

TOWNSHIP OF BERNARDS
LAND DEVELOPMENT ORDINANCE
(Residential Cluster Zone Provisions – 06/18/09)

SECTION 21-3 Definitions

§ 21-3.1.

RESIDENTIAL CLUSTER DEVELOPMENT

Shall mean a form of development involving an area to be developed as a single entity according to a development plan containing residential housing units that have a common or public open space area as an appurtenance.

SECTION 21-10. Zones

§ 21-10.1. Classes of Zones.

Zone	Description	Permitted Forms of Development
RC-1	Residential	Residential Cluster
RC-2	Residential	Residential Cluster
RC-3	Residential	Residential Cluster
RC-4	Residential	Residential Cluster

§21-10.13. Residential Cluster Development

- a. Development of single-family detached houses and customarily incidental accessory uses is permitted in accordance with the provisions set forth in Subsection 21-14 for the R-1 through R-6 Zones respectively.
- b. The development plan shall provide for a minimum of 10 lots.
- c. Open space shall be provided in accordance with Section 21-46.
- d. The maximum coverage on any lot shall not exceed 20%.
- e. The development plan shall provide for transitional areas as set forth in Section 21-32.
- f. All applicable sections of Article V, Development Regulations, shall be complied with.
- g. (Reserved)
- h. The number of lots proposed under cluster residential developments shall not exceed the number of lots which could be developed under the standard nonclustered provisions of this chapter. The number of lots that would have resulted in an application for a standard

development shall be determined by submission of a sketch plat using the provisions of this chapter applying to nonclustered development.

SECTION 21-15. Lot Regulations

§ 21-15.1. Individual Lot Regulations-Residential Zones.

a. No lot in a residential zone shall have more than one principal building or principal use, unless development occurs under the PRD or Natural Resource Conservation Development Overlay Zone provisions of this chapter.

b. All lots shall have a front yard, or yards, and, if applicable, a rear yard and/or side yard(s) as defined in Section 21-3. On corner lots and through lots, any yard abutting a street shall be considered a front yard.

c. Where extra width has been or is required to be dedicated for the widening of existing streets, lots shall begin at the widened street line, and all yard requirements shall be measured therefrom. However, the additional dedication in excess of 25 feet from center line shall be considered as part of the lot area.

d. Dimensional Requirements.

1. Residential development under the provisions of Subsection 21-10.11, Standard Residential Development, shall provide for the minimum dimensions as set forth in Table 501.

2. Residential development under the provisions of Subsection 21-10.12, Flag Lot Development, shall provide for the minimum dimensions as set forth in Table 502. Further, the flag lot shall be subject to a restriction that no further subdivision shall occur, and the restriction shall be included in the deed.

3. Residential development under the provisions of Subsection 21-10.13, Residential Cluster Development, shall provide for the minimum dimensions as set forth in Table 503.

4. In the single-family development areas, single-family detached houses and twin or duplex houses developed in accordance with the provisions of Subsection 21-10.14 pertaining to the PRD-2 forms of development shall meet the minimum dimensions set forth in Tables 504 and 505, respectively.

5. Individual lots under the provisions of Subsection 21-10.13, Residential Cluster Development, or Subsection 21-10.14, Planned Residential Development, may be designed with reduced frontage and lot width, provided that:

(a) The lot is on a cul-de-sac or on a roadway with a center-line radius of 200 feet or less, the radius having a central angle of 35° or greater.

(b) The minimum frontage shall be 25 feet.

(c) The minimum width of the lot at any point shall be 25 feet.

(d) The Board shall approve a building envelope for each such lot and all adjoining lots and the orientation of the buildings such that rear yard privacy is maintained.

6. Residential development under the provisions of Subsection 21-10.14.1, Natural Resource Conservation Development Overlay Zone, shall provide for the minimum dimensions as set forth in Subsection 21-10.14.1.

SECTION 21-32. Development Standards - Residential Cluster

§ 21-32.1. Lots.

Improvements on individual lots shall be on land classified as unrestricted, or if on restricted land, in accordance with Subsection 21-14.1.

§ 21-32.2. Open Space.

Lands set aside as open space as a result of the use of the residential cluster development or PRD provisions of this chapter shall be maintained by an association, (See Section 21-46.) or, if acceptable to the Township, may be deeded to the Township. While it is anticipated that restrictive topographic features of the property will be included as part of the open space, it is intended that land suitable for active and passive recreational purposes also will be included as part of any open space dedicated to the Township.

The layout of the open space is considered to be an integral part of the development design. Accordingly, the design of the open space network should provide continuity; isolated individual "pockets" of open space should be avoided. The Board may require the developer to provide improved bicycle paths and walkways within the open space areas.

§ 21-32.3. Maximum Floor Area.

The maximum floor allowed per lot in square feet shall equal 20 times the lot width measured at the building setback line, unless at least 35% of the total floor area is located on other than the first floor, in which case the maximum floor area may be increased by 10%. The maximum house size limit shall not apply to lots in the R-1 Zone or in any zone where the resultant or clustered lot is greater than one acre.

§ 21-32.4. Transition Areas.

Where any lot is proposed adjacent to or within 100 feet of the rear or side yard of an existing developed lot or lots or within 500 feet as measured along the street line of the side, rear or front yard of an existing developed lot or lots, the area of the proposed lot shall be reduced no more than 10,000 square feet below the minimum lot area for the zone in which the existing developed lot or lots lie and the lot width of the proposed lot shall be reduced no more than 25 feet. The minimum yard setback(s) of the yard(s) adjacent to the developed lot shall be the average of the minimum required setback of both the clustered lot and nonclustered lot. If it can be demonstrated to the Board's satisfaction that the use of landscaped open space between existing developed areas and the proposed development will be sufficient to offset any differences in lot sizes, the developer may be relieved of the obligation to establish transition lot sizes. However, if a proposed clustered lot is to be separated from an existing lot by a buffer of 100 feet or less, the Board may request that all or part of the buffer area be attached to the rear of the proposed

clustered lot and a deed restriction be placed upon the buffer area. Landscaping shall be provided in buffered areas in accordance with Section 21-28 and Section 21-43.

§ 21-32.5. Building Height.

No building shall have a height greater than 2 1/2 stories or 35 feet.

SECTION 21-46. Open Space

§ 21-46.1. Requirements.

a. When a development plan incorporates open space, the applicant may, if both the applicant and the Township agree, deed the open space to the Township. If the development plan incorporates multiple ownership such as a cooperative or condominium, any open space not deeded to the Township shall be owned and maintained by an association.

b. The minimum amount of open space for the tract shall be as follows:

Type of Development	Minimum
Cluster Residential Development	20%
PRD-1	25% ¹
PRD-2	25% ²
PRD-3	25%
PRD-4	25%
Natural Resource Conservation Development	50% ³

NOTES:

¹A minimum of 25% of the open space must be developed for active recreational uses.

²A maximum of 75% of the open space may be land classified as wetlands.

³Open space within a Natural Resource Conservation Development Overlay Zone shall be in accordance with § 21-10.14.1.

c. As part of the application for any development plan incorporating open space, a maintenance agreement shall be submitted to the Board for review and approval and shall conform to the requirements of Subsection 21-58A.4.

TABLE 401¹**DENSITY REGULATIONS - R ZONES**

Zone	Type of Residential Development²	Minimum Lot Area	Maximum Allowable Density Per Acre	Maximum Height (feet)
R-1	Standard residential	3 acres	0.33	35
	Flag lot	3 acres	0.33	35
	Natural Resource Conservation	3 acres	0.33	35
R-2	Standard residential	2 acres	0.5	35
	Flag lot	2 acres	0.5	35
R-3	Standard residential	2 acres	0.5	35
	Flag lot	2 acres	0.5	35
R-4	Standard residential	1 acre	1.0	35
	PRD-1 ⁴	10 acres	6.0	35
R-5	Standard residential	1 acre	1.0	35
	PRD-2 ⁴	25 acres	— ³	35
R-6	Standard residential	3/4 acre	1.33	35
R-7	Standard residential	1/2 acre	2.0	35
RC-1	Residential cluster	60,000 square feet	0.33	35
RC-2	Residential cluster	40,000 square feet	0.5	35
RC-3	Residential cluster	40,000 square feet	0.5	35
RC-4	Residential cluster	20,000 square feet	1.0	35

NOTES:

¹ Nothing in this table or in the ordinance adopting it shall be construed to suggest or imply that the Township or any of its agencies or authorities should be or become a copermittee for any package treatment plant or other community sewage disposal system.

² All PRD's shall have public water and public sewer.

³ In the PRD-2, the maximum allowable density shall be 5.5 dwelling units per acre on lands defined as R-5 drylands in Section 21-3 and 1.0 dwelling unit per acre on lands defined as R-5 lowlands in Section 21-3.

⁴ No further development potential available.

TABLE 503¹**MINIMUM DIMENSIONAL REQUIREMENTS****Residential Cluster Zones⁴****RC-1, RC-2, RC-3 and RC-4 Zones**

	Zone			
	RC-1	RC-2	RC-3	RC-4
Minimum lot area (square feet)	60,000	40,000	40,000	20,000
Minimum lot width ² (feet)	150	125	125	125
Minimum front yard ³ (feet)	75	50	50	50
Minimum side yard (feet)	25	25	25	25
Minimum rear yard (feet)	75	50	50	50
Street frontage (feet)	50	50	50	50
Maximum coverage (percent)	20%	20%	20%	20%

NOTES:

¹ Nothing in this table or in the ordinance adopting it shall be construed to suggest or imply that the Township or any of its agencies or authorities should be or become a co-permittee for any package treatment plant or other community sewage disposal system.

² On a corner lot, the minimum lot width shall be 150 feet except in the RC-1 Zone, where it shall be 200 feet.

³ The minimum front yard shall not be less than the average of the front yards on the two adjacent improved lots contiguous to the subject lot, but shall not be less than 50 feet.

⁴ Existing development only. No further development potential available.