

ORDINANCE NO. 89-6

AN ORDINANCE AMENDING THE HILLTOWN TOWNSHIP ZONING ORDINANCE OF 1983, AS AMENDED, PROVIDING FOR ONE (1) PRINCIPAL USE ON ANY PARCEL, PROVIDING NEW PENALTIES FOR VIOLATIONS, AND AMENDING THE ZONING MAP OF HILLTOWN TOWNSHIP TO CREATE REVISED INDUSTRIAL DISTRICTS

Preamble

The Hilltown Township Board of Supervisors, upon review by the Hilltown Township Planning Commission and the Bucks County Planning Commission, hereby adopts the following Ordinance amending the Hilltown Township Zoning Ordinance, as amended.

ARTICLE I

Section 301 Classes of Districts is hereby amended, revising subsection (d) and adding a new subsection (i) to read as follows:

Section 301(d) HI District - Heavy Industrial

Section 301(i) LI District - Light Industrial

ARTICLE II

Section 304 Statement of Purpose and Intent for the District is hereby amended, revising subsection A.2. and adding a new subsection A.5. to read as follows:

Section 304 A.2. Heavy Industrial (HI) - The purpose of this district is to encourage Heavy Industrial manufacturing and resource recovery uses. Tracts of land shall be on internal streets. The intent is to encourage high quality industrial development.

Section 304 A.5. Light Industrial (LI) - This district is intended to regulate commercial office and laboratory uses related to industrial types of activity. The intent is to encourage high quality industrial development which relates

to adjacent residential areas as a good neighbor, with design standards that avoid adverse impact on neighboring residential uses.

ARTICLE III

Section 400 Applicability of Regulations is hereby amended and revised to read as follows:

Section 400 Applicability of Regulations

Except as provided by law or in this Ordinance, in each District no building, structure, or land shall be used or occupied except for the purposes permitted in Section 404 and for the zoning districts so indicated, except that in the Planned Commercial-2 District (PC-2), only one (1) principal use shall be permitted on any property, parcel, lot or tract of land.

ARTICLE IV

Section 404 - Table of Use Regulations is hereby amended, replacing the PI column designation with the new HI and LI district designations, and adding a new subsection I. to read as follows:

Section 404 Table of Use Regulations

| | | <u>CR</u> | <u>RR</u> | <u>VC</u> | <u>HI</u> | <u>LI</u> | <u>PC-1</u> | <u>PC-2</u> | <u>MHP</u> | <u>Q</u> |
|----|--------------------------|-----------|-----------|-----------|-----------|-----------|-------------|-------------|------------|----------|
| A. | <u>Agricultural Uses</u> | | | | | | | | | |
| A1 | Agricultural | Y | Y | N | Y | Y | N | N | N | Y |
| A2 | Nursery | Y | Y | Y | Y | Y | N | N | N | Y |
| A3 | Intensive Agriculture | N | Y | N | Y | Y | N | N | N | Y |
| A4 | Forestry | CU | CU | CU | CU | CU | N | N | N | CU |
| A5 | Riding Academy | N | Y | N | N | N | N | N | N | N |
| A6 | Kennel | N | SE | N | N | N | N | N | N | N |
| A7 | Agricultural Retail | N | Y | N | Y | Y | N | N | N | Y |
| A8 | Farm Unit | N | Y | N | N | N | N | N | N | N |

| | | <u>CR</u> | <u>RR</u> | <u>VC</u> | <u>HI</u> | <u>LI</u> | <u>PC-1</u> | <u>PC-2</u> | <u>MHP</u> | <u>Q</u> |
|-----|---|-----------|-----------|-----------|-----------|-----------|-------------|-------------|------------|----------|
| B. | <u>Residential</u> | | | | | | | | | |
| B1 | Single-family | | | | | | | | | |
| | Detached | Y | Y | Y | N | N | N | N | N | N |
| B2 | Mobile Home | Y | N | Y | N | N | N | N | Y | N |
| B3 | Single-family | | | | | | | | | |
| | Detached Cluster | Y | Y | N | N | N | N | N | N | N |
| B4 | Performance Sub- | | | | | | | | | |
| | division | Y | N | Y | N | N | N | N | N | N |
| B5 | Conversion | Y | Y | Y | N | N | N | N | N | N |
| B6 | Mobile Home Park | N | N | N | N | N | N | N | Y | N |
| B7 | Retirement Village | Y | N | Y | N | N | N | N | N | N |
| B8 | Group Home | Y | Y | N | N | N | N | N | N | N |
| C. | <u>Institutional</u> | | | | | | | | | |
| C1 | Place of Worship | Y | Y | Y | N | N | N | N | N | N |
| C2 | School | Y | Y | Y | N | N | N | N | N | N |
| C3 | Commercial School | N | N | SE | Y | Y | Y | Y | N | N |
| C4 | Library | Y | Y | Y | N | N | Y | Y | N | N |
| C5 | Recreational | | | | | | | | | |
| | Facility | Y | Y | Y | N | N | Y | Y | N | N |
| C6 | Rifle Range | N | SE | N | N | N | N | N | N | N |
| C7 | Private Recrea- | | | | | | | | | |
| | tional Facility | N | Y | Y | N | Y | Y | Y | N | N |
| C8 | Golf Course | N | Y | N | N | Y | Y | Y | N | N |
| C9 | Private Club | N | N | Y | N | Y | Y | Y | N | N |
| C10 | Community Center | Y | Y | N | N | N | Y | Y | N | N |
| C11 | Day Nursery | SE | SE | Y | N | N | Y | Y | N | N |
| C12 | Hospital | Y | Y | N | N | N | Y | Y | N | N |
| C13 | Nursing Home | Y | Y | Y | N | N | N | N | N | N |
| C14 | Cemetary | SE | SE | N | N | N | N | N | N | N |
| C15 | Funeral Home | N | N | Y | N | N | Y | Y | N | N |
| D. | <u>Office</u> | | | | | | | | | |
| D1 | Medical Offices | N | N | Y | N | Y | Y | Y | N | N |
| D2 | Veterinary Office | N | Y | N | N | Y | Y | Y | N | N |
| D3 | Offices | N | N | Y | Y | Y | Y | Y | N | N |
| E. | <u>Retail & Consumer Service Uses</u> | | | | | | | | | |
| E1 | Retail | N | N | Y | N | N | Y | Y | N | N |
| E2 | Large Retail | | | | | | | | | |
| | Stores | N | N | N | N | N | Y | N | N | N |
| E3 | Personal Services | N | N | Y | N | N | Y | Y | N | N |

| | | <u>CR</u> | <u>RR</u> | <u>VC</u> | <u>HI</u> | <u>LI</u> | <u>PC-1</u> | <u>PC-2</u> | <u>MHP</u> | <u>Q</u> |
|-----|---|-----------|-----------|-----------|-----------|-----------|-------------|-------------|------------|----------|
| E4 | Financial Estab- lishment | N | N | Y | N | Y | Y | Y | N | N |
| E5 | Eating Place | N | N | Y | N | Y | Y | Y | N | N |
| E6 | Fast Food | N | N | N | N | Y | Y | Y | N | N |
| E7 | Repair Shop | N | N | Y | N | N | Y | Y | N | N |
| E8 | Motel-Hotel | N | N | Y | N | Y | Y | N | N | N |
| E9 | Entertainment | N | N | N | N | Y | Y | Y | N | N |
| E10 | Service Station | N | N | SE | Y | Y | Y | Y | N | N |
| E11 | Automobile Sales | N | N | N | N | Y | Y | Y | N | N |
| E12 | Automobile Repair or Car Washing Facility | N | N | N | Y | Y | Y | Y | N | N |
| E13 | Truck Sales | N | N | N | Y | Y | Y | Y | N | N |
| E14 | Automotive Acces- sories | N | N | N | N | Y | Y | Y | N | N |
| E15 | Specialty Shopping Center | N | N | N | N | N | Y | Y | N | N |
| E16 | Shopping Center | N | N | N | N | N | Y | N | N | N |
| E17 | Conversion | N | N | Y | N | N | N | N | N | N |
| E18 | Tavern | N | N | SE | N | N | Y | Y | N | N |
| E19 | Convenience Shopping | Y | N | Y | N | N | Y | Y | N | N |
| E20 | Indoor Athletic Club | N | N | N | N | Y | Y | Y | N | N |
| E21 | Mini Storage | N | N | N | N | Y | Y | Y | N | N |
| E22 | Adult Store | N | N | N | N | N | SE | N | N | N |
| E23 | Theatre | N | N | N | N | N | N | SE | N | N |
| E24 | Public Entertain- ment Facility | N | N | N | N | N | SE | N | N | N |
| E25 | Outdoor Theatre | N | N | N | N | N | N | Y | N | N |
| F. | <u>Utilities</u> | | | | | | | | | |
| F1 | Utilities | C | C | C | C | C | C | C | C | C |
| F2 | Emergency Service | SE | SE | SE | N | Y | Y | Y | N | N |
| F3 | Terminal | N | N | SE | SE | SE | SE | SE | N | N |
| G. | <u>Heavy Industrial</u> | | | | | | | | | |
| G1 | Manufacturing | N | N | N | Y | Y | N | N | N | N |
| G2 | Planning Mill | N | N | N | Y | N | N | N | N | N |
| G3 | Lumber Yard | N | N | N | Y | Y | Y | N | N | N |
| G4 | Quarry | N | N | N | N | N | N | N | N | Y |
| G5 | Resource Recovery Facility | N | N | N | SE | N | N | N | N | N |

| | | <u>CR</u> | <u>RR</u> | <u>VC</u> | <u>HI</u> | <u>LI</u> | <u>PC-1</u> | <u>PC-2</u> | <u>MHP</u> | <u>Q</u> |
|-----|--------------------------------------|-----------|-----------|-----------|-----------|-----------|-------------|-------------|------------|----------|
| H. | <u>Light Industrial</u> | | | | | | | | | |
| H1 | Truck Terminal | N | N | N | N | Y | N | N | N | N |
| H2 | Research | N | N | N | N | Y | N | N | N | N |
| H3 | Wholesale | N | N | N | N | Y | N | N | N | N |
| H4 | Printing | N | N | N | N | Y | Y | Y | N | N |
| H5 | Contracting | N | N | N | N | Y | N | N | N | N |
| H6 | Fuel Storage & Distribution | N | N | N | SE | N | N | N | N | N |
| H7 | Warehousing | N | N | N | N | Y | N | N | N | N |
| H8 | Crafts-Commercial | N | N | N | N | Y | Y | Y | N | N |
| H9 | Truck and/or Bus Storage Facility | N | N | N | N | Y | N | N | N | N |
| H10 | Trucking Business | N | N | N | N | Y | N | N | N | N |
| I. | <u>Accessory Uses</u> | | | | | | | | | |
| I1 | Home Occupation | Y | Y | Y | Y | Y | Y | Y | Y | N |
| I2 | Accessory Office | Y | Y | Y | Y | Y | Y | Y | Y | N |
| I3 | Residential Acces- sory Building | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| I4 | Boarding | Y | Y | Y | Y | Y | Y | Y | Y | N |
| I5 | Accessory Build- ing | N | N | Y | Y | Y | Y | Y | N | Y |
| I6 | Outside Storage or Display | N | N | N | Y | Y | Y | Y | N | Y |
| I7 | Temporary Structure | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| I8 | Off-Street Parking | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| I9 | Signs | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| I10 | Junk Yards | N | N | N | SE | SE | N | N | N | N |
| I11 | Recreation Vehicle | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| I12 | Non-Commercial Pool | Y | Y | Y | Y | Y | Y | Y | Y | Y |
| I13 | Wind Energy Con- version System | Y | Y | Y | Y | Y | Y | Y | Y | N |
| I14 | Radio & Tele- vision Tower | Y | Y | Y | Y | Y | Y | Y | Y | Y |

ARTICLE V

Section 405 Use Regulations is hereby amended, revising and relettering the following subsections:

G2 Research is revised to H2 Research.

G3 Wholesale is revised to H3 Wholesale.

- G4 Printing is revised to H4 Printing.
- G5 Contracting is revised to H5 Contracting.
- G6 Truck Terminal is revised to H1 Truck Terminal.
- G7 Crafts-Commercial/Industrial is revised to H8 Crafts-Commercial/Industrial.
- G8 Planning Mill is revised to G2 Planning Mill.
- G9 Lumber Yard is revised to G3 Lumber Yard.
- G10 Fuel Storage and Distribution is revised to H6 Fuel Storage and Distribution.
- G11 Warehousing is revised to H7 Warehousing.
- G12 Quarry is revised to G4 Quarry.
- G13 Trash Transfer Station is revised to G5 Resource Recovery Facility.
- G14 Truck and/or Bus Storage Facility is revised to H9 Truck and/or Bus Storage Facility.
- G15 Trucking Business is revised to H10 Trucking Business.

ARTICLE VI

Section 405 Use Regulations, subsection G5 is further amended and revised to read as follows:

Section 405 G5 Resource Recovery Facility

G5 Resource Recovery Facility

A facility or land that is used for any one or a combination of the following:

(a) Related definitions:

(1) Composting Facility: A facility for the composting of the organic matter in municipal solid waste.

(2) Incinerator: A facility designed to reduce municipal solid waste by combustion.

This use may or may not include heat exchange equipment for energy recovery.

(3) Material Separation and/or Refuse Derived Fuel (RDF) Facility: The extraction of materials from municipal solid waste for recycling or for use as refuse derived fuel (RDF).

(4) Municipal Solid Waste: The unseparated and/or unprocessed combination of residential and commercial solid waste materials generated in a municipality.

(5) Recycling Facility: A business that accumulates material such as paper, glass, aluminum and/or plastic that is no longer useful for its intended purpose. The materials are then sold to another business as a raw material which can be used to manufacture a new product.

(6) Transfer Station: A facility 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 station may include the separation and collection of material for the purpose of recycling.)

(b) Minimum Lot area:

(1) Five (5) acres for composting facilities, material separation and/or refuse derived fuel (RDF) facility, municipal solid waste facility and recycling facility.

(2) Ten (10) acres for incinerator and transfer station.

(c) Any such use shall be a minimum of one hundred (100) feet from any public road as measured from the ultimate right-of-way of the road and one hundred (100) feet from any property line. Additionally, an incinerator or transfer station shall be a minimum of two hundred (200) feet from any residential zoning district or occupied residential dwelling unit.

(d) Truck and equipment parking and/or storage areas shall be a minimum of one hundred (100) feet from any property line.

(e) 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 Resources (PaDER) and the provisions of this Ordinance. In the event that any of the provisions of this Ordinance are less restrictive than any present or future Rules or Regulations of PaDER, the more restrictive PaDER regulations shall supersede and control.

(f) 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 barricade shall be at least six (6) feet high and shall be kept in good repair and neatly painted in a uniform color.

(g) Unloading of municipal solid waste shall be continuously supervised by a facility operator.

(h) Hazardous waste as included on the list of hazardous waste maintained by the Department of Environmental Resources shall not be disposed of in a resource recovery facility.

(i) Litter control shall be exercised to confine blowing litter to the work area and a working plan for clean up of litter shall be submitted to the municipality. To control blowing paper, there shall be erected a fence having a minimum height of six (6) feet, with openings not more than three inches by three inches (3" x 3") along all boundaries. The entire area shall be kept clean and orderly.

(j) All parts of the process-unloading, handling and storage of municipal solid waste-shall

occur within an enclosed building. However, certain separated recyclable materials like glass, aluminum, and other metals may be stored outdoors.

(k) The storage of paper shall be within a building or other appropriate structure.

(l) Any materials stored outdoors shall be properly screened so as not to be visible from any adjacent streets or property.

(m) No material shall be placed or deposited to a height greater than the height of the fence or wall herein prescribed.

(n) 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 seventy-two (72) hours.

(o) A contingency plan for disposal of municipal solid waste during a plant shutdown must be submitted to the municipality and approved by the governing body.

(p) 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 PaDER 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 Pennsylvania Department of Environmental Resources' regulations.

(q) 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 process waste shall be located at least one hundred fifty (150) feet from any property line and stored in leak proof and vector proof containers. Such process waste shall be disposed of in a sanitary landfill approved by PaDER or in another manner approved by PaDER.

(r) A dense evergreen buffer shall be provided on the outside perimeter of the fenced area. Evergreens shall be four (4) to five (5) feet in height and planted on ten (10) foot staggered centers. In addition, the buffer requirements of Section 1705 of this Ordinance shall be met.

(s) Solid waste landfill operations and open burning of any materials are prohibited.

(t) The nuisance standards of Article V of this Ordinance shall be met by all resource recovery uses.

(u) A traffic impact study and certification of water availability from the appropriate authority are required.

(v) A zoning permit shall be obtained on an annual basis.

(w) Compliance with the Bucks County Municipal Waste Plan pursuant to Act of July 28, 1988, No. 101 is required.

(x) Municipal water and sewer is required.

ARTICLE VII

Section 405 Use Regulations is further amended, revising subsections H1 through H14, and relettering each respective use with a I designation.

Section 535 Open Space Designation is hereby amended, revising the last sentence of the opening paragraph to read as follows:

Section 535 Open Space Designation

In designating use and maintenance, the following classes may be used, provided, however, that not less than twenty-five percent (25%) of the open space shall be designated for specific recreational uses in single family cluster subdivisions (B3) and performance standard subdivisions (B4) proposed for the Country Residential (CR)

District. Additionally, no part of any open space may be used for stormwater management detention basins.

ARTICLE VIII

The Zoning Map of Hilltown Township is hereby amended, creating a new Heavy Industrial District (HI) as shown on the attached Exhibit "A", and creating a new Light Industrial District (LI) as shown on the attached Exhibit "B".

ARTICLE IX

Section 1102 Fines and Penalties, as amended by Ordinance No. 88-6, is hereby revised to read as follows:

Section 1102 Enforcement Remedies and Procedure

(a) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township in District Justice Court, pay judgment of Five Hundred Dollars (\$500.00) 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 Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) 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.

(b) Enforcement proceedings against violations of the Zoning Ordinance shall be commenced by sending an enforcement notice as provided in this section.

(1) The enforcement notice shall be sent to the owner of record 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.

(2) An enforcement notice shall state the following: (i) the name of the owner of record and any other person against whom the Township intends to take action, (ii) the location of the property in violation, (iii) the specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the Ordinance, (iv) that the violator must commence steps to come into compliance within five (5) days of the date of the notice, and must be in full compliance within thirty (30) days of the date of the notice, (v) that the recipient of the notice has a right to appeal to the Zoning Hearing Board within thirty (30) days of the notice, (vi) that the 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.

ARTICLE X

All ordinances or parts of ordinances which are inconsistent herewith are repealed to the extent of such inconsistency.

ARTICLE XI

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, such infirmity shall not affect or impair the remaining provisions, sentences, clauses, sections, or parts of this Ordinance.

SO ORDAINED AND ENACTED this 31st day of July,
A.D., 1989.

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS

Robert H. [Signature]
Beth A. Kelly
[Signature]

