

June 11, 1974

ORDINANCE NO. 17

AN ORDINANCE to amend the Zoning Ordinance of West Pikeland Township by permitting lot averaging under certain circumstances to take into account topographical features of the site and to preserve open space areas.

Section 1. Purpose. It is the purpose of this ordinance to provide for modification of lot area, yard, and use requirements in connection with residential development in order to encourage conservation and use of open space in new residential development; to encourage the preservation of trees and natural topography and prevent soil erosion; and to encourage the design and layout of dwellings to be closely related to the physical characteristics of the site in harmony with surrounding tracts.

Section 2. Special Regulations for Lot and Density Averaging. A subdivision plan which is subject to review under, and in accordance with, the West Pikeland Township Subdivision and Land Development Ordinance and the regulations adopted thereunder, may be modified with respect to the requirements of this ordinance upon the following conditions:

*Marguerite S. Brady, Sec.*

- (1) The plan shall involve a tract of land held in single and separate ownership not less than ten acres in size.
- (2) Development may include a mix of housing types including single family houses, town houses or other housing structures having party or common walls, provided that the total number of dwelling units shall not exceed one unit for each two (2) acres of the gross area of the tract exclusive of right-of-way.
  - (a) Where the developer elects to develop either totally or partially in multi-dwelling structures, no multi-dwelling structure shall contain more than six (6) dwelling units and no such structure shall be closer than thirty (30) feet to any other structure.
  - (b) Where a developer elects to develop the entire tract in single family houses, the area of the individual lots may be reduced by not more than 50% of the lot area requirements provided that the average of the area of the individual lots for the entire tract shall be not less than the minimum required for the district.
- (3) The yard, lot width and other requirements of the district relating to an individual lot may be modified provided that, in no case, shall a building be located less than thirty (30) feet from a street right-of-way line, no less than thirty (30) feet from another property line and the minimum lot width at the building line shall be seventy-five (75) feet.
- (4) The design and layout of buildings on the tract shall take into account the topographical features of the particular site and shall, to the maximum extent, be consistent with reasonable and sound development practices and permit the preservation of natural features which the Planning Commission and the Board of Supervisors deem worthy of protection.

*Marguerite S. Grady, Sec.*

- (5) In any case where a plan for development is filed in accordance with and under this section, the application shall be filed by the owner or owners of the entire tract and it shall be agreed that the tract shall be developed within a reasonable time under single direction.
- (6) Where a plan for development is approved in accordance with the requirements of this section, development shall take place according, and in strict adherence, to the plan as approved.
- (7) No lot of such size as to be capable of further subdivision or of development shall be included in determining the average lot area or the gross permissible density on the entire tract unless the possibility of such further subdivision or development is eliminated either by deed restriction or other agreement in a form acceptable to the Township Solicitor and duly recorded in the Office of the Recorder of Deeds.
- (8) In the case of areas set aside to be reserved for open-space purposes to comply with the average lot area requirements for the tract:
  - (a) The areas designated as open space areas shall be those which will serve to preserve woodlands, stream valleys, unusual topography or other natural features of the tract or which are appropriate for park, recreation or other open space purposes; provided however, that not more than fifty (50) per cent of the area set aside as open space shall consist of flood hazard areas as defined in the West Pikeland Township Flood Hazard District Ordinance.
  - (b) Such areas shall be consistent with the Comprehensive Plan for the township and shall contain no structure other than a structure related to outdoor recreational use.
  - (c) Areas for common open space use may be reserved for private use or may be dedicated to the township. Areas which are to be dedicated to the township shall be acceptable to the township in shape and

*Measurements & Area*

location. Areas to be set aside and reserved for private use shall be covered by written agreements for perpetual preservation and maintenance, such agreements to be subject to the approval of the Township Solicitor.

Section 3. Severability. The provisions of this ordinance shall be severable and, if any of the provisions hereof shall be held to be unconstitutional, invalid, or illegal by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this ordinance.

Approved and adopted by the Board of Supervisors of West Pikeland Township this // day of June, 1974.

John T. Scott  
Andrew W. McCann  
Thomas Shulten

Attest:

Marquette S. Grady  
Secretary

*Marquette S. Grady, Sec.*