewage, and the appurtenances used in connection with the supplying of such services, including but not necessarily limited to, buildings, wires, pipes and poles.

VARIANCE -- Relief granted pursuant to § 160-104.A of this chapter, and in accordance with Article IX of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

WATERCOURSE -- Refer definition of stream.

WATER SUPPLY, INDIVIDUAL -- A system for supplying and distributing potable water to a single dwelling or other building from a source located on the same lot.

WATER SYSTEM, PRIVATE CENTRALIZED -- Any privately owned system for the supplying and distribution of potable water from a common source to two or more dwellings and/or other buildings in a single neighborhood, development and/or service area.

WATER SYSTEM, PUBLIC -- Any municipal water supply system, or any privately owned system dedicated to an authority, or other approved public entity. Such private owned systems shall include a private franchise area, the water infrastructure system and/or a water supply capable of supporting the entire service area, or a standpipe or water storage system meeting Township specifications.

WETLANDS -- Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, or similar areas.

WOODLANDS -- Areas, groves, or stands of mature or largely mature trees the majority of which are greater than six inches caliper measured four feet above grade covering an area greater than 1/4 acre; or groves of mature trees without regard to minimum area consisting of more than 10 individual specimens which are greater than 12 inches caliper measured four feet above grade.

YARD -- An open area unoccupied, except for permitted projections and plantings, on the same lot with a structure, extending along a lot line or a street line and inward to the structure. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street line.

YARD, FRONT -- A required or proposed yard between a structure and a street right-of-way line extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. In the case of a double frontage lot, the front yard shall be required along the street which provides access to the lot. The remaining street frontage shall be considered a rear yard.

YARD LINE -- A line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard. (See "building envelope.")

YARD, REAR -- A yard between the principal building, or if no building has been constructed, the building restriction line and the rear lot line and extending the entire length of, and parallel to, the rear lot line.

YARD, SIDE -- A yard between a structure and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

ZONE -- A specifically delineated area or district in the municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land, buildings and structures.

ZONING -- The dividing of the municipality into districts or zones and the establishment of regulations governing each and every zone.

ZONING ENVELOPE -- The three-dimensional space within which a structure is permitted to be erected on a lot and which is defined by maximum height regulations, bulk area and yard setback requirements.

ZONING HEARING -- A hearing conducted before the local Zoning Hearing Board pursuant to Article IX of the Municipalities Planning Code, Act 247, as amended, and Article IX of this chapter.

ZONING MAP -- The Official Zoning Map of Hilltown Township as incorporated herein.

ZONING OFFICER -- The administrative officer designated with the powers and duties of administering and enforcing this chapter and with issuing zoning permits and certificates thereunder.

ZONING ORDINANCE -- The Hilltown Township Zoning Ordinance of 1995, as amended.

ZONING PERMIT -- (See "permit, zoning.")

ARTICLE III
Establishment of Districts

§ 160-12. Establishment of Districts.

The Township of Hilltown is hereby divided into districts of different types, each type being of such number, shape, kind and area, and of such common unity of purpose and adaptability of use, that they are deemed most suitable to carry out the objectives of this chapter and the Comprehensive Plan.

§ 160-13. Classes of districts.
For the purpose of this chapter, Hilltown Township is hereby divided into districts which shall be designated as follows:

A. Development areas.

(1) CR-1 District: Country Residential I.

(2) CR-2 District: Country Residential II.

(3) MHP District: Mobile Home Park.

(4) VC District: Village Center.

(5) PC-1 District: Planned Commercial I.

(6) PC-2 District: Planned Commercial II.

(7) LI District: Light Industrial.

(8) HI District: Heavy Industrial.

(9) AQRC District: Age Qualified Residential Community. **[added 6-25-2007 by ord. no. 2007-06]**

B. Conservation areas.

(1) RR District: Rural Residential.

C. Resource extraction areas.

(1) Q District: Quarry.

D. Special hazard areas.

(1) Airport hazard zones.

(a) AVA Zone: Airport Visual Approach Zone.
(b) AT Zone: Airport Transitional Zone.
(c) AH Zone: Airport Horizontal Zone.
(d) AC Zone: Airport Conical Zone.

(2) Flood hazard zones.

(a) FH-A Zone: Special Flood Hazard Area - Zone "A."

§ 160-14. Official Zoning Map.

Districts are bounded and defined as shown in the map entitled "Official Zoning Map of Hilltown Township" which accompanies and which, with all explanatory matters thereon, is hereby made a part of this chapter.

§ 160-15. Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of the district as indicated on the Zoning Map, and in the case of airport zones, the following rules shall apply:

A. Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, railroad lines, or streams, such center lines shall be construed to be such boundaries.

B. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries; or where district boundaries are extensions of lot lines or connect the intersections of lot lines, such lines shall be said district boundaries.

C. Where district boundaries are so indicated that they are approximately parallel to center lines of streets or highways, such district boundaries shall be construed as being parallel to and at such distance from said center lines as indicated on the Zoning Map.

D. The airport hazard zoning boundaries shall be established and interpreted as follows:

(1) AVA Airport Utility Runway and Visual Approach Zone: the inner edge of the runways approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its center line is the continuation of the center line of the runway.

(2) AT Airport Transitional Zone: the transitional zones are the areas beneath the transitional surfaces.

(3) AH Airport Horizontal Zone: the horizontal zone is delineated by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arc by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(4) AC Airport Conical Zone: the conical zone is delineated as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet and upward from the periphery of the horizontal zone at a slope of 20 to one.

E. The flood hazard area boundaries shall be established and interpreted as the areas subject to flooding which include those areas inundated during a one-hundred-year-frequency storm or as floodplain soils pursuant to § 160-28 of this chapter. The identified floodplain area shall be deemed an overlay of the Official Zoning Map herein.

§ 160-16. Statements of purpose and intent for districts and special hazard areas.

A. **Development areas**. The purpose of these areas is to provide for the orderly growth and development of residential, commercial and industrial uses within Hilltown Township. The districts herein are designed to be compatible with the Township's Comprehensive Plan.

(1) Country Residential I. The purpose of this district is to accommodate a variety of residential housing types to include single-family and multifamily and to insure a balance of housing types to meet the current and future housing needs of the Township. This district encourages conservation

design with open space areas reserved for natural resource protection and recreation. The location of these districts are intended to insure that appropriate infrastructure and associated facilities are available for these types of uses and that the uses will blend well with other uses in the surrounding areas. This zoning district is intended to be the Township's short-term residential development district.

(2) Country Residential II. A few districts are shown on the Official Zoning Map as Country Residential II. These areas were specifically designated because they are served by public sewers but lie outside of the area which has been planned for public sewers. The use types permitted in the CR-2 District are the same as those permitted in the Rural Residential (RR) District, as further described in the RR section below. It is the intent of this district to contain the fringe sewer service areas within the CR-2 zone.

(3) Mobile Home Parks. The purpose of this zoning district is to provide the opportunity for pleasant, well-planned mobile home park developments for affordable housing within the Township at an appropriate density. It is the further intention of this district to insure that proper facilities are present to service this use type and that this use will appropriately blend with surrounding land uses. Since there is sufficient room in these districts to allow for future expansion for mobile homes, it is not necessary to accommodate additional land for this use type at this time. The availability of land for mobile home parks should be reevaluated as these districts become built out.

(4) Village Center. The Village Center District deals primarily with the existing villages within the Township. The intent of this district is to preserve the character of these historic villages by allowing limited mixed-use development to include: limited commercial uses, the construction of single-family dwellings, and the conversion of existing large structures into multifamily dwellings. New construction shall have a facade, which fits in with predominate historic architecture of the area. Only 1/3 of the total structures within Village Center are permitted to be commercial.

(5) Planned Commercial I. This district is intended to provide for a wide range of commercial and service type uses in and along the Route 309 corridor and the south-western portion of the Township. The PC-1 District is intended to be the "regional" service district for the Township and surrounding municipalities. The uses and standards within the PC-1 zone are intended to be complementary to the existing commercial development located in the immediate vicinity. Careful consideration is to be given to access and circulation patterns in this district with access provided by means of marginal access roads, reverse frontage roads and/or limiting the number and locations of access points where deemed appropriate by the Township.

(6) Planned Commercial II. The primary PC-2 commercial areas are located along the Route 313 corridor in the vicinity of Dublin Borough. A wide range of commercial and service type uses are to be encouraged in this district to serve the needs of the residents of the Township. The PC-2 District is intended to be the small scale "neighborhood" commercial zone. Careful consideration is to be given to access and circulation patterns in this district with access provided by means of marginal access roads, reverse frontage roads and/or limiting the number and locations of access points where deemed appropriate by the Township.

(7) Light Industrial. This zoning district is intended to provide for commercial office, and laboratory research facilities. The intent of this district is to encourage high quality industrial development which relates to adjacent residential areas as a "good neighbor," with appropriate design standards to avoid adverse impacts on neighboring residential uses.

(8) Heavy Industrial. This district is also intended to encourage high quality industrial development including manufacturing, and resource recovery uses. Tracts of land designated for these uses should be serviced by utilizing an internal network of streets and serviceways.

(9) Age Qualified Residential Community. The Age Qualified Residential Community District is intended to provide for private residential community living and different housing options for older residents. The District requires both active and passive recreational facilities. **[added 6-25-2007 by ord. no. 2007-06]**

B. **Conservation areas**.

(1) The areas shown within the Township's conservation area are those portions of the Township which are generally not suited for, and therefore are not intended to, support intense development in the short-term. The conservation area includes all those areas in the Township which presently lack essential sewage disposal capabilities. These areas are primarily intended to serve low density residential development.

(2) The purpose of this zoning district is to discourage the premature and haphazard development characterized by suburban sprawl. This district is intended to limit development opportunities in areas of the Township without public sewers, and by doing so, promoting the orderly growth of the Township by minimizing the health risks from potential on-site sewage system failures as provided by Section 105 of the Municipalities Planning Code, Act 247, as amended.

(3) The following zoning district is located within the Township's conservation area:

(a) Rural Residential. The Rural Residential areas are based primarily upon the analysis and availability of a safe and adequate groundwater supply. Within these areas, the recommended residential density is one dwelling unit for every three acres of land area. If public water is provided by a municipal authority within these areas, then development on fifty-thousand-square-foot lots may be accommodated. If municipal authority public water and open space are provided in accordance with requirements of this chapter, a cluster option within thirty-thousand-square-foot lots is permitted.

C. **Resource extraction areas, Quarry**. The resource extraction areas are intended to designate appropriate areas within the Township for the purposes of providing for extractive land uses**.** **[added 8-31-2005 by ord. no. 2005-02]**

(1) Intent. The zone is intended to provide for the extraction of sand, clay, shale, topsoil, gravel, stone and/or similar materials and is intended to include the construction and operation of concrete plants and asphalt plants or other related processing, manufacturing or industrial operations or activities including but not limited to blasting, crushing and sorting as set forth below and as set forth in **§** 160-44 of Chapter 160 of the Code; provided, however, that in the event there is a conflict between the provisions of this section and any provision of **§** 160-44 or any other provision of Chapter 160 the provisions of this ordinance shall prevail and control.

(a) Permitted Uses. Permitted uses in the zone created by this ordinance shall include, on any parcel of real property within the zone any one or more of the following:

[1] Quarry and Mineral Extraction, Mineral Activities, Resource Extraction Activities as defined by **§§** 160-3 and 160-11 of this ordinance and as provided in the Intent of **§** 160-16.C.(1).
[2] Non-coal surface mining activities as defined herein.
[3] Retail and wholesale sales of stone and stone related products.
[4] Manufacture of stone related products.
[5] Concrete plants.
[6] Manufacture of concrete items.
[7] The storage, maintenance and repair of construction and quarry vehicles, equipment, raw materials and finished products.
[8] Open space.
[9] Bituminous Asphalt Plants.

[10] Construction Business.
[11] Accessory uses including offices for any permitted principal or accessory uses, including, but not limited to, quarry, construction, concrete, bituminous asphalt business and sales offices related to the aforesaid permitted uses.
[12] Any uses regulated by the Pennsylvania Public Utility Commision.

(b) Uses By Special Exception. Uses by Special Exception shall include: Agriculture, and recreational subject to other provisions of this Ordinance.

(c) Setback. Except for pre-existing uses and quarry and accessory uses, all uses shall be setback a minimum of fifty feet (50') from any property line.

(d) Minimum Lot Size. Minimum lot size for any one or more of the uses permitted by this Ordinance shall be ten (10) acres.

(e) Maximum Height. Maximum height of any structure permitted by this Ordinance (excluding storage piles, chimneys, cupolas, tanks, vents and like projections) shall be sixty-five feet (65') measured from original grade.

D. **Special hazard areas.**

(1) Airport hazard zones:

(a) These zones are intended to effectuate Act 164 of 1984 (Pennsylvania Laws Relating to Aviation), Subchapter B, "Airport Zoning Act," Section 5912, of the Commonwealth of Pennsylvania.

(b) Airport zones. In order to carry out the provisions of the section there are herein created and established certain zones, which include all of the land lying beneath the approach surfaces, transitional surfaces, and the conical surfaces as they apply to the local airports and the land surrounding same. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation.

(2) Flood hazard zones. These zones are intended to prevent the loss of health, life and property from flood and to regulate, restrict and/or prohibit uses and structures at, along and near natural and artificial bodies of water and watercourses as provided by Sections 604(2) and 605(2)(iii) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

ARTICLE IV
Use Regulations

§ 160-17. Applicability of regulations.

Except as provided by law or by this chapter, in each district no building, structure, or land shall be used or occupied except for the purposes permitted in Section 160-22 and for the zoning districts so indicated except that any legally existing use B-1, Single Family Dwelling that is not a mobile home located in the MHP Zoning District shall be regulated and allowed to be used and expanded per the dimensional requirements of the CR-2 Zoning District, until such time as the principal use shall cease to be a B-1, Single Family Dwelling. In addition, only one principal use shall be permitted on any property, parcel, lot or tract of land located in the PC-2 District. **[Revised by Ord. 2013-02, May 28, 2013]**.

§ 160-18. Use type classifications.

A. A use listed in § 160-22 is permitted by right in any district denoted by the letter "Y" subject to such requirements as may be specified in § 160-23, and after a zoning permit has been issued in accordance with Article VIII.
B. A use listed in § 160-22 may be permitted as a special exception in any district denoted by the letters "SE," provided the Zoning Hearing Board authorizes the issuance of a zoning permit by the Zoning Officer, subject to the requirements of § 160-23 and Article VIII and such further restrictions as said Board may establish.
C. A use listed in § 160-22 is permitted as a conditional use in any district denoted by the letters "CU," provided the Board of Supervisors, having received recommendations from the Planning Commission within 60 days of receipt of the petition, grants the conditional use subject to the expressed standards set forth in §§ 160-23 and 160-94, and such further conditions that the Board of Supervisors may impose to insure the protection of adjacent uses, and/or the health, safety, and general welfare of the persons therein.
D. A use listed in § 160-22 is prohibited and not permitted in any district denoted by the letter "N."

§ 160-19. Uses subject to additional regulations.

All permitted uses by right, condition or special exception shall be subject, in addition to use regulations, to such regulations of yard, lot size, lot width, building area, easements, provisions for off-street parking and loading, and to such other provisions as are specified herein. In particular, the laws of the commonwealth and the regulations of the Pennsylvania Department of Environmental Protection (PaDEP) and the Bucks County Department of Health regarding waste disposal shall be adhered to. Further, no zoning permit shall be issued until approval is obtained from the Bucks County Department of Health and/or the PaDEP[3] for sewage disposal, unless the premises are served by public sewage facilities and then certification from the servicing authority shall be presented that a connection and allocation has been approved.

§ 160-20. Accessory and temporary uses and structures.

A. Accessory uses and structures on the same lot and customarily incidental to the permitted principal use are permitted by right subject to the provisions of § 160-23I of this chapter. A temporary permit may be issued by the Zoning Officer for structures or uses necessary during construction on the same lot, subdivision, or land development, or other special circumstance or event of a nonrecurring nature subject to the provisions of § 160-23I(6) of this chapter.

B. Nonconforming temporary buildings or uses incidental to a building development and reasonably required for such development may be granted temporary zoning permits according to § 160-23, Use I6.

§ 160-21. Airport hazard regulations.

A. Airport hazard use restrictions. Notwithstanding any other provision of this section, no use shall be permitted of land or water within any zone in such a manner as to:

(1) Create electrical interference with navigational or radio communications between an airport and aircraft;
(2) Make it difficult for pilots to distinguish between airport lights and other lights;
(3) Result in glare in the eyes of pilots using an airport;
(4) Impair visibility in the vicinity of an airport;
(5) Create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use an airport; and
(6) Encroach into the regulated air space as established and defined by the Pennsylvania Department of Transportation's State Bureau of Aviation.

B. Airport zone height limitations. Except as otherwise provided in this chapter, no use shall be permitted and no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any airport zone established by this chapter to a height in excess of the applicable height limit herein established for each zone. Such applicable height limitations are hereby established for each of the zones as follows:

(1) AVA Airport Utility Runway Visual Approach Zone: slopes of 20 feet outward for each one foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway center line.
(2) AT Airport Transitional Zone: slopes seven feet outward for each one foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 670 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each one foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.
(3) AH Airport Horizontal Zone: established at 150 feet above the airport elevation or at a height of 820 feet above mean sea level.
(4) AC Airport Conical Zone: slopes 20 feet outward for each one foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

C. Special airport hazard permits.

(1) Applicability. Except as specifically provided hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established and no tree shall be planted in any airport hazard zone herein created unless a permit therefor shall have been applied for and granted by the Zoning Officer. Each application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this section shall be granted unless a variance has been granted in accordance with this chapter.
(2) Airport hazard exceptions. Nothing contained in any of the following exceptions shall be construed as permitting or intending to permit the construction or alteration of any structure, or growth of any tree in excess of any of the height limits established by any applicable section of this chapter:

(a) In the area lying within the limit of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographical features, such tree or structure would extend above the height limit prescribed for such airport hazard zone.

(b) In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,000 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such airport approach zone.

(c) In the areas lying within the limits of the airport transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographical features, such tree or structure would extend above the height limit prescribed for such airport transition zones.

(3) Existing uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this original ordinance, including all amendments thereto, or than it was when the application for a permit was granted. Except as indicated, all applications for a special airport hazard permit shall be granted.

(4) Conditional permits. Any permit of variance granted may, if such action is deemed appropriate to effectuate the purpose of this section and be reasonable in the circumstance, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary.

(5) Relief. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use of property, not in accordance with the airport hazard regulations prescribed herein, may apply to the Hilltown Township Zoning Hearing Board in accordance with the applicable provisions of this chapter. In addition to the requirements for a variance contained herein, the application for an airport hazard variance shall be accompanied by a written determination from the Federal Aviation Administration as to the effect of the proposal upon the operation of air navigation facilities and the safe, efficient use of the navigable airspace. Furthermore, and prior to the public hearing regarding the variance request, the applicant shall provide a complete application including all supporting documents to the owner of the real property on which the subject airport is located to allow review and comment by same regarding the aeronautical effects proposed by the variance request. In the event that the noticed owner does not respond to the Board within 15 days after receipt of said notice, the Zoning Hearing Board may act on its own to grant or deny said application as provided and in accordance with this chapter and the Municipalities Planning Code, Act 247, as amended.

§ 160-22. Table of Use Regulations.

The Table of Use Regulations is included at the end of this chapter.

§ 160-23. Use type regulations.

A. Agricultural and Horticultural Uses.

(1) **A1 Agricultural Use**. **[revised 6-25-2007 by ord. no. 2007-08]** Agricultural use includes tilling of the soil and raising of livestock, horses, fur-bearing animals (animals raised for the sale of their fur) or poultry. The keeping or raising of livestock, horses, fur-bearing animals or poultry shall be limited to lots of at least three acres in area. Lots of three acres shall be limited to two head of livestock or horses, or 50 fowl. Lots of four acres up to 10 acres shall allow two additional head of livestock or horses per acre, or 50 fowl per acre. Livestock shall be considered those animals commonly raised on farms in this area, such as: cows, sheep, goats and pigs. All building used for the keeping or raising of livestock, horses, fur-bearing animals or poultry shall be located not less than 100 feet from a side or rear property boundary. Not more than 9% of the total lot area shall be in impervious surfaces. Riding academies, livery or boarding stables and commercial dog kennels, are not included in this provision. All buildings associated with this use, i.e., barns, sheds, silos and the like, shall also be permitted. Where this use adjoins existing residential uses, buffering in accordance with this chapter shall be provided. Adequate provisions shall be made for the control of noise and odor and the confinement of the animals to the property. **[revised 7-22-2002 by ord. no. 2002-6]**

(a) Parking: one off-street parking space for each employee.

(2) **A2 Nursery**, Nursery uses shall be the growing of plants, shrubs, or trees, either from seed or from immature plants that are raised to marketable size, [**Revised 2-22-2010 by Ord. 2010-01, Revised 5-28-2013, by Ord. 2013-02]**

(a) Nursery products may be sold at a Roadside Stand located upon the property.
[1] Pursuant to the Right to Farm Act, 3 P.S. §953 (b), fifty percent (50%) or more of the nursery products sold at the Roadside Stand must be produced on the property.
[2] A Roadside Stand shall not exceed a maximum size of two hundred and fifty (250) square feet; and shall also provide, to the satisfaction of the Township Zoning Officer, a safe means of ingress and egress from a public street as well as sufficient off-street parking to accommodate customers.

(b) The sale of nursery products sold from a stand or structure greater than two hundred and fifty (250) square feet shall not be permitted as a part of an A2 Nursery Use. They shall be considered an E1 Retail Store Use and shall be subject to the requirements and standards of that use.

(c) A lot area of not less than three (3) acres shall be required.

(d) Maximum impervious surface ratio: 15%.

(e) All structures and buildings shall meet the yard and setback requirements for all other uses for the district in which the nursery is located.

(f) If any new well is required and/or proposed as a part of an A2 Nursery Use, the applicant shall submit to the Township satisfactory documentation as to whether or not the applicant is required to:
[1] Register its proposed water withdrawal and use with the Pennsylvania Department of Environmental Protection in accordance with 25 Pa. Code Chapter 110, as may be amended from time to time; and/or
[2] Obtain a protected area permit from the Delaware River Basin Commission in accordance with 18 C.F.R. Part 430, as may be amended from time to time.

(3) **A3 Intensive Agriculture**. Intensive agriculture, including greenhouses, feedlots, confinement of livestock or poultry operations taking place in structures or enclosed pens, subject to the following:

(a) In no event shall the impervious surface ratio exceed 9% within the Rural Residential and Country Residential-2 Zoning Districts.

(b) All buildings, pens, or other structures shall be located at least 100 feet from any street, property line or dwelling.

(c) All applicable regulations of the Pennsylvania Department of Environmental Protection shall apply.

(d) If any stream, swale, hydric or alluvial soil is present, it shall be buffered by a seventy-five-foot strip back from the outer edge of the floodplain, hydric, or alluvial soil delineated boundary.

(e) Parking: one off-street parking space for each employee.

(4) **A4 Forestry**. **[Revised May 23, 2011 by ord. no. 2011-6]** Refer definition in Section 160-11.

Note: All tree trunk diameters in this Section shall be measured at four and one-half (4.5) feet (dbh) above the ground level.

(a) Forestry is the management of forests and woodlands through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, beyond tree cutting that is necessary and approved as part of development of land or uses. These provisions are intended to ensure that forestry occurs in accordance with accepted silvicultural practices, as provided in Section 107 of the Pennsylvania Municipalities Planning Code.

(b) Forestry is permitted by-right, provided that a Zoning Permit shall be required for forestry. The following activities shall not require a zoning permit and are not required to comply with Subsections 4(c) or 4(d):
[1] Removal of diseased or dead trees.
[2] Removal of trees that are in such a condition or physical position as to constitute a danger to a structure or occupants of properties or a public right-of-way.
[3] Removal of trees with a trunk diameter of less than 6 inches.
[4] Removal of up to 5 trees with a trunk diameter greater than 6 inches on each acre of woodland per calendar year, provided such does not exceed 20 trees with a trunk diameter of 6 inches or more per lot per calendar year, and provided that such tree removal does not involve trees: a) on slopes of greater than 25 percent or b) on areas within 60 feet from the centerline of a perennial or intermittent stream, and 25 feet from the centerline of an ephemeral stream. The removal allowed by this subsection (4)(b)[4] shall be in addition to trees allowed to be removed under the other subsections of this Section 4(b).
[5] For removal of trees as part of a development, Sections 160-25, Site Capacity Calculations and 160-28 Environmental Performance Standards shall apply in place of this subsection.
[6] Christmas Tree Farms in which trees are regularly replanted. This exception shall only apply to trees that were planted for harvest.
[7] Tree nurseries in which live trees are removed for replanting on another site. This exception shall only apply to trees that were planted for harvest.

(c) A zoning permit application for forestry shall be accompanied by a forestry plan prepared by a Forester, Forest Technician, or Forest Plan Preparer. The Zoning Officer shall consult with the Township Engineer or a forester retained by the Township to determine the adequacy of the forestry plan. Each plan must contain the following components:
[1] The criteria for selection of trees to be removed must be clearly stated and must conform to a plan for sustainable use of the forest resource. Such plan shall describe how the health and diversity of the forest will be protected and the potential for future timber harvests maintained.

[2] The forestry plan shall address all applicable erosion and sedimentation control and stream crossing regulations under PADEP Chapter 102, Erosion Control Rules and Regulations and PADEP Chapter 105, Dam and Waterway Management Rules and Regulations.

[3] Forestry activities located within or discharging to any exceptional value or high quality watershed as classified by PADEP shall comply with all requirements of the PA Code, Chapters 92 and 93. The forestry plan shall specifically state how the applicant intends to comply with these regulations, and shall show the location of all perennial and intermittent watercourses.

[4] The forestry plan shall address, at a minimum, the following:

[a] Design, construction, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landing.

[b] Design, construction, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars.

[c] Design, construction, and maintenance of stream and wetland crossings.

[d] Property boundary for the tract on which the logging will occur and boundary of the proposed harvest area.

[e] A stand description for each stand located in the proposed harvest area including number, species, and diameter of trees to be removed.

[f] Copies of all required permits shall be submitted as an Appendix to the forestry plan.

[5] Each Forestry Plan shall include a site map containing the following information:

[a] Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place and the boundaries of the proposed harvest area within the property.

[b] Significant topographic features related to potential environmental problems.

[c] Location of all earth disturbance activities such as roads, landings, and water control measures and structures.

[d] Location of the crossings of all water bodies, including but not limited to, Waters of the Commonwealth

[e] General location of the proposed operation to Township and State roads, including any accesses to those roads.

[6] Proof of current general liability and/or worker's compensation insurance.

[7] Proof of PennDOT Highway Occupancy Permit or Township Driveway Permit for temporary access, as applicable. The application shall only be approved if the applicant demonstrates to the satisfaction of the Township that the area street system is suitable in terms of structure, cartway width, geometry, safety, and capacity to accommodate the additional truck traffic.

[8] Copy of the Bucks County Conservation District "Letter of Adequacy" for the proposed erosion control facilities, including associated plans, reports, and other permits, as required.

(d) The following requirements shall apply to all forestry operations, in addition to the requirements for a zoning permit:

[1] The landowner shall notify the Township at least five (5) working days prior to the commencement of operations and upon completion of all work prescribed under the forestry plan.

[2] The forestry plan and all related permits shall be available at the forestry operation site.

[3] Before any permitted logging operation begins, all trees which are to be felled in connection therewith, shall be clearly marked on the trunk and stump.

[4] General operational requirements: The following requirements shall govern all forestry operations:

[a] A "No Logging" buffer zone with a width of 25 feet shall be maintained on the property on which the logging operation is to be conducted along all public streets. The buffer shall be measured from the legal right-of-way. No trees shall be cut, removed, skidded or transported within the "No Logging" buffer zone except as necessary for access to the site from the public street.

[b] A "No Logging" buffer zone with a width of 60 feet shall be maintained from the centerline of all perennial and intermittent streams; and 25 feet from the centerline of an

ephemeral streams. All earth disturbance related to forestry within this buffer zone shall be prohibited with the exception of temporary stream crossings permitted by PADEP.

[c] No equipment, skidders, dozers, or tracked or tired machines or vehicles, shall be permitted within a no logging buffer zone except to permit crossing pursuant to Subsections [a] and [b] above. No trees shall be felled into a no logging buffer zone.

[d] A "Limited Logging" zone with a width of 50 feet shall be maintained on the boundary of the site on which the logging operation is to be conducted along abutting properties. Uneven-age management shall be practiced within the Limited Logging Zone where the residual stand must contain at least 70 square feet of basal area per acre consisting of trees 10 inches or greater in diameter at breast height (dbh).

[e] All temporary stream crossings of a perennial or intermittent stream shall be made with a temporary bridge. Skidding of trees, and the operation of any vehicle and equipment thru perennial or intermittent stream shall be prohibited.

[f] Felling or skidding on, or across, any public street is prohibited without written approval of the Township or Pennsylvania Department of Transportation, whichever is responsible for maintenance of street.

[g] No tops or slash shall be left within 25 feet of any public street.

[h] All tops and slash shall be lopped to a maximum height of 6 feet above the surface of the ground.

[i] No tops or slash shall be left on or across a property boundary without the consent of the adjoining landowner.

[j] Litter (trash) resulting from any forestry operation shall be cleaned up and removed from the site before it is vacated by the operator.

[k] Any soil, stones and/or debris carried onto a public street must be removed immediately.

[l] On slopes of greater than 25%, uneven-age management shall be practiced where the residual stand must contain 70 square feet of basal area per acre consisting of trees 10 inches or greater in diameter at breast height. No equipment, skidders, dozers, or tracked or tired machines or vehicles shall be permitted on slopes greater than 25%.

[m] When the harvest is completed, both dirt roads used by the trucks and skid roads used to drag the logs from the woods to the loading area must be graded approximately to the original contours, and be seeded and mulched (hardwood or straw mulch) as necessary to establish stable groundcover.

[n] Temporary stone tire cleaning entrance (when required as part of an approved erosion and sedimentation control plan) must be removed, topsoil replaced, and area graded to approximate original contour, and be seeded and mulched to establish stable groundcover.

[o] The no logging buffer zone required by Subsection 160-23A4(d)[4][b] above along streams shall be marked with survey tape, temporary non-destructive fencing or similar demarcation to prevent accidental incursion into the buffer zone with heavy equipment.

[p] Snags shall not be cut down unless the snag is a potential hazard to improvements (e.g. dwelling, outbuilding, etc.) on the property.

[5] No tops or slash shall be left within a drainage swale.

[6] The use of clear-cutting must be fully justified by a forestry plan prepared by a qualified professional, and shall comply with Section 160-23A4(C)[1]. Detailed information concerning increased stormwater runoff, erosion control, and a plan to assure regeneration shall be provided. Clear-cutting shall not be allowed on contiguous areas greater than ½ acre. A full set of stormwater calculations shall be submitted to show that postdevelopment peak runoff will not exceed predevelopment peak runoff.

[7] If forestry involves more than 2 acres, a minimum of 30 percent of the forest cover (canopy) shall be kept and the residual trees shall be well distributed to promote reforestation. The forestry plan shall provide for replanting where necessary to continue proper forest management.

[8] Financial Security – Financial security shall be established in a manner acceptable to the Township to guarantee repair of all damage that may occur to public streets due to the forestry/logging operations, and to guarantee compliance with erosion and sedimentation control plans, compliance with stormwater management plans, and restoration of the site

upon completion of logging operations. Pursuant to 67 Pennsylvania Code, Chapter 189, the Township may also require the landowner or operator to furnish a bond to guarantee the repair of roads. Financial security shall not be released until the Zoning Officer determines that all provisions of this Ordinance and the permit have been completed.

(e) Enforcement

[1] Inspections. The Township Zoning Officer or other Township designated employee or consultant, may go upon the site of any forestry/logging operation before, during, or after active forestry to: 1) review the Forestry Plan or any other required documents for compliance with this Ordinance; and 2) inspect the operation for compliance with the Forestry Plan and other onsite requirements of this Ordinance.

[2] Violation Notices; Suspensions. Upon finding that a forestry/logging operation is in violation of any provisions of this Ordinance, the Township Zoning Officer shall issue the operator and landowner a written notice of violation describing each violation and specifying a date by which corrective action must be taken. The Township Zoning Officer may order the immediate suspension of any operation upon finding that: 1) corrective action has not been taken by the date specified in a notice of violation; 2) the operation is proceeding without a Forestry Plan; or 3) the operation is causing an environmental risk. Suspension orders shall be in writing, shall be issued to the operator and landowner, and shall remain in effect until, as determined by the Township Zoning Officer, the operation is brought into compliance with this Ordinance, or other applicable statutes or regulations. The landowner or the operator may appeal an order or decision of the Zoning Officer in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

[3] Penalties. Any landowner or operator who: 1) violates any provision of this Ordinance, or who fails to comply with a notice of violation or suspension order issued under Paragraph 2 of this subsection, shall be subject to a fine of not less than Five Hundred Dollars ($500.00), nor more than One Thousand Dollars ($1,000.00), plus costs and attorney fees, in accordance with the Pennsylvania Municipalities Planning Code. Each day of continued violation of any provision of this Ordinance shall constitute a separate offense.

[4] Any operator who knowingly and willfully removes trees not designated for removal in the approved Forestry Plan or removes trees outside of the areas designated for removal by the Forestry Plan shall be subject to a civil penalty in the amount of One Thousand Dollars ($1,000.00) per tree removed in violation of the provisions of the Forestry Plan and this Ordinance.

(5) **A5 Riding Academy**. Riding academy, livery or boarding stable, subject to the following provisions:

(a) A lot area of not less than five acres shall be required.

(b) Where adjoining existing residential uses, buffering shall be provided in accordance with the buffer tables of this chapter. Adequate provisions shall be made for the control of noise and odor and containment of animals, consistent with the provisions of this chapter.

(c) The total number of horses on the property shall not exceed two horses per acre.

(d) Any building used for the keeping or raising of horses shall be situated not less than 100 feet from any property line.

(e) Parking: one off-street parking space for every three persons present at such facilities when they are filled to capacity.

(6) **A6 Kennel-Commercial**. The keeping of more than three dogs, cats or other domestic pets that are more than six months old for breeding, training, sale or boarding for a fee or as pets, provided the following conditions are met:

(a) Minimum lot size shall not be less than 10 acres.

(b) No animal shelter or runway shall be located closer than 300 feet from a property line, and 350 feet from any building other than on the same lot.

(c) Where adjoining existing residential uses, buffering shall be provided in accordance with the buffer tables of this chapter. Adequate provisions shall be made for the control of noise and odor and the containment of animals, consistent with the provisions of this chapter.

(d) The total number of dogs, cats or other domestic pets on the property shall not exceed five dogs, cats or other domestic pets per acre, excluding dogs, cats or other domestic pets under six months old.

(e) Shows and/or competitions which occur on a property not more than twice in any calendar year are not regulated under the use.

(f) Maximum impervious surface ratio: 3%.

(g) Any building or structure, other than noted in Subsection A(6)(b) above, shall meet the lot width, yard and setback requirements for the B1 Detached Dwelling for the applicable zoning district.

(h) Dwelling units shall meet the requirements of use type A8 Farm Unit.

(i) Retail sales of related items shall be limited to a maximum floor area of 750 square feet.

(j) No area for the storage, processing, or spraying of animal waste shall be situated less than 200 feet from any street or property line.

(k) Parking: 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.

(7) **A7 Agricultural Retail**. The retail sales of agricultural products at roadside stands or other structures to the general public as part of the operation of Uses A1 or A3 as a business. Such agricultural retail uses shall be permitted provided 50% of the gross sales of the products sold shall be grown on the property.

(a) Parking: one off-street parking space for each 100 square feet of sales area.

(8) **A8 Farmstead**. **[revised 6-25-2007 by ord. no. 2007-08]** The preservation of an existing single family dwelling and associated agricultural buildings on a designated farmstead lot within a B1 single family detached or B3 single family detached conservation design development, or a lot designated as a farmstead lot by recorded covenant in a manner satisfactory to the Township subject to the following requirements:

(a) Lot must be located within the Rural Residential Zoning District.

(b) The lot must be designated as a Farmstead on an approved subdivision plan or restrictive covenant recorded at the Bucks County Courthouse.

(c) Minimum lot area shall be 3 acres.

(d) Maximum impervious surface shall be 25 percent for the Farmstead lot. Impervious surface on the Farmstead lot shall not be included within the total impervious surface permitted for a proposed

subdivision pursuant to site capacity calculations required within Section 160-25 of this Ordinance.

(e) Minimum yards:

1. Front – 30 feet.
2. Sides – 25 feet.
3. Rear – 75 feet.
4. All agricultural buildings which may be used in the future for the keeping or raising of livestock, horses, fur-bearing animals, or poultry shall be located at least 100 feet from any side or rear property boundary.

(f) Minimum lot width – 150 feet.

(g) Agricultural and horticultural uses shall be permitted subject to compliance with the use regulations of this Ordinance.

(h) The Farmstead is not required to connect to public water or wastewater facilities.

B. Residential Uses.

(1) **B1 Single-Family Detached**. Single-family detached dwelling, including mobile homes on individual lots with no required public or community open space. Section 160-26 contains the density and minimum lot area requirements for each zoning district. Once density and lot area are so determined, other appropriate dimensional requirements are governed by the following table **[Revised May 28, 2013 by Ord. 2013-02]**:

District	Minimum Lot Area (Square feet)	Width at Building Line (feet)	Maximum Height (feet)	Minimum Yards (each)		
				Front	Side	Rear
RR	50,000	150	35	50	25	75
CR-1	30,000	125	35	45	20	60
CR-2	50,000	125	35	45	20	60
VC	20,000	100	35	35	20	50

(a) Parking: two off-street parking spaces per dwelling unit

(1A) **B1A Conservation Management Design (CMD)**. A subdivision in which the minimum lot area and dimensional requirements are reduced to permit increased flexibility of lot design and environmentally sensitive approach to development and stormwater management. **[added 1-26-2009 by ord. no. 2009-03]**

(a) Conservation Management Design (CMD) Subdivision is a residential use permitted only in the Rural Residential (RR) and Country Residential 2 (CR-2) residential zoning districts.

(b) Applications for Use B1A wherein six (6) or more lots are proposed shall include submission of an Existing Resources and Site Analysis Plan ("ERSAP") containing information required pursuant to Section 140.23A. of the Subdivision Ordinance.

(c) Site design shall incorporate use of nonstructural Stormwater Management Best Management Practices (BMPs) referenced in the Pennsylvania Stormwater Best Management Practices Manual, December 2006, as amended.

(d) A minimum of two (2) off street parking spaces shall be required per lot.

(e) Lots within a Conservation Management Design subdivision shall be deed restricted from further subdivision by note on the record plan and recordation of a restrictive covenant.

(f) Privately owned area within a Conservation Management Design subdivision containing environmentally sensitive features pursuant to Section 160-28 of this Ordinance shall be protected by recordation of a conservation easement in a manner acceptable to the Township.

	District	
Area and Bulk Requirements	**RR**	**CR-2**
Minimum lot area (square feet)	20,000	10,000
Minimum lot width (feet)	100	85
Maximum building height (feet)	35	35
Minimum yards:		
Front (feet)	50	25
Side (feet)	20	20[1]
Rear (feet)	50	40

Note: [1]Represents the separation required for principal buildings, with no side yard less than five feet).

(2) **B2 Mobile Home**. A transportable, single-family dwelling, which may be towed on its own running gear, and which may be temporarily or permanently affixed to real estate, by placement on blocks, foundation or similar construction, and used for nontransient residential purposes, and constructed with the same, or similar, electrical, plumbing and sanitary facilities as immobile housing. Mobile homes shall be subject to the following provisions:

(a) The provisions of all current Township ordinances regulating mobile homes and regulations of the Bucks County Health Department regarding waste disposal shall be adhered to;

(b) The lot area, dimensional and other applicable requirements of this chapter for single-family detached homes (Use B1) in the district in which the mobile home is to be located shall be met;

(c) No more than one mobile home shall be located on a single lot, and such mobile home shall be occupied by not more than a single family;

(d) Each mobile home shall be placed on a concrete slab of at least the same length and width of the mobile home, with a minimum thickness of six inches, and which shall have installed in it a minimum of six tie-down rings to which the mobile home shall be secured;

(e) Parking: two off-street spaces per dwelling unit.

(3) **B3 Single-Family Detached Cluster**. Single-family detached dwellings on individual lots, designed around interconnected networks of permanently protected open space. Section 160-26 contains the density and minimum lot area for each zoning district. Once net buildable site area is determined, other appropriate dimensional requirements are governed by the tables below:

(a) All single-family detached dwelling units within the CR-1 and CR-2 Zoning Districts shall be serviced by both public water and public sewer provided by a municipal authority.

(b) All single-family detached cluster dwelling units in the RR District shall be serviced by a public water distribution and supply system provided by a municipal authority and individual on-lot sewage disposal systems.

ZONING DISTRICT

	CR-1	CR-2 Option 1	CR-2 Option 2	RR
Minimum Lot Area (sq.ft.)	10,000	30,000	20,000	30,000
Minimum Lot Width (feet)	60	100	85	100
Maximum Building Height (feet)	35	35	35	35
Minimum Yards:				
Front (feet)	25	50	40	50
Side (feet)	20[a]	20	20[a]	20
Rear (feet)	40	50	40	50

NOTE: [a] Represents the separation required for principal buildings, with no side yard less than five feet.

(c) Parking: two off-street spaces per dwelling unit.

(4) **B4 Performance Subdivision**. A performance subdivision shall include in which a mixture of types of residential dwelling units is encouraged to promote sound land planning and to provide for a variety of housing choices and clustered development to preserve environmental features of a site and open space, provided the following regulations are met:

(a) General regulations.

[1] Performance subdivision is a residential use permitted only in the Country Residential 1 (CR-1) District where public water and public sanitary sewer facilities are available. **[revised 8-27-2007 by ord. no. 2007-13]**

[2] The adjacent properties and rights-of-way shall be safeguarded by a minimum buffer of 75 feet between the minimum yards of proposed buildings and the property line of the tract, when abutting different zoning district boundaries.

[3] The development should consist of a harmonious mixture of unit types, service and parking areas, and circulation that are consistent with that of a traditional village setting.

[4] Building should be compatible with adjacent land use and the historical vernacular architecture within the community. Units and proposed buffers shall be located to make the development more harmonious with its surroundings.

[5] There shall be adequate provision for safe and efficient pedestrian circulation within the boundaries of the site and the adjacent streets. Specific attention shall be given to the details of the streetscape to insure that it is compatible with the highest caliber of village planning and design. Provisions shall be made for safe ingress and egress to and from public streets and highways serving the site.

[6] Adequate off-street parking shall be on lot, where appropriate, and designed as an integral part of the plan. Required overflow parking may be permitted on-street subject to the street classification as regulated by this and other applicable ordinances within the Township.

[7] If the development is to be carried out in progressive stages, each stage shall be so planned that the foregoing requirements and intent of this chapter shall be fully complied with at the completion of any and all stages.

[8] The provisions for the design and maintenance of the open space shall conform with the open space performance regulations within this chapter.

(b) Administration. The administration procedures for a performance subdivision shall be governed by Article V of the Municipalities Planning Code, Act 247, as amended.

(c) Required dwelling mix. From time to time new dwelling types evolve which are appropriate to the area. These are intended to be incorporated with the listed types, subject to dimensional requirements developed by the Township Planning Commission and adopted by the Board of Supervisors. All performance subdivisions shall conform to the minimum standards for the mix of dwelling unit types as set forth below:

TABLE B4

Number of Dwellings in Development	Minimum Required Number of DU Types	Maximum Percent Any DU Type	Minimum Percent Any DU Type
1 to 40	1	100%	10%
41 to 85	2	70%	10%
85 plus	3	40%	10%

(d) **Dwelling type regulations.**

[1] **B4.4.1 Single-Family Detached**.

[a] A single-family residence on an individual lot with private yards on all four sides of the house.

[b] Table of dimensional requirements.
- [i] Lot area minimum: 9,000 square feet.
- [ii] Lot area average: 10,000 square feet.
- [iii] Maximum building coverage: 30%.
- [iv] Minimum yards: front, 35 feet; side, 10 feet; rear, 40 feet.
- [v] Minimum lot width at setback lines: 70 feet.
- [vi] Minimum building spacing: 20 feet.
- [vii] Maximum height: 35 feet.
- [viii] Parking: two off-street spaces.

[2] **B4.4.2 Single-Family Detached - Lot Line**.

[a] A single-family residence on an individual lot, with the building set close to one side property line. That one side yard may be reduced to five feet provided there are no windows in the side of the building with the reduced side yard; and the other side yard shall be no less than 15 feet.

[b] Table of dimensional requirements.
- [i] Lot area minimum: 8,000 square feet.
- [ii] Lot area average: 9,000 square feet.
- [iii] Maximum building coverage: 30%.
- [iv] Minimum yards: front, 25 feet; side, 15 feet and five feet; rear, 40 feet.
- [v] Minimum lot width at setback lines: 70 feet.
- [vi] Minimum building spacing: 20 feet.
- [vii] Maximum height: 35 feet.
- [viii] Parking: two off-street spaces.

[3] **B4.4.3 Village House**. A village house is a single-family detached dwelling on an individual lot with private yards on all four sides of the house. It differs from other forms of single-family detached dwellings in its lot size and placement on the lot, which are similar to houses found in the historic villages and towns. The unit is placed at the building setback line while the garage and off-street car storage is oriented to the rear of the lot. It is additionally distinguished from other single-family houses by planting and/or architectural treatments.

[a] Each unit shall meet two or more of the following design characteristics:
- [i] Two canopy trees per lot, or three flowering trees per lot.
- [ii] An unenclosed porch, running across at least 3/4 of the house front, being at least seven feet in width.
- [iii] A front yard raised above sidewalk grade by at least 30 inches with a retaining wall of at least 18 inches at the sidewalk line.
- [iv] A front yard enclosed by a wall or fence of permanent construction at least 30 inches in height and one flowering shrub per 60 inches across the width of the front of the house.
- [v] Intensive planting of one shade tree, one flowering tree and one flowering shrub per 30 inches across the width of the side of the house facing the street.
- [vi] Hedge or shrubs planted 18 inches for the width of yard facing street.

[b] Table of dimensional requirements.

[i] Lot area minimum: 10,000 square feet.

[ii] Maximum building coverage: 30%.

[iii] Minimum yards (dwelling unit): front, 15 feet; side, 12 feet; rear, 60 feet.

[iv] Minimum yards (detached garage): front, 40 feet; side, two feet; rear, five feet.

[**Note:** A minimum rear yard setback of 20 feet shall be required when the entrance to a detached garage is gained directly from an alley.]

[v] Minimum lot width at setback line: 65 feet.

[vi] Minimum building space: 24 feet.

[vii] Maximum height: 35 feet.

[viii] Parking: two off-street spaces.

[4] **B4.4.4 Twin House**. A twin house is a single-family, semidetached dwelling within a two-dwelling building, having only one dwelling unit from ground to roof and only one wall in common with another dwelling unit.

[a] Table of lot and parking requirements for each dwelling unit:

	Minimum Lot Area (square feet)	**Off-Street Parking**	**Minimum Lot Width (feet)**
1-bedroom	4,000	2.0	40
2-bedroom	4,000	3.0	40
3-plus bedrooms	4,500	3.0	45

[b] Table of bulk and yard requirements:

[i] Maximum height: 35 feet.

[ii] Minimum yards (dwelling unit): front, 15 feet; side, 15 feet; rear, 60 feet.

[iii] Minimum yards (detached garage): front, 40 feet; side, two feet; rear, five feet.

[**Note:** A minimum rear yard setback of 20 feet shall be required when the entrance to a detached garage is gained directly from an alley.]

[iv] Minimum building space: 30 feet.

[5] **B4.4.5 Patio or Z-Line House**. The patio or Z-line house is a single-family detached dwelling with one dwelling unit from ground to roof, having individual outside access. The lot shall be fully enclosed by a wall six to seven feet high. All living spaces, i.e., living rooms, den, and bedrooms, shall open onto a private outdoor enclosure.

[a] Table of lot and parking requirements:

	Minimum Lot Area (square feet)	**Off-Street Parking**	**Minimum Lot Width (feet)**
1-bedroom	4,000	2.0	40
2-bedroom	4,000	3.0	40
3-plus bedrooms	4,500	3.0	45

[b] Table of bulk and yard requirements:

[i] Maximum height: 35 feet.

[ii] Minimum yards (dwelling unit): front, 15 feet; side, zero feet; rear, 40 feet.

[iii] Minimum yards (detached garage): front, 40 feet; side, zero feet; rear, zero feet.

[**Note:** A minimum rear yard setback of 20 feet shall be required when the entrance to a detached garage is gained directly from an alley.]

[iv] Minimum patio area: 50% of lot area.

[6] **B4.4.6 Multiplex**. The multiplex is an attached dwelling within a three to six dwelling building. In general, all units have independent outside access but this is not necessary. Units may be arranged in a variety of configurations; side by side, back to back, or vertically.

[a] Table of lot and parking requirements:

	Minimum Lot Area Per DU (square feet)	**Off-Street Parking**
Efficiency	2,000	1.5
1-bedroom	2,000	2.0
2-bedroom	2,400	2.5
3-plus bedrooms	2,800	3.0

[b] Table of bulk and yard requirements:

[i] Minimum lot area (for building): 8,000 square feet.

[ii] Minimum yards at building setback: street, 15 feet; parking area, 20 feet.

[iii] Minimum yards: side, 12 feet, rear, 30 feet.

[**Note:** A minimum rear yard setback of 20 feet shall be required when the entrance to a detached is gained directly from an alley.]

[iv] Minimum lot width (for building at setback line): 80 feet.

[v] Maximum building height: 35 feet.

[c] No more than six units shall be attached in any group.

[d] A multiplex shall be designed to look like a large single-family detached house within a village setting.

[7] **B4.4.7 Townhouse**. The townhouse is a single-family, attached dwelling unit, with one dwelling unit from ground to roof, having individual outside access. These units tend to be in rows, but through design the "lined up" appearance should be deemphasized.

[a] Table of lot and parking requirements:

	Minimum Lot Area Per DU (square feet)	**Off-Street Parking**	**Minimum Lot Width (feet)**
1-bedroom	1,800	2.0	18
2-bedroom	2,000	3.0	20
3-plus bedrooms	2,200	3.0	22

[b] Table of bulk and yard requirements:

[i] Minimum building setback line: five feet.

[A] Garage: 20 feet.

[ii] Minimum rear yard: 40 feet.

[iii] Minimum space from parking areas:

[A] From buildings (in courts off street): 20 feet.

[B] Pedestrian walk: five feet.

[iv] Minimum building space: 30 feet.

[v] Maximum height: 35 feet.

[vi] Maximum average number of units per building: eight.

[vii] Maximum number of units per building: 10.

[8] **B4.4.8 Weak-Link Townhouse**. The weak-link townhouse is a single-family attached dwelling, having individual outside access, with one dwelling unit from ground to roof. The structure shall consist of a one-story portion and a two-story portion, with the one-story portion occupying a required portion of the minimum lot frontage. The intent is to provide a greater sense of individual identity and visual separation for each unit.

[a] Table of lot and parking requirements:

	Minimum Lot Area (square feet)	**Off-Street Parking**	**Minimum Lot Width (feet)**	**Minimum Width 0ne Story (feet)**
1-bedroom	2,600	2.0	26	9
2-bedroom	2,800	2.5	28	10
3-plus bedrooms	3,000	3.0	30	10

[b] Table of bulk and yard requirements:
- [i] Minimum building setback line, street: five feet.
- [ii] Minimum rear yard: 40 feet.
- [iii] Minimum space from parking areas:
  - [A] From buildings (in courts off street): 20 feet.
  - [B] Pedestrian walk: five feet.
- [iv] Minimum building space: 30 feet.
- [v] Maximum height: 35 feet.
- [vi] Maximum average number of units per building: eight.
- [vii] Maximum number of units per building: 10.

[9] **B4.4.9 Garden Apartments**. Garden apartments are multifamily dwelling units, where individual dwelling units share a common outside access. They share with other units a common yard area, which is the sum of the required lot areas of all dwelling units within the building. Garden apartments contain three or more dwellings in a single structure.

[a] Table of lot and parking requirements **[Revised May 28, 2013, by Ord. 2013-02]**:

	Minimum Lot Area Per Dwelling (square feet)	**Parking Spaces Per Dwelling**
Efficiency	2,000	1.5
1-bedroom	2,000	2.0
2-bedroom	2,000	2.5
3-plus bedroom	2,500	3.0

[b] Table of bulk and yard requirements:
- [i] Minimum building setback lines;
  - [A] Street: 15 feet.
  - [B] Parking areas: 20 feet.
  - [C] Minimum front yard: 40 feet.
  - [D] Minimum side yard: 25 feet.
  - [E] Minimum rear yard: 40 feet.
- [ii] Maximum number of units per building: 16.
- [iii] Minimum building spacing: 50 feet.
- [iv] Minimum street frontage per building: 100 feet.
- [v] Maximum building height: 35 feet.

[c] Garden apartments should be designed with traditional architectural features that are in keeping with the community to reduce their scale and bulk.

[10] **B4.4.10 Mid-Rise Apartments**. Mid-rise apartments are multifamily dwellings 35 feet to 75 feet in height, where individual dwelling units share a common outside access, and elevators serve each floor. Each unit shares with other units a common yard area which is the sum of the required lot areas of all dwelling units within the building.

[a] Table of dimensional requirements **[Revised May 28, 2013, by Ord. 2013-02]**:

	Minimum Lot Area Per Dwelling (square feet)	**Parking Spaces Per Dwelling**
1-bedroom	1,030	2.0
2-bedroom	1,030	3.0
3-plus bedroom	1,510	3.0

[b] General:
- [i] Maximum floor area ratio (on-lot): 0.90.
- [ii] Minimum lot area: 10 acres.
- [iii] Maximum height: 75 feet.
- [iv] Maximum horizontal dimension: 180 feet.
- [v] Minimum road frontage: 200 feet.
- [vi] Minimum building setback line:
  - [A] Street: 100 feet.
  - [B] Property line of development: 250 feet.
- [vii] Minimum building spacing: 150 feet.

[c] The Township's fire-fighting equipment is generally not adequate to serve buildings over 35 feet high. Mid-rise buildings over 35 feet shall be permitted only where fire-fighting equipment is adequate or where a cash contribution adequate to purchase fire-fighting equipment capable of protecting such structures is donated to the local fire company designated by the Township.

[11] **B4.4.11 Other Dwelling Types**. Additional dwelling types, not specifically provided for in other sections of this chapter, may evolve after the enactment of this chapter or may not have been specifically included in this chapter by reason of oversight or by reason that at the time of adoption of this chapter, it was determined not to be a reasonable housing type for the Township. From time to time, however, such dwelling types may become reasonable and appropriate and it is the purpose of this section to provide a mechanism for inclusion of such additional dwelling types in the Country Residential 1 (CR-1) District or under performance subdivision development which is intended to accommodate a variety of dwelling types. It is the intent of this chapter that such uses be permitted in the Country Residential 1 (CR-1) District under performance subdivision development pursuant to the following procedure:

[a] The landowner, equitable or otherwise, of a parcel of ground shall submit his request for inclusion of a specific dwelling type to the Board of Supervisors and Planning Commission with illustrations and explanatory information which fully describes the dwelling type and how it substantially differs from permitted types of residential uses. The submission shall include a market study which indicates the demand for the dwelling type in the Township.

[b] The Planning Commission, upon receiving an opinion from their planning consultant, will determine if the dwelling type in question falls within any of the permitted use classifications under the existing provisions of this chapter or is a variation of a permitted use. Upon finding that the proposed dwelling type is not specifically set forth and is not simply a variation of a permitted type, the Hilltown Township Planning Commission shall determine if said proposed housing type is a

legitimate and appropriate housing type rather than an exotic style and if so, shall develop specific dimensional and other requirements for the new housing type and forward their recommendations to the Board of Supervisors for inclusion in this chapter by amending the chapter.

[c] The Board of Supervisors, upon receiving the opinion from the Planning Commission, shall consider incorporation of the new dwelling type(s) and standards in this chapter in the Country Residential 1 (CR-1) District or under the performance subdivision development.

(5) **B5 Conversion**.

(a) In a Village Center (VC) District any existing single-family dwelling or accessory structure may be converted to multifamily dwelling subject to the criteria below.

(b) In a CR-1, CR-2 or RR District any existing single-family dwelling may be converted to a multifamily dwelling for the sole use of individuals, and their immediate families, engaged in agricultural employment on the same site subject to special exception and the criteria below.

(c) Table of dimensional requirements **[Revised May 28, 2013, by Ord. 2013-02]**:

	Lot Area CR Or RR District (square feet)	**Per DU VC District**	**Off-Street Parking Spaces Per Dwelling**
Efficiency	30,000	4,500	1.5
1-bedroom	35,000	6,000	2.0
2-bedroom	35,000	7,500	2.0
3-plus bedrooms	40,000	9,000	3.0

(d) The minimum yard requirements of the district in which the conversion occurs shall be adhered to.

(e) All conversions shall comply with all requirements of the Pennsylvania Department of Licenses and Inspections.

(f) The size of the building shall not be increased to accommodate the greater number of dwelling units.

(g) Outside fire escapes or stairways shall be located to the rear of the building where they are not visible from the street.

(h) The minimum tract area for this use shall be at least equal to the sum of the "lot area per DU" in Subsection B(5)(c) above based on the number and size of the proposed dwelling units.

(6) **B6 Mobile Home Park**. A parcel of land under single ownership which has been planned and improved entirely for placement of mobile homes for nontransient use, consisting of two or more mobile home lots for sale or rent. Mobile home parks shall be subject to all provisions of this chapter. A distinction shall be made between single-wide (single width) mobile homes and double-wide (double width) mobile homes and shall conform to the following standards subject to meeting all performance requirements of Article V in Chapter 140, Subdivision and Land Development. Mobile home parks shall comply with all of the following standard requirements **[Revised May 28, 2013, by Ord. 2013-02]** :

(a) Applications for mobile home parks shall meet the following dimensional requirements **[Revised May 28, 2013, by Ord. 2013-02]**:

[1] All double-wide (double width) mobile home units shall be subject to standards defined in Subsection B(4)(a).

[2] All single-wide (single width) mobile home units shall be subject to the following dimensional requirements:
  [a] Minimum lot area: 7,500 square feet.
  [b] Minimum lot width at setback line: 60 feet.
  [c] Minimum yards:
    [i] Front: 20 feet.
    [ii] Rear: 30 feet.
  [d] Minimum unit spacing: 30 feet.
  [e] Off-street parking spaces: two.

(b) Mobile home pad.
  [1] No mobile home shall be erected on a mobile home lot except upon a mobile home pad.
  [2] Each mobile home pad shall have a minimum dimension equal to the dimension of the mobile home.
  [3] Each mobile home pad shall front on a street in the mobile home park.
  [4] The pad shall be constructed from either concrete, asphalt concrete, or other material sufficient to adequately support the mobile home to prevent abnormal settling or heaving under the weight of the home. The mobile home shall be anchored to prevent wind overturn and rocking, with tie-downs such as concrete "dead men," screw augers, arrowhead anchors, or other devices suitable to withstand a tension of at least 2,800 pounds.

(c) Skirting. The area between ground level and the perimeter of the mobile home shall be enclosed by means of a skirting of wood, aluminum, or other similar material.

(d) Off-street parking.
  [1] Where recreational facilities are provided, adequate off-street parking for same shall also be provided.
  [2] Mobile home unit. No less than two off-street parking spaces shall be provided for each mobile home site. All parking spaces and driveways shall be at least five feet from any side or rear mobile home site line.
  [3] Accessory building or use. The number of parking spaces to be provided will depend upon the type of facilities proposed and the extent of those facilities. The parking requirements of this chapter for similar uses will be used to determine the number of spaces required.

(e) There shall be a minimum buffer of 100 feet adjacent to all surrounding properties and streets.

(f) Sewage disposal.
  [1] Public sewage shall be required in all mobile home parks and shall be approved by the Pennsylvania Department of Environmental Protection and the Department of Health and be consistent with the Township Sewerage Facilities Plan.
  [2] All components of the sewage collection system, treatment facilities and disposal system shall comply with the standards and specifications of the Hilltown Township Water and Sewer Authority.

(g) Service buildings. Within a mobile home park, nonresidential uses such as a management office, storage facilities for the park residents, laundry facilities, maintenance buildings and storage areas for park maintenance equipment, and a community building for the use of the park residents may be constructed subject to the following standards:
  [1] A maximum of 10% of the base site area may be used for these purposes. Included in computing the area shall be the buildings, parking, and all required setbacks.
  [2] All buildings must comply with the required buffer yard requirements.
  [3] All buildings must be set back at least 50 feet from adjacent mobile homes.
  [4] All buildings must be set back at least 50 feet from interior streets in the mobile home park.

(h) Exterior lighting of streets and grounds. Adequate provisions shall be made in all mobile home parks for exterior lighting of streets and common ground, as the public safety, welfare, and protection of the mobile home park residents and visitors shall require.

(i) Storage within mobile home parks. Owner or operator of said park shall provide an adequate storage area to permit the residents to park and store campers and boats. This area shall be paved and screened by fence or living screen from the remainder of the mobile home park. No campers or boats shall be stored other than in such a storage area. No abandoned vehicles shall be permitted within the park.

(j) Subdivision and Land Development Ordinance. The provisions, regulations, and procedures provided in Chapter 140, Subdivision and Land Development, shall apply to mobile home parks and no such park shall be opened or constructed without full compliance with same.

(k) Enforcement and penalties. All provisions for enforcement and penalties provided for in this chapter shall apply to this mobile home park performance standard.

(l) Fuel supply and storage.
[1] Liquefied petroleum gas systems. Liquefied petroleum gas systems provided for mobile homes, and mobile home parks, service buildings or other structures when installed in mobile home parks shall be maintained in conformity with the "Standards for the Storage and Handling of Liquefied Petroleum Gases" (National Fire Protection Association, NFPA, No. 58 and American National Standard Institute, ANSI, No. 2106.01) and to NFPA No. 501A, "Manufactured Home Installation, Site and Communities." The systems shall have at least one accessible means for shutting off gas. Such means shall be located outside of the mobile home and shall be maintained in an effective operating condition.
[2] Fuel oil supply systems. All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the National Fire Protection Association Standard, NFPA No. 31, or as amended.

(7) **B7 Retirement Village**. Retirement village is a residential use provision that has been included to encourage the development of communities for people of retirement age. A variety of housing types are permitted to give the developer flexibility in choosing the types he feels are most appropriate. In addition to any other applicable provisions of this chapter, the following standards must be met in order to qualify for this use.

(a) Any housing type in Use B3 and B4 are permitted subject to the specific standards for the individual types. All units within a development under this use shall be limited to no more than two bedrooms per dwelling unit, and not more than 35 feet in height unless conforming to the requirement of Use B4.

(b) Public sewer and water facilities must be available to serve the site.

(c) The minimum open space ratio shall be 40%.

(d) A minimum of one of the individual homeowners/tenants must be at least 55 years of age, with no children at home under the age of 18, as provided for in Section 3607 of the Fair Housing Act **[Revised May 28, 2013, by Ord. 2013-02]**.

(e) A community center for the residents of the development must be provided that includes the following facilities:
[1] Meeting hall/multipurpose room.
[2] Classrooms/small meeting rooms.
[3] Equipped craft shop.
[4] Rest room facilities.

[5] May include: library, laundry room, exercise room, kitchen and pantry, or similar facilities.

(f) A minimum of 5% of the housing units shall have barrier free access to accommodate the physically handicapped.

(g) Prior to final approval of the plans, the Township must be satisfied with and in agreement with the legal arrangements and contracts to insure the age restrictions will be adhered to.

(h) Within the PC-1 District, the maximum density for Use B3 shall be 2.25 dwelling units per acre and for Use B4 shall be 5.0 dwelling units per acre. **[amended 4-28-2003 by ord. no. 2003-1]**

(i) Minimum off-street parking requirements:
[1] Use B3: two spaces per dwelling unit.
[2] Use B4: one space per dwelling unit. Off-street parking requirements for Use B4 may be reduced by 25% upon approval of the Board of Supervisors and execution of a written agreement between the Township and the owner(s) that after one year following the issuance of the last occupancy permit the owner shall provide the additional parking spaces at the owner"s expense, if deemed necessary by the Board of Supervisors. Design of the retirement village shall provide for the required number of parking spaces and clearly designate those which shall be installed under the "reduction of parking facilities" agreement, if required and approved by the Board.

(j) A lot area of not less than 20 acres is required within the PC-1 District for this use.

(8) RESERVED.
[Section Deleted May 28, 2013, by Ord. 2013-02]

(9) B9 Age Qualified Residential Community [added 6-25-2007 by ord. no. 2007-06]

(a) Area and Design Regulations for tracts of land in an Age Qualified Residential Community:
[1] Minimum Base Site Area: One Hundred (100) acres.
[2] Maximum Density: Two and a half (2.5) dwelling units per acre based on net buildable site area.
[3] Maximum Building Coverage: Twenty-five (25) percent of the net buildable site area.
[4] Maximum Impervious Surface: Thirty-five (35) percent of the net buildable site area.
[5] Minimum Open Space - Forty Percent (40%).
[6] Buffer yard: A Type 1 buffer yard shall be provided along all property lines of the tract and shall meet the requirements of Section 160-33 of this Ordinance. Buffer yards within an Age Qualified Residential Community shall be available for stormwater management purposes.

(b) This use may include the following dwelling types:
[1] Use B1. Single – Family Detached.
[2] Quadruplex. A quadruplex is a residential dwelling consisting of four units which are attached by their garages. All units have separate access.

(c) Area and Bulk requirements for Quadruplex Development:
[1] Minimum Lot Area per Quadruplex: 9,600 square feet.
[2] Minimum Building Setback: street cartway – Twenty (20) feet from the face of the curb and thirty (30) feet from the garage entrance.
[3] Minimum Building Setback from site boundary: Three hundred (300) feet from existing street line and one hundred (100) feet from property line. When adjacent uses are nonresidential, the setback from the street line may be reduced to one hundred (100) feet.
[4] Minimum Distance Between Quadruplex Buildings: Thirty (30) feet.
[5] Maximum Number of Dwelling Units Per Quadruplex Building: Four (4).

[6] Minimum Quadruplex Unit Parcel Width: Forty (40) feet.
[7] Minimum Quadruplex Unit Parcel Depth: Sixty (60) feet.
[8] Each Quadruplex unit parcel shall have a minimum area of 2,400 square feet.
[9] There shall be a minimum twenty (20) feet distance between a parking lot and any dwelling unit, and a minimum twenty (20) feet between a parking lot and any interior cartway.
[10] Parking: Two and one-half (2.5) off-street parking spaces per dwelling unit. Spaces within a garage may count toward this minimum requirement, provided conversion of the garage into habitable or storage areas that preclude the parking of vehicles is prohibited in the Declaration recorded against the property.

(d) Area and bulk requirements for single family detached dwellings within an Age Qualified Residential Community shall meet the bulk and area requirements of Section 160-23 (B1) of this Ordinance for the RR District.

(e) Permitted Accessory Uses:
[1] Outdoor recreation facilities, including but not limited to, tennis courts, swimming pools, walking paths, golf putting/chipping area, and shuffleboard courts.
[2] Clubhouse/community center consisting of auditorium, activity rooms, kitchen areas, craft rooms, fitness, lounges or similar facilities limited to use by members of the community and invited guests.
[3] Guard house and/or entrance gates.
[4] Administrative offices used for the management of the community.
[5] Greenhouse. (Commercial sale of plants and produce from a greenhouse permitted as an accessory use to an AQRC use is prohibited).

(f) General Requirements:
[1] All buildings within an age qualified district shall be served by public sanitary sewer service and public water supply as approved by Hilltown Township; and built pursuant to specifications of the Hilltown Township Water and Sewer Authority.
[2] Open space shall be restricted from further subdivision and development by the Declaration establishing the age restriction and duly recorded in the Office of the Recorder of Deeds of Bucks County. Required open space shall be owned and maintained by a homeowners association or dedicated to the Township at the discretion of the Board of Supervisors.
[3] Streets within the community may be gated and private and shall be owned and maintained by a homeowners or condominium association. All streets shall be constructed to Township standards for public residential streets as constructed within the Subdivision and Land Development Ordinance, except that all such streets within the proposed development shall be owned and maintained by a homeowners association. Streets shall have a minimum cartway width of 26 feet and be designed to accommodate emergency vehicles. The Board of Supervisors may impose parking restrictions on one side of the streets within the community and may ban parking on both sides of the streets if a street centerline radius is approved which does not meet requirements of the Subdivision and Land Development Ordinance for street alignment for local streets. A utility easement area shall be provided along all streets to provide suitable area for the location of utility lines.
[4] A pedestrian circulation system shall consist of sidewalks on one side of internal streets provided as an integral part of the proposed development.
[5] Occupancy of units shall be in accordance with the Federal Fair Housing Act and Pennsylvania State Human Relations Act.
[6] Declaration of Age Qualification: Subsequent to the approval of the Plan for the first phase of the development, but prior to the recording of the plan, the Developer shall record a Declaration against the property being developed, in a form acceptable to the Township Solicitor, binding the property and owners to the minimum of one (1) permanent occupant being age 55 years and older, which will be applicable to the project and in accordance with both Federal and State Law. The Declaration shall be presented to the Township prior to final plan approval and the Township must be satisfied with the legal arrangements to ensure

adherence to the age restriction. All other homeowner's documents shall be prepared as well in a form acceptable to the Township.

[7] The Township Police Department shall be given the right to enforce the provisions of the Pennsylvania Motor Vehicle Code on streets throughout the development.

[8] All structures shall be designed to protect and preserve the character of the area. A variety of architectural features and building materials are required to give each building or group of buildings a distinct character, unless otherwise approved by the Hilltown Township Board of Supervisors. New structures shall follow complimentary designs. The proposed architectural styles, building scale, design, materials of the buildings and structures with proposed building elevations and pictures (including dimensions of building height and width and faced treatment) shall be submitted for approval to the Board of Supervisors before any building permits can issue.

(g) Recreational Facilities shall be required as follows:

[1] Recreation facilities shall include both passive and active. Examples of active types shall be tennis courts, swimming pool, horseshoes, bocce ball courts, lawn games, etc. Passive types would include picnic groves, walking trails, nature areas, etc.

[2] Multi-purpose trails shall be constructed through the open space area. Trails shall have a minimum width of six (6) feet and be constructed with asphalt or other surface approved by the Township. Benches and trash receptacles shall be provided along the trails in appropriate areas designated by the Township.

[3] Proposed recreation facilities are subject to review and approval by the Township.

(h) Clubhouse/Community Center:

[1] A clubhouse/community center shall be required and include the following facilities:

[a] Meeting hall/multi-purpose room.

[b] Classrooms/small meeting rooms.

[c] Indoor pool or other accessory recreational facilities.

[d] Restroom facilities.

[e] Administrative offices for the management and maintenance of the community.

[2] The clubhouse/community center may also include the following: library, laundry room, exercise room, kitchen and pantry, or similar facilities.

[3] The clubhouse/community center shall have a minimum floor area of 2,100 square feet plus 33 square feet per dwelling unit within the Age Qualified Residential Community.

[4] Off-Street Parking Spaces for the clubhouse/community center shall be provided based upon 7.5 spaces per 1,000 square feet.

(i) Development Requirements:

The general plan for age qualified residential district shall include evidence and facts showing that it has considered and made provisions for, and development shall be executed in accordance with, the following essential conditions:

[1] The proposed development shall be substantially in accordance with the Comprehensive Plan of the community and shall consider the surrounding land features of the area, including but not limited to residences, schools, parks, other reservation of open spaces, locations, width and grade of streets and location and arrangement of parking spaces, local and regional business areas and shopping centers, densities proposed for surrounding areas and such other features as shall contribute to the harmonious development of the area with due regard to the character of the neighborhood and its peculiar suitability for this type of use.

[2] The proposed development shall be constructed in accordance with an overall plan and shall be designed as a unified architectural unit with appropriate landscaping.

[a] If the development of the age qualified district is to be carried out in stages, each stage shall be so planned that the foregoing requirements and the intent of this article shall be fully complied with at the completion of any stage, the initial stage of development shall comprise a total floor area of not less than 25% of the total area intended to be developed.

[b] The area shall be adaptable to community development, being located in relation to major thoroughfares, streets, railroads, public transportation, shopping or other facilities and, as far as possible, shall have within or through it no major thoroughfare or other physical features which will tend to destroy the neighborhood or community cohesiveness.

[c] Areas for loading and unloading of delivery trucks and other vehicles and for the servicing of refuse collection, fuel, and other service shall be provided and shall be adequate in size and shall be so arranged that they may be used without blockage or interference with the use of a vehicular or pedestrian access way or automobile parking facilities.

[d] Provisions shall be made for safe and efficient ingress and egress to and from public streets serving the development without undue congestion to or interference with normal traffic flow.

[e] Lighting. The source of any exterior spot lighting or flood lights of buildings or grounds shall not be visible from off the site. Lighting facilities for the residential area, clubhouse/community center, streets, and parking areas shall be arranged in a manner which will protect the highway and neighboring properties from glare. Lighting facilities will be required where deemed necessary by the Township for the safety and convenience of the residents of the Age Qualified Residential Community. Lighting shall conform to requirements of Section 160-41.D, General Requirements, and Section 160-41.E, Requirements for outdoor area and roadway lighting installations, of this Ordinance.

[f] Screening. All recreational, service and parking areas shall be effectively screened from abutting lots or street right of way by a strip of planting not less than twenty (20) feet in width, such planted to consist of not less than fifty percent (50%) of evergreen material scattered throughout the planting strip. At a minimum, plant material and number shall conform to Section 160-33.D(4) – Type 4 buffer planting requirements. This required screening is in addition to perimeter (boundary) buffer requirements of Section 160-33.D(1). All required perimeter buffering (plantings and berms where applicable) shall be installed in the initial phase of construction to minimize impacts to adjacent residents during construction when practical as determined by the Board of Supervisors.

[g] Areas for the deposit, retention and disposal of waste material shall be screened from view.

[h] The developer shall be required to preserve or incorporate natural features, such as woods, floodplains, streams and open space areas.

[i] Accessory buildings or structures.

[1] No accessory buildings, structures or uses, except parking, may be located within areas between the front of a dwelling unit and street lines, within the perimeter of setbacks, or within quadruplex lots. All accessory structures shall be shown on the land development plan.

[2] Except for one cable television antennae, no accessory buildings, structures or uses may exceed sixteen (16) feet in height.

[j] Unit Occupancy

[1] The owner or permanent occupant of an Age Qualified Residential Community dwelling shall be fifty-five (55) years of age or older. No persons under the age of nineteen (19) shall occupy a dwelling or unit more than ninety (90) days (cumulative) in a calendar year.

[2] An under-aged resident who shall survive the death of an age qualified spouse shall be permitted to continue to occupy the dwelling, provided, however, that the continued occupancy does not violate the Federal Fair Housing Act.

[3] Members of a household shall not be required to move out of a dwelling if they qualified for residency at the time of their initial occupancy and no longer meet the requirements of residency because a resident age 55 or older dies, divorced, is placed in a nursing or other similar assisted care facility, or experiences a similar circumstance.

[k] Community Services

An Age Qualified Residential Community must provide community services. In lieu thereof, a financial contribution or in kind donation shall be made to Hilltown Township in an amount or in kind donation deemed appropriate by the Hilltown Township Board of Supervisors.

(10) **B10 Traditional Neighborhood Development**

(a) A planned development of residential, commercial and certain institutional uses shall be allowed by Conditional Use within the VC Village Center District, subject to the following provisions:

(b) Purpose. The purpose and intent of this use is:

[1] To provide for a traditional neighborhood with a diversity of uses, block sizes, dwelling unit types and open spaces in a compact arrangement that promotes internal and external walkability.

[2] To encourage new development which emulates the character found in the existing villages of Hilltown Township and Bucks County.

[3] To encourage a combination of commercial and residential uses in the VC Village Center Districts in Hilltown Township with architectural characteristics that fit in with the predominate traditional architecture of the area.

[4] To establish a community which is pedestrian-oriented with parks, a centrally located public commons, square, plaza or prominent intersection of two or more major streets, commercial enterprises and civic and other buildings, spaces and facilities for social activity, recreation and community functions.

[5] All tracts of land proposed for a single TND shall be in one (1) ownership and shall be developed and operated under single direction, control or management.

(c) Conditions and Procedures

[1] Prior to the submission of a Conditional Use Application or Preliminary Land Development Plans for a Traditional Neighborhood Development, an Applicant has the right to request a confirmed appointment with the Board of Supervisors at a public meeting to present and discuss conceptual plans.

[2] The regulations in this Subsection B(10) shall take precedence over other provisions of Chapter 160 to the extent that this Subsection B(10) specifies additional, more restrictive or varied requirements. Otherwise, all applicable sections of Chapter 160, and the Subdivision and Land Development Ordinance, shall apply.

[3] As part of the preliminary subdivision and land development plan application, the Applicant shall submit detailed plans/drawings of the proposed dwellings and other buildings demonstrating compatibility with the range of dwelling and other building examples found within the Manual of Written and Graphic Design Guidelines (to be prepared by the applicant and reviewed and approved by the Township), in accordance with Section 160-94.E.

[4] In order to promote flexibility of design within a traditional neighborhood development, modifications from specific design criteria contained in this section B10 may be appropriate. The Board of Supervisors of Hilltown Township shall have the authority to grant modifications of such requirements if, in the Board of Supervisors' discretion, it determines that such modifications will result in a better design of a traditional neighborhood development and will not adversely affect the health, safety and welfare of the Township.

[5] A declaration of covenants, easements and restrictions shall be submitted to the Township at the time of final plan submission, which shall be in a form that is acceptable to the Township Solicitor.

[6] If the development is to be carried out in phases, each phase shall be so planned that the intent of this chapter shall be met at the completion of each and any phase. Any phased development shall be fully described and defined on the subdivision or land development plan.

[7] At the time of land development plan submission for each phase or stage of development, a Manual of Written and Graphic Design Standards shall be submitted by the Applicant to illustrate the proposed design, architectural and related construction standards for the proposed streets and alleys, streetscapes, buildings, open spaces, recreation facilities, pedestrian facilities and landscape features.

(d) Key Design Elements

[1] Unlike conventional suburban development patterns (with separated land uses, deep setbacks, no on-street parking, cul-de-sac and no sidewalks), traditional neighborhoods shall promote a more compact, integrated and sustainable development pattern and shall have the following key design elements:

[a] Civic anchor in the neighborhood, as determined by the Board of Supervisors – such as a park, meeting hall, corner store, post office, library or community center, to provide a place for gathering and special events.

[b] Mix of uses – combines residential, certain institutional, recreational, commercial and open space uses in a diversified but seamless arrangement; also combines first floor retail with second floor dwellings and/or offices; encourages live-work units.

[c] Building types and architectural features – focuses on buildings designed by type and to fit in with the predominate traditional architecture of the surrounding area. Building type shall not be determined solely by function to allow for adaptations and changes in use (e.g. from dwelling, to shop, to work place, to institutional).

[d] Park and open space land – creates the green, square or park to help anchor the neighborhood; a system of open spaces ecologically balanced with the built environment and distributed within the neighborhood.

[e] Network system of interconnecting streets – organizes a block and pattern of lots that shall be an extension of the existing street system and lot pattern of the existing village; integrates with lanes, alleys, neighborhood streets; links to pedestrian and other transportation systems; streets and street walls create outdoor rooms.

[f] On-street/parallel parking – provides a separator between vehicular and pedestrian traffic; utilizes cartway as an aisle (with overflow parking to the rear or side of buildings); promotes effective traffic calming by slowing down the speed of vehicles, especially along narrower streets.

[g] Alleys – allow for preservation of frontage streetscape; moves vehicular access to detached garages in the rear; provides access for deliveries, utilities and staging construction.

[h] Shallow setbacks – help to create an outdoor room and sense of space, with two- to three- story buildings, typically from 60 to 85 feet across from one another on both sides of the street; promotes a human scale relationship for the pedestrian as part of the public realm; buildings placed at a build-to line to create a street wall.

[i] Front porch/portico/colonnade – serves as transition element from the private realm of the building to public realm of the sidewalk and street; provides shade; promotes a finer, more ornamental texture of the building; creates a cozy place to sit, read, relax; provides outdoor room to greet and socialize with neighbors.

[j] Sidewalks/crosswalks/pedestrian paths/walkways – serves to link uses, buildings and lots together; accommodates a healthy pedestrian circulation network; provides close to home opportunities for exercise; enhances wayfinding and an appreciation of the neighborhood/place.

[k] Shade trees – provide (as street trees) the canopy/overhead plane to help create an outdoor room; and as shade trees, helps to mitigate the impacts of increased paving and impervious surfaces with respect to the microclimate.

[l] Other vertical infrastructure – includes fences, hedges, walls, street lamps, benches, gazebos, pavilions, pergolas, and monuments or like features.

(e) Use and building type regulations

[1] Traditional neighborhood development shall focus first on building types and second on uses within buildings. Except for institutional buildings, other buildings in a traditional neighborhood shall have a size, height, scale and proportion that is compatible with traditional Village Center district buildings. Therefore, the corner store, the office or other commercial uses should blend with the residential architecture of the neighborhood and the existing village.

[2] Regardless whether fee-simple lots or a form of common ownership is to be used, when Traditional Neighborhood Developments are first created, the proposed lots shall be laid out and designated as either residential (which may include live-work units), non-residential or open space. Residential lots shall be further categorized as single-family detached, village house, or twin house. All lots shall be laid out so that the dimensional coverage and all other requirements specified in this article shall be satisfied. However, the actual lot lines do not need to be legally established. Any future development on an individual lot, regardless whether or not it has been legally established, shall conform to this initial use designation for that particular lot, except that live-work units may be created as provided for in Subsection (e)(6) below.

[3] The following uses shall be permitted as a part of a Traditional Neighborhood Development, provided that all detailed design standards of Subsections (f), (g) and (h) of this Subsection B(10) and any other use requirements outlined in Article IV are met:

[a] B1 Single Family Detached

[b] B1.1 Village House (**EN: Provisions for Village House are listed under Performance Subdivision, section 160-23.B4.4.3**)

[c] B1.2 Twin House (**EN: Provisions for Twin House are listed under Performance Subdivision, section 160-23.B4.4.4**)

[d] C1 Place of Worship

[e] C2 School

[f] C4 Library

[g] C7 Private Recreational Facility

[h] C9 Private Club

[i] C11 Day Nursery

[j] C15 Funeral Home

[k] D1 Medical Office

[l] D3 Offices

[m] E1 Retail Store

[n] E3 Personal Services

[o] E4 Financial Establishment

[p] E5 Eating Place

[q] E7 Repair Shop

[r] E17 Commercial Conversion

[s] F4 Municipal Use

[4] The following uses shall be permitted as accessory uses:

[a] Accessory uses that are clearly incidental to the uses permitted by right, such as parking, residential accessory structures or non-residential accessory structures, provided that storage sheds are not permitted, and further provided that all accessory structures meet all setback requirements of principal buildings and structures.

[5] Any dwellings shown on the approved plan shall not be converted to non-residential use, except that live-work units shall be governed by Subsection B10(e)[6].

[6] Live-work units shall be permitted, provided that they comply with the detailed design standards of Subsections (f), (g) and (h) and the following:

[a] No more than 30% of the total number of dwelling units may be live-work units.

[b] All live-work units shall have frontage on collector streets or streets of higher classification.

[c] The non-residential portion of the dwelling used for the live-work unit shall not exceed 50% of the total gross floor area and shall not be located above the second floor.

[d] The residential occupant of the live-work unit must also be an owner or principal employee of the business occupying the unit.

[e] The business occupying the live-work unit shall not have more than three employees present on site at any time, including the principal or owner.

[f] The live-work unit must be identified by a sign no larger than four square feet and as provided for in Article VII of this Ordinance.

[g] No retail, medical or dental offices, or other office uses generating comparable visitor traffic shall be permitted in live-work units.

[h] Live-work units shall be subject to use and occupancy permits and inspections.

[7] All commercial uses shall be located on the first floor and/or second floor and shall be located in buildings having frontage on a collector or higher order street.

[8] The adaptive reuse of existing buildings is encouraged.

(f) Use composition. Dwelling unit composition and density/intensity.

[1] Use composition. Land devoted to non-residential development (Combined office, commercial or retail development and institutional buildings) shall comprise at least 10% of the site area and may comprise up to 25% of site area of the total Traditional Neighborhood Development.

[2] Dwelling unit composition.

[a] There shall be a diversity of dwelling unit types and lot sizes, with variations in lot widths to promote additional diversity of dwelling unit sizes.

[b] A mix of dwelling unit types shall be achieved, using the following minimum or maximum percentages, whereby a mix of unit types shall be provided within each block to the maximum extent possible:

[i] Village House: 10% minimum to 65% maximum.

[ii] Twin House: 5% minimum to 30% maximum.

[iii] Live-work units: 30% maximum.

[iv] Single-family detached: 5% minimum to 70% maximum.

[3] Density/intensity.

[a] The density for residential dwelling units shall not exceed 6.0 dwelling units per acre of Net Buildable Site Area, as determined by Section 160-25.A of this ordinance. This calculation for maximum density shall be inclusive of any live-work unit(s).

[b] The intensity of non-residential development, including offices, commercial or retail buildings, institutional buildings and the business portion of the live-work unit(s), shall not exceed 5,000 square feet of building per acre of Net Buildable Site Area, as determined by Section 160-25.A of this ordinance. To reduce the amount of building coverage and to maximize open space, non-residential buildings shall be two or three stories in height.

(g) Detail design standards.

[1] Open space requirements for a Use B-10 Traditional Neighborhood Development (TND):

[a] An open space of at least 15 feet in width shall be designated and maintained along any property line which directly abuts lots with existing single-family detached dwellings. Such open space shall be free of any structures, except for boundary fences, walls, curbing, pathways or sidewalks connecting adjacent neighborhoods, and existing buildings or structures. Such open space shall be landscaped in accordance with a landscape plan that complies with Hilltown Township Subdivision and Land Development Ordinance Section 140-37 pertaining to landscaping design standards. The width of the open space and the

composition of the landscaping may be modified by the Board of Supervisors, if warranted by existing site conditions.

[b] Within the traditional neighborhood, a variety of open spaces shall be designed to complement residential and non-residential development. A minimum of 20% of the total site area shall be designated, landscaped and maintained as open space. The areas of surface stormwater management facilities shall only be included in the open space calculation if they serve a recreational purpose and if approved by the Board of Supervisors.

[c] A maximum of 10% of the proposed open space area may be taken up by impervious surfaces, i.e. sidewalks, gazebos, maintenance buildings, etc.

[d] Open space shall take on the form of a park, parklet, green, playfield, playground, buffer, natural resource protection area, common or approved landscaped area, in accordance with a landscape plan that complies with the Township's Landscape Design Standards as determined by the Board of Supervisors.

[e] Open space areas shall be at least 1,500 square feet in area in order to count toward the 20% minimum requirement. Parking islands shall not count towards the 20% minimum open space requirement.

[f] Open space shall be owned and maintained in a form that is acceptable to the Board of Supervisors. All open space shall be subject to a declaration of covenants, easements and restrictions in a form that is acceptable to the Board of Supervisors.

[g] Open space shall be landscaped in accordance with Subsections (g)[5][a] and [b] of this Subsection B(10).

[2] Streets, alleys and accessways.

[a] Streets, alleys and accessways shall form an interconnected vehicular circulation network and shall be designed as an extension of the street system and pattern of the existing village to the maximum extent possible as determined by the Board of Supervisors.

[b] The street rights-of-way within a TND shall be extended to connect to adjoining tracts where feasible.

[c] All streets shall be sufficient in width to provide for on-street parking on at least one side. An on-street parking space shall measure at least eight feet wide by 22 feet long when parallel to the curbline.

[d] All streets and alleys, whether public or private, shall have a right-of-way. The right-of-way width for alleys may be the same width as the paved area.

[e] Streets with on-street parking on one side shall be 27 feet in width (with two ten-foot travel lanes and one seven-foot parallel parking bay).

[f] Streets with on-street parking on both sides shall be 34 feet in width (with two ten-foot travel lanes and two seven-foot parallel parking bays).

[g] Alleys shall be provided wherever possible to enable buildings to be placed closer to the street and thereby enhance the curb appeal of the traditional neighborhood. Alleys shall be provided to move vehicular access to the rear of buildings to the maximum extent possible and thereby to move garage doors and curb cuts away from the frontage streetscape.

[h] Alleys that are two-way and proposed for dedication to the Township shall be at least 16 feet in width. Alleys that are two-way and not proposed for dedication to the Township may be reduced to 14 feet in width.

[i] Alleys that are one-way and not proposed for dedication shall be at least 12 feet in width.

[j] Alleys should not have sidewalks or curbs.

[k] All one-way accessways and driveways shall be at least nine feet in width.

[3] Curb cuts, driveways and garages.

[a] Garages, driveways and/or parking lots shall not be the dominant aspect of the building design and/or the streetscape as viewed from the street.

[b] To the maximum extent possible, as determined by the Board of Supervisors, garages shall be accessed from an alley. In those places where alleys are not possible to service development as determined by the Board of Supervisors, curb cuts may be permitted, provided that the garage door is recessed at least 18 feet from the front facade, and further provided that no more than 10% of the total number of dwelling units are accessed by such curb cuts.

[c] Where garages are accessed from an alley and a parking apron is provided perpendicular to an alley, such garage shall be located a minimum of 18 feet from the edge of the alley.

[d] Where garages are accessed from an alley and a parking apron is provided parallel to an alley, such garage shall be located a minimum of eight feet from the edge of the alley.

[e] Garages for residential dwelling units shall meet one of the following design options, listed in the order of preference for the traditional neighborhood:

[i] The garage is rear-entry, such that garage doors are on the opposite side of the house from the front facade, preferably accessed from an alley.

[ii] The garage is located behind the rear facade of the house. Such garage may be detached from or attached to the dwelling, and the garage doors may face any direction.

[iii] The garage is front-entry and recessed at least 18 feet from the front façade (excluding any porches or decks) of the building. When residential garages face a street, the garage shall comprise no more than 25% of the total area of the front façade elevation of a dwelling unit, measured from ground level to the lower edge of the roof. A garage door facing a street shall not exceed a width of 12 feet.

[iv] The garage is side-entry, such that garage doors are perpendicular or radial to the street, which the front façade faces.

[4] Sidewalks and Pathways.

[a] Sidewalks of at least four feet in width shall be constructed and maintained along all streets.

[5] Pathways of at least four feet in width shall be constructed and maintained to link to existing off-site pathways and to enhance the use of green areas as required by the Board of Supervisors.

[6] Street trees and other landscaping.

[a] All street trees, landscaping and plantings shall comply with the Hilltown Township Subdivision and Land Development Ordinance Section 140-37.

[b] Other landscaping in the form of perimeter buffers, screens, foundation plantings, fencing, walls, pergolas, gazebos, monuments or other civic art are essential to a traditional neighborhood and shall be subject to plan approval by the Board of Supervisors.

[c] Non-residential parking areas shall be buffered from residential areas by landscaping and/or compatible small-scale residential buildings and/or structures.

[d] A dedicated four-foot wide planting strip shall be provided between the curb and sidewalk to facilitate the placement of street trees in accordance with SALDO Section 140-37.

[7] Buildings and neighborhood design.

[a] The buildings in the traditional neighborhood shall relate to the context and fabric of existing buildings typically found within the existing villages of Hilltown Township. The size, mix proportion and form of buildings shall emulate the heritage character of these traditional neighborhoods and villages.

Refer to Appendix A "Representative Buildings" for photographs of traditional buildings found in each of the villages of Hilltown Township.

[b] A minimum of 60% of the principal residential buildings shall include a front door accessing onto an unenclosed front porch with a minimum floor area of 72 square feet. Such porch shall be covered by a permanent roof and shall not be enclosed in the future.

[c] No principal building shall include a flat roof. Significant roof pitches and variations in roof lines are specifically encouraged.

[d] With respect to non-residential buildings, blank walls shall not be permitted along any exterior wall facing a street, parking area or walking area. Exterior walls in these locations shall have architectural treatments that are the same as the front façade, including consistent style, materials, fenestration and details.

[e] Brick, stucco, or stone chimneys shall be provided for all dwelling units.

[f] All principal buildings shall have variations, including:

[i] Recesses and projections in the façades, so that no more than two adjoining dwelling units are on the same plane, and the recess or projection is at least three feet.

[ii] Heights of façades, so that no more than two adjoining dwelling units are at the same height, and the height difference is at least one foot.

[iii] The front façade of each dwelling unit shall be composed of wood, brick, stucco, stone or a combination two of those elements, and shall incorporate at least one or a combination of the following elements: window headpieces, keystones and rowlocks, quoin corners, water table courses, precast concrete details, and/or corbelled row locks. These materials shall also be used on all side and rear walls that face or may be viewed from a public street or public park or green.

[8] Parking and parking lots.

[a] Parking shall be located on-street to the maximum extent possible to provide the streetscape appearance that is traditional and to serve as an insulator between moving vehicles and pedestrians walking along the adjoining sidewalks.

[b] Parking lots shall be located to the rear or sides of buildings.

[c] Parking lots and/or garages shall not be the dominant aspect of the building design and/or the streetscape as viewed from the street.

[d] Live-work units shall have the parking ratio as required for that specific dwelling type, as provided in Section 160-23, Use Type Regulations. Employees working in the live-work units shall be directed to park at available off-site public parking areas to reserve available parking for customers and business invitees.

[e] Parking ratios for all other uses shall also be in accordance with the requirements in Section 160-23, Use Type Regulations. However, if Section 160-23 imposes an excessive standard, as determined by the Board of Supervisors, the Applicant shall demonstrate through the use of empirical data from other built projects that a lesser standard can adequately serve the proposed uses. In any event, the Township shall hold in escrow the monetary value of the parking spaces not built for a period of two years after commencement of the use, and the development plan shall show the layout of the required parking areas to be held in reserve and include calculations on the potential impervious surface area addition. If after two years following project completion, the Board of Supervisors determines that the use is adequately served by the parking provided, escrow funds may be released. If the provided parking is not adequate, then the escrow funds shall be used to construct the needed parking.

[f] Except for parking at a green, park, playfield, or playground, all nonresidential parking areas shall be visually screened from existing and proposed streets by hedges, buffer plantings or similar elements.

[9] Off street loading areas, outdoor storage and trash disposal areas.

[a] Non-residential uses shall meet the following requirements:

[i] All loading areas and loading docks shall be located to the sides and rears of buildings. Loading docks shall not be visible from public streets. All loading areas and loading docks shall be set back at least 25 feet from residential areas.

[ii] Outdoor storage or display of materials shall not be permitted.

[iii] Trash disposal areas shall be located within buildings or within an opaque screened area that completely hides the trash and is located to the side or rear of the building. All outdoor trash disposal areas shall be set back at least 25 feet from residential property lines, and at least 10 feet from any perimeter property line of the site.

[b] Residential units shall have a designated place to store household trash receptacles within an enclosed building or structure. Trash placed out for pickup shall have a designated area for each unit and shall be of an improved all-weather surface.

[c] Postal deliveries shall be to individual mail slots or boxes at the individual dwelling units and shall not be grouped into multi-box community receptacles.

(h) Dimensional requirements.

[1] In the case where individual lots are not created, such as condominium development, equivalent dimensional standards shall apply.

[2] The minimum site area for a Traditional Neighborhood Development shall be 15 acres.

[3] Streetscape.

[a] The most critical dimension in the traditional neighborhood is the width of the streetscape from building walls on one side of the street to building walls on the opposite side of the street.

[i] Where blocks are created with buildings close to the street and sidewalk, the typical streetscape width shall be in the range from 60 feet to 75 feet for non-residential building streetscapes and 70 feet to 85 feet for residential building streetscapes.

[ii] Where buildings parallel or encircle an open space area, the streetscape width may be wider as a function of the width of an approved open space area.

[4] Building setback for principal buildings.

[a] Front or side yard from an interior street or alley: 6 feet minimum; 25 feet maximum.

[d] Front or side yard from streets along the tract perimeter: 10 feet minimum; 30 feet maximum.

[5] Side yards for principal buildings.

[a] Six feet minimum; 12 feet aggregate.

[b] For office or other non-residential uses, side yards of 10 feet minimum shall be provided.

[c] Twelve feet minimum building separation distance in the case of development where individual lots are not created, such as condominium development.

[6] Rear yards for principal buildings.

[a] Eighteen feet minimum yard setback.

[b] Eighteen feet minimum building setback from street or alley edge in the case of development where individual lots are not created, such as condominium development.

[c] Thirty-six feet minimum building separation distance, where individual lots are not created, such as condominium development, and in the case where there is no street or alley between buildings that do not have conventional lots.

[7] New individual commercial buildings shall be no wider than thirty-six (36) feet, unless designed with bays and offset by a one to four foot recess or projection at intervals of thirty-six (36) feet.

[8] Building coverage.

[a] Maximum building coverage: 35%

(i) Other requirements.

[1] All buildings within the development shall be served by a public water supply and public centralized sewage disposal system.

[2] All public utility lines and similar facilities servicing the proposed development and its area shall be installed underground, and electric transformers shall be installed underground or within the walls of a completely enclosed building.

C. Religious, Educational, Recreational and Institutional.

(1) C1 Place of Worship. Place of religious worship, provided that the following requirements are met:

(a) Access shall be to a collector or arterial street.

(b) Minimum lot size: two acres.

(c) For front yard, side yard, rear yard and minimum lot width see table of performance standards for single-family detached (Use B1) in the RR District.

(d) Parking:
[1] One off-street parking space for each four seats provided for patron use; or at least one off-street parking space for each 40 square feet of gross floor area used or intended to be used for service of patrons, guests or members, whichever requires the greater number of off-street parking spaces, plus one additional space for each full-time employee. Parking areas shall be adequately screened when situated next to land zoned for or in residential use in accordance with § 160-33 herein.
[2] All required parking shall be located to the side or rear of the structure.

(2) C2 School. Religious, sectarian and nonsectarian, denominational private school, or public school which is not conducted as a private gainful business. Minimum lot size is 10 acres with access to major collector or arterial status streets as classified in the Hilltown Comprehensive Plan. Outdoor play areas shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbances as provided in § 160-36 of this chapter.

(a) Parking:
[1] Kindergarten: one off-street parking space for each faculty member and employee plus two additional spaces per classroom.
[2] Elementary school: one off-street parking space for each faculty member and employee plus two additional spaces for each classroom and office.
[3] Junior high school: one off-street parking space for each faculty member and employee plus one space per two classrooms and offices.
[4] Senior high school: one off-street parking space for each faculty member and employee plus one space for each 10 students of projected building capacity.
[5] College and junior college: one off-street parking space per faculty member and employee plus one space for each classroom seat, or one off-street parking space for each 10 auditorium seats, whichever requires the greater number of off-street parking spaces.
[6] In addition to other required landscaping, all parking areas shall be buffered in accordance with § 160-33 of this chapter.

(3) C3 Commercial School. Trade, technical, or professional school, music or dance school, etc.

(a) Parking: one off-street parking space per faculty member and employee, plus one space per three students. Parking areas shall be adequately screened when situated next to land zoned for or in residential use in accordance with § 160-33 herein.

(4) C4 Library. Library or museum, open to the public or connected with a permitted educational use, and not conducted as a private gainful business.

(a) A minimum lot size of two acres is required.
(b) Parking: one space per five seats or one space per 250 square feet of gross floor area where no seats are provided. Parking areas shall be adequately screened when abutting land zoned for or in residential use in accordance with § 160-33 herein.

(5) **C5 Recreational Facility**. Recreational facility or park owned or operated by the Township or other governmental agency, subject to the following additional requirements:

(a) Outdoor active recreation area shall be located at the discretion of the Township.

(b) Outdoor activity areas shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbances, as provided in § 160-36 of this chapter.

(c) Parking: one off-street parking space for each five persons of total capacity. Parking areas shall be adequately screened when abutting land zoned for or in residential use in accordance with § 160-33 herein.

(6) **C6 Rifle Range**. A facility owned and operated by a private club or organization for the controlled discharge of firearms, subject to the following conditions:

(a) A minimum lot size of 10 acres is required.

(b) The use shall not be conducted as a private gainful business.

(c) The facility shall be for members and their authorized guests only.

(d) The range shall be designed and constructed in accordance with the National Rifle Association's standards for the particular type of range.

(e) The range shall be used for only the type of firearms for which it is designed to accommodate.

(f) The range shall be operated in strict accordance with the National Rifle Association standards for operation and safety.

(g) The range shall not be lighted for night time use.

(h) The safety of the adjoining properties shall be a primary consideration in the location and design of a rifle range.

(i) Parking: one off-street parking space for each three persons of total capacity, plus one additional space for each employee or operator.

(7) **C7 Private Recreational Facility**. A recreational facility owned or operated by a nongovernmental agency, subject to the following additional provisions:

(a) A minimum lot size of five acres is required.

(b) The use shall not be conducted as a private gainful business, nor shall it permit amusement parks, wild animal parks or zoos.

(c) No outdoor active recreation area shall be located nearer to any lot line than 50 feet.

(d) Outdoor play areas shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbances, as provided in § 160-36 of this chapter.

(e) Parking: one off-street parking space for each five persons of total capacity, or at least one off-street parking space for each 50 square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the greater number of off-street parking spaces, plus one additional space for each employee.

(f) In addition to other required landscaping, all parking areas shall be buffered in accordance with § 160-33 of this chapter.

(8) C8 Golf Course. Golf course, including club house, restaurant and other accessory uses provided they are clearly accessory to the golf course, subject to the following additional minimal provisions:

(a) Lot area:
[1] Regulation eighteen-hole, 6,000 to 7,000 yards in length: 130 acres.
[2] Executive eighteen-hole, 3,000 to 4,000 yards in length: 60 acres.
[3] Nine-hole, 3,100 to 3,500 yards in length: 60 acres.
[4] Par 3 eighteen-hole, 2,000 to 2,500 yards in length: 45 acres.

(b) No building shall be closer than 100 feet to any lot line.

(c) A buffer shall be provided, in accordance with the provisions of § 160-33 of this chapter.

(d) Parking: one off-street parking space per four people of total capacity, including accessory uses, plus one additional space for each employee.

(e) In addition to other required landscaping, all parking areas shall be buffered in accordance with § 160-33 of this chapter.

(9) C9 Private Club. Private club or lodge other than use C6 or use C8, subject to the following additional provisions:

(a) Parking: one off-street parking space for every five members of total capacity, or at least one off-street parking space for each 50 square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the greater number of off-street parking spaces, plus one additional space for each employee. Parking areas shall be adequately screened when abutting land zoned for or in residential use in accordance with § 160-33 herein.

(10) C10 Community Center. Community center, adult education center, or other similar facility operated by an educational, philanthropic, or religious institution, subject to the following additional provisions:

(a) A minimum lot size of five acres.

(b) The use shall not be conducted as a private, gainful business.

(c) No outdoor recreation area shall be located nearer to any lot line than 50 feet.

(d) Parking: one off-street parking space for each four seats provided for patron use; or at least one off-street parking space for each 50 square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests, or members, whichever requires the greater number of off-street parking spaces, plus one additional space for each employee.

(e) In addition to other required landscaping, all parking areas shall be buffered in accordance with § 160-33 of this chapter.

(11) C11 Day Nursery. Day nursery, nursery school, kindergarten, or other agency giving day care to children or adults, subject to the following additional provisions:

(a) The use shall be conducted in a building designed for residential occupancy and for the safety and well-being of the occupants.

(b) In addition to other required landscaping all outdoor play areas shall be buffered in accordance with § 160-33 herein.

(c) Where no more than 10 children or adults are involved per session, minimum lot size shall be permitted for Use B1. For each additional 10 children or adults per session a similar acreage shall be required.

(d) The establishment must be located on a public street.

(e) Parking: at least one off-street parking space for each teacher, administrator and maintenance employee. Parking areas shall be adequately screened when abutting land zoned for or in residential use in accordance with § 160-33 herein.

(12) C12 Hospital. Licensed hospital, subject to the following additional provisions:

(a) A lot area of not less than 10 acres shall be required.

(b) Any such establishment providing convalescent care or care for the chronically sick shall provide an additional lot area of not less than 1,000 square feet per bed in use for such long-term care. For the purposes of this chapter, "long-term care" shall mean care in excess of 10 days.

(c) Buffer planting shall be provided in accordance with § 160-33 herein. In addition, care shall be taken to locate emergency and service entrances where they are not offensive to adjoining neighbors.

(d) Such use shall have access from major collector or arterial street only.

(e) Parking: one off-street parking space for each patient or inmate bed; plus at least one additional off-street parking space for every two visiting staff doctors, plus one additional space for every two employees (including nurses).

(f) In addition to other required landscaping, all parking areas shall be buffered in accordance with § 160-33 of this chapter.

(**13) C13 Nursing Home**. Licensed nursing or convalescent home, subject to the following additional provisions:

(a) A lot of not less than five acres in CR-1 and CR-2, or one acre in VC, plus 1,000 square feet additional for each resident person over 40 in number in the CR-1 and CR-2 Districts or over 20 in the VC District.

(b) A lot area of not less than five acres shall be required within the PC-1 District.

(c) All nursing homes shall be limited to 35 feet in height and shall be serviced by public water and sewers.

(d) Parking: one off-street parking space for every two patients or inmate beds, plus at least one additional off-street parking space for every two staff and visiting doctors; plus one additional parking space for every two employees (including nurses).

(e) In addition to other required landscaping, all parking areas shall be buffered in accordance with § 160-33 of this chapter.

(14) C14 Cemetery. A burial place or graveyard including mausoleum, crematory, or columbarium.

(a) The minimum lot size shall be five acres.

(b) Parking: one off-street parking space for each employee and one off-street space for each four visitors in total capacity of mausoleum, crematory or columbarium.

(c) In addition to other required landscaping, all parking areas shall be buffered in accordance with § 160-33 of this chapter.

(15) C15 Funeral Home. Mortuary or funeral home.

(a) Parking: one off-street parking space for each four seats provided for patron use, or at least one off-street parking space for each 50 square feet of gross floor area used or intended to be used in the operation of the establishment, whichever is greater, plus one space for each employee.

(16) C16 Correctional Facility and Group Institution whether such use is owned and operated by the County of Bucks, Commonwealth of Pennsylvania or a private entity shall be limited to the following **[Added May 28, 2013 by Ord. 2013-02]:**

(a) A juvenile detention facility as described and regulated in 41 Pa.C.S.A. § 6327.

(b) A rehabilitation center providing for minimum security detention of prisoners for work release or partial confinement. Such rehabilitation centers shall not include facilities for the total confinement of prisoners who have been sentenced or who are awaiting trial.

(c) A penitentiary, correctional institution or prison.

(d) A Correctional Facility or Group Institution is permitted by special exception within the Heavy Industrial (HI) Zoning District.

(e) The following dimensional regulations shall apply:
[1] minimum lot area shall be four acres;
[2] minimum lot width shall be 300 feet;
[3] minimum front yard shall be 100 feet;
[4] minimum side yards shall be 75 feet each except where the side yard abuts a residential use or zoning district, then the minimum side yard shall be 100 feet;
[5] minimum rear yard shall be 75 feet except where the rear yard abuts a residential use or zoning district, then the minimum rear yard shall be 100 feet;
[6] maximum impervious surface shall be 60%;
[7] maximum building coverage shall be 25%; and
[8] maximum height of building and structures shall be 60 feet.

(f) All Correctional Facilities and Group Institutions shall comply with the following general standards and requirements, which the applicant bears the burden of establishing in pursuing its special exception application:
[1] A land development plan shall be accurately prepared for the proposed use. The land development plan shall show the location and the dimensions of the Correctional Facility or Group Institution, off-street parking areas, private entrances, walkways, fencing and landscaping; and shall comply with all other requirements of Chapter 140 of the Hilltown Code of Ordinances.
[2] One (1) off-street parking space shall be provided per employee, computed on the basis of the estimated maximum number of employees that could be present at any given time, plus one space for every three (3) persons residing within the Correctional Facility or Group Institution.
[3] The design, construction and operations of the Correctional Facility shall be supported by expert study as to every aspect of the facility. The implementation of the conclusions of those studies shall be subject to the review and approval of the Township through the special exception process.
[4] The applicant shall provide documentation that the Correctional Facility or Group Institution has been licensed by the appropriate federal and/or Pennsylvania agencies (the Agencies") and

shall meet all current regulations of the Agencies, including those standards governing indoor space and applicable state and local building and fire safety codes. The applicant shall maintain a current and valid license from the Agencies, as applicable.

[5] The applicant shall provide evidence that a manager or supervisor of the agency or operator of the Correctional Facility or Group Institution shall be available twenty-four (24) hours per day, seven (7) days a week. Immediate, emergency contact with the agency or operation of the Correctional Facility or Group Institution shall be available to the authorized representatives of the Township.

[6] The applicant shall further provide evidence to establish that its proposed Correctional Facility or Group Institution, its facilities and its operation will neither cause a threat to the public health, safety or welfare, nor constitute a threat to the safety of the nearby residents or properties. The applicant shall, as a condition of any special exception approval for a Correctional Facility, be required to supply the Township Chief of Police, within three (3) days of the admission, transfer or release of any individual inmate into or from the Correctional Facility, with the name, physical description, sentence and list of offenses for which the inmate has been convicted. This requirement shall not apply to inmates or juvenile residents adjudicated of violent offenses that are not expected to be housed within the Correctional Facility for fewer than five (5) days. With respect to Correctional Facilities that provide housing for juveniles adjudicated of violent offenses, the applicant shall provide the Township Chief of Police, within three (3) days with a list of the offenses for which the juvenile has been adjudicated, noting that the aforesaid list of offenses shall not include personal or identifying information and shall comply with all applicable privacy laws. The applicant shall further be required, as a condition of any special exception approval for said use, to maintain a photograph of each current inmate or juvenile resident of a Correctional Facility, which may be supplied to the Chief of Police in the event of an emergency or other incident requiring police intervention.

[7] The applicant must develop an emergency management plan, subject to the annual review by the Township, in the event of a catastrophic event resulting from flooding, fire, snow, ice, earthquake, utility outage or other catastrophic event. The emergency management plan should be submitted to the Township Police Chief, Zoning Officer, and Emergency Management Coordinator for review and consideration prior to the issuance of the use and occupancy permit and biannually (every other year) on or before January 31 of such year.

[8] The Zoning Hearing Board shall attach to any approval conditions ensuring appropriate security measures, including, but not limited to, fencing or other barriers, cameras, lighting, guards, sign-in and sign-out sheets, curfews for residents, patrolling of the property, the use of guard dogs, sirens and direct alarms with the Police Department.

D. Office Uses.

(1) D1 Medical Office. Office or clinic for medical or dental examination or treatment of persons as outpatients, including laboratories incidental thereto.

(a) All medical office uses shall be located along the front building setback line of the street with all parking placed to the rear of the building(s) so as not to be visible from the street.

(b) The bulk, scale and character of the buildings shall be compatible with the traditional buildings that are characteristic of the rural and historic character of the community, for the district.

(c) Parking: four off-street parking spaces per doctor, plus one additional space for each additional employee.

(d) In addition to other required landscaping, all parking areas shall be buffered in accordance with § 160-33 of this chapter.

(2) D2 Veterinary Office. Office of a veterinarian with accessory animal kennel. In no event shall animal kennels be allowed as a primary use.

(a) Minimum lot size: five acres only in the RR District.

(b) Parking: four off-street parking spaces for each doctor plus one additional space for each additional employee.

(3) D3 Office. A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government providing:

(a) All office uses should be located along the front building setback line of the street with all parking placed to the rear of the buildings so as not to be visible from the street.

(b) The bulk, scale and character of the buildings shall be compatible with the traditional buildings that are characteristic of the rural and historic character of the community, for the district.

(c) Parking: one off-street parking space for each 200 square feet of gross floor area.

(d) In addition to other required landscaping, all parking areas shall be buffered in accordance with § 160-33[25] of this chapter.

E. Retail and Consumer Uses.

(1) **E1 Retail Store.** Retail shop, convenience store, or store selling apparel, books, confections, drugs, dry goods, flowers, foodstuffs, furniture, gifts, alcoholic beverages, hardware, toys, household appliances, jewelry, cards, novelties, hobby and art supplies, music, luggage, sporting goods, pets, floor covering, fabrics, garden supplies, and plants, provided all products produced on the premises are sold on the premises at retail to the public. Also included within this use shall be the sale of soft drinks and beer. However, not included within this use is the over-the-counter sale of alcoholic beverages in taverns or bars, buildings in excess of 10,000 square feet of floor area, variety stores, discount stores, supermarkets, department, or contracting stores.

(a) The bulk, scale and character of the buildings shall be compatible with the traditional building that is characteristic of the rural and historic character of the community for the district.

(b) Parking: one off-street parking space for each 100 square feet of gross area used or intended to be used for servicing customers, plus one additional space for every two employees.

(2) **E2 Large Retail Store**. A building having more than 10,000 square feet of floor area including all variety stores. These stores are similar to E1 Retail Store and may include retail building supplies, and are typically chain stores and their definition is by common usage.

(a) The bulk, scale and character of the buildings shall be compatible with the traditional building that is characteristic of the rural and historic character of the community.

(b) Parking: 5.5 spaces per 1,000 square feet of commercial floor space.

(3) **E3 Personal Services**. Service business including barber, hairdresser, beautician, laundry and dry cleaning, shoe repair, tailor, photographer, travel agency.

(a) The bulk, scale and character of the buildings shall be compatible with the traditional building that is characteristic of the rural and historic character of the community for the district.

(b) Parking: one off-street parking space for each 100 square feet of gross area used or intended to be used for servicing customers, plus one additional space for every two employees.

(4) **E4 Financial Establishment**. Bank, savings and loan association, credit union and other financial establishment. For each drive-in teller window a minimum of six vehicle waiting spaces shall be provided away from the trafficway serving the facility.

(a) The bulk, scale and character of the buildings shall be compatible with the traditional building that is characteristic of the rural and historic character of the community for the district.

(b) Parking: one off-street parking space for each 50 square feet of gross area used or intended to be used for servicing customers, plus one additional space for each employee.

(5) **E5 Eating Place.** Eating place for the sale and consumption of food and beverages without drive-in service and primarily without takeout service. All food and beverages may be served by waiters or waitresses and are primarily consumed inside the building while patrons are seated at counters or tables. The sale of alcoholic beverages must be incidental to the sale and consumption of food.

(a) The bulk, scale and character of the buildings shall be compatible with the traditional building that is characteristic of the rural and historic character of the community for the district.
(b) Parking: one off-street parking space for each 50 square feet of total floor area, or one off-street parking space for every four seats, whichever requires the greater number of spaces.

(6) **E6 Fast-Food Restaurant**. A fast-food restaurant is an eating establishment in which the principal business is the sale of foods and/or beverages to the customer in a ready-to-consume state for either within the restaurant building, or for carry-out with consumption off the premises. Service to parked vehicles by restaurant employees is prohibited. A fast-food restaurant shall conform to the following conditions:

(a) Minimum lot size: 40,000 square feet.

(b) Minimum lot width: 150 feet.

(c) Access requirements:
- [1] Such use must have direct access to a collector or arterial street.
- [2] There shall be only one point of ingress to the collector or arterial street. This may be accomplished in one of the following ways:
  - [a] The ingress and egress are adjacent to each other with no physical separation. This arrangement must be at least 24 feet wide and not more than 36 feet wide.
  - [b] The ingress and egress are adjacent with a raised island separating the two. The island shall be more than 10 feet wide. Each driveway shall be at least 14 feet wide but not more than 24 feet wide.
  - [c] The ingress and egress would be completely separated on the site. In this case, the driveways shall be at least 100 feet apart measured center line to center line. Each driveway shall be at least 14 feet wide, but not more than 24 feet wide.
- [3] When this use is adjacent to, or on the same lot with, a group of commercial facilities, it shall use the common access with the other business establishments and not have a separate access to the abutting collector or arterial street.
- [4] The access driveway shall be located so as to allow for adequate acceleration and deceleration lanes.
- [5] The access shall be at least 40 feet from any existing street intersection. The distance shall be measured from the street right-of-way to the edge of the access driveway.
- [6] A traffic impact analysis of the proposal shall be prepared by a traffic engineer or traffic planner when required by the Township. The study shall identify existing traffic levels on the street, project traffic generated by the restaurant, identify potential problems created by restaurant generated traffic and propose solutions to control and provide safe access to and from the site and maintain an acceptable level of service on the frontage street.

(d) The bulk, scale and character of the buildings shall be compatible with the traditional buildings that are characteristic of the rural and historic character of the community for the district.

(e) Parking requirements.
- [1] One off-street parking space for every two seats, or three off-street parking spaces for every 100 square feet of gross floor area, whichever requires the greater number of spaces, plus one additional space for each employee of the largest shift.
- [2] Parking areas shall be setback at least 10 feet from any side or rear lot line except that when the buffer yard provisions require a greater distance.
- [3] At least two parking spaces in close proximity to the entrance to the restaurant shall be reserved for the handicapped. These spaces shall be 12.5 feet wide by 20 feet deep.
- [4] Parking areas shall be paved and shall be subject to all applicable parking lot standards of Chapter 140, Subdivision and Land Development Ordinance.

(f) Where a drive-in window is proposed a stacking lane shall be provided to serve a minimum of 10 cars. The stacking lane shall not be used for parking lot circulation aisles nor shall in any way conflict with through circulation or parking.

(g) A pedestrian walkway shall be provided between an existing sidewalk and the entrance to the restaurant.

(h) Service areas provided for delivery trucks shall be screened from the street and adjacent properties in accordance with § 160-33 herein. In addition, the service areas shall be so located as not to conflict with patron traffic, either vehicular or pedestrian.

(i) There shall be no outdoor storage other than trash which shall be within an enclosed area.

(j) The entrance to the restaurant shall be designed to accommodate handicapped persons.

(k) Lighting:
[1] All portions of the parking area shall be adequately lighted during after-dark operating hours.
[2] All light standards shall be located on the raised parking islands or planting areas and not on the parking surface.
[3] The lighting facilities shall be planned, erected, and maintained so the light is confined to the property and will not cast direct light or glare upon adjacent properties or public rights-of-way.

(l) In addition to the planting in required buffer yards all areas of the site not paved shall be landscaped with a mixture of trees, shrubs and groundcovers. Trees in these planting areas shall be of a size and type consistent with the Township"s street tree and buffer planting lists. The plant material should be located so as to accomplish one or more of the following purposes: screening, retard stormwater runoff, direct or restrict pedestrian access, define spaces, provide shade and/or complement and enhance the building and grounds. Parking areas shall have at least one tree, meeting street tree type and standards, for every 10 parking spaces. The trees shall be planted in such a manner to afford maximum protection from the sun for parked vehicles.

(m) Covered trash receptacles shall be provided outside the restaurant for patron use.

(7) **E7 Repair Shop.** Repair shop for appliances, lawn mowers, watches, guns, bicycles, locks, small business machines, but not including automobile, motorcycle or recreational vehicle repairs.

(a) The bulk, scale and character of the buildings shall be compatible with the traditional buildings that are characteristic of the rural and historic character of the community for the district.

(b) Parking: one off-street parking space for each 300 square feet of gross floor area, plus one additional space for each employee.

(8) **E8 Motel-Hotel**. A building or group of buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent, including bed-and-breakfast accommodations.

(a) The bulk, scale and character of the building(s) shall be compatible with the traditional buildings that are characteristic of the rural and historic character of the community for the district.

(b) Parking: one off-street parking space for each rental room or suite, plus one additional off-street parking space for each employee.

(9) **E9 Entertainment.** Entertainment and recreation facilities operated as a gainful business. This use shall not include game rooms, arcades or use types E21 Adult Stores or E23 Public Entertainment Facility.

(a) The bulk, scale and character of the buildings shall be compatible with the traditional buildings that are characteristic of the rural and historic character of the community for the district.

(b) Parking: one off-street space for each four seats provided for patron use, or at least one off-street parking space or each 50 square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests or members, whichever requires the greater number of off-street parking spaces, plus one additional space for each employee.

(10) **E10 Gasoline Service Station**. Gasoline service station, where gasoline, oil, grease, batteries, tires and automobile accessories are sold at retail, including mini-marts incidental to the service station use, but not including major mechanical and body work, painting, spraying or welding or storage of automobiles not in operating condition, provided:

(a) Minimum lot width of not less than 250 feet shall be provided along each street on which the lot abuts.

(b) All activities except air and those to be performed at the fuel pumps shall be performed within a completely enclosed building.

(c) No building, structure, fuel pump or fuel storage tank shall be less than 100 feet from any residential zone or residential use.

(d) Fuel pumps shall be at least 25 feet from any ultimate street right-of-way.

(e) All automobile parts and similar articles shall be stored within an enclosed building.

(f) All refuse shall be stored within an enclosed building or enclosed area.

(g) Paint-spraying or body and fender work shall not be permitted.

(h) Lubrication, oil changes, tire changes, and minor repairs permitted if entirely within an enclosed building.

(i) Vehicles shall not be stored outdoors while awaiting repairs for more than five days.

(j) Junk vehicles shall not be stored in the open at any time. Buffer yards and screening shall be provided and maintained in accordance with § 160-33 of this chapter.

(k) Access regulations:
[1] There shall be no more than two access points along any frontage and they shall be at least 40 feet apart and no driveway shall be closer to a side property line than 10 feet.
[2] Each driveway shall be not more than 30 feet in width measured at right angles to the center line of the driveway, not including permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
[3] On all corner properties there shall be a minimum distance of 50 feet between any entrance or exit drive and the right-of-way line or proposed right-of-way line of the street which parallels said access drive.
[4] In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted driveways. On the two ends and street side of each island shall be constructed on a concrete curb, the height, location and structural specification of which shall be approved by the Township Engineer. Maximum and minimum curb return radii permitted and minimum driveway approach angles to the center line of the street are required.
[5] Where there is no existing curb and gutter or sidewalk, the applicant may be required to install such safety island and curb.

(l) Parking: one off-street parking space for every 300 square feet of gross floor area, or two off-street parking spaces for each service bay, whichever is larger, plus one space for each

employee. Off-street parking spaces are not to be a part of, nor interfere with, the access ways to and from the pumps.

(11) **E11 Automobile Sales**. Sale of automobiles by a duly franchised new car dealership, used car sales, car, truck, trailer, cycle and boat rental.

(a) Parking: one off-street parking space for each 100 square feet of gross floor area, plus one additional space for each employee.

(12) **E12 Automobile Repair or Car-Washing Facility**. Automobile repair garage or car-washing facility, including paint spraying and body and fender work or car-washing facility, provided that all repair and paint work is performed within a fully enclosed building. All automobile parts, refuse, and similar articles shall be stored within an enclosed building or enclosed area.

(a) All such uses shall recycle their liquid wastes according to best management practices available in the industry.

(b) The bulk, scale and character of the buildings shall be compatible with the traditional buildings that are characteristic of the rural and historic character of the community for the district.

(c) Parking: one off-street parking space for each 100 square feet of gross floor area, plus one additional space for each employee.

(13) **E13 Truck and Farm Equipment Sales.** Truck, heavy equipment and farm equipment repair and sales.

(a) Parking: one off-street parking space for each 100 square feet of gross floor area, plus one additional space for each employee.

(14) **E14 Automotive and Farm Accessories**. Sale of automotive and farm accessories, parts, tires, batteries, and other supplies.

(a) Installation of parts shall be in a fully enclosed building.

(b) Parking: one off-street parking space for each 100 square feet of gross floor area, plus one additional space for each employee.

(15) **(Reserved)**

(16) **E16 Shopping Center**. A neighborhood shopping center, planned and designed as a complex of related structures and circulation patterns, subject to the following additional criteria:

(a) Such centers shall be at least 10 acres in extent.

(b) Uses D1, D2, E1, E2, E3, E4, E5, E7 and E9 shall be permitted.

(c) The bulk, scale and character of the buildings shall be compatible with the traditional buildings that are characteristic of the rural and historic character of the community for the district.

(d) Parking shall be based on the most recent Institute of Transportation Engineers (ITE) Parking Generation Manual for the size and type of shopping center proposed.

(17) **E17 Commercial Conversion**. The conversion of an existing structure to a permitted or conditional commercial use shall be permitted where the character of the existing structure is maintained and where all parking and other requirements for the particular use as spelled out in §§ 160-22 and 160-

23 of this chapter are met. In historic areas of the village centers, no exterior modifications of the structure shall be permitted which alters the original style of the building, its doors, windows or other details. "Historic buildings" shall be those structures that are included in the inventories of the Hilltown Township Historical Society, Bucks County Conservancy or the Bucks County Historical Society.

(18) **E18 Tavern.** An establishment which serves alcoholic beverages for on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board.

(a) Parking: one off-street parking space for each 50 square feet of total floor area; plus one additional off-street parking space for each full-time employee.

(19) **E19 Indoor Athletic Club**. An indoor athletic club shall include buildings for indoor court games played with a ball such as racquetball, handball, squash, tennis, basketball, volleyball, facilities for exercise equipment and health clubs and facilities related thereto, provided that no facilities shall be provided in any such club to accommodate more than two spectators for each court.

(a) Parking: one space per anticipated user plus one space for each employee.

(20) **E20 Mini-Storage**. Warehouse/storage units provided for lease to the general public for the purpose of storage of articles commonly associated with residential properties. This use shall not provide warehousing for industrial or commercial businesses. Such use shall be subject to the following provisions:

(a) Maximum building coverage: 30%.

(b) Minimum aisle width between buildings shall be 26 feet, or greater if necessary for the buildings to meet the Township building code.

(c) The storage facilities complex shall be surrounded by a fence at least eight feet in height of a type approved by the Township.

(d) Outdoor storage of automobiles, boats, recreation vehicles, is permitted if they are within the fenced area, and the parked vehicles shall not interfere with traffic movement through the complex.

(e) A total visual buffer shall be provided in accordance with § 160-33 of this chapter.

(f) An office and residence is permitted as an accessory use to provide for a full-time caretaker.

(g) Each structure shall not exceed 6,000 square feet in size.

(h) Minimum requirements for lease restrictions:
[1] Storage limited to items or personal property generally stored in residential accessory structures.
[2] No business activities other than leasing of storage units.
[3] No explosive, toxic, radioactive or highly flammable materials.

(21) **E21 Adult Entertainment.** Any adult or sexually oriented business, including any business establishment that regularly features live performances, which are distinguished or characterized by an emphasis on the exposure of the genitals or buttocks of any person, or the breasts of any female person. Or specified sexual activities that involve the exposure of the genitals or buttocks of any person, or the breasts of any female person, or any business whose primary purpose is the sale or display of matter that, because of its sexually explicit nature, may, pursuant to state law or other regulatory authority, be offered only to persons over the age of 18 years. Adult Entertainment may include an adult arcade, adult bookstore, adult cabaret, adult motion-picture theater, or adult visual

materials or video store as defined in this Ordinance. Adult entertainment includes any other use or business, regardless of how named or advertised that is of a character like or similar to the uses and businesses described herein. **[revised 4-26-2010 ord. no. 2010-02]**

(a) The following definitions shall apply to use E21 Adult Entertainment:

[1] **Adult Arcade** – Any place in which the public is permitted or invited, or a private club or organization having private members, wherein coin-operated or slab-operated or electronically, electrically, or mechanically controlled still or motion picture, or video machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

[2] **Adult Bookstore** – An establishment having as a substantial, significant, or preponderant portion of its stock in matter which are distinguished or characterized by their emphasis on content depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein.

[3] **Adult Cabaret** – A building or portion thereof or area regularly featuring the presentation or exhibition of live performers whose performances are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as hereinafter defined; or whose performances are rendered in a state of dress so as to expose the female breast below a point immediately above the top of the areola; male or female genitals; pubic areas; buttocks; or the female breast with only the nipple or areola covered, or any combination thereof, for observation by patrons or customers. A distance of five feet shall be maintained between patrons and the performer who appear in any state of nudity.

[4] **Adult Motion-Picture Theater** – A building or portion thereof or area, open or enclosed, used for the presentation on more than 1/3 of the days in a calendar year during which motion-picture films, video cassettes, cable television or any other such visual media are displayed or exhibited, of films, videocassettes, cable television or other visual media which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as hereinafter defined for observation by patrons or customers. "Adult motion-picture theater" does not include any room or suite of rooms rented for human occupancy in a hotel or motel which is equipped or furnished with a video cassette playing machine or cable television.

[5] **Adult Visual Materials or Video Store** – A building or portion thereof used by an establishment having not less than 10% of its actual display area devoted to; or stock in trade for sale or rental to the public or any segment thereof consisting of books, magazines, other publications, films, video cassettes, or any combination thereof which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as hereinafter defined.

[6] **Distinguished or Characterized By An Emphasis Upon** – The dominant or essential theme of the object described by such phrase.

[7] **Regularly Features** – With respect to an adult business means a regular, substantial course of conduct. The presentation, in or at any building or portion thereof, of live performances which are distinguished or characterized by an emphasis upon the display or specified anatomical areas or specified sexual activity on four or more occasions within a calendar year shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.

[8] **Specified Anatomical Areas** – Any of the following: 1. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola; and 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; 3. Any device, costume or covering that simulates any of the body part included in (1) or (2) above.

[9] **Specified Sexual Activities** – Any of the following whether performed directly or indirectly through clothing or other coverings: 1. Human genitals in a state of sexual stimulation or arousal; 2. Sexual acts, actual or simulated, including sexual intercourse, oral copulation or sodomy; and 3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; 4. Masturbation, actual or simulated; and 5. Excretory functions as part of or in a connection with any of the other activities described in (1) through (4) above.

(b) The building or structure of such use shall be located no less than one thousand (1,000) feet from any residential use or district, public or private school, place of worship, recreation facility, or any other religious, institutional or educational use.

(c) No such use shall be located within two thousand (2,000) feet of a similar use.

(d) No person under the age of 18 years of age shall be permitted within a building whose operation would be considered an adult use.

(e) No Adult Entertainment use shall be operated in any manner that permits the observation of any material or activities depicting, describing or relating to specific sexual activities or specified anatomical areas from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.

(f) All off-street parking areas and premises entries of the Adult Entertainment use shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1.0) footcandle of lighting on the parking surface and/or walkways. The required lighting level is established in order to provide sufficient illumination of the parking areas and walkways servicing the Adult Entertainment use for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct.

(g) All parking areas must be located in front of the building.

(h) Such use shall only be operated between the hours of 10:00 AM and 12:00 AM (either on the eastern standard or daylight saving time system). Extended hours of operation may be approved by the Board of Supervisors upon submission of a written request by the applicant/owner of the facility. The Board of Supervisors shall take into consideration the type of facility, amount of usage, and impact on adjoining properties when reviewing such requests.

(i) An Adult Entertainment use shall not include the following:

[1] Any activity conducted or sponsored by a school district or other public agency; so long as such activity is being conducted as part of and within the scope of an authorized and regular part of the curriculum or is part of a training or instructional program being conducted by a public agency.

[2] Any activity conducted by a person pursuant to any license issued by the State of Pennsylvania or any agency thereof charged with the responsibility of licensing, prescribing standards for and supervising such activity or profession, in and to the extent

that such activity is conducted within the course and scope of the exercise of the privileges authorized by such license, or the duties of such agency.

(j) Minimum parking requirement: One (1) space for each one hundred (100) square feet of floor area.

(22) **E22 Theater**. A building in which films are shown or stage shows are performed regardless of the type of film or program presented. This use does not include open air, outdoor, or drive-in theaters. Listed permitted use types are subject to the following conditions:

(a) This use shall be located no closer than 1,500 feet, measured in all directions, to a school, church or school bus stop.

(b) Minimum lot size shall be three acres.

(c) The exterior display of any pornographic material as defined by the Consolidated Pennsylvania Statutes, Act 1972, Dec. 6, No. 334 (18 Pa.C.S.A. § 5903) shall be prohibited.

(d) Parking: one off-street parking space for each four seats provided for patron use, or at least one off-street parking space for each 50 square feet of gross floor area used or intended to be used for service to customers, patrons, clients, guests or members, whichever requires the greater number of off-street parking spaces, plus one additional space for each employee.

(23) **E23 Public Entertainment Facility**. An entertainment facility operated as a gainful business within a building or structure providing automatic amusement devices or games, including pool or billiard rooms or similar location used for this purpose, subject to the following:

(a) An automatic amusement device or game is defined to be each coin-operated machine, mechanical machine or electronic machine, which operates or may be operated as a game or contest of skill or amusement of any kind or description. Such devices shall be governed by this use in any location where more than four such devices are located.

(b) This use shall be located no closer than 1,500 feet, measured in all directions, to a school, church or school bus stop.

(c) Such use shall only be operated between the hours of 10:00 a.m. and 10:00 p.m.

(d) No audio speakers or equipment shall be installed inside or outside the location of such use which would cause sounds to emanate to the exterior of the premises.

(e) Such facilities shall be subject to adult management, with an adult manager on premises at all times during operation.

(f) This use shall not include use types E9 Entertainment or E21 Adult Stores.

(24) **E24 Outdoor Motion-Picture Establishment**. Outdoor motion-picture establishment which may include facilities for the sale and consumption of food and nonalcoholic beverages. Subject to the following conditions:

(a) Such uses shall have frontage on, and take access from, an arterial or collector status street. The applicant shall provide an analysis of the physical conditions of the street system at the proposed points of access. Improvements to insure safe turning movements and traffic safety shall be provided by the applicant as required by the Township. The applicant shall provide sufficient vehicle stacking area(s), or a marginal access road to insure that entering vehicles will be able to pull off the road as may be required.

(b) The motion-picture screen shall be no closer to any property line than 1.25 times the height of the picture screen or the minimum yard requirements of the zoning district, whichever setback is greater. Other buildings shall be subject to the minimum yard requirements of the zoning district.

(c) The applicant shall provide information which indicates conformance with §§ 160-36 through 160-43 of this chapter.

(d) The maximum impervious surface ratio for this use shall be 60% regardless of the standards listed in § 160-26, Table of Performance Standards.

(e) The motion-picture screen shall not be oriented toward an arterial or collector street.

(f) The applicant shall provide a plan for buffering in accordance with § 160-33, and shall meet the following standards:
   [1] The minimum buffer width shall be 50 feet.
   [2] Along an adjacent property line that is zoned RR, CR-1, CR-2 or VC or a property line with an existing residential use and along any street, there shall be either:
      [a] A six-foot-high solid wooden fence within the fifty-foot buffer yard and one one-and-one-half-inch to two-inch caliper deciduous tree at an average of one tree per 40 lineal feet of buffer plus one three-foot to four-foot evergreen tree at an average of one tree per 20 lineal feet of buffer; the trees shall be placed between the fence and the property line; or
      [b] A five-foot-high berm planted on top as in Subsection E(24)(f)[2][a] above with the plant material listed in Subsection E(24)(f)[2][c] below; or
      [c] One one-and-one-half-inch to two-inch caliper deciduous tree at an average of one tree per 40 lineal feet of buffer plus one three-foot to four-foot evergreen tree at an average of one tree per 20 lineal feet of buffer plus one three-foot to four-foot deciduous shrub per four lineal feet of buffer.
   [3] Acceptable plant material for the buffer yard noted in Subsection E(24)(f)[2][b] above shall be:
      [a] Evergreen trees as specified in Chapter 140, Subdivision and Land Development;
      [b] Deciduous trees as specified in Chapter 140, Subdivision and Land Development;
      [c] Shrubs: privet, forsythia, viburnum species.
   [4] A clear sight triangle shall be maintained at all street intersections and at all points where access drives intersect with roads.

F. All Common Carriers, Public Utilities, Community Facilities Public Service Organizations and Communications Companies.

(1) **F1 Public and Commercial Utilities**. Transformer station, pumping station, electric substations, etc. In residential districts, such uses shall be permitted only where all the following conditions are met:

(a) Such installation is essential to service the surrounding residential area(s);

(b) No public business office or storage yard or storage building is operated in connection with the use;

(c) A fifty-foot buffer yard shall be provided along all property lines which shall include adequate means for visual screening in accordance with § 160-33[25] herein; and

(d) Parking: two off-street parking spaces, or one space per employee, whichever requires the greater number of spaces, is provided.

(2) **F2 Emergency Services**. Fire, ambulance, rescue and other emergency service of a municipal or volunteer nature, on parcels with a minimum size as required by the zoning district in which it is built unless a banquet facility is provided wherein the minimum lot size shall be three acres.

(a) Parking: three off-street parking spaces for every four employees on the two major shifts at maximum employment, or four off-street parking spaces for each fire truck where no community room is a part of the building, whichever requires the greater number of parking spaces. Where a community room is provided, two off-street parking spaces for each fire truck plus one off-street parking space for each 100 square feet of gross floor area.

(3) **F3 Bus Station**. A mass transit facility used for the pickup and dropoff of passengers including the storage and maintenance of vehicles, and office and passenger waiting areas normally and customarily related to the use.

(a) Parking: off-street parking spaces as the Planning Commission and Board of Supervisors shall determine adequate to serve customers, patrons, visitors, employees and vehicles normally stored on the premises.

(4) **F4 Municipal Use**. A municipal use is a use conducted by the Township, or municipal authority incorporated by the Township, for the health, safety and general welfare of the Township residents. Real property dedicated for the use by the Township or authority may be used for any municipal use, including but not limited to, water systems, sewer systems, municipal offices, streets, parking areas, parks, playgrounds, swimming pools, tennis courts, all municipal owned utilities and appurtenances used in connection with supplying such services.

(a) Parking: one off-street parking space is required for each well house, pumping station, or other municipal utility maintenance building which is not staffed by a full-time employee. Any municipal building staffed by a full-time employee shall provide one space per employee.

(5) **F5 Airport, Heliport, Airfield and Gliderport**. The siting, operation and maintenance of all airport, heliport, airfield, gliderports and associated facilities shall conform to all Pennsylvania Department of Transportation's State Bureau of Aviation and the Federal Aviation Administration (FAA) regulations and ordinances of the Township of Hilltown, and shall be approved by the Hilltown Township Board of Supervisors after recommendation from the Planning Commission.

(6) **F6 Communications Tower and Cellular Telecommunications Facility**. A communications tower or a cellular telecommunications facility is permitted under a variety of circumstances in various

zoning districts. The standards which follow cover the various ways that these uses are permitted **[Revised May 28, 2013 by Ord. 2013-02].**

(a) **The following general provisions apply to all communications towers and cellular telecommunications facilities**. The general standards are in addition to the provisions for the particular applications specified in Subsection F (6) (b) and (c) below.

[1] The location of the tower and equipment building shall comply with all natural resource protection standards of this Chapter.

[2] Notwithstanding the requirements of §160-33, the following buffer plantings shall be located around the perimeter of the security fence:

[a] An evergreen screen shall be planted that consists of either a hedge with a minimum height of four feet, planted three feet on center maximum, or a row of evergreen trees with a minimum height of six feet, planted 10 feet on center maximum. Plant material and installation shall conform to Section 140-37 of the Subdivision Ordinance.

[b] Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

[3] An eight-feet-high security fence shall completely surround the tower (and guy wires if used) and equipment building.

[4] The tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA 222-E manual, as amended. In addition, all towers and support structures shall be designed to permit accommodation of future users in a manner approved by the Township.

[5] A soil report complying with the standards of Appendix 1: Geotechnical Investigations, ANSI/EIA 222-E manual, as amended, shall be submitted to the Township to document and verify the design specifications of the foundation for the tower and anchors for the guy wires, if used.

[6] All plans and drawings for the tower and antenna shall contain a signature and seal of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

[7] The tower and antenna shall be designed to withstand wind gusts of at least 100 miles per hour.

[8] An antenna may not be located on a building or structure that is listed on a historic register or is in a historic area.

[9] Any guy wires attached to a tower must be anchored within the same lot as the tower and no closer than 10 feet from any lot line.

[10] A communications tower or a cellular telecommunications facility shall not be permitted on land that has been dedicated to Hilltown Township as open space.

[11] Excluded from regulation under this subsection is any use involving a tower or antenna the top of which is less than 50 feet above the ground and which is either a noncommercial use or a use related to the principal use on a lot.

(b) **Use in nonresidential districts Q, PC-1, PC-2, LI, HI, and VC**.

[1] A communications tower or a cellular telecommunications facility is permitted as a special exception in nonresidential districts 0, PC-1, PC-2, LI, HI, and VC; except where the communications tower or cellular telecommunications facility is located on a Hilltown Township owned parcel the use shall be permitted by right; subject to the following conditions:

[a] The existing use on the lot may be any permitted use in the district or any awful nonconforming use and need not be affiliated with the communications provider.

[b] The tower and equipment building shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance.

[c] The minimum lot area shall be the area needed to accommodate the tower (and guy wires, if used), the equipment building, security fence and buffer planting, but in no event less than the minimum lot area for that district.

[d] The minimum setback for the tower shall be no less than the height of the tower plus twenty (20) feet. The minimum setback for the equipment building shall be that established for that district.

[e] The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.

[f] The maximum height of a tower shall be 200 feet.

[g] In a VC District, a communication tower or a cellular communications facility must be in combination and attached to an existing municipal structure or municipal building and shall be governed by the provisions of Subsection F(6)(b)[2] of this section.

[2] Combined with an existing structure. Where possible, an antenna for a communications tower or a cellular telecommunications facility shall be attached to an existing structure or building subject to the following conditions of this paragraph and whenever an antenna for a communications tower or a cellular telecommunications facility is proposed in a VC District, it shall be attached to an existing municipal structure, building or facility subject to the following conditions:

[a] The maximum height of the antenna shall be 25 feet above the existing building or structure.

[b] If the applicant proposes to locate the related equipment in a separate building, the building shall satisfy the following conditions:

[i] The building shall comply with the minimum setback requirements for that district.

[ii] An eight-foot-high security fence shall surround the building.

[iii] A buffer yard shall be planted in accordance with Subsection F(6)(a) [2].

[iv] Vehicular access to the building shall not interfere with the parking or vehicular circulation on the lot for the principal use.

[c] Elevation of the existing structure showing width, depth and height, and engineering data about the antenna and existing structure, such as antenna size and weight and load bearing capacity of the existing structure, shall be presented.

(c) **A communications tower or a cellular telecommunications facility is permitted as a special exception in residential districts MHP, AQRC, CR-1, CR-2, and RR** except where communications tower or cellular telecommunications facility is located on a Hilltown Township owned parcel the use shall be permitted by right; subject to the following conditions:

[1] The tower and equipment building shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance.

[2] Sole use on a lot or combined with a residential use: A communications tower or a cellular telecommunications facility is permitted on a lot within an existing use (or on a vacant lot) subject to the following conditions:

[a] The tower and equipment building shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance.

[b] The minimum lot area shall be 10 acres,

[c] The minimum setback for the tower shall be no less than the height of the tower plus twenty (20) feet. The minimum setback for the equipment building shall be that established for that district.

[d] The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.

[e] The maximum height of a tower shall be 150 feet.

[f] Subject to the provisions of Subsection F(6)(a)[11], an antenna shall not be attached to a residence.

[3] Combined with a nonresidential use: An antenna may be attached to a nonresidential use that is a permitted use in the district, including but not limited to a church, a municipal or governmental building or structure owned by a utility, upon satisfaction of the following conditions:

[a] The maximum height of the antenna shall be 25 feet above the existing building or structure.

[b] If the applicant proposes to locate the related equipment in a separate building, the building shall satisfy the following conditions:

[i] The building shall comply with the minimum setback requirements for that district.

[ii] An eight-foot-high security fence shall surround the building.

[iii] A buffer yard shall be planted in accordance with Subsection F(6)(a)[2].

[iv] Vehicular access to the building shall not interfere with the parking or vehicular circulation on the lot for the principal use.

[v] Elevation of the existing structure showing width, depth and height, and engineering data about the antenna and existing structure, such as antenna size and weight and load bearing capacity of the existing structure, shall be presented.

[4] Located on a nonresidential lot: A tower to support an antenna may be constructed on a lot with a nonresidential use that is a permitted use in the district including but not limited to a church, a municipal or governmental building or facility, an agricultural use and a utility use upon satisfaction of the following conditions:

[a] The minimum setback for the tower shall be no less than the height of the tower plus twenty (20) feet. The minimum setback for the equipment building shall be that established for that district.

[b] The maximum height of the tower shall be 150 feet.

[c] The tower and equipment building shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance.

[d] The minimum lot area shall be the area needed to accommodate the tower (and guy wires, if used), the equipment building, security fence and buffer planting, but in no event less than the minimum lot size for that district.

[e] The vehicular access to the tower and equipment building shall be provided along the circulation driveways of the existing use.

(d) **In addition to the conditions set forth above,** the following criteria shall be applied in evaluating an application for a communications tower or cellular telecommunications facility:

[1] The applicant shall demonstrate that the tower is the minimum height necessary for the area served and that the tower or facility must be located on the subject lot to serve the intended purpose. The applicant shall further demonstrate that it has investigated utilizing municipally owned properties and such properties are either unavailable or cannot meet the service requirements of the applicant.

[2] The applicant shall demonstrate that any newly constructed equipment building is the minimum height necessary to house the equipment for the facility. Consideration may be given to increased height for a peaked roof or a design which is more compatible with a residential or rural setting. In any event, the maximum building height for the applicable zoning district may not be exceeded.

[3] The applicant shall present documentation that the tower is designed in accordance with the standards cited above.

[4] The applicant shall demonstrate that the proposed tower complies with all state and federal laws and regulations concerning aviation safety.

[5] If the application is not for the addition of an antenna to an existing structure, the applicant shall demonstrate that, after thorough investigation, it was unable to utilize an existing structure.

[6] Where the tower or facility is to be located on a lot with another use, the applicant shall present documentation that the owner of the lot has granted an easement for access to the proposed tower or facility and that vehicular access is provided to the tower or facility.

[7] The applicant shall design a tower to permit collocation of at least three other communication companies' equipment on the tower upon payment to the applicant of a commercially reasonable fee by the other companies and upon consideration by the applicant of the request for collocation within a commercially reasonable time.

[8] The applicant shall provide evidence acceptable to the Township that provides for the prompt removal of the tower or facility should it cease to be used for receiving or transferring telecommunication, radio, or other signals.

(e) **Modification, Replacement and Collocation** of an existing wireless telecommunications facility shall be permitted by-right, provided all of the following requirements are met:

[1] The proposed collocation, modification or replacement may not substantially change the physical dimension of the wireless support to which the wireless telecommunications facilities are to be attached.

[2] The proposed collocation, modification or replacement may not further increase the height of a wireless support structure which had already been extended by more than 10% of its originally approved height or by the height of the one additional antenna array, unless approved by the Township.

[3] The proposed collocation, modification or replacement may not increase the dimensions of the equipment compound approved by the Township.

[4] The proposed collocation, modification or replacement must comply with the applicable conditions of approval applied to the initial wireless telecommunications facilities, equipment compound and wireless support structure.

[5] The proposed collocation, modification or replacement may not exceed the applicable wind loading and structural loading requirements for the wireless support structure.

G. Light Industrial Uses.

(1) G1 Truck Terminal. A structure or use of land for the storage of trucks and/or transfer of freight from one truck to another, provided said use or structure does not include the handling or processing of municipal or hazardous waste.

(a) Parking: off-street parking spaces as the Board of Supervisors and Planning Commission shall determine adequate to serve customers, and employees, visitors, and vehicles normally stored on the premises.

(2) G2 Research. Research, testing, or experimental laboratory.

(a) Parking: three off-street parking spaces for each four employees on the largest shift, or one off-street parking space for every 250 square feet of gross floor area, whichever is greater, plus one space for each company vehicle normally stored on the premises.

(3) G3 Wholesale. Wholesale business and storage in a roofed structure.

(a) Parking: three off-street parking spaces for each four employees on the largest shift, or one off-street parking space for every 500 square feet of gross floor area, whichever is greater, plus one space for each company vehicle normally stored on the premises.

(4) G4 Printing. Printing, publishing, binding.

(a) Parking: three off-street parking spaces for each four employees on the largest shift, or one off-street parking space for every 250 square feet of gross floor area, whichever is greater, plus one space for each company vehicle normally stored on the premises.

(5) G5 Contracting. Excavating, building, cement, masonry, painting, roofing, siding, landscaping, paving, HVAC, or uses of similar nature.

(a) Parking: three off-street parking spaces for each four employees on the largest shift, or one off-street parking space for every 250 square feet of gross floor area, whichever is greater, plus one space for each company vehicle normally stored on the premises.

(6) G6 Fuel Storage and Distribution. Storage and distribution of fuel oil, coal, LP gas and similar fossil fuels.

(a) The maximum lot area shall be five acres.
(b) Parking: off-street spaces as the Board of Supervisors and Planning Commission shall determine adequate to serve customers, employees, visitors, and vehicles normally stored on the premises.

(7) G7 Warehousing. The use of a building or buildings for the storage of goods and materials not produced or manufactured on site.

(a) Parking: three off-street parking spaces for each four employees on the largest shift, plus one for each company vehicle normally stored on the premises.

(8) G8 Commercial or Industrial Crafts. Finished carpentry shop, cabinet-making, furniture-making, upholsterer, plumbing, refrigeration, air conditioning and machine or metal working shop and electrical/heating shop or similar use types.

(a) Parking: three off-street parking spaces for each four employees on the largest shift, or one off-street parking space for every 500 square feet of gross floor area, whichever is greater, plus one space for each company vehicle normally stored on the premises.

(9) **G9 Truck Business**. The use of land or structures for the storage and maintenance of trucks provided there is no transfer of freight from one truck to another associated with the use.

(a) Parking: off-street parking spaces as the Board of Supervisors and Planning Commission shall determine adequate to serve customers, employees, visitors, and vehicles normally stored on the premises.

H. Heavy Industrial Uses.

(1) H1 Manufacturing. Manufacturing, including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products, including asphalt and concrete.

(a) Parking: three off-street parking spaces for every four employees on the largest shift, plus one space for each company vehicle normally stored on the premises.

(2) H2 Planing Mill. Planing mill where wood products are sold or processed to finished items such a molding, trim, etc.

(a) Parking: three off-street parking spaces for each four employees on the largest shift, or one off-street parking space for every 500 square feet of gross floor area, whichever is greater, plus one space for each company vehicle normally stored on the premises.

(3) H3 Lumber Yard. Lumber yard, excluding planing mill.

(a) Parking: three off-street parking spaces for every four employees on the two major shifts at maximum employment, but in no case less than one off-street parking space for every 300 square feet of gross floor area.

(4) H4 Quarry. Such use shall include extractive operations for sand, clay, shale, gravel, topsoil, stone and similar operations including borrow pits (excavations for removing material for filling operations) subject to the provisions of § 160-44 of this chapter. Included as a conditional use are asphalt and concrete mixing operations.

(5) H5 Resource Recovery Facility.

(a) A facility or land area that is used for any one or a combination of the following use types:
[1] Incinerator: a facility designed to reduce the municipal solid waste stream by combustion. This use may or may not include heat exchange equipment for energy recovery.
[2] Material separation and/or refuse derived fuel (RDF) facility: the extraction of materials from the municipal waste stream for recycling or for use as refuse derived fuel (RDF).
[3] Municipal solid waste: the unseparated and/or unprocessed combination of residential and commercial solid waste materials generated in a municipality.
[4] Recycling facility: a business that accumulates material such as paper, glass, aluminum, and/or plastic that is no longer useful for its intended purpose or function. The material which can be reused to manufacture a new product.
[5] Solid waste transfer facility: a facility or station where municipal solid waste is delivered for the purpose of compacting the material into larger vehicles for transport to a final disposal site or processing facility. (A transfer facility may include the separation and collection of material for the purposes of recycling.)

(b) The following minimum lot area requirement shall apply:

Use Type	Minimum Lot Area (acres)
Materials separation and/or refuse derived fuels facility	5
Municipal solid waste facility	5
Recycling facility	5
Incinerator	10
Solid waste transfer facility	10

(c) The following requirements shall apply:
[1] Any such use shall be a minimum of 100 feet from all public streets as measured from the ultimate right-of-way of the road and 100 feet from any property line. Additionally, an

incinerator or transfer facility shall be a minimum of 200 feet from any residential zoning district or occupied residential dwelling unit.

[2] Truck and equipment parking and/or storage areas shall be a minimum of 100 feet from any property line.

[3] Operation of a resource recovery facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania and the Rules and Regulations of the Department of Environmental Protection (PaDEP) and the provisions of this chapter. In the event that any of the provisions of this chapter are less restrictive than any present of future Rules or Regulations of the PaDEP, the more restrictive PaDEP Regulations shall supersede and control.

[4] Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, every resource recovery facility shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricades shall be at least six feet high and shall be kept in good repair and neatly painted in a uniform color.

[5] Unloading of municipal solid waste shall be continuously supervised by a facility operator.

[6] Hazardous waste as included on the list of hazardous waste maintained by the Department of Environmental Protection shall not be disposed of in a resource recovery facility.

[7] Litter control shall be exercised to confine blowing litter to the work area and a working plan for cleanup of litter shall be submitted and approved by the municipality. To control blowing paper, there shall be erected a fence having a minimum height of six feet, with opening not more than three inches by three inches along all boundaries. The entire area shall be kept clean and orderly.

[8] All parts of the process (unloading, handling and storage of municipal solid waste) shall occur within an enclosed building. However, certain separate recyclable materials like glass, aluminum, and other metals may be stored outdoors.

[9] The storage of paper shall be within a building or other appropriate structure.

[10] Any material stored outdoors shall be properly screened so as not to be visible from any adjacent street or property.

[11] No material shall be placed or deposited to a height greater than the height of the fence or herein prescribed.

[12] No municipal solid waste shall be processed or stored at a recycling facility. For all other types of resource recovery facilities, municipal solid waste shall not be stored on the site for more than 72 hours.

[13] A contingency plan for disposal of municipal waste during a plant shutdown must be submitted to the municipality and approved by the governing body.

[14] Leachate from the municipal solid waste and water used to wash vehicles or any part of the operation shall be disposed of in a manner in compliance with PaDEP regulations. If the leachate is to be discharged to a municipal sewage treatment plant, appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall the leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the PaDEP regulations.

[15] Waste from the resource recovery facility process (such as, but not limited to, ash from an incinerator) shall be stored in such a manner as to prevent it from being carried from the site by wind or water. This waste shall be located at least 150 feet from any lot line and stored in leakproof and vectorproof containers. Such process waste shall be disposed of in a sanitary landfill approved by PaDEP or in another manner approved by the PaDEP.

[16] A dense evergreen buffer shall be provided on the outside perimeter of the fenced area. Evergreens shall be four- to five-feet in height and planted on ten-foot staggered centers. In addition, the buffer requirements of § 160-33[25] of this chapter shall be met.

[17] Solid waste landfill operations and open burning of any materials is prohibited.

[18] The nuisance standards of Article V of this chapter shall be met by all resource recovery uses.

[19] A traffic, environmental and community impact study and certification of water availability from the appropriate authority is required.

[20] A zoning permit shall be obtained on an annual basis.
[21] Compliance with the Bucks County Municipal Waste Plan pursuant to Act of July 28, 1988, No. 101, is required.
[22] Municipal water and sewer is required.
[23] Parking: one space per each employee.

(6) **H6 Auto Salvage Yard**. The deposit or storage of two or more motor vehicles not having valid inspection stickers issued by the Pennsylvania Department of Transportation, excluding farm vehicles, or of two or more wrecked or broken vehicles, or the major parts of two or more such vehicles, shall be deemed to constitute an auto salvage yard for purposes of this chapter.

(a) The proposed use of an area for a auto salvage yard is not detrimental to adjacent land uses.

(b) The land area used for auto salvage yard purposes is not exposed to public view from any public street or road by virtue of its location on a hillside or location on a plateau below street level.

(c) Such auto salvage yard shall be entirely enclosed by a solid fence or wall, at least eight feet high, constructed of plank boards, brick, cinder block or concrete, with access only through solid gates. Said fence or wall shall be kept in good repair and neatly painted in a uniform color.

(d) The contents of such auto salvage yard shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.

(e) There shall be a fifty-foot-wide buffer yard abutting all sides of the property comprised of an A-Type landscaped buffer in accordance with § 160-33[25] herein.

(f) Minimum lot area required: 10 acres.

(7) **H7 Junkyard.** An area or land, with or without buildings, used for the storage outside of a completely enclosed building for used or discarded materials, including but not limited to waste paper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. Such uses shall be subject to the following additional provisions:

(a) The proposed use of an area for a junkyard is not detrimental to adjacent land uses.

(b) The land area used for junkyard purposes is not exposed to public view from any public street or road by virtue of its location on a hillside or location on a plateau below street level.

(c) Such junkyard shall be entirely enclosed by a solid fence or wall, at least eight feet high, constructed of plank boards, brick, cinder block or concrete, with access only through solid gates. Said fence or wall shall be kept in good repair and neatly painted in a uniform color.

(d) There shall be a fifty-foot-wide buffer yard abutting all sides of the property comprised of an A-Type landscaped buffer in accordance with § 160-33[25] herein.

(e) The contents of such a junkyard shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.

(f) Minimum lot area required: 10 acres

(8) **H8 Composting Facility**. A facility for the composting of the organic matter in the municipal solid waste stream.

(a) The minimum lot area requirement shall be five acres.

(b) The minimum front yard shall be 75 feet and the minimum side and rear yards shall be 50 feet.

(c) There shall be a fifty-foot-wide buffer yard abutting all sides of the property comprised of an A-Type landscaped buffer in accordance with § 160-33[25] herein.

(9) H9 Outdoor/Wholesale Storage. Outdoor storage is a primary use of the land, not including a junkyard or auto salvage, and subject to the following additional provisions:

(a) No part of the street right-of-way, no sidewalk or other areas intended or designated for pedestrian use and no required parking areas may be included within the storage area.

(b) Explosive, toxic, radioactive or highly flammable materials shall not be permitted under this use type.

(c) Storage shall occupy an area of no more than 75% of the lot area.

(d) Storage areas shall not exceed a height of eight feet.

(e) Storage areas shall be shielded from view from all public streets and residential uses.

(f) Parking: one off-street parking space for every 500 square feet of gross storage area, plus one space for each company vehicle normally stored on the premises.

(g) Uses constituting outdoor storage as a primary use shall be restricted to the following accessory uses: I4 Accessory Building; I6 Temporary Structure; I7 Off-Street Parking; I8 Signs; and I14 Commercial Accessory Office, subject to the additional requirements set forth for the above accessory uses.

I. Accessory Uses.

Accessory uses and structures on the same lot and customarily incidental to the permitted principal use are permitted by right. The term "accessory use" shall not include a business unless expressly set forth herein, but may include the uses as set forth below which shall comply with all yard regulations, except as otherwise modified by this chapter.

(1) I1 Home Occupation.

(a) General standards. The following shall apply to all home occupations:

[1] A home occupation must be conducted within a single-family dwelling which is the bona fide residence of the principal practitioner, or in an existing accessory structure thereto which is normally associated with a residential use.

[2] The amount of floor area devoted to this home occupation shall not be more than 25% of the ground floor area of the principal residential structure or 600 square feet, whichever is less. At least 850 square feet of the gross floor area must remain in residential use. Although the floor area devoted to a professional office home occupation may not exceed 25% of the ground floor area of the principal structure, or existing accessory structure, the home occupation may be conducted within the principal structure or an existing accessory structure.

[3] In no way shall the appearance of the residential structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting, show windows or advertising visible outside of the premises to attract customers or clients, other than those signs permitted in this chapter.

[4] One sign is permitted per home occupation providing that it is no larger than four square feet bearing only the name, occupation (words only) and office hours of the practitioner. In addition, it shall not be illuminated or placed in a window.

[5] Only one commercial vehicle is permitted per home occupation. All commercial vehicles shall be parked on-lot and must be parked in a garage or an enclosed structure.

[6] Off-street parking spaces are not permitted in the front yards. A ten-foot driveway providing access to parking areas in the side or rear of the property may be located in the front yard. All off-street parking areas must be located at least 10 feet from any property line. All off-street parking areas which contain more than three spaces must comply with the buffer and screening requirements of this chapter.

[7] There shall be no exterior storage of materials or refuse resulting from the operation of the home occupation.

[8] No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, dust or electrical interference detectable to the normal senses off of the lot. No equipment or process shall be used which creates visible or audible interferences in any radio or television receivers off of the premises.

[9] No noise is emitted from any structure in conjunction with the home occupation that is discernible beyond the lot in which the use is permitted.

[10] There shall be no retail sales of goods permitted from any home occupation.

(b) The following uses are permitted as home occupations subject to the following additional conditions:

[1] **Professional offices.**

[a] A professional office is a service oriented business use conducted within an enclosed building specifically designed for the functional needs of the use, wherein the professional services of the practitioner is the salable commodity offered to the client. Professional offices include but are not limited to, the following: office facility of a salesman, sales representative or a manufacturer's representative, office facility of an architect, land planner, engineer, broker, dentist, doctor, psychiatrist, insurance agent, land surveyor, lawyer, musician, real estate agent, or accountant. Office facility of a

minister, rabbi, or priest providing that the office is open to the public and/or congregation.

[b] A professional office home occupation is a permitted accessory use providing that the home occupation complies with the following conditions and a zoning permit is obtained:

[i] No more than two persons, other than members of the immediate family, may be employed.

[ii] In addition to the off-street parking spaces required in this chapter for the particular residential use concerned, a professional office shall provide one off-street parking space for each employee, plus one additional space for each 200 square feet of office space. A maximum of six off-street parking spaces are permitted on one lot, inclusive of the required residential parking.

[**2**] **Instructional services**. An instructional service is a home occupation in which the practitioner provides the client with special instruction in a specific area of study. The conduction of this home occupation should not require a room or series of rooms specifically designed for that purpose. Where the construction of a particular physical environment, such as a classroom or studio, is deemed necessary in order to establish or conduct the home occupation, such use shall comply with the standards specified for professional offices, with the exception of off-street parking and employee requirements in which case this section apply:

[a] Instructional services involving musical instruments or more than one student at a time are permitted in single-family detached residences only. Instructional services involving only one student at a time and no musical instruments are permitted in any dwelling type.

[b] No persons shall be employed other than the members of the immediate family.

[c] In addition to the off-street parking spaces required in this chapter for the particular residential use concerned, an instructional service shall provide one off-street parking space per two students being instructed at any one time. A maximum of four off-street parking spaces are permitted on one lot inclusive of residential parking.

[3] Home crafts.

[a] Home crafts are activities whereby the commodity is completely manufactured on the site by the resident craftsman. Home crafts may include, but are not limited to, the following: artists, sculptors, woodworkers, bakers, dressmakers, seamstresses and tailors; and include such activities as model making, rug weaving and lapidary work.

[b] A home craft occupation is a permitted accessory use providing that the home occupation complies with the following provisions:

[i] Home crafts are permitted only in single-family detached dwellings.

[ii] No more than one person other than members of the immediate family may be employed.

[iii] In addition to the off-street parking spaces required in this chapter for the particular residential use concerned, a home craft shall provide one off-street space per 300 square feet of gross floor area used for the home occupation. A maximum of four off-street parking spaces are permitted on one lot inclusive of the required residential parking.

[4] Family day-care home. Family day-care home is a facility in which care is provided for one or more, but less than seven, children at any one time where the child care areas are being used as a family residence.

[a] Licensing, approval and permit procedures. Prior to granting of a permit by the Zoning Officer, the applicant must obtain a license from the Department of Public Welfare, Bureau of Child Development Programs. Licensure is certification of compliance with all applicable provisions of the Department of Public Welfare"s Social Services manual by this Department to the applicant subject to licensure under the Public Welfare Code and/or other applicable regulations.

[b] All family day-care homes shall be subject to the following additional provisions:

[i] The use shall be conducted in a building designed for residential occupancy and for the safety and well-being of the occupants.

[ii] A minimum outdoor play area of 2,000 square feet of contiguous area shall be provided as a recreational area for the children. This area shall not include any impervious surface or parking areas.

[iii] Family day-care homes are only permitted as an accessory use to a single-family home.

[iv] If a family day-care home is located adjacent to a nonresidential use, a parking lot or on a street classification higher than a local residential or marginal access street, the outdoor play area must be enclosed by an unclimbable fence which is deemed appropriate by the Township. In addition, when a family day-care home fronts on a collector or arterial street the outdoor play area should be located to the side or rear of the property.

[v] No more than one person other than members of the immediate family may be employed.

[vi] Parking standards: in addition to the off-street parking required for a single-family dwelling at least one additional off-street parking space is required for each employee, plus one additional space for dropoff. All parking areas in excess of three spaces must be screened.

(2) I2 Residential Accessory Structures and Uses.

(a) Residential accessory structures and uses including, but not necessarily limited to:

[1] **Parking spaces** for the parking of passenger automobiles. The parking of commercial vehicles is prohibited, except for a maximum of one vehicle, which is licensed in the name of the property owner, and which is needed and utilized for travel to and from work by a resident of the principal dwelling. Only the tractor of a tractor trailer combination may be parked on the property. No parking area or drive shall be located closer than five feet to any side or rear lot line. Common lot lines of attached and semidetached dwellings and shared driveways are exempt from this setback provision.

[2] **Fences and walls** shall not exceed four feet in height in front yard areas, and eight feet in height in side and rear yard areas. Fences and walls shall be no closer than one foot to a lot line unless there is a letter of consent from the adjacent property owner, in which case they may be located on the lot line. In no case shall any fence or wall be located in or obstruct a clear sight triangle. The provision of this Subsection I(2)(a)[2] shall not apply to the extent Subsection I(2)(a)[3] is applicable.

[3] **Decks and patios** are permitted in side and rear yard areas only and may be located no closer than five feet from any lot line, except for a side party wall lot line of attached dwellings in which case the deck or patio may extend to the side party wall lot line. A fence six feet in height, and extending the length of the deck or patio along the side party wall lot line, and attached to the deck or patio is permitted.

[4] **A residential accessory structure less than 250 square feet** shall have a minimum setback of two feet from the side lot line and five feet from the rear lot line within the CR-1 and VC Zoning Districts. Within all other zoning districts the residential accessory structure shall be a minimum of 12 feet from the side and rear lot line. No part or portion of any residential accessory structure is permitted within the front yard. All residential accessory structure greater than 250 square feet shall be located in accordance with the applicable setback requirements for the principal dwelling. Residential accessory structures shall not be closer than 15 feet to a principal dwelling on the same lot.

(b) Accessory Family Residence. [revised 6-25-2007 by ord. no. 2007-07] One (1) residence accessory to a single-family detached dwelling shall be permitted. The intent of these provisions is to allow for related family members and any required healthcare workers to reside on the premises, but to prohibit the creation of for-profit apartments in districts where multifamily housing is not otherwise permitted.

[1] The use shall occupy an area the size of which is no more than 50% of the area of the principal residence.
[2] Occupancy of such use shall include only the following relatives of the family occupying the principal residence: children (issue and stepchildren), parents (natural parents, stepparents and in-law parents), brothers, sisters or their children, grandparents, uncles, aunts or children of uncles or aunts.
[3] The use shall be part of the principal residence or may be contained in an accessory structure. The accessory family residence shall not be located in basements.
[4] Only one (1) accessory family residence shall be permitted per single-family detached dwelling.
[5] The owner of the principal residence shall provide to the township evidence of approval by the Bucks County Board of Health for the additional use.
[6] One (1) off-street parking space shall be provided for the additional use.

(3) **I3 Residential Boarding**. The keeping of not more than two roomers, boarders, or lodgers as an accessory use in single-family detached housing shall be permitted, provided:

(a) The minimum lot size shall be 50,000 square feet. In the VC District, the minimum lot size shall be 20,000 square feet provided the lot is served by public sewer.

(b) No additional rooms may be constructed for this purpose.

(c) The roomers, boarders or lodgers shall live within the principal residential building.

(d) No separate cooking facilities or dwelling may be created.

(e) Parking: one off-street parking space shall be provided for each roomer.

(4) **I4 Nonresidential Accessory Building**. Accessory building, or structure, or uses customarily incidental to nonresidential uses permitted in VC, PC-1, PC-2, HI and LI Districts in connection with such uses, except outside storage and uses permitted under use type I15 herein. Nonresidential accessory buildings shall meet the minimum setbacks for the principal nonresidential building and use within said district.

(a) Parking: Parking shall conform to the requirements of the most closely related use in § 160-23 of this chapter.

(5) **I5 Outside Storage or Display.** Outside storage or display, other than storage as a primary use of the land, necessary but incidental to the normal operation of a primary use, subject to the following additional provisions:

(a) No part of the street right-of-way, ultimate street right-of-way, sidewalks or other areas intended or designed for pedestrian use, no required parking areas, and no part of the required front yard shall be occupied by outside storage or display.

(b) Parking: none

(6) **I6 Temporary Structure and Use**. A temporary permit may be issued for the following structures and/or uses provided the requirements of this section are met:

(a) Special events: A structure and use thereof necessary during construction or other special circumstances of a nonrecurring nature, subject to the following provisions:
[1] The time period of the initial permit shall be six months. This permit may be renewed for additional periods of six months subject to the limitations specified in § 160-20, and within a total aggregate period not to exceed two years.

[2] Temporary nonconforming structures or uses shall be subject to authorization by the Zoning Hearing Board.
[3] Such structure or use shall be removed completely within 30 days of the expiration of the permit without cost to the Township.
[4] Said structure shall not be used in conjunction with a private residential garage sale.

(b) Private garage sales: the use of a private residential garage, yard, lot or portion thereof for the periodic and generally nonrecurring sale of used household goods providing:
[1] No greater than four private garage sales are permitted on any lot within the same calendar year.
[2] All saleable items shall be used household goods.

(7) **I7 Off-Street Parking**. Off-street parking is subject to the provisions and requirements of § 160-47.

(8) **I8 Signs**. Signs are subject to the provisions and requirements of Article VII.

(9) **I9 Noncommercial Kennels**. A structure in which dogs, cats or other domestic pets are kept for private purposes subject to the following conditions:

(a) No more than three such pets shall be kept under the permanent care of the occupants.

(b) No animal shelter or runs shall be located closer to the property or street line than the minimum yard requirements specified for the principal use.

(c) A noncommercial kennel may be established only as an accessory use.

(d) Except for the sale of young animals born to pets kept under the permanent care of the occupants, no animals shall be sold or offered for sale on the property.

(10) **I10 Recreational Vehicles**. A vehicle or piece of equipment, whether self-powered or designed to be pulled or carried, intended primarily for leisure time or recreational use. Recreation vehicles or units include, but are not limited to, the following: travel trailers, truck-mounted campers, motor homes, folding tent campers, autos, buses or trucks adapted for vacation use, snowmobiles, minibikes, all-terrain vehicles, go-carts, boats, boat trailers, and utility trailers.

(a) Recreational vehicles or units shall be stored on lot and comply with one of the following conditions:
[1] Located to the side or rear of the dwelling.
[2] Located in a garage.
[3] Located in an open sided roofed structure.

(11) **I11 Noncommercial Swimming Pool**. A water-filled enclosure, permanently constructed or portable, having a depth of more than 24 inches below the finished grade, or an above-surface pool, having a depth of more than 24 inches above finished grade, designed, used and maintained for swimming and bathing.

(a) A zoning permit shall be required to locate, construct or maintain all swimming pools. All applications for swimming pool permits shall include plans, drawings or other data as may be required by the Zoning Officer and shall satisfactorily indicate the method of fencing the facility.

(b) Pools shall be located to the side or rear yard of the dwelling unit only and may be located no closer than 10 feet from any lot line and shall not be located under electrical lines of any kind.

(c) Every outdoor pool shall be enclosed by a fence of at least four feet in height, or the side walls of an aboveground pool shall be four feet above the finished grade and access removed or the

ladder folded and locked to prevent access when not in use. All aboveground pools less than four feet above the finished grade shall be fenced as specified herein. No person shall henceforth construct a swimming pool or maintain a swimming pool constructed hereafter within the Township unless the same shall be enclosed by a substantial wire mesh or solid fence not less than four feet nor more than six feet in height and which shall contain no vertical interspace of more than two inches and no horizontal rail or component on the outside usable as a footstep and which shall satisfy the following minimum requirements:

[1] Wood picket: 3/4 inch stock.
[2] Metal picket: 1/2 inch diameter bar.
[3] Chain link: Vertical chains shall be 11 gauge minimum wire and a maximum of two inches apart.
[4] Woven or other solid fence: Strength shall be equivalent to one of the foregoing, satisfactory to the Zoning Officer.
[5] All gates in such fence shall be secured by a lock when the owner or tenant is absent from the premises, and by an effective safety latch at all other times.
[6] A dwelling or accessory building may be used as a part of the required enclosure.

(d) In the event that the water supply for the pool is supplied from a private well, there shall be no cross-connection with the public sewage system.

(e) In the event that the water supply for the pool is supplied from a public water system, the supply inlet shall be above the overflow level of the pool.

(f) At the time of application for a zoning permit, it shall be demonstrated that the drainage of the pool is adequate and will not interfere with the water supply system, existing sewage facilities, public streets, and shall not drain onto a neighboring property.

(12) I12 Wind Energy Conversion System [revised 6-27-2011 by ord. no. 2011-9] A wind energy conversion system is a device which converts wind energy to mechanical or electrical energy and which is permitted only as an accessory use and structure in accordance with the following regulations:

(a) Wind system shall be permitted as an accessory use only.

(b) Principal Uses for which the wind system is a permitted accessory use are: A. Agricultural Uses, B. Residential Uses, G. Light Industrial and H. Heavy Industrial Uses.

(c) No wind system shall be permitted in any open space area that has been set aside, either as part of a development or preserved through a County, State, Federal or Conservancy preservation program. Open space area preserved through Hilltown Township shall be exempt from this provision.

(d) A wind energy system may be a freestanding pole structure or may be attached to another structure or building.

(e) Every proposed wind system, whether freestanding or attached to another structure, shall be designed and engineered to provide for safe operation. Detailed engineering plans, prepared by a licensed professional engineer, for all proposed wind systems shall be submitted with applications for approval. If an attached system is proposed, these engineering studies shall demonstrate to the satisfaction of the Township that the wind system shall not compromise the structural integrity of the building to which it is attached.

(f) Maximum height - The maximum height of any wind system is 65 feet from finished grade. This height shall include the pole or mounting structure and the blade when extended to its highest position. The pole or mounting device shall not exceed 50 feet.

(g) All wind systems shall be set back a minimum of 1.2 times the height of the structure, including the blade as extended to its highest position, from any lot line, above ground utility line or pole and from any occupied structure on the same lot.

(h) The power generated by any wind system shall not be sold to any other customers except a public utility and shall be limited to use on the lot where the system is located.

(i) All facilities shall meet the applicable electrical codes and shall be performed by a licensed electrical contractor.

(j) Minimum lot size - The minimum lot size on which a wind energy system is permitted is three acres, or the minimum lot size for the use to which it is accessory, whichever is greater. There shall be no more than one wind energy system on any lot of three acres or less in size. For each wind energy system on any lot, there shall be a minimum of three acres for each system.

(k) Nuisance standards - All wind systems shall be designed to avoid any adverse impacts on surrounding properties. No lights shall be permitted on the wind system. All applications shall contain information on the proposed color, orientation, design of the system and any electrical interference effects.

(l) Access control - Access to the system shall be controlled by a fence with a height of eight (8) feet with locking portal. The ground level equipment and structures shall be adequately buffered from adjacent properties and street rights-of-way with landscaping or fencing.

(m) A minimum of one hazard warning sign shall be posted near ground level on the fence or on the tower structure.

(n) The electric and utility lines to and from a wind system shall be underground.

(o) Abandonment and removal:
[1] Any wind energy conversion system which has not been in active and continuous use for a period of one year shall be removed from the property to a place of safe and legal disposal.
[2] All structural enclosures accessory to the wind energy conversion system shall be completely removed from the property to a place of safe and legal disposal.
[3] The former wind energy conversion system site shall be restored to as natural condition as possible within six (6) months of the removal from the property.

(p) Natural Resource Protection Standards - All wind energy systems shall meet the Environmental Protection Standards, Article V, of Chapter 160 of the Code of Ordinances of Hilltown Township.

(13) **I13 Radio and Television Towers**, Masts, Aerials, Flagpoles, Dish Antenna, Microwave and Paging Towers. Radio and television towers, masts, aerials, flagpoles, dish antenna, microwave, paging towers and associated facilities are permitted as an accessory use to a residential dwelling unit subject to the following:

(a) The structure shall be set back from the nearest property line a distance at least equal to the height of the structure.

(b) The structure shall be anchored to the ground in a manner satisfactory to the Township Engineer.

(c) Shall not be subject to the minimum height limitations of this chapter.

(14) **I14 Commercial Accessory Office**. An accessory office is a clerical, administrative and professional use normally associated with a principal commercial or industrial use of a building, lot,

or portion thereof. An accessory use office is an incidental component of a permitted principal use of structure or lot, and shall be subject to the requirements of the use type D3 of this chapter.

(15) **I15 Accessory Retail Use**. Accessory retail use open to the public and incidental to those uses permitted in the VC, PC-1, PC-2, HI and LI Districts and clearly connected to the principal use subject to the following conditions:

(a) The accessory retail use shall not exceed 10% of the gross floor area of the principal use.

(b) The accessory use shall be conducted entirely within the building housing the principal use and shall be under the same ownership as the principal use.

(c) No new building or structure shall be established for the accessory retail use.

(d) Parking: Parking shall conform to the requirements of either the E1 or E2 Retail Store use types set forth in § 160-23 of this chapter consistent with the proposed square footage of the new accessory use.

(16) **I16 Bed-and-Breakfast**. Use and occupancy of a building shall be permitted for accommodating transient guests subject to the following additional conditions and restrictions **[revised 2-26-2007 by ord. no. 2007-04]:**

(a) The bed and breakfast use shall be permitted only within existing structures that were constructed prior to 1910.

(b) Not more than eight (8) guest rooms may be provided.

(c) The minimum lot size for the use shall be three acres within the RR Zoning District. Within the CR-2 and VC Zoning Districts the lot size shall conform to the district minimum (50,000 SF and 20,000 SF respectively) as required for a single family dwelling.

(d) One (1) off-street parking space shall be provided for each guest room, plus one (1) space for each employee and two spaces for the owners of the property. The off-street parking spaces shall be located either to the rear of the main dwelling or screened from the roadway and abutting dwellings with a buffer pursuant to section 160-33 of this Ordinance.

(e) There shall be no use of show windows or display or advertising visible outside the premises except for a single non-illuminated sign with a maximum sign area of four (4) square feet and a maximum height of eight (8) feet.

(f) External alterations, additions, or changes to the exterior structure shall be permitted if design and materials are consistent with the existing structure.

(g) The use shall be carried on by the property owner who must reside on the premises.

(h) There shall be no separate kitchen or cooking facilities in any guest room. Prepared food served on the premises shall be limited to breakfast only and shall be served only to guests of the establishment.

(i) The maximum uninterrupted length of stay shall be fourteen (14) days.

(j) The use of an amenities provided by the bed-and-breakfast such as swimming pool or tennis courts shall be restricted in use to the owners and guests.

(k) Where on-lot sewage disposal facilities are utilized within the RR Zoning District, the sewage disposal system shall conform to the requirements of the Bucks County Department of Health.

Within the CR-2 and VC Zoning Districts, the use must be served by sanitary sewer facilities provided by a municipal authority.

(17) **I17 Residential Agricultural Use**. Residential agricultural use involves farming as an accessory use occurring on the same lot as a single-family dwelling, and includes tilling of the soil and raising of livestock, horses, fur-bearing animals (animals raised for the sale of their fur) or poultry. The keeping or raising of livestock, horses, fur-bearing animals or poultry shall be limited to lots of at least three acres and shall be limited to two head of livestock or horses, or 50 fowl. Lots of four acres up to 25 acres shall allow two additional head of livestock or horses per acre, or 50 fowl per acre. Maximum lot size is 25 acres. Livestock shall be considered those animals commonly raised on farms in this area, such as cows, sheep, goats, and pigs. Any building used for the keeping or raising of livestock, horses, fur-bearing animals, or poultry shall be situated not less than 50 feet from any street line or residential property line, or 100 feet from any existing neighboring dwelling. Not more than 9% of the total lot area shall be in impervious surfaces. Riding academies, livery or boarding stables and commercial dog kennels are not included in this provision. All buildings associated with this use, i.e., barns, sheds, silos and the like, shall also be permitted. In addition, buildings with a first-floor area of up to 1,250 square feet shall be exempt from land development procedures. Adequate provisions shall be made for the control of noise and odor and the confinement of the animals to the property. This agricultural use is to be used in conjunction with the single-family dwelling only and does not conflict with use A1 Agricultural Use**. [added 7-22-2002 by ord. no. 2002-6]**

(18) **I18 Trades Business. [added 6-25-2007 by ord. no. 2007-11]**
Trades businesses involve the use of a residence as a base of operations for the business, but not including the conduct of any phase of the trade on the property. The residence must be the owner's primary residence, and he/she must reside on the property. Trades included in this home occupation use are electrician, plumber, carpenter, mason, painter, and roofer. Other uses of a similar nature may be permitted subject to conditional use approval of the Board of Supervisors.

(a) The minimum site area shall be three (3) acres and must be located in the RR or CR-2 district.

(b) Barns and outbuildings may be used for a trade business.

(c) The amount of floor area devoted to this home occupation shall not be more than 25% of the ground floor area of the principal residential structure or 600 square feet, whichever is less. At least 850 square feet of the gross floor area must remain in residential use. Additionally, this use may occupy 2,000 square feet of an existing barn or outbuilding.

(d) In no way shall the appearance of the residential structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting, show windows or advertising visible outside of the premises to attract customers or clients, other than those signs permitted in this chapter.

(e) No more than five employees other than members of the immediate family currently residing at the residence may be employed.

(f) One sign is permitted per home occupation providing that it is no larger than four square feet bearing only the name, occupation (words only), and office hours of the practitioner. In addition, it shall not be illuminated or placed in a window.

(g) A maximum of five trades business vehicles shall be permitted. All trades business vehicles shall be parked on-lot in a garage or an enclosed structure.

(h) All trades business vehicles, equipment and materials must be stored within a building. There shall be no outside storage of materials or equipment of any kind. Refuse shall be stored in containers with lids screened from view of adjoining properties and public streets.

(i) No wholesale or retail sales shall be conducted on the property.

(j) No trades business operation or activity shall be conducted before the hour of 6:30 AM or after the hour of 7:00 PM (either on eastern standard or daylight saving time system), or on any Sunday or holiday.

(k) No on-street parking of any kind may be associated with this use. In addition to the off-street parking spaces required for the residential use concerned, a trades business use shall provide one (1) off-street parking space for each employee with a maximum of five off-street parking spaces related to the trade business.

(l) Off-street parking spaces are not permitted in the front yards. A 10 feet wide driveway providing access to parking areas in the side or rear of the property may be located in the front yard. All off-street parking areas must be located at least 10 feet from any property line. All off-street parking areas which contain more than three spaces must comply with the buffer and screening requirements of this Ordinance.

(19) **I19 Additional Use Opportunities for Barns [added 6-25-2007 by ord. no. 2007-09]**

(a) Purpose – In order to encourage the continued use and preservation of barns, and to facilitate their appropriate reuse, the following regulations are established.

(b) To be eligible for this use, the barn must have been constructed prior to 1920.

(c) Permitted Use Standards

(1) The proposed use shall have adequate water supply and sewage disposal facilities. If sewage disposal facilities are on lot, verification of approval to use the septic system for additional sewage flow (where applicable) must be received from the Bucks County Department of Health.

(2) Any conversion and use of the barn must be in compliance with all applicable PA Department of Labor and Industry and Americans with Disabilities Act requirements.

(3) Buffer yard and landscaping shall conform to Section 160-33.

(d) Additional Use Opportunities

A barn eligible for additional use opportunities as outlined herein permitted is subject to conditional use approval by the Board of Supervisors.

Use	Permitted in the following Zoning Districts by conditional use
B1 Residence	RR, CR-1, CR-2, VC
I16 Bed and Breakfast	CR-1, CR-2, VC
D3 Office	CR-1, CR-2, RR, VC
I1 Home Occupation	Permitted in all districts; General Standards I1(a)[1] and (a)[2] shall not apply to Home Occupations permitted in an eligible barn.

(e). Conditional Use Standards – In addition to the general standards for conditional uses, the following shall apply:

(1) Applicant shall submit drawings illustrating how the barn will be used to accommodate the additional use.

(2) Use shall be designed to preserve distinguishing original qualities and the building setting.

(3) Removal of architectural features that are central to the building and history is discouraged.
(4) Additions shall be true to the period represented or compatible with the architecture of the structure.
(5) Deteriorated features shall be repaired using materials that match the originals in terms of design, color, texture, and appearance.
(6) Parking in the rear yard is encouraged.
(7) Lot must be sufficient size and dimension to accommodate the proposed use and meet all the area and dimensional requirements of the zoning ordinance for the proposed use and parking.
(8) Board of Supervisors must approve the architectural design.
(9) Uses must comply with all the other applicable use regulations of this Ordinance.

(20) **I20 Place of Worship - Accessory Uses [added 11-27-2007 by ord. no. 2007-16]**

Place of Worship Accessory Uses shall include internet cafes, coffeehouse, tea room, religious bookstore, retail sale of religious items and media sales center; and shall be subject to the additional conditions and restrictions:

(a) The Accessory Use shall be owned and operated exclusively by the place of worship; and private ownership or operation shall not be permitted.

(b) All Accessory Uses shall be contained within the principal structure of the place of worship; and shall not exceed ten percent (10%) of the area of the principal use or 12,000 square feet, whichever is less.

(c) The Accessory Use shall be open only during the hours the place of worship is open.

(d) One sign is permitted provided that it is no larger than four square feet bearing the name of the Accessory Use and hours, and shall be affixed to the place of worship structure, and shall not be free standing.

(e) Public promotion of the Accessory Use shall be limited to promotion of the general mission of the principal use.

(f) The Accessory Use shall be available only to individuals who are church members or those who are in attendance at the place of worship for activities and programs offered or sponsored by said place of worship.

(g) The area and facilities set aside for the Accessory Use shall comply, in all respects, with all current federal, state and local regulations and standards pertaining to fire, safety, health and handicap access.

(21) **I21 Solar Energy System [added 6-27-2011 by ord. no. 2011-6]**

(a) Applicability

(1) This Ordinance applies to Solar Energy Systems to be installed and constructed after the effective date of the Ordinance, and all applications for Solar Energy Systems on existing structures or property. Solar Energy Systems constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided however that any structural change, upgrade or modification to an existing Energy System that materially alters the size or placement of the Solar Energy System shall comply with the provisions of this section.

(b) Solar Energy Systems are permitted under this Ordinance only as accessory uses to a principal use for which the Solar Energy System is providing heating and/or other energy. Any Solar Energy System designed or proposed to resell electricity on the open market and/or utility company shall be deemed a F1 Utility Use and shall not be considered an accessory use.

(1) Ground Arrays. Solar panels shall be permitted as ground arrays in the zoning districts identified within the Table of Use Regulations for I21 Solar Energy System as an accessory use in accordance with the following:

[a] Ground array solar panels shall be subject to the same setback distances for a principal use in the district wherein it is located, provided that no solar panel shall be located closer to the property line than 1.2 times the height of the solar panel.

[b] Ground arrays shall not be permitted in a front yard.

[c] Ground arrays shall be located so that any reflection is directed away or is properly buffered from an adjoining property.

[d] The highest point of the ground arrays structure shall not exceed a height of twenty (20) feet.

(2) Roof Mounts. Any roof-mounted solar panels subject to the provisions of this Section shall be permitted in the zoning districts identified within the Table of Use Regulations for I21 Solar Energy System as an accessory use in accordance with the following:

[a] Permitted roof mounted solar panels shall include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface.

[b] Integrated or separate flush-mounted solar panels shall be located on a rear - or side-facing roof, as viewed from any adjacent street, unless such installation is proven to be ineffective or impossible. The removal of potential obstructions such as interceding vegetation shall not be sufficient cause for permitting a front-facing installation. Front-facing installation may be permitted only by conditional use in accordance with the following provisions:
Applicant must indicate valid reasons as to why this is the only effective or possible means for utilizing solar energy on the property. Such information shall be certified by a professional deemed qualified by Hilltown Township and reviewed by the Hilltown Township Engineer and any other Township professional that the Board of Supervisors deems necessary.

[c] Any roof-mounted array shall exceed thirty-five (35) feet in height.

(3) Any roof-mounted solar panels other than those described in Subsection (2) above shall only be permitted as a conditional use, in accordance with the following conditions:

[a] Such other roof-mounted solar panels shall be located on a rear-or side-facing roof, as viewed from any adjacent street.

[b] Such other roof-mounted solar panels shall not exceed a height of three (3) feet from the rooftop at any point. Solar panels installed on a building or structure with a sloped roof shall not project vertically above the peak of the roof to which it is attached, or project vertically more three (3) feet above a flat roof installation.

[c] Applicant shall demonstrate to the satisfaction of the Township Engineer that the proposed use of roof-mounted solar panels is the only effective or possible means for utilizing solar energy on the property. Such information shall be certified by a professional deemed qualified by the Board of Supervisors and may be reviewed by any other Township professional that the Board of Supervisors deems necessary.

[d] No roof-mounted array shall exceed thirty-five (35) feet in height.

(c) In no event shall the placement of any solar panels result in a total height exceeding thirty-five (35) feet.

(d) Design and Installation. All solar energy systems shall comply with the following design, installation and general standards:

(1) The Solar Energy System shall comply with the Pennsylvania Uniform Construction Code (Act 45 of 1999), 35 P.S.§7210.101 et seq., as amended, and the applicable regulations adopted by the Department of Labor and Industry, 34 PaCode §401.1 et seq.
(2) The design of the Solar Energy System shall conform to applicable industry standards as determined by the Township.
(3) On existing construction, a Solar Energy System may be installed as long as it meets the requirements of this chapter and all other applicable construction codes.
(4) Easements. On plans for new subdivision or land development that propose to provide for Solar Energy Systems, a notation shall be placed on the approved plan stating that restrictions have been placed on the lots in question, pursuant to a recorded deed of easement, concerning the placement of structures and vegetation as they relate to the Solar Energy Systems. The terms of the easement shall be as approved by the Township Solicitor.
(5) All Solar Energy System contractors applying for permits must submit proof of appropriate insurance in a manner, form and amount acceptable to the Township.
(6) Solar Energy Systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from the property line.
(7) The design of Solar Energy Systems shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend the facility into the natural setting and existing environment.
(8) The installation of Solar Energy Systems is subject to all electric service requirements for interconnection.
(9) This section's height provisions shall supersede all height provisions of other sections with respect to Solar Energy Systems. The highest point of solar panels on rooftops shall not exceed thirty-five (35) feet. The highest pint of solar panels on ground arrays shall not exceed twenty (20) feet.

(e) Abandonment and Removal of Solar Energy Systems.

(1) Any solar panel (roof or ground) and/or Solar Energy System which has not been in active and continuous service for a period of one (1) year or more shall be removed from the property to a place of safe and legal disposal.
(2) All structural enclosures accessory to the solar panels and/or Solar Energy System shall be completely removed from the property to a place of safe and legal disposal.
(3) The former Solar Energy System site shall be restored to as natural conditions as possible within six (6) months of the removal from the property.

ARTICLE V
Performance Standards

§ 160-24. Compliance.
All uses and activities established after the effective date of this chapter shall comply with the following standards.

§ 160-25. Site capacity calculations.
Each site is unique; it has physical features which are rarely duplicated precisely on another site. Portions of some sites may not be usable, and a minimum amount of buildable land should be retained for recreation. The purpose of this section is to determine the appropriate intensity of use to which a specific tract may be put.

A. The following site capacity calculations shall be submitted with applications for Use B1A, Conservation Management Design; Use B3, Single-Family Detached Cluster; Use B4, Performance Subdivision; Use B6, Mobile Home Park; Use B7, Retirement Village; and use B9, Age Qualified Residential Community **[use B9 added 6-25-2007 by ord. no. 2007-06]** :

(1) Certain portions of tracts may not be usable for the activities proposed for the site; these shall therefore be subtracted from the site area to determine base site area:

Site area as determined by actual on-site survey. -____ Ac.

Subtract land within the existing and ultimate right-of-way of existing streets, utility rights-of way and easements. -____ Ac.

Subtract land which is not contiguous; i.e., -____ Ac.

(a) A separate parcel which does not abut or adjoin, nor share common boundaries with, the rest of the development; and/or

(b) Land which is cut off from the main parcel (1) by an expressway, arterial, or major collector street as defined within § 140-29C of Chapter 140, Subdivision and Land Development; or (2) so that it is isolated and unavailable for building purposes.

Subtract land which in a previously approved subdivision, was reserved for resource reasons such as flooding, or for recreation. -___ Ac.

Subtract land used or zoned for another use, to include but not necessarily limited to, commercial or industrial uses in a residential development, or land in a different zoning district than that of the primary use. -___ Ac.

EQUALS BASE SITE AREA = ___ Ac.

(2) Resource protection land. All land within the base site area shall be mapped and measured for the purpose of determining the amount of open space needed to protect it:

	Open Space Ratio	Land In Resource	Protection Land Resource (Open Space Ratio)
Floodplains	1.00	____ Ac	____ Ac
Floodplain soils	1.00	____ Ac	____ Ac
Lakes or ponds	1.00	____ Ac	____ Ac
Wetlands	1.00	____ Ac	____ Ac
Steep slope (25% or more)	0.85	____ Ac	____ Ac
Woodland[1]	0.80	____ Ac	____ Ac
Pond shore	0.80	____ Ac	____ Ac
Lake shore	0.70	____ Ac	____ Ac
Steep slope (15-25%)	0.70	____ Ac	____ Ac
Steep slope (8-15%)	0.60	____ Ac	____ Ac

NOTES: [1] Woodland protection standards are reduced to 40% within the CR-1, PC-1, PC-2, LI and HI Districts.

TOTAL LAND WITH RESOURCE RESTRICTIONS ____ Ac.
TOTAL RESOURCE PROTECTION LAND = ____ Ac.

(3) Usable municipal use or open space land. While some of the open space or municipal use land required by the zoning district may be resource protection land, the intent is to provide for municipal use areas which can be used to the benefit of the Township residents, or usable common open space which shall be as near to each unit as possible. Thus, there is a need for specific guidelines insuring that a minimum amount of land not restricted by Subsections A(1) or (2) above is retained for this purpose. Therefore:

Take	Base Site Area		____ Ac.
Subtract	Total land with resource restrictions	-	____ Ac.
Equals	Total unrestricted land	=	____ Ac.
Multiply	Total unrestricted land by	x	0.15
Equals	Minimum Usable Municipal Use Area or Open Space Land	=	____ Ac.

(4) Determination of site capacity. Individual site capacity is found by calculating net buildable site area. Lots may be located only on net buildable site area. In conservation management design, single-family cluster, performance subdivisions, mobile home parks, and retirement villages; the number of allowable dwelling units is determined by multiplying the density by the net buildable site area. The calculations are as follows:

(a) Conservation management design, single-family cluster, performance subdivision, mobile home park, or retirement village:

Take resource protection land		____ Ac.
Add minimum municipal use area or open space land	+	____ Ac.

Equals total open space	=	____ Ac.
Take base site area		____ Ac.
Multiply by open space ratio (Table of Performance Standards 31)	x	____ Ac.
Equals minimum required open space	=	____ Ac.
Take base site area		____ Ac.
Subtract total open space or minimum required open space, whichever is greater	-	____ Ac.
Equals net buildable site area	=	____ Ac.
Multiply by maximum density (§ 160-26)	x	____ Ac.
Equals allowable number of dwelling units (Fractions of 0.5 or more shall to rounded up to the nearest whole number. Fractions less than 0.5 shall be rounded down to the nearest whole number)	=	____DU

(b) Calculate the Impervious Surface Ratio **[rev. 6/25/2007 by ord. 2007-06]**:
(Impervious surface required by Township Ordinance within proposed public street right-of-way or private street constructed pursuant to an approved Age Qualified Residential Community plan is not included.)

Buildings	_____ Ac.
Driveways	_____ Ac.
Sidewalks	_____ Ac.
Patios	_____ Ac.
Parking Lots	_____ Ac.
Other	_____ Ac.
Equals Total Impervious Surface	= _____ Ac.
Divide by Net Buildable Site Area less all land area required for proposed public street right-of-way or private street constructed pursuant to an approved Age Qualified Residential Community Plan	/ _____ Ac.
Equals Impervious Surface Ratio	/ _____ Ac.
Maximum Allowable Impervious Surface Ratio (Table of Performance Standards, section 160-26)	_____ Ac.

B. The following site capacity calculations shall be submitted with applications for agricultural, commercial, institutional, industrial, and all other residential uses not included in Subsection A (residential uses not requiring open space):

(1) Certain portions of tracts may not be usable for the activities proposed for the site. These areas shall therefore be subtracted from the site area to determine base site area:

Site area as determined by actual on-site survey.	____ Ac.
Subtract land within the existing and ultimate right-of-way of existing streets, utility rights-of-way and easements.	- ____ Ac.
Subtract land which is not contiguous; i.e., (a) A separate parcel which does not abut or adjoin, nor share common boundaries with, the rest of the development; and/or (b) Land which is cut off from the main parcel (1) by an expressway, arterial, or major collector street as defined within § 140-29C of Chapter 140, Subdivision and Land Development, or (2) so that it is isolated and unavailable for building purposes.	- ____ Ac.
Subtract land which in a previously approved subdivision was reserved for resource reasons such as flooding, or for recreation.	- ____ Ac.
Subtract land used or zoned for another use, to include but not necessarily limited to commercial or industrial uses in a residential development, or land in a different zoning district than that of the primary use.	- ____ Ac.
EQUALS BASE SITE AREA =	____ Ac.

(2) Calculate the impervious surface ratio: **[revised 6-28-2004 by ord. no. 2004-5]**

(Impervious surface required by Township ordinance within proposed public street right-of-way is not included)

Buildings	____ Ac.		
Driveways	____ Ac.		
Sidewalks	____ Ac.		
Patios	____ Ac.		
Parking lots	____ Ac.		
Other	____ Ac.		
Equals total impervious surface =	____ Ac.		
Divide by base site area less all land area required for proposed public streets **[Revised May 28, 2013 by Ord. 2013-02]**		/	____ Ac.
Equals impervious surface ratio		=	____ Ac.
Maximum allowable impervious surface ratio (Table of Performance Standards, section 160-26)			____ Ac.

(3) Calculate maximum number of dwelling units:

Take	Base site area		____ Ac.
Multiply	Maximum density (§ 160-26)	x	____
Equals	Allowable number of dwelling units (Fractions of 0.5 or more shall to rounded up to the nearest whole number. Fractions less than 0.5 shall be rounded down to the nearest whole number.)	=	____DU

§ 160-26. Table of Performance Standards:

Township of Hilltown
Table of Performance Standards – Bulk and Area*

District	Use	Minimum open space ratio	Maximum density (DU/AC) (refer note [6] and [7])	Maximum impervious surface ratio[4]	Minimum site area (square feet (sf) or acre (ac))	Minimum lot area	Maximum height (feet)
RR	Single-family	none	0.75[6]	0.12[5]	50,000 sf	50,000 sf[1]	35
	CMD	0.65	1.75[7]	0.25	10 ac	20,000 sf[2,8]	35
	S.F. cluster	0.55	1.45[7]	0.20	20 ac	30,000 sf[2]	35
	Other uses	-	-	0.35	See Principal Uses Permitted		35
CR-1	Single-family	none	1.2[6]	0.14	30,000 sf	30,000 sf[2]	35
	S.F. cluster	0.40	2.25[7]	0.20	5 ac	10,000 sf[2]	35
	Perf. Subd.	0.50	5.0[7]	0.35	5 ac	- [2,3]	35
	Other uses	-	-	0.35	See Principal Uses Permitted		35
CR-2	Single-family	None	0.75[6]	0.14	50,000 sf	50,000 sf[1]	35
	S.F. cluster Opt. 1	0.55	1.65[7]	0.25	10 ac	30,000 sf[3]	35
	S.F. cluster Opt. 2	0.65	2.15[7]	0.35	10 ac	20,000 sf[3]	35
	CMD	0.70	2.20[7]	0.40	20 ac	10,000 sf[2,8]	35
	Other uses	-	-	0.35	See Principal Uses Permitted		35
VC	Single-family	none	1.8[6]	0.26	20,000 sf	20,000 sf[2]	35
	Single-family	none	0.75[6]	0.26	50,000 sf	50,000 sf	35
	Perf. Subd.	0.45	5.0[7]	0.35	5 ac	- [2,3]	35
	Traditional Neighborhood Development	0.20	6.0	0.70	15 ac	**	35
	Other uses	-	-	0.65	50,000 sf	20,000 sf[2]	35
AQRC	AQR Community	0.40	2.5	0.35	100 ac	9,600 ft[2]	
	Single Family Detached	-	0.75	0.12[5]	1.5 ac	50,000 ft[1]	
	Other uses	-	-	0.35	See Principal Uses Permitted		35
MHP	Mobile home park	0.30	4.5[7]	0.27	20 ac	7,500 sf[2]	35
PC-1	All uses	-	-	0.70	20,000 sf	20,000 sf[2]	35
PC-2	All uses	-	-	0.70	50,000 sf	50,000 sf[2]	35
LI & HI	All uses	-	-	0.60	2 ac	2 ac[2]	35

*Unless a more restrictive requirement is indicated in ZO Section 160-23.
** Per requirements listed in Section 160-23.

Notes:

[1] Each lot must be served with public water provided by a municipal authority. For lots not served with public water, the minimum lot area is three (3) acres.

[2] Each lot must be served by public water and sewer provided by a municipal authority.

[3] As required by §160-23B(4).

[4] No new lot may be created within any zoning district which exceeds the maximum impervious surface ratio due to existing and/or proposed impervious surface.

[5] Maximum impervious surface ratio is 0.12 for subdivision plan design and building/permit applications for the initial lot development. After issuance of a use and occupancy permit for the dwelling, the property owner is permitted a maximum impervious surface ratio of 0.15.

[6] Density is determined by dividing the number of dwelling units by the Base Site Area (refer Section 160-25.B).

[7] Density is determined by dividing the number of dwelling units by the Net Buildable Site Area (refer Section 160-25.A).

[8] Environmentally sensitive lands to be preserved may be privately owned and included within individual lots exclusive of the minimum required lot area, but shall be permanently protected via recordation of a conservation easement.

A. The standards in this table shall apply to each district. All standards must be met. These standards may be less strict than other performance standards in this article; the strictest standards shall always govern.

B. The minimum open space ratio column refers to a percentage of the net buildable site area (as calculated in § 160-25). The maximum density column shall be interpreted to mean the maximum number of dwelling units per net buildable site area, in acres. The minimum site area column refers to the number of acres which a developer must own to be able to qualify for this use. The minimum lot area column, on the other hand, refers to the minimum lot size for single-family, single-family conservation design, or nonresidential uses to be created.

C. Appendix A "Representative Buildings" **(included at the end of this chapter)** which provides for illustrative photographs of existing traditional buildings found in each of the Villages of Hilltown Township are provided herein; and pertain to Section 160-23.B(10)(g)[6][a]. [**added 1-26-2009 by ord. no. 2009-002]**

§ 160-27. Nonresidential minimum yard and lot width requirements.

The following standards apply in the district specified:

Minimum Yard and Lot Width Requirements
Yards (feet)

District	Front	Side	Rear	Minimum Lot Width (feet)
LI & HI	50	30[1]	50[1]	200
PC-1 & PC-2	50	15	50	100
VC	50	30	50	150
Other uses in all other districts	50	30	50	150

NOTES:
1 The minimum yard abutting a residential district shall be 100 feet.

§ 160-28. Environmental performance standards.

Any use permitted under § 160-23 may be undertaken and maintained only if it conforms to all district regulations as well as the environmental protection standards of this section. Site alterations, regrading, filling, or clearing of vegetation prior to the submission of plans for development approval and/or a permit shall be a violation of this chapter. The presence of any of these features on the subject tract shall be identified on the development plan or permit application plan.

A. Floodplains. All such lands shall be permanently protected and undeveloped, except that roads may cross the floodplain where design approval is obtained from the Pennsylvania Department of Environmental Protection and as permitted by § 160-45, Floodplain performance standards, of this chapter.

B. Floodplain soils. All such lands shall be permanently protected and undeveloped, except that roads may cross floodplain soils where design approval is obtained from the Pennsylvania

Department of Environmental Protection. See § 160-45, Floodplain performance standards, of this chapter. Floodplain soils shall not be used where a floodplain line has been drawn.

C. Steep slopes. In areas of steep slopes, i.e., those above 8%, the following standards shall apply:
   (1) Eight to 15%: no more than 40% of such areas shall be developed and/or regraded or stripped of vegetation.
   (2) Fifteen to 25%: no more than 30% of such areas shall be developed and/or regraded or stripped of vegetation.
   (3) Twenty-five percent or more: no more than 15% of such areas shall be developed and/or regraded or stripped of vegetation.

D. Forest (Woodlands). No more than 20% of any forest may be cleared or developed. The remaining 80% shall be permanently protected and undeveloped except as permitted pursuant to an approved zoning permit for Use A4, Forestry. The forest area shall not be planted in lawn and shall remain in its natural conditions with the natural forest groundcover left intact. **[revised 5-23-2011 by ord. no. 2011-6]**

E. Lakes, ponds, wetlands or watercourses. These areas shall be left as permanently protected. No development, filling, piping or diverting shall be permitted except for required roads as approved by the PaDEP.

F. Lake shorelines. The shorelines of lakes, within 150 feet of the shoreline, shall contain no more than 15% impervious surfaces. At least 70% shall be permanently protected and undeveloped.

G. Pond shorelines. The shorelines of ponds, within 75 feet of the shoreline, shall contain no more than 10% impervious surfaces. At least 80% shall be permanently protected and undeveloped.

H. Stormwater. All developments shall limit the rate of stormwater runoff so that no greater rate of runoff is permitted than that of the site in its natural condition. Where farm field or disturbed earth is the existing condition, meadow shall be used as the starting base for such calculations instead of the actual condition. All runoff calculations shall be computed in accordance with the standards and methods found in Chapter 140, Subdivision and Land Development.

I. Soil erosion and sedimentation. All developments shall protect streams, lakes and ponds from sedimentation damage, and shall control erosion in accordance with the "Clean Streams Law, P.L. 1987".

J. The permanent removal of topsoil. The permanent removal of topsoil from a parcel of land shall be prohibited, except in Quarry Districts and as follows:
   (1) During actual construction on premises, that portion of the topsoil present which covers an area to be occupied by permanent structures or permanently located materials of an impervious nature, or ponds and lakes, may be considered excess, and may be removed by the owner.
   (2) During regrading operations conducted upon premises, whether or not carried on in conjunction with on-site construction, excess topsoil remaining after restoring the topsoil to a depth appropriate to the type of ground cover and plant material that will be planted in the area may be removed by the owner. The depth of topsoil must be approved by the Board of Supervisors.

K. The permanent removal of subsurface solids. The permanent removal of subsurface solids, whether soil, clay, or mineral in nature, for other than on-site construction or grading purposes shall be prohibited except in Quarry District and as otherwise qualified under the provisions of this chapter.

§ 160-29. Sewage treatment and disposal, private.

All proposed private sewage disposal systems shall conform with the Township's Sewage Facilities Plan, as amended; Chapter 124, Article III, Spray Irrigation Systems, as amended; and the applicable Rules and Regulations of the Bucks County Department of Health and the Pennsylvania Department of Environmental Protection.

§ 160-30. Sewage treatment, public.

All land uses shall conform to the provisions of this section, and approval of any plan shall be based upon verification that the appropriate conditions have been met. All public sewage treatment systems shall conform with the Sewage Facilities Plan of the Township of Hilltown, and the applicable standards and permitting requirements of the supplying sewer authority, Bucks County Health Department and the Pennsylvania Department of Environmental Protection.

§ 160-31. Public water supply extension requirements.

All existing and future buildings or structures requiring water service shall comply with the applicable provisions of Chapter 157, Article I, Public and Private Water Systems, as amended.

§ 160-32. New development water systems.

When no existing public or municipal water supply connection is available or accessible, and a major subdivision or land development proposes to dedicate a centralized water system to the authority having jurisdiction, the landowner or developer shall be required to enter into a well protection agreement with the Township and to post financial security in accordance with the following minimum provisions:

A. As a condition of final approval, the landowner shall establish with the Township a well protection fund in an amount established by separate resolution of the Board of Supervisors.

B. The purpose of the well protection fund shall be to guarantee the quantity and quality of adjacent water supplies.

C. The well protection fund shall be established by written agreement with the Township and shall be in effect for five years from the date of completion of the development or construction of 90% of the total number of dwelling units, whichever is later. The agreement shall be in a form acceptable for recordation at the Bucks County Recorder of Deeds Office.

D. The well protection fund agreement as described above shall impose the following obligations upon the landowner:
   (1) If any residential well located within 1,500 feet of the property subject to the subdivision or land development approval experiences loss of an adequate supply of water resulting from a decrease in the water level of his or her well, the well protection fund shall be utilized to restore the affected well to an adequate residential water supply.
   (2) Any property owner claiming a loss of water supply shall have had an adequate supply of water for existing uses as of the drilling of the centralized water supply well. An adequate supply shall mean that the property owner was able to rely upon the existing well to supply uses being conducted on the property and that prior to the establishment of the private water supply well, the property owner had not experienced any period when his or her water supply was interrupted due to the level of water in the well not being sufficient to meet those needs.
   (3) There shall be no obligation on the part of the property owner of the affected well to prove that the decrease in water level of the well was caused by the operations of the private water supply well.

E. In the event that the well protection fund falls below 50% of the original amount as established by the Township, the landowner, or successors or assigns, shall immediately deposit such sums necessary to bring the fund up to the original established amount.

F. Upon completion of the time period established pursuant to Subsection C, the well protection fund shall be returned to the landowner, his successors or assigns.

G. Prior to the establishment of the private water supply system, the developer and/or landowner shall send notice to all residents within the above-described well protection area requesting historical information from such potentially affected property owners as to uses being conducted on his or her property, periods of interruption or diminution of an adequate supply of water as above defined and existing water levels in the subject well or wells.

H. Any landowner who falls within the well protection area but refuses to permit the developer or landowner to pre-test, monitor or collect historical well information shall be excluded from the benefits of the well protection fund.

§ 160-33. Buffer yards. **[revised 5-23-2011 by ord. no. 2011-5]**

A. General Buffer Requirements
   (1) Landscape buffers shall contain trees, evergreens, shrubs, groundcovers, berms, fences, or a combination of these features, placed along a street or property line for the purposes of separating one land use from another land use, or to shield or block lights, noise, or visual impacts, and to preserve the natural landscape of Hilltown Township.
   (2) No structures, buildings, storage of materials, or parking shall be permitted in the buffer area unless specifically approved by the Board of Supervisors. Access driveways may cross buffer areas in order to connect the street with a parking area or driveway outside the buffer area. Trails and sidewalks may be located within a required buffer when authorized by the Board of Supervisors, provided that the required planting is not diminished. Stormwater management basins and grading required for basin berms/slopes constructed as part of a stormwater management plan, shall not be permitted in a required buffer unless specifically approved by the Board of Supervisors.
   (3) Where vegetation exists that meet the objectives and planting standards of the buffer requirements, it shall be preserved and may be used to meet the buffer and planting requirements. Photo documentation of the existing vegetated condition must be submitted for review. Quantities, size, species, genus, and locations of existing materials must be shown on the plans and verified by the Township. Where the Township allows existing vegetation to be counted toward meeting the buffer requirements (including berm requirements) of this Ordinance, the vegetation shall not be removed except for dead plants, or exotic invasive species, and noxious weeds as defined by Act 72 of 1994, as amended. Additional plantings shall be required if the existing vegetation is not adequate to meet the buffer standards for density, width, or size. The vegetation shall be protected by recorded plan note to ensure that it remains as a part of the subdivision or land development.
   (4) The buffer yard may overlap the required front yard and in case of conflict, the larger dimensional requirement shall apply. Buffer areas shall be provided in addition to the required minimum side and rear yards if needed to provide a minimum depth of twenty-five (25) feet, as measured from the principle structure. Where buffers are required, they shall be provided along the entire length of the property line or street line (except for Type 4 and 5 buffers).
   (5) The owner of the property shall be responsible for maintenance of the buffer. Landscaping shall be kept in an orderly manner, free from debris and refuse. All dead plant material shall be removed and replaced with plant material in accordance with the standards of this Ordinance during the next planting season after the plants are removed. The approved landscape plan shall be part of the record plan.
   (6) Buffers shall be required as specified in this section where the uses to be buffered are directly abutting as well as where the uses are across a street from each other.

(7) Minimum width buffer yards do not count as open space. However, required open space may be used to meet the requirements for buffers where the open space has a minimum contiguous area of four acres and a minimum width of 200 feet.
(8) Easements shall be provided for all buffers and shall be shown on all plans. The easement shall require that the property owner is responsible for maintenance of the buffer area and all vegetation within the buffer easement. The Township shall have the right to access the buffer easement to verify compliance with maintenance responsibilities.
(9) If a buffer already exists on an adjacent property that meets the requirements of this Ordinance as determined by the Township, additional buffer plantings are not required on the site when a new use is established.

B. Summary of Buffer Locations and Types

Required Locations	Type of Buffer				
	1	2	3	4	5
Nonresidential/residential separation and corner lot buffers	X				
Single-family/multifamily separation buffers	X				
Reverse frontage buffers		X			
Farmland preservation buffer			X		
Visual screen for storage and maintenance activities				X	
Around parking lots					X

C. Types of Buffers

(1) Nonresidential/residential separation buffers. Type 1 buffer shall be provided wherever a nonresidential use abuts a residential use or a residentially zoned district.
(2) Single-family/multifamily separation buffers. Type 1 buffers shall be provided wherever a multifamily residential development, townhouse/attached development or a mobile home park abuts a single-family residential use or district.
(3) Reverse frontage buffers. Type 2 buffers shall be provided where a rear or side yard of any residential or nonresidential use abuts an arterial or collector road, or any existing perimeter street not part of a new development.
(4) Agriculture preservation buffer. Type 3 buffer yard shall be required where residential or nonresidential uses abut farmland.
(5) Visual screen for storage and maintenance activities. Type 4 buffer yard, which shall include fence and plantings sufficient to provide a visual screen.
(6) Parking lot periphery for commercial, institutional and office uses. Type 5 buffer, consisting of a landscaped area twenty (20) feet in width provided at the periphery of all lots used for commercial, office or industrial activities. Where a larger buffer is required by other sections of this ordinance the larger buffer shall be provided.

D. Buffer Dimension and Planting Requirements

(1) **Type 1 Buffer**. Buffer design and plant materials (nonresidential/residential separation buffer, single-family/multifamily separation buffer, and corner lot buffer) shall be as follows:
   (a) Buffer width: minimum of 35 feet
   (b) Planted area: minimum width of twenty-five (25) feet, planted to meander within the buffer area.
   (c) An undulating berm shall be provided where, in the opinion of the Township, the planting of vegetation alone will not provide a visual barrier to shield the proposed development from surrounding roads or properties. In determining if a berm is necessary, the Township shall consider the slope of the land, existing vegetation, proposed setback from roads and neighboring properties, and whether or not road improvements will be made to perimeter roads. Where road improvements are made, including curb, road widening, or sidewalk, and existing vegetation (if any) is

removed, berms may be required at the discretion of the Township. The undulating berms shall vary between three and six feet in height above proposed surrounding grade, and shall meander within the buffer yard without adversely affecting drainage. Slope shall not be greater than 3 to 1 (horizontal to vertical).

(d) On corner lots, the buffer shall be required along the front yard between the street line and side of the dwelling. No buffer is required between the front of the dwelling and street line.

(e) Plant materials shall comply with the requirements of the following chart.

Type 1 Buffer Planting Requirements

Plant Types	Minimum Size	Plant Quantities Required
Evergreen trees	6 feet in height	1 evergreen per 20 feet of buffer length
Medium to large deciduous trees	3 inch caliper	1 medium to large deciduous tree per 20 feet of buffer length
Small deciduous trees	8 feet in height; 2 ½ inch caliper	1 small deciduous tree per 50 feet of buffer length
Native Shrubs	3 feet in height	5 native shrubs per 20 feet of buffer length; planted in naturalistic groupings of mixed plant varieties and sizes in masses within mulched planning beds; not more than seventy-five percent (75%) being deciduous varieties and not less than fifty percent (50%) being ornamental flowering varieties.
Groundcovering plants	Eighteen-inch maximum height at maturity*	10 plants per every 1 shrub; planted in masses with shrub beds at a rate of one per square foot of shrub bed area with a minimum of 10 plants for each shrub.

* Native wildflowers and grasses may have a maximum height of thirty six (36) inches

(2) Type 2 Buffer. Buffer design and plant material (reverse frontage buffer) shall be as follows:

(a) Buffer width: one hundred (100) feet.

(b) Planted area: minimum width of fifty (50) feet within the buffer area, planted to meander within the buffer area.

(c) Preserve existing trees and supplement with shade-tolerant evergreens, ornamental trees and shrubs selected from plant list.

(d) Planted area shall comply with chart requirements and shall completely screen the views of abutting yards from the street from ground level to six feet above ground level at plant maturity.

(e) An undulating berm shall be provided where, in the opinion of the Township, the planting of vegetation alone will not provide a visual barrier to shield the proposed development from surrounding roads or properties. In determining if a berm is necessary, the Township shall consider the slope of the land, the existing vegetation, the proposed setback from roads and neighboring properties, and whether or not road improvements will be made to perimeter roads. Where road improvements are made, including curb, road widening, or sidewalk, and existing vegetation (if any) is

removed, berms may be required at the discretion of the Township. The undulating berms shall be between three and six feet in height above proposed surrounding grade and shall meander within the buffer yard without adversely affecting drainage. Slope shall not be greater than 3 to1(horizontal to vertical).

Buffer Type 2 Planting Requirements

Plant Types	Minimum Size	Plant Quantities Required
Evergreen trees	6 feet in height	1 evergreen tree per 20 feet of buffer length
Medium to large deciduous trees	3 inch caliper	1 medium to large deciduous tree per 20 feet of buffer length
Small deciduous trees	8 feet in height; 2 ½ inch caliper	1 small deciduous tree per 20 feet of buffer length
Native Shrubs	3 feet in height	1 native shrub per 4 feet of buffer length; planted in naturalistic groupings of mixed plant varieties and sizes in masses within mulched planning beds; not more than seventy-five percent (75%) being deciduous varieties and not less than fifty percent (50%) being ornamental flowering varieties.

(3) **Type 3 Buffer**. Buffer design and plant material (agriculture buffer) shall be as follows:
- (a) Buffer width: twenty-five (25) feet.
- (b) Planted area: minimum of ten (10) feet in width.
- (c) The shrubs shall be planted in informal groupings to achieve an adequate separation between farmland and developed land.
- (d) The remaining 15 feet abutting the agricultural land shall be planted in grasses or wildflowers to be mowed or groundcovering plants on a slope not to exceed a four to one horizontal to vertical ratio.

Type 3 Buffer Planting Requirements

Plant Types	Minimum Size	Plant Quantities Required
Native Shrubs	3 feet in height	1 native shrub per 4 feet of buffer length; planted in naturalistic groupings of mixed plant varieties and sizes in masses within mulched planning beds; not more than seventy-five percent (75%) being deciduous varieties and not less than fifty percent (50%) being ornamental flowering varieties.
Groundcovering plants	Eighteen-inch maximum height at maturity*	10 plants per every 1 shrub

* Native wildflowers and grasses may have a maximum height of thirty six (36) inches.

(4) **Type 4 Buffer**. Buffer design and plant materials (Visual Screen) shall be as follows: Buffer shall consist of a solid fence with evergreen plantings along the exterior face to be planted around storage areas to provide security and a complete visual screen. Buffer width shall be wide enough to accommodate a fence and evergreens or shrubs abutting the fence.

(a) A buffer wide enough to accommodate a fence and plantings abutting the fence are required.

(b) A solid fence shall be installed around storage and maintenance facilities/activities on commercial and industrial uses. The fence height shall be adequate to provide a complete visual screen from adjoining properties but not to exceed eight feet in height. Fence details shall be submitted with the landscape plan. Along the exterior face of the fence there shall be a row of ornamental shrubs and/or evergreens to obscure the appearance of the fencing after a five-year growing period.

Type 4 Buffer Planting Requirements

Plant Types	Minimum Size	Plant Quantities Required
Evergreen trees	6 feet in height	1 evergreen tree per 20 feet of buffer length
Native Shrubs	3 feet in height	1 native shrub per 5 feet of buffer length; not more than seventy-five percent (75%) being deciduous varieties and not less than fifth percent (50%) being ornamental flowering varieties.

(5) **Type 5 Buffer.** Buffer design and plant materials (Parking lot buffers) shall be as follows:

(a) Buffer width: 15 feet.

(b) Shrubs with a planted minimum height of four feet shall be planted, with shade trees interspersed, in a continuous band with a spacing not exceeding five feet on center for shrubs and 30 feet on center for trees.

(c) Buffers are to be installed adjacent to the exterior boundary of the parking lot and must be coordinated with parking lot landscaping required pursuant to Section 140-37.B of the Subdivision Ordinance.

Type 5 Buffer Planting Requirements

Plant Types	Size	Plant Quantities Required
Medium to large deciduous trees	3 inch caliper	1 medium to large deciduous tree per 35 feet of buffer area
Native Shrubs	3 feet in height	1 native per 5 feet of buffer length; not more than seventy-five percent (75%) being deciduous varieties and not less than fifty percent (50%) being ornamental flowering varieties.

E. Planting Requirements near Overhead Utility Lines

Where street trees are to be planted along streets with overhead power lines, the following requirements shall be met:

(1) If trees are to be planted within 15 feet of a utility pole or line, measured along the ground from the base of the pole, only trees which grow no taller than 30 feet shall be planted.

(2) If trees are to be planted within 15-25 feet of a utility pole or line, measured along the ground from the base of the pole, only trees which grow no taller than 40 feet shall be planted. Refer to Township Plant List contained in Appendix K. of the Subdivision Ordinance for specifications and acceptable trees.

F. Existing Trees in Right-of-Way - Trees in the right-of-way of a Township street, where the right-of-way belongs to the Township, shall not be removed without Township approval except within the clear sight triangle, or the removal of dead, diseased, non-native invasive species, or trees determined by the Township to be in poor health.

G. Plant materials suitable for buffers are listed in Appendix K of the Hilltown Township Subdivision and Land Development Ordinance.

H. Buffers may be reduced or eliminated at the discretion of the Board of Supervisors, where buffering would adversely affect the mix of uses and activities.

I. Prior to the issuance of any zoning permit, complete plans showing the arrangement of all buffer yards, and placement, species, and size of all plant materials, and the placement, size, materials, and type of all fences to be placed in such buffer yard shall be reviewed by the Zoning Officer, Township Engineer, and/or Planning Commission (where applicable) to ascertain that the plans are in conformance with the terms of this chapter.

§ 160-34. [Deleted 5-23-2011 by ord. no. 2011-5]

§ 160-35. [Deleted 2-26-2007 by ord. no. 2007-05]

§ 160-36. Noise. [revised 6-25-2007 by ord. no. 2007-06]

A. Purpose. The purpose of this section is to protect the citizens of the Township from noise disturbances. Although it is recognized that in present society certain amounts of noise are unavoidable, the citizens of the Township are entitled to be protected from unnecessary disturbance, annoyance, or injury from sound.

B. Inspection and testing. Upon presentation of appropriate credentials, the Zoning Officer or other duly appointed official may enter and inspect any private property or place for purposes of testing for violations of these sound performance standards or to locate the source of any noise disturbance. When permission is refused, the aforesaid official may obtain a search warrant from a court of competent jurisdiction upon a showing of probable cause that a violation of this section exists. All tests shall be conducted by a sound level meter which is accepted in the trade as being of average quality and sensitivity. The meter shall be at least the quality of an ANSI S1.4-1971 Type 2 sound level meter.

C. Impulsive sound. No sound shall be permitted for a duration more than five seconds or more than two incidents within a twenty-four-hour period which is over the level of 110 dBA at any real property boundary upon which the source of the sound is located.

D. Noise disturbance. No noise disturbance shall be created or allowed to continue by any person, persons, firm, partnership or corporation.

E. Noise-sensitive zones. The property upon which any hospital, school, nursery, rehabilitation center, sanitarium, nursing home, convalescent home, or home for the aged is located shall be designated as a "noise-sensitive zone." The measure of the dBA level at the boundary line of any such noise-sensitive zone shall comply with the general sound standard as set forth in this section except all dBA ratings shall be lowered by a factor of 15 dBA for computation purposes.

F. General sound standard.

(1) All sound sources, including nonconforming uses, shall comply with the general sound standard for the district in which it is located unless covered specifically by another section herein.

	dBA Rating Limit	
Land Use Category	**From 7:00 a.m. to 10:00 p.m.**	**From 10:00 p.m. to 7:00 a.m.**
Country Residential	60	50
Rural Residential	60	50
Age Qualified Residential Community	60	50
Village Center	70	60
Planned Industrial	75	65
Planned Commercial	75	65
Mobile Home District	60	50

(2) All measurements shall be taken from the lot line of the lot that is the source of the sound disturbance.

G. Specific prohibitions. The following acts and the causes thereof are declared to be in violation of this section:

(1) Operating, playing, or permitting the operation or playing of any radio, television, phonograph, sound amplifier, musical instrument, or other such device between the hours of 10:00 p.m. and 10:00 a.m. in such a manner as to create a noise disturbance across a real lot line or within a noise-sensitive zone.

(2) Owning, possessing, or harboring any animal which frequently or for any continued duration howls, barks, or makes any other sound so as to create a noise disturbance across any lot line boundary or within a noise-sensitive zone.

(3) Performing any construction operation or operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work between the hours of 6:00 p.m. and 8:00 a.m. or at any time on weekends if such operation creates a noise disturbance across a real property boundary line or within a noise-sensitive zone. This section does not apply to domestic power tools or the vehicles which are designed for transportation use on public highways.

(4) Repairing, rebuilding, modifying, testing, or operating motor vehicle, motorcycle, recreational vehicle or powered model vehicle in such a manner as to cause a noise disturbance across a lot line or within a noise-sensitive zone. This section shall not apply to operation on public highways of any vehicle in a normal manner.

(5) Operating or permitting the operation of any mechanically powered saw, drill sander, grinder, lawn or garden tool, snow blower or similar devices (used outdoors) between the hours of 9:00 p.m. and 8:00 a.m. in such a manner to create a noise disturbance across any nonindustrial lot line boundary or within a noise-sensitive zone.

H. Exception and variances.

(1) The provisions of this section shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency, the impositions of sound in the performance of municipal service operations or activities, or alarms required by OSHA, state or federal law.

(2) The Hilltown Township Zoning Hearing Board is empowered to hold public hearings and to grant variances from the terms of this section (pursuant to the procedure established in Article IX). A variance shall be granted only if the applicant can establish:
   (a) The source of the sound violation cannot be controlled so as to be brought into conformance with this section by any reasonable method;
   (b) The property in question cannot be used without the source of noise violation, or that the source of noise violation is necessary to prevent a taking of the property without compensation; and
   (c) All reasonable steps have been taken to reduce the noise violation to the lowest level possible.
(3) The Board shall have the power to grant a variance for a limited period of time not less than two years to assure that the applicant will avail himself of any technical advances in sound control which may be developed in the future.
(4) The Board shall have the power to grant a reasonable extension of time for compliance with this section, if, after public hearing, the applicant can establish that he will comply with this section but that he cannot do so within the time limit established by this section.

§ 160-37. Smoke.

No smoke shall be emitted from any chimney or other source of visible gray opacity greater than No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines, except that smoke of a shade not darker than No. 2 on the Ringlemann Chart may be emitted for not more than four minutes in any thirty-minute period.

§ 160-38. Dust, fumes, vapors and gases.

A. The emission of dust, dirt, fly ash, fumes, vapors or gases which can cause any damage to human health, to animals, to vegetation, or to property, or which cause any soiling or staining of persons or property at any point beyond the lot line of the use creating the emission, is herewith prohibited.

B. No emission of liquid or solid particles from any chimney or other source shall exceed 0.3 grains per cubic foot of the carrying gas at any point beyond the lot line of the use creating the emission. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500° Fahrenheit and 50% excess air in stack at full load.

§ 160-39. Heat.

No use shall produce heat perceptible beyond its lot line.

§ 160-40. Odor.

No use other than agricultural shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on, or beyond its lot lines. The guide for determining such quantities of offensive odors shall be the most restrictive provisions of Table III (odor thresholds) in Chapter 5, "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists Association, Inc., Washington, D.C.

§ 160-41. Nonresidential lighting. [revised 6-28-2004 by ord. no. 2004-06]

A. Findings, purpose, and intent.
   (1) Adequate and effective lighting of streets, buildings, parking lots, and other facilities is important for comfort, safety, and commerce. Wasteful, inefficient, or inappropriate lighting, however, is a significant environmental problem. Excessive lighting wastes energy; intrudes upon neighboring properties; is a nuisance to pedestrians, cyclists, and motorists on adjacent roadways; disturbs wildlife habitats; impairs human experience of the night sky; and negatively affects the quality of life of our communities.

(2) Through these regulations, the Township desires to manage outdoor lighting so that its safety, security, and economic benefits are maintained while minimizing dangerous glare, energy waste, light pollution, and trespass.
(3) The following requirements for outdoor lighting installations promote public safety and welfare during the nighttime while minimizing the adverse effects of glare and light trespass often associated with outdoor lighting. Outdoor lighting should be used only where needed; used only when needed; and only that type of lighting which is necessary and proper should be used. This section is intended to implement these principles of good lighting design by regulating the shielding, height, illumination levels, and other aspects of outdoor lighting so that Township residents may continue to enjoy the highest quality of life.

B. Applicability. Requirements of this section shall apply to all outdoor lighting installations for commercial, institutional, and industrial uses as follows:
(1) Outdoor lighting installations that are designed, constructed, erected, or otherwise placed into operation after the effective date of this section.
(2) Alterations, rehabilitations, or renovations to existing outdoor lighting installations, which are commenced after the effective date of this section. and/or which involve the complete replacement of an existing lighting system with a new lighting system.
(3) Nonapplicability. The requirements of this section shall not apply to lighting installations operating before the effective date of this section, except for any lighting installation that creates a safety hazard as deemed by the Township. Routine maintenance of these preexisting outdoor lighting installations shall not have to comply with the requirements of this section. Routine maintenance includes the following:
(a) Replacement of lamps that are burned out or inoperative.
(b) Replacement/repair of damaged or inoperative luminaire components, such as ballasts, igniters, lenses, reflectors, retractors, sockets, or photocell controls.
(4) Exemptions. The requirements of this section shall not apply in the following circumstances:
(a) Where superseded by state or federal law.
(b) Temporary emergency lighting used by police, fire, emergency medical services, public works, or other public safety services.
(c) Hazard/warning lights required by local, state, or federal regulations.
(d) Lighting of public streets.

C. Adoptions by reference.
(1) Adoption. Hilltown Township hereby adopts, for the purpose of establishing rules and regulations for the construction, alteration, design, layout, installation, and use of outdoor lighting, specifications within the "IESNA Lighting Handbook," Ninth Edition, published by the Illuminating Engineering Society of North America (IESNA) and hereby incorporates such recommended practices as fully as if set forth at length herein, except such portions as are hereinafter deleted, modified, or amended.
(2) Amendments. The recommended practices of the Lighting Handbook hereby adopted are amended as follows:
(a) All the recommendations made in the Lighting Handbook shall be considered mandatory requirements. For the purposes of this section, the words "should," "may," "can," etc. shall be read as "shall" or "must;" the words "recommend" or "recommendation" shall be read as "require" or "requirement;" the phrase "it is recommended" shall be read as "it is required;" the phrase "it is not recommended" shall be read as "it is prohibited."
(b) Where the Lighting Handbook provides for alternatives, this section requires that the safest alternative, as determined by the Township, be used.
(3) General design requirements. The design calculations for outdoor lighting installations shall be in accordance with the Lighting Handbook. This includes, but is not limited to, technical definitions, terminology, calculation methods, and procedures, photometric classifications, and photometric testing procedures. Illuminance selection should be based on the usage of the area to be illuminated, the level of activity, and nighttime security requirements.
(4) Illumination levels. Illumination shall have intensities and uniformity ratios in accordance with the current recommended practices of IESNA as contained in the Lighting Handbook.

D. General regulations.

(1) All outdoor lighting, whether or not required by this section shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse, i.e., blinding or disabling glare, and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

(2) Floodlights and spotlights, when permitted, shall be installed and/or aimed so that they do not project their output at neighboring residences, adjacent uses, directly skyward or onto a public roadway.

(3) Except as otherwise permitted in this section, all lighting fixtures shall meet IESNA full cutoff criteria. No lighting shall be permitted that results in glare beyond an angle of 30° from the vertical plane, measured from the light source, or results in glare beyond the property boundaries upon which the luminaire is located.

(4) Except as otherwise permitted in this section, fixtures meeting IESNA full cutoff criteria shall not be mounted in excess of 20 feet above finished grade. Fixtures not meeting IESNA full cutoff criteria shall not be mounted in excess of 16 feet above grade.

(5) Fixtures shall be of a type and design appropriate to the lighting application. Use of searchlights, flashing strobe lights, and laser lights is prohibited.

(6) Unless the Board of Supervisors specifically approves all-night lighting, e.g., for safety or security, all outdoor lighting shall be controlled by automatic switching devices, such as time clocks or combination motion detectors and photocells, to permit extinguishing lighting between 11:00 p.m. and 7:00 a.m.

(7) Where all-night safety or security lighting is to be provided, the lighting intensity levels shall not exceed 25% of the levels normally permitted by this section for the use. All-night safety or security lighting includes the following:

(a) Lighting essential for the deterrence of break-ins. This type of lighting is limited to exterior door locations.

(b) Lighting controlled by motion sensors/detectors. This type of lighting is to be used to deter vandalism and theft and shall be placed in locations where the sensors will not be tripped on a reoccurring basis and shall be installed and/or aimed so that they do not project their output at neighboring residences, adjacent uses, directly skyward, or onto a public roadway.

(c) Lighting used in conjunction with surveillance cameras. This type of lighting is limited to illuminating automatic teller machines, deposit boxes, building entrances, and parking lot/driveway entrances. Fixtures used for this type of lighting shall be designed, fitted, and aimed so as not to project their output beyond the objects intended to be illuminated.

(8) Vegetation screens shall not be employed to serve as the primary means for controlling glare from lighting facilities. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

(9) Except as otherwise permitted in this section, the intensity of illumination projected onto any nonresidential property from another property shall not exceed 0.2 vertical footcandles, measured at grade at the property, and the intensity of illumination projected onto a residential property from another property shall not exceed 0.1 vertical footcandles measured at grade at the property line.

(10) Electrical feeds for lighting standards shall be run underground not overhead.

(11) Lighting standards within parking areas shall be placed a minimum of five feet outside paved areas; on concrete pedestals at least 30 inches above the pavement; or suitably protected by other means approved by the Township.

(12) Fixtures and ancillary equipment shall be maintained so as always to meet the requirements of this section.

E. Requirements for outdoor area and roadway lighting installations.

(1) This subsection applies to all outdoor lighting installations employed for nighttime area illumination of parking lots, car sales lots, yards, private driveways and streets, walkways, bikeways, cartways, entryways, and similar areas or lots.

(2) Use of cutoff luminaires required. All luminaires employed in outdoor area and roadway lighting installations shall be the cutoff luminaire type.

(a) The candlepower distribution classification of the luminaire as a cutoff type shall be in accordance with the Lighting Handbook. The manufacturer of the luminaire shall provide certification of the cutoff classification based on photometric testing performed in accordance with the Lighting Handbook and the applicable testing procedures referenced therein. The requirement for the use of cutoff luminaire types shall include, but is not limited to, the following outdoor area and roadway lighting configurations:
    [1] Pole-mounted luminaires.
    [2] Luminaires mounted on the exterior of buildings and structures.
    [3] Luminaires mounted on or within exterior canopies of building and structures.
    [4] Pedestal- or bollard-mounted luminaires.

(b) Cutoff luminaires shall be mounted plumb and level in accordance with the intended application of their design. For the purposes of this requirement, the photometric nadir of the luminaire (zero-degree vertical angle of the candlepower distribution) shall be oriented plumb, and vertical angle of 90° above nadir (horizontal) shall be oriented level. Cutoff luminaires shall not be installed in a canted or tilted position which permits candlepower distribution above the horizontal.

(c) Luminaires which do not meet the strict definition for cutoff luminaires, yet employ advanced or alternative technology which causes the photometric performance to approach that of cutoff luminaires, may be approved by the Township, on a case-by-case basis. Such luminaires include, but are not limited to, period-style luminaires with refractive globes and internal cutoff reflectors.

(3) Maximum maintained illuminance levels. The maximum maintained illuminance levels permitted at the property line(s) during the nighttime, produced by the sum of all outdoor area lighting installations on a lot, shall be as measured at grade in horizontal footcandles or horizontal lux according to Table 5.4.

(a) Exceptions:
    [1] Outdoor roadway lighting installations intended for the nighttime illumination of public roadways, streets, highways, alleys, cartways, and the like.
    [2] Designated vehicular, cyclist, and pedestrian entries/exists between properties and public roadways, streets, highways, alleys, cartways, and the like, provided that the excepted area of illumination (maintained illuminance levels at grade higher than permitted in Table 5.4) is limited to the said property and the adjoining pavement and right-of-way of public roadways, streets, highways, alleys, cartways, and the like. The excepted area of illumination shall not extend beyond 50 feet from the center line of the designated entry/exit in any direction along the property line(s) of the said property.

(4) Table 5.4.

Maximum Maintained Illuminance Levels Permitted at Property Lines Produced by Outdoor Area Lighting Installations

For outdoor area lighting installations to which the requirements of Subsection E(3) apply:	Measured at Grade in Horizontal Footcandles	Measured at Grade in Horizontal Lux
Outdoor area lighting installation is located on said property and property line adjoins a public roadway or public right-of-way	0.5	5.4
Outdoor area lighting installation is located on said property and property line adjoins a nonresidential property	0.2	2.2
Outdoor area lighting installation is located on said property and property line adjoins a residential property	0.1	1.1

(5) Illumination under outdoor canopies. All outdoor lighting installations which illuminate the area under outdoor canopies shall comply with the requirements of this subsection. All canopy lighting shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be level with or below the light source. Canopies themselves may not be illuminated, however, with the exception of the portion which is classified as a sign. Outdoor canopies include, but are not limited to, the following applications:
   (a) Fuel island canopies associated with service stations and convenience stores.
   (b) Exterior canopies above storefronts in shopping centers and malls.
   (c) Exterior canopies above driveways and building entrances.
   (d) Pavilions and gazebos (not including those accessory to a residential dwelling).

(6) Design submittal and approval requirements. The design for all outdoor area and roadway lighting installations shall be submitted for review and approval by the Township. Such a lighting plan shall conform with the requirements of the Township Subdivision and Land Development Ordinance for lighting plans.

F. Requirements for outdoor sign lighting, outdoor lighting of facades of buildings and structures, and outdoor landscape lighting.

(1) Applicability of requirements. The requirements of this subsection apply to all outdoor lighting installations employed for nighttime illumination of signs, billboards, the facades of buildings and structures, fountains, trees, shrubs, vegetation, and the like.

(2) Use of glare shields required for non-cutoff luminaire types. Where non-cutoff luminaires such as floodlights are used to meet the lighting design objectives for outdoor sign, billboard, facade, and/or landscape lighting, the luminaires shall be equipped with glare shields, visors, barndoors, and other similar shielding accessories as required to ensure that the candlepower distribution

from all lighting installations shall be cut off at all angles beyond those required to restrict direct illumination to within the perimeter of the sign or billboard being illuminated.

(3) Externally illuminated signs, billboards, and facades shall be lighted by fixtures mounted at the top of the sign and aimed downward.

(4) Fixtures used for architectural lighting, e.g., facade, fountain, feature, and landscape lighting, shall be designated, fitted, and aimed so as not to project their output beyond the objects intended to be illuminated.

(5) All outdoor lighting falling under the requirements of this subsection shall be extinguished between 11:00 p.m. and 7:00 a.m. This restriction does not apply to uses that are open between the hours of 11:00 p.m. and 7:00 a.m., in which case the lighting must be extinguished when the nonresidential use is closed.

G. Requirements for residential outdoor lighting.

(1) Applicability of requirements. The requirements of this subsection apply to all outdoor lighting installations located on residential lots developed with a single family dwelling, or farm.

(2) Use of glare shields required for non-cutoff luminaire types. All non-cutoff luminaires such as floodlights shall be equipped with glare shields, visors, barndoors, and other similar shielding accessories as required to meet the following criteria:

(a) For area lighting applications, the candlepower distribution from all lighting installations shall be cut off at and above the horizontal (level).

(b) For all other applications, the candlepower distribution from all lighting installations shall be cut off at all angles beyond those required to restrict direct illumination to within the area or surface being illuminated.

H. Temporary outdoor lighting.

(1) Applicability of requirements. The requirements of this subsection apply to all outdoor lighting installations which are employed on a temporary basis not exceeding 30 days in duration. Temporary lighting installations include, but are not limited to, seasonal or holiday displays, carnivals, community fairs, traveling circuses, sales/promotional displays, and the like.

(2) Use of glare shields required for non-cutoff luminaire types. All non cutoff luminaires such as floodlights shall be equipped with glare shields, visors, barndoors, and other similar shielding accessories as required to meet the following criteria:

The candlepower distribution from all lighting installations shall be cut off at all angles beyond those required to restrict direct illumination to within the perimeter of the area, surface, object, or feature being illuminated.

I. Maximum permitted illumination.

(1) Total outdoor light output for all commercial, institutional, and industrial uses shall not exceed the lumens/acre set forth In Table 9-2. The values in this table are the upper limits. Property owner shall only install those fixtures necessary to meet the minimum outdoor lighting needs of the use.

(2) **Table 9-2.**

Total Allowed Illumination Based on Type of Fixture

	Zoning District		
	VC, PC-1, PC-2, LI, HI, Q	**CR-1, CR-2, MHP**	**RR**
Fully shielded and not fully shielded	100,000 lm/ac	50,000 lm/ac	10,000 lm/ac
Not fully shielded	10,000 lm/ac	10,000 lm/ac	1,000 lm/ac

J. Lighting plan. Any plan to install and/or alter outdoor lighting must submit a lighting plan for the Township's review and approval prior to issuance of a zoning permit and construction of the outdoor

lighting installation. The lighting plan must include all the information necessary for the Township to ensure that the outdoor lighting compiles with the requirements of this section.

§ 160-42. Vibrations.

No use shall cause earth vibrations or concussions detectable beyond its lot lines without the aid of instruments, with the exception of vibration produced as a result of construction activity, and then only to within safe limits to avoid neighboring property damage.

§ 160-43. Storage and waste disposal.

A. No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except tanks or drums of fuel installed in accordance with N.F.P.A. regulations connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel. This provision shall not apply to Use G6 in the LI and HI districts.

B. All outdoor storage facilities for fuel, raw materials, and products, and all fuel, raw materials and products stored outdoors, shall be enclosed by an approved safety fence.

C. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported from the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or recreation or which will destroy aquatic life be allowed to enter any stream or watercourse.

D. All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards.

E. All outdoor storage facilities for fuel, raw materials, products, waste, or similar material shall be shielded from view of the public streets and any residence or residential use or recreational use.

§ 160-44. Quarry performance standards.

A. Purpose

Quarry, mineral activities and resource extraction activities as defined above in Sections 160-3 and 160-11 and as permitted in and in accordance with the Intent of Section 160-16.C.(1) are permitted in accordance with the regulations set forth below in those areas of the Township identified within the Official Zoning Map (as amended on August 31, 2005). Resource extractive operations include non-coal surface mining, concrete plants, bituminous asphalt plants and other uses normally associated therewith.

B. Use Regulations

Non-coal surface mining activities, defined as the extracting of minerals from the earth, from waste or stockpiles or from pits or from banks by removing the strata or material that overlies or is above or between them (which removal shall not constitute mining activity) or otherwise exposing and retrieving them from the surface, including, but not limited to, strip mining, auger mining, dredging, quarrying and leaching and all surface activity connected with surface mining, including, but not limited to, exploration, site preparation, entry, tunnel, drift, slope, shaft, and borehole drilling and construction and activities related thereto excluding, however, the extraction, handling, processing or storing of materials from any building construction excavation on the site of the construction where the minerals removed are incidental to the building construction excavation, regardless of the commercial value of the minerals, shall be permitted in this Resource Extraction Areas Quarry zone within the Township of Hilltown but

shall not be conducted except in strict compliance with a zoning permit issued upon compliance with the following requirements:

(1) Compliance with all applicable state and federal laws.
(2) Plan and supporting document requirements:
(a) Existing Features and Mining Map
[1] Scale not less than one inch equals two hundred feet.
[2] Boundary of the entire tract by courses and distances, surveyed in accordance with current *ALTAI*ACSM Land Title Survey and Mapping Standards. Property and planimetric features survey to meet Class A requirements. Elevation survey to be the third-order accuracy and ninety percent (90%) of all spot elevations determined from the map must be within ± one-half the contours interval of correct elevations. Contour interval to be not less than five feet (5').
[3] Monumentation and benchmarks for proposed limits of mining.
[4] Vehicular access, existing and proposed.
[5] Zoning district boundaries and adjacent districts.
[6] Setback limits.
[7] All existing occupied and/or unoccupied structures located within 1,000 feet of the limits of mine operations.
[8] The location and names of all streams, roads, and railroads, on or immediately adjacent to the area.
[9] Acreage to be mined.
[10] Location and details of groundwater monitoring wells.
[11] Location and details of sediment control facilities including, but not limited to, ponds, berms and ditches.
[12] Location of existing and/or proposed on-site water supply and sewage collection systems.
[13] Location and details of existing and proposed security fencing.
[14] Pennsylvania Department of Environmental Protection permit numbers and/or reference number of mining, mine drainage, and national pollution discharge elimination systems.
[15] Owner's name, address and telephone number.
[16] Applicant's name, address and telephone number.
[17] Cross-section reference.
(b) Cross-section Drawings
[1] Cross-sections at a horizontal scale of not less than one inch equals one hundred feet, and a vertical scale of not less than one inch equals fifty feet (50').
[2] A minimum of four (4) cross-sections, one cross-section to be taken longitudinally in approximately the center of the area and the other three sections perpendicular to the longitudinal section spaced in approximately equal increments. All sections to extend one hundred feet (100') beyond mining limits.
[3] Cross-section plots to use same elevation reference datum as used for contour map.
[4] Cross-sections to show existing ground profile, approximate extent of overburden, groundwater level, final mining elevations, and final ground elevation profile after restoration.
(c) Reclamation Plan
[1] Scale not less than one inch equals two hundred feet (200').
[2] Boundary as shown upon existing features map.
[3] Final proposed elevation contour lines at five feet (5') intervals.
[4] Final groundcover and seedbed preparation.
[5] Planting schedules.
[6] All structures and manmade features to be removed within reclaimed area.
[7] Soil erosion and sedimentation control measures.
[8] A copy of the reclamation plan for the affected area approved by the Pennsylvania Department of Environmental Protection shall satisfy the requirement of this subsection.
(d) Groundwater Data
[1] Flow rate and direction.
[2] Static water level.

[3] Water quality data, if and when requested by the Township to investigate specific complaint.

(3) Operating Performance Standards, **General:**

(a) Quarry operator/owner shall supply to the Township copies of all submissions to the Pennsylvania Department of Environmental Protection ("PEP") and Bureau of Surface Mines ("BSM").

(b) Peak particle velocity as measured with seismographs meeting DEP standards shall not exceed six-tenths (0.6) of one inch per second and sound level shall not exceed 130 decibels.

(c) Maximum height of any structure shall be sixty-five feet (65') above the original grade exclusive of vents, storage piles, chimneys, cupolas, tanks, and similar protrusions.

(d) Blasting records shall be kept on file by quarry operator, and copies shall be forwarded promptly to Township upon request.

(e) Monumenting. The operator shall install monuments along the proposed limits of mining in such a manner as to be clearly visible upon inspection. Said monuments shall be permanently installed and surveyed. Legal description and plot plan to be submitted to the Township.

(4) Operating Performance Standards, **Pre-Blast Activities**

(a) Prior to commencement of any blasting in connection with any activities associated with use in this Resource Extraction Areas Quarry Zone, the Operator shall conduct a "pre-blast inspection" as defined by DEP Regulations or rules (except for those regulations pertaining to the areas to be inspected) of all homes within a radius of one thousand (1,000) feet of the location of any blasting activities anticipated to occur within the next following year.

(b) Pre-Blast Inspections shall be conducted at the sole cost of Operator within thirty (30) days of receipt of the homeowner's written request for pre-blast inspection. Additionally, from time-to-time, upon the issuance of a building permit or occupancy permit by the Township to or for any property located within the applicable radius of a blast site, a pre-blast inspection shall be conducted. The Township shall provide Operator, in a timely manner, with copies of all building permits and/or occupancy permits issued for any structure falling within the applicable radius of the blast site.

(c) As the blast site moves from one area to another, Operator shall give written notice, by Certified Mail to all residences within the applicable radius of the new blast site not previously notified and shall, upon written request, conduct a pre-blast inspection of such additional residences in accordance with the requirements of this Paragraph. The additional pre-blast inspections required under this paragraph shall be conducted within thirty (30) days of receipt of the homeowner's written request for a pre-blast inspection.

(d) Notwithstanding any provision contained in this Agreement or any other Agreement to the contrary, Operator shall be under no obligation to conduct pre-blast inspection for those homes where the homeowner has refused to grant Operator permission in writing to conduct the pre-blast inspection. No homeowner shall be required to grant Operator permission to conduct pre-blast inspections and in the event that a homeowner refuses to grant Operator permission to conduct a pre-blast inspection, Operator shall notify the Township in writing of the homeowner's refusal.

(e) The pre-blast inspection shall determine the condition of the dwelling or structure and document any pre-blasting damage and any other physical factors that could reasonably be affected by the blasting. Assessments of structures, pipes, cables, transmission lines, sewage systems, wells and other water systems shall be limited to surface conditions and readily available data.

(f) The homeowner may arrange to have a pre-blast inspector of his choosing present during any pre-blast inspection performed pursuant to this paragraph.

(g) A written report of the pre-blast survey shall be prepared and signed by the person who conducted the pre-blast inspection. The report may include recommendations of any special conditions or proposed adjustments to the blasting procedure which should be incorporated into the blasting plan to prevent damage. Copies of the pre-blast inspection report shall be promptly

provided to Operator, to the homeowner, and to the Township together with the homeowner's pre-blast inspector's report, if any.

(5) Operating Performance Standards, **Blasting.**

(a) All blasting shall be done in strict conformity with the requirements of DEP as they may from time-to-time be altered and shall only occur between 9:00 a.m. and 4:00 p.m. (but not between 11 :30 a.m. and 12:30 p.m.), prevailing local time, Monday through Friday, except in the event of an emergency or an extraordinary circumstance such as an intervening electrical storm resulting in a delay to any blasts originally scheduled between the aforesaid hours. In the event of an emergency or an extraordinary circumstance, the Township and the Our Lady of the Sacred Heart School and Church (collectively "Church") shall be promptly notified prior to blasting at the H & K Materials Quarry.

(b) All homeowners residing within 1,500' of a blast site who have prior thereto requested such notice in writing shall be notified by telephone of the scheduled blast within two hours prior to such blast, but no later than 30 minutes prior to the blast.

(c) Despite the allowance by DEP blasting regulations of peak velocity of 2.0 inches per second, in no instance shall Operator permit a blasting peak particle velocity to exceed .6 inches per second.

(d) The requirement that Operator provide the Township and/or the Church with notice of its intent to blast and/or use explosives shall not in any way limit Operator's use of blasting and/or explosives in its operations at the Property.

(6) Operating Performance Standards, **Noise.**

(a) All activities at the Quarry site shall be conducted in strict compliance with the standards for noise level established by DEP and shall not (except during blasting, drilling, overburden removal and/or berm construction and as otherwise provided in this Ordinance) exceed sixty (60) decibels (A Scale) at the property lines averaged over a five (5) minute period. If the noise level is expected to consistently exceed sixty (60) decibels for any sustained period of time during drilling, blasting, overburden removal, berm construction, and/or as otherwise provided in this Agreement, Operator shall provide the Township and the contiguous homeowners with advance written notice. Such notice shall set forth the nature of the impending disturbance and the approximate time frame of the disturbance.

(b) During overburden removal, berm construction, drilling and blasting, the noise level at the property lines shall be in conformance with the standards for noise level established by DEP.

(c) Operator shall post signs requesting that vehicles avoid backing-up, where possible to safely do so. A sign shall also be posted stating that, once a vehicle pulls out of the quarry, it may not back-up into the quarry.

(7) Operating Performance Standards, **Equipment.**

(a) All loaders, yard trucks and yard vehicles used in any operations permitted by this Ordinance shall be equipped with strobe lights for night back-up warnings which shall be used in lieu of back-up beepers after sundown and until sunrise so long as such use of strobe lights in lieu of back-up beepers is permitted by local, state and federal laws, statutes, and regulations. Specifically excluded from the requirements of this Paragraph are any over-the-road vehicles. Operator shall instruct their truck drivers and independent truckers, whether those truckers are hauling for Operator or other employers, that between sundown and sunrise, backing up is to be minimized to the maximum extent possible and employed only in exceptional circumstances.

(b) As part of its reasonable efforts to minimize dust created by its operations, and to the extent reasonably needed, practical, and economical, as determined by Operator, in its sole discretion, Operator shall employ the use of a water truck to reduce dust created from internal haul roads and the use of a water spray system on equipment.

(c) As part of its reasonable efforts to minimize dust and dirt on the roads immediately adjacent to its tracts, and to the extent reasonably needed, practical, and economical, as determined by

Operator, in its sole discretion, Operator shall have a Street Sweeping/Vacuum Truck sweep the streets and roads immediately adjacent to the tracts.

(d) Within 12 months from the adoption of this Amending Ordinance, with no appeals outstanding, Operator shall install on its crushers a new dust control system known as a NESCO System or other similar system that utilizes a high pressure fog spray to suppress dust.

(8) Operating Performance Standards, **Hours of Operation.**

(a) No quarrying operation or activity, which involves the use of blasting, crushing, material handling, equipment, and vehicles other than those customarily employed in office type functions, shall be carried on before the hours of 6:30 a.m. or after the hour of 6:30 p.m., prevailing local time, Monday through Friday, and no later than 12:00 Noon, prevailing local time on Saturday, except that Operator may load out trucks and operate its asphalt and concrete plants on Saturdays from 6:30 a.m. until 6:30 p.m., prevailing local time. There shall be no quarrying operations of any type on Sundays. The preceding hours of operation shall also apply to the loading of trucks and charging of concrete and asphalt plants except that Operator may perform maintenance activities and may receive deliveries of cement and liquid asphalt after 6:30 p.m. and before 6:30 a.m. No other limitations on Operator's operations and activities on any of its lands in this zone or otherwise shall exist or be imposed.

(b) Operator may request temporary expanded hours of operation because of unusual bid/contract requirements, such request to be made to the Board of Supervisors of Hilltown Township, which Supervisors shall not unreasonably withhold such permission. Such permission shall be unreasonably withheld if the refusal of permission is without a sound basis, based upon legally competent evidence, that such operation will result in significant harm to the health, safety and welfare of the citizens of the Township. The Supervisors shall promptly upon the receipt of any request for temporary expanded hours of operation (but in no event later than fourteen (14) days after such receipt) consider and respond to such request in writing. If the Supervisors should fail to act within the fourteen (14) day period, their approval of the request shall be deemed to have been approved and given.

(c) No primary crusher shall operate on any Sunday, on New Year's Day, on Memorial Day, on the Fourth of July, on Labor Day, on Thanksgiving Day, or on Christmas Day.

(9) Operating Performance Standards, **Groundwater**

(a) Operator shall at its own cost and expense engage Registered Hydro-Geologists to conduct studies and create models of the potential impact of Operator's non-coal surface mining activities on the existing water supply in the area of the quarry. These studies shall establish the existing water supply wells boundary area (the "No Fault Areas") generally referred to by DEP as "Zones of Influence" as depicted on a plot plan submitted to the Township, within which Operator shall be responsible for restoring or replacing existing water supplies. The models shall be periodically adjusted to reflect information obtained during actual mining from, inter alia, various monitoring wells, with such periodic adjustment to occur as required by DEP.

(b) In the event that Operator's non-coal surface mining activities materially affects the quality and/or quantity of any existing public or private water supply well within the No Fault Areas established pursuant to Section 160-44.B.(9)(a). by contamination, interruption, or otherwise, Operator shall restore or replace the affected water supply with an alternative source of water, adequate in quality and quantity for the purposes served by the supply. The term "water supply" shall mean any existing source of water or facility or system for supply of water for human consumption. As to any residential well located within the No Fault Areas shown on the plot plan submitted to the Township, Operator will, upon notice by an owner thereof who experiences loss of an adequate supply of water resulting from a decrease in the water level of his or her well after mining on the site begins, restore an adequate residential water supply at Operator's sole cost, including the cost of lowering the pump into a well, drilling a new well, extending the depth of an existing well, or such other method as shall be chosen by Operator, including any additional cost associated therewith, including, but not limited to the cost of installing a new supply line and/or pump, subject, however, to the following conditions:

[1] Any property owner claiming a loss shall have had an adequate supply of water for existing uses as of August 31, 2005 or at the time the well was established, which ever

occurs later. An "adequate water supply" shall mean that the property owner was able to rely upon the existing well to supply normal residential uses (excluding the filling of swimming pools) being conducted on the property and that prior to August 31, 2005 (if the well was in existence on that date), the property owner had not experienced any period when his or her water supply was interrupted due to the level of water in the well not being sufficient to meet those needs. In the case of wells drilled after August 31, 2005, "adequate water supply" shall mean that the well meets or exceeds the following flow requirements as determined by a pumping test of a minimum duration of four (4) hours.

Sustained Gallons per Minutes (Pumping Rate)	**Maximum Drawdown of Water Level**
8 (or greater)	60'
6	80'
5	90'
4	125'
3	140’
2	175'

The four (4) hour pumping test shall be conducted at a constant pumping rate that shall not deviate greater than +/-5% during the test.

Maximum drawdown of water level is the difference in elevation between the static water level (depth of water surface when the well is not being used) and the water level at the conclusion of the four (4) hour pumping test. Additionally, the water level at the end of the four (4) hour pumping test shall, at a minimum, be ten (10) feet higher in elevation than the proposed pump depth. **There shall be no obligation on the part of the property owner to prove that the decrease in the water level of the well was caused by the operations of the quarry unless: 1. the property owner had previously experienced a period(s) when his or her level of water in the well was not sufficient to meet those needs; and 2. Operator reserves the right to test any well where there is a claim of loss of water supply to determine whether there is, in fact, a loss of water supply, and if there is a loss of water supply, how to restore the water supply.**

Written notice by certified mail, of the provisions of Section l60-44.B. shall be provided by Operator to each property owner in the No Fault Areas of their rights under this Ordinance within 30 days after August 31,2005, with no appeals outstanding.

(c) This provision shall apply only to loss of water resulting from the lowering of the water level in the well and not to loss of quality of water unless the property owner establishes that the loss of water quality has been caused by the operations of the quarry. There shall be no obligation on the part of Operator to supply a greater quantity of water than the well produced prior to the interruption of water supply, and the restored water supply shall be satisfactory if it meets the standard for an "adequate water supply" as set forth in this ordinance, Section 160-44.B.(9)(b)[1][27], above.

(d) The Township shall refer any complaint as to loss of water supply within the No Fault Areas to Operator. Operator shall provide a temporary solution to the loss of water supply within twenty four (24) hours of receipt of the Complaint (including the supplying of bottled water within four (4) hours of the complaint or, where notice occurred after 5:00 p.m., by 10:00 a.m. the following day), and within fifteen (15) days of receipt of the Complaint, will advise the

Township of the permanent action to be taken to restore the loss of water supply. The temporary solution to the loss of water supply for an existing residential well may include the provision for temporary housing of the impacted party at a motel or inn of Operator's choosing within a twenty (20) mile radius of the site and reimbursement for living expenses incurred for meals and laundry during the term when an adequate supply of water (either temporary or permanent) is unavailable at the affected residence. Operator at its sole cost, reserves the right to connect a temporary supply of water to the affected residence during the period of water loss through the installation of an interim water supply system rather than providing temporary housing, should conditions permit. A typical interim system would employ the use of a 500 gallon poly tank for water storage. The tank, in turn would provide gravity feed to a booster pump which would furnish the necessary pressure to charge the existing residential plumbing. Connection to the residence would typically be made through any existing outside faucet. Electric service for the booster pump shall be secured from the existing house's service. Water delivery shall be coordinated with a licensed bulk water supplier. The cost of electric to operate the booster pump shall be borne by Operator.

(e) Should the investigation of a water problem, the provision of a temporary water supply or the restoration of an adequate water supply require any drilling or excavation, the Operator will restore the surface of the affected property by filling, landscaping and/or reseeding as soon as seasonally possible.

(f) Operator and the Township intend that all wells located within the No Fault Areas shall benefit from the performance of this section and shall be considered third party beneficiaries of this Ordinance and any collateral agreements entered by the Operator and the Township. Wells located outside of the No Fault Areas, even though a portion of the property owned by the well owner extends into the No Fault Area, shall not be covered by this paragraph.

(g) Operator shall have no obligation to restore, replace, or repair any water problems due to or resulting from the failure of any individual's own equipment including, but not limited to, pumps, electrical and/or piping problems.

(10) Operating Performance Standards, **Quarry Water**

(a) To the extent that Operator, as part of its non-coal surface mining operations, generates, as part of its de-watering and pumping operations and activities, water in excess of that needed for Operator's operations and business activities, the Township shall have the right to sixty percent (60%) percent of such water generated or produced at the tract in this zone.

(b) The Township shall be responsible for any and all costs and expenses necessary for the Township to obtain the water from a discharge point to be reasonably determined by Operator and to transport it from that point onward. Township shall be solely responsible for acquiring any and all permits necessary to permit the transfer of water to the Township, whether Federal, State, County, regional, local or elsewise, all at Township's sale cost and expense.

(c) After non-coal surface mining activities have permanently ceased, including completion of reclamation and closing of the quarries, the Township shall have the right, to the extent that water is available on the tract in this zone, in the form of a pooling of the water in the former quarry hole, to draw a quantity of water approximately equal to that provided for in Section 160-44.B.(10)(a) above, provided that such withdrawal shall not exceed sixty percent (60%) of that which would be discharged naturally from the impoundment so created.

(d) For any and all water obtained by the Township from Operator under this Ordinance, Operator shall be required to make no representations or warranties as to the quality and/or quantity of the water. Further, the Township shall indemnify and hold Operator harmless from any and all claims, demands, liabilities, suits, actions, damages, losses and out-of-pocket expenses including, but not limited to, counsel fees, witness fees, expert fees and engineering fees related to or arising in any way from any water supplied and the supplying of the water, including, but not limited to, any Township activities associated therewith.

(e) Nothing contained in this Ordinance, including, but not limited to, Section 160-44.B.(10), shall require Operator to generate or produce, or continue to generate or produce water for the Township.

(11) Operating Performance Standards, **Overburden.**

(a) In order for quarrying activities to commence, non-stone materials which overlay and in some cases interlay thy active stone deposits, must first be removed. These non-stone materials are known as "overburden". The removal of overburden shall not constitute quarrying activities for purposes of this Ordinance.

(b) Upon movement of overburden, said overburden shall be immediately either removed entirely from the property, placed in berms as regulated herein, or placed for storage. All such storage areas shall be immediately seeded in such a manner as to prevent erosion and in total compliance with the requirements of DEP as they may from time to time exist.

(12) Operating Performance Standards, **Berms.**

(a) Operator shall construct a berm upon the tract along the perimeter of the tract, unless the perimeter joins upon another tract on which the use is quarry, whether in this zone or otherwise, in which event no berm or fence shall be required. If a berm or fence exists where one is not required, it maybe removed by Operator, at its sole cost, option and discretion. Operator shall be permitted to "day light" between the tract in this zone and any existing quarry use properties.

(13) Operating Performance Standards, **Berming Standards.**

(a) Operator shall create a berm, where one is required under Section 160-44.B.(12), Operating Standards, Berm, of at least fifteen feet (15') in height with a minimum bottom width of ninety feet (90') and with a minimum top surface of fifteen feet (15') within the buffer zone.

(b) The outer slope of the berms shall be constructed with a 3: 1 slope; the inner slope of the berms with a 2: 1 slope.

(c) Operator shall place a chain link fence six feet (6') in height along the boundary line of the quarry. A drawing of existing and to be placed fences shall be submitted to the Township. No barb wire or razor wire shall be placed at the top of the chain link fence.

(d) Any fence required under this Ordinance shall be installed and erected at the sole cost of Operator.

(e) There shall be planted on the outer slope of the berm two rows of evergreens spaced at fifteen (15) foot intervals and staggered. Should any of these evergreen plantings die, they shall be promptly replaced during the next growing season. Between the outer toe of the berm and the evergreens, grassy plantings shall be created, mowed and maintained as necessary.

(f) Berms, fencing, roadways, and the construction thereof shall not be considered to be quarrying activities and may be located within any setback/buffer zone established by this Ordinance.

(g) No quarrying activities shall occur on any tract in this zone until the berms are constructed.

(14) Operating Performance Standards, **Buffer Zones and Setbacks.**

(a) Buffer zones and setbacks for non-coal surface mining shall be as shown on a drawing submitted to the Township

(b) Within any buffer zone and/or setback, Operator shall be permitted to place utilities (including, but not limited to, electric, water, sewer, and any other use now or hereafter recognized as a utility use), wetland areas, detention basins, berms, stabilizing and screening vegetation, fencing and water discharge.

(c) With the exception of the removal of overburden, the construction of berms, the placement of entrances and exits and uses contemplated within Section 160-44.B.(14), no non-coal surface mining, nor any uses directly associated with non-coal surface mining, including the sale of stone products or the manufacture of concrete or asphalt, shall occur within the setbacks or buffer areas established in this Ordinance.

(15) Operating Performance Standards, **Runoff.**

No waters shall be discharged from the tract in this zone which does not conform with all requirements of DEP and BSM as to quality, quantity or temperature. Where required, an NPDES permit shall be obtained and maintained in a current status by Operator.

(16) Operating Performance Standards, **Entry Gate.**

Operator shall locate and install an entry (and exit) gate to its tract to accommodate the queue of trucks which may be waiting to enter the quarry by providing an off-road site for such queuing.

(17) Operating Performance Standards, **Revegetation.**

(a) Revegetation shall provide for a diverse, effective and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area, except that introduced species may be used in the revegetation process where desirable.

(b) Vegetative cover shall be considered of the same seasonal variety when it consists of a mixture of species of equal or superior utility for the approved post-mining land use, when compared with the utility of naturally occurring vegetation during each season of the year. Revegetation shall provide a quick germination, fast growing vegetative cover capable of stabilizing the soil surface from erosion and shall include, but need not be limited to, crown vetch.

(c) All revegetation shall be carried out in a manner that encourages a prompt vegetative cover and recovery of productivity levels compatible with the approved post-mining land use.

(d) Disturbed areas shall be seeded and planted during the first normal period for favorable planting after reclamation has commenced. When necessary to effectively control erosion, the disturbed area shall be seeded and planted as contemporaneously as practicable with a temporary cover of small grain, grasses or legumes or otherwise protected from erosion until a permanent cover is established.

(e) The use of introduced species shall be allowed provided that the species meet the requirements of applicable State and Federal seed or introduced species statutes and are not poisonous or noxious. A single tree or shrub species shall not comprise more than fifty percent (50%) of the total number of seedlings planted.

(18) Operating Performance Standards, **DEP Regulations and Submissions.**

(a) In addition to other terms and conditions of this Ordinance, all activities contemplated by this Ordinance shall be subject to those regulations established from time to time by the Environmental Protection Agency ("EPA"), DEP and BSM which are applicable to quarry tracts. Should the provisions of this Ordinance contain requirements more stringent than those required by either the EPA, DEP or BSM, the provisions of this Ordinance shall control. The Township recognizes that regulation of non-coal surface mining activities is currently preempted by the Commonwealth of Pennsylvania. To the extent that the activities of Operator are not regulated by EPA, DEP, BSM, the Township regulations shall control.

(b) Operator shall promptly supply the Township with copies of all applications and related documents supplied to, and licenses and permits received from, DEP and/or BSM relating to the quarry tract.

(19) Reclamation Performance Standards

(a) Reclamation shall to the extent reasonably feasible be performed as the surface mining progresses.

(b) When the surface mining operation has concluded, the area shall be reclaimed by terrace or to a finished slope of 35°, as DEP may direct. Terracing shall occur through the utilization of an overall two to one reclamation slope, with the intervening slopes between terraces being no greater than forty-five degrees or the natural angle of slippage, whichever is greater, and with the height of the intervening slopes between terraces being no greater than twenty-five feet (25') and with the surface width of each terrace being no less than twenty-five feet (25'). Upon said terraces shall be placed a twelve inch (12") layer of available soil and planted, concurrent with the reclamation, coniferous or other vegetation so as to create a continuous planting upon each terrace.

(c) Where a water impoundment is part of the reclamation, the slope shall extend to twenty-five feet (25') below the post-reclamation water level at a minimum slope of 3: 1 to serve as a safety bench for safe exit from the impoundment. Benches developed below the lower level of the reclamation safety bench need not be restored; removal of any benches below the safety bench shall be accomplished only with approval of DEP.

(d) Reclamation of a working face shall begin within one hundred eighty (180) days after such face has reached its maximum horizontal extent.

(e) Hauling Roads. Haul roads, and access roads shall be designed, constructed and maintained to prevent to the maximum extent possible erosion and to prevent contributions of sediment to streams or runoff outside the affected area, air and water pollution and offsite damages. Upon completion of the associated quarrying activities, the area disturbed by the road shall be restored unless retention of the road and its maintenance constitutes a part of the post-quarrying land use. Roads shall be constructed on stable areas that avoid wet or unsuitable soils. Prior to the construction of a road, all topsoil shall be removed, stored on a stable site and protected against erosion until restoration of the road. Any disturbed area adjacent to the road shall be vegetated or otherwise stabilized to prevent erosion. Immediately after the road is no longer needed for the uses associated with surface mining activities or post-quarrying land uses the road shall be physically closed to vehicular traffic, the road and adjacent slopes shall be degraded to blend with the natural contours and drainage patterns, all bridges and culverts shall be removed, cross drains, dikes, and water bars shall be constructed to minimize erosion, and all disturbed areas shall be revegetated in accordance with this ordinance.

(f) Casing and Sealing of Wells and Bore Holes. Each bore hole, well, or other exposed underground opening (except for holes solely drilled for use in blasting) or other opening exposed during surface mining activities shall be cased, sealed, or otherwise managed as approved by DEP at the conclusion of surface mining activity to:

- Prevent acid or other toxic drainage from entering ground or surface water.
- Prevent to the maximum extent possible, disturbance to the prevailing hydrologic balance.
- Ensure the safety of people, property, livestock, fish and wildlife and machinery in the mining area.

(g) DEP may, by regulation, alter the reclamation standards set forth in this Ordinance.

(h) Nothing in this section shall prevent the utilization of wells in post-mining activities.

(20) Fees and Charges.

(a) Except as specifically set forth in this Ordinance, the Township shall not impose any fees, charges or taxes upon Operator other than those taxes and fees now in place in the Township, nor shall the basis of those taxes and fees presently in place in the Township be changed as to Operator except as such change may also be imposed upon every other similarly situated business and/or property located within the Township and except as such change is not otherwise preempted by Federal or state law. This paragraph is intended to include both the real property, personal property and all business activities of Operator but to exclude building permit fees, water and sewer service fees, zoning permit fees, occupancy fees, and similar fees. This paragraph, however, in no way restricts the ability of the Township to impose upon Operator pursuant to its Ordinances such fines, costs and related fees (not directly addressed by the provisions contained in this Ordinance) as may be imposed upon every other similarly situated business, individual, and/or property.

(b) Commencing upon the issuance of a zoning permit pursuant to the provisions of this Ordinance, Operator shall pay to the Township a quarrying fee of Ten Cents ($0.10) per ton of stone mined and sold from the quarry tract by Operator and its agents, servants or employees, including, but not limited to, stone produced upon the quarry tract but included in asphalt and/or concrete shipped from plants located on contiguous tracts and used in conjunction with the quarry tract (the "Quarrying Fee"). Operator and the Township shall meet annually on March 15 or on such day as maybe mutually agreed by the parties to reconcile the Quarrying Fee due the Township for the preceding year. Once the Quarrying Fee due the Township has been determined with all appropriate credits due Operator· deducted, Operator shall within 45 days make payment to the Township of any monies due unless the Township has otherwise elected to have the surplus carried forward to future years. In the event that a deficit exists in the Quarrying Fee once all credits due Operator have been deducted, such deficit shall be carried forward to the next year and credited against any Quarrying Fee that may be due the Township.

(21) Inspection.
The Township shall have the right to inspect Operator's operations at any time during normal business hours upon reasonable notice as circumstances may require.

(22) Permit Applications and Permits.
(a) The Township shall issue all Township permits and approvals necessary to permit all of the activities contemplated by this Ordinance immediately upon the filing of completed permit applications, which permits shall remain valid throughout the term of Operator's activities.

§ 160-45. Floodplain performance standards.

Refer to Article XI, Floodplain Standards.

§ 160-46. Parking standards. [revised 6-25-2007 by ord. no. 2007-06]

A. Spillover parking requirements.
(1) The following chart shall be used to determine the number of spillover parking spaces required:

Housing Type	Per Dwelling Unit
Single-family	1.5
within Age Qualified Residential Community	0.5
Twin, Townhouse	1.0
Quadruplex	0.5
Multiplex, Apartments	0.5

(2) Spillover parking space dimensions shall be:
(a) If provided off-street: 9.5 feet by 19.5 feet.
(b) If provided as parallel parking on-street: eight feet by 23 feet.
(3) Single-family detached and single-family semidetached dwelling units may meet the spillover parking requirement on their individual driveways.

B. General regulations applying to required off-street parking facilities.
(1) Existing parking. Structures and uses in existence at the date of adoption of this chapter shall not be subject to the requirements of this article so long as the kind or extent of use is not changed, provided that any parking facility now serving such structures or uses shall not in the future be reduced below such requirements.
(2) Change in requirements. Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements according to the standards of § 160-23, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of that section.
(3) Conflict with other uses. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
(4) Continuing character of obligation. All required facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision, except upon the approval of the Zoning Hearing Board and then only after proof that, by reason of diminution in floor area, seating area, the number of employees, or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this article. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required parking facilities to the employees or other persons whom the facilities are designed to serve. Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard or an unreasonable impediment to traffic.
(5) Joint use. Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually. However, the number of spaces required in a common parking facility may be reduced below this total by special exception if it can be demonstrated to the Zoning Hearing Board that the hours or days of

peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.

(6) Location of parking spaces. Required off-street parking spaces shall be on the same lot or premises with the principal use served or, where this requirement cannot be met, within 300 feet of the same lot.

(7) Maintenance of parking areas. For parking spaces of three or more vehicles, the area not landscaped and so maintained, including driveways, shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Township Engineer to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining property. All parking lots for commercial purposes shall be paved in accordance with the standard within Chapter 140, Subdivision and Land Development. All off-street parking spaces shall be marked so as to indicate their location. Failure to keep parking areas in satisfactory condition, i.e., free from holes, clearly delineated, or properly graded, shall be considered a violation of this chapter.

§ 160-47. Reduction of nonresidential parking requirements.

In order to prevent the establishment of a greater number of parking spaces than is actually required to serve the needs of nonresidential uses, the Board of Supervisors, after consulting with the Planning Commission and Township Engineer, may permit a conditional reduction of parking space if the following conditions are satisfied:

A. The design of the parking lot must designate sufficient space to meet the parking requirements of this chapter. A plan shall be provided that illustrates the layout for the total number of required parking spaces.

B. The conditional reduction shall provide for the establishment of not less than 60% of the required number of parking spaces, as specified in this chapter. This initial phase of the parking provision shall be clearly indicated on the plan.

C. The balance of the parking area conditionally reserved shall not include areas for the required buffer yards, parking, setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this chapter. The parking area which is reserved shall be located and have characteristics so as to provide amenable open space should it be determined the additional parking spaces are not required. The developer shall provide a landscaping plan for the reserved area with the land development plan.

D. The developer shall enter into a written agreement with the Board of Supervisors that, after one year following the issuing of the last occupancy permit, the additional parking spaces shall be provided at the developer"s or owner"s expense should it be determined that the required number of parking spaces are necessary to satisfy the need of the particular land use and development.

E. Land which has been determined and designated by the Board of Supervisors to remain as open space rather than as required parking shall not be used to provide parking spaces for any addition or expansion but shall remain as open space.

§ 160-48. Off-street loading.

Off-street loading requirements as specified herein shall be provided on any lot on which a building exceeding 6,000 square feet of gross floor area for business or industry is hereafter erected.

A. Every department store, freight terminal or railroad yard, hospital, retail establishment, storage warehouse, or wholesale establishment, sanitarium, industrial plant or manufacturing establishment exceeding 6,000 square feet shall have at least one off-street loading space. Where there is an aggregate gross floor area of 20,000 square feet or more arranged, intended or designed for such use, there shall be provided off-street truck loading or unloading berths is accordance with the following table:

Square Feet of Aggregate Gross Floor Area Devoted to Each Use	Required Number of Berths
6,000 up to 19,999	1
20,000 up to 79,999	2
80,000 up to 127,999	3
128,000 up to 191,999	4
192,000 up to 255,999	5
256,000 up to 319,999	6
320,000 up to 391,999	7
For each additional 72,000 square feet	1 additional berth

B. Every auditorium, convention hall, exhibition hall, funeral home, multifamily dwelling of 20 units or more, office building, restaurant, hotel, sports arena or welfare institution exceeding 6,000 square feet shall have at least one off-street loading space. Where there is an aggregate gross floor area of 30,000 square feet or more, arranged, intended or designed for such use, there shall be provided off-street truck loading and unloading berths in accordance with the following table:

Square Feet of Aggregate Gross Floor Area Devoted to Each Use	Required Number of Berths
30,000 up to 44,999	1
45,000 up to 119,999	2
120,000 up to 197,999	3
198,000 up to 290,999	4
291,000 up to 389,999	5
390,000 up to 488,999	6
489,000 up to 587,999	7
588,000 up to 689,999	8
For each additional 105,000 square feet	1 additional berth

§ 160-49. Lot area or yard required.

The lot or yard requirements for any new building or use shall not include any part of a lot that is required by any other building or use to comply with the requirements of this chapter. No required lot or area shall include any property, the ownership of which has been transferred subsequent to the effective date of this chapter, if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which such transfer was made.

§ 160-50. Minimum lot size.

A. Where a minimum lot size is specified, no primary building or use shall be erected or established on any lot of lesser size than as specified in § 160-23, except as specified herein.

B. Exceptions to minimum lot sizes. The provisions of § 160-26 and Article IV shall not prevent the construction of a single-family dwelling Use B1 on any lot that was lawfully created under a previous zoning ordinance of Hilltown Township that does not meet the lot area or lot width requirements of

this chapter subject to the provision of § 160-61.C herein. However, the lot shall meet all current yard requirements for the use within the applicable district.

§ 160-51. Minimum lot width.

A. Where a minimum lot width is specified, no primary building shall be erected on any part of a lot which has a width less than that specified in § 160-27, except as specified in this § 160-51.

B. Flag lot: a parcel of land which does not have the required minimum lot width at the minimum front yard but has direct access to a public street through a narrow strip of land which is part of the same lot. The lot lines of the narrow portion of the lot (the mast) are parallel or nearly parallel.

C. This provision is intended for tracts of land with limited frontage that would limit the number of lots with the required lot width, but with sufficient area in the rear of the tract for an additional lot or two. Flag lots will not be approved in a subdivision where a street could reasonably be developed to serve the lots with each meeting the minimum lot width requirement.
   (1) A flag lot may be used only for ten-acre single-family lots.
   (2) Flag lots are not permitted in the CR-1, CR-2 or VC Zoning Districts.
   (3) Such exception to the lot width requirement shall not be granted unless the lot to which the exception relates has a width of not less than 50 feet at the street line and shall not narrow to a lesser dimension.
   (4) Such exception to the lot width requirement shall not be granted unless the same shall be necessary to prevent the inefficient use of the land.
   (5) The front yard setback for a flag lot shall be a distance equal to the front yard requirements for the district in which the lot is located and shall be measured from the point where the lot first obtains the minimum lot width measurement.

§ 160-52. Yard modifications.

If the location of existing buildings on either side of a lot within a distance of 50 feet of the proposed building and fronting on the same side of the same street in the same block is nearer to the street than the required front yard depth, the Supervisors may accept the average of such existing front yards within that distance as the required front yard, but in no case shall the front yard be less than 20 feet.

§ 160-53. Projection into yards.

Ground-story bays, porches, and chimney flues may project into required yard area no more than four feet. Such projections shall not occupy more than 1/3 the length of the building wall. Cornices and gutters may not project more than two feet over a required yard. Fire escapes may be permitted in accordance within this section in side or rear yards only.

§ 160-54. Fences and terraces in yards.

The yard requirements shall not apply to fences, or walls less than eight feet in height above the finished grade in the side and rear yards and four feet in front yards, nor to terraces, steps, uncovered and unenclosed porches, nor to similar features less than three feet above the finished grade, subject nevertheless to the provisions of Article IV, § 160-23I(2)(a). **[Revised May 23, 2013 by Ord. 2013-02]**

§ 160-55. Height.

The height of buildings is regulated to prevent loss of life or excessive property damage through the inability of Township fire equipment to reach upper stories or roofs. Therefore, no building shall exceed a height of 35 feet, except as provided in the following:

A. Church spires, belfries, silos, water towers, or smokestacks are exempt provided they are not used for human occupancy.

B. Portions of the building may exceed 35 feet in height where all dwelling units and work spaces can be reached and evacuated through adequate windows or balconies within the thirty-five-foot limit or existing equipment and where roofs can also be reached along 50% of the building perimeter. The Township Fire Marshal's approval of such plans shall be required. In the absence of a Township Fire Marshal, approval of such plans shall be by the Township Supervisors.

§ 160-56. General open space and municipal land.

Recorded plans and deeds shall indicate that there shall be no additional development in areas designated for open space, except for allowed improvements consistent with the furthering of non-commercial recreation, agricultural, conservation, or aesthetic purposes. The plan shall contain or be supplemented by such material as required to establish the method by which open space shall be perpetuated, maintained, and administered. The plan and other materials shall be construed as a contract between the landowner(s) and the Township, and shall be noted on all deeds.

§ 160-57. Design standards for open space land.

Required open space land shall conform to the following standards:

A. Open space should include significant environmental features such as floodplains, floodplain soils, steep slopes, forest, lakes, ponds, wetlands, and watercourse. Fragmentation of resource areas should be minimized so that they are not divided into smaller isolated pieces. Long thin strips of open space (less than 100 feet wide) shall be avoided, unless necessary to connect other significant areas, designed to protect linear resources such as streams or trails, or buffer adjoining existing properties or streets.

(1) Open space land connection considerations. Wherever applicable (such as along designated greenway corridors), open space should be designed as part of larger continuous and integrated open space systems. Open space should be laid out in general accordance with the Potential Open Space Resources Map (in the Open Space Preservation Plan) to ensure that an interconnected network of open space will be provided.

(2) Undivided land for common use. The required open space land shall generally remain undivided and may be owned and maintained by a Homeowner's Association, land trust, Township, another conservation organization recognized by the Township, or by a private individual. These ownership options may be combined so that different parts of the open space may be owned by different entities.

(3) Visibility considerations. The required open space land should be located and designed to add to the visual amenities of new neighborhoods and to the surrounding area, by maximizing the visibility of internal open space as terminal vistas at the ends of streets (or along "single-loaded" street segments, particularly along he outside edges of street curves), and by maximizing the visibility of external open space as perimeter "greenbelt" conservation land.

(4) Active recreation uses. No more than 50% of the minimum required open space land may be comprised of active recreation facilities such as playing fields, golf courses, tennis courts, etc unless otherwise approved by the Board of Supervisors.

(5) Buffers for adjacent public parkland or wildlife sanctuaries. Where the proposed development adjoins public parkland or wildlife sanctuary, a natural greenway buffer may be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction). Where this buffer is

unwooded, vegetative screening must be planted, or the area managed to encourage natural forest succession through "no-mow" policies, installation of trees, and periodic removal of invasive alien plant and tree species.

(6) Agricultural lands. Open space may include preservation of privately owned agricultural land with a minimum lot area of ten (10) acres.

B. Pedestrian and maintenance access shall be provided to all common and public open space.

§ 160-58. Designation of and permitted uses on open space land.

Open space land required to be reserved and created through the subdivision process shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities. The determination of necessity shall lie with the Board of Supervisors. A list of permitted uses is contained herein. The following uses are permitted in the required open space land:

A. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).

B. Agricultural and horticultural uses, including raising crops, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations, except that equestrian facilities and stables may be permitted.

C. Pastureland for horses. Equestrian facilities shall be permitted but may not consume more than 80% of the minimum required open space land, whether they be for commercial or noncommercial purposes. New stables shall not be permitted within 200 feet of any abutting residential property.

D. Forestry, in keeping with established standards for selective harvesting and sustained-yield forestry.

E. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Board of Supervisors.

F. Active noncommercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than 1/2 of the minimum required open space land or five acres, whichever is less.

G. Underground utility rights-of-way, easements for drainage, access, sewer or water lines, or other public purposes.

H. Water supply and sewage disposal systems; stormwater management systems designed, landscaped, and available for use as an integral part of the open space land; and, aboveground utility and street rights-of-way provided that the area devoted to all such uses shall not count toward the minimum required open space.

§ 160-59. Municipal use/open space performance bond.

Designated planting and recreation facilities within the open space and municipal use areas shall be provided by the developer. A performance bond or other securities may be required to cover costs of installation in accordance with the provisions of Chapter 140, Subdivision and Land Development.

§ 160-60. Conveyance and maintenance of municipal use/open space lands.

Open space shall be preserved by one of the following means which shall be selected by the Board of Supervisors and shall be subject to the Board of Supervisors' sole discretion.

A. Dedication in fee simple to the Township. The Township may, at the sole discretion of the Board of Supervisors, accept any portion or portions of open space or recreation areas provided:

(1) It is determined by the Board of Supervisors that the land is suitable and will serve the general public.

(2) The Township agrees to and has access to maintain the land.

(3) The title is conveyed to the Township without cost.

B. Conveyance to a conservancy, corporation, association, funded community trust, condominium or similar legal entity shall be allowed, provided:

(1) The land shall include a permanent conservation easement enforceable by the Township, which shall guarantee continued use of the land for the intended purposes in perpetuity and which shall require approval by the Board of Supervisors prior to ownership of the land being transferred to another entity.

(2) Proper maintenance and continued funding for maintenance must be guaranteed.

(3) The corporation or association shall be responsible for liability insurance, taxes, and recovery from loss sustained by casualty, condemnation or otherwise. Certificates of insurance and tax payment receipts shall be provided to the Township.

(4) The corporation or association shall not be dissolved nor shall it dispose of the open space, except to another organization established to own and maintain the open space and which meets the approval of the Township. The corporation or association must first offer to dedicate the open space to the Township at no cost before such sale or disposition of the open space takes place.

C. Conveyance of a permanent conservation easement that is enforceable by the Township, while the land remains owned by an entity other than the Township. Such easement may also be granted to a conservancy, corporation, funded community trust, or similar legal entity as may be approved by the Township as an additional method of oversight and enforcement.

D. Private Holding - The Township may approve that open space is part of fee simple lots with a permanent conservation easement enforceable by the Township, provided:

(1) The terms of the agreement guarantee the continued use of the land for the preservation of open space.

(2) The cost and responsibility of maintaining private holding open space shall be the responsibility of the owner of the open space.

(3) Including open space within fee simple lots shall only be permitted at the discretion of the Board of Supervisors and shall not be part of any lot necessary to meet minimum requirements for lot width, area or yards as specified in this Ordinance.

E. Agricultural Preservation Lot. Land designated as open space for preservation of agricultural may include farm buildings, a pre-existing residence, and other structures related to continuing agricultural activities on that land. These areas are not available for public use. All open space intended for agricultural purposes shall be so designated on the plans. The plans shall contain the following statement or a similar statement pre-approved by the Township: "Required open space land may not be further developed and shall not allow any new buildings, except for the addition of accessory farm buildings or other non-residential structures related to the agricultural activities on the land by Special Exception". A maximum area of three (3) acres shall be defined on the lot

within which the dwelling and other non-agricultural structures/uses are permitted. Non-agricultural structures or uses shall not be permitted on any part of the lot outside of this defined area.

ARTICLE VI
Nonconforming Uses and Structures

§ 160-61. Continuation.

A. The lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of the enactment of this chapter, or in the case of an amendment to this chapter, then at the time of such amendment, may be continued except as hereinafter provided, although such use does not conform to the provisions of this chapter or subsequent amendments thereto.

B. A nonconforming lot which lawfully existed prior to the enactment of this chapter, or in the case of an amendment to this chapter, then at the time of such amendment, may be developed by special exception for uses permitted in the particular district and shall conform to all other requirements specified in this chapter other than lot size, provided that the nonconforming lot is in single and separate ownership from adjoining properties. For the purposes of this section, single and separate ownership shall be ownership of any property by any person or persons which owner(s) is separate and distinct from the owners of the adjoining properties.

C. Where two or more adjacent lots, one or more of which is nonconforming, are owned by the same owner, and the ownership of the lots is concurrent, such lots shall be combined to create conforming lots, or to lessen the nonconformity if it is not possible to create all conforming lots.

§ 160-62. Expansion or alteration.

A. A structure which does not conform to the dimensional, area, parking, buffer, environmental and all other requirements of the district and this chapter may be extended only if the extension meets all the requirements of this chapter. Such a structure may be extended by right along the building lines of the existing nonconformity in keeping with all applicable requirements of this chapter.

B. A use that does not conform to the use regulations of the district in which it is located may be extended by special exception, provided that:
   (1) The proposed extension shall take place only upon the lot or contiguous lots held in the same ownership as that existing at the time the use became nonconforming. Permission to extend a nonconforming use as described in this article shall not be construed to mean that a new use or uses may be established. A nonconforming use shall be prohibited from encroaching on another parcel of land subsequently added to the original parcel.
   (2) The proposed extension shall conform with the setback, yard, dimensional, building height, parking, sign, environmental and other requirements of the district in which said extension is located.
   (3) Any increase in building or floor area shall not exceed a maximum aggregate of more than 50% of the building or floor area, whichever is less, existent at the date the use became nonconforming under this or previous ordinances, during the life of the nonconformity, and in any event shall be permitted only by special exception under the provisions of this chapter. Structures or land uses that have reached their maximum expansion allowance under previous ordinances are not eligible under this chapter. A structure which is nonconforming in terms of height shall not be extended to increase the height.

§ 160-63. Discontinuation of Use; Abandonment.

Whenever a nonconforming use has been discontinued for a continuous period of one year such use shall not thereafter be reestablished, and any future use of such land or building must be in conformity with the provisions of this chapter. For the purposes of this chapter, abandonment shall commence when the nonconforming use ceases.

§ 160-64. Changes in Nonconforming Uses.

Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use. A nonconforming use may be changed to another nonconforming use only under the following conditions:

A. Such change shall be permitted only by special exception, under the provisions of this chapter.

B. The applicant shall show that a nonconforming use cannot be reasonably changed to a permitted use.

C. The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use with respect to:
   (1) Traffic generation and congestion including truck, passenger, car and pedestrian traffic;
   (2) Noise, smoke, dust, fumes, vapors, heat, odor, glare, or vibration;
   (3) Storage and waste disposal; and
   (4) Appearance.

§ 160-65. Damage or Destruction of Building.

A nonconforming building or any building containing a nonconforming use which has been damaged or destroyed by fire, explosion, accident, or calamity (as contrasted to deterioration due to time or neglect) may be reconstructed and used for the nonconforming use, provided that:

A. The reconstructed building shall not exceed in height, area and volume the building destroyed except that extensions may be made as provided for herein.

B. Building reconstruction shall be started within one year from the date the building was destroyed and shall be carried on without interruption.

§ 160-66. Condemnation of Building.

A nonconforming building which has been legally condemned shall not be rebuilt or used for nonconforming purposes.

§ 160-67. Signs.

Refer to Article VII, § 160-70.

§ 160-68. Displacement.

No nonconforming use shall be extended to displace a conforming use.

§ 160-69. Registration of nonconforming uses.

The Zoning Officer may provide for the registration of all uses which are nonconforming under the terms of this chapter within a reasonable time after the effective date of the chapter. The record of nonconforming uses shall certify, after inspection, the extent and kind of use and disposition of the buildings and land. Upon notification, each occupant or owner of a premises used for nonconforming use shall make available such information as may be necessary to determine the extent and nature of the nonconforming use.

ARTICLE VII
Signs

§ 160-70. Scope and applicability.

Within all zoning districts of Hilltown Township, signs may be erected, altered, maintained, used, removed, or moved only when in compliance with the provisions of this article and any and all other ordinances and regulations of the Township of Hilltown relating to the erection, alteration, maintenance, use, removal, or moving of the signs or similar devices.

§ 160-71. Continuation.

Signs existing at the time of passage of this chapter, which were legally erected, and which do not conform with the requirements of the chapter shall be considered nonconforming signs, and if more than 60% has been destroyed or removed, it shall be replaced only with a conforming sign. A nonconforming sign may be repainted or repaired (including lighting), provided such repainted or repaired sign does not exceed the size or dimensions of the existing sign.

§ 160-72. Purpose.

A. The objective of this article is to establish requirements for placing, installing and maintaining signs in order to preserve and protect the health, safety, welfare and general well-being of the community's citizens. Just as regulations for the placement, construction and maintenance of buildings through zoning is a valid use of law, so are regulations for the placement, installation and maintenance of signs a valid use of the law because signs, in the literal sense, must be considered structures and, in a practical sense, are capable of producing many of the same nuisances that buildings produce.

B. Sign regulations are further justified by the primary purpose of a sign: to draw attention to its content. Moreover, since signs can distract drivers or obstruct views, the very nature of a sign can be a potential hazard to the safety of motorists. Therefore, an objective of this article is to regulate the location of signs in such a way that they fulfill their purpose without causing unsafe conditions for motorists.

C. It is also an objective of this article to protect and preserve the visual character of the community by regulating the placement, installation, and maintenance of signs. Because signs are intended to command visual contact, that gives signs an important role in the overall visual character of the community. This visual impact affects the value and enjoyment of property; therefore, the regulation of signs can work to enhance the value of property, encourage appropriate land use throughout a municipality and minimize clutter in the community.

§ 160-73. Signs prohibited in all districts.

A. Signs are prohibited which in any way simulate official, functional, directional, or warning signs maintained by the United States government, the Commonwealth of Pennsylvania or any county or municipality thereof, or by any railroad or public utility or similar agency concerned with the protection of public health or safety.

B. Permanent banners, spinners, flags, pennants, or any moving objects for commercial advertising purposes, whether containing a message or not, are prohibited.

C. Flashing, blinking, twinkling, animated, twirling or moving signs of any type, except those portions of signs which indicate time and temperature changes, are prohibited.

D. No sign shall be erected on which information is stated or implied that a referenced property, be it the property on which the sign is located or another, may be used for any purpose not permitted within the zoning district in which the referenced property is located.

E. On-premises signs advertising a use no longer in existence or a product no longer available shall be removed or changed to advertise the new use of the product immediately after cessation of the original use. Signs, once removed, shall be replaced only by signs in conformance with this chapter.

F. No signs shall be allowed within street lines unless specifically authorized by ordinance or regulation of Hilltown Township, in compliance with the regulations of the Commonwealth of Pennsylvania.

G. Any vehicle to which a sign is affixed in such a manner that the carrying of such sign or signs is no longer incidental to the vehicle's primary purpose, but becomes a primary purpose in itself, is prohibited.

§ 160-74. Exempt signs.

The following are exempt signs:

A. Interior property parking and traffic control signs not visible from the public right-of-way and not exceeding four square feet.

B. Special information signs including "men," "women," "rest rooms," "credit cards accepted," and "hours of operation" signs if such signs do not exceed two square feet.

C. A sign with an area not exceeding one square foot bearing only property number, street address, post box numbers or the names of the occupants in residence.

D. A sign which is a permanent architectural feature of a building or structure such as a cornerstone.

E. Traditional barber poles, defined as poles not exceeding three feet in height and located on the same premises as the barbershop advertised.

F. The legal display of the flag of the United States of America, the flag of the Commonwealth of Pennsylvania, or the flag of any recognized governmental authority.

G. A governmental insignia, public monument, historic identification sign or plaque, and state or municipal highway safety signs and identification signs.

H. Holiday decorations.

I. Legal notices.

§ 160-75. Relief from sign regulations.

In the event that a proposed building or use is located in a manner that would obscure visibility of the signs allowed, a variance from the setback or height requirements may be granted by the Zoning Hearing Board.

§ 160-76. Area of signs. [revised 5-23-2011 by ord. no. 2011-3]

A. The size of any sign shall be computed by multiplying its greatest height by its greatest length, exclusive of supporting structures, unless the supporting structure is illuminated or is in the form of a symbol or contains advertising copy. In the case of signs that have no definable edges, such as raised letters attached to a building façade, the sign shall be that area within a single continuous perimeter enclosing the extreme limits of the actual message or copy area.

B. The area of the sign shall be computed to include all lettering, wording, and accompanying designs and symbols, together with a background, whether open or closed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

C. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest rectangular or other shape which encompasses all the letters and symbols.

D. In computing square foot area of a double-faced sign, only one side shall be considered, provided both faces are identical. If of unequal size, the size of the larger side shall be the measured size for purposes of this chapter. If the signs form an interior angle greater than 45°, both sides of such sign shall be considered in calculating the sign area, and it shall be considered as a parallel sign.

§ 160-77. General sign regulations. [revised 5-23-2011 by ord. no. 2011-3]

A. No sign shall be erected at a distance from a side property line less than the sign's total height from the finished grade and there shall be a minimum distance of 20 feet between any side property line and any sign erected under the provisions of the Ordinance.

B. No sign shall be placed in a position which will cause danger to traffic on a street by obscuring the view. No sign other than one indentifying a profession, home occupation, or name of resident or occupant shall be located within fifteen (15) feet of the edge of an improved cartway. No sign shall be erected or maintained within a distance of fifty (50) feet from the intersection of any street line or the intersection of a street line and a private accessway unless the location of this sign is situated at least eight feet above the level of the street center line. No sign shall be erected or maintained which would interfere with minimum horizontal or vertical intersection sight distances established in accordance with PennDOT Chapter 441, as amended. In no case shall any sign other than official highway or traffic sign be erected within the official right-of-way of any street. No red, green or yellow illuminated sign shall be permitted within three hundred (300) feet of a traffic light.

C. All signs over two square feet in size, other than those permitted within the street right-of-way, shall be considered structures and shall be in conformance with all other provisions of this chapter.

D. All signs except temporary signs shall be constructed of durable material and kept in good condition and repair. Electrical signs shall be subject to the performance criteria of the Underwriter's Laboratory, Inc., or to applicable Township codes, whichever is more stringent. Upon the determination of the Zoning Officer that a sign has become dilapidated, then the owner of the property upon which the sign is located shall be notified by the Zoning Officer to restore said sign, or have said sign restored, to good and proper condition within 30 days. Any sign which is allowed to remain dilapidated shall be removed by the Township at the expense of the owner or lessee of the property on which it is located.

E. Signs which face a residential district, or which face any occupied residential dwelling, may not have an exposed source of illumination if the sign is located within 200 feet of such district or dwelling. Illuminated signs shall not shine in the normal line of vision for traffic on a public street. Illuminated signs with any form of exposed bulbs are not permitted.

§ 160-78. Temporary signs.

A. Temporary signs advertising the prospective or completed sale or rental of the premises upon which the sign is located are permitted within the property lines of the premises, provided that:
   (1) Such signs shall be maintained in good condition and repair and removed within 20 days after execution of lease or agreement of sale;
   (2) Such sign shall be erected only on the premises to which they relate;
   (3) The area on one side of any such sign shall not exceed 16 square feet; and
   (4) No more than one sign shall be placed on any property held in single and separate ownership.

B. Temporary signs advertising the sale or development of the premises, when erected in connection with the development or proposed development of the premises by a builder, developer or contractor are permitted, provided that:
   (1) The area on one side of any such sign shall not exceed 16 square feet;
   (2) Not more than one such sign shall be placed upon any property held in single and separate ownership unless such property fronts upon more than one public street, in which event one sign may be erected on each street frontage;
   (3) Such signs shall be removed within 20 days after the last dwelling has been initially occupied; and
   (4) Such signs shall be erected only on the premises to which they relate.

C. Temporary signs indicating the names of contractors, consultants, and artisans performing services on construction sites are permitted provided that:
   (1) Such signs are removed within seven days following completion of the construction work;
   (2) Not more than one such sign shall be placed on each street frontage of the construction site, regardless of the number of contractors, consultants, and/or artisans performing services on the site; and
   (3) The area on one side of any such sign shall not exceed 16 square feet.

D. Temporary signs announcing a campaign, drive, or event of a civic, philanthropic, political, educational, or religious organization, as well as signs advertising political parties or candidates for elections, may be erected provided that:
   (1) The erector of such signs, or those responsible for or benefiting from display of the signs, shall remove such signs within 10 days after the event referred to on the sign or the date of the election to which the signs relate;
   (2) Such signs shall not be illuminated; and
   (3) The area on one side of any such sign shall not exceed 16 square feet.

E. Temporary signs directing persons to temporary exhibits, shows, events or sales shall be permitted, provided that:
   (1) The area on one side of any such sign shall not exceed 16 square feet;
   (2) Not more than one such sign shall be placed upon any property held in single and separate ownership unless such property fronts upon more than one public street, in which event one sign may be erected on each street frontage;
   (3) Signs for any one exhibit, show, event, sale or use shall be limited to two events per year; each event no more than 30 days in duration; and
   (4) The erector of such signs, or those responsible for or benefiting from display of the signs, shall first apply for and obtain a permit from the Township Zoning Officer and deposit at the time of their application a sum as set from time to time by resolution of the Board of Supervisors as a guarantee that said signs shall be removed promptly within seven days of the expiration of the temporary permit. If such signs are not removed within the above time period, the signs shall be considered in violation of this chapter and the deposit deemed nonrefundable. Upon satisfactory removal of the temporary signs within the above time period, the deposit money shall be returned within 20 days from the expiration date of the permit.

F. Temporary banners, spinners, flags, pennants, floodlights or other promotional alternatives to traditional signs erected for commercial advertising purposes are permitted in nonresidential districts provided that:
   (1) Such promotional devices are not erected or posted more than 10 days before the event or activity promoted and removed within three days following the event or activity promoted;
   (2) The area on one side of any such banner, spinner, flag or pennant shall not exceed 16 square feet;
   (3) In no event shall such promotion persist for more than 30 days, nor shall any commercial enterprise be allowed such promotion in excess of two events per calendar year; and
   (4) Such promotion shall only be permitted by issuance of a temporary permit in accordance with this chapter.

§ 160-79. Signs permitted in CR-1, CR-2, RR, MHP, and AQRC Districts.
[revised 6-25-2007 by ord. no. 2007-06 & 5-23-2011 by ord. no. 2011-3]]

The following are signs permitted in the CR-1, CR-2, RR, MHP and AQRC Districts:

A. Temporary signs pursuant to § 160-78A, B and D of this article. Temporary signs as described in § 160-78C, E and F are not permitted in the CR-1, CR-2, RR, MHP, and AQRC Districts.

B. Official highway route number signs, street name signs, and other official traffic signs may be erected and maintained in the interest of public safety or for the regulation of traffic.

C. Trespassing signs or signs indicating the private nature of a road, driveway, or premises, and signs prohibiting or otherwise controlling the fishing and hunting upon a particular premises, may be erected and maintained, provided that the size of any such sign does not exceed two square feet.

D. Professional, home occupation, or name signs indicating the profession and/or activity and/or the name of the occupant of the dwelling may be erected and maintained, provided that:
   (1) The size of such sign shall not exceed four square feet;
   (2) Not more than one sign shall be erected for each permitted use or dwelling unit; and
   (3) Any such sign shall be erected only on the premises wherein the professional use or home occupation is located.

E. Identification signs for schools, churches and other religious institutions, hospitals and health facilities, clubs, lodges, farms and estates are permitted, provided that:
   (1) The size of any such sign shall not exceed 20 square feet;
   (2) Not more than one such sign is placed on any premises held in single and separate ownership unless the property fronts upon more than one street, in which event one sign may be erected on each frontage; and
   (3) Such signs shall be located only on the premises they identify.

F. Signs advertising the sale of farm products, when otherwise permitted by this chapter, are permitted provided that:
   (1) The size of any such sign shall not exceed six square feet;
   (2) Not more than two signs are used;
   (3) Such signs shall be displayed only when such products are on sale; and
   (4) The signs shall not be illuminated.

G. Residential development/neighborhood signs provided that:
   (1) Such signs shall only list the name of the neighborhood/development and shall not include any names of contractors, developers, or realtors.
   (2) Signs must be shown on the approved subdivision plan and contained within an easement area described by metes and bounds. Easement shall be granted to the development Homeowner's Association for maintenance of the sign and associated landscaping (if any). Easement document must be in a form acceptable to the Township and recorded at the Bucks County Courthouse concurrent with recordation of the subdivision plan.
   (3) Only one sign shall be permitted per street entrance but no more than two total per neighborhood/development.
   (4) Maximum sign area: one square foot per dwelling unit, not to exceed twenty (20) square feet per sign.
   (5) Maximum sign height: eight (8) feet.
   (6) Signs shall be constructed of metal, concrete, stone, plastic components, or other durable material approved by the Board of Supervisors or a combination thereof. Signs shall not be illuminated.
   (7) Architectural details and overall size of the sign must receive approval from the Board of Supervisors.
   (8) Signs must be maintained in perpetuity by the development Homeowner's Association.

§ 160-80. Signs permitted in PC-1, PC-2, VC, Q, LI and HI Districts.

The following are signs permitted in the PC-1, PC-2, VC, Q, LI and HI Districts:

A. All signs permitted under § 160-79 may be erected and maintained in accordance with said provisions.

B. All temporary signs permitted under § 160-78 may be erected and maintained in accordance with said provisions.

C. Freestanding signs which advertise a business, industry, or other permitted use not referenced in Subsections D through F, whether located on-premises or off-premises, may be erected and maintained, provided that:
   (1) Not more than one such sign shall be erected on any one premises under single and separate ownership, or on premises leased or utilized by any one business establishment except for an establishment which fronts two or more streets, in which case a sign may be erected in each yard fronting on a street;
   (2) Unless otherwise stated herein, the area of such freestanding signs shall not exceed 32 square feet per side, with the maximum height to top of a sign not to exceed 20 feet from the finished grade; and
   (3) No sign shall be located beyond the rear wall of the main building when the rear property line upon which it is situated abuts a residential district, except signs that convey information such as parking entrances and traffic flow directions. The area on one side of any such sign shall not exceed eight square feet. The name of the business located on the premises may appear on such signs.

D. Freestanding signs which advertise a shopping center as defined under § 160-11, including the name of the center and the uses therein, may be erected in each yard fronting on a street. No portion of a shopping center freestanding sign shall be less than eight feet or more than 32 feet above the ground. The area of any one side of such sign shall not exceed 100 square feet.

E. Freestanding signs which advertise a group of businesses or industrial uses other than a shopping center on a lot held in single and separate ownership, may be erected in each yard fronting a street and such freestanding signs may contain a collection of signs identifying the different interests and uses on the premises, provided that the total area of one side of the freestanding sign does not exceed 100 square feet and that each individual sign does not exceed four square feet.

F. Freestanding signs which advertise gasoline service stations, may be erected provided that each station shall be permitted two freestanding, brand name signs, each not to exceed six square feet in area and not to be higher than seven feet above the finished grade.

G. Parallel and projecting signs may be erected and maintained, provided that:
   (1) Projecting signs attached to a main wall of a principal building shall not project more than 14 inches therefrom, and no portion shall be less than 10 feet above the finished grade and no more than 16 feet above the finished grade;
   (2) Projecting signs shall not in any way interfere with normal pedestrian or vehicular traffic;
   (3) The combined area of all parallel, projecting, and permanent window signs facing the street shall not exceed 25% of the area of the building face facing the street; the combined area of all parallel and projecting signs shall not exceed 15% of any building face to which such signs are attached; permanent window signs shall not exceed 30% of the total window area facing the street; and
   (4) In the case of a shopping center or group of stores or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premises shall apply with respect to each building, separate store, or similar use.

§ 160-81. Billboards. [revised 11-29-2007 by ord. no. 2007-17 and 7-27-2009 by ord. no. 2009-06]

A. It is recognized that billboards, also known within the industry as "outdoor advertising signs", are freestanding signs of comparatively great size which are designed specifically to attract the attention of the motoring public. Because billboards differ in these aspects from other freestanding signs, and because it is the expressed objective of this article to limit nuisance and insure the safety of motorists and pedestrians, the following regulations have been adopted:

B. Billboards shall be permitted, by special exception only, in the PC·1, HI and LI Districts, subject to the following criteria:
   (1) Not more than one such sign shall be erected on anyone premises under single and separate ownership:
   (2) No such sign shall be permitted within 100 feet of any residential use, no matter in what district the use is located;
   (3) Such signs shall not be permitted closer than 100 feet from the ultimate right-of-way;
   (4) The area of such signs shall not exceed 250 square feet per side if located less than 200 feet from the ultimate right-of-way and the area of such signs shall not exceed 350 square feet per side if located 200 or more feet from the ultimate right-of-way, with the maximum height to top of a sign not to exceed 35 feet from the finished grade;
   (5) No such sign shall be located closer than 2000 feet from any other such sign;
   (6) Such signs shall not be illuminated between the hours of 11:00 P.M. and 6:00 A.M.
   (7) All such signs must be constructed of durable materials and every billboard shall be firmly and solidly constructed so as to be able to bear a wind pressure of at least 30 pounds per square foot; and
   (8) All billboards shall conform to state and federal regulations.
   (9) Electronic Graphic Displays (Digital Billboards) - Must also meet the following standards:
      (a) Electronic Graphic Displays (Digital Billboards) - An off-premise sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade. Electronic graphic display signs shall include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.
      (b) Such signs shall only be located on non-residential parcels located in the HI and LI Zoning Districts, which have frontage on State Route 309.
      (c) The maximum sign size shall be 300 square feet; inclusive of any border and trim, but excluding the base or apron, supports and other structural members. Extensions, projections and/or add-ons beyond the rectangular perimeter face of the sign are prohibited.
      (d) Message Duration - Any portion of the message must have a minimum duration (hold time) of twenty-five (25) seconds and must be a static display. Messages may change immediately or fade in and out only; and shall completely change to the next message within one (1) second. No portion of the message may flash, scroll, twirl, twinkle, oscillate, rotate, blink, change color, or in any manner imitate movement.
      (e) Brightness (Billboard Luminance) - The illumination and/or intensity of the display shall be controlled so as to not create glare, hazards or nuisances. Such signs shall have a maximum nits level of 7,000 nits; provided the brightness of the digital billboard does not exceed 0.3 foot-candles of light above the normal ambient light levels. Such signs shall be equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
         [1] The billboard luminance specification shall be determined by a footcandle metering device held at a height of 5 ft. and aimed towards the billboard, from a distance of 175 feet.
         [2] The metering device should be at a location perpendicular to the billboard center (as seen in plan view) as this angle has the highest luminance.

[3] This check shall include the measurement of an all white image displayed by the billboard to evaluate the worst case condition.

[4] If the difference in illuminance between the billboard-on and the billboard-off conditions is 0.3 foot-candles or less, then the billboard luminance is in compliance.

(f) Such sign shall not be permitted closer than 100 feet from the Ultimate Right-of-Way of Route 309, nor farther than 200 feet from the Ultimate Right-of-Way of Route 309.

(g) The maximum height to the top of the sign shall not exceed 35 feet from the existing adjacent grade.

(h) No such sign shall be located closer than 2,000 feet from any other off-premise sign, including digital billboards.

(i) No such sign shall be erected within two-hundred and fifty (250) feet of any existing free-standing on-premises sign.

(j) No such sign shall be erected within one hundred (100) feet of any existing residential dwelling or residential zoning district.

(k) Such sign shall not be illuminated between the hours of 11:00 PM and 6:00 AM.

(1) Applicant shall be required to coordinate/permit message access for local, regional, state, and national emergency services during emergency situations. Emergency messages are not required to conform to message standards listed herein.

(m) An engineering certificate shall accompany any application for a digital billboard. The certification shall indicate under seal of a professional engineer licensed in the Commonwealth of Pennsylvania that the sign has been designed in accordance with acceptable engineering practices.

(n) The applicant shall provide financial security, in a form acceptable to the Township, sufficient to secure to the Township the removal of any digital billboard upon which no advertising is located or otherwise ceases to be used for a period of three (3) consecutive months. The applicant shall further provide, in a form acceptable to the Township, proof that the record owner and the licensee or other person in control of the signage consents to the removal of the sign for reasons as set faith in this subsection, which said consent shall be in such form so as to be recorded of record with the Bucks County Recorder of Deeds office.

(0) Audio or Pyrotechnics - Audio speakers and/or any form of pyrotechnics are prohibited.

(p) Message Default Mechanism - All signs must be equipped with a properly functioning default mechanism that will stop the sign in one position should a malfunction occur.

(q) Where applicable, such signs shall be located, constructed and maintained in accordance with all applicable Pennsylvania Department of Transportation regulations, in addition to all other regulations of Hilltown Township. Where there is a conflict between regulations, the more restrictive regulation shall apply.

(10) No Video Billboard, as such term is hereinafter defined, shall be permitted in Hilltown Township:

(a) Video Billboard - A billboard that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which mimic the illusion of motion, including but not limited to moving objects, moving patterns or bands of light, or expanding and contracting shapes and/or fade, dissolve, travel or scrolling features. Video Billboards include projected images or messages with these characteristics onto buildings or other objects.

C. Billboards must be kept and maintained in good repair, subject to the following conditions:

(1) Weeds shall be kept out of in front of, underneath and around the base of such signs; and

(2) No rubbish or debris shall be permitted under or near such signs where such rubbish or debris could constitute a fire or health hazard.

§ 160-82. Permit requirements for signs.

A. A permit is required for permanent or temporary signs permitted within the CR-1, CR-2, RR, MHP, or AQRC Districts. All permanent and temporary freestanding, parallel, and projecting signs, and temporary signs permitted in accordance with § 160-78E, shall require the issuance of a zoning permit before erection or replacement. All signs must comply with the regulations contained herein.

B. In the case of a shopping center, or group of stores or other business uses on a lot held in single and separate ownership, a separate sign permit shall be required of each separate store, business, or similar use erecting and maintaining a sign in conformance with this chapter.

C. For the purposes of obtaining a sign permit, the applicant shall make application to the Zoning Officer and shall present a plot plan, sketch of design and lettering, and construction plans indicating on said plot plan all existing structures, including signs, and setting forth in the application all necessary facts with respect to existing signs in order to ascertain whether the proposed erection or alteration of the proposed sign complies with the provisions of this chapter.

D. Permanent sign permits shall be issued for each separate property, residence, store, business, or use erecting and maintaining a permanent sign(s). Any addition, revision, reduction, or alteration shall require the issuance of a new permit. Permit fees are established by separate resolution.

E. All permanent sign permits shall have an annual renewal fee established by separate resolution. Nonpayment of the annual renewal fee invalidates the sign permit and all signs permitted by said expired permit shall be deemed in violation of this chapter.

ARTICLE VIII
Administration

§ 160-83. Enforcement: Zoning Officer powers and duties. [revised 1-26-2009 by ord. no. 2009-01]

A. For the administration of this chapter, a Zoning Officer, who shall not hold any elective office in the municipality, shall be appointed by the Board of Supervisors. The Zoning Officer shall meet qualifications established by the Supervisors and shall be able to demonstrate to the satisfaction of the Supervisors a working knowledge of municipal zoning. The Zoning Officer shall administer this chapter in accordance with its literal terms, and shall not have the power to permit any construction or any use or change in use which does not conform to this chapter.

B. It shall be the duty of the Zoning Officer, who is hereby given the power and authority, to:
   (1) Receive and examine all applications for zoning permits and issue permits only when there is compliance with provisions of this chapter, other Township ordinances and with the laws of the Commonwealth.
   (2) Enforce the provisions of this chapter by the issuance of enforcement orders, including cease and desist orders, or by other means. Such written orders shall be served personally or by certified mail upon the persons, firms, or corporations deemed by the Zoning Officer to be violating the terms of this chapter in accordance with the terms of this chapter, and shall direct the recipient to correct all conditions found in violation. If any such person or persons does not comply with the written notice of violation within a prescribed period of time, the Zoning Officer shall notify the Board of Supervisors for their action, or, if authorized in advance, file a civil complaint with the district justice. A civil complaint shall not be filed until the expiration of the appeal period. It shall be unlawful for any person to violate any such order lawfully issued by the Zoning Officer, and any person violating such order shall be guilty of a violation of this chapter.
   (3) Process zoning permit applications for all uses as enumerated in Section 160-22 and 160-23 as permitted within the applicable districts. Where required by the Municipalities Planning Code or by this Ordinance, applications shall be forwarded to the Planning Commission, Building Inspector, Township Engineer, and Zoning Hearing Board for approval or disapproval.
   (4) Receive and examine applications for special exceptions and variances and forward these applications to the Solicitor of the Zoning Hearing Board.
   (5) Post notices on affected tracts or areas involved with a zoning map amendment at least one week prior to the hearing. Provide applicants and other parties with copies of items sent to the Zoning Hearing Board.
   (6) Receive and examine applications for conditional uses, curative amendments and zoning changes and forward these applications to the Board of Supervisors, Planning Commission, and other appropriate agencies.
   (7) Issue permits for construction and/or for uses requiring a special exception or variance only upon order of the Zoning Hearing Board. Permits requiring approval by the Board of Supervisors shall be issued only after receipt of an authorization from the Supervisors.
   (8) Following denial for a zoning permit, receive and examine applications for interpretation appeals and/or variances and forward these applications to the Solicitor of the Zoning Hearing Board.
   (9) Conduct inspections and surveys to determine compliance or non-compliance with the provisions of this chapter.
   (10) With the approval of the Board of Supervisors, or when directed by them, the Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his/her employment.
   (11) Revoke any order or zoning permit issued under a mistake of fact or contrary to the law or the provisions of this chapter.
   (12) Keep a permanent record of all business and activities including written complaints of violations and subsequent actions taken, plans and applications for permits and all permits issued with the notation as to special conditions attached thereto. Maintain record of all zoning violation notice deliveries (i.e. place, date and time).
   (13) Maintain a map or maps showing the current zoning classifications of all land in the Township.

(14) Issue occupancy permits in accordance with the terms of this chapter.
(15) Register all uses which are nonconforming under the provisions of this chapter within a reasonable time after the effective date of this chapter. The record of nonconforming uses shall certify, after inspection, the extent and type of use and disposition of the building and land. Upon notification, each occupant or owner of a premises used for nonconforming use shall make available such information as may be necessary to determine the extent and nature of the nonconforming use.
(16) Create and maintain the files required to carry out and maintain records of all his/her actions pursuant to this chapter.
(17) Present such facts, records, and any similar information to the Planning Commission, Zoning Hearing Board, or Board of Supervisors upon their request.
(18) Provide testimony at hearings of the Zoning Hearing Board.

§ 160-84. Planning Commission powers and duties.

A. The Planning Commission shall at the request of the Board of Supervisors have the power and shall be required to:
   (1) Prepare the Comprehensive Plan for the development of the Township and present it for consideration of the Board of Supervisors.
   (2) Maintain and keep on file records of its action. All records and files of the Planning Commission shall be in the possession of the Board of Supervisors.

B. The Planning Commission at the request of the Board of Supervisors may:
   (1) Make recommendations to the Board of Supervisors concerning the adoption or amendment of an official map.
   (2) Prepare and present to the Board of Supervisors a zoning ordinance and make recommendations concerning amendments thereto.
   (3) Prepare, recommend and administer subdivision and land development and planned residential development regulations.
   (4) Prepare and present to the Board of Supervisors a building code and a housing code and make recommendations concerning amendments thereto.
   (5) Do such other acts or make such studies as may be necessary to fulfill the duties and obligations as provided by the Pennsylvania Municipalities Planning Code, Act 247, as amended.
   (6) Prepare and present to the Board of Supervisors an environmental study.
   (7) Submit to the Board of Supervisors a recommended capital improvements program.
   (8) Prepare and present to the Board of Supervisors a water study, which shall be consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission. The water survey shall be conducted in consultation with any public water supplier in the area to be surveyed.
   (9) Promote public interest in, and understanding of, the Comprehensive Plan and planning.
   (10) Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.
   (11) Hold public hearings and meetings.
   (12) Present testimony before any board.
   (13) Require from other departments and agencies of the Township such available information as relates to the work of the Planning Commission.
   (14) In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner.
   (15) Prepare and present to the Board of Supervisors a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the Township.
   (16) Review the zoning ordinance, subdivision and land development ordinance, official map, provisions for planned residential development, and such other ordinances and regulations governing the development of land no less frequently than it reviews the Comprehensive Plan.

§ 160-85. Zoning permit requirements.

A. A permit shall be required prior to the erection, construction, reconstruction, extension, moving, or alteration of any building, structure, or portion thereof, and prior to the use or occupancy, or change in use of a building or land and prior to the change or extension of a nonconforming use.

B. Any erection, construction, reconstruction, alteration, or moving of a building or other structure including a sign authorized by a zoning permit shall be commenced and any change in use of a building or land authorized by a zoning permit shall be undertaken within one year from the date of issuance of the permit. However, said permit may be extended annually without payment of additional fees for an aggregate period of not more than three years, provided that the construction pursuant to said permit has commenced within the first one year period.

§ 160-86. Zoning permit application.

A. Applications for permits shall be made to the Zoning Officer on such forms as may be furnished by the Township. Each application shall contain all information necessary for such official to ascertain whether the proposed erection, alteration, use or change of use complies with the provisions of this chapter. The Zoning Officer shall require the following information to be provided:
   (1) Statement as to the existing and proposed use of the building or land;
   (2) A site plan showing the location, dimensions, orientations and heights of all existing and proposed structures and uses in relation to lot and street lines;
   (3) The location, size, arrangement, and capacity of all areas to be used for motor vehicles access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas when applicable.
   (4) The location, dimensions, and arrangements of all open spaces, yards and buffer yards, including methods to be employed for any required screening.
   (5) Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply, and storm drainage when applicable.
   (6) The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of dwelling units per acre.
   (7) A description of methods to be employed in controlling any excess noise, air pollution, smoke, fumes, water pollution, fire hazards, and other safety hazards when applicable.

B. No permit for any new use or construction which will involve the on-site disposal of sewage and waste and no permit for a change in use as an alteration which will result in an increased volume of sewage or waste to be disposed of on site shall be issued until a certificate of approval has been issued by the Bucks County Department of Health and conforms to all applicable Township regulations.

C. No permit for any new use or construction which will involve on-site water supply and no permit for a change in use as an alteration which will result in an increased water usage shall be issued until the requirements of §§ 160-31 and/or 160-32 of this chapter have been met.

D. Mobile home park permits. Applications for a mobile home park permit shall be made in writing by the owner, proprietor or operator of the mobile home park, signed by the applicant.

§ 160-87. Issuance of permits and occupancy certificates.

A. Zoning permits shall be granted or refused after a complete written application has been filed with the Zoning Officer; provided, that nothing contained in this chapter shall be construed to require or empower the Zoning Officer to grant a permit approving construction on, or use of land which has been subdivided into lots pursuant to a plan of subdivision, the plan and profile of which have not been approved by the Township Board of Supervisors, and duly recorded, as required by law.

B. Any erection, construction, reconstruction, alteration or moving of a building or other structure, including a sign authorized by a zoning permit, shall be commenced, and any change in use of a

building or land authorized by a zoning permit shall be undertaken, within one year after the date of issuance of the permit. If not, the permit shall be considered null and void. However, in case of erection or construction of a building, the right to proceed with construction may be extended annually without additional fees for an aggregate period of not more than three years, provided that the construction pursuant to said permit has commenced within the first one-year period.

C. Upon completion of the erection or alteration of any building or portion thereof authorized by a zoning permit, and prior to occupancy and/or use, the holder of such permit shall notify the Zoning Officer of such completion. No permit shall be considered complete or permanently effective until the Zoning Officer has certified that the work has been inspected and approved as being in conformity with the provisions of this chapter and other applicable ordinances and regulations. All applications with accompanying plans and documents shall become and be preserved as a public record, subject to the disposition of the Board of Supervisors.

D. Certificate of occupancy requirements. Hereafter no structure erected, constructed, reconstructed, extended or moved, and no land or building changed in use under a zoning permit, shall be occupied or used in whole or in part for any use whatsoever, until the owner and authorized agent has been issued a certificate of occupancy by the Zoning Officer, indicating that the building or use complies with the terms of zoning as provided in this chapter. No certificate shall be issued until the premises in question has been inspected and found by the Zoning Officer to be in compliance with this chapter. No commercial and/or industrial structures, buildings, lots or any part thereof shall be changed in use or reoccupied until a certificate of occupancy has been issued by the Zoning Officer of the Township.

E. Occupancy registration. In addition to the requirements set forth in Subsection D, all non-owner-occupied real property, leased or rented, including any structures or portions thereof within the Township shall comply with the applicable portions of the Township Tenant Registration Ordinance, as amended.

§ 160-88. Fees.

Fees for permits shall be paid in accordance with a Fee Schedule to be adopted by resolution of the Board of Supervisors and all such fees shall be paid into the Township Treasury. Each applicant for an appeal, special exception, variance, conditional use, or other requested relief shall, at the time of making application, pay a fee, in accordance with the aforementioned Fee Schedule, for the cost of advertising, mailing notices, and cost of stenographic services, as required by this chapter and the rules of the Zoning Hearing Board.

§ 160-89. Violations and penalties.

Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement preceding commenced by the Township in District Justice Court, pay judgment of $500, plus all court costs, including reasonable attorney fees incurred by the Township as a result of the enforcement proceeding. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating the chapter to have believed that there was no such violation, in which event there shall be deemed to be only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

§ 160-90. Time limit after zoning change.

Whenever the Board of Supervisors shall change the zoning classification on any parcel or ground within the Township, upon petition of the property owner and upon representation that a certain use will be made of the property after the change, the property owner shall have a period of one year within which to obtain a zoning and building permit and to commence actual construction. Should the property owner fail to

commence construction within the stipulated period, the Board of Supervisors shall have the right to change the zoning classification of the parcel back to the classification which existed before the rezoning was executed.

§ 160-91. Remedies.

In the case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used or occupied in violation of this chapter, the Board of Supervisors or the Zoning Officer with the express written approval of the Board of Supervisors may institute in the name of the Township any and all appropriate action or preceding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use or occupancy; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure, land or portion thereof; or to prevent any illegal act, conduct, business, activity, or use in or about such premises. The rights and remedies provided in this chapter are cumulative and are in addition to all other remedies provided by law.

§ 160-92. Enforcement notice.

Enforcement proceedings against violations of this chapter shall be commenced by sending an enforcement notice as provided in this section.

A. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

B. The enforcement notice shall state at least the following:
   (1) The name of the owner of record and any other person against whom the Township intends to take action.
   (2) The location of the property in violation.
   (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the chapter.
   (4) That the violator must commence steps to abate the violation and come into compliance within five days of the date of the notice, and must be in full compliance within 30 days of the date of the notice.
   (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within 30 days of the notice.
   (6) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions described.

§ 160-93. Complaints and violations.

Whenever an alleged violation of this chapter occurs, any interested party shall file a written complaint with the Zoning Officer in regard thereto. The Zoning Officer upon receipt of said alleged violation shall, within a timely manner, investigate and take appropriate action as provided by this chapter and the Pennsylvania Municipalities Planning Code, Act 247, as amended.

§ 160-94. Conditional uses.

The Board of Supervisors may allow or deny conditional uses after receiving recommendation from the Hilltown Township Planning Commission pursuant to the various standards set forth in this section, and those contained in Articles IV or V.

A. General conditions.
   (1) The Board of Supervisors shall determine that access to the site is safe and may refuse to permit a conditional use where insufficient distance between a curb cut and a street intersection is provided,

or require combining of access with an adjoining land use. The Board may require off-site traffic improvements where a hazardous condition would otherwise be created.

(2) The Board of Supervisors shall require that the proposed use be made compatible with surrounding existing uses. Conditions controlling planting of shade trees, evergreen buffers, and planted berms may be imposed to create a buffer beyond the normal requirements of this chapter.

(3) The Board of Supervisors shall impose conditions on lighting and signs to insure that glare does not disrupt residential areas, distract motorists, or intrude in the background near traffic lights.

B. General findings. The Board shall make favorable findings on all the following:

(1) That the proposal is appropriate to the tract in question and will not disrupt or destroy the character of stable residential neighborhoods;

(2) That the proposal provides for adequate access to public roads, without creating hazardous conditions at intersections or areas of poor road alignment, and without creating undue congestion;

(3) That it conforms to all applicable requirements of this chapter.

C. Special conditions for historic areas of villages. The Board of Supervisors shall require plans and illustrative material showing the relationship of the proposed structure to the adjoining structures. The Board of Supervisors shall approve a conditional use when:

(1) The structure is located with respect to setback as are other surrounding structures, even if this means altering the setback regulations; or if it is not so located, planting and other design factors shall insure that the new structure does not detract from its neighbors;

(2) The structure is designed in an appropriate historical style certified by a registered architect; or if the structure is modern or contemporary, said architect shall certify that it is compatible in massing, materials, colors, and details; and

(3) In considering structures in the historical village center, the question of use shall not be considered relevant to design suitability, but shall be considered under Subsection A(2) only.

D. The Board of Supervisors shall present findings of fact to justify the allowance or denial if their actions are contrary to the recommendations of the Township Planning Commission or Township Engineer or Township Building Inspector.

E. A Conditional Use application for a Use B10 Traditional Neighborhood Development in the VC Village Center District shall be subject to the following special considerations:

(1) Prior to the submission of a Conditional Use Application or Preliminary Land Development Plans for a Traditional Neighborhood Development, an Applicant has the right to request a confirmed appointment with the Board of Supervisors at a public meeting to present and discuss conceptual plans.

(2) As a part of the submission of the Conditional Use Application and Plans, the Applicant shall provide the following information:

(a) A "Manual of Written and Graphic Design Guidelines" shall be prepared and submitted by the Applicant in accordance with Section 708-A of the Pennsylvania Municipalities Planning Code.

(b) The Applicant shall submit a Village Concept Sketch Plan, which reflects compliance with all of the design elements required in the "Manual of Written and Graphic Design Guidelines" and with all of the requirements in Sections 160-23.B10(d) Key Design Elements, 160-23.B10(e) uses, 160-23.B10(f) Use Composition, 160-23.B10(g) Detail Design Standards, and 160-23.B10(h) Dimensional Requirements. The Concept Plan shall contain sufficient detail to demonstrate that the design requirements of these sections have been met.

(c) A complete and detailed set of design criteria shall be submitted with an application for Conditional Use for any Traditional Neighborhood Development, as follows:

[1] The Design Criteria shall include, but not be limited to:

[a] Required architectural standards, elements, materials and configurations.

[b] Administrative provisions, including architectural review, enforcement and appeals procedures.

(d) The "Manual of Written and Graphic Design Guidelines" and the Design Criteria shall be administered and enforced by a property owners' association, condominium association or similar legal entity.

(e) The "Manual of Written and Graphic Design Guidelines" and the Design Criteria shall be subject to review and approval by the Board of Supervisors in the granting of a Conditional Use permit pursuant to Section 160-94[24]**.** In considering the design criteria, the Board of Supervisors may consult with the Township Planner, the Township Engineer, the Township Solicitor, and other technical experts to determine whether the Design Criteria and "Manual of Written and Graphic Design Guidelines" contains all required elements and meets the objectives of this section.

(f) The "Manual of Written and Graphic Design Guidelines" and the Design Criteria approved during the Conditional Use and/or Preliminary Plan approval process shall be submitted with any modifications proposed by the developer as part of the final approval application. The "Manual of Written and Graphic Design Guidelines" and the Design Criteria, as finally approved, shall be recorded against each lot or unit as an exhibit to the declaration establishing the association for the Traditional Neighborhood Development.

(g) A surveyed site plan which illustrates the proposed development and a map which illustrates natural resources on the site as defined in Section 160-28 Environmental Performance Standards. The plan shall depict the boundaries of the property, and existing topography using two (2) foot contour intervals.

(h) A map or current aerial photograph (not taken more than five years prior to the date of Conditional Use application) which identifies buildings and the uses of land within one-quarter (0.25) mile of any portion of the site.

(i) A statement of the proposed ownership of the open space.

(j) Compliance with the area, dimensional, buffer, open space, density, other natural resource protection standards, and other requirements of this ordinance.

(k) A narrative describing how the proposed application complies with the purpose statements of Sections 160-3 and 160-23.B10(b) of this Ordinance.

(l) A narrative generally describing the proposed easements, covenants, restrictions, and development standards for the property to be developed, and which demonstrates that the proposed open space will remain undeveloped in perpetuity. The narrative shall also include a description of use restrictions for the open space.

(m) A narrative description of the existing zoning and land uses on, and adjacent to, the tract.

(n) An inventory of historical resources on, and adjacent to, the tract.

(3) The Board of Supervisors may impose reasonable conditions regarding layout and use of the open space as it deems necessary to insure the proposed use meets the objectives of this Ordinance; results in no nuisance impacts on existing, proposed or potential uses in the surrounding area and on the subject site; limits future uses of the open space; and ensures the use is compatible with uses and activities in the Village Center district or other adjoining districts. The Board of Supervisors may deny Conditional Use if the Applicant is unable to address to the satisfaction of the Board of Supervisors, the matters identified in this ordinance.

ARTICLE IX
Zoning Hearing Board

§ 160-95. Establishment of Zoning Hearing Board.

A Zoning Hearing Board is established in order that the objectives of this chapter may be more fully and equitably achieved and a means for competent interpretation of this chapter provided. Any rights, duties or obligations of the Board not specified within this chapter shall be governed by the Pennsylvania Municipalities Planning Code, Act 247, as amended.

§ 160-96. Membership; terms of office.

The Zoning Hearing Board shall consist of three members appointed by resolution by the Board of Supervisors for overlapping three-year terms. All terms shall begin on the first day of January. Members of the Board shall be residents of the Township and shall hold no other office in the Township. Any member of the Board may be removed for cause by the Board of Supervisors upon written notice and charges after a public hearing.

§ 160-97. Alternate members.

The Board of Supervisors may appoint by resolution at least one but no more than three residents of the Township to serve as an alternate member of the Board. An alternate shall, when seated on the Board as provided herein to complete the quorum, participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law and this chapter. At any time, an alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the Board nor be compensated unless seated as an alternate member needed to complete the quorum. Alternates shall hold no other office in the Township. The term of office of an alternate member shall be three years.

§ 160-98. Organization of Zoning Hearing Board.

A. The Board shall elect a Chairman from its membership annually. A quorum shall be necessary for the conduct of any hearing and the taking of any formal action. A quorum shall be not less than a majority of all members of the Board, but the Board may appoint a hearing officer from its membership to conduct any hearing on its behalf, in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

B. If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

C. The Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the commonwealth. Within the limits of funds provided by the Township Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. The Board shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Township Board of Supervisors as requested by the Board of Supervisors.

D. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Board of Supervisors. Alternate members of the Board may receive compensation, as may be fixed by the Board of Supervisors, for the performance of their duties when designated as alternate members, but in no case shall such compensation exceed the rate of compensation authorized to be paid to members of the Board of Supervisors.

E. Meetings shall be open to the public and shall be at the call of the Chairman and at other such times as the Board may specify in its rules of procedure. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the Board.

§ 160-99. Persons entitled to initiate action before Zoning Hearing Board; jurisdiction.

Appeals under this section may be filed with the Board in writing by the landowner affected, any officer or agency of the Township, or any person aggrieved. Requests for a variance and for a special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudication in the following matters:

A. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to this chapter.

B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance.

C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any enforcement order or the registration or refusal to register any nonconforming use, structure or lot.

D. Appeals from a determination by a Municipal Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land use ordinance.

E. Applications for variances from the terms of this chapter.

F. Applications for special exceptions under this chapter.

G. Appeals from the determination of any officer or agency charged with the administration of any performance standard provisions of this chapter.

H. Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

I. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same related to developments not involving applications for subdivisions or land developments, as defined by the Pennsylvania Municipalities Planning Code, Act 247, as amended.

§ 160-100. Manner of initiating action before Zoning Hearing Board.

All action before the Board shall be initiated by a written application for hearing which shall be filed with the Zoning Officer. All applications shall be made on forms specified by the Board, and no applications shall be accepted unless the same shall be fully and legibly completed and unless all exhibits and supplemental material required by the application shall be attached.

§ 160-101. Time limitations.

All appeals from determination adverse to the landowners shall be filed by the landowner within 30 days after notice of the determination is issued.

§ 160-102. Mediation option.

A. Parties to proceedings authorized in the article may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this article once they have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting Township police powers or as modifying any principles of substantive law. Applications for special exceptions and variances are not appropriate for the mediation option, and, therefore, may not utilize this section.

B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case, and the willingness of the parties to negotiate. The terms and conditions of mediation are hereby set forth as follows:
   (1) The cost of mediation shall be borne by the applicant.
   (2) The parties shall agree on a mediator who shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
   (3) Parties to proceedings under this application may select the mediation option by sending written notice to the Zoning Hearing Board of their intention to do so. Mediation shall be completed within 90 days of the date of notification to the Board.
   (4) The written notice to the Zoning Hearing Board indicating the parties" intent to mediate shall include a written consent signed by all parties agreeing to the suspension of time limits otherwise required by this chapter and the Municipalities Planning Code, Act 247, as amended, and by an applicant or Township decision-making body if either is not a party to the mediation.
   (5) All parties to the proceedings shall be identified in the notice to the Board and shall be served notice of the parties" intent to mediate. All parties shall be afforded the opportunity to participate in any mediation proceeding.
   (6) Any mediation to which a Township entity is party shall be open to the public.
   (7) All mediated solutions must be in writing and signed by the parties and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in this chapter and the Municipalities Planning Code, Act 247, as amended.
   (8) No offers or statements made in the mediated sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceeding.

§ 160-103. Hearings.

The Board shall meet to hear and consider such matters which shall properly come before it. All such meetings shall be open to the public.

A. Notice. Public notice in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended shall be given and written notice shall be given to the applicant, the Zoning Officer, and to all persons who shall own property within 500 feet of any property which shall be the subject of an application before the Board. In addition to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

B. The Board of Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

C. The hearing shall be held within 60 days from the date of the applicant"s request, unless the applicant has agreed in writing to an extension of time.

D. The hearings shall be conducted by the Board or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decisions or findings by the Board and accept the decision or findings of the hearing officer as final. The Board shall render a written decision or written findings on the application within 45 days after the last hearing or, if such hearing is continued, within 45 days after said continued hearing. If the Board does not make a decision within 45 days after the hearing or continued hearing, it shall be deemed that such Board has decided in favor of the person or Township official aggrieved or affected who is seeking relief, unless the applicant has agreed in writing, or on the record, to an extension of time.

E. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.

F. The Chairman or Acting Chairman shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by parties.

G. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

H. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

I. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present. Board as used herein shall include the members of the Board as well as any secretary, clerk, legal counsel, or consultant.

J. The Board or hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code, Act 247, as amended, this chapter, or other rule or regulation shall contain a reference to the provisions relied on and the reasons why the conclusions are deemed appropriate in the light of the facts found. Where the Board fails to render the decisions within the period required or fails to hold the required hearing within 60 days from the date of the applicant’s request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinafter provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in this chapter. If the Board shall fail to provide such notice, the appellant may do so. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

K. A copy of the final decisions or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him not later than the day following the date of the decision. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise brief notice of the decisions or findings and a statement of the place at which the full decisions or findings may be examined.

L. Appeals to the Court. Any person aggrieved by any decisions of the Board may, within 30 days after such decisions of the Board, file an appeal to the Court of Common Pleas of Bucks County. Such appeals shall be made in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

§ 160-104. Powers and duties.

A. Variances. The Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship on the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:
   (1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
   (2) That because of such physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
   (3) That such unnecessary hardship has not been created by the appellant.
   (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
   (5) That the variance if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
   (6) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this chapter.

B. Special exceptions. Where this chapter has provided for stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter.

C. The Board in considering and passing upon applications for special exceptions and variances shall consider all relevant factors and procedures specified in all sections of this chapter, including Article IV, Use Regulations, as well as the following additional provisions:
   (1) Consider the suitability of the property for the use desired and the extent to which the new or expanded use is regulated by appropriate conditions and safeguards.
   (2) Consider the public interest in or the need for the proposed use and determine that the use will serve the best interests of the Township, the convenience of the community, and the public health, safety, and general welfare.
   (3) Consider the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions. Where applicable, a certificate of adequacy of sewage and water facilities shall be provided.
   (4) Consider the effects of the proposed change with respect to the most appropriate use of land; conserving value of buildings; safety from fire, panic and other dangers; adequacy of light and air; the overcrowding of land; congestion of population; and the adequacy of public and community services.

(5) Consider the compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
(6) Give full consideration to the size, scope, intent, and character of the exception requested and assure the compatibility of the proposed use with the spirit, purpose and intent of the comprehensive plan and with all applicable requirements of this chapter and Chapter 140, Subdivision and Land Development.
(7) Consider the safety of access to the property for ordinary and emergency vehicles and the probable effects of proposed development on highway congestion and insure that adequate access arrangements are provided in order to protect roadways from undue congestion and hazard.
(8) The operations in connection with any special exception or variance shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or lights than would be the operations of any permitted use.
(9) The Board may refer any application and accompanying documentation pertaining to any request for a special exception or variance to any engineer or other qualified person or agency for technical assistance in evaluation of the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection of public health, safety, and welfare and other related matters.
(10) Special exceptions and/or variances shall only be issued after the Board has determined that the granting of such will not result in additional threats to the public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with the local laws or ordinances.
(11) Such other factors which are relevant to the purpose of this chapter.

§ 160-105. Validity and Substantive Challenges.

A. A landowner who, on substantive grounds, desires to challenge the validity of an ordinance or map or any provisions thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either to the Zoning Hearing Board in accordance with this article or to the Board of Supervisors together with a request for a curative amendment in accordance with the provisions of this chapter.

B. Persons aggrieved by a use or development permitted on the land of another by an ordinance or map, or any provisions thereof, who desire to challenge the validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon.

C. The submissions referred to in Subsections A and B above shall be governed by the criteria set forth in appropriate sections of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

D. The Zoning Hearing Board or the Board of Supervisors, whichever has jurisdiction, shall commence its hearing within 60 days after the request is filed unless the landowner requests or consents to an extension of time.
E. Public notice of the hearing shall include notice that the validity of the ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.

F. The challenge may be deemed denied under the conditions set forth in appropriate sections of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

G. Stay of proceedings. Upon filing of any proceeding and during its hearing before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body, and all official action thereunder, shall be stayed in accordance with appropriate sections of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

§ 160-106. Expiration of special exception or variance.

Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain any and all permits within 12 months of the date of the Board's order, unless extended for good cause by the Zoning Hearing Board.

ARTICLE X
Amendments and Appeals

§ 160-107. Power of amendment.

A. The Board of Supervisors may from time to time amend this chapter, including the Zoning Map.

B. Proposals for amendment, supplement, change, or modification or repeal may be initiated by the Board of Supervisors on its own motion, the Township Planning Commission, or by petition by one or more owners of property to be affected by the proposed amendment. Any proposed amendment favorably acted upon shall be specifically found to be in accordance with the spirit and intent of the community development objectives of the Township Comprehensive Plan.

§ 160-108. Public hearings prior to amendment.

A. Before voting on the enactment of any amendment, the Board of Supervisors shall hold a public hearing pursuant to public notice. Public notice shall be a notice published once for two consecutive weeks in a newspaper of general circulation in Hilltown Township. Such notice shall state the time and place of hearing, the particular nature of the matter to be considered at the hearing and the full text of the amendment or a brief summary setting forth the general provisions in reasonable detail. The first publication shall be no more than 30 days and the second publication not less than seven days from the date of the hearing. Procedures relating to the publication, advertisement, and availability of proposed amendments shall be in accordance with Section 610 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. If the proposed amendment involves a Zoning Map change, notice of said public hearing shall be conspicuously posted by the Township at points deemed sufficient to the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

B. If, after any public hearing held upon an amendment, the proposed amendment is changed substantially or is revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing pursuant to public notice before proceeding to vote on the amendment. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Board of Supervisors shall at least 10 days prior to enactment readvertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

§ 160-109. Private petition for amendment.

Every application for amendment of this chapter shall first be presented to the Township Secretary and shall contain the following:

A. The applicant's name and address and his representative and the interest of every person represented in the application.
B. A plan showing the extent of the area to be rezoned, streets bounding and intersecting the area, land use and zoning classification of abutting districts, and photographs of the area to be rezoned and abutting areas.
C. A statement of the circumstances in the proposed district and the abutting districts and any other factors in which the applicant relies as reasons for supporting the proposed rezoning.
D. The approximate time schedule for the beginning and completion of development in the area.
E. A site plan to scale indicating the location of structures, uses, areas for off-street parking and loading.
F. Information about the market area to be served by the proposed development, if a commercial use, including population, effective demand for proposed business facilities, and any other information describing the relationship of the proposed development to the needs of the market area as the Zoning Officer, Planning Commission, or Board of Supervisors may prescribe.
G. Impact statement. A change of zoning generally means a deviation from the previously planned growth pattern. Such changes invariably have an impact on the community, on the environment, on taxes and

on Hilltown Township. A detailed statement of these impacts shall be submitted by the applicant for any change in zoning classification pursuant to this article. Such statement shall contain the following:

(1) Hilltown Township Comprehensive Plan. Analysis of the consistency of the proposed zoning change request with the Comprehensive Plan shall be presented. The analysis shall include, but not be limited to, the impact on the statement of community development goals and objectives, the land use plan, community services and facilities, population and housing projections.

(2) Environmental impact. What is the predicted impact on stormwater runoff, aquifer recharge, erosion, sedimentation, wildlife habitats, scenic areas, the general amenity of the community? The environmental or natural features listed in § 160-28, Environmental performance standards, shall be identified and mapped. The ability of the proposed use to comply with the requirements of § 160-28 shall be shown. The site capacity calculations of § 160-25 shall be completed for the subject tract.

(3) Transportation impact. A traffic impact study prepared in accordance with the guidelines found in Chapter 140, Subdivision and Land Development.

(4) Services impact. Define demand for public services, sewer, water, police, schools. Where standards of use are set by other agencies such as the Department of Environmental Protection, these shall be used.

(5) Regional impact. Regional housing needs shall be examined and Township performance with respect to these identified. Demand created for additional shopping and private commercial stores and impact on established local shopping conditions.

(6) Implementation.

(a) Prior to hearing and acting on the zoning change request, the petition and impact statement shall be reviewed by the Township Planning Commission and the Bucks County Planning Commission. The Township may also retain, at the petitioner"s expense, issues addressed in the impact statement.

(b) Before voting on the zoning change request, the governing body shall review the petition, the impact statement, the review comments of the Township Planning Commission and the Bucks County Planning Commission, any consultants hired by the Township and notes of testimony of the hearing. If the governing body determines the change creates major problems or adverse impacts, then the governing body shall:

[1] Reject the proposing zoning change; or

[2] Amend the zoning change to require specific on or off-site improvements as a condition of approval.

(7) The petitioner filing a private amendment shall, at the time of filing, pay to the Zoning Officer, for the use of the Township, a fee in accordance with a fee schedule adopted by resolution of the governing body upon enactment of this chapter or as such schedule may be amended from time to time.

§ 160-110. Submission to Township Planning Commission and County Planning Commission.

A. In case of an amendment other than one prepared by the Township Planning Commission, the Board of Supervisors shall submit each such amendment to the Township Planning Commission at least 30 days prior to the hearing in order to provide the Planning Commission an opportunity to submit recommendations. At least 30 days prior to the hearing on the proposed amendment the Township Planning Commission shall submit the proposed amendment to the Bucks County Planning Commission for recommendations.

B. Within 30 days after enactment, a copy of the amendment to this chapter shall be forwarded to the County Planning Commission.

§ 160-111. Proposals by private curative amendment.

A. A landowner who desires to challenge on substantive grounds the validity of a zoning ordinance or map or any provisions thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Section 916.1 of the

Municipalities Planning Code, Act 247, as amended. The Board of Supervisors shall commence a hearing thereon within 60 days of the request as provided in Section 916.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended. The curative amendment and challenge shall be referred to the Township Planning Commission and notice of the hearing thereon shall be given as provided by the Pennsylvania Municipalities Planning Code, Act 247, as amended.

B. Procedures for the public hearing as set forth on Section 609.1 of the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall be followed.

§ 160-112. Municipal curative amendment.

If the Township determines that this chapter or any portion thereof is substantially invalid, it shall follow the procedures as set forth in Section 609.2 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

§ 160-113. Appeals to court.

The procedures set forth in Article X-A of the Pennsylvania Municipalities Planning Code, Act 247, as amended, shall constitute the exclusive mode for securing review of any decision rendered pursuant to this chapter or deemed to have been made under this chapter.

ARTICLE XI
Floodplain Standards

§ 160-114. Applicability.

A. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development in an identified floodplain area (identified as a Special Flood Hazard Area [Zone A] and § 160-28 of this chapter) within the Township unless a zoning permit has been obtained from the Zoning Officer.

B. A zoning permit shall not be required for minor repairs to existing buildings or structures located in a floodplain area.

§ 160-115. Abrogation and greater restrictions.

This article supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive.

§ 160-116. Warning and disclaimer of liability.

A. The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that areas outside any identified floodplain area, or that land uses permitted within such area, will be free from flooding or flood damages.

B. This article shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

§ 160-117. General provisions.

A. This article will establish and identify those areas of the Township which are subject to flooding. The areas subject to flooding (floodplain area) are identified as Special Flood Hazard Areas (Zone A) on the Flood Insurance Rate Map (FIRM), as issued by the Federal Emergency Management Agency (FEMA), dated April 2, 2004, or most recent revision thereof, and also those areas defined as floodplain or floodplain soil pursuant to § 160-28 of this chapter. Any proposed development or new construction within the identified floodplain area shall be subject to the conditions and restrictions of the particular zoning district in which the proposed development or new construction is to be located, as well as the added restrictions and conditions placed upon such activities by this article. [Amended 3-22-2004 by Ord. No. 2004-1; 3-22-2004 by Ord. No. 2004-2]

B. Whenever proposed development or new construction is contemplated in a floodplain area, a zoning permit must be obtained pursuant to § 160-119. It is the express desire of this section to comply with all federal and state procedural standards for obtaining permits for development or construction in an identified floodplain area; in addition to complying with § 160-119, must also comply with all nonrepetitive administrative requirements listed in Article IX of this chapter.

C. The conditions, restrictions and administrative procedures required by this article apply only to proposed development of new construction in a floodplain area. Any proposed development or new construction located outside of the floodplain area shall be subject to the conditions, restrictions and administrative procedures mandated by this chapter.

D. Unless this article provides otherwise, permit fees, enforcement procedures, penalties and appeals shall be governed by the applicable articles and sections of this chapter.

§ 160-118. Definitions.

In addition to the definitions in Article II of this chapter, and for the purpose of this article, the terms, words and phrases in this § 160-118 shall have the following meanings as applied, and limited to, Article XI, Floodplain Standards:

ACCESSORY USE OR STRUCTURE -- A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

BASEMENT -- Any area of the building having its floor below ground level on all sides.

BUILDING -- A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

COMPLETELY DRY SPACE -- A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

CONSTRUCTION -- The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes. **[revised 5-24-2004 by ord. no. 2004-2]**

DEVELOPMENT -- Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

ESSENTIALLY DRY SPACE -- A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

FLOOD -- A temporary inundation of normally dry land areas.

FLOODPLAIN AREA -- A relatively flat or low land area, which is subject to partial or complete inundation from an adjoining or nearby stream, river, or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING -- Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY -- The designated area of a floodplain required to carry and discharge floodwaters of a given magnitude. For the purpose of this chapter, the floodway shall be capable of accommodating a flood of one-hundred-year magnitude.

HISTORIC STRUCTURE -- Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historical district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   (1) By an approved state program as determined by the Secretary of Interior; or
   (2) Directly by the Secretary of the Interior in states without approved programs.

IDENTIFIED FLOODPLAIN AREA -- The floodplain area specifically identified in this chapter as being inundated by the one-hundred-year flood.

LAND DEVELOPMENT -- Any of the following activities:

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

LOWEST FLOOR -- The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME -- A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days. The term includes "mobilehome" as defined in the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247, as reenacted and amended).EN

MANUFACTURED HOME PARK -- A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for nontransient use. The term includes "mobilehome" as defined in the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247, as reenacted and amended).

MINOR REPAIR -- The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

NEW CONSTRUCTION -- Structures for which the start of construction commenced on or after January 30, 1981, and includes any subsequent improvements thereto.

OBSTRUCTION, DRAINAGE -- Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, watercourse, or flood-prone area, which may impede, retard, or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

ONE-HUNDRED-YEAR FLOOD -- A flood that, on the average, is likely to occur once every 100 years (i.e., that has one-percent chance of occurring each year, although the flood may occur in any year).

PERSON -- An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

RECREATIONAL VEHICLE -- A vehicle which is:

A. Built on a single chassis;

B. Not more than 400 square feet, measured at the largest horizontal projections;

C. Designed to be self-propelled or permanently towable by a light-duty truck;

D. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOOD ELEVATION -- The one-hundred-year flood elevation plus freeboard safety factor of 1 1/2 feet.

SPECIAL PERMIT -- A special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion, of a floodplain.

STRUCTURE -- Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

SUBDIVISION -- The division or redivision of a lot, tract, or parcel of land by any means into two 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, 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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL DAMAGE -- Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT -- Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure living conditions; or

B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure"s continued designation as a "historic structure."

§ 160-119. Floodplain Permit Requirements.

A. The Zoning Officer shall issue a zoning permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.

B. Prior to the issuance of any zoning permit, the Zoning Officer shall review the application for permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended);EN the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404 (33 U.S.C. § 1334). No permit shall be issued until this determination has been made.

C. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams, Waterway and Wetlands.

D. The Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse.

§ 160-120. Application procedure and requirements.

A. Application for zoning permit for development or construction in a floodplain area shall be made, in writing, to the Zoning Officer on forms supplied by the Township. Such application shall contain the following:
   (1) Name and address of applicant.
   (2) Name and address of owner of land on which proposed construction is to occur.
   (3) Name and address of contractor.
   (4) Site location.
   (5) Listing of other permits required.
   (6) Brief description of proposed work and estimated cost.
   (7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

B. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for zoning permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:
   (1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
   (2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
   (3) Adequate drainage is provided so as to reduce exposure to flood hazards.

C. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in Subsection E) as may be required by the Zoning Officer to make the above determination:
   (1) A completed zoning permit application form.
   (2) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
      (a) North arrow, scale and date;
      (b) Topographic contour lines, if available;
      (c) All property and lot lines including dimensions and the size of the site expressed in acres or square feet;

(d) The location of all existing and proposed buildings structures, and other improvements, including the location of any existing or proposed subdivision and land development;
(e) The location of all existing streets, drives, and other accessways; and
(f) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway of water including direction and velocities.

D. Plans of all proposed buildings, structures and other improvements, shall be drawn at suitable scale showing the following:
(1) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
(2) The elevation of the one-hundred-year flood;
(3) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred-year flood;
(4) Detailed information concerning any proposed floodproofing measures;
(5) A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the one-hundred-year flood elevations, pressures, velocities, impact and uplift forces associated with the one-hundred-year flood; and such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development;
(6) Detailed information needed to determine compliance with § 160-131G, Storage, and § 160-132, Additional requirements, including:
(a) The amount, location and purpose of any materials or substances referred to in §§ 160-131G and 160-132 which are intended to be used, produced, stored or otherwise maintained on site.
(b) A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in § 160-132 during a one-hundred-year flood.
(c) The appropriate component of the Department of Environmental Protection "Planning Module for Land Development."
(d) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

E. Applicants for special permits shall provide five copies of the following items:
(1) A written request including a completed zoning permit application form.
(2) A small scale map showing the vicinity in which the proposed site is located.
(3) A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
(a) North arrow, scale and date;
(b) Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two feet;
(c) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
(d) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
(e) The location of existing bodies of water or watercourses, building structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
(f) The location of the floodplain boundary line, information and spot elevations concerning the one-hundred-year flood elevations, and information concerning the flow of water including direction and velocities;
(g) The location of all proposed buildings, structures, utilities, and any other improvements; and
(h) Any other information which the municipality considers necessary for adequate review of the application.

(4) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale, showing the following:
   (a) Sufficiently detailed architectural or engineering drawings including floor plans, sections, and exterior building elevations as appropriate;
   (b) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
   (c) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one-hundred-year flood;
   (d) Detailed information concerning any proposed floodproofing measures;
   (e) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
   (f) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
   (g) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.

(5) The following data and documentation:
   (a) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
   (b) Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one-hundred-year flood;
   (c) A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one-hundred-year flood, including a statement concerning the effects such pollution may have on human life;
   (d) A statement certified by a registered professional engineer, architect or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one-hundred-year flood elevations and flows;
   (e) A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one-hundred-year flood elevation and the effects such materials and debris may have on one-hundred-year flood elevations and flows;
   (f) The appropriate component of the Department of Environmental Protection "Planning Module for Land Development";
   (g) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
   (h) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
   (i) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one-hundred-year flood.

§ 160-121. Review of application by others.

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (i.e., Planning Commission, Municipal Engineer, county conservation district, etc.) for review and comment.

§ 160-122. Changes.

After the issuance of a zoning permit by the Zoning Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Zoning Officer for consideration.

§ 160-123. Placards.

In addition to the zoning permit, the Zoning Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the zoning permit, the date of its issuance and be signed by the Zoning Officer.

§ 160-124. Life of permit.

Work on the proposed construction and/or development shall begin within six months and shall be completed within 12 months after the date of issuance of the zoning permit or the permit shall expire unless a time extension is granted, in writing, by the Zoning Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation for basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

§ 160-125. Inspection and revocation.

A. During the construction period, the Zoning Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.

B. In the discharge of his duties, the Zoning Officer shall have the authority to enter any building, structure, premises or development in the identified flood-prone area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this article.

C. In the event the Zoning Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Zoning Officer shall revoke the zoning permit and report such fact to the Board of Supervisors for whatever action it considers necessary.

D. A record of all such inspections and violations of this article shall be maintained.

§ 160-126. Identification of floodplain areas.

The identified floodplain area shall be any area of the Township of Hilltown, subject to the one-hundred-year flood, which is identified as a Special Flood Hazard Area (Zone A) on the Flood Insurance Rate Map (FIRM) as issued by FEMA, dated June 20, 2001, and/or defined floodplain or floodplain soil pursuant to § 160-11 of this chapter.

§ 160-127. Determination of one-hundred-year flood elevation.

For the purpose of this article, the one-hundred-year flood elevation, plus a freeboard safety factor of 1 1/2 feet, measured vertically, shall be used. To determine the one-hundred-year flood elevation, the elevation at a given point on the boundary of the identified floodplain area which is nearest the construction site in

question will be used. In helping to make this necessary elevation determination other sources of data, where available, shall be used such as:

A. Corps of Engineers - Floodplain Information Reports.

B. U.S. Geological Survey - Flood Prone Quadrangles.

C. U.S.D.A., Soil Conservation Service, County Soil Surveys (Alluvial soils) or P.L. 566 Flood Information.

D. Pennsylvania Department of Environmental Protection, Flood Control Investigations.

E. Known highwater marks from past floods.

F. The soil survey of Bucks and Philadelphia Counties and all notations, references, maps and data shown thereon.

G. The municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

§ 160-128. Changes in delineation.

The delineation of any of the identified floodplain area may be revised by the Board of Supervisors where natural or manmade changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission or other qualified agency or individual documents the notification for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

§ 160-129. Boundary disputes.

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Planning Commission and any party aggrieved by this decision may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.

§ 160-130. Performance standards.

A. In the identified floodplain area, the development and/or use of any land shall be permitted provided that the development and/or use adheres to the restrictions and requirements of this and all other applicable codes and ordinances in force in the Township.

B. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one-hundred-year flood elevation.

C. The flood-carrying capacity within the altered or relocated portion of any watercourse must be maintained.

D. Within any identified floodplain area, no new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse.

E. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or improved residential structures shall be 1 1/2 feet or more above the one-hundred-year flood elevation or be floodproofed up to that height.

F. Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least 1 1/2 feet above the one-hundred-year flood elevation shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

G. Fully enclosed areas below the lowest floor that are subject to flooding shall be designated to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

§ 160-131. Design and construction standards.

The following minimum standards shall apply for all construction and development proposed to be undertaken within any identified floodplain area:

A. Fill. If fill is used, it shall:
   (1) Extend beyond at least 15 feet beyond the building line from all points;
   (2) Consist of soil or small rock materials only; sanitary landfills shall not be permitted;
   (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
   (4) Be no steeper than one vertical to two horizontal, unless substantiated data justifying steeper slopes are submitted to and approved by the zoning official;
   (5) Be used to the extent to which it does not adversely affect adjacent properties.

B. Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

C. Sanitary sewer facilities. All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems), shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

D. Water facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system, and be located and constructed to minimize or eliminate flood damages.

E. Streets. The finished elevation of proposed new streets shall be no more than one foot below the regulatory flood elevation.

F. Utilities. All utilities such as gas lines, electrical and telephone systems being placed in an identified floodplain area shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

G. Storage. All materials that are buoyant, flammable, explosive or in times of flooding could be injurious to human, animal, or plant life, and not listed in § 160-132, Additional requirements, shall be stored at or above regulatory flood elevation and/or floodproofed to the maximum extent possible.

H. Placement of buildings and structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.

I. Anchoring.
   (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
   (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.

J. Floors, walls and ceilings.
   (1) Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
   (2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
   (3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
   (4) Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.

K. Paints and adhesives.
   (1) Paints or other finishes used at or below the regulatory flood elevation shall be of "marine" or "water resistant" quality.
   (2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" quality.
   (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

L. Electrical systems and components.
   (1) Electrical water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the regulatory flood elevation.
   (2) Electrical distribution panels shall be at least three feet above the one-hundred-year flood elevation.
   (3) Separate electrical circuits shall serve lower levels and shall be dropped from above.

M. Plumbing.
   (1) Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the regulatory flood elevation.
   (2) No part of any on-site sewage disposal system shall be located within any identified floodplain area or within 50 feet of the identified floodplain area.
   (3) Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters.
   (4) All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.

§ 160-132. Additional requirements.

A. In accordance with the Pennsylvania Flood Plain Management Act and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount or radioactive substances) of any of the following materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions:

(1) Acetone.
(2) Ammonia.
(3) Benzene.
(4) Calcium carbide.
(5) Carbon disulfide.
(6) Celluloid.
(7) Chlorine.
(8) Hyrochloric acid.
(9) Hydrocyanic acid.
(10) Magnesium.
(11) Nitric acid and oxides of nitrogen.
(12) Petroleum products (gasoline, fuel oil, etc.).
(13) Phosphorus.
(14) Potassium.
(15) Sodium.
(16) Sulfur and sulfur products.
(17) Pesticides (including insecticides, fungicides, and rodenticides).
(18) Radioactive substances, insofar as such substances are not otherwise regulated.

B. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection A above shall be:
   (1) Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the one-hundred-year flood; and
   (2) Designed to prevent pollution from the structure or activity during the course of a one-hundred-year flood.

C. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Floodproofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992), or with some other equivalent watertight standard.

§ 160-133. Manufactured homes in floodplain areas.

Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:

A. Placed on a permanent foundation;

B. Elevated so that the lowest floor of the manufactured home is 1 1/2 feet or more above the elevation of the one-hundred-year flood; and

C. Anchored to resist flotation, collapse or lateral movement.

§ 160-134. Special permit provisions.

In accordance with the Department of Community and Economic Development administrative regulations implementing the Pennsylvania Flood Plain Management Act (Act 1978-166), the following obstructions and activities are prohibited if located entirely or partially within an identified floodplain area unless a special permit is issued:

A. Hospitals (public or private).

B. Nursing homes (public or private).

C. Jails or prisons.

D. New manufactured home parks and manufactured home subdivisions, and substantial improvements to such existing parks and development.

§ 160-135. Application for special permit.

Upon receipt of an application for a special permit by the Township, the following procedures shall apply in addition to those of § 160-120:

A. Within three working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Bucks County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.

B. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respects the application is deficient.

C. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for disapproval.

D. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five working days after the date of approval.

E. Before issuing the special permit, the Township shall allow the Department of Community and Economic Development 30 days after receipt of the notification by the Department to review the application and decision made by the Township.

F. If the Township does not receive any communication from the Department of Community and Economic Development during the thirty-day review period, it may issue a special permit to the applicant.

G. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the special permit.

§ 160-136. Requirements for special permit.

A. In addition to the requirements of § 160-120, the following minimum requirements shall also apply to any proposed development requiring a special permit. If there is any conflict between any of the following requirements and those in § 160-17, or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
B. No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
   (1) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:
      (a) The structure will survive inundation by waters of the one-hundred-year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one-hundred-year flood elevation.
      (b) The lowest floor elevation will be at least 1 1/2 feet above the one-hundred-year flood elevation.
      (c) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one-hundred-year flood.
   (2) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

C. All hydrologic and hydraulic analyses shall be undertaken by professional engineers or others of demonstrated qualifications, who shall certify that the technical method used correctly reflects currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community and Economic Development.

§ 160-137. Existing nonconformities in floodplain.

Structures and uses existing in any identified floodplain area prior to the enactment of this article, but which are not in compliance with these provisions, may continue to remain, provided that:

A. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall be undertaken only in full compliance with the provisions of this article.

B. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

C. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure or use within the floodway, regardless of its cost, shall comply with the requirements of § 160-130.

§ 160-138. Relief.

A. If compliance with any of the requirements of this article would result in an exceptional hardship to a prospective builder, developer or landowner, the Township may, upon request, grant relief from the strict application of the requirements.

B. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one-hundred-year flood elevation.

C. Requests for variances shall be considered by the Township, in accordance with the procedures contained in § 160-104.A and the following:
   (1) Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by special permit or to additional requirements (§ 160-132).
   (2) If granted, a variance shall involve only the least modification necessary to provide relief.
   (3) In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this article.
   (4) Whenever a variance is granted, the Township shall notify the applicant in writing that:
      (a) The granting of the variance may result in increased premium rates for flood insurance.
      (b) Such variances may increase the risks to life and property.
   (5) In reviewing any request for a variance, the Township shall consider, at a minimum, the following:
      (a) That there is good and sufficient cause.
      (b) That failure to grant the variance would result in exceptional hardship to the applicant.
      (c) That the granting of the variance will neither:
         [1] Result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense; nor
         [2] Create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
   (6) A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

(7) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred-year flood.

Table 160-22: Table of Use Regulations

	RR	CR-1	CR-2	VC	LI	HI	PC-1	PC-2	MHP	Q	AQRC
A. Agricultural Uses											
A1 Agricultural	Y	Y	Y	N	Y	Y	N	N	N	Y	Y
A2 Nursery **[rev. ord. 2010-01]**	Y	SE	SE	N	SE	SE	SE	SE	N	SE	N
A3 Intensive Agriculture	Y	N	Y	N	Y	Y	N	N	N	Y	N
A4 Forestry	Y	Y	Y	Y	Y	Y	N	N	N	Y	Y
A5 Riding Academy	Y	N	Y	N	N	N	N	N	N	N	N
A6 Kennel – Commercial	SE	N	SE	N	N	N	N	N	N	N	N
A7 Agricultural Retail	Y	N	Y	N	Y	Y	N	N	N	Y	N
A8 Farmstead	Y	N	N	N	N	N	N	N	N	N	N
B. Residential (rev. Ord. 2009-03)											
B1 Single-Family Detached	Y	Y	Y	Y	N	N	N	N	N	N	Y
B1A Conservation Mgmt Design [203]	Y	N	Y	N	N	N	N	N	N	N	N
B2 **[Reserved]**	**[Deleted May 28, 2013 by Ordinance 2013-02]**										
B3 Single-Family Detached Cluster Design	CU	Y	Y	N	N	N	N	N	N	N	N
B4 Performance Subdivision	N	Y	N	N	N	N	N	N	N	N	N
B5 Conversion	SE	SE	SE	CU	N	N	N	N	N	N	N
B6 Mobile Home Park	N	N	N	N	Y	N	Y	N	Y	N	N
B7 Retirement Village	N	Y	N	Y	N	N	Y	N	N	N	N
B8 **[Reserved]**	**[Deleted May 28, 2013 by Ordinance 2013-02]**										
B9 Age Qualified Residential Community	N	N	N	N	N	N	N	N	N	N	Y
B10 Traditional Neighborhood Development	N	N	N	CU	N	N	N	N	N	N	N
C. Institutional											
C1 Place of Worship	Y	Y	Y	Y	N	N	N	N	N	N	N
C2 School	Y	Y	Y	Y	N	N	N	N	N	N	N
C3 Commercial School	N	N	N	SE	Y	Y	Y	Y	N	N	N
C4 Library	Y	Y	Y	Y	N	N	Y	Y	N	N	N
C5 Recreational Facility	CU	CU	CU	CU	N	N	CU	CU	N	N	CU
C6 Rifle Range	SE	N	N	N	N	N	N	N	N	N	N
C7 Private Recreational Facility	Y	N	Y	Y	Y	N	Y	Y	N	N	CU
C8 Golf Course	Y	N	Y	N	Y	N	Y	Y	N	N	N
C9 Private Club	N	N	N	Y	Y	N	Y	Y	N	N	N
C10 Community Center	Y	Y	Y	N	N	N	Y	Y	N	N	N
C11 Day Nursery	SE	SE	SE	Y	N	N	Y	Y	N	N	N
C12 Hospital	Y	Y	Y	N	N	N	Y	Y	N	N	N

	RR	CR-1	CR-2	VC	LI	HI	PC-1	PC-2	MHP	Q	AQRC
C. Institutional (cont.)											
C13 Nursing Home	Y	Y	Y	Y	N	N	Y	N	N	N	N
C14 Cemetery	SE	SE	SE	N	N	N	N	N	N	N	N
C15 Funeral Home	N	N	N	Y	N	N	Y	Y	N	N	N
C16 Correctional Facility and Group Institution	N	N	N	N	N	SE	N	N	N	N	N
D. Office											
D1 Medical Office	N	N	N	Y	Y	N	Y	Y	N	N	CU
D2 Veterinary Office	Y	N	Y	N	Y	N	Y	Y	N	N	N
D3 Offices	N	N	N	Y	Y	Y	Y	Y	N	N	N
E. Retail & Consumer Services Uses											
E1 Retail Store	N	N	N	Y	N	N	Y	Y	N	N	N
E2 Large Retail Store	N	N	N	N	N	N	Y	N	N	N	N
E3 Personal Services	N	N	N	Y	N	N	Y	Y	N	N	CU
E4 Financial Establishment	N	N	N	Y	Y	N	Y	Y	N	N	N
E5 Eating Place	N	N	N	Y	Y	N	Y	Y	N	N	N
E6 Fast Food Restaurant	N	N	N	N	Y	N	Y	Y	N	N	N
E7 Repair Shop	N	N	N	Y	N	N	Y	Y	N	N	N
E8 Motel-Hotel	N	N	N	Y	Y	N	Y	N	N	N	N
E9 Entertainment	N	N	N	N	Y	N	Y	Y	N	N	N
E10 Gasoline Service Station	N	N	N	SE	Y	Y	Y	Y	N	N	N
E11 Automobile Sales	N	N	N	N	Y	N	Y	Y	N	N	N
E 12 Automobile Repair or Car Washing Facility	N	N	N	N	Y	Y	Y	Y	N	N	N
E13 Truck and Farm	N	N	N	N	Y	Y	Y	Y	N	N	N
E14 Automotive Accessories	N	N	N	N	Y	N	Y	Y	N	N	N
E16 Shopping Center	N	N	N	N	N	N	Y	N	N	N	N
E17 Commercial Conversion	N	N	N	Y	N	N	N	N	N	N	N
E18 Tavern	N	N	N	SE	N	N	Y	Y	N	N	N
E19 Indoor Athletic Club	N	N	N	N	Y	N	Y	Y	N	N	N
E20 Mini-Storage	N	N	N	N	Y	N	Y	Y	N	N	N
E21 Adult Entertainment rev. ord. 2010-02	N	N	N	N	N	SE	N	N	N	N	N
E22 Theater	N	N	N	N	N	N	CU	N	N	N	N
E23 Public Entertainment Facility	N	N	N	N	N	N	SE	N	N	N	N
E24 Outdoor Theater	N	N	N	N	N	N	N	Y	N	N	N

	RR	CR-1	CR-2	VC	LI	HI	PC-1	PC-2	MHP	Q	AQRC
F. Utilities/Community Facilities											
F1 Utilities	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
F2 Emergency Services	CU	CU	CU	CU	Y	N	Y	Y	N	N	CU
F3 Bus Station	N	N	N	SE	SE	SE	SE	SE	N	N	N
F4 Municipal Use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
F5 Airport and Airfield	Y	N	N	N	SE	SE	N	N	N	N	N
F6 Communication Towers and Cellular Telecommunications Facilities	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
G. Light Industrial											
G1 Truck Terminal	N	N	N	N	Y	N	N	N	N	N	N
G2 Research	N	N	N	N	Y	N	N	N	N	N	N
G3 Wholesale	N	N	N	N	Y	N	N	N	N	N	N
G4 Printing	N	N	N	N	Y	N	Y	Y	N	N	N
G5 Contracting	N	N	N	N	Y	N	N	N	N	N	N
G6 Fuel Storage & Distribution	N	N	N	N	N	SE	N	N	N	N	N
G7 Warehousing	N	N	N	N	Y	CU	N	N	N	N	N
G8 Crafts-Commercial/Industrial	N	N	N	N	Y	N	Y	Y	N	N	N
G9 Truck Business	N	N	N	N	Y	N	N	N	N	N	N
H. Heavy Industrial											
H1 Manufacturing	N	N	N	N	Y	Y	N	N	N	N	N
H2 Planing Mill	N	N	N	N	N	Y	N	N	N	N	N
H3 Lumber Yard	N	N	N	N	Y	Y	Y	N	N	N	N
H4 Quarry	N	N	N	N	N	N	N	N	N	Y	N
H5 Resource Recovery Facility	N	N	N	N	N	CU	N	N	N	N	N
H6 Auto Salvage	N	N	N	N	N	CU	N	N	N	N	N
H7Junkyard	N	N	N	N	N	CU	N	N	N	N	N
H8 Composting Facility	N	N	N	N	Y	Y	N	N	N	N	N
H9 Outdoor Storage	N	N	N	N	Y	CU	N	N	N	N	N
I. Accessory Uses											
I1 Home Occupation	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
I2 Resident Accessory Structure	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	CU
I3 Residential Boarding	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
I4 Nonresidential Accessory Building	N	N	N	Y	Y	Y	Y	Y	N	Y	N
I5 Outside Storage or Display	N	N	N	N	Y	CU	Y	Y	N	Y	N
I6 Temporary Structure	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	CU
I7 Off-Street Parking	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

	RR	CR-1	CR-2	VC	LI	HI	PC-1	PC-2	MHP	Q	AQRC
I. Accessory Uses (cont.)											
I8 Signs	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
I9 Kennel-Noncommercial [1]	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
I10 Recreational Vehicles	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
I11 Noncommercial Pool	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
I12 Wind Energy Conversion System	Y	Y	Y	N	Y	Y	N	N	N	N	N
I13 Radio & Television Tower	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	CU
I14 Commercial Accessory Office	N	N	N	Y	Y	Y	Y	Y	Y	N	N
I15 Accessory Retail Use	N	N	N	CU	CU	CU	CU	CU	N	N	N
I16 Bed-and-Breakfast	Y	N	Y	Y	N	N	N	N	N	N	N
I17 Residential Agricultural Use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
I18 Trade Business	C	N	C	N	N	N	N	N	N	N	N
I19 Additional Uses for Barns	See Section 160-23 I19 for specific district regulations										
I20 Place of Worship, Accessory Uses	Y	Y	Y	Y	N	N	N	N	N	N	N
I21 Solar Energy System[1]	Y	Y	Y	N	Y	Y	N	N	N	N	N

N = Not Permitted; Y = Permitted By-Right; CU = Conditional Use; SE = Special Exception

Notes:
[1]Accessory to a single-family dwelling only.

<u>Appendix A</u>
Representative Buildings
Village of Hilltown

Appendix A
Representative Buildings
Village of Blooming Glen

Appendix A
Representative Buildings
Village of Line Lexington

Appendix A
Representative Buildings
Borough of Dublin

Appendix A
Representative Buildings
Borough of Silverdale

.

NOTES:

DISPOSITION LIST
The following is a chronological listing of legislation of the Township of Hilltown adopted since the publication of the Code, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] The last legislation reviewed for the original publication of the Code was Ord. No. 2003-3, adopted 7-28-2003.
§ DL-1. Disposition of legislation.

Ord. No.	Adoption Date	Subject	Disposition
2004-1	3-22-2004	Zoning amendment	Ch. 160
2004-2	3-22-2004	Zoning amendment	Ch. 160
2004-3	5-24-2004	Uniform construction code	Ch. 65
2004-4	5-24-2004	Adoption of Code	Ch. 1, Art. I
2004-5	6-28-2004	Zoning amendment	Ch. 160
2004-6	6-28-2004	Zoning amendment	Ch. 160
2004-7	9-27-2004	Zoning Map amendment	NCM
2005-1	5-23-2005	Subdivision and land development amendment	Ch. 140

Additional amendments codified by Zoning Officer:

2005-02	Quarry Ordinance
2007-04	Bed and Breakfast Ordinance
2007-05	Buffer Yards
2007-06	AQRC Zoning District
2007-07	Accessory Farm Apartments
2007-08	Farm Unit
2007-09	Additional uses for Barns
2007-10	Impervious Surface in the RR Zoning District
2007-11	Trade Businesses
2009-01	
2011-05	
2011-06	
2013-02	Amending Cellular, Nurseries, Mobile Homes and Other Misc., Adding Correctional Facility.

Notes:

1. Amended at time of Codification, May 24, 2004

2. "EDU" abbreviation, added by Zoning Officeer January 3, 2011, for clarification only.

3. Word '**padre**' corrected to read "**PaDEP**" 10/26/2010 by Zoning Officer. Correction made in consultation with Twp. Engineer.

24. Typographic error in the advertised and adopted documents was corrected; the original language referenced section **180-94**. Chapter 180 does not exist.

25. Hilltown Township Ordinance 2007-05 revised Zoning Ordinance sections 160-33 and 160-34, and deleted section 160-35; accordingly, the section reference was revised from section 160-34 (Plant Material) to 160-33 (Buffer Yards) by Zoning Officer.

26. Type 1 buffer is equivalent to Type A buffer; a Type 2 buffer is equivalent to a Type B buffer; etc.

27. Transposition error corrected by Zoning Officer. Original reference is to section 160-44.B(b)(9)[1], which does not exist. (The ‘(b)’ and ‘(9)’ were reversed). The corrected reference is section 160-44.B(9)(b).

203. Section B of the Table of Use Regulations was revised by Ordinance 2009-03