

ARTICLE 6 -- RESIDENTIAL CLUSTER DEVELOPMENT

SECTION 6.0 INTENT

The intent of this Article is to permit variation in lot size, lot dimensions, and housing type, to provide the opportunity for development to occur on the most suitable lands, to facilitate the adequate and economical provisions of public services and to preserve open space areas.

SECTION 6.1 AUTHORIZATION TO GRANT OR DENY RESIDENTIAL CLUSTER DEVELOPMENT

In accordance with the provisions of the "Pennsylvania Municipalities Planning Code" of 1968 as amended, Act No. 247, Article VI, Sections 601 through 619, as amended, the Township Supervisors herein authorize the Planning Commission to permit variations in the dimensional requirements of this Ordinance under their subdivision review powers. The Planning Commission shall comply with all procedures and standards set forth in this Article when implementing such power.

SECTION 6.2 STANDARDS GOVERNING RESIDENTIAL CLUSTER DEVELOPMENT

Any residential cluster development considered shall conform to the following standards which are regarded as minimum requirements:

- A. This procedure shall apply to all lands located in the Residential (R) and Agricultural Residential (A/R) zoning districts which shall be a minimum of ten (10) contiguous acres in size. In addition, it shall be determined that such development will not be detrimental to the health, safety and general welfare of persons residing in the vicinity, or injurious to property or improvements in close proximity. The proposed development shall create an attractive residential environment that is in conformity with the objectives of the Township's Comprehensive Plan. In no case shall the gross density be greater than if the tract were developed in accordance with the existing zoning requirements, and the permanent retention of open space areas along with their care and maintenance shall be guaranteed.
- B. When such development is proposed adjacent to any existing residence or residential area, a buffer area of at least 100 feet in width shall be maintained within the proposed development along any lot line that abuts an existing residential development area or a conventionally platted residential map that has been filed with the Bradford County Register and Recorder. The 100 foot buffer area may be developed in a conventionally platted manner (non-clustered) consistent with the Density Control Schedule.
- C. The size of lots in a residential cluster development may vary from the normal requirements, but no dimensional or area requirement of the district shall be reduced by more than fifty (50) percent.
 - 1. In those instances where public water and sewer are provided, lot sizes may be reduced to 10,000 S.F. with minimum setback requirements as follows for single family detached dwelling units:

<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>
30 ft.	35 ft.	15 ft.

- 2. Townhouse and multi-family: Shall comply with all standards set forth in Section 11.14.
- D. All residential cluster development plans shall be prepared with competent professional assistance and shall be consistent with the spirit and intent of the Zoning Ordinance.
- E. In areas without public water and sewer, any reduction in lot size as allowed under this Section 6.2.C. shall be dependent on approval of the on-lot water and sewer system by Bradford County Board of Sanitation, Department of Environmental Protection and the Sewage Enforcement Officer.
- F. The development plans shall provide that all lands not proposed to be developed in lots, roads or other features, be so configured in size and shape to make usable for recreation, open space or agricultural purposes. Such land shall be held in corporate ownership by the owners of lots within the development, and the developer shall incorporate into the deeds of all property within the development, if appropriate, a clause giving to the owners an interest in such open land which shall be used for recreation, cultural or agricultural use shall be permitted thereon. The open space lands shall be subject to taxation, unless deeded to the Township. In the case of such tracts, the

developer may petition to the Township to take over the land to be used in perpetuity as open space.

- G. SPECIAL DESIGNS: In cases where a developer has proposed architecturally unusual groups of dwellings and garages, the Planning Commission after inspecting the plans and elevations, may approve smaller minimum lot sizes than those specified in Section 6.2 C, provided that the sanitary systems are approved by the DEP, that the gross density does not exceed that permitted within the zoning district in which the land occurs, and the layout is not detrimental to the health, general welfare, and aesthetic character of the community.
- H. Construction shall start within one year of the date of approval and shall be completed within a time frame agreed to by the developer and the Planning Commission, which shall in no instance exceed five (5) years. If such time frame is not met by the developer, the residential cluster development approval shall be revoked.
- I. In the event that the organization established to own and maintain common property, or any successor organization shall fail to maintain the common property, in reasonable order and condition in accordance with the plan, Wyalusing Township may serve written notice upon such organization or upon the residents and owners of the development setting forth the manner in which the organization has failed to maintain the common property in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice.

At such a hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within 30 days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the development and to prevent the common property from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of said year, the municipality shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common property, call a public hearing upon notice to such organization, or to the residents and owners of the development to be held by the Township, at which hearing such organization or the residents and owners of the development shall show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year.

If the Township shall determine that such organization is ready and able to maintain said common property in reasonable condition, it shall cease to maintain said common property at the end of said year. If the Township shall determine such organization is not ready and able to maintain said common property during the next succeeding year, the organization shall be subject to a similar hearing and determination in each year thereafter.

The cost of such maintenance by the Township shall be assessed against each property owner at the same proportion as each units assessed value bears to the total assessment of the development.

SECTION 6.3 REVIEW OF RESIDENTIAL CLUSTER DEVELOPMENT PLANS

The approval procedure and time frames shall be the same as that specified in the WYALUSING TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE for the review and approval of a proposed subdivision of land. The applicant may submit a sketch plan and shall submit at successive stages a preliminary layout and final subdivision plat in accordance with the requirements of the Subdivision and Land Development Ordinance. In addition the applicant at each stage shall provide the following information:

- A. Proposed number of dwelling units and computation of overall residential density per gross acre.
- B. A tabulation of the total number of acres in the proposed project; the percentage designated for each use area.
- C. Proposed location and acreage for parks, playgrounds, natural watercourses and other open space.

SECTION 6.4 PUBLIC HEARING ON RESIDENTIAL CLUSTER DEVELOPMENT

A residential cluster development shall not be approved as a subdivision plat by the Planning Commission until a public hearing has been held on the proposal in the manner specified in the Subdivision and Land Development Regulations.