

*Township of East Brandywine, PA
Tuesday, April 3, 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.