

Township of East Brandywine, PA
Wednesday, September 12, 2012

Article V. R-1 Residential District

§ 399-20. Statement of intent.

[Amended 3-20-2002; 3-4-2010 by Ord. No. 02-2010]

- A. The R-1 Residential District is intended to maintain areas of low population density, compatible with the existing rural character and pattern of single-family residential land use, the significant constraints imposed by the natural environment (particularly steep slopes) and groundwater limitations), the lack of existing or planned community sewage facilities, the limited capacity of the road network, and the policy of the Township to limit the use of central water supply systems within the district in order to provide for orderly growth and utilization of natural resources in accordance with the Township Comprehensive Plan. Residential densities and dwelling types are established as means to achieve this land conservation objective and as appropriate components of the overall pattern of land use that is provided throughout the Township. Clustering of single-family dwellings is offered and encouraged as a site design mechanism to further the resource conservation objective.
- B. In the R-1 Residential District, the following regulations shall apply.

§ 399-21. Use regulations.

- A. Permitted uses. A building or other structure may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes, and no other:
- (1) Agriculture, in accordance with the terms of §§ 399-85 and 399-97.
 - (2) Single-family detached dwellings within a clustered residential development, in accordance with the terms of this article.

[Added 3-20-2002 *Editor's Note: This ordinance also provided for the redesignation of original Subsection A(4) through (7) as Subsection A(4) through (8).* ; 3-4-2010 by Ord. No. 02-2010]

- (3) Single-family detached dwelling.

[Amended 3-4-2010 by Ord. No. 02-2010]

- (4) Electric substation or other public utility, provided that there shall be no exterior storage of equipment or bulk storage of liquid or gaseous fuels.
- (5) Club for swimming, riding, golfing (excluding golf driving range or miniature golf course as a principal use), or similar recreational use, provided that no gunning shall be permitted on the lot so used.
- (6) School bus stop or similar public transportation facility, including shelter for passengers, provided that suitable arrangements are made for maintenance of such shelter, and provided further that no commercial advertising signs are affixed to the outside of such shelter.
- (7) Home occupation, in accordance with the terms of § 399-93B.
- (8) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including but not limited to those uses described in § 399-92.
- (9) Forestry, as defined by this chapter, including logging activities when in accordance with the standards in § 399-102.1.

[Added 12-30-2004 by Ord. No. 04-22]

B. Uses by special exception. Any of the following uses shall be permitted when approved as a special exception by the Zoning Hearing Board, in accordance with the terms of this article and the standards and criteria contained in § 399-145 of this chapter.

- (1) Religious use or school.
- (2) Animal hospital or similar veterinary facility, on a lot containing not less than 10 acres.

[Amended 10-19-2005 by Ord. No. 4-2005]

- (3) Cemetery, provided that the parcel devoted to such use shall contain not less than 10 acres.
- (4) Conversion of a single-family dwelling, in accordance with the terms of § 399-96.
- (5) Accessory dwelling unit, in accordance with the terms of § 399-91.
- (6) Institution, in accordance with the terms of § 399-94.
- (7) Laboratory for agricultural and scientific research and development, provided that a lot devoted to such use shall contain not less than 10 acres and that no building shall be less than 100 feet from any lot line, the lot area and yard regulations of the district to the contrary notwithstanding.
- (8) Bed-and-breakfast facility, in accordance with the terms of § 399-95.

C. Conditional uses. The following uses shall be permitted when approved as a conditional use by the Board of Supervisors in accordance with the terms of this article and § 399-137:

- (1) Mobile home park.
- (2) Home occupation, in accordance with the terms of § 399-93D.

§ 399-22. Area and bulk regulations.**[Amended 11-15-2000; 3-20-2002]**

A. The following regulations shall apply in the R-1 District to those uses permitted under §§ 399-21A(3) and (4), and B(1):

[Amended 3-4-2010 by Ord. No. 02-2010]

- (1) Minimum lot area.
 - (a) Gross: Three acres.
 - (b) Net: 55,000 square feet.
- (2) Minimum lot width. Each such lot shall have a width of not less than 200 feet, measured at the building setback line.
- (3) Minimum front yard. No such building shall be situated less than 50 feet from the front lot line.
- (4) Minimum side and rear yard. No principal building shall be situated less than 50 feet from any side or rear lot line. Any accessory use structure may be located within a side or rear yard only in accordance with § 399-75 of this chapter or, with respect to the sheltering of animals, in accordance with § 399-85D(2).

- (5) Maximum impervious surface. Not more than 10% of the net area of any lot may be covered by impervious surfaces.
- (6) Maximum height. Except as provided in § 399-73 of this chapter, no building or other structure erected in the R-1 District shall exceed a height of three stories or 35 feet, whichever is less.

B. The following regulations shall apply in the R-1 District to those uses permitted under § 399-21A(5):

(1) Minimum lot area:

(a) Swimming club.

[1] Gross: Five acres.

[2] Net: 55,000 square feet.

(b) Riding club, golfing club, or similar recreational use.

[1] Gross: 10 acres.

[2] Net: 55,000 square feet.

(2) Minimum lot width: 350 feet, measured at the building setback line.

(3) Minimum front yard: 150 feet.

(4) Minimum side yard: 75 feet.

(5) Minimum rear yard: 100 feet.

(6) Maximum impervious surface:

(a) Swimming club: 35% of the net lot area.

(b) Riding club, golfing club, or similar recreational use: 10% of the net lot area.

(7) Maximum height.

(a) Swimming club: Two stories or 25 feet, whichever is less.

(b) Riding club, golfing club, or similar recreational use: Three stories or 35 feet, whichever is less.

C. Clustered residential development, as permitted by § 399-21A(3), shall comply with the regulations in § 399-25 of this article.

§ 399-23. Design standards.

A. The following design standards of this chapter shall be applicable to any use within the R-1 District:

- (1) Parking: as required by Article XV.
- (2) Signs: as required by Article XVI.
- (3) Lighting: as required by § 399-83.
- (4) Erosion/sedimentation control and stormwater management: as required by Chapter 350, Subdivision and Land Development.

- (5) Water supply. Dwelling units shall be served by individual water supply wells and/or a public water supply system, consistent with the terms of § 399-25B(10) of this chapter that are otherwise applicable to clustered residential development. Where the proposed connection to a public water supply system is for fewer than five dwelling units, such connection shall be permitted by right and will not require conditional use approval.

[Added 3-20-2002]

- B. In addition to the requirement of Subsection A above, the following design standards shall, as applicable, govern those uses permitted under § 399-21A(4) and (5) and any use permitted by special exception or as a conditional use:

[Amended 3-20-2002]

- (1) Access and traffic control: as required by § 399-81.
- (2) Landscaping and site design: as required by § 399-78.
- (3) Screening and buffering: as required by § 399-79.
- (4) Storage: as required by § 399-80.
- (5) Interior circulation: as required by § 399-82.
- (6) Loading: as required by Article XV.

§ 399-24. Standards and criteria for conditional uses.

A. Mobile home parks.

- (1) To be eligible for use as a mobile home park, a tract in the R-1 District must be located within the Mobile Home Park Overlay District, as that area is delineated on the East Brandywine Township Zoning Map.

[Amended 6-15-1999]

- (2) The following area and bulk regulations shall apply to any mobile home park:
 - (a) Minimum gross tract area: 10 acres.

[Amended 6-15-1999; 10-15-2003 by Ord. No. 03-06]

- (b) Maximum density: Four mobile homes per acre of net tract area.

[Amended 6-15-1999]

- (c) Minimum gross lot size: 6,000 square feet.
 - (d) Minimum lot width: 50 feet.
 - (e) Maximum impervious surface: 40% of the net tract area.

[Amended 3-20-2002]

- (f) Minimum common open space: 20% of the gross tract area.
- (3) Any proposed mobile home park shall comply with all design standards and other requirements of Chapter 325, Mobile Home Parks, of the Land Use Code of the Township of East Brandywine, as

amended.

- B. Home occupations. Any home occupation permitted as a conditional use under the terms of § 399-93 shall comply with the requirements of § 399-93E.

§ 399-25. Regulations for clustered residential development.

[Added 3-20-2002]

- A. As a design alternative to conventional single-family residential development, clustered residential development is offered in the R-1 District to achieve greater protection of existing natural features and the characteristic visual qualities of the landscape within this district. Any proposal for clustered residential development should demonstrate a minimized amount of site disturbance, vegetation removal, and visual intrusion by the new dwellings as compared to the anticipated impacts from developing the site as otherwise permitted in this article.
- B. The following regulations shall apply in the R-1 District to any clustered residential development permitted under the terms of § 399-21A(2):

[Amended 11-20-2002; 12-30-2004 by Ord. No. 04-19; 3-4-2010 by Ord. No. 02-2010]

- (1) Minimum gross tract area: 10 acres.
- (2) Maximum number of dwelling units. On any tract proposed for clustered residential development in the R-1 District, the maximum number of dwelling units shall be determined by multiplying the net tract area, as defined by this chapter, by 0.43. *Editor's Note: Former Subsections B(2)(a) through B(2)(d), which immediately followed this subsection, were deleted 3-4-2010 by Ord. No. 02-2010.*
- (3) Lot area and yard dimensions.
 - (a) Minimum net lot area: 30,000 square feet.
 - (b) Minimum lot width: 125 feet, measured at the building setback line.
 - (c) Minimum front yard: 35 feet.
 - (d) Minimum side and rear yards.
 - [1] On each lot, other than a corner lot, there shall be two side yards having an aggregate width of not less than 50 feet, with neither side yard having a width of less than 20 feet. A corner lot, as defined by this chapter, shall have one or more side yards, each of which shall be not less than 20 feet.
 - [2] No principal building shall be situated less than 30 feet from any rear lot line.
 - [3] Any accessory use structure may be located within a side or rear yard only in accordance with § 399-75 of this chapter or, with respect to the sheltering of animals, in accordance with § 399-85D(2).
 - (e) Maximum impervious surface. No more than 20% of the net area of any lot may be covered by impervious surfaces.
- (4) Maximum building height. Except as provided in § 399-73 of this chapter, no building or other structure shall exceed a height of three stories or 35 feet, whichever is less.
- (5) Minimum common open space: 50% of the net tract area, together with 100% of the area containing or contained within any primary conservation area, as defined by this chapter.

- (6) Use, design, ownership, and maintenance of common open space shall be governed by the standards in § 399-58C(5) of this chapter.
- (7) Wherever practical, one side of each dwelling unit or lot should abut common open space for direct views and access. Each lot shall have safe and convenient pedestrian access to active and passive recreation areas within the common open space.
- (8) Pedestrian and bicycle access. Corridors for pedestrian and bicycle trails shall be established within clustered residential developments. Such corridors may include a combination of sidewalks, pathways, and trails that provide reasonable access to open space or other destinations within the tract, as well as connection to adjacent tracts and any broader Township pedestrian and/or bikeway system.
- (9) Sewage facilities.
 - (a) Dwellings within a clustered residential development shall be served by individual sewage systems, consistent with the East Brandywine Township Sewage Facilities (Act 537) Plan and subject to demonstration of compliance with all applicable regulations of the Chester County Health Department and/or the Pennsylvania Department of Environmental Protection. Applicants also shall demonstrate compliance with § 350-47 of Chapter 350, Subdivision and Land Development.
 - (b) Upon the approval of the Township and the Chester County Health Department:
 - [1] The drain field for an individual on-lot septic tank may be located within common open space.
 - [2] Where necessary, a replacement area for an individual system may be located within common open space.
 - [3] For each proposed dwelling unit, the applicant shall conduct percolation tests on the proposed lot and/or the adjacent common open space and, with suitability documented by the results of those tests, shall identify a drain field site which meets the criteria of the Chester County Health Department. Where primary and/or replacement drain field sites are located within common open space, the terms of the easement protecting the common open space shall identify acceptable uses of that land that are compatible with its use or potential use for subsurface sewage disposal.
 - (c) A homeowners' association shall be responsible for pumping the contents of and inspecting all septic systems, whether located on lots or partially or entirely within the common open space. The frequency of such pumping shall be consistent with the Township's Sewage Management Program, but in no case shall be less frequent than once every two years. If determined necessary by the inspection, such responsibility shall include cleaning the internal piping in the drain field.
- (10) Water supply.
 - (a) It is the policy of East Brandywine Township that individual water supply wells are the preferred means of serving dwellings in a clustered residential development that is subject to the terms of this section. Except where the Board of Supervisors approves use of a public water supply system as a conditional use under the terms of Subsection B(10)(b) below, lots shall be served by individual water supplies, as defined by this chapter. The applicant shall conduct the test well procedures as required in § 350-48C(2) of Chapter 350, Subdivision and Land Development, and shall demonstrate, to the reasonable satisfaction of the Township, the availability of a reliable, safe, and adequate water supply and that there will be no adverse impact on any existing water supply.

(b) Dwellings in a clustered residential development may be served by a public water supply system, as defined by this chapter, where the Board of Supervisors approves such system as a conditional use, consistent with the standards and criteria of this section and the requirements of § 399-137 of this chapter. Among the criteria to be considered in evaluating and deciding upon an application for conditional use for a public water supply system, the Board must be reasonably satisfied that the following conditions exist:

- [1] The applicant shall demonstrate that the provision of public water will provide a substantial and significant benefit to the Township as compared to the use of individual water supply wells.
- [2] The applicant shall demonstrate that, specific to this particular development proposal, such a system is a more preferable means of supplying water to the dwellings than individual wells.
- [3] Where appropriate, the Township may regulate, limit, and/or preclude service from the public water supply system to other properties where such service would be inconsistent with the Township's land use planning and regulatory policies or could induce development pressure on surrounding tracts or along the route of the water supply line. The Township may require that the entity proposing to supply public water to the cluster development site enter into an agreement with the Township that no other tracts shall be connected to the public water supply line without prior approval of the Township.
- [4] The applicant shall demonstrate the suitability of the proposed public water supply system in relation to the following additional criteria:
 - [a] The adequacy and reliability of projected yields from individual water supply wells, based on results of the test well procedure specified in § 350-48C(2) of Chapter 350, Subdivision and Land Development, and, at the applicant's discretion, additional documentation on groundwater quantity and reliability at the site.
 - [b] The anticipated availability of groundwater resources, based upon the geology of the site and its water-bearing characteristics.
 - [c] Groundwater recharge capabilities of the site, areas within the site most important to retain for recharge purposes, and the relationship of the proposed site design to those areas; the objective shall be to maximize recharge of domestic wastewater and stormwater as a means of contributing to the maintenance of a net positive water balance on the tract and hydrologic balance within the Township.
 - [d] Proximity of the site to a public water supply system, and the currently existing availability and capacity of such system to serve the site; providing the site with public water should not require or result in the development of new or additional water supplies in the Township.
 - [e] Ability to provide the necessary water to supply the tract without the need to transfer water between subdrainage basins within the Township or create a deleterious effect on the tract's hydrologic balance.
 - [f] Assurance that the provision of public water to the tract will not result in the depletion of surface water flows, adverse impacts on existing groundwater supplies, or deleterious effects on the Township's hydrologic balance.
 - [g] Assurance that a public water supply system, if provided to the site, will have no effect on the density of development of the site.
 - [h] Public water supply service to the tract is consistent with Township land use policy.

[5] Where a public water supply system is approved, under the terms of this section, to serve a site, plans must comply with the requirements of § 350-48 of Chapter 350, Subdivision and Land Development.

(11) Visual protection of existing road corridors.

- (a) Where a tract proposed for clustered residential development has frontage on a scenic road corridor, as designated in the Township Open Space Plan, an area of common open space designed to preserve the scenic corridor shall be established adjacent to such road frontage for purposes of buffering views of the tract from the road. This area of open space buffer may be included within the minimum amount of common open space required as part of the clustered residential development.
- (b) Except where an alternative dimension is agreed to by the Board, the width of the open space buffer shall be a minimum of 50 feet. In reviewing the proposed site plan, however, the Township and applicant shall seek the most effective combination of open space (including, as appropriate, increased or decreased width of the common open space buffer), vegetation, dwelling unit setbacks, topography, and/or architectural treatments to buffer and filter views of the developed tract from the existing road. The Board also may consider the overall delineation of common open space on the site and the importance of other functions it will perform in establishing an acceptable minimum width of the open space buffer.
- (c) Within the open space buffer area, the requirements in § 399-79 of this chapter for minimum plantings shall be met.

Township of East Brandywine, PA
 Wednesday, September 12, 2012

Article VI. R-2 Residential District

§ 399-26. Statement of intent.

[Amended 2-1-2000; 3-20-2002; 3-4-2010 by Ord. No. 02-2010]The R-2 Residential District is intended to enable the development of stable, well-designed residential neighborhoods with single-family detached dwellings. Allowable densities are considered appropriate to assure compatibility with the existing pattern of development, the limitations on sewage facilities and water supply, and the limited capacity of the road network. Residential densities, dwelling types, policies regarding sewage facilities, and policies limiting the use of central water supply are established in this district as means to achieve this objective and as appropriate components of the overall pattern of land use that is provided throughout the Township; they are intended to provide for orderly growth and utilization of natural resources in accordance with the Township Comprehensive Plan. Clustering of single-family dwellings is offered and encouraged as a site design mechanism to further the resource conservation objective.

§ 399-27. Use regulations.

A. Permitted uses. A building or other structure may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes, and no other:

- (1) Agriculture, in accordance with the terms of §§ 399-85 and 399-97.
- (2) Single-family detached dwellings within a clustered residential development, in accordance with the terms of this article.

[Added 3-20-2002 *Editor's Note: This ordinance also provided for the redesignation of subsequent subsections.* ; 3-4-2010 by Ord. No. 02-2010]

- (3) Single-family detached dwelling.

[Amended 3-4-2010 by Ord. No. 02-2010]

- (4) Electric substation or other public utility, provided that there shall be no exterior storage of equipment or bulk storage of liquid or gaseous fuels.
- (5) Club for swimming, riding, golfing (excluding golf driving range or miniature golf course as a principal use), or similar recreational use, provided that no gunning shall be permitted on the lot so used.
- (6) School bus stop or similar public transportation facility, including shelter for passengers, provided that suitable arrangements are made for maintenance of such shelter, and provided further that no commercial advertising signs are affixed to the outside of such shelter.
- (7) Home occupation, in accordance with the terms of § 399-93B.
- (8) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including but not limited to those uses described in § 399-92.
- (9) Forestry, as defined by this chapter, including logging activities when in accordance with the standards in § 399-102.1.

[Added 12-30-2004 by Ord. No. 04-22]

B. Uses by special exception. Any of the following uses shall be permitted when approved as a special

exception by the Zoning Hearing Board, in accordance with the terms of this article and the standards and criteria contained in § 399-145 of this chapter:

- (1) Religious use or school.
- (2) Conversion of a single-family dwelling, subject to the provisions of § 399-96.
- (3) Accessory dwelling, in accordance with the terms of § 399-91.
- (4) Bed-and-breakfast facility, in accordance with the terms of § 399-95.
- (5) Cemetery, provided that the parcel devoted to such use shall contain not less than 10 acres.

C. Conditional uses. The following uses shall be permitted when approved as a conditional use by the Board of Supervisors in accordance with the terms of this article and § 399-137:

- (1) Home occupation, in accordance with the terms of § 399-93D.
- (2) Village extension development.

[Added 2-1-2000]

§ 399-28. Area and bulk regulations.

[Amended 3-20-2002]

A. The following regulations shall apply in the R-2 District to those uses permitted under § 399-27A(3) and (4), B(1):

[Amended 3-4-2010 by Ord. No. 02-2010]

- (1) Minimum lot area:
 - (a) Gross: 100,000 square feet.
 - (b) Net: 45,000 square feet.
- (2) Minimum lot width. Each such lot shall have a width of not less than 175 feet, measured at the building setback line.
- (3) Minimum front yard. No building shall be situated less than 50 feet from the front lot line.
- (4) Minimum side and rear yard. No principal building shall be situated less than 40 feet from any side or rear lot line. Any accessory use structure may be located within a side or rear yard only in accordance with § 399-75 of this chapter or, with respect to the sheltering of animals, in accordance with § 399-85D(2).
- (5) Maximum impervious surface. Not more than 12% of the net area of any lot may be covered by impervious surfaces.

[Amended 1-3-2011 by Ord. No. 02-2011]

- (a) Notwithstanding the above, the impervious surface of any lot in this district having an area not exceeding 20,000 square feet, may be increased to a maximum of 20% of the net lot area by an owner who actually resides on the lot, with the following conditions:

[1] Any impervious surface in excess of 12% may only be used for patios, pools, widening of driveways, walkways and other accessory uses and shall comply with all required setbacks.

- [2] Stormwater management best management practices (BMPs) shall be incorporated in the design for any impervious cover that exceeds 12% of the net lot area so that 100% of the runoff created by impervious surface in excess of 12% is retained on the lot and infiltrated into the ground. This requirement is in addition to other infiltration requirements that may apply to the lot. Acceptable BMPs for this purpose are properly designed subsurface infiltration beds or trenches, rain gardens, bioretention beds, dry wells, seepage pits and vegetated swales in combination with any of the former; or other BMPs that are suitable for the application as may be found in the Pennsylvania Stormwater Best Management Practices Manual dated December 30, 2006 or any revised edition thereof and are acceptable to the Township. The design of these BMPs shall be done by an engineer or landscape architect licensed in the State of Pennsylvania or other person whose design and experience credentials are acceptable to the Township.
- [3] The owner occupant seeking to increase a lot's impervious cover beyond 12% shall apply for a building permit which will be accompanied by a detailed drawing showing the location and dimensions of the increased impervious area with a notation of its total area in square feet. Grading shall be provided showing which direction(s) the surface will slope for drainage and where the stormwater management control features will be located relative to the increased impervious cover.
- [4] Placement of any impervious surface on natural features that are protected by the ordinances of East Brandywine Township, or county, state or federal regulations shall be done only in strict compliance with all such regulations.

(6) Maximum height. Except as provided in § 399-73 of this chapter, no building or other structure erected in the R-2 District shall exceed a height of three stories or 35 feet, whichever is less.

B. The following regulations shall apply in the R-2 District to those uses permitted under § 399-27A(5):

(1) Minimum lot area:

(a) Swimming club.

[1] Gross: five acres.

[2] Net: 45,000 square feet.

(b) Riding club, golfing club, or similar recreational use.

[1] Gross: 10 acres.

[2] Net: 45,000 square feet.

(2) Minimum lot width: 350 feet, measured at the building setback line.

(3) Minimum front yard: 150 feet.

(4) Minimum side yard: 75 feet.

(5) Minimum rear yard: 100 feet.

(6) Maximum impervious surface:

[Amended 3-20-2002]

(a) Swimming club: 35% of the net lot area.

(b) Riding club, golfing club, or similar recreational use: 10% of the net lot area.

(7) Maximum height:

(a) Swimming club: Two stories or 25 feet, whichever is less.

(b) Riding club, golfing club, or similar recreational use: Three stories or 35 feet, whichever is less.

C. Clustered residential development, as permitted by § 399-27A(3), shall comply with the regulations in § 399-31 of this article.

§ 399-29. Design standards.

A. The following design standards of this chapter shall be applicable to any use within the R-2 District:

(1) Parking: as required by Article XV.

(2) Signs: as required by Article XVI.

(3) Lighting: as required by § 399-83.

(4) Erosion/sedimentation control and stormwater management: as required by Chapter 350, Subdivision and Land Development.

(5) Water supply. Dwelling units shall be served by individual water supply wells and/or a public water supply system, consistent with the terms of § 399-25B(10) of this chapter that are otherwise applicable to clustered residential development. Where the proposed connection to a public water supply system is for fewer than five dwelling units, such connection shall be permitted by right and will not require conditional use approval.

[Added 3-20-2002]

B. In addition to the requirements of Subsection A above, the following design standards shall, as applicable, govern those uses permitted under § 399-27A(4) and (5) and any use permitted by special exception or as a conditional use:

[Amended 3-20-2002]

(1) Access and traffic control: as required by § 399-81.

(2) Landscaping and site design: as required by § 399-78.

(3) Screening and buffering: as required by § 399-79.

(4) Storage: as required by § 399-80.

(5) Interior circulation: as required by § 399-82.

(6) Loading: as required by Article XV.

§ 399-30. Standards and criteria for conditional uses.

A. Home occupations. Any home occupation permitted as a conditional use under the terms of § 399-93D shall comply with the requirements of § 399-93E.

B. Village extension development.

[Added 2-1-2000]

(1) Specific purposes.

- (a) To allow alternative site design enabling concentrated residential development on those portions of selected tracts in the R-2 District that abut the Villages of Guthriesville or Lyndell;
- (b) To permit net densities on such tracts that are compatible with those in the existing villages, while retaining areas of open space for purposes of recreation, protection of significant natural or scenic site features, and/or buffering as a transition to the remainder of the R-2 District;
- (c) To make the most efficient use of existing central water supply and community sewage facilities, consistent with Township plans for such facilities;
- (d) To aid in addressing existing sewage and/or water supply problems within the abutting village in conjunction with proposed new development;
- (e) To retain the balance of the R-2 District, where it is to be developed, for more traditional, moderate-density single-family use.

(2) Standards and criteria for conditional use approval. In addition to complying with all other applicable requirements of this section, any application for village extension development must satisfy the following standards and criteria for approval:

- (a) The tract shall have a minimum gross area of 20 acres.
- (b) At least 80% of the gross tract area shall be located within the R-2 District; any portion of the tract not zoned R-2 may be located in the VC or R-3 District.
- (c) The tract boundary must be directly contiguous to the VC Zoning District boundary for a substantial portion of the tract's perimeter. The contiguity must be deemed sufficient by the Board to enable the design objectives of the village extension development concept to be realized, and to facilitate the logical connection or extension of roads, pedestrian or bicycle networks, other public services, and amenities. For example, a long narrow corridor radiating from the existing village shall be deemed inconsistent with this criterion.
- (d) The tract to be developed shall be in one ownership or, if in multiple ownership, shall be developed according to a single plan with common authority and common responsibility.
- (e) The applicant shall demonstrate the availability of, and the tract shall be served by, central water supply and community sewage systems that are consistent with Township plans for such facilities. The proposed water supply must demonstrate sufficient quantity and quality to meet the projected demand. In its review of the proposed water and sewage systems, the Board may solicit comments and recommendations from the Township Municipal Authority as it deems appropriate.
- (f) The applicant shall demonstrate to the Board, in the form of written and graphic material accompanying the application, how the proposed design of the development represents optimal consistency with the existing village pattern of development within the VC District. Measures of consistency may include the degree to which:
 - [1] The existing pattern and intensity of village development will be extended on the proposed tract (taking account, as appropriate, of topographical or other natural constraints);
 - [2] The proposed development is practically integrated into the broader village development pattern and relates to along the VC District boundary;
 - [3] Some or all of the open space created on the tract serves to protect important views from the existing village, facilitates pedestrian circulation between the tract and the village, affords

other recreational opportunities, and/or is situated in locations furthest from the VC District so as to provide an effective transition to the lower-density areas of the R-2 District;

[4] Pedestrian and bicycle connections are practical and will be provided between the proposed tract and the existing village development and, as appropriate, with community park land and/or existing trail networks.

(g) The applicant shall demonstrate proposed steps to prevent traffic congestion and hazards that could result from development of the tract as proposed. The applicant shall submit a traffic impact study, prepared in accordance with the following minimum guidelines.

[1] Traffic impact on all roadways and intersections within a study area covering a half-mile radius of the site;

[2] Traffic volumes for average daily traffic at peak highway hour(s) and peak development-generated hours for all roadways in the study area;

[3] Documentation of the sources of trip generation rates used;

[4] Documentation of any on-site or off-site improvements proposed by the applicant to mitigate any projected adverse impacts.

(h) The applicant shall submit an inventory and analysis of the sites' natural features in accordance with the terms of § 350-24D of Chapter 350, Subdivision and Land Development. The Board shall evaluate the relationship of the site plan to the inventory and may, as it deems necessary, impose reasonable conditions and safeguards.

[Amended 3-20-2002]

(3) Overlay concept.

(a) Eligibility for village extension development shall be deemed an overlay on any such tract, offering additional opportunities beyond those of the underlying R-2 District. To utilize this overlay opportunity, a tract must satisfy the standards and criteria in Subsection B(2).

(b) The overlay of village extension development opportunities shall have no effect on the permitted uses available to such tracts through the underlying R-2 District.

(4) Permitted use. A village extension development, when approved by the Board of Supervisors as a conditional use, may contain the following uses:

(a) Single-family detached dwellings.

(b) Common open space.

(5) Area and bulk regulations.

(a) Maximum density of development: 0.75 dwelling units per acre of net tract area.

(b) Minimum gross lot area: 10,000 square feet.

(c) Minimum lot width: 70 feet, measured at the building setback line.

(d) Minimum front yard: 20 feet.

(e) Minimum side yards: 30 feet aggregate, with neither less than five feet; dwellings shall not be separated by less than 30 feet unless authorized by the Board for reasons of topographical

constraint and then only where adequate fire protection is assured to the satisfaction of the Board.

(f) Minimum rear yard: 35 feet.

(g) Maximum impervious surface: 45% of the gross area of the lot.

(h) Maximum building height: Except as provided in § 399-73 of this chapter, no building or other structure shall exceed a height of three stories or 35 feet, whichever is less.

(i) Minimum amount of common open space: 40% of the gross tract area.

(j) Density bonus opportunity. The Board, at its sole discretion, may approve a plan with a density of up to, but no exceeding, 1.25 dwellings per acre of net tract area, where the applicant's development plan can provide the following off-site benefits to the Township, as solely determined by the Board:

[1] Installation of a community sewage and/or water supply system, in association with the proposed development, that will serve properties in the adjacent village. To qualify for this density bonus opportunity, the proposed installation must meet the following criteria:

[a] The village properties to be served must have a history of on-site sewage failures and/or the need for central water supply of such significance as to otherwise require direct Township or Municipal Authority action to resolve.

[b] Provision of such services must be consistent with the Township's Act 537 Plan and/or water supply plan; and must have the requisite approvals and permits from the Chester County Health Department and/or the Pennsylvania Department of Environmental Protection.

[c] The cost to affected property owners to connect to the new facilities shall be minimized by applicant's actions, and shall constitute an amount deemed appropriate and fair by the Board.

(6) Design standards.

(a) The design standards contained in § 399-29 of this article shall be applicable to village extension development.

(b) The applicant must demonstrate that any proposed site design is consistent with the purposes contained in Subsection B(1) and the standards and criteria contained in Subsection B(2) of this section.

(c) Design of the site shall reflect and be consistent with any conclusions reached during discussion of the applicant's generalized site plan, as stipulated in Subsection B(8) below.

(7) Common open space.

(a) The standards for common open space contained in § 399-58C(5) of this chapter shall apply to any village extension development.

(b) In reviewing the design of the common open space, the Board shall consider the suitability of the pathway and trail network for pedestrians and bicyclists, both within the tract and as connectors to the adjacent village, community parkland, and any existing or potential Township trail system. The pathway and trail network also shall be designed to permit appropriate connections to the sidewalk system on the tract.

(8) Review procedures and application requirements.

- (a) Any application for conditional use approval as a village extension development shall be evaluated and decided upon by the Board of Supervisors in relation to the requirements of this article and the standards and procedures set forth in § 399-137.
- (b) The content of any application for conditional use approval authorized by this section shall be as prescribed in § 399-137.
- (c) Prior to formal submission of an application for conditional use approval, the applicant shall prepare a generalized site plan, as prescribed in § 399-137B, and shall review the plan with the Planning Commission. Issues addressed during this review meeting, and particularly any conclusions mutually agreed upon, should be reflected in the site plan that is submitted subsequently with the conditional use application.
- (d) As part of the Township's review process, the Board may seek comments on any conditional use application, or selected portions thereof, from the Township Engineer, Township Solicitor, or other professionals. The cost of any such review shall be borne by the applicant.

§ 399-31. Regulations for clustered residential development.

[Added 3-20-2002]

- A. As a design alternative to conventional single-family residential development, clustered residential development is offered in the R-2 District to achieve more efficient use of land, retain open space, and protect existing natural features and the characteristic visual qualities of the landscape within this district. Any proposal for clustered residential development should demonstrate a minimized amount of site disturbance, vegetation removal, and visual intrusion by the new dwellings as compared to the anticipated impacts from developing the site as otherwise permitted in this article.
- B. Except as otherwise provided in this section, the regulations of § 399-25 of this chapter shall apply in the R-2 District to any clustered residential development permitted under the terms of § 399-27A(2):

[Amended 11-20-2002; 3-4-2010 by Ord. No. 02-2010]

- (1) Maximum number of dwelling units. On any tract proposed for clustered residential development in the R-2 District, the maximum number of dwelling units shall be determined by multiplying the net tract area, as defined by this chapter, by 0.56. *Editor's Note: Former Subsections B(1)(a) and B(1)(b), which immediately followed this subsection, were deleted 3-4-2010 by Ord. No. 02-2010.*
- (2) Minimum common open space: 40% of the net tract area, together with 100% of the area containing or contained within any primary conservation area, as defined by this chapter.

Township of East Brandywine, PA
Wednesday, September 12, 2012

Article VII. R-3 Residential District

[Amended 11-15-2000; 6-15-2001; 9-19-2001]

§ 399-32. Statement of intent.

- A. The principal purpose of the R-3 Residential District is to assure sufficient opportunities for a variety of housing types and densities in the areas for which the Township has planned to accommodate those uses. The district provides for relatively concentrated single-family detached dwellings, under conventional lot-by-lot and clustered design; it also permits two-family and multifamily dwellings under the cluster development option. The locations zoned R-3 reflect Township land use and community facilities policy regarding proper areas for the highest-intensity development in East Brandywine, based in part on suitability of roads and existing or planned availability of public water and community sewage service. The district also is intended to support and implement the policies of Landscapes, the Chester County Comprehensive Plan Policy Element.
- B. Development or redevelopment of this area for residential uses is an important element in the overall mix of housing stock and housing opportunities in East Brandywine. Certain nonresidential uses are permitted where they are deemed compatible with the permitted residential development and offer important supplemental, community-serving activities.
- C. In the R-3 Residential District, the following regulations shall apply.

§ 399-33. Use regulations.

- A. 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 of the following purposes, and no other:
 - (1) Agriculture, in accordance with the terms of §§ 399-85 and 399-97.
 - (2) Clustered residential development, in accordance with the terms of § 399-37.
 - (3) Single-family detached dwelling.
 - (4) Electric substation or other public utility, provided that there shall be no exterior storage of equipment or bulk storage of liquid or gaseous fuels. For purposes of this subsection, "public utility" shall not include any person or entity furnishing mobile domestic cellular radio communications or other wireless service.
 - (5) School bus stop or similar public transportation facility, including shelter for passengers, provided that suitable arrangements are made for maintenance of such shelter, and provided further that no commercial advertising signs are affixed to the outside of such shelter.
 - (6) Home occupation, in accordance with the terms of § 399-93B.
 - (7) Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, including but not limited to those uses described in § 399-92.
 - (8) Forestry, as defined by this chapter, including logging activities when in accordance with the standards in § 399-102.1.

[Added 12-30-2004 by Ord. No. 04-22]

- B. Uses permitted by special exception. Any of the following uses shall be permitted when approved as a

special exception by the Zoning Hearing Board, in accordance with the terms of this article and the standards and criteria contained in § 399-145 of this chapter:

- (1) Religious use or school.
- (2) Noncommercial park or recreational or open space use.
- (3) Conversion of a single-family dwelling, subject to the provisions of § 399-96.
- (4) Accessory dwelling unit, in accordance with the terms of § 399-91.
- (5) Bed-and-breakfast facility, in accordance with the terms of § 399-95.

C. 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 the terms of this article and § 399-137:

- (1) Home occupation, in accordance with the terms of § 399-93D.
- (2) Continuing care development, skilled care or nursing care facility, or assisted-care facility, in accordance with § 399-102.4, provided that no correctional or penal institution or asylum for the insane shall be permitted.

[Added 10-19-2005 by Ord. No. 4-2005]

§ 399-34. Area and bulk regulations.

The following regulations shall apply in the R-3 District to those uses permitted under § 399-33A(3) and (4) and B(1) and (2):

A. Minimum lot area.

[Amended 3-20-2002]

- (1) Gross: One acre.
- (2) Net: 35,000 square feet.

B. Minimum lot width. Each such lot shall have a width of not less than 150 feet, measured at the building setback line.

C. Minimum front yard. No building shall be situated less than 50 feet from the front lot line.

D. Minimum side and rear yards.

- (1) On each lot, other than a corner lot, there shall be two side yards having an aggregate width of not less than 60 feet, with neither side yard having a width of less than 20 feet. A corner lot, as defined by this chapter, shall have one or more side yards, each of which shall be not less than 30 feet.
- (2) No principal building shall be situated less than 30 feet from any rear lot line.
- (3) Any accessory use structure may be located within a side or rear yard only in accordance with § 399-75 of this chapter or, with respect to the sheltering of animals, in accordance with § 399-85D (2).

E. Maximum impervious surface. Not more than 15% of the net area of any lot may be covered by impervious surfaces.

[Amended 3-20-2002; 1-3-2011 by Ord. No. 02-2011]

- (1) Notwithstanding the above, the impervious surface of any lot in this district having an area not exceeding 20,000 square feet, may be increased to a maximum of 20% of the net lot area by an owner who actually resides on the lot, with the following conditions:
 - (a) Any impervious surface in excess of 15% may only be used for patios, pools, widening of driveways, walkways and other accessory uses and shall comply with all required setbacks.
 - (b) Stormwater management best management practices (BMPs) shall be incorporated in the design for any impervious cover that exceeds 15% of the net lot area so that 100% of the runoff created by impervious surface in excess of 15% is retained on the lot and infiltrated into the ground. This requirement is in addition to other infiltration requirements that may apply to the lot. Acceptable BMPs for this purpose are properly designed subsurface infiltration beds or trenches, rain gardens, bioretention beds, dry wells, seepage pits and vegetated swales in combination with any of the former; or other BMPs that are suitable for the application as may be found in the Pennsylvania Stormwater Best Management Practices Manual dated December 30, 2006, or any revised edition thereof, and are acceptable to the Township. The design of these BMPs shall be done by an engineer or landscape architect licensed in the State of Pennsylvania or other person whose design and experience credentials are acceptable to the Township.
 - (c) The owner-occupant seeking to increase a lot's impervious cover beyond 15% shall apply for a building permit which will be accompanied by a detailed drawing showing the location and dimensions of the increased impervious area with a notation of its total area in square feet. Grading shall be provided showing which direction(s) the surface will slope for drainage and where the stormwater management control features will be located relative to the increased impervious cover.
 - (d) Placement of any impervious surface on natural features that are protected by the ordinances of East Brandywine Township, or county, state or federal regulations shall be done only in strict compliance with all such regulations.

F. Maximum height. Except as provided in § 399-73 of this chapter, no building or other structure erected in the R-3 District shall exceed a height of three stories or 35 feet, whichever is less.

§ 399-35. Design standards.

- A. The following design standards of this chapter shall be applicable to any use within the R-3 District:
 - (1) Parking: as required by Article XV.
 - (2) Signs: as required by Article XVI.
 - (3) Lighting: as required by § 399-83.
 - (4) Erosion/sedimentation control and stormwater management: as required by Chapter 350, Subdivision and Land Development.
 - (5) The applicant for a permitted use of land in the R-3 District shall demonstrate, to the reasonable satisfaction of the Township, the availability of a reliable, safe and adequate water supply, and that there will be no adverse impact on any existing or future water supply.
- B. In addition to the requirements of Subsection A above, the following design standards shall, as applicable, govern those uses permitted under § 399-33A(2) and (4) and B(1) and (2):
 - (1) Access and traffic control: as required by § 399-81.
 - (2) Landscaping and site design: as required by § 399-78.

- (3) Screening and buffering: as required by § 399-79.
- (4) Storage: as required by § 399-80.
- (5) Interior circulation: as required by § 399-82.
- (6) Loading: as required by Article XV.

§ 399-36. Standards and criteria for conditional uses.

- A. Home occupations. Any home occupation permitted as a conditional use under the terms of § 399-93D shall comply with the requirements of § 399-93E.

§ 399-37. Regulations for clustered residential development.

The following regulations shall apply in the R-3 District to any clustered residential development permitted under the terms of § 399-33A(2):

A. Permitted uses.

- (1) The following residential uses, individually or in combination, are permitted by right in a clustered residential development:
 - (a) Single-family detached dwellings.
 - (b) Two-family dwellings.
 - (c) Multifamily dwellings.
- (2) The following nonresidential uses, when secondary and/or supplemental to the residential uses permitted under Subsection A(1) above, shall be permitted by right:
 - (a) Municipal use.
 - (b) Post office.
 - (c) Public or private school.
 - (d) Day-care center.
- (3) The following uses shall be permitted when approved as conditional uses by the Board of Supervisors under the terms of this article and § 399-137 of this chapter:
 - (a) Neighborhood commercial uses, including retail, personal service, restaurant (exclusive of any fast-food or drive-in service restaurant), professional office, or other use deemed comparable by the Board, but specifically not including convenience stores.

[Amended 3-6-2008 by Ord. No. 03-2008]

B. Minimum gross tract area.

- (1) Residential use only: 10 acres.
- (2) Development that includes permitted nonresidential use: 20 acres.

C. Maximum density of residential use:

- (1) Single-family detached dwellings: Two dwelling units per acre of net tract area.

- (2) Two-family dwellings: Three dwelling units per acre of net tract area.
- (3) Townhouses: Four dwelling units per acre of net tract area.
- (4) Apartments: Five dwelling units per acre of net tract area.

D. Maximum intensity of nonresidential use. A maximum of 5% of the net tract area of a tract proposed for clustered residential development may be used for one or more of the nonresidential uses permitted in § 399-37A(2) or (3). The maximum floor area ratio for such uses shall be 0.33, unless an alternative amount of floor area is specifically approved by the Board.

[Amended 3-6-2008 by Ord. No. 03-2008]

E. Area and bulk regulations for residential uses:

- (1) Single-family detached dwellings.
 - (a) Minimum net lot area: 10,000 square feet.
 - (b) Minimum lot width: 70 feet, at the building setback line.
 - (c) Minimum front yard: 20 feet.
 - (d) Minimum side yards: 30 feet aggregate, with neither less than five feet; dwellings shall not be separated by less than 30 feet.
 - (e) Minimum rear yard: 35 feet.
 - (f) Maximum impervious surface: 45% of the net lot area.
 - (g) Minimum amount of common open space: 35% of the net tract area, together with 100% of the area containing or contained within any primary conservation area, as defined by this chapter.

[Amended 3-4-2010 by Ord. No. 02-2010]

- (2) Two-family dwellings.
 - (a) Minimum net lot area: 7,500 square feet per dwelling unit.
 - (b) Minimum lot width: 50 feet per dwelling unit, measured at the building setback line.
 - (c) Minimum front yard: 20 feet.
 - (d) Minimum side yards: 15 feet per dwelling unit.
 - (e) Minimum rear yard: 35 feet.
 - (f) Maximum impervious surface: 45% of the net lot area.
 - (g) Minimum amount of common open space: 35% of the net tract area, together with 100% of the area containing or contained within any primary conservation area, as defined by this chapter.

[Amended 3-4-2010 by Ord. No. 02-2010]

- (3) Townhouse dwellings:
 - (a) Minimum net lot area (or equivalent area for non-fee simple units): 3,200 square feet per dwelling unit.

- (b) Minimum width of unit: 20 feet.
- (c) Minimum yard dimensions (for fee-simple units; comparable building placement shall be achieved for condominium or rental units, and compliance with the building setback and separation standards of this section shall be required for all structures):
 - [1] Front yard: 20 feet.
 - [2] Side yard (end units): 20 feet.
 - [3] Rear yard: 35 feet.
- (d) Minimum distance between townhouse structures: 40 feet.
- (e) Minimum setback from any tract boundary: 50 feet.
- (f) Maximum length of any structure: 150 feet.
- (g) Maximum impervious surface: 35% of the net tract area.
- (h) Minimum amount of common open space: 50% of the net tract area, together with 100% of the area containing or contained within any primary conservation area, as defined by this chapter.

[Amended 3-4-2010 by Ord. No. 02-2010]

- (4) Apartment dwellings.
 - (a) Minimum setback from any tract boundary: 50 feet.
 - (b) Minimum distance between apartment structures: 40 feet.
 - (c) Maximum length of any structure: 150 feet.
 - (d) Maximum impervious surface: 35% of the net tract area.
 - (e) Minimum amount of common open space: 60% of the net tract area, together with 100% of the area containing or contained within any primary conservation area, as defined by this chapter.

F. Area and bulk regulations for nonresidential uses.

- (1) Nonresidential uses may be incorporated within a portion of a multifamily building upon approval of the Board and when in compliance with all applicable standards of this chapter.
- (2) Where a nonresidential use is proposed to be located in a freestanding building, the following area and bulk regulations shall apply:
 - (a) Minimum net lot area: 20,000 square feet.
 - (b) Minimum lot width: 90 feet.
 - (c) Minimum front yard: 15 feet.
 - (d) Minimum side yards: 25 feet each.
 - (e) Minimum rear yard: 50 feet.
 - (f) Maximum impervious surface: 50% of the net lot area.

- G. Maximum building height: Except as provided in § 399-73 of this chapter, no building or other structure within a clustered residential development shall exceed a height of three stories or 35 feet, whichever is less.
- H. Where the site contains a Class I or Class II historic structure, such structure shall be retained and incorporated into the proposed use and design of the site, unless the applicant demonstrates to the satisfaction of the Board that this requirement is infeasible due to the condition and/or location of the structure. Any proposal to demolish such a structure shall comply with the requirements in Article XII.
- I. Use, design, ownership, and maintenance of common open space: The standards for common open space in § 399-58C(5) of this chapter shall be applicable to clustered residential development in the R-3 District.
- J. Requirements for wastewater facilities and water supply system.
- (1) Any property proposed for use as a clustered residential development in the R-3 District shall be served by a community sewage facilities system, as defined by this chapter. The plans for such system shall be consistent with the East Brandywine Township Sewage Facilities (Act 537) Plan and shall demonstrate compliance with all applicable regulations of the East Brandywine Township Municipal Authority, the Chester County Health Department, and the Pennsylvania Department of Environmental Protection, and with the requirements of § 350-47 of Chapter 350, Subdivision and Land Development.
 - (2) Any property proposed for use as a clustered residential development in the R-3 District shall be served by a public water supply system, as defined by this chapter. Plans for the system must demonstrate adequate supply for the proposed use, and must comply with:
 - (a) The standards of this article;
 - (b) The regulations of the East Brandywine Township Municipal Authority; and
 - (c) The requirements of § 350-48 of Chapter 350, Subdivision and Land Development.
- K. A pedestrian and bikeway network shall be provided throughout the clustered residential development. It may include a combination of sidewalks, pathways, and trails that provide reasonable access to residential and nonresidential uses, open space, or other destinations within the tract, as well as by connection to a broader Township pedestrian and/or bikeway system.
- L. Standards and criteria for conditional uses. In evaluating and deciding upon any application for conditional use approval for a nonresidential use, as provided in Subsection A(3), the Board shall determine the degree of compliance with the standards in § 399-137D of this chapter. In addition, the Board shall weigh the degree to which the applicant has addressed the following:
- (1) Limiting undesirable and potentially deleterious off-site impacts, particularly in relation to excessive traffic generation and vehicular turning movements;
 - (2) Extent to which the proposed use will be compatible with the principal residential use of the tract and will constitute an appropriate component of the mixed-use nature of the tract by meeting anticipated needs of the residents.
 - (3) Location on the tract that maximizes direct access to Route 322, consistent with appropriate access management standards.
 - (4) Where applicable, the proposal presents an opportunity to adaptively reuse an historic building on the site, consistent with review and approval process required by Article XII of this chapter.
 - (5) Architectural character of the proposed nonresidential use displays general compatibility with the

surrounding neighborhood, both existing and proposed. *Editor's Note: Original Art. VIII, Planned Residential Development, as amended 6-15-1999, 11-15-2000 and 2-21-2001, which immediately followed this article, was repealed 6-15-2001, which ordinance was readopted 9-19-2001. See now §§ 399-25, 399-31 and 399-37, re: regulations for clustered residential development.*