



# *Township of Hillsborough*

COUNTY OF SOMERSET  
MUNICIPAL BUILDING  
379 SOUTH BRANCH ROAD  
HILLSBOROUGH, NJ 08844

[www.hillsborough-nj.org](http://www.hillsborough-nj.org)  
(908) 369-4313

## **HILLSBOROUGH PLANNING & ZONING DEPARTMENT**

---

### **SUSTAINABLE JERSEY RECERTIFICATION** **ACTION: CLUSTERING ORDINANCE** **FILE 2: DESCRIPTION OF STANDARDS**

*Instructions: Description of the standards that relate to those listed in section II (Ordinance Structure) of the "What to Do" section if you have not done so already in the text box.*

#### **A. Title**

Cluster development **188-40**  
Planned residential cluster **188-98D(6)**

#### **B. Purpose**

The purpose of this section is to provide a method of developing land to set aside desirable open spaces, conservation area, floodplains, school sites, recreation areas and parks. The generation of these areas is brought about by permitting the reduction of lot sizes without increasing the number of lots.

##### **188-40A**

In order to preserve open space, farmland and the rural characteristics of the landscape in the RS Zone, the planned residential cluster option, a planned residential form of development, may be used to receive dwelling units transferred from properties elsewhere in the RS District with the preserved land to be dedicated to the Township of Hillsborough or permanently deed-restricted for farmland preservation, open space or public park use.

##### **188-98D(6)(a)**

#### **C. Definitions**

##### **AGRICULTURAL DEED RESTRICTION**

Recorded deed restriction imposed by a landowner on his/her land restricting its use to agricultural purposes in accordance with the requirements of § 188-99.3J of this chapter. *Editor's Note: The definition of "agricultural purpose," which immediately followed this definition, was repealed 9-9-2003 by Ord. No. 2003-14.*

**[Added 12-30-2002 by Ord. No. 2002-48; amended 9-9-2003 by Ord. No. 2003-14]**

*Submitted by David Kois, Deputy Director/Zoning Official*

**CLUSTER DEVELOPMENT**

Development based on an overall density for the entire tract with the dwelling units generally located on individual lots reduced in size so that higher densities result in segments of the tract, with common open space, common property or open space generated on the remainder of the tract.

**COMMUNITY WASTEWATER TREATMENT FACILITY**

A utility installation designed to collect and process wastewater, which is intended to serve only the development in which it is located and the surrounding properties, as appropriate.

**[Added 6-23-2009 by Ord. No. 2009-23]**

**CRITICAL AREA**

Any area which is environmentally sensitive or which, if disturbed during construction, would adversely affect the environment, including but not limited to slopes of 12% or greater, floodplains, floodways, areas of critical seasonal high water table, wetlands and wetland transition areas and stream corridors.

**DENSITY**

The permitted number of dwelling units per gross area of land to be developed.

**[Amended 4-9-1985 by Ord. No. 85-1]**

**OPEN LANDS**

That portion of land, including any farm-related dwelling located thereon, that is voluntarily deed restricted by the landowner for agricultural use in order to qualify for the open lands ratio bonus pursuant to § 188-99.3G(2)(b) of this chapter.

**[Added 12-30-2002 by Ord. No. 2002-48; amended 9-9-2003 by Ord. No. 2003-14]**

**OPEN SPACE**

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designated to be incidental to the natural openness of the land.

**PLANNED DEVELOPMENT**

Planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development. See §§ 188-73 and 188-110.

**PLANNED UNIT RESIDENTIAL DEVELOPMENT**

An area with a specified minimum contiguous acreage of five acres or more to be developed as a single entity according to a plan, containing one or more residential clusters, which may include appropriate commercial or public or quasi-public uses, all primarily for the benefit of the residential development.

**[Amended 5-11-1993 by Ord. No. 93-11]**

**PUBLIC OPEN SPACE**

An open space area conveyed or otherwise dedicated to the Township, municipal agency, Board of Education, state or county agency or other public body for recreational or conservational uses.

**RESIDENTIAL CLUSTER**

An area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

**RESIDENTIAL DENSITY**

The number of dwelling units per gross acre of residential land area, including streets, easements and open space portions of a development.

**TRACT**

An area of land comprised of one or more lots adjacent to one another having sufficient dimensions and area to make one parcel of land meeting the requirements of this chapter for the use(s) intended. The original land area may be divided by existing street(s) and still be considered one tract, provided that the frontages on both sides of the street are opposite one another for a sufficient distance to enable a convenient, safe street system from one side to the other. The land area of the existing streets shall not be included in calculating the area of the tract.

**188-3****D. Standards**

1) Establish qualifying conditions. The ordinance should define the minimum area requirements and number of units required in order to cluster. The ordinance should also specify which utilities should be in place.

[1] Dedication or evidence of a permanent deed restriction for farmland preservation, open space or public use of 70% of the gross tract area, including sending and receiving parcels.

[2] Minimum area of receiving tract: 75 acres.

[3] Maximum density on receiving tract: one dwelling unit per acre. The maximum density shall be calculated by taking the acreage of the receiving tract and dividing that number by the number of proposed dwelling units.

[4] Direct access to a collector or primary local road system.

[5] Maximum permitted gross density of receiving parcel: one dwelling unit per acre, including both the base tract and transfer unit densities.

**188-98D(6)(b)[1] – [5]**

For all major developments the developer shall arrange with the servicing utility for the underground installation of the distribution supply and service connections in accordance with the provisions of the applicable standard terms and conditions incorporated as a part of its tariff as the same are then on file with the State of New Jersey Board of Public Utility Commissioners. The developer shall provide the Township with three copies of a final plat showing the installed location of these utilities.

**188-75A(1)**

2) Contiguous clustering should be mandatory or there should be incentives to encourage clustering, such as density bonuses.

The minimum acreage required for a detached single family in the RS zone is 1.5 acres. But with clustering, the minimum for a lot is only 20,000 square feet. Therefore, more single family homes can be built.

3) Cluster ordinances should meet one or more of the following standards:

a. Preserve a minimum of 50% of the total land area involved with the development as open space (natural area), for both contiguous and non-contiguous clustering.

Dedication or evidence of a permanent deed restriction for farmland preservation, open space or public use of 70% of the gross tract area, including sending and receiving parcels.

**188-98D(6)(b)[1]**

4) All clustering ordinances should specify that sensitive environmental features should be avoided as well as define the critical areas that shall be excluded from open space calculations, where applicable. Development shall be clustered on the least sensitive portion of a site (except where doing so would necessitate that roadways or utility lines cross sensitive areas.)

[T]o set aside desirable open spaces, conservation area, floodplains, school sites, recreation areas and parks **188-40A**

5) The ordinance should provide guidance on design possibilities for clustered developments, e.g. Village Center, Rural Hamlet, etc.

Defined greens and commons, streets that promote pedestrian movement, T-intersections, public sidewalks, and garages – “A completely linked neighborhood”  
Design requirements for a planned residential cluster development. **188-98D(6)(g)[1] to [5]**

6) The ordinance should provide guidance on how to calculate the allowable number of units. Is there a density multiplier based on the presence of natural features or other constraints to determine Adjusted Tract Area, Gross Tract Area, Open Space, etc?

In a planned residential cluster development, a minimum of 20% of the receiving parcel shall be set aside for open space. **188-98D(6)(e)[1]**

Twenty-five percent of the 20% required in Subsection E(1)(10)(e)[1] above, or a minimum of 3,500 square feet of open space for each dwelling unit, whichever is greater, shall be set aside in the form of developed parks, greens, commons and/or informal play fields. This open space shall be owned and maintained by a homeowners' association established in conformance with this chapter. **188-98D(6)(e)[2]**

7) **The ordinance must outline the process for ensuring the preservation and maintenance of the non-developed lands.** Preserved lands should be protected from future development by a deed restriction, conservation easement, or agricultural easement. Ownership possibilities

include giving the municipal government control over those lands, donating them to a non-profit conservation group, or having them managed by a homeowners' association.

Twenty-five percent of the 20% required in Subsection E(1)(10)(e)[1] above, or a minimum of 3,500 square feet of open space for each dwelling unit, whichever is greater, shall be set aside in the form of developed parks, greens, commons and/or informal play fields. This open space shall be owned and maintained by a homeowners' association.

**188-98D(6)(e)[2]**

[T]he preserved land to be dedicated to the Township of Hillsborough or permanently deed-restricted for farmland preservation, open space or public park use.

**188-98(6)(a)**

E. Applicability

The Planned Residential Cluster Option is a conditional use and requires that all the conditions be adhered to in order to be heard by the Planned Board pursuant to the Municipal Land Use Law.

F. Submittal

Development Application Guidelines

**188 Attachment 8**

G. Fees and Penalties

Violations and Penalties

**188-25**