

ORDINANCE NO. 2011 - 5

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

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

Article I Section 160-23, Use Type Regulations is revised to reference Section 160-33, Buffer Yards, wherever there is reference to Section 160-34, Plant Materials Table.

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

§ 160-33. Buffer Yards.

A. General Buffer Requirements

- (1) Landscape buffers shall contain trees, evergreens, shrubs, groundcovers, berms, fences, or a combination of these features, placed along a street or property line for the purposes of separating one land use from another land use, or to shield or block lights, noise, or visual impacts, and to preserve the natural landscape of Hilltown Township.
- (2) No structures, buildings, storage of materials, or parking shall be permitted in the buffer area unless specifically approved by the Board of Supervisors. Access driveways may cross buffer areas in order to connect the street with a parking area or driveway outside the buffer area. Trails and sidewalks may be located within a required buffer when authorized by the Board of Supervisors, provided that the required planting is not diminished. Stormwater management basins and grading required for basin berms/slopes constructed as part of a stormwater management plan, shall not be permitted in a required buffer unless specifically approved by the Board of Supervisors.
- (3) Where vegetation exists that meet the objectives and planting standards of the buffer requirements, it shall be preserved and may be used to meet the buffer and planting requirements. Photo documentation of the existing vegetated condition must be submitted for review. Quantities, size, species, genus, and locations of existing materials must be shown on the plans and verified by the Township. Where the Township allows existing vegetation to be counted toward meeting the buffer requirements (including berm requirements) of this Ordinance, the vegetation shall not be removed except for dead plants, or exotic invasive species, and noxious weeds as defined by Act 72 of 1994, as amended. Additional plantings shall be required if the existing vegetation is not adequate to meet the buffer standards for density, width, or size. The vegetation shall be protected by recorded plan note to ensure that it remains as a part of the subdivision or land development.

- (4) The buffer yard may overlap the required front yard and in case of conflict, the larger dimensional requirement shall apply. Buffer areas shall be provided in addition to the required minimum side and rear yards if needed to provide a minimum depth of twenty-five (25) feet, as measured from the principle structure. Where buffers are required, they shall be provided along the entire length of the property line or street line (except for Type 4 and 5 buffers).
- (5) The owner of the property shall be responsible for maintenance of the buffer. Landscaping shall be kept in an orderly manner, free from debris and refuse. All dead plant material shall be removed and replaced with plant material in accordance with the standards of this Ordinance during the next planting season after the plants are removed. The approved landscape plan shall be part of the record plan.
- (6) Buffers shall be required as specified in this section where the uses to be buffered are directly abutting as well as where the uses are across a street from each other.
- (7) Minimum width buffer yards do not count as open space. However, required open space may be used to meet the requirements for buffers where the open space has a minimum contiguous area of four acres and a minimum width of 200 feet.
- (8) Easements shall be provided for all buffers and shall be shown on all plans. The easement shall require that the property owner is responsible for maintenance of the buffer area and all vegetation within the buffer easement. The Township shall have the right to access the buffer easement to verify compliance with maintenance responsibilities.
- (9) If a buffer already exists on an adjacent property that meets the requirements of this Ordinance as determined by the Township, additional buffer plantings are not required on the site when a new use is established.

B. Summary of Buffer Locations and Types

Required Locations	Type of Buffer				
	1	2	3	4	5
Nonresidential/residential separation and corner lot buffers	X				
Single-family/multifamily separation buffers	X				
Reverse frontage buffers		X			
Farmland preservation buffer			X		
Visual screen for storage and maintenance activities				X	
Around parking lots					X

C. Types of Buffers

- (1) Nonresidential/residential separation buffers. Type 1 buffer shall be provided wherever a nonresidential use abuts a residential use or a residentially zoned district.
- (2) Single-family/multifamily separation buffers. Type 1 buffers shall be provided wherever a multifamily residential development, townhouse/attached

development or a mobile home park abuts a single-family residential use or district.

- (3) Reverse frontage buffers. Type 2 buffers shall be provided where a rear or side yard of any residential or nonresidential use abuts an arterial or collector road, or any existing perimeter street not part of a new development.
- (4) Agriculture preservation buffer. Type 3 buffer yard shall be required where residential or nonresidential uses abut farmland.
- (5) Visual screen for storage and maintenance activities. Type 4 buffer yard, which shall include fence and plantings sufficient to provide a visual screen.
- (6) Parking lot periphery for commercial, institutional and office uses. Type 5 buffer, consisting of a landscaped area twenty (20) feet in width provided at the periphery of all lots used for commercial, office or industrial activities. Where a larger buffer is required by other sections of this ordinance the larger buffer shall be provided.

D. Buffer Dimension and Planting Requirements

- (1) Type 1 Buffer. Buffer design and plant materials (nonresidential/residential separation buffer, single-family/multifamily separation buffer, and corner lot buffer) shall be as follows:
 - (a) Buffer width: minimum of 35 feet
 - (b) Planted area: minimum width of twenty-five (25) feet, planted to meander within the buffer area.
 - (c) An undulating berm shall be provided where, in the opinion of the Township, the planting of vegetation alone will not provide a visual barrier to shield the proposed development from surrounding roads or properties. In determining if a berm is necessary, the Township shall consider the slope of the land, existing vegetation, proposed setback from roads and neighboring properties, and whether or not road improvements will be made to perimeter roads. Where road improvements are made, including curb, road widening, or sidewalk, and existing vegetation (if any) is removed, berms may be required at the discretion of the Township. The undulating berms shall vary between three and six feet in height above proposed surrounding grade, and shall meander within the buffer yard without adversely affecting drainage. Slope shall not be greater than 3 to 1 (horizontal to vertical).
 - (d) On corner lots, the buffer shall be required along the front yard between the street line and side of the dwelling. No buffer is required between the front of the dwelling and street line.
 - (e) Plant materials shall comply with the requirements of the following chart.

Type 1 Buffer Planting Requirements

Plant Types	Minimum Size	Plant Quantities Required
Evergreen trees	6 feet in height	1 evergreen per 20 feet of buffer length

Medium to large deciduous trees	3 inch caliper	1 medium to large deciduous tree per 20 feet of buffer length
Small deciduous trees	8 feet in height; 2 ½ inch caliper	1 small deciduous tree per 50 feet of buffer length
Native Shrubs	3 feet in height	5 native shrubs per 20 feet of buffer length; planted in naturalistic groupings of mixed plant varieties and sizes in masses within mulched planning beds; not more than seventy-five percent (75%) being deciduous varieties and not less than fifty percent (50%) being ornamental flowering varieties.
Groundcovering plants	Eighteen-inch maximum height at maturity*	10 plants per every 1 shrub; planted in masses with shrub beds at a rate of one per square foot of shrub bed area with a minimum of 10 plants for each shrub.

* Native wildflowers and grasses may have a maximum height of thirty six (36) inches

- (2) Type 2 Buffer. Buffer design and plant material (reverse frontage buffer) shall be as follows:
- (a) Buffer width: one hundred (100) feet.
 - (b) Planted area: minimum width of fifty (50) feet within the buffer area, planted to meander within the buffer area.
 - (c) Preserve existing trees and supplement with shade-tolerant evergreens, ornamental trees and shrubs selected from plant list.
 - (d) Planted area shall comply with chart requirements and shall completely screen the views of abutting yards from the street from ground level to six feet above ground level at plant maturity.
 - (e) An undulating berm shall be provided where, in the opinion of the Township, the planting of vegetation alone will not provide a visual barrier to shield the proposed development from surrounding roads or properties. In determining if a berm is necessary, the Township shall consider the slope of the land, the existing vegetation, the proposed setback from roads and neighboring properties, and whether or not road improvements will be made to perimeter roads. Where road improvements are made, including curb, road widening, or sidewalk, and existing vegetation (if any) is removed, berms may be required at the discretion of the Township. The undulating berms shall be between three and six feet in height above proposed surrounding grade and shall meander within the buffer yard without adversely affecting drainage. Slope shall not be greater than 3 to 1 (horizontal to vertical).

Buffer Type 2 Planting Requirements

Plant Types	Minimum Size	Plant Quantities Required
Evergreen trees	6 feet in height	1 evergreen tree per 20 feet of buffer length
Medium to large deciduous trees	3 inch caliper	1 medium to large deciduous tree per 20 feet of buffer length
Small deciduous trees	8 feet in height; 2 ½ inch caliper	1 small deciduous tree per 20 feet of buffer length
Native Shrubs	3 feet in height	1 native shrub per 4 feet of buffer length; planted in naturalistic groupings of mixed plant varieties and sizes in masses within mulched planning beds; not more than seventy-five percent (75%) being deciduous varieties and not less than fifty percent (50%) being ornamental flowering varieties.

- (3) Type 3 Buffer. Buffer design and plant material (agriculture buffer) shall be as follows:
- (a) Buffer width: twenty-five (25) feet.
 - (b) Planted area: minimum of ten (10) feet in width.
 - (c) The shrubs shall be planted in informal groupings to achieve an adequate separation between farmland and developed land.
 - (d) The remaining 15 feet abutting the agricultural land shall be planted in grasses or wildflowers to be mowed or groundcovering plants on a slope not to exceed a four to one horizontal to vertical ratio.

Type 3 Buffer Planting Requirements

Plant Types	Minimum Size	Plant Quantities Required
Native Shrubs	3 feet in height	1 native shrub per 4 feet of buffer length; planted in naturalistic groupings of mixed plant varieties and sizes in masses within mulched planning beds; not more than seventy-five percent (75%)

		being deciduous varieties and not less than fifty percent (50%) being ornamental flowering varieties.
Groundcovering plants	Eighteen-inch maximum height at maturity*	10 plants per every 1 shrub

* Native wildflowers and grasses may have a maximum height of thirty six (36) inches.

- (4) Type 4 Buffer. Buffer design and plant materials (Visual Screen) shall be as follows:

Buffer shall consist of a solid fence with evergreen plantings along the exterior face to be planted around storage areas to provide security and a complete visual screen. Buffer width shall be wide enough to accommodate a fence and evergreens or shrubs abutting the fence.

- (a) A buffer wide enough to accommodate a fence and plantings abutting the fence are required.
- (b) A solid fence shall be installed around storage and maintenance facilities/activities on commercial and industrial uses. The fence height shall be adequate to provide a complete visual screen from adjoining properties but not to exceed eight feet in height. Fence details shall be submitted with the landscape plan. Along the exterior face of the fence there shall be a row of ornamental shrubs and/or evergreens to obscure the appearance of the fencing after a five-year growing period.

Type 4 Buffer Planting Requirements

Plant Types	Minimum Size	Plant Quantities Required
Evergreen trees	6 feet in height	1 evergreen tree per 20 feet of buffer length
Native Shrubs	3 feet in height	1 native shrub per 5 feet of buffer length; not more than seventy-five percent (75%) being deciduous varieties and not less than fifth percent (50%) being ornamental flowering varieties.

- (5) Type 5 Buffer. Buffer design and plant materials (Parking lot buffers) shall be as follows:

- (a) Buffer width: 15 feet.
- (b) Shrubs with a planted minimum height of four feet shall be planted, with shade trees interspersed, in a continuous band with a spacing not exceeding five feet on center for shrubs and 30 feet on center for trees.
- (c) Buffers are to be installed adjacent to the exterior boundary of the parking lot and must be coordinated with parking lot landscaping required pursuant to Section 140-37.B of the Subdivision Ordinance.

Type 5 Buffer Planting Requirements		
Plant Types	Size	Plant Quantities Required
Medium to large deciduous trees	3 inch caliper	1 medium to large deciduous tree per 35 feet of buffer area
Native Shrubs	3 feet in height	1 native per 5 feet of buffer length; not more than seventy-five percent (75%) being deciduous varieties and not less than fifty percent (50%) being ornamental flowering varieties.

E. Planting Requirements near Overhead Utility Lines

Where street trees are to be planted along streets with overhead power lines, the following requirements shall be met:

- (1) If trees are to be planted within 15 feet of a utility pole or line, measured along the ground from the base of the pole, only trees which grow no taller than 30 feet shall be planted.
- (2) If trees are to be planted within 15-25 feet of a utility pole or line, measured along the ground from the base of the pole, only trees which grow no taller than 40 feet shall be planted. Refer to Township Plant List contained in Appendix K. of the Subdivision Ordinance for specifications and acceptable trees.

F. Existing Trees in Right-of-Way - Trees in the right-of-way of a Township street, where the right-of-way belongs to the Township, shall not be removed without Township approval except within the clear sight triangle, or the removal of dead, diseased, non-native invasive species, or trees determined by the Township to be in poor health.

G. Plant materials suitable for buffers are listed in Appendix K of the Hilltown Township Subdivision and Land Development Ordinance.

H. Buffers may be reduced or eliminated at the discretion of the Board of Supervisors, where buffering would adversely affect the mix of uses and activities.

I. Prior to the issuance of any zoning permit, complete plans showing the arrangement of all buffer yards, and placement, species, and size of all plant materials, and the placement, size, materials, and type of all fences to be placed in such buffer yard shall be reviewed by the Zoning Officer, Township Engineer, and/or Planning Commission (where applicable) to ascertain that the plans are in conformance with the terms of this chapter.

Article III Section 160-34. Plant Materials Table is deleted in its entirety.

Article IV Repealer

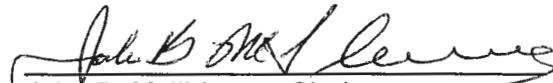
Any Ordinance or Ordinance provision of the municipality inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

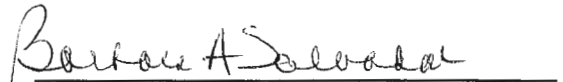
Article V Severability

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

ENACTED and ORDAINED at a regular meeting of the Hilltown Township Board of Supervisors on the 23rd day of May, 2011. This Ordinance shall take effect in five (5) days after adoption of this Ordinance.

Hilltown Township Board of Supervisors


John B. McIlhinney, Chairperson


Barbara A. Salvadore, Vice Chairperson

James C. Groff, Supervisor