

ORDINANCE NO. 2007 - 5

**AN ORDINANCE OF THE HILLTOWN TOWNSHIP  
BOARD OF SUPERVISORS AMENDING CHAPTER  
160, ZONING ORDINANCE, SECTION 160-33, BUFFER  
YARDS.**

The Hilltown Township Board of Supervisors upon review by the Bucks County Planning Commission and Hilltown Township Planning Commission hereby enacts and ordains the following Ordinance:

**Article I. Section 160-33. Buffer Yards** is revised to read as follows:

**§ 160-33. Buffer Yards.**

**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 stormwater detention/retention basins, structures, buildings, uses, storage of materials, or parking shall be permitted in the buffer yards. Access driveways may cross buffer yards provided that they are substantially perpendicular to the property line. Trails and sidewalks may be located at the interior edge of the required buffer, provided that the required planting is not diminished.
- (3) Where vegetation exists that can meet the objectives of the buffer requirements, it shall be preserved and may be used to meet the buffer and planting requirements. Quantities, size, species, and locations of existing materials must be shown on plans and verified by the Township. Where the Township allows existing vegetation to be counted toward meeting the buffer requirements of this Ordinance, the vegetation shall not be removed except for noxious weeds, exotic invasive species, or poison ivy and poison oak. 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, which is exclusive of the required buffer. 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; a buffer easement shall be shown on all plans.
- (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) Screened planted area: minimum width of twenty-five (25) feet, planted to meander within the buffer area.
  - (c) Berming shall be provided where 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	Size	Plant Quantities Required
Evergreens	6 to 7 feet in height	5 per 100 linear feet of buffer
Shade trees	3 to 3 ½ inch caliper	5 per 100 linear feet of buffer
Ornamental trees	flowering 8 to 10 feet in height; 2- 2 ½ inch caliper	2 per 100 linear feet of buffer
Shrubs	Minimum of 4 feet in height	25 per 100 linear feet of buffer; planted in naturalistic groupings of mixed plant varieties and sizes in masses

Shrubs (continued)			within mulched planting 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 height at maturity	maximum	250 per 100 linear feet of buffer; 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.

(2) Type 2 Buffer. Buffer design and plant material (reverse frontage buffer) shall be as follows:

- (a) Buffer width: one hundred (100) feet.
- (b) Screened 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) Berming shall be provided where 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 to 1 (horizontal to vertical).

Buffer Type 2 Planting Requirements

Plant Types	Size	Plant Quantities Required
Evergreen	6 feet to 7 feet in height	5 per 100 linear feet of buffer
Shade trees	3 – 3 ½ inch caliper	5 per 100 linear feet of buffer

Ornamental trees	flowering	8 - 10 feet in height; 2-2 ½ inch caliper	1 per 100 linear feet of buffer
Shrubs		Minimum of 4 feet in height	25 per 100 linear feet of buffer; planted in naturalistic groupings of mixed plant varieties and sizes in masses within mulched planting 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 agricultural land 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	Size		Plant Quantities Required
Shrubs	Minimum of 4 feet in height		25 per 100 linear feet of buffer; planted in naturalistic groupings of mixed plant varieties and sizes in masses within mulched planting 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 height at maturity	maximum	250 per 100 linear feet of buffer

(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

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 25 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 for specifications and acceptable trees.

F. Existing Trees in Right-of-Way - Trees in the right-of-way of Township roads, where the right-of-way belongs to the Township, shall not be removed without Township approval except within the clear sight triangle and except for the removal of dead or unhealthy trees or non-native invasive trees. All trees within the right-of-way shown on the tree inventory shall be identified on subdivision and land development plans.

G. Plant materials suitable for buffers are listed in Section 140-37.A.(9) 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, the 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.

**Article II Section 160-34. Plant Materials Table** is revised to delete Paragraph A and reletter Paragraphs B thru G as A thru F.

**Article III Section 160-35. General Buffer Yard Requirements** is deleted in its entirety.

**Article IV Repealer**

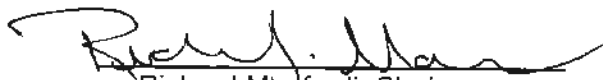
Any Ordinance or Ordinance provision of the municipality inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

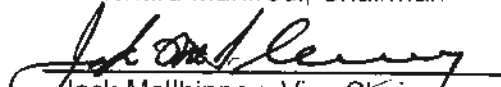
**Article V Severability**

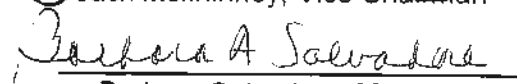
Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

ENACTED and ORDAINED at a regular meeting of the Hilltown Township Board of Supervisors on the 26<sup>th</sup> day of February, 2007. This Ordinance shall take effect immediately.

HILLTOWN TOWNSHIP  
BOARD OF SUPERVISORS

  
Richard Manfredi, Chairman

  
Jack McIlhinney, Vice Chairman

  
Barbara Salvadore, Member