

Township of East Brandywine, PA
Saturday, January 24, 2015

Chapter 399. ZONING

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; 7-16-2014 by Ord. No. 02-2014]
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. A portion of the R-2 Residential District adjoining the TND-1 Traditional Neighborhood Development District is provided with the option to utilize the terms of the TND-2 Overlay District regulations contained in § 399-30B of this chapter.

§ 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^[1], 3-4-2010 by Ord. No. 02-2010]
[1]: *Editor's Note: This ordinance also provided for the redesignation of subsequent subsections.*
 - (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 and E.
[Amended 7-16-2014 by Ord. No. 02-2014]
 - (2) Traditional neighborhood development in accordance with the TND-2 Overlay District terms in § 399-30B.
[Added 2-1-2000; amended 7-16-2014 by Ord. No. 02-2014]
 - (3) Solar farm, in accordance with the terms of § 399-102.5 of this chapter.
[Added 2-7-2013 by Ord. No. 01-2013]

§ 399-28. Area and bulk regulations.

[Amended 3-20-2002]

- A. Except where the terms of the TND-2 Overlay District are utilized, the following regulations shall apply in the R-2 District to those uses permitted under § 399-27A(3) and (4) and B(1):
[Amended 3-4-2010 by Ord. No. 02-2010; 7-16-2014 by Ord. No. 02-2014]
- (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.
- D. Traditional neighborhood development (TND-2) shall comply with the terms of § **399-30B**.
[Added 7-16-2014 by Ord. No. 02-2014]

§ 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.
- C. In addition to the applicable standards of this section, the design standards of § 399-30B shall apply to any property utilizing the TND-2 Overlay District provisions.
[Added 7-16-2014 by Ord. No. 02-2014]

§ 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. TND-2 Traditional Neighborhood Development Overlay District. Eligibility for use of the traditional neighborhood development (TND-2) terms shall be deemed an overlay on the affected tracts, as designated on the Development Strategy Plan, dated June 27, 2013, which is contained in Appendix A of this chapter and which is incorporated herein by reference and made a part hereof.^[1] The TND-2 Overlay District offers additional development opportunities beyond those of the underlying R-2 District. To utilize this overlay opportunity, a tract must satisfy the standards and criteria of this section and the requirements for a conditional use established by this chapter.
[Added 7-16-2014 by Ord. No. 02-2014^[2]]
- (1) Statement of intent. The intent of this section is to provide regulations and written and graphic design guidelines to:
 - (a) Address the purposes, objectives, and standards of Article VII-A, Traditional Neighborhood Development, of the Pennsylvania Municipalities Planning Code.^[3]
[3]: *Editor's Note: See 53 P.S. § 10101 et seq.*
 - (b) Provide, through adherence to the Manual of Written and Graphic Design Guidelines, assistance to applicants in the preparation of proposals for traditional neighborhood development in accordance with § 708-A of the Pennsylvania Municipalities Planning Code.
 - (c) Complement and improve the vitality, economic strength, and appearance of the Guthriesville Village core area as a means of implementing the Comprehensive Plan.
 - (d) Place buildings to help form a streetscape.
 - (e) Provide street walls to form the traditional neighborhood character.
 - (f) Provide for off-street parking at the rear or side of buildings.
 - (2) Written and graphic design guidelines.
 - (a) All new infill development and redevelopment within the Traditional Neighborhood Development (TND-2) Overlay District shall be consistent with the Manual of Written &

Graphic Design Guidelines in Appendix B of this chapter, which Appendix B is incorporated by reference and made a part hereof.^[4]

[4]: *Editor's Note: Appendix B is on file in the Township offices.*

- (b) All applicants for infill development and redevelopment shall utilize Appendix B and shall prepare and submit their own specific manual with details on their particular project.
- (3) Use regulations. Any use proposed as part of a TND-2 development shall require approval as a conditional use in accordance with the terms of this chapter. Such uses may include:
 - (a) Any use permitted by right, special exception, or conditional use in the underlying R-2 District, with the exception of clustered residential development.
 - (b) Retail commercial, restaurant (but excluding fast-food restaurant and fast-food restaurant with drive-through service), or professional office.
 - (c) Day-care facility as a principal use, in accordance with § 399-102.2 of this chapter.
 - (d) Two-family dwellings.
 - (e) Multifamily dwellings.
- (4) Area and bulk regulations.
 - (a) For any use permitted under the terms of § 399-30B(3)(a) or (b), above, the area and bulk regulations in § 399-40 shall apply, except that no building or other structure erected, altered, or enlarged shall exceed a height of three stories or 35 feet, whichever is less.
 - (b) For two-family dwellings, the standards in § 399-41A shall apply.
 - (c) For multifamily dwellings, the following standards shall apply:
 - [1] The maximum gross density shall be seven dwelling units per acre.
 - [2] Any apartment unit above a ground floor/first floor nonresidential use shall have a minimum floor area of 800 square feet.
 - [3] All multifamily dwellings in a building devoted entirely to residential use shall have a minimum floor area per unit as follows:
 - [a] No less than 1/3 of the units shall be between 1,000 and 1,200 square feet each;
 - [b] No more than 2/3 of the units shall be between 800 and 1,000 square feet each.
 - [4] Minimum width of single-family attached unit: 18 feet.
 - [5] Minimum front yard/build-to line. There shall be a front yard on each tract or lot which shall be not less than five to 12 feet in depth, depending on whether there is only a sidewalk 4.5 feet wide, or a sidewalk 10 to 12 feet wide, as per the Sidewalks and Crosswalks section and the Typical Section for Accessways, respectively, in the Guthriesville Village Manual of Written & Graphic Design Guidelines.
 - [6] Minimum side yard (single-family attached end units): 10 feet.
 - [7] Minimum rear yard: 35 feet.
 - [8]

Building separation distances shall be a minimum of 30 feet to allow for adequate access by emergency service vehicles.

- [9] Setback of a principal building from any tract boundary shall be a minimum of 10 feet.
- [10] Except as provided in Subsection **B(4)(c)[11]**, below, no building or other structure erected, altered, or enlarged shall exceed a height of three stories or 35 feet, whichever is less.
- [11] Where specifically approved by the Board of Supervisors as part of its conditional use approval and conditions for development under the terms of the TND-2 Overlay District where it overlays the R-2 District, the maximum height limit stipulated in Subsection **B(4)(c)[10]**, above, may be modified for multifamily structures when in accordance with the following:
- [a] No building shall exceed three stories.
 - [b] A maximum of 60% of the multifamily dwelling units on the tract may be located in buildings that exceed 35 feet in height. No such building shall exceed 45 feet in height.
 - [c] The tract shall have a minimum gross tract area of 20 acres.
 - [d] The applicant must demonstrate, to the satisfaction of the Board, that potential visual impacts of buildings exceeding 35 feet in height will be mitigated by one or more of the following factors:
 - [i] Utilization of topographic features of the tract in the design and location of the buildings exceeding 35 feet in height in order to minimize the appearance of the height of such buildings with respect to the balance of buildings on the tract and the off-site views of the tract.
 - [ii] Placement of buildings exceeding 35 feet in height in the interior of the tract, so as to be visually buffered by those buildings complying with the height limits of Subsection **B(4)(c)[10]**, above, that are situated between the buildings exceeding 35 feet in height and the tract boundary. Where topographic features of the tract do not allow for the placement of buildings exceeding 35 feet in height within the interior of the tract, preference shall be given to the placement of buildings in a manner that utilizes the topographic features of the tract without the need for visual buffering by buildings complying with the height limits of Subsection **B(4)(c)[10]**, above.
 - [iii] Ability of vegetation, particularly the retention of existing vegetation on the tract, to screen the buildings exceeding 35 feet in height from off-site views.
 - [e] The applicant shall document the compatibility of the proposed site design with the Manual of Written and Graphic Design Guidelines in Appendix B of this chapter.^[5] Documentation shall be in the form of site renderings or similar graphic displays.

[5]: *Editor's Note: Appendix B is on file in the Township offices.*
 - [f] The applicant shall obtain written confirmation from the East Brandywine Fire Company as to the adequacy of access and capability to protect buildings

exceeding 35 feet in height with emergency vehicles available locally, whether provided by the Fire Company or by mutual-aid companies.

[g] The applicant shall document the basis for the request for increased building height in the amount requested. Factors to be cited could include, but need not be limited to, the intended design of building roofs, market demand, dwelling unit design/layout and locations in relation to site topography, etc.

(5) Design standards.

(a) The design standards referenced in § 399-29 shall be applicable to any TND-2 proposal.

(b) All applications for infill development or redevelopment shall be accompanied by a written report indicating compliance with Appendix B and the requirements of this section.^[6]

[6]: *Editor's Note: Appendix B is on file in the Township offices.*

(c) A public realm plan, as prescribed in § 399-42L of this chapter, shall be provided with all conditional use applications to depict all existing and proposed sidewalks and crosswalks, street trees, streetlights pedestrian gathering areas, pedestrian amenities, and other landscape and hardscape areas.

(d) A minimum of 1.5 off-street parking spaces shall be provided for each multifamily dwelling unit created in the TND-2 District. Where the calculation of parking spaces yields a total with a half space, the total number of required spaces shall be increased by rounding up to the next full number.

(e) Where on-street parallel parking is proposed, such spaces shall be eight feet in width and 24 feet in length.

(f) On-street parking may be credited to the parking requirements of Subsection B(5)(d), above, for those parking spaces along the frontage of a lot.

(g) All on-street parking shall be subject to approval by the Township and PennDOT, as applicable.

(h) It is not required that common open space be provided as part of the development or redevelopment of properties in the TND-2 District. Where common open space is provided, however, it shall comprise an area representing not less than 20% of the gross tract or lot area. The use, design, maintenance, and ownership of any common open space areas shall be in accordance with the applicable standards contained in § 399-58C(5)(c) through (j) of this chapter. In addition to the uses provided in § 399-58C(5)(f), common open space may be used as a village green, consistent with the Manual of Written and Graphic Design Guidelines.

[1]: *Editor's Note: Appendix A is on file in the Township offices.*

[2]: *Editor's Note: This ordinance superseded former Subsection B, Village extension development, added 2-1-2000, as amended.*

§ 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.^[1]

[1]: *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
Saturday, January 24, 2015

Chapter 399. ZONING

Article VII. R-3 Residential District

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

§ 399-32. Statement of intent.

[Amended 7-16-2014 by Ord. No. 02-2014]

- 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 relatively high-intensity development in East Brandywine, based in part on suitability of roads, the existing or planned availability of public water and community sewage service, and proximity to the Guthriesville Village core area. The district also is intended to support and implement the policies of Landscapes2, the Chester County Comprehensive Policy Plan.
- 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 Township.
- C. A portion of the R-3 Residential District adjoining the TND-1 Traditional Neighborhood Development District is provided with the option to utilize the terms of the TND-2 Overlay District regulations. The intent is to complement the potential development, both residential and nonresidential, in the Guthriesville Village core area and create appropriate transition to the surrounding residential districts.

§ 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 and E.
[Amended 7-16-2014 by Ord. No. 02-2014]
 - (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]
 - (3) Traditional neighborhood development in accordance with the TND-2 Overlay District terms in § 399-36B.
[Added 7-16-2014 by Ord. No. 02-2014]

§ 399-34. Area and bulk regulations.

[Amended 3-20-2002; 1-3-2011 by Ord. No. 02-2011; 7-16-2014 by Ord. No. 02-2014]

Except where the terms of the TND-2 Overlay District are utilized, 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). Traditional neighborhood development (TND-2) shall comply with the terms of § 399-36B.

- A. Minimum lot area.
- (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.
- (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.
- C. The design standards of § 399-36B shall apply to any property utilizing the TND-2 Overlay District provisions.
[Added 7-16-2014 by Ord. No. 02-2014]

§ 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.
- B. TND-2 Traditional Neighborhood Development Overlay District. Eligibility for use of the Traditional Neighborhood Development (TND-2) terms shall be deemed an overlay on the affected tracts, as designated on the Development Strategy Plan, dated June 27, 2013, which is contained in Appendix A of this chapter, which is incorporated herein by reference and made a part hereof.^[1] The TND-2 Overlay District offers additional development opportunities beyond those of the underlying R-3 District. To utilize this overlay opportunity, a tract must satisfy the standards and criteria of this section and the requirements for a conditional use established by this chapter.
[Added 7-16-2014 by Ord. No. 02-2014]
- (1) Statement of intent. The intent of this section is to provide regulations and written and graphic design guidelines to:

- (a) Address the purposes, objectives, and standards of Article VII-A, Traditional Neighborhood Development, of the Pennsylvania Municipalities Planning Code.^[2]
[2]: *Editor's Note: See 53 P.S. § 10101 et seq.*
 - (b) Provide, through adherence to the Manual of Written and Graphic Design Guidelines, assistance to applicants in the preparation of proposals for traditional neighborhood development in accordance with § 708-A of the Pennsylvania Municipalities Planning Code.
 - (c) Complement and improve the vitality, economic strength, and appearance of the Guthriesville Village core area as a means of implementing the Comprehensive Plan.
 - (d) Place buildings to help form a streetscape.
 - (e) Provide street walls to form the traditional neighborhood character.
 - (f) Provide for off-street parking at the rear or side of buildings.
- (2) Written and graphic design guidelines.
- (a) All new infill development and redevelopment within the Traditional Neighborhood Development (TND-2) Overlay District shall be consistent with the Manual of Written & Graphic Design Guidelines in Appendix B of this chapter, which Appendix B is incorporated by reference and made a part hereof.^[3]
[3]: *Editor's Note: Appendix B is on file in the Township offices.*
 - (b) All applicants for infill development and redevelopment shall utilize Appendix B and shall prepare and submit their own specific manual with details on their particular project.
- (3) Use regulations. Any use proposed as part of a TND-2 development shall require approval as a conditional use in accordance with the terms of this chapter. Such uses may include:
- (a) Any use permitted by right, special exception, or conditional use in the underlying R-3 District, with the exception of:
 - [1] A continuing-care development, skilled-care or nursing-care facility, or assisted-care facility;
 - [2] Clustered residential development.
 - (b) Retail commercial, restaurant (but excluding fast-food restaurant and fast-food restaurant with drive-through service), or professional office.
 - (c) Day-care facility as a principal use, in accordance with § 399-102.2 of this chapter.
 - (d) Two-family dwellings.
 - (e) Multifamily dwellings.
- (4) Area and bulk regulations.
- (a) For any use permitted under the terms of § 399-36B(3)(a) or (b), above, the area and bulk regulations in § 399-40 shall apply, except that no building or other structure erected, altered, or enlarged shall exceed a height of three stories or 35 feet, whichever is less.
 - (b) For two-family dwellings, the standards in § 399-41A shall apply.

- (c) For multifamily dwellings, the following standards shall apply:
- [1] The maximum gross density shall be seven dwelling units per acre.
 - [2] Any apartment unit above a ground floor/first floor nonresidential use shall have a minimum floor area of 800 square feet.
 - [3] All multifamily dwellings in a building devoted entirely to residential use shall have a minimum floor area per unit as follows:
 - [a] No less than $\frac{1}{3}$ of the units shall be between 1,000 and 1,200 square feet each;
 - [b] No more than $\frac{2}{3}$ of the units shall be between 800 and 1,000 square feet each.
 - [4] Minimum width of single-family attached unit: 18 feet.
 - [5] Minimum front yard/build-to line. There shall be a front yard on each tract or lot which shall be not less than five to 12 feet in depth, depending on whether there is only a sidewalk 4.5 feet wide, or a sidewalk 10 to 12 feet wide, as per the Sidewalks and Crosswalks section and the Typical Section for Accessways, respectively, in the Guthriesville Village Manual of Written & Graphic Design Guidelines.
 - [6] Minimum side yard (single-family attached end units): 10 feet.
 - [7] Minimum rear yard: 35 feet.
 - [8] Building separation distances shall be a minimum of 30 feet to allow for adequate access by emergency service vehicles.
 - [9] Setback of a principal building from any tract boundary shall be a minimum of 10 feet.
 - [10] No building or other structure erected, altered, or enlarged shall exceed a height of three stories or 35 feet, whichever is less.
- (5) Design standards.
- (a) The design standards referenced in § **399-35A** and **B** shall be applicable to any TND-2 proposal.
 - (b) All applications for infill development or redevelopment shall be accompanied by a written report indicating compliance with Appendix B and the requirements of this section.^[4]
 - [4]: *Editor's Note: Appendix B is on file in the Township offices.*
 - (c) A public realm plan, as prescribed in § **399-42L** of this chapter, shall be provided with all conditional use applications to depict all existing and proposed sidewalks and crosswalks, street trees, streetlights, pedestrian gathering areas, pedestrian amenities, and other landscape and hardscape areas.
 - (d) A minimum of 1.5 off-street parking spaces shall be provided for each multifamily dwelling unit created in the TND-2 District. Where the calculation of parking spaces yields a total with a half space, the total number of required spaces shall be increased by rounding up to the next full number.
 - (e) Where on-street parallel parking is proposed, such spaces shall be eight feet in width and 24 feet in length.

- (f) On-street parking may be credited to the parking requirements of Subsection **B(5)(d)**, above, for those parking spaces along the frontage of a lot.
- (g) All on-street parking shall be subject to approval by the Township and PennDOT, as applicable.
- (h) It is not required that common open space be provided as part of the development or redevelopment of properties in the TND-2 District. Where common open space is provided, however, it shall comprise an area representing not less than 20% of the gross tract or lot area. The use, design, maintenance, and ownership of any common open space areas shall be in accordance with the applicable standards contained in § **399-58C(5)(c)** through **(j)** of this chapter. In addition to the uses provided in § **399-58C(5)(f)**, common open space may be used as a village green, consistent with the Manual of Written and Graphic Design Guidelines.

[1]: *Editor's Note: Appendix A is on file in the Township offices.*

§ 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.^[1]

[1]: *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, regarding regulations for clustered residential development.*

ORDINANCE 02 OF 2014

AN ORDINANCE OF EAST BRANDYWINE TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 399, ZONING, REGARDING GUTHRIESVILLE VILLAGE, OF THE LAND USE CODE OF THE TOWNSHIP OF EAST BRANDYWINE.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of East Brandywine Township, Chester County, Pennsylvania, that the following provisions of Chapter 399, Zoning, of the Land Use Code of the Township of East Brandywine, as amended, shall be amended as follows:

SECTION 1. Amend Chapter 399, Zoning, Article II, Terminology, §399-9, Definitions, of the Land Use Code of the Township of East Brandywine to add the following definitions:

BUILD-TO LINE – The line which defines the placement of the building from the street on which the building fronts, also recited as the Minimum Front Yard. The build-to line of the building forms the street wall line. On a corner lot, the build-to line is located on each side of a lot abutting a street. A Build-To line may have a recess or projection up to four (4) feet in order to promote variations of building placement on a block.

INFILL DEVELOPMENT – New development, adaptive re-use of buildings, redevelopment, and the like.

REDEVELOPMENT – The re-use, alteration, enlargement or extension of an existing building by one-third (33 1/3%) or more of the gross floor area of the building.

STREET WALL – The wall of a building adjoining a sidewalk at the edge of the street right-of-way; or architecture or landscaping elements at least 30 inches but not more than 42 inches in height such as walls, pillars, colonnades, fences, and hedges, in lieu of a building wall when an existing building is already set back from the Street Wall line. A Street Wall shall extend the entire length of the edge of the street right-of-way, except where curb cuts, driveways, and/or pedestrian access are provided.

STREETSCAPE – The space between buildings on opposite sides of a street, that is embellished with such features as sidewalks, street trees, street lights, curbs, on-street parking, and cartways. The Streetscape is bounded by building facades and/or Street Walls on both sides of a street right-of-way, thereby creating the “outdoor room” character of the street.

TRADITIONAL BUILDING – A building constructed prior to 1950 in Guthriesville Village, typically two or three stories in height, adjoining or located close to the street or other accessway.

SECTION 2. Amend Chapter 399, Zoning, Article III, Zoning Districts and Boundaries, §399-10, Establishment of Districts; Maps, Subsection A, Base Zoning Districts, and Subsection B, Zoning Overlay Maps, of the Land Use Code of the Township of East Brandywine to read as follows:

- A. For the purposes of this chapter, the Township is hereby divided into the following base zoning districts:

R-1 – Residential District
R-2 – Residential District
R-3 – Residential District
VC – Village Commercial District
TND-1 – Traditional Neighborhood Development District
MU – Mixed-Use Commercial District
CS/LI – Commercial Service/Limited Industrial District
I/R – Institutional/Residential District

- B. Zoning Overlay Maps.

- (1) Certain areas as shown on the following Zoning Overlay Maps:

- (a) Floodplain District
(b) Steep Slope Conservation District
(c) Water Hazard Soils
(d) Historic Resources

are, in addition to the otherwise applicable provisions of this chapter, subject to the terms of §399-13, Floodplain District; §399-14, Steep Slope Conservation District; §399-15 A, Water Hazard Soils Overlay District; and Article XII, Historic Resource Protection Standards.

- (2) Areas overlain by:

- (a) the Mobile Home Park Overlay District (within the R-1 Residential District), or
(b) the TND-2 Traditional Neighborhood Development District (within the R-2 and R-3 Residential Districts) may utilize the optional provisions of those overlay districts as alternatives to the base terms.

SECTION 3. Amend Chapter 399, Zoning, Article VI, R-2 Residential District, §399-26, Statement of Intent of the Land Use Code of the Township of East Brandywine to read as follows:

§ 399-26. Statement of Intent.

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. A portion of the R-2 Residential District adjoining the TND-1 Traditional Neighborhood Development District is provided with the option to utilize the terms of the TND-2 Overlay District regulations contained in §399-30 B of this chapter.

SECTION 4. Amend Chapter 399, Zoning, Article VI, R-2 Residential District, §399-27, Use Regulations, Subsection C, Conditional Uses, of the Land Use Code of the Township of East Brandywine to read as follows:

- 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 §399-93 D and E.
 - (2) Traditional Neighborhood Development in accordance with the TND-2 Overlay District terms in §399-30 B.

SECTION 5. Amend Chapter 399, Zoning, Article VI, R-2 Residential District, §399-28, Area and Bulk Regulations, Subsection A, of the Land Use Code of the Township of East Brandywine to read as follows:

- A. Except where the terms of the TND-2 Overlay District are utilized, the following regulations shall apply in the R-2 District to those uses permitted under §399-27 A(3), §399-27 A(4) and §399-27 B (1):

SECTION 6. Amend Chapter 399, Zoning, Article VI, R-2 Residential District, §399-28, Area and Bulk Regulations, of the Land Use Code of the Township of East Brandywine to add new Subsection D as follows:

- D. Traditional Neighborhood Development (TND-2) shall comply with the terms of §399-30 B.

SECTION 7. Amend Chapter 399, Zoning, Article VI, R-2 Residential District, §399-29, Design Standards, of the Land Use Code of the Township of East Brandywine to add new Subsection C as follows:

- C. In addition to the applicable standards of this section, the design standards of §399-30.B shall apply to any property utilizing the TND-2 Overlay District provisions.

SECTION 8. Amend Chapter 399, Zoning, Article VI, R-2 Residential District, §399-30, Standards and Criteria for Conditional Uses, Subsection B, Village Extension Development, of the Land Use Code of the Township of East Brandywine to read as follows:

- B. TND-2 Traditional Neighborhood Development Overlay District.

Eligibility for use of the Traditional Neighborhood Development (TND-2) terms shall be deemed an overlay on the affected tracts, as designated on the Development Strategy Plan, dated June 27, 2013, which is contained in Appendix A of this chapter and which is incorporated herein by reference and made a part hereof. The TND-2 Overlay District offers additional development opportunities beyond those of the underlying R-2 District. To utilize this overlay opportunity, a tract must satisfy the standards and criteria of this section and the requirements for a conditional use established by this chapter.

- (1) Statement of Intent.

The intent of this section is to provide regulations and written and graphic design guidelines to:

- (a) Address the purposes, objectives, and standards of Article VII-A, Traditional Neighborhood Development, of the Pennsylvania Municipalities Planning Code.
- (b) Provide, through adherence to the *Manual of Written and Graphic Design Guidelines*, assistance to applicants in the preparation of proposals for traditional neighborhood development in accordance with §708-A of the Pennsylvania Municipalities Planning Code.

- (c) Complement and improve the vitality, economic strength, and appearance of the Guthriesville Village core area as a means of implementing the Comprehensive Plan.
 - (d) Place buildings to help form a streetscape.
 - (e) Provide street walls to form the traditional neighborhood character.
 - (f) Provide for off-street parking at the rear or side of buildings.
- (2) Written and graphic design guidelines.
- (a) All new infill development and redevelopment within the Traditional Neighborhood Development (TND-2) Overlay District shall be consistent with the Manual of Written & Graphic Design Guidelines in Appendix B of this chapter, which Appendix B is incorporated by reference and made a part hereof.
 - (b) All Applicants for infill development and redevelopment shall utilize Appendix B, and shall prepare and submit their own specific Manual with details on their particular project.
- (3) Use regulations.

Any use proposed as part of a TND-2 development shall require approval as a conditional use in accordance with the terms of this chapter. Such uses may include:

- (a) Any use permitted by right, special exception, or conditional use in the underlying R-2 District, with the exception of clustered residential development.
- (b) Retail commercial, restaurant (but excluding fast-food restaurant and fast-food restaurant with drive-through service), or professional office.
- (c) Day-care facility as a principal use, in accordance with §399-102.2 of this chapter.
- (d) Two-family dwellings.
- (e) Multi-family dwellings.

- (4) Area and bulk regulations.
- (a) For any use permitted under the terms of §399-30 B (3) (a) or (b), above, the areas and bulk regulations in §399-40 shall apply, except that no building or other structure erected, altered, or enlarged shall exceed a height of three stories or 35 feet, whichever is less.
 - (b) For two-family dwellings, the standards in §399-41 A shall apply.
 - (c) For multi-family dwellings, the following standards shall apply:
 - [1] The maximum gross density shall be seven (7) dwelling units per acre.
 - [2] Any apartment unit above a ground floor/first floor non-residential use shall have a minimum floor area of 800 square feet.
 - [3] All multi-family dwellings in a building devoted entirely to residential use shall have a minimum floor area per unit as follows:
 - [a] no less than one-third ($\frac{1}{3}$) of the units shall be between 1,000 and 1,200 square feet each;
 - [b] no more than two-thirds ($\frac{2}{3}$) of the units shall be between 800 and 1,000 square feet each.
 - [4] Minimum width of single-family attached unit: 18 feet.
 - [5] Minimum front yard/Build-to Line. There shall be a front yard on each tract or lot which shall be not less than 5 to 12 feet in depth, depending on whether there is only a sidewalk 4.5 feet wide, or a sidewalk 10-12 feet wide, as per the Sidewalks and Crosswalks section and the Typical Section for Accessways, respectively, in the Guthriesville Village *Manual of Written & Graphic Design Guidelines*.
 - [6] Minimum side yard (single-family attached end units): 10 feet.
 - [7] Minimum rear yard: 35 feet.

- [8] Building separation distances shall be a minimum of 30 feet to allow for adequate access by emergency service vehicles.
- [9] Setback of a principal building from any tract boundary shall be a minimum of 10 feet.
- [10] Except as provided in Subsection [11], below, no building or other structure erected, altered, or enlarged shall exceed a height of three stories or 35 feet, whichever is less.
- [11] Where specifically approved by the Board of Supervisors as part of its conditional use approval and conditions for development under the terms of the TND-2 Overlay District where it overlays the R-2 District, the maximum height limit stipulated in Subsection [10], above, may be modified for multi-family structures when in accordance with the following:
 - [a] No building shall exceed three stories.
 - [b] A maximum of 60% of the multi-family dwelling units on the tract may be located in buildings that exceed 35 feet in height. No such building shall exceed 45 feet in height.
 - [c] The tract shall have a minimum gross tract area of 20 acres.
 - [d] Applicant must demonstrate, to the satisfaction of the Board, that potential visual impacts of buildings exceeding 35 feet in height will be mitigated by one or more of the following factors:
 - [i] Utilization of topographic features of the tract in the design and location of the buildings exceeding 35 feet in height in order to minimize the appearance of the height of such buildings with respect to the balance of buildings on the tract and the off-site views of the tract.
 - [ii] Placement of buildings exceeding 35 feet in height in the interior of the tract, so as to be visually buffered by those buildings complying with the height limits of Subsection [10], above, that are situated between the buildings exceeding 35 feet in height and the tract boundary. Where

topographic features of the tract do not allow for the placement of buildings exceeding 35 feet in height within the interior of the tract, preference shall be given to the placement of buildings in a manner that utilizes the topographic features of the tract without the need for visual buffering by buildings complying with the height limits of Subsection [10], above.

[iii] Ability of vegetation, particularly the retention of existing vegetation on the tract, to screen the buildings exceeding 35 feet in height from off-site views.

[e] Applicant shall document the compatibility of the proposed site design with the *Manual of Written and Graphic Design Guidelines* in Appendix B of this chapter. Documentation shall be in the form of site renderings or similar graphic displays.

[f] Applicant shall obtain written confirmation from the East Brandywine Fire Company as to the adequacy of access and capability to protect buildings exceeding 35 feet in height with emergency vehicles available locally, whether provided by the Fire Company or by mutual aid companies.

[g] Applicant shall document the basis for the request for increased building height in the amount requested. Factors to be cited could include, but need not be limited to, the intended design of building roofs, market demand, dwelling unit design/layout and locations in relation to site topography, etc.

(5) Design standards.

(a) The design standards referenced in §399-29 shall be applicable to any TND-2 proposal.

(b) All applications for infill development or redevelopment shall be accompanied by a written report indicating compliance with Appendix B and the requirements of this section.

- (c) A "Public Realm Plan," as prescribed in §399-42.L of this chapter, shall be provided with all conditional use applications to depict all existing and proposed: sidewalks and crosswalks; street trees; street lights; pedestrian gathering areas, pedestrian amenities, and other landscape and hardscape areas.
- (d) A minimum of 1.5 off-street parking spaces shall be provided for each multi-family dwelling unit created in the TND-2 District. Where the calculation of parking spaces yields a total with a half-space, the total number of required spaces shall be increased by rounding up to the next full number.
- (e) Where on-street parallel parking is proposed, such spaces shall be eight (8) feet in width and twenty-four (24) feet in length.
- (f) On-street parking may be credited to the parking requirements of Subsection (d) above, for those parking spaces along the frontage of a lot.
- (g) All on-street parking shall be subject to approval by the Township and PennDOT, as applicable.
- (h) It is not required that common open space be provided as part of the development or redevelopment of properties in the TND-2 District. Where common open space is provided, however, it shall comprise an area representing not less than 20% of the gross tract or lot area. The use, design, maintenance, and ownership of any common open space areas shall be in accordance with the applicable standards contained in §399-58 C (5) and Subsections (c)-(j) of this chapter. In addition to the uses provided in §399-58 C (5) (f), common open space may be used as a village green, consistent with the *Manual of Written and Graphic Design Guidelines*.

SECTION 9. Amend Chapter 399, Zoning, Article VII, R-3 Residential District, §399-32, Statement of Intent, of the Land Use Code of the Township of East Brandywine to read as follows:

§ 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 multi-family dwellings under the cluster development option. The locations zoned R-3 reflect Township land use and community facilities policy regarding proper areas for relatively high-intensity development in East Brandywine, based in part on suitability of roads, the existing or planned availability of public water and community sewage service, and proximity to the Guthriesville Village core area. The district also is intended to support and implement the policies of Landscapes2, the Chester County Comprehensive Policy Plan.
- 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 Township.
- C. A portion of the R-3 Residential District adjoining the TND-1 Traditional Neighborhood Development District is provided with the option to utilize the terms of the TND-2 Overlay District regulations. The intent is to complement the potential development, both residential and non-residential, in the Guthriesville Village core area and create appropriate transition to the surrounding residential districts.

SECTION 10. Amend Chapter 399, Zoning, Article VII, R-3 Residential District, §399-33, Use Regulations, Subsection C, Conditional Uses, of the Land Use Code of the Township of East Brandywine to add new Subparagraph (3) as follows:

- (3) Traditional Neighborhood Development in accordance with the TND-2 Overlay District terms in §399-36.B.

SECTION 11. Amend Chapter 399, Zoning, Article VII, R-3 Residential District, §399-34, Area and Bulk Regulations, of the Land Use Code of the Township of East Brandywine to read as follows:

Except where the terms of the TND-2 Overlay District are utilized, the following regulations shall apply in the R-3 District to those uses permitted under §399-33 A (3) and (4), and §399-33 B (1) and B (2). Traditional Neighborhood Development (TND)-2 shall comply with the terms of §399-36 B.

SECTION 12. Amend Chapter 399, Zoning, Article VII, R-3 Residential District, §399-35, Design Standards, of the Land Use Code of the Township of East Brandywine to add new Subparagraph C as follows:

- C. The design standards of §399-36 B shall apply to any property utilizing the TND-2 Overlay District provisions.

SECTION 13. Amend Chapter 399, Zoning, Article VII, R-3 Residential District, §399-36, Standards and Criteria for Conditional uses, of the Land Use Code of the Township of East Brandywine to add new Subparagraph B as follows:

- B. TND-2 Traditional Neighborhood Development Overlay District.

Eligibility for use of the Traditional Neighborhood Development (TND-2) terms shall be deemed an overlay on the affected tracts, as designated on the Development Strategy Plan, dated June 27, 2013, which is contained in Appendix A of this chapter, which is incorporated herein by reference and made a part hereof. The TND-2 Overlay District offers additional development opportunities beyond those of the underlying R-3 District. To utilize this overlay opportunity, a tract must satisfy the standards and criteria of this section and the requirements for a conditional use established by this chapter.

- (1) Statement of Intent.

The intent of this section is to provide regulations and written and graphic design guidelines to:

- (a) Address the purposes, objectives, and standards of Article VII-A, Traditional Neighborhood Development, of the Pennsylvania Municipalities Planning Code.
- (b) Provide, through adherence to the Manual of Written and Graphic Design Guidelines, assistance to applicants in the preparation of proposals for traditional neighborhood development in accordance with §708-A of the Pennsylvania Municipalities Planning Code.
- (c) Complement and improve the vitality, economic strength, and appearance of the Guthriesville Village core area as a means of implementing the Comprehensive Plan.
- (d) Place buildings to help form a streetscape.
- (e) Provide street walls to form the traditional neighborhood character.
- (f) Provide for off-street parking at the rear or side of buildings.

- (2) Written and graphic design guidelines.
 - (a) All new infill development and redevelopment within the Traditional Neighborhood Development (TND-2) Overlay District shall be consistent with the Manual of Written & Graphic Design Guidelines in Appendix B of this chapter, which Appendix B is incorporated by reference and made a part hereof.
 - (b) All Applicants for infill development and redevelopment shall utilize Appendix B and shall prepare and submit their own specific Manual with details on their particular project.

(3) Use regulations.

Any use proposed as part of a TND-2 development shall require approval as a conditional use in accordance with the terms of this chapter. Such uses may include:

- (a) Any use permitted by right, special exception, or conditional use in the underlying R-3 District, with the exception of:
 - [1] A continuing care development, skilled care or nursing care facility, or assisted-care facility;
 - [2] Clustered residential development.
- (b) Retail commercial, restaurant (but excluding fast-food restaurant and fast-food restaurant with drive-through service), or professional office.
- (c) Day-care facility as a principal use, in accordance with §399-102.2 of this chapter.
- (d) Two-family dwellings.
- (e) Multi-family dwellings.

(4) Area and bulk regulations.

- (a) For any use permitted under the terms of §399-36 B (3) (a) or (b), above, the area and bulk regulations in §399-40 shall apply, except that no building or other structure erected, altered, or enlarged shall exceed a height of three stories or 35 feet, whichever is less.
- (b) For two-family dwellings, the standards in §399-41 A shall apply.

- (c) For multi-family dwellings, the following standards shall apply:
- [1] The maximum gross density shall be seven (7) dwelling units per acre.
 - [2] Any apartment unit above a ground floor/first floor non-residential use shall have a minimum floor area of 800 square feet.
 - [3] All multi-family dwellings in a building devoted entirely too residential use shall have a minimum floor area per unit as follows:
 - [a] no less than one-third ($\frac{1}{3}$) of the units shall be between 1,000 and 1,200 square feet each;
 - [b] no more than two-thirds ($\frac{2}{3}$) of the units shall be between 800 and 1,000 square feet each.
 - [4] Minimum width of single-family attached unit: 18 feet.
 - [5] Minimum front yard/Build-to Line. There shall be a front yard on each tract or lot which shall be not less than 5 to 12 feet in depth, depending on whether there is only a sidewalk 4.5 feet wide, or a sidewalk 10-12 feet wide, as per the Sidewalks and Crosswalks section and the Typical Section for Accessways, respectively, in the Guthriesville Village *Manual of Written & Graphic Design Guidelines*.
 - [6] Minimum side yard (single-family attached end units): 10 feet.
 - [7] Minimum rear yard: 35 feet.
 - [8] Building separation distances shall be a minimum of 30 feet to allow for adequate access by emergency service vehicles.
 - [9] Setback of a principal building from any tract boundary shall be a minimum of 10 feet.
 - [10] No building or other structure erected, altered, or enlarged shall exceed a height of three stories or 35 feet, whichever is less.

- (5) Design standards.
- (a) The design standards referenced in §399-35 A and B shall be applicable to any TND-2 proposal.
 - (b) All applications for infill development or redevelopment shall be accompanied by a written report indicating compliance with Appendix B and the requirements of this section.
 - (c) A "Public Realm Plan," as prescribed in §399-42 L of this chapter, shall be provided with all conditional use applications to depict all existing and proposed: sidewalks and crosswalks; street trees; street lights; pedestrian gathering areas, pedestrian amenities, and other landscape and hardscape areas.
 - (d) A minimum of 1.5 off-street parking spaces shall be provided for each multi-family dwelling unit created in the TND-2 District. Where the calculation of parking spaces yields a total with a half-space, the total number of required spaces shall be increased by rounding up to the next full number.
 - (e) Where on-street parallel parking is proposed, such spaces shall be eight (8) feet in width and twenty-four (24) feet in length.
 - (f) On-street parking may be credited to the parking requirements of Subsection (d), above, for those parking spaces along the frontage of a lot.
 - (g) All on-street parking shall be subject to approval by the Township and PennDOT, as applicable.
 - (h) It is not required that common open space be provided as part of the development or redevelopment of properties in the TND-2 District. Where common open space is provided, however, it shall comprise an area representing not less than 20% of the gross tract or lot area. The use, design, maintenance, and ownership of any common open space areas shall be in accordance with the applicable standards contained in §399-58 C (5) and Subsections (c)-(j) of this chapter. In addition to the uses provided in §399-58 C (5) (f), common open space may be used as a village green, consistent with the *Manual of Written and Graphic Design Guidelines*.

SECTION 14. Amend Chapter 399, Zoning, Article VIII, VC Village Commercial District, of the Land Use Code of the Township of East Brandywine to read as follows:

**ARTICLE VIII
TND-1 Traditional Neighborhood Development District**

§ 399-38. Intent.

The TND-1 Traditional Neighborhood Development District is intended to reflect and support the properties and uses that are predominant in the village of Guthriesville, and to assure that new uses or changes in use, and the dimensional and design standards to which they must adhere, are compatible with the traditional, compact neighborhood commercial character and complementary residential uses within the village. Unobtrusive transition to the surrounding residential districts is to be achieved. The district seeks to limit and appropriately manage highway-oriented business uses. The standards of the TND-1 District also are intended to address potential concerns relating to pedestrian and vehicular access and off-street parking. Drawing upon the authority of the Traditional Neighborhood Development provisions of Article VII-A of the Pennsylvania Municipalities Planning Code, the TND-1 District also is designed to accomplish the following:

- A. Provide a manual of written and graphic design guidelines to assist applicants in the preparation of proposals for traditional neighborhood development in accordance with §708-A of the Pennsylvania Municipalities Planning Code.
- B. Improve the function and appearance of Guthriesville Village as a means of implementing the Comprehensive Plan.
- C. Place buildings to help form a streetscape.
- D. Provide opportunities for infill development and redevelopment, consistent with existing buildings that are located close to streets and other accessways.
- E. Provide street walls to form the traditional neighborhood character.
- F. Provide for off-street parking at the rear or the side of buildings.

§ 399-39. Use regulations.

- A. Uses permitted by right. A building may be erected, altered, or used, and a lot may be used or occupied, as a matter of right, for any one of the following purposes, and no other:
 - (1) Single-family detached dwelling.
 - (2) Two-family dwelling.

- (3) Any of the following uses, either individually or in combination, where the square footage of the total floor area of the principal building or buildings is, or is proposed to be, less than 1,500 square feet.
- (a) Retail sale of dry goods, hardware, variety and general merchandise, clothing, food, flowers, pharmaceuticals, personal care items, household supplies or furnishings; musical, professional, or scientific instruments; and similar items, but specifically not including:
 - [1] The sale of new or used automobiles, trucks, or similar vehicles;
 - [2] The sale of automotive fuel or lubricants; and
 - [3] A convenience store.
 - (b) Personal service enterprises such as barbershop; beauty salon; shoe repair; tailor; dropoff/pickup facility associated with off-site clothes cleaning or pressing operation; repair of television, radio, and similar appliances and equipment; plumber; electrician.
 - (c) Restaurant (including fast-food restaurant but excluding fast-food restaurant with drive-through service), retail bakery, confectionery, or other places serving food and/or beverages.
 - (d) Office for the professional practice of medicine, law, engineering, architecture, real estate, insurance, or financial consultation.
 - (e) Studio for performing or visual arts; gallery.
 - (f) Exercise, fitness, and/or personal training facility, but not including indoor recreation facilities such as courts, field space, bowling alleys, and similar large-scale operations.
 - (g) Gift, art, and/or antique shop.
 - (h) Specialty shop and facilities for craftsman, such as blacksmith, tinsmith, cabinet maker, furniture repair/refinishing, and uses of similar character.

- (i) Day-care facility as a principal use, in accordance with §399-102.2 of this chapter.
 - (4) Conversion of a single-family dwelling, subject to the provisions of §399-96.
 - (5) Accessory dwelling unit, in accordance with the terms of §399-91.
 - (6) Bed-and-breakfast facility, in accordance with the terms of §399-95.
 - (7) Accessory use on the same lot with and customarily incidental to any of the uses permitted by right or conditional use, including but not limited to those uses described in §399-92.
- B. 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 of §399-137.
- (1) Dwelling unit or units, when arranged to form an integral part of a building in which the ground floor, or at a minimum the front portion thereof, is constructed and maintained for any use permitted under Subsection B(3) herein, and when in compliance with §399-40 I, below.
 - (2) Religious use.
 - (3) Any of the uses listed in Section 399-39-A-3, either individually or in combination, where the square footage of the total floor area of the principal building or buildings is, or is proposed to be, 1,500 square feet or greater.
 - (4) Inn, but not including motel/hotel, in accordance with the terms of §399-95 A.
 - (5) Museum or library.
 - (6) Multi-family dwellings.

§ 399-40. Area and bulk regulations.

The following shall apply to all uses permitted in the TND-1 District except two-family and multi-family dwellings.

- A. The regulations in this section shall be applicable only when as a prerequisite, it can be demonstrated that adequate sewage facilities and water supply for the use in question can be provided and approved. Criteria for determining such adequacy shall include compliance with the requirements of this article and other applicable provisions of this chapter, as well as the requisite approvals and permits from the Chester County Health Department and/or the Pennsylvania Department of Environmental Protection. Any proposed use for which water and/or sewage facilities are deemed inadequate to serve such use shall comply with the area and bulk regulations for single-family dwellings contained in §399-34 A of this chapter.
- B. Minimum lot area. Except as otherwise specified by this chapter for particular uses, a net lot area of not less than 5,000 square feet shall be required in the TND-1 District for uses other than two-family and multi-family dwellings. Where the lot is to contain a combination of uses, as permitted in §399-39, a minimum net lot area of 3,500 square feet per use shall be required.
- C. Minimum lot width. Each lot shall have a width of not less than 50 feet at the building setback line.
- D. Minimum front yard/Build-to Line. There shall be a front yard on each lot which shall be not less than 5 to 13 feet in depth, depending on whether there is only a sidewalk 5 feet wide, or a sidewalk 13 feet wide, as per the Typical Section for Accessways in the Guthriesville Village Manual of Written & Graphic Design Guidelines.
- E. Minimum side and rear yards.
 - (1) On each lot, there shall be no required side yard where buildings are erected on the side lot line and share a common party wall with a building on an adjacent lot. Where buildings are not so erected, there shall be a side yard along each side lot line having a width of not less than 7.5 feet.
 - (2) No principal building shall be located closer than 25 feet to any rear property line.

- (3) Any accessory use structure may be located within a side or rear yard only, and shall be in compliance with §399-75 of this chapter, except that such structure may be located not less than 5 feet from any side or rear property line.
- F. Maximum impervious surface. No more than 80% of the net area of any lot may be covered by impervious surfaces.
- G. Minimum vegetative cover. Not less than 15% of the gross area of any lot shall be planted and maintained with existing and/or installed vegetation.
- H. Maximum height. No building or other structure erected, altered, or enlarged in the TND-1 District shall exceed a height of four stories or 45 feet, whichever is less, provided, however, that no more than 15% of the total footprint of all buildings on any property in the TND-1 District may exceed 3 stories or a height of 35 feet; no such building shall exceed 45 feet in height.
- I. Dwellings in combination with nonresidential use.
 - (1) Any dwelling unit permitted under the terms of §399-39 B (1) above, shall have a floor area of not less than 800 square feet.
 - (2) Total floor area devoted to dwelling units within the structure shall not exceed three times the total floor area of the ground-floor nonresidential use or uses.
 - (3) Entrance to any dwelling unit may be shared with another unit or units, but shall be independent of the nonresidential use or uses.
 - (4) A minimum of 1.5 off-street parking spaces shall be required for each dwelling unit; such spaces shall be in addition to the parking requirements for the nonresidential use or uses. In all other respects, off-street parking shall be in accordance with Article XV of this chapter, Where the calculation of parking spaces yields a total with a half-space, the total number of required spaces shall be increased by rounding up to the next full number.
 - (5) Where two or more dwelling units are to be created above the ground floor, requisite approvals of interior layout, emergency exits, etc., shall be obtained from the Pennsylvania Department of Labor and Industry, and a copy provided to the East Brandywine Fire Company upon receipt of such approval.

- J. Building separation distances shall be a minimum of 30 feet to allow for adequate access by emergency service vehicles.

§ 399-41. Standards and criteria for two-family and multi-family dwellings.

A. Two-family dwellings.

- (1) Minimum lot area: A minimum net lot area of 3,500 square feet per dwelling unit shall be required.
- (2) Minimum lot width: 40 feet as measured at the building setback line.
- (3) Minimum front yard/Build-to Line. There shall be a front yard on each lot which shall be not less than 5 to 13 feet in depth, depending on whether there is only a sidewalk 5 feet wide, or a sidewalk 13 feet wide, as per the Typical Section for Accessways in the Guthriesville Village Manual of Written & Graphic Design Guidelines.
- (4) Minimum side yard: 7.5 feet.
- (5) Minimum rear yard: 25 feet.
- (6) Maximum impervious surface: Not more than 85% of the net area of any lot may be covered by impervious surfaces.
- (7) Maximum height: Three stories or 35 feet, whichever is less.
- (8) All dwelling shall be served by a community sewage system and a central water supply system. The proposals for sewage disposal and water supply shall comply with the terms of §399-40 A, above, and §399-42 K, below.

B. Multi-family dwellings.

- (1) Maximum density: A maximum gross density of 12 dwelling units per acre shall be permitted.
- (2) Any apartment unit above a ground floor/first floor non-residential use shall have a minimum floor area of 800 square feet.

- (3) All multi-family dwellings in a building devoted entirely to residential use shall have a minimum floor area per unit as follows:
 - (a) No less than one-third ($\frac{1}{3}$) of the units shall be between 1,000 and 1,200 square feet each;
 - (b) No more than two-thirds ($\frac{2}{3}$) of the units shall be between 800 and 1,000 square feet each.
- (4) Building separation distances shall be a minimum of 30 feet to allow for adequate access by emergency service vehicles.
- (5) Setback of a principal building from any tract boundary shall be a minimum of 10 feet.
- (6) Maximum impervious surface: No more than 85% of the gross tract area shall be covered by impervious surfaces.
- (7) Common open space: It is not required that common open space be provided as part of the development of multi-family dwellings. Where common open space is provided, however, it shall comprise an area representing not less than 10% of the gross tract area. The use, design, maintenance, and ownership of any common open space areas shall be in accordance with the applicable standards contained in §399-58 C (5) of this chapter. In addition to the uses provided in §399-58C (5) (f), common open space may be used as a village green, consistent with the *Manual of Written and Graphic Design Guidelines*.
- (8) Minimum width of single-family attached unit: 18 feet.
- (9) Minimum front yard/Build-to Line. There shall be a front yard on each tract or lot which shall be not less than 5 to 12 feet in depth, depending on whether there is only a sidewalk 4.5 feet wide, or a sidewalk 10-12 feet wide, as per the Sidewalks and Crosswalks section and the Typical Section for Accessways, respectively, in the *Guthriesville Village Manual of Written & Graphic Design Guidelines*.
- (10) Minimum side yard (single-family attached end units): 10 feet.
- (11) Minimum rear yard: 35 feet.

- (12) Maximum height. Multi-family buildings and mixed-use buildings containing multi-family dwellings shall be deemed to be part of the class of buildings that is governed by the terms of §399-40-H.
- (13) All dwellings shall be served by a community or public sewage system and a central water supply system. The proposals for sewage disposal and water supply shall comply with the terms of §399-40.A and §399-42.K, below.
- (14) The furnishing of a detailed and acceptable planting plan and its approval by the Board of Supervisors shall be a condition of any approval of an application for multi-family dwellings.

§ 399-42. Design standards.

Except as otherwise specified by this chapter for particular uses, the following design standards of this chapter shall, as applicable, govern all uses within the TND-1 District.

- A. Signs: as required by Article XVI.
- B. Parking. Except as noted below, the standards in Article XV shall apply.
 - (1) For any residential use approved as a conditional use, a minimum of 1.5 off-street parking spaces shall be required for each dwelling unit. Where the calculation of parking spaces yields a total with a half-space, the total number of required spaces shall be increased by rounding up to the next full number.
 - (2) For any conditional use:
 - (a) Where on-street parallel parking is proposed, such spaces shall be eight (8) feet in width and twenty-four (24) feet in length.
 - (b) On-street parking spaces along the frontage of a lot may be credited to the applicable off-street parking requirements for that lot.
 - (c) All on-street parking shall be subject to approval by the Township and PennDOT, as applicable.
- C. Access and traffic control: as required by §399-81.
- D. Landscaping and site design: as required by §399-78.

- E. Screening and buffering: as required by §399-79.
- F. Storage: as required by §399-80.
- G. Interior circulation: as required by §399-82.
- H. Lighting: as required by §399-83.
- I. Loading: as required by Article XV.
- J. Erosion/sedimentation control and stormwater management: as required by Chapter 350, Subdivision and Land Development.
- K. Sewage facilities and water supply. For any new use or change of use that will result in water usage and/or sewage disposal needs which will exceed those of the existing use of the property, the Zoning Officer shall require the applicant to submit appropriate documentation from the Chester County Health Department, the East Brandywine Township Municipal Authority, and/or the Pennsylvania Department of Environmental Protection, certifying the sufficiency of the proposed sewage facilities and the quality and quantity of the proposed water supply in relation to the proposed use of uses. The Zoning Officer shall, as he deems it necessary, consult with the Township Engineer on any aspect of the proposed sewage facilities or water supply, and shall deny the application where the proposed sewage facilities or water supply are deemed to be inadequate.
- L. A "Public Realm Plan" shall be provided with all conditional use applications to depict all existing and proposed: sidewalks and crosswalks; street trees; street lights; pedestrian gathering areas, pedestrian amenities, and other landscape and hardscape areas.
- M. Written and graphic design guidelines.
 - (1) All proposals for conditional use approval within the Traditional Neighborhood Development TND-1 District shall be consistent with the *Manual of Written and Graphic Design Guidelines* in Appendix B of this chapter, which Appendix B is incorporated by reference and made a part hereof.
 - (2) All Applicants for conditional use approval shall utilize Appendix B and shall prepare and submit their own specific Manual with details on their particular project.

- N. Among its other considerations, the Board of Supervisors may, as it deems appropriate, require any applicant for a conditional use to prepare and submit a traffic impact study. Such study shall comply, at minimum, with the requirements of §350-37 of Chapter 350, Subdivision and Land Development; in addition, the applicant may be required to address specific measures to achieve satisfactory access management.

§ 399-43. Zoning compliance plan.

In order to determine compliance with the terms of this article, and to maximize compatibility of any new or changed land use with the existing village character of Guthriesville, any proposal for a use authorized by right or conditional use within the TND-1 District, with the exception of single-family detached and two-family dwellings, conversion of a single-family dwelling, and an accessory dwelling, shall require submission of a zoning compliance plan in accordance with the terms of this section.

- A. The zoning compliance plan, consisting of text and graphics, shall be submitted to the Zoning Officer as part of an application for a use and occupancy permit or for conditional use approval by the Board of Supervisors.
- B. The zoning compliance plan shall contain, at minimum, the following:
 - (1) Specific documentation of how each applicable standard cited in §399-40, §399-41, and §399-42 will be complied with.
 - (2) Certification from the Chief of the East Brandywine Fire Company as to the adequacy of access for emergency vehicles.
 - (3) Demonstration of compliance with any other applicable standards of Chapter 350, Subdivision and Land Development.
- C. The zoning compliance plan shall be reviewed and evaluated as follows:
 - (1) When part of an application for a use and occupancy permit, the plan shall be reviewed by the Zoning Officer within the time frame established by this chapter for acting upon such applications. The Zoning Officer may, as he deems necessary, seek further comment on the plan from the Township Planning Commission, the Township Engineer, or other parties he deems appropriate. Where the plan indicates that one or more requirements of this chapter will not be complied with, the Zoning Officer shall so notify the applicant and shall withhold issuance of any use and occupancy permit until such noncompliance is remedied or appropriate relief from such requirement is obtained from the Zoning Hearing Board or the Board of Supervisors.

(2) Where submitted in conjunction with an application for conditional use, the zoning compliance plan shall also address the requirements of §399-137 B (6) that are not otherwise included under the terms of this section. Upon completing his review of the application, as required in §399-137 C (1), the Zoning Officer shall report his findings to the Board of Supervisors for consideration during the public hearing on the conditional use application. The plan also shall be reviewed by the Township Planning Commission as part of its review of the conditional use application and recommendation to the Board of Supervisors.

D. Ownership. The tract of land to be developed shall be in one-ownership, or shall be the subject of an application filed jointly by the owners of the entire tract, and shall be under unified control. If ownership of the entire tract is held by more than one person or entity, the application shall identify and be filed on behalf of all the said owners. Approval of the plan shall be conditioned upon agreement by the applicant or applicants that the tract shall be developed under single direction in accordance with the approved plan. No site preparation or construction shall be permitted other than in accordance with the approved plan. If ownership of the tract changes subsequent to approval of the plan, no site preparation or construction by such new owner or owners shall be permitted unless and until such owner or owners shall review the terms and obligations of the approved plan and agree in writing to be bound thereby with respect to development of the tract.

SECTION 15. Amend Chapter 399, Zoning, Article XIV, Supplemental Regulations, §399-91, Accessory Dwellings, Subparagraph B, Standards for Accessory Dwellings, and Subparagraph (4) of the Land Use Code of the Township of East Brandywine to read as follows:

B. Standards for accessory dwellings. Where authorized as a special exception under the terms of this chapter, accessory dwellings may be created in accordance with the following standards. Where permitted as a use by right under the terms of this chapter, an accessory dwelling shall be subject to the terms of Subsection C, below.

(4) The floor area of an accessory dwelling unit shall not be less than 500 square feet and shall not be more than 800 square feet.

SECTION 16. Amend Chapter 399, Zoning, Article XIV, Supplemental Regulations, §399-91, Accessory Dwellings, of the Land Use Code of the Township of East Brandywine to add new Subparagraph C as follows:

- C. An accessory dwelling unit permitted as a use by right shall comply with the following standards:
- (1) There shall be no more than one accessory dwelling unit created on any single-family residential lot.
 - (2) The accessory dwelling shall be located within the existing single-family detached dwelling, and shall not be located in an accessory structure.
 - (3) The accessory dwelling may be occupied by not more than two persons. A single occupant or, in the case of two occupants, one of the two, must be related by blood, marriage, or adoption to the owner of the principal residence.
 - (4) One of the two dwelling units shall be occupied by the owner of the single-family dwelling in which the accessory dwelling unit is to be created.
 - (5) The minimum floor area of the accessory dwelling unit shall not be less than 500 square feet.
 - (6) Changes to the existing single-family dwelling.
 - (a) The exterior of a single-family detached dwelling proposed to contain an accessory dwelling unit may be altered to add windows and/or doors necessary in the design and construction of the accessory dwelling unit. Such windows and doors may be added only to the side or rear walls of the structure.
 - (b) No other alterations to the exterior of the structure shall be permitted unless necessary for health or safety reasons, as determined by the Zoning Officer.
 - (c) The applicant shall submit architectural plans for the accessory dwelling unit and shall provide documentation of the structural integrity of the single-family dwelling in terms of its suitability for adding the accessory dwelling unit.
 - (7) The accessory dwelling unit shall be connected to and served by a community sewage system.

- (8) A use and occupancy permit shall be required prior to the occupancy of the accessory dwelling unit. The permit form, as provided by the Township, and accompanying required fee, shall be submitted by the property owner. An application to renew the permit shall be submitted annually prior to the intended continuation of occupancy. It shall be unlawful for the accessory dwelling unit to be occupied beyond the operative period of the permit. The accessory dwelling unit shall be subject to inspection by the Zoning Officer prior to issuance of the initial use and occupancy permit and then at least once every three years thereafter while the dwelling unit is occupied, on or about the date of initial occupancy.

SECTION 17. Amend Chapter 399, Zoning, Article XIV, Supplemental Regulations, §399-96, Conversion of Dwellings, Subparagraph B, Standards for Conversion, and Subparagraph (5) of the Land Use Code of the Township of East Brandywine to read as follows:

- B. Standards for conversions. A single-family detached dwelling, existing on the effective date of this chapter, may be converted into and used as a two-family or multi-family dwelling, when authorized as a special exception in accordance with the terms of §399-145 of this chapter and with the following stipulations. Where permitted as a use by right under the terms of this chapter, a single-family detached dwelling existing on the effective date of this chapter may be converted into and used as a two-family or multi-family dwelling, subject to the terms of Subsection C, below.
 - (5) Any new dwelling unit resulting from conversion shall have a minimum floor area of not less than 950 square feet.

SECTION 18. Amend Chapter 399, Zoning, Article XIV, Supplemental Regulations, §399-96, Conversion of Dwellings, of the Land Use Code of the Township of East Brandywine to add new Subparagraph C as follows:

- C. Where permitted as a use by right under the terms of this chapter, the conversion of a single-family detached dwelling shall comply with the following standards:
 - (1) Site and architectural plans for the conversion of a single-family dwelling shall be submitted to the Zoning Officer as part of an application for a building permit. Where two or more families are to be housed above the ground floor, such plans shall bear the approval of the Pennsylvania Department of Labor and Industry as required by law.
 - (2) Such plans shall provide adequate and suitable parking space for a minimum of one vehicle per proposed dwelling unit.

- (3) The converted residential structure and lot shall comply with the applicable area and bulk regulations for single-family dwellings in the zoning district in which they are located, except that the required minimum gross lot area shall be 50% of the product of the minimum gross lot area required for a single-family detached dwelling times the number of dwelling units (existing and proposed) to be contained in the converted structure.
- (4) There shall be no external alteration of the building except as may be necessary for reasons of health or safety. Fire escapes and outside stairways shall, unless clearly impracticable, be located to the rear of the building.
- (5) Any new dwelling unit resulting from conversion shall have a minimum floor area of 800 square feet.
- (6) Regardless of the size of the existing structure and lot, the total number of dwelling units following conversion shall not exceed five.
- (7) All dwelling units within the converted structure shall be connected to and served by a community sewage system.

SECTION 19. Amend Chapter 399, Zoning, Article XIV, Supplemental Regulations, §399-102.2, Day-care Facility, of the Land Use Code of the Township of East Brandywine to add new Subparagraph N as follows:

- N. Where a day-care facility is permitted as a conditional use, it shall adhere to the standards of Subsections (A) through (M), above. In addition, such facility shall provide no direct pedestrian access to, and shall have no outdoor play space adjacent to, Route 322 (Horseshoe Pike), Bondsville Road or East Receville Road.

SECTION 20. Amend Chapter 399, Zoning, of the Land Use Code of the Township of East Brandywine to add new Article XXII, VC Village Commercial District, as follows:

ARTICLE XXII
VC Village Commercial District

§ 399-158. Intent.

The VC Village Commercial District is intended to reflect and support the properties and existing uses in the village of Lyndell, and to assure that new uses or changes in use are compatible with the traditional, compact neighborhood commercial character and complementary residential uses within the village. Unobtrusive transition to the surrounding residential district is to be achieved. The district seeks to appropriately manage current and future business uses, including mixed use opportunities.

§399-159. Use Regulations.

- A. Uses permitted by right. A building may be erected, altered, or used and a lot may be used or occupied, for any one of the following purposes, or for as many as three such purposes in combination, and no other:
- (1) Single-family detached dwelling.
 - (2) Dwelling unit or units, when arranged to form an integral part of a building in which the ground floor, or at a minimum the front portion thereof, is constructed and maintained for any use permitted under Subsection A (3) through (11) herein, and when in compliance with §399-160.I.
 - (3) Retail sale of dry goods, hardware, variety and general merchandise, clothing, food, flowers, pharmaceuticals, personal care items, household supplies or furnishings; musical, professional, or scientific instruments; and similar items, but specifically not including:
 - (a) The sale of new or used automobiles, trucks, or similar vehicles; and
 - (b) The same of automotive fuel or lubricants.
 - (4) Personal service enterprises such as barbershop; beauty salon; shoe repair; tailor; drop-off/pick-up facility associated with off-site clothes cleaning or pressing operation; repair of television, radio, and similar appliances and equipment; plumber; electrician.
 - (5) Restaurant, retail bakery, confectionery, or other places serving food and/or beverages, provided that no fast-food restaurant shall be permitted.

- (6) Office for the professional practice of medicine, law, engineering, architecture, real estate, insurance, or financial consultation.
- (7) Studio for performing or visual arts; gallery.
- (8) Inn, but not including motel/hotel.
- (9) Gift, art, and/or antique shop.
- (10) Museum or library.
- (11) Specialty shop and facilities for craftsman, such as blacksmith, tinsmith, or cabinet maker.
- (12) 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.

B. Uses by special exception.

- (1) 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:
 - (a) Conversion of a single-family dwelling, subject to the provisions of §399-96.
 - (b) Accessory dwelling unit, in accordance with the terms of §399-91.
 - (c) Religious use.
 - (d) Bed-and-breakfast facility, in accordance with the terms of §399-95.
 - (e) Any use deemed by the Zoning Hearing Board to be of the same general character as any of the uses specifically permitted under Subsection A.
- (2) Among other considerations, the Zoning Hearing Board may, as it deems appropriate, require any applicant for a special exception to prepare and submit a traffic impact study. Such study shall comply, at minimum, with the requirements of §350-37 of Chapter 350, Subdivision and Land Development. In addition, the applicant may be required to address specific measures to achieve satisfactory access management.

- 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 §399-163 and other applicable provisions of this article, and of §399-137:
- (1) Single-family attached dwellings.
 - (2) Two-family dwellings.
 - (3) Planned village commercial center, comprising one or more buildings containing four or more of the uses permitted under the terms of Subsection A.

§399-160. Area and bulk regulations.

- A. The regulations in this section shall be applicable only when as a prerequisite, it can be demonstrated that adequate sewage facilities and water supply for the use in question can be provided and approved. Criteria for determining such adequacy shall include compliance with the requirements of this article and other applicable provisions of this chapter, as well as the requisite approvals and permits from the Chester County Health Department and/or the Pennsylvania Department of Environmental Protection. Any proposed use for which water and/or sewage facilities are deemed inadequate to serve such use shall comply with the area and bulk regulations for single-family dwellings in the R-3 District.
- B. Minimum lot area. Except as otherwise specified by this chapter for particular uses, a net lot area of not less than 20,000 square feet shall be required in the VC District. Where the lot is to contain a combination of uses, as permitted in §399-159, a minimum lot area of 10,000 square feet per use shall be required.
- C. Minimum lot width. Each lot shall have a width of not less than 100 feet at the building setback line.
- D. Minimum front yard. There shall be a front yard on each lot which shall be not less than 15 feet in depth.
- E. Minimum side and rear yards.
- (1) On each lot except a corner lot, there shall be no required side yard where buildings are erected on the side lot line and share a common party wall with a building on an adjacent lot. Where buildings are not so erected, there shall be a side yard along each side lot line having a width of not less than 10 feet.
 - (2) On each corner lot, any side yard shall have a width of not less than 15 feet.

- (3) No principal building shall be located closer than 45 feet to any rear property line.
 - (4) 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 §399-85 D (2).
- F. Maximum impervious surface. Not more than 75% of the net area of any lot may be covered by impervious surfaces.
- G. Minimum vegetative cover. Not less than 20% of the gross area of any lot shall be planted and maintained with existing and/or installed vegetation.
- H. Maximum height. No building or other structure erected, altered, or enlarged in the VC District shall exceed a height of three stories or 35 feet, whichever is less.
- I. Dwellings in combination with nonresidential use.
- (1) Any dwelling unit permitted under the terms of §399-159 A (2) above shall have a floor area of not less than 950 square feet.
 - (2) Total floor area devoted to dwelling units within the structure shall not exceed four times the total floor area of the ground-floor nonresidential use or uses.
 - (3) Entrance to any dwelling unit may be shared with another unit or units, but shall be independent of the nonresidential use or uses.
 - (4) Off-street parking required for each dwelling unit shall be in accordance with Article XV of this chapter, and shall be in addition to the parking requirements for the nonresidential uses or uses.
 - (5) Where two or more dwelling units are to be created above the ground floor, requisite approvals of interior layout, emergency exits, etc., shall be obtained from the Pennsylvania Department of Labor and Industry, and a copy provided to the East Brandywine Fire Company upon receipt of such approval.

§399-161. Design standards.

Except as otherwise specified by this chapter for particular uses, the following design standards of this chapter shall, as applicable, govern all uses within the VC District:

- A. Signs: as required by Article XVI.
- B. Parking: as required by Article XV.
- C. Access and traffic control: as required by §399-81.
- D. Landscaping and site design: as required by §399-78.
- E. Screening and buffering: as required by §399-79.
- F. Storage: as required by §399-80.
- G. Interior circulation: as required by §399-82.
- H. Lighting: as required by §399-83.
- I. Loading: as required by Article XV.
- J. Erosion/sedimentation control and stormwater management: as required by Chapter 350, Subdivision and Land Development.
- K. Sewage facilities and water supply. For any new use or change of use that will result in water usage and/or sewage disposal needs which will exceed those of the existing use of the property, the Zoning Officer shall require the applicant to submit appropriate documentation from the Chester County Health Department, certifying the sufficiency of the proposed sewage facilities and the quality and quantity of the proposed water supply in relation to the proposed use or uses. The Zoning Officer shall, as he deems it necessary, consult with the Township Engineer on any aspect of the proposed sewage facilities or water supply, and shall deny the application where the proposed sewage facilities or water supply are deemed to be inadequate.

§399-162. Zoning compliance plan.

In order to determine compliance with the terms of this article, and to maximize compatibility of any new or changed land use with the existing village character in Lyndell, any proposal for a use authorized by right, special exception, or conditional use within the VC District, with the exception of single-family detached and two-family dwellings, shall require submission of a zoning compliance plan in accordance with the terms of this section.

- A. The zoning compliance plan, consisting of text and graphics, shall be submitted to the Zoning Officer as part of an application for a use and occupancy permit, special exception approval by the Zoning Hearing Board, or conditional use approval by the Board of Supervisors.
- B. The zoning compliance plan shall contain, at a minimum, the following:
 - (1) Specific documentation of compliance with each standard cited in §399-160 and §399-161.
 - (2) Certification from the Chief of the East Brandywine Fire Company as to the adequacy of access for emergency vehicles.
 - (3) Demonstration of compliance with any other applicable standards of Chapter 350, Subdivision and Land Development.
- C. The zoning compliance plan shall be reviewed and evaluated as follows:
 - (1) When part of an application for a use and occupancy permit, the plan shall be reviewed by the Zoning Officer within the time frame established by this chapter for acting upon such applications. The Zoning Officer may, as he deems necessary, seek further comment on the plan from the Township Planning Commission, the Township Engineer, or other parties he deems appropriate. Where the plan indicates that one or more requirements of this chapter will not be complied with, the Zoning Officer shall so notify the applicant and shall withhold issuance of any use and occupancy permit until such noncompliance is remedied or appropriate relief from such requirement is obtained from the Zoning Hearing Board or the Board of Supervisors.
 - (2) Where submitted in conjunction with an application for special exception, the plan shall be reviewed by the Zoning Officer, who shall report his findings to the Zoning Hearing Board for consideration during the public hearing on the special exception application. The Zoning Officer may, as he deems necessary, seek further comment on the plan from the Township Planning Commission, the Township Engineer, or other parties he or she deems appropriate.

- (3) Where submitted in conjunction with an application for conditional use, the zoning compliance plan shall also address the requirements of §399-137 B (6) that are not otherwise included under the terms of this section. Upon completing his review of the application, as require in §399-137 C (1), the Zoning Officer shall report his findings to the Board of Supervisors for consideration during the public hearing on the conditional use application. The plan also shall be reviewed by the Planning Commission as part of its review of the conditional use application and recommendation to the Board of Supervisors.

§399-163. Standards and criteria for conditional uses.

A. Single-family attached dwellings.

- (1) Maximum density: Four dwelling units per acre of net tract area.
- (2) Maximum impervious surface: No more than 45% of the gross tract area shall be covered by impervious surfaces.
- (3) Common open space: It is not required that common open space be provided as part of the development of single-family attached dwellings in the VC District. Where common open space is provided, however, it shall comprise an area representing not less than 30% of the gross tract area.
- (4) Minimum width of unit: 20 feet.
- (5) Minimum front yard: 15 feet.
- (6) Minimum side yard (end units): 15 feet.
- (7) Minimum rear yard: 45 feet.
- (8) All dwellings shall be served by a community or public sewage system and a central water supply system. The proposals for sewage disposal and water supply shall comply with the terms of §399-160 A and §399-161 K above.
- (9) The furnishing of a detailed and acceptable planting plan and its approval by the Board of Supervisors shall be a condition of any approval of an application for single-family attached dwellings.
- (10) The use, location, design, maintenance, and ownership of any common open space areas shall be in accordance with the applicable standards contained in §399-58 C (5) of this chapter.

- (11) Design standards regarding building separation, setbacks, and length shall be those contained in §399-37 E (3) of this chapter.

B. Two-family dwellings.

- (1) Minimum net lot area: 10,000 square feet per family.
- (2) Minimum lot width: 60 feet as measured at the building setback line.
- (3) Minimum front yard: 15 feet.
- (4) Minimum side yard: 15 feet.
- (5) Minimum rear yard: 45 feet.
- (6) Maximum impervious surface: Not more than 35% of the net area of any lot may be covered by impervious surfaces.
- (7) Maximum height: three stories or 35 feet, whichever is less.
- (8) All dwellings shall be served by a community sewage system and a central water supply system. The proposals for sewage disposal and water supply shall comply with the terms of §399-160 A and §399-161 K above.

C. Planned Village Commercial Center.

- (1) Minimum gross tract area: 32,000 square feet.
- (2) Minimum net tract area per individual use: 8,000 square feet.
- (3) Minimum tract width: 125 feet.
- (4) Minimum front yard: 60 feet where parking is provided in the front yard; 35 feet where no parking is provided in the front yard.
- (5) Minimum side and rear yards: 15 feet where the tract abuts a nonresidential zoning district; 50 feet where the tract abuts a residential zoning district.
- (6) Minimum setback of parking area from any tract boundary line: 8 feet.
- (7) Maximum floor area ratio: 60% of the gross tract area.
- (8) Maximum total impervious surface coverage: 70% of the gross tract area.
- (9) Minimum vegetative cover: 25% of the gross tract area.

- (10) Frontage landscaping. There shall be a frontage landscaped area provided at the street right-of-way line, extending a minimum of eight feet into the front yard, and extending the entire frontage. Any unpaved area between the street right-of-way line and the edge of the cartway also shall be continuously maintained as a landscaped area. The landscaped area shall comply with the standards of §399-79 of this chapter. No improvements other than access drives shall be permitted within these landscaped areas. Landscaping materials shall be selected and designed so as not to obstruct vision along the street and shall be resistant to road salt and pollution associated with vehicular traffic.
- (11) Perimeter buffering. There shall be a landscaped buffer along all side and rear property lines which abut a residential zoning district boundary or use. Plantings within the buffer shall have a minimum depth of eight feet and shall comply with the terms of §399-79 of this chapter.
- (12) Access standards:
 - (a) A single, shared access shall be provided to serve the entire tract. Access shall take the form of an internal road which directs traffic to a single entrance with divided lanes, or by means of reverse frontage access.
 - (b) Entrances shall be a minimum of 24 feet wide and shall have a depth of 40 feet before being intersected by an internal access aisle.
- (13) Ownership. The tract of land to be developed shall be held in one ownership, or shall be the subject of an application filed jointly by the owners of the entire tract, and shall be under unified control. If ownership of the entire tract is held by more than one person or entity, the application shall identify and be filed on behalf of all the said owners. Approval of the plan shall be conditioned upon agreement by the applicant or applicants that the tract shall be developed under single direction in accordance with the approved plan and agree in writing to be bound thereby with respect to development of the tract.
- (14) Covenants and restrictions. The language, terms, and conditions of any proposed covenants or restrictions shall be subject to review and recommendation by the Township Solicitor.

SECTION 21. Amend Chapter 399, Zoning, of the Land Use Code of the Township of East Brandywine, Article V, R-1 Residential District, §399-21, Use Regulations, Subsection C, Conditional Uses, Subsection (2), to read as follows:

- (2) Home occupation, in accordance with the terms of **§399-93D and E.**

SECTION 22. Amend Chapter 399, Zoning, of the Land Use Code of the Township of East Brandywine, Article VII, R-3 Residential District, §399-33, Use Regulations, Subsection C, Uses Permitted as Conditional Uses, Subsection (1), to read as follows:

- (1) Home occupation, in accordance with the terms of **§399-93D and E.**

SECTION 23. Amend Chapter 399, Zoning, Article II, Definitions, Section 399-9, Definitions, by changing the following term to read:

RESTAURANT, FAST-FOOD WITH DRIVE-THROUGH SERVICE – An eating establishment which provides service to customers who remain seated in automobiles, and said service is provided either through an exterior window, or service area, or directly to parked automobiles.

SECTION 24. If any sentence, clause, section or part of this ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

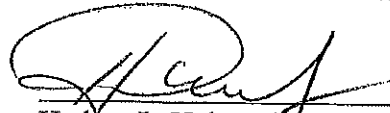
SECTION 25. All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed insofar as the same affects this ordinance.

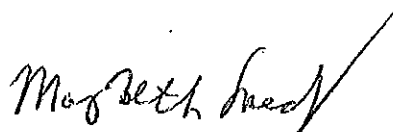
SECTION 26. This Ordinance shall be effective 5 days following adoption, as by law provided.

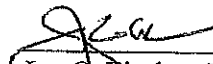
ENACTED this 16th day of July, 2014.

BOARD OF SUPERVISORS
EAST BRANDYWINE TOWNSHIP

ATTEST:


Hudson L. Voltz, Chairman


Mary Beth Smedley, Secretary/Treasurer


Jay G. Fischer, Vice-Chairman

TOWNSHIP SEAL

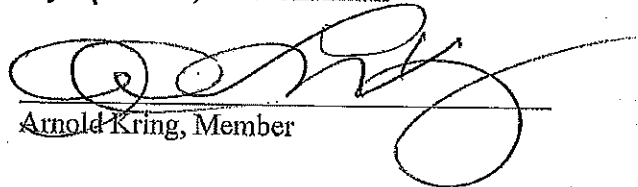

Arnold Kring, Member

Exhibit A

Guthrieville Village Development Strategy Plan

- Primary Study Area**
- Core Area (TND-1)**
- Potential Accessways:**
 - Lane/Shared Driveways
 - Mixed-Use Buildings: 1st floor Retail, Apartments above
 - Mixed-Use Buildings: 1st floor Retail, Office above
 - Townhome Buildings
 - New Accessory Building
 - Existing Core Area Building
 - Streetscape Edge (Sidewalk, Street Light, Street Tree Area)
 - Streetscape Enhancements
 - Village Green & Plaza
 - Wetlands (mapped 2012)
 - Parking



DRAFT: May 23, July 20, September 20, 2012
Revised: October 9, 2012; June 11, June 27, 2013

Project Team:
David Sweet
Thomas Comitta Associates, Inc.
Yerkes Associates, Inc.
Heinrich & Klein Associates, Inc.
Urban Partners

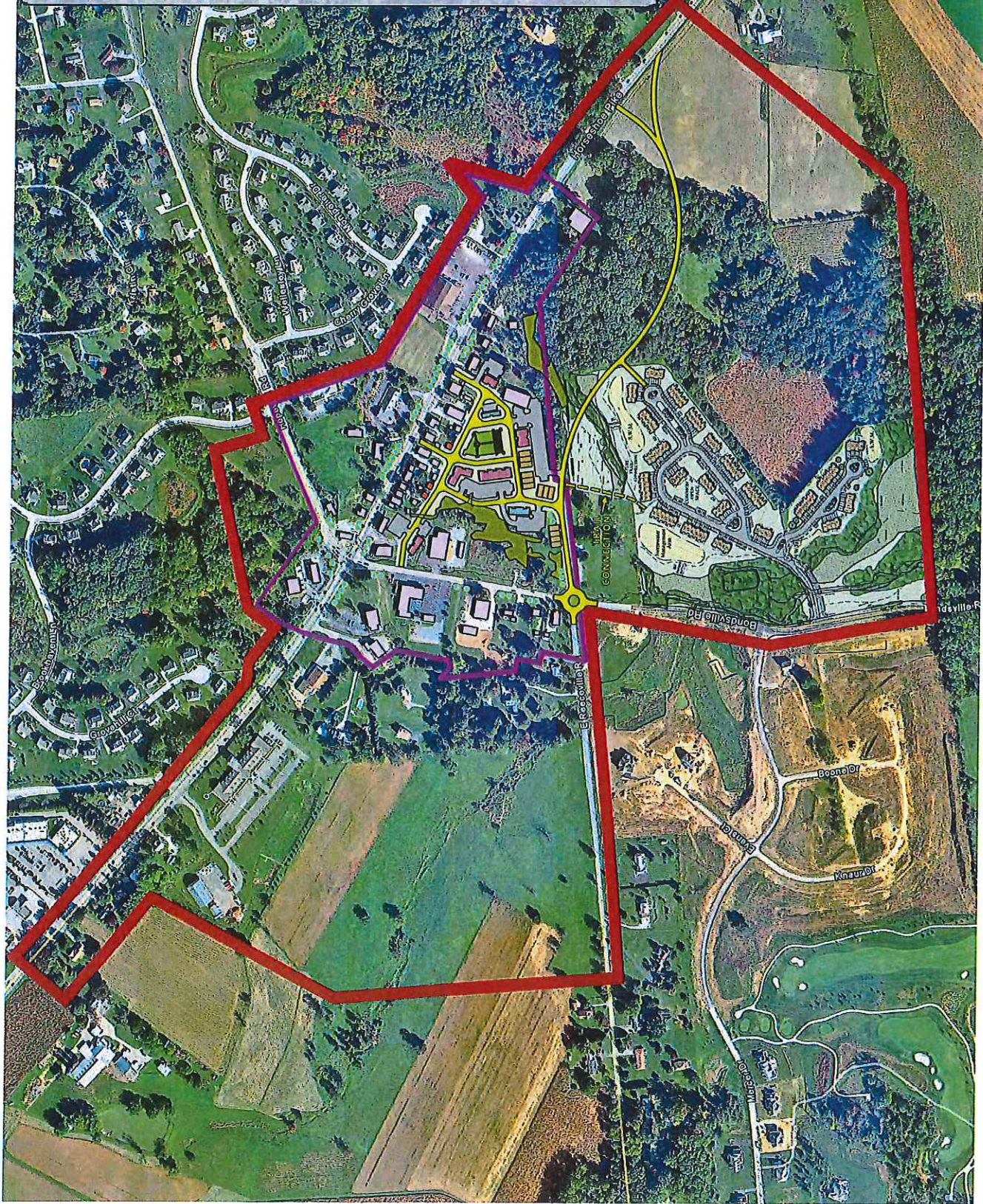
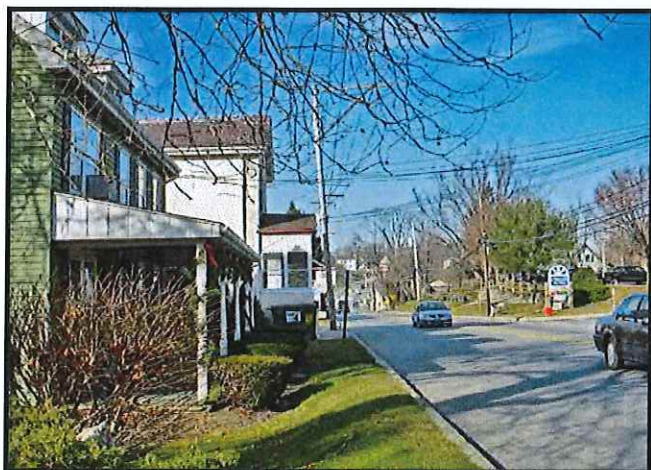


Exhibit B

Guthriesville Village Manual of Written & Graphic Design Guidelines
East Brandywine Township, Chester County, PA



Revisions: May 23, June 21, July 20, September 20, & October 9, 2012
Updated: December 13, 2012; June 27, 2013; February 7, 2014



THOMAS COMITTA ASSOCIATES, INC.
Town Planners & Landscape Architects

Guthriesville Village Manual of Written & Graphic Design Guidelines

East Brandywine Township, Chester County, PA

Outline of Contents:

1. Purpose and Applicability
2. Overall Form
3. Connectivity of Accessways
 - 3.1 Typical Section for Accessways
4. Parking Location and Types
5. Building Location – New Construction
6. Building Height and Proportion – New Construction
7. Adaptive Reuse of Buildings
8. Accessory Buildings & Structures
9. Sidewalks & Crosswalks
10. Pedestrian Amenities
11. Street Trees
12. Other Landscape Elements
13. Street Lights
14. Signage
15. Maintenance of Improvements
16. Guthriesville Village Development Strategy Plan (Exhibit A)

Guthriesville Village Manual of Written & Graphic Design Guidelines

East Brandywine Township, Chester County, PA

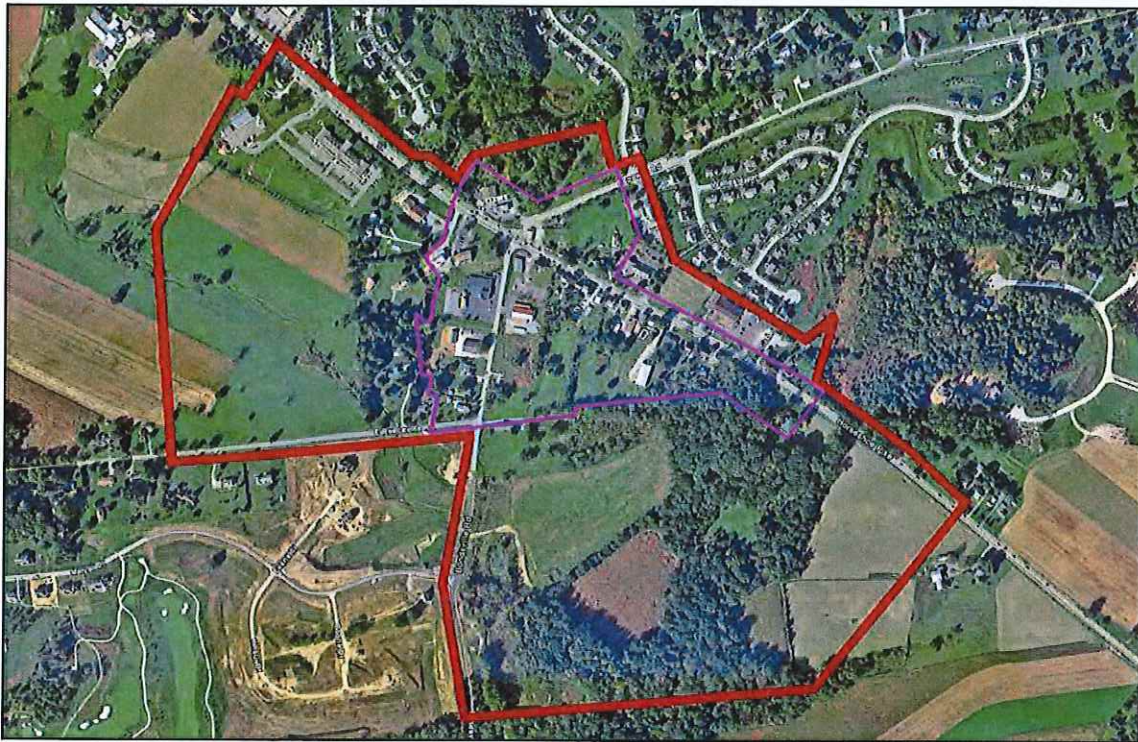
Purpose:

The Intended Purpose of this Manual of Written and Graphic Design Guidelines is to:

- 1.A. Encourage the continuation of the traditional "small town" character and land use patterns of Guthriesville Village;
- 1.B. Build more functional and attractive streetscapes in Guthriesville Village;
- 1.C. Guide the design of internal vehicular thoroughfares and pedestrian connections;
- 1.D. Provide strategies for development and redevelopment consistent with the scale, height, and proportions of the traditional Village setting; and
- 1.E. Inform the beautification and enhancement of the Village as a desirable place to live, work, shop, learn and recreate.

Applicability:

- 1.F. This Manual of General Design Guidelines applies to all properties shown on the Guthriesville Village Development Strategy Plan, and highlighted on the aerial photograph below.
- 1.G. This Manual shall be utilized to plan, design, construct and maintain buildings, structures, streetscapes, landscapes and hardscapes.
- 1.H. Throughout this document the word, "shall" is a requirement and the word, "should" is a preferred option desired by the Township.
- 1.I. The places, spaces, buildings, streetscapes, etc. as shown in this Manual shall be emulated.



— Primary Study Area — Core Area

Overall Form

Guthriesville Village Manual of Written & Graphic Design Guidelines

East Brandywine Township, Chester County, PA



Group new buildings close to existing buildings.



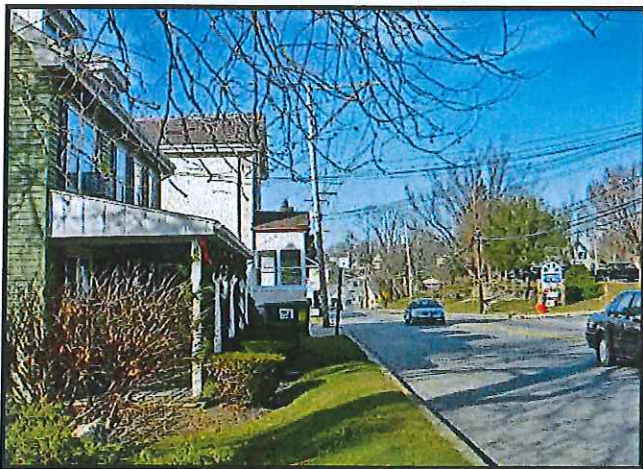
Align new buildings to match existing buildings.

Legislative Intent:

- 2.1 Development in Guthriesville Village is intended to promote a compact, mixed-use, and walkable form and pattern of development.
- 2.2 Development is also intended to promote development that is consistent with the character, scale, and proportion of buildings built before 1950 in Guthriesville Village.

Design Guidelines:

- 2.3 New development shall create a neighborhood and block structure, with interconnected accessways, sidewalks, and crosswalks.
- 2.4 Smaller "footprint" buildings shall be clustered together in a traditional alignment.
- 2.5 The streetscape of Guthriesville Village shall be defined with buildings located close to sidewalks.
- 2.6 The Streetscape shall be embellished with street trees and other landscaping, street lights, sidewalks and other pedestrian amenities.



Existing buildings in alignment along Route 322.



Existing buildings in alignment along Route 322.

Connectivity of Accessways

Guthriesville Village Manual of Written & Graphic Design Guidelines

East Brandywine Township, Chester County, PA



Interconnected network of streets and alleys.



Curb bulb-outs are an effective traffic-calming device, and help to define on-street parking.

Legislative Intent:

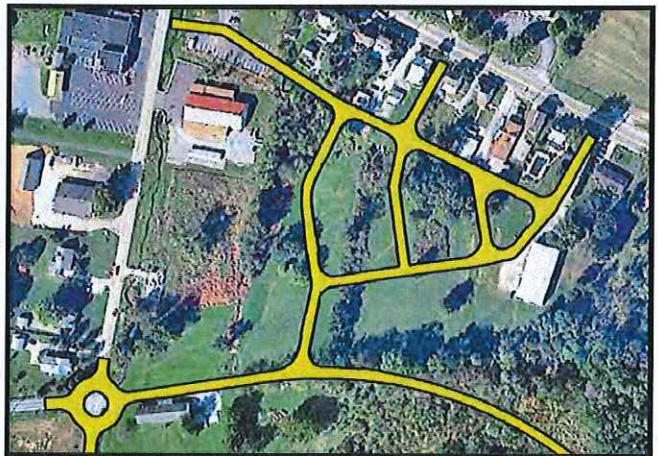
- 3.1 An interconnected network of accessways is intended to enhance vehicular traffic flow.
- 3.2 An interconnected network of accessways is also intended to promote a connected sidewalk network and pedestrian circulation system.
- 3.3 Traffic calming techniques are intended to make a more pedestrian-friendly setting.
- 3.4 Curb cuts are intended to be minimized to promote pedestrian continuity.
- 3.5 Alleys are intended to be 16 feet in width in order to obtain Liquid Fuels rebate revenues from the State.

Design Guidelines:

- 3.6 An interconnected network of accessways shall be created. Cul-de-sac streets shall not be created.
- 3.7 Traffic calming techniques such as horizontal and vertical deflections in road geometry, speed tables, curb bulb-outs, and roundabouts shall be utilized.
- 3.8 Curb cuts along main accessways shall be minimized to the extent practical.
- 3.9 Alleys, with a cartway width of 16 feet, should be constructed and maintained to the maximum extent possible.
- 3.10 Refer to page 3.1 for Typical Section for Accessways.



Extra wide curb cuts are not pedestrian-friendly, as they interrupt sidewalk activity.

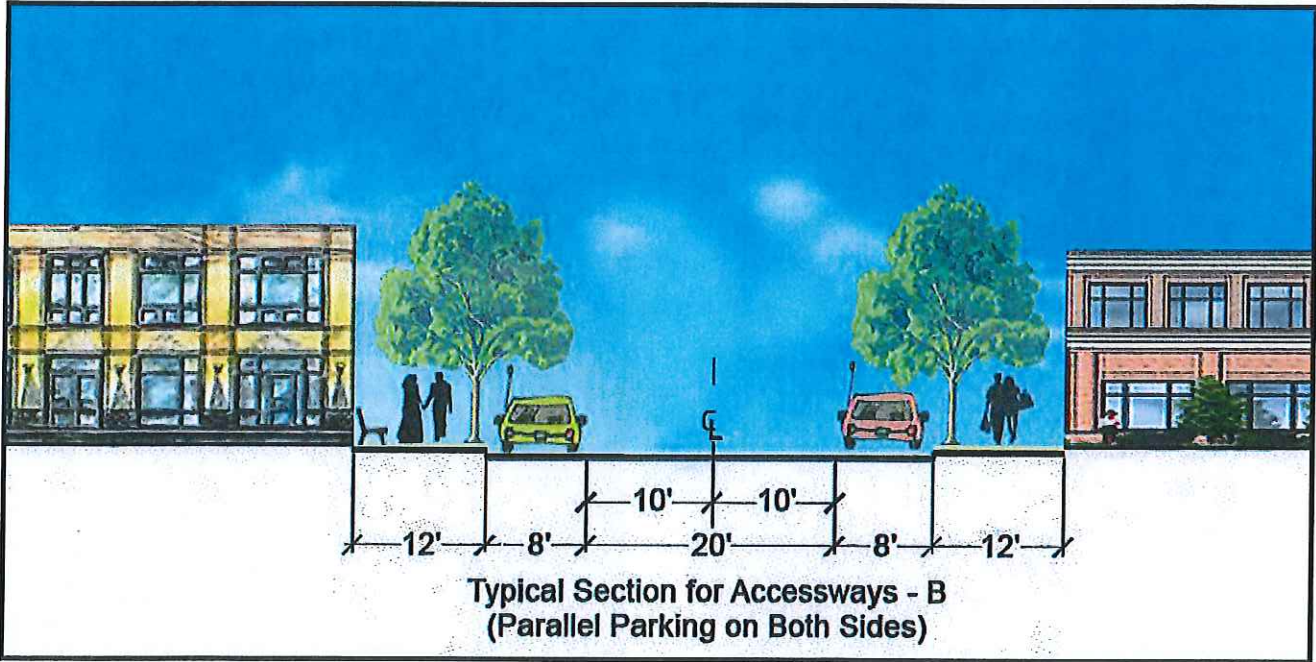
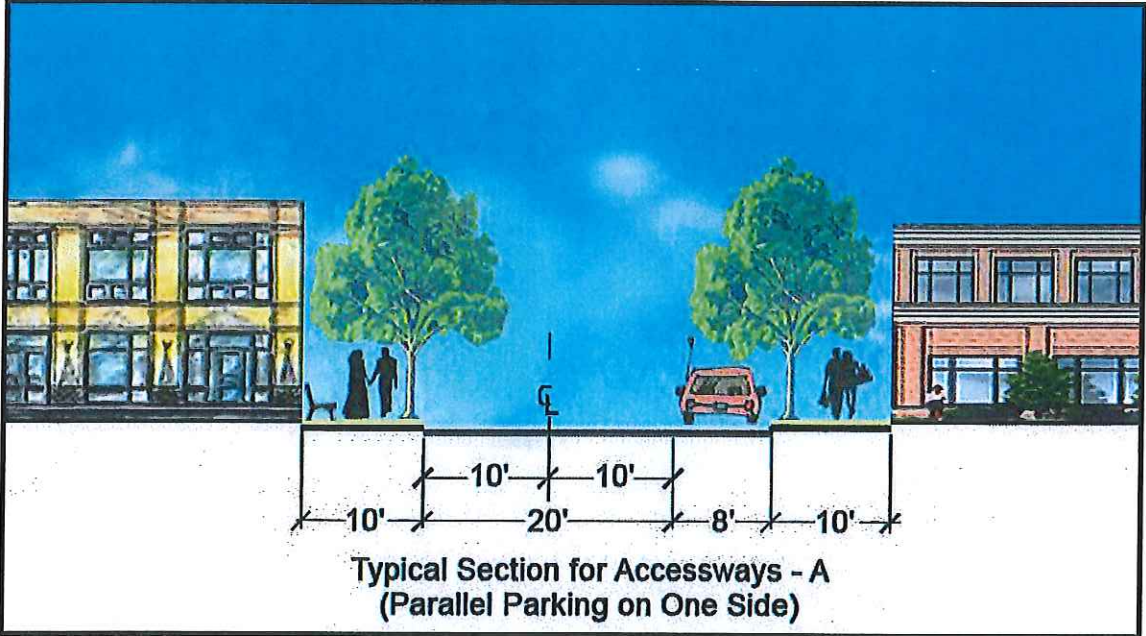


Interconnected network of Accessways.

Typical Sections for Accessways

Guthriesville Village Manual of Written & Graphic Design Guidelines

East Brandywine Township, Chester County, PA



Parking Location and Types

Guthriesville Village Manual of Written & Graphic Design Guidelines

East Brandywine Township, Chester County, PA



Parking located to the side and rear of the building.



Two-story Bank with with drive-thru and parking in rear yard.

Legislative Intent:

- 4.1 Off-Street Parking is not intended to be located between the front of a building and the street, except for approved on-street parking.
- 4.2 Off-street parking lots are intended to be screened from view.
- 4.3 On-street parking is intended complement vehicular traffic flow and to help insulate pedestrians from traffic flow.

Design Guidelines:

- 4.4 New off-street parking areas shall be located to the side and rear of buildings.
- 4.5 New off-street parking areas shall not be located at street corners.
- 4.6 Off-street parking visible from a street shall be screened with piers, fences, hedges and other landscaping at 30 inches in height.
- 4.7 On-Street Parking shall be provided in meeting the parking needs of adjoining land uses.



Off-Street Parking screened by piers, fence, and hedge.



Accessway with on-street parking that is bordered with a sidewalk, grass strip, street trees and streetlights.

Building Location - New Construction

Guthriesville Village Manual of Written & Graphic Design Guidelines

East Brandywine Township, Chester County, PA



The alignment of existing historic buildings in Guthriesville Village.



Buildings set back from the road evoke a more suburban identity.

Legislative Intent:

- 5.1 The Streetscape is intended to be formed by buildings located close to sidewalks.
- 5.2 Buildings are intended to be located in general alignment with existing historical buildings in Guthriesville Village.
- 5.3 Buildings are intended to “anchor” corners.

Design Guidelines:

- 5.4 New buildings shall be built close to the sidewalk and in alignment with existing buildings on a block.
- 5.5 Buildings shall be located so as to “anchor” corners (with parking located away from the street corners).
- 5.6 Buildings shall flank accessways to create a “bookends” effect.



New buildings in alignment along the streetscape.



Two-story buildings with Streetscape Context.

Building Height and Proportion - New Construction

Guthriesville Village Manual of Written & Graphic Design Guidelines

East Brandywine Township, Chester County, PA



One of the larger iconic historic buildings in Guthriesville Village.



New construction that is evocative of an older building typology.

Legislative Intent:

- 6.1 Minimum 2-story building height regulations are intended to promote less building coverage, and engender a more village-type scale.
- 6.2 Buildings and structures, in height and massing, are intended to be human-scaled.
- 6.3 Facade articulation, variation in roof lines, and vertical expression of buildings, is intended to promote consistency with the scale and proportion of traditional Village streetscapes and neighborhoods.

Design Guidelines:

- 6.4 Buildings shall be a minimum of 2 stories or 20 feet in height.
- 6.5 A primarily vertical expression to buildings shall be created through the use of facade articulation in the form of windows, doors, piers, pilasters, columns, colonnades, and the like.
- 6.6 Roof lines of buildings shall be varied through the use of dormers, gables, and changes in roof pitch.
- 6.7 No building shall have a flat roof.



Contemporary purpose-built non-residential building that does not emulate the historic Village character.



A 2-story bank building (with drive-through in back) that emulates the height and proportion of a pre-1950 building.

Adaptive Re-use of Buildings

Guthriesville Village Manual of Written & Graphic Design Guidelines

East Brandywine Township, Chester County, PA



One of the several intact buildings in Guthriesville that could be adaptively re-used.



An opportunity for rehabilitation and adaptive re-use.

Legislative Intent:

- 7.1 Adaptive re-use is intended to serve as an alternative to demolition of historic resources.
- 7.2 Adaptive re-use is intended to foster economic redevelopment in the core area.

Design Guidelines:

- 7.3 Existing pre-1950 buildings shall be adaptively re-used to the maximum extent possible.
- 7.4 The structural integrity and historical significance of a building shall be considered in assessing the suitability of adaptive re-use.
- 7.5. The Secretary of the Interior's Standards for Rehabilitation shall be used as a guide for the adaptive re-use of buildings.
- 7.6 Alterations to the facades of buildings that are context sensitive (e.g., pre-1950) shall be minimized.



An historic building that is already being adaptively re-used with a non-residential use on the first floor.

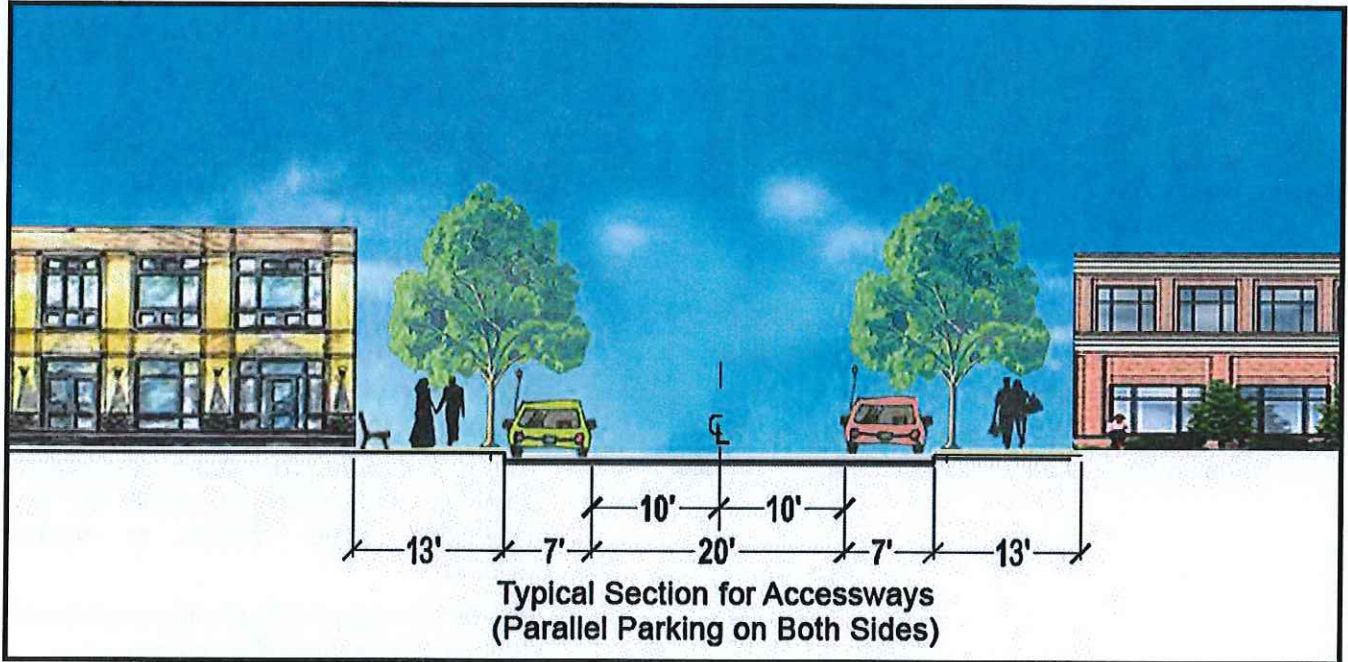


A non-historic building in Guthriesville Village that presents an opportunity for adaptive re-use.

Typical Section for Accessways

Guthriesville Village Manual of Written & Graphic Design Guidelines

East Brandywine Township, Chester County, PA



Accessory Buildings & Structures

Guthriesville Village Manual of Written & Graphic Design Guidelines

East Brandywine Township, Chester County, PA



Historic accessory building (spring house) provides an opportunity for adaptive re-use.



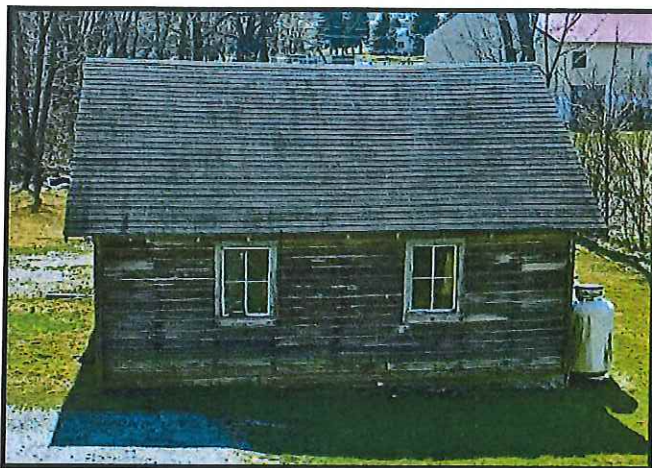
Gas Station Canopy with Village character.

Legislative Intent:

- 8.1 Accessory buildings are intended to be built and maintained so as to be architecturally compatible with principal buildings.
- 8.2 Accessory structures are intended to be complementary to the Village character.

Design Guidelines:

- 8.3 Accessory buildings with architectural features similar to the overall neighborhood character of the principal buildings shall be built and maintained.
- 8.4 The height and proportions of accessory buildings and structures shall be in a diminished scale relative to principal buildings.
- 8.5 Garage doors and siding for new construction shall be painted non-white colors.
- 8.6 Accessory buildings should be considered for adaptive re-use.



Historic accessory building (garage) provides opportunity for small studio or shop.

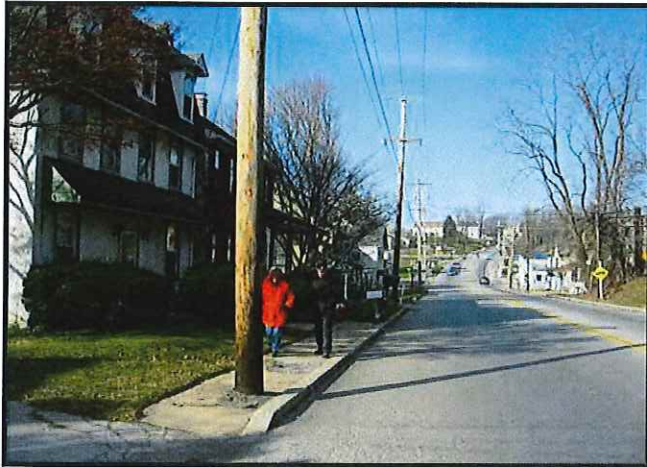


Common mail area.

Sidewalks & Crosswalks

Guthriesville Village Manual of Written & Graphic Design Guidelines

East Brandywine Township, Chester County, PA



Existing sidewalk along Route 322 (that could be extended).



A well-maintained sidewalk along the base of a slope/berm as part of a network of pedestrian connections.

Legislative Intent:

- 9.1 Development in Guthriesville Village is intended to promote and foster pedestrian connectivity and to encourage walking to the maximum extent possible.
- 9.2 Sidewalks are intended to provide opportunities for pedestrian circulation.
- 9.3 Sidewalks and Crosswalks are intended to facilitate safe, secure, and convenient connections between destinations.

Design Guidelines:

- 9.4 Sidewalks at 4'-6" in width shall be built and maintained, using concrete, brick or other unit pavers.
- 9.5 Sidewalks shall be installed and maintained to connect to buildings.
- 9.6 Crosswalks shall be installed where sidewalks cross all cartways and at entrances to common parking areas.
- 9.7 All sidewalks & crosswalks shall be paved, ADA compliant, and sloped minimally to promote positive drainage.



A decorative crosswalk contrasts with the cartway surface in order to promote visibility, and promote pedestrian circulation.



A decorative crosswalk.

Pedestrian Amenities

Guthriesville Village Manual of Written & Graphic Design Guidelines

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A low sitting wall as informal pedestrian gathering area.



A small pedestrian gathering area with brick pavers, benches, planters and other landscaping can enhance a residual portion of a property.

Legislative Intent:

- 10.1 Development in Guthriesville Village is intended to provide opportunities for sitting to the maximum extent possible.
- 10.2 Pedestrian Gathering Areas are intended to provide viable opportunities to celebrate the public realm.

Design Guidelines:

- 10.3 Benches, sitting walls, decorative pavers, plantings and waste receptacles shall be installed and maintained in pedestrian gathering areas to enhance attractiveness and safety.
- 10.4 Pedestrian Gathering Areas shall be maintained to provide year-round attractiveness and utility.
- 10.5 Outdoor dining shall be provided in Guthriesville Village where appropriate.



A decorative bench, trash receptacle, and planter in a pedestrian gathering area.



Outdoor dining adds vibrancy to the Village.

Pedestrian Amenities

Guthriesville Village Manual of Written & Graphic Design Guidelines

East Brandywine Township, Chester County, PA



Civic Green with pergola, benches and fountain form a pedestrian gathering area.



Village Green around which stores and shops are clustered.

Design Guidelines:

10.6 Village Greens shall be built and maintained to enhance the shopping, living, and working environment.

Design Guidelines:

10.7 Village greens should have gazebos, pergolas, and pavilions.



Village Green located central to a compact neighborhood of homes.



Walkway connecting public space.

Street Trees

Guthriesville Village Manual of Written & Graphic Design Guidelines

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Street Trees with upright form along the streetscape (with retail building located close to the sidewalk).



Street Trees in combination with street lights help to define the residential streetscape.

Legislative Intent:

- 11.1 Street trees are intended to provide shade and screening, and add a graceful component to the Streetscape.

Design Guidelines:

- 11.2 Street Trees shall be installed and maintained along both sides of all streets.
- 11.3 Street Trees shall be alternated with street lights along accessways.
- 11.4 Deep rooted, stress-tolerant, street tree species shall be utilized.
- 11.4 Street trees shall be maintained to provide clearance for vehicles and pedestrians.



Street trees maintained along a sidewalk to balance the architectural scale of buildings, and to provide shade.



Street Tree allee.

Other Landscape Elements

Guthriesville Village Manual of Written & Graphic Design Guidelines

East Brandywine Township, Chester County, PA



Building complemented with shade tree and picket fence.



Street Wall in lieu of building wall, for Wawa Store

Legislative Intent:

- 12.1 Landscape features are intended to be designed to help achieve a balance between man-made and natural materials, objects, and spaces.
- 12.2 Shrubs, groundcovers, and perennials are intended to provide attractive layering and color along the Streetscape.
- 12.3 Mature trees are intended to be preserved as components of the historic character of Guthriesville Village.

Design Guidelines:

- 12.4 Building design shall be complemented with landscape features and materials.
- 12.5 Colorful plants shall be employed to enhance the streetscape and individual properties.
- 12.6 Buffer plantings shall be provided to separate disparate uses.
- 12.7 Plant materials shall be selected to be tolerant of prevailing climatic, hydrologic and soil conditions.
- 12.8 Mature trees shall be preserved to the maximum extent possible.



A narrow buffer of evergreen trees.



Mature trees contribute to the historic Village character and scale.

Street Lights

Guthriesville Village Manual of Written & Graphic Design Guidelines

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Pedestrian-scaled, decorative lighting.



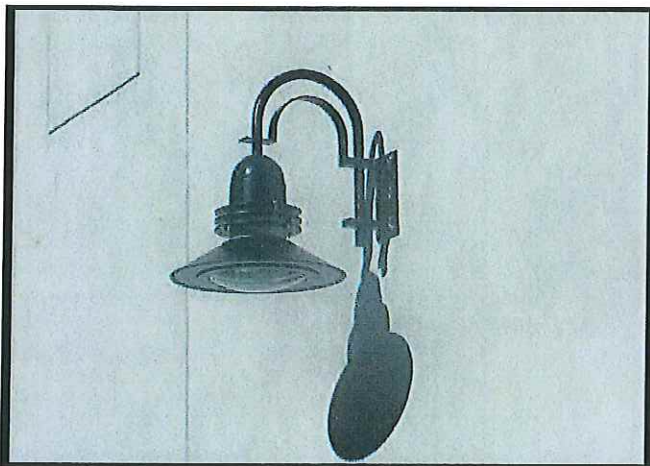
Decorative lighting and street trees installed in a grass strip along the cartway.

Legislative Intent:

- 13.1 Street lights are intended to be installed and maintained to enhance safety and wayfinding for drivers and pedestrians.
- 13.2 Street lights are intended to reinforce the traditional Village character of Guthriesville.
- 13.3 Pedestrian-scaled street lights are intended to provide a safe and attractive complement to the Streetscape.

Design Guidelines:

- 13.4 Pedestrian-scaled Street Lights shall be installed and maintained along both sides of all streets.
- 13.5 Street lights shall be located to complement sidewalk and street tree features along the Streetscape.
- 13.6 Building-mounted lights shall be used where pole-mounted lights cannot be installed.
- 13.6 Street light posts should be equipped to support an attached vertical banner.



Where pole-mounted lights cannot be installed, a building-mounted light can provide illumination along an accessway and/or sidewalk.



Street light with vertical banner.

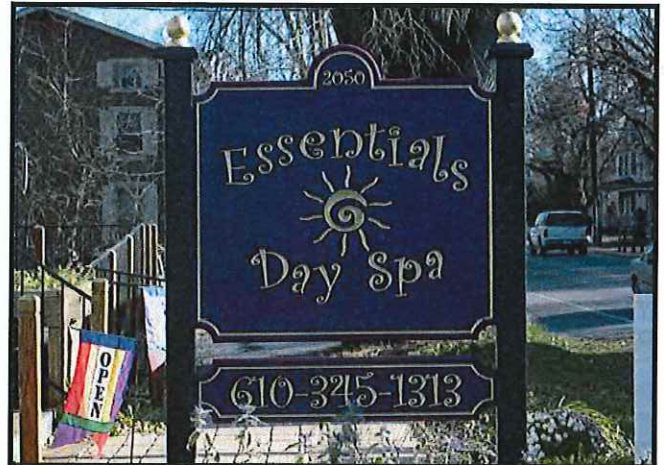
Signage

Guthriesville Village Manual of Written & Graphic Design Guidelines

East Brandywine Township, Chester County, PA



A useful building-mounted business sign.



An attractive free-standing business sign.

Legislative Intent:

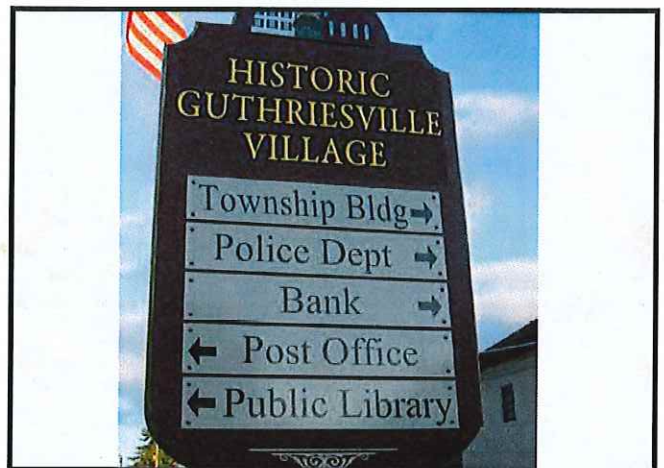
- 14.1 Non-residential signage is intended to evoke, and contribute to, the character and identity of the Village setting.
- 14.2 Wayfinding Signage is intended to provide orientation and a sense of place, as well as an aid to navigation for motorists.

Design Guidelines:

- 14.3 Signs that are attached or project from buildings shall be as small as possible.
- 14.4 Simple, colorful wall signs should be used as an attractive complement to the character and identity of Guthriesville Village.
- 14.5 Freestanding signs shall be minimized to reduce visual clutter.
- 14.6 Wayfinding signage shall be installed and maintained to promote the effective movement of vehicles.



Banner signs help to identify the core area.



Wayfinding sign: freestanding directional sign.

Maintenance of Improvements

Guthriesville Village Manual of Written & Graphic Design Guidelines

East Brandywine Township, Chester County, PA



Well Maintained Civic Plaza



Well Maintained Hanging Baskets

Legislative Intent:

- 15.1 Perpetual maintenance of all improvements is intended to maintain quality control in Guthriesville Village. .

Design Guidelines:

- 15.2 The Developer shall operate and maintain all improvements by inspecting, servicing and otherwise taking care of the same, putting and keeping same in working order, and performing any repairs, replacements and other work for such purposes.
- 15.3 Maintenance shall include keeping improvements well painted, clean, and clear of rubbish and debris.



Well Maintained Civic Plaza



Well Maintained Civic Plaza

Development Strategy Plan (Exhibit A)

Guthriesville Village Manual of Written & Graphic Design Guidelines East Brandywine Township, Chester County, PA

