

ARTICLE XX

CLUSTER DEVELOPMENT

2001. PURPOSES. To allow flexible development of areas with sensitive natural features in such a way as to: a) avoid severe soil erosion and sedimentation, b) avoid severely increased stormwater flows and speeds, c) steer development to those areas that are more physically suited for it, d) avoid construction of steep roads that are difficult, time-consuming, and expensive to maintain and snow plow, e) avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice, f) to conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats and g) reduce construction costs while h) allowing each property owner a reasonable use of their land, related directly to the natural features and location and accessibility of the land. In certain cases, this option will encourage the preservation of significant areas of common open space.
2002. APPLICABILITY. This article allows an applicant the option to reduce the minimum lot areas on tracts of land if the applicant proves to the satisfaction of the Board of Supervisors that all of the requirements of this article will be complied with.
- A. The term "Cluster Development" ("CD") shall mean a residential cluster development meeting the requirements of this Article XX and which is approved as a conditional use in a LDR residential district only. A Cluster Development in the LDR district shall only include single family detached dwellings
- B. A tract may be eligible for approval for a cluster development if it includes the following minimum land area in common ownership: 20 acres in common ownership in the residential district. Such land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed streets or creeks.
1. Lots of less than 1/2 acre that were previously granted final subdivision approval as part of a residential development shall not be recombined and resubmitted under this Article.
 2. For the purposes of this Article, the term "Total Area of the Tract" shall mean the total lot area or the total lot area of contiguous lots in common ownership, but not including areas within the existing and future rights-of-way of existing streets, but including a) the right-of-way of any new future streets proposed within the tract and b) any proposed open space.
 3. Areas used for a principal non-residential use shall not be included within the land area used to calculate residential density.

- C. The Cluster Development shall be designed as a unified, coordinated residential development, and shall be approved within a development plan controlled by a single development entity. After final subdivision approval and within an approved development agreement, a developer may sell individual lots to different builders or home buyers, provided that the developer or his/her successor remains responsible for ensuring the compliance with the approved development plan.
- D. The application shall be submitted and decided upon as a conditional use, within the procedures of Article I. The application shall be reviewed by the Planning Commission and approved, conditionally approved or disapproved by the Board of Supervisors.

2003. REDUCTION OF LOT WIDTH AND LOT AREA. If approved as a Cluster Development ("CD"), then the minimum lot area and minimum lot width of the following districts may be reduced as follows, provided that the minimum common open space on the entire tract meets the requirement stated below and all other requirements of this Ordinance. If a particular situation is not described in the first column, then a Cluster Development shall not be permitted in that situation.

ZONING DISTRICT	NON-CLUSTER MIN. LOT AREA (square feet)	NON-CLUSTER MIN. LOT WIDTH (feet)	PERMITTED MIN. LOT AREA IN A CD (square feet)	PERMITTED MIN. LOT WIDTH IN A CD (feet)	MINIMUM COMMON OPEN SPACE ON THE TRACT
LDR with public sewer and water service	22,000	100*	18,000	80*	25 percent

*150 feet for any lot with a new driveway entering onto an arterial street.

2004. OTHER REQUIREMENTS.

- A. Only requirements that are specifically stated in this Article as being adjusted shall differ from what would otherwise apply to a conventional non-cluster development. All other requirements of this Ordinance and the Township Subdivision and Land Development Ordinance shall still apply to a CD.
- B. The natural features of the site shall be a major factor in determining the siting of dwelling units.

2005. CONDITIONS FOR APPROVAL. In addition to the specific requirements of this Section, a CD shall only be approved as a conditional use if the applicant proves to the satisfaction

of the Board of Supervisors, based upon review by the Planning Commission, that the following conditions will be met:

- A. That the CD would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be developed as a conventional development. Such valid public purposes include but are not limited to the following:
 - 1. The permanent preservation of dense forests, steep slopes, wetlands, creek valleys, highly scenic areas or other sensitive natural features.
 - 2. The permanent preservation of a substantial area of land in agricultural uses, in a tract of proper size and configuration that allows for efficient agricultural use and that properly considers the issue of compatibility between the agricultural uses and homes.
 - 3. The dedication of public parkland at a site deemed appropriate by the Board of Supervisors and that involves land that is clearly suitable for active and/or passive recreation.
 - 4. The clustering of homes in a location that will be substantially buffered from highly-noxious nuisance-generating uses, such as an expressway or major arterial street.
- B. The applicant shall prove that the proposed CD has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands. At a minimum, the applicant shall prove that areas along perennial creeks shall be preserved in their natural state, except for landscaping, erosion control improvements, public recreation improvements and needed utility, street and driveway crossings.

2006. OPEN SPACE.

- A. Minimum Amount of Open Space. Section 2003 states the minimum percentage of the tract area within a CD that shall be permanently preserved as public, semi-public or private open space. Such common open space shall be preserved by one of the methods of open space preservation specified in Section 1420 of this Ordinance. The method(s) to be used to own, preserve and maintain the open space shall be acceptable to the Board of Supervisors. Any reduction in the amount of open space provided by the applicant/developer requires the approval of the Board of Supervisors.
- B. Open Space Standards. Required open spaces shall meet all of the following requirements:

1. Such open space shall be permanently deed-restricted or protected by an appropriate conservation easement to prevent the construction of buildings or the use for any commercial purposes or the use of the land for commercial forestry. Land approved as required open space shall only be used for non-commercial active or passive recreation, the preservation of natural features. See subsection "5." below regarding improvements within open spaces.
2. Open space required in a Cluster Development shall be in place of any recreation land dedication or recreation fee requirements that may be required under another section of this Ordinance or the Subdivision and Land Development Ordinance.
3. See the definition of "Open Space, Common" in Section 202 which limits the types of lands that can be used to meet the required minimum open space requirement.
4. The applicant shall prove that the disturbance of natural slopes over 15 percent, wetlands, mature forests and other important natural features within Common Open Space areas will be minimized. No construction of buildings or roads shall occur on slopes of over 25 percent.
5. Improvements to Open Spaces. The application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land intended to be publicly dedicated to make it suitable for its intended purpose.
 - a. Examples of such improvements for areas intended for passive recreation include preservation and planting of trees, development of nature, bicycle or jogging trails, the stabilization of creek banks and the removal of undesirable vegetation.
 - b. Examples of such improvements for areas intended for active recreation include rough grading of land to create land suitable for free-play fields for youth.
6. All proposed open spaces shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.
7. The applicant shall prove that all required open space would be suitable for its intended and Township-approved purposes.
8. Lots and open spaces shall be located to promote pedestrian and visual access to common open spaces whenever possible.

9. Required common open space shall not be separated by an arterial street from the majority of the dwellings within a Cluster Development.
2007. USES. A Cluster Development may only include types of dwellings specifically permitted by this Article, nature preserves, Township-owned recreation and their customary permitted accessory uses. A mobile/ manufactured home park shall not qualify as a Cluster Development.
2008. STEEP SLOPES. A lot required to have a larger minimum lot area under Section 505 because of steep slopes shall not be permitted to be reduced in lot area under this Article. However, through the use of the smaller minimum lot areas in this Article, the lot layout may be able to be revised to move proposed building sites away from steeply sloped portions of a tract so that the requirements of Section 505 no longer apply.
2009. ACCESS.
- A. A CD shall have an interior street system that minimizes or avoids the need for individual driveways entering directly onto arterial or major collector streets.
- B. A CD shall only be permitted if all lots in the CD will have vehicle access using streets of less than 12 percent slope and 18 feet minimum width to reach a street classified as "arterial" or "major collector" on the "Intended Future Street Classification Map".
2010. PHASING. The development shall include a phasing system that shall be approved by the Board of Supervisors. Such phases shall ensure that the requirements of this Article would be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.