

**EAST NOTTINGHAM TOWNSHIP
ZONING ORDINANCE**

**ARTICLE VI
R-1A TRANSITIONAL RESIDENTIAL OVERLAY DISTRICT**

SECTION 601 STATEMENT OF INTENT

It is the purpose of this district to establish, by means of an overlay zone within the R-1 Agricultural-Residential District, regulations applicable to selected, eligible properties that represent logical transitions between the R-1 and R-2 zoning districts. Such properties, designated on the East Nottingham Township Zoning Map, are appropriate for this purpose on the basis of size, location relative to the R-2 District, and adjacency to Waterway Road and to central water and public sewer service. As an option in addition to the terms of the R-1 District, properties within the Transitional Residential Overlay District proposing to use the clustered residential development concept may utilize the density and open space standards applicable only to the overlay district.

SECTION 602 OVERLAY DISTRICT CONCEPT

The provisions of the R1-A Transitional Residential Overlay District create an overlay zoning district affecting properties within the R-1 Agricultural-Residential District that are explicitly designated on the East Nottingham Township Zoning Map. To the extent the provisions of this article differ from the otherwise applicable provisions of this ordinance in relation to those designated properties, a landowner or applicant shall be entitled to proceed under the terms of this article. However, all other terms of this ordinance and all other ordinances and regulations of East Nottingham Township shall remain in full force.

SECTION 603 USE REGULATIONS

Land and buildings in the R-1A Transitional Residential Overlay District may be used for only one of the following purposes:

- A. Any use permitted in Section 502 of this ordinance, in accordance with the standards and regulations for such uses applicable to the R-1 Agricultural-Residential District, except that the R-1A District shall not be eligible as a sending area for transferable development rights
- B. Clustered single-family detached dwellings also may be developed in accordance with the terms of Section 604-B of this article.

SECTION 604 AREA AND BULK REGULATIONS

The following requirements shall apply to uses permitted in the R-1A District:

- A. For uses permitted under Section 603-A of this article, the area and bulk regulations for the R-1 District, as contained in Article V of this ordinance, shall be applicable.

- B. Development of clustered single-family detached dwellings in the R-1A District shall be in accordance with the terms of Section 503-B-4 except for the following provisions that are applicable in the R-1A District only:
 - 1. Maximum density – The maximum number of dwellings permitted shall be determined by establishing the net tract area, as defined by this ordinance, and multiplying the resulting net acreage by 1.15.

 - 2. Minimum amount of protected open space – 55% of the gross tract area.

- C. Where a plan for the development of clustered single-family detached dwellings incorporates the use of transferable development rights in accordance with the terms of Article XIV of this ordinance, the terms of Section 604-B, above, may be modified as follows:
 - 1. The number of permitted dwellings on the tract may be increased from 1.15 times net tract acreage to a maximum of 1.5 times net tract acreage, based upon the number of transferable development rights obtained by the applicant.

 - 2. Each development right shall be the equivalent of 1.0 additional dwelling, in accordance with the terms of Section 1404-B-2-a of this ordinance.

 - 3. In no case shall the maximum density on a tract exceed that which is specified in Subsection C-1, above.

 - 4. Minimum amount of protected open space – 45% of the gross tract area.

SECTION 605 DESIGN STANDARDS

Any use permitted in the R-1A District shall comply with the applicable design standards contained in Section 504 of this ordinance.

SECTION 606 AGRICULTURAL NUISANCE DISCLAIMER

Protected open space lands within the R-1A Transitional Residential Overlay District are intended principally for use in commercial agricultural production, including the keeping or raising of livestock or poultry. Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to: noise, odor, dust, the operation of machinery of any kind, the storage and disposal of manure, the application of fertilizers, herbicides, and pesticides. Owners, residents, and users of this property should be prepared to accept these conditions and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, “The Right to Farm Law,” may bar them from obtaining a legal judgment against such normal agricultural operations.