

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 the Haycock Township portion of the Quakertown Area.

Section 101 Short Title

This Ordinance shall be known as and may be cited as the "Haycock Township Version of 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 sewerage service, water supply, 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, mobile homes and mobile 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, Quakertown Borough, Richlandtown Borough and Trumbauersville Borough. Quakertown Borough, which participates in the comprehensive planning program, has enacted 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 direct 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 within appropriate portions of the Quakertown Area.

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 supportive 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 support efforts that will protect and enhance historic structures and areas of the Quakertown Area.
- (8) To protect the character and enhance the quality of Quakertown Area's villages through appropriate land planning techniques and ordinance standards.
- (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.

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 the zoning ordinance 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 shelter facilities 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 nonresidential 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 which contain adequate water, sewer, drainage and highway facilities.
- (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 team work. 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 these services with planning for all critical 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 needed 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 site for future school uses.

i. Haycock Township

It is recognized that the rate of growth in Haycock Township has been slow and the amount has been small. The character of the community is rural. Human settlements are small villages. Services which foster urban or suburban development are nonexistent. Large land areas are owned by the state and county governments and are set aside for park, recreation and conservation purposes. Small farms exist where the terrain is not steep, heavily forested, scattered with boulders or covered with wetland or floodplain soils. In fact, much of Haycock Township has physical limitations much more severe than other portions of the Quakertown Area. It is recognized that Haycock Township is not in the path of development. However, the legislature of the Commonwealth of Pennsylvania has placed certain responsibilities on the Township government, as specified in the Pennsylvania Municipalities Planning Code, as amended, related to the accommodation of reasonable land uses. The Township's planning and zoning efforts have balanced these responsibilities with the unique character and limitations of the community.

Goal: To maintain the rural character of Haycock Township and to meet the land use planning responsibilities as mandated by the Commonwealth of Pennsylvania.

Objectives:

- (1) To designate an adequate amount of land for all necessary housing types and in a sufficient amount to provide for a fair share of the regional housing growth based on Bucks County projections.
- (2) To designate appropriate areas for nonresidential land uses which will have minimal impact on the community.
- (3) To protect the unique natural features of the Township while accommodating a reasonable level of development.
- (4) To protect and enhance the character of the community and the life style that is unique to Haycock Township.

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.

