

ORDINANCE NO. 99-2002
HONEY BROOK TOWNSHIP

AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK, CHESTER COUNTY,
PENNSYLVANIA, AMENDING THE HONEY BROOK TOWNSHIP ZONING
ORDINANCE OF 1979, AS AMENDED, BY CREATING A NEW ARTICLE VIII,
CONSERVATION DESIGN OPTION.

I. Add 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, the preservation of large contiguous areas devoted to agriculture and related supporting uses, 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. To the extent that the regulations and requirements within this Article VIII differ from other provisions of the Honey Brook Township Zoning Ordinance of 1979, as amended, the regulations and requirements of this Article VIII shall govern.

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 and the requirements and standards of this article.

- a) Agricultural, horticultural, animal husbandry and forestry uses
- b) Single-family detached dwellings
- c) Two-family dwellings, in the R-2 District only
- d) Permanently protected open space

- e) Uses customarily accessory to agricultural, residential and/or open space uses, including, but not limited to private clubhouses, and other active and passive recreational uses as deemed appropriate by the Board of Supervisors

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

The following provisions supercede conflicting provisions of the Honey Brook Township Zoning Ordinance of 1979, as amended, including, but not limited to, the provisions of Section 901.8.

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.
- e) Front yard: 20 ft.
- f) Side yard: 10 ft. individual

- g) Rear yard: 25 ft. aggregate
35 ft.

804.3 R-2 Residential District

Conservation Design development in the R2 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 Section 803.2.

- 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 ft. 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 one hundred (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 thirty (30) feet in the A Agricultural District and a minimum of twenty-five (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 twelve (12) feet from the rear lot line. Accessory buildings containing less than one hundred fifty (150) square feet may be located within five (5) 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 twenty-five percent (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 Design and Facility Requirements

Evidence of compliance with such applicable requirements of this Section 811 shall be provided prior to preliminary subdivision and/or land development approval.

811.1 Sewage Facilities

- a) Except as provided in Subsection (c) below, any tract proposed for a conservation design development shall be served by a community sewage system, as defined by this ordinance. Such system shall be consistent with the 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 Chester County Health Department, and the Pennsylvania Department of Environmental Protection.
- b) Calculation of the allowable maximum number of dwelling units, as provided in Section 803.2, shall be subject to reduction based upon the suitability of the site for a community sewage system and its ability to serve the proposed number of dwelling units. Soil test results and supporting information shall be provided to the Township in sufficient detail to make a determination of the site's ability to adequately service the sewage needs of the proposal.
- c) Where the tract proposed for a conservation design development falls within a public sewer service area established by the Township Act 537 plan, the proposed dwellings shall be served by the public sewer system. No on-site soil testing shall be required. However the applicant shall provide a letter from the Northwestern Chester County Municipal Authority confirming reservation of capacity. If adequate capacity is not available at time of development, the requirements of Section 811.1.b shall apply.

811.2 Water Supply

811.2 Water Supply

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 Pennsylvania Department of Environmental Protection, the Delaware River Basin Commission, and/or the Pennsylvania Public Utilities Commission.

811.3 Street Trees

Street trees shall be planted on each side of every new street that is part of a conservation design development, in accordance with the requirements of Section 629-B of the Township Subdivision/Land Development Ordinance and the following additional specifications.

- a) Trees shall be separated, on average, by no more than fifty (50) feet, measured parallel to the street, and no more than one hundred (100) feet measured diagonally across the proposed street.
- b) All trees shall be from nursery stock and have a deep root system.
- c) Species may be mixed, provided the trees grow to a height that will provide adequate shade during the summer along the entire cartway.
- d) Street trees shall be continually maintained. The applicant shall be responsible for the trees for a period of eighteen (18) months after dedication of the road or for eighteen (18) months after the sale of the lot on which the trees were planted. The landowner shall be responsible for maintenance or replacement following the eighteen (18) month expiration period. All non-surviving trees shall be replaced within six (6) months, with replacement plant material of a height and dbh no less than that of the original tree.
- e) No portions of existing tree masses and no existing trees with four (4) inch or greater dbh shall be cleared from the tract unless clearly necessary for effectuation of the proposed conservation design development. Applicants shall make all reasonable efforts to harmonize their plans with the preservation of existing trees.

811.4 Screening Requirements

- a) All residential uses shall be screened from adjacent parking lots and active recreation areas on the tract. Standards for screening, including plant material and maintenance, shall be those of Section 811.5 of this Article.
- b) Except where it is to be used for agricultural purposes, any area of protected open space to be located adjacent to an existing agricultural operation shall be physically separated from such operation through fencing, screening, or other means acceptable to the Township.

811.5 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 are filtered 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; subject to approval by the Planning Commission and Board of Supervisors. Such vegetation shall be retained for screening purposes unless removal is approved by the Board where it deems the vegetation to be of poor quality, insufficient size, or otherwise incapable of contributing to the necessary screening. Where vegetation is removed, it shall be replaced with plant material that is sufficient and appropriate to achieve the level of screening required by this section, consistent with the terms of Subsection (2), below.
 - 2) Views of the proposed dwelling or dwellings shall be filtered by a planted landscape buffer acceptable to the Planning Commission and Board of Supervisors. Other visual screening methods or materials, including but not limited to berms or stone walls, may be used when deemed acceptable by the Planning Commission and Board of Supervisors. A landscape buffer shall be composed of mixed evergreen and deciduous plant material of varying species. Generally, a minimum of thirty-five percent (35%) of plant material shall be evergreen and minimum of ten percent (10%) shall be flowering material. At the time of planting, all trees used to filter views of the property shall be at least five (5) feet in height (after planting); the remainder of plantings (i.e. shrubs) may be of varying lesser height, subject to approval by the Planning Commission and Board of Supervisors. The plantings shall be maintained permanently; in the event of a death of any such plant material, it shall be replaced within six (6) months.

811.6 Sidewalks

Sidewalks shall be provided on both sides of the street within any conservation design development. Where sidewalks are constructed, they shall comply with the standards in Section 618-B of the Township

Subdivision/Land Development Ordinance. Responsibility for snow removal and maintenance of all sidewalks and paths/trails shall be that of the homeowners' association.

811.7 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 two and one quarter (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 ten (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.

811.8 Siting of Proposed Dwellings

- a) The proposed conservation design development shall minimize potential incompatibilities with existing agricultural lands and uses on the tract and in its immediate vicinity. Proposed residential uses on the tract shall be located and clustered so as to occupy and disturb the least amount of agricultural activity and prime agricultural soils as practical. The site plan shall demonstrate measures taken to accomplish this objective and to protect existing farmland and prime agricultural soils on and adjacent to the tract from the impacts of the residential development to the maximum extent feasible.
- b) Proposed dwellings shall be sited to provide satisfactory protection for sensitive natural features on and adjacent to the site, consistent with the requirements of Section 812.3.

Section 812 Open Space Standards and 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% |
| 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 lands and facilities, in the amount of one (1) acre per twenty (20) dwelling units or the proportional equivalent thereof, shall be provided within the protected open space 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 twenty percent (20%) of the area designated for active recreation is utilized as such. The site plan shall also include an area or areas for passive recreation, such as cycling, hiking, picnics, nature study, tot lots, jogging, equestrian, and pedestrian 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. The Board may accept a fee in lieu of the recreation area required by this section as it deems appropriate, consistent with the terms of Section 625 of the Township Subdivision/Land Development Ordinance. Where the proposed development is to include a golf course, such use shall not occupy more than fifty percent (50%) of the environmentally unconstrained open space land (i.e., land not containing 100-year flood plain, wetland, or slope exceeding twenty-five percent (25%)).

812.3 Protected 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 included in the Site Inventory of Existing Features as part of the Conservation Plan required by the Township Subdivision and Land Development Plan, and shall be preserved and incorporated into the protected open space.

812.4 In addition to significant natural features, protected 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) wastewater systems, including spray and drip irrigation or other community system's components deemed acceptable by the Township;
- f) stormwater management facilities;
- g) trail or pathway corridor, the use of which shall be limited to pedestrian, equestrian, non-motorized conveyances and maintenance equipment.
- h) equestrian center, provided a minimum of twenty (20) acres is designated for this use and the area so designated comprises less than fifty percent (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 above ground stormwater detention/retention 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 Section 812.1. The exclusion of sewerage facilities shall be limited to open space area underlaid by drip irrigation sewage facilities or designated to receive treated wastewater through spray irrigation or where such sewage applications cause the affected open space to be unsuitable and ineligible for other open space uses provided in Section 812.4.

812.6 Design standards

- a) No individual segment of protected open space shall have an area less than twenty percent (20%) of the gross tract area nor a width less than one hundred (100) feet at any point, except that the minimum area may be reduced to not less than fifteen thousand (15,000) square feet and/or the minimum width may be reduced to not less than fifteen (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.

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

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 twenty (20) acres or more, up to eighty percent (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 twenty (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

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 proposed to serve a conservation design development, 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 twenty-five percent (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.

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 twenty-five (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 Subsection 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 Subsection to Section 403.1-a, Uses by Right:

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

IV. All ordinances inconsistent herewith are repealed.

V. This ordinance shall take effect as provided for by law.

ENACTED AND ORDAINED this 23^d day of April, 2002.

HONEY BROOK TOWNSHIP
BOARD OF SUPERVISORS

Michael A. Jany
Michael A. Jany, Chairperson

Donald Johnson
Donald Johnson, Vice-Chairperson

D. Weston Darby, Jr.
D. Weston Darby, Jr., Member

ATTEST:

Michael J. Brown
Michael J. Brown, Township Manager