

**55-63. CLUSTER DEVELOPMENT.**[Amended 6-19-89 by Ord. No. 1989-19; 8-20-90 by Ord. No. 1990-26; 45-93 by Ord. No. 1993-8 § 19]

- A. The purpose of this section is to provide a method of developing land in certain districts to set aside desirable open spaces, common property, conservation areas, floodplains, school sites, recreation areas and parks. The generation of these areas is brought about by permitting a reduction in lot sizes without increasing the number of lots.
- B. [Amended 7-16-01 by Ord. No, 2001-29] Cluster developments may be approved at the discretion of the Board in accordance with the following standards:
- (1) All dwelling units shall be connected to approved and functioning central water and sanitary sewage treatment systems.
  - (2) The maximum number of lots shall be expressed in lots per gross acre of land as set forth in this section.
  - (3) A cluster development must consist of at lease one (1) or more contiguous tracts of land containing not less than thirty (30) acres.
- C. All open space lands shall meet the following requirements:

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- (1) The minimum size of any parcel shall be two (2) acres.
- (2) It shall be an integral part of the development and shall be located to best suit the purposes(s) for which it is intended.
- (3) Every parcel offered to and accepted by the Township shall be conveyed by deed at the time final plat approval is granted, and such acceptance is subject to any conditions the Township may impose. Said deeds shall contain restrictions stating to what use(s) such land(s) shall be restricted.
- (4) Any lands offered to the Township shall be subject to approval by the governing body after review and recommendation by the approving authority. The approving authority shall be guided by the Master Plan, the ability to assemble and relate such lands to an overall plan, the accessibility and potential utility of such lands and such existing features as may enhance or detract from the intended use of the lands. The approving authority may request an opinion from other agencies or individuals as to the advisability of accepting any lands to be offered.
- (5) Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions, approved by the Board, which ensure that:
  - (a) The open space area will not be further subdivided in the future.
  - (b) The use of the open space areas will continue in perpetuity for the purpose specified.
  - (c) Appropriate provisions are made for the maintenance of the open space area.

- (6) All lands set aside for open space shall be developed with active and passive recreational facilities to serve the needs of the future resident population. The Board shall have complete and final determination as to the adequacy, usefulness and functionalism of the lands set aside for open spaces. Active and passive recreational facilities shall include but not be limited to ballfields, multipurpose fields, tennis courts, multipurpose court areas, children's playground equipment, passive picnic or sitting areas, swimming pools, bicycle paths and jogging trails.
- (7) There should be a close visual and physical relationship between open space and as many dwelling units as is reasonably possible. Open space areas should weave between dwelling units generally respecting a minimum width of fifty (50)

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feet and periodically widening out into significant and usable recreation areas.

- (8) The configuration of the open space area should be so arranged that connections can be made to existing or future adjacent open spaces.
- (9) Land is dedicated for open spaces shall include, natural features such as streams, brooks, wooded areas, steep slopes and other natural features of a scenic and conservation value. The developer may be required to plant trees or make other similar landscaping improvements.
- (10) Development of open space and recreational facilities shall proceed at the same rate as development of the dwelling units. To assure compliance with this subsection, the Building Inspector shall, from time to time following the approval of the cluster development, review building permits and shall make an inspection of open space and recreational facilities to examine the work taking place on the site. If he shall determine that open space and recreational facilities are not being developed at the same rate as dwelling units, he shall report back to the Township Committee, which may take such action as it may deem appropriate, including the issuance of stop-work notices or revocation of building permits until such time as parity in development has been reached.
- (11) The Board may require a subdivider to make certain site preparation improvements to the open spaces. The Board may provide that said site preparation improvements are made a part of the plan and are noted therein. Some may include the following:
  - (a) Removal of dead or diseased trees.

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- (b) **Thinning of trees or other growth to encourage more desirable growth.**
  - (c) **Removal of trees in areas planned for ponds, lakes or active recreational facilities. The Board may require the assistance of experts to determine the foregoing.**
  - (d) **Grading and seeding.**
  - (e) **Improvement or protection of the natural drainage system by the use of protective structures, stabilization measures and similar improvements.**
- (12) **Wherever possible, all the following land areas and features shall be preserved as open space:**
- (a) **Wetlands and floodplain areas as defined by Barnegat Township ordinance or state statute or regulation.**
  - (b) **Areas containing significant numbers of trees.**
  - (c) **Lands with slopes of more than ten percent (10%).**
  - (d) **Lands with seasonal high-water tables of less than eighteen (18) inches.**
- (13) **Building lot standards. Whenever possible, buildings shall front on culs-de-sac, loop streets or P-loops. Only rear lot lines of proposed building lots shall abut rear or side lot lines of the tract of land proposed for development.**
- (14) **Utilities. All utilities shall be underground, and water and sewerage facilities shall be centralized, with no individual wells, septic tanks or cesspools permitted.**

**D. *Districts Permitted.***

- (1) In accordance with the regulations of this chapter, an owner, developer or subdivider may elect to develop single-family detached dwellings in the following residential districts as herein specified.**
  - (a) RL—Residential Low Zone.**
  - (b) RL/AC—Residential Low/Adult Community Zone.**
- (2) The exercise of the clustering option shall be contingent upon the availability and provision of public/private sanitary sewer facilities and potable water supply. Plan review shall be required by the appropriate municipal agency for all cluster developments. All submissions, review procedures, development review fees, site plan regulations, permits and approvals, design and performance standards, zoning district regulations and compliance shall conform to the provisions as set forth in this chapter.**

**E. *Required Findings by the Planning Board.* Prior to granting approval of any cluster (reduced lot size) development election the Planning Board must find that:**

- (1) Sanitary sewer collection and treatment facilities are available to and are to be provided to the proposed development.**
- (2) The proposal will produce economy in layout and design.**
- (3) The proposal is not inconsistent with and will not create hazards relating to traffic patterns already established by surrounding development.**
- (4) Open space to be created by the proposal must be suitable for passive or active recreation uses and/or**

valuable for the protection of the natural environment and/or necessary for a public or quasi-public purpose.

- (5) There is reasonable assurance that the improvement and maintenance of the open space can be secured by the methods and arrangements proposed by the developer.
- (6) The proposal is consistent with the intent and purpose of the Master Plan.

*F. Maximum Density.* The maximum density of residential building lots for cluster development in each of the specified districts shall be as defined in the Schedule of Area, Yard and Building Requirements attached hereto and adopted as part of this chapter. In any event, the overall permitted density shall be calculated on a gross-acreage basis where gross acreage is the entire area of the tract prior to development.

The minimum lot size and open space requirements for each of the specified districts are as follows:

	Minimum Lot Zone Size (SQ. Ft.) Base with PDC	Percentage of Open Space
RL	29,000 14,500	20
RL/AC	29,000 14,500	20

*G. Area, Yard and Setback Requirements.* The minimum building lot requirements for cluster development in each of the specified districts shall be as defined in the Schedule of Area, Yard and Building Requirements attached hereto and adopted as part of this chapter.

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