

§27-310 Cluster Housing Development Option

1. For purposes of this subsection §27-310, the following definitions shall apply:

AGE-RESTRICTED COMMUNITY: A residential development where at least one resident of a dwelling unit shall be 55 years or older and no person under the age of 18 shall occupy a dwelling unit for more than three (3) months in a calendar year. This age occupancy restriction shall be record in a declaration against the property in perpetuity.

CLUSTER HOUSING OPEN SPACE: A lot of land designed, intended, and suitable for active or passive recreation by residents of the development or the general public which meet all of the requirements stated within §27-310 for “Cluster Housing Development Option”.

DWELLING LOT: A lot created by the subdivision process for the development of a single dwelling unit.

OPEN SPACE LOT: A lot created by the subdivision process for the allocation of Cluster Housing Open Space. Lot may include other common areas including, but not limited to, private roadways, but the calculation of this area shall take into account the requirements and restrictions stated in this section (§27-310).

2. The Cluster Housing Development option is permitted within the CR, R1, and R2 zoning districts.
3. The election to develop property as a Cluster Housing Development is voluntary and provided to developers and property owners as an alternative to development of property as a conventional subdivision pursuant to the provisions of the underlying zoning district. The use of this development option must be stated on the development plans to be recorded.
4. All dwelling lots must be owned in fee. Condominium ownership is not permitted.
5. Only one dwelling unit is permitted on each lot. A deed restriction shall be placed on the lot of each dwelling unit permanently restricting the property from being converted to increase its number of dwelling units or add an accessory apartment.

6. All dwelling lots shall be serviced by a public or community sewer system. Individual on-lot septic systems are not permitted.
7. All interior cartways shall be owned and maintained commonly by the developer, through a homeowners' association or similar mechanism. All cartways shall be developed per Township standards.
8. Cluster Housing Open Space shall be either owned and maintained commonly by the developer, through a homeowners' association or similar mechanism, or dedicated to either a government entity or an established nature conservation organization acceptable to the Board of Commissioners. Salisbury Township shall be given right of first refusal if community space is to be dedicated. All dedications must be accepted in writing at the time of recording the final plan. If a dedication is not accepted the Cluster Housing Open Space shall be owned and maintained through a homeowners' association or similar mechanism.
9. As a prerequisite to recording of any final plan, the developer shall record a declaration against the entire tract regarding the age occupancy restriction (if applicable) and protecting designated Cluster Housing Open Space. If age occupancy restrictions exist, each dwelling lot shall also be encumbered with a deed restriction stating such.
10. An overall development plan must be submitted as a whole for the entire tract. The development may be constructed in phases, but approval must be given as a whole. Revisions to the subdivision plan will be analyzed against the entire tract and subdivision as a whole, and not against the individual phase of development.
11. Minimum required tract size: 5 acres
12. Minimum number of proposed dwelling lots: 10
13. All developments considered to be an Age-Restricted Community shall consist of single-family detached dwellings and/or twin dwellings. Each dwelling lot must meet all requirements of a lot with public water and public sewer located within the R4/R5 zoning district as regulated by §27-307.2.B (27 Attachment 5).
14. All developments not considered to be an Age-Restricted Community shall consist of single-family detached dwellings. Each dwelling lot must meet all requirements of a lot with public water and public sewer located within the R3 zoning district as regulated by §27-307.2.B (27 Attachment 5).

15. For each single-family detached dwelling lot proposed, the equivalent of the difference between the proposed lot size and the required lot size for a single-family detached dwelling with public water and public sewer within the underlying zoning district shall be included in the development's required Cluster Housing Open Space area.
16. For each twin dwelling lot proposed, the equivalent of the difference between the proposed lot size and 80% of the required lot size for a single-family detached dwelling with public water and public sewer within the underlying zoning district shall be included in the development's required Cluster Housing Open Space Area.
17. For every 10 proposed dwelling lots, one additional dwelling lot may be added without the requirement of additional Cluster Housing Open Space.
18. Driveways are exempt from the setback requirements as stated in §27-307.2.B (27 Attachment 5) and may be located along a property line. Accessways and shared driveways are encouraged to decrease the impervious surface coverage.
19. Dwelling lots are not required to have frontage along a public street and may be clustered around a private roadway, accessway, or Cluster Housing Open Space provided that all buildings shall meet building code requirements in terms of location for fire safety. All private roadways, accessways, and Cluster Housing Open Space must have a recorded maintenance agreement in place in order to maintain the clear path required by these regulations.
20. Cluster Housing Open Space shall be designed, intended, and suitable for active or passive recreation by the residents of the Development and/or the general public. Cluster Housing Open Space may include:
 - A. Community center building(s) and accessory structures;
 - B. Community recreation area(s) including, but not limited to, tennis courts, basketball courts, pickle balls courts, roller rinks, walking trails, playgrounds, horseback riding trails, golf courses, and swimming pools;
 - C. Common parking areas and interior walkways;
 - D. Undeveloped open space;

- E. Conservation of land in its natural state;
- F. Agriculture, horticulture, silviculture, or pasture uses;
- G. Steeply sloped land;
- H. Special Flood Hazard Areas;
- I. Wetlands;
- J. Easements for drainage, access, sewer or water lines, or other public utilities provided the ground is landscaped and public access in the area is permitted. If an easement area is to be restricted with a fence or similar barrier, it shall not be considered in the calculation for Cluster Housing Open Space.

21. The calculation of the area for Cluster Housing Open Space shall not include:

- A. Roadways – the area to be excluded shall be measured from five feet back from the edge of the cartway;
- B. Easements for drainage, access, sewer or water lines, or other public utilities which have restricted public access – the area to be exclude shall be measured with a five-foot setback around the restricted area;
- C. Land that was previously protected by a conservation easement or is similarly restricted;
- D. Land within the boundaries of a dwelling lot.
- E. Community sewer system facilities - the area to be exclude shall either be measured with a five-foot setback around all improvements associated with the community sewer system facility or within a fenced enclosure for the facility, whichever is greater.

These areas may be included within an open space lot but their areas must be excluded from the overall area calculation of the open space lot and when calculating approved ratios in §27-310.22 and §27-310.23.

22. Cluster Housing Open Space shall have a maximum building coverage ratio of 5% and a maximum impervious coverage ratio of 25%. The Cluster Housing Open Space coverage ratios shall be calculated as a whole for the community and not per individual open space lot, if the Cluster Housing Open Space is to be divided into lots.
23. Cluster Housing Open Space shall have maximum of 25% of its total area identified as wetlands, steep slopes (over 15%), and Special Flood Hazard Areas. The Cluster Housing Open Space ratios shall be calculated as a whole for the community and not per individual open space lot, if the Cluster Housing Open Space is to be divided into lots.
24. A deed restriction shall be placed on each lot permanently restricting its further subdivision.
25. All buildings and accessory structures (including swimming pools and paved recreation courts) within the Cluster Housing Open Space shall be setback a minimum of 50 feet from all property lines of the original tract and 25 feet from the lot lines of all dwelling lots to be created within the Cluster Housing Development.
26. All buildings and accessory structures (including swimming pools and paved recreation courts) within the Cluster Housing Open Space shall be setback a minimum of 25 feet from all newly created edge of cartways.
27. A Recreation Fee, as established by the Board of Commissioners on the Salisbury Township Fee Schedule, shall be paid by the developer for each dwelling lot within the Cluster Housing Development. A variance and/or waiver to this requirement shall not be granted.
28. Cluster Housing Open Space shall not be bound by the restrictions and requirements of Common Open Space within §22-1017 of the Salisbury Township Subdivision and Land Development Ordinance.
29. Each open space lot shall be a contiguous tract with a minimum lot size of at least one acre.
30. Unless stated differently within this section (§27-310), all requirements of another section of this Ordinance or the Salisbury Township Subdivision and Land Development Ordinance (Chapter 22) shall apply to the Cluster Housing Development.