

OFFICIAL
TOWNSHIP OF BUFFALO
AMENDMENT NO. 10 TO ORDINANCE 135

AN ORDINANCE OF THE TOWNSHIP OF BUFFALO TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP ZONING ORDINANCE TO ADD LOT AVERAGING AS A CONDITIONAL USE IN THE A1 AND C1 DISTRICTS SUBJECT TO THE INCENTIVE ZONING STANDARDS OF SECTION 401, AMENDED AS "INCENTIVE ZONING STANDARDS IN THE A1 DISTRICT," AND ADDS CLUSTER SUBDIVISION AS A CONDITIONAL USE IN THE A1 DISTRICT.

WHEREAS, the Township of Buffalo (the "Township"), desires protect the health, safety, and general welfare; and

WHEREAS, the Township desires to encourage the preservation of farmland and open space while providing options for reasonable development of property in the A1, Agricultural District; and

WHEREAS, the Township aims to utilize demands for single family development and minor subdivisions to leverage and encourage long term preservation of remaining lands designated as remainder tracts; and

NOW THEREFORE, the Board of Supervisors of the Township of Buffalo (the "Board") hereby adopts as follows where underlined text is to be added and stricken text deleted from the following Sections of the Zoning Ordinance:

PART 1:

The following definition shall be added to Section 702 Specific Terms:

Remainder Tract: A lot consisting of the balance of land remaining after the subdivision of lots for the purpose of building and streets platted to serve those lots, customarily larger than the balance of lots within the subdivision and specifically referenced and subject to specific standards within the A1, Agricultural District.

PART 2:

The following shall be added to Table 202A, Conservation District Table of Allowed Uses, as conditional uses:

Lot Averaging (Sections 337 and 401)

PART 3:

The following shall be added to Table 203A, Agricultural District Table of Allowed Uses, as conditional uses:

Lot Averaging (Sections 337 and 401)

Cluster Subdivision (Section 338)

PART 4:

The following shall be amended within Table 203B, Agricultural District: Permitted Use Lot, Height, and Yard Standards:

Minimum Lot Area	80,000 Square Feet Net Lot Area
Minimum Lot Width	150 200 Feet
Minimum Front Yard	50 Feet
Minimum Side Yard	20 Feet
Minimum Rear Yard	20 Feet
Maximum Height	28 Feet
Maximum Coverage	20 Percent

PART 5:

The following shall be added to Article 3:

Section 337, Lot Averaging

- 337.1. Purpose. The authorization for lot averaging within the A1 and C1 District is instituted to promote preservation of agriculture and environmentally sensitive areas while promoting flexibility and ingenuity in the development of small residential subdivisions within the Township in manner that maintains the overall density authorized in the A1 District.
- 337.2. Lot Averaging shall be authorized as an incentive to meeting the standards of Section 401 of this Chapter, to which the remainder tract of any lot averaging shall comply. 50% of the parent tract shall be reserved as a remainder tract, subject to the provisions of Section 401 of this Chapter.
- 337.3. No more than eight lots, which do not otherwise meet dimensional standards of the District in which they are located shall be created on a site.
- 337.4. The area of the parent tract shall be six or more acres.
- 337.5. Each individual lot shall meet the minimum requirements set forth in the table below provided that the average lot width and Lot Area of all lots created by the subdivision, excluding the remainder tract and lots created from the remainder tract, meets or exceeds those cited in the table below.
- 337.6. The developer shall record covenants, in a form acceptable to the Township Solicitor and in favor of the Township, that restrict future subdivision of parcels, where such subdivision would place a lot or lots that were approved in the subdivision in violation of the standards set forth in the Table 337A below.

TABLE 337A

<u>Standard</u>	<u>Lot Width</u>	<u>Lot Area</u>
<u>Minimum</u>	<u>75 feet</u>	<u>20,000 square feet with public water and sewer or 40,000 square feet.</u>
<u>Average of all Lots</u>	<u>150 Feet</u>	<u>1.5 Acres</u>

Section 338, Cluster Subdivision

- 338.1. Purpose. The Cluster Subdivision is authorized to provide for flexibility and ingenuity in the limited development of single-family housing within the A-1 District in a manner that facilitates and encourages the ongoing preservation and sustenance of the Township's agricultural and natural resources and associated open spaces.
- 338.2. The minimum site area shall be thirty (30) acres.
- 338.3. Sixty Five Percent of the site shall be set aside as a remainder tract for one or more of the following purposes:
- A. Common Open Space maintained by an approved unit owners association, wherein no more than 20% of the space is disturbed for trails, lawns, playgrounds, pavilions, and similar structures designed and available primarily for the use and enjoyment of the lot owners of the cluster subdivision and their guests. The balance of said Common Open Space shall be preserved in its natural state.
 - B. Single Family Detached dwelling and/or agriculture as principal uses.
 - C. Public Parks and Recreation
 - D. Nonprofit Conservancy or similar nonprofit organization, the mission and capacity of which is to preserve, maintain, and enhance the natural state of the land.
- 338.4. Parcels within the remainder tract shall be a minimum of twelve acres each with the balance of dimensional standards complying with the standards of the A-1 District Table 203B.
- 338.5. The remainder tract shall be contiguous.
- 338.6. Cluster Subdivision Lots shall be subject to the following mutually exclusive use, dimensional and density standards:
- A. Density: The maximum number of Cluster Subdivision lots shall be determined by dividing the total acreage of lands lacking steep slopes, floodplains, and wetlands within the site (including the remainder tract) by two acres.
 - B. Minimum Lot Size: twenty thousand (20,000) square feet.
 - C. Minimum Lot Width: 70 Feet
 - D. Minimum Front Yard: 25 Feet
 - E. Minimum Side Yard: 10 Feet
 - F. Minimum Rear Yard: 20 Feet.
 - G. Maximum Coverage: 40 Percent

- H. Permitted Principal Use: Single Family Dwelling
- I. Only One Principal Dwelling is permitted per lot.
- J. Cluster Subdivision Lots shall bear frontage solely on streets constructed within the Cluster Subdivision constructed in accordance with the standards of the Subdivision and Land Development Ordinance.
- K. The boundaries of Cluster Subdivision Lots shall be set back from the side and rear lot lines of the overall site or parent tract by a minimum of 100 feet of area which shall be included within the Remainder Tract.
- 338.7. Required Covenants and Deed Notices:
 - A. Deed covenants or notices, in favor of the Township and in a form approved by the Township Solicitor, shall be attached to each lot that states the following and in accordance with the following provisions: "The grantee acknowledges that this lot is within an active agricultural area. It may be subjected to the odors, dust, noise and other impacts that are a part of normal farming practices, and that agriculture has the pre-eminent right of use in this area."
 - B. Additionally, the substance of deeds, covenants, and unit owners association instruments shall be submitted, approved and recorded in a form acceptable to the Township Solicitor in a manner that protects the functions and conservation of common open space, conservation areas, and limiting future subdivision of remainder tract parcels within the limitations placed by the mutually exclusive standards of this Section.

PART 6:

Section 401 shall be amended as follows:

Section 401 Additional Incentive Zoning Standards for New Lots in the C-1 and A-1 Districts

Because the A-1 District is specifically designated to protect high-value farmland from subdivision into lots too small for the practice of viable agriculture, and the C-1 is meant to limit development in environmentally sensitive land, the following limits standards shall apply in the creation of new lots from parent remainder tracts within the district created as part of a Lot Averaging subdivision which is authorized as an incentive to preserve said tracts in accordance with a maximum number of future lots set forth in Table 401A of this Section.

- A. Development Density: The number of new lots created within any parent remainder tract existing in separate ownership on the date of adoption of zoning amendments of December 8, 2004, shall not exceed the number in Table 401A. Separate ownership shall be determined according to the Butler County Assessment Office lot and block records. Regardless of actual party of ownership, a property shall be regarded as existing in separate ownership on the date of adoption if it has a separate deed or tax parcel number. Subsequent or additional subdivisions of lots previously subdivided subject to the provisions of this Section shall also be limited, based upon the original parcel size in separate ownership at the time of the initial subdivision approval creating the remainder tract adoption. New lots or residual portion of parent tracts must meet minimum lot size standards for the district.

TABLE 401A

Tract Size	Number of Lots
Less than four (4) acres	Three (3) lots
Four (4) acres or over but less than ten (10) acres	Four (4) lots
Ten (10) acres or over but less than twenty-five (25) acres	Five (5) lots
Twenty-five (25) acres or over but less than fifty (50) acres	Six (6) lots
Fifty (50) acres or over but less than seventy-five (75) acres	Seven (7) lots
Seventy-five (75) acres or over but less than hundred (100) acres	Eight (8) lots
One hundred (100) acres or over but less than hundred twenty-five (125) acres	Nine (9) lots
One hundred twenty-five (125) acres or greater	Ten (10) lots

*Including any original or residual tract not subdivided

~~The provisions of this section shall apply to all parent tracts as of the effective date of December 8, 2004. Regardless of size, no parcel or lot subsequently subdivided from its parent tract shall qualify for additional lots pursuant to this section. All subsequent owners of parcels of land subdivided from a parent tract shall be bound by the actions of the previous owners of the parent tracts. Any subdivision or land development plan hereafter filed for a parent tract in the A-1 Agricultural District shall specify which lot or lots shall carry with them the right to erect or place thereon any unused quota of single family detached dwellings or farm parcels as determined and limited by the provisions of this section.~~

~~In the event a tract of land not originally classified as part of the A-1 Agricultural District on the effective date of this Ordinance is hereafter classified as part of the A-1 Agricultural District, the size and ownership of such tract of land and its classification as a parent tract, shall be determined as of the effective date of the change in the zoning classification to A-1 Agricultural.~~

Deed covenants or notices, in favor of the Township and in a form approved by the Township Solicitor, shall be attached to each lot that states the following and in accordance with the following provisions: "The grantee acknowledges that this lot is within an active agricultural area. It may be subjected to the odors, dust, noise and other impacts that are a part of normal farming practices, and that agriculture has the pre-eminent right of use in this area." Additionally, deeds for lots within the remainder tract shall include notice that the zoning ordinance limits further subdivision

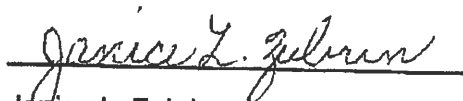
of the tract to the number of lots set forth in Table 401A in accordance with the lot size of the remainder tract. The aforementioned notices shall be included as notes on the recorded final subdivision plat or plats of the subdivision and subsequent subdivisions of the remainder tract in accordance with this Section.

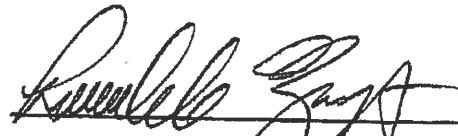
PART 7:

This ordinance shall take effect immediately.

RESOLVED and **ADOPTED** this 10th day of May 2023, by the Board of Supervisors of Buffalo Township in lawful session duly assembled.

ATTEST:


Janice L. Zubrin
Township Secretary


Rinaldo Zampogna III
Chairman