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HONEY BROOK TOWNSHIP  
CHESTER COUNTY, PA

ORDINANCE #126 - 2007

**AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK AMENDING THE HONEY BROOK TOWNSHIP ZONING ORDINANCE OF 2003, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 27 OF THE HONEY BROOK TOWNSHIP CODE, SPECIFICALLY PART 4 TITLED "A-AGRICULTURAL DISTRICTS" AND PART 11 TITLED "CONSERVATION DESIGN OPTION".**

WHEREAS, Ordinance #119 and #120 were declared void ab initio by a zoning decision rendered by the Zoning Hearing Board on January 29, 2007, and

WHEREAS, it is the intent of the Board of Supervisors to reenact the provisions of the voided ordinances,

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Honey Brook Township, that the Honey Brook Township Zoning Ordinance of 2003, as amended, which is codified in Chapter 27 of the Honey Brook Township Code, shall be amended as follows:

**SECTION 1.** Section 27-402 through Section 27-404, shall read as follows:

**§27-402. Use Regulations.**

1. *Uses Permitted by Right.* A building or other structure may be erected, altered, or used, and a lot may be used or occupied, for any one of the following principal uses, together with the permitted accessory uses, by right in accordance with the terms of this Chapter:

- A. Agricultural and forestry uses.
- B. Farm buildings, provided that any building used for the keeping or raising of livestock or poultry is subject to the setback requirements stated in §27-403.3.
- C. Manure storage facility, as a use accessory to agriculture, when in accordance with the standards in §27-1602.C(7).
- D. Display and sale of produce or nursery products, as a use accessory to agriculture, when in accordance with the standards in §27-1602.C(6).
- E. Rural occupation, when in accordance with the standards of §27-1602.U.
- F. Transfer of development rights, when in accordance with the terms of Part 12.
- G. Split-off of an agricultural-residential lot for single-family dwelling purposes, when in accordance with the terms of §27-405.
- H. Woodland or game preserve, wildlife sanctuary, or other conservation purpose.
- I. Single-family detached dwelling on an existing lot, or single-family detached dwellings on lots proposed to be created through subdivision of a lot into not more than three lots.
- J. Home occupation, when in accordance with the standards in §27-1602.O.
- K. Accessory dwelling, when in accordance with the standards in §27-1602.B.
- L. Municipal use.
- M. Bed and breakfast establishment, when in accordance with the standards in §27-1602.H.
- N. Equestrian center, when in accordance with the standards in §27-1602.M.
- O. Accessory buildings and uses customarily incidental to any permitted use, when in accordance with the standards in §27-1602.C and all other applicable provisions of this Chapter.

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P. Keeping of animals on residential lots, when in accordance with the standards in §27-1602.D.

2. *Uses Permitted by Special Exception.* The following uses shall be permitted when approved as a special exception by the Zoning Hearing Board in conformance with Part 20, the applicable standards contained in §27-1603, and any other applicable provisions of this Chapter:

- A. Home occupations which do not conform to the criteria in §27-1602.O, but which are in accordance with the standards in §27-1603.D.
- B. Kennel, when in accordance with the standards in §27-1603.F.
- C. Wholesale agricultural produce sales and stockyards, when in accordance with the standards in §27-1603.I.
- D. Elder cottage housing opportunity (ECHO), when in accordance with the standards in §27-1603.C.
- E. Communications antenna attached to or mounted on an existing structure, when in accordance with the standards in §27-1603.B.

3. *Uses Permitted as Conditional Uses.* The following uses shall be permitted when approved as a conditional use by the Board of Supervisors in accordance with §27-1910, the applicable standards contained in §27-1604, and any other applicable provisions of this Chapter:

- A. Single-family detached dwellings on tracts to be subdivided into more than three lots and not using the lot split-off provisions of this Chapter, when in accordance with the standards in §27-1604.R.
- B. Cemetery, when in accordance with the standards in §27-1604.F.
- C. Church and related uses, when in accordance with the standards in §27-1604.G.
- D. Golf course, when in accordance with the standards in §27-1604.L.
- E. Camping ground or camping park, when in accordance with the standards in §27-1604.E.
- F. Electric substation, other public utility building, except as such use is specifically authorized in §619 of the MPC, 53 P.S. §10619, when in accordance with the standards in §27-1604.K.
- G. Concentrated animal feeding operation, when in accordance with the standards in §27-1604.I.
- H. Public school, when in accordance with the standards in §27-1604.O.

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**§27-403. Area and Bulk Regulations.**

1. Single-family detached dwellings and any other use permitted in §27-402 not otherwise regulated by this Chapter:

A. Minimum gross lot area: 10 acres.

Except a lot shall have not less than 2 acres of contiguous land complying with the definition of "lot area" as found in this Chapter.

B. Minimum lot width at building setback line: 150 feet.

C. Minimum front yard: 60 feet.

D. Minimum individual/aggregate side yards: 20 feet individual.  
70 feet aggregate.

E. Minimum rear yard: 60 feet.

F. Maximum impervious surface ratio: 5% of the lot area.

G. Minimum lot width at street line: 50 feet.

2. *Maximum Height of Buildings and Structures:*

A. Single-family detached dwellings, other permitted uses: 35 ft.

B. General farm buildings and silos: 80 feet.

3. *Setback Requirements for Livestock and Poultry Structures.* Any structure used for the raising, keeping or breeding of livestock or poultry shall not be less than 60 feet from any lot line; provided, however, that the setback distance shall be increased to 100 feet when the structure houses livestock in excess of 10 animals or poultry in excess of 100 birds.

4. *Area and Bulk Regulations Applicable to Nonconforming Lots.* On any lawfully nonconforming lot in existence at the date of adoption of this Chapter, the area and bulk standards in §27-405.5.C through and including §27-405.5.G shall be applicable.

**§27-404. Design Standards.**

Uses in the A - Agricultural District shall be governed by the terms of Part 17, "General Regulations," as applicable.

**SECTION 2.** Sections 1101, 1102, 1104.2, 1105, 1109, 1111.8 and 1112 shall read as follows:

**§27-1101. Statement of Intent**

In addition to the general goals set forth in Part 1, the provisions of this Part are intended to encourage the design of new residential use in such a way that a significant proportion of the buildable land within each parcel will remain as permanently protected open space through the option of reduced lot area and other dimensional requirements. Under these terms, the Township seeks to promote: (A) interconnected networks of conservation lands; (B) the preservation of large contiguous areas devoted to agriculture, resource management, or other open space uses identified in the 2006 Honey Brook Township Comprehensive Plan; and (C) effective buffers between housing areas and working farmland adjoining those development parcels. The terms of this Part also enable the transfer of development rights by allowing increases in residential density with the use of development rights. The conservation design option is intended to enable the Township and local landowners to protect the natural and cultural resources and rural character of the Township, thereby helping achieve the goals of the 2006 Honey Brook Township Comprehensive Plan.

**§27-1102. Overlay Concept.**

The opportunity to develop under the conservation design option shall be deemed an overlay on any eligible tract in the FR - Farm Residential and R - Residential Districts, offering additional

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choices beyond those of the applicable underlying zoning district. To utilize this overlay opportunity, a tract must comply with the standards and criteria of this Part. The overlay of the conservation design option shall have no effect on the permitted uses available to such tracts through the underlying zoning districts. To the extent that the regulations and requirements within this Part differ from other provisions of this Chapter, the regulations and requirements of this Part shall govern.

**§27-1104. Tract Area and Density.**

2. *Maximum Number of Dwelling Units.* Under the conservation design option, the maximum number of dwelling units that can be located on a tract shall be determined by establishing the net tract area, as defined by this Chapter, and thereafter multiplying the resulting net acreage as follows:

- A. In the FR - Farm Residential District:
  - (1) Without the use of transferable development rights: by 1.33.
  - (2) With the use of transferable development rights in accordance with the terms of Part 12: by 2.0.
- B. In the R - Residential District:
  - (1) Single-family detached dwellings:
    - (a) Without the use of transferable development rights: by 2.0.
    - (b) With the use of transferable development rights in accordance with the terms of Part 12: by 3.0.
  - (2) Two-family dwellings:
    - (a) Without the use of transferable development rights: by 2.5.
    - (b) With the use of transferable development rights in accordance with the terms of Part 12: by 3.5.

**§27-1105. Minimum Lot and Yard Requirements.**

1. *FR - Farm Residential District.*

- A. Lot area: 10,000 sq. ft.
- B. Lot width at street line: 25 ft.
- C. Lot width at building setback line: 75 ft.
- D. Lot depth: 100 ft.
- E. Front yard: 25 ft.
- F. Side yard: 10 ft. individual  
25 ft. aggregate
- G. Rear yard: 35 ft.

2. *R - Residential District.* Conservation design development in the R District may be in the form of single-family detached dwellings, two-family dwellings, or a mix of these two dwelling types, consistent with the following minimum requirements. In all cases, the maximum number of dwelling units permitted on the tract shall be determined in accordance with §27-1104.2.

A. *Single-family detached dwellings.*

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|-----------------------------------------|---------------------------------------|
| (1) Lot area:                           | 7,500 sq. ft.                         |
| (2) Lot width at street line:           | 25 ft.                                |
| (3) Lot width at building setback line: | 65 ft.                                |
| (4) Lot depth:                          | 100 ft.                               |
| (5) Front yard:                         | 25 ft.                                |
| (6) Side yard:                          | 10 ft. individual<br>20 ft. aggregate |
| (7) Rear yard:                          | 35 ft.                                |

B. *Two-family dwellings.*

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|-------------------------------------------------------------|---------------------------------------|
| (1) Lot area (per dwelling unit):                           | 6,000 sq. ft.                         |
| (2) Lot width at street line (per dwelling unit):           | 25 ft.                                |
| (3) Lot width at building setback line (per dwelling unit): | 45 ft.                                |
| (4) Front yard:                                             | 25 ft.                                |
| (5) Side yard:                                              | 10 ft. individual<br>20 ft. aggregate |
| (6) Rear yard:                                              | 35 ft.                                |

**§27-1109. Maximum Impervious Surface Ratio.**

The maximum amount of impervious surface on any lot shall be:

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|---------------------------------------|----------------------|
| A. FR District:                       | 40% of the lot area. |
| B. R District:                        |                      |
| (1) Single-family detached dwellings: | 45% of the lot area. |
| (2) Two-family dwellings:             | 50% of the lot area. |

**§27-1111.8 Siting of Proposed Dwellings.** Proposed dwellings shall be sited to provide satisfactory protection for sensitive natural features on and adjacent to the site, consistent with the requirements of §27-1112.3.

**§27-1112. Open Space Standards and Requirements.**

1. The minimum area required for protected open space land, expressed as a percentage of the gross tract area, shall be:

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|----------------------------------------------------------------------------------------------|--|
| A. FR - Farm Residential District:                                                           |  |
| (1) Single-family detached dwellings without the 60% use of transferable development rights: |  |
| (2) Single-family detached dwellings with the use 40% of transferable development rights:    |  |
| B. R - Residential District.                                                                 |  |
| (1) Single-family detached dwellings.                                                        |  |

(a) Without the use of transferable development rights: 50%

(b) With the use of transferable development rights: 35%

(2) Two-family dwellings.

(a) Without the use of transferable development rights: 55%

(b) With the use of transferable development rights: 40%

**SECTION 3. SEVERABILITY.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of Honey Brook Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 4. REPEALER.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

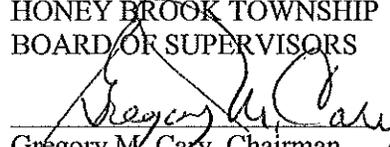
**SECTION 5. EFFECTIVE DATE.** This Ordinance shall become effective five days after enactment as provided by law.

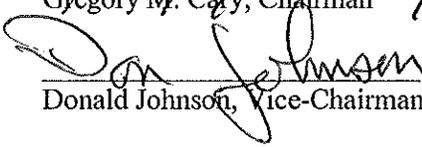
SO IT IS ENACTED AND ORDAINED this 5<sup>th</sup> Day of March, 2007.

ATTEST:

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Secretary

HONEY BROOK TOWNSHIP  
BOARD OF SUPERVISORS

  
\_\_\_\_\_  
Gregory M. Cary, Chairman

  
\_\_\_\_\_  
Donald Johnson, Vice-Chairman

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D. Weston Darby, Member