

**ORDINANCE NO. 2011-10**

**AN ORDINANCE OF THE HILLTOWN TOWNSHIP BOARD OF SUPERVISORS AMENDING CHAPTER 160 OF THE CODE OF HILLTOWN TOWNSHIP TO ADD USE B1A CONSERVATION MANAGEMENT DESIGN AS A USE PERMITTED WITHIN THE COUNTRY RESIDENTIAL (CR-2) ZONING DISTRICT AND REVISE OPEN SPACE CONVEYANCE AND MAINTENANCE REQUIREMENTS.**

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 160-22. Table of Use Regulations** is revised to add Use B1A, Conservation Management Design as a permitted use within the Country Residential (CR-2) Zoning District within B. Residential.

**Township of Hilltown  
Table of Use Regulations**

	RR	CR-1	CR-2	VC	LI	HI	PC-1	PC-2	MHP	Q	AQRC
<b>B. Residential</b>											
B1 Single-Family Detached	Y	Y	Y	Y	N	N	N	N	N	N	Y
B1A Conservation Management Design	Y	N	Y	N	N	N	N	N	N	N	N
B2 Mobile Home	N	Y	N	Y	N	N	N	N	Y	N	N
B3 Single-Family Detached Cluster	CU	Y	Y	N	N	N	N	N	N	N	N
B4 Performance Subdivision	N	Y	N	Y	N	N	N	N	N	N	N
B5 Conversion	SE	SE	SE	CU	N	N	N	N	N	N	N
B6 Mobile Home Park	N	N	N	N	Y	N	Y	N	Y	N	N
B7 Retirement Village	N	Y	N	Y	N	N	Y	N	N	N	N
B8 Group Home	Y	Y	Y	N	N	N	N	N	N	N	N
B9 Age Qualified Residential Community	N	N	N	N	N	N	N	N	N	N	Y

**ARTICLE II Section 160.23. Use Type Regulations**, Subsection B. Residential, Use B1A Conservation Management Design is revised as follows:

B1A Conservation Management Design (CMD). A subdivision in which the minimum lot area and dimensional requirements are reduced to permit increased flexibility of lot design and environmentally sensitive approach to development and stormwater management.

- (a) Conservation Management Design (CMD) subdivision is a residential use permitted only in the Rural Residential (RR) and Country Residential 2 (CR-2) residential zoning districts.
- (b) Applications for Use B1A where in six (6) or more lots are proposed shall include submission of an Existing Resources and Site Analysis Plan ("ERSAP") containing information required pursuant to Section 140.23A. of the Subdivision Ordinance.
- (c) Site design shall incorporate use of nonstructural Stormwater Management Best Management Practices (BMPs) referenced in the Pennsylvania Stormwater Best Management Practices Manual, December 2006, as amended.
- (d) A minimum of two (2) off street parking spaces shall be required per lot.

- (e) Lots within a Conservation Management Design subdivision shall be deed restricted from further subdivision by note on the Record Plan and recordation of restrictive covenant.
- (f) Privately owned area within a Conservation Management Design subdivision containing environmentally sensitive features pursuant to Section 160-28 of this Ordinance shall be protected by recordation of a conservation easement in a manner acceptable to the Township.

Area and Bulk Requirements	District	
	RR	CR-2
Minimum lot area (square feet)	20,000	10,000
Minimum lot width (feet)	100	85
Maximum building height (feet)	35	35
Minimum yards:		
Front (feet)	50	25
Side (feet)	20	20 <sup>1</sup>
Rear (feet)	50	40

Note: <sup>1</sup>Represents the separation required for principal buildings, with no side yard less than five feet).

**ARTICLE III Section 160-25. Site Capacity Calculations,** Subsection A is revised as follows:

- A. The following site capacity calculations shall be submitted with applications for Use B1A, Conservation Management Design; Use B3, Single - Family Detached Cluster; Use B4, Performance Subdivision; Use B6, Mobile Home Park; Use B7, Retirement Village; and Use B9, Age Qualified Residential Community:

**ARTICLE IV Section 160-25. Site Capacity Calculations,** Subsection A(4) is revised as follows:

- (4) Determination of site capacity. Individual site capacity is found by calculating net buildable site area. Lots may be located only on net buildable site area. In conservation management design, single-family detached cluster, performance subdivisions, mobile home parks, and retirement villages; the number of allowable dwelling units is determined by multiplying the density by the net buildable site area. The calculations are as follows:

**ARTICLE V Section 160-25. Site Capacity Calculations,** Subsection A(4)(a) is revised as follows:

- (a) Conservation management design, single-family detached cluster, performance subdivision, mobile home park, or retirement village:

Take resource protection land \_\_\_\_\_Ac.

Add minimum municipal use area or open space land + \_\_\_\_\_Ac.

Equals total open space	=	___Ac.
Take base site area		___Ac.
Multiply by open space ratio (Table of Performance Standards <sup>31</sup> )	x	___Ac.
Equals minimum required open space	=	___Ac.
Take base site area		___Ac.
Subtract total open space or minimum required open space, whichever is greater	-	___Ac.
Equals net buildable site area	=	___Ac.
Multiply by maximum density (§160-26)	x	___Ac.
Equals allowable number of dwelling units (Fractions of 0.5 or more shall to rounded up to the nearest whole number. Fractions less than 0.5 shall be rounded down to the nearest whole number.)	=	___DU

**ARTICLE VI Section 160-25. Site Capacity Calculations, Subsection B (3)** is revised as follows:

(3) Calculate maximum number of dwelling units:

Take Base site area		___Ac.
Multiply Maximum density (160-26)	x	___
Equals Allowable number of dwelling units (Fractions of 0.5 or more shall to rounded up to the nearest whole number. Fractions less than 0.5 shall be rounded down to the nearest whole number.)	=	___DU.

**ARTICLE VII Section 160-26. Table of Performance Standards** is revised to add the following within the Rural Residential (RR) Zoning District:

**Township of Hilltown  
Table of Performance Standards – Bulk and Area\***

District	Use	Minimum open space ratio	Maximum density (DU/AC) (refer note <sup>6</sup> and <sup>7</sup> )	Maximum impervious surface ratio <sup>4</sup>	Minimum site area (square feet (sf) or acre (ac))	Minimum lot area	Maximum height (feet)
RR	Single-family	none	0.75 <sup>5</sup>	0.12 <sup>5</sup>	50,000 sf	50,000 sf <sup>1</sup>	35
	CMD	0.65	1.75 <sup>7</sup>	0.25	10 ac	20,000 sf <sup>2,5</sup>	35
	S.F. cluster	0.55	1.45 <sup>7</sup>	0.20	20 ac	30,000 sf <sup>2</sup>	35
	Other uses	-	-	0.35	See Principal Uses Permitted		35
CR-1	Single-family	none	1.2 <sup>6</sup>	0.14	30,000 sf	30,000 sf <sup>2</sup>	35
	S.F. cluster	0.40	2.25 <sup>7</sup>	0.20	5 ac	10,000 sf <sup>2</sup>	35
	Perf. Subd.	0.50	5.0 <sup>7</sup>	0.35	5 ac	- <sup>2,3</sup>	35
	Other uses	-	-	0.35	See Principal Uses Permitted		35
CR-2	Single-family	None	0.75 <sup>6</sup>	0.14	50,000 sf	50,000 sf <sup>1</sup>	35
	S.F. cluster Opt. 1	0.55	1.65 <sup>7</sup>	0.25	10 ac	30,000 sf <sup>3</sup>	35
	S.F. cluster Opt. 2	0.65	2.15 <sup>7</sup>	0.35	10 ac	20,000 sf <sup>3</sup>	35
	CMD	0.70	2.20 <sup>7</sup>	0.40	20 ac	10,000 sf <sup>2,8</sup>	35
	Other uses	-	-	0.35	See Principal Uses Permitted		35
VC	Single-family	none	1.8 <sup>6</sup>	0.26	20,000 sf	20,000 sf <sup>2</sup>	35
	Single-family	none	0.75 <sup>6</sup>	0.26	50,000 sf	50,000 sf	35
	Perf. Subd.	0.45	5.0 <sup>7</sup>	0.35	5 ac	- <sup>2,3</sup>	35
	Traditional Neighborhood Development	0.20	6.0	0.70	15 ac	**	35
	Other uses	-	-	0.65	50,000 sf	20,000 sf <sup>2</sup>	35
AQRC	AQR Community	0.40	2.5	0.35	100 ac	9,600 ft <sup>2</sup>	
	Single Family Detached	-	0.75	0.12 <sup>5</sup>	1.5 ac	50,000 ft <sup>1</sup>	
	Other uses	-	-	0.35	See Principal Uses Permitted		35
MHP	Mobile home park	0.30	4.5 <sup>7</sup>	0.27	20 ac	7,500 sf <sup>2</sup>	35
PC-1	All uses	-	-	0.70	20,000 sf	20,000 sf <sup>2</sup>	35
PC-2	All uses	-	-	0.70	50,000 sf	50,000 sf <sup>2</sup>	35
LI & HI	All uses	-	-	0.60	2 ac	2 ac <sup>2</sup>	35

\*Unless a more restrictive requirement is indicated in ZO Section 160-23.

\*\* Per requirements listed in Section 160-23.

Notes:

- <sup>1</sup> Each lot must be served with public water provided by a municipal authority. For lots not served with public water, the minimum lot area is three (3) acres.
- <sup>2</sup> Each lot must be served by public water and sewer provided by a municipal authority.
- <sup>3</sup> As required by §160-23B(4).
- <sup>4</sup> No new lot may be created within any zoning district which exceeds the maximum impervious surface ratio due to existing and/or proposed impervious surface.
- <sup>5</sup> Maximum impervious surface ratio is 0.12 for subdivision plan design and building/permit applications for the initial lot development. After issuance of a use and occupancy permit for the dwelling, the property owner is permitted a maximum impervious surface ratio of 0.15.
- <sup>6</sup> Density is determined by dividing the number of dwelling units by the Base Site Area (refer Section 160-25.B).

<sup>7</sup> Density is determined by dividing the number of dwelling units by the Net Buildable Site Area (refer Section 160-25.A).

<sup>8</sup> Environmentally sensitive lands to be preserved may be privately owned and included within individual lots exclusive of the minimum required lot area, but shall be permanently protected via recordation of a conservation easement.

**ARTICLE VIII Section 160-56 Open Space and Municipal Land** is revised as follows:

Recorded plans and deeds shall indicate that there shall be no additional development in areas designated for open space, except for allowed improvements consistent with the furthering of non-commercial recreation, agricultural, conservation, or aesthetic purposes. The plan shall contain or be supplemented by such material as required to establish the method by which open space shall be perpetuated, maintained, and administered. The plan and other materials shall be construed as a contract between the landowner(s) and the Township, and shall be noted on all deeds.

**ARTICLE IX SECTION 160-57 Design standards for open space land** is revised as follows:

Required open space land shall conform to the following standards:

- A. Open space should include significant environmental features such as floodplains, floodplain soils, steep slopes, forest, lakes, ponds, wetlands, and watercourse. Fragmentation of resource areas should be minimized so that they are not divided into smaller isolated pieces. Long thin strips of open space (less than 100 feet wide) shall be avoided, unless necessary to connect other significant areas, designed to protect linear resources such as streams or trails, or buffer adjoining existing properties or streets.
  - (1) Open space land connection considerations. Wherever applicable (such as along designated greenway corridors), open space should be designed as part of larger continuous and integrated open space systems. Open space should be laid out in general accordance with the Potential Open Space Resources Map (in the Open Space Preservation Plan) to ensure that an interconnected network of open space will be provided.
  - (2) Undivided land for common use. The required open space land shall generally remain undivided and may be owned and maintained by a Homeowner's Association, land trust, Township, another conservation organization recognized by the Township, or by a private individual. These ownership options may be combined so that different parts of the open space may be owned by different entities.
  - (3) Visibility considerations. The required open space land should be located and designed to add to the visual amenities of new neighborhoods and to the surrounding area, by maximizing the visibility of internal open space as terminal vistas at the ends of streets (or along "single-loaded" street segments, particularly along the outside edges of street curves), and by maximizing the visibility of external open space as perimeter "greenbelt" conservation land.

- (4) Active recreation uses. No more than 50% of the minimum required open space land may be comprised of active recreation facilities such as playing fields, golf courses, tennis courts, etc unless otherwise approved by the Board of Supervisors.
  - (5) Buffers for adjacent public parkland or wildlife sanctuaries. Where the proposed development adjoins public parkland or wildlife sanctuary, a natural greenway buffer may be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction). Where this buffer is unwooded, vegetative screening must be planted, or the area managed to encourage natural forest succession through "no-mow" policies, installation of trees, and periodic removal of invasive alien plant and tree species.
  - (6) Agricultural lands. Open space may include preservation of privately owned agricultural land with a minimum lot area of ten (10) acres.
- B. Pedestrian and maintenance access shall be provided to all common and public open space.

**ARTICLE X Section 160-60 Conveyance and Maintenance of Municipal Use/Open Space Lands** is revised as follows:

Open space shall be preserved by one of the following means which shall be selected by the Board of Supervisors and shall be subject to the Board of Supervisors' sole discretion.

- A. Dedication in fee simple to the Township. The Township may, at the sole discretion of the Board of Supervisors, accept any portion or portions of open space or recreation areas provided:
  - (1) It is determined by the Board of Supervisors that the land is suitable and will serve the general public.
  - (2) The Township agrees to and has access to maintain the land.
  - (3) The title is conveyed to the Township without cost.
- B. Conveyance to a conservancy, corporation, association, funded community trust, condominium or similar legal entity shall be allowed, provided:
  - (1) The land shall include a permanent conservation easement enforceable by the Township, which shall guarantee continued use of the land for the intended purposes in perpetuity and which shall require approval by the Board of Supervisors prior to ownership of the land being transferred to another entity.
  - (2) Proper maintenance and continued funding for maintenance must be guaranteed.

- (3) The corporation or association shall be responsible for liability insurance, taxes, and recovery from loss sustained by casualty, condemnation or otherwise. Certificates of insurance and tax payment receipts shall be provided to the Township.
  - (4) The corporation or association shall not be dissolved nor shall it dispose of the open space, except to another organization established to own and maintain the open space and which meets the approval of the Township. The corporation or association must first offer to dedicate the open space to the Township at no cost before such sale or disposition of the open space takes place.
- C. Conveyance of a permanent conservation easement that is enforceable by the Township, while the land remains owned by an entity other than the Township. Such easement may also be granted to a conservancy, corporation, funded community trust, or similar legal entity as may be approved by the Township as an additional method of oversight and enforcement.
- D. Private Holding - The Township may approve that open space is part of fee simple lots with a permanent conservation easement enforceable by the Township, provided:
- (1) The terms of the agreement guarantee the continued use of the land for the preservation of open space.
  - (2) The cost and responsibility of maintaining private holding open space shall be the responsibility of the owner of the open space.
  - (3) Including open space within fee simple lots shall only be permitted at the discretion of the Board of Supervisors and shall not be part of any lot necessary to meet minimum requirements for lot width, area or yards as specified in this Ordinance.
- E. Agricultural Preservation Lot. Land designated as open space for preservation of agricultural may include farm buildings, a pre-existing residence, and other structures related to continuing agricultural activities on that land. These areas are not available for public use. All open space intended for agricultural purposes shall be so designated on the plans. The plans shall contain the following statement or a similar statement pre-approved by the Township: "Required open space land may not be further developed and shall not allow any new buildings, except for the addition of accessory farm buildings or other non-residential structures related to the agricultural activities on the land by Special Exception". A maximum area of three (3) acres shall be defined on the lot within which the dwelling and other non-agricultural structures/uses are permitted. Non-agricultural structures or uses shall not be permitted on any part of the lot outside of this defined area.

## **ARTICLE XI Repealer**

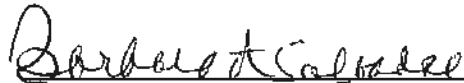
Any Ordinance or Ordinance provision of the municipality inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

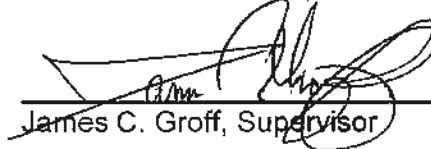
## **ARTICLE XII Severability**

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 26<sup>th</sup> day of September, 2011. This Ordinance shall take effect immediately.

\_\_\_\_\_  
John B. McIlhinney, Chairperson

  
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Barbara A. Salvadore, Vice Chairperson

  
\_\_\_\_\_  
James C. Groff, Supervisor