

***Milford Township  
Portion  
of the  
Quakertown Area  
Zoning Ordinance***

*Enacted: July 18, 1995*

*As Amended  
November 19, 1996  
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October 3, 2000  
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## ARTICLE I. TITLE, PURPOSE AND JURISDICTION

### Section 100 Title

An Ordinance regulating the location, height, bulk, erection, construction, reconstruction, alteration, razing, removal and size of structures; the percentage of lot which may be occupied; the size of yards, courts and other open spaces; the density and distribution of population; the intensity of use of land or bodies of water for trade, industry, residence, recreation, public activities or other purposes; and the uses of land for agriculture, water supply, conservation, or other purposes, in all portions of the Quakertown Area, which comprises the Boroughs of Richlandtown and Trumbauersville and the Townships of Haycock, Milford and Richland.

### Section 101 Short Title

This Ordinance shall be known as and may be cited as the "Quakertown Area Zoning Ordinance of 1975 as amended."

### Section 102 Purpose

The purpose of this Ordinance is the promotion of the health, safety, morals, convenience, order and welfare of the present and future inhabitants of the Quakertown Area by:

- a. Lessening the danger and congestion of traffic on the roads and highways and limiting excessive numbers of roads;
- b. Securing safety from fire, panic, flood, and other dangers;
- c. Providing adequate light and air; access to incident solar energy, and a safe, reliable and adequate water supply for domestic, commercial, agricultural and industrial uses;
- d. Controlling and regulating the growth of the area, concentrating development in areas where adequate water supply, sewerage, roads and schools can be provided, and limiting development in areas where these facilities are not provided;
- e. 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; to protect the people's right to clean air, pure water, and the 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;
- f. Providing for the use of land for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, manufactured home and manufactured home parks, provided, however, that this Ordinance shall not be deemed invalid for the failure to provide for any other specific dwelling type;
- g. Promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, water flowage, water supply, drainage, sanitation, schools, parks and other public facilities, educational opportunities, recreation, soil fertility, and food supply;
- h. Protecting the tax base;

- i. Securing economy in governmental expenditures;
- j. Fostering agriculture and other industries;
- k. Protecting both urban and non-urban development through the use of a development area for urban and suburban uses and a reserve area for non-urban development; and
- l. Accommodating reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

Section 103 Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare.

- a. 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 smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute, the provisions of the regulations made under authority of this Ordinance shall govern.
- b. Whenever the provisions of any other statute require a greater width or size of yards, courts or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by any regulations made under authority of this Ordinance, the provisions of such statute shall govern.
- c. 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 impliedly repealed by this Ordinance, or any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.
- d. Provisions in the subdivision and land development regulations of the appropriate municipality providing for the varying of design standards shall not be considered to be in conflict with the provisions of this Ordinance.

Section 104 Separability

It is hereby declared to be the intent of the governing body that:

- a. 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.
- b. If a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building or other structure, or 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.

## Section 105 Statement of Community Development Goals and Objectives

The following Statement of Community Development Goals and Objectives shall serve as a guideline for growth and development within the municipalities participating in the Quakertown Area Comprehensive Plan and the Quakertown Area Zoning Ordinance. Participating municipalities are Haycock Township, Milford Township, Richland Township, Richlandtown Borough, Trumbauersville Borough, and Quakertown Borough which has a separate zoning ordinance. This statement is in compliance with the requirements of Section 606 of the Pennsylvania Municipalities Planning Code.

### a. Growth Management

Growth is a dominant factor in land use and community planning for the Quakertown Area. Many problems and demands which face these municipalities and the school district are generated as direct or indirect results of the location, timing and magnitude of growth. Pressures for continued development are regional in scale. Current residents travel throughout the Philadelphia metropolitan area as well as to New Jersey and New York for employment. Growth must be balanced with preservation of natural and man-made environments. The type and intensity of new development must be guided and coordinated with a full range of facilities and services. Decisions must include considerations of timing, location, character and magnitude of new and changing uses.

Metropolitan areas, like the Quakertown Area, continue to grow although migration from rural areas to urban areas is no longer as large as it was in previous decades. There are, however, other important migration trends within urban areas and from one urban area to another. There is migration from central cities to the urban fringe. People seek more desirable living environments. It is clear that the desires of a large segment of the population do not match with the present location of these individuals or the quality of life that they desire for their families. It is this pressure which is the major component of growth in the Quakertown Area. The Quakertown Area lies at the fringe of two metropolitan areas: the Philadelphia metropolitan area and the Allentown-Bethlehem-Easton metropolitan area. Growth is encouraged by the location of the Quakertown Area on highways between the two areas.

There is much discussion regarding the desirability and need for controlling growth and there are strong reasons to support a policy for such regulations. The first is ecological. We have come to realize that environmental destruction accompanies uncontrolled urban development and we have been less than successful in limiting these adverse environmental impacts in the past. The second set of reasons is economic. For years, the public has challenged the "bigger is better" philosophy. We have reached the point of understanding where rising costs for schools and services from police to garbage collection are being associated with the process of growth. Growth does not automatically bring benefits to the municipality. In fact, uncontrolled, poorly planned growth can be associated with increased municipal and school district costs.

A critical area of concern that any policy attempting to direct or control growth must take into account is how the growth is regulated. Stated more precisely, who is affected by growth or by attempts to control growth. Past policies intended to slow down or retard growth, such as municipality-wide large lot zoning, have accomplished little. Even during periods where the zoning is clearly restricted--permitting development only on large lots--we have seen little indication of a slowing of development. It is obvious; however, that in areas of large-lot zoning the growth that did take place was limited to a specific socio-economic group, those who could pay higher costs of housing in low-density, single-family houses. Side effects of a low-intensity zoning policy have been to further encourage urban sprawl and a failure to provide any substantial degree of environmental protection. Any future policy that attempts to control growth must deal effectively with the problem of exclusion. In setting up a policy to di-

rect growth, we must provide associated policies which guarantee that such controls will not be exclusionary.

Goal: To guide the form, location and timing of growth in order to protect the natural environment, enhance the man-made environment and establish living and working environments that are properly provided with a full range of services and facilities.

Objectives:

- (1) To recognize that a certain amount of growth is inevitable and imminent. It is the intent of the comprehensive plan and the zoning ordinance to provide areas sufficient to accommodate the anticipated need for a variety of housing types and densities and for nonresidential uses for the 1990 to 2000 period.
- (2) To direct more intensive residential and nonresidential development into Development Areas where supportive services and facilities can be economically and efficiently provided.
- (3) To limit development in Reserve Areas to low intensity, rural uses where services and facilities cannot or should not be provided at this time.
- (4) To recognize that, other than areas used or intended for higher density housing and intensive nonresidential uses, the Quakertown Area is essentially rural or semi-rural in character. Planning efforts shall protect this character while providing for anticipated new development in appropriate locations.
- (5) To ensure that land designated for more intensive residential and nonresidential uses are areas currently served or which are intended to be served by infrastructure.
- (6) To base any further expansion of higher density residential or nonresidential areas on demonstrated need for expansion and on specific and committed improvements in infrastructure.
- (7) To recognize that responsibility for improvements to the Quakertown Area's road system is shared by municipalities, the Commonwealth and developers.
- (8) To develop programs and procedures that will coordinate the provision for all infrastructure.
- (9) To coordinate provision of services with new development and to take steps to bring existing deficiencies in services and facilities up to meet needs of current residents.
- (10) To recognize that changes in federal and state funding programs have decreased funds available for services and facilities at a time of increased demand due to the rate and magnitude of development and to develop new methods of funding services and facilities to meet needs of current and future residents.

b. Environmental Protection, Open Space and Historic Preservation

We have come to realize that man is an inseparable part of the environment. Where man takes an action intended to improve the quality of his life, whether it be the development of a farm, subdivision or shopping center, we now recognize that there will be environmental impacts, many of which will be adverse. Because we operate in a closed ecological system, adverse environmental impacts eventually feed back through the system and affect the quality of life. Water pollution, soil erosion and pesticides are all examples of such impacts within the system.

We may look upon the environment as a common or public good. An environment of high quality is deserved and desired by all. The environment to be protected is both natural and man-made and its protection involves many considerations. Article I-27 of the Pennsylvania Constitution guarantees all citizens the right to clean air, pure water and the preservation of natural, scenic, historic and aesthetic values of the environment. Municipalities have the responsibility of protecting natural features of the landscape and providing for open space under the provisions of the Pennsylvania Municipalities Planning Code. The constitution and the code form the basis for open space requirements and municipal environmental regulations. In exercising this responsibility, municipalities must balance the rights of the public to environmental protection with individual property rights. The built environment also deserves protection. This includes the character of residential neighborhoods and the municipality's historic resources.

Goal: To protect the people's right to clean air, pure water and the other natural and historic resources of our environment and to guarantee a quality environment for present and future residents in the Quakertown Area.

Objectives:

- (1) To protect specific natural features of the landscape through natural resource standards incorporated in zoning and subdivision/land development ordinances.
- (2) To conserve the Quakertown Area's groundwater supply through sewage facilities planning, water resources planning, effective stormwater management, enforcement of sound development standards and promotion of proper site design.
- (3) To require evaluation of environmental impacts of certain planning, zoning and development decisions and to minimize adverse environmental impacts through sound design and proper planning.
- (4) To ensure proper collection, treatment and disposal of wastewater and to remedy conditions where pollution exists. Water supplies must be husbanded and protected from contamination and depletion. To achieve this, water that eventually becomes effluent should be used when feasible, to recharge the groundwater resources.
- (5) To require usable open space in intensive residential developments that is adaptable for active and passive recreation.
- (6) To support state and federal programs that result in the continuation of open space in the municipalities.
- (7) To protect the character and enhance the quality of Quakertown Area's villages through appropriate land planning techniques and ordinance standards.
- (8) To support efforts that will protect and enhance historic structures and areas of the Quakertown Area.
- (9) To foster state and national registration of structures and sites that are of historic significance and to protect by similar means the immediate area surrounding these landmarks.
- (10) The Board of Supervisors of Milford Township determines that it is an objective of zoning, in recognition of the amount of open land which has been and continues to be developed, to take measures that assure the preservation of open space in all residential subdivisions and non-residential subdivision and land developments in order to preserve the amenities of the Township for residents and businesses alike.

- (11) The Board of Supervisors further finds that it is in the interest of assuring the compatibility of existing and proposed residential and non-residential developments to make regulations for the design, planting and provision of buffer yards to be administered as part of the Land Development and Subdivision Ordinance.

c. Residential Development

Continued residential development must be coupled with the necessary expansion of a full range of services and facilities. A variety of housing types at appropriate densities to meet the needs and desires of a broad population should be permitted in various areas.

In addition to a variety of housing types and densities, a diversity of housing prices will meet needs of current and future residents of the Quakertown Area. Although development standards and review procedures have some affect on housing prices, the national economy, policies of major financial institutions, and developers' market strategies and profit expectations are the primary and controlling factors that affect the final price of a house. Affordable housing will require cooperative efforts of private industry as well as various levels of government. In any such effort, affordable housing must be structurally sound, attractive and integrated with more conventional housing to avoid social stratification of neighborhoods.

Goal: To promote adequate, safe and sound housing for present and future residents regardless of socio-economic characteristics.

Objectives:

- (1) To ensure that zoning provides for a variety of housing types and that sufficient land is designated for higher density use to accommodate a fair share of regional housing growth between 1990 and 2000.
- (2) To incorporate appropriate design and improvement requirements in subdivision and land development ordinances to ensure safe and healthy residential environments.
- (3) To adopt flexible site development requirements and to encourage use of cost effective technology and materials.
- (4) To provide the low and moderate income housing density bonuses in zoning ordinances in order to encourage developers to produce more affordable housing.
- (5) To permit mixed land uses which could provide opportunity for more affordable housing.
- (6) To permit emergency shelters and group homes in appropriate areas.
- (7) To permit accessory apartments in residential areas for elderly and disabled relatives.
- (8) To encourage efforts to preserve and rehabilitate existing housing stock.
- (9) To require evaluation of zoning change requests to determine the impact on the mix of housing opportunities and accommodation of a fair share of regional housing growth.
- (10) To ensure that new higher density residential development is located in areas with needed and desired infrastructure.

- (11) To ensure that over-all new residential development includes a variety of housing types and intensities to provide for balance and diversity in the housing stock.
- (12) To cooperate with private efforts to provide affordable housing that is attractive, structurally sound and integrated into the community.
- (13) To encourage use of cluster and mixed residential forms of development to protect vulnerable natural features, provide for open space, permit better site design, increase housing opportunities and minimize site development costs.

d. Nonresidential Development

A balanced variety of land uses is important for the Quakertown Area. Residential and nonresidential uses complement each other. Nonresidential uses provide employment, shopping and service opportunities for the residents. Residents provide a portion of the labor force and local markets. Although nonresidential uses place burdens on the road system and other services, these uses generate revenues for municipalities, the school district and municipal authorities.

Decisions related to the expansion of any commercial, office or industrial zoning district should be made on locational considerations as well as the need for additional capacity as determined by the municipal officials. These considerations would include proper access, road capacity (including existing traffic, traffic generated by the proposed development, other developments in the area and background traffic growth), availability of sewer and water services and compatibility with surrounding land uses.

Programs to improve conditions in areas where improvement is warranted should be encouraged and supported where such programs are initiated and funded by non-residential property owners, developers and businessmen.

Goal: To support and encourage nonresidential developments compatible with the essentially residential character of the municipalities and which have minimal impact on the highway network and other services and to encourage improvement programs in appropriate areas.

Objectives:

- (1) To encourage concentration of convenience retail uses at selected areas near residential developments.
- (2) To discourage strip commercial development.
- (3) To permit industrial and commercial uses in designated areas with due regard for protection of neighboring land uses.
- (4) To require high standards to control nuisances such as objectionable odors, noise, smoke and hazardous material of any kind.
- (5) To encourage high quality office, commercial and industrial development.
- (6) To concentrate nonresidential development in areas zoned for such uses and containing adequate water, sewer, drainage and highways.
- (7) To require full evaluation of requests to expand nonresidential areas in order to determine the impacts on municipal services, highway network and natural features of the landscape.

- (8) To support, encourage and assist joint efforts of nonresidential property owners, developers and businessmen to improve conditions in commercial and industrial areas.
- (9) To foster continued use and revitalization of the Quakertown Borough center as an area of compatible mixed uses which are typical of a traditional town center.

e. Recreation Facilities

Recreation is an important part of a person's life as an individual and a member of the community. Active recreation improves physical well being, develops skills and confidence and teaches teamwork. Passive recreation brings an appreciation of the natural environment. Recreation facilities are key components of the quality of life in the Quakertown Area.

Goal: To provide recreational opportunities, including active and passive recreation facilities, for municipal residents of all ages.

Objectives:

- (1) To implement park and recreation plans in municipalities that have prepared and formally adopted such plans and to encourage preparation of park and recreation plans in other municipalities.
- (2) To cooperate among participating municipalities and the school district to avoid the unnecessary duplication of facilities.
- (3) To revise the Quakertown Area Linked Open Space Study so that links would be located adjacent to collector roads where appropriate.
- (4) To refer to the Quakertown Area Linked Open Space Study during review of subdivisions and land development proposals and discuss with developers' incorporation of identified links into development plans.
- (5) To recognize that in rapidly growing areas, such as the Quakertown Area, that open space, parks and recreation facilities are important improvements and are vital aspects of any development proposal. Ordinance requirements for these improvements and fees to provide municipal-scale facilities are appropriate methods of addressing recreational needs of the Quakertown Area. Such requirements, under the provisions of Section 503(11) of the Pennsylvania Municipalities Planning Code, should be included in municipal subdivision and land development ordinances.

f. Sewage Facilities - Water Facilities

Sewer and water systems are two critical elements needed to support more intensive residential and nonresidential development. Where soils are suitable for the renovation of effluent, on-site services are adequate to serve low-density, rural forms of development. Sewer and water services should be considered utility resources with limited capacities. Expansion of these services in terms of capacities should be based on projected need. Expansion of service areas should be a logical progression from areas of existing services into areas where other needed infrastructure exists or is planned to be located. Premature extension of services beyond such areas diminishes the capability to plan for and provide other needed services and to achieve environmental protection, land use and growth management goals.

Goal: To use sewer and water services as methods of implementing housing projections and land use goals included in the comprehensive plan update.

Objectives:

- (1) To base sewer and water facilities planning (capacities and service areas) on projections and land use goals of the comprehensive plan and guidelines of the municipal sewage facilities plan (Act 537).
- (2) To coordinate expansion of services with planning for all infrastructure.
- (3) To ensure that, in efforts to recharge groundwater resources, the quality of water is acceptable.
- (4) To affirm that uses permitted under this zoning ordinance are based on goals and land use guidelines included in the comprehensive plan as well as changing municipal needs as identified by elected officials and planning commissions and that access to sewer and water facilities does not justify a change in land use.

g. Highway Network

The relationship between the highway network and land use is strong and direct. The road system plays a role in influencing over-all growth within the Quakertown Area and development of individual properties. A good highway network not only provides access to homes, work, shopping and recreation, but also provides a means for business and industry to acquire materials and to reach their markets.

Conversely, land use can directly impact the ability of highways to function. Intense land uses directed to roadways that are not designed to accommodate large traffic volumes or to roadways with limited capacity due to current use will have detrimental impacts on the road. Improper matching of intensive land uses and limited capacity roads will slow the flow of traffic and result in hazardous conditions. An inefficient use of the public's investment in the highways will also result.

Traffic conditions, to a large degree, result from the Quakertown Area's location in the greater region. Much of the traffic passes through the area and has neither local origins nor destinations. Growth in the surrounding greater region adds traffic to the road network. Traffic would increase in the Quakertown Area even in the improbable event that development would end.

Goal: To protect, maintain and improve the carrying capacity of the Quakertown Area's highway network and to make improvements that will eliminate or avoid hazardous conditions.

Objectives:

- (1) To enhance specific standards, criteria and procedures for traffic impact analysis in land use ordinances and to require an evaluation of the impact on the capacity of the road system for conditional uses, special exceptions and zoning change requests.
- (2) To evaluate the impact on the road system, to identify needed off-site improvements and to avoid hazardous conditions for major subdivisions and land developments.
- (3) To develop a capital improvements program for highway improvements.
- (4) To develop funding programs whereby costs of needed improvements are shared by municipalities, the Commonwealth, adjacent municipalities and developers.
- (5) To implement the Quakertown Area Traffic Analysis of 1987.

- (6) To undertake an Environmental Impact Study which will identify alternative solutions to the traffic congestion in the Quakertown Area.
- (7) To participate in efforts to improve the Routes 313/663 corridor through the central and upper parts of Bucks County.
- (8) To cooperate with public agencies or private interest groups in efforts to establish public transportation systems or transportation management associations to reduce pressure on the road system.

h. Municipal and School District Services

Demands for municipal and school district services and improvements have increased with development, the disappearance of state and federal programs and changing requirements of Commonwealth statutes. The municipalities and school district will provide needed services and construct desired facilities on a financially responsible basis.

Goal: To provide needed and desired services within constraints of fiscal abilities.

Objectives:

- (1) To strengthen the tax base by encouraging the development of a variety of complementary nonresidential uses in appropriate locations.
- (2) To cooperate in the management of solid waste with Bucks County and other participating municipalities under Act 101 of 1988.
- (3) To avoid duplication of facilities and procurement of materials through cooperation with surrounding municipalities.
- (4) To require that developers contribute a fair share of costs of new services and facilities that result from rapid growth in the Quakertown Area.
- (5) To identify areas where new school sites may be needed and work with developers to reserve these sites for future school uses.

i. Riparian Corridors

Goal: To provide reasonable controls governing the restoration, conservation, disturbance, and management of existing riparian corridors.

Objectives:

- (1) To reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, subsurface, and surface water bodies by using scientifically-proven processes including filtration, deposition, absorption, adsorption, plant uptake, and de-nitrification, and by improving infiltration, encouraging sheet flow, and stabilizing concentrated flows.
- (2) To improve and maintain the safety, reliability, and adequacy of the water supply for domestic, agricultural, commercial, industrial, and recreational uses along with sustaining diverse populations of aquatic flora and fauna.
- (3) To regulate the land use, siting, and engineering of all development to be consistent with the intent and objectives of this ordinance, accepted conservation practices, and to work within the carrying capacity of existing natural resources.
- (4) To assist in the implementation of pertinent state laws concerning erosion and sediment control practices, specifically Erosion Control, of the Pennsylvania Clean Streams Law, Act 394, P.L. 1987, Chapter 102 of the Administrative Code

(as amended October 10, 1980 Act 157 P.O.), Title 25, and any subsequent amendments thereto, as administered by the Pennsylvania Department of Environmental Protection and the Bucks County Conservation District.

- (5) To conserve the natural features important to land or water resources (e.g., headwater areas, groundwater recharge zones, floodway, floodplain, springs, streams, wetlands, woodlands, prime wildlife habitats) and other features constituting high recreational value or containing amenities that exist on developed and undeveloped land.
- (6) To work with floodplain, steep slope, and other ordinances that regulate environmentally sensitive areas to minimize hazards to life, property, and riparian features.
- (7) To conserve natural, scenic, and recreation areas within and adjacent to riparian areas for the community's benefit.

Section 106 Enactment and Applicability

This Ordinance, prepared by the municipalities participating in the Quakertown Area Planning Program, was enacted by the governing body of the individual municipality under the provisions of Section 608 of the Pennsylvania Municipalities Planning Code. The Ordinance is administered by the governing body, the planning commission, the zoning officer, and the zoning hearing board of the individual municipality under the further provisions of the Pennsylvania Municipalities Planning Code for the land area within the municipality as illustrated on the municipal zoning map incorporated in this Ordinance. The Quakertown Area Planning Committee shall serve the municipality in an advisory capacity under Article XIV of this Ordinance and Article XI of the Pennsylvania Municipalities Planning Code.

## ARTICLE II. DEFINITIONS

### Section 200 General

- a. Unless a contrary intention clearly appears, the following words and phrases shall have for the purpose of this Ordinance the meanings given in the following clauses.
- b. For the purpose of this Ordinance, words and terms used herein shall be interpreted as follows:
  - (1) Words used in the present tense include the future.
  - (2) The singular includes the plural.
  - (3) The word "person" includes an individual, firm, corporation, partnership, company, association, or government entity; including a trustee, a receiver, an assignee or a similar representative.
  - (4) The word "lot" includes the word "plot" or "parcel".
  - (5) The term "shall" is mandatory.
  - (6) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied."
  - (7) The word "Municipal" or "Municipality" means the Borough or Township enacting this Ordinance.
  - (8) The words "Governing Body" refer to the Borough Council or Board of Supervisors of the Municipality.
  - (9) The word "Commission" and the words "Planning Commission" always mean the Municipal Planning Commission.
  - (10) The words "Area Planning Committee", "Planning Committee" or "Committee" mean the Quakertown Area Planning Committee.
  - (11) The words "Zoning Hearing Board" always mean the Municipal Zoning Hearing Board.
  - (12) The words "Quakertown Area" refer to the area comprising the Boroughs of Quakertown, Richlandtown and Trumbauersville and the Townships of Haycock, Milford and Richland.
  - (13) The words "Municipal Plan" refer to the Quakertown Area Comprehensive Plan.
- c. Any word or term not defined herein shall be used with a meaning of standard usage.

### Section 201 Accessory

- a. Accessory Building: See Section 209.b.
- b. Accessory Use: See Section 286.b.

### Section 202 Alley

A right-of-way which provides secondary service access for vehicles to the side or rear of abutting properties.

Section 203 Alterations

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

Section 204 Area

- a. Lot Area: The area contained within the property lines of the individual parcels of land shown on a subdivision plan or required by this ordinance, excluding 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. In addition, the minimum lot area must comply with section 502.e.
- b. Floor Area: The sum of the areas of the several floors of the 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 or screened 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.

Section 205 Authority

A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164) known as the "Municipality Authorities Act of 1945."

Section 206 Basement

A story partly under ground, but having one-half or more of its height (measured from floor to ceiling) above the average finished grade level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement or for the determination of square footage or floor area only if the vertical distance between the ceiling and the average level of the adjoining ground is more than four (4) feet, or if it is used for business or dwelling purposes.

Section 207 Board

Any body granted jurisdiction under this Ordinance or under the Pennsylvania Municipalities Planning Code (Act 247, as amended by Act 170) to render final adjudications.

Section 208 Boarder, Roomer, or Lodger

A person 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 such room or rooms 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 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, inn, guest house).

Section 209 Building

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

- b. 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.
- c. 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.

Section 210 Building Height

A vertical distance measured from the elevation of the proposed finished grade at the front of the building to the highest point of the roof or the structure.

Section 211 Building Setback Line

The line parallel to the street line at a distance therefrom equal to the depth of the minimum front yard required for the district in which the lot is located. For exceptions, see Section 243.e Lane Lots.

Section 212 Building Spacing

The minimum distance between two buildings. The minimum building spacing shall be measured from the outermost wall or projection, including bay windows, chimneys, flues, columns, ornamental features, cornices and gutters.

Section 213 Campsite

A plot of ground within a recreational camping park intended for the accommodation of a recreational vehicle, tent or other individual camping unit on a temporary basis.

Section 214 Cellar

A story partly underground and having more than one-half of its height (measured from floor to ceiling) below the average finished grade level of the adjoining ground. A cellar shall not be counted as a story for the purposes of height measurement or for the determination of square footage or floor area, nor shall it be used for dwelling, office or business purposes.

Section 215 Cold Frame

A small, temporary structure covered with glass or some other transparent material used to protect plants. A cold frame which remains on the ground for more than three (3) months in a calendar year shall be considered a greenhouse (See Section 234).

Section 216 Conditional Use

A use permitted in a particular zoning district pursuant to the provisions of Sections 401.c and 1108 of this Ordinance.

Section 217 Condominium

Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

A condominium is a unit with all of the following characteristics:

- a. The unit may be any permitted land use. A condominium is an ownership arrangement, not a land use.
- b. All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Pa. Uniform Condominium Act 68 Pa. C.S.A. Section 3101 et seq., and in accordance with the provisions for open space, roads, or other development features in this Ordinance and the Municipal Subdivision and Land Development Ordinance.

Section 218 Decision

Final adjudication of any board or other body granted jurisdiction under this Ordinance or the Pennsylvania Municipalities Planning Code (Act 247, as amended by Act 170) to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial court wherein the municipality lies.

Section 219 Density

Density is a measure of the number of dwelling units per unit of area. It shall be expressed in dwelling units per acre. The measure is arrived at by dividing the number of dwelling units by the net buildable site area. See Section 502 Table of Performance Standards for the density requirements for the various districts and Section 501 Site Capacity Calculations for the calculations used to determine the net buildable site area.

Section 220 Determination

Final action by an officer, body or agency charged with the administration of this Ordinance or applications thereunder, except the following:

- a. The Governing Body
- b. The Zoning Hearing Board

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

Section 221 Development

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Section 222 Dwelling

- a. Dwelling: A building containing one or more dwelling units.
- b. Dwelling Unit: Any room or group of rooms located within a building and forming a single, habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating, by one family.

Section 223 Easement

A grant of the specified use of a parcel of land by the property owner to the public, a corporation, or a person.

Section 224 Electric Substation

See Section 287 Utilities.

Section 225 Employee

A person who is employed or is engaged in gainful activity. This term is utilized in the parking standards of this Ordinance as a measure of the number of parking spaces required. It shall refer to the maximum number of employees on duty at any time, at a place of business, 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.

Section 226 Establishment

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

Section 227 Family

One or more persons occupying a dwelling unit and living as a single, nonprofit house-keeping unit, providing that a group of more than eight (8) persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Notwithstanding, the definition in the previous paragraph, a family shall be deemed to include a group of no more than eight (8) unrelated persons, sponsored and operated by a nonprofit group, organization or corporation for a group of persons to live together in a single communal living arrangement where the residents permanently live together as the functional equivalent of a traditional family in a nonprofit dwelling unit maintaining a non-transient common household with single cooking and dining facilities and sharing a permanent unity of social life. Groups contemplated by this definition of family shall include, but not be limited to, the handicapped, the elderly, and the disabled, but excludes half-way houses for ex-convicts and for drug or alcohol rehabilitation, or for licensed personal care homes or any other use specifically provided for in this Ordinance. Such a family may have no more than two residential managers living at the home in addition to the residents. Residential managers are agents or employees of an agency or organization sponsoring and operating the family unit.

Section 228 Flood Fringe

The portion of the flood plain which is outside the floodway.

Section 229 Flood Plain

Areas adjoining streams, ponds or lakes subject to the 100 year-recurrence-interval-flood; or areas identified by the presence of flood plain soils. See Section 504.a.

Section 230 Flood Plain Soils

Areas subject to periodic flooding and listed in the Soil Survey of Bucks and Philadelphia Counties, Pennsylvania, U.S. Department of Agriculture; Soil Conservation Service, July, 1975, as being "on the flood plain" or "subject to flooding". See Section 504.b.

The following soil types are flood plain soils:

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

Section 231 Floodway

The portion of the flood plain including the watercourse channel and adjacent land areas which must be reserved to carry the 100-year-recurrence-interval flood without cumulatively increasing that flood elevation more than one (1) foot.

Section 232 Floor Area

See Section 204.b.

Section 233 Floor Area Ratio

The ratio of the floor area to the lot area, as determined by dividing the floor area by the lot area.

Section 234 Greenhouse

A building, usually made of glass or some other transparent material, used for the cultivation, storage or protection of plants. A cold frame which remains on the ground for more than three (3) months in a calendar year shall be considered a greenhouse.

Section 235 Hearing

An administrative proceeding conducted by a board pursuant to Section 1109 of this Ordinance.

Section 236 Home Occupation

An activity for gain customarily carried on in a dwelling, or in a building or structure accessory to a dwelling, clearly incidental and secondary to the use of the dwelling for residential purposes. See Section 404.H1.

Section 237 Hydric Soils

A soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of wetlands vegetation. Wetlands vegetation are those plant species that have adapted to the saturated soils and periodic inundations occurring in wetlands. The following soils, classified in the Soil Survey of Bucks and Philadelphia Counties, Pennsylvania, U.S. Department of Agriculture, Soil Conservation Service, July 1975, are hydric soils (see Section 504 i & .i):

Bowmansville silt loam  
Doylestown silt loam  
Fallsington silt loam  
Hatboro silt loam  
Towhee silt loam  
Towhee extremely stony silt loam

Section 238 Impervious Surface

Impervious surfaces are those surfaces which do not absorb rain. All buildings, 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 Municipal Engineer to be impervious within the meaning of this definition shall also be classed as impervious surfaces. The surface area of the water in a swimming pool shall not be considered to be impervious.

Section 239 Impervious Surface Ratio

The impervious surface ratio is a measure of the intensity of use of a piece of land. It is measured by dividing the total area of all impervious surfaces within the site by the net buildable site area.

- a. On-Lot Impervious Surface Ratio: On-lot impervious surface is calculated based upon the individual lot area of existing lots or lots resulting from a subdivision.
- b. Site Impervious Surface Ratio: Site impervious surface is calculated based on the net buildable site area of a proposed subdivision or land development.

Section 240 Lake

A permanent body of water, naturally occurring or man-made, covering an area of two (2) or more acres. See Section 504.f.

Section 241 Lake Shore Area

The land side edge of lakes from established shoreline to an upland boundary (refer to Section 504.g).

Section 242 Livestock

Animals commonly raised on farms such as cows, steers, sheep, goats, pigs, horses, ponies, donkeys or mules. Livestock shall not include the keeping of wild and non-domesticated animals.

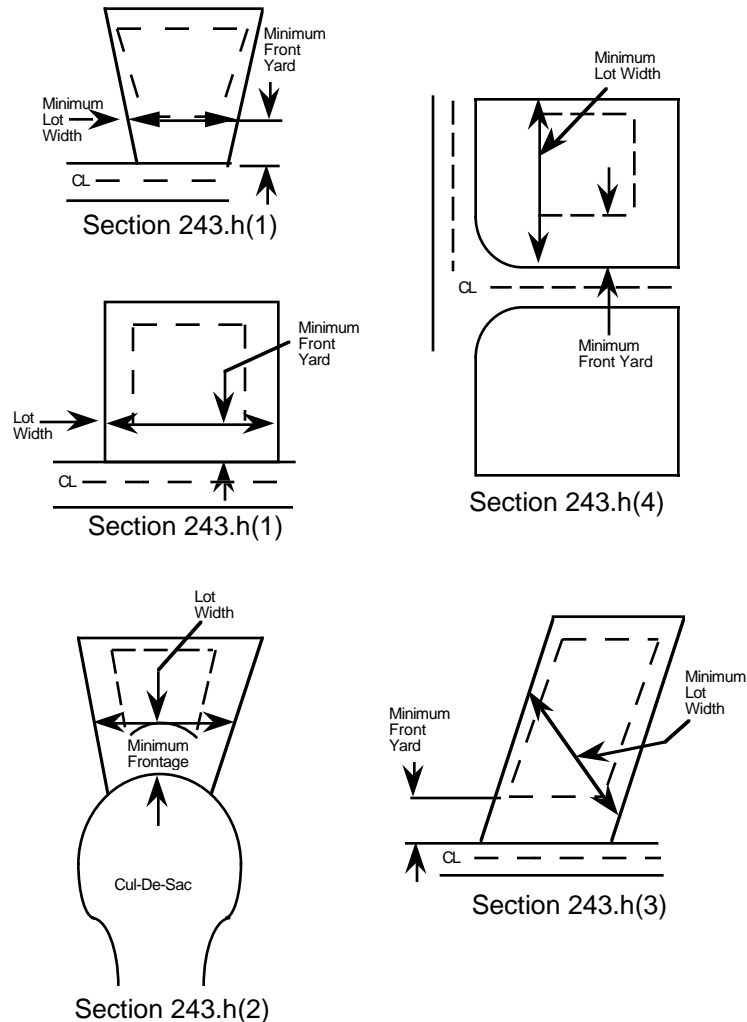
Section 243 Lot

- a. Lot: A parcel of land, used or set aside and available for use as the site of one or more buildings and any buildings accessory thereto or for any other purpose, in one ownership and not divided by a street, nor including any land within the right-of-way of a public or private street upon which said lot abuts, even if the ownership to such right-of-way is in the owner of the lot. A lot for the purpose of this Ordinance may or may not coincide with a lot of record.
- b. Lot Area: See Section 204.a.
- c. Average Lot Area per Dwelling Unit: The average lot area for all dwelling units of a single type. Individual lots may be smaller or larger than the average provided that the average size is maintained and that all other standards of this Ordinance are met.
- d. Corner Lot: A lot which has an interior angle of less than one hundred and thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect with the street lines at an angle of less than one hundred and thirty-five (135) degrees.
- e. Lane Lot: A lot which meets the criteria for an exception to the minimum lot width. See Section 522.c.
- f. Through Lot: An interior lot having frontage on two parallel or approximately parallel streets.
- g. Depth of Lot: The mean distance from the street line of the lot to its opposite rear line, measured in the general direction of the side lines of the lot.

h. Lot Width: The minimum distance between side lot lines at the required minimum building setback. The width shall be measured in one of the following ways:

- (1) Where both side lot lines are perpendicular to the street line or where the side lot lines angle in opposite directions, the width is measured parallel to the street line.
- (2) In the case of the lot being located on a curved road or cul-de-sac where the side lot lines angle in opposite directions, lot width shall be measured along the shortest tangent to the arc of the building setback line.
- (3) Where both side lot lines angle in the same direction and are not perpendicular to the street line, lot width shall be the shortest distance between both side lot lines, measured along a line extending through the intersection of the front yard and a side yard setback lines.
- (4) For a corner lot, the minimum lot width must be met along both streets.

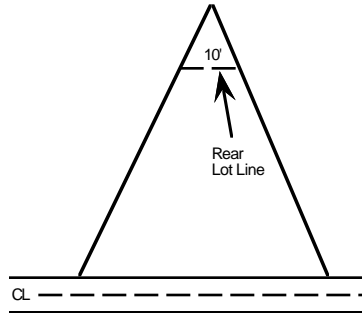
#### LOT WIDTH CALCULATIONS



#### Section 244 Lot Lines

- a. Lot Lines: Any boundary line of a lot.

b. Lot Line, Rear: Any lot line which is parallel to or within forty-five (45) degrees of being parallel to the street line, except for a lot line that is itself a street line, and except that in the case of a corner lot, the lot line opposite the street line which the front of the principal building faces shall be considered the 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. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to the street line.



c. Lot Line, Side: Any lot line which is not a street line or a rear lot line.

d. Street Line: See Section 279.

#### Section 245 Manufactured Home

A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, is three hundred twenty square feet or more and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical system contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing construction and Safety Standards Act of 1974. For manufactured homes built prior to June 15, 1976, a label certifying compliance to NFPA 501, in effect at the time of manufacture, is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

#### Section 246 Manufactured Home Site

A parcel of land in a manufactured home park, constructed with the necessary utility connections and other appurtenance necessary for the erection thereon of a single manufactured home, and for the exclusive use of its occupants.

#### Section 247 Modular Home

A dwelling unit erected on a foundation and made of one or more sections built in a factory. The completed unit must meet the building code which is in effect and is considered to be real property.

Section 248 Municipal Engineer

A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Milford Township.

Section 249 Municipal Solid Waste

Any garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semi-solid or contained gaseous material, resulting from operation of residential, municipal, commercial or institutional establishments and from community activities and any sludge not meeting the definition of residual or hazardous waste in the Solid Waste Management Act from a municipal, commercial or institutional water supply treatment plant, wastewater treatment plant or air pollution control facility. The term does not include source-separated recyclable materials. The unseparated and/or unprocessed combinations of residential, commercial and institutional solid waste materials generated in a municipality.

Section 250 Nonconformities

- a. Nonconforming Lot: See Section 800.a.
- b. Nonconforming Structure: See Section 800.b.
- c. Nonconforming Use: See Section 800.c.

Section 251 Open Space

Open space is land used for recreation, resource protection, amenity, or buffers; and is protected by the provisions of this Ordinance and the Subdivision and Land Development Ordinance to ensure that it remains in such uses. Open space shall not include land occupied by nonrecreational buildings or structures, roads or road rights-of-way, parking areas for nonrecreational uses, land reserved for future parking areas for nonrecreational uses, stormwater detention or retention basins, or the yards or lots of dwelling units.

Open space shall be used in accordance with Section 531 Open Space Designation; open space shall be owned and maintained in accordance with Section 534 Ownership of Open Space. Open space recreation uses specified in Section 531.b (3) may contain impervious surfaces. Such impervious surfaces shall be included in the calculation of the impervious surface ratio.

Section 252 Open Space Ratio

The open space ratio is a measure of the intensity of land use. It is arrived at by dividing the total amount of open space within the development by the base site area.

Section 253 Parking

Parking is the temporary storage of motor vehicles. For purposes of this Ordinance, parking is provided for in the following forms:

- a. On-Street Parking: The parking of motor vehicles on a street, in a line parallel to the moving lanes of a street.
- b. Off-Street Parking: The parking of motor vehicles in an area which has direct access to a street via a driveway or accessway, but which is not located on a street.
  - (1) Common Parking Area: An off-street parking lot or garage designed to serve three or more dwelling units or nonresidential uses.

- (a) Common Parking Lot: An off-street ground level area for the temporary storage of motor vehicles.
  - (b) Common Parking Garage: A deck, building or structure, or part thereof, used for the temporary storage of motor vehicles. Where there is ground level parking, it is covered by a roof. Multiple tiers of parking shall be subject to the building height limitations of this Ordinance.
- (2) Private Parking Area: An off-street parking lot or garage designed for the temporary storage of a small number of motor vehicles. It is for use by one or two dwelling units only and is located in close proximity to the dwelling unit(s) it serves. A private parking area is located on the fee-simple lot which contains the dwelling unit it serves, or is located on the minimum lot area required by this Ordinance, whether the lot is deeded or for planning purposes only.
- (a) Private Parking Lot: An open, uncovered area for the temporary storage of motor vehicles, owned and operated by the residents of the nearby dwelling unit(s).
  - (b) Private Parking Garage or Carport: A structure which is accessory to, attached to, or part of a dwelling unit which is used for the temporary storage of motor vehicles and owned and operated by the residents thereof.
  - (c) Community Garage: A structure which is accessory to, attached to, or part of a group of attached dwelling units which is used for the temporary storage of motor vehicles and owned and operated by the residents of those units.
- c. Spillover Parking: An area which is intended to accommodate the occasional need for parking beyond the requirements of the residents of the dwelling unit. The need for spillover parking is created by service vehicles and other occasional visitors.

Section 254 Performance Standard Subdivision

A type of cluster development in which the developer may choose to develop a variety of housing types subject to the regulations in Articles IV and V of this Ordinance. Performance standard subdivisions allow the grouping or clustering of dwelling units, permitting a variety of housing types to encourage better, more flexible designs. The subdivision as a whole must meet prescribed standards for open space, density and impervious surfaces.

Section 255 Planned Residential Development

Planned Residential Development shall be considered a special district which may be granted to a developer for the purpose of providing residential and nonresidential uses in a community setting. See Article VII.

Section 256 Pond

A permanent body of water, naturally occurring or man-made, covering an area of up to two (2) acres. See Section 504.f.

Section 257 Pond Shore Area

The landside edge of ponds from established shoreline to an upland boundary. See Section 504.h.

Section 258 Principal

- a. Principal Building See Section 209.c.

b. Principal Use See Section 286.c.

Section 259 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 by Act 170.)

Section 260 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".

Section 261 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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Section 262 Recreational Vehicle

A vehicle or piece of equipment intended primarily as temporary living quarters for recreational camping or travel use, whether self-powered or designed to be pulled or carried. The basic entities are, but are not limited to, the following: travel trailer, truck-mounted camper, motor home, folding tent camper, and autos, buses or trucks adapted for vacation use.

Section 263 Relative

A parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece, nephew, stepbrother, stepsister, first cousin or foster child.

Section 264 Report

Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon their 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 production.

Section 265 Resource Recovery Facility

A facility or land that is used for any one or a combination of the following: composting, incineration, material separation, recycling or trash transfer as defined below. Municipal solid waste landfill operations are not included under this use and open burning of any materials shall specifically be prohibited.

Related Definitions:

- a. **Composting Facility:** A facility for the composting of the organic matter in municipal solid waste.
- b. **Incinerator:** An enclosed device using controlled combustion with a primary purpose of thermally breaking down municipal solid waste and which is equipped with a flue.
- c. **Material Separation and/or Refuse Derived Fuel (RDF) Facility:** The extraction of materials from municipal solid waste for recycling or for use as refuse derived fuel (RDF).
- d. **Municipal Solid Waste:** The unseparated and/or unprocessed combination of residential, commercial and institutional solid waste materials generated in a municipality."
- e. **Recycling Facility:** A business that accumulates source separated, recyclable material such as paper, glass, aluminum and/or plastic that is no longer useful for its intended purpose. The materials are then sold to another business as a raw material which can be used to manufacture a new product.
- f. **Transfer Station:** A facility where municipal solid waste is delivered for the purpose of transferring and/or compacting the material into larger vehicles for transport to a final disposal site or processing facility. A transfer station may include the separation and collection of material for the purpose of recycling.

Section 266 Right-of-Way

- a. Right-of-Way: Land set aside for use as a street, alley, or other means of travel.
- b. Existing Right-of-Way: The legal right-of-way as established by the Commonwealth or other appropriate governing authority and currently in existence.
- c. Future Right-of-Way: The right-of-way deemed necessary to provide adequate width for future street improvements. Future right-of-way widths are designated in Section 524.

Section 267 Sewer

- a. Private Sewer: An on-lot sewage disposal system providing for disposal of effluent for one building and its accessory buildings on a single lot.
- b. Public Sewer: Any municipal or privately owned sewer system in which sewage is collected from more than one lot and piped to an approved sewage disposal facility. It may also be referred to as "off-lot" or "off-site" sewer. This shall include capped sewers when installed to municipal specifications.

Section 268 Sign

See Section 901.

Section 269 Site

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

Section 270 Site Area

All land area within the site as defined in the deed. This area shall be from an actual site survey rather than from a deed description.

Section 271 Site Area Base

The area of a tract of land remaining after subtracting land which is not contiguous, land previously subdivided, future road rights-of-way and existing utility rights-of-way from the site area. See Section 501 for the specific calculations.

Section 272 Site Area, Net Buildable

A calculated area upon which the density and impervious surface ratio and open space ratio requirements for the applicable district are computed. It can be determined for a particular tract of land by completing the calculations found in Section 501.

Section 273 Site Capacity

The maximum number of dwelling units, the maximum impervious surfaces, the buildable portion of the site, and the minimum open space as calculated under the provisions of Section 501 Site Capacity Calculations.

Section 274 Special Exception

A use permitted in a particular zoning district pursuant to the provisions of Sections 401(b) and 1107 of this Ordinance.

Section 275 Steep Slopes

Areas where the average slope exceeds eight (8) percent which, because of this slope, are subject to high rates of stormwater runoff and therefore erosion and flooding. See Section 504.c.

Section 276 Story

That part of a building located between a floor and the floor or roof next above it. The first story of a building is the lowest story having one-half (1/2) or more of its wall area above average finished grade level. A half-story is a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor.

Section 277 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 the building.

Section 278 Street

A public or private way used, or intended to be used, for passage or travel by motor vehicles. Streets are further classified by the functions they perform:

a. Thoroughfares:

- (1) Expressway--designed for large volumes of high-speed traffic with access limited to grade-separated intersections.
- (2) Arterial Highways--designed for large volumes of high speed traffic with access to abutting properties restricted.
- (3) Collector Highways--designed to carry a moderate volume of fast-moving traffic from primary and secondary streets to arterial highways, with access to abutting properties restricted.

b. Local Streets

- (1) Primary Streets--designed to carry a moderate volume of traffic, to intercept rural roads and secondary streets, to provide routes to collector highways, and to provide access to abutting properties.
- (2) Rural Roads and Secondary Streets--designed to provide access to abutting properties and to primary streets.
- (3) Marginal Access Street--a secondary street parallel to and adjacent to an expressway, arterial highway, or collector highway and which provides access to abutting properties and protection from through-traffic.

Section 279 Street Line

The dividing line between the street and the lot. The street line shall be the same as the existing right-of-way provided that where a future right-of-way width for a road or street has been established, then that width shall determine the location of the street line.

Section 280 Structure

Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Any unlicensed or uninspected enclosed trailer or truck body shall be considered to be a structure.

Section 281 Subsoil

The layer of weathered material that underlies the topsoil.

Section 282 Telecommunications Facility

Antenna: A device used to collect or transmit telecommunications or radio signals including, but not limited to panels, single poles known as "whips", "omnis" microwave dishes, and the like.

Telecommunications Facilities: The equipment and structures involved in receiving, transmitting or relaying telecommunications or radio signals including cellular telecommunications facilities (which consist of the equipment and structures involved in receiving telecommunication or radio signals from a mobile communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines.

Telecommunications Equipment Building: The building in which electronic receiving, relaying, or transmitting equipment for a telecommunications facility is housed.

Tower: A structure that is intended to support equipment used to transmit and/or receive and/or relay telecommunications or radio signals, including monopoles and lattice construction steel structures.

Section 283 Topsoil

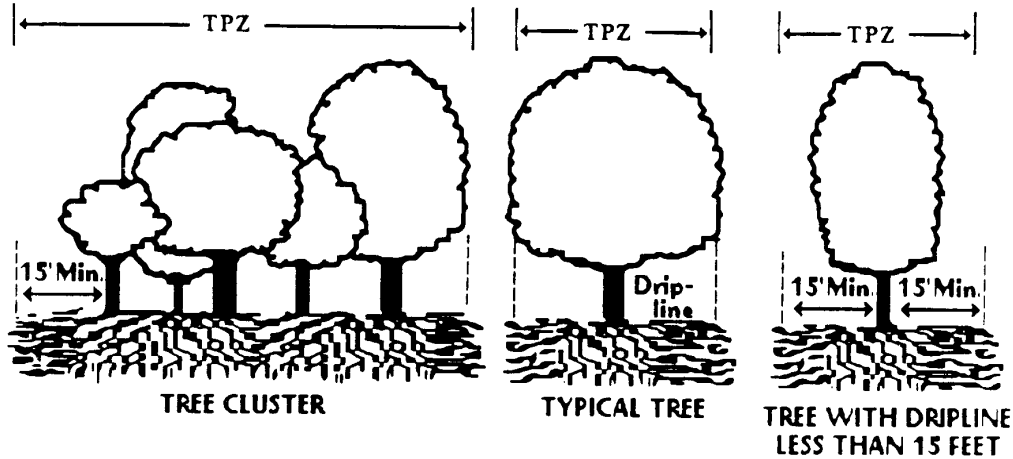
The original upper layer of soil material to a depth of about six (6) inches that is usually darker and richer in organic matter than the subsoil. See Section 504.n.

Section 284 Trailer

A non-motorized vehicle designed to be hauled, and used for such purposes as holding materials, goods or objects.

Section 285 Tree Protection Zone (TPZ)

An area that is radial to the trunk of a tree in which no construction activity shall occur. The tree protection zone shall be fifteen (15) feet from the trunk of the tree to be retained, or the distance from the trunk to the drip line, whichever is greater. Where there is a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees. See Section 504.e.



Section 286 Use

- a. Use: Any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.
- b. 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.
- c. Use, Principal: The main use on a lot.

Section 287 Utilities

Those services customarily rendered by public utility corporations, municipalities, or municipal authorities, in the nature of electricity, gas, telephone, water and sewerage, including the appurtenances used in connection with the supplying of such services (buildings, wires, pipes, poles and the like).

Section 288 Variance

Relief granted pursuant to the provisions of Section 1106 of this Ordinance.

Section 288(a) Watercourse

Any stream of water, river, brook, creek or swale in which water flows in a definite direction or course, either continuously or intermittently, and has a defined bed and banks.

Section 289 Wetlands

Those areas that are inundated and saturated by surface or ground water 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 and similar areas. See Section 504.i.

Section 290 Wetland Margin

The transitional area between the wetland boundary and the upland environment measured from the outer limit of the wetland vegetation to an upland boundary (refer to Section 504.j).

Section 291 Woodlands

Areas comprised of one-quarter (1/4) acre or more of wooded land where the largest trees measure at least six (6) inches dbh (diameter at breast height) or four and one-half feet above the ground. Woodlands are also a grove of trees forming one canopy where ten (10) or more trees measure at least ten (10) inches dbh. The woodland shall be measured from the drip line of the outer trees. See Section 504.d.

Section 292 Yard

- a. Yard: An open space unobstructed from the ground up except for permitted projections and plantings, on the same lot with a structure, extending along a lot line or 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.
- b. Yard, Front: A yard between a structure and a street 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.
- c. Yard, Rear: A yard between a structure and a rear lot line and extending the entire length of the rear lot line.
- d. 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.

## **ARTICLE III. ESTABLISHMENT OF DISTRICTS**

### **Section 300    Establishment of Districts**

The Quakertown Area 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 are deemed most suitable to carry out the objectives of this Ordinance and the Comprehensive Plan.

### **Section 301    Classes of Districts**

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

RP	Resource Protection
RA	Rural Agricultural
RD	Rural Development
FC	Future Commercial
VC-1	Village Center-1
SRC	Suburban Residential Conservation
SRL	Suburban Residential Low
SRM	Suburban Residential Medium
SRH	Suburban Residential High
VC-2	Village Center-2
URL	Urban Residential Low
PC	Planned Commercial
CC	Central Commercial
SC	Select Commercial
PI	Planned Industrial
Ext	Extraction
	Village Expansion (Overlay) District
	Arterial Corridor (Overlay) District

### **Section 302    Zoning Districts Map**

Districts are bounded and defined as shown in the zoning maps entitled "Richlandtown Borough," "Trumbauersville Borough," "Haycock Township," "Milford Township," and "Richland Township" which are contained in this Ordinance and which, with all explanatory matters thereon, are hereby made part of this Ordinance.

### **Section 303    Interpretation of District Boundaries**

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

- a. Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, railroad lines, or streams, such center lines shall be construed to be such boundaries.
- b. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries; or where district boundaries are extensions of lot lines or connect the intersections of lot lines, such lines shall be said district boundaries.

- c. Where district boundaries are indicated approximately parallel to center lines of streets or highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map.

Section 304 Statements of Purposes and Intent for the Districts

- a. Reserve Areas--The purposes of the zoning districts of reserve areas are to maintain the rural character of the area for the foreseeable future; to preserve large environmentally sensitive areas; to protect and enhance the character of existing rural villages; and to protect the general scenic quality of the area.
  - (1) Resource Protection District (RP)--The purpose of this district is to protect areas consisting largely of sensitive natural features such as woodlands, steep slopes, scenic areas, wetlands, floodplains, and lakes and ponds. Intensities are such as to ensure that these resources are permanently protected.
  - (2) Rural Agricultural District (RA)--The purpose of this district is to provide standards for low-intensity development in rural areas until these areas are both needed for development and provided with utilities. The intensity of use is intended to be such that development which does occur will not require urban services and will not present or create problems for future development.
  - (3) Rural Development District (RD)--The purpose of this district is to provide for limited, low-density residential development in areas which are not now served with public sewers or for which a need for higher intensity development does not exist.
  - (4) Future Commercial District (FC)--It is the purpose of this district to reserve future commercial sites until they are provided with utilities and made suitable for commercial development by the provision of adequate service roads and traffic controls. It is intended that once the site is proposed with suitable facilities, it will be changed at the request of the owner to Planned Commercial (PC), Select Commercial (SC), or Planned Industrial (PI).
  - (5) Village Center-1 District (VC-1)--The purpose of this district is to protect the character of existing villages in rural areas. A variety of residential and small-scale commercial uses are permitted to continue the existing land use pattern. The intensities are intended to allow in-fill development that is compatible with existing conditions in the villages.
- b. Development Areas--These areas are established to accommodate the anticipated growth of the Quakertown Area for a specific period of time. The zoning districts of development areas provide areas for residential, commercial, industrial and other non-residential uses. The infrastructure needed to sustain these developed activities must be available within the development areas. The purpose of the development areas is to control and regulate development so as to coordinate the Quakertown Area's growth with the provision of public services and facilities. Within this area, development is encouraged to promote the efficient use of land and a well balanced community.
  - (1) Suburban Residential Conservation District (SRC)--It is the purpose of this district to preserve natural features and resources such as woodlands, steep slopes, wetlands, floodplains and lakes and ponds in areas where such features predominate. Residential uses are permitted on very large lots or where they are clustered with large areas of open space.
  - (2) Suburban Residential Low District (SRL)--It is the purpose of this district to provide for low-intensity suburban residential development. A variety of housing types are encouraged, as are clustering and the provision of open spaces. The

intensities are intended to blend with existing residential uses and protect natural features and resources.

- (3) Suburban Residential Medium District (SRM)--It is the purpose of this district to provide for medium-intensity residential development. A variety of residential uses are encouraged, as are clustering and the provision of open spaces. The medium intensities are designed to encourage good residential development near major roads.
  - (4) Suburban Residential High District (SRH)--It is the purpose of this district to provide higher intensities of residential development. A variety of residential uses are encouraged. The higher intensities relate to similar uses in adjacent developed areas of easy access and few natural limitations.
  - (5) Village Center District (VC-2)--The purpose of this district is to protect the character of existing villages in Development Areas. A variety of residential and small-scale commercial uses are permitted to continue the existing land use pattern. The intensities are intended to allow in-fill development that is compatible with existing conditions in the villages.
  - (6) Urban Residential Low District (URL)--It is the purpose of this district to retain the urban character of existing residential areas as well as to provide for future residential development in a variety of housing types at appropriate densities.
  - (7) Planned Commercial\* District (PC)--It is the purpose of this district to provide for the creation and continuation of commercial development in appropriate areas. Highway-oriented businesses may be required to provide an access road which is intended to lessen traffic congestion and hazards by reducing the number of access points.
  - (8) Central Commercial District (CC)--It is the purpose of this district to provide for the continuation of the commercial core areas which have traditionally served as the business centers of the Quakertown Area.
  - (9) Select Commercial\* District (SC)--It is the purpose of this district to provide for the creation and continuation of low intensity commercial and office development in appropriate areas where its effect on adjacent residential land uses must be minimized. Highway-oriented businesses may be required to provide an access road which is intended to lessen traffic congestion and hazards by reducing the number of access points.
  - (10) Planned Industrial District (PI)--It is the purpose of this district to encourage planned industrial, heavy commercial, office or laboratory uses in appropriate areas. Such development shall be planned as a whole with all uses fronting on an internal street. The intent is to encourage high-quality industrial and commercial development which relates to adjacent residential areas as a good neighbor, with design standards which avoid adverse impacts on neighboring residential developments.
- c. Special Purpose\* Districts--These districts are intended to provide for a special use or use group which is accommodated most suitably in a separate district, so that it may be kept distinct from other uses. Special purpose districts may be within either the reserve area or development area.

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\* Planned Commercial and Select Commercial districts may be designated Special Purpose Districts by resolution of the Governing Body.

Extraction District (Ext)--It is the purpose of this district to provide for the continuation of existing extractive operations and other uses which would otherwise interfere with the development and operation of other land uses.

d. Overlay Zoning Districts

- (1) Village Expansion (Overlay) District--It is the purpose of this district to provide suitable standards and guidelines for development areas adjacent to existing villages and towns. A major objective is to integrate future development with existing development through appropriate urban design. New developments should be expansions of the villages and towns rather than self-contained neighborhoods.
- (2) Arterial Corridor (Overlay) District--It is the purpose of this district to provide for convenient access to uses within the district, while promoting consistent and appropriately restrictive management of access to arterial highways in order to maintain their critical local and regional arterial functions.

## ARTICLE IV. USE REGULATIONS

### Section 400 Applicability of Regulations

Except as provided by law or in this Ordinance, in each district no building, structure, or land shall be used or occupied except for the purposes permitted in Section 403 and for the zoning districts so indicated.

### Section 401 Uses by Right, Special Exceptions, Conditional Uses, and Uses Not Permitted

- a. A use listed in Section 403 is permitted by right in any district denoted by the letter "P" subject to such requirements as may be specified in Section 404, and after a zoning permit has been issued in accordance with Article X.
- b. A use listed in Section 403 is permitted as a Special Exception in any district denoted by the letter "S," provided the Zoning Hearing Board authorizes issuance of a zoning permit by the zoning officer, subject to the requirements of Section 404 and Article XI and such further conditions as said Board may impose to insure protection of adjacent uses, or the health, safety and general welfare.
- c. A use listed in Section 403 is permitted as a Conditional Use in any district denoted by the letter "C," provided the Governing Body, having received a recommendation from the Planning Commission, grants the conditional use subject to the express standards set forth in Article XI, and such further conditions that the Governing Body may impose to insure the protection of adjacent uses, or the health, safety, or general welfare.
- d. A Planned Residential Development is only permitted in districts denoted by the letters "PRD" in Section 403 when a zoning change is granted by the Governing Body subject to Article VII of the Pennsylvania Municipalities Planning Code, (Act 247, as amended by Act 170) and Article VII of this Ordinance.
- e. A use listed in Section 403 is not permitted in any district denoted by the letter "N".

### Section 402 Uses Subject to Other Regulations

Uses permitted by right or as special exceptions or conditional uses 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 in other Articles hereof.

The conversion of an existing structure to a permitted nonresidential use in a zoning district shall be permitted provided the character of the existing structure is maintained, the parking and other requirements for the particular use are met, and the buffer requirements of Section 505 are met. A new zoning permit is required each time a structure is converted to a different nonresidential use.

In particular, the laws of the Commonwealth and the regulations of 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 Buck County Department of Health for sewage disposal or until a certification of the availability of public sewage service is obtained from the servicing authority.

Section 403 Table of Use Regulations

	Reserve					Development										Special
	RP	RA	RD	FC	VC1	SRC	SRL	SRM	SRH	VC2	URL	PC	CC	SC	PI	EXT
<b>A. Agricultural Uses</b>																
A1	General Farming	P	P	P	P	P	P	P	P	P	N	P	C	P	P	P
A2	Nursery	P	P	P	P	P	P	P	P	P	P	P	N	P	P	P
A3	Intensive Agriculture	C	P	P	P	N	N	N	N	N	N	P	N	N	P	P
A4	Forestry	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
A5	Riding Academy	P	P	P	P	N	P	C	C	C	N	C	P	P	P	P
A6	Commercial Kennel	C	C	C	C	N	N	N	N	N	N	N	N	N	N	N
A7	Agricultural Retail	N	S	N	S	P	N	N	N	N	P	N	P	N	P	N
A8	Farm Unit	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
A9	Farm Support Facility	N	P	N	C	N	N	N	N	N	P	N	P	N	N	P
<b>B. Residential Uses</b>																
B1	Single Family Detached	P	P	P	P	P	P	P	P	P	P	P	N	N	N	N
B2	Residential Conversion	P	P	P	P	P	P	P	P	P	P	N	P	N	N	N
B3	Rooming or Boarding House	N	N	N	N	S	N	N	S	S	S	N	N	N	N	N
B4	Village Twin	N	N	N	N	P	N	N	N	N	P	N	N	N	N	N
B5	Single-Family Detached Cluster	P	P	P	N	N	P	P	P	P	N	N	N	N	N	N
B6	Performance Standard Subdivision	N	N	N	N	N	P	P	P	P	N	P	N	N	N	N
B7	Manufactured Home Park	N	N	N	N	N	N	P	P	N	N	N	N	N	N	N
B8	Planned Residential Development	N	N	N	N	N	PRD	PRD	PRD	PRD	N	N	N	N	N	N
B9	Urban Dwelling	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N
B10	Life Care Facility	N	C	C	N	N	C	C	C	C	C	C	C	C	C	N
<b>C. Institutional and Recreational Uses</b>																
C1	Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
C2	School	P	P	P	P	P	P	P	P	P	P	N	N	N	N	N
C3	Commercial School	N	N	N	N	C	N	N	N	N	C	N	P	P	P	N
C4	Library or Museum	N	N	N	N	P	N	N	P	P	P	P	P	P	P	N
C5	Recreational Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
C6	Private Recreational Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	N	N
C7	Golf Course	S	S	S	S	N	S	S	N	N	N	N	S	N	N	N
C8	Private Club	N	N	N	N	N	N	N	N	N	C	N	C	C	C	N
C9	Community Center	P	P	P	P	P	P	P	P	P	P	P	P	P	N	N
C10	Day Care Center	S	S	S	S	S	S	S	S	S	S	P	P	P	N	N
C11	Hospital	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N
C12	Nursing Home	N	C	C	N	N	C	C	C	C	C	C	C	C	N	N
C13	Drug, Alcohol and Mental Health Treatment Facility	N	N	N	N	N	C	C	C	C	N	N	N	N	N	N
C14	Cemetery	N	P	P	P	P	N	N	N	N	P	N	N	N	N	N
C15	Recreational Camping Park	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N
C16	Municipal Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
C17	Recreational Cabin/Cottage Dev.	P	N	N	N	N	N	N	N	N	N	N	N	N	N	N
<b>D. Office Uses</b>																
D1	Office	N	N	N	N	C	N	N	N	C	C	C	P	P	P	N
D2	Medical Office	P	P	P	P	C	P	P	P	P	C	P	P	P	P	N
D3	Office Park	N	N	N	N	N	N	N	N	N	N	N	P	P	C	N

P = Use permitted by right; C = Use permitted as a Conditional Use; S = Use permitted as a Special Exception; PRD = A planned residential development is permitted, subject to the provisions of Article VI; N = Use is not permitted.

Section 403 Table of Use Regulations (Continued)	Reserve					Development										Special
	RP	RA	RD	FC	VC1	SRC	SRL	SRM	SRH	VC2	URL	PC	CC	SC	PI	
<b>E. Retail and Consumer Uses</b>																
E1 Retail Shop	N	N	N	N	C	N	N	N	N	C	N	P	P	P	N	N
E2 Large Retail Store	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N
E3 Service Business	N	N	N	N	C	N	N	N	N	C	N	P	P	P	N	N
E4 Financial Establishment	N	N	N	N	C	N	N	N	N	C	N	P	P	P	P	N
E5 Eating Place	N	N	N	N	C	N	N	N	N	C	N	P	P	P	P	N
E6 Drive-In's and Other Eating Places	N	N	N	N	N	N	N	N	N	N	N	P	N	N	C	N
E7 Repair Shop	N	N	N	N	N	N	N	N	N	C	N	P	P	P	P	N
E8 Funeral Home or Mortuary	N	N	N	N	N	N	N	N	N	C	C	P	P	P	N	N
E9 Motel, Hotel and Inn	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N
E10 Indoor Entertainment	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N
E11 Athletic Facility	N	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N
E12 Outdoor Entertainment	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
E13 Tavern	N	N	N	N	C	N	N	N	N	C	N	P	P	N	N	N
E14 Lumber Yard	N	N	N	N	N	N	N	N	N	N	N	C	N	N	P	N
E15 Veterinary Office or Clinic	N	C	N	N	C	N	N	N	N	C	N	P	C	N	P	N
E16 Service Station	N	N	N	N	N	N	N	N	N	N	N	C	C	N	C	N
E17 Car Wash	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N
E18 Automotive Sales	N	N	N	N	N	N	N	N	N	N	N	C	C	N	P	N
E19 Automotive Repair	N	N	N	N	N	N	N	N	N	N	N	C	C	N	P	N
E20 Truck Sales	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N
E21 Parking lot or Garage	N	N	N	N	N	N	N	N	N	N	N	P	P	N	N	N
E22 Multiple Commercial Use	N	N	N	N	N	N	N	N	N	C	N	C	C	C	N	N
E23 Adult Commercial Uses	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
E24 Outdoor Motion Picture Estab.	N	N	N	N	N	N	N	N	N	N	N	C	N	N	C	N
E25 Vehicular Track or Course	N	N	N	N	N	N	N	N	N	N	N	C	N	N	N	N
E26 Flea Market	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N
E27 General Auction	N	N	N	C	C	N	N	N	N	C	N	P	N	C	N	N
E28 Livestock Auction	N	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N
E29 Vehicle Auction	N	N	N	N	N	N	N	N	N	N	N	C	N	N	P	N
E30 Dwelling in Combination	N	N	N	N	P	N	N	P	P	P	P	N	P	P	N	N
<b>F. Utility, Service and Transportation Uses</b>																
F1 Utilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S
F2 Emergency Services	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	N
F3 Terminal	N	N	N	N	N	N	N	N	N	N	N	P	P	N	P	S
F4 Airport or Heliport	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	N
F5 Telecommunications Facility	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

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Section 403 Table of Use Regulations (Continued)		Reserve					Development										Special
		RP	RA	RD	FC	VC1	SRC	SRL	SRM	SRH	VC2	URL	PC	CC	SC	PI	EXT
<b>G. Industrial Uses</b>																	
G1	Manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N
G2	Research	N	N	N	N	N	N	N	N	N	N	N	N	C	N	P	N
G3	Wholesale Business, Wholesale Storage, Warehousing	N	N	N	N	N	N	N	N	N	N	N	C	N	N	P	N
G4	Mini Warehouse	N	N	N	N	N	N	N	N	N	N	N	P	P	C	P	N
G5	Printing	N	N	N	N	N	N	N	N	N	N	N	P	P	N	P	N
G6	Contracting	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N
G7	Truck Terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N
G8	Crafts	N	N	N	N	N	N	N	N	N	N	N	C	C	N	P	N
G9	Mill	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N
G10	Outside Storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N
G11	Fuel Storage and Distribution	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	N
G12	Industrial Park	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N
G13	Junk Yard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C
G14	Extractive Operation	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
G15	Resource Recovery Facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N
G16	Municipal Waste Landfill	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N
<b>H. Accessory Uses</b>																	
H1a	Accessory Professional Offices	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	N
H1b	Accessory Personal Services	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	N
H1c	Accessory Instructional Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N
H1d	Accessory Home Crafts	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N
H1e	Accessory Family Day Care	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N
H1f	Accessory Group Child Day Care Center	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	N
H1g	Adult Day Care Center	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	N
H1h	Accessory Trades	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N
H1i	Accessory Repair Services and Other Home Occupations	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	N
H2	Residential Accessory Building, Structure or Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N
H3	Accessory Apartment	P	P	P	P	S	P	S	S	N	S	N	N	N	N	N	N
H4	School Bus Shelter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
H5	Dormitory	N	C	C	C	N	C	C	C	C	N	C	N	N	N	N	N
H6	Nonresidential Accessory Building	N	N	N	P	P	N	N	N	N	P	P	P	P	P	P	P
H7	Outside Storage and Display	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P
H8	Temporary Structure or Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
H9	Temporary Community Event	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
H10	Air Landing Field	S	S	S	N	N	N	N	N	N	N	N	N	N	N	N	N
H11	Satellite Dish Antenna, Aerials, etc.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
H12	Kennel - Hobby	P	P	P	N	P	P	P	P	P	P	P	N	N	N	N	N
H13	Noncommercial Kennel	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
H14	Bed and Breakfast	P	P	P	P	P	P	P	P	P	P	N	N	P	N	N	N
H15	Off-Street Parking	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
H16	Signs	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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Section 404 Use Regulations

**A. Agricultural Uses**

A1 General Farming

The production of agricultural, horticultural, arboricultural, viticultural and dairy products; the keeping of livestock, poultry, and their product; bee raising and the products thereof; and all buildings (barns, sheds, silos) associated with this use.

a. The following regulations apply to all farming activities as described above. Those uses listed as; A2 Nursery, A3 Intensive Agriculture, A4 Forestry, A5 Riding Academy, and A6 Commercial Kennel shall meet the specific regulations listed under those uses in addition to the following general regulations. In the event of a conflict, the specific regulations shall apply.

(1) The proposed use shall be permitted in the applicable zoning district as indicated in Section 403 Table of Use Regulations.

(2) The applicable use regulations of Section 404 shall be met for each agricultural use.

b. Dwelling units shall meet the requirements of Use A8 Farm Unit.

c. Retail sales shall meet the requirements of Use A7 Agricultural Retail.

d. Any building or structure used for the keeping or raising of bees, livestock, or poultry shall be situated not less than one hundred (100) feet from any street line or property line. Livestock and poultry are not permitted to run at large. A fenced-in area for the keeping of livestock and poultry shall be provided and shall not be less than one hundred (100) feet from a dwelling other than the owner's.

e. Silos shall be situated not less than one and one-quarter (1.25) times the height of the silo from any street line or property line.

f. A cold frame shall not be considered impervious surface and shall not require a zoning permit provided that it does not remain on the ground for more than three (3) months in a calendar year.

g. The keeping or raising of livestock and poultry shall be limited to the keeping and raising of two (2) head of livestock and one hundred (100) fowl per one (1) acre. This ratio may be exceeded provided the requirements of Use A3 Intensive Agriculture are met and provided use A3 Intensive Agriculture is a permitted use in the applicable district.

h. For the keeping of bees, adequate shade and water shall be provided in the immediate vicinity of the hives.

i. The raising of ferrets and/or garbage-fed pigs shall not be permitted.

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

k. Parking: one (1) off-street parking space per employee.

## A2 Nursery

The raising of plants, shrubs and trees, outdoors or in a greenhouse, for sale and transplantation.

- a. The maximum impervious surface ratio shall be three (3) percent. This ratio may be exceeded provided the requirements of Use A3 Intensive Agriculture are met and provided Use A3 Intensive Agriculture is a permitted use in the applicable zoning district.
- b. Dwelling units shall meet the requirements of Use A8 Farm Unit.
- c. Retail sales shall meet the requirements of Use A7 Agricultural Retail.
- d. Parking: one (1) off-street parking space per employee.

## A3 Intensive Agriculture

Mushroom houses; feedlots; aquaculture; confinement livestock or poultry operations taking place in structures or closed pens; the keeping or raising of more than two head of livestock or one hundred fowl per acre; and greenhouse operations which create an impervious surface ratio of more than three percent.

- a. Minimum lot area: ten (10) acres.
- b. Any building or structure used for the keeping or raising of livestock or poultry shall be situated not less than one hundred (100) feet from any street line or property line. Livestock and poultry are not permitted to run at large. A fenced-in area for the keeping of livestock and poultry shall be provided and shall not be less than one hundred (100) feet from a dwelling other than the owner's.
- c. Silos shall be situated not less than one and one-quarter (1.25) times the height of the silo from any street line or property line.
- d. Maximum impervious surface ratio: twenty (20) percent.
- e. Dwelling units shall meet the requirements of Use A8 Farm Unit.
- f. Retail sales shall meet the requirements of Use A7 Agricultural Retail.
- g. A cold frame shall not be considered impervious surface and shall not require a zoning permit provided that it does not remain on the ground for more than three (3) months in a calendar year.
- h. All applicable regulations of the Pennsylvania Department of Environmental Protection shall be met.
- i. Feedlots, pens and confinement areas shall not be situated less than seventy five (75) feet from any stream, pond, swale or other watercourse.
- j. The raising of ferrets and/or garbage-fed pigs shall not be permitted.
- k. Commercial kennels are not included in this use (see Use A6).
- l. No structure for the storage or processing of manure, garbage, or spent mushroom compost or structures for the cultivation of mushrooms shall be situated less than two hundred (200) feet from any street line or property line. No storage or processing of manure, garbage or spent mushroom compost shall take place outdoors.

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

#### A4 Forestry

- a. Policy; Purpose. In order to preserve forests and the environmental and economic benefits they provide, it is the policy of Milford Township to encourage the owners of forest land to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife and amenity values. The forestry regulations contained herein are intended to further this policy by (1) promoting good forest stewardship; (2) protecting the rights of adjoining property owners; (3) minimizing the potential for adverse environmental impacts; and (4) avoiding unreasonable and unnecessary restrictions on the right to practice forestry.
- b. Scope; Applicability. A zoning permit shall be required for all forestry activities, however, an individual property owner need not obtain a permit to cut a tree or trees as part of normal home maintenance and upkeep, and the following activities are specifically exempted from the permit requirement:
  - (1) Removal of diseased or dead trees.
  - (2) Removal of trees which are in such a condition or physical position as to constitute a danger to the structures or occupants of properties or a public right-of-way.
  - (3) Removal of up to five (5) trees per single acre of woodlands per year which are twelve (12) inches or more in diameter, measured at breast height (dbh), and not covered by the exemptions in the foregoing two (2) subsections.
  - (4) When a building permit is issued for a building, structure or use, the permittee may cut down any trees which exist in the space to be occupied by such building, structure or use, or within thirty (30) feet of such building, structure or use, and all space within ten (10) feet of all sides of any utility line, stormwater conveyance or detention structure, driveway, parking area, water system or sewage disposal system, or permitted accessory uses.
  - (5) Pulp farming, in checkerboard fashion not to exceed fifty percent (50%) of the total area of the forest on the lot. The areas cut shall be reforested.
  - (6) Christmas tree farming.
  - (7) Orchard operations.
  - (8) Removal of Nursery stock.
- c. Definitions. As used herein, the following terms shall have the meanings given them in this Section.
  - (1) "Clear Cutting" means the removal and cutting of an entire timber stand
  - (2) "Felling" means the act of cutting a standing tree so that it falls to the ground.
  - (3) "Forestry" means the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development. Clear cut-

ting or selective cutting of forest lands for a land use change are excluded from this definition.

- (4). "Landing" means a place where logs, pulpwood or firewood are assembled for transportation to processing facilities.
  - (5). "Litter" means discarded items not naturally occurring on the site such as tires, oil cans, equipment parts and other rubbish.
  - (6) "Lop" means to cut tops and slash into smaller pieces to allow the material to settle close to the ground.
  - (7). "Operator" means an individual, partnership, company, firm, association or corporation engaged in forestry activities, including the agents, sub-contractors and employees thereof.
  - (8) "Landowner" means an individual, partnership, company, firm, association or corporation that is in actual control of forest land, whether such control is based on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner, and any agents thereof acting on their behalf, such as forestry consultants, who set up and administer forestry activities.
  - (9) "Precommercial timber stand improvement" means a forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.
  - (10) "Skidding" means dragging trees on the ground from the stump to the landing by any means.
  - (11). "Slash" means woody debris left in the woods after logging, including logs, chunks, bark, shavings, woodchips branches, uprooted stumps and broken or uprooted trees or shrubs. Stumps shall be cut to within six (6")inches of the ground.
  - (12) "Stand" means any area of forest vegetation whose site conditions, past history and current species composition are sufficiently uniform to be managed as a unit.
  - (13) "Stream" means any natural or artificial channel of conveyance for surface water with an annual or intermittent flow within a defined bed and banks.
  - (14) "Timber harvesting", "Tree harvesting", or "Logging" means the process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products.
  - (15) "Top" means the upper portion of a felled tree that is unmerchantable because of small size, taper or defect.
- d. Permit; Preparation of a Forestry/Logging Plan.
- (1) Permit. All forestry operations shall require a zoning permit from the Township and shall meet all requirements of Sections 4 and 5 of this Article before issuance of the permit.
  - (2). Notification of commencement or completion. For all forestry operations the landowner shall notify the Township Code Enforcement Officer at least ten (10) business days before the operation commences and within

five (5) business days before the operation is complete. No forestry operations shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting will occur, the expected size of the harvest area, and, as applicable, the anticipated starting and/or completion dates of the operation.

- (3) Logging plan. Every landowner on whose land forestry operations is to occur shall prepare a written logging plan in the form specified by this Ordinance. No forestry operation shall occur until the plan has been prepared. The provisions of the plan shall be followed throughout the operation. The plan shall be available at the harvest site at all times during the operation and shall be provided to the Township Enforcement Officer upon request.
- (4) Responsibility for compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the logging plan.

e. Contents of the Forestry/Logging Plan

- (1). Minimum requirements. As a minimum, the logging plan shall include the following:
  - (a) Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landing;
  - (b) Design, construction and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips and water bars;
  - (c) Design, construction and maintenance of stream and wetland crossings;
  - (d) The Forestry Management Plan must provide for a selective cut which will maintain the diversity of species, age and height of the forest with emphasis on the preservation of endangered native tree species.
  - (e) Copies of all required permits shall be submitted as an appendix to the plan;
  - (f) Proof of current general liability and/or worker's compensation insurance;
  - (g) Proof of PennDOT Highway Occupancy Permit or Township Driveway Permit for temporary access, as applicable;
  - (h) Copy of Bucks County Conservation District "Letter of Adequacy" for the proposed erosion control facilities, including associated plans, reports and other permits as required.
- (2). Map. Each forestry/logging plan shall include a site map containing the following information:
  - (a) Site location and boundaries, including both the boundaries of the property on which the forestry will take place and the boundaries of the proposed harvest area within that property;
  - (b) Significant topographic features related to potential environmental problems;

- (c) Location of all earth disturbance activities such as roads, landings and water control measures and structures;
  - (d) Location of all crossing of waters of the Commonwealth; and
  - (e) The general location of the proposed operation to municipal and state highways, including any accesses to those highways.
- (3). Compliance with State Law. The forestry/logging plan shall address and comply with requirements of all applicable state laws and regulations including, but not limited to, the following:
- (a) Erosion and sedimentation control regulations contained in 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. Subsection 691.1, et seq.);
  - (b) Stream crossing and wetlands protection regulations contained in 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. Subsection 693.1, et seq.); and
  - (c) Stormwater management plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. Subsection 680.1. et seq.).
- (4) Compliance with Federal Law/Regulations. The forestry/logging plan shall address and comply with the requirements of all applicable federal laws and regulations including, but not limited to, the Best Management Practices (BMPs) as set forth at 33 CFR 323.4 (a) (6) (i-xv).
- (5) Compliance with County and Township Regulations and Ordinances. The forestry logging plan shall verify compliance with the applicable Township's Stormwater Management Ordinance, as well as all erosion and sediment control measures set forth in the Ordinances of the Township as well as erosion and sediment control requirements of the Bucks County Conservation District.
- f. Forestry Practices. The following requirements shall apply to all forestry operations in the applicable Township.
- (1). Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
  - (2). No harvest area shall be located within fifty (50') of a property line, or within fifty (50') feet of a public or private road other than a driveway owned and used exclusively by the owner of the property on which the harvest will be conducted.
  - (3). No tops, slash, or woodchips shall be left within twenty-five (25) feet of any public thoroughfare or private roadway providing access to adjoining residential property.
  - (4). All tops, slash, and woodchips between twenty-five (25) and fifty (50) feet from a public roadway or private roadway providing access to adjoining residential property or within fifty (50) feet of adjoining residential property shall be lopped to a maximum height of four (4) feet above the surface of the ground.

- (5). No tops, slash, or woodchips shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
  - (6) Litter resulting from a forestry operation shall be removed from the site before it is vacated by the operator.
  - (7). Any soil, stones and/or debris carried onto public roadways must be removed immediately.
  - (8). No forestry/logging use shall be permitted within areas with slopes of eight percent (8%) or greater.
  - (9). When the harvest is completed, both dirt roads used by the trucks and skid roads used to drag the logs from the woods to the loading area must be graded approximately to original contours, and be seeded and mulched as necessary to establish stable groundcover.
  - (10) Clear cutting of woodlands as defined by this Ordinance shall be prohibited.
- g. Financial security shall be established in a manner acceptable to the Township to guarantee repair of all damage that may occur to public streets due to the forestry/logging operations, and to guarantee compliance with erosion and sedimentation control plans, compliance with stormwater management plans and restoration of the site upon completion of logging operations. Pursuant to 67 Pennsylvania Code, Chapter 189, the Township may also require the landowner or operator to furnish a bond to guarantee the repair of such roads.
- h. Enforcement.
- (1). Inspections. The Township Code Enforcement Officer may go upon the site of any timber harvesting operation before, during or after active logging to: (1) review the logging plan or any other required documents for compliance with this Ordinance; and (2) inspect the operation for compliance with the logging plan and other on-site requirements of this Ordinance.
  - (2). Violation Notices, Penalties. Upon finding that a forestry operation is in violation of any provisions of this Ordinance, or is operating without a permit as required by this Ordinance, the Township shall issue the operator and the landowner an enforcement notice in accordance with Section 1303. of this Ordinance.

A5 Riding Academy

An establishment where horses are boarded and cared for and/or where instruction in riding, jumping and showing is offered and/or the general public may, for a fee, hire horses for riding.

- a. Minimum lot area: five (5) acres.
- b. Maximum impervious surface ratio: three (3) percent.
- c. One single-family detached dwelling shall be permitted on the same tract with this use provided that the yard and setback requirements for Use B1 Detached Dwelling for the applicable zoning district shall be met. If additional

dwelling units are proposed, the requirements of Use A8 Farm Unit shall be met.

- d. Shows and/or competitions shall meet the requirements of Use H9 Temporary Community Event.
- e. Retail sales of related items related to equine activities shall be limited to a maximum floor area of seven hundred and fifty (750) square feet.
- f. Parking: one (1) off-street parking space for every three (3) persons present at such facilities when they are filled to capacity plus one (1) additional off-street parking space for each full-time employee.

#### A6 Commercial Kennel

An establishment, structure, lot or portion of a lot on or in which six (6) or more dogs, cats or domestic pets are housed, bred, boarded, trained or sold or in which animals are raised for laboratory use or for furs and skins.

- a. Minimum lot area: ten (10) acres.
- b. No animal shelter or run shall be located closer than two hundred (200) feet from any street line or property line.
- c. Maximum impervious surface ratio: three (3) percent.
- d. One single-family detached dwelling shall be permitted on the same tract with this use provided that the yard and setback requirements for Use B1 Detached Dwelling for the applicable zoning district shall be met. If additional dwelling units are proposed, the requirements of Use A8 Farm Unit shall be met.
- e. Shows and/or competitions shall meet the requirements of Use H9 Temporary Community Event.
- f. Retail sales of related items directly related to the above use shall be limited to a maximum floor area of seven hundred and fifty (750) square feet.
- g. Parking: one (1) off-street parking space for each employee plus one (1) space for each two hundred (200) square feet of sales area.

#### A7 Agricultural Retail

The retail sales of agricultural products at roadside stands or other structures to the general public.

- a. Agricultural retail is an accessory use that shall be clearly subordinate to uses A1, A2, and A3.
- b. Products sold must be grown, raised and produced on the property.
- c. When proposed on lots of more than two (2) acres, the maximum floor area shall be limited to seven hundred and fifty (750) square feet.
- d. When proposed on lots of less than two (2) acres, the maximum floor area shall be limited to one hundred and sixty (160) square feet.
- e. Agricultural retail uses shall meet the yard and setback requirements for the related primary agricultural use.
- f. Parking: one (1) off-street parking space shall be provided for each two hundred (200) square feet of sales area.

A8 Farm Unit

Detached dwelling units for the sole use of the property owner, immediate family members of the property owner and persons engaged in agricultural employment on the property. Immediate family members shall be limited to parents, grandparents, siblings, sons and daughters.

- a. A farm unit is an accessory use which shall be clearly subordinate to primary uses A1, A2, A3, A5 and A6.
- b. Maximum density: .033 dwelling units per acre.
- c. A farm unit shall meet the minimum yard and setback requirements of Use B1 Detached Dwelling, from any street line or property line and between other farm units on the property.
- d. Parking: two (2) off-street parking spaces per dwelling unit.

A9 Farm Support Facility

Commercial grain or commercial feed mill. Facility for the warehousing, sale and service of agricultural equipment, vehicles, feed or supplies.

- a. Minimum lot area: two (2) acres.
- b. Maximum impervious surface ratio: forty (40) percent.
- c. The lot shall have frontage on and take access from an arterial or a collector highway as designated in this Ordinance.
- d. No outdoor storage of fertilizers or chemicals shall be permitted.
- e. No structure for the storage or processing of manure, garbage, or spent mushroom compost shall be situated less than two hundred (200) feet from any street line or property line. No storage or processing of manure, garbage or spent mushroom compost shall take place outdoors.
- f. Parking: one (1) off-street parking space for every five hundred (500) square feet of total floor area, plus one (1) space for each company vehicle normally stored on the premises.

**B. Residential Uses**

B1 Single-Family Detached

A single-family detached dwelling on an individual lot with private yards on all sides of the house and with no public or community open space. Detached dwellings may include dwellings constructed on the lot, prefabricated dwellings, manufactured dwellings, modular dwellings and manufactured home.

- a. No more than one (1) single-family detached dwelling shall be placed on a lot and such detached dwelling shall be occupied by not more than a single-family.

b. Area and Dimensional Requirements

District	Minimum Lot Area	Min. Lot Width at building Setback Line* (ft)	Max. on-lot impervious surface ratio** (%)	Min. Front (ft)	Min.Side (ea.) (ft)	Min. Rear (ft)	Max. Height (ft)
RP	5 acres	325	4	75	30	100	35
SRC	3 acres	250	10	75	30	100	35
RA	2 acres	200	12	75	30	100	35
RD, FC	1 acre	120	15	50	25	50	35
VC-1	20,000 ft <sup>2</sup>	80	20	15	15	35	35
SRL	20,000 ft <sup>2</sup>	100	20	50	15	50	35
VC-2	15,000 ft <sup>2</sup>	70	20	15	10	35	35
SRM	15,000 ft <sup>2</sup>	100	22	45	15	50	35
SRH	12,000 ft <sup>2</sup>	85	15	35	15	50	35
URL	9,000 ft <sup>2</sup>	50	30	25	10	25	35

\* For exception see Section 522

\*\*The developer shall be subject to the maximum impervious surface ratio (on-lot) as specified. An individual lot owner may exceed this maximum impervious surface ratio (on-lot) by three (3) percent to make improvements; however the developer shall be required to design and construct the storm water management facilities to accommodate the total maximum impervious surfaces allowed.

- c. If the dwelling is a manufactured home, the following conditions shall also apply:
  - (1) The provisions of all current municipal ordinances regulating manufactured homes, including installation, and regulations of the Bucks County Health Department regarding water supply and waste disposal shall apply and be adhered to.
  - (2) The area between ground level and the perimeter of the manufactured home shall be enclosed by means of wood or aluminum skirting or other similar material.
- d. Parking: three (3) off-street parking spaces for dwellings having three (3) bedrooms or less; four (4) off-street parking spaces for dwellings having four (4) bedrooms or more.

**B2 Residential Conversion**

The conversion of an existing residential or nonresidential building into two or more dwelling units, subject to the following provisions:

- a. The following maximum density requirements shall be met:
  - (1) In the RP, RA, RD, FC and SRC districts, the number of dwelling units permitted on a lot shall not exceed one and one-half (1.5) times the

maximum density permitted in Section 502 Table of Performance Standards for single-family detached dwellings.

- (2) In the SRL, SRM, SRH, VC-1, VC-2 and URL districts, the number of dwelling units permitted on a lot shall not exceed the maximum density permitted in Section 502 Table of Performance Standards for single-family detached dwellings.
- b. The building to be converted shall meet the area and dimensional requirements for Use B1 Single-Family Detached and shall comply with the provisions of Section 404 B1.b.
- c. Detached dwellings which are converted must maintain the appearance of a detached dwelling with a single front entrance. Stairways leading to the second or higher floor shall be located within the walls of the building wherever practical. Stairways and fire escapes shall otherwise be located on the rear wall in preference to either side wall and in no case on a front wall or on a side wall facing a street. After conversion the building shall retain substantially the same appearance it had before such conversion.
- d. All septic systems must be approved by the Bucks County Department of Health as suitable for the proposed conversion. For units proposed to be served by public sewers, certification must be provided from the servicing authority that adequate service is available for the proposed conversion.
- e. Separate cooking, sleeping, living and bathroom facilities shall be provided for each dwelling unit.
- f. Trash receptacles shall not be visible from the street or abutting properties except on scheduled pick-up days.
- g. Each converted structure shall have a recreation area of at least two hundred (200) square feet per dwelling unit. The recreation area shall not be located in the front yard or the minimum side or rear yards.
- h. A building must be occupied at least seven (7) years before it is converted.
- i. Off-street parking spaces shall be located to the side or rear of the converted structure.
- j. Off-street parking lots with three (3) or more spaces shall be buffered from abutting residences by hedge material placed on three (3) foot centers. Alternately, a four (4) to five (5) foot fence may be erected which provides a visual screen.
- k. Parking: three (3) off-street parking spaces for each dwelling unit having three (3) bedrooms or less; four (4) off-street parking spaces for each dwelling unit having four (4) bedrooms or more. If the converted building fronts on a primary or secondary road on which on-street parking is permitted, the parking requirements may be fulfilled by a combination of off-street and on-street spaces. Off-street parking is required up to the maximum impervious surface ratio. On-street parking is permitted thereafter, based on the street frontage of the lot. One (1) on-street parking space may be permitted for each continuous forty (40) feet of lot frontage on a primary or secondary road, which is uninterrupted by a driveway, setbacks from fire hydrants or setbacks from intersections.

**B3 Rooming or Boarding House**

A dwelling used for the housing of roomers, boarders, or lodgers with or without common eating facilities, including dormitory, fraternity, sorority, or other buildings of charitable, educational, or philanthropic institutions.

- a. The minimum lot area per sleeping room shall be two thousand (2,000) square feet in VC-1, VC-2, SRM and SRH districts and one thousand (1,000) square feet in URL districts in addition to the lot area requirement for other permitted uses in the applicable district.
- b. The minimum lot width and minimum yards shall be as specified in Section 503 for the applicable district.
- c. No separate cooking facilities shall be provided.
- d. Conversion of an existing building for rooming house or dormitory purposes shall meet the following requirements of Use B2 Residential Conversion: Section 404.B2.c., d., f., i. and j.
- e. The Zoning Hearing Board shall determine the required amount of parking based on one (1) off-street parking space per occupant at the maximum occupancy rate. The required amount of parking shall be specified in the Zoning Hearing Board's order.

**B4 Village Twin**

A single-family semi-detached unit having only one (1) dwelling unit from ground to roof and only one (1) wall in common with another dwelling unit. It differs from other forms of semi-detached housing in the lot size and placement on the lot.

District	Min. Lot Area (per dwelling unit)	Min. Lot Width (per dwelling unit) (ft.)	Max. on-lot impervious surface ratio*	Min. Front Yard (ft.)	Min. Side Yard (ft.)	Min. Rear Yard (ft.)	Max. Height
VC-1	15,000 ft <sup>2</sup>	60	25%	15	10	35	35
VC-2	10,000 ft <sup>2</sup>	50	35%	15	10	35	35

\* The developer shall be subject to the maximum impervious surface ratio (on-lot) as specified. An individual lot owner may exceed this maximum impervious surface ratio (on-lot) by three (3) percent to make improvements; however the developer shall be required to design and construct the storm water management facilities to accommodate the total maximum impervious surfaces allowed.

Where public water and sewer is available and the lot is within the sewer district under the Milford Township Act 537 plan, the minimum lot area per dwelling unit in the VC-1 District shall be 7,500 square feet and in the VC-2 District, 5,000 square feet.

**B5 Single-Family Detached Cluster**

Single-family detached dwellings on individual lots with private yards on all sides of the houses which are clustered to preserve common open space. Detached dwellings may include dwellings constructed on the lot, prefabricated dwellings, manufactured dwellings, modular dwellings and manufactured homes.

- a. No more than one (1) single-family detached dwelling shall be placed on a lot and such detached dwelling shall be occupied by not more than a single family.
- b. The requirements of Section 502 Table of Performance Standards shall be met.
- c. Area and Dimensional Requirements

District	Minimum-Average Lot Area (sq. ft.)	Minimum Lot Area (sq. ft.)	Minimum Lot Width at building Line (ft.)	Maximum On-lot Impervious Surface Ratio* (%)	Min. Front Yard (ft.)	Min. Side Yard (ea.) (ft.)	Min. Rear Yard (ft.)	Max. Height (ft.)
RP	43,560	34,000	150	5	65	25	75	35
RA	30,000	24,000	125	15	60	20	60	35
SRC, RD	20,000	16,000	100	20	50	15	50	35
SRL	12,500	10,000	75	25	30	12	35	35
SRM, SRH	10,000	8,000	60	25	25	10	30	35

\* The developer shall be subject to the maximum impervious surface ratio (on-lot) as specified. An individual lot owner may exceed this maximum impervious surface ratio (on-lot) by three (3) percent to make improvements; however the developer shall be required to design and construct the storm water management facilities to accommodate the total maximum impervious surfaces allowed.

- d. In the RD, SRC, SRL, SRM and SRH districts, the one side yard may be reduced to five (5) feet provided that the total width of the two side yards shall equal the total required by the chart for the district.
- e. If the dwelling is a manufactured home, the requirements of Section 404.B1.c shall be met.
- f. Parking: three (3) off-street parking spaces for dwellings having three (3) bedrooms or less; four (4) off-street parking spaces for dwellings having four (4) bedrooms or more.

**B6 Performance Standard Subdivision**

A type of cluster development in which the developer may choose to develop a variety of housing types subject to the regulations stated below and the requirements of Article V of this Ordinance. Performance standard subdivisions allow the grouping or clustering of dwelling units, permitting a variety of housing types to encourage better, more flexible designs. The subdivision as a whole must meet prescribed standards for open space, density and impervious surfaces.

- a. General Requirements
  - (1) The requirements of Section 502 Table of Performance Standards shall be met.
  - (2) Dwelling Unit Mix. A mix of dwelling unit types is necessary to promote a balanced community. Therefore, a mix is required, based on the number of dwelling units as set forth in the accompanying table.

Number of Dwellings in Development	Minimum Required Number of D.U. Types	Maximum Percent Any D.U. Type	Minimum Percent D.U. Type
1 - 150	1	100%	20%
151 - 400	2	60%	15%
401 or more	3	40%	10%

- (3) Parking Requirements. Units containing three (3) bedrooms or less shall provide a minimum of three (3) off-street parking spaces. Units containing four (4) bedrooms or more shall provide a minimum of four (4) off-street parking spaces.
- (4) The developer of a performance standard subdivision shall be subject to the maximum impervious surface ratio (on-lot) specified in subsection b for the applicable housing type. An individual lot owner may exceed this maximum impervious surface ratio (on-lot) by three (3) percent to make improvements.

b. Requirements for Housing Types

(1) Single-Family Detached--A single family detached dwelling unit on an individual lot with private yards on all sides of the house. Detached dwellings may include dwellings constructed on the lot, prefabricated dwellings, manufactured dwellings, modular dwellings and manufactured homes.

(a) If the dwelling is a manufactured home, the requirements of Section 404.B1.c shall be met.

(b) Area and Dimensional Requirements

Minimum lot area:	10,000 ft <sup>2</sup>
Minimum lot width at setback line:	70 ft.
Minimum yards:	front 35 ft.
	side 10 ft.
	rear 40 ft.
Maximum impervious surface ratio (on-lot):	20%
Maximum building height:	35 ft.

(2) Detached Dwelling--Off Center. A single family detached dwelling unit on an individual lot with private yards on all sides of the house. The building is set close to one side property line with a side yard which may be reduced to five (5) feet and the other side yard shall be no less than fifteen (15) feet.

(a) The standards noted in b(1) above for single-family detached dwellings shall be met except for the side yard requirement.

(b) A minimum building spacing of twenty (20) feet shall be provided between dwelling units.

(3) Village House. A single family detached dwelling unit on an individual lot with private yards on all sides of the house. It differs from other forms of detached housing in the lot size and placement on the lot. It is similar to houses found in historic villages and towns. The house is placed close to the street and is additionally distinguished by planting or architectural treatments. Each house shall have an unenclosed porch running across at least three quarters (3/4) of the house front, being at least seven (7) feet in width. In units with attached garages, the porch shall run across one hundred percent (100%) of the house front excepting the attached garage area.

- (a) Each unit shall meet one or more of the following characteristics:
- (i) 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.
  - (ii) Hedge of shrubs planted eighteen (18) inches on center for width of yard facing street and two (2) flowering trees.
  - (iii) Two (2) canopy trees per lot or three (3) flowering trees per lot.
  - (iv) One (1) canopy tree, one (1) flowering tree, and one (1) flowering shrub per ninety (90) inches for width of yard facing street.

(b) Dimensional Requirements

minimum lot area:			6,000 ft <sup>2</sup>
minimum setbacks:	house	front	15 ft.
		rear	30 ft.
		side	20 ft.
(in the aggregate with a minimum of 5 ft on either side)			
	garage	front	25 ft.
		rear	30 ft.
		side	5 ft.
minimum lot width at setback:			50 ft.
maximum impervious surface ratio (on-lot):			35%
maximum building height:			35 ft.

(c) Landscaping Requirements

canopy trees	2 in. caliper
flowering trees	2 in. caliper
flowering shrubs	3 ft. high
hedge shrubs	3 ft. high

- (4) Twin. A single-family semi-detached unit having only one (1) dwelling from ground to roof and only one (1) wall in common with another dwelling unit.

Area and Dimensional Requirements

Minimum lot area (per dwelling unit):		4,500 ft <sup>2</sup>
Minimum lot width at setback line (per dwelling unit):		40 ft.
Minimum yards:	front	25 ft.
	rear	25 ft.
	side	10 ft.
Maximum impervious surface ratio (on-lot):		40%
Maximum building height:		35 ft.

- (5) Duplex. A single-family semi-detached dwelling unit with one dwelling unit located above another dwelling unit. The dwelling units share a common lot area which is the sum of the required lot areas of all dwelling units within the building. There shall be no more than two (2) dwelling units per structure and each unit shall have individual outside access.

Area and Dimensional Requirements

Minimum lot area per building:	6,000 ft <sup>2</sup>
Minimum lot width at setback line:	60 ft.
Minimum yards:	front 30 ft.
	rear 20 ft.
	side 15 ft.
Maximum impervious surface ratio (on-lot):	40%
Maximum building height:	35 ft.

- (6) **Patio House.** A detached or semi-detached unit, with one (1) dwelling unit from ground to roof having individual outside access. Except for the street setback, the lot shall be fully enclosed by a wall four to six (4 to 6) feet in height. All living spaces, i.e., living rooms, dens, and bedrooms, shall open onto a private open area or patio.

Area and Dimensional Requirements

Minimum lot area:	4,000 ft <sup>2</sup>
Minimum lot width at setback line:	40 ft.
Minimum setback - street line:	5 ft.
Maximum impervious surface ratio (on-lot):	40%
Maximum building height:	25 ft.
Minimum patio area (ratio to lot area):	65%
Minimum patio dimensions:	20 ft.

- (7) **Atrium House.** The atrium house is a single-family, attached dwelling unit, one story high, with individual outside access. The lot shall be fully enclosed by a wall at least seven (7) feet high. A private yard, herein called an atrium, shall be included on each lot. All living spaces, i.e., living rooms, den and bedrooms, shall open into the atrium. A row of attached dwellings shall not exceed five (5) dwelling units.

Area and Dimensional Requirements

Minimum lot area:	2,100 ft <sup>2</sup>
Minimum lot width at setback line:	40 ft.
Minimum setback - street line:	10 ft.
Maximum impervious surface ratio (on-lot):	70%
Maximum building height:	15 ft.
Minimum atrium area (ratio to lot area):	35%
Minimum atrium dimensions:	16 ft.

- (8) **Multiplex.** An attached dwelling unit which may be arranged in a variety of configurations: side by side, back to back, or vertically. The dwelling units share a common lot area which is the sum of the required lot areas of all dwelling units within the building. The essential feature is the small number of units attached. No more than six (6) units shall be attached in any structure, and structures shall average four (4) units each. Each unit shall have individual outside access.

Area and Dimensional Requirements

minimum lot area (per bldg.):	8,000 ft <sup>2</sup>
minimum lot area (per dwelling unit):	2,500 ft <sup>2</sup>
minimum lot width at setback line (per building):	80 ft.
maximum impervious surface ratio (on-lot):	45%
minimum building setback:	street 30 ft.
	parking area 10 ft.
	pedestrian walkway 5 ft.



(4)

	Minimum Lot Area (sq. ft.)	Minimum Lot Width at Building Setback (ft.)	Minimum Front Yard (ft.)
Single-wide Units to 61'	4,800	45	20
Single-wide Units 62' or Longer	5,250	45	20
Double-width Units	7,000	60	30

- b. Minimum Site Area: ten (10) acres.
- c. All manufactured homes shall be set back from park property boundary lines abutting a public street or road not less than the requirements of Section 524.
- d. All manufactured homes and internal streets shall be at least thirty (30) feet from any other park property boundary lines.
- e. No manufactured home, including accessory structures attached thereto, shall be at any point closer than thirty (30) feet from any other manufactured home, adjoining pavement of a park street, common parking area or other common area or structure.
- f. No part of any manufactured home park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the manufactured home park.
- g. Walks
  - (1) All parks shall provide safe, convenient, all-season pedestrian walkways of adequate width for intended use, durable and convenient to maintain, between the park streets and all community facilities provided for park residents. Sudden changes in vertical alignment or gradient shall be prohibited.
  - (2) Where pedestrian traffic is concentrated, a common walk system shall be provided, such common walks shall have a minimum width of three and one-half feet.
  - (3) All manufactured home sites shall be connected to common walks, and to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.
- h. Manufactured home parks must conform to the requirements for open space ratio, density, and impervious surface ratio, established for performance standard subdivisions in Section 502 Table of Performance Standards for the appropriate zoning district.
- i. All manufactured homes will be installed according to Section 404.B.B1.c.

- j. Every manufactured home shall have access to an improved street in the manufactured home park in accordance with the Milford Township Subdivision and Land Development Ordinance.
- k. The minimum number of spaces completed and ready for occupancy before the first occupancy is permitted shall be 25 percent of the approved total.
- l. No space shall be rented for residential use of a manufactured home in any such park except for periods of thirty (30) days or more.
- m. Plans for any manufactured home park shall be submitted in conformance with the Milford Township Subdivision and Land Development Ordinance and any other township ordinances regulating manufactured home parks.
- n. Public Sewerage shall be required.
- o. A Zoning Permit shall be required for each manufactured home placed in a park.
- p. No manufactured home shall be occupied without a township-issued Use and Occupancy permit.
- q. Minimum off-street parking:
  - Three (3) bedrooms or less: three (3) spaces
  - Four (4) bedrooms or more: four (4) spaces

**B8 Planned Residential Development (PRD)**

A PRD is a planned community in which a mix of residential and nonresidential uses is required. It has a minimum gross site area of fifty (50) acres and may include all types of dwellings permitted under performance standard subdivisions, Section 404.B6. Commercial and other non-residential uses shall be incorporated in the total community design subject to the additional regulations in Article VII of this Ordinance. A developer may apply for PRD; and the governing body may permit the PRD use concurrently with the approval of a Tentative Development Plan.

**B9 Urban Dwelling**

A detached dwelling--off center, village house, twin, duplex, patio house, or atrium house as defined in Section 404.B6.

- a. The minimum lot area per dwelling unit shall be 7,000 square feet in the URL District. Single-family detached--off center dwellings must have a lot of at least 8,000 square feet in size.
- b. Existing single lots which do not conform to a. above, may be developed as urban dwellings if the lot is not less than the minimum lot area listed for that dwelling type in Section 404.B6. If the lot is contiguous to another lot under the same ownership, the lots shall be consolidated to reduce the nonconformity.
- c. All area and dimensional requirements in Section 404.B6 shall be met for the specific dwelling type (except as noted in a and b above).
- d. No parcel 20,000 square feet or greater in the URL District shall be developed as an urban dwelling. (It may be developed as a performance standard subdivision under the provisions of Section 404.B6.)

- e. Parking: three (3) off-street parking spaces for dwellings having three (3) bedrooms or less; four (4) off-street parking spaces for dwellings having four (4) bedrooms or more.

**B10 Life Care Facility**

A life care facility is a form of residential use designed and operated for individuals requiring certain medical and nonmedical support facilities and services.

a. Dimensional Requirements

Minimum lot area:	5 acres
minimum front yard:	75 feet
minimum side yards:	50 feet
minimum rear yard:	50 feet
minimum lot width:	250 feet

- b. Maximum Density: The maximum density for a life care facility shall be the highest density permitted in Section 502 Table of Performance Standards for the applicable district. In the PC, CC and SC districts, the maximum density shall be four (4) dwelling units per acre.

- c. Maximum Impervious Surface Ratio: 25 percent.

- d. Maximum Height: 35 feet.

- e. Support Facilities and Services: A life care facility may include some or all of the following medical and nonmedical support facilities and services.

- (1) Retail Facilities shall be for use of residents and their guests only. No outside advertising is permitted. The life-care retail facilities may occupy no more than one-tenth (.1) percent of the total floor area. Retail facilities shall be limited to the following uses:

barber shop	newsstand
beauty parlor	gift shop
pharmacy	snack bar/coffee shop
commissary	thrift shop
handicraft shop	

- (2) Life-Care Nursing Facility. A health care facility designed for the temporary and long-term care of the residents of the life-care facility. Nursing beds shall not exceed one (1) bed per three (3) dwelling units.

- (3) Social Services. Residents of the life care facility may be provided with social services including, but not limited to, homemaker, personal care and financial management services.

- (4) Other support facilities may include, but are not limited to, lounge areas, reading rooms, craft rooms, common dining facilities, exercise rooms and recreational rooms.

- f. Open Space and Passive Recreational Area. At least fifty (50) percent of the site area must be maintained as open space which shall not include detention basins, parking lots, accessory buildings or any impervious surfaces except those used for recreational purposes. At least twenty (20) percent of the site, which may be considered part of the open space, shall be developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks. No outdoor sitting areas shall be located on land subject to flooding or on slopes in excess of five (5) percent.

- g. Off-Street Parking. There must be .85 off-street parking spaces per bedroom in addition to one (1) off-street parking space for each employee on the largest shift.
- h. Fire Protection. All rooms in the life-care facility shall be provided with sprinkler systems for fire protection and shall contain and be served by wet charged stand pipes to the top floor.
- i. Location to Service. Due to the dependence of the elderly on alternate means of transportation and the need for acquiring access to primary services, a life-care facility must be located within a quarter of a mile to the following services:

post office	barber shop
drug store	house of worship
regional shopping center	public transportation
grocery store	movie house
dry cleaner	bank
restaurant	library
beauty parlor	

If this is not possible, the developer of a life-care facility shall submit to the municipality a transportation plan which shall outline a transportation service for the residents of the life-care facility, to be provided by the owner or manager, providing access to these services at reasonable intervals. This plan must be approved by the municipality as a condition for approval of use.

- j. Safety Features. It is necessary in the design and development of a life-care center, that the safety and physical capabilities of the future residents be considered. The design features of the life-care center shall be such that potentially dangerous situations are minimized and the independence and mobility of the residents maximized. The following safety features shall be incorporated into the design of the life-care center as a condition of approval.
  - (1) Handle type spigots and doorknobs.
  - (2) Showers designed for wheelchairs, in place of tubs in at least thirty (30) percent of the units.
  - (3) Non-skid surfaces in tubs and showers and on all floors.
  - (4) Control of water temperature to avoid accidental scalding.
  - (5) Flush door entrances for easy wheelchair access.
  - (6) Emergency signal systems in bathrooms and bedrooms connected with either an adjacent apartment or central office.
  - (7) Grab bars around all toilets and tubs, in addition, all grab bars and towel racks shall be made of non-corrosive metal and be able to withstand up to 250 pounds.
  - (8) All cooking stoves shall be electric. Burner controls shall be located in the front.
  - (9) Electric outlets shall be located at levels at least twenty-four (24) inches above the floor.

- (10) All light fixtures shall be located on the walls at convenient levels, to avoid accidents that might otherwise occur in the repair of ceiling fixtures.
- (11) There shall be ramps or elevators in addition to stairs.
- (12) All elevators shall have slow closing doors with sensitive reopening mechanisms.
- (13) Handrails shall be provided along all steps, hallways, ramps and sloped walks, both indoors and outdoors.

**C. Institutional and Recreational Uses**

C1 Place of Worship

Church, synagogue or other place of religious worship, provided that the following requirements are met:

a. Area and Dimensional Requirements

District	Minimum Lot Size	Minimum Lot Width	Min. Front Yard (ft.)	Min. Side Yard (ea.) (ft.)	Min. Rear Yard (ft.)
RP, RA, RD, SRC, EXT	5 acres	325 ft.	75	30	100
SRL, SRM, SRH, PC, SC, FC, PI	1 acre	120 ft.	50	25	75
VC-1, VC-2	30,000 ft <sup>2</sup>	100 ft.	15	20	25
URL, CC	20,000 ft <sup>2</sup>	100 ft.	50	15	50

- b. Access shall be to a collector or primary street.
- c. Parking: one (1) off-street parking space for each two (2) 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 to patrons, guests or members, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each full-time employee.
- d. The maximum impervious surface allowed for this use in all zoning districts is 40%.

C2 School

Religious, sectarian and non-sectarian, denominational private school or public school which is not conducted as a private gainful business.

- a. Schools shall be subject to a minimum open space ratio of 50% and a maximum impervious surface ratio of 40%.
- b. Schools shall have access to a collector or primary street, except when located in the URL or FC districts.

c. Parking:

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

Elementary school - One (1) off-street parking space for each faculty member and employee plus one (1) space per two (2) classrooms and offices.

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.

Senior high school - One (1) off-street parking space per faculty member and employee plus one (1) space per ten (10) students of projected building capacity.

College and junior college - One (1) off-street parking space per faculty member and employee plus one (1) parking space for every two (2) non-resident students at total enrollment. Parking for resident students shall meet the requirements for Use H5 Dormitory.

C3 Commercial School

Trade or professional school, music or dancing school, or other schools not included in uses C2 or C10.

Parking: one (1) off-street parking space per faculty member and employee, plus one (1) space for every two (2) non-resident students, at total enrollment. Parking for resident students shall meet the requirement for Use H5 Dormitory.

C4 Library or Museum

Library or museum open to the public or connected with a permitted educational use and not conducted as a private, gainful business.

Parking: one (1) off-street parking space per five (5) seats or one (1) off-street parking space per two hundred and fifty (250) square feet of gross floor area where no seats are provided, plus one (1) space per employee.

C5 Recreational Facility

Recreational facility or park owned or operated by the municipality, other governmental agency.

- a. No outdoor active recreation area shall be located nearer to any lot line than the required front yard depth.
- b. Outdoor recreation areas shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbances.
- c. 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 additional space for each employee.

C6 Private Recreational Facility

A recreational facility owned or operated by a non-governmental agency.

- a. The use shall not be conducted as a private gainful business.
- b. Except for a snack bar, dining services and/or the service of alcoholic beverages shall not be part of the regular activities at the facility.
- c. No outdoor active recreation area shall be located nearer to any lot line than the required front yard depth.
- d. Outdoor recreation areas shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbances.
- e. Where the recreational facility includes a rifle range, the following additional requirements shall apply:
  - (1) A rifle range shall only be permitted in the PC or RP district by special exception.
  - (2) A minimum lot area of ten (10) acres shall be required.
  - (3) The range shall be designed and constructed in accordance with the National Rifle Association's standards for the particular type of range.
  - (4) The range shall be operated in strict accordance with the National Rifle Association's standards for operation and safety.
  - (5) The range shall be used only for the type of firearms for which it is designed to accommodate.
  - (6) The range shall not be lighted for nighttime use.
  - (7) The safety of adjoining properties shall be a primary consideration in the location of the rifle range.
  - (8) A class "C" buffer shall be provided along all property Lines of the range. The buffer shall meet the requirements of Section 505 of the ordinance.
- f. 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 additional space for each employee.

C7 Golf Course

An area designed for the play of the game of golf containing greens, tees, fairways, bunkers and related areas. This use shall not include a miniature golf course.

- a. Minimum Lot Area

Regulation	18 hole	--	130 acres
Executive	18 hole	--	60 acres
Par 3	18 hole	--	45 acres
Nine hole		--	70 acres
Par 3	9 hole	--	25 acres

- b. The golf course may include the following accessory uses: practice driving ranges and putting greens; restrooms and rain shelters; maintenance facilities; golf cart storage; golf club and general storage facilities; caddy shack; golf club repair facilities; and pro shops.
- c. No building shall be closer than one hundred (100) feet to any lot line or street line.
- d. No golf hole shall be closer than one hundred and fifty (150) feet to a lot line or street line, measured from the centerline of the hole.
- e. Clubhouse Facilities. Clubhouse facilities including locker rooms, restrooms and shower facilities; administrative, management and club membership offices; private dining facilities, including formal dining, grillroom, bar and lounge, and snack bar; and indoor and outdoor recreational facilities shall be permitted provided the following requirements are met:
  - (1) Such facilities shall be clearly accessory to the golf course.
  - (2) A minimum lot area of sixty (60) acres shall be required.
  - (3) All clubhouse facilities shall be private and shall be available for use by only members of the golf course or country club and their guests.
- f. Parking: three (3) off-street parking spaces for each hole. In addition, where a club house is proposed in conjunction with a golf course, one (1) off-street parking space for every 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.

#### C8 Private Club

A private club or lodge established for the fraternal, social, educational, civic, or cultural enrichment of its members, whose members meet certain prescribed qualifications for membership and pay dues.

- a. The use shall not be conducted as a private gainful business.
- b. The use shall be for members and their authorized guests only.
- c. No outdoor active recreation area shall be located nearer to any lot line than the required front yard depth.
- d. Outdoor recreation areas shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbances.
- e. Parking: one (1) off-street parking space for every three (3) persons present at such facilities when they are filled to capacity, or at least one (1) off-street parking space for every fifty (50) square feet of gross floor area used or intended to be used for service to members and guests, whichever requires the greater number of off-street parking spaces, plus one (1) additional space for each employee.

C9 Community Center

An educational, social, cultural or other similar facility, operated by a public or nonprofit group or agency subject to the following provisions:

- a. The use shall not be conducted as a private gainful business.
- b. Dining services and/or the service of alcoholic beverages shall not be part of the regular activities at the facility.
- c. No outdoor active recreation area shall be located nearer to any lot line than the required front yard depth.
- d. Outdoor recreation areas shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbances.
- e. Community centers shall have access to a collector or primary street, except when located in the URL or CC districts.
- f. 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.

C10 Day Care Center

A facility in which out-of-home day care is provided to four (4) or more children, disabled persons and/or elderly.

- a. In residential districts, the use shall be conducted in a building designed to look like a single-family detached residence.
- b. An outdoor recreation area shall be provided with a minimum area of two hundred (200) square feet for each child and one hundred (100) square feet for each disabled or elderly person. This outdoor play area shall be located to the side or the rear of the lot and shall not include any parking areas. The outdoor play area shall be fully enclosed by a four (4) foot high fence and shall be sufficiently screened and insulated so as to protect the neighborhood from inappropriate noise and other disturbance.
- c. Sufficient facilities for passenger loading and unloading shall be provided.
- d. This use may be permitted as accessory to a permitted nonresidential use.
- e. A license from the Pennsylvania Department of Public Welfare shall be required.
- f. Parking: one (1) off-street parking space for each teacher, administrator, and maintenance employee, plus one (1) space per six (6) children and disabled adults of total capacity.

C11 Hospital

An establishment licensed by the American Hospital Association which provides health services primarily for in-patient medical or surgical care of the sick or injured, including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices as an integral part of the establishment. A hospital is subject to the following additional provisions:

- a. The following uses are permitted in conjunction with a hospital provided such uses are complementary and clearly secondary to the hospital, C1, C2, C3, C9, C10, C12, D1, D2, E1, E3, E5 and E21.
- b. Area and Dimensional Requirements
  - Minimum lot area: 10 acres
  - Minimum lot width: 200 feet
  - Minimum yards front: 75 feet
  - side: 100 feet
  - rear: 100 feet
- c. Care shall be taken to locate emergency and service entrances where they are not offensive to adjoining neighbors.
- d. Such use shall take access from collector or arterial highways only.
- e. Parking: one (1) off-street parking space for each patient bed; plus one (1) off-street parking space for each employee on the two major shifts. When Uses C2, C3, C12, D1 and D2 are proposed in conjunction with a hospital, the parking requirements specified in Section 404 for the particular use shall be met.

#### C12 Nursing Home

A nursing facility or convalescent home licensed by the Pennsylvania Department of Health which is set up to provide long term health care to individuals who, by reason of advanced age, chronic illness or disabilities, are unable to care for themselves. A nursing home shall not include a facility as described under Use C13.

- a. A lot area of not less than one (1) acre plus 1,000 square feet per resident is required, except that in the RA, RD, SRC, and SRL Districts three (3) acres plus 1,000 square feet per resident is required.
- b. No more than eighty resident patients shall be accommodated at any one time in the RA, RD, SRC, SRL, SRM, SRH, VC-2, and URL Districts.
- c. Each nursing home facility must provide an outdoor sitting area which must be landscaped. The sitting area must be properly situated in terms of the microclimate (no extreme southerly exposure) and shall not be located on land subject to flooding or on slopes over a five (5) percent grade.
- d. Parking: one (1) off-street parking space per two (2) patient beds, plus one (1) off-street parking space for each staff and visiting doctor; plus one (1) parking space for each employee (including nurses) on the two major shifts.

#### C13 Drug, Alcohol and Mental Health Treatment Facility

A facility which provides living arrangements and/or treatment for persons with emotional, alcohol or drug related problems. Such use shall not include a facility for the treatment or housing of persons who have been convicted of or found delinquent for the commission of a felony

- a. The requirements for other permitted uses in Section 502 Table of Performance Standards and the requirements in Section 503 Area and Dimensional Requirements shall be met for the applicable district.

- b. The number of persons living in such a facility shall not exceed ten (10). Support staff which does not reside in the facility shall not be included in the maximum number of ten (10).
- c. A Drug, Alcohol and Mental Health Treatment Facility must be sponsored and operated by a group, organization or corporation licensed by either the county or the state. Proof of compliance with all applicable county or state regulations shall be furnished to the zoning officer prior to the granting of the zoning permit.
- d. No Drug, Alcohol and Mental Health Treatment Facility shall be constructed within a one-half (1/2) mile radius of any other halfway house (measured from unit to unit).
- e. Parking: one (1) off-street parking space per bedroom plus one (1) space for each staff member on the largest shift.

**C14 Cemetery**

A burial place or graveyard including mausoleum, crematory or columbarium.

- a. Minimum lot area: ten (10) acres.
- b. No more than ten (10) percent of the lot area, to a maximum of five (5) acres, may be devoted to above-ground buildings not serving as burial markers or memorials, such as business and administrative offices, chapels, maintenance facilities and the like. This restriction includes parking facilities.
- c. No building or structure shall be located within fifty (50) feet of a property line or street line.
- d. One (1) single-family detached dwelling for a full-time caretaker shall be permitted.
- e. 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 the chapel.

**C15 Recreational Camping Park**

A property upon which two (2) or more campsites are located, established, or maintained for occupancy as temporary living quarters for recreation or vacation purposes.

- a. Minimum site area: ten (10) acres
- b. Campsites shall be rented by the day or week only and occupants of such sites shall not remain in the same recreational camping park for more than fifteen (15) days. A recreational vehicle shall not be placed at a recreational camping park for more than three (3) months in any one year.
- c. The maximum density shall be five (5) campsites per acre.
- d. The minimum campsite size shall be one thousand four hundred (1,400) square feet.
- e. A minimum of forty (40) percent of the site shall be set aside as common use areas for active or passive recreation.
- f. No buildings or campsites shall be located within fifty (50) feet of a street line or one hundred (100) feet of any other property line.

- g. Sewage disposal methods shall conform with the requirements of the Bucks County Department of Health and the municipal sewage facilities plan.
- h. One (1) detached dwelling shall be permitted for the use of the owner or operator of the recreational camping park.
- i. One (1) retail shop may be permitted to supply goods and commodities to those using the park. The maximum floor area shall be limited to seven hundred and fifty (750) square feet.
- j. At least one (1) parking space for every two (2) campsites shall be provided in a common parking area for spillover parking needs.

C16 Municipal Services

All municipal buildings, structures and uses including, but not limited to, governmental offices, garages for the storage of tools, equipment and vehicles, municipally sponsored police and emergency services, and the use of land for the stockpiling of materials used by the municipality in its municipal functions.

Parking: one (1) off-street parking space for every four (4) seats in meeting areas or one (1) off-street parking space for each two hundred (200) square feet of gross floor area, whichever requires the greater number of off-street parking spaces, plus one (1) off-street parking space for every employee.

C17 Recreational Cabin/Cottage Development

A tract of land with cottages, cabins and related accessory structures used for recreational and seasonal purposes.

- a. Minimum site area: 50 acres
- b. This use shall be limited to recreational and seasonal use of a residential character.
- c. No user may establish permanent residency, with the exception of one (1) dwelling unit for the owner/operator or a caretaker/groundskeeper. No cabin or cottage may be used more than one hundred and eighty (180) days during any one (1) calendar year. The owner or operator of the development shall keep a record of the use of each cottage or cabin and these records shall be made available to the Township for inspection as requested by the Township.
- d. Sewage disposal methods shall conform to the requirements of the Milford Township Sewage Facilities Plan and the rules and regulations of the Pennsylvania Department of Environmental Protection and the Bucks County Department of Health.
- e. The maximum number of cabins and/or cottages shall not exceed .8 cottages/cabins per acre of total site area minus the future rights-of-way of existing public roads within or adjacent to the site. Cabins and/or cottages shall be clustered within one portion of the site so that a minimum of seventy-five (75) percent of the site shall be left as undisturbed open space.
- f. Cabins and cottages shall be detached units forming a single, habitable unit with facilities used or intended to be used for temporary living, sleeping, cooking and eating by one (1) family.

- g. Cabins and cottages shall not exceed eight hundred (800) square feet in floor area.
- h. When cabins and cottages are placed on individually subdivided lots, the following standards shall apply:

Minimum lot area:	10,000 ft <sup>2</sup>
Minimum lot width at setback line:	70 ft.
Minimum yards:	Front* 35 ft.
	Side 15 ft.
	Rear 30 ft.

\* The front yard shall be measured from the future right-of-way of an internal street dedicated to the Township or from the edge of the cartway of a private street.

Maximum impervious surface (on-lot):	30%
Maximum building height:	25 ft.

Accessory buildings and structures shall conform to the standards specified in this subsection.

- i. Where cabins and cottages are not located on individually subdivided lots, the following standards shall apply:

Building spacing:	
Between cabins/cottages	30 ft.
Between accessory structures and cabins, cottages/other accessory structures	12 ft.

Setbacks from internal streets:	
Public, dedicated street-from future ROW	35 ft.
Private street	35 ft.

- j. No cabin, cottage, dwelling units or accessory building or structure shall be less than two hundred (200) feet from an external public road, nor less than one hundred (100) feet from a property line of a property adjacent to the development. Class "A" buffer yard plantings, as specified in Section 505, shall be provided along external public roads. Class "B" buffer yard plantings shall be provided along other adjacent property lines.
- k. Cabins and/or cottage shall be placed on permanent foundations or on at least eight (8) poured concrete or masonry pillars set on a concrete base at least eight (8) inches thick. The pillars shall be spaced no more than ten (10) feet apart. The pillars shall be at least one (1) foot by two (2) feet in size and at least thirty-six (36) inches below grade.
- l. Outdoor recreation areas shall be screened and insulated so as to protect neighboring properties from inappropriate noise and other disturbances. A Class "C" Buffer yard, as specified in Section 505, shall be provided between recreation areas and neighboring properties. No activity within the development shall constitute a public nuisance.
- m. Access Improvements
  - (1) Each cabin/cottage development shall be provided with convenient access and egress from a public road. Such access/egress shall consist of an all-weather cartway twenty-four (24) feet wide, constructed to Township Standards as described in the Township Subdivision and Land Development Ordinance and shall consist of six (6) inches, compacted thickness, of No. 4 crushed stone and screenings over a graded and compacted subbase.

- (2) Provisions for shoulders and drainage shall be made and all work shall be approved for design and construction by the Township.
  - (3) The main entrance shall conform to the standards of the Pennsylvania Department of Transportation and, when the entrance is located on a State road, shall be approved by PennDOT. When the entrance is located on a Township road, it shall be approved by the Township and shall be consistent with the Township Subdivision and Land Development Ordinance.
  - (4) The entrance shall take into account the level of traffic on the public street and that to be generated by the development. Acceleration and deceleration lanes may be required as well as two (2) lane entrances and two (2) lane exits.
  - (5) No vehicular parking shall be permitted in the cartway of any interior, secondary or entrance road.
  - (6) Interior roadways shall be constructed to the same standards as secondary roads except the cartway may be sixteen (16) feet in width unless designed for one-way traffic, in which case the cartway shall be ten (10) feet.
  - (7) All roads shall be laid out to provide convenient access for ambulances, police, fire fighting equipment and other public servants and shall be kept free of obstruction which would inhibit emergency equipment.
- n. No cabin, cottage or other permanent building or structure, except as specified in Section 507 of this Ordinance, may be located in the flood plain. Refer to Section 507 for regulations pertaining to the parking or placement of recreational vehicles in flood plain areas.
- o. Cabin/Cottage Sites
- (1) Each site shall be well drained and laid out in such a manner as to provide sufficient open and graded space for the accommodation of the cabin/cottage and shall provide parking space for two (2) vehicles/automobiles. The parking spaces shall not interfere with the convenient and safe movement of traffic.
  - (2) Consistent with Section 504 of this Ordinance, trees for the provisions of shade shall be disturbed as little as possible and, wherever practicable, trees, underbrush, large rocks and other natural features should be left intact. Natural vegetative cover shall also be retained, protected and maintained wherever possible so as to facilitate drainage, prevent erosion or gulling and preserve the scenic attributes of the area. See Section 504, Environmental Performance Standards.
  - (3) No manufactured home or recreational vehicle shall be permitted as part of a cottage development.
  - (4) Each site shall contain two (2) stabilized vehicular parking pads of gravel, crushed stone, paving, or other suitable material. The parking space for each vehicle shall measure at least ten (10) by twenty (20) feet.
- p. Recreational cottage/cabin developments may have provisions for outside amateur sports such as fishing, hiking, bicycling, baseball and swimming, but no facilities, temporary or permanent, may be provided for spectator seating. No activities which involve the discharge of firearms or involve quasi-military

activities or games shall be permitted or take place on the site. Use recreational facilities, including swimming pools, is limited to the users of cabins and/or cottages.

q. Related Facilities

- (1) Developments may provide toilets, laundry facilities, shower baths, public telephones and maintenance/grounds keeping structures. Developments shall provide potable water and refuse disposal facilities.
- (2) Each development shall have an office in which use records and other required or emergency information is kept.
- (3) No retail store, restaurant, refreshment stand or building/structure with vending machines or other residential or nonresidential use, except as specified under this use, are permitted.

r. Nuisances

- (1) Noise. The operation of public address systems shall be prohibited. Athletic and similar events shall terminate not later than ten o'clock (10:00) p.m.
- (2) Open Burning. Neither owner nor user shall burn refuse in outdoor fireplaces, incinerators, nor other facility in the open.

s. Garbage and Refuse

- (1) The storage and collection of refuse shall be so managed as to prevent health hazards, rodent harborage, insect breeding, accident hazards, or air pollution.
- (2) All refuse shall be stored in leak-proof, nonabsorbent, rust and corrosion resistant containers with tight lids.
- (3) Refuse containers shall be conveniently located throughout the development.
- (4) All refuse shall be collected not less than weekly.

t. Insect, Rodent and Weed Control

- (1) The development shall be kept free from cans, jars, buckets, old tires and other articles which may hold water and provide temporary breeding places for mosquitoes. Mosquito control measures and supplemental larvicidal measures shall be undertaken by the owner when the need is indicated.
- (2) Fly breeding shall be controlled by eliminating unsanitary practices which provide breeding places. Refuse containers shall be repaired or replaced when damaged. The area surrounding the containers shall not be permitted to become littered with garbage nor saturated with waste liquid from garbage. All refuse containers shall be maintained in a clean and sanitary condition.

u. Responsibilities of Owner/Operator

- (1) No owner/operator of a development shall cause or permit any services, facilities, equipment or utilities required under the provisions of this use to be removed from, shut off, or discontinued except for such temporary

interruption as may be necessary while actual repairs are in process, or during temporary emergencies when discontinuance of service is authorized by appropriate government officials.

- (2) The owner/operator shall maintain in good repair all roads, water supply systems, drinking facilities, sanitary conveniences, sewers, storm drains, sanitary stations, sanitary sewage disposal facilities, electrical equipment, auxiliary buildings, or other services, facilities, equipment or utilities.
  - (3) The owner/operator shall clear the site, ditches, hedge rows and bushes of any broken glass, bottles, cans, refuse and other litter as often as may be necessary.
  - (4) Every cabin/cottage development shall be under the supervision of the owner/operator or his authorized caretaker who, if not in residence, shall visit the site each day the site is occupied. The owner/operator, himself, may assume the duties of caretaker. If the caretaker is not in residence, information shall be posted as to where he may be contacted, and also the telephone numbers and locations of the nearest ambulance, hospital, police department, and fire company.
  - (5) The owner/operator shall maintain in a clean and sanitary condition, the site, all sanitary conveniences, auxiliary buildings, and other services, facilities, equipment or utilities installed, collected and properly disposed of.
  - (6) It shall be the responsibility of the owner/operator to maintain order within the development, and he shall have the right to terminate forthwith the occupancy of any cabin or cottage by users who violate any of the provisions of this Ordinance or cause a public nuisance.
- v. Responsibilities of Cabin/Cottage Users
- (1) The cabin or cottage and surrounding area occupied by a user and his party shall be maintained in a clean and wholesome condition. Refuse, garbage, paper, litter, broken glass, bottles, cans, caps from cans and bottles, hazardous materials, and other refuse shall be deposited in refuse containers.
  - (2) Every dog or other pet permitted in the development shall be kept under control at all times and shall not be permitted to create a public health or noise nuisance. Dogs shall not be left unattended.
  - (3) Undue noise shall not be permitted at any time, and particularly between the hours of ten o'clock (10:00) p.m. and eight o'clock (8:00) a.m. No activity shall be permitted within the development which would constitute a public nuisance.
- w. In the event that the cabin/cottage development is owned and maintained in common by the owners of the cabins/cottages, the responsibilities of the development owner, as stated previously in this section, shall be the responsibilities of a property owners' association which shall be established.
- x. Recreational Cabin/Cottage Developments are permitted only by Special Exception in the Resource Protection Zoning District.

## **D. Office Uses**

### **D1 Office**

Professional, business or government office, other than uses C16 or D2.

- a. An office located in a zoning district other than PC, CC, SC or PI shall not exceed a gross floor area of five thousand (5,000) square feet.
- b. Parking: one (1) off-street parking space for each two hundred and fifty (250) square feet of gross floor area.

### **D2 Medical Office**

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

- a. A medical office located in a zoning district other than PC, CC, SC or PI shall not exceed a gross floor area of five thousand (5,000) square feet.
- b. Parking: one (1) off-street parking space for every one hundred and fifty (150) square feet of gross floor area, plus one (1) space for every doctor and full time employee.

### **D3 Office Park**

An office park is a planned development of office and related uses which includes improvements for internal streets, coordinated utilities, landscaping and buffering.

#### **a. Area and Dimensional Requirements**

minimum site area: ten (10) acres  
minimum frontage at street line--site: 150 feet  
minimum setback from street lines--site: 100 feet  
minimum setback from property lines--site: 75 feet  
minimum setback--internal streets: 25 feet  
minimum building spacing: 50 feet

- b. Permitted Uses: C10 Day Care Center, D1 Office, D2 Medical Office, E1 Retail Shop, E3 Service Business, E4 Financial Establishment, E5 Eating Place, E9 Motel, Hotel and Inn, E11 Athletic Facility, E21 Parking Lot or Garage, and G2 Research.
- c. At least seventy (70) percent of the total floor space of the park shall be utilized for office uses.
- d. Accessory outside storage or display of materials, goods or refuse is not permitted within an office park.
- e. Individual uses may be located in detached and attached structures.
- f. All uses within the office park shall take access from an interior roadway. Access for the park shall be from an arterial or collector highway.
- g. All parking and loading facilities shall be located to the side or rear of buildings.

- h. Lighting facilities shall be provided and arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.
- i. All commonly owned elements shall be owned and maintained in accordance with the Pennsylvania Uniform Condominium Act or other ownership arrangement approved by the municipality.
- j. The applicant shall submit a plan for the overall design and improvements for the office park.
- k. Parking: one (1) off-street parking space for each two hundred (200) square feet of gross floor area.

## **E . Retail and Consumer Service Uses**

### **E1 Retail Shop**

A shop or store with a gross floor area of ten thousand (10,000) square feet or less selling apparel, books, confections, drugs, dry goods, flowers, foodstuffs, furniture, gifts, hardware, toys, household appliances, jewelry, notions, periodicals, shoes, stationery, tobacco, paint, cards, novelties, hobby and art supplies, music, luggage, sporting goods, pets, floor covering, garden supplies, plants, fabrics and automotive accessories. Also included within this use shall be the sale of soft drinks, beer and other alcoholic beverages in sealed containers not for consumption on the premises.

- a. All products produced on the premises shall be sold on the premises at retail.
- b. Parking: one (1) off-street parking space for every one hundred and fifty (150) square feet of gross floor area, plus one (1) space for every employee.

### **E2 Large Retail Store**

A store with a gross floor area of greater than ten thousand (10,000) square feet, selling commodities and goods to the ultimate consumer such as supermarkets, department stores and discount stores.

- a. All products produced on premises shall be sold on the premises at retail.
- b. Parking: one (1) off-street parking space for every two hundred and fifty (250) square feet of gross floor area, plus one (1) space for every employee.

### **E3 Service Business**

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

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

### **E4 Financial Establishment**

Bank, savings and loan association, credit union and other financial establishments.

- a. For each drive-in teller window, a stacking lane shall be provided to serve a minimum of eight (8) vehicles. The stacking lane shall not be used for parking

lot circulation aisles, nor shall it in any way conflict with through circulation or parking.

- b. Parking: one (1) off-street parking space for every one hundred and fifty (150) square feet of gross floor area, plus one (1) space for every employee.

#### E5 Eating Place

Eating place for the sale and consumption of food and beverages without drive-in service and without take-out service. All food and beverages are to be served by waiters and waitresses and consumed inside the building while patrons are seated at counters and tables. The sale of alcoholic beverages must be incidental to the sale and consumption of food.

Parking: one (1) off-street parking space for every fifty (50) square feet of gross floor area or one (1) off-street parking space for every three (3) seats, whichever requires the greater number of spaces, plus one (1) space for every employee on the largest shift.

#### E6 Drive-Ins and Other Eating Places

Eating place which utilizes an inside window, service area or cafeteria line where customers place their orders and food is served for consumption at seating areas within the building and for customer take-out service. This type of eating place may also have drive-through service.

- a. Where a drive-in window is proposed, a stacking lane shall be provided to serve a minimum of eight (8) cars. The stacking lane shall not be used for parking lot circulation aisles, nor shall it in any way conflict with through circulation or parking.
- b. Trash receptacles shall be provided outside the restaurant for patron use.
- c. Parking: one (1) off-street parking space for every fifty (50) square feet of gross floor area or one (1) off-street parking space for every two (2) seats, whichever requires the greater number of spaces, plus one (1) space for each employee on the largest shift.

#### E7 Repair Shop

Repair shop for appliances, lawn mowers, watches, guns, bicycles, locks, small business machines and other light equipment, but not including automobiles, motorcycles, trucks and heavy equipment.

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

#### E8 Funeral Home or Mortuary

An establishment for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

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

## E9 Motel, Hotel and Inn

A building or group of buildings for the accommodation of transient guests, chiefly motorists, containing guest rooms for rent.

- a. Motels, hotels and inns may contain the following accessory facilities: eating place, tavern, conference and meeting rooms, and banquet rooms.
- b. Parking: one (1) off-street parking space for each rental room or suite, plus one (1) off-street parking space for each employee on the largest shift. In addition, parking shall be provided for the accessory facilities noted in a. above based on one (1) off-street parking space for every four (4) persons of total capacity.

## E10 Indoor Entertainment

An entertainment or recreational facility operated as a gainful business and taking place within a building including a bowling alley, skating rink, billiard hall, movie theater, theater or other similar use.

### Parking Requirements

Movie Theater, Theater: One (1) off-street parking space for every three (3) seats provided for patron use, plus one (1) off-street parking space for each employee.

Bowling Alley: Five (5) off-street parking spaces for every bowling lane, plus one (1) off-street parking space for each employee.

Other Uses: One (1) off-street parking space for every one hundred and twenty (120) square feet of gross floor area or one (1) off-street parking space for every three (3) seats, whichever is greater, plus one (1) off-street parking space for each employee.

## E11 Athletic Facility

An athletic facility with indoor and/or outdoor facilities. Activities may include the following: court games such as racquetball, handball, squash, tennis, basketball, and volleyball; facilities for exercise equipment and health clubs; swimming pools; and facilities related thereto.

- a. Outdoor active recreation areas shall be set back at least one hundred (100) feet from any lot line if adjacent land is zoned for or is in residential use.
- b. Outdoor recreation areas shall be sufficiently screened and isolated so as to protect the neighborhood from inappropriate noise and other disturbances.
- c. Where the athletic facility includes a rifle range, the following additional requirements shall apply:
  - (1) A rifle range shall only be permitted in the PC district by conditional use.
  - (2) A minimum lot area of ten (10) acres shall be required.
  - (3) The range shall be designed and constructed in accordance with the National Rifle Association's standards for the particular type of range.
  - (4) The range shall be operated in strict accordance with the National Rifle Association's standards for operation and safety.

- (5) The range shall be used only for the type of firearms which it is designed to accommodate.
  - (6) The range shall not be lighted for nighttime use.
  - (7) The safety of adjoining properties shall be a primary consideration in the location of the rifle range.
  - (8) A class "C" buffer shall be provided along all property lines of the range. The buffer shall meet the requirements of Section 505 of the ordinance.
- d. Parking: one (1) off-street parking space for every three (3) persons of total capacity or at least one (1) off-street parking space for every one hundred and fifty (150) square feet of gross floor area, whichever requires the greater number of spaces, plus one (1) space for each employee.

#### E12 Outdoor Entertainment

Outdoor entertainment or recreational facility operated as a gainful business and not including an athletic facility, outdoor motion picture establishment, or vehicular track or course.

- a. Recreation areas shall be set back at least one hundred (100) feet from any lot line if adjacent land is zoned for or is in residential use.
- b. Recreation areas shall be sufficiently screened and isolated so as to protect the neighborhood from inappropriate noise and other disturbances.
- c. Parking: one off-street parking space for every three (3) persons of total capacity, plus one (1) space for every employee.

#### E13 Tavern

An establishment which serves alcoholic beverages for on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board. The sale of food shall be incidental to the primary use.

Parking: one (1) off-street parking space for each fifty (50) square feet of gross floor area or one (1) off-street parking space for every two (2) seats intended for use by patrons, whichever requires the greater number of spaces, plus one (1) off-street parking space for each employee on the largest shift.

#### E14 Lumber Yard

Lumber yard where lumber products are sold and/or processed.

- a. This principal use may be combined with a planing mill only when located in the PI zoning district.
- b. Parking: one (1) off-street parking space for each employee on the largest shift, or one (1) off-street parking space for every three hundred (300) square feet of gross floor area, whichever is greater.

#### E15 Veterinary Office or Clinic

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

- a. No outside animal shelter, kennels or runs shall be located closer than two hundred (200) feet from any lot line.
- b. Parking: four (4) off-street parking spaces for each doctor, plus one (1) space for each employee.

E16 Service Station

An establishment for the sale of vehicular fuels and the sale and installation of lubricants, tires, batteries and similar automotive accessories.

- a. A minimum lot width of two hundred (200) feet shall be provided along each street on which the lot abuts.
- b. Access drives shall be at least eighty (80) feet from the intersection of any streets, measured from the intersection of the street lines.
- c. All activities shall be performed within a completely enclosed building, except those to be performed at the fuel pumps.
- d. Fuel pumps shall be at least twenty-five (25) feet from any street line.
- e. All automobile parts and similar articles shall be stored within a building.
- f. Lubrication, oil changes, tire changes and minor repairs shall be performed within a building.
- g. Vehicles awaiting repairs shall not be stored outdoors for more than seven (7) days.
- h. The sale of convenience-type products shall be permitted as an accessory use subject to the following:
  - (1) It shall be in lieu of the sale and installation of lubricants, tires, batteries and similar automotive accessories.
  - (2) The sale of convenience-type products shall be limited to a maximum floor area of two thousand (2,000) square feet.
- i. Paint spraying or body and fender work shall not be permitted.
- j. The sale or rental of automobiles, trucks, trailers, or other vehicles shall not be permitted.
- k. All fuel tanks shall comply with Environmental Protection Agency (EPA) and Pennsylvania Department of Environmental Protection (PaDEP) regulations for such tanks.
- l. Parking: one (1) off-street parking space for every three hundred (300) square feet of gross floor area or four (4) off-street parking spaces for each service bay, whichever requires the greater number of spaces, plus one (1) space for each employee. Off-street parking spaces are not to be a part of, nor interfere with the accessways to the pump.

### E17 Car Wash

A facility for washing automobiles.

- a. A car wash shall include a water recycling facility.
- b. Car washes shall be designed with a stacking area to accommodate a minimum of eight (8) cars. The stacking area shall not in any way conflict with through circulation or parking.
- c. Parking: one (1) off-street parking space for each employee.

### E18 Automotive Sales

The sale, lease or rental of new or used automobiles, trucks (not exceeding one (1) ton), motorcycles, boats and recreational vehicles.

- a. Display areas shall not be permitted in the required front yard.
- b. Automobile repair work shall be permitted as an accessory use provided the requirements for Use E19 Automotive Repair are met.
- c. Parking: one (1) off-street parking space for each two hundred (200) square feet of gross floor area and one (1) off-street parking space for each two thousand (2,000) square feet of total outside vehicle display area, plus one (1) space for each employee on the largest shift. This required parking shall not be used for the display of vehicles.

### E19 Automotive Repair

Automobile repair garage, including paint spraying and body and fender work.

- a. All work shall be performed within a fully enclosed building.
- b. All automobile parts and similar articles shall be stored within a building.
- c. Vehicles awaiting repairs shall not be stored outdoors for more than thirty (30) days.
- d. The sale of automotive accessories, parts, tires, batteries and other supplies shall be permitted in conjunction with this use.
- e. Parking: one (1) off-street parking space for each one hundred (100) square feet of gross floor area, plus one (1) space for each employee.

### E20 Truck Sales

Truck and heavy equipment repair and sales.

- a. Display areas shall not be permitted in the required front yard.
- b. All repair work shall be performed within a fully enclosed building.
- c. Parking: one (1) off-street parking space for each one hundred (100) square feet of gross display area, plus one (1) space for each employee on the largest shift.

E21 Parking Lot or Garage

A lot of record upon which the parking or storing of motor vehicles is the primary use, provided:

- a. No sale, rental, service or repair operation of vehicles shall be performed.
- b. The parking or storage of heavy trucks (exceeding one (1) ton) or trailers shall not be permitted.
- c. All parking lots shall meet the design standards for automobile parking facilities in the municipal subdivision and land development ordinance.
- d. All parking garages shall meet the design standards in Section 518.c of this Ordinance.

E22 Multiple Commercial Use

A group of commercial establishments which is preplanned and designed as a complex of related structures and circulation patterns, subject to the following:

- a. The minimum lot area shall be as required for the district in which the site is located.
- b. All minimum building setback requirements for the district in which the site is located shall be met. In the case of a district with no building setback requirements, the following setbacks shall be provided:

Front yard:	30 feet
Side yards:	20 feet
Rear yard:	25 feet

- c. Not more than twenty-five (25) percent of the total lot area shall be occupied by buildings.
- d. Permitted Uses: D1 Office, D2 Medical Office, E1 Retail Shop, E2 Large Retail Store, E3 Service Business, E4 Financial Establishment, E5 Eating Place, E7 Repair Shop, E10 Indoor Entertainment, and F3 Terminal.
- e. Any use of the same general character as any of the above permitted uses shall be permitted when authorized as a special exception by the Zoning Hearing Board, subject to such reasonable restrictions as the Zoning Hearing Board may determine.
- f. The proposed development shall be constructed in accordance with an overall plan and shall be designed as a single architectural unit with appropriate landscaping and coordinated access.
- g. Outdoor storage and displays shall conform to the provisions of Section 404.H7.
- h. The distance at the closest point between any two (2) buildings or groups of units of attached buildings shall be not less than twenty (20) feet.
- i. The proposed development shall be served by adequate water and public sewage disposal facilities, the adequacy of which shall be demonstrated and guaranteed to the satisfaction of the municipal governing body.

- j. Lighting facilities shall be provided and arranged in a manner which will protect the highway and neighboring properties from any direct glare or hazardous interference of any kind.
- k. Parking: five (5) off-street parking spaces shall be provided and maintained for each one thousand (1,000) square feet, or portion thereof, of Gross Leasable Area.

Gross Leasable Area (GLA) is the total floor area designed for tenant occupancy and use, including basements, mezzanines, storage areas, and upper floors, if any, expressed in square feet and measured from the center line of common partitions and from outside wall faces.

### E23 Adult Commercial Uses

An adult commercial store, adult entertainment cabaret, adult movie house, and other adult uses as defined below:

**Adult Commercial Bookstore** - Adult bookstore is an establishment with more than 15 square feet of floor area devoted to the display, selling and/or rental of pornographic materials which are pictures, drawings, photographs, video tapes or other depictions or printed matter and paraphernalia, which if sold knowingly to a minor under 18 years of age, would violate the criminal laws of the Commonwealth of Pennsylvania in effect at the same time.

**Adult Entertainment Cabaret** - A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features live sex, topless dancers, strippers, male or female impersonators, or similar entertainers, or similar establishment to which access is limited to persons eighteen (18) years of age or older.

**Adult Video/Movie Houses** - An enclosed building used regularly and routinely for presenting, displaying or exhibiting obscene matter for observation by patrons therein, or similar establishment to which access is limited to persons eighteen (18) years of age or older.

**Other Adult Uses** - Any business, activity or use, similar to or of the same general nature as the uses listed above.

These adult commercial uses shall be subject to the following provisions:

- a. The building or structure of such use shall be located no less than one thousand (1,000) feet from any residential use or district, public or private school, church, recreation facility or any other religious, institutional or educational use.
- b. No such use shall be located within two thousand feet of a similar use.
- c. No pornographic material shall be visible from a window, door, or exterior of the building.
- d. No person under the age of eighteen (18) years of age shall be permitted within a building whose operation would be considered an adult use.
- e. Parking: two (2) 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 full-time employee.

#### E24 Outdoor Motion Picture Establishment

An open lot used for the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles. Such use may include facilities for the sale and consumption of food and nonalcoholic beverages.

- a. Such uses shall have frontage on an arterial or collector highway and all access shall be taken from the arterial or collector highway. The applicant shall provide an analysis of the physical conditions of the road 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 Governing Body. The applicant shall provide sufficient vehicle stacking area or a marginal access road to insure that entering vehicles will be able to pull off the road.
- b. The motion picture screen shall be no closer to any property line than one and one-quarter (1.25) times the height of the picture screen or the minimum yard requirements of the zoning district, whichever setback is greater. Other buildings shall be subject to the minimum yard requirements of the zoning district.
- c. The motion picture screen shall not be oriented towards the arterial or collector highway.

#### E25 Vehicular Track or Course

A recreational facility that provides a motor powered vehicle to a patron, for a fee, to drive on a track or course that is located on the premises. For the purposes of this use, a motor powered vehicle is a motorcycle, all-terrain vehicle (three or four wheeled), go-cart, or other vehicle with two, three or four wheels of a similar nature. These vehicles are usually designed to accommodate only one person.

- a. Minimum lot area: ten (10) acres.
- b. The property shall front on and take access from an arterial or collector highway.
- c. Only one person shall ride on a vehicle at a time.
- d. The track or course and all areas used by the vehicles shall be paved.
- e. There shall be no racing on the course or track; however, vehicles may be timed.
- f. A fence shall be placed around the entire course or track. It shall be a minimum of four (4) feet in height.
- g. The noise level at the recreational facility shall not exceed the noise limits specified in Section 508 of this Ordinance. The application for such a use shall be accompanied by a certification from the manufacturer or a qualified operator of a noise meter stating the noise level of the motor that will power the vehicle. It shall be the responsibility of the applicant to demonstrate in advance that when the tract is in full use by the usual number of vehicles at the usual r.p.m., the noise levels of Section 508 will not be exceeded at the property line.
- h. Such use shall only be operated between the hours of 10:00 a.m. and 10:00 p.m.

- i. The sale of food and beverages, except from vending machines, shall be prohibited.
- j. Fuel for the vehicles shall not be stored within the enclosed track area. The fueling point shall be equipped with fire fighting equipment. Approval shall be secured from the Pennsylvania State Fire Marshall for the underground storage of fuel.
- k. Public address systems shall be prohibited.
- l. Parking: one (1) off-street parking space for every three (3) persons of total capacity, plus one (1) space for every employee.

#### E26 Flea Market

A periodic sales activity held within a building and/or outdoors, where transient retail merchants offer goods, new or used, for sale to the public. (This use does not include garage or yard sales as defined in Section 404.H2.h.)

- a. The minimum site area shall be two (2) acres.
- b. Outdoor sales areas shall not exceed forty (40) percent of the site devoted exclusively to the flea market activity.
- c. Outdoor sales area shall not be located in the minimum front, side or rear yards and shall be set back at least 50 feet from any lot line or street line.
- d. Sales directly from vehicles shall be prohibited.
- e. Tables and other accessories which are used for outdoor sales shall be stored within a completely enclosed building when the flea market is not open.
- f. Goods for sale must be removed from the site when the flea market is not in use.
- g. A flea market shall not be open more than three (3) days in any one week.
- h. The area to be utilized for outdoor sales shall be physically delineated on the site by fencing, plantings, markers or other means acceptable to the Governing Body.
- i. Outdoor sales areas shall not encroach upon required parking areas and shall not interfere with traffic movement on the site.
- j. The proposed flea market shall be served by adequate water and sewage disposal facilities, the adequacy of which shall be demonstrated and guaranteed to the satisfaction of the municipal governing body.
- k. Parking: one (1) off-street parking space for every one hundred and fifty (150) square feet of gross floor area and outdoor sales areas; plus one (1) space for each merchant.

#### E27 General Auction

A public or private sale conducted by competitive bidding for real goods, new or used, that occurs on a regular basis.

- a. The minimum site area shall be two (2) acres.

- b. Outdoor sales areas shall not be located in the minimum front, side or rear yards and shall be set back at least 50 feet from any lot line or street line.
- c. Tables and other accessories which are used for outdoor auction activities shall be stored within a completely enclosed building when the auction is not operating.
- d. Outdoor auction activities shall not encroach upon required parking areas and shall not interfere with traffic movement on the site.
- e. The proposed auction facility shall be served by adequate water and sewage disposal facilities, the adequacy of which shall be demonstrated and guaranteed to the satisfaction of the municipal governing body.
- f. Activities, noise and displays shall be sufficiently screened from adjacent properties to the satisfaction of the governing body.
- g. Parking: one (1) off-street parking space for every one hundred and fifty (150) square feet of gross floor area and outdoor auction areas; plus one (1) space for every employee.

#### E28 Livestock Auction

A public or private sale of livestock, conducted by competitive bidding which occurs on a regular basis.

- a. The minimum site area shall be ten (10) acres.
- b. The operator of such use would be required to provide the Governing Body with plans to ensure adequate parking, emergency access, road access, sanitary facilities, refuse collection including manure disposal, noise control and clean-up procedures.
- c. The auction and placement of livestock shall not be located closer than two hundred (200) feet from all property lines, and three hundred (300) feet from all property lines adjacent to residential districts and uses.
- d. All entrances and exits to the livestock auction shall be designed and improved in a manner which does not allow mud or gravel to be deposited or accumulated in or along abutting public streets.
- e. Activities, noise and displays shall be sufficiently screened from adjacent properties to the satisfaction of the governing body.

#### E29 Vehicle Auction

A public or private sale of new or used vehicles, conducted by competitive bidding that occurs on a regular basis.

- a. The minimum site area shall be twenty (20) acres.
- b. The operator of such use would be required to provide the Governing Body with plans to ensure adequate parking, emergency access, road access, sanitary facilities, refuse collection, noise control and clean-up procedures.
- c. The auction and placement of vehicles shall not be located closer than two hundred (200) feet from all property lines, and three hundred (300) feet from all property lines adjacent to residential districts and uses.

- d. Activities, noise and displays shall be sufficiently screened from adjacent properties to the satisfaction of the governing body.

E30 Dwelling in Combination

A dwelling or dwellings within the same building as an existing or permitted office or commercial use.

- a. The maximum density shall be 1.5 dwelling units per acre.
- b. The total floor area of the dwelling units shall not exceed that of the commercial or office use.
- c. All septic systems must be approved by the Bucks County Department of Health as adequate for the proposed dwellings.
- d. Separate cooking and sanitary facilities shall be provided for each dwelling unit.
- e. Parking: three (3) off-street parking spaces for dwellings having three (3) bedrooms or less; four (4) off-street parking spaces for dwellings having four (4) bedrooms or more. This parking is in addition to the parking required for the commercial or office use.

**F. Utility, Service and Transportation Uses**

F1 Utilities

Transformer station, pumping station, substations, sewage treatment plants and other public utilities not including a public incinerator or a public land fill.

- a. In residential districts such uses shall be permitted only where all of the following conditions have been met. These requirements shall not apply to uses that are exempt under Section 619 of the Pennsylvania Municipalities Planning Code.
  - (1) Such installation is essential to service such residential areas.
  - (2) No public business office, storage building or storage yard shall be operated in connection with the use.
- b. Parking: two (2) off-street parking spaces, plus one (1) off-street parking space for each employee normally in attendance at the facility at any time.

F2 Emergency Services

Fire, ambulance, rescue and other emergency services of a municipal or volunteer nature.

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 fifty (50) square feet of gross floor area.

F3 Terminal

Railway station or bus station providing transportation services to the general public.

Parking: off-street parking spaces as the planning commission and governing body shall determine adequate to serve customers, patrons, visitors, employees and vehicles normally parked on the premises.

F4 Airport or Heliport

A place where aircraft can land and take off.

- a. Office, commercial and industrial uses may be permitted as accessory uses to an airport or heliport when authorized by the governing body as a conditional use.
- b. Approval shall be secured from the Pennsylvania Department of Transportation, Bureau of Aviation.
- c. No buildings, runways, taxiways, parking areas, warm-up pads, communication facilities, tie-down areas, repair facilities, refueling facilities or other facilities shall be located within the minimum front, side or rear yard setbacks.
- d. Parking: off-street parking spaces for the airport or heliport as the planning commission and governing body determine adequate to serve customers, patrons, visitors, employees and vehicles normally parked on the premises. In addition, parking for the accessory uses noted in a. above shall be provided based on the parking requirement for the specific use.

F5 Telecommunications Facility

Equipment and structures involved in receiving, transmitting or relaying telecommunications or radio signals including cellular telecommunications facilities (which consist of the equipment and structures involved in receiving telecommunication or radio signals from a mobile communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone line). Such use includes telecommunications equipment, building and towers. Such use shall be considered a principal use of the property and is permitted as an additional use on the property, by conditional use approval subject to the requirements set forth herein and in Section 1108 of the Zoning Ordinance.

- a. Before granting conditional use approval for telecommunications facilities, the Applicant shall demonstrate to the satisfaction of the Board of Supervisors of Milford Township that the following requirements have been met:
  - (1) The location of the tower and equipment building shall comply with all natural resource protection standards of this ordinance.
  - (2) An eight foot high security fence shall completely surround the tower (and guy wires if used) and equipment building.
  - (3) The following buffer plantings shall be located around the perimeter of the security fence:
    - (a) An evergreen screen shall be planted that consists of either a hedge, planted three feet on center maximum, or a row of evergreen trees planted ten feet on center maximum.

- (b) Existing vegetation (greens and shrubs) shall be preserved to the maximum extent possible.
- (4) An antenna may not be located on a building or structure that is listed on a historic register, or is in a historic district.
- b. Single Use or Use Combined with Another Use: A telecommunications facility is permitted on a property either as a single use or a use together with an existing use subject to the following conditions:
  - (1) The existing use on the property may be any permitted use in the district or any lawful non-conforming use, and need not be affiliated with the telecommunications provider.
  - (2) The telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
  - (3) The minimum lot area shall be the area for a telecommunications facility and shall be such area as is determined by the Board of Supervisors to be needed to accommodate the tower, the equipment building, security fence and buffer planting. If the telecommunications facility is to be established on a property with an existing use, the remaining land associated with the primary use after deduction of the lot area required for the telecommunications facility must meet the minimum lot area for the zoning district in which the property is located.
- c. Minimum Setbacks: A tower must be located not less than one hundred (100) feet from the property line and the telecommunications building shall comply with the minimum setback requirements for the zoning district in which it is located.
- d. Access: Vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
- e. Maximum Height of Tower: The tower must be the minimum height necessary to meet the service needs of the Applicant unless the Board of Supervisors shall approve a specific plan for the location on the Tower by other telecommunications users at usual and customary rates. However, in no event shall a tower or antenna exceed two hundred (200') feet in height from ground level.
- f. Telecommunications Facility Combined with an Existing Structure: Telecommunications equipment, including antenna, may be attached to an existing structure or building subject to the following conditions: The telecommunications tower or facility when combined with an existing structure, shall not exceed the maximum height provide in paragraph 5 hereof.
- g. Additional Requirements for Conditional Use:
  - (1) The applicant shall demonstrate, using technical evidence, that the telecommunications facility must be located where it is proposed in order to provide safe and reliable service within the service area of the Applicant.
  - (2) The Applicant shall present documentation that the tower is designed in accordance with standards cited in this Ordinance for telecommunications towers.
  - (3) The applicant shall present a site plan showing the following items:

- (a) Locations of all existing uses and proposed telecommunications facilities.
  - (b) Elevations of any existing uses and proposed telecommunications facilities.
  - (c) Vehicular access, fencing, and any easements for access and utilities.
- (4) The Applicant shall demonstrate that the height of the tower for the telecommunications facility is the minimum height necessary for the service area unless the Township approves a plan for co-location by other telecommunications users in accordance with paragraph 5 hereof.
- (5) The telecommunications facility shall comply with all state and federal laws and regulations concerning aviation safety.
- (6) The Applicant shall demonstrate that the proposed telecommunications facility and tower are constructed in a manner consistent with all applicable industry standards; and the surrounding area will not be adversely affected by support structure failure, falling ice, or other debris; and electromagnetic fields or radio frequency interference are within the limitations of the latest editions of standards set by the following:
- (a) The American National Standards Institute (ANSI-C95.1, as amended);
  - (b) The Institute of Electrical and Electronic Engineer (IEEE-C95.1, as amended);
  - (c) The National Council on Radiation Protection and Measurements (NCRP); and
  - (d) The International Radiation Protection Association (IPRA). In addition, all towers and support structures shall be fitted with anti-climbing devices, as approved by industry standards.
- (7) In order to reduce the number of towers and/or antenna support structures required in the Township, the following standards shall be met:
- (a) Users in a manner approved by the Township.
  - (b) Applicant shall document that existing telecommunications facilities are not available for co-location at usual and customary rates.
  - (c) The Applicant shall document that owners of all tall structures within a one mile radius of the site proposed have been contacted for permission to install telecommunications facilities thereon and that such structures will not meet the service needs of the Applicant or that use of said structures cannot be obtained at a fair and reasonable cost consistent with charges made for similar facilities.
  - (d) The Applicant shall demonstrate that other telecommunication licensees have been contacted, with the objective of encouraging co-location of licensed antennae on the proposed tower.
  - (e) The Applicant shall demonstrate that it has investigated utilizing municipally owned properties and that such properties are either unavailable or cannot meet the service requirements of the Applicant.

- (f) Applicants erecting a new tower shall agree to permit co-locations on the towers at usual and customary rates for co-locations.
  - (g) All other requirements of Milford Township Ordinances and State and Federal regulations shall apply to telecommunications uses.
- (8) Construction Standards. In addition to the above, the following construction standards shall be met:
- (a) The tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222 E manual, as Amended.
  - (b) A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA 222 E, as amended, shall be submitted to document and verify the design specifications of the foundation for the tower, and anchors for the guy wires, if used.
  - (c) Towers and antennae shall be designed to withstand the effects of the wind according to the standards designated by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222-E Code, as amended).

**G. Industrial Uses**

G1 Manufacturing

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

- a. All manufacturing uses must meet the nuisance standards listed in Sections 508 through 515 (Article V, Section C) in this Ordinance.
- b. Parking: One off-street parking space for each employee on the largest shift plus 1 off-street parking space for each company vehicle normally stored on the premises plus 1 off-street parking space for every ten (10) employees on the largest shift for visitor parking. Also, the applicant must illustrate on the land development plan that there is sufficient area on-site to accommodate the parking requirement based on one (1) space for every 500 square feet of gross floor area; this is to ensure that a sufficient amount of parking can be provided if the use or tenancy changes. In addition, the requirements in Section 517.d shall be met.

G2 Research

Research, testing or experimental laboratory.

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

### G3 Wholesale Business, Wholesale Storage, Warehousing

Wholesale business, wholesale storage or warehousing, excluding retail sales.

Parking: One off-street parking space for each employee on the largest shift plus 1 off-street parking space for each company vehicle normally stored on the premises plus 1 off-street parking space for every ten (10) employees on the largest shift for visitor parking. Also, the applicant must illustrate on the land development plan that there is sufficient area on-site to accommodate the parking requirement based on one (1) space for every 500 square feet of gross floor area; this is to ensure that a sufficient amount of parking can be provided if the use or tenancy changes. In addition, the requirements in Section 517.d shall be met.

### G4 Mini-Warehouse

A structure containing separate storage spaces which are leased to the general public for the purpose of storing items generally stored in residential structures.

- a. The maximum height of storage units shall be twelve (12) feet.
- b. The minimum building spacing shall be twenty-four (24) feet.
- c. No structure shall exceed six thousand (6,000) square feet in size.
- d. Outdoor storage of automobiles, boats and recreational vehicles shall be permitted based on the following ratio: one square foot of outdoor storage area for every two square feet of indoor storage area. The outdoor storage area shall not be located in the required yards and shall not interfere with traffic movement through the complex. Outdoor storage areas shall be properly screened so as not to be visible from any adjacent streets or property.
- e. Such use shall be surrounded by a fence at least six (6) feet in height.
- f. One office and one dwelling unit shall be permitted as accessory uses.
- g. No business activity other than leasing of storage units shall be permitted.
- h. Storage of explosive, toxic, radioactive or highly flammable materials shall be prohibited.
- i. Parking: one (1) off-street parking space for each two thousand (2,000) square feet of gross floor area of storage. These parking spaces should be distributed equally throughout the storage facility. In addition, one (1) off-street parking space for each ten thousand (10,000) square feet of gross floor area of storage shall be provided at the project office for use by prospective clients. If living quarters for a caretaker are provided, two (2) additional off-street parking spaces are required.

### G5 Printing

Printing, publishing, binding.

Parking: one (1) off-street parking space for each employee 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 Contracting

Contractor offices and shops such as building, cement, electrical, heating, painting, masonry, and roofing.

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

## G7 Truck Terminal

The use of land and/or structures for the storage of trucks and for the transfer of freight from one truck to another.

- a. Short-term warehousing of less than 30 days may be permitted under this use.
- b. The truck terminal shall be licensed by the Public Utilities Commission.
- c. Trucks with compressors running twenty-four (24) hours a day shall be located within a quadrangle of buildings or walls.
- d. Parking: one (1) off-street parking space for each employee, or one (1) space for every five hundred (500) square feet of gross floor area, whichever requires the greater number of spaces, plus one (1) space for each company vehicle normally stored on the premises.

## G8 Crafts

Plumbing, carpentry, upholstery, cabinet-making, furniture-making and similar crafts.

Parking: one (1) off-street parking space for each employee 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 Mill

Mill where lumber and similar products are processed primarily for wholesale use.

Parking: One off-street parking space for each employee on the largest shift plus 1 off-street parking space for each company vehicle normally stored on the premises plus 1 off-street parking space for every ten (10) employees on the largest shift for visitor parking. Also, the applicant must illustrate on the land development plan that there is sufficient area on-site to accommodate the parking requirement based on one (1) space for every 500 square feet of gross floor area; this is to ensure that a sufficient amount of parking can be provided if the use or tenancy changes. In addition, the requirements in Section 517.d shall be met.

## G10 Outside Storage

Principle use of the site is for outside storage of items such as automobiles, boats and tractor trailers.

- a. No part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas, and no part of the front yard shall be occupied by outside storage.
- b. Outside storage and display areas shall be shielded from view from all public streets and adjacent lots.
- c. A class C buffer shall be provided along all adjacent uses.

## G11 Fuel Storage and Distribution

Fuel storage and distribution tanks and related buildings.

- a. Approval shall be secured from the Pennsylvania State Police Fire Marshall and the Pennsylvania Department of Environmental Protection (PaDEP) for the underground storage of fuel.
- b. No retail sales shall be permitted on the premises.
- c. Parking: one (1) off-street parking space for each employee, plus one (1) space for each company vehicle normally stored on the premises.

## G12 Industrial Park

An industrial park is a planned development of industrial and related uses which includes improvements for internal streets, coordinated utilities, landscaping and buffering.

- a. Area and Dimensional Requirements

Minimum site area: ten (10) acres  
Minimum frontage at street line-site: 150 feet  
Minimum setback from street lines--site: 100 feet  
Minimum setback from property lines--site: 75 feet  
Minimum setback--internal streets: 30 feet  
Minimum building spacing: 50 feet

- b. Permitted Uses: C10 Day Care Center, D1 Office, D2 Medical Office, E4 Financial Establishment, E5 Eating Place, E7 Repair Shop, E9 Motel, Hotel or Inn, E11 Athletic Facility, E15 Veterinary Office or Clinic, G1 Manufacturing, G2 Research, G3 Wholesale Business, Wholesale Storage or Warehousing, G5 Printing and G6 Contracting.
- c. Uses may be located in attached or detached structures.
- d. At least seventy (70) percent of the total floor space of the industrial park must be used for industrial uses.
- e. All uses within the industrial park shall take access from an interior roadway. Access for the industrial park shall be from an arterial or collector highway.
- f. All parking and loading facilities shall be located to the rear or side of buildings.

- g. Lighting facilities shall be provided and arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.
- h. All commonly owned elements shall be owned and maintained in accordance with the Pennsylvania Uniform Condominium Act or other ownership arrangement approved by the municipality.
- i. The applicant shall submit a plan for the overall design and improvements of the industrial park.
- j. Parking: one (1) off-street parking space for each employee on the largest shift, or one (1) 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.

G13 Junk Yard

An area of land, with or without buildings, used for the storage of used or discarded materials, including but not limited to waste paper, glass, rags, metal, building materials, house furnishings, machinery, vehicles, or parts thereof. The deposit or storage of two (2) or more motor vehicles not having valid inspection stickers issued by the Pennsylvania Department of Transportation, excluding farm vehicles, or of two (2) or more wrecked or broken vehicles, or the major parts of two (2) or more such vehicles, shall only be stored in a licensed junk yard.

- a. The maximum lot area shall be ten (10) acres.
- b. Such use shall be a minimum of one hundred (100) feet from any street line or property line.
- c. The land area used for junk yard purposes shall not be exposed to public view from any public street or residence.
- d. A junk yard shall be entirely enclosed by a solid fence or wall, at least eight (8) feet but no more than ten (10) feet high, constructed of plank boards, brick, cinder block or concrete, with access only through solid gates. Such gates shall be locked at all times when the junk yard is not in operation. Such fence or wall shall be kept in good repair and neatly painted in a uniform color.
- e. A dense evergreen buffer shall be provided on the outside perimeter of the fenced area. The buffer yard shall be one hundred (100) feet in width. Evergreens shall be four (4) to five (5) feet in height and planted on ten (10) foot staggered centers. The buffer yard plantings required by Section 505, Table 1: Determination of Buffer Yard Class and Table 2: Planting Options shall not be applicable. However, all other requirements of Section 505 shall be met.
- f. The contents of a junk yard shall not be placed or deposited to a height greater than eight (8) feet.
- g. All paper, rags, cloth and other fibers, and activities involving the same, other than loading and unloading, shall be within fully enclosed buildings.
- h. The storage of toxic chemicals or nuclear wastes shall be prohibited.
- i. Dumping of trash or landfill operations and burning of any materials shall be prohibited.

- j. No material shall be placed in a junk yard in such a manner that it is capable of being transferred out of the junk yard by wind, water or other natural causes.
- k. All materials shall be stored in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. When necessary, this shall be accomplished by enclosure in containers, raising of materials above the ground, separation of types of material, preventing the collection of stagnant water, extermination procedures, or other means.
- l. No burning shall be carried on in any junk yard. Fire shall be prevented and hazards avoided by organization and segregation of stored materials, with particular attention to the separation of combustibles from other materials and enclosure of combustibles where necessary (gas tanks shall be drained), by the provision of adequate aisles, at least fifteen (15) feet, for escape and firefighting, and by other necessary measures.
- m. All vehicles must be drained of all liquids before they are placed in the junk yard. An impervious base, free of cracks and sufficiently large for draining liquids from all vehicles, shall be provided. The base should be sloped to drain to a sump or holding tank and liquid shall be removed from the site as often as is necessary to prevent overflow of the system. Curbing around the pad must be able to retain run-off from a 100 year, 24 hour storm. All hazardous liquids shall be properly disposed of according to the Department of Environmental Protection Rules and Regulations.
- n. A zoning permit shall be obtained on an annual basis with application made by January 15 of each year. The permit shall be issued only after an inspection by the zoning officer to certify that this use meets all provisions of this and other ordinances.
- o. Parking: one (1) off-street parking space for each employee on the largest shift, plus one (1) space for each company vehicle normally stored on the premises.

#### G14 Extractive Operation

Extractive operations for sand, clay, shale, gravel, topsoil or similar operations, including borrow pits (excavations for removing material for filling operations).

- a. Minimum Lot Area: twenty-five (25) acres.
- b. When applying for a zoning permit or change of zoning or when submitting land development plans, the applicant shall provide the following plans and information:

##### Plans Required

- (1) Plan of General Area (within a one (1) mile radius of site) at a scale of one thousand (1,000) feet or less to the inch with a twenty (20) foot or less contour interval to show:
  - (a) Existing Data
    - (i) Location of proposed site.
    - (ii) Land use pattern including building locations and historical sites and buildings.

- (iii) Roads--indicating major roads and showing width, weight loads, types of surfaces and traffic data.
  - (b) Proposed Uses or Facilities
    - (i) Subdivisions.
    - (ii) Parks, schools, and churches.
    - (iii) Highways (new and reconstructed).
    - (iv) Other uses potentially affecting or affected by the proposed extractive operation.
- (2) Plan of Proposed Site at a scale of one hundred (100) feet or less to the inch with a five (5) foot or less contour interval to show:
  - (a) Basic Data
    - (i) Soils and geology.
    - (ii) Groundwater data and water courses.
    - (iii) Vegetation--with dominant species.
    - (iv) Wind data--directions and percentage of time.
  - (b) Proposed Usage
    - (i) Final grading by contours.
    - (ii) Interior road pattern, its relation to operation yard and points of ingress and egress to state and township roads.
    - (iii) Estimated amount of description of aggregate and overburden to be removed.
    - (iv) Ultimate use and ownership of site after completion of operation.
    - (v) Source and amount of water if final plan shows use of water.
    - (vi) Plan of operation showing:
      - a. Proposed tree screen locations.
      - b. Soil embankments for noise, dust, and visual barriers and heights of spoil mounds.
      - c. Method of disposition of excess water during operation.
      - d. Location and typical schedule of blasting.
      - e. Machinery--type and noise levels.
      - f. Safety measures--monitoring of com-plaints.
- c. Performance Standards
  - (1) Operations. Extractive operations shall meet all development and performance standards of Article V.

- (2) Setbacks. No excavation, quarry wall, storage or area in which processing is conducted shall be located within two hundred (200) feet of any lot line or street line.
- (3) Grading. All excavations, except stone quarries over twenty-five (25) feet in depth, shall be graded in such a way as to provide an area which is harmonious with the surrounding terrain and not dangerous to human or animal life.
  - (a) Excavations shall be graded and backfilled to the grades indicated by the site plan. Grading and backfilling shall be accomplished continually and as soon as practicable after excavation. Grading and backfilling may be accomplished by use of waste products of the manufacturing operation or other clean fill materials, providing such materials are composed of nonnoxious, noncombustible solids.
  - (b) Grading and backfilling shall be accomplished in such a manner that the slope of the fill or its cover shall not exceed normal angle of slippage of such materials, or forty-five (45) degrees in angle, whichever is less. During grading and backfilling, the setback requirements in subsection (2) above may be reduced by one-half, so that the top of the graded slope shall not be closer than one hundred (100) feet of any lot line or any street line. Stockpiles shall not exceed one hundred (100) feet in height.
  - (c) When excavations which provide for a body of water are part of the final use of the tract, the banks of the excavation shall be sloped to a minimum ratio of seven (7) feet horizontal to one (1) foot vertical, beginning at least fifty (50) feet from the edge of the water and maintained into the water to a depth of five (5) feet.
  - (d) Drainage, either natural or artificial, shall be provided so that disturbed areas shall not collect water or permit stagnant water to remain.
- (4) Access. Truck access to any excavation shall be so arranged as to minimize danger to traffic and avoid nuisance to surrounding properties.
- (5) Stone Quarry. Stone quarries whose ultimate depth shall be more than twenty-five (25) feet shall provide the following:
  - (a) A screen planting within the setback area as specified in subsection (2) above shall be required. Such a screen shall be no less than twenty-five (25) feet in width and setback from the excavation so as to keep the area next to the excavation planted in grass or ground cover and clear of any obstruction.
  - (b) A chain link (or equal) fence at least ten (10) feet high and with an extra slanted section on top, strung with barbed wire, shall be placed at either the inner or outer edge of planting completely surrounded the area.
  - (c) Warning signs shall be placed on the fence at intervals of no more than one hundred (100) feet.
- (6) No ground vibration caused by blasting or machinery shall exceed the limits established by the Act of July 10, 1957, P.L. 685, as amended, 73 P.S., sections 164-168, and the rules and regulations adopted thereunder, with the exception that no blasting shall cause a peak particle

velocity greater than one (1.0) inch per second, measured at any property line.

- (7) No blasting shall occur between the hours of 6:00 p.m. and 7:00 a.m.; no blasting shall occur on Saturday or Sunday.
- (8) Buffering: A berm with an average height of fifteen (15) feet and a maximum height of fifty (50) feet shall be provided along all boundary lines. The slope of the sides of the berm shall not exceed a three-to-one (3:1) ratio. Berms shall be constructed no closer than twenty-five (25) feet to a lot line or street line. Berms shall be planted and erosion control measures shall be taken as may be approved by the U.S. Soil Conservation Service. In addition, the buffer requirements of Section 505 of this Ordinance shall be met. Buffer plantings shall be located between the berm and the property line.
- (9) Parking: one (1) off-street parking space for each employee on the largest shift, plus one (1) off-street parking space for each company vehicle normally stored on the premises.

d. Rehabilitation and Conservation Requirements

- (1) The owner, operator, lessee of any extractive operation shall, at the time of application for a zoning permit submit to the municipality its reclamation plan as submitted to the Pennsylvania Department of Environmental Protection. No permit shall be issued where said reclamation plan provides for quarrying in areas of the site not permitted by this Ordinance.
- (2) Along with said plan, the applicant shall include a timetable for the reclamation proposed for the site in general with an actual timetable for reclamation of slopes as may be found reasonable by the Governing Body within the setback areas.
- (3) Owner, lessee, or operator of any extraction operation within the municipality shall, within six (6) months from the date of this Ordinance or receipt of a zoning permit authorizing said extraction operation, whichever is the latter, submit a plan which shall include descriptions and plans for suitable after-conditions or after-uses for all the land affected.
- (4) Plans for the rehabilitation uses may include the following after-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.
- (5) Rehabilitation shall commence within one (1) year following the completion or the discontinuance for a period of one (1) 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 operation). Such rehabilitation shall be completed within five (5) years from the date rehabilitation commenced except where a longer period of time is specifically authorized as part of the rehabilitation program.

- (6) Rehabilitation shall include removal of all debris, temporary structures, and stock piles.
- (7) 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 their area shall be planted thereon within six (6) months after the providing of arable soil.
- (8) Where the extraction operations are to be filled as part of the rehabilitation process, no material shall be used for fill purposes other than earth, stone, sand, concrete, or asphalt.
- (9) Water accumulation upon the site may be retained after the completion of such operations where the excavation cannot be reasonably 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.
- (10) Upon receipt of the rehabilitation plans, the municipality shall review the plans to insure compliance with all provisions of this performance standard. Upon approval thereof, the municipality shall issue a certificate indicating approval of the plans as submitted or amended, and the approved plans should be permanently filed in the official records of the municipality.
- (11) Plans may be amended from time to time by approval of the municipality upon application of the owners.
- (12) A performance bond may be required by the municipality in an amount determined by the municipality to be sufficient to insure the rehabilitation of the affected site in accordance and compliance with the standards for the issuance of any original permit or annual renewal permit in accordance with the provisions of the plan of rehabilitation as submitted pursuant to this Ordinance, if the bond posted with the Commonwealth of Pennsylvania Department of Environmental Protection or other agency is not kept in force or if the municipality is not named therein. The municipality may require that the bond posted with any state agency may not be withdrawn or reclaimed without municipal approval. With the approval of the municipality, and for such period or periods as may be specified, an owner may be permitted to post his own bond without corporate surety.

#### G15 Resource Recovery Facility

A facility or land that is used for any one or a combination of the following: composting, incineration, material separation, recycling or trash transfer as defined below. Municipal solid waste landfill operations are not included under this use and open burning of any materials shall specifically be prohibited.

- a. Minimum lot area: ten (10) acres.
- b. Any such use shall be a minimum of two hundred (200) feet from any public road as measured from the ultimate right-of-way of the road and two hundred (200) feet from any property line. Additionally, any resource recovery facility shall be a minimum of three hundred (300) feet from any residential zoning district or occupied residential dwelling unit.
- c. Parking areas, vehicle storage, maintenance or accessory buildings shall be a minimum of one hundred (100) feet from any property line.

- d. Operation of a resource recovery facility shall at all times be in full compliance with the statutes of the Commonwealth of Pennsylvania and the Rules and Regulations of the Department of Environmental Protection (PaDEP) and all provisions of this Ordinance and all other applicable ordinances. In the event that any of the provisions of this Ordinance are less restrictive than any present or future Rules or Regulations of PaDEP, the more restrictive PaDEP regulations shall supersede and control.
- e. Litter control shall be exercised to confine blowing litter to the work area and a working plan for clean up of litter shall be submitted to the municipality. To control blowing paper, there shall be erected a fence having a minimum height of six (6) feet, with openings not more than three inches by three inches (3" x 3"), twenty (20) feet inside all boundaries. The entire area shall be kept clean and orderly.
- f. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, every resource recovery facility shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations. Such barricade shall be at least six (6) feet high and shall be kept in good repair and neatly painted in a uniform color. This limitation of access may be waived by the Governing Body for recycling drop-off stations where public access is essential for the operation.
- g. Unloading of municipal solid waste shall be continuously supervised by a facility operator.
- h. Hazardous waste as included on the list of hazardous waste as maintained by the Department of Environmental Protection shall not be disposed of in a resource recovery facility.
- i. All parts of the process--unloading, handling and storage of municipal solid waste--shall occur within a building. However, certain separated, non-putrescible, recyclable materials like glass, aluminum, and other materials may be unloaded, handled or stored outdoors when authorized by the Governing Body. All outdoor storage shall meet the standards of subsections c and l hereof.
- j. Paper shall be stored within an enclosure.
- k. Any materials stored outdoors shall be properly screened so as not to be visible from any adjacent streets or properties.
- l. No material shall be placed or deposited to a height greater than the height of the fence or wall herein prescribed.
- m. No municipal solid waste shall be processed or stored at a recycling facility. For types of resource recovery facilities other than a recycling facility, municipal solid waste shall not be stored on the site for more than seventy-two (72) hours.
- n. A contingency plan for disposal of municipal solid waste during a plant shut-down must be submitted to the municipality and approved by the governing body.
- o. 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 Pennsylvania Department of Environmental Protection regulations. If the

leachate is to be discharged into a municipal sewage treatment plant appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall the leachate be disposed of in a storm sewer, to the ground, or in any other manner inconsistent with the Pennsylvania Department of Environmental Protection regulations.

- p. 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. Such residual waste shall be located at least two hundred (200) feet from any property line and stored in leak proof and vector proof containers. Such residual processed waste shall be disposed of in a sanitary landfill approved by PaDEP or in another manner approved by PaDEP.
- q. A dense evergreen buffer shall be maintained as a permanent visual screen outside of the fenced area. The visual screen shall begin at the ground and extend to the height of the fence. Evergreens shall be four (4) to five (5) feet in height and shall be planted in two rows ten (10) feet apart on ten (10) foot staggered centers. The lower branches of mature trees shall not be removed. In addition, the buffer requirements of Section 505 of this Ordinance shall be met.
- r. Municipal solid waste landfill operations are not included under this use and open burning of any materials shall specifically be prohibited.
- s. The nuisance standards of Article V of this Ordinance shall be met.
- t. A traffic impact study and a water impact study shall be required.
- u. A zoning permit shall be obtained on an annual basis with application made by January 15 of each year. The permit shall be issued only after an inspection by the zoning officer to certify that this use meets all provisions of this and other ordinances.
- v. A certificate of pollution insurance in compliance with all applicable sections of the Pennsylvania Municipalities Waste Planning, Recycling and Waste Reduction Act (Act 101 of 1988), as amended, shall be required on an annual basis.

#### G16 Municipal Solid Waste Landfill

A facility using land for disposing of municipal solid waste. The facility includes land affected during the lifetime of the operation including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated on-site and contiguous collection, transportation and storage facilities, closure and post-closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of, or incidental to, the operation of the facility. The term does not include a construction/demolition waste landfill or a facility for the land application of sewage sludge. (PA Code Title 25, Environmental Resources, Part I, Chapter 271.1, as amended).

- a. Minimum lot area: fifty (50) acres.
- b. The municipal solid waste landfill operation shall be setback from any property line or street right-of-way line at least three hundred (300) feet.
- c. Direct access to an arterial road shall be required for the operation of a municipal solid waste landfill.

- d. A traffic impact study shall be required.
- e. Operation of any municipal landfill shall at all times be in full compliance with the Statutes of the Commonwealth of Pennsylvania, and the Rules and Regulations of the Department of Environmental Protection and all provisions of this Ordinance and all other applicable ordinances. In the event that any of the provisions of this Ordinance are less restrictive than any present or future Rules or Regulations of the Department, the more restrictive Department Rules or Regulations shall supersede and control in the operation of such municipal waste landfill.
- f. Suitable measures shall be taken to prevent fires by means and devices mutually agreeable to the Department of Environmental Protection and the Municipality.
- g. Municipal solid waste shall not be burned at a municipal solid waste landfill.
- h. A municipal solid waste landfill operation shall be under the direction at all times of a responsible individual who is qualified by experience or training to operate a landfill.
- i. Measures shall be provided to control dust and a working plan for clean up of litter shall be submitted to the municipality. To control blowing paper, there shall be erected a fence having a minimum height of six (6) feet, with openings not more than three inches by three inches (3" x 3"), twenty (20) feet inside all boundaries. The entire area shall be kept clean and orderly. Cracks in, depressions in or erosion of cover shall be repaired daily.
- j. 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 municipal solid waste landfill shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.
- k. Unloading of waste shall be continuously supervised.
- l. Hazardous materials, as listed on the Federal Hazardous Waste List promulgated under the Resource Conservation and Recovery Act as defined in CFR Title 40 Chap. 1, Part 261, subpart D dated July 1, 1984 as amended, shall not be disposed of in a municipal solid waste landfill.
- m. The disposal of sewage liquids and solids and other liquids shall be specifically prohibited in a municipal solid waste landfill.
- n. Litter control shall be exercised to confine blowing litter to the work area and a working plan of clean up of litter shall be accomplished.
- o. Salvaging shall be conducted by the operator only and shall be organized so that it will not interfere with prompt sanitary disposal of waste or create unsightliness or health hazards. The storage of salvage shall be controlled in a manner that will not permit the inhabitation or reproduction of disease transmitting organisms.
- p. The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rain water falling onto the fill, and to prevent the collection of standing water. The operator shall comply with the requirements of Chapter 75 and Chapter 102 of Title 25, Pennsylvania Code,

as amended, and applicable municipal ordinances so that there is no adverse off-site impact from the drainage of surface water.

- q. Operation of any municipal solid waste landfill shall at all times be in full compliance with the Pennsylvania Clean Streams Law, Act 157 of 1980 as amended.
- r. A dense evergreen buffer shall be provided outside of the fenced area. Evergreens shall be four (4) to five (5) feet in height and shall be planted in two rows ten (10) feet apart on ten (10) foot staggered centers. In addition, the buffer requirements of Section 505 of this Ordinance shall be met.
- s. A zoning permit shall be obtained on an annual basis with application made by January 15 of each year. The permit shall be issued only after an inspection by the zoning officer to certify that this use meets all provisions of this and other ordinances.
- t. A final inspection of the entire site shall be made by the Department of Environmental Protection and the Municipality and their authorized representatives to determine compliance with applicable Department of Environmental Protection Rules and Regulations Title 25, Chapter 273, as amended, and approved plans and specifications before the earth-moving equipment is removed from the site. Any necessary corrective work shall be performed before the municipal solid waste landfill project is accepted as completed. Arrangements shall be made for the repair of all cracked, eroded and uneven areas in the final cover during the first two (2) years following completion of the municipal solid waste landfill. A bond shall be posted to ensure that all corrective work is completed.
- u. A certificate of pollution insurance in compliance with all applicable sections of the Pennsylvania Municipalities Solid Waste Planning, Recycling and Waste Reduction Act (Act 101 of 1988), as amended, shall be required on an annual basis.

## **H. Accessory Uses**

### **H1 Accessory Home Occupation**

A customary home occupation for gain. An accessory home occupation is an accessory use that shall be clearly subordinate to the existing residential use of the property. Such uses shall meet the general standards and the specific standards related to the use as set forth below.

- a. General Standards. The following shall apply to all home occupations:
  - (1) A home occupation must be conducted within a single-family detached dwelling which is the bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with a residential use. The home occupation shall be carried on wholly indoors.
  - (2) The maximum 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 (excluding the ground area covered by an attached garage or such other similar building), or six hundred (600) square feet, whichever is less.
  - (3) In no way shall the appearance of the residential structure be altered or the occupation within the residences 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, signs or

advertising visible outside the premises to attract customers or clients, other than a sign as permitted in Article IX.

- (4) All commercial vehicles shall be parked on-lot. Only one commercial vehicle may be parked outside of a garage or an enclosed structure.
  - (5) Off-street parking spaces are not permitted in the front yards. A ten (10) foot wide driveway providing access to parking areas in the side or rear of the property may be located in the front yard. All off-street parking areas must be located at least ten (10) feet from any property line. Off-street parking lots with three (3) or more spaces shall be buffered from abutting residences by evergreen hedge material placed on three (3) foot centers. Alternately, a four (4) to five (5) foot fence may be erected which provides a visual screen.
  - (6) There shall be no exterior storage of materials or refuse resulting from the operation of the home occupation.
  - (7) 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 the lot. No equipment or process shall be used which creates visible or audible interference in any radio or television receivers off the premises.
  - (8) Frequent and repetitive servicing by commercial vehicles for supplies and materials shall not be permitted.
  - (9) All accessory home occupations shall be located on an improved public street.
  - (10) Home occupations shall not include the following: animal hospitals, commercial stables and kennels, funeral parlors or undertaking establishments, tourist homes, restaurants, furniture stripping, and rooming, boarding, or lodging houses.
  - (11) A zoning permit shall be required for all accessory home occupations.
- b. Specific Use Standards. The following shall apply to specific types of accessory home occupations.

(1) Use H1a Professional Offices

A professional office is a service oriented business use conducted within an enclosed area specifically designed for the functional needs of the use, wherein the professional services of the practitioner is the saleable 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, engineer, broker, dentist, physician, 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 or congregation.

- (a) No more than two (2) persons, other than resident members of the immediate family, may be employed or subcontracted at the residence.
- (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.

(2) Use H1b Personal Services

A service business including, but not limited to, barbers, beauticians or photographers.

- (a) Beauty parlors and barber shops may be permitted as a special exception provided no more than two (2) beauty parlor or barber chairs are provided.
- (b) No more than one (1) person, other than resident 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, personal services use shall provide one (1) off-street parking space for each employee, plus one (1) additional space for each two hundred (200) square feet of service space.

(3) Use H1c 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.

- (a) Instructional services involving a maximum of four (4) students at a time are permitted. In the case of musical instructions, no more than two (2) students at a time shall be permitted.
- (b) No persons shall be employed other than resident 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.

(4) Use H1d Home Crafts

Home crafts are business activities whereby the commodity for sale is completely manufactured and may be sold on the site by the resident craftsman.

Home crafts may include, but are not limited to, the following: artists, sculptors, dressmakers, seamstresses and tailors; and include such activities as model making, rug weaving, lapidary work and furniture making.

- (a) No more than one (1) person other than resident 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 home craft shall provide one (1) off-street space per three hundred (300) square feet of total floor area used for the home occupation.

(5) Use H1e Family Day Care

A family day care use is a facility in which care is provided for four (4) to six (6) children or up to four (4) disabled and/or elderly persons at any one time, who do not reside on the premises, where the child or adult care areas are being used as a family residence.

- (a) This use shall be conducted in a building designed for residential occupancy and for the safety and well-being of the occupants.
- (b) A minimum outdoor play area of two hundred (200) square feet of contiguous area shall be provided for each child as a recreational area for the children. An outdoor recreation area of one hundred (100) square feet of contiguous area shall be provided for each disabled and/or elderly person. This area shall not include any impervious surface or parking areas.
- (c) If a family day care use is located adjacent to a non-residential use, a parking lot or on a street with a classification higher than a secondary street, the outdoor play or recreation area must be enclosed by a four (4) foot high fence which is deemed appropriate by the municipality. The outdoor play or recreation area should be located to the side or rear of the property.
- (d) No more than two (2) persons other than resident members of the immediate family may be employed.
- (e) Parking standards: In addition to the off-street parking required for a single-family home at least one (1) additional off-street parking space is required for each employee and one (1) space for the loading and unloading of children or disabled and/or elderly persons.

(6) Use H1f Group Child Day Care Center

A group child day care center is a facility in which care is provided for more than six (6) but no more than eleven (11) children at any one time, who do not reside on the premises, where the child care areas are being used as a family residence. The following criteria shall be met:

- (a) All applicable standards noted in Section 404.H (5) for Family Day Care uses shall be met.
- (b) The regulations of the Pennsylvania Department of Welfare shall be met.
- (c) Prior to the final approval of the use by the Zoning Hearing Board and the 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 Chapter H, Section 8C of the Department of Public Welfare's Social Services manual by this Department to the Applicant subject to licensure under Article X of the Public Welfare Code.
- (d) Minimum lot area: two (2) acres.

(7) Use H1g Adult Day Care Center

A facility in which day care is provided for six (6) or more elderly and/or disabled adults at any one time, who do not reside on the premises, where the adult care areas are being used as a family residence.

- (a) Prior to the final approval of the use by the Zoning Hearing Board and the issuing of a permit by the Zoning Officer, the applicant must obtain a license from the Department of Public Welfare and/or the Department of Aging.
- (b) This use shall be conducted in a building designed for residential occupancy and for the safety and well-being of the occupants.
- (c) An outdoor recreation area of one hundred (100) square feet of contiguous area shall be provided for each disabled and/or elderly person. This area shall not include any impervious surface or parking areas.
- (d) If an adult day care use is located adjacent to a nonresidential use, a parking lot or on a street with a classification higher than a secondary street, the outdoor recreation area must be enclosed by a four (4) foot high fence which is deemed appropriate by the municipality. The outdoor recreation area should be located to the side or rear of the property.

(8) Use H1h Trades

The use of a residence as a base of operation for the business. Trades for this home occupation include but are not limited to: electrician, plumber, carpenter, mason, painter, roofer, and similar occupations.

- (a) The area of the office, storage of materials and equipment (excluding vehicles) shall not exceed the limitations of subsection a (2) above.
- (b) No manufacturing, processing or sales shall be conducted on the property.
- (c) In addition to the off-street parking spaces required in this Ordinance for the particular residential use concerned, a trades business shall provide one (1) off-street space for each employee and one (1) off-street parking space for each business vehicle.
- (d) No more than two persons other than resident members of the immediate family may be employed to use the property as their base of operations.

(9) Use H1i Repair Services and Other Home Occupations

A repair shop for appliances, lawn mowers, watches, guns, bicycles, locks, small business machines and other goods but not including automobile, truck and motorcycle repairs. Other home occupations not specified in uses H1a through H1f above.

- (a) No additional people other than resident 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, this accessory use shall provide one (1) off-street space per two hundred (200) square feet of total floor area used for the home occupation.

## H2 Residential Accessory Building, Structure or Use

Residential accessory building, structure or use including but not limited to:

- a. Garages or parking spaces for the parking of passenger automobiles including noncommercial trucks and vans with loading capacities not exceeding one (1) ton.
- b. Garages, enclosed structures or parking for commercial vehicles.
  - (1) No more than one (1) commercial vehicle shall be parked outside of a garage or an enclosed structure.
  - (2) Only the tractor of a tractor/trailer combination may be parked on properties of three (3) acres or less.
  - (3) Only one (1) tractor or one (1) tractor/trailer combination shall be permitted on a lot.
  - (4) Any nonlicensed, noninspected, commercial vehicle, tractor or trailer shall meet the provisions of Section 404.H2d of this ordinance.
- c. Structures such as fences, walls or signs.
- d. Buildings such as storage sheds, bath houses and private greenhouses. These structures may be placed in side and rear yards at a distance from property lines no less than the height of the structure and do not require zoning or building permits provided that they meet all of the following criteria:
  - (1) The size of the structure is no more than 200 square feet.
  - (2) The structure is not on a permanent foundation.
  - (3) The structure is provided with neither electric nor plumbing.
  - (4) There shall be no windows on any side of the structure which is located within the required side or rear yard.
- e. Parking or Storage of Recreational Vehicles and Other Recreational Equipment: Recreational vehicles and recreational equipment shall include, but not be limited to, the following: travel trailers, truck-mounted campers, motor homes, folding tent campers, autos, busses or trucks adapted for vacation use, snowmobiles, minibikes, all-terrain vehicles, go-carts, boats, boat trailers, and animal transport and other utility-type trailers. Recreational vehicles or units shall be parked and/or stored to the rear or side of the dwelling in a driveway, or in a garage. No more than two such vehicles as defined above, in any combination, may be parked outside of a fully enclosed structure.
- f. Boarding Accommodations: The keeping of roomers, boarders or lodgers as an accessory use.
  - (1) No more than two (2) roomers, boarders or lodgers shall be accommodated.
  - (2) Such use shall be permitted only in single-family detached dwellings.
  - (3) The roomers, boarders or lodgers shall live within the principal residential building.
  - (4) No separate cooking facilities or dwelling units may be created.

- (5) One (1) off-street parking space shall be provided for each roomer, boarder or lodger.
- g. Swimming Pool: A structure designed to contain a water depth of twenty-four (24) inches or more and intended for swimming or recreational purposes. A swimming pool shall be permitted as an accessory use to a residential use, provided:
  - (1) A zoning permit shall be required to locate, construct or maintain a swimming pool.
  - (2) A swimming pool shall be located no closer to a property line or the street line than the minimum front, side or rear yard requirements or twenty-five (25) feet, whichever is less. In no case shall a swimming pool or associated appurtenances be closer to a side or rear property line than ten (10) feet.
  - (3) The pool may be lighted by underwater or exterior lights, or both, provided all exterior lights are located so that the light is neither directed nor reflected upon adjacent properties in such a manner as to be a nuisance or an annoyance to neighboring properties. Underwater lighting shall be in compliance with the applicable National Electrical Code.
  - (4) An outdoor swimming pool, including an in-ground, above-ground/on-ground pool, and hot tub/spa shall be provided with a fence or barrier that completely surrounds the swimming pool. The fence or wall shall comply with the applicable regulations in the municipality's adopted BOCA National Building Code. If the adopted BOCA National Building Code does not contain regulations for fences or barriers around swimming pools or, if a municipality has not adopted a BOCA National Building Code, the fence or barrier shall comply with applicable regulations contained in the most recent BOCA National Building Code.
  - (5) There shall be no cross-connection with a public sewerage system.
  - (6) The permanent inlet shall be above the overflow level of the pool.
- h. Garage or Yard Sales: The temporary display and sale of goods and craft items on a residentially used property.
  - (1) Such temporary uses shall be limited to occurrences of not more than three (3) days. Such occurrences shall be limited to not more than four (4) occurrences in a calendar year. There shall be at least a thirty (30) day period between such occurrences.
  - (2) Signs advertising garage or yard sales shall meet the requirements of Article IX.
- i. Accessory buildings and structures shall not exceed eighteen (18) feet in height.

### H3 Accessory Apartment

A separate dwelling unit subordinate in size to the principal single-family detached dwelling unit. The accessory apartment may be contained in the principal residence or in an accessory building.

- a. Not more than thirty (30) percent of the total floor area of the principal residence shall be occupied by the accessory apartment. If the apartment is lo-

cated in an accessory building, the maximum floor area of the apartment shall be six hundred and fifty (650) square feet.

- b. Not more than one (1) accessory apartment shall be permitted per lot.
- c. The lot must conform to the minimum lot area requirement for Use B1 Single-Family Detached Dwelling in the applicable zoning district.
- d. The single-family detached dwelling or the accessory building in which the apartment is located shall meet the minimum yard requirements for Use B1 Single-Family Detached Dwelling in the applicable zoning district.
- e. The principal residence must maintain the appearance of a detached dwelling with a single front entrance. The dwelling units may share the single front entrance or additional entrances may be placed on the side or rear of the structure. Exterior stairways and fire escapes shall be located on the rear wall in preference to either side wall and in no case on a front wall or on a side wall facing a street.
- f. Separate cooking, sleeping, living and bathroom facilities shall be provided for each dwelling unit.
- g. Trash receptacles shall not be visible from the street or abutting properties except on scheduled pick-up days.
- h. All septic systems must be approved by the Bucks County Department of Health as suitable for the additional dwelling unit. For units served by public sewer, certification should be provided from the servicing authority that adequate service is available for the additional dwelling unit.
- i. Parking: The required off-street parking for the principal dwelling, plus one (1) additional off-street parking space per bedroom in the accessory apartment shall be provided with a minimum of two (2) additional off-street parking spaces.

#### H4 School Bus Shelter

A structure for the use of students waiting for a bus.

- a. Maximum floor area: 65 square feet.
- b. Such structures shall be located at least five (5) feet from any street line and fifteen (15) feet from any other lot line. In addition, such structures shall meet the requirements of Section 523 of this Ordinance regarding traffic visibility across corners.
- c. Two parallel signs, no more than 6 square feet each, may be erected. These signs may advertise goods, services, businesses, or organizations not located on the property.

#### H5 Dormitory

An accessory building for the residency of students, religious orders, teachers or others engaged in the primary activity of the institution where individuals need to live on the site. The density in such areas shall be based on persons per acre since dormitories are not family dwellings.

- a. Each dormitory resident shall have a minimum of one hundred eighty (180) square feet of space within the building.

- b. The density on an institutional site shall not exceed twelve (12) residents per acre.
- c. No more than twenty-five (25) percent of any institutional tract shall be devoted to dormitory use, including required parking areas.
- d. Parking: 0.40 parking spaces per resident shall be provided; however, if the institution has administrative policies which restrict vehicle ownership, the governing body shall establish the parking requirement.

H6 Nonresidential Accessory Building or Structure

Accessory buildings or structures, or uses customarily incidental to nonresidential uses except outside storage or display. If a use is permitted by special exception or conditional use, the accessory use shall only be permitted as a special exception or conditional use.

Parking shall conform to the most closely related use in Section 404.

H7 Outside Storage and Display

Outside storage or display, other than storage as a principal use of the land, necessary but incidental to the normal operation of a principal use.

- a. No part of the street right-of-way, no sidewalks or other areas intended or designed for pedestrian use, no required parking areas, and no part of the front yard shall be occupied by outside storage or display.
- b. Outside storage and display areas shall occupy an area of less than one-half (.5) the existing building coverage.
- c. Outside storage areas shall be shielded from view from all public streets and adjacent lots.
- d. Outside display shall be shielded from any adjacent residential uses.
- e. Uses requiring more substantial amounts of land area for storage or display may be exempt from the provisions of subsection b. above when granted as a special exception by the Zoning Hearing Board.
  - (1) No more than twenty-five (25) percent of the lot area shall be used in outdoor storage or display.
  - (2) Outside storage and display areas shall not encroach upon the front yard or any buffer yard.
  - (3) In particular, uses appropriate under this provision include, but are not limited to, A2 Nursery, A7 Agricultural Retail, E14 Lumber Yard, E18 Automotive Sales, F3 Terminal and G7 Truck Terminal.
  - (4) Among the uses that shall not be appropriate for inclusion under this provision are E1 Retail Shop, E2 Large Retail Store, E7 Repair Shop, E16 Service Station, E19 Automotive Repair, G3 Wholesale Business, Wholesale Storage and Warehousing, G6 Contracting and G8 Crafts.

#### H8 Temporary Structure or Use

Temporary structure, building or use. A temporary permit shall be required for structures or uses necessary during construction or other special circumstances of a nonrecurring nature.

- a. The time period of the initial permit shall not exceed six (6) months. This permit may be renewed for three (3) month time periods, not to exceed a total of twenty-one (21) months from the initial permit. Extensions must be approved by the Zoning Hearing Board.
- b. Temporary nonconforming structures or uses shall only be permitted by special exception.
- c. A garage or other accessory building, partial structure or temporary structure may be used for dwelling purposes subject to the following:
  - (1) Cooking and sanitary facilities must be provided.
  - (2) Sewage disposal methods must be approved by the Bucks County Department of Health.
- d. Such structure or use shall be removed completely upon expiration of the permit without cost to the municipality.

#### H9 Temporary Community Event

A temporary activity including, but not limited to, flea markets, public exhibitions, auctions, carnivals, circuses, picnics, air shows and suppers for fund raising, and similar organizational events and meetings.

- a. Such temporary uses shall be limited to occurrences of not more than seven (7) days per occurrence. Such occurrences shall be limited to not more than four (4) occurrences in a calendar year for each organization or property. There shall be at least a thirty (30) day period between such occurrences.
- b. Signs advertising a temporary community event shall be permitted in accordance with Article IX.
- c. Such uses may be permitted as conditional uses. The applicant shall provide the Governing Body with plans to ensure adequate parking, emergency access, road access, sanitary facilities, refuse collection, noise control, and clean-up after the event.

#### H10 Air Landing Field

A private, noncommercial air landing field.

- a. Approval of the Pennsylvania Department of Transportation, Bureau of Aviation shall be secured.
- b. No air landing field shall be established if its flight pattern will overlap with the flight pattern of any existing air landing field.
- c. There shall be no rental or hangar space or commercial activities, including storage facilities or instruction in conjunction with this use.
- d. The air landing field shall not be located within the minimum yard setbacks for the applicable district.

## H11 Satellite Dish

- a. Such structures shall be set back from all property lines a distance of at least one and one-half (1.5) times the height of the structure.
- b. Such structures shall be anchored to the ground in accordance with building code requirements.
- c. Such structures may have a maximum height of up to 75 feet providing they are consistent with the height restrictions on the airport zoning map for Quakertown Airport.
- d. The following additional regulations shall apply to satellite dish antennas:
  - (1) No more than one (1) satellite dish antenna shall be permitted on any lot.
  - (2) The diameter of a satellite dish antenna shall not exceed nine (9) feet when proposed as an accessory use to a residential use or to any use in RP, RA, RD, FC, VC-1, SRC, SRL, SRM, SRH, VC-2 and URL districts. When separately supported, the total height of the satellite dish antenna shall not exceed twelve (12) feet.
  - (3) The diameter of a satellite dish antenna shall not exceed 23 feet when proposed as an accessory use to any use in the PC, CC, SC, PI and Ext districts.
  - (4) A satellite dish antenna shall not be located in the front yard of a residential structure.
  - (5) When separately supported, the satellite dish antenna shall be screened by staggered plantings of evergreen trees or hedge which present a solid visual barrier to any adjoining residential uses and to the street.
  - (6) Roof mounting of a satellite dish antenna is only permitted by conditional use subject to the following:
    - (a) The applicant must demonstrate that anchoring the antenna to the ground would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.
    - (b) For residential uses, the antenna shall be located on a portion of the roof sloping away from the front of the lot and no part thereof shall project above the ridge line.
    - (c) A satellite dish antenna shall not be mounted on a chimney.
    - (d) The applicant must provide a certified statement from a registered engineer that the proposed installation meets or exceeds the building code requirements. This shall include documentation of the load distributions within the building's support structure.

## H12 Kennel-Hobby

The keeping of dogs, cats and other domestic animals for hunting, training, or exhibition at organized shows and competitions; the keeping of livestock and poultry for private purposes.

- a. Such use shall be accessory to Use B1 Single-Family Detached and shall not be operated as a gainful business.
- b. Minimum lot area: two (2) acres.
- c. No more than ten (10) dogs or cats or no more than fifteen (15) smaller domestic animals shall be kept under the permanent care of the occupants.
- d. No more than two (2) head of livestock or no more than twenty-five (25) fowl shall be kept under the permanent care of the occupants.
- e. Animal shelters and runs shall not be located closer to the property line than twenty-five (25) feet.
- f. Animal shelters and runs shall not occupy more than one (1) percent of the rear yard area.
- g. Animal shelters and runs which are located within fifty (50) feet of a property line shall be buffered from the adjacent property by an evergreen hedge. Hedge material shall be placed on three (3) foot centers and shall produce a visual screen.
- h. Animals shall not be permitted to run at large, except under a managed exercise program.
- i. Animal shelters and runs shall be properly cleaned and maintained to prevent the creation of any nuisance, health hazard or odor.
- j. 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.

## H13 Noncommercial Kennel

The keeping of dogs, cats or other small animals ordinarily kept in the home for private purposes.

- a. A noncommercial kennel shall be established as an accessory use only.
- b. No more than five (5) dogs, cats or other small animals ordinarily kept in the home shall be kept under the permanent care of the occupants.
- c. Animal shelters and runs shall not be located closer to the property line than fifteen (15) feet or the minimum yard requirement, whichever is less.
- d. Animal shelters and runs shall not occupy more than one (1) percent of the rear yard area.
- e. Animals shall not be permitted to run at large.
- f. Animal shelters and runs shall be properly cleaned and maintained to prevent the creation of any nuisance, health hazard or odor.

- g. 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.
- h. A zoning permit shall not be required for this use.

#### H14 Bed and Breakfast

The use of a detached dwelling for the accommodation of over night guests for a fee.

- a. Such use shall be accessory to a single-family detached dwelling only.
- b. Minimum lot size
  - (1) In the RP district the minimum lot size shall be five (5) acres.
  - (2) In the RA, RD and SRC districts, the minimum lot size shall be three (3) acres.
  - (3) In the FC, VC-1, SRL, SRM, SRH, VC-2, URL and SC districts, the minimum lot size shall be one (1) acre.
- c. The maximum number of guest rooms in the RP, RA, RD and SRC districts shall be six (6). In all other districts, the maximum number of guest rooms shall be four (4).
- d. There shall be no use of show windows for display or advertising visible outside the premises to attract guests, other than a single, non-illuminated sign which may not exceed four (4) square feet.
- e. Nonresident employees shall be limited to two (2) in addition to the resident members of the family.
- f. 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. Fire escapes or external stairways shall be located either to the rear or to the side of the residence.
- g. There shall be no separate kitchen or cooking facilities in any guest room. Food served to guests on the premises shall be limited to breakfast and afternoon tea only. There shall be no restaurant facilities on the premises open to the public.
- h. The maximum, uninterrupted length of stay at a bed and breakfast facility shall be fourteen (14) days.
- i. The use of any outdoor amenities provided on the premises, such as a swimming pool or tennis court, shall be restricted to the resident family and its guests and to the guests of the establishment. If the outdoor amenities are within one hundred (100) feet of a property line, an evergreen hedge or row of evergreen trees shall be planted along the property line, which will block the view of the recreation facilities from the adjacent property.
- j. A zoning permit shall not be granted unless the applicant has obtained a valid Bucks County Department of Health permit for this intended use. If the proposed use is to be served by a public sewage system, the applicant shall submit documentation from the servicing authority that adequate service is available for the proposed use.

- k. There shall be one (1) off-street parking space per guest bedroom provided on the premises, in addition to other off-street parking spaces required by this Ordinance. The off-street parking spaces shall be located either to the rear of the main dwelling or screened from the roadway and adjacent properties by fencing or natural vegetation.

H15 Off-Street Parking

Off-street parking subject to the provisions and requirements of Article V.

Parking of commercial vehicles on residential lots shall be subject to the requirements of Section 404.H2.b.

H16 Signs

Signs subject to the provisions and requirements of Article IX.

**ARTICLE V. PERFORMANCE STANDARDS**

Section 500 Compliance

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

**A. GENERAL PERFORMANCE STANDARDS**

Section 501 Site Capacity Calculations

The following site capacity calculations shall be submitted with all applications for subdivision or land development. Through these calculations, the net buildable site area, the maximum amount of impervious surfaces, the required open space, and, in the case of residential subdivisions, the maximum number of dwelling units shall be determined.

- a. Base Site Area — Calculate the base site area. From the total site area subtract future road rights-of-way; existing utility rights-of-way; land which is not contiguous or which is separated from the parcel by a road, railroad, or major stream which acts as a major barrier to common use; or land shown on previous subdivision or land development plans as reserved for open space.

$$\begin{array}{r}
 \text{Total Site Area} = \text{_____ acres} \\
 \quad \quad \quad - \text{_____ acres} \\
 \text{Base Site Area} = \text{_____ acres}
 \end{array}$$

- b. Land with Resource Restrictions and Resource Protection Land — Calculate the land with resource restrictions and the resource protection land. In the event that two or more resources overlap, only the resource with the highest open space ratio shall be used in the calculations.

<u>Resource</u>	<u>Open Space Ratio</u>	<u>Acres of Land in Resources</u>	<u>Resource Protection Land (Acres X Open Space Ratio)</u>
Flood Plains	1.00		
Flood Plain Soils	1.00		
Steep Slopes:			
8 - 15%	.60		
15 - 25%	.70		
25% or more	.85		
Woodlands	.80		
Lakes and Ponds	1.00		
Lake Shore Areas	.70		
Pond Shore Areas	.80		
Watercourses	1.00		
Wetlands	1.00		
Wetland Margins	.80		

Land with Resource Restrictions \_\_\_\_\_ acres.

Resource Protection Land \_\_\_\_\_ acres.

- c. Recreation Land — Calculate land for recreation.

While some of the open space may be resource protection land, it is required that at least a portion of the public or common open space be usable for active recreation.

Base Site Area	_____	acres
Subtract Land with Resource Restrictions	- _____	acres
Remainder	= _____	acres
Multiply by 1/3 Minimum Open Space Ratio	x _____	acres
Recreation Land	= _____	acres

- d. Combine Resource Protection Land and Recreation Land

Resource Protection Land	_____	acres
Add Recreation Land	+ _____	acres
Resource Protection and Recreation Land	= _____	acres

- e. Standard Minimum Open Space — Calculate the standard minimum open space.

Base Site Area	_____	acres
Multiply by Open Space Ratio	x _____	(section 502)
Standard Minimum Open Space	= _____	acres

- f. Required Open Space — Determine the required open space.

The required open space is the resource protection and recreation land or the standard minimum open space, whichever is greater.

\_\_\_\_\_ acres

- g. Unusable Land — Calculate the unusable land.

If the Resource Protection and Recreation Land is less than the Standard Minimum Open Space, there is no unusable land. If the Resource Protection and Recreation Land is greater than the Standard Minimum Open Space, the unusable land is the difference.

Resource Protection and Recreation Land	_____	acres
Subtract Standard Minimum Open Space	- _____	acres
Unusable Land	= _____	acres

(Enter zero if calculation is less than zero)

- h. Net Buildable Site Area — Calculate the net buildable site area.

Base Site Area	_____	acres
Subtract Unusable Land	- _____	acres
Net Buildable Site Area	= _____	acres

- i. Number of Dwelling Units — Calculate the maximum number of dwelling units.

For nonresidential uses, skip to subsection j.

Net Buildable Site Area	_____	acres
Multiply by Maximum Density	x _____	(section 502)
Number of Dwelling Units	= _____	dwelling units

(do not round up)

- j. Impervious Surfaces — Calculate the maximum area of impervious surfaces.

Net Buildable Site Area	_____	acres
Multiply by Maximum Impervious Surface Ratio	x _____	(section 502)
Impervious Surfaces	= _____	acres

- k. Buildable Portion of the Site — Calculate the buildable portion of the site.

Base Site Area	_____	acres
Subtract Required Open Space	- _____	acres
Buildable Portion of the Site	= _____	acres

- l. Site Capacity Summary

Net Buildable Site Area (h)	_____	acres
Maximum Number of Dwelling Units (i)	_____	dwelling units
Maximum Impervious Surfaces (j)	_____	acres
Required Open Space (f)	_____	acres

Section 502 Table of Performance Standards

The following table establishes the performance standards for the various zoning districts. All of the applicable standards for a zoning district shall be met. If after doing the calculations in the preceding section, one or more of the calculated standards or the standards in any other section of this ordinance is greater than on this table, the strictest standard shall govern.

- a. Minimum Open Space Ratio — For uses where this is applicable, the figure in the column shall be the minimum amount of open space provided. However, if in doing the calculations in Section 501, the open space ratio in subsection d is greater than the standard in this column, then the greater shall become the minimum required.
- b. Maximum Density (DU/Acre) — The number in this column shall be the maximum allowable density for residential uses. This number may be increased only under the provisions of Section 506.
- c. Maximum Impervious Surface Ratio — This number shall be the maximum amount of impervious surface for a use or development.
- d. Minimum Site Area — This is the minimum acreage required in order to qualify for a particular permitted use. For example, in order to qualify for a single-family cluster in the RP district, the site must be a minimum of ten (10) acres.
- e. Minimum Lot Area — This column refers to the minimum area of land on which a use can be located. For all proposed residential uses required to have a minimum lot area greater than one (1) acre, there shall be a contiguous and usable area within the overall lot of at least one (1) acre for the principal building, accessory buildings, driveways, parking areas and on-site sewer and water systems (where these on-site services will be used). This area shall not contain flood plains, flood plain soils, lakes, ponds, watercourses or wetlands. For all proposed residential uses required to have a minimum lot area of one (1) acre or less, there shall be a contiguous and usable area within the overall lot of at least the minimum lot area required by Section 404 and 502, which does not contain any of these noted natural features. For all proposed non-residential uses, the proposed lot area shall contain a contiguous and usable area of at least the minimum lot area required in Section 502 which does not contain any of these noted natural features. Lots with natural features shall comply with the requirements of Section 504 Environmental Performance Standards when the lot is developed.

Table of Performance Standards						
District	Use	Minimum Open Space Ratio	Maximum Density DU/Acre	Maximum Site Impervious Surface Ratio***	Minimum Site Area	Minimum Lot Area
RP	B1 - Single Family Detached	—	.18	.04	5 acres	5 acres
	B5 - Single Family Cluster	.75	.21	.05	10 acres	1 acre**
	Other Permitted Uses*	—	—	.05	5 acres	5 acres
RA	B1 - Single Family Detached	—	.44	.15	2 acres	2 acres
	B5 - Single Family Cluster	.50	.50	.11	4 acres	30,000 sq. ft.**
	Other Permitted Uses*	—	—	.15	2 acres	2 acres
RD	B1 - Single Family Detached	—	.87	.18	1 acres	1 acre
	B5 - Single Family Cluster	.50	.90	.13	4 acres	20,000 sq. ft.**
	Other Permitted Uses*	—	—	.20	2 acres	2 acres
FC	All Permitted Uses	—	—	.15	3 acres	1 acre
SRC	B1 - Single Family Detached	—	.25	.05	3 acres	3 acres
	B5 - Single Family Cluster	.50	.90	.10	4 acres	20,000 sq. ft.**
	B6 - Performance Standard	.80	1.1	.15	10 acres	—
	Other Permitted Uses*	—	—	.10	3 acres	3 acres
VC-1	B1 - Single Family Detached	—	1.9	.25	20,000 sq. ft.	20,000 sq. ft.
	B4 - Village Twin	—	2.3	.30	30,000 sq. ft.	15,000 sq. ft.
	Other Permitted Uses*	—	—	.50	30,000 sq. ft.	30,000 sq. ft.
SRL	B1 - Single Family Detached	—	1.9	.25	20,000 sq. ft.	20,000 sq. ft.
	B5 - Single Family Cluster	.25	2.2	.25	4 acres	12,500 sq. ft.**
	B6 - Performance Standard	.55	2.75	.25	5 acres	—
	Other Permitted Uses*	—	—	.25	1 acre	1 acre
SRM	B1 - Single Family Detached	—	1.9	.25	15,000 sq. ft.	15,000 sq. ft.
	B5 - Single Family Cluster	.15	2.2	.30	4 acres	10,000 sq. ft.**
	B6 - Performance Standard	.45	3.8	.30	5 acres	—
	Other Permitted Uses*	—	—	.30	1 acre	1 acre
SRH	B1 - Single Family Detached	—	1.9	.20	12,000 sq. ft.	12,000 sq. ft.
	B5 - Single Family Cluster	.15	2.2	.25	10 acres	10,000 sq. ft.**
	B6 - Performance Standard	.35	4.5	.33	5 acres	—
	Other Permitted Uses*	—	—	.30	30,000 sq. ft.	30,000 sq. ft.
VC-2	B1 - Single Family Detached	—	2.3	.25	15,000 sq. ft.	15,000 sq. ft.
	B4 - Village Twin	—	3.2	.30	20,000 sq. ft.	10,000 sq. ft.
	Other Permitted Uses*	—	—	.30	30,000 sq. ft.	30,000 sq. ft.
URL	B1 - Single Family Detached	—	3.2	.27	9,000 sq. ft.	9,000 sq. ft.
	B6 - Performance Standard	.30	6.0	.39	20,000 sq. ft.	—
	Other Permitted Uses*	—	—	.35	20,000 sq. ft.	20,000 sq. ft.
PC	All Permitted Uses*	—	—	.85	1 acre	1 acre
CC	All Permitted Uses*	—	—	.95	2,500 sq. ft.	2,500 sq. ft.
SC	All Permitted Uses*	—	—	.50	1 acre	1 acre
PI	All Permitted Uses*	—	—	.60	1 acre	1 acre
EXT	All Permitted Uses*	—	—	—	2 acres	2 acres

\* Unless a greater standard is specified in Section 404 Use Regulations.

\*\* For Use B5 Single Family Cluster, the minimum lot area shall be the min. avg. lot area. The minimum lot area for Single Family Cluster is specified in Section 404.B5.

\*\*\* For use only in connection with subdivisions; for on-lot impervious surface limitations, refer to Section 404.

Section 503 Area and Dimensional Requirements

The following table establishes the performance standards for the various zoning districts except where greater or lesser standards are established in Section 404. In order for the standards in Section 404 to apply, all requirements in that section must be met.

District	Minimum Lot Width (ft.)	Minimum Front Yard (ft.)*	Minimum Side Yard (ft.)	Minimum Rear Yard (ft.)	Maximum Floor Area Ratio	Maximum Building Height
RP	200	75	40	75	---	35
RA	200	75	40	75	---	35
RD	200	75	40	75	---	35
FC	150	50	30	50	.20	35
SRC	200	75	40	75	---	35
VC-1	100	15	20	25	---	35
SRL	150	50	30	50	---	35
SRM	150	50	30	50	---	35
SRH	100	50	25	50	---	35
VC-2	100	15	20	25	---	35
URL	100	40	20	40	---	35
PC	150	50	30	50	.40	35
CC	30	---	---	20	3.00	35
SC	150	30	30	50	.25	35
PI	150	50	30	50	.40	35
EXT	200	150	50	50	.10	35

\* The minimum front yard along an arterial highway shall be one hundred (100) feet and the minimum front yard along a collector highway shall be sixty-five (65) feet. In boroughs and in village zoning districts, a minimum front yard requirement shall be established by the Governing Body after consultation with the Planning Commission.

Section 504 Environmental Performance Standards

All uses and activities established after the effective date of this Ordinance shall comply with the following standards. Site alterations, regrading, filling or clearing of any natural resources prior to the submission of applications for zoning or building permits or the submission of plans for subdivision or land development shall be a violation of this ordinance. In the event that two or more resources overlap, the resource with the greatest protection standard (the least amount of alteration, regrading, clearing or building) shall apply to the area of overlap.

- a. Flood Plain: Such areas shall remain undisturbed, except for minor road crossings where design approval is obtained from the Municipality and the Pennsylvania De-

partment of Environmental Protection and where no other reasonable access is available. See Section 507 Flood Plain Regulations.

- b. Flood Plain Soils: Such areas shall remain undisturbed, except for minor road crossings where design approval is obtained from the Municipality and the Pennsylvania Department of Environmental Protection and where no other reasonable access is available. Flood plain soils shall not be used where the one hundred year flood plain (with a floodway and flood fringe) has been delineated. See Section 507 Flood Plain Regulations.
- c. Steep Slopes: In areas of steep slopes, the following standards shall apply:
  - (1) 8% to 15%. No more than forty percent (40%) of such areas shall be altered, regraded, cleared or built upon.
  - (2) 15% to 25%. No more than thirty percent (30%) of such areas shall be altered, regraded, cleared or built upon.
  - (3) 25% or steeper. No more than fifteen percent (15%) of such areas shall be altered, regraded, cleared or built upon.
  - (4) Areas of steep slope that are less than three thousand (3,000) square feet shall be exempt from these standards.
- d. Woodlands: No more than twenty (20) percent of such areas shall be altered, regraded, cleared or built upon. The remaining eighty (80) percent shall be maintained as permanent woodland.
- e. Tree Protection Zone: During construction such areas shall not be altered, regraded, compacted or built upon, nor used for storage or parking of vehicles.
- f. Lakes, Ponds and Watercourses: Such areas shall remain undisturbed and free-flowing. Such areas shall not be altered, regraded, filled, piped, diverted or built upon, except for minor road crossings where design approval is obtained from the Municipality and the Pennsylvania Department of Environmental Protection and where no other reasonable access is available.
- g. Lake Shore Area: The shorelines of lakes, to a distance of three hundred (300) feet from the shorelines, shall contain no more than ten (10) percent impervious surfaces. At least seventy (70) percent shall remain undeveloped and unaltered.
- h. Pond Shore Area: The shorelines of ponds, to a distance of one hundred (100) feet from the shorelines, shall contain no more than ten (10) percent impervious surfaces. At least eighty (80) percent shall remain undeveloped and unaltered.
- i. Wetlands: The following standards shall apply to wetlands:
  - (1) Delineation of Wetlands. When the National Wetlands Inventory (NWI) Maps indicate wetlands on a site or when a site contains hydric soils<sup>1</sup> or an area with a predominance of wetlands vegetation,<sup>2</sup> an on-site investigation shall be conducted to determine if wetlands are present on the site. A landowner or an applicant shall use one of the following methods to delineate wetlands:

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<sup>1</sup> See Section 237 for a list of hydric soils.

<sup>2</sup> See Appendix A for a plant list of common wetland species found in Bucks County. These species are reliable indicators of wetlands when found dominating a site (e.g. comprising more than 50% of the vegetation).

- (a) Wetland boundaries shall be delineated through an on-site assessment which shall be conducted by a professional soil scientist or others of demonstrated qualifications. Such a person shall certify that the methods used correctly reflect currently accepted technical concepts, including the presence of wetlands vegetation, hydric soils and/or hydrologic indicators. A study shall be submitted with sufficient detail to allow a thorough review by the municipality. The study must be approved by the Governing Body.
  - (b) A wetlands delineation validated by the U.S. Army Corps of Engineers. In the event that a wetlands delineation validated by the U. S. Army Corps of Engineers is shown to vary from a wetlands boundary derived from subsection (a) above, the Corps delineation shall govern.
- (2) Wetlands of one (1) acre or greater in size shall remain undeveloped. Such areas shall not be altered, regraded, filled, piped, diverted or built upon, except for minor road crossings where design approval is obtained from the Municipality, where State and Federal permits have been obtained, and where no other reasonable access is available.
  - (3) Wetlands of less than one (1) acre in size shall not be altered, regraded, filled, piped, diverted or built upon except where State and Federal permits have been obtained.
- j. Wetland Margin: As to wetland areas of one (1) acre or greater in size, a wetland margin shall be provided. The wetland margin shall extend twenty-five (25) feet from the wetland boundary or to the limit of the hydric soils, whichever is less. At least eighty percent (80%) of the wetland margin shall remain undisturbed and no alteration, regrading, filling or development shall be permitted. For the purpose of determining the area of the wetland, the entire wetland boundary shall be considered whether or not it is confined to one (1) property or extends to two (2) or more properties.

In addition, any Department of Environmental Protection regulations (under Chapter 105) concerning activities in wetland margins shall be met.

- k. Storm Water: All uses shall limit the rate of stormwater run-off so that the rate of run-off generated is no more 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 conditions. All run-off calculations shall be based on 100 year, 24 hour storms. The method for such calculations shall be that contained in the United States Department of Agriculture, Soils Conservation "Engineering Field Manual, Notice #4" of April 30, 1971, as amended.
- l. Soil Erosion and Sedimentation: All uses shall protect streams, lakes and ponds from sedimentation damage and control erosion in accordance with the "Clean Streams Law P.L. 187," Chapter 102, except that in addition, all subdivisions and land developments shall submit a soil erosion and sedimentation plan as part of the preliminary subdivision or land development plan even where these are less than twenty-five (25) acres in extent.
- m. Sewage Disposal: All sewage disposal systems, regardless of type, shall meet the requirements and procedures of the Municipal Sewage Facilities Plan, the Bucks County Department of Health and the Pennsylvania Department of Environmental Protection. The applicant shall demonstrate compliance with the requirements of this section for all applications for zoning or building permits.
- n. The Permanent Removal of Topsoil: The permanent removal of topsoil from any parcel of land shall be prohibited, except in Extraction Districts and as follows:

- (1) During actual construction on premises, that portion of the topsoil present which covers an area to be occupied by permanent structures or permanently located materials of an impervious nature or ponds and lakes may be considered excess, and may be removed by the owner.
  - (2) During regrading operations conducted upon premises, whether or not carried on in conjunction with on-site construction, excess topsoil remaining after restoring a minimum compacted depth of 4 inch topsoil cover to the areas of the parcel upon which regrading operations were conducted may be removed by the owner.
- o. Permanent Removal of Subsurface Solids: The permanent removal of subsurface solids, whether soil, clay, or mineral in nature, for other than on-site construction or grading purposes shall be prohibited except in Extraction Districts if otherwise qualified under the provisions of this Ordinance.

Section 505 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 uses. The design and extent of buffering is provided in Section 520 of the Milford Township Subdivision and Land Development Ordinance. The Board of Supervisors of Milford Township shall have the authority to vary the design standards and required plantings in order to assure the harmonious appearance of a subdivision or land development while maintaining a visual and/or physical buffer between conflicting land uses and along existing and/or proposed public streets.

Section 506 Reserved

**B. FLOOD PLAIN PERFORMANCE STANDARDS**

Section 507 Flood Plain Regulations

No development as defined in Section 221 other than those permitted herein shall hereafter be permitted in an area designated as flood plain as defined in this Ordinance.

a. Purpose

The purpose of these provisions is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and to protect the tax base by:

- (1) Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies.
- (2) Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.
- (3) Requiring all those uses, activities, and development that do occur in flood prone areas to be protected and/or flood proofed against flooding and flood damage.
- (4) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

b. Warning and Disclaimer of Liability

- (1) The degree of flood protection sought by the provisions of this Ordinance 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. This Ordinance does not imply that areas outside the flood plain districts or that land uses permitted within such districts will be free from flooding or flood damages.
- (2) This Ordinance shall not create liability on the part of the municipality or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

c. Establishment of Flood Plain

For the purposes of this Ordinance, various flood plain areas are identified which are subject to the provisions of this section. These flood plain areas are:

- (1) Floodway: That portion of the flood plain including the watercourse channel and adjacent land areas which must be reserved to carry the 100-year recurrence-interval flood without cumulatively increasing that flood elevation more than one (1) foot.
- (2) Flood Fringe: That portion of the flood plain which is outside the Floodway.
- (3) Approximate 100 - Year Flood Boundary: That portion of the flood plain as identified in the Flood Insurance Study for which no detailed flood profiles or 100-year-flood elevations have been determined.
- (4) Flood Plain Soils: Areas subject to periodic flooding and listed in the Soil Survey of Bucks and Philadelphia Counties Pennsylvania, U.S. Department of Agriculture; Soil Conservation Service, July, 1975, as being "on the flood plain" or "subject to flooding".

The following soil types are flood plain soils:

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

d. Boundaries of the Flood Plain

- (1) The following studies shall be used to identify the flood plain. The study which indicates a flood plain of greater delineation shall be used; unless a detailed study which identifies a floodway and flood-fringe has been prepared, in which case, such detailed study shall be used.
  - (a) The Flood Insurance Study prepared by the Federal Insurance Administration and the accompanying Flood Boundary and Floodway Maps.
  - (b) The Soil Survey of Bucks and Philadelphia Counties, Pennsylvania prepared by the U.S. Department of Agriculture, Soil Conservation Service, July, 1975.
  - (c) A study prepared by a registered engineer expert in the preparation of hydrological studies. Such hydrological studies shall be subject to the review and approval of the Governing Body on recommendation of the municipal engineer.
- (2) The delineation of any of the flood plain areas may be revised by the municipality where natural or man-made changes have occurred and/or more detailed studies

conducted or undertaken by the U.S. Army Corps of Engineers, a River Basin Commission, a registered engineer or others of demonstrated qualifications document the need for such change. However, prior to any such change to the Flood Insurance Study, approval must be obtained from the Federal Insurance Administration and the Pennsylvania Department of Community Affairs.

e. General Provisions

- (1) The flood plain areas described above shall be overlays to the existing underlying zoning districts and the flood plain provisions shall serve to supplement the underlying zoning provisions. Where there is a conflict between the provisions or requirements of any flood plain requirement and those of the underlying zoning, the more restrictive provisions and/or those pertaining to the flood plain area shall apply. However, in all cases the flood plain requirements shall be met.
- (2) In the event any provision concerning a flood plain regulation is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying zoning district provisions shall remain applicable.
- (3) Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
- (4) No encroachment, alteration or improvement of any kind shall be made to any watercourse channel until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection. In addition, the Federal Insurance Administration and Pennsylvania Department of Community Affairs, Bureau of Community Planning, shall be notified by the municipality prior to any alteration or relocation of any watercourse.

f. Approximate 100-Year Flood Boundary and Flood Plain Soils Regulations

Any proposed use, development or activity in approximate 100-year flood boundary areas and flood plain soils areas shall be subject to all standards specified in this section for floodway areas unless a hydrological study is prepared thereby identifying the floodway and flood fringe areas. Such study shall be prepared by a registered engineer expert in the preparation of hydrological studies. The hydrological study shall be subject to the review and approval of the Governing Body on recommendation of the municipal engineer.

g. Use Regulations

(1) Uses Permitted by Right

The following uses and activities are permitted in the flood plain provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials or equipment.

- (a) Agricultural uses such as general farming, pasture grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- (b) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, bicycling and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, tennis courts, and hunting and fishing areas.
- (c) Yard areas for residential and non-residential uses.

(d) Temporary uses such as circuses, carnivals, and similar activities.

(2) Uses Permitted by Special Exception

The following uses and activities are permitted in the flood plain by special exception provided they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance and provided all applicable flood plain requirements are met:

(a) Utilities, public facilities and improvements such as streets, bridges, transmission lines and pipe lines.

(b) Water related uses and activities.

(c) Storage of materials and equipment provided they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, and provided such material and equipment is firmly anchored to prevent flotation or movement. Storage of materials and equipment listed in subsection k. hereof shall be prohibited in the flood plain.

(d) Pervious parking areas.

h. Existing Structures in the Flood Plain

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

(1) Existing structures and/or uses may be expanded when permitted as a special exception by the Zoning Hearing Board.

(2) Existing structures and/or uses located in any floodway shall not be expanded or enlarged unless the effect on flood heights is fully offset by accompanying improvements.

(3) Any increase in area shall not exceed an aggregate of twenty-five (25) percent of the area of the structure and/or use, during the life of the structure and/or use.

(4) The modification, alteration, reconstruction, or improvement of any kind to an existing structure shall be undertaken only in full compliance with the provisions of this Ordinance and any other applicable ordinances.

i. Special Requirements for Manufactured homes

Manufactured homes are defined in Section 245 of this Ordinance. For flood plain management purposes, the term manufactured home shall also include park trailers, travel trailers, recreational vehicles and other similar vehicles placed on a site for greater than 180 consecutive days.

(1) No manufactured home shall be permitted in the flood plain except as a nonconforming use which predates the enactment of this Ordinance.

(2) Within any floodway area, replacement of, or expansion of an existing manufactured homes shall be prohibited.

(3) Within any flood fringe area, replacement of or expansion of an existing manufactured home shall be:

(a) placed on a permanent foundation;

(b) elevated so that the lowest floor of the manufactured home is one and one-half (1.5) feet or more above the 100 year flood elevation;

(c) anchored to resist flotation, collapse, or lateral movement.

j. Prohibited Activities in the Flood Plain

The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities shall be prohibited within the flood plain:

(1) hospitals

(2) nursing homes

(3) jails or prisons

k. Development Which May Be Environmentally Hazardous

Any new or substantially improved structure which will be used for the production, storage or for any activity requiring the maintenance of a supply (more than ten (10) gallons or other comparable volume or any amount of radioactive substances) of any of the dangerous materials and substances, including but not limited to those listed in Section 38.7(c) of the Pennsylvania Department of Community Affairs Floodplain Management Regulations, on the premises, shall not be permitted in any identified flood plain area.

l. Special Exceptions and Variances

When development is allowed in the flood plain, either by special exception or variance, the following standards shall be met.

(1) No development shall be permitted in the floodway that would result in any increase in the 100-year flood elevation.

(2) No new construction or development shall be located within fifty (50) feet landward from the top-of-bank of any watercourse.

(3) Elevation Requirements

(a) Residential Structures

(i) Within any flood plain area, the lowest floor (including basement) of any building shall be at least one and one-half (1.5) feet above the one-hundred year flood elevation. Fully enclosed spaces below the lowest floor shall be prohibited. A document certified by a registered professional engineer or architect, which certifies that the proposed building is in compliance with the elevation requirements shall be submitted to the Zoning Officer.

(b) Nonresidential Structures

(i) Within any identified floodplain area, the lowest floor (including basement) of any non-residential structure, or any substantial improvement to an existing non-residential structure, shall be at least one and one-half (1 1/2) feet above the one hundred (100) year flood elevation, or be designed and constructed so that the space enclosed shall remain completely or essentially dry during any flood up to that height. Fully enclosed spaces below the lowest floor shall be prohibited.

- (ii) 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 flood proofed 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 flood proofing 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.

(4) Fill

- (a) The cross-sectional area of the flood plain shall not be reduced by more than three (3) percent. The three (3) percent shall be allocated to one and one-half (1.5) percent on either side of the centerline of the watercourse. Such fill shall not cumulatively increase the 100-year flood elevation more than one (1) foot.
- (b) Fill shall consist of soil or small rock materials only; solid waste landfills shall not be permitted.
- (c) Fill shall be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling.
- (d) Fill shall 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 Officer.
- (e) Fill shall be used to the extent to which it does not adversely affect adjacent properties.

(5) Drainage

Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

(6) Water and Sanitary Sewer Facilities and Systems

- (a) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- (b) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
- (c) No part of any on-site sewage system shall be located within any identified flood plain area. No expansion of any on-site sewage system now located either wholly or partially in the flood plain shall be permitted.

(7) Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

(8) Streets

The finished elevation of all new streets shall be at least one (1) foot above the one hundred (100) year flood elevation.

(9) Storage

No materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life shall be stored within any identified flood plain area.

(10) 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.

(11) Anchoring

(a) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement. The zoning officer shall require the applicant to submit the written opinion of a registered professional engineer that the proposed structural design meets this criteria.

(b) All air ducts, large pipes, storage tanks, and other similar objects or components located below the one hundred (100) year flood elevation shall be securely anchored or affixed to prevent flotation.

(12) Floors, Walls and Ceilings

(a) Wood flooring used at or below the 100-year 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.

(b) Plywood used at or below the 100-year flood elevation shall be of a "marine" or water-resistant variety.

(c) Walls and ceilings at or below the 100-year flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.

(d) Windows, doors, and other components at or below the 100-year flood elevation shall be made of metal or other water-resistant material.

(13) Paints and Adhesives

(a) Paints or other finishes used at or below the 100-year flood elevation shall be of "marine" or water-resistant quality.

(b) Adhesives used at or below the 100-year flood elevation shall be of a "marine" or water-resistant variety.

(c) All wooden components (doors, trim, cabinets, etc.) shall be finished with "marine" or water-resistant paint or other finishing materials.

(14) Electrical Components

- (a) Electrical distribution panels shall be at least three (3) feet above the 100-year flood elevation.
- (b) Separate electrical circuits shall serve lower levels and shall be dropped from above.

(15) Equipment

Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the 100-year flood elevation.

(16) Fuel Supply Systems

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.

m. Variances

If compliance with any of the requirements of this Section would result in an exceptional hardship for a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements. Requests for variances shall be considered by the Zoning Hearing Board in accordance with the following:

- (1) No variance shall be granted for any construction, development, use or activity within any floodway that would cause any increase in the one hundred (100) year flood elevation.
- (2) No variance shall be granted for any of the requirements pertaining to Development Which May Be Environmentally Hazardous (subsection k.) or Prohibited Activities in the Flood Plain (subsection j.).
- (3) If granted, a variance shall involve only the least modification necessary to provide relief.
- (4) In granting any variance, the Zoning Hearing Board 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.
- (5) Whenever a variance is granted, the Zoning Hearing Board 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.
- (6) In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:
  - (a) that there is good and sufficient cause;
  - (b) that failure to grant the variance would result in exceptional hardship to the applicant;

- (c) that the granting of the variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense; nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state statute or regulation, or local ordinance or regulation.
- (7) A complete record of all variance requests and related actions shall be maintained by the municipality. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
- (8) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100-year flood.

### **C. NUISANCE STANDARDS**

#### Section 508 Noise

- a. Terminology--All technical terminology not defined below shall be defined in accordance with applicable publications of the American National Standard Institute (Acoustical Terminology, ANSI, [S1.1-1960] (R1976) with its latest approved revisions.
  - (1) Ambient Sound: The all encompassing noise associated with a given environment being a composite of sound from many sources near and far, excluding the sound source.
  - (2) Continuous Sound: Any sound which is steady state, fluctuating, or intermittent with a recurrence greater than one time in any one hour interval.
  - (3) Impulsive Sound: Sound of short duration, with an abrupt onset and rapid decay and an occurrence of not more than one time in any one hour interval.
  - (4) Land Use: The actual real use of land and buildings regardless of the zoning or other classification attributed to such land and buildings.
  - (5) Normal Residential Activities: Any sound which is generated as a result of an owner or occupier of a residence exercising his normal and usual right to enjoy, maintain, repair, or improve said residence or the real property upon which the residence is located.
  - (6) Sound Source: The noise source which is being evaluated to determine its conformance with permissible sound levels.
- b. Standards--For the purpose of measuring sound in accordance with the applicable provisions of these regulations, test equipment methods and procedures shall conform to the standards as published by the American National Standard Institute (ANSI, Standard Specification for Sound Level Meters, S1.4-1983 and ANSI S1.13-1971, "Standard Methods for the Measurement of Sound Pressure Levels") with its latest revisions or may be done manually as follows:
  - (1) Observe the ambient sound on a sound level meter for five seconds and record the best estimate of central tendency of the indicator needle, and the highest and lowest indications.
  - (2) Repeat the observations as many times as necessary to provide that observations be made at the beginning and at the end of a fifteen (15) minute period and that there shall be at least as many observations as there are decibels between the lowest low indication and highest high indication.

- (3) Calculate the arithmetical average of the observed central tendency indications. This value is the ambient sound level.
- (4) Observe a sound level meter for five seconds with the sound source operating and record the best estimate of central tendency of the indicator needle, and the highest and lowest indications.
- (5) Repeat the observations as many times as necessary to provide that observations be made at the beginning and at the end of a fifteen (15) minute period and that there shall be at least as many observations as there are decibels between the lowest low indication and highest high indication.
- (6) Calculate the arithmetical average of the observed central tendency indications. This is the sound level of the ambient sound plus the sound source (Total Sound Level).
- (7) If the difference between the ambient sound and the sound source is 10dBA or greater, the measured sound level is an accurate measurement of the sound source. This value should be compared to the permitted sound levels in Table 1.
- (8) Due to the logarithmic nature of sound, if the difference between the ambient sound level and the Total Sound Level is less than 10dBA a correction factor shall to be applied. The correction factors are noted in the table below:

<u>Total Sound Level minus ambient sound level</u>	<u>Correction factor to be subtracted from Total Sound Level</u>
10	0
9	1
8	1
7	1
6	1
5	2
4	2
3	3
2	4
1	7

- (9) The Total Sound Level less the correction factor is compared to the permitted sound levels in Table 1.
- c. Sound Levels by Receiving Land Use--No person shall operate or cause to be operated within the Municipality any source of continuous sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use when measured at or beyond the property boundary of the receiving land use, during the times specified in Table 508.

Table 508 — Continuous Sound Levels by Receiving Land Use

Receiving Land Use Category	Time	Sound Level Limit (dBA)
Residential,	7 a.m. - 10 p.m.	55
Public Space,	10 p.m. - 7 a.m.	50
Open Space,	Plus Sundays &	
Agricultural,	Legal Holidays	
Institutional		
Office,	7 a.m. - 10 p.m.	65
Commercial,	10 p.m. - 7 a.m.	60
Business	Plus Sundays &	
	Legal Holidays	
Industrial	All Times	70

For any source of sound which emits an impulsive sound, the excursions of sound pressure level shall not exceed 20 dBA over the maximum sound level limits set forth in Table I above, provided that in no case shall they exceed 80 dBA, regardless of time of day or night or receiving land use, using the "fast" meter characteristic of a Type II meter, meeting the American National Standard Institute specifications S1.4-1983.

d. Specific Prohibitions

The following acts and the causes thereof are declared to be in violation of this Ordinance.

- (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 property line.
- (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 real property boundary.
- (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 7 p.m. and 7 a.m. or at any time on Sundays if such operation creates a noise disturbance across a real property boundary line. This section does not apply to domestic power tools or to vehicles which are duly licensed, registered, and inspected for operation on public highways.
- (4) Repairing, rebuilding, modifying, testing or operating a motor vehicle, motorcycle, recreational vehicle or powered model vehicle in such a manner as to cause a noise disturbance across a real property boundary.
- (5) Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snowblower or similar device (used outdoors) between the hours of 9 p.m. and 7 a.m. so as to cause a noise disturbance across a real property boundary.

e. Exceptions--The maximum permissible sound levels by receiving land use established in Section 508.c shall not apply to any of the following noise sources:

- (1) The emission of sound for the purpose of alerting persons to the existence of an emergency.
- (2) Work to provide electricity, water, or other public utilities when public health or safety are involved.
- (3) Licensed game hunting activities on property where such activities are authorized.
- (4) Agriculture.
- (5) Motor vehicle operations on public streets (covered in Pennsylvania Department of Transportation Regulations, Title 67, Chapter 450 governing established sound levels, effective August 27, 1977).
- (6) Public celebrations, specifically authorized by the Municipality.

Section 509 Smoke, Ash, Dust, Fumes, Vapors and Gases

- a. There shall be no emission of smoke, ash, dust, dirt, fumes, vapors or gases which violate the Pennsylvania Air Pollution Control Laws or other regulations of the Pennsylvania Department of Environmental Protection or the U.S. Environmental Protection Agency.
- b. The emission of smoke, ash, dust, dirt, fumes, vapors or gases which can cause any damage to human health, to animals, to vegetation, or to property, or which can 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.

Section 510 Heat

No use shall produce heat perceptible beyond its lot lines.

Section 511 Odor

- a. No use shall emit odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond its lot lines.
- b. Subsection a. above shall not apply to odors normally created as part of an agricultural or horticultural use except that no animal waste produced off of the property shall be stockpiled unless processed to eliminate all offensive odors.

Section 512 Glare

No use shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its lot lines.

Section 513 Vibrations

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot lines, with the exception of vibration produced as a result of temporary construction activity.

Section 514 Storage and Waste Disposal

- a. No storage of flammable or combustible liquids in excess of thirty (30) gallons shall be permitted unless written approval has been obtained from the Director of the Pennsylvania State Police, Fire Marshall Division. This requirement shall not apply to domestic fuel oil heating systems.

- b. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transported off 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. Disposal of sewage, septage or sludge must meet the requirements of the Pennsylvania Department of Environmental Protection.
- c. 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.

Section 515 Radioactivity and Electrical Disturbance

- a. Any use which emits dangerous or harmful radioactivity shall be prohibited. If any use is proposed which incorporates the use of radioactive material, equipment, or supplies, such use shall be in strict conformity with Title 25 of the Pennsylvania Department of Environmental Protection Rules and Regulations.
- b. No use shall produce an electrical disturbance which adversely affects the operation of any equipment beyond its property line. This requirement shall not apply to electronic and electrical equipment which meet the applicable standards of the Federal Communications Commission (FCC), the Underwriters Laboratories (UL), and the Electronics Industries Association (EIA).

**D. PARKING PERFORMANCE STANDARDS**

Section 516 General Regulations Applicable to Off-Street Parking Facilities

- a. Existing Parking--Parking for existing structures and uses that were in existence at the date of adoption of this ordinance shall be made to comply with Article V.D when the structure or use changes. Parking for existing structures and uses shall not be permitted to decline and failure to keep these parking areas in satisfactory condition (i.e., free from holes or clearly delineated) shall be considered a violation of this ordinance.
- b. Change in Requirements--Whenever there is an alteration of a structure or an expansion of a use which increases the parking requirements according to the standards of Section 404, additional parking shall be provided for the alteration or expansion in accordance with the requirements of that section.

Whenever there is a change of use which increases the parking requirements according to the standards of Section 404, the total amount of parking required for the new use shall be provided in accordance with the requirements of that section.

- c. 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.
- d. 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 as a special exception and then only after proof that, by reason of diminution in floor area, seating area, or change in other factors controlling the regulation of the number of parking spaces, such reduction is in conformity with the requirements of this Ordinance. Reasonable precautions shall be taken by the owner or sponsor of a particular use to assure the availability of required 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.

- e. Joint Use--Two (2) 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.
- f. Location of Parking Spaces--Required off-street parking spaces shall be located on the same lot or premises with the principal use served. Where a nonresidential use cannot meet this requirement, the required off-street parking may be located within three hundred (300) feet of the premises to which they are appurtenant; however, pedestrian access from the parking facility to the nonresidential use shall be provided.
- g. Fractional Measurements--If in determining the number of required off-street parking spaces there results a fractional space, any fraction up to and including one-half (0.5) shall be disregarded and any fraction over one-half shall require one space.
- h. Maintenance of Parking Areas--For parking areas 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 Municipal Engineer to the extent necessary to prevent dust, erosion, or excessive water flow across streets or adjoining property. All off-street parking spaces shall be marked so as to indicate their location.

#### Section 517 Reduction of Non-Residential Parking Requirements

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 Governing Body, after consulting with the Planning Commission and Municipal Engineer, may permit a conditional reduction of parking space if the following conditions are satisfied:

- a. This conditional reduction of parking shall apply to Use D3 Office Park, Use E22 Multiple Commercial Use, Use G3 Wholesale Business, Wholesale Storage or Warehousing and Use G12 Industrial Park. The Governing Body may permit a conditional reduction of parking for other uses where it deems appropriate.
- b. The design of the parking lot, as indicated on the land development plan, must designate sufficient space to meet the parking requirements of this Ordinance. The plan shall also illustrate the layout for the total number of parking spaces.
- c. The conditional reduction shall provide for the establishment of not less than eighty (80) 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 land development plan.
- d. The land development plan shall indicate that the maximum impervious surface ratio will be met if the total number of required parking spaces is provided.
- e. The balance of the parking area conditionally reserved shall not include areas for required buffer yards, 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. This 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.

- f. The developer shall enter into a written agreement with the Governing Body that after eighteen (18) months 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 for the particular land development. This agreement shall apply to any future owners of the property.
- g. At the time of the above stated agreement, the developer or owner shall post a performance bond or other securities to cover the cost of the installation of the remaining parking spaces. Eighteen (18) months after the issuance of the last occupancy permit, the Governing Body, with recommendations of the Municipal Engineer and the Planning Commission, shall determine if the additional spaces shall be provided by the developer or if the area shall remain as open space.
- h. Land which has been determined and designated by the Governing Body 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.

Section 518 Design Standards

- a. Parking lots (Common Parking Lot, Private Parking Lot)--All off-street parking lots with a capacity of three (3) or more vehicles shall comply with the standards for automobile parking facilities in the Quakertown Area Subdivision and Land Development Ordinance.
- b. Parking areas in villages--All off-street parking areas for nonresidential uses in the VC-1 and VC-2 Districts shall meet the following requirements:
  - (1) All off-street parking spaces shall be located to the side or rear of principal buildings to screen the view of parked cars from the street and to allow the space in front of buildings to be used for pedestrian paths and landscaping. No off-street parking spaces shall be located in front of principal buildings.
  - (2) Plant material sufficient to screen the parking areas from view in the village shall be required.
- c. Parking garages (Common Parking Garage, Private Garage or Carport, Community Garage)--The design standards specified below shall be required for all parking garages established after the effective date of this Ordinance.
  - (1) The minimum dimensions of stalls and aisles shall be as follows:
    - (a) Stall width shall be at least ten (10) feet. Parking stalls next to a wall or pillar shall be one (1) foot wider.
    - (b) Stall depth shall be at least twenty (20) feet with said dimensions measured on the angle for all angle parking, and twenty-two (22) feet for parallel parking.
    - (c) Minimum width of aisles providing access to stalls for one-way traffic only, varying with the angle of the parking, shall be:

<u>Angle of Parking</u>	<u>Minimum Aisle Width</u>
Parallel	12 feet
30 degrees	12 feet
45 degrees	15 feet
60 degrees	18 feet
90 degrees	20 feet



- (2) Each loading space shall be at least twelve (12) feet in width and thirty-five (35) feet in length.
- d. Off-street loading facilities required by this Ordinance shall, in all cases, be on the same lot or parcel of land as the use they are intended to serve.
- e. Off-street loading facilities shall have adequate and unobstructed access to a street, service drive or alley. Such facilities shall have adequate maneuvering space and shall be so arranged that they may be used without blocking or otherwise interfering with the use of automobile accessways, parking facilities, fire lanes or pedestrian ways or backing out onto a street.
- f. The maximum width of driveway openings measured at the street line shall be thirty-five (35) feet; the minimum width shall be twenty (20) feet.
- g. Off-street loading facilities shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Municipal Engineer to the extent necessary to prevent dust, erosion or excessive water flow across streets or adjoining property.
- h. All required facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street loading 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 such reduction is in conformity with the requirements of this Ordinance. Reasonable precautions shall be taken by the owner or sponsor of a particular use to assure the availability of required facilities to the delivery and pick-up vehicles they 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.
- i. All off-street loading facilities shall be located to the side or rear of the building.
- j. Lighting of off-street loading facilities may be required at the discretion of the Governing Body. All artificial lighting used to illuminate loading facilities shall be so arranged that no direct rays from such lighting fall upon any neighboring property or streets.

**E. DIMENSIONAL REQUIREMENTS**

Section 520 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.

Section 521 Minimum Lot Area

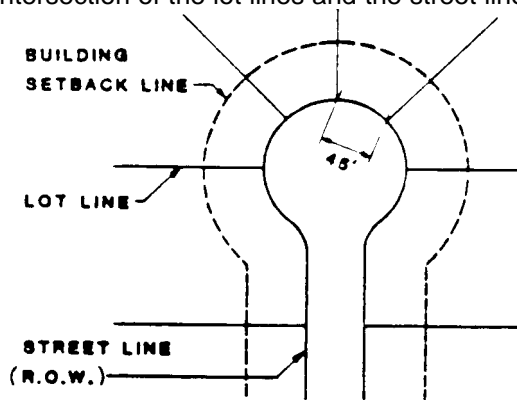
Where a minimum lot area is specified, no primary building or use shall be erected or established on any lot of lesser size than as specified in Sections 404 and 502, except as specified in Article VIII Nonconformities.

Section 522 Minimum Lot Width

- a. Where a minimum lot width is specified, no primary building shall be erected on any part of a lot which has a width less than that specified in Sections 404 and 503, except

as specified in Article VIII Nonconformities and as permitted in subsections b and c below.

- b. On lots fronting on the turn-around of a permanent cul-de-sac, the planning commission may permit the minimum lot width to be measured at a greater distance from the street line than the building setback line. The building setback line shall be measured parallel to the street line. However, such lots fronting on the turn-around of a permanent cul-de-sac shall have a minimum straight line distance of forty-five (45) feet between the points of intersection of the lot lines and the street line.



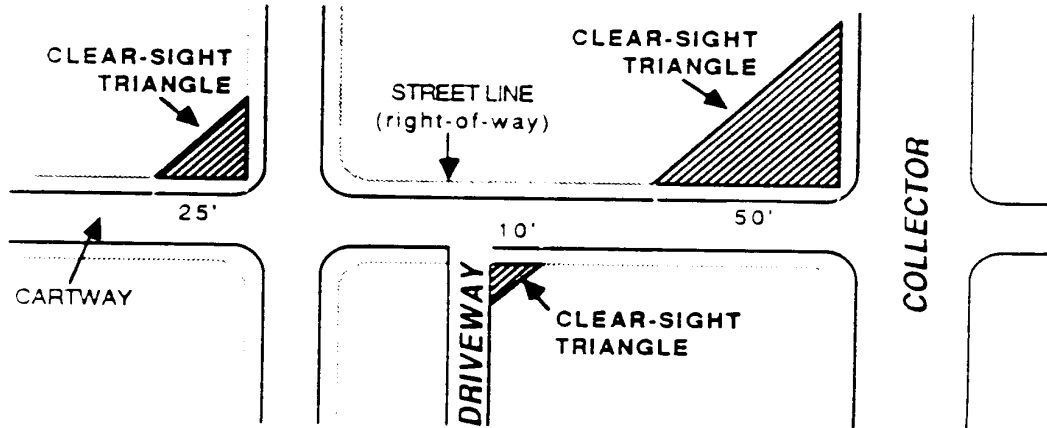
- c. Lane Lot--A parcel of land which does not have the required minimum lot width at the minimum front yard line but has direct access to a public street through a narrow strip of land which is part of the same lot. The lot lines of the narrow portion of the lot (the lane) are parallel or nearly parallel.

Lane Lots may be permitted 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. Lane lots are not permitted in a subdivision where a street could reasonably be developed to serve the lots with each meeting the minimum lot width requirement.

- (1) A lane lot shall be used for single-family detached dwellings only.
- (2) Each lot shall have a separate lane; however, the use of common driveways shall be permitted.
- (3) If the proposed lane lot is not large enough to further subdivide under the zoning requirements at the time the subdivision is proposed, then the "lane" shall have a minimum width of twenty-five (25) feet at the street line of a public street and shall not narrow to a lesser dimension. However, if the proposed lot is large enough to further subdivide under the zoning requirements at the time the subdivision is proposed, then the minimum lane width shall be fifty (50) feet at the street line and shall not narrow to a lesser dimension.
- (4) The area of the lane shall not be included in the calculation of the minimum lot area.
- (5) The front yard setback for a lane lot shall be a distance equal to the front yard requirement 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.
- (6) No more than two (2) lane lots shall be permitted in the subdivision of a tract of land even if lots are subdivided from the tract at different times.
- (7) Only one tier of lane lots shall be permitted on a tract.

Section 523 Traffic Visibility Across Corners

- a. In all districts, no structure, fence, planting or other obstruction shall be maintained between a horizontal plane two (2) feet above curb level and a horizontal plane seven (7) feet above curb level so as to interfere with traffic visibility across the corner within that part of the required front or side yard which is within a horizontal clear-sight triangle bounded by the two street lines (rights-of-way) and a straight line drawn between points on each such line twenty-five (25) feet from the intersection of said lines or extension thereof. When one or both streets which form the intersection are classified as collector or arterial highways, the clear-sight triangle bounded by the two street lines and a straight line drawn between points on such line shall be fifty (50) feet from the intersection of said lines or extension thereof.



- b. At each point where a private accessway intersects a public street or road, a clear-sight triangle of ten (10) feet measured from the point of intersection of the street line and the edge of the accessway shall be maintained within which vegetation and other visual obstructions shall be limited to a height of not more than two (2) feet above the street grade.

Section 524 Future Rights-of Way

- a. Future right-of-way widths are established for those roads wherein the existing legal right-of-way is less than that indicated below for the particular class of road. The centerline of each future right-of-way shall be considered the same centerline as the existing right-of-way. The specific classification for each road is shown on the "Map of Highway Classification, Quakertown Area," which accompanies and is hereby made a part of the Ordinance.
- b. Streets and their future rights-of-way shall be as follows:
- (1) Thoroughfares:
- (a) Expressway--Future right-of-way shall be as determined by the Pennsylvania Department of Transportation.
- Pennsylvania Turnpike
- (b) Arterial Highways--Future rights-of-way shall be a minimum of one hundred twenty (120) feet.
- John Fries Hwy (Rt. 663)
- (c) Collector Highways--Future rights-of-way shall be eighty (80) feet.

Allentown Road, Geryville Pike, Krammes Road, Kumry Road, Old Bethlehem Pike, Quakertown Avenue, Sleepy Hollow Road, Spinnerstown Road, Steinsburg Road, Trumbauersville Road (Allentown Road to Richland Township)

(2) Local Streets:

- (a) Primary Streets--Future rights-of-way shall be sixty (60) feet.

Fels Road, Mill Hill Road, Rosedale Road, Swamp Creek Road, Tollgate Road, Trumbauersville Road (Upper Ridge Road to Allentown Road), Upper Ridge Road, Pumping Station Road, Zion Hill Road.

- (b) Rural Roads and Secondary Streets--Future rights-of-way shall be fifty (50) feet.

- (c) Marginal Access Street--The PC, FC and SC Districts are intended for development with marginal access streets. Future rights-of-way shall be fifty (50) feet.

Section 525 Exceptions for Existing Building Alignment

A proposed building may be constructed nearer to the street than the required minimum front yard depth under the following conditions:

- a. There shall be existing buildings which are nearer to the street than the required front yard depth on the lots on either side of the lot which would contain the proposed building.
- b. The proposed building would front on the same side of the same street in the same block as the existing buildings on lots on either side.
- c. The existing buildings on the lots on either side would be no greater than fifty (50) feet from the proposed building.
- d. The proposed building may be constructed at a front yard depth that is not less than the average of the front yard setbacks of the existing buildings on the lots on either side.

Section 526 Yard Requirements

No portion of a building or structure shall be built within the required minimum front, side or rear yards, except as permitted in Section 404, 527 and 528.

Section 527 Projections into Yards

- a. Chimney flues, columns, sills, cornices, gutters and similar features, excluding fire escapes, may project into the required front yard not more than two (2) feet.
- b. Chimney flues, fire escapes, columns, sills, cornices, gutters and similar features may project into required side or rear yards up to one third (1/3) of the width of the projection, but not more than four (4) feet in any case.
- c. Completely detached residential accessory non-habitable buildings and structures may occupy a required rear yard but shall not be located closer to the rear property line than the required minimum side yard dimension for the district in which the lot is located. This includes open decks, patios and terraces.

Section 528 Fences and Driveways in Yards

The provisions of Section 526 shall not apply to fences or hedges less than six (6) feet above the natural grade. Driveways shall be permitted in front, side and rear yards.

Section 529 Exceptions to Building Height

The height of buildings is regulated to prevent loss of life or excessive property damage through the inability of fire equipment to reach upper stories or roofs. Therefore, no building shall exceed the maximum building heights specified in Articles IV and V, except church spires, belfries, silos, water towers, solar energy systems, antennas, television towers, masts, aerials, flagpoles or other structures necessary for providing water, electricity, heat, cooling, radio or similar facilities provided they are not used for human occupancy and are set back one and one-half (1.5) times their height (from ground level to the top of the structure) from any property lines.

**F. OPEN SPACE IN RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENTS**

Section 530 General Requirements

- a. All major residential subdivisions shall meet the open space requirements of this Ordinance. All non-residential subdivisions and land developments requesting approval to establish any of the following uses or any combination thereof shall meet the open space requirements of this Ordinance: Office uses (Uses D1-D3), Retail and Consumer Service uses (Uses E1-E30), and Industrial uses (Uses G1-G15). The amount of open space shall be determined in accordance with the provisions of Sections 501 and 502 of this Ordinance. All subdivision and/or land development plans shall contain or be supplemented by such material as required to establish the method by which the open space shall be perpetuated, maintained and administered. The approval of the final plan of subdivision and/or land development and other materials submitted therewith, shall be construed as a contract between the land owner(s) and the Township, and shall be noted on all applicable deeds.
- b. Open space shall not include land occupied by commercial, industrial, residential or other non-recreational buildings or structures, roads or road rights-of-way, parking areas for non-recreational uses, land reserved for future parking areas for non-recreational uses, stormwater detention or retention basins, areas occupied by sewage disposal systems, (including but not limited to, community sewage treatment systems, spray fields and other sewage facilities), and/or the yards or lots of dwelling units.
- c. A minor subdivision shall be exempt from the Open Space requirements of this Ordinance and the Subdivision Ordinance under the following circumstances:
  - (1) The tract of land proposed for minor subdivision exists as a single and separate tax parcel as of October 31, 2000.
  - (2) Only one minor subdivision of a tax parcel in existence as of October 31, 2000 shall be entitled to this exemption.
  - (3) Open Space shall be provided as part of any subsequent subdivision of either of the lots created by an exempt subdivision, based on open space calculations performed on the entire tract as it existed on October 31, 2000.
  - (4) With the approval of the Board of Supervisors, the Applicant for an exempt minor subdivision may place the obligation of providing open space in the event of further subdivision on only one of the lots created by the exempt minor subdivision.

- (5) The Township shall maintain a record of exempt minor subdivisions.
  - (6) It shall be a requirement of approval of an exempt minor subdivision that the Applicant provide notification to subsequent owners of the subdivided lots of the requirement to provide open space in accordance with the provisions of this Ordinance as to any subsequent subdivision of either of the subdivided lots. The means of notification shall be subject to approval by the Board of Supervisors.
- d. A portion of the open space must be set aside as recreation land in accordance with Section 501.c of this Ordinance. Recreation land shall not include natural features with a one hundred (100) percent protection standard nor any portion of those natural features that may not be developed as specified in Section 504 Environmental Performance Standards. Recreation land may contain impervious surfaces. Such impervious surfaces shall be included in the calculation of the impervious surface ratio.

#### Section 531 Open Space Designation

All land held for open space shall be so designated on the subdivision and land development plans. Such plans shall contain the following information:

- a. A statement that the open space land shall not be separately sold or further subdivided, except for transfer to the municipality or a conservation organization approved by the municipality. And, a statement that the open space land shall not be further developed, except for recreational facilities.
- b. The use(s) of the open space shall be indicated on the plans. In designating the use(s), one or more of the following classes shall be used:
  - (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 orderly 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 recreational use in accordance with Section 501.c., including but not limited to tennis courts, basketball courts, swimming pools, playfields and tot lots. Such areas shall be maintained so as to avoid creating a hazard or nuisance, and shall perpetuate the proposed use.
- c. The type of facilities to be provided and the extent of proposed improvements shall be noted on the plans, including a planting plan and schedule.
- d. The plan shall note the method by which the open space shall be owned and maintained in accordance with Section 534.

#### Section 532 Design Standards for Open Space

All open space areas shall meet the following design standards:

- a. Layout of Open Space: The open space shall be laid out in accordance with the best principles of site design, the Quakertown Area Linked Open Space Plan, and any other duly adopted open space plan. It is intended that the open space shall be as close to all residences as possible, with greenways leading to major recreation spaces. Open space areas shall be aggregated as much as possible. Major recrea-

tion areas shall be located to serve all residents. The open space is most needed in areas of highest density.

- b. A method of physically delineating private lots from common open space areas shall be provided. Such method may include shrubbery, trees, markers or other method acceptable to the municipality.
- c. Recreation Land: Section 501.c of this Ordinance requires that a portion of the open space be useable for active recreation. The following standards shall apply to the design of the recreation land:
  - (1) Areas set aside for active recreation purposes shall be of adequate size and configuration to accommodate the intended use. The National Recreation and Park Association Standards, standards established by a sports governing body, or standards obtained from another credible source shall be utilized to determine the exact spatial and dimensional requirements needed for a specific type of recreation area or facility.
  - (2) The recreation land shall not include narrow or irregular pieces of land which are remnants from lotting or the layout of streets and parking areas.
  - (3) The developer shall be required to improve the recreation land so that it is useable for the intended activity, including necessary facilities and equipment. The proposed improvements, including facilities and equipment, shall be acceptable to the municipality.
  - (4) The slope of recreation land to be used for active play areas shall not exceed two (2) percent. Compliance with this slope requirement may be achieved through regrading, in keeping with applicable natural resource protection standards.
  - (5) At least one side of the recreation land shall abut a street for a minimum distance of fifty (50) feet.
  - (6) Recreation land shall not be traversed by utility easements unless said utilities are placed underground and no part of them or their supportive equipment protrudes above ground level.
- d. Open space shall be freely accessible to all residents of the development.

#### Section 533 Open Space Performance Bond

Designated planting and recreation facilities within the open space 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 and land development ordinance.

#### Section 534 Ownership of Open Space

Any of the following methods may be used to preserve, own, or maintain open space: condominium, homeowners association, dedication in fee simple, dedication of easements, or transfer to a private conservation organization. The following specific requirements are associated with each of the various methods.

- a. Condominium: The open space may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the Pennsylvania Uniform Condominium Act of 1980, as amended. All open space land shall be held as "common element." Such land shall not be eligible for sale to another party except for transfer to another method of ownership permitted under this section, and then only where there is no change in the open space ratio.

- b. Homeowners Association: The open space may be held in common ownership by a homeowners association. This method shall be subject to all of the provisions for homeowners associations set forth in Article VII of the Pennsylvania Municipalities Planning Code.
- c. Fee-simple Dedication: The municipality may, but shall not be required to, accept any portion or portions of the open space provided the following conditions are met:
  - (1) Such land shall be freely accessible to the public.
  - (2) There shall be no cost to the municipality involved.
  - (3) The municipality agrees to and has access to maintain such lands.
  - (4) The open space shall be in an acceptable condition to the municipality at the time of transfer with regard to size, shape, location and improvement.
- d. Dedication of Easements: The municipality or county may accept, but shall not be required to accept, easements to any portion or portions of the open space. In such cases, the land remains in the ownership of the individual, condominium, or homeowners association while the easements are held in public ownership. The county shall accept the easements only in accordance with the provisions of Act 442 and county plans. The municipality may accept such easements as it sees fit. In either case, there shall be no cost to the county or municipality for acquisition or maintenance. The municipality may require this method where it seems this is the most appropriate way of preserving land in open space.
- e. Transfer to a Private Conservation Organization: With permission of the municipality, an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the municipality, or easements, to a private, nonprofit organization, among whose purposes is to conserve open space land and/or natural resources provided that the following conditions are met:
  - (1) The organization is acceptable to the municipality and is a bona fide conservation organization with perpetual existence.
  - (2) The conveyance contains appropriate provision for proper reverter or re-transfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
  - (3) A maintenance agreement acceptable to the municipality is entered into by the developer and the organization.
- f. Deed Restrictions
  - (1) Buffer yards as required by this Ordinance may be held in the ownership of the individual property owners of residential developments. This form of ownership of open space will be subject to the following requirements:
    - (a) This form of ownership will be limited to buffer yards.
    - (b) It may be used only if approved by the municipality.
    - (c) Restrictions meeting municipal specifications must be placed in the deed for each property that has buffer yards within its boundaries. The restrictions shall provide for the continuance of the buffer yard in accordance with the provisions of this ordinance.

- (d) It will be clearly stated in the individual deeds that the maintenance responsibility lies with the individual property owner.
- (2) For nonresidential uses, buffer yards and areas of natural resource features may be held with the ownership of the entire parcel provided the buffer yards and natural features are deed restricted to ensure their protection and continuance.
- (3) In the case of residential developments where all of the units are rental, the open space land may be in the same ownership as that of the development provided that the land is deed restricted to ensure its protection and continuance and that a maintenance agreement suitable to the municipality is provided.
- (4) For any of the above options, the municipality may accept, but is not required to accept, an easement to the open space land in the development.

Section 535 Costs

Unless otherwise agreed to by the municipality or county, the cost and responsibility of maintaining open space shall be borne by the property owner, condominium association, or homeowners association. If the open space is not properly maintained, the municipality may assume responsibility of maintenance and charge the property owner, condominium association, or homeowners association a fee which covers maintenance costs, administrative costs, and penalties as stipulated in this Ordinance.

Section 536 Open Space Alternative.

- a. Where the Board of Supervisors, upon consideration of the recommendation of the Milford Township Planning Commission, finds that because of the size, shape, location, accessibility, contour or slope of the land or other physical features, any of the land required for open space under Sections 530 through 532 of this Ordinance is unsuitable for recreation purposes, general open space preservation, or other municipal purposes, the Supervisors shall require the payment of a fee in lieu of setting aside such land for open space prior to the approval of the subdivision and/or land development plan. Any fees collected pursuant to this Section shall be used for acquisition, development, expansion or maintenance of recreation and open space land.
- b. Where the Board determines that the payment of a fee in lieu of providing the required open space is appropriate under Section 536(a) hereof, the amount of the fee shall be equal to the fair market value of improved land in the particular subdivision equivalent to the amount of open space required under this Ordinance as determined by the Board of Supervisors.

## ARTICLE VI. OVERLAY ZONING DISTRICTS

### A. VILLAGE EXPANSION (OVERLAY) DISTRICT

#### Section 600 Applicability

The Village Expansion (Overlay) District shall be an overlay to regulate the use of land within the areas designated as such on the municipal zoning map. The requirements of the overlay district shall supersede the requirements of the underlying zoning district. However, where no standards are mentioned herein, the provisions of the underlying zoning district shall apply.

#### Section 601 Use Limitations

Any use permitted in the underlying zoning district shall be permitted in the Village Expansion (Overlay) District with one exception. Use B7 Manufactured home Park shall not be permitted in the Village Expansion (Overlay) District where the underlying zoning district is SRM.

#### Section 602 Dimensional Requirements

- a. Yard requirement--Large front yard setbacks are discouraged in the Village Expansion (Overlay) District because they would be inconsistent with the existing character of villages and towns. Therefore, the minimum front yard requirement for uses in the Village Expansion (Overlay) District shall be thirty (30) percent less than the minimum front yard requirement specified in Section 503 for the underlying zoning district or thirty (30) percent less than the minimum front yard requirement specified in Section 404 for a particular use; however, the minimum front yard requirement shall not be reduced below fifteen (15) feet.
- b. Lot width requirement--The minimum lot width requirement for uses in the Village Expansion (Overlay) District shall be fifteen (15) percent less than the minimum lot width requirement specified in Section 503 for the underlying zoning district or fifteen (15) percent less than the minimum lot width requirement specified in Section 404 for a particular use. However, this reduction in the minimum lot width requirement shall not apply to Use B5 Single-Family Detached Cluster and Use B6 Performance Standard Subdivision.

#### Section 603 Parking

Off-street parking areas with a capacity of five (5) or more parking spaces shall be located to the side or rear of buildings. Rows of parking shall not be permitted to extend along the front of buildings. In the event that a parking area with visible frontage along a public street exceeds 100 feet, a screen consisting of a fence of masonry, ornamental ironwork or wood, combined with landscaping shall be required.

#### Section 604 Street Layout and Roadway Connections

The street system within the Village Expansion (Overlay) District shall be designed to connect new developments with each other and with the existing village or town. A grid pattern provides the best means of maximizing connections between developments. It is recommended that a grid pattern be utilized in new developments to the greatest extent possible.

New primary streets are important to provide better circulation throughout the village or town as it expands. Secondary street connections link neighborhoods and strengthen the sense of community. These proposed roads and connections are not exact locations but are intended to illustrate approximate locations of new streets. It is recommended that

landowners/developers incorporate these proposed primary roads and secondary street connections or a similar design into any future development of their site.

Section 605 Design Guidelines

The following design guidelines are recommendations which should be considered for any development proposed in the Village Expansion (Overlay) District. Although only recommendations, every effort should be made to follow the suggested guidelines so that future development enhances and extends the character of adjacent villages and towns.

- a. Mix of Residential Uses--In keeping with the character of villages and towns, future developments in the overlay district should be encouraged to provide a mix of residential types. Also, dwelling types should be integrated throughout the development, so as to avoid any segregation of uses within defined areas of the development. The goal should be to have all permitted residential types interspersed throughout the area.
- b. Architectural Considerations--To the fullest extent possible, architectural elements such as, porches, balconies, roof types, walls and fences shall be characteristic of existing architectural elements in the village or town. This carryover effect of such architectural elements will help achieve the primary goal of the Village Expansion (Overlay) District, which is to allow development to occur adjacent to the village or town while still protecting the character and identity of the original village or town.
- c. Garages--Wherever possible, garages should be detached from the dwelling unit and located in the rear of the lots, with possible access from an alley or private drive. Often a distinguishing element of older villages and towns, detached garages help foster a sense of diversity of structures throughout the area.
- d. Pedestrian Access--Pedestrian access should be an important design element in any development proposed adjacent to villages and towns. Villages and towns usually contain a variety of uses. Due to this unique character, linkages such as walkways and sidewalks should be provided to connect the development with the village or town to encourage pedestrian access.
- e. Alleys--Alleys, where feasible, are encouraged for future developments in this area. Alleys can be an effective method of providing access to the rear of residential lots for service and on-lot parking. An additional advantage of utilizing alleys is that they would help to alleviate pressures for on-street parking.

Section 606-619 Reserved

**B. ARTERIAL CORRIDOR (OVERLAY) DISTRICT**

Section 620 Applicability

The Arterial Corridor (Overlay) District shall be an overlay to regulate the use of land along the following roadways:

- a. Route 309, from the Richland Township-West Rockhill Township border to the Richland Township-Quakertown Borough southern border and Richland Township-Quakertown Borough northern border to the Richland Township-Springfield Township border;
- b. Route 663, from the Milford Township-Quakertown Borough border to the Milford Township-Montgomery County border;

- c. Route 313, from the Richland Township-Quakertown Borough border to the Richland Township-East Rockhill Township border, and;
- d. Route 563, in Haycock Township.

The requirements of the Arterial Corridor (Overlay) District shall supersede the requirements of the underlying zoning districts. However, where no standards are mentioned herein, the provisions of the underlying zoning district shall apply.

Section 621 Limitations

Any use permitted in the underlying zoning district(s) by right, by Special Exception, or as a Conditional Use shall be permitted within the Arterial Corridor (Overlay) District only when approved as a Conditional Use in accordance with the provisions of this section and Section 1108.

Section 622 Access Management

No tract within the Arterial Corridor (Overlay) District shall be provided direct access to the arterial if adequate alternative access can be provided by way of a secondary, primary, collector or marginal access street or through joint access with a neighboring property already provided with an access to the arterial. Potentially negative impacts on the quality and character of surrounding properties or neighborhoods shall be satisfactorily mitigated by the landowner/developer. Where there is no adequate alternative access, direct access to the arterial shall be permitted in accordance with the following regulations:

- a. No tract within the Arterial Corridor (Overlay) District shall be provided with more than one point of direct access to the arterial. Unless and only if one accessway is impracticable in the judgment of the Governing Body, two accessways may be permitted, provided they are separated from each other and from any accessway on any abutting property and from any intersecting street by a minimum of 500 feet, as measured along the frontage of the arterial. Where such spacing cannot be achieved, no more than one accessway shall be permitted.
- b. Within any tract to be subdivided or developed for two or more dwelling units or two or more nonresidential buildings, no individual dwelling unit or individual nonresidential building shall be provided with direct access to the arterial. All individual uses shall be accessed from an internal circulation system designed to serve the development of which they are a part.
- c. Within any tract where the proposed accessway meets warrants for signalization, then the accessway must be located at a minimum of 1600 feet from any signalized intersection or from an intersection which is presently unsignalized but meets the warrants for signalization.
- d. Unsignalized accessways shall be offset a minimum of 300 feet from accessways on the opposite side of the road.
- e. All driveways and accessways located roughly parallel to an arterial and intersecting other accessways which take access from an arterial must be setback a minimum of 150 feet from the arterial ultimate right-of-way line.

Section 623 Setbacks

All buildings and structures within the Arterial Corridor (Overlay) District shall be set back a minimum of 100 feet from the ultimate right-of-way line of the arterial or shall meet the front yard requirement of the underlying zoning district, whichever is greater.

Section 624 Access Covenants

Any tract within the Arterial Corridor Overlay District, for which a subdivision or land development application is filed, shall submit at the time of initial application an overall development sketch plan for the entire tract.

- a. This development sketch plan shall establish the overall circulation plan and any future access locations along the arterial highway.
- b. Final approval of the subdivision or land development application shall establish the number of accessways permitted on the tract regardless of future subdivisions or land developments.
- c. Access covenants shall be required at the time of final approval which shall restrict future access directly to the arterial highway for all subsequent development of the tract.

Section 625-639 Reserved

**C. AIRPORT ZONING (OVERLAY) DISTRICT**

Section 640 Purposes

- a. That the Quakertown Airport and its surroundings is an airport hazard area within the meaning of the Airport Zoning Act of Pennsylvania;
- b. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Quakertown Airport;
- c. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- d. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- e. It is declared that prevention of creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, and marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

Section 641 Applicability

The Airport Zoning Map which is a part of this Ordinance is not a replacement for the Zoning Map of Milford Township which is a part of the Milford Township Portion of the Quakertown Area Zoning Ordinance, but is to be read and applied in conjunction with the map. Where height limitations or other regulations are more restrictive in one section of this Ordinance than in the other, the more restrictive regulations apply.

Section 642 Definitions

As used in this Ordinance, unless the context otherwise requires:

- a. Airport Elevation - 526 feet above mean sea level.
- b. Airport Zoning Planning Agency - The Agency appointed by Milford Township to recommend boundaries of the various zones to be established and the regulations to be adopted therefore. The Milford Township Planning Commission as its membership is composed from time to time is hereby appointed as the Airport Zoning Planning Agency.
- c. Approach Surface - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 644 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- d. Approach, Transitional, Horizontal, and Conical Zones - These zones are set forth in Section 643 of this Ordinance.
- e. Conical Surface - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- f. Hazard to Air Navigation - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- g. Height - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the Airport Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.
- h. Horizontal Surface - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- i. Nonconforming Use - As applied to the Airport Zones, the word shall also mean any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
- j. Nonprecision Instrument Runway - a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
- k. Obstruction - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 644 of this Ordinance.
- l. Person - Any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic; includes a trustee, a receiver, an assignee, or a similar representative thereof.
- m. Primary Surface - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 643 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

- n. Runway - A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- o. Structure - As applied to the Airport Zones established by this Ordinance, the word shall also mean an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
- p. Transitional Surfaces - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surface, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
- q. Tree - Any object of natural growth.
- r. Utility Runway - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- s. Visual Runway - A runway intended solely for the operation of aircraft using visual approach procedures.
- t. Zoning Hearing Board - The Zoning Hearing Board of Milford Township.

#### Section 643 Airport Zones

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones, which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Quaker-town Airport and the land surrounding it. Such zones are shown on the Airport Zoning Map consisting of one sheet which is attached to this Ordinance and made a part hereof. 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. The various zones are hereby established and defined as follows:

- a. Utility Runway Visual Approach Zone - The inner edge of the Runway 11 approach zone coincides with the width of the primary surface and is 500 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 centerline is the continuation of the centerline of the runway.
- b. Utility Runway Nonprecision Instrument Approach Zone - The inner edge of the Runway 29 approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- c. Transitional Zones - The transitional zones are the areas beneath the transitional surfaces.
- d. Horizontal Zone - The horizontal zone is established 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 arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

- e. Conical Zone - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

Section 644 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 zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- a. Utility Runway Visual Approach Zone - Slopes twenty (20) feet outward for each 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.
- b. Utility Runway Nonprecision Instrument Approach Zone - Slopes 20 feet outward for each 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.
- c. Transitional Zones - Slope seven (7) feet outward for each 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 526 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each 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.
- d. Horizontal Zone - Established at 150 feet above the airport elevation or at a height of 676 feet above mean sea level.
- e. Conical Zone - Slopes twenty (20) feet outward for each 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.
- f. Excepted Height Limitations - Nothing in this ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 35 feet above the surface of the land.

Section 645 Use Restrictions

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

Section 646 Nonconforming Uses

- a. Regulations Not Retroactive - The regulations prescribed in this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree which was lawfully in place but which does not conform to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or al-

teration of which was lawfully begun prior to the effective date of this Ordinance, and is diligently prosecuted.

- b. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Bucks County Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Bucks County Airport Authority.

Section 647 Permits

- a. Future Uses - Except as specifically provided in a, b, and c 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 zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit 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 ordinance shall be granted unless a variance has been approved in accordance with Section 647.d.
- b. Nothing contained in any of the following exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits except as specifically set forth.
  - (1) In the area lying within the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limit prescribed for such zones.
  - (2) In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
  - (3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.
- c. 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 Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- d. Nonconforming Uses Abandoned or Destroyed - Whenever the Board of Supervisors of Milford Township determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- e. Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations

prescribed in this Ordinance, may apply to the Zoning Hearing Board for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the Airport Manager, if any, the Chairman of the Bucks County Airport Authority, and the owner of the real estate on which the airport is located for advice as to the aeronautical effects of the variance. If the Airport Manager, if any, the Chairman of the Bucks County Airport Authority, and the owner of the real estate on which the airport is located do not respond to the application within 15 days after receipt, the Zoning Hearing Board may act on its own to grant or deny said application.

- f. Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, 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.

Section 648 Notice to PennDOT

So long as it is required to do so under the Airport Zoning Act, or other statute of Pennsylvania, the Zoning Officer and the Zoning Hearing Board which decides to grant a permit or a variance under this Ordinance shall notify the Pennsylvania Department of Transportation of its decision. Such notice shall be in writing and shall be sent to that Department at least ten (10) days before the date upon which the decision is to issue.

Section 649 Reserved

**D. Riparian Corridor Conservation District**

Section 650 Definition, Establishment, and Width Determination of the Riparian Corridor Conservation District (RCCD)

- a. Definition: The Riparian Corridor Conservation District is defined as an overlay district consisting of areas surrounding waterways that intercept surface water run-off, wastewater, subsurface flow, and/or deep groundwater flows from upland sources and function to remove or buffer the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters.
- b. Establishment of Riparian Corridor Conservation District: The Riparian Corridor Conservation District applies to land adjacent to identified waterways. The following waterways shall be considered identified:
  - 1. Waterways specifically identified by the Milford Township Board of Supervisors.
  - 2. Perennial streams, as identified in the Soils Survey of Bucks and Philadelphia, as prepared by the Soil Conservation Service, United States Department of Agriculture.
  - 3. Lakes and ponds.
  - 4. Wetlands as defined by regulation under 33CFR328.3(B) (Definitions of Waters of the United States, published in the Federal Register: November 13, 1986), and any subsequent amendments thereto including updated definitions and de-

scriptions by Federal, State, County, and Local regulatory agencies with jurisdiction over wetlands.

c. Width Determination:

The Riparian Corridor Conservation Overlay District shall extend a minimum of 75 feet from each defined edge of an identified waterway at bankfull flow or level, or shall equal the extent of the 100-year floodplain, whichever is greater. The District will consist of two distinct zones designated as:

1. Zone One: This zone will begin at each edge of an identified waterway and occupy a margin of land with a minimum width of 25 feet measured horizontally on a line perpendicular to the edge of water at bankfull flow. The width of Zone One may be required to extend beyond the minimum 25 feet depending upon existing topography, woodlands, and other natural conditions. This determination will be made by the Township Board of Supervisors, or its appointed representative. In addition:

Where steep slopes (in excess of 25%) are located within 25 feet of an identified waterway, Zone One shall extend the entire distance of this sloped area. If the distance of the sloped area exceeds 75 feet, there will be no requirement for the establishment of Zone Two. If the distance is less than 75 feet, the width of Zone Two will be adjusted so that the total Riparian Corridor width (Zone One and Zone Two) will be 75 feet maximum, except as noted below in section 650.c.2.

2. Zone Two: This zone will begin at the outer edge of Zone One and extend a minimum width of 50 feet in addition to Zone One, up to a maximum combined width (Zone One and Zone Two) of 75 feet, except:

Where the 100-year floodplain extends greater than 75 feet from the waterway, Zone One shall remain a minimum of 25 feet wide, and Zone Two shall extend from the outer edge of Zone One to the outer edge of the 100-year floodplain.

d. Zone Determination:

The developer, applicant, or designated representative shall be responsible for the initial width determination of the riparian corridor and identifying this area on any plan that is submitted to the Township for subdivision, land development, or other improvements that require plan submissions or permits. This initial determination shall be subject to review and approval by the municipal engineer, Township Board of Supervisors, or its appointed representative.

Section 651 Uses Permitted in the RCCD

The following uses are permitted, either by right or as a conditional use in the Riparian Corridor Conservation District. However, within any corridor, no construction, development, use, activity, or encroachment shall be permitted unless the activity will be mitigated by measures described in the Corridor Management Plan required by section 656 of this ordinance.

a. Zone One

1. Uses Permitted by Right.

Open space uses that are primarily passive in character shall be permitted to extend into the area defined as Zone One, including:

- (a) Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation in compliance with the guidelines of the Corridor Management Plan.
- (b) Streambank stabilization in compliance with the guidelines of the Corridor Management Plan.
- (c) Maintenance of the riparian corridor through the removal of invasive plants, removal of trash and solid waste, mitigation of soil erosion problems, and planting for the purpose of improving the riparian corridor vegetation in accordance with section 657 of this ordinance.

2. Uses Permitted by Conditional Use.

Corridor crossings by recreational trails, roads, railroads, centralized sewer and/or water lines, public utility transmission lines, and farm vehicles and livestock with necessary fencing, provided that any disturbance is offset by corridor improvements identified in the Corridor Management Plan.

Selection cutting of extremely high economic value trees when removal is consistent with approved standards in the Corridor Management Plan.

b. Zone Two

1. Uses Permitted by Right.

The following uses which are primarily passive in character, shall be permitted by right to extend into the area defined as Zone Two:

- (a) Open space uses including: wildlife sanctuaries, nature preserves, forest preserves, passive areas of public and private parklands, and recreational trails conducted in compliance with Title 25, Chapter 102 of the Pennsylvania Administrative Code.
- (b) Reforestation in compliance with the guidelines of the Corridor Management Plan.
- (c) Minimum required front, side, and rear yards on private lots, provided that no yard may extend into Zone Two more than half the distance between the outer boundaries of Zone One and Zone Two.
- (d) Agricultural uses existing at the time of adoption of this ordinance, so long as they are conducted in compliance with methods prescribed by Title 25, Chapter 102 of the Pennsylvania Administrative Code.
- (e) Fencing.
- (f) Maintenance of the riparian corridor through the removal of invasive plants, removal of trash and solid waste, mitigation of soil erosion problems, and planting for the purpose of improving the riparian corridor vegetation in accordance with section 657 of this ordinance.

2. Uses Permitted by Conditional Use.

- (a) New agricultural uses in compliance with methods prescribed by Title 25, Chapter 102.4(b) of the Pennsylvania Administrative Code.
- (b) Corridor crossings by roads, railroads, centralized sewer and/or water lines, public utility transmission lines, and farm vehicles and livestock with necessary fencing, provided that any disturbance is, at a minimum, offset by corridor improvements identified in the Corridor Management Plan. Corridor crossings will be located as far from Zone One as practical and shall minimize the disturbance of Zone Two.
- (c) Passive uses areas such as camps, campgrounds, picnic areas, golf courses. Active recreation areas such as ballfields, playgrounds, and courts provided these uses are designed in a manner that will not permit concentrated stormwater flow.

- (d) Stormwater basins may be installed within Zone Two but the entire basin shall be located a minimum of 50 feet from the defined edge of identified waterways.

Section 652 Uses Specifically Prohibited in the RCCD

Any use or activity not authorized within Section 651 of this ordinance shall be prohibited with the Riparian Corridor Conservation District. By way of example, the following activities and facilities are specifically prohibited:

- a. Buildings and any other type of permanent structure, except structures needed for a use identified in Section 651 of this ordinance.
- b. Roads or driveways, except where permitted as corridor crossings in compliance with Section 651 of this ordinance.
- c. Motor or wheeled vehicle traffic in any area not designed to adequately accommodate the vehicle type and volume.
- d. Parking Lots.
- e. Clear cutting of trees and other vegetation.
- f. Selection cutting of trees and/or the clearing of vegetation, except where such cutting and/or clearing is necessary to prepare land for a use permitted in Section 651 of this ordinance and where the effects of these actions are mitigated by revegetation in accordance with Section 656 and 657. of this ordinance.
- g. Removal of trees in excess of selection cutting, except where such removal is necessary as a means to eliminate dead, diseased, or hazardous tree stands that jeopardize public safety or as part of a reforestation project, provided that the removal is in compliance with a Corridor management Plan approved by Township Board of Supervisors or its appointed representative.
- h. Removal or disturbance of vegetation in a manner that is inconsistent with erosion control and riparian corridor protection.
- i. Storage of any hazardous, toxic, or noxious materials.
- j. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Bucks County Conservation District.
- k. Individual and community on-lot sewage systems.
- l. Sod Farming.

Section 653 Nonconforming Structures and Uses in the RCCD

Nonconforming structures or uses within the Riparian Corridor Conservation District shall be regulated under Article VIII herein. The following additional regulations also shall apply:

- a. Existing nonconforming structures or uses within Zones One or Two that are not permitted under Section 651 of this ordinance may be continued but shall not have the existing building footprint or uses expanded or enlarged.
- b. Discontinued nonconforming uses may be resumed any time within one year from such discontinuance but not thereafter when showing clear indications of abandonment. No change or resumption shall be permitted that is more detrimental to the Riparian Corridor Conservation District, as measured against the in-

tent and objectives under Section 650 of this ordinance, than the existing or former nonconforming use.

- c. This one year time frame shall not apply to agricultural uses which are following prescribed Best Management Practices and crop rotation.

Section 654 Boundary Interpretation and Appeals Procedure

- a. When a landowner or applicant disputes the boundaries of the Riparian Corridor Conservation District, Zone 1 boundary, Zone 2 boundary, defined edge of the waterway, or the defined edge of the waterway determined by the location of the 100-year floodplain, the landowner or applicant shall submit evidence to the Township that describes the boundary, presents the landowner or applicant's proposed boundary, and presents all justification for the proposed boundary change.
- b. The Township Board of Supervisors, in consultation with Township Engineer and/or Township appointed representative, shall evaluate all materials submitted. The Township Board of Supervisors shall make a written determination within 45 days, a copy of which shall be submitted to the Township Board of Supervisors, township planning commission, and landowner or applicant.
- c. Any party aggrieved by any such determination or other decision or determination under this section may appeal to the zoning hearing board under the provision of Article XI of this ordinance. The party contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

Section 655 Inspection of RCCD

- a. Lands within or adjacent to a Riparian Corridor Conservation District may be inspected by a Township representative when:
  1. A subdivision or land development plan is submitted.
  2. A building permit is requested.
  3. A change or resumption of nonconforming use is proposed.
  4. A grading permit is requested.
- b. The district may also be inspected periodically by a Township representative for compliance with an approved restoration plan, excessive or potentially problematic erosion, hazardous trees, or at any time when the presence of an unauthorized activity or structure is brought to the attention of Township officials.

Section 656 Management of the RCCD

a. Corridor Management Plan

Within any riparian corridor area, no construction, development, use, activity, or encroachment shall be permitted unless a Corridor Management Plan is submitted and approved by the Township Board of Supervisors and the effects of such development are mitigated by the implementation of the Corridor Management Plan. The Corridor Management Plan shall meet the following requirements:

1. Plan Contents

The Corridor Management Plan shall contain the following information:

- (a) Existing conditions, including the boundaries of Zones One and Two, steep slopes, swales, wetlands, streams, ponds, floodplains, woodlands, other

vegetation, and existing structures. A written description of unusual or significant conditions should also be included.

- (b) Goals, including goals for the entire tract and long range goals for the riparian corridor. All goals should be compatible with the purposes and intents listed in section 105 i.
- (c) Proposed activities, including a scaled plan which shows all proposed activities in Zone 1, Zone 2, and land adjacent to the corridor. The plan shall differentiate areas that will be disturbed from those that will be protected and preserved.
- (d) Proposed management, including a discussion of how the goals will be met given the proposed activities. The plan shall specify when the construction, planting, or other activities are to begin and end and shall address long and short-term maintenance, mitigation, and improvement activities necessary for preservation of the corridor, including application of herbicides, removal of invasive plants, spacing and types of newly planted trees and shrubs, mowing schedules, farming practices, and other related functions.

## 2. Management, Mitigation, and Restoration Measures

The proposed management plan shall also comply with the management, mitigation, and restoration measures outlined below.

- (a) Management practices. The following management practices shall be integrated into the plan when practical.
  - 1. Existing woody and other vegetation should be preserved to the greatest extent possible.
  - 2. Fallen branches and other organic material should be allowed to remain where they have fallen.
  - 3. Fencing should be used to keep livestock away from streams and waterways.
  - 4. Corridor crossings should be done at a 90 degree angle to the crossing.
  - 5. An undisturbed vegetative strip should be kept between agricultural uses and stream corridors.
  - 6. Agricultural uses shall follow accepted conservation practices, as promulgated by the Natural Resource Conservation Service, United States Department of Agriculture.
  - 7. Waterway banks should be stabilized in accordance with applicable guidance issued by the Pennsylvania Department of Environmental Protection.
  - 8. Degraded landscapes should be restored or converted to a more effective landscape.
- (b) Mitigation measures Permitted uses that involve disturbance of vegetation within the Riparian Corridor shall be mitigated by at least one of the following measures, with a total amount of mitigated area, measured horizontally, that is equal to or greater than the total amount of disturbed area, measured horizontally:
  - 1. Increasing the width of the corridor. The width of the Riparian Corridor measured from the defined edge of a waterway, is increased to at least 150 feet.
  - 2. Converting to a more effective landscape. The existing landscape is converted to a more effective landscape. The following landscapes are listed in

order of effectiveness, from most effective (woodland) to least effective (pasture):

Woodland  
Meadow  
Shrub  
Old Field  
Lawn  
Pasture

3. Increasing the effectiveness of the corridor. In existing degraded wooded areas or proposed new wooded areas, the Riparian Corridor is planted with three distinct layers of vegetation: (1) canopy trees, such as oak, hickory, maple, gum, beech, sycamore, spruce, hemlock, pine, and fir, (2) shrubs that provide an understory, such as elderberry, viburnum, azalea, rhododendron, holly, laurel, and alders, and (3) herbaceous plants that serve as ground cover, including ferns, sorrel, trillium, violet, Virginia creeper, nettle, phlox, aster, and worts. All three layers shall be planted at a density sufficient to create a fully-functioning, naturalized Riparian Corridor.

(c) Restoration and Conversion of Landscapes.

- a. Landscapes shall be restored by removing invasive vines, removing invasive trees, cleaning out trash, correcting soil erosion problems, planting appropriate plants, and properly maintaining all new plantings.
- b. Landscapes shall be converted to a more effective landscape by removing existing, incompatible vegetation, planting plants that are appropriate for the proposed landscape type and the site, and maintaining and protecting the plantings from invasive plants, deer, and other long-term problems.

Section 657 Vegetation Selection

To function properly, dominant vegetation in the Corridor Management Plan shall be selected from the list of plants identified in the Milford Township Subdivision and Land Development Ordinance. Plants not included on the list of plants may be permitted upon approval of the Township Engineer, Township Board of Supervisors, or Township Board of Supervisors appointed representative. Dominant vegetation shall be composed of native riparian trees, shrubs, and appropriate plants necessary for stream bank and soil stabilization.

The most desirable landscaping goal is to create a healthy woodlands in Zone 1 with multilayered vegetation (trees, shrubs, and ground cover) in Zone 2 and a thick layer of ground cover (such as a healthy meadow) adjacent to Zone 2. Diseased or damaged vegetation and invasive plant and tree species (including: bush honeysuckle, grape, japanese honeysuckle, multiflora rose, norway maple, oriental bittersweet, porcelain berry, thistle) should be removed whenever possible. Areas of removed vegetation shall be promptly restored and replaced with appropriate Riparian Corridor Plants.

The conversion of existing landscapes within the Riparian Corridor to more desirable landscapes is encouraged. Lawns and pastures within the Riparian Corridor can be improved by landscaping with shrubs and adding vegetation consistent with a healthy meadow (native grasses, annual rye, oats, and native wildflowers). Conversion of lawns and pastures to meadow may be facilitated by reducing and eliminating mowing.

The Township Engineer, Township Supervisors, or Township Supervisors' appointed representative may grant permission to applicants and landowners to reduce and eliminate mowing within Riparian Corridors in order to promote the growth of more desirable landscapes.

## ARTICLE VII. PLANNED RESIDENTIAL DEVELOPMENT

### Section 700 Purpose

It is the purpose of this Article to encourage and promote flexibility and ingenuity in the layout and design of large, new developments, enabling the developer to provide both residential and nonresidential uses in a community setting. Such a community would provide living, shopping, employment and recreational opportunities within walking distance of each other so as to promote pedestrian travel and street life and to reduce traffic congestion and dependence on the automobile. The intent of this Article is to utilize the planning and design principles of traditional towns in Bucks County. To meet these ends, procedures combining the administration of zoning and subdivision approval have been developed for use in Planned Residential Developments.

### Section 701 Establishment of Districts

Any landowner may request the establishment of a Planned Residential Development (PRD) on a tract containing fifty (50) or more acres of contiguous land under one ownership, and zoned either SRC, SRL, SRM or SRH.

### Section 702 Use Regulations

A PRD is a development in which a mix of residential and nonresidential uses is required. The PRD shall be divided into Residential Neighborhoods and a Town Center. The town center would be the focal point of the community where a diversity of uses are encouraged including civic uses, retail and consumer service uses and offices with residential units on the second floor. Residential neighborhoods would be located adjacent to the town center and would include a variety of housing types. The standards governing the design and layout of each area are listed below.

- a. The following requirements are applicable to the Residential Neighborhoods:
  - (1) All housing types permitted under Use B6 Performance Standard Subdivision shall be permitted subject to all requirements of Section 404.B6.
  - (2) The maximum density, maximum impervious surface ratio and minimum open space ratio requirements shall be those allowed for performance standard subdivisions in Sections 502 and 506 for the applicable district. These performance standards shall be calculated using only the area of land in the residential neighborhoods; land devoted to the town center shall not be included.
- b. The following requirements are applicable to the Town Center:
  - (1) Permitted Uses--The Town Center is the only area of a PRD in which nonresidential uses are permitted. In addition, dwellings in combination are permitted and encouraged. The following uses shall be permitted in the Town Center of the PRD:
    - (a) C1 Place of Worship
    - (b) C2 School
    - (c) C3 Commercial School
    - (d) C4 Library or Museum
    - (e) C5 Recreational Facility
    - (f) C6 Private Recreational Facility
    - (g) C9 Community Center
    - (h) C10 Child Care Center
    - (i) C16 Municipal Services
    - (j) D1 Office
    - (k) D2 Medical Office

- (l) E1 Retail Shop
- (m) E3 Service Business
- (n) E4 Financial Establishment
- (o) E5 Eating Place
- (p) E7 Repair Shop
- (q) E10 Indoor Entertainment
- (r) E11 Athletic Facility
- (s) E16 Car Wash
- (t) E27 Dwelling in Combination
- (u) F2 Emergency Services

- (2) The use regulations in Section 404 for the particular use shall be met.
- (3) The town center shall be a contiguous area. The minimum amount of land devoted to the town center shall be ten (10) percent of the base site area and the maximum amount of land devoted to the town center shall be twenty (20) percent of the base site area.
- (4) At least twenty (20) percent of the land area of the town center shall be developed for civic uses. Civic uses shall include uses C1, C2, C3, C4, C5, C6, C9, C10, C16, D1 (government offices only) and F2.
- (5) The maximum impervious surface ratio for the town center shall be sixty (60) percent.
- (6) Nonresidential uses are subject to the following setback requirements unless a greater standard is specified in Section 404:
  - 0 ft. with a minimum 10 ft. sidewalk between building and street or parking
  - 15 ft. from parking with no sidewalk
  - 20 ft. from the curb line of a street with no sidewalk
  - 45 ft. from non-residential use to residential property line
  - 75 ft. between non-residential building and residential building
  - 15 ft. minimum spacing between non-residential buildings
  - 150 ft. maximum length of building
- (7) Uses D1, D2, E1, E3, E4 and E5 shall not include stores or businesses in excess of two thousand (2,000) square feet of floor area. A store or business may exceed the two thousand (2,000) square foot floor area limit, up to a maximum of ten thousand (10,000) square feet, if the front facade of the building is designed to appear to be a series of connected buildings.
- (8) All uses shall take access from an interior street.
- (9) The town center may be, and is encouraged to be, oriented towards an existing frontage road(s). This outward orientation is intended to attract passing motorists and residents from outside the village development to the town center.
- (10) The nonresidential uses in the town center shall not be designed as what is commonly known as a "strip shopping center." All commercial and office uses shall be located in individual buildings, or a small number of uses may be located in one building.
- (11) Parking
  - (a) Continuous parallel parking shall be permitted on the streets in the town center.
  - (b) All off-street parking areas shall be located to the rear of buildings.

(12) Village Square

- (a) A village square or green of at least 25,000 square feet shall be provided in the Town Center of a Village Development as a focal point. The village square shall be useable land and shall be located adjacent to the area of highest intensity non-residential uses.
- (b) No more than twenty-five (25) percent of the village square or green shall contain impervious surfaces.
- (c) The pedestrian path system shall provide access to the village square.
- (d) The square shall be designed and landscaped as an activity space for concerts, exhibits and other public gatherings. Shade trees, park benches, trash receptacles and lighting shall be incorporated into the design.

c. General Design Guidelines

- (1) Village streets should be arranged as a generally rectilinear and interconnecting network with variation for topography, environmental or other design factors and should terminate at other streets.

(2) Sidewalks/Pedestrian Paths

- (a) Sidewalks shall be provided along all streets in the Town Center area. The sidewalk shall extend to the curb and shall be ten feet wide along all non-residential uses.
- (b) Sidewalks shall be provided in all residential areas in such a manner that all dwelling units have access to the pedestrian path system.
- (c) Sidewalks and pedestrian paths shall be provided in a comprehensive manner to provide pedestrian circulation throughout the development. All residential, non-residential and open space/recreation areas shall be accessible via a pedestrian path system.
- (d) In designing the pedestrian system benches and trash receptacles shall be included in appropriate locations. These facilities are particularly important in the Town Center and in open space areas. Bike racks shall be provided in the Town Center and in open space/recreation areas.
- (e) Sidewalks and pedestrian paths shall be paved with materials that are compatible with the architecture, durable, easily maintained and non-slip.
- (f) Sidewalks and pedestrian paths shall be a minimum of four (4) feet wide, except as noted in subsection (a) above.

Section 703 Application Procedure

The application procedure, as detailed below, is summarized as follows:

- Step 1. Feasibility Review and Recommendation (60 days).
- Step 2. Tentative Review including a Public Hearing (60 days).
- Step 3. Issuance of Findings, and a Tentative Decision (30 days). Zoning change granted upon approval of Tentative Plan.
- Step 4. Final Review (Time limit set by the governing body).

Step 5. Final Decision in part or in whole (30 days).

Section 704 Feasibility Review

A feasibility review is recommended to provide a means of evaluating potential development sites to determine certain planning restraints, natural limitations, man-made capacities, or other factors which operate to limit the development potential of each particular site proposed for PRD. A fee shall be required at the time of submission in accordance with Section 712.

a. Natural Site Determinants:

The developer shall map all relevant natural resources information and shall complete the site capacity calculations of Section 501.

b. Capacity Determinants:

Traffic generation, including an analysis of the capacity of streets serving the site as well as predictions on traffic generated by the site. Sewer and water capabilities indicating the improvements needed to serve the site.

c. General Site Analysis:

The applicant shall submit a location map showing the area within one-half (1/2) mile radius of the site and to the nearest arterial highway designated in this Ordinance. The following information shall be provided: identifiable areas of homogeneous land use; structures of historical or architectural interest; and facilities including schools, fire companies, sewer, water and recreation areas. Standards designated in the municipal plan and Section 105 of this Ordinance for density and use, and any alterations required through the municipal plan and Section 105 of this Ordinance to permit the development, shall also be detailed.

d. The governing body, after receiving the recommendations of the municipal planning commission, Quakertown Area Planning Committee, and Bucks County Planning Commission, shall respond in writing to the applicant within 60 days from the receipt of the feasibility review application, indicating general approval or disapproval of the proposal. The response shall detail areas of the site recommended for conservation, and any improvements or dedications on or off-site that shall be required.

e. General disapproval of a proposed PRD during a feasibility review shall not preempt a developer from applying for tentative approval as specified in the ordinance.

Section 705 Application for Tentative Approval

An application for tentative approval shall be filed as specified below. A fee shall be required at the time of submission in accordance with Section 712.

a. A plan indicating the location, size, topography, and vegetative cover of the site and the nature of the landowner's interest in the land proposed to be developed.

b. A site plan and other drawings showing the overall density, impervious surface ratio, and open space ratio, and the density of the land use to be allocated to various portions of the site to be developed, the location and size of the common open space, the use, approximate height, bulk, and location of buildings and other information including building elevations, planting plan schedule, provisions for parking of vehicles, and location and width of streets and public ways.

c. Such drawings and documents as are required to establish the feasibility of proposals for water supply and the disposal of sanitary wastes and storm water, the substance of

covenants, grants, easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including easements or grants for public utilities, the feasibility of the proposed maintenance and use levels of various areas of the open space in sufficient detail so that the Municipality may evaluate the use of the open space and the maintenance that it is expected to receive. Elevations and perspective sketches are encouraged. The written document shall include a written statement by the landowner setting forth the reasons why in his opinion a planned residential development would be in the public interest and would be consistent with the zoning plan and the best interests of the municipality. The required modifications to municipal land use regulations otherwise applicable to the property, the form of organization proposed to own and maintain common open space, and in the case of development plans calling for development over a period of years, a schedule of proposed time within which applications for final approval of the various sections of the proposed planned residential development are intended. This schedule must be updated annually on the anniversary of the grant of tentative approval.

- d. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the PRD, evidence shall be presented that the planned residential development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence. If only an application for a Certificate of Public Convenience from the Pennsylvania Public Utility Commission is provided, tentative approval shall be conditioned upon the applicant obtaining a Certificate of Public Convenience.
- e. Immediately upon receipt, the plans shall be referred to the municipal planning commission, the Quakertown Area Planning Committee, and the Bucks County Planning Commission for review.
- f. A fee, as stipulated in the fee schedule, adopted separately, shall be charged the developer by the municipality for reviewing tentative plans.

#### Section 706 The Public Hearing

- a. Within sixty (60) days after filing an application for tentative approval of a planned residential development pursuant to this Article, a public hearing pursuant to public notice on said application shall be held by the governing body in the manner prescribed in Section 1109.
- b. The governing body may continue the hearing from time to time and may refer the matter back to the Planning Commission for a report; provided, however, that in any event, the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

#### Section 707 The Findings

- a. The governing body, within sixty (60) days following the conclusion of the public hearing provided for in this Article, shall, by official written communication to the landowner, either:
  - (1) Grant tentative approval of the development plan as submitted;
  - (2) Grant tentative approval subject to specified conditions not included in the development plan as submitted;
  - (3) Deny tentative approval of the development plan.

- b. Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication of a governing body, notify the Board of his refusal to accept all said conditions, in which case the governing body shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the governing body of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.
- c. The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial; and said communication shall set forth particularly in what respects the development plan would or would not be in the public interest, including but not limited to the findings of fact and conclusions on the following:
  - (1) Those respects in which the development plan is or is not consistent with the Municipal Plan and Section 105 of this Ordinance;
  - (2) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
  - (3) The purpose, location and amount of common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
  - (4) The physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
  - (5) The relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and
  - (6) In the case of a development plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and the residents of the planned residential development in the integrity of the development plan.
- d. In the event a development plan is granted tentative approval, with or without conditions, the governing body may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed; or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be more than three (3) months; and in the case of development over a period of years, the time between applications for final approval of each part of a plan shall be not more than twelve (12) months.

Section 708 Status of Plan after Tentative Approval

- a. The official written communication provided for in this Article shall be certified by the Zoning Officer and shall be filed in his office, and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, it shall be deemed an

amendment to the zoning map, effective upon final approval, and shall be noted on the zoning map. The notation shall be as follows: PRD - (SRC, SRL, SRM and SRH Districts as appropriate) and the date of tentative approval.

- b. Tentative approval of a development plan shall not qualify a plat of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been tentatively approved as submitted or which has been given tentative approval with conditions accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval), shall not be modified or revoked nor otherwise impaired by action of the municipality pending an application or applications for final approval, without the consent of the landowner; provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.
- c. In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the governing body in writing; or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be; the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time; and the same shall be noted on the zoning map and in the records of the Zoning Officer.

#### Section 709 Application for Final Approval

- a. An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, for a section thereof. Said application shall be made to the Zoning Officer of the municipality within the time or times specified by the official written communication granting tentative approval. The application shall include any drawings, specifications, covenants, easements, funds or securities in sufficient amount as determined by the governing body to insure performance and such other requirements as may be specified by ordinances, as well as any conditions set forth in the official written communication at the time of tentative approval. A fee shall be required at the time of submission in accordance with Section 712. A public hearing on an application for final approval of the development plan, or a part thereof, shall not be required provided the development plan, or part thereof, submitted for final approval is in compliance with the development plan theretofore given tentative approval and with any specified conditions attached thereto.
- b. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by the ordinance and the official written communication of tentative approval, the governing body shall, within forty-five (45) days of such filing, grant such development plan final approval.
- c. In the event the development plan as submitted contains variations from the development plan given tentative approval, the governing body may refuse to grant final approval and shall, within forty-five (45) days from the filing of the application for final approval, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the landowner may either:
  - (1) Re-file the application for final approval without the variations objected to; or
  - (2) File a written request with the governing body that it hold a public hearing on his application for final approval. All plans will be referred to the municipal planning commission, Quakertown Area Planning Committee, and Bucks County Planning

Commission for review. If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty (30) additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be conducted in the manner prescribed in this Article for public hearings on applications for tentative approval. Within (30) days after the conclusion of the hearing, the governing body shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Article.

- d. A development plan, or any part thereof, which has been given final approval, shall be so certified without delay by the governing body and shall be filed on record forthwith in the office of the Recorder of Deeds before any development shall take place in accordance therewith. Upon the filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion, in accordance with the time provisions stated in Section 508 of the Pennsylvania Municipalities Planning Code (Act 247, as amended by Act 170), of said planned residential development or part thereof as finally approved, no modification of the provisions of said development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner. Upon approval of the final plat, the developer shall record the plat and post financial security in accordance with the provisions of sections 513(a) and 509 of the Pennsylvania Municipalities Planning Code (Act 247, as amended by Act 170).

Section 710 Abandonment of PRD

When the landowner fails to meet the schedules fixed in the tentative approval and does not appear to request an extension prior to the scheduled date, or when final approval has been granted and the developer fails to start work within one (1) year, or when work is stopped for a period of one (1) year, the PRD shall be considered to be abandoned. If the landowner fails to meet the above deadlines, and within such time does not request an extension, abandonment shall be considered to have taken place.

Section 711 Required Number of Copies for Reviews

Feasibility Application	12 copies required
Tentative Application	18 copies required
Final Application	14 copies, including 2 linen copies

Section 712 Fees

All applicants for PRD approval (feasibility, tentative, and final) shall, at the time of making application, pay to the Zoning Officer for use of the municipality 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 by resolution of the governing body.

## ARTICLE VIII. NONCONFORMITIES

### Section 800 Definitions

- a. Nonconforming Lot means a lot, the area or dimensions of which was lawful prior to the adoption or amendment of this 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.
- b. Nonconforming Structure means a structure, or part of a structure, which does not comply with the applicable use or extent of use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include but are not limited to, nonconforming signs.
- c. Nonconforming Use means a use, whether of land or of structure, which does not comply with the applicable use provisions of this Ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

### Section 801 Registration of Nonconforming Uses, Structures and Lots

The zoning officer shall, upon adoption of this Ordinance or amendment thereof, identify and register all nonconforming uses, structures and lots. Upon identifying the nonconformity, the zoning officer shall mail registration forms to the owner of record.

### Section 802 Continuation

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 or structure does not conform to the provisions of this Ordinance or subsequent amendments.

### Section 803 Nonconforming Lots

- a. The provisions of Section 502 and Article IV shall not prevent the construction of a single-family dwelling in a residential district on any lot that was lawful when created and which, prior to the effective date of this Ordinance, was in separate ownership duly recorded by plan or deed; and provided that:
  - (1) Such lot is not less than fifteen thousand (15,000) square feet in RP, RA, RD, FC, SRC, SRL and VC-1 Districts; ten thousand (10,000) square feet in the VC-2 and SRM Districts; eight thousand (8,000) square feet in the SRH District; and five thousand (5,000) square feet in the URL District.
  - (2) The width of such lot is not less than one hundred (100) feet in the RP, RA, RD, FC, SRC and SRL Districts; eighty (80) feet in the SRM and SRH Districts; 60 feet in the VC-1 and VC-2 Districts; and (50) feet in the URL District.
  - (3) Those lots not served by public water and public sewer shall meet all requirements of the Bucks County Department of Health.
  - (4) The maximum building coverage shall not exceed fifteen percent (15%) in the RP, RA, RD, FC, SRC, SRL and VC-1 Districts; twenty percent (20%) in the VC-2, SRM and SRH Districts and thirty percent (30%) in the URL District.

- (5) The front and rear yards shall aggregate at least sixty percent (60%) of the total lot depth or meet the minimum requirements of the district in which the lot is located; but only in the VC-1, VC-2 and URL Districts shall either the front yard or the rear yard be less than thirty (30) feet.
  - (6) The side yards shall aggregate at least forty percent (40%) of the total lot width or meet the minimum requirements of the district in which the lot is located; the side yard shall not be less than fifteen (15) feet in any district except in the VC-1, VC-2 and URL Districts where it shall not be less than ten (10) feet.
- b. This exception shall not apply to any two or more contiguous lots in single ownership as of or subsequent to the effective date of this Ordinance, in any case where a re-parceling or replatting could create one or more lots which would conform to the Ordinance or which could be consolidated to minimize the nonconformity.

Section 804 Extension of Nonconforming Uses and Structures

- a. A nonconforming structure may be extended by special exception along the existing building lines or existing building plane of the existing nonconformity, provided that such expansion shall not extend within any street line. All other applicable requirements, including setbacks, yards and building height, shall be met.
- b. A nonconforming use may be extended by special exception provided that:
  - (1) The proposed extension shall take place only upon the lot or contiguous lots held in the same ownership as that existing at the time the use became nonconforming. Permission to extend a nonconforming use as described in this Article shall not be construed to mean that a new use or uses may be established.
  - (2) The proposed extension shall conform with the area and dimensional requirements in Section 503 for the district in which said extension is located and with the parking, sign, buffer and environmental standards and all other applicable requirements of this Ordinance.
  - (3) Extension of any non-conforming industrial or commercial uses may not extend beyond a one hundred (100) foot buffer yard from all lot lines, if such existing continuous area is available. All other non-conforming industrial and commercial uses shall conform to the provisions of Section 804(b)(4).
  - (4) Any Use that cannot meet the buffer yard requirements of Section 804(b)(3) and does not conform with the requirements of the district in which it is located, may not be extended more than fifty percent (50%) in floor or land area existing on the date the use became non-conforming. For those uses that cannot meet the buffer yard requirement, the permitted expansion shall not further reduce the existing buffer yard between a residential, institutional or recreational use and a non-conforming use.

Section 805 Restoration

A nonconforming structure or any structure containing a nonconforming use wholly or partially destroyed by fire, explosion, flood or other phenomenon, legally condemned, or needing to be replaced or reconstructed for any reason, may be replaced or reconstructed and used for the same nonconforming use, provided that replacement or reconstruction shall not increase the extent of any nonconformity and that replacement or reconstruction of the structure shall be commenced within one (1) year from the date the structure was destroyed, condemned or removed and shall be carried on without interruption.

Any building or structure including manufactured homes and storage sheds which are nonconforming with respect to area and/or dimensional criteria may be replaced with another building or structure provided that the replacement building or structure does not increase the extent of any nonconformity beyond the existing nonconformity.

Section 806 Ownership

Whenever a lot is sold to a new owner, a previously lawful nonconforming use may be continued by the new owner. A change in nonconformity is governed by Section 808.

Section 807 Abandonment

If a nonconforming use of a structure or land is abandoned for a continuous period of one (1) year, subsequent use of such structure or land shall be in conformity with the provisions of this Ordinance, unless the owner can demonstrate an intent to try to continue the use, for example, providing listings which show an attempt to rent or sell the property.

Section 808 Changes

A change in use (as defined in Section 286 of this ordinance) includes any change among the specific uses identified under each category in the Table of Use Regulations. 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 all of the following conditions:

- a. Such change shall be permitted only as a Special Exception by the Zoning Hearing Board.
- b. The applicant shall show that a nonconforming use cannot reasonably be changed to a conforming use.
- c. The applicant shall show that the proposed change will be less objectionable in external effects than the existing nonconforming use, with respect to:
  - (1) Traffic generation and congestion including truck, passenger car, and pedestrian traffic.
  - (2) Noise, smoke, ash, dust, fumes, vapors, gases, heat, odor, glare, or vibration.
  - (3) Storage and waste disposal.
  - (4) Appearance.

## ARTICLE IX. SIGNS

### Section 900 Scope and Applicability

Any sign hereafter erected and maintained shall conform with the provisions of this Article and any other municipal ordinances and regulations.

### Section 901 Definitions

- a. Animated Sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a changeable copy sign and not an animated sign.
- b. Banner: Any sign of lightweight fabric or similar material that is mounted to a pole, a building or any other structure. Flags representing governmental, educational or religious organizations shall not be considered banners.
- c. Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.
- d. Building Marker: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.
- e. Building Sign: Any sign attached to any part of a building, as contrasted to a free-standing sign.
- f. Canopy Sign: Any sign that is a part of an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.
- g. Changeable Copy Sign: A sign on which the message copy can be changed through the use of attachable letters, numerals or graphics or through the use of electronic switching of lamps or other illuminated devices. A sign on which the message changes more than eight (8) times a day (except for time and/or temperature) shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance.
- h. Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- i. Freestanding Sign: Any sign supported by an upright(s) that is anchored in the ground and that is independent from any building or other structure.
- j. Incidental Sign: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "telephone", "no trespassing" and other similar directives, and window signs giving store hours or the names of credit institutions. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.
- k. Marquee: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed for commercial use to provide protection from the weather, or for advertising.

- l. Marquee Sign: Any sign attached to, in any manner, or made a part of a marquee.
- m. Pennant: Any lightweight plastic, fabric, or other material which does not contain a message and is suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- n. Portable Sign: Any sign which is self supporting without being firmly embedded in the ground, or is fixed on a movable stand or mounted on wheels or movable vehicles or made easily movable in some other manner, including, but not limited to, signs converted to A- or T-frames; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way.
- o. Projecting Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than fourteen (14) inches beyond the surface of such building or wall. Projecting signs shall not project more than four (4) feet from the wall or surface to which they are attached, shall not extend beyond the edge of any wall or other surface to which they are mounted, and the lowest edge shall be at least eight (8) feet above the ground level immediately below.
- p. Residential Sign: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located.
- q. Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.
- r. Roof Sign, Integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than fourteen (14) inches.
- s. Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
- t. Wall Sign: Any sign attached parallel to, but within fourteen (14) inches of, a wall, painted on a wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
- u. Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

#### Section 902 Area of Signs

- a. The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed but not including any supporting framework and bracing incidental to the display itself.
- b. The area of a sign painted upon or applied to a building shall be considered to include all lettering, wording, and accompanying designs or symbols together with any backing associated with the sign.

- c. Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall, canopy, or window, the area shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.
- d. In computing square foot area of a double-faced sign, only one side shall be considered, provided both faces are identical. If the interior angle formed by the two faces of the double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area.
- e. Lots fronting on two or more streets may compute the sign area for each street frontage separately, however, signage cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.

Section 903 Illumination of Signs

- a. Directly Illuminated Sign--A sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such sign, including but not limited to neon and exposed lamp signs.
- b. Indirectly Illuminated Sign--A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere on the lot where said illumination occurs. If such shielding device is defective, such sign shall be deemed to be a directly illuminated sign.
- c. Non-Illuminated Sign--A sign which is not illuminated either directly or indirectly.

Section 904 Height of Signs

- a. The height of a freestanding sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be the existing grade prior to construction or the newly established grade after construction (exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign), whichever is lower.
- b. For a projecting, roof or wall sign, the height shall be determined by its placement on the building.

Section 905 Placement of Signs

- a. In no case shall any sign be erected so that it:
  - (1) Interferes with traffic through glare or through confusion with a traffic control device (by reason of color, location, shape, wording or other characteristic) or through any other means.
  - (2) Lies within the clear sight triangle as specified in Section 523.
  - (3) Lies within a parking space or parking aisle.
  - (4) Blocks the movement of pedestrians traveling on public thoroughfares.
  - (5) Blocks the entrance, exit, fire escape, or fire lane to a building.
- b. Signs shall not be located within, nor project into the ultimate right-of-way of a street. In addition, the following minimum setback requirements shall be met:
  - (1) Signs of two (2) square feet or less shall be set back at least two (2) feet from a sidewalk or the cartway of a street.

- (2) Signs of six (6) square feet or less shall be set back at least five (5) feet from a sidewalk or the cartway of a street.
  - (3) Signs which are greater than six (6) square feet shall be set back at least ten (10) feet from a sidewalk or the cartway of a street.
- c. Signs shall be no closer than fifteen (15) feet to a side or rear lot line.

Section 906 Exempted Signs

Official signs which are authorized or erected by a duly constituted governing body including, but not limited to, signs necessary for the direction, regulation and control of traffic; street name signs; legal notices; and warnings at railroad crossings, shall be exempt from regulation under this Article.

Section 907 Prohibited Signs

The following signs are unlawful and prohibited:

- a. Animated signs
- b. Beacons
- c. Portable signs for permanent use
- d. Pennants
- e. Signs containing information that a property may be used for any purpose not permitted in the zoning district in which the property to which the sign relates is located.
- f. Signs illuminated by a group of incandescent light bulbs hung or strung overhead or used to outline a sign or structure, with the exception of festive lighting.
- g. Any sign erected on a tree or utility pole, or painted or drawn on a rock or other natural feature.

Section 908 Signs Permitted in All Zoning Districts

The following signs shall be permitted in all zoning districts and do not require a permit, provided the applicable requirements have been met. In addition, such signs shall not be counted when calculating the maximum total area of all signs on a lot.

- a. Incidental signs, provided the area of any such sign shall not exceed two (2) square feet.
- b. Flags representing governmental, educational or religious organizations, provided that the total area of all such flags shall not exceed sixty (60) square feet.
- c. Identification signs displaying only the name and/or address of the occupant of a premises, provided that the area of any such sign shall not exceed two hundred (200) square inches, and provided that only one (1) such sign shall be permitted per premises.
- d. Building markers or historical signs or tablets provided that the total area of such signs shall not exceed four (4) square feet per building.

Section 909 Signs in Residential Districts

- a. In the RP, RA, RD, FC, SRC, SRL, SRM, SRH and URL Districts, the following sign regulations shall apply to residential uses:
  - (1) Each lot shall be permitted one (1) residential sign in accordance with the following requirements:
    - (a) The maximum area of any such sign shall be two (2) square feet.
    - (b) A freestanding sign or a wall sign shall be permitted.
    - (c) Such sign shall be non-illuminated or indirectly illuminated.
  - (2) Each lot shall be permitted temporary signs in accordance with the following requirements:
    - (a) The maximum area of any such sign shall be six (6) square feet.
    - (b) Freestanding signs or window signs shall be permitted.
    - (c) Such signs shall be non-illuminated.
    - (d) No more than four (4) temporary signs shall be permitted in any one calendar year and no more than two (2) temporary signs shall be permitted on a lot at any one time.
    - (e) Such signs shall be removed after thirty (30) days. However, signs advertising the sale or rental of the premises upon which said sign has been erected shall be permitted until there is an agreement of sale, lease or rental for the property.
  - (3) Each residential development or complex shall be permitted an identification sign at each principal access drive subject to the following requirements:
    - (a) The maximum area of such signs shall be twelve (12) square feet.
    - (b) A freestanding sign shall be permitted.
    - (c) Such sign shall be non-illuminated or indirectly illuminated.
  - (4) The maximum height of a freestanding sign shall be six (6) feet.
- b. In the RP, RA, RD, FC, SRC, SRL, SRM, SRH and URL Districts, the following sign regulations shall apply to permitted nonresidential uses and lawful nonconforming uses:
  - (1) Each lot shall be permitted permanent signs in accordance with the following requirements:
    - (a) One (1) freestanding sign with a maximum area of twenty-four (24) square feet.
    - (b) One (1) wall sign with a maximum area of ten (10) square feet.
    - (c) The signs permitted by (a) and (b) above may be changeable copy signs provided that they are not directly illuminated.
    - (d) Such signs shall be non-illuminated or indirectly illuminated.

- (2) Each lot shall be permitted temporary signs in accordance with the following requirements:
  - (a) The maximum area of any such sign shall be ten (10) square feet.
  - (b) Freestanding signs, banners and window signs shall be permitted.
  - (c) Such signs shall be non-illuminated.
  - (d) No more than four (4) temporary signs shall be permitted in any one calendar year and no more than two (2) temporary signs shall be permitted on a lot at any one time.
  - (e) Such signs shall be removed after fifteen (15) days. However, signs advertising the sale or rental of the premises upon which said sign has been erected shall be permitted until settlement or rental of the property has occurred.
- (3) The maximum height of a freestanding sign shall be six (6) feet.

Section 910 Signs in Planned Residential Developments and Village Center Districts

- a. Residential uses in PRDs and VC-1 and VC-2 Districts shall be permitted signs in accordance with Section 909.a.
- b. Nonresidential uses in PRDs and VC-1 and VC-2 Districts shall be permitted permanent signs in accordance with the following requirements:
  - (1) Each lot shall be permitted one (1) freestanding sign. The area of any such sign shall not exceed one (1) square foot for each five (5) feet of street frontage or twenty (20) square feet, whichever is smaller.
  - (2) Each lot shall be permitted building signs in accordance with the following requirements:
    - (a) The total area of all building signs shall not exceed five (5) percent of the exterior area of the front building wall (including window and door area and cornices) of the principal building.
    - (b) Canopy signs, projecting signs, marquee signs, wall signs and window signs shall be permitted.
    - (c) Not more than one (1) projecting sign or marquee sign shall be permitted per principal building and such sign shall not exceed ten (10) square feet.
    - (d) Window signs shall not exceed twenty-five (25) percent of the total window area.
  - (3) The signs permitted by sections (1) and (2) above may be changeable copy signs provided that they are not directly illuminated.
  - (4) Such signs shall be non-illuminated, indirectly illuminated or directly illuminated, except as indicated in subsection (3) above.
- c. Nonresidential uses in PRDs and VC-1 and VC-2 Districts shall be permitted temporary signs in accordance with the following requirements:
  - (1) The maximum area of any such sign shall be ten (10) square feet.

- (2) Freestanding signs, banners and window signs shall be permitted; provided that no more than one (1) temporary, freestanding sign shall be permitted on a lot at any one time.
  - (3) Such signs shall be non-illuminated.
  - (4) No more than four (4) temporary signs shall be permitted per establishment for any one calendar year and no more than two (2) temporary signs shall be permitted per establishment at any one time.
  - (5) Such signs shall be removed after fifteen (15) days. However, signs advertising the sale or rental of the premises upon which said sign has been erected shall be permitted until there is an agreement of sale, lease or rental for the property.
- d. The maximum height of a freestanding sign shall be six (6) feet.

Section 911 Signs in the CC and SC Districts

- a. The following types of permanent signs shall be permitted in the CC and SC Districts:
- (1) Each lot shall be permitted one (1) freestanding sign in accordance with the following requirements:
    - (a) The area of any such sign shall not exceed one (1) square foot for each five (5) feet of street frontage or thirty (30) square feet, whichever is smaller.
    - (b) The maximum height of any such sign shall be ten (10) feet.
  - (2) Each lot shall be permitted building signs in accordance with the following requirements:
    - (a) The total area of all building signs shall not exceed ten (10) percent of the exterior area of the front building wall (including window and door area and cornices) of the principal building.
    - (b) Canopy signs, projecting signs, marquee signs, wall signs and window signs shall be permitted.
    - (c) Not more than one (1) projecting sign or marquee sign shall be permitted per principal building and such sign shall not exceed twenty (20) square feet.
    - (d) Window signs shall not exceed twenty-five (25) percent of the total window area.
  - (3) The signs permitted by sections (1) and (2) above may be changeable copy signs.
  - (4) Such signs shall be non-illuminated, indirectly illuminated or directly illuminated.
- b. Temporary signs shall be permitted in accordance with the following requirements:
- (1) The maximum area of any such sign shall be twelve (12) square feet.
  - (2) Freestanding signs, banners and window signs shall be permitted; provided that no more than one (1) temporary, freestanding sign shall be permitted on a lot at any one time.
  - (3) The maximum height of a freestanding sign shall be six (6) feet.
  - (4) Such signs shall be non-illuminated.

- (5) No more than four (4) temporary signs shall be permitted per establishment for any one calendar year and no more than two (2) temporary signs shall be permitted per establishment at any one time.
- (6) Such signs shall be removed after fifteen (15) days. However, signs advertising the sale or rental of the premises upon which said sign has been erected shall be permitted until there is an agreement of sale, lease or rental for the property.

Section 912 Signs in the PC Districts

- a. The following types of permanent signs shall be permitted in the PC Districts:
  - (1) Each lot shall be permitted one (1) freestanding sign in accordance with the following requirements:
    - (a) The area of any such sign shall not exceed one (1) square foot for each four (4) feet of street frontage or sixty (60) square feet, whichever is smaller.
    - (b) The maximum height of any such sign shall be twelve (12) feet.
  - (2) Each lot shall be permitted building signs in accordance with the following requirements:
    - (a) The total area of all building signs shall not exceed fifteen (15) percent of the exterior area of the front building wall (including window and door area and cornices) of the principal building.
    - (b) Canopy signs, projecting signs, integral roof signs, marquee signs, wall signs and window signs shall be permitted.
    - (c) Not more than one (1) projecting sign or marquee sign shall be permitted per principal building and such sign shall not exceed thirty-two (32) square feet.
    - (d) Not more than two (2) integral roof signs shall be permitted per principal building.
    - (e) Window signs shall not exceed twenty-five (25) percent of the total window area.
  - (3) The signs permitted by sections (1) and (2) above may be changeable copy signs.
  - (4) Such signs shall be non-illuminated, indirectly illuminated or directly illuminated.
- b. Temporary signs shall be permitted in accordance with the following requirements:
  - (1) The maximum area of any such sign shall be twenty (20) square feet.
  - (2) Freestanding signs, banners and window signs shall be permitted, provided that no more than one (1) temporary, freestanding sign shall be permitted on a lot at any one time.
  - (3) The maximum height of a freestanding sign shall be ten (10) feet.
  - (4) Such signs shall be non-illuminated.
  - (5) No more than four (4) temporary signs shall be permitted per establishment for any one calendar year and no more than two (2) temporary signs shall be permitted per establishment at any one time.

- (6) Such signs shall be removed after fifteen (15) days. However, signs advertising the sale or rental of the premises upon which said sign has been erected shall be permitted until there is an agreement of sale, lease or rental for the property.

Section 913 Signs in the PI and EXT Districts

- a. The following types of permanent signs shall be permitted in the PI and EXT Districts:
  - (1) Each lot shall be permitted one (1) freestanding sign in accordance with the following requirements:
    - (a) The area of any such sign shall not exceed one (1) square foot for each four (4) feet of lot frontage or sixty (60) square feet, whichever is less.
    - (b) The maximum height of any such sign shall be twelve (12) feet.
  - (2) Each lot shall be permitted business signs in accordance with the following requirements:
    - (a) The total area of all building signs shall not exceed five (5) percent of the exterior area of the front building wall (including window and door area and cornices) of the principal building.
    - (b) Canopy signs, projecting signs, roof signs, wall signs and window signs shall be permitted.
    - (c) Not more than one (1) projecting sign shall be permitted per principal building and such sign shall not exceed thirty-two (32) square feet.
    - (d) Not more than one (1) roof sign shall be permitted per principal building. Such sign shall not exceed twenty (20) square feet and extend more than four (4) feet above the roof line.
  - (3) The signs permitted by sections (1) and (2) above may be changeable copy signs.
  - (4) Such signs shall be non-illuminated, indirectly illuminated or directly illuminated.
- b. Temporary signs shall be permitted in accordance with the following requirements:
  - (1) The maximum area of any such sign shall be twenty (20) square feet.
  - (2) Freestanding signs, banners and window signs shall be permitted; provided that no more than one (1) temporary, freestanding sign shall be permitted on a lot at any one time.
  - (3) The maximum height of a freestanding sign shall be ten (10) feet.
  - (4) Such signs shall be non-illuminated.
  - (5) No more than four (4) temporary signs shall be permitted per establishment for any one calendar year and no more than two (2) temporary signs shall be permitted per establishment at any one time.
  - (6) Such signs shall be removed after fifteen (15) days. However, signs advertising the sale or rental of the premises upon which said sign has been erected shall be permitted until there is an agreement of sale, lease or rental for the property.

Section 914 Nonconforming Signs

- a. Signs existing at the time of passage of this Ordinance, which were legally erected, and which do not conform with the requirements of this Ordinance shall be considered nonconforming signs.
- b. Nonconforming signs may be repainted or repaired (including lighting) provided such repainted or repaired sign does not exceed the dimensions of the existing sign. Wording may also be changed. However, nonconforming signs shall either be eliminated or made to conform with the requirements of this Article when any proposed change, repair or maintenance would constitute an expense of more than fifty (50) percent of the original value or replacement value of the sign, whichever is less.
- c. Nonconforming signs which are removed shall be replaced only with conforming signs.

Section 915 Permits, Construction, Maintenance and Violations

a. General Permit Procedures

- (1) A zoning permit must be obtained from the municipality before the erection of any sign greater than two (2) square feet in area, unless specifically exempted herein. Exemptions from the necessity of securing a zoning permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection in a safe manner and in a manner in accord with all the other provisions of this Ordinance.
- (2) Permanent Signs--Before any permit is granted for the erection of a permanent sign or permanent sign structure, plans and specifications shall be filed with the municipality showing:
  - (a) The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached;
  - (b) The dimensions of the sign's supporting members;
  - (c) The maximum height of the sign;
  - (d) The proposed location of the sign in relation to the face of the building, in front of which or above which it is to be erected;
  - (e) The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated;
  - (f) The method and hours of illumination;
  - (g) The materials, finish, and details of construction including loads, stresses, anchorage, and any other pertinent engineering data; and
  - (h) Existing signs on the property.
- (3) Temporary Signs--Temporary signs shall be allowed only upon the issuance of a temporary sign permit, which shall be subject to the following requirements:
  - (a) A temporary sign permit shall allow the use of a temporary sign for a specified time period, as authorized by this Ordinance.
  - (b) The applicant for a temporary sign permit shall provide the zoning officer with sufficient information to demonstrate compliance with the sign regulations of this Ordinance.

- (c) An escrow deposit shall be required as a guarantee that the temporary sign shall be promptly and completely removed at the end of the authorized period. If such signs are not promptly removed at the end of the authorized period, the municipality will have them removed and keep a sum necessary to reimburse the expense incurred in removal.
- (4) Fees and Deposits--Permit fees and refundable escrow deposit amounts shall be set from time to time by resolution of the Governing Body.
- b. Construction Requirements--All signs shall meet the design and construction requirements of the BOCA Basic Building Code. All electrical signs shall be manufactured in accordance with the Underwriters' Laboratories specifications and shall bear the laboratory label.
  - c. Maintenance Requirements--Every sign permitted by this Ordinance must be constructed of durable materials and kept in good condition and repair. Any sign which is allowed to become dilapidated may be removed by the municipality at the expense of the owner or leasee of the property or premises on which it is located. Prior to such action, the zoning officer shall follow the notification procedures specified in Section 915.e below.
  - d. Unsafe and Unlawful Signs--If the Zoning Officer finds that any sign regulated herein is unsafe or insecure or is a menace to the public or has been constructed, erected, or maintained in violation of the provisions of this Ordinance, he shall give notice to remove or alter the sign to comply with this Ordinance, in the same manner as in Section 915.e below. However, any sign which is in immediate peril to persons or property may be removed summarily and without notice.
  - e. Removal of Signs--The owner or leasee of any property or premises upon which any sign is erected shall be responsible for its complete removal as required by any provision of this Ordinance. If the owner or leasee of any property upon which a sign has been erected shall fail or neglect to remove it as hereinabove required, the Zoning Officer shall give notice to the owner by certified mail to remove the sign. If this letter is returned undelivered, for any reason, he may post such notice upon the premises. If, upon the expiration of thirty (30) days following notice, the owner fails to remove the sign, the municipality shall arrange for its removal and shall bill the owner or leasee for the cost of such work plus ten (10) percent for administrative cost.

#### Section 916 Commercial Outdoor Advertising Signs

Permitted only in the PI or PC zones, only one commercial outdoor advertising sign may be erected per premises fronting onto a public right-of-way, provided that:

- a. The sign must comply with PennDOT regulations.
- b. Orientation: Such sign shall be directed only towards and be visible from Rt. 663 or the PA Turnpike.
- c. Yard Setbacks
  - (1) Right-of-way: No outdoor advertising sign or any part thereof shall be erected or maintained within fifty (50) feet of the future (ultimate) right-of-way of a public street.
  - (2) Side or Rear Yards: No outdoor advertising sign or any part thereof shall be erected or maintained within fifty (50) feet of any side or rear property line.

- (3) Other Signs: No outdoor advertising sign or any part thereof shall be erected or maintained within five hundred (500) feet of any other such sign or freestanding sign.
  - (4) Residential dwellings: No outdoor advertising sign or any part thereof shall be erected or maintained within five hundred (500) feet of any residential dwelling.
  - (5) Intersections: No outdoor advertising sign or any part thereof shall be erected or maintained within five hundred (500) feet of any intersection of public roads.
- d. Landscaping: The following minimum landscaping shall be planted adjacent to each such sign
- (1) Five (5) 5-foot to 6-foot-high evergreen trees planted within a forty (40) foot radius on the sides and rear of the base of the sign.
  - (2) Four (4) 8-foot to 10-foot-high flowering trees planted within a fifty (50) foot radius on the sides of the base of the sign.
  - (3) One (1) 3-foot to 4-foot-high shrub per three (3) lineal feet of frontage or forty (40) shrubs, whichever is greater, to be planted in front of the sign.
- e. Area, Height, and Construction
- (1) No outdoor advertising sign shall be permitted to exceed a maximum area of one hundred (100) square feet, including border but excluding supports and trim which is not incidental to the copy content or intent of the display itself. A sign having two sides back-to-back or a V-shaped sign with a horizontal angle not greater than ninety (90) degrees, is permitted one on each side or a total maximum area of two hundred (200) square feet.
  - (2) No outdoor advertising sign shall exceed twenty (20) feet in height above the elevation of the highway directly adjacent to the proposed sign.
- f. Illumination
- (1) There shall be no more than one (1) 40,000 lumen light per sign face.
  - (2) The sign shall not be illuminated between 10:00 p.m. and 6:00 a.m.
- g. Permits
- (1) All commercial outdoor advertising signs shall apply for a sign permit by January 15 of each year.
  - (2) All signs shall be maintained in good condition.

## **ARTICLE X. ADMINISTRATION**

### Section 1000 Zoning Officer - Duties and Powers

The provisions of this Ordinance shall be administered and enforced by the zoning officer who shall be appointed by the Governing Body. It shall be the duty of the Zoning Officer and he/she shall have the power to:

- a. Receive and examine all applications for zoning permits.
- b. Issue permits or certificates only where there is compliance with the provisions of this Ordinance, with other municipal ordinances, and with the laws of the Commonwealth and the federal government. Permits for construction of uses requiring a special exception or variance shall be issued only upon order of the Zoning Hearing Board. Permits requiring approval by the Governing Body shall be issued only after receipt of approval from the Governing Body.
- c. Record and file all applications for zoning permits with accompanying plans and documents. All applications, plans and documents shall be a public record.
- d. Receive applications for special exceptions and variances and forward these applications and all pertinent information to the Zoning Hearing Board for action thereon.
- e. Receive applications for PRDs, conditional uses, curative amendments and zoning changes, forwarding requests and all pertinent information to the Governing Body, the Planning Commission, and other appropriate agencies.
- f. Following refusal of a permit, to receive applications for interpretation appeals and variances. These applications and all pertinent information will then be forwarded to the Zoning Hearing Board for action thereon.
- g. Conduct inspections to determine compliance or noncompliance with the terms of this Ordinance.
- h. Institute civil enforcement proceedings in accordance with Sections 1302 and 1303 of this Ordinance.
- i. With the approval of the governing body, or when directed by them, institute any appropriate action or proceedings to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation, so as to prevent the occupancy of or use of any building, structure, landscaping or land; or to prevent any illegal act, conduct, business, or use in or about such premises.
- j. Revoke any order or zoning permit issued under a mistake of fact or contrary to the law or the provisions of this Ordinance.
- k. Maintain a map or maps showing the current zoning classification of all land in the municipality.
- l. Register nonconforming structures, uses and lots in accordance with the provisions of Section 801.

### Section 1001 Duties of the Planning Commission

The Planning Commission shall review applications referred to it under Section 1000.e. In reviewing such applications, the Planning Commission shall follow the same procedure employed in reviewing subdivision and land development plans. The Planning Commission shall submit its recommendations and findings to the governing body within forty-five (45) days of receipt of the application from the Zoning Officer. Should the Planning

Commission fail to submit a report and recommendations to the governing body within forty-five (45) days from receipt of the application from the Zoning Officer, the application shall be deemed acceptable to the Planning Commission.

Section 1002 Zoning Permits Required

Hereafter, no use listed in Section 403 or 404 may be established or changed, no structure shall be erected, constructed, reconstructed, altered, razed or removed, and no building used or occupied, or changed in use, until a zoning permit has been secured from the Zoning Officer. Upon completion of changes in use or construction, reconstruction, alteration or moving of structures, the applicant shall notify the Zoning Officer of such completion. No permit shall be considered as complete or as permanently effective until the Zoning Officer has noted on the permit that the work or occupancy and use have been inspected and approved as being in conformity with the provisions of this Ordinance.

Section 1003 Application Requirements for Zoning Permits

- a. All applications for zoning permits shall be made in writing by the owner, tenant, vendee under contract of sale, or authorized agent on a form supplied by the municipality, and shall be filed with the Zoning Officer. The application shall include the following information:
  - (1) A statement as to the proposed use of the building or land.
  - (2) A site layout drawn to scale showing the location, dimensions, and height of proposed buildings, structures, or uses and any existing buildings in relation to property lines and street lines. If the application relates to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial development to the proposed layout of the entire property.
  - (3) The location, dimensions, and arrangements of all open spaces, yards and buffer yards, including methods to be employed for screening.
  - (4) The site layout shall indicate all existing trees which are to be saved, the tree protection zone boundary, and the method by which tree protection will occur.
  - (5) The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-street parking, off-street loading and unloading, and provisions to be made for lighting such areas.
  - (6) For signs, the information specified in Section 915.a (2) shall be provided.
  - (7) The location and dimensions of sidewalks and all other areas to be devoted to pedestrian use.
  - (8) Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply, and stormwater management.
  - (9) The capacity and arrangement of all buildings used or intended to be used for dwelling purposes, including the proposed density in terms of number of dwelling units per acre of land.
  - (10) A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing noise, glare, air pollution, water pollution, fire hazards, traffic congestion, or other safety hazards.

- (11) Description of methods to be employed in controlling any excess noise, glare, pollution, smoke fumes, water pollution, fire hazards, traffic congestion, or other safety hazards.
  - (12) Any other data deemed necessary by the Zoning Officer, Planning Commission or Governing Body to enable them to determine compliance of the proposed development with the terms of this Ordinance.
- b. No permit for any new use or construction which will involve the on-site disposal of sewage or waste, and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on-site, shall be issued until approval has been granted by the Bucks Co. Dept of Health.
  - c. No permit for any new use or construction which will use public sewage facilities, and no permit for a change in use or an alteration which will result in an increased volume of sewage, shall be used until approval of the connection has been granted by the servicing authority.

#### Section 1004 Fees

All applicants for zoning permits shall, at the time of making application, pay to the Zoning Officer for the use of the municipality a fee in accordance with the fee schedule adopted by resolution of the Governing Body upon the enactment of this Ordinance or as such schedule may be amended by resolution of the Governing Body.

#### Section 1005 Life of a Zoning Permit

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.

#### Section 1006 Certificate of Occupancy

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 or 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.

For businesses that are open to the public, a certificate of occupancy shall be obtained from the Pennsylvania Department of Labor and Industry in accordance with the Pennsylvania Code-Title 34, Chapters 49 to 59 before the zoning officer issues a certificate of occupancy.

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 fee shall be charged for a certificate of occupancy. The issuance of a certificate of occupancy in no way absolves the owner or authorized agent from compliance with the intent of this Ordinance.

**ARTICLE XI. ZONING HEARING BOARD & OTHER ADMINISTRATIVE PROCEEDINGS**

Section 1100 Establishment of Zoning Hearing 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.

Section 1101 Membership, Terms of Office of Zoning Hearing Board

- a. The Zoning Hearing Board shall consist of three (3) residents of the municipality appointed by resolution by the Governing Body. The terms of office shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Governing Body of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the municipality.
- b. Alternate Members. The Governing Body may appoint by resolution at least one (1) but not more than three (3) residents of the municipality to serve as alternate members of the Zoning Hearing Board, subject to the following provisions:
  - (1) The term of office of an alternate member shall be three (3) years.
  - (2) Alternate members shall hold no other office in the municipality.
  - (3) Any alternate member may participate in any proceeding or discussion of the Zoning Hearing Board but shall not be entitled to vote as a member of the Zoning Hearing Board nor receive any compensation (if such compensation exists) unless designated as a voting alternate member.
  - (4) If, by reason of absence or disqualification of a Zoning Hearing Board member, a quorum is not reached, the Chair of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter or case for which the alternate member was initially appointed until the Zoning Hearing Board has made a final determination of the matter or case. Designation of an alternate member shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

Section 1102 Removal of Member of Zoning Hearing Board

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Governing Body, taken after 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

Section 1103 Organization of Zoning Hearing Board

- a. Officers: The Zoning Hearing Board shall elect a chair from its membership, and shall appoint a secretary. The chair, or in his absence the acting chair, may administer oaths and compel the attendance of witnesses.
- b. Procedures: The Zoning Hearing Board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the municipality and laws of the Commonwealth.

- c. Meetings: Meetings shall be open to the public and shall be at the call of the Chair and at such other times as the Zoning Hearing Board shall specify in its rules of procedure. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board.
- d. Records and Decisions: The Zoning Hearing Board shall keep minutes of its proceedings, showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official actions, all of which shall be the property of the municipality and shall be a public record. The Zoning Hearing Board shall submit a report of its activities to the Governing Body as requested by the Governing Body.

Section 1104 Expenditures for Services of Zoning Hearing Board

- a. The Governing Body shall fix per-meeting compensation for the members of the Zoning Hearing Board according to a schedule adopted by resolution of the Governing Body upon enactment of this Ordinance or as such schedule may be amended from time to time. Such compensation shall not exceed the rate of compensation authorized to be paid to the members of the Governing Body.
- b. Alternate members may receive compensation for the performance of their duties when designated as voting alternate members pursuant to Section 1101.b of this Ordinance. Such compensation shall be in accordance with subsection a. hereof.

Section 1105 Jurisdiction of Zoning Hearing Board and Governing Body

- a. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
  - (1) Substantive challenges to the validity of any land use ordinance, except those brought before the Governing Body pursuant to Section 1111.a(2) of 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 thirty (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 therefore, the issuance of any cease and desist 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 provision.
  - (5) Applications for variances pursuant to Section 1106 of this Ordinance.
  - (6) Applications for special exceptions pursuant to Section 1107 of this Ordinance.
  - (7) Appeals from the determination of the Zoning Officer or municipal 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 relate to development not involving an application for a subdivision, land development or planned residential development.
- b. The Governing Body shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- (1) All applications for approval of Planned Residential Developments under Article VII of this Ordinance.
- (2) All applications for subdivisions and land developments pursuant to the Subdivision and Land Development Ordinance. Any provision in the Subdivision and Land Development Ordinance requiring that final action concerning subdivision and land development applications be taken by the Planning Commission rather than the Governing Body shall vest exclusive jurisdiction in the Planning Commission in lieu of the Governing Body for purposes of the provisions of this paragraph.
- (3) Applications for conditional uses pursuant to Section 1108 of this Ordinance.
- (4) Applications for curative amendments pursuant to Section 1111 of this Ordinance.
- (5) All petitions for amendments to land use ordinances pursuant to Article XII of this Ordinance.
- (6) Appeals from the determination of the zoning officer or the municipal engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to an application for a subdivision, land development or planned residential development.

Section 1106 Zoning Hearing Board: Powers and Duties - Variances

- a. Applicability. Upon appeal from a determination by the Zoning Officer, the Zoning Hearing Board shall have the power to vary or adapt the strict application of any of the requirements of this Ordinance, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition on such piece of property, the strict application of any regulation enacted under this Ordinance would result in peculiar and exceptional and undue hardship upon the owner of such property, but in no other case.
- b. Condition. In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances.
- c. Requirements and Standards. No variance in the strict application of the provisions of this Ordinance shall be granted by the Zoning Hearing Board unless the Zoning Hearing Board finds that the requirements and standards are satisfied.

The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate that the appeal for the variance is in conformance with the following requirements and standards listed below:

- (1) That the granting of the variance shall be in harmony with the general purpose and intent of this Ordinance, and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (2) That the granting of the variance will not permit the establishment within a District of any use which is not permitted in that District.
- (3) There must be proof of unique circumstances. That there are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in

the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.

- (4) There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, hardship complained of cannot be self-created; it cannot be claimed by one who purchases with or without knowledge of restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of a variance granted under similar circumstances shall not be considered.
- (5) That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Zoning Hearing Board is the minimum variance that will accomplish this purpose.

The Zoning Hearing Board may impose whatever conditions and safeguards it deems necessary to insure that any proposed development or use will secure substantially the objectives of this Ordinance.

- d. Administration. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the procedures and standards set forth in Section 1109.

#### Section 1107 Zoning Hearing Board: Powers and Duties - Special Exceptions

- a. Applicability. The Zoning Hearing Board shall have the power to approve special exceptions when this Ordinance specifically requires the obtaining of such approval and for no other use or purpose.
- b. Conditions and Standards. In granting a special exception, the Zoning Hearing Board shall make findings of fact consistent with the provisions of this Ordinance. The Zoning Hearing Board shall not approve a special exception except in conformance with the conditions and standards outlined in this Ordinance.
- c. General Requirements and Standards Applicable to All Special Exceptions. The Zoning Hearing Board shall grant a special exception only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements listed herein as well as any specific requirements and standards for the proposed use. The Zoning Hearing Board shall among other things require that any proposed use and location be:
  - (1) In accordance with the Quakertown Area Comprehensive Plan and Section 105 of this Ordinance and consistent with the spirit, purposes, and the intent of this Ordinance;
  - (2) In the best interests of the Municipality, the convenience of the community, the public welfare, and be a substantial improvement to the property in the immediate vicinity;
  - (3) Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;
  - (4) In conformance with all applicable requirements of this Ordinance and all municipal ordinances;
  - (5) Suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard. Where 125 or more trips per day could result from the application, a traffic impact study shall be submitted in accordance with Section 1205 (c); and

- (6) In accordance with sound standards of subdivision and land development practice where applicable.

The Zoning Hearing Board may impose whatever conditions and safeguards it deems necessary to insure that any proposed development or use will secure substantially the objectives of this Ordinance.

- d. Review by the Planning Commission on Application for Special Exception. The Zoning Hearing Board shall request an advisory opinion from the Planning Commission on any application for a Special Exception; the Planning Commission is to submit a report of such advisory opinion prior to the date of the public hearing held by the Zoning Hearing Board on an application.
- e. The Zoning Hearing Board shall request an advisory opinion from the Quakertown Area Planning Committee on any application for a Special Exception involving a development of more than five (5) acres as required in Section 1402.c.
- f. Administration. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the procedures and standards set forth in Section 1109.

#### Section 1108 Governing Body: Powers and Duties - Conditional Uses

- a. Applicability. The Governing Body shall have the power to approve conditional uses when this Ordinance specifically requires the obtaining of such approval and for no other use or purpose.
- b. Conditions and Standards. In granting a conditional use, the Governing Body shall make findings of fact consistent with the provisions of this Ordinance. The Governing Body shall not approve a conditional use except in conformance with the conditions and standards outlined in this Ordinance.
- c. General Requirement and Standards Applicable to All Conditional Uses. The Governing Body shall grant a conditional use only if it finds adequate evidence that any proposed development submitted will meet all of the following general requirements as well as any specific requirements and standards listed in subsection d for the proposed use and those contained in Articles IV and V. The Governing Body shall among other things require that any proposed use and location be:
  - (1) In accordance with the Quakertown Area Comprehensive Plan and Section 105 of this Ordinance and consistent with the spirit, purposes, and the intent of this Ordinance;
  - (2) In the best interests of the Municipality, the convenience of the community, the public welfare, and be a substantial improvement to the property in the immediate vicinity;
  - (3) Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity;
  - (4) In conformance with all applicable requirements of this Ordinance and all municipal ordinances;
  - (5) Suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard. Where 125 or more trips per day could result from the application, a traffic impact study shall be submitted in accordance with Section 1205 (c); and

- (6) In accordance with sound standards of subdivision and land development practice where applicable.
- d. Specific Requirements and Standards. The Governing Body shall:
- (1) Determine that the proposal provides for adequate access to public roads without creating hazardous conditions. In making this determination, the Governing Body may impose conditions requiring:
    - (a) access to be limited, or combined with that of adjoining properties;
    - (b) improvement of vertical or horizontal alignment adjoining the site or off-site if access to the site would be restricted or hazardous as a result of the alignment problem.
    - (c) widen or replace a bridge if said bridge restricts access to the site, or where the nature of the traffic generated by the proposed use would create a hazardous or restrictive situation.
  - (2) Examine the use and its relationship to existing land uses to insure that the proposed use does not adversely alter the character of stable neighborhoods and to protect adjoining residents from uses which are objectionable. To this end, the Governing Body may impose conditions requiring:
    - (a) special buffer planting, buffer yards, or planted berms;
    - (b) planting or walls to screen intrusive uses such as parking lots, loading docks, mechanical plants, etc;
    - (c) control of location of intrusive uses so that they are sited in the least disruptive manner;
    - (d) special design of lighting and signs to avoid disrupting existing developments or conflicting with the vision of motorists, particularly near intersections.
  - (3) The natural resources listed in Section 501 shall be mapped and presented to provide evidence that the performance standards in Section 504 can be met. Drawings and calculations shall be provided to illustrate and indicate the percentage of intrusion for each natural resource so that each standard in Section 504 may be evaluated.
  - (4) Many conditional uses are so classified because of their potential for nuisance. The following additional conditions shall apply to these uses.
    - (a) Uses A3 Intensive Agriculture and A6 Commercial Kennel  

The applicant shall indicate what measures will be taken to prevent surface water and groundwater contamination from fertilizers, herbicides and pesticides and from animal waste.
    - (b) Use C13 Halfway House  

The applicant shall indicate what types of security measures will be provided to protect nearby residences from disruptive behavior.
    - (c) Use C15 Recreational Camping Park

- (1) The applicant should provide a means for the municipality to ensure that the lengths of occupants' stays do not exceed the requirements of Section 404.C15.b.
  - (2) The applicant shall indicate that emergency vehicles will have adequate access throughout the development.
  - (3) A water resources impact study shall be provided in accordance with the requirements of Section 1205.d of this Ordinance.
- (d) Uses E12 Outdoor Entertainment and E25 Vehicular Track or Course
- (1) The maximum impervious surface for these uses shall be sixty (60) percent.
  - (2) The applicant shall demonstrate that the proposed use can meet the noise standards of Section 508 of this Ordinance.
- (e) Use E15 Veterinary Office or Clinic
- The applicant shall indicate what measures will be taken to abate animal noises.
- (f) Use E24 Outdoor Motion Picture Establishment
- The maximum impervious surface for this use shall be sixty (60) percent.
- (g) Use E26 Flea Market
- The governing body shall determine the hours and days of operation to prevent conflicts with surrounding land uses.
- (h) Use G2 Research
- In the CC District, research involving hazardous chemicals, gases or explosive products may be rejected as inappropriate.
- (i) Use G10 Junk Yard
- This use shall be at least four hundred (400) feet from any existing residential use.
- (5) VC-1 and VC-2 Districts - Those uses listed in the Table of Use Regulations as permitted by conditional use in the VC-1 and VC-2 Districts shall meet the following regulations:
- (a) No building shall exceed a gross floor area of five thousand (5,000) square feet, except Uses B10 and C12.
  - (b) The length of any building wall that fronts on a street shall not exceed 2.5 times the height of the building.
  - (c) The distance at the closest point between any two buildings or groups of attached buildings shall not be less than 20 feet.
  - (d) If there is an existing building on the lot, every effort must be made to preserve the building. If any alterations of the building's facade or any expansion of the building is proposed, every attempt should be made to match the scale and building materials of the existing building.

- (e) If new buildings are proposed, whether on vacant lots or sharing a lot with an existing building, every attempt should be made to provide a design that is compatible with the size, scale, general appearance, and building materials of surrounding buildings. In addition, new buildings should be oriented towards the village to provide continuity and to strengthen the village character.
- e. The Governing Body may impose whatever conditions and safeguards it deems necessary to insure that any proposed development or use will secure substantially the objectives of this Ordinance.
- f. Review by Planning Commission. The Governing Body shall request an advisory opinion from the Planning Commission on any application for a Conditional Use; the Planning Commission is to submit a report of such advisory opinion prior to the date of the public hearing held by the Governing Body on an application.
- g. The Governing Body shall request an advisory opinion from the Quakertown Area Planning Committee on any application for a Conditional Use involving a development of more than five (5) acres as required in Section 1402.c.
- h. Conditional use applications shall be governed by the following:
  - (1) The landowner shall make a written request to the Governing Body that it hold a hearing on the application. The request shall contain a statement reasonably informing the Governing Body of the matters that are in issue.
  - (2) The application shall be accompanied by plans and other material describing the use or development proposed. Such plans and other materials shall provide a sufficient basis for evaluating the applicant's request. Information required by this Ordinance shall accompany the application.
  - (3) The Governing Body shall hold a hearing pursuant to public notice upon the request, commencing not later than 60 days after the request is filed, unless the applicant requests or consents in writing to an extension of time. In addition, the Governing Body shall render a written decision within forty-five (45) days after the last hearing.
- i. Administration. The Governing Body shall conduct hearings and make decisions in accordance with the procedures and standards set forth in Section 1109.
- j. Fees. The applicant for any hearing on a conditional use request before the Governing Body shall at the time of making application, pay a fee in accordance with a fee schedule adopted by resolution of the Governing Body or as such schedule may be amended from time to time. In addition, an escrow deposit may be required, as established by resolution of the Governing Body.

Section 1109 Zoning Hearing Board / Governing Body - Hearings

Hearings pursuant to this Ordinance shall be held by the Zoning Hearing Board and/or the Governing Body in accordance with the following requirements.

- a. Public notice shall be given and written notice shall be given to the applicant, the zoning officer, such other persons as the Governing Body shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Zoning Hearing Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.

- b. The Governing Body may prescribe reasonable fees by resolution with respect to hearings. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- c. The hearing shall be held within sixty (60) days from the date of the applicant's request, unless the applicant has agreed in writing to an extension of time.
- d. The hearings shall be conducted by the Zoning Hearing Board. The decision, or, where no decision is called for, the findings shall be made by the Board.
- e. The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other person including civic or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Zoning Hearing Board for that purpose.
- f. The Chairman or Acting Chairman of the Zoning Hearing Board shall have 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 the parties.
- g. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- h. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.
- i. The Zoning Hearing Board shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or shall be paid by the person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
- j. The Zoning Hearing Board shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and where all parties have opportunity to participate. The Zoning Hearing Board shall not take notice of any communication, report, 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.
- k. The Zoning Hearing Board shall render a written decision or, where no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Zoning Hearing Board. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore. Conclusions based on the provisions of any Act of the Commonwealth, or any Ordinance, rule or regulation shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.

Where the Zoning Hearing Board fails to render its decision within forty-five (45) days or fails to hold the required hearing within sixty (60) days from the date of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Zoning Hearing Board to meet or render a decision as herein above provided, the Zoning Hearing Board shall give public notice of said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in subsection a of this section. If the Zoning Hearing Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

- i. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

#### Section 1110 Parties Appellant Before the Zoning Hearing Board

Appeals under Section 1105.a(1), (2), (3), (4) and (7) of this Ordinance may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the municipality, or any person aggrieved. Requests for a variance under Section 1106 and for a special exception under Section 1107 of this Ordinance may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner. Appeals must be filed within thirty (30) days following a determination by the zoning officer. Such appeals must be made on township-provided forms and all fees paid in full prior to acceptance.

#### Section 1111 Validity of Ordinance: Substantive Questions

- a. A landowner who, on substantive grounds, desires to challenge the validity of an Ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either:
  - (1) To the Zoning Hearing Board under Section 1105.a of this Ordinance; or
  - (2) To the Governing Body under Section 1105.b(4) of this Ordinance, together with a request for a curative amendment.
- b. Persons aggrieved by a use or development permitted on the land of another by an Ordinance or map, or any provision thereof, who desires to challenge its validity on substantive grounds shall first submit their challenge to the Zoning Hearing Board for a decision thereon under Section 1105.a(1) of this Ordinance.
- c. The submissions referred to in subsections a and b above shall be governed by the following:
  - (1) In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Zoning Hearing Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of such Ordinance and elects to proceed by curative amendment, his application to the Governing Body shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged Ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval or for the issuance of a permit, so

long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged Ordinance or map in light thereof. Nothing herein shall preclude the landowner from first seeking a final approval before submitting his challenge.

- (2) If the submission is made by the landowner to the Governing Body under subsection a(2) hereof, the request also shall be accompanied by an amendment or amendments to the Ordinance proposed by the landowner to cure the alleged defects therein.
  - (3) If the submission is made to the Governing Body, the municipal solicitor shall represent and advise it at the hearing or hearings.
  - (4) The Governing Body may retain an independent attorney to present the defense of the challenged Ordinance or map on its behalf and to present their witnesses on its behalf.
  - (5) Based upon the testimony presented at the hearing or hearings, the Governing Body or the Zoning Hearing Board, as the case may be, shall determine whether the challenged Ordinance or map is defective, as alleged by the landowner. If a challenge heard by the Governing Body is found to have merit, the Governing Body may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board or the Governing Body, as the case may be, shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
    - (a) the impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
    - (b) if the proposal is for a residential use, the impact of the proposal upon regional housing needs and effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or map;
    - (c) the suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
    - (d) the impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
  - (6) The Governing Body or the Zoning Hearing Board, as the case may be, shall render its decision within forty-five (45) days after the conclusion of the last hearing.
  - (7) If the Governing body or the Zoning Hearing Board, as the case may be, fails to act on the landowner's request within the time limits referred to in subsection (6), a denial of the request is deemed to have occurred on the forty-sixth (46) day after the close of the last hearing.
- d. The Zoning Hearing Board or Governing Body, as the case may be, shall commence its hearings within sixty (60) days after the request is filed unless the landowner requests or consents to an extension of time.
  - e. Public notice of the hearing shall include notice that the validity of the Ordinance or map is in question and shall give the place where and the times when a copy of the

request, including any plans, explanatory material or proposed amendments may be examined by the public.

- f. The challenge shall be deemed denied when:
- (1) The Zoning Hearing Board or Governing Body, as the case may be, fails to commence the hearing within the time limits set forth in subsection d;
  - (2) The Governing Body notifies the landowner that it will not adopt the curative amendment;
  - (3) The Governing Body adopts another curative amendment which is unacceptable to the landowner; or
  - (4) The Zoning Hearing Board or Governing Body, as the case may be, fails to act on the request forty-five (45) days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality.
- g. Where, after the effective date of this Ordinance, a curative amendment proposal is approved by the grant of a curative amendment application by the Governing Body pursuant to Section 1105.b(4) of this Ordinance or a validity challenge is sustained by the Zoning Hearing Board pursuant to Section 1105.a(1) of this Ordinance or the Court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval pursuant to the Subdivision and Land Development Ordinance or Article VII of this Ordinance. Within the two-year period, no subsequent change or amendment in the zoning, subdivision and land development or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge.
- Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development ordinance, the developer shall have one-year within which to file for a building permit. Within the one year period, no subsequent change or amendment in the zoning, subdivision and land development or other governing ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the Court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.
- h. If a municipality does not accept a landowner's curative amendment and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

#### Section 1112 Court Appeals

All appeals from all land use decisions rendered pursuant to this Article shall be taken to the Court of Common Pleas of the judicial district wherein the land is located and shall be filed within thirty (30) days after entry of the decision, or in the case of a deemed decision, within thirty (30) days after the notice of said deemed decision is given as set forth in Section 1109.k of this Ordinance.

## ARTICLE XII. AMENDMENTS

### Section 1200 Power of Amendment

The Governing Body may from time to time amend, supplement, change, modify or repeal this Ordinance, including the zoning map. When doing so, the Governing Body shall proceed in the manner prescribed in Section 1202 of this Article.

### Section 1201 Who May Initiate

Proposals for amendment, supplement, change, modification or repeal may be initiated by the Governing Body on its own motion, by the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Each petition by one or more property owners shall be signed and acknowledged, and submitted in writing to the secretary of the Governing Body. Along with the petition, the applicant(s) shall submit the information required in Section 1205 Impact Statement.

### Section 1202 Enactment of Zoning Ordinance Amendments

- a. Before voting on the enactment of an amendment, the Governing Body shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality 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 hearings.
- b. For an amendment other than that initiated by the Planning Commission, the Governing Body shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
- c. 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 Governing Body shall hold another public hearing, pursuant to the public notice, before proceeding to vote on the amendment.
- d. The municipality shall submit each amendment to the Bucks County Planning Commission and to the Quakertown Area Planning Committee at least thirty (30) days prior to the public hearing for recommendations.
- e. Within thirty (30) days after enactment, a copy of the amendment to the zoning ordinance shall be forwarded to the Bucks County Planning Commission.

### Section 1203 Change of Zoning in the FC Future Commercial District

The Future Commercial District is a classification intended to safeguard landowners' rights to nonresidential development while protecting the municipality's and citizens' rights in ensuring that necessary services and infrastructure will be present in the area prior to development. It is intended that once the site is provided with suitable facilities, it will be changed at the request of the owner to Planned Commercial (PC), Select Commercial (SC), or Planned Industrial (PI). The following special conditions apply:

- a. The Planning Commission and Governing Body shall maintain and provide a record showing the previous zoning classification of all such lands.
- b. The applicant for a change of zoning shall provide the following:
  - (1) Proof that marginal access roads are provided or programmed to be provided.

- (2) Proof that public or private water supply is available at the site.
- (3) Proof that public sewer connections to a treatment plant approved by DEP are available and that there is plant capacity to handle the projected load.
- (4) Provision of performance bonds or other surety to insure that these services are made available.
- (5) The applicant shall submit the information required in Section 1205 Impact Statement.

#### Section 1204 Extension of Development Area

A landowner who wishes his property to be included in the Development Area may make a request to the Governing Body. The following procedures shall be observed.

- a. The applicant must submit the information required in Section 1205 Impact Statement.
- b. The applicant must establish that public sewerage is obtainable and that plant capacity is adequate to handle the effluent anticipated to be generated by the proposed development as well as the development which is permitted in the Development Areas which are serviced by that treatment plant.
- c. The applicant shall be required to provide or to finance a study of the service area of the proposed sewer extension. This study shall be conducted by the Municipal Engineer or other qualified engineer agreed upon by both the Municipality and the applicant. The study shall determine the feasibility and cost of extending the line and expanding the plant, and the amount of development which may be served.
- d. Implementation - Prior to hearing and acting on a zoning change request which would extend the Development Area, the petition and impact statement shall be reviewed by the municipal planning commission, the Bucks County Planning Commission and the Quakertown Area Planning Committee. The municipality may also retain, at the petitioner's expense, experts to review and comment on any or all of the issues addressed in the impact statement.

Before voting on the request, the Governing Body shall review the petition, the impact statement, the review comments of the municipal planning commission, the Bucks County Planning Commission and the Quakertown Area Planning Committee, any consultants hired by the municipality and the notes of testimony of the hearing. If the Governing Body determines the change creates major problems or adverse impacts, then the Governing Body shall reject the proposed zoning change.

- e. The petitioner filing the request for an extension of the development area shall at the time of filing, pay to the Zoning Officer, for the use of the municipality, 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.

#### Section 1205 Impact Statement

For any petition filed pursuant to Section 1201, 1203 or 1204 of this Ordinance, an impact statement shall be submitted with the petition. 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 the Quakertown Area. A detailed statement of these impacts shall be submitted by the applicant for any change in zoning classification or where required for a proposed use pursuant to this Ordinance. Such statement shall contain the following:

- a. Quakertown Area Comprehensive Plan - An analysis of the consistency of the proposed zoning change with the Comprehensive Plan shall be presented. The analysis shall include, but not be limited to, the compatibility with the Statement of Community Goals and Objectives, and the impact on the Land Use Plan, Community Services and Facilities, Regional Population and Housing Projections.
- b. Environmental Impact - An analysis of the impact on stormwater runoff, aquifer recharge, erosion, sedimentation, wildlife habitats, scenic areas, and 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.
- c. Transportation Impact - An analysis of the impact of the proposed zoning change on the transportation system, both highways and public transportation, shall be provided.

Where a proposed zoning change, conditional use, special exception, subdivision, or land development could result in traffic generation of 125 or more trips per day (see Section 1205.c(3)(d) for calculation), a transportation impact study shall be prepared in accordance with the following requirements.

The appropriate review body, at its discretion, may require any other zoning change, special exception or conditional use application to be accompanied by a traffic impact study; provided, however, that the appropriate review body notifies the applicant within 15 days following the reviewing body's first meeting to consider the proposal. Such a notification shall specify the reason for the requirement, citing the proposal's particular location or existing problems or type of use, e.g., generation of heavy truck traffic. The Board of Supervisors may waive the requirement to perform a traffic impact study only where, in the Board's sole discretion, sufficient studies have been done to identify needed improvements and the applicant has offered to construct or contribute towards needed improvements.

#### (1) Definitions

- (a) Public Transportation - Transportation services for the general public provided by a common carrier of passengers generally but not necessarily on a regular route basis, by the Southeastern Pennsylvania Transportation Authority or a private operator offering service to the public.
- (b) Study Area - The study area shall be defined by two concentric circles at each access point. The first circle shall have a radius of one-half mile from each access point and shall include all intersections along all roadways on which the tract has frontage and all major intersections on all other roadways. The second circle shall have a radius of one mile from each access point and include all major intersections on all roadways on which the tract has frontage. In the case that no major intersections are encountered on frontage roadways within either one-half mile or one mile radius areas, the study area shall be extended along frontage roadways to at least the first major intersection in each direction. All intersections identified in the study area should be examined.

Proposals that will generate more than 2,500 new average daily trips shall expand the first concentric circle to a one mile radius and the second circle to a two mile radius. The study shall consider all intersections meeting this criteria, even if the intersections are located outside of the municipality. The transportation engineer shall seek guidance from the Zoning Officer prior to the initiation of the traffic impact study to insure agreement on the study area boundaries.

- (c) Major Intersection - The intersection of any arterial or collector street with any other arterial or collector street as defined by the Highway Classification Map of the Quakertown Area Zoning Ordinance or the equivalent document of adjacent municipalities where appropriate. The transportation engineer shall seek guidance from the Zoning Officer prior to the initiation of the traffic impact study to insure agreement on the location of major intersections.
  - (d) Level-of-Service - Level of service (LOS), as described in the 1985 Highway Capacity manual, (Special Report 209, Transportation Research Board) or as amended, is a qualitative measure of the operational conditions within a traffic stream and their perceptions by motorists. Levels of service are defined in terms of delay for signalized intersections and reserve capacity for unsignalized intersections. Six levels of service (A through F) are defined for each type of facility with LOS "A" representing least congested operating conditions and LOS "F" representing a breakdown in operating conditions.
  - (e) Capacity Analysis - Intersection approach capacity is the maximum rate of vehicular flow that can pass through an intersection under prevailing roadway, traffic and signalization conditions. The analysis compares the actual or projected traffic volume to the intersection capacity and results in a volume/capacity (V/C) ratio.
  - (f) Trip Generation Rates - The total count of trips to and from a study site per unit of land use, as measured by parameters like dwelling units or acres. The Trip Generation Report, Third Edition or as amended by the Institute of Transportation Engineers shall be referenced to determine specific rates.
  - (g) Warrants for Traffic Signal Installation - A series of tests which detail the minimum traffic or pedestrian volumes or other criteria necessary for the installation of a traffic signal. These warrants are contained in the Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation, Federal Highway Administration, 1978, as amended.
  - (h) On-Site Transportation Improvements - All improvements on or adjacent to the development site in the public right-of-way required to be constructed by the developer pursuant to any ordinance, resolution or requirement of the municipality and/or directly related to the transportation needs of the proposed use.
  - (i) Off-Site Transportation Improvements - Other transportation related improvements which are generally not contiguous with the property being developed and not required as an on-site improvement but found to be necessary, partly or wholly as a result of the proposed use.
- (2) The traffic impact study shall be prepared by a qualified traffic engineer and/or transportation planner.
- (3) General Requirements and Standards
- (a) General Site Description - The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed development. If the development is residential, types of dwelling units shall also be included. The general site description shall also include probable socio-economic characteristics of potential site users to the extent that they may affect the transportation needs of the site, e.g., number of senior citizens. A brief description of other major existing and proposed land developments within the study area shall be provided.
  - (b) Transportation Facilities Description - The description shall contain a full documentation of the proposed internal and existing external transportation

system. This description shall include proposed internal vehicular, bicycle and pedestrian circulation, all proposed ingress and egress locations, all internal roadway widths and rights-of-way, parking conditions, traffic channelizations, and any traffic signals or other intersection control devices at all intersections within the site. The site design shall be shown to maximize potential public transportation usage to and from the development, by providing adequate turning radii at all access points to allow a bus to enter the development and designating bus shelter and sign locations where appropriate.

The report shall describe the entire external roadway system within the study area. Intersections in the study area shall be identified and illustrated. All existing and proposed public transportation services and facilities within a one-mile radius of the site shall also be documented. Regional rail stations within three miles shall be noted. All future highway improvements, including proposed construction and traffic signalization, shall be noted. This information shall be obtained from the Pennsylvania Department of Transportation's Twelve-Year Highway and Bridge Program and the municipality. Any proposed roadway improvements due to proposed surrounding developments shall be recorded.

- (c) Existing Traffic Conditions - To the extent that it analyzes the study area, the Quakertown Area Traffic Analysis, Orth-Rodgers & Associates of April, 1987 shall be considered the baseline for determining existing conditions. Existing traffic conditions shall be measured and documented for all roadways and intersections in the study area and shall include current average daily traffic volumes, peak highway hour(s) traffic, and peak development-generated hour(s) traffic to update the Quakertown Area Traffic Analysis. Manual traffic counts at all intersections in the study area shall be conducted, encompassing the peak highway and development-generated hour(s), and documentation shall be included in a technical appendix to the report. A delay analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development-generated hour(s) for all roadways and intersections in the study area. An additional volume/capacity (V/C) analysis shall be conducted for all intersections having a level of service D, E, or F or which should be reasonably expected to have such a level of service after the proposed development. Volume/capacity ratios and delay levels of service shall be determined for each location according to the 1985 Highway Capacity Manual or as amended. The date or dates when any and all traffic counts were made shall be set forth. All changes from the baseline conditions of Quakertown Area Traffic Analysis shall be noted.

This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand. Roadways and/or signalized intersections experiencing levels of service E or F, and V/C ratios greater than or equal to 1.0 shall be noted as deficient. Unsignalized or undersignalized intersections with levels of service E or F shall be noted as deficient.

- (d) Transportation Impact of Development - Estimation of vehicular trips to result from the proposal shall be completed for the average daily peak highway hour(s) and peak development-generated hour(s). (Trip shall mean a one-way trip into or out of the premises and shall not be construed to mean what is commonly referred to as a "round trip.") Vehicular trip generation rates to be used for this calculation shall be obtained from the Institute of Transportation Engineer's Trip Generation Report, Third Edition or as amended. For land uses not listed in the Institute's report, the transportation engineer shall seek guidance from the Zoning Officer or his/her designee.

All turning movements shall be calculated. These generated volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the study area. Documentation of all assumptions used

in the distribution and assignment phases shall be provided. Traffic volumes shall be assigned to individual access points. Pedestrian volumes shall also be calculated, if applicable. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristics of the site that will cause particular trip generation or distribution problems shall be noted.

- (e) Analysis of Transportation Impact - The total future traffic shall be calculated and shall consist of the existing traffic volume expanded to the project completion year using an annual background growth factor plus the development-generated traffic and traffic generated by other proposed developments in the study area. The annual background growth factor shall be determined using the projected rates of population and employment growth as determined by the Bucks County Planning Commission and the average annual traffic growth of the area's roadways as determined from the Delaware Valley Regional Planning Commission's "Highway Network Coverage Traffic Counts" and current 24 hour traffic counts.

The delay analysis shall be conducted using the total future demand and the future roadway capacity. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made.

The analysis shall be performed for the peak highway hour(s) and peak development-generated hour(s) for all roadways and intersections in the study area. Delay calculations shall be completed for all intersections and proposed access points to the development. A volume/capacity (V/C) analysis shall be conducted for all intersections having a future level of service D, E or F.

All access points and pedestrian crossing shall be examined as to the feasibility of installing traffic signals. This evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation.

- (f) Conclusions and Recommended Improvements - Levels of service (LOS) and volume/capacity (V/C) ratios shall be listed for all roadways and intersection lane groups. All roadways and intersections showing a level of service E or F, and V/C ratios equal to or greater than 1.0 shall be considered deficient. Also, the proportion of site-generated traffic to total future traffic shall be identified at each lane group that is considered deficient. Specific recommendations for the elimination of all deficiencies shall be listed and shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external roadway intersection design and improvements, traffic signal installation and operation including signal timing, and transit design improvements. All physical roadway improvements shall be illustrated. Signal timing should be evaluated for any intersection with a level of service D, E or F, but a volume/capacity (V/C) ratio less than 1.0. Warrants for signalization shall be examined for unsignalized or undersignalized intersections with levels of service E or F.

Existing and/or future public transportation service shall also be addressed and any transportation management techniques which would be available to the proposed development shall be identified. A listing of all actions to be taken to encourage public transportation usage for development generated trips and/or improve existing service, if applicable, shall be included.

- d. Water Resources Impact - An analysis of the impact of the proposed zoning change on underlying aquifers, streams and existing nearby wells or on the public water supply system shall be provided. The following information shall be included.

- (1) Any reports, studies or plans previously prepared for the municipality shall be utilized in the analysis.

- (2) The proposed water supply system including source(s), storage and distribution shall be discussed.
- (3) Existing and proposed water resources near the site should be identified.
- e. Sewage Facilities Impact - An analysis which evaluates the consistency of the proposed zoning change with the municipal sewage facilities plan.
- f. Community Services Impact - The impact of the proposed zoning change on the demand for community services such as police and schools shall be defined. Where standards of use are set by other agencies such as the Department of Environmental Protection, these shall be used. All capacities of existing facilities shall be identified and compared with demands that would be generated by the proposed zoning change.

For schools, the following school children yields shall be used.

**SCHOOL CHILDREN PER DWELLING UNIT**

	Grades K-6	Grades 7-9	Grades 10-12
Single-Family Detached Dwelling, Detached Off-Center, Village House			
2 BR	.103	.032	.030
3 BR	.472	.133	.100
4 BR	.803	.305	.220
5 BR	.997	.493	.431
Blended (All BRS) <sup>1</sup>	.523	.180	.135
Twin, Duplex, Patio House, Multiplex			
1 BR	.027	.008	.008
2 BR	.178	.042	.039
3 BR	.499	.198	.157
Blended (All BRS) <sup>1</sup>	.280	.100	.077
Townhouse, Atrium House			
1 BR	.020	.013	.000
2 BR	.111	.037	.020
3 BR	.315	.120	.096
Blended (All BRS) <sup>1</sup>	.231	.089	.063
Garden Apartments			
1 BR	.012	.005	.006
2 BR	.165	.046	.036
3 BR	.490	.216	.141
Blended (All BRS) <sup>1</sup>	.114	.039	.032
Manufactured homes			
1 BR	.037	.030	.015
2 BR	.114	.044	.030
3 BR	.607	.229	.168
Blended (All BRS) <sup>1</sup>	.307	.120	.085

<sup>1</sup> These ratios shall be used where the number of bedrooms is not known.

SOURCE: The New Practitioner's Guide to Fiscal Impact Analysis, Burchell, Listokin and Dolphin, Center for Urban Policy Research/Rutgers University, 1986.

- g. Implementation - Prior to hearing or acting on the zoning change request, the petition and impact statement shall be reviewed by the municipal planning commission, the Bucks County Planning Commission, and the Quakertown Area Planning Committee. The municipality may also retain, at the petitioner's expense, experts to review and comment on any or all 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 municipal planning commission, the Bucks County Planning Commission and the Quakertown Area Planning Committee, any consultants hired by the municipality and the notes of testimony of the hearing. If the Governing Body determines the change creates major problems or adverse impacts, then the Governing Body shall reject the proposed zoning change.

- h. The petitioner or applicant filing an impact statement shall, at the time of filing, pay to the Zoning Officer for the use of the municipality, 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.

#### Section 1206 Periodic Amendment of QAZO

This Ordinance shall be reviewed and may be amended if necessary in accordance with the guidelines incorporated in the Quakertown Area Comprehensive Plan. This process shall be repeated at least every five years to accommodate growth for the period which extends for at least the subsequent five years.

#### Section 1207 Fees

The applicant for any hearing on an appeal or amendment before the Governing Body shall at the time of making application, pay to the Zoning Officer, for the use of the municipality, 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.

## **ARTICLE XIII. ENFORCEMENT**

### Section 1300 Jurisdiction

Unless otherwise provided by law or in this Ordinance, no building or structure shall be erected, constructed, reconstructed, altered, razed or removed, and no building, structure or land shall be used or occupied, except for the purposes permitted herein.

### Section 1301 Remedies

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this Ordinance, the Governing Body or the Zoning Officer with the approval of the Governing Body may institute in the name of the municipality any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises.

### Section 1302 Enforcement Notice

- a. The Zoning Officer is hereby authorized and directed to enforce the provisions of this section and to institute civil enforcement proceedings as provided for in Section 1303, when acting within the scope of his employment.
- b. If it appears that a violation of this ordinance has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice 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.
- c. The enforcement notice shall state the following:
  - (1) The name of the owner of record and any other person against whom the municipality intends to take action.
  - (2) The location of the property in violation.
  - (3) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
  - (4) That the owner of record or other person against whom the municipality intends to take action has five (5) days to commence steps to comply with this Ordinance and thirty (30) days within which to complete such steps to be in compliance with this Ordinance, unless such times are extended in writing by the Zoning Officer.
  - (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of the date of the enforcement notice or not later than the expiration of any extension granted, in writing, by the Zoning Officer.
  - (6) That the failure to comply with the enforcement notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with sanctions clearly described.

### Section 1303 Enforcement Remedies

- a. Any person, partnership or corporation who or which has violated any of the provisions of this Ordinance, upon being found liable therefore in a civil enforcement proceeding commenced by the municipality shall pay a judgment of not more than

\$500.00 plus all court costs plus reasonable attorney fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. 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 this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5) day following the date of the determination of a violation by the district justice and thereafter each day that the violation continues shall constitute a separate violation.

- b. The court of common pleas, upon petition of the defendant, may grant an order of stay, upon cause shown, tolling the per deim judgment pending a final adjudication of the violation and judgment.
- c. Nothing contained herein shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

## **ARTICLE XIV. QUAKERTOWN AREA PLANNING COMMITTEE**

### Section 1400 Purpose

The Quakertown Area Planning Committee has been formed in accordance with Article XI of the Pennsylvania Municipalities Planning Code in recognition of the common planning problems which the member municipalities and the school district share.

### Section 1401 Membership

Membership on the Quakertown Area Planning Committee is limited to designated representatives of the Boroughs of Quakertown, Richlandtown and Trumbauersville; the Townships of Haycock, Milford and Richland; and the Quakertown Community School District.

### Section 1402 Duties

The duties of the Quakertown Area Planning Committee shall include but not be limited to the following:

- a. Review and recommendation concerning any amendment to the area subdivision and land development ordinance or to the area zoning ordinance.
- b. Review and recommendation concerning all planned residential developments, performance standard subdivisions, and cluster developments.
- c. Review and recommendation concerning all requests for conditional uses or special exceptions involving developments of more than five (5) acres.
- d. Review of all sketch and preliminary subdivision or land development plans of non-residential developments involving more than five (5) acres or residential developments of twenty-five (25) or more dwelling units.

All reviews and recommendations are advisory and shall be returned to the municipality within forty-five (45) days of receipt. The responsibility for submitting all required items to the Quakertown Area Planning Committee shall rest with the appropriate municipality.

**ARTICLE XV. REPEALER AND EFFECTIVE DATE**

Section 1500 Repealer

The existing zoning ordinance, adopted March 4, 1975 and entitled Milford Township Portion of the Quakertown Area Zoning Ordinance and all supplements and amendments thereto, are hereby repealed. 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 in that event, the existing Milford Township Portion of the Quakertown Area Zoning Ordinance, together with its supplements and amendments, would necessarily remain in full force and effect.

Section 1501 Effective Date

The effective date of this Ordinance shall be July 18, 1995.

Section 1502 Enactment

Enacted and ordained into an Ordinance this Eighteenth day of July, 1995.

/s/ Charles Strunk

/s/ John Moyer

/s/ Robert Mansfield

Attest:

This printing includes the following Amendments:

Ordinance 102 Wetland Margin	November 19, 1996
Ordinance 106 Telecommunications Facility	November 18, 1997
Ordinance 107 Yard Requirements	December 15, 1998
Ordinance 115 Misc. amendments and corrections	October 3, 2000
Ordinance 124 Misc. amendments and corrections	December 3, 2002
Ordinance 126 Impervious surface ratios, dimensional requirements, and performance standards	June 17, 2003

## Appendix A Bucks County Wetland Plant List

The following plant list represents common wetland species found in Bucks County. These species are reliable indicators of wetlands when found dominating a site (e.g., comprising more than 50% of the vegetation).

This list was derived from a larger regional list of wetland plants located in the northeastern United States compiled by the U.S. Fish and Wildlife Service. The selections for this Bucks County list were made with the assistance of several regional experts: Dr. Ann Rhoads, Director of Botany, Morris Arboretum; Dr. Ernest Schuyler, Associate Curator, Academy of Natural Sciences; Dr. David Benner, Professor of Botany, Delaware Valley College; and Edward Perry, Assistant Supervisor, U.S. Fish and Wildlife Service at State College.

	<b>SCIENTIFIC NAME</b>	<b>COMMON NAME</b>
1.	<i>Acer negundo</i> L.	Box Elder
2.	<i>Acer saccharinum</i> L.	Silver Maple
3.	<i>Acorus calamus</i> L.	Sweetflag
4.	<i>Agrostis alba</i> L.	Redtop
5.	<i>Alisma subcordatum</i> Raf.	Subcordate Waterplantain
6.	<i>Alnus serrulata</i> (Ait.) Willd.	Hazel Alder
7.	<i>Amaranthus cannabinus</i> (L.) Sauer	Tidmarsh Waterhemp
8.	<i>Amorpha fruticosa</i> L.	Dull-Leaf Indigo
9.	<i>Andropogon gerardii</i> Vitman	Big Bluestem
10.	<i>Andropogon glomeratus</i> (Walt.) B.S.P.	Bushybeard Bluestem
11.	<i>Andropogon virginicus</i> L.	Broomsedge Bluestem
12.	<i>Arisaema triphyllum</i> (L.) Schott	Indian Jack-in-the-Pulpit
13.	<i>Aronia arbutifolia</i> (L.) Ell.	Red Chokecherry
14.	<i>Aronia melanocarpa</i> (Michx.) Ell.	Black Chokecherry
15.	<i>Asclepias incarnata</i> L.	Swamp Milkweed
16.	<i>Aster umbellatus</i> Mill.	Flattop Aster
17.	<i>Betula nigra</i> L.	River Birch
18.	<i>Bidens</i> (all species)	Beggarticks
19.	<i>Boehmeria cylindrica</i> (L.) SW.	Smallspike False-Nettle
20.	<i>Calamagrostis canadensis</i> (Michx.) Beauv.	Bluejoint Reedgrass
21.	<i>Calamagrostis cinnoides</i> (Muhl.) Barton	Hairyseed Reedgrass
22.	<i>Caltha palustris</i> L.	Marsh Marigold
23.	<i>Cardamine bulbosa</i> (Schreb.) B.S.P.	Bulb Bittercress
24.	<i>Cardamine pennsylvanica</i> Muhl. ex Willd.	Pennsylvania Bittercress
25.	<i>Carex</i> (all species)	Sedge
26.	<i>Cephalanthus occidentalis</i> L.	Common Buttonbush
27.	<i>Chelone glabra</i> L.	White Turtlehead
28.	<i>Chrysosplenium americanum</i> Schweinitz	Golden Saxifrage
29.	<i>Cicuta bulbifera</i> L.	Poison Waterhemlock
30.	<i>Cicuta maculata</i> L.	Common Waterhemlock
31.	<i>Cinna arundinacea</i> L.	Stout Woodreed
32.	<i>Clethra alnifolia</i> L.	Summersweet Clethra
33.	<i>Conium maculatum</i> L.	Poison Hemlock
34.	<i>Cornus amomum</i> Mill.	Silky Dogwood
35.	<i>Cyperus</i> (all species)	Flatsedge
36.	<i>Decodon verticillatus</i> (L.) Ell.	Water Willow
37.	<i>Dulichium arundinaceum</i> (L.) Britt.	Three-Way-Sedge
38.	<i>Echinochloa walteri</i> (Pursh) A. Heller	Walter Millet
39.	<i>Eleocharis</i> (all species)	Spikerush
40.	<i>Epilobium coloratum</i> Biehler	Purpleleaf Willowweed

41.	<i>Equisetum fluviatile</i> L.	Water Horsetail
42.	<i>Equisetum hyemale</i> L.	Scouringrush Horsetail
43.	<i>Eragrostis hypnoides</i> (Lam.) B.S.P.	Teal Lovegrass
44.	<i>Eragrostis pectinacea</i> (Michx.) Nees	Carolina Lovegrass
45.	<i>Eupatoriadelphus dubius</i> (all species)	Joe-Pye Weed
46.	<i>Eupatorium perfoliatum</i> L.	Boneset
47.	<i>Eupatorium pilosum</i> Walter	Hairy Thoroughwort
48.	<i>Euthamia graminifolia</i> (L.) Nutt.	Grass-Leaved Goldenrod
49.	<i>Fraxinus nigra</i> Marshall	Black Ash
50.	<i>Fraxinus pennsylvanica</i> Marshall	Green Ash
51.	<i>Galium obtusum</i> Bigel.	Bluntleaf Bedstraw
52.	<i>Galium parisiense</i> L.	Wall Bedstraw
53.	<i>Galium tinctorium</i> L.	Dye Bedstraw
54.	<i>Glyceria</i> (all species)	Mannagrass
55.	<i>Helenium autumnale</i> L.	Common Sneezeweed
56.	<i>Heteranthera reniformis</i> R. & P.	Roundleaf Mudplantain
57.	<i>Hibiscus mosocheutos</i> L.	Rose Mallow
58.	<i>Hydrophyllum virginianum</i> L.	Virginia Waterleaf
59.	<i>Hypericum mutilum</i> L.	Dwarf St. Johnswort
60.	<i>Ilex verticillata</i> (L.) A. Gray	Winterberry
61.	<i>Impatiens capensis</i> Meerb.	Spotted Touch-Me-Not
62.	<i>Impatiens pallida</i> Nutt.	Pale Touch-Me-Not
63.	<i>Iris pseudacorus</i> L.	Yellow Iris
64.	<i>Iris versicolor</i> L.	Blueflag Iris
65.	<i>Juncus</i> (all species)	Rush
66.	<i>Laportea canadensis</i> (L.) Wedd.	Canada Woodnettle
67.	<i>Leersia oryzoides</i> (L.) Swartz	Rice Cutgrass
68.	<i>Leersia virginica</i> Willd.	Whitegrass
69.	<i>Leucothoe racemosa</i> (L.) Gray	Swamp Leucothoe
70.	<i>Lindera benzoin</i> (L.) Blume	Spicebush
71.	<i>Liquidambar styraciflua</i> L.	Sweetgum
72.	<i>Ludwigia</i> (all species)	Seed-Box
73.	<i>Lycopus</i> (all species)	Bugleweed
74.	<i>Lyonia ligustrina</i> (L.) DC.	Male-Berry
75.	<i>Lysimachia</i> (all species)	Loosestrife
76.	<i>Lythrum salicaria</i> L.	Purple Loosestrife
77.	<i>Magnolia virginiana</i> L.	Sweetbay
78.	<i>Mentha X piperita</i> L.	Peppermint
79.	<i>Mertensia virginica</i> (L.) Pers.	Virginia Bluebells
80.	<i>Mimulus ringens</i> L.	Monkey-Flower
81.	<i>Myosotis scorpioides</i> L.	True Forget-Me-Not
82.	<i>Nasturtium officinale</i> R. Br.	Watercress
83.	<i>Nuphar luteum</i> (L.) Sibth. & J.E. Smith	European Cowlily
84.	<i>Onoclea sensibilis</i> L.	Sensitive Fern
85.	<i>Osmunda</i> (all species)	Fern
86.	<i>Panicum longifolium</i> Torr.	Long-Leaved Panic-Grass
87.	<i>Panicum rigidulum</i> Bosc. ex Nees.	Redtop Panicum
88.	<i>Peltandra virginica</i> (L.) Kunth.	Arrow-Arum
89.	<i>Phalaris arundinacea</i> L.	Reed Canarygrass
90.	<i>Phragmites australis</i> (Cav.) Trin. ex Steud.	Giant Cane
91.	<i>Polygonum amphibium</i> L.	Water Knotweed
92.	<i>Polygonum arifolium</i> L.	Halberdleaf Tearthumb
93.	<i>Polygonum hydropiper</i> L.	Marshpepper Knotweed
94.	<i>Polygonum hydropiperoides</i> Michx.	Swamp Knotweed
95.	<i>Polygonum pennsylvanicum</i> L.	Pennsylvania Smartweed
96.	<i>Polygonum punctatum</i> Ell.	Dotted Smartweed

97.	<i>Polygonum sagittatum</i> L.	Arrow-Leaved Tearthumb
98.	<i>Polygonum scandens</i> L.	Hedge Cornbind
99.	<i>Pontederia cordata</i> L.	Pickerelweed
100.	<i>Quercus bicolor</i> Willd.	Swamp White Oak
101.	<i>Quercus palustris</i> Muench.	Pin Oak
102.	<i>Quercus phellos</i> L.	Willow Oak
103.	<i>Ranunculus sceleratus</i> L.	Celeryleaf Buttercup
104.	<i>Ranunculus septentrionalis</i> Poir.	Swamp Buttercup
105.	<i>Rhododendron viscosum</i> (L.) Torr.	Swamp Azalea
106.	<i>Rhynchospora capitellata</i> (Michx.) Vahl	False Bog Rush
107.	<i>Rorippa palustris</i> (L.) Besser	Marsh Yellowgrass
108.	<i>Rorippa sylvestris</i> (L.) Besser	Creeping Yellowgrass
109.	<i>Rosa palustris</i> Marshall	Swamp Rose
110.	<i>Sagittaria</i> (all species)	Arrowhead
111.	<i>Salix</i> (all species)	Willow
112.	<i>Saururus cernuus</i> L.	Lizard's Tail
113.	<i>Scirpus</i> (all species)	Bulrush
114.	<i>Scutellaria integrifolia</i> L.	Rough Skullcap
115.	<i>Scutellaria lateriflora</i> L.	Blue Skullcap
116.	<i>Sium suave</i> Walt.	Common Waterparsnip
117.	<i>Smilax hispida</i> Muhl.	Bristly Greenbriar
118.	<i>Sparganium</i> (all species)	Burreed
119.	<i>Spiraea latifolia</i> (Ait.) Borkh.	Broadleaf Meadowsweet Spiraea
120.	<i>Spiraea tomentosa</i> L.	Hardhack
121.	<i>Symplocarpus foetidus</i> (L.) Nutt.	Common Skunkcabbage
122.	<i>Thelypteris thelypteroides</i> (Michx.) J. Holub	Marsh Fern
123.	<i>Triadenum virginicum</i> (L.) Raf.	Marsh St. Johnswort
124.	<i>Typha angustifolia</i> L.	Narrow-Leaved Cattail
125.	<i>Typha latifolia</i> L.	Common Cattail
126.	<i>Ulmus americana</i> L.	American Elm
127.	<i>Ulmus rubra</i> Muhl.	Slippery Elm
128.	<i>Vaccinium corymbosum</i> L.	Highbush Blueberry
129.	<i>Vaccinium macrocarpon</i> Ait.	Large Cranberry
130.	<i>Verbena hastata</i> L.	Blue Verbena
131.	<i>Viburnum dentatum</i> L.	Arrow-Wood
132.	<i>Viburnum recognitum</i> Fernald	Arrow-Wood
133.	<i>Woodwardia areolata</i> (L.) T. Moore	Netted Chainfern
134.	<i>Zizania aquatica</i> L.	Annual Wildrice

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