

ORDINANCE 86- 3

AN ORDINANCE AMENDING THE HILLTOWN TOWNSHIP ZONING ORDINANCE NO. 83-1, SAID ORDINANCE BEING ENACTED AND ORDAINED ON JANUARY 24, 1983; ADDING SECTION 236(a) AND SPECIFICALLY AMENDING SECTION 205, SECTION 239, SECTION 240, SECTION 404, SECTION 501, AND SECTIONS 533 TO 537.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Hilltown Township, Bucks County, Pennsylvania, that following a review by the Bucks County Planning Commission and the Hilltown Township Planning Commission, this Ordinance is hereby adopted.

The Hilltown Township Zoning Ordinance shall hereby be amended to add the following Sections:

ARTICLE II. DEFINITIONS

1. Section 236(a) Municipal Use

Municipal Use is a use conducted by the Township or a Municipal Authority duly incorporated by the Township, for the health, safety and general welfare of Township residents. Real property dedicated to either the Township or Authority may be used for any municipal use, including but not limited to, water systems, sewer systems, municipal buildings, streets, parking areas, parks, playgrounds, swimming pools, tennis courts, all municipal owned utilities and appurtenances used in connections with supplying such services, etc. In no event shall the landowner, in meeting the requirements of Section 501 or Section 502 which sets forth the amount of open space or municipal use property required of each subdivision, including real property upon which streets, parking areas, above ground buildings used in connection with water or sewer systems are located, or designated easements for public improvements or public utilities which improvements are required for the use of the property as a residential subdivision. Land dedicated to the municipal use shall be owned and maintained in accordance with Section 537, Conveyance and Maintenance of Open Space/Municipal Use. Municipal uses may contain impervious surfaces. Such impervious surfaces shall be included in calculations of the impervious surface ratio.

Open Space/Municipal Use areas required by Section 501 Site Capacity Calculations and Section 502 Table of Performance Standards does not include the minimum lot area and minimum yard requirements for single-space or multi-family dwelling units for Uses B3, B4 or B6 noted above. This Open Space does not include land occupied by non-recreational buildings, roads, road rights-of-way, or parking areas required for the use of the property as a residential subdivision.

The following Sections of the Hilltown Township Zoning Ordinance shall be amended to read as follows:

1. **Section 205** **Lot Area**

- (a) 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 does not include any area designated as municipal use/open space under the requirements of Section 501 Site Capacity Calculations and Section 502 Table of Performance Standards.

For all proposed residential uses having a lot area greater than 30,000 square feet for primary buildings, accessory buildings, driveways, parking areas, and on-site sewer and water systems. This area shall not contain flood plains, flood plain soils, lakes, ponds, water courses or wetlands. For all proposed residential uses having a lot area of 30,000 square feet or less, the lot area shall not contain any of these noted natural features. For all proposed non-residential uses, the proposed lot area shall contain an area of at least the minimum lot size, as specified in Section 502, which shall not contain any of these noted natural features.

Lots with natural features must comply with the requirements of Section 505 Environmental Performance Standards when the lot is developed.

2. **Section 239 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 insure that it remains in such uses. In single-family cluster subdivisions (Use B3), performance standard subdivisions (Use B4), Mobile Home Parks (Use B6), open space land shall be freely accessible to all residents of the development. Open space shall be used in accordance with Section 535 Open Space and Municipal Use Designation; open space shall be owned and maintained in accordance with Section 537 Conveyance and Maintenance of Open Space and Municipal Use. Open space recreation uses specified in Section 535(c) may contain impervious surfaces. Such impervious surfaces shall be included in the calculations of the impervious surface ratio.

Open space or municipal use area required by Section 501 Site Capacity Calculations and Section 502 Table of Performance Standards does not include the minimum lot area and minimum yard requirements for single- or multi-family dwelling units for Uses B3, B4 or B6 noted above. This open space or municipal use land does not include land occupied by non-recreational buildings, roads, road right-of-ways, or parking areas which are required by the use of the property as a residential subdivision.

3. **Section 240 Open Space and Municipal Use Area Ratio**

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

ARTICLE IV USE REGULATIONS

4. **Section 404 Table of Use Regulations**

Line F4 shall be added, and shall read as follows:

F4 Municipal Use	<u>CR</u>	<u>RR</u>	<u>VC</u>	<u>PI</u>	<u>PC-1</u>	<u>PC-2</u>	<u>MHP</u>	<u>Q</u>	<u>Page</u>
	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	63-64

5. Section 405 Use Regulations

F4 Municipal Use, shall be added to include the following language:

Use F4: Municipal Use

A. Municipal Use is a use conducted by the Township, or Municipal Authority incorporated by the Township, for the health, safety and general welfare of Township residents. Real property dedicated for the municipal use of the Township or Authority may be used for any municipal use, including but not limited to, water systems, sewer systems, municipal offices, streets, parking areas, parks, playgrounds, swimming pools, tennis courts, all municipal owned utilities and appurtenances used in connections with supplying such services, etc.

Parking: One parking space is required for each well house, pumping station, or other municipal utility maintenance building which is not staffed by a full-time employee. Any municipal building staffed by a full-time employee shall provide one space per employee.

ARTICLE V PERFORMANCE STANDARDS

6. Section 501(3) Usable Municipal Use or Open Space Land

While some of the Open space or municipal use land required by the zoning district may be resource protection area, the intent is to provide municipal use areas which can be used to the benefit of the Township residents, or usable common open space which shall be as near to each unit as possible. Thus, there is a need for specific guidelines insuring that a minimum amount of land not restricted by (1) or (2) above and is retained for this purpose. Therefore, take:

	BASE SITE AREA	_____
subtract	TOTAL LAND WITH RESOURCE RESTRICTIONS	- _____
equals	Total Unrestricted Land	= _____
multiply	Total Unrestricted Land by	x <u>.15</u>
equals	MINIMUM USABLE MUNICIPAL USE AREA OR OPEN SPACE LAND	= _____

TABLE OF PERFORMANCE STANDARDS

DIS.	USE	MINIMUM MUNICIPAL/OPEN SPACE	MAXIMUM DENSITY DU/AC ⁵	MAXIMUM IMPERVIOUS SURFACE	MINIMUM SITE AREA	MINIMUM LOT ₁ SIZE ¹	MAXIMUM HEIGHT
RR	Single-family ²	0%	.75	.09	50,000 sf	50,000 sf	35 ft.
	S.F. Cluster	55%	1.2	.15	20 acres	30,000 sf	35 ft.
	Other Uses	--	--	.35	See Uses Permitted		35 ft.
CR	Single-family ²	--	1.2	.14	30,000 sf		
	30,000 sf 35 ft.	S.F. Cluster	40% ^{3&4}	2.25	.20	10 acres	
	15,000 sf 35 ft.						
	Perf. Subdiv.	50% ^{3&4}	6	.35	20 acres	--	35 ft.
	Other Uses	--	--	.30	See Uses Permitted		35 ft.
VC	Single-family ²	--	1.8	.26	20,000 sf	20,000 sf	35 ft.
	Perf. Subdiv.	40% ³	6	.35	10 acres	--	35 ft.
	Other Uses	--	--	.65	20,000 sf	20,000 sf	35 ft.
MHP	Mobile Home Park	30% ³	4.5	.27	20 acres	7,500 sf	35 ft.
PC	All Uses	--	--	.70	20,000 sf	20,000 sf	35 ft.
PI	All Uses	--	--	.60	2 acres	2 acres	35 ft.

1. Minimum lot size for individual on-site septic system shall be 50,000 square feet in all districts.
2. These standards shall apply to Mobile Homers, Use B2, as well.
3. Permanent Municipal Use/Open Space.
4. For Use B7, Retirement Village, the municipal/open space ratio may be reduced by 10%.
5. This density figure is applied to the Base Site Area, Section 501(1)(e).

9. Section 533 General Open Space and Municipal Land

Performance subdivisions, and single-family cluster developments shall meet the open space or municipal use area requirements of the Zoning Ordinance. The land owner(s) at his/her option, may select whether the land provided is to be open space or municipal use areas. The plan shall contain or be supplemented by such material as required to establish the method by which open space or municipal use areas shall be perpetuated, maintained, and administered. The plan and other materials shall be construed as a contract between the land owner(s) and the municipality, and shall be noted on all deeds.

10. Section 534 Layout of Open Space/Municipal Use Land in CR, RR & VC Districts

The open space or municipal use area shall be laid out in accordance with the best principles of site design. It is intended that the open space shall be as close to all residences as possible, with greenways leading to major recreation spaces. Major recreation areas shall be located to serve all residents. Municipal use land may be situate where it best serves the health, safety and welfare of the Township residents, provided that the other provisions of this Ordinance, including Section 501 Site Capacity Calculation are met. The open space is most needed in areas of highest density. The intent is to provide open areas as close to as many individual units as possible.

11. Section 535 Municipal Use and Open Space Designation

All land held for municipal use/open space shall be so designated on the plans. The plans shall contain the following statement for lands in categories (a), (b), (c), or (d) below: "Open space land may not be separately sold, nor shall such land be further developed or subdivided." All subdivision plans shall further designate the use of open space or municipal use areas, the type of maintenance to be provided, and a planting plan or schedule. In designating use and maintenance, the following classes may be used.

12. **Section 536** **Municipal Use/Open Space Performance Bond**

Designated planting and recreation facilities within the open space and municipal use 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 ordinance.

13. **Section 537** **Conveyance and Maintenance of Municipal/Open Space**

All municipal use areas, shown on the Final Development Plan as filed in the Office of the Township Secretary of Hilltown and subsequently recorded in the Office of the Recorder of Deeds of Bucks County, shall be conveyed in fee simple pursuant to conditions (a).

All open space, shown on the Final Development Plan as filed in the Office of the Township Secretary of Hilltown and subsequently recorded in the Office of the Recorder of Deeds of Bucks County, must be conveyed in accordance with one or more of the following methods:

(a) Dedication in fee-simple to the Township of Hilltown:

1. The Township may, but shall not be required to, accept dedication in fee-simple any portion of the municipal use area, provided:

- a. there is no cost involved;
- b. the Township agrees to and has access to maintain such land;
- c. it is acceptable with regard to size, shape, location and improvement; and
- d. the land can, in the Township's discretion, be utilized for the health, safety and welfare of the Township.

2. The Township may, but shall not be required to, accept any portion of the non-agricultural open space or the municipal use areas, provided:
 - a. such land is accessible to the residents of the development wherein it is located, subject to reasonable conditions imposed by the ultimate owner of the open space (e.g. Hilltown Township, a homeowner's association, etc.);
 - b. there is no cost involved;
 - c. the Township agrees to and has access to maintain such lands; and
 - d. it is acceptable with regard to size, shape, location and improvement.
- (b) By conveying title (including beneficial ownership) to a corporation, association, funded community trust, condominium or other legal entity.
 1. The terms of such instrument of conveyance must include provisions suitable to the Township for guaranteeing:
 - a. the continued use of such land for the designated purpose;
 - b. continuity of proper maintenance for those portions of the open space requiring maintenance;
 - c. the availability of funds required for such maintenance;
 - d. adequate insurance protection;
 - e. provisions for payment of applicable taxes;
 - f. recovery for loss sustained by casualty, condemnation, or otherwise;

- g. such other covenants and/or easements that the Township shall deem desirable to fulfill the purposes and intent of this Ordinance.
2. The following are prerequisites for such a corporation or association:
- a. It must be set up before any homes or dwelling units are sold or leased or otherwise conveyed.
 - b. Membership must be mandatory for each buyer and/or lessee and any successive buyer and/or lessee.
 - c. It must be responsible for liability insurance, taxes, recovery for loss sustained by casualty, condemnation or otherwise, and the maintenance of recreational and other facilities.
 - d. Members or beneficiaries must pay their pro-rata share of the costs, and the assessment levied can become a lien on the property.
 - e. It must be able to adjust the assessment to meet conditions.
 - f. Such corporation or association shall not be dissolved nor shall it dispose of the open space, by sale or otherwise, except to an organization conceived and established to own and maintain the open space. The corporation or association must first offer to dedicate the open space to the Township before any such sale or disposition of the open space.
3. The dedication of municipal use areas and open space, streets, or other lands in common ownership of the corporation, association or other legal entity, or the Township, shall be absolute and not subject to reversion for possible future use for further development.

4. All documents pertaining to the conveyance and maintenance of municipal use areas or open space shall meet the approval of the Township Solicitor as to legal form and effect and to the Planning Commission as to suitability for the proposed use of the open space.

(c) Development Rights, Easement or other device: The state or county under the provisions of Act 442 of 1968 the "Conservation and Land Development" Act may acquire and resell any interest in the land for the purpose of agricultural or open space preservation. Subject to Township approval this may be considered a suitable means of preserving open space.

This Amending Ordinance shall take effect and be in full force and effect five (5) days after it is adopted by the Board of Supervisors of Hilltown Township.

ORDAINED and ENACTED into Ordinance this 23rd
day of June, A.D., 1986.

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS



