

Part 6

Cluster Development Regulations

Section 601. Statement of Intent. The purpose of this Part is to provide development and design standards for cluster developments containing single-family detached dwelling units. It is the intent of these standards to:

(a) Provide an optional approach to community development with provisions to permit more efficient utilization of land and of community facilities and services.

(b) Encourage innovative single-family residential land development that will conserve open space and environmental amenities.

(c) Protect environmentally sensitive areas from development pressures.

(Ordinance 130, December 9, 1991, Section 601)

Section 602. Development and Design Standards.

(a) Eligibility.

(1) Cluster developments containing single-family dwelling units are permitted by conditional use in the Medium Density Residential (MDR) Zoning District and by right in the Low Density Residential (LDR) Zoning District.

(2) The development shall contain a minimum contiguous land area of ten (10) acres.

(3) When public sewer and water systems are provided, a minimum of fifty percent (50%) of the gross area of the development shall be set aside as common open space. If on-lot septic disposal (including community on lot disposal systems) and/or on-lot water wells are provided, a minimum of forty percent (40%) of the gross tract area shall be set aside as common open space. No more than fifty percent (50%) of the common open space shall be located on lands within the Environmental Protection Overlay District (Part 5).

(b) Density Specifications.

(1) The Cluster Development shall not exceed the following maximum permitted densities:

| <u>Zoning District</u> | <u>Maximum Density</u>  |
|------------------------|---|
| LDR                    | 0.5 dwelling units/acre with on-lot septic disposal (including community on lot disposal systems) and/or well |
|                        | 1.0 dwelling units/acre with public sewer and water   |
| MDR                    | 3.63 dwelling units/acre  |

(2) The area that is not utilized for development shall be set aside as common open space.

(3) The area to be utilized and calculated for development purposes shall not include lands within the Environmental Protection Overlay District (Part 5).

(c) Area, Yard and Height Regulations. Each of the following maximum and minimum dimensional requirements shall apply to single-family detached units within a cluster development, except as specifically provided for in this Chapter:

| Minimum Regulations                | <u>Public Sewer and Water</u> | <u>On Lot Sewer and/or Water</u> |
|------------------------------------|-------------------------------|----------------------------------|
| Lot Area                           | 20,000 square feet            | 43,560 square feet               |
| Lot Width                          | 100 feet                      | 150 feet                         |
| Building Setback                   | 30 feet                       | 40 feet                          |
| Rear Yard                          | 20 feet                       | 30 feet                          |
| Side Yard                          |                               |                                  |
| Total                              | 20 feet                       | 40 feet                          |
| One Side                           | 10 feet                       | 20 feet                          |
| Common Open Space<br>(Development) | 50 percent                    | 40 percent                       |
| Buffer Yard Depth<br>(Development) | 10 feet                       | 10 feet                          |

Maximum Regulations

|                                      |            |            |
|--------------------------------------|------------|------------|
| Building Height                      | 35 feet    | 35 feet    |
| Lot Coverage                         | 25 percent | 25 percent |
| Woodland Extraction<br>(Development) | 30 percent | 30 percent |

(d) Supplementary Regulations. All sections under Part 9 of this Chapter shall apply as supplementary guidelines and specifications for cluster developments.

(Ordinance 130, December 9, 1991, Section 602; as amended by Ordinance 164, April 26, 1999, Section 8; as further amended by Ordinance 192, September 16, 2002, Section 9)

Section 603. Open Space Standards.

(a) Requirements and Specifications.

(1) If public sewer and water service is provided, a minimum of fifty percent (50%) of the gross area of the development shall be set aside as common open space. If on lot well and/or on-lot septic (including community on lot disposal systems) is provided, forty percent (40%) of the gross tract area shall be set aside as common open space. No more than fifty percent (50%) of the common open space shall be located on lands within the Environmental Protection Overlay District (Part 5).

(2) The common open space shall not include areas that have been devoted to roads, utilities easements and/or stormwater management facilities.

(3) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible. At least ten percent (10%) of the common open space shall be available to active recreational use, to the satisfaction of the Board of Supervisors, based upon guidelines issued by the Board of Supervisors.

(4) The accessible area devoted to common open space shall be comprised of areas not less than fifty feet (50') in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area within the development containing no less than fifty percent (50%) of the required open space.

(5) For all common open spaces, satisfactory written agreements approved by the Board of Supervisors shall be consummated for the perpetual preservation of the common open spaces.

(b) Management and Maintenance.

(1) The developer of the cluster development shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained.

(2) The developer of the cluster development shall have the following options for ownership, management and maintenance of the common open space:

(i) Retain ownership and responsibility for the management and maintenance; or

(ii) Dedicate the land to a homeowners association which is comprised of all the residents of the cluster development; or

(iii) Dedicate the land to the Township. The Township shall have the option to accept or refuse the land offered for dedication.

(3) If the common open space is dedicated to a homeowners association, the developer shall file with the Township a declaration of covenants and restrictions that will govern the association.

(Ordinance 130, December 9, 1991, Section 603; as amended by Ordinance 192, September 16, 2002, Section 10)

Section 604. Administration and Review. Cluster developments shall be planned, designed and constructed in accordance with all pertinent procedures, provisions, standards and specifications that are identified in this Chapter and in the Amity Township Subdivision and Land Development Ordinance (see Chapter XXVII of the Township Code of Ordinances). (Ordinance 130, December 9, 1991, Section 604)