

ORDINANCE NO. 89, 1992

AN ORDINANCE OF THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP ZONING ORDINANCE, AS AMENDED, TO PROVIDE FOR RESIDENTIAL CLUSTER DEVELOPMENT IN THE R-2 ZONING DISTRICT WHICH WILL PERMIT DEVELOPMENT OF SINGLE FAMILY DWELLINGS IN A FLEXIBLE MANNER SO AS TO PROVIDE FOR MAXIMUM PRESERVATION OF TREE COVER, WETLANDS, STREAMS, AGRICULTURAL LAND, OPEN SPACE AND OTHER NATURAL FEATURES.

WHEREAS, it appears that appropriate use of Residential Cluster Development zoning would permit the development of single family dwellings to allow for flexibility in site layout and planning by "clustering", so as to provide for the sound physical handling of a site in situations where site amenities, such as tree cover, wetlands, streams and agricultural land, and other natural features may be preserved or have a land use relationship to make a compact cluster land plan desirable; and

WHEREAS, in order to ensure that such Residential Cluster Development zoning is applied in an orderly and thoughtful manner requiring several stages of review with certain restrictions and conditions; and

WHEREAS, the Board of Supervisors of Tilden Township desires to allow such Residential Cluster Development zoning in order to permit the flexible site layout and planning to enhance those amenities as set forth above;

NOW, THEREFORE:

Section 1. It is hereby enacted and ordained that Article IV of the Tilden Township Zoning Ordinance of October 20, 1987, as amended, is hereby further amended in pertinent part as follows:

Section 401. Use Regulations

1. Any use permitted in R-1 Residential District.
2. When authorized by special exception pursuant to Sections 403 and 1819 of this ordinance, Residential Cluster Development allowing for the following: single-family detached residential cluster dwellings; accessory buildings and uses customarily incidental to residential uses, including recreational facilities as defined in the property owners' association charter or agreement; buildings and structures associated with agricultural/conservation or other permitted activities; and buildings and structures necessary for authorized public or community sewage disposal and water supply.

Section 403. Residential Cluster Development Zoning Purpose, Conditions and Requirements

1. Intent:

The Residential Cluster Development Zoning is designed to permit the development of single family dwellings, which will allow for flexibility in site layout and planning by "clustering", so as to provide for the sound physical handling of the site in situations where the site amenities, such as tree cover, wetlands, streams and agricultural land, and other natural features may be preserved or have a land use relationship to make a compact cluster land plan more desirable.

2. Required Conditions:

In addition to any other requirements in the Zoning Ordinance or Subdivision and Planning Ordinance, the following general standards shall be used as additional conditions for the approval of a special exception for a Residential Cluster Development:

- a. The development shall include single-family detached dwellings only.
- b. The minimum land required for Residential Cluster Development shall be 50 acres and it shall be held in single ownership or control pursuant to deed, lease or other written agreement at the time of application.
- c. Each lot shall have adequate access on a public or private roadway.
- d. Each lot shall be of a size and shape to provide a building site which shall be in harmony with the natural terrain and other features of the land.
- e. There shall be an adequate, safe, and convenient arrangement of pedestrian circulation, roadways, driveways, and parking.

3. Dimensions and Density Requirements:

In addition to any other requirements in the Zoning Ordinance or Subdivision and Planning Ordinance, the following general standards shall be used as additional conditions on the approval of Residential Cluster Development:

- a. A single family detached dwelling or lawful accessory building may be constructed on an approved lot within a Residential Cluster Development although such lot has less area and frontage than the minimal lot size normally required as herein specified.
- b. The maximum number of dwelling units permitted in a Residential Cluster Development shall be calculated based upon the 70,000 s.f. lot size excluding any other restricted areas. All restricted areas shall be identified on the plan. A cluster bonus of 15% shall be allowed at the discretion of the Zoning Hearing Board.
- c. Lots in the Residential Cluster Development shall be a minimum of 15,000 s.f.
- d. Lot width of no less than 75 feet on a public or private way.
- e. Minimum front and rear and side yards shall be as follows:

- 25 feet minimum front yard
- 50 feet minimum rear yard
- 15 feet minimum side yard

More definitive site restrictions may be appropriate for specific plans and for individual lots on a specific plan.

- f. All residential lots and accessory uses within the development shall be setback from the right of way of existing public road by a buffer strip of 25 feet in the case of a landscape strip or 200 feet in such case as the strip is to be used for agricultural purposes. Such buffer strips will be included in a landscape plan or farm plan, as appropriate, to be submitted pursuant to the Subdivision and Land Development Ordinance. Such buffer strips shall be considered as part of open or common space as set forth in the Subdivision and Land Development Ordinance. No building shall face an existing public road and no lots shall have direct access to an existing public road.
- g. All structures accessory to a residence shall be located within 60 feet of the primary structure.

4. Application to Zoning Hearing Board:

Application for approval of the Zoning Hearing Board for a special exception allowing any Cluster Development Zoning must include information and a plan to demonstrate ability and intention to comply with the above-mentioned requirements and conditions together with those as set forth in Sections 403 and 1819 of this ordinance. Approval of the special exception by the Zoning Hearing Board a prerequisite to subdivision and development approval of any proposed residential cluster development. Approval of the special exception by the Zoning Hearing Board will in no way constitute subdivision or land development approval or waiver by the Township as to any condition or requirement as set forth in the Subdivision and Land Development Ordinance.

Section 2: The provisions of this Ordinance shall be severable, and if any provisions shall be held to be unconstitutional, invalid, or illegal by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as legislative intent that this Ordinance would have been enacted if such unconstitutional, invalid or illegal provision had not been included therein.

Section 3: All ordinances or part of ordinances in conflict herewith, being the same, are hereby repealed.

Section 4: This Ordinance shall become effective in accordance with law.

DULY ENACTED AT A PUBLIC MEETING OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP, HELD ON THE 2nd DAY OF June, 1992.

BOARD OF SUPERVISORS OF
TILDEN TOWNSHIP, BERKS COUNTY

Wellington R. Petrus
Gary D. Wilhelm
Roy W. Berkey

Attest:

Anna M. Hollenderger
Board Secretary