

ORDINANCE # 89

AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK
AMENDING CERTAIN SECTIONS OF THE ZONING ORDINANCE OF 1979,
AS AMENDED, AND THE SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE OF HONEY BROOK TOWNSHIP TO PROVIDE A
CONSERVATION DESIGN OPTION IN CERTAIN AREAS OF THE
TOWNSHIP AND PROVIDING CRITERIA FOR SAME

BE IT ENACTED AND IT IS HEREBY ENACTED by the Board of
Supervisors of Honey Brook Township on July 12, 2000, that the following
amendments as set forth on Exhibit A hereto are hereby enacted as amendments to
the Honey Brook Township Zoning Ordinance of 1979, as amended, and Honey
Brook Township Subdivision and Land Development Ordinance.

All ordinances inconsistent herewith are hereby repealed.

These amendments shall take effect as provided for by law.

ENACTED AND ORDAINED this 12th day of July 2000.

ATTEST:

HONEY BROOK TOWNSHIP
BOARD OF SUPERVISORS

Judy M. Titman
Secretary/Treasurer

Michel A. Jomy
Michel Johnson
Carl Wagner

*Void
by action
of ZHB
Replaced by #93
reverts to F86*

**HONEY BROOK TOWNSHIP ZONING ORDINANCE
PROPOSED ADDITIONS/REVISIONS
[June 23, 2000]**

- I. Create a new Article VIII, Conservation Design Option, to read as follows:

ARTICLE VIII

CONSERVATION DESIGN OPTION

Section 800 Specific Intent

In addition to the general goals set forth in Article I, the provisions in this article 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 permanent open space through the option of reduced lot area and other dimensional requirements. Under these terms, the Township seeks to promote interconnected networks of conservation lands across the community and effective buffers between housing areas and working farmland adjoining those development parcels. The Conservation Design Option is intended to enable the Township and local landowners to protect the agricultural base and rural character of Honey Brook Township, thereby helping achieve the land use objectives of the Honey Brook Joint Comprehensive Plan.

Section 801 Overlay Concept

The opportunity to develop under the conservation design option shall be deemed an overlay on any eligible tract, offering additional 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 article. The overlay of the conservation design option shall have no effect on the permitted uses available to such tracts through the underlying zoning districts.

Section 802 Permitted Uses

The following uses are permitted on a tract utilizing the conservation design option, consistent with the terms authorizing this option in the underlying zoning district.

- a) Single-family detached dwellings
- b) Two-family dwellings, in the R-2 District only
- c) Permanently protected greenway and open space land
- d) Uses customarily accessory to residential and/or open space uses

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Section 803 Tract Area and Density

803.1 Minimum tract area. To be eligible for the conservation design option, a tract shall have a minimum gross area of five (5) acres.

803.2 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 ordinance, and thereafter multiplying the resulting net acreage as follows:

- a) In the A Agricultural District, by 0.72
- b) In the R-1 Residential District:
 - 1) with public or community sewer service, by 1.33
 - 2) with public or community sewer service and public water service, by 2.0
- c) In the R-2 Residential District:
 - 1) with single-family detached dwellings only, by 2.0
 - 2) with a mix of single-family detached and two-family dwellings, by 5.0

Section 804 Minimum Lot and Yard Requirements

804.1 A Agricultural District

- a) Lot area: 15,000 sq. ft.
- b) Lot width at street line: 35 ft.
- c) Lot width at building setback line: 85 ft.
- d) Lot depth: 100 ft.
- e) Front yard: 25 ft.
- f) Side yard: 10 ft. individual
25 ft. aggregate
- g) Rear yard: 50 ft.

804.2 R-1 Residential District

- a) Lot area: 10,000 sq. ft.
- b) Lot width at street line: 25 ft.
- c) Lot width at building setback line: 70 ft.
- d) Lot depth: 100 ft.

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- e) Front yard: 20 ft.
- f) Side yard: 10 ft. individual
25 ft. aggregate
- g) Rear yard: 35 ft.

804.3 R-2 Residential District

- a) Lot area
 - 1) Single-family detached: 7,500 sq. ft.
 - 2) Two-family: 4,000 sq. ft. per family
- b) Lot width at street line: 25 ft. per family
- c) Lot width at building setback line:
 - 1) Single-family detached: 60 ft.
 - 2) Two-family: 30 feet per family
- d) Lot depth: 100 ft.
- e) Front yard: 20 ft.:
- f) Side yard: 10 ft. individual
20 ft. aggregate
- g) Rear yard: 35 ft.

Section 805 Setback from Existing Agricultural Operations

There shall be a minimum separation of 100 feet between any residential lot line within the conservation design development and any existing agricultural operation on the tract or on an adjacent tract.

Section 806 Front Yard Setback for Garages

- 806.1 Attached garages with doors facing the street shall be set back a minimum of 30 feet in the A Agricultural District and a minimum of 25 feet in the R-1 and R-2 Districts.
- 806.2 These setback requirements shall not apply to a side-loaded garage, the minimum front yard setback for which shall be the same as that required for the dwelling.

Section 807 Yard Requirements for Accessory Buildings

Accessory buildings, including rear-facing garages (served by back lanes or alleys) shall be set back a minimum of 12 feet from the rear lot line. Accessory

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buildings containing less than 150 square feet may be located within five feet of the rear lot line or side lot line.

Section 808 Maximum Impervious Surface Ratio

- a) Single-family detached dwelling: 45% of the actual lot area
- b) Two-family dwelling: 60% of the actual lot area

Section 809 Mix of Dwelling Types

In the R-2 District, where a proposed conservation design development contains a mix of single-family detached and two-family dwellings, neither dwelling type shall constitute less than 25% of the proposed total number of dwelling units.

Section 810 Tracts Divided by Zoning District Boundaries

Where a tract proposed for conservation design development contains land in more than one base zoning district, the development may be planned as an integrated entity without respect to the boundary lines between or among the districts, provided that the total number of dwelling units on the tract does not exceed the maximum number of dwellings calculated using the applicable base zoning terms for each portion of the tract under the terms of Section 803.2 of this article. Such calculation shall reflect the amount of net tract acreage for the respective portions of the tract within each base zoning district.

Section 811 Supplemental Requirements

811.1 Sewage and Water Supply Systems

- a) Any tract proposed for a conservation design development shall be served by a public or community sewage system, as defined by this ordinance. Such system shall be consistent with the service area and preferred treatment and disposal methods stipulated in the Honey Brook Township Act 537 Sewage Facilities Plan, and shall comply with all applicable requirements of the Honey Brook Township Subdivision and Land Development Ordinance, the Northwestern Chester County Municipal Authority, and the Pa. Dept. of Environmental Protection.

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- b) Dwellings within a conservation design development may be served by individual water supply wells, subject to approval of the Chester County Health Department. Alternatively, the tract may be served by a public or community water supply system., subject to all applicable requirements of the Honey Brook Township Subdivision and Land Development Ordinance, the Chester County Health Department, the Pa. Department of Environmental Protection, and/or the Pa. Public Utilities Commission.

811.2 Street Trees

Street trees shall be planted at intervals of not more than 40 feet on each side of every street that is part of a conservation design development. Street trees shall be deciduous shade trees, capable of reaching a mature height of at least 40 feet.

811.3 Screening Requirements

All residential uses shall be screened from adjacent parking lots and active recreation sites.

811.4 Orientation of Dwellings toward Existing Roads

- a) Along any new street within a conservation design development that is closest to an existing Township road or non-limited access State-numbered highway on the perimeter of the tract, and is parallel or roughly parallel to it, new dwellings shall be oriented so that their front façade faces the existing road.
- b) The requirement for front facades to face the existing road shall not apply where either of the following conditions is applicable:
- 1) The proposed dwelling or dwellings will not be visible from the existing road due to screening that is provided by natural topographic conditions and/or vegetation existing on the site prior to the application for development; or
 - 2) The proposed dwelling or dwellings will be hidden by a completely planted visual barrier of landscape screening. The landscape screen shall be composed of evergreen shrubs and trees arranged to form both a low level and high level screen. The high level screen shall consist of evergreen trees not less than four (4) feet in height at the

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time of planting. The low level screen shall consist of evergreen shrubs of not less than two (2) feet at the time of planting. Screening shall be permanently maintained and complete visual blockage shall be achieved within two ~~20~~ years following installation. Earthen berms shall not be used to satisfy the screening requirements of this section.

811.5 Off-Street Parking

- a) Notwithstanding the requirements of Section 901.22 of this ordinance, the minimum required amount of residential off-street parking in a conservation design development shall be calculated on the basis of 2.25 spaces per dwelling unit. Such spaces shall, to the maximum extent feasible, be provided on the lot with the dwelling unit they are designed to serve. Congregate parking areas, located in reasonable proximity to the lots to be served, also may be created within the tract. No more than 10 spaces may be created in any one such area.
- b) The minimum required parking area on any lot shall be exclusive of garage space, nor shall any use of the driveway for parking encroach on any public sidewalk traversing the lot.
- c) Any parking associated with a recreation area may be located within the common open space. Off-street parking shall be provided adjacent to active or passive recreation areas, with the number of spaces being subject to approval by the Board of Supervisors and based upon the character and intensity of the active and/or passive recreation use.

Section 812 Minimum Open Space Requirements

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

- a) A Agricultural District: 60%
- b) R-1 Residential District:
 - 1) with maximum gross density of 1.33 dwelling units per acre 55%
 - 2) with maximum gross density of 2.0 dwelling units per acre 45%

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- c) R-2 Residential District
 - 1) Single-family detached dwellings only 50%
 - 2) Mix of single-family and two-family dwellings 40%

812.2 Recreation facilities shall be provided for all conservation design developments. The site plan shall include designated areas for active recreation which may include, but need not be limited to, basketball, volleyball and tennis courts, soccer and football fields, baseball diamonds, swimming pools, golf courses, and playgrounds. Active recreation also may include agricultural activities in the form of "community gardens" for the residents of the development, provided that no more than 20% of the area designated for active recreation is utilized as such. The site plan may also include areas for passive recreation, such as cycling, hiking, picnics, nature study, tot lots, jogging, equestrian, and pedestrian ~~trails~~ ^{trails}; such areas should require minimal site preparation. The location, type, and design of recreation areas shall be subject to approval of the Board of Supervisors. Where the proposed development is to include a golf course, such use shall not occupy more than 50% of the environmentally unconstrained open space land (i.e., land not containing 100-year flood plain, wetland, or slope exceeding 25%).

812.3 Common open space shall be suitably improved for its intended use. However, natural features such as woodlands, steep slopes, rock outcrops, wetlands, and similar areas worthy of preservation shall remain in a natural state. All such features shall be shown on the plan and preserved and incorporated into the common open space.

812.4 In addition to significant natural features, open space land may contain and be used for:

- a) land surrounding historically significant structures and sites and/or archaeological sites;
- b) active and passive recreation;
- c) agriculture, including the cultivation of nursery stock or orchard trees, but exclusive of retail sales;
- d) woodland, meadow, flood plain, wetland, or similar conservation purpose;
- e) spray and drip irrigation wastewater systems;
- f) stormwater management facilities;
- g) trail or pathway corridor, the use of which shall be limited to pedestrian, equestrian, and non-motorized bicycles.

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- h) equestrian center, provided a minimum of 20 acres is designated for this use and the area so designated comprises less than 50% of the total amount of open space on the tract

812.5 Where portions of the open space are to be used for sewage and/or stormwater management facilities, the area devoted to such facilities shall not be eligible for calculating the minimum required open space area for the tract that is stipulated in Sect. 812.1. This exclusion shall apply to open space area underlaid by drip irrigation sewage facilities or designated to receive treated wastewater through spray irrigation, where such sewage applications cause the affected open space to be unsuitable and ineligible for other open space uses provided in Sect. 812.4.

812.6 a) No individual segment of open space shall have an area less than 20% of the gross tract area nor a width less than 100 feet at any point, except that the minimum area may be reduced to not less than 15,000 square feet and/or the minimum width may be reduced to not less than 15 feet where:

- 1) the land is being used solely as a trail connector between areas of open space and/or residential development; either on or adjacent to the tract, or
- 2) the Board of Supervisors determines that, in specific locations, smaller and/or more narrow segments of open space better accommodate site design objectives and do not detract from the functional, recreational, and/or resource protection values of the overall open space area.

b) In determining appropriate dimensions and site design factors, the Board shall place particular emphasis on:

- 1) buffering stream corridors and existing street frontages with well-designed and located open space areas;
- 2) enabling interconnections with trails and/or open space areas on abutting properties or with potential future trail routes shown as part of a Township trail network.

c) No trail shall be designed with the intent to accommodate motorized vehicles, other than for maintenance purposes.

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812.7 Recreation areas within the common open space are intended to serve all residents of the development. Recreation areas shall be connected by a greenway trail, sidewalk, or similar linkage. Open space shall be accessible to all residents of the development without the need to travel on streets or upon private property.

812.8 All areas designated as protected open space shall be subject to a conservation easement restricting further subdivision or development of the open space and setting forth the terms for use, conservation, and maintenance as established by the Board of Supervisors. Such easement shall be granted in favor of a qualified conservation organization, homeowners' association, or other party acceptable to the Board of Supervisors or, at the Board's discretion, shall be granted to the Township. Such easement shall be recorded in the office of the Recorder of Deeds of Chester County and noted on the final plan, as recorded.

812.9 Ownership of Open Space Areas

- a) Ownership of the common open space shall be in accordance with terms of Section 625-E of the Township Subdivision and Land Development Ordinance.
- b) Where the gross tract area is 20 acres or more, up to 80% of the open space area created by the conservation design may be considered non-common open space, with ownership retained by the landowner at the time of application, the developer, or another private entity acceptable to the Board of Supervisors. The use or uses of this land shall be in compliance with the terms of Section 812.4. Any such area designated as non-common open space shall be not less than 20 acres. All such areas shall be permanently protected as open space under the terms of the conservation easement required in Section 812.8.

812.10 Maintenance of Open Space

- a) Maintenance of any area of common open space shall be in accordance with the terms of Section 625-F of the Township Subdivision and Land Development Ordinance.
- b) Where a portion or portions of the open space are proposed to be non-common open space owned by a private entity, the developer shall enter into a maintenance agreement with the Township, binding upon the private entity and providing for the maintenance of the open space and any improvements situated thereon. This

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agreement shall be completed prior to approval of the final subdivision plan.

II. Add to and modify Article II, Definitions, Section 202, the following:

A. Add the following new terms and definitions:

Community Sewage System. A sanitary sewage system, privately built and operated, in which sewage is carried from individual dischargers by a system of pipes to one or more common treatment and disposal facilities. Treatment and disposal may occur either on-site or off-site, and shall be approved by the Pennsylvania Department of Environmental Protection and/or the Chester County Health Department.

Conservation Design Development. A tract or tracts of land, controlled by one applicant, to be developed as a single entity for residential purposes, in which the otherwise applicable minimum lot size for the zoning district is reduced in exchange for the retention and permanent protection of open space.

Equestrian Center. A facility for the care, training, exercising, boarding, and riding of horses, located within the common open space of a conservation design development and subject to the standards of Article VIII of this ordinance.

Gross Lot Area. The area of land contained within the property lines of a lot as defined in the deed or as shown on an approved subdivision plan. Any portion of a lot included in an existing or proposed street right-of-way shall not be included in calculating the gross lot area.

Gross Tract Area. The total acreage of a tract lying within existing property lines, as defined by the deed, prior to the initiation of subdivision or land development.

Net Tract Area. The gross area of a tract, but excluding the following conditions and features:

- a. any area within any existing right-of-way or easement;
- b. any area which is contained within the Flood Hazard District;
- c. any area delineated as a wetland;
- d. any area which has existing natural slopes exceeding 25%.

Where a tract contains land with more than one of the above features, such area shall be excluded once in calculating the net tract area.

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Tract. One or more lots assembled and presented as a single property for purposes of subdivision or land development.

B. Modify the definition of Net Lot Area, as follows:

Net Lot Area. The gross area of the lot, but excluding the following conditions or features:

- a. any area within any existing easement;
- b. any area which is contained within the Flood Hazard District;
- c. any area delineated as a wetland;
- d. any area which has existing natural slopes exceeding 25%; and
- e. any area occupied by a man-made water retention or detention structure providing drainage for more than one lot;
- f. any accessway or right-of-way connecting a flag lot to a street.

Where a lot contains land with more than one of the above features, such area shall be excluded once in calculating the net lot area.

III. Add provisions to the A, R-1 (by reference), and R-2 Districts specifically authorizing the Conservation Design Option as a permitted use, as follows:

A. In the A Agricultural District, add the following new Subsect. to Section 302.1, Uses by Right:

“(f) Conservation design option, in accordance with the terms of Article VIII.”

B. In the R-2 Residential District, add the following Subsect. to Section 403.1-a, Uses by Right:

“(5) Conservation design option, in accordance with the terms of Article VIII.”

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SUBDIVISION/LAND DEVELOPMENT ORDINANCE
PROPOSED ADDITIONS/REVISIONS
[June 23, 2000]**

- I. In Article V: Plan Content Requirements, Section 502, Preliminary Plan:
 - A. Add to Subsects. D-1-a and D-1-b as follows:
 - "a. Geologic formations, including rock outcroppings, cliffs, sinkholes, and fault lines, based upon available published information ..."
 - "b. ... a known established benchmark. Areas of 15-25% slope and areas with slopes exceeding 25% shall be clearly indicated."
 - B. Add a new Subsect. D-1-j, as follows:
 - "j. Ridge lines and watershed boundaries."