



95-2

HILLTOWN TOWNSHIP

ZONING ORDINANCE OF 1995

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This ordinance was prepared for, and duly adopted by, the Hilltown Township Board of Supervisors in accordance with Article VI of the Pennsylvania Municipalities Planning Code, ACT 247 of 1968, as amended, and amends the Hilltown Township Zoning Ordinance of 1983, as amended.

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
ARTICLE I TITLE, PURPOSE AND JURISDICTION	
100 Title.....	1
101 Short Title.....	1
102 Purpose.....	1
103 Interpretation.....	2
104 Severability.....	3
105 Effective Date of Ordinance.....	4
106 Repealer.....	4
107 Uniformity of Application.....	4
108 Application of Regulations.....	4
ARTICLE II DEFINITIONS	
200 General.....	5
201 Definitions of Words, Terms and Phrases.....	5
ARTICLE III ESTABLISHMENT OF DISTRICTS	
300 Establishment of Districts.....	31
301 Classes of Districts.....	31
302 Official Zoning Map.....	32
303 Interpretation of District Boundaries.....	32
304 Statement of Purpose and Intent of Districts...	33
OFFICIAL ZONING MAP (After Page).....	36
ARTICLE IV USE REGULATIONS	
400 Applicability of Regulations.....	37
401 Use Type Classifications.....	37
402 Uses Subject to Additional Regulations.....	37
403 Accessory and Temporary Uses and Structures....	38
404 Airport Hazard Regulations.....	38
405 TABLE OF USE REGULATIONS.....	42
406 Use Type Regulations.....	44
A Agricultural and Horticultural.....	44
B Residential.....	48
C Religious, Educational, Recreational and Institutional.....	65
D Office.....	71
E Retail and Consumer Services.....	72
F Common Carriers, Public Utilities, Community Facilities, and Public Service Organizations.....	84
G Light Industrial.....	86
H Heavy Industrial.....	88
I Accessory Uses.....	94

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
ARTICLE I TITLE, PURPOSE AND JURISDICTION	
100 Title.....	1
101 Short Title.....	1
102 Purpose.....	1
103 Interpretation.....	2
104 Severability.....	3
105 Effective Date of Ordinance.....	4
106 Repealer.....	4
107 Uniformity of Application.....	4
108 Application of Regulations.....	4
ARTICLE II DEFINITIONS	
200 General.....	5
201 Definitions of Words, Terms and Phrases.....	5
ARTICLE III ESTABLISHMENT OF DISTRICTS	
300 Establishment of Districts.....	31
301 Classes of Districts.....	31
302 Official Zoning Map.....	32
303 Interpretation of District Boundaries.....	32
304 Statement of Purpose and Intent of Districts...	33
OFFICIAL ZONING MAP (After Page).....	36
ARTICLE IV USE REGULATIONS	
400 Applicability of Regulations.....	37
401 Use Type Classifications.....	37
402 Uses Subject to Additional Regulations.....	37
403 Accessory and Temporary Uses and Structures....	38
404 Airport Hazard Regulations.....	38
405 TABLE OF USE REGULATIONS.....	42
406 Use Type Regulations.....	44
A Agricultural and Horticultural.....	44
B Residential.....	48
C Religious, Educational, Recreational and Institutional.....	65
D Office.....	71
E Retail and Consumer Services.....	72
F Common Carriers, Public Utilities, Community Facilities, and Public Service Organizations.....	84
G Light Industrial.....	86
H Heavy Industrial.....	88
I Accessory Uses.....	94

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
ARTICLE V PERFORMANCE STANDARDS	
500 Compliance.....	107
501 Site Capacity Calculations.....	107
502 PERFORMANCE STANDARDS: BULK AND AREA.....	110
503 NON-RESIDENTIAL MINIMUM YARD AND LOT	
WIDTH REQUIREMENTS.....	111
504 Environmental Performance Standards.....	111
505 Sewage Treatment and Disposal, Private.....	113
506 Sewage Treatment, Public.....	113
507 Public Water Supply Extension Requirements....	113
508 New Development Water Systems.....	113
509 Buffer Yards.....	115
510 Plant Materials Table.....	119
511 General Buffer Yard Requirements.....	121
512 Noise.....	122
513 Smoke.....	124
514 Dust, Fumes, Vapors and Gases.....	125
515 Heat.....	125
516 Odor.....	125
517 Glare.....	125
518 Vibrations.....	125
519 Storage and Waste Disposal.....	125
520 Quarry Performance Standards.....	126
521 Floodplain Performance Standards.....	131
522 Parking Standards.....	131
523 Reduction in Non-Residential Parking	
Requirements.....	133
524 Off-Street Loading.....	133
525 Lot Area and Yard Requirements.....	134
526 Minimum Lot Size.....	135
527 Minimum Lot Width.....	135
528 Yard Modifications.....	136
529 Projection Into Yards.....	136
530 Accessory Buildings in Yards.....	136
531 Fences and Terraces in Yards.....	136
532 Height.....	136
533 General Open Space and Municipal Land.....	137
534 Layout of Open Space in CR, RR,	
and VC Districts.....	137
535 Municipal Use and Open Space Designation.....	137
536 Municipal Use/Open Space Performance Bond.....	138
537 Conveyance/Maintenance of Open Space Lands....	138
ARTICLE VI NONCONFORMING USES AND STRUCTURES	
600 Continuation.....	141
601 Expansion or Alteration.....	141
602 Discontinued Use/Abandonment.....	142
603 Changes in Nonconforming Uses.....	142

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
604 Building Destroyed.....	143
605 Building Condemned.....	143
606 Signs.....	143
607 Displacement.....	143
608 Registration of Nonconforming Uses.....	143
 ARTICLE VII SIGNS	
700 Scope and Applicability.....	144
701 Locations of Signs.....	144
702 Types of Signs.....	144
703 Signs Prohibited in All Districts.....	145
704 Exceptions and Relief.....	145
705 Area Regulations.....	146
706 General Regulations.....	146
707 Signs Permitted in CR, RR and MHP Districts...	147
708 Signs Permitted in PC,VC,Q and PI Districts...	149
709 Permit Requirements for Signs.....	151
 ARTICLE VIII ADMINISTRATION AND ENFORCEMENT	
800 Zoning Officer: Powers and Duties.....	153
801 Planning Commission: Powers and Duties.....	154
802 Zoning Permit Requirements.....	156
803 Zoning Permit Application.....	156
804 Permits and Occupancy Certificates.....	157
805 Fees.....	158
806 Fines and Penalties.....	158
807 Time Limitation After Zoning Change.....	159
808 Enforcement Remedies.....	159
809 Enforcement Notice.....	159
810 Complaints and Violations.....	160
811 Conditional Uses.....	160
 ARTICLE IX ZONING HEARING BOARD	
900 Establishment of the Board.....	162
901 Membership, Terms of Office.....	162
902 Alternate Members.....	162
903 Organization of Board.....	162
904 Persons Entitled to Initiate Action.....	163
905 Manner of Initiating Action.....	164
906 Time Limitations.....	164
907 Mediation Option.....	164
908 Hearings.....	165
909 Powers and Duties of Board.....	168
910 Validity Challenge.....	170
911 Expiration.....	171

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
ARTICLE X AMENDMENTS AND APPEALS	
1000 Power of Amendment.....	172
1001 Public Hearing.....	172
1002 Private Petition for Amendment.....	172
1003 Submission to Planning Agencies.....	174
1004 Curative Amendment, Private.....	175
1005 Curative Amendment, Municipal.....	175
1006 Appeals to Court.....	175
ARTICLE XI FLOODPLAIN STANDARDS	
1100 Applicability.....	176
1101 Abrogation and Greater Restrictions.....	176
1102 Warning and Disclaimer of Liability.....	176
1103 General Provisions.....	176
1104 Floodplain Standard Definitions.....	177
1105 Floodplain Permit Requirements.....	179
1106 Application Procedure and Requirements.....	179
1107 Review by Others.....	183
1108 Changes.....	184
1109 Placards.....	184
1110 Life of Permit.....	184
1111 Inspection and Revocation.....	184
1112 Identification of Floodplain Areas.....	185
1113 Determination of Flood Elevation.....	185
1114 Changes in Delineation.....	185
1115 Boundary Disputes.....	186
1116 Performance Standards.....	186
1117 Design and Construction Standards.....	187
1118 Additional Requirements.....	189
1119 Mobile Homes in Floodplain Areas.....	190
1120 Special Permit Provisions.....	191
1121 Application for Special Permit.....	191
1122 Requirements for a Special Permit.....	192
1123 Existing Non-Conformities in Floodplain.....	193
1124 Relief.....	193
EFFECTIVE DATE OF ORDINANCE.....	195

ARTICLE I TITLE, PURPOSE AND JURISDICTION

100. Title

"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."

101. Short Title

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

102. Purpose

The purpose of this Ordinance 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:

1. Encouraging the most appropriate use of land.
2. 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.
3. 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.
4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

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

10. Providing adequate light and air.

11. Protecting the current and future tax base.

12. Securing economy in local government expenditures, and

13. Supporting the Development Area concept.

103. Interpretation

In interpreting and applying the provisions of this Ordinance, 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 Ordinance the following provisions shall apply:

1. Whenever any regulations made under authority of this Ordinance 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 Ordinance shall govern.

2. 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 Ordinance, the provisions of such statute shall govern.

3. This Ordinance 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 Ordinance, or any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.

4. Those provisions in the Hilltown Township "Subdivision and Land Development Ordinance" concerned with varying design standards shall not be considered to be in conflict with the provisions of this Ordinance.

5. When a legitimate proposed use is not specifically listed in Section 405, 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.

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 Ordinance and the following standards:

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.

104. Severability

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

1. If a court of competent jurisdiction declares any provisions of this Ordinance 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 Ordinance shall continue to be separately and fully effective.

2. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance 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.

105. Effective Date of Ordinance

This Ordinance shall become effective five (5) 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.

106. 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 Ordinance, are hereby amended. This Ordinance does not repeal provisions of other laws or ordinances except those specifically or implicitly repealed by this Ordinance. 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 Ordinance has been overcome.

107. Uniformity of Application

The regulations of this Ordinance 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.

108. Application of Regulations

Hereinafter, there shall be no change of the use of any land, structure or 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 Ordinance as herein provided.

ARTICLE II

DEFINITIONS

200. General

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

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

2.1 Words used in the present tense include the future.

2.2 The singular includes the plural.

2.3 The word "person" includes a corporation, partnership, and association as well as the individual.

2.4 The word "lot" includes the word "plot", "parcel" or "tract."

2.5 The term "shall" is mandatory.

2.6 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."

2.7 The word "Commission" and the words "Planning Commission" always mean the Hilltown Township Planning Commission.

2.8 The word "Board" or the words "Zoning Hearing Board" always mean the Hilltown Township Zoning Hearing Board.

3. Any word, term or phrase used in this Ordinance, 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.

201. Definitions of Words, Terms and Phrases

1. **Access:** A way or means of approach to provide physical entrance to a lot.

2. **Accessory Building:** (See Building, Accessory).

3. **Accessory Use:** (See Use, Accessory)

4. **Acre:** A measure of land area containing 43,560 square feet.

5. **Agricultural Soils:** (See Soils, Agricultural)

6. **Airport:** Any area of land or water which is used or intended to be used, for the landing and take-off of aircraft.
7. **Airport Elevation:** The highest point of an airports usable land area measured in feet above mean sea level.
8. **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.
9. **Alterations:** As applied to a building or structure, a change or re-arrangement 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.
10. **Applicant:** A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.
11. **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, or the approval of a subdivision plot or plan or for the approval of a land development plan.
12. **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 Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
13. **Area, Lot:** The area contained within the property lines of the individual parcels of land shown on a subdivision plan or required by this Ordinance. 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 Section 501, Site Capacity Calculations and Section 502, Table of Performance Standards.

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 flood plains, flood plain soils, lakes, ponds, water courses 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 non-residential uses, the proposed lot area shall contain an area of at least the minimum lot size, as specified in Section 502, which shall not contain any of these noted natural features.

Lots with natural features must comply with the requirements of Section 504 Environmental Performance Standards when the lot is developed.

14. 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 Ordinance, nor any such floor space intended and designed for accessory heating and ventilating equipment.

15. 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.

16. 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 Ordinance shall be measured in dBA.

17. Basement: A story partly underground, but having one half 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 6'8". 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 (4) feet, or if used for business or dwelling purposes.

18. Billboard Sign: Any freestanding sign over thirty-two (32) square feet but not to exceed one hundred (100) square feet which directs attention to a person, business or profession, or home occupation not conducted on the same lot.

19. 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.

20. **Board of Supervisors:** The Governing Body of the Township of Hilltown granted jurisdiction under Article V of the Municipalities Planning Code, Act 247, as amended, of the Commonwealth of Pennsylvania.

21. **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 Ordinance not as a roomer, boarder or lodger but as a guest of a commercial lodging establishment (motel, hotel, tourist home).

22. **Buildable Area:** (See Building Envelope)

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

24. **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.

25. **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.

26. **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.

27. **Building, Height:** The vertical distance of a building measured from the average elevation of the proposed finished grade within twenty feet of the front of the structure to the highest point of the roof, not including church steeples, clock towers and silos.

28. **Building Inspector:** That individual designated by the Board of Supervisors to enforce the provisions of the building code.

29. **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.

30. **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.

31. **Building Restriction Line:** (See Building Setback Line)

32. **Business:** Shall include commercial, industrial, and professional activity.

33. **Cellar:** A space partly underground and having more than one half 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 6'8". 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.

34. **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.

35. **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 E-1 type use to an E-2 type use as described within Table 405 herein.

36. **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.

37. **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.

38. **Common Open Space:** (See Open Space, Common)

39. **Community Facility:** (See Use, Municipal)

40. **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.

41. **Condominium:** 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.

A condominium is a building or group of building units which have

all of the following characteristics:

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

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

(c) 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. L.S.A., Section 3101 et seq.1, and in accordance with the provisions for open space, roads or other development features in the zoning ordinance and subdivision and land development regulations.

42. **Construction, New:** Construction pursuant to a valid building permit issued subsequent to the enactment of Ordinance 87-2 adopted May 5, 1987.

43. **Construction Permit:** (See Permit, Building)

44. **Consumer:** Shall include 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.

45. **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.

46. **Conversion:** The change in the use of land or a structure.

47. **Corner Lot:** (See Lot, Corner)

48. **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.

49. **Critical Area:** (See Environmentally Sensitive Area)

50. **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).

51. **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.

52. **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).

53. **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).

54. **Density Net:** This is the maximum density permitted on the buildable portion of the site, as determined in Section 501. All tracts of land within a district may be developed to the same net density. Net density is calculated by dividing the total number of dwelling units by the Net Buildable Site Area (Section 501). This density controls actual site capacity and development.

55. **Determination:** 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;

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

56. **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.

57. **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 Ordinance shall mean the written and graphic materials referred to in this definition.

58. **Development Regulation:** Zoning, subdivision, site plan, official map, floodplain regulation or other governmental regulation over the use and development of land.

59. **District:** A part, zone or geographical area within the municipality within which certain and specific land use, zoning and/or development regulations apply uniformly.

60. **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.
61. **Drainageway, Natural:** Any natural waterway or watercourse, formed to carry over land stormwater and are typically referred to as swales and/or intermittent streams.
62. **Driveway:** A private vehicular way providing access to parking spaces, a garage, dwelling or other structure.
63. **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.
64. **Dwelling, Multi-Family:** A dwelling containing more than two dwelling units.
65. **Dwelling, Patio House:** A single-family dwelling on a separate lot which is fully enclosed to create a court.
66. **Dwelling, Single-Family:** A building containing one dwelling unit.
67. **Dwelling, Single-Family Attached:** A single-family dwelling attached to two or more single-family dwellings by common vertical walls.
68. **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.
69. **Dwelling, Single-Family Semi-Detached:** 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.
70. **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.
71. **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.

72. **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.

73. **Easement, Conservation:** An easement precluding future or additional development of a lot, parcel or tract of land, generally for a finite period of time.

74. **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.

75. **Electric Substation:** (See Utilities)

76. **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.

77. **Egress:** An exit

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

79. **Environmental Impact Assessment:** A detailed report of the geo-physical effect that a development proposal may have on the natural environment, including methods and techniques for mitigating any potentially adverse consequences of said development.

80. **Environmentally Sensitive Area:** An area with one or more of the following characteristics: (1) slopes in excess of eight (8) percent; (2) Floodplains and/or alluvial soils; (3) Hydric soils; (4) Soils classified as highly erodible or corrosive; (5) land incapable of meeting percolation requirements; (6) land formerly used for landfill operations or hazardous industrial uses; (7) geologic fault areas; (8) stream corridors; (9) mature stands of native vegetation; (10) aquifer recharge and discharge areas.

81. **Equivalent Dwelling Unit:** (See Hilltown Township Water and Sewer Authority Regulations)

82. **Establishment:** An economic unit, generally at a single physical location, where business is conducted or services or industrial operations are performed.

83. **Excavation:** The removal or recovery by any means what-so-ever 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.

84. **Existing Use:** The use of a lot or structure at the time of the enactment of this Ordinance.

85. **Family:** One or more persons related by blood, foster relationship, marriage or adoption, and in addition, any domestic servants or gratuitous guests thereof; or a group of not more than five persons who need not be so related, and in addition, domestic servants or gratuitous guests thereof, who are living together in a single, non-profit dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder, or lodger shall not be considered a member of the family.

86. **Farmstead:** A group of buildings, including a single-family dwelling, barn and accessory structures typically found on a farm and which are customarily used for agricultural operations.

87. **Fence:** An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land or land use.

88. **Fill:** Sand, gravel, earth, earthen or other materials of any composition what-so-ever placed or deposited by humans on or under the ground surface.

89. **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.

90. **Flood:** The temporary inundation by surface water of land areas usually devoid of surface waters.

91. **Flood Fringe:** That portion of the flood plain outside of the floodway. The area between the 100 year and 500 year flood elevations.

92. **Flood Hazard Area:** The flood plain consisting of the floodway and flood fringe area.

93. **Flood Plain:** 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 100 year frequency storm, or an area subject to the accumulation or run-off of surface waters from any source.

94. **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 500 year inundation of any natural stream, river or other natural water course and/or drainageway.
95. **Flood Plain Soils:** (See Soils, Alluvial)
96. **Floor Area:** (See Area, Floor)
97. **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).
98. **Forest:** (See Woodlands)
99. **Front Lot Line:** (See Lot Line, Front)
100. **Front Yard:** (See Yard, Front)
101. **Frontage:** That dimension of a lot abutting on a street that is between the side lot lines measured along the principal streets ultimate right-of-way line.
102. **Garage:** A deck, building or structure, or part thereof, used or intended to be used for the parking and/or storage of vehicles.
103. **Garage, Municipal:** A structure owned and operated by a municipality and used primarily for the storage of municipal public works vehicles. (See Use, Municipal)
104. **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 Ordinance are met.
105. **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.
106. **Grade:** The degree of rise or descent of a sloping surface.
107. **Grade, Finished:** The final elevation of the ground surface after development.
108. **Grade, Natural:** The elevation of the ground surface in its natural state, before man-made alterations.

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

110. **Habitable Room:** Any room in a dwelling unit other than a kitchen, bathroom, closet, pantry, hallway, cellar, storage space, garage and basement recreation room.

111. **Hazard to Air Navigation:** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

112. **Hearing:** An administrative proceeding conducted by a Board pursuant to section 909.1 of the Pennsylvania Municipalities Planning Code, Act 247 as amended.

113. **Height:** (See Building, Height)

114. **Height, Airport:** For the purposes of determining height the datum shall be mean sea level unless otherwise specified.

115. **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.

116. **Historic Preservation:** The protection, rehabilitation, and/or restorations of districts, sites, buildings, structures and artifacts significant in American history, architecture, archaeology, or culture.

117. **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.

118. **Horizontal Surface:** A horizontal plane 150 feet above the established airport elevation, the perimeter of which coincides with the perimeter of the horizontal zone.

119. **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.

120. **Hydric Soils:** (See Soils, Hydric)

121. **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.

122. **Impervious Surface Ratio:** The impervious surface ratio is a measure of the intensity of the use of a piece of land. It is measured by dividing the total area of all impervious surfaces within the site by the Base Site Area.

123. **Impact Analysis:** (See Community Impact Study and Environmental Impact Assessment)

124. **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.

125. **Junk Yard:** 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 junk yard. Auto Salvage Yards, and junk on individual lots constitute Junk Yards.

126. **Kennel:** An establishment in which more than three (3) dogs, cats or other domestic pets that are more than six (6) months old are housed, groomed, bred, boarded, trained or sold.

127. **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 2 or more acres in surface area. Ponds are any water bodies less than 2 acres in surface area.

128. Land Development: Any of the following activities:

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

129. 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.

130. Land: Ground, soil or earth including structures thereon, above or below the ground surface.

131. Land Use: A description of how land is occupied or intended to be utilized.

132. 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.

133. Lot Area: (See Area, Lot)

134. 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 degrees.

135. Lot, Coverage: That portion of a lot covered by impervious surfaces.

136. Lot, Depth: The mean distance measured from the front lot line to the rear lot line along the side lot lines.

137. Lot, Flag: (See Flag Lot)

138. Lot, Frontage: (See Frontage)

139. **Lot, Interior:** A lot other than a corner lot.

140. **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.

141. **Lot Line, Front:** The lot line separating a lot from a street right-of-way.

142. **Lot Line, Rear:** Any lot line which is parallel to or within forty-five (45) degrees 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.

143. **Lot Line, Side:** Any lot line other than a front or rear lot line.

144. **Lot, Minimum Area of:** The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular district.

145. **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.

146. **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.

147. **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.

148. **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.

149. **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.

150. 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.

151. 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 the Zoning Ordinance.

152. 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.

153. 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.

154. Municipal Use: (See Use, Municipal)

155. New Construction: (See Construction, New)

156. 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.

157. Non-Commercial Swimming Pools: An accessory recreational facility designed to contain a water depth of twenty-four (24) inches or more for use by the residents of the principal use and/or their guests.

158. Non-Conforming 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.

159. Non-Conforming 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.

160. 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.

161. 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.

162. Occupancy: The use of a building, lot or portion thereof for a specific purpose.

163. 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.

164. 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 non-recreational structures, roads, street right-of-ways, parking lots, land reserved for future parking, or any portion of required minimum lot areas as required by this Ordinance.

165. Open Space, Common: Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as may be required and/or appropriate.

166. Open Space Ratio: The total amount of proposed or required open space within a site divided by the Base Site Area.

167. Outdoor Storage: The keeping in an unroofed area of any goods, junk, material, merchandise, or inoperable vehicles.

168. Parcel: (See Lot)

169. 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.

170. Pedestrian: An individual who travels by foot.

171. 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.

172. 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.

173. **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 the Zoning Ordinance for the zoning district in which the use and property is situated.

174. **Permitted Use:** A use allowed by right in a zoning district subject to the restrictions applicable to that use and zoning district.

175. **Person:** Any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, including a trustee, a receiver, an assignee, or a similar representative thereof.

176. **Planning Agency:** The Planning Commission of Hilltown Township as designated by the Board of Supervisors.

177. **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.

178. **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.

179. **Principal Use:** The primary or predominate use of a lot.

180. **Prohibited Use:** A use that is not permitted in a zoning district.

181. **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.

182. **Public Meeting:** A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

183. **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.

184. 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.

185. Property: Shall mean the following:

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

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

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

4. 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 Ordinance 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.

186. 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.

187. 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.

188. 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.

189. Report: Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any 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. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

190. 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 other public utilities.

191. Right-of-way, Existing: The legal right-of-way as established by the Commonwealth or other appropriate governing authority and currently in existence.

192. 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.

193. Right-of-way, Ultimate (Future): The right-of-way deemed necessary by the Hilltown Township Comprehensive Plan and Subdivision and Land Development Ordinance and established herein as appropriate to provide adequate width for future street and/or utility improvements.

194. Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

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

196. 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)

197. Sewage Disposal Private:

1. 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 Resources regulations or the regulations of the Township, whichever is more stringent.

2. **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 Resources regulations or the regulations of the Township, whichever is more stringent.

198. **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 Resources regulations or regulations of the Township, whichever is more stringent.

199. **Sewer, Storm:** A system of conduits that collects and routes stormwater to a surface water discharge point.

200. **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.

201. **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.

202. **Sign:** Any device used to identify or call attention to a business, residence, location, event, organization or notice.

203. **Site:** A parcel of land intended to have one or more buildings or intended to be subdivided into one or more lots.

204. **Site Area:** All land area within a site as defined by deed and determined by field survey.

205. **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.

206. **Site Area, Net Buildable:** That area of a site remaining after the minimum required open space area, as defined by this Ordinance, is deducted from the Base Site Area.

207. **Slope:** The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees. (See Grade)

208. **Soil:** All unconsolidated mineral and organic material of whatever origin that overlies bedrock and can be readily excavated.

209. **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.

210. Soils, Alluvial/Floodplain: Areas subject to periodic flooding and listed in the Soil Survey of Bucks and Philadelphia Counties, Pennsylvania, U.S. Department of Agricultural Soil Conservation Service, July, 1975 as being "on, or in, the flood plain" or subject to flooding.

The following soil types are alluvial and/or flood plain soils:

Alluvial land	Marsh
Alton gravelly loam, flooded	Pope loam
Bowmansville silt loam	Rowland silt loam
Hatboro silt loam	

211. 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 Ordinance Hydric soils are general wetland indicator soils. (See Wetlands)

212. 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.

213. 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.

214. 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 the Zoning Ordinance.

215. Steep Slopes: Areas where the average slope exceeds eight (8) percent which, because of the slope, is subject to high rates of storm-water run-off and therefore erosion.

216. 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 under a gable, hip or gambrel roof.

217. 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.

218. 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.

219. **Street Line:** (See Right-of-way, Street Line)

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

221. **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 ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempt.

222. **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 (2) feet in depth.

223. **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.

224. **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.

225. **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 pick-up trucks, vans, and jeeps primarily utilized for recreational, non-commercial private uses. Trucks and vans in conjunction with agricultural uses are not included as commercial-type trucks or vans herein.

226. **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.

227. **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.

228. **Use, Conditional:** (See Conditional Use)

229. **Use, Existing:** (See Existing Use)

230. **Use, Principal:** The main use on a lot and/or of a building or structure thereon.

231. **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 Section 501 or Section 502 which sets forth the amount of open space or municipal use property required of each subdivision, include real property upon which streets, parking areas, above ground 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 Section 538, 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 Section 501 Site Capacity Calculations and Section 502 Table of Performance Standards does not include the minimum lot area and minimum yard requirements for single-family or multi-family dwelling units for Uses B3, B4 or B6 noted herein. This Open Space does not include land occupied by non-recreational structures, roads, road rights-of-way, or parking areas required for the use of the property as a residential subdivision.

232. **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.

233. **Variance:** Relief granted pursuant to Section 909.1 of this Ordinance, and in accordance with Article IX of the Pennsylvania Municipalities Planning Code, Act 247 as amended.

234. **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.

235. **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.

236. **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.

237. **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.

238. **Woodlands:** Areas, groves, or stands of mature or largely mature trees the majority of which are greater than 6 inches caliper measured four feet above grade covering an area greater than one-quarter of acre; or groves of mature trees without regard to minimum area consisting of more than ten individual specimens which are greater than 12 inches caliper measured four feet above grade.

239. **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.

240. **Yard, Front:** A required or proposed yard between a structure and a street right-of-way line and 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 lot other than a corner lot that fronts on more than one street, the yards extending along all streets are front yards.

241. **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)

242. 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.

243. 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.

244. 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.

245. Zoning: The dividing of the municipality into districts or zones and the establishment of regulations governing each and every zone.

246. 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.

247. Zoning Map: The Official Zoning Map of Hilltown Township as incorporated herein.

248. Zoning Officer: The administrative officer designated with the powers and duties of administering and enforcing the Zoning Ordinance and with issuing Zoning Permits and certificates thereunder.

249. Zoning Ordinance: The Hilltown Township Zoning Ordinance of 1993, as amended.

250. Zoning Permit: (See Permit, Zoning)

ARTICLE III ESTABLISHMENT OF DISTRICTS

300. 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 Ordinance and the Comprehensive Plan.

301. Classes of Districts

For the purpose of this Ordinance, Hilltown Township is hereby divided into districts which shall be designated as follows:

1. Development Areas

- 1.1 CR-1 District; Country Residential I
- 1.2 CR-2 District; Country Residential II
- 1.3 MHP District; Mobile Home Park
- 1.4 VC District; Village Center
- 1.5 PC-1 District; Planned Commercial I
- 1.6 PC-2 District; Planned Commercial II
- 1.7 LI District; Light Industrial
- 1.8 HI District; Heavy Industrial

2. Conservation Areas:

- 2.1 RR District; Rural Residential

3. Resource Extraction Areas:

- 3.1 Q District; Quarry

4. Special Hazard Areas:

- 4.1 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

4.2 Flood Hazard Zones

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

302. 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 Ordinance.

303. 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:

1. 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.
2. 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.
3. 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.
4. The Airport Hazard Zoning Boundaries shall be established and interpreted as follows:

4.1 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 in the continuation of the center-line of the runway.

4.2 AT-Airport Transitional Zone:

The transitional zones are the areas beneath the transitional surfaces.

4.3 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.

4.4 AT-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 twenty (20) to one (1).

5. The Flood Hazard Area Boundaries shall be established and interpreted as the areas subject to flooding which include those areas inundated during a 100 year frequency storm or as floodplain soils pursuant to Section 504 of this Ordinance. The identified floodplain area shall be deemed an overlay of the Official Zoning Map herein.

304. Statements of Purpose and Intent for the Districts and Special Hazard Areas

1. 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.

1.1 Country Residential I:

The purpose of this District is to accommodate a variety of residential housing types to include single-family and multi-family and to insure a balance of housing types to meet the current and future housing needs of the Township. This District encourages cluster development 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.

1.2 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.

1.3 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 re-evaluated as these districts become built out.

1.4 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 multi-family dwellings. New construction shall have a facade which fits in with predominate historic architecture of the area. Only one third of the total structures within Village Center are permitted to be Commercial.

1.5 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.

1.6 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.

1.7 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.

1.8 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.

2. Conservation Areas

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.

The purpose of this Zoning District is to discourage the premature and hap-hazard 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.

The following Zoning District is located within the Township's Conservation Area.

2.1 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 within these areas then development on lots of 50,000 square feet could be accommodated provided open space is included in the development in accordance with the Township Zoning, and Subdivision and Land Development Ordinances.

3. Resource Extraction Areas

The Resource Extraction Areas are intended to designate appropriate areas within the Township for the purposes of providing for extractive land uses.

3.1 Quarry:

This Zone is intended to provide for the extraction of sand, clay, shale, gravel, stone, and/or similar materials. This Zone is not intended for the construction or operation of concrete or asphalt plants or other manufacturing or industrial type uses.

4. Special Hazard Areas

4.1 Airport Hazard Zones

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.

a) 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.

4.2 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 PA-MPC Act 247 as amended.

ARTICLE IV

USE REGULATIONS

400. Applicability of Regulations

Except as provided by law or by this Ordinance, in each district no building structure, or land shall be used or occupied except for the purposes permitted in Section 405 and for the zoning districts so indicated. In addition, only one (1) principal use shall be permitted on any property, parcel, lot or tract of land located in the PC-1 and PC-2 District.

401. Use Type Classifications

1. A use listed in Section 405 is permitted by right in any district denoted by the letter "Y" subject to such requirements as may be specified in Section 406, and after a Zoning Permit has been issued in accordance with Article VIII.
2. A use listed in Section 405 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 Sections 406 and Article VIII and such further restrictions as said Board may establish.
3. A use listed in Section 405 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 sixty (60) days of receipt of the petition, grants the conditional use subject to the expressed standards set forth in Sections 406 and 810, 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.
4. A use listed in Section 405 is prohibited and not permitted in any district denoted by the letter "N."

402. Uses Subject to Additional Regulations

All permitted uses by right, condition or special exceptions 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 Resources (PaDER) 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 PaDER 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.

403. Accessory and Temporary Uses and Structures

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 Section 406.I of this Ordinance. 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 non-recurring nature subject to the provisions of Section 406.I6 of this Ordinance.

Non-conforming temporary buildings or uses incidental to a building development and reasonably required for such development may be granted temporary zoning permits according to Section 406, Use I6.

404. Airport Hazard Regulations

1. 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 create:

1.1 Electrical interference with navigational or radio communications between an airport and aircraft;

1.2 Make it difficult for pilots to distinguish between airport lights and other lights;

1.3 Result in glare in the eyes of pilots using an airport;

1.4 Impair visibility in the vicinity of an airport;

1.5 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

1.6 Encroach into the regulated air space as established and defined by the Pennsylvania Department of Transportation's State Bureau of Aviation.

2. Airport Zone Height Limitations

Except as otherwise provided in this Ordinance, 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 Ordinance 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:

2.1 AVA-Airport Utility Runway Visual Approach Zone - Slopes of twenty (20) feet outward for each one (1) 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 centerline.

2.2 AT-Airport Transitional Zone - Slopes seven (7) feet outward for each one (1) 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 (7) feet outward for each one (1) 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.

2.3 AH-Airport Horizontal Zone - Established at 150 feet above the airport elevation or at a height of 820 feet above mean sea level.

2.4 AC-Airport Conical Zone - Slopes twenty (20) feet outward for each one (1) 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.

3. Special Airport Hazard Permits

3.1 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 therefore 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 Ordinance.

3.2 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 Ordinance.

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 seventy-five (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 seventy-five (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 seventy-five (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.

3.3 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.

3.4 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.

3.5 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 the applicable provisions of this Ordinance. 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 Ordinance and the MPC Act 247 as amended.

405. Table of Use Regulations:

TABLE 405

		RR	CR-1	CR-2	VC	LI	HI	PC-1	PC-2	MHP	Q	Page
A. Agricultural Uses												
A1	Agricultural	Y	Y	Y	N	Y	Y	N	N	N	Y	44
A2	Nursery	Y	Y	Y	Y	Y	Y	N	N	N	Y	44
A3	Intensive Agriculture	Y	N	Y	N	Y	Y	N	N	N	Y	44
A4	Forestry	CU	CU	CU	CU	CU	CU	N	N	N	CU	45
A5	Riding Academy	Y	N	Y	N	N	N	N	N	N	N	46
A6	Kennel-Commercial	SE	N	SE	N	N	N	N	N	N	Y	46
A7	Agricultural Retail	Y	N	Y	N	Y	Y	N	N	N	Y	47
A8	Farm Unit	CU	N	CU	N	N	N	N	N	N	N	47
B. Residential												
B1	Single-family Detached	Y	Y	Y	Y	N	N	N	N	N	N	48
B2	Mobile Home	N	Y	N	Y	N	N	N	N	Y	N	48
B3	Single-family Detached Cluster	Y	Y	Y	N	N	N	N	N	N	N	49
B4	Performance Subdivision	N	Y	N	Y	N	N	N	N	N	N	49
B5	Conversion	SE	SE	SE	CU	N	N	N	N	N	N	58
B6	Mobile Home Park	N	N	N	N	N	N	N	N	Y	N	59
B7	Retirement Village	N	Y	N	Y	N	N	Y	N	N	N	62
B8	Group Home	Y	Y	Y	N	N	N	N	N	N	N	63
C. Institutional												
C1	Place of Worship	Y	Y	Y	Y	N	N	N	N	N	N	65
C2	School	Y	Y	Y	Y	N	N	N	N	N	N	65
C3	Commercial School	N	N	N	SE	Y	Y	Y	Y	N	N	66
C4	Library	Y	Y	Y	Y	N	N	Y	Y	N	N	66
C5	Recreational Facility	CU	CU	CU	CU	N	N	CU	CU	N	N	66
C6	Rifle Range	SE	N	N	N	N	N	N	N	N	N	67
C7	Private Recreational Facility	Y	N	Y	Y	Y	N	Y	Y	N	N	67
C8	Golf Course	Y	N	Y	N	Y	N	Y	Y	N	N	68
C9	Private Club	N	N	N	Y	Y	N	Y	Y	N	N	68
C10	Community Center	Y	Y	Y	N	N	N	Y	Y	N	N	69
C11	Day Nursery	SE	SE	SE	Y	N	N	Y	Y	N	N	69
C12	Hospital	Y	Y	Y	N	N	N	Y	Y	N	N	69
C13	Nursing Home	Y	Y	Y	Y	N	N	Y	N	N	N	70
C14	Cemetery	SE	SE	SE	N	N	N	N	N	N	N	70
C15	Funeral Home	N	N	N	Y	N	N	Y	Y	N	N	71
D. Office												
D1	Medical Offices	N	N	N	Y	Y	N	Y	Y	N	N	71
D2	Veterinary Office	Y	N	Y	N	Y	N	Y	Y	N	N	71
D3	Offices	N	N	N	Y	Y	Y	Y	Y	N	N	71
E. Retail & Consumer Service Uses												
E1	Retail Store	N	N	N	Y	N	N	Y	Y	N	N	72
E2	Large Retail Store	N	N	N	N	N	N	Y	N	N	N	72
E3	Personal Services	N	N	N	Y	N	N	Y	Y	N	N	73
E4	Financial Establishment	N	N	N	Y	Y	N	Y	Y	N	N	73
E5	Eating Place	N	N	N	Y	Y	N	Y	Y	N	N	73
E6	Fast Food Restaurant	N	N	N	N	Y	N	Y	Y	N	N	74
E7	Repair Shop	N	N	N	Y	N	N	Y	Y	N	N	76
E8	Hotel-Hotel	N	N	N	Y	Y	N	Y	N	N	N	76
E9	Entertainment	N	N	N	N	Y	N	Y	Y	N	N	77
E10	Gasoline Service Station	N	N	N	SE	Y	Y	Y	Y	N	N	77
E11	Automobile Sales	N	N	N	N	Y	N	Y	Y	N	N	78
E12	Automobile Repair or Car Washing Facility	N	N	N	N	Y	Y	Y	Y	N	N	78
E13	Truck and Farm Equipment Sales	N	N	N	N	Y	Y	Y	Y	N	N	79
E14	Automotive Accessories	N	N	N	N	Y	N	Y	Y	N	N	79
E15	Specialty Shopping Center	N	N	N	N	N	N	Y	Y	N	N	79
E16	Shopping Center	N	N	N	N	N	N	Y	N	N	N	80
E17	Commercial Conversion	N	N	N	Y	N	N	N	N	N	N	80

		RR	CR-1	CR-2	VC	LI	HI	PC-1	PC-2	MHP	Q	Page
E. Retail & Consumer Service Uses (continued)												
E18	Tavern	N	N	N	SE	N	N	Y	Y	N	N	80
E19	Indoor Athletic Club	N	N	N	N	Y	N	Y	Y	N	N	81
E20	Mini Storage	N	N	N	N	N	N	SE	N	N	N	82
E21	Adult Store	N	N	N	N	N	N	N	SE	N	N	82
E22	Theater	N	N	N	N	N	N	N	N	N	N	82
E23	Public Entertainment Facility	N	N	N	N	N	N	SE	N	N	N	83
E24	Outdoor Theater	N	N	N	N	N	N	N	Y	N	N	83
F. Utilities/Community Facilities												
F1	Utilities	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	84
F2	Emergency Service	CU	CU	CU	CU	Y	N	Y	Y	N	N	85
F3	Bus Station	N	N	N	SE	SE	SE	SE	SE	N	N	85
F4	Municipal Use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	85
F5	Airport, and Airfield	Y	N	N	N	SE	SE	N	N	N	N	86
G. Light Industrial												
G1	Truck Terminal	N	N	N	N	Y	N	N	N	N	N	86
G2	Research	N	N	N	N	Y	N	N	N	N	N	86
G3	Wholesale	N	N	N	N	Y	N	Y	Y	N	N	87
G4	Printing	N	N	N	N	Y	N	N	N	N	N	87
G5	Contracting	N	N	N	N	N	SE	N	N	N	N	87
G6	Fuel Storage & Distribution	N	N	N	N	N	SE	N	N	N	N	87
G7	Warehousing	N	N	N	N	Y	CU	N	N	N	N	87
G8	Crafts-Commercial/Industrial	N	N	N	N	Y	N	Y	Y	N	N	87
G9	Truck Business	N	N	N	N	Y	N	N	N	N	N	88
H. Heavy Industrial												
H1	Manufacturing	N	N	N	N	Y	Y	N	N	N	N	88
H2	Planing Mill	N	N	N	N	N	Y	N	N	N	N	88
H3	Lumber Yard	N	N	N	N	Y	Y	Y	N	N	N	88
H4	Quarry	N	N	N	N	N	N	N	N	N	Y	88
H5	Resource Recovery Facility	N	N	N	N	N	CU	N	N	N	N	89
H6	Auto Salvage	N	N	N	N	N	CU	N	N	N	N	91
H7	Junk Yard	N	N	N	N	N	CU	N	N	N	N	92
H8	Composting Facility	N	N	N	N	Y	Y	N	N	N	N	93
H9	Outdoor Storage	N	N	N	N	Y	CU	N	N	N	N	93
I. Accessory Uses												
I1	Home Occupation	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	94
I2	Resident. Accessory Structure	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	98
I3	Residential Boarding	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	100
I4	Non-Residential											
	Accessory Building	N	N	N	Y	Y	Y	Y	Y	N	Y	100
I5	Outside Storage or Display	N	N	N	N	Y	CU	Y	Y	N	Y	100
I6	Temporary Structure	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	100
I7	Off-Street Parking	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	101
I8	Signs	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	101
I9	Kennel-Noncommercial [1]	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	101
I10	Recreational Vehicles	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	102
I11	Non-Commercial Pool	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	102
I12	Wind Energy Conversion Sys.	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	103
I13	Radio & Television Tower	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	104
I14	Commercial Accessory Office	N	N	N	Y	Y	Y	Y	Y	Y	N	105
I15	Accessory Retail Use	N	N	N	CU	CU	CU	CU	CU	N	N	105
I16	Bed and Breakfast	Y	N	Y	Y	N	N	N	N	N	N	105

[1] Accessory to a single-family dwelling only

406. Use Type Regulations

A AGRICULTURAL AND HORTICULTURAL USES

A1. Agricultural Use

Agricultural use, includes tilling of the soil and raising of livestock, horses, furbearing 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 3 acres in area. Lots of 3 acres shall be limited to two (2) head of livestock or horses, or fifty (50) fowl. Lots of 4 acres up to 10 acres shall allow 2 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. Any building used for the keeping or raising of livestock, horses, fur-bearing animals or poultry shall be situated not less than one hundred (100) feet from any street line or residential property line. Not more than three (3) percent 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 Ordinance, shall be provided. Adequate provisions shall be made for the control of noise and odor and the confinement of the animals to the property.

1. Parking: One (1) off-street parking space for each employee.

A2. Nursery

Nursery uses, including the growing of trees, ornamentals, shrubs, flowers, vegetables, with or without retail sales or greenhouses, A landscape business will be permitted as a secondary and incidental use to the nursery.

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:

1. In no event shall the impervious surface ratio exceed three (3) percent within the residential Districts.
2. All buildings, pens, or other structures shall be located at least 100 feet from any street, property line or dwelling.
3. All applicable regulations of the Pennsylvania Department of Environmental Resources shall apply.

4. If any stream, swale, hydric or alluvial soil is present, it shall be buffered by a seventy-five (75) foot strip back from the outer edge of the flood plain, hydric, or alluvial soil delineated boundary.

5. Parking: One (1) off-street parking space for each employee.

A4. Forestry

Forestry includes commercial logging operations, clearing, or destruction of forested or woodland areas as defined herein, selective cutting or clearing for commercial or clearing purposes, or clearing of vegetation in reserved open space or resource protection areas. This does not include authorized clearing in accordance with plans approved pursuant to this Ordinance, nor removal of sick or dead trees, or removal of trees in non-deed restricted areas on occupied lots of one (1) acre or less. This use is a conditional use in all districts where permitted, subject to the following conditions.

1. Clear-cutting of all vegetation shall not exceed areas of more than five (5) acres per every 100 acres, or more than 20% of the forest, whichever is less, except where pursuant to a state forestry cutting program or where class I, II or III agricultural soils are to be converted to agricultural uses.

2. A reforestation program shall be submitted which shall show a program for re-establishment of the forest on a sustained-yield basis, except where clearing is for agricultural use as provided in (A4.1) above.

3. For commercial uses, a long-range cutting program to insure that the forest is retained as an entity during the entire program. Such a program shall indicate the condition of the forest on a map showing:

3.1 Adjoining lands and neighbors;

3.2 The year of each cutting and reforestation; and

3.3 Species of trees in reforestation.

4. For clearing purposes, the proposed future land use must be stated.

5. All plans shall show how the general habitat and visual block of the forest is to be maintained so that the forest retains its visual and habitat qualities at all stages of the long-range cutting plan.

6. Post a bond to insure reforestation in the event of clear-cutting.

7. Sign an agreement to be recorded that no cutting or clearing shall be considered to reduce the area of forest for any development,

proposed or not, pursuant to the provisions of Section 504.

A5. Riding Academy

Riding academy, livery or boarding stable, subject to the following provisions:

1. A lot area of not less than five (5) acres shall be required.
2. Where adjoining existing residential uses, buffering shall be provided in accordance with the Buffer Tables of this Ordinance. Adequate provisions shall be made for the control of noise and odor and containment of animals.
3. The total number of horses on the property shall not exceed two (2) horses per acre.
4. Any building used for the keeping or raising of horses shall be situated not less than one hundred (100) feet from any property line.
5. Parking: One (1) off-street parking space for every three (3) persons present at such facilities when they are filled to capacity.

A6. Kennel-Commercial

The keeping of more than three (3) dogs 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:

1. Minimum lot size shall not be less than ten (10) acres.
2. No animal shelter or runway shall be located closer than three hundred (300) feet from a property line, and three hundred fifty (350) feet from any building other than on the same lot.
3. Where adjoining existing residential uses, buffering shall be provided in accordance with the Buffer Tables of this Ordinance. Provisions shall be made for the control of noise and odor.
4. The total number of dogs on the property shall not exceed five (5) dogs per acre, excluding dogs under six (6) months old.
5. Shows and/or competitions which occur on a property not more than twice in any calendar year are not regulated under the use.
6. Maximum impervious surface ratio: Three (3) percent.
7. Any building or structure, other than noted in A6.2 above, shall meet the lot width, yard and setback requirements for the B1 Detached Dwelling for the applicable zoning district.
8. Dwelling units shall meet the requirements of Use Type A8 Farm

Unit.

9. Retail sales of related items shall be limited to a maximum floor area of seven hundred and fifty (750) square feet.

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

11. Parking: One (1) off-street parking space for each employee plus one (1) space for each eight (8) animals in capacity, except for training where one (1) space shall be provided for each three (3) animals.

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 fifty (50) percent of the gross sales of the products sold shall be grown on the property.

1. Parking: One (1) off-street parking space for each one hundred (100) square feet of sales area.

A8. Farm Unit

Single-family detached dwellings for the sole use of individuals, and their immediate families, engaged in agricultural employment on the same lot, or for the immediate family of the landowner. This use shall be permitted on land that is deed restricted from all residential uses (B-1 through B-8 herein), and it shall not require subdivision provided that the following provisions are met:

1. One (1) dwelling unit per full time employee is permitted, in addition to the principal dwelling provided that the total Farm Unit density shall not exceed one dwelling per 33 acres of land.

2. One (1) dwelling unit per immediate family member is permitted, with a maximum of three (3) dwelling units per one hundred (100) acres. Immediate family members shall be limited to fathers, mothers, brothers, sisters, sons and daughters.

3. This use shall require a minimum calculated area of three (3) acres. The Township shall deduct three (3) acres of conservation area if no public water is available from the gross site area upon the issuance of a building permit for each such use.

4. When this use is proposed, the maximum number of units permitted pursuant to Subsections (A8.1) and (A8.2) above shall be determined. The remaining gross site area shall be deed restricted to those uses permitted in the RR District (except for use A8); and to the maximum

number of A8 Farm Units permitted less the number of A8 Farm Units proposed. Said deed restriction shall be approved by the Township Solicitor.

5. A plan shall be submitted with the permit application that demonstrates that the caretaker's dwelling could be subdivided from the property on a lot that complies with all applicable requirements. The main dwelling and any outbuildings must also be in compliance with the ordinance requirements in relation to the new lot lines.

6. Parking: Two (2) off-street spaces per dwelling unit.

B RESIDENTIAL

B1. Single-family Detached

Single-family detached dwelling, exclusive of mobile homes (B2), on individual lots with no required public or community open space. Section 502 contains the minimum lot area requirements for each zoning district. Once lot area is so determined, other appropriate dimensional requirements are governed by the following table.

DISTRICT	MINIMUM LOT AREA (sq.ft.)	MIN. LOT WIDTH AT BLDG.LINE (feet)	MAXIMUM HEIGHT (feet)	MAXIMUM BUILDING COVERAGE (percent)	MINIMUM YARDS		
					FRONT	SIDE	REAR
RR	50,000	150	35	15	50	25	75
CRI	30,000	125	35	15	45	20	60
CR II	50,000	125	35	15	45	20	60
VC	20,000	100	35	15	35	20	50

1. Parking: Two (2) off-street parking spaces per dwelling unit.

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 non-transient 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.

1. 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;

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

03. 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;

4. 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 (6) inches, and which shall have installed in it a minimum of six (6) tie-down rings to which the mobile home shall be secured;

5. Dimensional requirements for mobile homes shall be the same as that required for single-family detached, Use B1.

6. Parking: Two (2) off-street spaces per dwelling unit.

B3. Single-family Detached Cluster

Single-family detached dwellings on individuals lots, clustered to preserve common open space. Section 502 contains the minimum lot area for each zoning district. Once site area is determined, other appropriate dimensional requirements are governed by the Table below.

1. All single-family detached cluster dwelling units shall be serviced by both public water and public sewer in CR-1 and CR-2 Districts.

TABLE B3

DISTRICT

	<u>CR-1</u>	<u>CR-2 & RR</u>
Minimum Lot Area (sq.ft.)	17,000 (1)	30,000 (2)
Min.Lot Width at Bldg.Line (feet)	85	125
Max.Bldg.Height (feet)	35	35
Max.Bldg.Coverage (%)	20	15
Minimum Yards:		
Front(feet)	40	50
Side (feet)	10	20
Rear (feet)	40	50

(1) Must be served by public water and sewer in CR-2 District.

(2) Must be served by public water; or community water supply in RR District and distribution system pursuant to Ordinance 87-3.

Parking: Two (2) off-street spaces per dwelling unit.

B4. Performance Subdivision

A performance subdivision shall include a subdivision 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 that the following regulations are

met:

1. General Regulations

1.1 Performance subdivision is a residential use permitted only in the Country Residential I (CR1) and Village Center (VC) districts where public water and sewer facilities are available.

1.2 The adjacent properties and right-of-ways shall be safeguarded by a minimum buffer of seventy-five (75) feet between the minimum yards of the proposed buildings and the property line of the tract, when abutting different zoning district boundaries.

1.3 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.

1.4 Buildings should be compatible with adjacent land uses and the historic vernacular architecture within the community. Units and proposed buffers shall be located to make the development more harmonious with its surroundings.

1.5 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 street scape to insure that it is compatible with the highest caliber of village planning and design. Provision shall be made for safe ingress and egress to and from public streets and highways serving the site.

1.6 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.

1.7 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 Ordinance shall be fully complied with at the completion of any and all stages.

1.8 The provisions for the design and maintenance of the open space shall conform with the Open Space Performance Regulations within this Ordinance.

2. Administration

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

3. 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

No. of Dwellings in Development	Min. Required No. of D.U. Types	Max. Percent Any D.U. Type	Min. Percent Any D.U. Type
1-40	1	100	10
41-85	2	70	10
85+	3	40	10

4. Dwelling Type Regulations

4.1 Single Family Detached

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

2. Lot area minimum: 9,000 sq.ft.
Lot area average: 10,000 sq.ft.
Maximum building coverage: 30%
Minimum yards: front 35 ft., side 10 ft., rear 40 ft.
Minimum lot width at setback lines: 70 ft.
Minimum building spacing: 20 ft.
Maximum height: 35 ft.
Parking: 2 off-street spaces.

4.2 Single Family Detached - Lot Line

1. 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 (5) 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 fifteen (15) feet.

2. Lot area minimum: 8,000 sq.ft.
Lot area average: 9,000 sq.ft.
Maximum building coverage: 30%
Minimum yards: front 25 ft., side 15 ft. and 5 ft., rear 40 ft.
Minimum lot width at setback lines: 70 ft.
Minimum building spacing: 20 ft.
Maximum height: 35 ft.
Parking: 2 off-street spaces

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:

(1) Two (2) canopy trees per lot, or three (3) flowering trees per lot.

(2) An unenclosed porch, running across at least 3/4 of the house front, being at least seven (7) feet in width.

(3) A front yard raised above sidewalk grade by at least thirty (30) inches with a retaining wall of at least eighteen (18) inches at the sidewalk line.

(4) A front yard enclosed by a wall or fence of permanent construction at least thirty (30) inches in height and one (1) flowering shrub per sixty (60) inches across the width of the front of the house.

(5) Intensive planting of one (1) shade tree, one (1) flowering tree and one (1) flowering shrub per thirty (30) inches across the width of the side of the house facing the street.

(6) Hedge or shrubs planted eighteen (18) inches for the width of yard facing street.

(b) Table of Dimensional Requirements

Lot area minimum:	10,000 sq.ft.
Maximum building coverage:	30%
Minimum yards (Dwelling Unit):	front 15 ft., side 12 ft., rear 60 ft.
Minimum yards (Detached Garage):	front 40 ft., side 2 ft., rear 5 ft. (1)
Minimum lot width at setback line:	65 ft.
Minimum building space:	24 ft.
Maximum height:	35 ft.
Parking:	2 off-street spaces

- (1) A minimum rear yard setback of twenty (20) feet shall be required when the entrance to a detached garage is gained directly from a alley.

4.4 Twin House

A twin house is a single-family, semi-detached 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:

	MIN.LOT AREA (sq.ft.)	OFF-STREET PARKING	MIN.LOT WIDTH (feet)
1 BEDROOM	4,000	2.0	40
2 BEDROOM	4,000	3.0	40
3 + BEDROOMS	4,500	3.0	45

- (b) Table of Bulk and Yard Requirements:

Maximum height:	35 ft.
Minimum yards (Dwelling Unit):	front 15 ft., side 15 ft., rear 60 ft.
Minimum yards (Detached Garage):	front 40 ft., side 2 ft., rear 5 ft. (1)
Minimum building space:	30 ft.

- (1) A minimum rear yard setback of twenty (20) feet shall be required when the entrance to a detached garage is gained directly from a alley.

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 (6-7) 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:

	MIN.LOT AREA (sq.ft.)	OFF-STREET PARKING	MIN.LOT WIDTH (feet)
1 BEDROOM	4,000	2.0	40
2 BEDROOM	4,000	3.0	40
3 + BEDROOMS	4,500	3.0	45

(b) Table of Bulk and Yard Requirements:

Maximum height:	35 ft.
Minimum yards (Dwelling Unit):	front 15 ft., side 0 ft., rear 40 ft.
Minimum yards (Detached Garage):	front 40 ft., side 0 ft., rear 0 ft. (1)
Minimum patio area:	50% of lot area

- (1) A minimum rear yard setback of twenty (20) feet shall be required when the entrance to a detached garage is gained directly from a alley.

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:

	MIN. LOT AREA per D.U. (sq.ft.)	OFF-STREET PARKING
Efficiency	2,000	1.5
1 BEDROOM	2,000	2.0
2 BEDROOM	2,400	2.5
3 + BEDROOMS	2,800	3.0

(b) Table of Bulk and Yard Requirements:

Minimum lot area (for building):	8,000 sq.ft.
Minimum yards @ bldg. setback:	street 15 ft., pkg. Area 20 ft.
Minimum yards:	side 12 ft., rear 30 ft. (1)
Minimum lot width (for bldg. at setback line):	80 ft.
Maximum building height:	35 ft.

- (1) A minimum rear yard setback of twenty (20) feet shall be required when the entrance to a detached is gained directly from an alley.

(c) No more than six (6) 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.

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 de-emphasized.

(a) Table of Lot and Parking Requirements:

	MIN. LOT AREA per D.U. (sq.ft.)	OFF-STREET PARKING	MIN. LOT WIDTH (feet)
1 BEDROOM	1,800	2.0	18
2 BEDROOM	2,000	3.0	20
3 + BEDROOMS	2,200	3.0	22

(b) Table of Bulk and Yard Requirements:

Minimum building setback line:	5 ft.
garage:	20 ft.
Minimum rear yard:	40 ft.
Minimum space from parking areas from bldgs; (in courts off street):	20 ft.
pedestrian walk:	5 ft.
Minimum building space:	30 ft.
Maximum height:	35 ft.
Max. average number of units per bldg.:	8
Maximum number of units per building:	10

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:

	MIN. LOT AREA (sq.ft.)	OFF-STREET PARKING	MIN. LOT WIDTH (feet)	MIN. WIDTH 1 STORY (feet)
1 BEDROOM	2,600	2.0	26	9
2 BEDROOM	2,800	2.5	28	10
3 + BEDROOMS	3,000	3.0	30	10

(b) Table of Bulk and Yard Requirements:

Minimum building setback line, street:	5 ft.
Minimum rear yard:	40 ft.
Minimum space from parking areas from bldgs (in courts off street):	20 ft.
pedestrian walk:	5 ft.

Minimum building space:	30 ft.
Maximum height:	35 ft.
Max. average number of units per bldg.:	8
Maximum number of units per building:	10

4.9 Garden Apartments

Garden Apartments are multi-family 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:

	AVERAGE APARTMENT AREA (sq.ft.)	MIN. LOT AREA PER DWELLING (sq.ft.)	PARKING SPACES PER DWELLING
EFFICIENCY	500	2,000	1.5
1 BEDROOM	655	2,000	2.0
2 BEDROOM	950	2,000	2.5
3 + BEDROOM	1,125	2,500	3.0

(b) Table of Bulk and Yard Requirements:

Minimum building setback lines;	
Street:	15 ft.
Parking areas:	20 ft.
Min. front yard:	40 ft.
Min. side yard:	25 ft.
Min. rear yard:	40 ft.
Maximum number of units per building:	16
Minimum building spacing:	50 ft.
Minimum street frontage per building:	100 ft.
Maximum building height:	35 ft.

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

4.10 Mid-Rise Apartments

Mid-Rise Apartments are multi-family dwellings thirty-five (35) feet to seventy-five (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:

	AVERAGE APARTMENT AREA (sq.ft.)	MIN. LOT AREA PER DWELLING UNIT (sq.ft.)	PARKING SPACES PER DWELLING UNIT
1 BEDROOM	655	1,030	2.0
2 BEDROOM	950	1,030	3.0
3 + BEDROOMS	1,125	1,510	3.0

General:

Maximum floor area ration (on-lot):	.90
Minimum lot area:	10 ac.
Maximum height:	75 ft.
Maximum horizontal dimension:	180 ft.
Minimum road frontage:	200 ft.
Minimum building setback line; street:	100 ft.
property line of development:	250 ft.
Minimum building spacing:	150 ft.

(b) The Township's fire fighting equipment is generally not adequate to serve buildings over thirty-five (35) feet high. Mid-rise buildings over thirty-five (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.

4.11 Other Dwelling Types

Additional dwelling types, not specifically provided for in other sections of the Zoning Ordinance, may evolve after the enactment of this Ordinance or may not have been specifically included in this Zoning Ordinance by reason of oversight or by reason that at the time of adoption of this Ordinance, 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 Ordinance 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 Ordinance 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 Ordinance by amending the Ordinance.

(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 Ordinance in the Country Residential 1 (CR-1) District or under the Performance Subdivision development.

B5. Conversion

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

2. In a CR-1, CR-2 or RR district any existing single-family dwelling may be converted to a multi-family 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.

3. Table of Dimensional Requirements:

	MINIMUM UNIT SIZE (sq.ft.)	LOT AREA PER D.U. CR or RR DISTRICT (sq.ft.)	VC DISTRICT (sq.ft.)	OFF-STREET PARKING SPACES PER DWELLING
EFFICIENCY	300	30,000	4,500	1.5
1 BEDROOM	400	35,000	6,000	2.0
2 BEDROOM	600	35,000	7,500	2.0
3 + BEDROOMS	800	40,000	9,000	3.0

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

5. All conversions shall comply with all requirements of the Pennsylvania Department of Licenses and Inspections.

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

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

8. The minimum tract area for this use shall be at least equal to the sum of the "lot area per D.U." in Section (B5.3) above based on the number and size of the proposed dwelling units.

B6. Mobile Home Park

A parcel of land under single ownership which has been planned and improved entirely for placement of mobile homes for non-transient use, consisting of two or more mobile home lots for sale or rent. Mobile home parks shall be subject to all provisions of this Ordinance. 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 and requirements for Mobile Home Parks in the Hilltown Township Subdivision and Land Development Ordinance.

1. Mobile home parks shall comply with all of the following standards and requirements:

1.1 Applications for Mobile Home Parks shall meet the following dimensional requirements:

(a) All double-wide (double width) mobile home units shall be considered single-family dwellings subject to standards defined in Section 406.B4.1.

(b) All single-wide (single width) mobile home units shall be subject to the following dimensional requirements:

Minimum lot area:	7,500 sq.ft.
Minimum lot width at setback line:	60 ft.
Minimum yards:	
front:	20 ft.
rear:	30 ft.
Minimum unit spacing:	30 ft.
Off-street parking spaces:	2

1.2 Mobile Home Pad

(a) No mobile home shall be erected on a mobile home lot except upon a mobile home pad.

(b) Each mobile home pad shall have a minimum dimension equal to the dimension of the mobile home.

(c) Each mobile home pad shall front on a street in the mobile home park.

(d) 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.

1.3 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.

1.4 Off-Street Parking

(a) Where recreational facilities are provided, adequate off-street parking for same shall also be provided.

(b) Mobile Home Unit. No less than two (2) off-street parking spaces shall be provided for each mobile home site. All parking spaces and driveways shall be at least five (5) feet from any side or rear mobile home site line.

(c) 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 Ordinance for similar uses will be used to determine the number of spaces required.

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

1.6 Sewage Disposal

(a) Public sewage shall be required in all mobile home parks and shall be approved by the Pennsylvania Department of Environmental Resources and the Department of Health and be consistent with the Township Sewerage Facilities Plan.

(b) All components of the sewage collection system, treatment facilities and disposal system shall comply with the standards and specifications of the Hilltown Township Water & Sewer Authority.

1.7 Service Buildings

Within a mobile home park, non-residential 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:

(a) A maximum of ten percent (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.

(b) All buildings must comply with the required buffer yard requirements.

(c) All buildings must be set back at least fifty (50) feet from adjacent mobile homes.

(d) All buildings must be set back at least fifty (50) feet from interior streets in the mobile home park.

1.8 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.

1.9 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.

1.10 Subdivision and Land Development Ordinance

The provisions, regulations, and procedures provided in the Hilltown Township Subdivision and Land Development Ordinance shall apply to Mobile Home Parks and no such park shall be opened or constructed without full compliance with same.

1.11 Enforcement and Penalties

All provisions for enforcement and penalties provided for in this Zoning Ordinance shall apply to this Mobile Home Park performance standard.

1.12 Fuel Supply and Storage

(a) 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".

(a.1) 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.

(b) 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.

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 Ordinance, the following standards must be met in order to qualify for this use.

1. 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 ft. in height unless conforming to the requirement of use B-4.
2. Public sewer and water facilities must be available to serve the site.
3. The minimum open space ratio shall be forty (40) percent.
4. Individual homeowners/tenants must be at least 55 years of age, with no children at home under the age of 18.
5. A community center for the residents of the development must be provided that includes the following facilities:
 - 5.1 Meeting hall/multi-purpose room
 - 5.2 Classrooms/small meeting rooms
 - 5.3 Equipped craft shop
 - 5.4 Rest room facilities
 - 5.5 May include: library, laundry room, exercise room, kitchen and pantry, or similar facilities.
6. A minimum of (5) five percent of the housing units shall have barrier free access to accommodate the physically handicapped.
7. 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.
8. Within the PC-1 District, the maximum density for Use B-3 shall

be 2.25 dwelling units per acre and for Use B4 shall be 8.25 dwelling units per acre.

9. Minimum off-street parking requirements:

9.1 Use B-3: Two (2) spaces per dwelling unit

9.2 Use B4: One (1) space per dwelling unit.

(a) Off-street parking requirements for Use B4 may be reduced by 25 percent upon approval of the Board of Supervisors and execution of a written agreement between the Township and the Owner(s) that after one (1) 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.

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

B8. Group Home

This use is to encompass living arrangements for a group of persons who might otherwise be confronted with institutionalization. The purpose of this use is to create a setting which most nearly approximates traditional family living arrangements for the handicapped, elderly, and disabled persons.

The intent of this use is to offer persons facing institutionalization an alternative whereby they can be placed in a family setting as nearly traditional as possible, and thereby, enter into the mainstream of society.

Groups contemplated by this use include, but are not limited to, group homes for the mentally handicapped; physically handicapped; emotionally handicapped; and elderly. It is the intent of this use to create traditional family living arrangements. All group home structures should have the appearance of single-family or other traditionally residential structures.

In addition to any other applicable provisions of the zoning ordinance, the following standards must be met in order to qualify for this use:

1. The number of persons living in such a group home shall not exceed ten (10) in number. Support staff which does not reside at the group home residence shall not be included in the maximum number of ten (10).

1.1 All group homes shall have a minimum of one thousand five

hundred (1,500) square feet of building area, exclusive of building area covered by a garage or other similar building. For group homes housing more than six (6) residents, an additional one hundred and twenty-five (125) square feet shall be required for each additional resident above six (6).

1.2 Any new structures constructed for use as group homes shall be a maximum of one (1) story in height.

2. Minimum lot size shall not be less than that allowed for single-family detached dwellings for the appropriate district in which it is located or 1.5 acres, whichever is greater.

3. The lot on which any group home is located shall conform to all applicable setbacks for the district in which the use is located.

4. If any group home use is to be operated by a group, organization or corporation that is subject to state or local regulation, then said group, organization or corporation must comply with all appropriate regulations of all governmental agencies authorized to regulate said group, organization or corporation. Proof of compliance with all applicable regulations shall be furnished to the Township Zoning Officer within three (3) months of the granting of the zoning permit.

5. There shall be off-street parking provisions to accommodate a minimum of six (6) vehicles. Provisions should be made, and shown on any plans, for the addition of four (4) extra parking spaces. These extra parking spaces shall be required to be constructed if the Township Supervisors decide at a future time that the existing six (6) spaces are insufficient to handle the needs of the particular group home use. The maximum number of parking spaces allowed for any particular group home use is one and one-half (1 1/2) spaces per resident in said group home.

6. Driveway and parking areas shall conform to the Hilltown Township construction standards.

7. Planting Requirements

7.1 Street trees shall be installed along all streets where suitable street trees do not exist.

7.2 All plant material, size, species, genus, caliper and arrangement shall be in accordance with Section 415 of the Subdivision and Land Development Regulations.

8. No group home shall be constructed within a one-quarter (1/4) mile radius of any other group home. (Measured from unit to unit.)

C RELIGIOUS, EDUCATIONAL, RECREATIONAL AND INSTITUTIONAL

C1. **Place of Worship**

Place of religious worship, provided that the following requirements are met:

1. Access shall be to a collector or arterial street.
2. Minimum Lot Size: 2 acres
3. 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.
4. Parking: One (1) off-street parking space for each four (4) seats provided for patron use; or at least one (1) off-street parking space for each forty (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 (1) 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 Section 510 herein.

4.1 All required parking shall be located to the side or rear of the structure.

C2. **School**

Religious, sectarian and non-sectarian, denominational private school, or public school which is not conducted as a private gainful business. Minimum lot size is ten (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 Section 513 of this Ordinance.

1. **Parking:**

1.1 Kindergarten: One (1) off-street parking space for each faculty member and employee plus two (2) additional spaces per classroom.

1.2 Elementary School: One (1) off-street parking space for each faculty member and employee plus two (2) additional spaces for each classroom and office.

1.3 Junior High School: One (1) off-street parking space for each faculty member and employee plus one (1) space per two (2) classrooms and offices.

1.4 Senior High School: One (1) off-street parking space for each faculty member and employee plus one (1) space for each ten (10) students of projected building capacity.

1.5 College and Junior College: One (1) off-street parking space per faculty member and employee plus one (1) space for each classroom seat, or one (1) off-street parking space for each ten (10) auditorium seats, whichever requires the greater number of off-street parking spaces.

1.6 In addition to other required landscaping, all parking areas shall be buffered in accordance with Section 510 of this Ordinance.

C3. Commercial School

Trade, technical, or professional school, music or dance school, etc..

1. Parking: One (1) off-street parking space per faculty member and employee, plus one (1) space per three (3) students. Parking areas shall be adequately screened when situated next to land zoned for or in residential use in accordance with Section 510 herein.

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 minimum lot size of two (2) acres is required.

1. Parking: One (1) space per five (5) seats or one (1) space per two hundred and fifty (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 Section 510 herein.

C5. Recreational Facility

Recreational facility or park owned or operated by the Township or other governmental agency, subject to the following additional requirements:

1. Outdoor active recreation area shall be located at the discretion of the Township.

2. Outdoor activity areas shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbances, as provided in Section 513 of this Ordinance.

3. Parking: One (1) off-street parking space for each five (5) persons of total capacity. Parking areas shall be adequately screened when abutting land zoned for, or in residential use in accordance with Section 510 herein.

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:

1. A minimum lot size of ten (10) acres is required.
2. The use shall not be conducted as a private gainful business.
3. The facility shall be for members and their authorized guests only.
4. The range shall be designed and constructed in accordance with the National Rifle Association's standards for the particular type of range.
5. The range shall be used for only the type of firearms for which it is designed to accommodate.
6. The range shall be operated in strict accordance with the National Rifle Association standards for operation and safety.
7. The range shall not be lighted for night time use.
8. The safety of the adjoining properties shall be a primary consideration in the location and design of a rifle range.
9. Parking: One off-street parking space for each three (3) persons of total capacity, plus one (1) additional space for each employee or operator.

C7. Private Recreational Facility

A recreational facility owned or operated by a non-governmental agency, subject to the following additional provisions:

1. A minimum lot size of five (5) acres is required.
2. The use shall not be conducted as a private gainful business, nor shall it permit amusement parks, wild animal parks or zoos.
3. No outdoor active recreation area shall be located nearer to any lot line than fifty (50) feet.
4. Outdoor play areas shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbances, as provided in Section 513 of this Ordinance.
5. Parking: One (1) off-street parking space for each five (5) persons of total capacity, or at least one (1) off-street parking space for each fifty (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 (1) additional space for each employee.

6. In addition to other required landscaping, all parking areas shall be buffered in accordance with Section 510 of this Ordinance.

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:

1. Lot Area:

Regulation 18 hole; 6,000-7,000 yards in length	130 acres
Executive 18 hole; 3,000-4,000 yards in length	60 acres
Nine hole ; 3,100-3,500 yards in length	60 acres
Par 3 - 18 hole; 2,000-2,500 yards in length	45 acres

2. No building shall be closer than one hundred (100) feet to any lot line.

3. A buffer shall be provided, in accordance with the provisions of Section 510 of this Ordinance.

4. Parking: One (1) off-street parking space per four (4) people of total capacity, including accessory uses, plus one (1) additional space for each employee.

5. In addition to other required landscaping, all parking areas shall be buffered in accordance with Section 510 of this Ordinance.

C9. Private Club

Private club or lodge other than Use C6, subject to the following additional provisions:

1. Parking: One (1) off-street parking space for every five (5) members of total capacity, or at least one (1) off-street parking space for each fifty (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 (1) additional space for each employee. Parking areas shall be adequately screened when abutting land zoned for, or in residential use in accordance with Section 510 herein.

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:

1. A minimum lot size of five (5) acres.
2. The use shall not be conducted as a private, gainful business.
3. No outdoor recreation area shall be located nearer to any lot line than fifty (50) feet.
4. Parking: One (1) off-street parking space for each four (4) seats provided for patron use; or at least one (1) off-street parking space for each fifty (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 (1) additional space for each employee.
5. In addition to other required landscaping, all parking areas shall be buffered in accordance with Section 510 of this Ordinance.

C11. Day Nursery

Day nursery, nursery school, kindergarten, or other agency giving day care to children or adults, subject to the following additional provisions:

1. The use shall be conducted in a building designed for residential occupancy and for the safety and well-being of the occupants.
2. In addition to other required landscaping all outdoor play areas shall be buffered in accordance with Section 510 herein.
3. 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.
4. The establishment must be located on a public street.

5. Parking: At least one (1) 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 Section 510 herein.

C12. Hospital

Licensed hospital, subject to the following additional provisions:

1. A lot area of not less than ten (10) acres shall be required.
2. Any such establishment providing convalescent care or care for the chronically sick shall provide an additional lot area of not less than one thousand (1,000) square feet per bed in use for such long-term care. For the purposes of this Ordinance, long-term care shall mean care in excess of ten (10) days.
3. Buffer planting shall be provided in accordance with Section 510 herein. In addition, care shall be taken to locate emergency and service entrances where they are not offensive to adjoining neighbors.
4. Such use shall have access from major collector or arterial street only.
5. Parking: One (1) off-street parking space for each patient or inmate bed; plus at least one (1) additional off-street parking space for every two visiting staff doctors, plus one (1) additional space for every two employees (including nurses).
6. In addition to other required landscaping, all parking areas shall be buffered in accordance with Section 510 of this Ordinance.

C13. Nursing Home

Licensed nursing or convalescent home, subject to the following additional provisions:

1. A lot of not less than five (5) acres in CR1 and CR2, or one (1) acre in VC, plus one thousand (1,000) square feet additional for each resident person over forty (40) in number in the CR1 and CR2 districts or over twenty (20) in the VC district.
2. A lot area of not less than (20) twenty acres shall be required within the PC-1 District.
3. All Nursing Homes shall be limited to 35 feet in height and shall be serviced by public water and sewers.
4. Parking: One (1) off-street parking space for every two patient or inmate beds, plus at least one (1) additional off-street parking space for every two staff and visiting doctors; plus one (1) additional parking space for every two employees (including nurses).
5. In addition to other required landscaping, all parking areas shall be buffered in accordance with Section 510 of this Ordinance.

C14. Cemetery

A burial place or graveyard including mausoleum, crematory, or columbarium. The minimum lot size shall be five (5) acres.

1. Parking: One (1) off-street parking space for each employee and one (1) off-street space for each four (4) visitors in total capacity of mausoleum, crematory or columbarium.

2. In addition to other required landscaping, all parking areas shall be buffered in accordance with Section 510 of this Ordinance.

C15. Funeral Home

Mortuary of Funeral Home

1. Parking: One (1) off-street parking space for each four (4) seats provided for patron use, or at least one (1) off-street parking space for each fifty (50) square feet of gross floor area used or intended to be used in the operation of the establishment, whichever is greater, plus one (1) space for each employee.

D OFFICE USES

D1. Medical Office

Office or clinic for medical or dental examination or treatment of persons as out-patients, including laboratories incidental thereto.

1. All medical office uses shall be located along the front building set back line of the street with all parking placed to the rear of the building(s) so as not to be visible from the street.

2. 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.

3. Parking: Four (4) off-street parking spaces per doctor, plus one (1) additional space for each additional employee.

4. In addition to other required landscaping, all parking areas shall be buffered in accordance with Section 510 of this Ordinance.

D2. Veterinary Office

Office of a veterinarian with accessory animal kennel. In no event shall animal kennels be allowed as a primary use.

1. Minimum lot size: Five (5) acres only in the RR District.

2. Parking: Four (4) off-street parking spaces for each doctor plus one (1) space for each employee.

D3. Office

A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government providing:

1. All office uses should be located along the front building set back line of the street with all parking placed to the rear of the buildings so as not to be visible from the street.

2. 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.

3. Parking: One (1) off-street parking space for each two hundred (200) square feet of gross floor area.

4. In addition to other required landscaping, all parking areas shall be buffered in accordance with Section 510 of this Ordinance.

E RETAIL AND CONSUMER USES

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.

1. 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.

2. Parking: One (1) off-street parking space for each one hundred (100) square feet of gross area used or intended to be used for servicing customers, plus one (1) additional space for every two (2) employees.

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.

1. 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.

2. Parking: 5.5 spaces per 1,000 square feet of commercial floor space.

E3. Personal Services

Service business including barber, hairdresser, beautician, laundry and dry cleaning, shoe repair, tailor, photographer, travel agency.

1. 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.
2. Parking: One (1) off-street parking space for each one hundred (100) square feet of gross area used or intended to be used for servicing customers, plus one (1) additional space for every two (2) employees.

E4. Financial Establishment

Bank, savings and loan association, credit union and other financial establishment. For each drive-in teller window a minimum of six (6) vehicle waiting spaces shall be provided away from the traffic-way serving the facility.

1. 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.
2. Parking: One (1) off-street parking space for each fifty (50) square feet of gross area used or intended to be used for servicing customers, plus one (1) additional space for each employee.

E5. Eating Place

Eating place for the sale and consumption of food and beverages without drive-in service and primarily without take-out 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.

1. 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.
2. Parking: One (1) off-street parking space for each fifty (50) square feet of total floor area, or one (1) off-street parking space for every four (4) seats, whichever requires the greater number of spaces.

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:

1. Minimum lot size: 40,000 square feet.

2. Minimum lot width: 150 feet.

3. Access Requirements:

3.1 Such use must have direct access to a collector or arterial street.

3.2 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 twenty-four (24) feet wide and not more than thirty-six (36) feet wide.

(b) The ingress and egress are adjacent with a raised island separating the two. The island shall be more than ten (10) feet wide. Each driveway shall be at least fourteen (14) feet wide but not more than twenty-four (24) feet wide.

(c) The ingress and egress would be completely separated on the site. In this case, the driveways shall be at least one hundred (100) feet apart measured centerline to centerline. Each driveway shall be at least fourteen (14) feet wide, but not more than twenty-four (24) feet wide.

3.3 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.

3.4 The access driveway shall be located so as to allow for adequate acceleration and deceleration lanes.

3.5 The access shall be at least forty (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.

3.6 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.

4. 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.

5. Parking Requirements

5.1 One (1) off-street parking space for every two (2) seats, or three (3) off-street parking spaces for every one hundred (100) square feet of gross floor area, whichever requires the greater number of spaces, plus one (1) additional space for each employee of the largest shift.

5.2 Parking areas shall be setback at least ten (10) feet from any side or rear lot line except that when the buffer yard provisions require a greater distance.

5.3 At least two (2) 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.

5.4 Parking areas shall be paved and shall be subject to all applicable parking lot standards of the Hilltown Township Subdivision and Land Development Ordinance.

6. Where a drive-in window is proposed a stacking lane shall be provided to serve a minimum of ten (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.

7. A pedestrian walkway shall be provided between an existing sidewalk and the entrance to the restaurant.

8. Service areas provided for delivery trucks shall be screened from the street and adjacent properties in accordance with Section 510 herein. In addition, the service areas shall be so located as not to conflict with patron traffic, either vehicular or pedestrian.

9. There shall be no outdoor storage other than trash which shall be within an enclosed area.

10. The entrance to the restaurant shall be designed to accommodate handicapped persons.

11. Lighting:

11.1 All portions of the parking area shall be adequately lighted during after-dark operating hours.

11.2 All light standards shall be located on the raised parking islands or planting areas and not on the parking surface.

11.3 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.

12. 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 run-off, direct or restrict pedestrian access, define spaces, provide shade and/or compliment and enhance the building and grounds. Parking areas shall have at least one (1) tree, meeting street tree type and standards, for every ten parking spaces. The trees shall be planted in such a manner to afford maximum protection from the sun for parked vehicles.

13. Covered trash receptacles shall be provided outside the restaurant for patron use.

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.

1. 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.

2. Parking: One (1) off-street parking space for each three hundred (300) square feet of gross floor area; plus one (1) additional space for each employee.

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.

1. 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.

2. Parking: One (1) off-street parking space for each rental room or suite, plus one (1) additional off-street parking space for each employee.

E9. Entertainment

Entertainment and recreation facilities operated as a gainful business. This use shall not include game rooms, arcades or use type E23 Public Entertainment Facility.

1. 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.

2. Parking: One (1) off-street space for each four (4) seats provided for patron use, or at least one (1) off-street parking space or each fifty (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 (1) additional space for each employee.

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:

1. Minimum lot width of not less than two hundred and fifty (250) feet shall be provided along each street on which the lot abuts.

2. All activities except air and those to be performed at the fuel pumps shall be performed within a completely enclosed building.

3. No building, structure, fuel pump or fuel storage tank shall be less than one hundred (100) feet from any Residential Zone.

4. Fuel pumps shall be at least twenty-five (25) feet from any ultimate street right-of-way.

5. All automobile parts and similar articles shall be stored within an enclosed building.

6. All refuse shall be stored within an enclosed building or enclosed area.

7. Paint-spraying or body and fender work shall not be permitted.

8. Lubrication, oil changes, tire changes, and minor repairs permitted if entirely within an enclosed building.

9. Vehicles shall not be stored outdoors while awaiting repairs for more than five (5) days.

10. Junk vehicles shall not be stored in the open at any time.

Buffer yards and screening shall be provided and maintained in accordance with Sections 510 of this Ordinance.

11. Access Regulations:

11.1. There shall be no more than two (2) access points along any frontage and they shall be at least forty (40) feet apart and no driveway shall be closer to a side property line than ten (10) feet.

11.2. Each driveway shall be not more than thirty (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.

11.3. On all corner properties there shall be a minimum distance of fifty (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.

11.4. 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.

11.5. Where there is no existing curb and gutter or sidewalk, the applicant may be required to install such safety island and curb.

12. Parking; One (1) off-street parking space for every three hundred (300) square feet of gross floor area, or two (2) off-street parking spaces for each service bay, whichever is larger, plus one (1) 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.

E11. Automobile Sales

Sale of automobiles by a duly franchised new car dealership, used car sales, car, truck, trailer, cycle and boat rental.

1. Parking: One (1) off-street parking space for each one hundred (100) square feet of gross floor area, plus one (1) additional space for each employee.

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.

1. All such uses shall recycle their liquid wastes according to best management practices available in the industry.

2. 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.

3. Parking: One (1) off-street parking space for each one hundred (100) square feet of gross floor area, plus one (1) additional space for each employee.

E13. Truck and Farm Equipment Sales

Truck, heavy equipment and farm equipment repair and sales.

1. Parking: One (1) off-street parking space for each one hundred (100) square feet of gross floor area, plus one (1) additional space for each employee.

E14. Automotive and Farm Accessories

Sale of automotive and farm accessories, parts, tires, batteries, and other supplies. Installation of parts shall be in a fully enclosed building.

1. Parking: One (1) off-street parking space for each one hundred (100) square feet of gross floor area, plus one (1) additional space for each employee.

E15. Specialty/Cultural Shopping Center

A highly specialized center with stores dealing in handicraft, art, flowers, household goods, boutiques, antiques, flea markets, and the like. Major chain stores servicing the general public, supermarket, department stores, variety stores, discount stores, or service stations are prohibited. Such centers shall be subject to the following additional conditions.

1. The center shall contain no more than fifteen (15) acres of land.

2. The center shall be buffered by a fifty (50) foot planted buffer, where abutting any non-commercial use.

3. Uses E1, E3, E4, E5 shall be permitted as far as they are in keeping with the spirit of this section. Use E8 may also be permitted provided there are no more than forty-five (45) units.

4. Shop sizes shall be no larger than 4,000 square feet and shall average 1,500 square feet.

5. The center shall be planned and designed as a single complex.
6. 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.
7. Parking: 5.5 spaces per 1,000 square feet of gross leasable floor space. Parking for uses E8 and E9 shall be as specified for those uses.

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:

1. Such centers shall be at least ten (10) acres in extent.
2. Uses D1, D2, E1, E2, E3, E4, E5, E7 and E9 shall be permitted.
3. 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.
4. 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.

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 Sections 405 and 406 of this Ordinance 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.

E18. Tavern

An establishment which serves alcoholic beverages for on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board.

1. Parking: One (1) off-street parking space for each fifty (50) square feet of total floor area; plus one (1) additional off-street parking space for each full-time employee.

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 (2) spectators for each court.

1. Parking: One (1) space per anticipated user plus one space for each employee.

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:

1. Maximum building coverage: 30%.
2. Minimum aisle width between buildings shall be twenty-six (26) feet, or greater if necessary for the buildings to meet the Township building code.
3. The storage facilities complex shall be surrounded by a fence at least eight (8) feet in height of a type approved by the Township.
4. 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.
5. A total visual buffer shall be provided in accordance with Sections 510 through 512 of this Ordinance.
6. An office and residence is permitted as an accessory use to provide for a full-time caretaker.
7. Each structure shall not exceed six thousand (6,000) square feet in size.
8. Minimum Requirements for Lease Restrictions:

8.1 Storage limited to items or personal property generally stored in residential accessory structures.

8.2 No business activities other than leasing of storage units.

8.3 No explosive, toxic, radioactive or highly flammable materials.

E21. Adult Store

A retail store or stores commonly known as Adult Book Store, Adult Store being an establishment having a substantial or significant portion of its stock in trade of inventory in books, magazines, periodicals, or similar items, which is distinguished or characterized by an emphasis on pornographic material, or obscene material, as defined by the Consolidated Pennsylvania Statutes, Acts 1972, Dec. 6, No. 334 (18 P.C.P.S.A. 5903) when such use is authorized by special exception, subject to the following conditions.

1. This use shall be located no closer than 1,500 feet, measured in all directions, to a school, church or school bus stop.
2. The exterior display of any material sold in the store shall be prohibited.
3. Parking: One (1) off-street parking space for each one hundred (100) square feet of gross area used or intended to be used for servicing customers, plus one (1) additional space for every two employees.

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:

1. This use shall be located no closer than 1,500 feet, measured in all directions, to a school, church or school bus stop.
2. Minimum lot size shall be three (3) acres.
3. The exterior display of any pornographic material as defined by the Consolidated Pennsylvania Statutes, Acts 1972, Dec. 6, No. 334 (18 P.C.P.S.A. 5903) shall be prohibited.
4. Parking: One (1) off-street parking space for each four (4) seats provided for patron use, or at least one (1) off-street parking space for each fifty (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 (1) additional space for each employee.

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:

1. 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 (4) such devices are located.
2. This use shall be located no closer than 1,500 feet, measured in all directions, to a school, church or school bus stop.
3. Such use shall only be operated between the hours of 10:00 a.m. and 10:00 p.m.
4. 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.
5. Adult supervision shall be provided at all times at the facility.

E24. Outdoor Motion Picture Establishment

Outdoor motion picture establishment which may include facilities for the sale and consumption of food and non-alcoholic beverages. Subject to the following conditions:

1. 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.
2. 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.
3. The applicant shall provide information which indicates conformance with Sections 513 through 519 of this Ordinance.
4. The maximum impervious surface ratio for this use shall be sixty (60) percent regardless of the standards listed in Section 502 Table of Performance Standards.
5. The motion picture screen shall not be oriented toward an arterial or collector street.

6. The applicant shall provide a plan for buffering in accordance with Section 510 , and shall meet the following standards:

6.1 The minimum buffer width shall be fifty (50) feet.

6.2 Along an adjacent property line that is zoned RR, CR1, CR2 or VC or a property line with an existing residential use and along any street, there shall be either:

(a) A six (6) foot high solid wooden fence within the fifty (50) foot buffer yard and one 1 1/2 inch to 2 inch caliper deciduous tree at an average of one tree per forty (40) lineal feet of buffer plus one 3 foot to 4 foot evergreen tree at an average of one tree per twenty (20) lineal feet of buffer; the trees shall be placed between the fence and the property line; or

(b) A five (5) foot high berm planted on top as in 6.2(a) above with the plant material listed in 6.2(c) below; or

(c) One 1 1/2 inch to 2 inch caliper deciduous tree at an average of one tree per forty (40) lineal foot of buffer plus one 3 foot to 4 foot evergreen tree at an average of one tree per twenty (20) lineal foot of buffer plus one 3 foot to 4 foot deciduous shrub per four (4) lineal foot of buffer.

6.3 Acceptable plant material for the buffer yard noted in Section 6.2(b) above shall be:

(a) Evergreen trees as specified in the Hilltown Township Subdivision and Land Development Ordinance;

(b) Deciduous trees as specified in the Hilltown Township Subdivision and Land Development Ordinance;

(c) Shrubs: Privet, Forsythia, Viburnum Species.

6.4 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 AND PUBLIC SERVICE ORGANIZATIONS

F1. Public and Commercial Utilities

Transformer station, pumping station, relay station, towers (water or communication), electric substations, etc. In residential districts, such uses shall be permitted only where all the following conditions are met:

1. Such installation is essential to service the surrounding residential area(s);

2. No public business office or any storage yard or storage building is operated in connection with the use;

3. A fifty (50) foot buffer yard shall be provided along all property lines which shall include adequate means for visual screening in accordance with Section 510 herein; and

4. Setbacks for towers shall be equal to the height of the tower.

5. Parking: Two (2) off-street parking spaces, or one (1) space per employee, whichever requires the greater number of spaces is provided.

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 (3) acres.

1. Parking: Three (3) off-street parking spaces for every four (4) employees on the two major shifts at maximum employment, or four (4) 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 (2) off-street parking spaces for each fire truck plus one (1) off-street parking space for each one hundred (100) square feet of gross floor area.

F3. Bus Station

A mass transit facility used for the pick-up and drop-off of passengers including the storage and maintenance of vehicles, and office and passenger waiting areas normally and customarily related to the use.

1. 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.

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.

1. 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.

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.

G LIGHT INDUSTRIAL USES

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.

1. 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.

G2. Research

Research, testing, or experimental laboratory.

1. Parking: Three (3) off-street parking spaces for each four (4) employees on the largest shift, or one (1) off-street parking space for every two hundred and fifty (250) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

G3. Wholesale

Wholesale business and storage in a roofed structure.

1. Parking: Three (3) off-street parking spaces for each four (4) employees on the largest shift, or one (1) off-street parking space for every five hundred (500) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

G4. Printing

Printing, publishing, binding.

1. Parking: Three (3) off-street parking spaces for each four (4) employees on the largest shift, or one (1) off-street parking space for every two hundred and fifty (250) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

G5. Contracting

Excavating, building, cement, masonry, painting, roofing, siding, landscaping, paving, HVAC, or uses of similar nature.

1. Parking: Three (3) off-street parking spaces for each four (4) employees on the largest shift, or one (1) off-street parking space for every two hundred and fifty (250) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

G6. Fuel Storage and Distribution

Storage and distribution of fuel oil, coal, LP gas and similar fossil fuels.

1. The maximum lot area shall be five (5) acres.
2. 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.

G7. Warehousing

1. A building used primarily for the storage of goods, and materials in a completely enclosed building.
2. Parking: Three (3) off-street parking spaces for each four (4) employees on the largest shift, plus one (1) for each company vehicle normally stored on the premises.

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.

1. Parking: Three (3) off-street parking spaces for each four (4) employees on the largest shift, or one (1) off-street parking space for every five hundred (500) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

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.

1. **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

H1. Manufacturing

Manufacturing, including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products, including asphalt and concrete.

1. **Parking:** Three (3) off-street parking spaces for every four (4) employees on the largest shift, plus one (1) space for each company vehicle normally stored on the premises.

H2. Planning Mill

Planing mill where wood products are sold or processed to finished items such as molding, trim, etc.

1. **Parking:** Three (3) off-street parking spaces for each four (4) employees on the largest shift, or one (1) off-street parking space for every five hundred (500) square feet of gross floor area, whichever is greater, plus one (1) space for each company vehicle normally stored on the premises.

H3. Lumber Yard

Lumber yard, excluding planing mill.

1. **Parking:** Three off-street parking spaces for every four (4) employees on the two major shifts at maximum employment, but in no case less than one (1) off-street parking space for every three hundred (300) square feet of gross floor area.

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 Section 520 of this Ordinance. Included as a conditional use are asphalt and concrete mixing operations.

H5. Resource Recovery Facility

1. A facility or land area that is used for any one or a combination of the following Use Types:

1.1 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.

1.2 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).

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

1.4 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.

1.5 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).

2. The following minimum lot area requirement shall apply:

USE TYPE	MINIMUM LOT AREA
2.1 Materials Separation and/or Refused Derived Fuels Facility	5 acres
2.2 Municipal Solid Waste Facility	5 acres
2.3 Recycling Facility	5 acres
2.4 Incinerator	10 acres
2.5 Solid Waste Transfer Facility	10 acres

3. The following requirements shall apply:

3.1 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 two hundred feet from any residential zoning district or occupied residential dwelling unit.

3.2 Truck and equipment parking and/or storage areas shall be a

minimum of one hundred feet from any property line.

3.3 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 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 the PaDER, the more restrictive PaDER Regulations shall supersede and control.

3.4 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 (6) six feet high and shall be kept in good repair and neatly painted in a uniform color.

3.5 Unloading of municipal solid waste shall be continuously supervised by a facility operator.

3.6 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.

3.7 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 and approved by the municipality. To control blowing paper, there shall be erected a fence having a minimum height of six (6) feet, with opening not more than three (3) inches by three (3) inches along all boundaries. The entire area shall be kept clean and orderly.

3.8 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.

3.9 The storage of paper shall be within a building or other appropriate structure.

3.10 Any material stored outdoors shall be properly screened so as not to be visible from any adjacent street or property.

3.11 No material shall be placed or deposited to a height greater than the height of the fence or herein prescribed.

3.12 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 seventy-two (72) hours.

3.13 A contingency plan for disposal of municipal waste during a plant shut down must be submitted to the municipality and approved by the governing body.

3.14 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 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 PaDER regulations.

3.15 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 one hundred and fifty (150) feet from any lot 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 the PaDER.

3.16 A dense evergreen buffer shall be provided on the outside perimeter of the fenced area. Evergreens shall be (4) four to (5) five feet in height and planted on (10) ten foot staggered centers. In addition, the buffer requirements of Sections 510 through 512 of this Ordinance shall be met.

3.17 Solid waste landfill operations and open burning of any materials is prohibited.

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

3.19 A traffic, environmental and community impact study and certification of water availability from the appropriate authority is required.

3.20 A zoning permit shall be obtained on an annual basis.

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

3.22 Municipal water and sewer is required.

3.23 Parking: One (1) space per each employee.

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 Ordinance.

1. The proposed use of an area for a auto salvage yard is not detrimental to adjacent land uses.

2. 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.

3. 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.

4. The contents of such a auto salvage yard shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.

5. 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 Section 510 herein.

6. Minimum Lot Area Required: 10 acres

H7. Junk Yard

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:

1. The proposed use of an area for a junk yard is not detrimental to adjacent land uses.

2. The land area used for junk 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.

3. Such junk 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.

4. 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 Section 510 herein.

5. The contents of such a junk yard shall not be placed or deposited to a height greater than the height of the fence or wall herein prescribed.

6. Minimum Lot Area Required: 10 acres

H8. Composting Facility

A facility for the composting of the organic matter in the municipal solid waste stream.

1. The minimum lot area requirement shall be five (5) acres.

2. The minimum front yard shall be seventy-five (75) feet and the minimum side and rear yards shall be fifty (50) feet.

3. 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 Section 510 herein.

H9. Outdoor/Wholesale Storage

Outdoor storage is a primary use of the land, not including a junk yard or auto salvage, and subject to the following additional provisions.

1. 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.

2. Explosive, toxic, radioactive or highly flammable materials shall not be permitted under this use type.

3. Storage shall occupy an area of no more than seventy-five (75) percent of the lot area.

4. Storage areas shall not exceed a height of eight (8) feet.

5. Storage areas shall be shielded from view from all public streets and residential uses.

6. Parking: One (1) off-street parking space for every five hundred (500) square feet of gross storage area, plus one (1) space for each company vehicle normally stored on the premises.

7. 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 Ordinance.

II. Home Occupation

1. **General Standards:** The following shall apply to all home occupations:

1.1 A home occupation must be conducted within a single-family dwelling which is the bonafide residence of the principal practitioner, or in an existing accessory structure thereto which is normally associated with a residential use.

1.2 The amount of floor area devoted to this home occupation shall not be more than twenty-five (25) percent of the ground floor area of the principal residential structure or six hundred (600) square feet, whichever is less. At least eight hundred and fifty (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 twenty-five (25) percent 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.

1.3 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 Ordinance.

1.4 One sign is permitted per home occupation providing that it is no larger than four (4) 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.

1.5 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.

1.6 Off-street parking spaces are not permitted in the front yards. A ten (10) 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 ten (10) feet from any property line. All off-street parking areas which contain more

than three (3) spaces, must comply with the buffer and screening requirements of this Ordinance.

1.7 There shall be no exterior storage of materials or refuse resulting from the operation of the home occupation.

1.8 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.

1.9 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.

1.10 There shall be no retail sales of goods permitted from any home occupation.

2. The following uses are permitted as Home Occupations subject to the following additional conditions:

2.1 Professional Offices

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.

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.

(a) No more than two (2) persons, other than members of the immediate family, may be employed.

(b) In addition to the off-street parking spaces required in this Ordinance for the particular residential use concerned, a professional office shall provide one (1) off-street parking space for each employee, plus one (1) additional space for each two hundred (200) square feet of office space. A maximum of six (6) off-street parking spaces are permitted on one lot, inclusive of the required residential parking.

2.2 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 Ordinance for the particular residential use concerned, an instructional service shall provide one (1) off-street parking space per two (2) students being instructed at any one time. A maximum of four (4) off-street parking spaces are permitted on one lot inclusive of residential parking.

2.3 Home Crafts

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.

A home craft occupation is a permitted accessory use providing that the home occupation complies with the following provisions:

(a) Home crafts are permitted only in single-family detached dwellings.

(b) No more than one (1) person other than members of the immediate family may be employed.

(c) In addition to the off-street parking spaces required in this Ordinance for the particular residential use concerned, a Home Craft shall provide one (1) off-street space per three hundred (300) square feet of gross floor area used for the home occupation. A maximum of four (4) off-street parking spaces are permitted on one lot inclusive

of the required residential parking.

2.4 Family Day Care Home

Family day care home is a facility in which care is provided for one (1) or more, but less than seven (7) 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:

(1) The use shall be conducted in a building designed for residential occupancy and for the safety and well-being of the occupants.

(2) A minimum outdoor play area of two thousand (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.

(3) Family Day Care Homes are only permitted as an accessory use to a single-family home.

(4) If a Family Day Care Home is located adjacent to a non-residential 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.

(5) No more than one (1) person other than members of the immediate family may be employed.

(6) Parking standards: In addition to the off-street parking required for a single-family dwelling at least one (1) additional off-street parking space is required for each employee, plus one additional space for drop-off. All parking areas in excess of three (3) spaces must be screened.

12. Residential Accessory Structures and Uses

1. Residential accessory structures and uses including, but not necessarily limited to:

1.1. Parking spaces for the parking of passenger automobiles. The parking of commercial vehicles is prohibited, except for a maximum of one (1) 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 (5) feet to any side or rear lot line. Common lot lines of attached and semi-detached dwellings and shared driveways are exempt from this set back provision.

1.2 Fences and walls shall not exceed four (4) feet in height in front yard areas, and eight (8) feet in height in side and rear yard areas. Fences and walls shall be no closer than one (1) 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.

1.3 Decks and patios are permitted in side and rear yard areas only and may be located no closer than (5) feet from any lot line.

1.4 A detached garage shall not be permitted closer than forty (40) feet from a front yard street line. Detached garages may be permitted within two (2) feet from the side lot line and five (5) feet from a rear lot line, in CR-1 and VC districts only, provided further that a minimum rear yard setback of twenty (20) feet shall be required when the entrance to a detached garage is gained directly from a alley. Detached garages shall not be closer than fifteen (15) feet to a principle building on the same lot. In all other instances garages shall be located in accordance with the applicable set-back requirements for the principal dwelling.

1.5 Storage sheds, swing sets, play apparatus and the like, are permitted in side and rear yard areas only, and may be no closer than two and one half (2 1/2) feet to a lot line.

2. Accessory Family Apartments:

One (1) apartment accessory to a single-family detached dwelling shall be permitted provided the following conditions are met. Accessory family apartments shall conform to the minimum yard requirements as established for the district in which it is located, and shall not exceed eighteen (18) feet in height. The intent of these provisions is to allow for related family members to reside on the premises, but to prohibit the creation of for-profit apartments in districts where multi-family housing is not otherwise permitted.

2.1 Such use shall occupy no more than fifty percent (50%) of the total floor area of the primary living area of the principal residence, but in no event shall the accessory use exceed a total floor area of eight hundred (800) square feet. The primary living area includes the living room, dining room, kitchen, one (1) bathroom and the largest bedroom.

2.2 Occupancy of such use shall include only relatives of the family occupying the principal residence.

2.3 Such use may contain separate sleeping, living, and bathroom facilities, but may not contain separate cooking facilities.

2.4 Such use shall be part of the principal residence or may be contained in an accessory structure or building existing at the date of this Ordinance. No new separate structures on the same lot with the principal residence shall be permitted to be constructed for this use, and the accessory family apartment shall not be located in cellars or basements. Cellars are those areas having one-half (1/2) or more of its floor to ceiling height below the average level of the adjoining ground.

2.5 Only one (1) accessory family apartment shall be permitted per single-family detached dwelling, and there shall be no changes to the exterior of the residence which suggests that the dwelling unit is other than a single-family detached dwelling.

2.6 The record owner of the property shall grant a deed restriction limiting such use in accordance with the foregoing provisions in favor of Hilltown Township. Additionally, the record owner shall execute a separate Agreement with the Township, which Agreement shall:

(a) Describe the dimensions and location of the accessory use;

(b) Identify the occupant or occupants of the accessory use;

(c) Be in a recordable form acceptable to the Township so as to provide notice at the Bucks County Recorder of Deeds Office.

(d) All costs related to the preparation and recording of the foregoing documents are the responsibility of the applicant for the accessory use.

2.7 Such use shall be subject to an annual inspection and annual Zoning Permit Fee in accordance with a separate resolution of the Board of Supervisors.

2.8 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.

2.9 One (1) off-street parking space shall be provided for the

additional use.

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:

1. 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.
2. No additional rooms may be constructed for this purpose.
3. The roomers, boarders or lodgers shall live within the principal residential building.
4. No separate cooking facilities or dwelling may be created.
5. Parking: One (1) off-street parking space shall be provided for each roomer.

I4. Non-Residential Accessory Building

Accessory building, or structure, or uses customarily incidental to non-residential 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. Non-residential accessory buildings shall meet the minimum setbacks for the principal non-residential building and use within said District.

1. Parking: Parking shall conform to the requirements of the most closely related use in Section 406 of this Ordinance.

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:

1. 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.
2. Parking: None

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:

1. **Special Events:** A structure and use thereof necessary during construction or other special circumstances of a non-recurring nature, subject to the following provisions:

1.1 The time period of the initial permit shall be six (6) months. This permit may be renewed for additional periods of six (6) months subject to the limitations specified in Section 403, and within a total aggregate period not to exceed two (2) years.

1.2 Temporary non-conforming structures or uses shall be subject to authorization by the Zoning Hearing Board.

1.3 Such structure or use shall be removed completely within 30 days of the expiration of the permit without cost to the Township.

1.4 Said structure shall not be used in conjunction with a private residential garage sale.

2. **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:

2.1 No greater than four (4) private garage sales are permitted on any lot within the same calendar year.

2.2 All saleable items shall be used household goods.

17. Off-street Parking

Off-street parking is subject to the provisions and requirements of Section 523.

18. Signs

Signs are subject to the provisions and requirements of Article VII.

19. Non-Commercial Kennels

A structure in which dogs, cats, or other domestic pets are kept for private purposes subject to the following conditions:

1. No more than three (3) such pets shall be kept under the permanent care of the occupants.

2. 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.

3. A noncommercial kennel may be established only as an accessory use.

4. 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.

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.

1. Recreational vehicles or units shall be stored on lot and comply with one of the following conditions:

- 1.1 Located to the side or rear of the dwelling.
- 1.2 Located in a garage.
- 1.3 Located in an open sided roofed structure.

I11. Non-Commercial Swimming Pool

A water filled enclosure, permanently constructed or portable, having a depth of more than twenty-four (24) inches below the finished grade, or an above-surface pool, having a depth of more than twenty-four (24) inches above finished grade, designed, used and maintained for swimming and bathing.

1. 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.

2. Pools shall be located to the side or rear yard of the dwelling unit only and may be located no closer than ten (10) feet from any lot line and shall not be located under electrical lines of any kind.

3. Every outdoor pool shall be enclosed by a fence of at least four (4) feet in height, or the side walls of an above-ground pool shall be four (4) feet above the finished grade and access removed or the ladder folded and locked to prevent access when not in use. All above-ground pools less than four (4) 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 (4) feet, nor more than six (6) feet in height and which shall contain no vertical interspace of more than two (2) inches and no horizontal rail or component on the outside useable as a footstep and which shall satisfy the following minimum requirements:

- 3.1 Wood picket: 3/4 inch stock.
- 3.2 Metal picket: 1/2 inch diameter bar.
- 3.3 Chain link: Vertical chains shall be eleven (11) gauge minimum wire and a maximum of two (2) inches apart.
- 3.4 Woven or other solid fence: Strength shall be equivalent to one of the forgoing, satisfactory to the Zoning Officer.
- 3.5 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.
- 3.6 A dwelling or accessory building may be used as a part of the required enclosure.
4. 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.
5. 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.
6. 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.

I12. Wind Energy Conversion System (WECS)

A wind energy conversion system is a device which converts wind energy to mechanical or electrical energy, and is subject to the following:

1. Sitting

1.1 A WECS shall be set back from any property line, above-ground utility line, or other WECS a distance greater than either:

- (a) Its overall height, including blades; or
- (b) The minimum yard requirement, whichever is greater.

1.2 In the case of performance subdivisions or cluster developments, a WECS shall be erected within the common open space area and shall be set back from all residences a distance greater than specified in Section 1.1(a) above.

1.3 Contiguous property owners may construct a WECS for use in common, provided that the required setback is maintained relative to the property lines of non-participating owners.

2. Size

2.1 Maximum output: 200KW

2.2 Maximum blade diameter: 20 feet

2.3 Maximum height: none (A WEC is exempt from the maximum height restrictions in this Ordinance.)

3. Safety

3.1 Minimum blade height: 15 feet at lowest point of arc.

3.2 Access control: minimum access height of 12 feet or minimum fence height of 6 feet with locking portal.

3.3 The design of a proposed WECS shall be such that it will operate safely, without loss of structural integrity and certified by a licensed engineer, under the following conditions:

(a) Loss of utility power (shall not backfeed dead utility line);

(b) High wind speed (shall brake or feather below survival wind speed);

(c) Blade imbalance (shall support added blade weight of at least 10%).

3.4 A minimum of one sign shall be posted near ground level or on the tower structure warning of high voltage.

4. Aesthetics

4.1 The electric and utility lines to and from a WECS shall be underground.

4.2 The ground level equipment and structures shall be adequately buffered from adjacent properties and street rights-of-way with landscaping or fencing.

113. 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:

1. The structure shall be setback from the nearest property line a distance at least equal to the height of the structure.

2. The structure shall be anchored to the ground in a manner satisfactory to the Township Engineer.

3. Shall not be subject to the minimum height limitations of this Ordinance.

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 Ordinance.

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:

1. The accessory retail use shall not exceed ten percent (10%) of the gross floor area of the principal use.
2. 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.
3. No new building or structure shall be established for the accessory retail use.
4. Parking: Parking shall conform to the requirements of either the E-1 or E-2 Retail Store Use Types set forth in Section 406 of this Ordinance consistent with the proposed square footage of the new accessory use.

I16. Bed and Breakfast

Use and occupancy of a detached dwelling shall be permitted for accommodating transient guests for rent subject to the following additional conditions and restrictions:

(a) Not more than six (6) guest rooms may be provided. Not more than two (2) adults and two (2) children may occupy one guest room.

(b) The minimum lot size for the use shall be three (3) acres for the first guest room and one (1) additional acre for each additional guest room.

(c) One (1) off-street parking space shall be provided for each guest room, plus one (1) space for each employee and two (2) 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 by a five (5) foot fence or evergreen plant material.

(d) 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.

(e) No external alterations, additions, or changes to the exterior structure shall be permitted except as required by the Pennsylvania Department of Labor and Industry or for safety reasons as required by any other governmental agency.

(f) The use shall be carried on primarily by members of the immediate family which must reside on the premises.

(g) There should be no separate kitchen or cooking facilities in any guest room. Food served on the premises shall be limited to breakfast and afternoon tea only and shall be served only to guests of the establishment.

(h) The maximum uninterrupted length of stay shall be seven (7) days.

(i) 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 clientele and permanent residents of the establishment and their occasional invited guests.

(j) Sewage disposal method shall conform with the requirements of the Bucks County Department of Health and the Hilltown Township Sewage Facilities Plan.

(k) A bed and breakfast may be used for weddings, receptions, meetings, and other special events which attract people who are not guests at the bed and breakfast only when the following additional requirements are met:

(1) The bed and breakfast must have frontage on and access to an arterial road.

(2) Parking: One (1) off-street parking space for every two (2) guests or visitors who could attend any single event, in addition to the parking required for the bed and breakfast.

(3) Parking areas shall be separated from abutting lots by a landscaped class C buffer as set forth in Section 510 of this Ordinance.

(4) Events which involve either outdoor dining or outdoor music or both shall be permitted to be held no more than four (4) times in a single calendar year.

(5) A parking attendant shall be employed for each special event.

(1) The use shall only be permitted in the RR Zoning District.

ARTICLE V PERFORMANCE STANDARDS

500. Compliance

All uses and activities established after the effective date of this Ordinance shall comply with the following standards:

501. Site Capacity Calculation

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. For each tract, the following calculation shall be submitted by the applicant:

1. BASE SITE AREA: 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. Only Uses B3, B4 and B6 are required to complete the calculations beyond this subsection, Base Site Area.

1.1 Site Area as determined by actual on-site survey _____ Ac.

1.2 Subtract land within the existing and ultimate right-of-way of existing streets, utility rights-of-ways and easements.-_____ Ac.

1.3 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 by an expressway or limited access highway, or so that it is isolated and unavailable for building purposes.

1.4 Subtract land which in a previously approved subdivision, was reserved for resource reasons such as flooding, or for recreation.
-_____ Ac.

1.5 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.

Resource	Open Space Ratio	Acres of Land in Resource	Acres Resource Protection Land (Acres x Open Space Ratio)
Flood Plains	1.00	_____ acres	_____ acres
Flood Plain Soils	1.00	_____	_____
Lakes or Ponds	1.00	_____	_____
Wetlands	1.00	_____	_____
Steep Slope (25% or more)	.85	_____	_____
Woodland [1]	.80	_____	_____
Pond Shore	.80	_____	_____
Lake Shore	.70	_____	_____
Steep Slope (15-25%)	.70	_____	_____
Steep Slope (8-15%)	.60	_____	_____

[1] Woodland protection standards may be reduced to 40% within the CR-1, PC-1, PC-2, LI and HI districts upon approval of the Board of Supervisors.

TOTAL LAND WITH RESOURCE RESTRICTIONS _____ acres

TOTAL RESOURCE PROTECTION LAND _____ acres

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 Sections 1 or 2 above is retained for this purpose. Therefore, take:

	BASE SITE AREA	_____ acres
subtract	TOTAL LAND WITH RESOURCE RESTRICTIONS	- _____ acres
equals	Total Unrestricted Land	= _____ acres
multiply	Total Unrestricted land by	x <u>.15</u>
equals	MINIMUM USABLE MUNICIPAL USE AREA OR OPEN SPACE LAND	= _____ acres

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 single-family cluster, performance subdivisions, or mobile home parks the number of allowable dwelling units is determined by multiplying the density by the net buildable site area. The calculations are as follows:

4.1 Single-Family Cluster or Performance Subdivision or Mobile Home
Park

take	RESOURCE PROTECTION LAND	_____	acres
add	RECREATION LAND	+ _____	acres
equals	TOTAL OPEN SPACE	= _____	acres
take	BASE SITE AREA	_____	acres
multiply	by Open Space Ratio (Table 502)	x _____	
equals	MINIMUM REQUIRED OPEN SPACE	= _____	acres
take	BASE SITE AREA	_____	acres
subtract	TOTAL OPEN SPACE OR MINIMUM REQUIRED OPEN SPACE, whichever is greater	- _____	acres
equals	NET BUILDABLE SITE AREA	= _____	acres
multiply	by Maximum Density (Section 502)	x _____	
equals	Number of Dwelling Units	= _____	DU's

4.2 Calculate the Impervious Surface Ratio
IMPERVIOUS SURFACES:

STREETS	_____	acres	
BUILDINGS	_____	acres	
DRIVEWAYS	_____	acres	
SIDEWALKS	_____	acres	
PATIOS	_____	acres	
PARKING LOTS	_____	acres	
OTHER	_____	acres	
equals	TOTAL IMPERVIOUS SURFACE	= _____	acres
divide	by Net Buildable Site Area	/ _____	acres
equals	IMPERVIOUS SURFACE RATIO	= _____	acres

Maximum Impervious Surface Ratio
(Table 502) _____ acres

Map Net Buildable Site Area in accordance with the resources described
in Section 504 and lot on net buildable site area.

502. Performance Standards: Bulk and Area

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 standard shall always govern. 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 cluster, or non-residential uses to be created.

TABLE 502: PERFORMANCE STANDARDS - BULK AND AREA

DIST.	USE	MINIMUM OPEN SPACE RATIO	MAXIMUM DENSITY DU/AC	MAXIMUM IMPERVIOUS SURFACE RATIO	MINIMUM SITE AREA sq.ft.	MINIMUM LOT SIZE sq.ft.	MAXIMUM HEIGHT
RR	Single-family	0%	.75	.09	50,000(1)	50,000(1)	35 ft.
	S.F. Cluster	55%	1.2	.15	20 acres	30,000(3)	35 ft.
	Other Uses	--	--	.35	See Uses Permitted		35 ft.
CR-1	Single-family	--	1.2	.14	30,000(2)	30,000(2)	35 ft.
	S.F. Cluster	40%	2.25	.20	10 acres(2)	17,000(2)	35 ft.
	Perf. Subdiv.	50%	5.0	.35	20 acres(2)	-- -- --	35 ft.(4)
	Other Uses	--	--	.35	See Uses Permitted		35 ft.
CR-2	Single-family	--	.75	.14	50,000(3)	50,000(3)	35 ft.
	S.F. Cluster	55%	1.2	.15	20 acres	30,000(3)	35 ft.
	Other Uses	--	--	.35	See Uses Permitted		35 ft.
VC	Single-family	--	1.8	.26	20,000(2)	20,000(2)	35 ft.
	Single-family	--	.75	.09	50,000	50,000	35 ft.
	Perf. Subdiv.	45%	5.0	.35	5 acres	-- -- --	35 ft.(4)
	Other Uses	--	--	.65	50,000(2)	20,000(2)	35 ft.
MHP	Mobile Home Park	30%	4.5	.27	20 acres(2)	7,500(2)	35 ft.
PC-1	All Uses	--	--	.70	20,000(2)	20,000(2)	35 ft.
PC-2	All Uses	--	--	.70	50,000(2)	50,000(2)	35 ft.
LI & HI	All Uses	--	--	.60	2 acres(2)	2 acres(2)	35 ft.

(1) Each lot must be served with public water. For lots not served with public water there shall remain an additional 80,680 square feet of land that shall remain as deed restricted conservation land until such time as public water can serve the balance of the lot unless a property owner falls within one of the following exceptions:

(a) The proposed subdivision is a minor subdivision and provided further that the total lots subdivided under this exemption shall not exceed ten percent (10%) or five (5) acres, whichever is less, for each lot or tract of land existing within the RR Zoning District as of the effective date of this Ordinance.

(b) Any major subdivision which complies with Hilltown Township Ordinance No. 87-3 pertaining to community water supply and on-lot water distribution systems.

(c) B3. Single Family Detached Cluster Uses as provided in this Ordinance.

(2) Each lot must be served by public water and sewer.

(3) Each lot must be served by public water, or community water supply and distribution system pursuant to Ordinance No. 87-3.

(4) Or higher as permitted within this Ordinance.

503. Non-Residential Minimum Yard and Lot Width Requirements

The following standards apply in the district specified.

Dist.	<u>Minimum Yard and Lot Width Requirements</u> (in feet)			
	Front	Yards (ft) Side	Rear	Minimum Lot Width (ft)
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

(1) The minimum yard abutting a residential district shall be one hundred (100) feet.

504. Environmental Performance Standards

Any use permitted under Section 406 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 Ordinance. The presence of any of these features on the subject tract shall be identified on the development plan or permit application plan.

1. Flood Plains: All such lands shall be permanently protected and undeveloped, except that roads may cross the flood plain where design approval is obtained from the Pennsylvania Department of Environmental Resources and as permitted by Section 522, Flood Plain Performance Standards of this Ordinance.

2. Flood Plain Soils: All such lands shall be permanently protected and undeveloped, except that roads may cross flood plain soils where design approval is obtained from the Pennsylvania Department of Environmental Resources. See Section 522, Flood Plain Performance Standards of this Ordinance. Flood plain soils shall not be used where a flood plain line has been drawn.

3. Steep Slopes: In areas of steep slopes, i.e. those above 8%, the following standards shall apply:

3.1 8-15%: no more than 40% of such areas shall be developed and/or regraded or stripped of vegetation.

3.2 15-25%: no more than 30% of such areas shall be developed and/or regraded or stripped of vegetation.

3.3 25% or more: no more than 15% of such areas shall be developed and/or regraded or stripped of vegetation.

4. Forest: No more than 20% of any forest may be cleared or developed. The remaining 80% shall be permanently protected and undeveloped.

5. 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 PaDER.

6. Lake Shorelines: The shorelines of lakes, within 150 feet of the shoreline, shall contain no more than fifteen (15) percent impervious surfaces. At least seventy (70) percent shall be permanently protected and undeveloped.

7. Pond Shorelines: The shorelines of ponds, within 75 feet of the shoreline, shall contain no more than ten (10) percent impervious surfaces. At least eighty (80) percent shall be permanently protected and undeveloped.

8. Storm Water: All developments shall limit the rate of storm water run-off so that no greater rate of run-off 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 run-off calculations shall be computed in accordance with the standards and methods found in the Hilltown Township Subdivision and Land Development Ordinance.

9. 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," Chapter 102.

10. 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:

10.1 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.

10.2 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.

11. The Permanent Removal of Sub-surface Solids: The permanent removal of sub-surface 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 Ordinance.

505. Sewage Treatment and Disposal, Private

All proposed private sewage disposal systems shall conform with the Township's Sewage Facilities Plan, as amended, the Township's Spray Irrigation Ordinance No. 87-4, as amended, and the applicable Rules and Regulations of the Bucks County Department of Health and the Pennsylvania Department of Environmental Resources.

506. 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 Resources.

507. Public Water Supply Extension Requirements

All existing and future buildings or structures requiring water service shall comply with the applicable provisions of Hilltown Township Ordinance No. 87-2, as amended.

508. 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:

(1) 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.

(2) The purpose of the well protection fund shall be to guarantee the quantity and quality of adjacent water supplies.

(3) The well protection fund shall be established by written agreement with the Township and shall be in effect for five (5) years from the date of completion of the development or construction of ninety percent (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.

(4) The Well Protection Fund Agreement as described above shall impose the following obligations upon the landowner:

(a) If any residential well located within one thousand five hundred (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.

(b) 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.

(c) 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.

(5) In the event that the well protection fund falls below fifty percent (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.

(6) Upon completion of the time period established pursuant to paragraph (3), the well protection fund shall be returned to the

landowner, his successors or assigns.

(7) 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.

(8) 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.

509. Buffer Yards

Buffering serves to soften the outline of buildings, to screen glare and noise, and to create a visual and/or physical barrier between conflicting land uses.

1. Buffer yards are required between major subdivisions and all land developments and along existing streets. The extent of buffering required shall be determined by the type of use proposed and the adjacent uses or streets surrounding the proposed development. The impact of the proposed use on adjoining properties is the basis for establishing buffer yard standards.

2. To determine the required buffer yard and planting schedule, a three step procedure shall be followed:

Step 1: Site Analysis and Determination of Buffer Yard Class.

Step 2: Selection of the Planting Option for the Buffer Class

Step 3: Selection of the Plant Materials from the Plant Materials List.

2.1 Site Analysis and Determination of Buffer Yard Class.

For each property boundary, the applicant shall determine the adjacent land use or street classification. Land use information shall be determined by an on-site survey and the Hilltown Township Comprehensive Plan shall be utilized to determine street classifications. Table 510 specifies the buffer yard class for each boundary.

The applicant shall match his proposed land use with the corresponding adjacent land use or street classification for each property boundary. The letter indicates the buffer yard class.

2.2 Selection of the Planting Option for the Buffer Class

After determining the Buffer Class, the applicant shall select a Planting Option from Table 510. For each Buffer Class, several Planting Options are available, one of which the applicant shall select to meet the buffer yard requirement for each boundary. The Planning Commission may consider an alternative Planting Option which shall have a screening capability equal to or greater than any of the available options.

2.3 Selection of Plant Materials from the Plant Materials List

Each planting option may utilize any of the plant materials outlined in Table 510. Minimum plant size, given either in height or in caliper is indicated on this Table. The Planning Commission may permit other planting types if they are: hardy to the area; are not subject to buffering required shall be determined by the type of use proposed and the adjacent uses or streets surrounding the proposed development. The impact of the proposed use on adjoining properties is the basis for establishing buffer yard standards.

3. To determine the required buffer yard and planting schedule, a three step procedure shall be followed:

Step 1: Site Analysis and Determination of Buffer Yard Class.

Step 2: Selection of the Planting Option for the Buffer Class

Step 3: Selection of the Plant Materials from the Plant Materials List.

3.1 Site Analysis and Determination of Buffer Yard Class.

For each property boundary, the applicant shall determine the adjacent land use or street classification. Land use information shall be determined by an on-site survey and the Hilltown Township Comprehensive Plan shall be utilized to determine street classifications. Table 510 specifies the buffer yard class for each boundary.

The applicant shall match his proposed land use with the corresponding adjacent land use or street classification for each property boundary. The letter indicates the buffer yard class.

3.2 Selection of the Planting Option for the Buffer Class

After determining the Buffer Class, the applicant shall select a Planting Option from Table 510. For each Buffer Class, several Planting Options are available, one of which the applicant shall select to meet the buffer yard requirement for each boundary. The Planning Commission may consider an alternative Planting Option which shall have a screening capability equal to or greater than any of the available options.

3.3 Selection of Plant Materials from the Plant Materials List

Each planting option may utilize any of the plant materials outlined in Table 510. Minimum plant size, given either in height or in caliper is indicated on this Table. The Planning Commission may permit other planting types if they are: hardy to the area; are not subject to blight or disease; and are of the same general character and growth habit as those listed in Table 510. All planting material shall meet the standards of the American Association of Nurserymen.

(a) The applicant shall not be required to provide a buffer yard should existing planting, topography, or man-made structures, be deemed acceptable for screening purposes by the Planning Commission.

(b) The options below indicate the amount of plant material that is required per linear foot of property line. Unless stated below, plantings are not required to be aligned on property or right-of-way boundaries, but may be sited on any appropriate portion of the property for buffering purposes. The Planning commission may permit staggering or grouping of plant materials if a satisfactory buffer is achieved.

TABLE 509.2.1.a
BUFFER YARD CLASSIFICATIONS

PROPOSED LAND USE TYPE	ADJACENT LAND USE TYPE									
	A	B[1]	B3	B[2]	C	D	E	F	G	H
Agriculture Uses (A)	-	-	-	-	-	-	-	-	-	-
Single-family and Conversions (B[1])	D	-	A	B	A	B	B	B	B	B
Single-family Cluster (B3)	D	A	-	B	C	C	C	C	C	C
Performance Subdivision & Other (B[2])	D	B	B	-	C	C	C	C	C	C
Institutional (C)	D	C	C	C	-	A	B	B	B	B
Office (D)	A	C	C	C	A	-	A	A	A	A
Retail & Consumer Services (E)	A	C	C	C	B	A	-	A	A	A
Utilities/Community Facilities (F)	A	C	C	C	B	A	A	-	A	A
Light Industrial (G)	A	C	C	C	B	A	A	A	-	-
Heavy Industrial (H)										

- [1] This type includes Use B1, B2 and B5 for purposes of this section.
[2] This type includes Use B4, B6, B7 and B8 for purposes of this section.

TABLE 509.2.1.b
BUFFER YARD CLASSIFICATIONS

PROPOSED LAND USE TYPE	ADJACENT ZONING DISTRICT FOR VACANT LAND [3]						
	RR	CR	VC	PC	LI	HI	Q
Agricultural Uses (A)	-	-	-	-	-	-	-
Single-family and Conversion (B[1])	-	-	A	B	B	-	-
Single-family Cluster (B3)	D	-	A	B	B	-	-
Performance Subdivision & Other (B[2])	-	-	B	B	B	-	-
Institutional (C)	C	C	-	-	-	-	-
Office (D)	C	C	-	-	-	-	-
Retail & Consumer Services (E)	C	C	-	-	-	-	-
Utilities/Community Facilities (F)	C	C	-	-	-	-	-
Light Industrial (G)	C	C	-	-	-	-	-
Heavy Industrial (G)							

- [1] This type includes Use B1, B2 and B5 for purposes of this section.
[2] This type includes Use B4, B6, B7 and B8 for purposes of this section.
[3] As determined by the Planning Commission.

TABLE 509.2.1.c
BUFFER YARD CLASSIFICATIONS

PROPOSED OR ADJACENT ROAD	PROPOSED OR ADJACENT LAND USE									
	A	B[1]	B3	B[2]	C	D	E	F	G	H
Local	-	A	A	A	A	A	A	A	A	A
Collector	-	B	B	B	B	A	A	A	A	A
Arterial	-	C	C	C	B	A	A	A	A	A
Expressway	-	C	C	C	C	C	A	A	B	

- [1] This type includes Use B1, B2 and B5 for purposes of this section.
[2] This type includes Use B4, B6, B7 and B8 for purposes of this section.

TABLE 509.2.2
PLANTING OPTIONS

CLASS	OPTION	
<u>A</u> 25 ft. wide	(1)	1 canopy tree per 40 ft. on R.O.W.[1] boundary (roads only)[2]
	(2)	1 canopy tree per 40 ft. on property (land use only)
<u>B</u> 50 ft. wide	(1)	1 canopy tree per 40 ft. on boundary[2] +1 flowering tree per 60 ft. (arranged on property) +1 evergreen per 60 ft. (arranged on property)
	(2)	1 canopy tree per 40 ft. (arranged on property) +1 hedge on boundary[2] (3 ft. centers)
	(3)	1 canopy tree per 40 ft. (arranged on property) +1 evergreen per 30 ft. (arranged on property)
<u>C</u> 75 ft. wide	(1)	1 evergreen per 30 ft. (arranged on property) +1 hedge on boundary[2] (3 ft. centers)
	(2)	1 evergreen per 25 ft. (arranged on property) +1 berm averaging 4 ft. (arranged on property)
	(3)	1 evergreen per 25 ft. (arranged on property) +1 shrub "A" per 8 ft. (arranged on property)
	(4)	1 evergreen per 25 ft. (arranged on property) +1 shrub "B" per 4 ft. (arranged on property)
<u>D</u> 25 ft. wide	(1)	1 hedgerow on lot line (3 ft. centers)
	(2)	6 ft. cedar or spruce on lot line

[1] R.O.W. = Right of Way.

[2] Planting shall be located within the Township R.O.W. where possible.

510. Plant Materials Table

A. Canopy Trees (min. 2 1/2 inch caliper)

Acer ginnala - Amur Maple
 Acer rubrum - Red Maple
 Acer saccharum - Sugar Maple
 Betula alba - European White Birch
 Fagus grandifolia - American Beech
 Fagus sylvatica - European Beech
 Fraxinus americana - White Ash
 Fraxinus pennsylvanica lanceolata - Green Ash
 Ginkgo biloba - Ginkgo (male only)
 Gleditsia triacanthos inermis - Thornless Honey Locust
 Liquidambar styraciflua - Sweet Gum
 Liriodendron tulipifera - Tulip Tree
 Phellodendron amurense - Amur Cork Tree
 Plantanus acerifolia - London Plane Tree
 Quercus alba - White Oak

Quercus borealis - Red Oak
Quercus coccinea - Scarlet Oak
Quercus palustris - Pin Oak
Quercus phellos - Willow Oak
Robina psuedoacacia inermis - Thornless Black Locust
Sophora japonica - Japanese Pagoda tree
Tilia - Linden - all species hardy to the area
Zelkova serrata - Japanese Zelkova

B. Flowering Trees (min. 1 1/2 inch caliper)

Amelanchier canadensis - Shadblow Serviceberry
Cornus kousa - Kousa Dogwood
Cornus mas - Cornelian Cherry
Crataegus phaenopyrum - Washington Hawthorn
Koelreuteria paniculata - Golden Rain Tree
Laburnum vossii - Goldenchain
Magnolia soulangeana - Saucer Magnolia
Magnolia virginiana - Sweetbay
Malus baccata - Siberian Crab
Malus floribunda - Japanese Flowering Crab
Malus hopa - Hopa Red Flowering Crab
Oxydendrum arboreum - Sourwood
Pyrus calleryana Bradford - Callery Pear
Prunus kwanzan - Kwanzan Cherry
Prunus yedoensis - Yoshino Cherry

C. Evergreens (min. 4-5 feet)

Ilex opaca - American Holly
Picea abies - Norway Spruce
Picea omorika - Serbian Spruce
Picea pungens - Colorado Spruce
Pinus strobus - White Pine
Pseudotsuga menziesii - Douglas Fir
Tsuga canadensis - Canada Hemlock

D. Hedge

<i>Crataegus intricata</i> - Thicket Hawthorn	3-4 feet
<i>Forsythia intermedia</i> - Border Forsythia	4-5 feet
<i>Rhamnus fraxula columnaris</i> - Tallhedge Buckthorn	3-4 feet
<i>Syringa chinensis</i> - Chinese Lilac	3-4 feet
<i>Syringa vulgaris</i> - Common Lilac	4-5 feet
<i>Viburnum alatus</i> - Viburnum	4-5 feet

E. Hedgerow

<i>Crataegus crus-galli</i> - Cockspur Thorn	3-4 feet
<i>Crataegus phaenopyrum</i> - Washington Hawthorn	2-4 feet
<i>Elaeagnus angustifolia</i> - Russian Olive	4-5 feet
<i>Euonymus alatus</i> - Winged Euonymus	3-4 feet

Viburnum sieboldii - Siebold Viburnum	4-5 feet
Viburnum tomentosum - Doublefile Viburnum	4-5 feet

F. Shrubs

1. Juniperus virginiana - Upright Juniper	4-5 feet
Phracantha Lallandi - Laland Firethorn	5-6 feet
Taxus capitata - Upright Yew	2 1/2-3 feet
Taxus hicksi - Hicks Yew	2 1/2-3 feet
Thuja occidentalis - American Arborvitae	4-5 feet
2. Euonymus alatus - Upright Juniper	3-4 feet
Hamaelis vernalis - Vernal Witch Hazel	4-5 feet
Hamamelis virginiana - Common Witch Hazel	4-5 feet
Ilex verticillata - Winterberry	4-5 feet
Rhamnus frangula - Glossy Buckthorn	4-5 feet
Viburnum dentatum - Arrowood Viburnum	4-5 feet
Viburnum lantana - Viburnum	4-5 feet

511. General Buffer Yard Requirements

1. Existing Buffer: All existing deciduous and coniferous trees larger than 2 1/2 inches in caliper and 6 feet in height may be considered to contribute to the definition of an existing buffer. If the amount of existing plant material equals, in type and character, the amount of existing planting requirements for reducing buffer yard sizes, any of the above planting requirements for reducing buffer yard sizes, the equivalent reduction may be taken without additional plant material being required. In all cases, existing plant material of the above caliper and height shall be preserved in any buffer yard except where clearance is required to insure adequate sight distance. Any removal shall, where feasible, involve relocation rather than clearing.
2. The buffer yard may be coterminous with required front, side, or rear yards and in case of conflict, the larger yard requirements shall apply.
3. All buffer yards shall be maintained and kept clean of all debris, rubbish, weeds and tall grass in conformance with existing regulations.
4. No structure, manufacturing or processing activity, or storage of materials shall be permitted in the buffer yard; however, parking of passenger automobiles shall be permitted in the portion of the buffer yard exclusive of the exterior thirty (30) foot width.
5. Plant Materials

5.1 Plant materials shall be permanently maintained and any plant material which does not live shall be replaced within eighteen months from the date of acceptance by the Township.

5.2 Planting design: It is encouraged that plant materials in buffer yards be planted in natural clusters that will give privacy but do not block views or vistas. The exception shall be commercial or industrial uses bordering residential uses. Here a dense, visual screen is encouraged.

6. Performance Subdivision

The buffer yard shall not be part of the open space area and shall be in addition to the lot area assigned to a dwelling unit.

7. 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 and/or the Township Engineer, to ascertain that the plans are in conformance with the terms of this Ordinance.

512. Noise

1. 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.

2. 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 Ordinance 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.

3. Impulsive Sound: No sound shall be permitted for a duration more than five seconds or more than two incidents within a 24 hour period which is over the level of 110 dBA at any real property boundary upon which the source of the sound is located.

4. Noise Disturbance: No noise disturbance shall be created or allowed to continue by any person, persons, firm, partnership or corporation.

5. 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.

6. General Sound Standard: All sound sources, including non-conforming 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 a.m. to 10 p.m.	from 10 p.m. to 7 a.m.
Country Residential	60	50
Rural Residential	60	50
Village Center	70	60
Planned Industrial	75	65
Planned Commercial	75	65
Mobile Home District	60	50

All measurements shall be taken from the lot line of the lot that is the source of the sound disturbance.

7. Specific Prohibitions: The following acts and the causes thereof, are declared to be in violation of this Ordinance.

7.1 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 p.m. and 10 a.m. in such a manner as to create a noise disturbance across a real lot line or within a Noise Sensitive Zone.

7.2 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.

7.3 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 p.m. and 8 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.

7.4 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.

7.5 Operating or permitting the operation of any mechanically powered saw, drill sander, grinder, lawn or garden tool, snow blower or similar devices (used out-doors) between the hours of 9 p.m. and 8 a.m. in such a manner to create a noise disturbance across any non-industrial lot line boundary or within a Noise Sensitive Zone.

8. Exception and Variances:

8.1 The provisions of this Ordinance 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.

8.2 The Hilltown Township Zoning Hearing Board is empowered to hold public hearings and to grant variances from the terms of this Ordinance. (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 Ordinance 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.

8.3 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.

8.4 The Board shall have the power to grant a reasonable extension of time for compliance with this Ordinance, if after public hearing, the applicant can establish that he will comply with this Ordinance but that he cannot do so within the time limit established by this Ordinance.

513. 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 (4) minutes in any thirty (30) minute period.

514. Dust, Fumes, Vapors and Gases

1. 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.

2. No emission of liquid or solid particles from any chimney or other source shall exceed three tenths (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 five hundred (500) degrees Fahrenheit and fifty (50) percent excess air in stack at full load.

515. Heat

No use shall produce heat perceptible beyond its lot line.

516. 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.

517. Glare

No use shall produce a strong, dazzling light or reflection or a strong dazzling light beyond its lot lines. In general, lighting, lighting fixtures that shield the reflector or lens or any high brightness surface from viewing angles above 60° from horizontal shall be utilized.

518. 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.

519. Storage and Waste Disposal

1. 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 provisions shall not apply to Use G6 in the LI and HI districts.

2. 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.

3. 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.

4. 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.

5. All outdoors 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.

520. Quarry Performance Standards

Extractive operations for sand, clay, shale, gravel, stone or similar operations including borrow pits (excavations for removing material for filling operations) subject to the following provisions:

1. Purpose: The purpose of these standards is to provide for the health, safety, and general welfare of the citizens of Hilltown Township by providing for minimum performance standards for quarrying operations within its borders. It is hoped that, with the cooperation of the owners and operators of quarrying operations in the Township, the rural aspects of this Township can be preserved and that the negative aspects of the quarrying process such as noise, vibration, dust, pollution, and traffic dangers can be eliminated to the greatest degree possible.

2. Hours of Operation: 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 hour of six-thirty o'clock a.m. (6:30 a.m.) or after the hour of seven o'clock p.m. (7:00 p.m.) (either on the eastern standard or daylight saving time system). There shall be no quarrying operation of any type on Sundays.

3. Setback: No extraction shall be conducted closer than two hundred (200) feet to a lot line nor closer than three hundred (300) feet from the center line of any street, nor closer than four hundred (400) feet to the point of intersection of the center lines of two

streets. The setback area shall not be used for any other use in conjunction with extraction except: access streets, berm, screening, directional signs, public notice signs identifying the excavation, business signs identifying the occupant, and buildings and structures in conformity with the applicable provisions of this Ordinance.

4. Landscaping and Screening: There shall be a berm of a minimum height of fifteen (15) feet and a maximum height of fifty (50) feet. The public side of the berm should not exceed a three to one ratio. The berm should be planted and erosion control measures shall be taken as may be approved by the United States Soil Conservation Service. There shall be planting sufficient to screen the extracted industry operation. Such planting shall consist of evergreens of such species and size as will produce, within three (3) years, a complete all season visual screen of at least eight (8) feet in height. Plantings and berm shall begin at a point no closer than the ultimate right-of-way line. No berm shall be constructed closer than twenty-five (25) feet to any lot line.

5. Fencing: Chain link type fences at least six (6) feet in height, shall be required within the setback area at a point not closer than the ultimate right-of-way line, to be maintained in a constant state of good repair. Appropriate warning signs, which warn against trespassing and the presence of a quarry, shall be mounted or posted along the fence at intervals of not more than one hundred (100) feet.

6. Internal Circulation: An adequate internal circulation pattern of streets shall be maintained between excavation and processing areas. Use of public streets shall not be permitted for hauling between extraction and processing areas.

All necessary precautions must be taken to ensure the safety of motorists traveling on any public highway intersected by an internal circulation pattern. These precautions shall include but shall not be limited to the following items:

6.1 Stop signs shall be placed at the intersection of all internal roadways with public highways halting all internal traffic in any direction before the crossing of the public street.

6.2 Street signs as permitted by PennDOT on all public streets intersected by internal roadways, at a point one hundred fifty (150) feet from the intersection of the public street and internal roadway, one on either side of the intersection on the public street, indicating that caution should be observed and that trucks will be crossing one hundred fifty (150) feet from the sign.

6.3 Caution lights as permitted by PennDOT are to be provided, having at least two blinking lights sufficient to attract the attention of a passing motorist, attached to a sign advising that caution should be observed due to a truck crossing ahead, and the signs shall be at a distance of three hundred (300) feet from the

intersection of the public highway and internal roadway or less if necessary, so that one sign faces each direction of travel upon the public highway.

7. Slope of Excavation: No slope shall be maintained exceeding the normal limiting angle of repose of the material in which the excavation or extraction should be made. No undercutting shall be permitted within setback area.

8. Lateral Supports: All operations shall be conducted with sufficient lateral support to be safe with respect to:

8.1 hazard to persons;

8.2 physical damage to adjacent land or improvements;

8.3 damage to any trees, sidewalks, parking area, or utility, by reason of slides, sinking or collapses.

9. Stock Piles: Stock piles shall not exceed fifty (50) feet in height, and the outside perimeter shall not be located closer than two hundred (200) feet from any lot line, nor closer than three hundred (300) feet from the center line of any street. All reasonable precautions shall be taken to prevent any materials or waste deposited upon any stock pile from being washed, blown, or otherwise transferred off of the site by normal causes or forces.

10. Vehicles: All vehicles transporting stone or other quarrying products from any quarry in operation within the Township must employ a canvas or other protective device over the bed of the vehicle to prevent said stone or quarrying products being transported from the quarry from spilling from the bed of the vehicle. If despite the aforesaid protective covering, a spill of stone or quarrying material occurs, the owner-operator of the vehicle responsible must remove the spilled material within 4 hours of the occurrence.

11. Drainage: All drainage from the site of extractive operations shall be controlled by dikes, barriers, and drainage structures such as retention basins, or settling ponds sufficient to prevent any chemicals, compounds, mixtures, silt, debris, or loose materials from entering into or filling any existing drainage course or encroaching on streets or adjacent property, or entering into any stream, pond, well, subterranean waterway or other body of water.

12. Control of Vibration: Any ground vibration caused by blasting or machinery, shall not exceed the limits established by the Act of July 10, 1957, P.L. 685, as amended, 73 P.S. Subsection 164-168, and the rules and regulations adopted thereunder, with exception that no blasting shall cause a peak particle velocity greater than 1.0 inches per second measured at any lot line, or at the center line of any street.

13. Warning Track:

13.1 From the edge of the pit, the distance of twenty feet (measured horizontally) shall be maintained free of any soil cover.

13.2 From a point twenty feet from the edge of the pit, the soil cover, if less than twenty feet in depth, shall be graded back to a slope of one foot vertical, or less, to one foot horizontal from the rock level to the top of the soil cover.

13.3 If the soil cover to be stripped away exceeds twenty feet in depth, a ditch eight feet in width and three feet in depth, at least ten feet back from the edge of the cut, may be substituted for the back sloping. If the pit has met its maximum expansion in any direction, however, the permanent fences described in paragraph (c) above will suffice in lieu of the back sloping or ditch in that particular area.

14. Reclamation and Conservation Requirements: The following provisions shall apply to all extractive operations:

14.1 Owner, lessee, or operator of any quarrying operation within the Township shall within two years from the date of this Ordinance, submit a plan which shall include descriptions and plans for reclamation including conditions and/or uses for all of the land affected.

14.2 Plans for the reclamation uses may include the following uses among others:

- a. open areas suitably graded and covered with suitable shrubs, grasses, or trees;
- b. recreation land, ponds, and lakes;
- c. agriculture of any type;
- d. sites for residential use.

14.3 Reclamation shall commence within one year following the completion or the discontinuance for a period of one year of any extractive operation (or the completion of the excavation of a portion of an entire operation which can feasibly be restored separately from other portions of the operation and which is not necessary to the remainder of the operation). Such reclamation shall be completed within five years from the date reclamation is commenced except where a longer period of time is specifically authorized as part of the reclamation program.

14.4 Reclamation shall include removal of all debris, temporary structures and stock piles.

14.5 A layer of arable soil of sufficient depth to sustain grass, shrubs, and trees shall be provided in those parts of the operation where feasible to do so. Grass, shrubs, and trees native to the area shall be planted thereon within six months after the providing of arable soil.

14.6 Where the quarry is to be filled as part of the reclamation process, no material shall be used for fill purposes other than earth, stone, sand, or concrete except: Where all provisions of the Pennsylvania Solid Waste Management Act, 35 P.S. 6001 et sec. have been complied with, and a permit issued, owner or operator may proceed to fill said quarry in accordance with the agreements and commitments made in order to obtain said permit. Should any quarry operation within this Township not be required to comply with the aforesaid act, then no material may be used other than earth, stone, sand, or concrete.

14.7 Water accumulation upon the site may be retained after the completion of such operations where the excavation cannot reasonably be drained by gravity flow, provided that adequate provision shall be made to avoid stagnation, pollution, and the danger of improperly controlled release of such waters from the site.

14.8 Upon receipt of the reclamation plans, the Township shall review the plans to insure compliance with all provisions of this performance standard. Upon approval thereof, the Township shall issue a certificate indicating approval of the plans as submitted or amended, and the approved plan should be permanently filed in the official records of the Township.

14.9 Plans may be amended from time to time by the approval of the Township upon application of the owner.

15. Bonds: A performance bond may be required by the Township in an amount determined by the Township to be sufficient, to insure the reclamation in accordance with the provisions of the reclamation plan as submitted pursuant to this Ordinance. With the approval of the Township, and for such period or periods as may be specified, an owner may be permitted to post his own bond without corporate surety.

16. Time of Compliance: All above-stated provisions and use regulations (1) through (15) shall be applicable within ninety (90) days except where otherwise specifically provided, and for subsections (4) and (5), which shall be applicable within one year.

17. Conformity to Federal, State, and Local Laws and Regulations: All permitted quarrying and related uses and operations shall conform to any applicable federal, state, and local statutes, ordinances, regulations and standards relative to water or air pollution, particle emission, noise, waste disposal, vibration, land rehabilitation and after-use, and performance bond requirements. This section shall incorporate specifically but shall not be limited to Sections 513

through 520 of this Ordinance. The applicable laws shall include but not be limited to the Clean Streams Law (Commonwealth of Pennsylvania), as amended from time to time in the future.

18. Inspection: In order to insure that the provisions of this Ordinance are strictly complied with, the Township shall have the right to inspect any quarrying operation within its boundaries. Such inspection or inspections, as the Township may deem necessary, may be conducted on any working day of the year, during regular business hours.

521. Floodplain Performance Standards

Refer to Article XI, Floodplain Standards.

522. Parking Standards

1. Spillover Parking Requirements

1.1 The following chart shall be used to determine the number of spillover parking spaces required:

Housing Type	Per Dwelling Unit
Single-family	1.5
Twin, Townhouse	1.0
Multiplex, Apartments	0.5

1.2 Spillover parking space dimensions shall be:

- a) 9.5 feet by 19.5 feet if provided off-street.
- b) 8 feet by 23 feet if provided as parallel parking on-street.

1.3 Single family detached and single-family semi-detached dwelling units may meet the spillover parking requirement on their individual driveways.

2. General Regulations Applying to Required Off-street Parking Facilities

2.1 Existing Parking: Structures and uses in existence at the date of adoption of this Ordinance 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.

2.2 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 Section 406, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of

that section.

2.3 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.

2.4 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.

2.5 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.

2.6 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 three hundred (300) feet of the same lot.

2.7 Maintenance of Parking Areas: For parking spaces of three (3) 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 the Hilltown Township Subdivision and Land Development Ordinance. 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 Ordinance.

523. Reduction of Non-Residential Parking Requirements

1. In order to prevent the establishment of a greater number of parking spaces than is actually required to serve the needs of non-residential 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:

1.1 The design of the parking lot must designate sufficient space to meet the parking requirements of this Ordinance. A plan shall be provided that illustrates the layout for the total number of required parking spaces.

1.2 The conditional reduction shall provide for the establishment of not less than sixty (60) percent of the required number of parking spaces, as specified in this Ordinance. This initial phase of the parking provision shall be clearly indicated on the plan.

1.3 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 Ordinance. 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.

1.4 The developer shall enter into a written agreement with the Board of Supervisors that, after one (1) 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.

1.5 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.

524. Off-street Loading

Off-street loading requirements as specified herein shall be provided on any lot on which a building exceeding six thousand (6,000) square feet of gross floor area for business or industry is hereafter erected.

1. Every department store, freight terminal or railroad yard, hospital, retail establishment, storage warehouse, or wholesale establishment, sanitarium, industrial plant of manufacturing establishment exceeding six thousand (6,000) square feet shall have

at least one (1) off-street loading space. Where there is an aggregate gross floor area of twenty thousand (20,000) square feet or more arranged, intended or designed for such use, there shall be provided off-street truck loading or unloading berths in 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 add'l. 72,000 square feet	1 add'l. berth

2. Every auditorium, convention hall, exhibition hall, funeral home, multi-family dwelling of twenty (20) units or more, office building, restaurant, hotel, sports arena or welfare institution exceeding six thousand (6,000) square feet shall have at least one (1) off-street loading space. Where there is an aggregate gross floor area of thirty thousand (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 add'l. 105,000 square feet	1 add'l. berth

525. 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 Ordinance. No required lot or area shall include any property, the ownership of which has been transferred subsequent to the effective date of this Ordinance, 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.

526. Minimum Lot Size

1. 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 Section 406, except as specified herein.

2. Exceptions to Minimum Lot Sizes: The provisions of Section 502 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 Ordinance subject to the provision of Section 600.3 herein. However, the lot shall meet all current yard requirements for the use within the applicable District.

527. Minimum Lot Width

1. 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 Section 503, except as specified in Section 527.

2. 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.

3. 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.

3.1 A flag lot may be used only for ten (10) acre single-family lots.

3.2 Flag lots are not permitted in the CR1, CR2 or VC zoning districts.

3.3 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 fifty (50) feet at the street line and shall not narrow to a lesser dimension.

3.4 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.

3.5 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.

528. Yard Modifications

If the location of existing buildings on either side of a lot within a distance of fifty (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 twenty (20) feet.

529. Projection Into Yards

Ground-story bays, porches, and chimney flues may project into required yard area no more than four (4) feet. Such projections shall not occupy more than one third the length of the building wall. Cornices and gutters may not project more than two (2) feet over a required yard. Fire escapes may be permitted in accordance within this section in side or rear yards only.

530. Accessory Buildings in Yards

1. Completely detached accessory buildings and structures may occupy a required side and rear yard provided: Detached garages shall not be permitted closer than two (2) feet from the side lot line and five (5) feet from a rear lot line in CR-1 and VC districts only, provided further that a minimum rear yard setback of twenty (20) feet shall be required when the entrance to a detached garage is gained directly from an alley. Detached garages shall not be closer than fifteen (15) feet to a principle building on the same lot. In all other instances garages shall be located in accordance with the applicable set-back requirements for the principal dwelling.

531. Fences and Terraces in Yards

The yard requirements shall not apply to fences, or walls less than six (6) feet in height above the finished grade in the side and rear yards and three (3) feet in front yards, nor to terraces, steps, uncovered and unenclosed porches, nor to similar features less than three (3) feet above the finished grade except that no deck may be built or extend any closer than five (5) feet from any lot line.

532. 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 thirty-five (35) feet, except as provided in the following:

1. Church spires, belfries, silos, water towers, or smokestacks are exempt provided they are not used for human occupancy.

2. Portions of the building may exceed thirty-five (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 fifty (50) percent of the building perimeter. The Township Fire Marshall's approval of such plans shall be required. In the absence of a Township Fire Marshall, approval of such plans shall be by the Township Supervisors.

533. General Open Space and Municipal Land

Performance subdivisions, and single-family cluster developments shall meet the open space or municipal use area requirements of the Zoning Ordinance. The land owner(s) at his/her option, may select whether the land provided is to be open space or municipal use areas. The plan shall contain or be supplemented by such material as required to establish the method by which open space or municipal use areas shall be perpetuated, maintained, and administered. The plan and other materials shall be construed as a contract between the land owner(s) and the municipality, and shall be noted on all deeds.

534. Layout of Open Space/Municipal Use Land in CR, RR and VC Districts

The open space or municipal use area shall be laid out in accordance with the best principles of site design. It is intended that the open space shall be as close to all residences as possible, with greenways leading to major recreation spaces. Major recreation areas shall be located to serve all residents. Municipal use land may be situated where it best serves the health, safety and welfare of the Township residents, provided that the other provisions of this Ordinance, including Section 501 Site Capacity Calculation are met. The open space is most needed in areas of highest density. The intent is to provide open areas as close to as many individual units as possible.

535. Municipal Use and Open Space Designation

All land held for municipal use/open space shall be so designated on the plans. The plans shall contain the following statement for lands in categories 1 through 4 below: "Open space land may not be separately sold, nor shall such land be further developed or subdivided." All subdivision plans shall further designate the use of open space or municipal use areas, the type of maintenance to be provided, and a planting plan or schedule. In designating use and maintenance, the following classes may be used, provided, however, that not less than twenty five (25) percent of the open space shall be designated for specific recreational uses in single-family cluster subdivision Use Type B3, and performance subdivisions Use Type B4, proposed within the Country Residential CRI and CRII Districts. Additionally, no part of any required open space may be used for stormwater management retention facilities.

1. Lawn: A grass area with or without trees which may be used by the residents for a variety of purposes and which shall be mowed regularly to insure a neat and tidy appearance.

2. Natural Area: An area of natural vegetation undisturbed during construction, or replanted. Such areas may contain pathways. Meadows shall be maintained as such and not left to become weed-infested. Maintenance may be minimal, but shall prevent the proliferation of weeds and undesirable plants such as honeysuckle and poison ivy. Litter, dead trees and brush shall be removed, and streams shall be kept in free-flowing condition.

3. Recreation Area: An area designated for a specific recreation use, including but not limited to tennis, swimming, shuffle board, playfields, and tot lots. Such areas shall be maintained so as to avoid creating a hazard or nuisance, and shall perpetuate the proposed use.

4. Agricultural Area: An area designated for family vegetable plots or to be leased or sold for an agricultural use as specified in Section 406.

5. Municipal Use: 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. Said uses may include parking areas, parks, playgrounds, swimming pools, tennis courts and all municipal owned streets, utilities and appurtenances used in connection with supplying such services, when meeting the minimum open space/municipal use requirements of Sections 501 and 502.

536. 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 the Subdivision Ordinance.

537. Conveyance and Maintenance of Municipal Use/Open Space Lands

All open space, shown on the Final Development Plan as filed in the Office of the Township Secretary of Hilltown and subsequently recorded in the Office of the Recorder of Deeds of Bucks County, must be conveyed in accordance with one or more of the following methods:

1. Dedication in fee-simple to the Township of Hilltown: The Township may, but shall not be required to, accept dedication in fee-simple any portion of the municipal use area, provided:

1.1 there is no cost involved;

1.2 the Township agrees to and has access to maintain such land;

1.3 it is acceptable with regard to size, shape, location and improvement; and

1.4 the land can, in the Township's discretion, be utilized for the health, safety and welfare of the Township.

2. The Township may, but shall not be required to, accept any portion of the non-agricultural open space or the municipal use areas, provided:

2.1 such land is accessible to the residents of the development wherein it is located subject to reasonable conditions imposed by the ultimate owner of the open space (i.e. Hilltown Township, or a homeowner's association);

2.2 there is no cost involved;

2.3 the Township agrees to and has access to maintain such lands; and

2.4 it is acceptable with regard to size, shape, location and improvement.

3. By conveying Title (including beneficial ownership) to a corporation, association, funded community trust, condominium or other legal entity provided the terms of such instrument of conveyance include provisions suitable to the Township for guaranteeing:

3.1 the continued use of such land for the designated purpose;

3.2 continuity of proper maintenance for those portions of the open space requiring maintenance;

3.3 the availability of funds required for such maintenance;

3.4 adequate insurance protection;

3.5 provisions for payment of applicable taxes;

3.6 recovery for loss sustained by casualty, condemnation, or otherwise;

3.7 such other covenants and/or easements that the Township shall deem desirable to fulfill the purposes and intent of this Ordinance.

3.8 The following are prerequisites for such a corporation or association:

(a) It must be set up before any homes or dwelling units are sold or leased or otherwise conveyed.

(b) Membership must be mandatory for each buyer and/or lessee and any successive buyer and/or lessee.

(c) It must be responsible for liability insurance, taxes, recovery for loss sustained by casualty, condemnation or otherwise, and the maintenance of recreational and other facilities.

(d) Members of beneficiaries must pay their pro-rata share of the costs, and the assessment levied can become a lien on the property.

(e) It must be able to adjust the assessment to meet conditions.

(f) Such corporation or association shall not be dissolved nor shall it dispose of the open space, by sale or otherwise. The corporation or association may offer to dedicate the open space to the Township.

3.9 The dedication of open space, streets, or other lands in common ownership of the corporation, association or other legal entity, or the Township, shall be absolute and not subject to reversion for possible future use for further development.

3.10 All documents pertaining to the conveyance and maintenance of the open space shall meet the approval of the Township Solicitor as to the legal form and effect and to the Park & Recreation Board as to the suitability for the proposed use of the open space.

4. Development Rights, Easement or Other Device: The state or county under the provisions of Act 442 of 1968 the "Conservation and Land Development Act" may acquire and resell any interest in the land for the purpose of agricultural or open space preservation. Subject to Township approval this may be considered a suitable means of preserving open space.

ARTICLE VI NONCONFORMING USES AND STRUCTURES

600. Continuation

1. 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 Ordinance, or in the case of an amendment to this Ordinance, 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 Ordinance or subsequent amendments thereto.

2. A nonconforming lot which lawfully existed prior to the enactment of this ordinance, or in the case of an amendment to this ordinance, 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 ordinance 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.

3. 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.

601. Expansion or Alteration

1. A structure which does not conform to the dimensional, area, parking, buffer, environmental and all other requirements of the district and this Ordinance may be extended only if the extension meets all the requirements of this Ordinance. Such a structure may be extended by right along the building lines of the existing nonconformity in keeping with all applicable requirements of this Ordinance.

2. 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:

2.1 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.

2.2 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.

2.3 Any increase in building or floor area shall not exceed a maximum aggregate of more than fifty (50) percent 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 ordinance. Structures or land uses that have reached their maximum expansion allowance under previous ordinances are not eligible under this ordinance. A structure which is nonconforming in terms of height shall not be extended to increase the height.

602. Discontinued Use/Abandonment

Whenever a nonconforming use has been discontinued for a continuous period of one (1) year such use shall not thereafter be re-established, and any future use of such land or building must be in conformity with the provisions of this ordinance. For the purposes of this ordinance, abandonment shall commence when the nonconforming uses ceases.

603. 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:

1. Such change shall be permitted only by special exception, under the provisions of this Ordinance.
2. The applicant shall show that a nonconforming use cannot be reasonably changed to a permitted use.
3. The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use with respect to:

3.1 traffic generation and congestion including truck, passenger, car and pedestrian traffic;

3.2 noise, smoke, dust, fumes, vapors, heat, odor, glare, or vibration;

3.3 storage and waste disposal; and

3.4 appearance.

604. Building Destroyed

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:

1. The reconstructed building shall not exceed in height, area and volume the building destroyed except that extensions may be made as provided for herein;
2. Building reconstruction shall be started within one year from the date the building was destroyed and shall be carried on without interruption.

605. Building Condemned

A nonconforming building which has been legally condemned shall not be rebuilt or used for nonconforming purposes.

606. Signs

Refer to Article VII, Section 700, paragraph 2.

607. Displacement

No nonconforming use shall be extended to displace a conforming use.

608. Registration of Nonconforming Uses

The Zoning Officer may provide for the registration of all uses which are nonconforming under the terms of this Ordinance within a reasonable time after the effective date of the Ordinance. 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

700. Scope and Applicability

1. 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.

2. Signs existing at the time of passage of this Ordinance, which were legally erected, and which do not conform with the requirements of the Ordinance shall be considered nonconforming signs, and if more than sixty (60) percent 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.

701. Location of Signs

1. On-premises sign: A sign which directs attention to a person, business, profession, home occupation, or activity conducted on the same lot.

2. Off-premises sign: A sign which directs attention to a person, business, profession, product, home occupation, or activity not conducted on the same lot.

3. 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.

702. Types of Signs

1. 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.

2. Parallel sign: A sign mounted parallel to a wall or other vertical building surface. A parallel sign shall not extend beyond the edge of any wall or other surface to which they are mounted and shall not project more than fourteen (14) inches from the surface.

3. Projecting sign: A sign mounted to a wall or other vertical building surface other than a parallel sign. Projecting signs shall be at least eight (8) feet above ground level immediately below and shall not in any way interfere with normal pedestrian or vehicular traffic.

703. Signs Prohibited in All Districts

1. Signs are prohibited which in any way simulate official, functional, directional, or warning signs maintained by the United States government, the Commonwealth of Pennsylvania and county or municipality thereof, or by any railroad or public utility or similar agency concerned with the protection of public health or safety.
2. Except for special promotional devices, banners, spinners, flags, pennants, or any moving objects for commercial advertising purposes, whether containing a message or not, are prohibited.
3. Flashing, blinking, twinkling, animated, twirling or moving signs of any type, except those portions of signs which indicate time and temperature changes, are prohibited. Traditional barber poles and Township or State highway safety signs shall be exempt from this requirement.
4. No sign shall be erected on which information is stated or implied that a property may be used for any purpose not permitted under the provisions of this Ordinance in the zoning district in which the property to which the sign relates is located.
5. 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 Ordinance.
6. No signs, except those of a duly constituted governmental body, including traffic signs and similar regulatory notices, shall be allowed within street lines unless specifically authorized by other ordinances and regulations of the Township and in compliance with Commonwealth of Pennsylvania regulations.
7. 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.

704. Exceptions and Relief from Sign Regulations

In the event 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.

705. Area of Signs

1. 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 facade, the sign shall be that area within a single, continuous perimeter enclosing the extreme limits of the actual message or copy area.

2. The area of the sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with a background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

3. 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 for the smallest rectangle or other shape which encompasses all the letters and symbols.

4. In computing square foot area of a double-faced sign, only one side shall be considered, provided both faces are identical. If the sign forms an interior angle greater than forty-five (45) degrees, both sides of such sign shall be considered in calculating the sign area, and it shall be considered as a parallel sign.

706. General Sign Regulations

1. There shall be a minimum distance of twenty (20) feet between any side property line and any sign erected under the provisions of the Ordinance.

2. No sign shall be placed in a position which will cause danger to traffic on a street by obscuring the view. In no case shall any sign other than official highway or traffic signs be erected within the official right-of-way of any street. Professional, home occupation, or name signs shall be exempt from this provision. All signs over two (2) 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 the Hilltown Township Zoning Ordinance. No sign other than professional, home occupation, or name signs shall be located within fifteen (15) feet of the edge of an improved cartway. No signs shall be erected or maintained within a distance of fifty (50) feet from the intersection of any street lines or the intersection of a street line and a private accessway unless the location of this sign is situated at least eight (8) feet above the level of the street center line.

3. 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. Any sign which is allowed to become dilapidated shall be removed by the Township at the expense of the Owner or lessee of the property on which it is located.

4. Signs which face a residential district may not have an exposed source of illumination if the sign is located within two hundred (200) feet of such residential district. Illuminated signs, whether from within or by spotlight, shall not shine objectionably on abutting properties or in the normal line of vision of the public street. Illuminated signs with any form of exposed bulbs are not permitted.

5. A temporary sign is permitted within the property lines advertising the prospective or completed sale or rental of the premises upon which it is located, provided it shall be maintained and removed within twenty (20) days after execution of release or agreement of sale.

6. Temporary signs indicating the contractors, consultants, and artisans performing services on construction sites are permitted, provided they are removed within seven days following completion of the construction work. However, not more than one 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.

7. Special promotional devices, signs, or displays such as floodlights, flags, banners, pennants, A-type sidewalk or curb sign, or related devices shall be permitted only for a new business or special occasion of an existing business, and no more than two events per year in a non-residential district, for a period of not more than thirty days per event, are allowed. Such promotional devices shall only be permitted by issuance of a temporary permit in accordance with this Ordinance.

707. Signs Permitted in CR1, CR2, RR and MHP Districts

1. 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.

2. Temporary signs advertising the sale or rental of premises upon which said sign has been erected, or signs indicating that such premises have been sold or rented, provided that:

2.1 Such sign shall be erected only on the premises to which they relate.

2.2 The area on one side of any such sign shall not exceed twelve (12) square feet.

2.3 No more than one sign shall be placed on any property held in single and separate ownership.

3. Temporary signs advertising the sale or development of premises upon which they are erected, when erected in connection with the development or proposed development of the premises by builder, constructor, developer, or other person interested in such sale for development, may be erected and maintained, provided that:

3.1 The area on one side of any such sign shall not exceed thirty-two (32) square feet.

3.2 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.

3.3 Such sign shall be removed within twenty (20) days after the last dwelling has been initially occupied.

4. 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:

4.1 The size of any sign is not in excess of four (4) square feet.

4.2 The erector of such signs, or those responsible for or benefitting by the erections, shall first apply for and obtain a permit from the Township Zoning Officer and deposit at the time of their application the sum of one hundred (100) dollars per each one hundred (100) signs, or fraction thereof, as a guarantee that all such signs shall be removed promptly within ten (10) days after the event referred to on the sign or the date of the election to which the signs relate. The deposit shall be returned upon the satisfactory removal of such signs within the ten (10) day period. If such signs are not removed at the end of the ten (10) day period, the Township will have them removed and keep the full sum deposited to reimburse expenses incurred by the Township.

4.3 Such signs shall be non-illuminated.

5. 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 (2) square feet.

6. 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:

- 6.1 the size of such sign shall not exceed four (4) square feet;
- 6.2 not more than one (1) sign shall be erected for each permitted use or dwelling unit;
- 6.3 any such sign shall be erected only on the premises wherein the professional use or home occupation is located.

7. Identification signs for schools, churches, hospitals, or similar institutions and for clubs, lodges, farms, estates, or similar uses, provided that:

7.1 The size of any such sign shall not exceed twelve (12) square feet.

7.2 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.

7.3 Said sign shall be located only on the premises they identify.

8. Signs advertising the sale of farm products, when permitted by this Ordinance, are permitted provided that:

8.1 the size of any such sign shall not exceed six (6) square feet;

8.2 not more than two (2) signs are used;

8.3 the signs shall be displayed only when such products are on sale;

8.4 the signs shall not be illuminated.

9. No off-premises signs shall be allowed.

708. Signs Permitted in the PC1, PC2, VC, Q, LI and HI Districts

1. All signs permitted under Section 707 may be erected and maintained in accordance with said provision.

2. Freestanding signs advertising a business, industry, or other permitted use, when located on-premises or off-premises where such use is conducted, may be erected and maintained, provided that:

2.1 Not more than one (1) 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.

2.2 The area of such freestanding sign shall not exceed thirty-two

(32) square feet per side, with the maximum height to top of a sign not to exceed twenty (20) feet from the finished grade.

2.3 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 (8) square feet. The name of the business located on the premises may appear on such signs.

2.4 In the case of a shopping center, a freestanding sign indicating the name of the center and uses therein may be erected in each yard fronting a street. No portion of a shopping center freestanding sign shall be less than eight (8) feet or more than thirty-five (35) feet above the ground. The area of any one side of such sign shall not exceed one hundred (100) square feet.

2.5 In the case of a group of businesses or industrial uses other than a shopping center on a lot held in single and separate ownership, a free standing sign, including individual signs identifying different establishments, may be erected in each yard fronting a street, provided that the total area of one side of the sign does not exceed one hundred (100) square feet and the individual signs do not exceed four (4) square feet.

2.6 In the case of billboards, such freestanding signs shall not be permitted closer than one hundred (100) feet from the ultimate right-of-way with the maximum height to the top of the sign not to exceed twenty five (25) feet in height from the finished grade. Billboards shall not be permitted in the VC District. All billboards shall conform to State and Federal regulations.

3. Parallel and projecting signs may be erected and maintained, provided that:

3.1 Signs attached to a main wall of a principal building shall not project more than fourteen (14) inches therefrom, and no portion shall be less than ten (10) feet above the finished grade and no more than sixteen (16) feet above the finished grade. If not projecting more than three (3) inches from the wall of a building, the sign may not conform to height limits.

3.2 The total area of all parallel, projection, and permanent window signs shall not exceed twenty-five (25) percent of the area of the building face to which they are attached facing a street. In no case, however, shall the total area of parallel and projecting signs exceed fifteen (15) percent of the building face to which the sign is attached. Permanent window signs shall be considered parallel signs and included in this computation but should, nevertheless, not exceed thirty (30) percent of the total window area facing the street.

3.3 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. Only parallel or projecting signs shall be permitted for individual establishment.

4. Temporary signs directing persons to temporary exhibits, shows, events, or sales shall be permitted, provided that:

4.1 The area on one side of any such sign shall not exceed twenty-four (24) square feet.

4.2 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.

4.3 Signs for any one (1) exhibit, show, event, sale or use shall be limited to two (2) events per year. Each event shall be no more than thirty (30) days in duration.

4.4 The erector of such signs, or those responsible for or benefitting by the erection, shall first apply for and obtain a permit from the Township Zoning Officer and deposit at the time of their application the sum of one hundred (100) dollars as a guarantee that said sign shall be removed promptly within seven (7) 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 Ordinance and the deposit deemed non-refundable. Upon satisfactory removal of the temporary signs within the above time period, the deposit shall be returned within twenty (20) days from the expiration date of the permit.

5. Gasoline service stations shall be permitted two (2) freestanding, brand name signs, each not to exceed six (6) square feet in area and not to be higher than seven (7) feet above the finished grade.

709. Permit Requirements for Signs

1. A permit is required for permanent or temporary signs permitted with the CR, RR, or MHP Districts.

2. All permanent and temporary freestanding, parallel, and projecting signs, and temporary signs permitted in accordance with Section 708, shall require the issuance of a zoning permit before erection or replacement. All signs must comply with the regulations contained herein.

3. 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 Ordinance.

4. 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 Ordinance.

5. Permanent sign permits shall be issued for each separate property, household, store, business, or use erecting and maintaining sign(s). The permit will include all signs permitted and installed on the site. Any addition, revision, reduction, or alteration shall require the issuance of a new permit. Permit fees are established by separate resolution.

6. 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 Ordinance.

ARTICLE VIII ADMINISTRATION

800. Enforcement: Zoning Officer - Powers and Duties

For the administration of this Ordinance, 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 the Zoning Ordinance 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 the Zoning Ordinance.

It shall be the duty of the Zoning Officer, who is hereby given the power and authority, to:

1. Receive all applications for zoning permits and issue permits when there is compliance with provisions of this ordinance, other Township Ordinances and with the laws of the Commonwealth;

2. Enforce the provisions of this Ordinance by the issuance of enforcement 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 Ordinance in accordance with the terms of this Ordinance.

3. Process zoning permit applications for all uses as enumerated in Sections 405 and 406. For zoning permits for the following uses, the Zoning Officer shall refer subject applications to the Township Planning Commission, and, when applicable, the Bucks County Planning Commission, the Building Inspector, the Township Engineer, and, to the Zoning Hearing Board, for recommendations indicating approval or disapproval of the application:

(C1) Place of Worship	(C13) Nursing Home
(C2) School	(D1 thru D3) Office Uses
(C3) Commercial School	(E1 thru E24) Retail and
(C4) Library	Consumer Service Uses
(C8) Golf Course	(F1 thru F5) Utilities,
(C9) Private Club	Communications, &
(C10) Community Center	Transportation Uses
(C12) Hospital	(G1 thru G9) L.I. Uses
	(H1 thru H9) H.I. Uses

4. Receive applications for special exceptions and variances and forward these applications to the Solicitor of the Zoning Hearing Board.

5. Receive applications for conditional uses, curative amendments and zoning changes and forward these applications to the Board of Supervisors, Planning Commission, and other appropriate agencies.

6. Following denial of a zoning permit, receive applications for interpretation appeals and/or variances and forward these applications to the Solicitor of the Zoning Hearing Board.

7. Conduct investigations to determine compliance with the provisions of this Ordinance.

8. 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.

9. Revoke any order or zoning permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance.

10. Keep a permanent record of all 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).

11. Maintain a map or maps showing the current zoning classifications of all land in the Township.

12. When it comes to his/her attention, register all uses which are nonconforming under the provisions of this Ordinance within a reasonable time after the effective date of this Ordinance. The record of nonconforming uses shall certify, after inspection, the extent and type 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.

13. Create and maintain the files required to carry out and maintain records of all his/her actions pursuant to this Ordinance.

14. Present such facts, records, and any similar information to the Planning Commission, Zoning Hearing Board, or Board of Supervisors upon their request.

801. Powers and Duties of Township Planning Commission.

1. The Planning Commission shall at the request of the Board of Supervisors have the power and shall be required to:

1.1 Prepare the Comprehensive Plan for the development of the Township and present it for consideration of the Board of Supervisors.

1.2 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.

2. The Planning Commission at the request of the Board of Supervisors may:

2.1 Make recommendations to the Board of Supervisors concerning the adoption or amendment of an official map.

2.2 Prepare and present to the Board of Supervisors a zoning ordinance and make recommendations concerning amendments thereto.

2.3 Prepare, recommend and administer subdivision and land development and planned residential development regulations.

2.4 Prepare and present to the Board of Supervisors a building code and a housing code and make recommendations concerning amendments thereto.

2.5 Do such other acts or make such studies as may be necessary to fulfil the duties and obligations as provided by the Pennsylvania Municipalities Planning Code, Act 247 as amended.

2.6 Prepare and present to the Board of Supervisors an environmental study.

2.7 Submit to the Board of Supervisors a recommended capital improvements program.

2.8 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.

2.9 Promote public interest in, and understanding of, the Comprehensive Plan and planning.

2.10 Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals.

2.11 Hold public hearings and meetings.

2.12 Present testimony before any board.

2.13 Require from other departments and agencies of the Township such available information as relates to the work of the Planning Commission.

2.14 In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the owner.

2.15 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.

2.16 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.

802. Zoning Permit Requirements.

1. 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 non-conforming use.

2. 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 (1) 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 (3) years, provided that the construction pursuant to said permit has commenced within the first one (1) year period.

803. Zoning Permit Application.

1. 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 Ordinance. The Zoning Officer shall require the following information to be provided:

1.1 Statement as to the existing and proposed use of the building or land;

1.2 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;

1.3 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.

1.4 The location, dimensions, and arrangements of all open spaces, yards and buffer yards, including methods to be employed for any required screening.

1.5 Provisions to be made for treatment and disposal of sewage and

industrial wastes, water supply, and storm drainage when applicable.

1.6 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.

1.7 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.

2. 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.

3. 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 Sections 507 and/or 508 of this Ordinance have been met.

4. 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 .

804. Issuance of Permits and Occupancy Certificates.

1. 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 Ordinance 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.

2. 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 (1) 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 (3) years, provided that the construction pursuant to said permit has commenced within the first one (1) year period.

3. 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 Ordinance 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.

3. 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 Ordinance. No certificate shall be issued until the premises in question has been inspected and found by the Zoning Officer to be in compliance with the Zoning Ordinance. 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.

4. Occupancy Registration:

In addition to the requirements set forth in Section 804.3, all nonowner 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.

805. 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 Ordinance and the rules of the Zoning Hearing Board.

806. Fines and Penalties

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 (500) Dollars 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 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.

807. 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 re-zoning was executed.

808. 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 Ordinance, 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 proceeding 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 Ordinance are cumulative and are in addition to all other remedies provided by law.

809. Enforcement Notice

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 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.

2. The enforcement notice shall state at least the following:

2.1 The name of the owner of record and any other person against whom the Township intends to take action.

2.2 The location of the property in violation.

2.3 The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.

2.4 That the violator must commence steps to abate the violation and come into compliance within (5) five days of the date of the notice, and must be in full compliance within (30) thirty days of the date of the notice.

2.5 That the recipient of the notice has the right to appeal to the zoning hearing board within (30) thirty days of the notice.

2.6 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.

810. Complaints and Violations

Whenever an alleged violation of this Ordinance 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 Ordinance and the Pennsylvania Municipalities Planning Code Act 247, as amended.

811. 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 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 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 Ordinance.

3. The Board 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 Ordinance.

(c) Special Conditions for Historic Areas of Villages - The Board shall require plans and illustrative material showing the relationship of the proposed structure to the adjoining structures. The Board 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 Section 807(a)2. only.

(d) The Board 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.

ARTICLE IX ZONING HEARING BOARD

900. Establishment of the Board.

A Zoning Hearing Board is established in order that the objectives of this ordinance may be more fully and equitably achieved and a means for competent interpretation of this Ordinance provided. Any rights, duties or obligations of the Board not specified within this ordinance shall be governed by the Pennsylvania Municipalities Planning Code Act 247, as amended.

901. 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.

902. 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 ordinance. 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.

903. Organization of the Zoning Hearing Board.

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

904. Persons Entitled to Initiate Action before the Board and 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:

1. Substantive challenges to the validity of any land use ordinance, except those brought before the Board of Supervisors pursuant to this Ordinance;

2. 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.

3. 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.

4. Appeals from a determination by a municipal Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

5. Applications for variances from the terms of this Ordinance.

6. Applications for special exceptions under this Ordinance .

7. Appeals from the determination of any officer or agency charged with the administration of any performance standard provisions of this Ordinance.

8. Appeals from the zoning officer's determination under section 916.2 of the Pennsylvania Municipalities Planning Code, Act 247 as amended.

9. 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 storm water 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.

905. Manner of Initiating Action Before the 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.

906. 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.

907. Mediation Option.

1. 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.

2. 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:

2.1 The cost of mediation shall be borne by the applicant.

2.2 The parties shall agree on a mediator who shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.

2.3 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.

2.4 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 Ordinance and the Municipalities Planning Code Act 247 as amended, and by an applicant or township decisions-making body if either is not a party to the mediation.

2.5 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.

2.6 Any mediation to which a township entity is party shall be open to the public.

2.7 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 ordinance and the Municipalities Planning Code, Act 247 as amended.

2.8 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.

908. 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.

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.

9. 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.

10. 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 forty-five 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 Ordinance, 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 sixty days from the date of the applicants 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 ten days from the last day it could have met to render a decision in the same manner as provided in this Ordinance. 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.

11. 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.

12. Appeals to the Court: Any person aggrieved by any decisions of the Board may, within thirty 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.

909. Powers and Duties.

1. Variances: The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance 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:

1.1 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 the zoning ordinance in the neighborhood or district in which the property is located.

1.2 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 the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

1.3 That such unnecessary hardship has not been created by the appellant.

1.4 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.

1.5 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.

1.6 In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Ordinance.

2. Special Exceptions: Where this Ordinance 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 Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

3. 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 Ordinance, including Article IV, Use Regulations, as well as the following additional provisions:

3.1 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.

3.2 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.

3.3 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.

3.4 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.

3.5 Consider the compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

3.6 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 Ordinance and the Township Subdivision and Land Development Ordinance.

3.7 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.

3.8 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.

3.9 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.

3.10 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.

3.11 Such other factors which are relevant to the purpose of this Ordinance.

910. Validity of Ordinance: Substantive Questions.

1. 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 Ordinance.

2. 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.

3. The submissions referred to in subsections 1. and 2. above shall be governed by the criteria set forth in appropriate sections of the Pennsylvania Municipalities Planning Code, Act 247 as amended.

4. 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.

5. 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.

6. The challenge may be deemed denied under the conditions set forth in appropriate sections of the Pennsylvania Municipalities Planning Code, Act 247 as amended.

7. 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.

911. Expiration

Unless otherwise specified by the Board, a Special Exception or Variance shall expire if the applicant fails to obtain any and all permits within twelve (12) months of the date of the Boards order, unless extended for good cause by the Zoning Hearing Board.

ARTICLE X AMENDMENTS AND APPEALS

1000. Power of Amendment.

1. The Board of Supervisors may from time to time amend this Ordinance, including the Zoning Map.

2. 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.

1001. Public Hearings Prior to Amendment.

1. 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 thirty (30) days and the second publication not less than seven (7) 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 (1) week prior to the date of the hearing.

2. 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 ten (10) days prior to enactment re-advertise, 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.

1002. Private Petition for Amendment.

Every application for amendment of the Zoning Ordinance shall first be presented to the township secretary and shall contain the following:

1. The applicant's name and address and his representative and the interest of every person represented in the application.
2. A plan showing the extent of the area to be re-zoned, streets bounding and intersecting the area, land use and zoning classification of abutting districts, and photographs of the area to be re-zoned and abutting areas.
3. 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 re-zoning.
4. The approximate time schedule for the beginning and completion of development in the area.
5. A site plan to scale indicating the location of structures, uses, areas for off-street parking and loading.
6. 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.
7. 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:
 - 7.1 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.
 - 7.2 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 Section 504 Environmental Performance Standards shall be identified and mapped. The ability of the proposed use to comply with the requirements of Section 504 shall be shown. The Site Capacity Calculations of Section 501 shall be completed for the subject tract.
 - 7.3 Transportation Impact - A traffic impact study prepared in accordance with the guidelines found in the township subdivision and land development ordinance.

7.4 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 Resources, these shall be used.

7.5 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.

7.6 Implementation - 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.

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.

7.7. 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 Ordinance or as such schedule may be amended from time to time.

1003. Submission to the Township Planning Commission and County Planning Commission.

1. 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 thirty days prior to the hearing in order to provide the Planning Commission an opportunity to submit recommendations. At least thirty 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.

2. Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the County Planning Commission.

1004. Proposals by Private Curative Amendment.

1. 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.

2. 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.

1005. Municipal Curative Amendment.

If the Township determines that its zoning ordinance 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.

1006. 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 ordinance or deemed to have been made under this Ordinance.

ARTICLE XI FLOODPLAIN STANDARDS

1100. Applicability.

1. 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 Section 504 of this Ordinance) within the township unless a zoning permit has been obtained from the Zoning Officer.

2. A Zoning Permit shall not be required for minor repairs to existing buildings or structures located in a floodplain area.

1101. Abrogation and Greater Restrictions.

This Ordinance 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.

1102. Warning and Disclaimer of Liability.

1. The degree of flood protection sought by the provisions of this Section 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 Section 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.

2. This Section 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 Section or any administrative decision lawfully made thereunder.

1103. General Provisions.

1. This Article will establish and identify those areas of the Township which are subject to flooding. The areas subject to flooding (floodplain areas) are identified as Special Flood Hazard Areas (Zone "A") on the Flood Insurance Rate Map (FIRM) as issued by the Federal Insurance Administration dated January 30, 1981, and also, those areas defined as floodplain or floodplain soil pursuant to Section 504 of the Hilltown Township Zoning Ordinance. 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 Appendix.

2. Whenever proposed development or new construction is contemplated in a floodplain area, a zoning permit must be obtained pursuant to Section 1105. 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 Section 1105, must also comply with all non-repetitive administrative requirements listed in Article IX of this Ordinance.

3. 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 the Hilltown Township Zoning Ordinance.

4. Unless this Article provides otherwise, permit fees, enforcement procedures, penalties and appeals shall be governed by the applicable articles and sections of this Ordinance.

1104. Floodplain Standard Definitions.

In addition to the definitions in Article II of this Ordinance, and for the purpose of this Article, the terms, words and phrases in Section 1104 shall have the following meanings as applied, and limited to, Article XI "Floodplain Standards."

1. **Basement:** As applied to Appendix 'A', any area of the building having its floor subgrade (below ground level) on all sides.

2. **Construction:** As applied to Appendix 'A', the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.

3. **Development:** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

4. **Floodproofing:** Means any combination of structural and non-structural 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.

5. **Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to

render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

6. **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 connected to the required utilities. The term includes park trailers, travel trailers, recreational, and other similar vehicles placed on a site for more than 180 consecutive days.

7. **Manufactured Home Park:** A parcel (or contiguous parcels) of land which has been planned and improved for the placement of two or more manufactured homes.

8. **Minor repair:** The replacement of existing work with equivalent materials for the purpose of 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, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

9. **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.

10. **One Hundred Year Flood:** A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

11. **Regulatory Flood Elevation:** The one hundred (100) year flood elevation plus a freeboard safety factor of one and one half (1 1/2) feet, measured vertically.

12. **Special Permit:** A special approval which is required for hospitals, nursing homes, jails, and new mobile home parks and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

1105. Floodplain Permit Requirements.

1. 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.

2. 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); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); the U.S. Clean Water Act, Section 404, 33, U.S.C. 1334. No permit shall be issued until this determination has been made.

3. 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 Resources, Bureau of Dams and Waterway Management.

4. The Federal Insurance Administrator and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the Township prior to any alteration or relocation of any watercourse.

1106. Application Procedure and Requirements.

1. 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:

1.1 Name and address of applicant.

1.2 Name and address of owner of land on which proposed construction is to occur.

1.3 Name and address of contractor.

1.4 Site location.

1.5 Listing of other permits required.

1.6 Brief description of proposed work and estimated cost.

1.7 A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

2. 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:

2.1 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;

2.2 all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

2.3 adequate drainage is provided so as to reduce exposure to flood hazards.

3. Applicants shall file the following minimum information plus any other pertinent information (e.g. , any or all of the technical information contained in Subsection 1106.5) as may be required by the Zoning Officer to make the above determination:

3.1 A completed Zoning Permit Application Form.

3.2 A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one-hundred (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.

4. Plans of all proposed buildings, structures and other improvements, shall be drawn at suitable scale showing the following:

4.1 the proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;

4.2 the elevation of the one-hundred (100) year flood;

4.3 if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred (100) year flood; and

4.4 detailed information concerning any proposed floodproofing

measures.

4.5 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 (100) year flood elevations, pressures, velocities, impact and uplift forces associated with the one-hundred (100) year flood.

(a) 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.

4.6 Detailed information needed to determine compliance with Section 1117.7, "Storage," and Section 1118, "Additional Requirements", including:

(a) the amount, location and purpose of any materials or substances referred to in Sections 1117.7 and 1118 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 Section 1118 during a one hundred (100) year flood.

(c) The appropriate component of the Department of Environmental Resources "Planning Module for Land Development".

(d) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources, to implement and maintain erosion and sedimentation control.

5. Applicants for Special Permits shall provide five copies of the following items:

5.1 A written request including a completed Zoning Permit Application Form.

5.2 A small scale map showing the vicinity in which the proposed site is located.

5.3 A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (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 (2) 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 flood plain boundary line, information and spot elevations concerning the one hundred (100) 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.

5.4 Plans of all proposed building, 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 (100) year flood;

(d) detailed information concerning any proposed flood-proofing 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.

5.5 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 (100) 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 (100) 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 (100) 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 (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;

(f) the appropriate component of the Department of Environmental Resources' "Planning Module for Land Development";

(g) where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Resources 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 Resources 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 (100) year flood.

1107. 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.

1108. 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.

1109. 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.

1110. Life of Permit.

Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (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.

1111. Inspection and Revocation.

1. 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.

2. 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 Ordinance.

3. In the event the Zoning Officer discovers that the work does not comply with the permit application of 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.

4. A record of all such inspections and violations of this Ordinance shall be maintained.

1112. Identification of Floodplain Areas.

1. The identified floodplain area shall be any area of the Township of Hilltown, subject to the one hundred (100) year flood, which is identified as a Special Flood Hazard Area (zone "A") on the Flood Insurance Rate Map (FIRM) as issued by the Federal Insurance Administration dated January 30, 1981, and/or defined floodplain or floodplain soil pursuant to Section 201 of this Ordinance.

1113. Determination of the One Hundred (100) Year Flood Elevation.

1. For the purpose of this Ordinance, the one hundred (100) year flood elevation, plus a freeboard safety factor of one and one half (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:

1.1 Corps of Engineers - Floodplain Information Reports

1.2 U.S. Geological Survey - Flood Prone Quadrangles

1.3 U.S.D.A., Soil Conservation Service, County Soil Surveys (Alluvial soils) or P.L. 566 Flood Information

1.4 Pennsylvania Department of Environmental Resources, Flood Control Investigations

1.5 Known Highwater Marks from Past Floods

1.6 The soil survey of Bucks and Philadelphia Counties and all notations, references, maps and data shown thereon.

1.7 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.

1114. Changes in Delineation.

1. 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).

1115. Boundary Disputes.

1. 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.

1116. Performance Standards.

1. 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.

2. Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one hundred (100) year flood elevation.

3. The flood carrying capacity within the altered or relocated portion of any watercourse must be maintained.

4. Within any identified floodplain area, no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.

5. Within any identified floodplain area, the elevation of the lowest floor (including basement) of any new or improved residential structures shall be one and one-half (1 1/2) feet or more above the one hundred (100) flood elevation or be floodproofed up to that height.

6. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1 1/2) feet above the one hundred (100) 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 "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972), 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.

7. 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.

1117. Design and Construction Standards.

The following minimum standards shall apply for all construction and development proposed to be undertaken within any identified floodplain area:

1. Fill (If fill is used, it shall):

1.1 Extend beyond at least fifteen (15) feet beyond the building line from all points;

1.2 Consist of soil or small rock materials only - sanitary landfills shall not be permitted;

1.3 Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;

1.4 Be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the zoning official;

1.5 Be used to the extent to which it does not adversely affect adjacent properties.

2. Drainage Facilities: Storm drainage facilities shall be designed to convey the flow of storm water 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.

3. 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 flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

4. Water Facilities: All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into

the system, and be located and constructed to minimize or eliminate flood damages.

5. Streets: The finished elevation of proposed new streets shall be no more than (1) foot below the Regulatory Flood Elevation.

6. 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.

7. 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 Section 1118, "Additional requirements", shall be stored at or above Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

8. 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 flood water.

9. Anchoring

9.1 All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.

9.2 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.

10. Floors, Walls and Ceilings

10.1 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.

10.2 Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.

10.3 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.

10.4 Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.

11. Paints and Adhesives

11.1 Paints or other finishes used at or below the Regulatory Flood Elevation shall be of "marine or water resistant" quality.

11.2 Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine or water-resistant" quality.

11.3 All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine or water-resistant" paint or other finishing material.

12. Electrical Systems and Components

12.1 Electrical water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the Regulatory Flood Elevation.

12.2 Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.

12.3 Separate electrical circuits shall serve lower levels and shall be dropped from above.

13. Plumbing

13.1 Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the Regulatory Flood Elevation.

13.2 No part of any on-site sewage disposal system shall be located within any identified floodplain area or within fifty (50) feet of the identified floodplain area.

13.3 Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters.

13.4 All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

1118. Additional Requirements.

1. In accordance with the Pennsylvania Floodplain Management Act, and the regulations adopted by the Department of Community Affairs 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:

- 1.1 Acetone
- 1.2 Ammonia
- 1.3 Benzene
- 1.4 Calcium carbide
- 1.5 Carbon disulfide
- 1.6 Celluloid
- 1.7 Chlorine
- 1.8 Hydrochloric acid
- 1.9 Hydrocyanic acid
- 1.10 Magnesium
- 1.11 Nitric acid and oxides of nitrogen
- 1.12 Petroleum products (gasoline, fuel oil, etc .)
- 1.13 Phosphorus
- 1.14 Potassium
- 1.15 Sodium
- 1.16 Sulfur and sulfur products
- 1.17 Pesticides (including insecticides, fungicides, and rodenticides)
- 1.18 Radioactive substances, insofar as such substances are not otherwise regulated.

2. Where permitted within any identified floodplain area, any new or substantially improved structure of the kind described in Section A above shall be:

2.1 Elevated or designed and constructed to remain completely dry up to at least one and one-half (1 1/2) feet above the one hundred (100) year flood, and

2.2 Designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

2.3 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 flood-proofing contained in the publication "Floodproofing Regulations (U.S. Army Corps of Engineers, June 1972), or with some other equivalent water tight standard.

1119. Mobile Homes in Floodplain Areas.

1. Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:

- 1.1 placed on a permanent foundation,

1.2 elevated so that the lowest floor of the manufactured home is one and one half (1 1/2) feet or more above the elevation of the one hundred year flood,

1.3 anchored to resist flotation, collapse or lateral movement.

1120. Special Permit Provisions.

1. In accordance with the Department of Community Affairs administrative regulations implementing the Pennsylvania Floodplain 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:

1.1 hospitals (public or private)

1.2 nursing homes (public or private)

1.3 jails or prisons

1.4 new mobile home parks and mobile home subdivisions, and substantial improvements to such existing parks and development.

1121. Application for Special Permit.

1. Upon receipt of an application for a Special Permit by the Township, the following procedures shall apply in addition to those of Section 1106:

1.1 Within three (3) 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.

1.2 If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respects the application is deficient.

1.3 If the Township decides to disapprove an application, it shall notify the applicant in writing, of the reasons for disapproval.

1.4 If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community Affairs, by registered or certified mail, within five (5) working days after the date of approval.

1.5 Before issuing the special Permit, the Township shall allow the Department of Community Affairs thirty (30) days after receipt of the

notification by the Department, to review the application and decision made by the Township.

1.6 If the Township does not receive any communication from the Department of Community Affairs during the thirty (30) day review period, it may issue a Special Permit to the applicant.

1.7 If the Department of Community Affairs 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.

1122. Requirements for a Special Permit.

1. In addition to the requirements of Section 1106, 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 Section 400, or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

2. 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:

2.1 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 (100) 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 (100) year flood elevation.

(b) the lowest floor elevation will be at least one and one-half (1 1/2) feet above the one hundred (100) 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.

2.2 Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.

3. 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 reflect 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 Affairs.

1123. Existing Non-Conformities in the Floodplain.

1. Structures and uses existing in any identified floodplain area prior to the enactment of this Ordinance, but which are not in compliance with these provisions, may continue to remain, provided that:

1.1 Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Ordinance.

1.2 Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

1.3 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 Section 1116.

1124. Relief.

1. If compliance with any of the requirements of this Section would result in an exceptional hardship to a prospective builder, developer of landowner, the Township may, upon request, grant relief from the strict application of the requirements.

2. 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 (100) year flood elevation.

3. Requests for variances shall be considered by the Township, in accordance with the procedures contained in Section 909.1 and the following:

3.1 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 (Section 1118).

3.2 If granted, a variance shall involve only the least modification necessary to provide relief.

3.3 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 Ordinance.

3.4 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.

3.5 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 (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

3.6 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.

3.7 Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

EFFECTIVE DATE OF ORDINANCE

This Ordinance shall become effective five (5) days after enactment by the Hilltown Township Board of Supervisors, in accordance with Article VI of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

ORDAINED AND ENACTED this 22nd day of May 1995.



Attest:

B. M. Hill
Township Manager

**HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS**

W. H. Bennett
Chairman

Kenneth B. Bennett
Vice-Chairman

J. Carroll Foy
Supervisor

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Chairman



Vice-Chairman

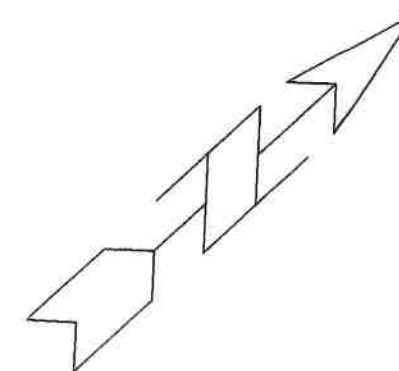
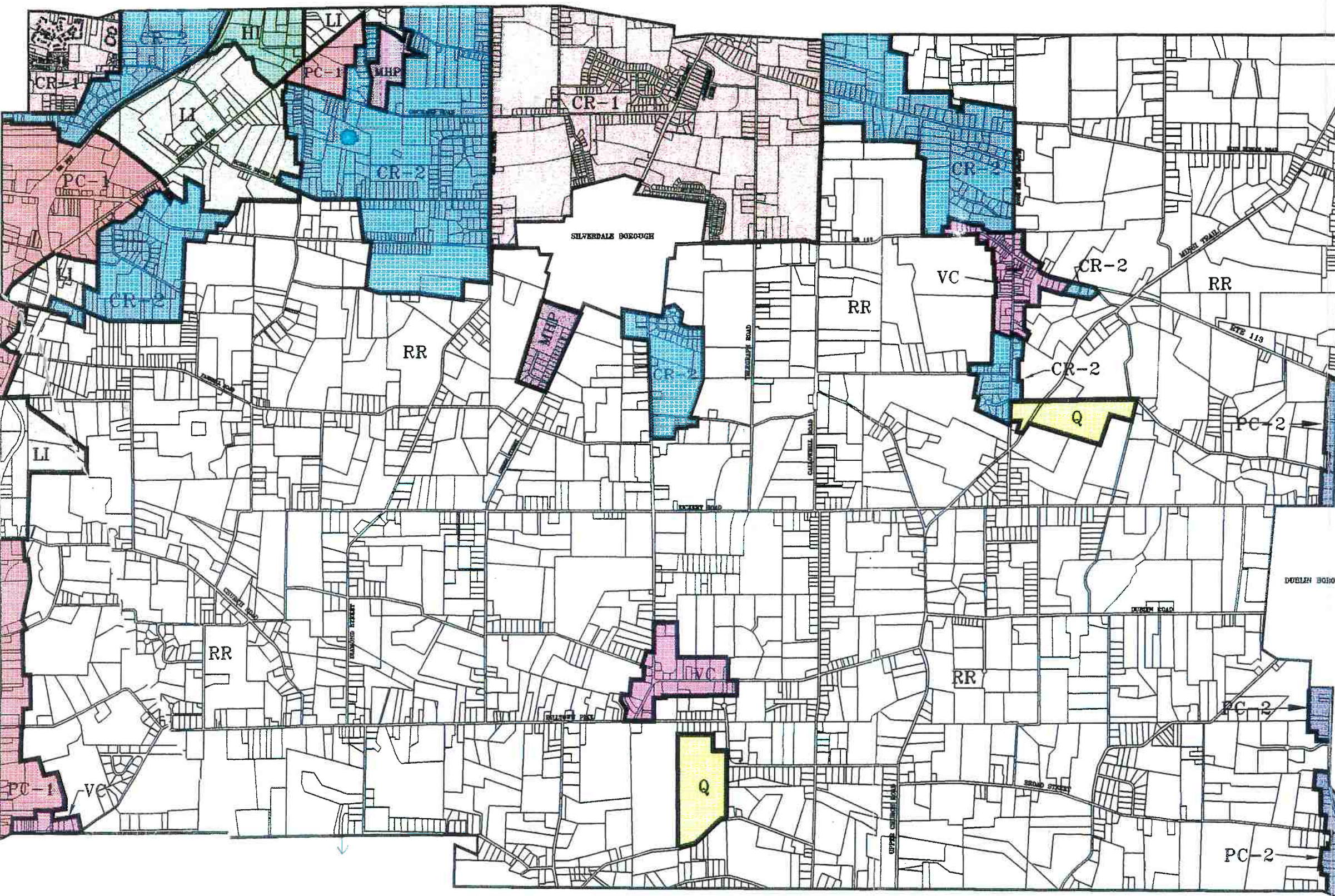


Supervisor

Attest:



Township Manager



DEVELOPMENT DISTRICTS

- CR-1 COUNTRY RESIDENTIAL
- CR-2 COUNTRY RESIDENTIAL
- MHP MOBILE HOME PARK
- VC VILLAGE CENTER
- PC-1 PLANNED COMMERCIAL
- PC-2 PLANNED COMMERCIAL
- LI LIGHT INDUSTRIAL
- HI HEAVY INDUSTRIAL

CONSERVATION DISTRICT

- RR RURAL RESIDENTIAL

EXTRACTION DISTRICT

- Q QUARRY

ZONING MAP HILLTOWN TOWNSHIP BUCKS COUNTY PENNSYLVANIA



ADOPTED MAY 22, 1995