



**HILLTOWN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA
ORDINANCE NO. 2023-002**

AN ORDINANCE OF THE TOWNSHIP OF HILLTOWN, BUCKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER 160, “ZONING”, BY AMENDING SECTION 160-62.B(1), ADDING SECTION 160-62.B(4) PROVIDING FOR ADDITIONAL EXPANSION CAPACITIES FOR NONCONFORMING INSTITUTIONAL AND INDUSTRIAL USES THAT PRE-EXISTED ENACTMENT OF ZONING, REPEALING INCONSISTENT PROVISIONS, SEVERABILITY, AND EFFECTIVE DATE THEREBY.

WHEREAS, the Township of Hilltown, Bucks County, is a township of the second class, organized and existing in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Township, in the exercise of its corporate powers, has the authority to enact, amend, repeal and establish ordinances and regulations governing zoning districts and regulations within the Township’s territorial boundaries; and

WHEREAS, the Township first enacted zoning regulations in 1959; and

WHEREAS, the Township has become aware that certain long-established uses that pre-date the 1959 zoning have maximized their ability to expand as nonconforming uses; and

WHEREAS, the survival of such long-established nonconforming uses often depends on their ability to evolve, grow and expand, subject to reasonable restrictions; and

WHEREAS, the loss of such long-established nonconforming uses would negatively impact the Township by causing loss of tax revenue, creating vacant or under-utilized properties, displacing local workers, and otherwise detrimentally harming residents of the Township; and

WHEREAS, the Township, after due consideration and review, finds it would be in the best interest of the Township to amend its zoning regulations to better maintain and protect long-establish nonconforming institutional and industrial uses that

pre-date enactment of zoning by allowing greater capacity to expand, subject to certain existing requirements; and

WHEREAS, the Township wishes to amend Chapter 160, entitled "Zoning" of its Code of Ordinances to provide for such greater capacity to expand nonconforming institutional and industrial uses that pre-date enactment of zoning.

NOW, THEREFORE, be it ORDAINED and ENACTED as follows:

Article I: Section 160-62 shall be amended by adding a new subsection B(4) which shall provide for expansion criteria and limitations for nonconforming institutional and industrial uses that pre-date enactment of zoning in 1959.

Article II: The new Section 160-62.B(4) shall read as follows:

Institutional and industrial uses that pre-date enactment of zoning in 1959 and which have become legally nonconforming may be expanded by Conditional Use approval up to 50% of the building or floor area, whichever is less, existent as of the date the herein ordinance is enacted (for the duration of the life of the nonconformity); provided that the resulting impervious surface ratio does not exceed the permissible impervious surface ratio in the underlying zoning district. Strict proof of eligibility under this subsection shall be provided as part of the Conditional Use application and shall be included in Applicant's burden of proof at the Conditional Use hearing. Any expansion approved pursuant to this subsection shall comply with all criteria set forth in Section 160-62.B(2). Nonconforming uses qualifying under this subsection may expand unto another parcel(s) of land subsequently added to the original parcel, provided that the use still complies with all the criteria set forth in Section 160-62.B(2) and the added parcel is consolidated with the original parcel. Alternatively, if such parcels cannot be consolidated, then expansion as set forth above may still occur provided that the landowner agrees, in writing, to place a restrictive covenant on the additional parcel whereby the expanded use shall cease and desist on that parcel if the parcel is sold to another party. This Section 160-62.B(4) shall not apply to Rifle Ranges (C6 use), Correctional Facilities and Group Institutions (C16 use), Quarries (H4 use), Resource Recovery Facilities (H5 uses), Auto Salvage (H6 use), Junkyards (H7 use), Composting Facilities (H8 use) and Outdoor Storage (H9 use).

Article III: Section 160-62.B shall be amended by revising the first sentence thereof to state:

Except for those nonconforming institutional and industrial uses that qualify under Section 160-62.B(4) below, 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:

Article IV: Section 160-62.B(1) shall be amended by revising the final sentence thereof to state:

Except as provided in Section 160-62.B(4), a nonconforming use shall be prohibited from encroaching on another parcel of land subsequently added to the original parcel.


Article V: All ordinances, portions of ordinances or any section of the Code inconsistent with this ordinance, are hereby repealed.

Article VI: The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared the intent of the Township of Hilltown that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.


Article VII: This Ordinance shall be effective five (5) days after an enactment by the Board of Supervisors of Hilltown Township, Bucks County, Pennsylvania.

ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF HILLTOWN, BUCKS COUNTY, PENNSYLVANIA, ON THIS 23rd DAY OF OCTOBER, 2023.

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS



James C. Groff, Chairman



Caleb Torrice, Vice-Chairman

John B. McIlhinney, Supervisor

Attest:



Lorraine E. Leslie,
Township Manager/Secretary