

ORDINANCE 86-4

AN ORDINANCE AMENDING THE HILLTOWN TOWNSHIP SUB-DIVISION ORDINANCE, ENACTED AND ORDAINED JUNE 22, 1981, AS AMENDED; ADDING SECTION 242(a) AND SPECIFICALLY AMENDING SECTION 205, SECTION 243, SECTION 244, SECTION 302.8(b), SECTION 303.9(b), AND SECTIONS 417 TO 419.

The Hilltown Township Board of Supervisors, upon review by the Bucks County Planning Commission and the Hilltown Township Planning Commission, hereby ENACTS AND ORDAINS the following Ordinance:

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

ARTICLE II. DEFINITIONS

1. **Section 242(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 building, 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 for 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 residential subdivision.

(All Sections refer to the Zoning Ordinance.)

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

1. Section 205 Area

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 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.

(All Sections refer to Zoning Ordinance)

2. **Section 243 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 those non-recreational buildings, which are necessary to the use of property as a residential subdivision. Open space and municipal use areas do not include roads, road right-of-ways, parking areas or lands occupied by water, sewer and other utility system buildings, vehicular ways, parking areas, or sewage treatment facilities, treatment plants or spray fields which are required to serve the development.

(All Sections refer to the Zoning Ordinance.)

3. **Section 244 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 within the site by the base site area.

ARTICLE III SUBMISSION PROCEDURE AND PLAN REQUIREMENTS
FOR SUBDIVISION AND LAND DEVELOPMENT

4. Section 302.8(b) Preliminary Plan Requirements
(Site Plan)

The Preliminary Plan shall show or be accompanied by the following information:

(b) Site Plan, showing:

- (1) Name of subdivision or land development
- (2) Name and address of owner/applicant
- (3) Name and address of the engineer, surveyor, architect, landscape architect, or planner responsible for the plan
- (4) Zoning requirements, including:
 - (i) applicable district
 - (ii) maximum density permitted
 - (iii) lot size and yard requirements
 - (iv) municipal use, open space and impervious surface ratios
 - (v) any variances or special exceptions granted, noted on the plan or a separate sheet
- (5) Performance Standards proposed:
 - (i) net density
 - (ii) municipal use, open space ratio
 - (iii) impervious surface ratio
 - (iv) dwelling unit mix
 - (v) size of units (in bedrooms)
- (6) Location map showing relation of site to adjoining properties and streets within one thousand (1,000) feet. Scale 1" = 800'.
- (7) North point
- (8) Written and graphic scales (including scale of location map)
- (9) Total acreage of the site
- (10) A complete outline survey of the property to be subdivided or developed, showing all courses, distances, tie-ins to all adjacent intersections and areas

- (11) Location of all existing monuments
- (12) Boundaries of all adjoining properties
(with names of landowners in the case
of unplatted land)
- (13) Streets on and adjacent to the site
with future rights-of-way
- (14) Buildings (and their uses), driveways,
sewer lines, storm drains, septic drain
fields, wells, culverts, bridges, utility
easements, quarries, railroads, and
other significant manmade features
within 500 feet of and within the site
(this includes properties across
roadways). If significant features
exist further than 500 feet, the Planning
Commission may require their inclusion.
- (15) The proposed layout:
 - (i) the layout of streets, including
widths of cartways and rights-of-
way
 - (ii) the layout and approximate dimen-
sions, areas, and uses of lots,
building setback lines, and rear
and side yard lines
 - (iii) the arrangement and use of build-
ings and parking areas in
non-residential developments with
all necessary dimensions and number
of parking spaces. Elevations
and perspective sketches of proposed
buildings are encouraged
 - (iv) municipal use/open space areas
 - (v) recreational facilities
 - (vi) rights-of-way and/or easements
for all drainage, utilities, or
other purposes
 - (vii) sidewalks and pedestrian paths
 - (viii) street lights
 - (ix) fire hydrants
 - (x) monuments
 - (xi) for on-site sewage disposal systems,
minimum isolation distances pursuant
to Section 73.12, Standards for
Sewage Facilities, Pennsylvania
Sewage Facilities Act (Act of
January 24, 1966), P.L. 1535,
as amended.

(xii) on site well location if applicable

5. Section 303.9(b) Final Plan Requirement-Major Subdivision or Land Development (Site Plan)

(b) Site Plan, showing:

- (1) Name of subdivision or land development
- (2) Name and address of owner/applicant
- (3) Name and address of the engineer, surveyor, architect, landscape architect, or planner responsible for the plan
- (4) Zoning requirements, including:
 - (i) applicable district
 - (ii) maximum density permitted
 - (iii) lot size and yard requirements
 - (iv) applicable municipal use, open space and impervious surface ratios
 - (v) any variances or special exceptions granted
- (5) Performance Standards proposed:
 - (i) net density
 - (ii) municipal use, open space ratio
 - (iii) impervious surface ratio
 - (iv) dwelling unit mix
 - (v) size of units (in bedrooms)
- (6) Location map showing relation of site to adjoining properties and streets within one thousand (1,000) feet. Scale 1" = 800'.
- (7) North point
- (8) Written and graphic scales (including scale of location map)
- (9) Total acreage of the site
- (10) A complete outline survey of the property to be subdivided or developed, showing all courses, distances, tie-ins to all adjacent intersections and areas
- (11) Location of all existing monuments

- (12) Boundaries of all adjoining properties (with names of landowners in the case of unplatted land)
- (13) Streets on and adjacent to the site with future rights-of-way
- (14) Buildings (and their uses), driveways, sewer lines, storm drains, septic drain fields, wells, culverts, bridges, utility easements, quarries, railroads, and other significant manmade features within 500 feet of and within the site (this includes properties across roadways). If significant features exist further than 500 feet, the Township may require their inclusion.
- (15) The proposed layout:
 - (i) the layout of streets, including widths of cartways and rights-of-way
 - (ii) the layout and approximate dimensions, areas, and uses of lots, building setback lines, and rear and side yard lines
 - (iii) the arrangement and use of buildings and parking areas in non-residential developments and performance subdivisions with all necessary dimensions and number of parking spaces. Elevations and perspective sketches of proposed buildings are encouraged.
 - (iv) municipal use/open space areas
 - (v) recreational facilities
 - (vi) rights-of-way and/or easements for all drainage, utilities, or other purposes
 - (vii) sidewalks and pedestrian paths
 - (viii) street lights
 - (ix) fire hydrants
 - (x) monuments
 - (xi) for on-site sewage disposal, minimum isolation distances pursuant to Section 73.12, Standards for Sewage Facilities, Pennsylvania Sewage Facilities Act (Act of January 24, 1966), P.L. 1535, as amended.
 - (xii) on site well location if applicable

(16) Where the final plan covers only a part of the applicant's entire holding, a sketch plan shall be submitted of the prospective street layout for the remainder of the site.

(17) For any subdivision for which on-site sewage disposal is proposed, the Final Plan shall contain a title block as follows, signed by an authorized agent of the Bucks County Department of Health:

OBSERVATIONS OF DEEP TEST HOLES AND PERCOLATION TESTS ON ALL LOTS HAVE BEEN CONDUCTED BY THE BUCKS COUNTY DEPARTMENT OF HEALTH AND IT HAS BEEN DETERMINED THAT LOTS _____ ARE SUITABLE FOR _____ TYPE SEWAGE DISPOSAL, ...SYSTEM(S) UNDER CURRENT RULES AND REGULATIONS. PERMITS FOR THE CONSTRUCTION OF EACH INDIVIDUAL SEWAGE DISPOSAL SYSTEM ON EACH LOT MUST BE OBTAINED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THE SYSTEM AND/OR BUILDINGS.

(Date)

(Signature of Bucks County Health Department Agent)

(Title)

ARTICLE IV DESIGN STANDARDS

6. Section 417 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.

- (a) 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 tidy appearance.
- (b) 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.
- (c) Recreation Area: An area designated for a specific recreation use, including but not limited to tennis, swimming, shuffle board, playfield, and tot lot. Such areas shall be maintained so as to avoid creating a hazard or nuisance, and shall perpetuate the proposed use.
- (d) Agricultural Area: An area designated for family vegetable plots or to be leased or sold for an agricultural use as specified in Section 405.
- (e) Municipal Use: A use conducted by the Township, or a Municipal Authority duly incorporated by the Township for the benefit, use, or enjoyment of Township residents. Said uses may include water systems, sewer systems, municipal offices, streets, parking areas, parks, playgrounds, swimming pools, tennis courts and all municipal owned utilities and appurtenances used in connection with supplying such services; PROVIDED that the landowner shall not include improvements which are required for the use of the property as a residential subdivision including, but not limited to, real property upon which are constructed streets, parking areas, or above-ground improvements of water or

sewer systems when meeting the minimum open space/municipal use requirements of Sections 501 and 502.

(All Sections refer to Zoning Ordinance)

7. **Section 418** **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.

8. **Section 419** **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 the provisions of (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:

(i) there is no cost involved;

(ii) the Township agrees to and has access to maintain such land;

(iii) it is acceptable with regard to size, shape, location and improvement; and

- (iv) 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:
- (i) 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.);
 - (ii) there is no cost involved;
 - (iii) the Township agrees to and has access to maintain such lands; and
 - (iv) 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:
 - (i) the continued use of such land for the designated purpose;
 - (ii) continuity of proper maintenance for those portions of the open space requiring maintenance;
 - (iii) the availability of funds required for such maintenance;
 - (iv) adequate insurance protection;
 - (v) provisions for payment of applicable taxes;

- (vi) recovery for loss sustained by casualty, condemnation, or otherwise;
 - (vii) 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:
- (i) It must be set up before any homes or dwelling units are sold or leased or otherwise conveyed.
 - (ii) Membership must be mandatory for each buyer and/or lessee and any successive buyer and/or lessee.
 - (iii) 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.
 - (iv) Members or beneficiaries must pay their pro-rata share of the costs, and the assessment levied can become a lien on the property.
 - (v) It must be able to adjust the assessment to meet conditions.
 - (vi) 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

Vin P. [Signature]
Robert H. [Signature]
