

Cluster Development Ordinance

East Nantmeal Township, Chester County

305. DESIGN STANDARDS FOR CONDITIONAL USES

A. The following standards shall apply to all conditional uses:

1. When authorized as a conditional use under Article XVII of this Ordinance, the general standards set forth in Article XIII including all of the specific performance standards set forth in §§1313 through §§1324 shall be made applicable by this §305 of this Ordinance to further regulate the nature, intensity, density, design, layout and operation of land uses permitted by conditional uses. Upon the recommendation of the Planning Commission, the Board may waive the requirements for demonstration of compliance with certain of the specific performance standards if the generic type of use proposed poses no potential for significant impact upon such standard(s). The burden of proof in this event shall be placed upon the applicant. Notwithstanding an applicant's ability to conform to all applicable standards at higher densities, under no circumstances shall the density be increased beyond the maximum densities set forth herein.
2. Appropriate screening and landscaping shall be an integral part of any conditional use application and approval and shall be sufficient to screen the subject use from view of incompatible uses.- The screening plan shall be presented to the Board of Supervisors as a required part of the conditional use application and the Board may attach such other or different screening requirements as may it may deem appropriate to effectuate the purposes of this section as a condition to any such approval.
3. The applicant shall demonstrate compliance with the applicable provisions of this Ordinance relating to design standards, including, but not limited to, access, parking, signs, sight triangles at points of entrance and exit, as well as exterior lighting and parking lot construction.

B. Clustering is permitted as an option in the (AP) District of this Ordinance for any tract with less than forty (40) acres, and Is mandatory for all tracts of forty (40) acres or more. A developer may be allowed to modify the Area and Bulk Regulations for any single-family or multi-family dwelling, exclusive of mobile or modular homes, which are expressly prohibited in this district, Provided the following conditions are met:

1. Any tract of land within the (AP) District may be eligible to use the cluster development provisions hereof, provided all applicable controls, regulations, and standards of this Article are met.
2. In any development of a tract of land where farm land is to be created and/or retained, the landowner/applicant shall, whenever possible and in conjunction with all other applicable ordinances, include in the farm lands those agriculturally suited soils whose

acreage, configuration, and location offer the best future opportunity for agricultural use.

3. Any portion of a tract of land within the (AP) District that is utilized for any purpose other than agriculture or residential use, including any required setbacks or minimum lot areas for that use, are expressly excluded as being eligible for inclusion within the calculation of Gross Tract Area under this Article.
 4. The following development controls shall be maintained when using either Cluster Development Option.
 - a. The maximum gross density of developments using cluster development shall not be more than allowed through the Cluster Option I or Cluster Option 2 and zoning district regulations.
 - b. Site planning, including layout of streets and lots, and placement of structures and, the layout of open space areas, shall be In compliance with the purposes of this section. Layout of open space In cluster development, shall protect those resources identified in the Township Comprehensive Plan.
 - c. Not less than the minimum required percent of the total area in a cluster development in either district shall be designated as, and used exclusively for open space. The ownership, location, design, layout, and maintenance of open space within a cluster development shall be in accordance with all other provisions contained in this Ordinance.
 - d. A minimum 150 foot tract buffer shall be provided along all existing exterior/perimeter roads.
 5. The following design regulations shall apply to any permitted residential development using a cluster option.
 - a. Cluster developments must be served by centralized sewer and water.
 - b. A tract of land utilizing this design option shall be held In single ownership or shall be the subject of an application filed jointly by the owners of the entire tract, and it shall be agreed that the tract shall be developed according to a single plan within a reasonable time under single direction and in the manner approved. if an area is developed with two or more parcels, all parcels shall be contiguous to each other, except that they may be divided by minor roads.
- C. Cluster option I (AP) District - This district shall be located on any tract of land that has soils predominantly, 51% or more, composed of Classes I, II, III., and IV., of which the Class IV is presently farmed, as defined in the Chester County Agricultural Soils Survey.

1. On tracts of ten (10) to less than forty (40) acres up to twenty percent (20%) of all permitted (SFD) lots may be withheld from the cluster configuration so long as no withheld lot is less than ten (10) acres. For tracts of forty (40) or more acres, the formula of subsection 2 below applies.
2. The maximum density (Units Per Tract) permitted in this district shall be established by determining the gross area of the tract and subtracting any area used for utility transmission, and any area within existing or proposed street rights-of-way, and any existing conservation eased lands, and any area utilized for nonresidential or non-agricultural purposes. Additionally, 75% of all lands on the tract that are classified as containing flood plains, wet soils, wetlands, or slopes in excess of 25% are to be subtracted from the gross acreage. The remainder of these acreages is divided by the base district zoning of ten (10) acres. This calculation is the Base District Density. - To this base density is added a multiplication factor of three (3) times the base density. Then any fractional units are subtracted, which determines the maximum density allowed (Maximum Units per Tract). It must be noted that this maximum density allowed is contingent on meeting all applicable standards and requirements within the district.
3. Within a subdivision of forty (40) or more acres all dwelling types, exclusive of mobile or modular homes are permitted. The number of dwelling units regardless of selected type or mix of types is determined by subsection 2 above.
4. A minimum of 70% of the gross tract area shall be retained as permanent open space and limited to agricultural or passive recreation uses.
5. The following setback, height, and lot size restrictions shall apply to all single-family detached uses:
 - Minimum Front setback - 50 feet
 - Minimum Rear setback - 75 feet
 - Minimum Side setbacks - 25 feet each
 - Height - The lesser of three stories or 35 feet
 - Minimum lot width at building line - 125 feet
 - Minimum lot width at street line - 40 feet
 - Maximum lot size - 40,000 square feet
 - Maximum impervious coverage - 30%
 - Maximum building coverage - 15%
6. The following setback, height, and building restrictions shall apply to all multi-family uses:
 - Minimum Front setback - 25 feet
 - Minimum Building separation - side - 40 feet rear - 75 feet
 - Height - The lesser of three stories or 35 feet

Maximum impervious coverage - 30%
Maximum building coverage - 20%
Maximum Building length - 160 feet

In addition, the front of all multi-family buildings must contain a minimum offset of at least four (4) feet in any two to three (2 to 3) contiguous dwelling units.

7. The following performance standards shall also apply:

A topographic sketch plan, marked in two (2) foot contours, shall be required for any area to be disturbed.

As a design objective, all homes should be visually screened from off- site/perimeter roads, such that no more than 25% of the structure is visible.

Whenever possible, no roof line should rise above any property ridge line.

A complete site analysis and environmental impact statement with corrective actions will be required. In addition, the analysis shall contain an inventor' of all trees above 6" caliper within the buffer area and proposed areas to be disturbed, and in developed areas significant trees (6" or greater caliper) shall be retained to the fullest extent possible.

8. When maximum density is not achieved, due to performance or site limitations, the developer landowner may also utilize the unrealized area as transfer-out TDRs at the rate of one (1) TDR per two (2) acres of Gross Tract Area. The total number of eligible TDRs is first computed in accordance with 1402 of this Ordinance. This number is then reduced by the number of approved dwelling units, including existing dwelling units, for the tract. The remainder is the number of TDRs available for sale.

NOTE: See the APPENDIX for formula and example

D. Cluster Option 2 (AP) District - This district shall be located on any tract of land that has soils predominantly, 51% or more, composed of Classes V and above, as defined in the Chester County Agricultural Soils Survey.

1. on tracts of ten (10) to less than forty (40) acres up to twenty percent (20%) of all permitted (SFD) lots may be withheld from the cluster configuration so long as no withheld lot is less than ten (10) acres. For tracts of forty (40) or more acres, the formula of subsection 2 below applies.
2. The maximum density (Units Per Tract) permitted in this district shall be established by determining the gross area of the tract and subtracting any area used for utility transmission, and any area within existing or proposed street rights-of-way, and any existing conservation eased lands, and any area utilized for nonresidential or non-agricultural purposes. Additionally, 25% of all lands on the tract that are classified as

containing flood plains, wet soils, wetlands, or slopes in excess of 25% are to be subtracted from the gross acreage. The remainder of these acreages is divided by the base district zoning of ten (10) acres. This calculation is the Base District Density. To this base density is added a multiplication factor of four (4) times the base density. Then any fractional units are subtracted, which determines the maximum density allowed (Maximum units per Tract). - It must be noted that this maximum density allowed is contingent on meeting all applicable standards and requirements within the district.

3. Within a subdivision of forty (40) or more acres all dwelling types, exclusive of mobile or modular homes are permitted. The number of dwelling units regardless of selected type or mix of types is determined by subsection 2 above.
4. A minimum of 50% of the gross tract area shall be retained as permanent open space, and limited to passive recreational uses or left fallow.
5. The following setback, height, and lot size restrictions shall apply to all single-family detached uses:

Front setback - 50 feet
Rear setback - 75 feet
Side setbacks - 25 feet each
Height - the lessor of three stories or 35 feet
Minimum lot width at building line - 125 feet
Minimum lot width at street line - 40 feet
Maximum lot size - 40,000 square feet
Maximum impervious coverage - 25%
Maximum building coverage - 15%

6. The following setback, height, and building restrictions shall apply to all multi-family uses:

Minimum Front setback - 25 feet
Minimum Building separation - side - 40 feet rear - 75 feet
Height - The lesser of three stories or 35 feet
Maximum impervious coverage - 40%
Maximum building coverage - 25%
Maximum Building length - 160 feet

In addition, the front of all multi-family buildings must contain a minimum offset of at least four (4) feet in any two to three (2 to 3) contiguous dwelling units.

7. The following performance standards shall also apply:

A topographic sketch plan, marked in two (2) foot contours, shall be required for any area to be disturbed.

As a design objective, all homes should be visually screened from off- site/perimeter roads, such that no more than 25% of the structure is visible.

Whenever possible, no roof line should rise above any property ridge line.

A complete site analysis and environmental impact statement with corrective actions is required.

8. When maximum density is not achieved., due to performance or site limitations, the developer landowner may also utilize the unrealized area as transfer-out TDRs at the rate of one (1) TDR per two (2) acres of Gross Tract Area.

The total number of eligible TDRs is first computed in accordance. with §§1402 of this ordinance. This number is then reduced by the number of approved dwelling units, including existing dwelling units, for the tract. The remainder is the number of TDRs available for sale.

NOTE: See the APPENDIX for formula and example

6. The following design standards must be observed with any use of a cluster option.
 - a. Natural Features/Resource Protection: shall conform to the provisions of Articles VIII, IX, and XIII of this Ordinance.
 - b. Parking: Shall conform to the provisions of Article XII of this Ordinance.
 - c. Signs: Shall conform to the provisions of Article XI of this ordinance.
 - d. Access and Circulation: Shall conform to provisions of Article XII of this ordinance.
 - e. Landscaping: Shall conform to provisions of Article XIII, §§1305 of this ordinance.
 - f. Screening: Shall conform to provisions of Article XIII, §§1305 of this ordinance.
 - g. Utilities: All utility service shall be placed underground.
- C. For Intensive Agricultural uses, whether permitted as of right according to the provisions of §§302.A.1, §303.A.1 or permitted by conditional use according to the provisions of §§302.B.1, the following design standards shall apply:
 1. Intensive agricultural activities shall be placed upon a tract of land dedicated solely thereto and of sufficient size to -contain the buildings proposed to be erected thereon, plus all required parking, driveways, access ways and supportive -facilities and structures, as well as all sedimentation basins, sewage beds, on-site wells, storage

facilities for supplies, equipment and a complete perimeter buffer area of not less than one hundred (100) feet for all such activities and facilities. Except for entrance and exit driveways, all facilities and uses shall be constructed In and only-within the building envelope inside the perimeter buffer area. In no event shall the tract be less than ten (10) acres in area.

2. Where the intensive agricultural activity is carried on the same premises as an extensive farming operation or any other activity, including, but not limited to, residential use, the area dedicated to intensive farming shall be deemed a separate tract of land. Uses accessory to extensive farming operations, Including, but not limited to, residences for owners and employees, shall not be deemed accessory uses to the Intensive farming operation and shall not be permitted upon the same tract which Is dedicated to -intensive agricultural uses.
 3. With respect to minimum lot area above described in Paragraph I hereof, the applicant shall demonstrate that the land, the subject of its application, includes such areas as may be anticipated for reasonable expansion. No variance may be granted from the one hundred (100) foot buffer area around the entire lot due to expansion of the intensive agricultural activity whether or not such' growth is alleged by the applicant to have been foreseeable. It is the intention of the Board of Supervisors in the adoption of this ordinance that the flexible 'lot size herein provided is necessary due to the wide variations in the nature and extent of Intensive agricultural operations, but that the 100 foot setback from all lot lines is necessary for the public welfare and that any such application before the Zoning Hearing Board for variance or other relief to encroach within the one hundred (100) foot setback area shall be deemed per se conclusive evidence of a violation of the. public welfare.
 4. The maximum structural and impervious coverage shall not exceed the amounts set forth In this paragraph, unless the applicant can demonstrate, to the satisfaction of the Board of Supervisors at the public hearing, that such coverage can be exceeded without adverse consequences Impacting upon the environment, such as runoff of high- levels of stormwater pollutants. The Maximum building coverage shall not exceed thirty (30) percent, and the Maximum Impervious area coverage shall not exceed fifty (50) percent.
 5. in addition to the performance standards set forth In the Article XIII, The tract of land dedicated to intensive agricultural uses shall be deemed -a separate tract of land,- notwithstanding the fact that. the owner thereof owns and controls adjacent lands upon which be conducts extensive agricultural operations. Therefore, the tract dedicated to intensive agriculture shall have. Its own facility for storm water and waste water management, sedimentation and erosion control, which facilities shall be sufficient for the independent management thereof on the tract and shall be -totally independent of the general storm water,. waste water, sedimentation and erosion control facilities of the extensive agricultural tract and any dwelling or other facilities or uses erected thereon.
- D. For one time or annual Livestock sales a Auctions permitted by conditional use, the

following standards shall apply:

1. The Minimum Lot Size-shall be ten (10) acres.
2. The Minimum Lot Width at the Building Line shall be four hundred (400) feet.
3. The Minimum Lot Width at the Street Line shall be two hundred (200) feet.
4. The Minimum Setback from all Lot Lines for all Buildings and structures (other than perimeter fences) shall be one hundred (100) feet.
5. The Minimum Setback from all Lot Lines for Outdoor Storage and manure and waste piles shall be one hundred (100) feet.
6. The Maximum Building Coverage shall be twenty (20) percent.
7. The Maximum- Impervious Coverage shall be forty (40) percent.
8. The Maximum Building Height shall be thirty five (35) feet.
9. Parking - one all weather surface parking space shall be provided per five (5) stalls or boxes capable of keeping animals overnight. Parking and loading shall conform to the requirements set forth in Article IX.

E. For Special Events, the following standards shall apply:

1. The applicant shall demonstrate the availability of approved drinking water supply, sanitary sewage facilities, parking, and loading (where loading is to-be provided as part of such event) sufficient to accommodate one hundred twenty five percent (125%) of the estimated number of attendees and participants at such event.
2. The applicant shall present a plan demonstrating the provision of sufficient trained personnel and the points of location of stations therefor to assist in the directing and control of increased traffic arising from such activity.
3. The applicant shall provide adequate facilities to accommodate the said use In a safe and convenient manner, Including, by way of Illustration and not limitation, the securing of animals 'and equipment on the premises and protecting persons attending the special event from risk of injury by reason of contact with such animals or equipment.
4. The applicant shall present an integral part of the application a plan for the collection, cleaning and removal of trash and the removal of all signs from public rights-of-way, property of others and the subject tract, and shall post financial security in a form and amount satisfactory to the Board.

5. Any application for a special exception for the conduct of a special event shall be limited to the single scheduling thereof and applications for a special exception to conduct one special event shall not be deemed an approval for the conduct of subsequent repetitions thereof nor for the conduct of other special events.