Township of East Brandywine, PA
Wednesday, October 14, 2026

Chapter 399. Zoning

Article V. R-1 Residential District

§ 399-25. Regulations for clustered residential development.

[Added 3-20-2002; amended 11-20-2002; 12-30-2004 by Ord. No. 04-19; 3-4-2010 by Ord. No. 02-2010; 8-18-2022 by Ord. No. 02-2022; 7-18-2024 by Ord. No. 07-2024[1]]

A. As a design alternative to conventional single-family residential development, clustered residential development is offered in the R-1 District to achieve greater protection of existing natural features and the characteristic visual qualities of the landscape within this district. Any proposal for clustered residential development should demonstrate a minimized amount of site disturbance, vegetation removal, and visual intrusion by the new dwellings as compared to the anticipated impacts from developing the site as otherwise permitted in this article.

B. The following regulations shall apply in the R-1 District to any clustered residential development permitted under the terms of § **399-21A(2)**:

(1) Minimum gross tract area: 10 acres.

(2) Maximum number of dwelling units. On any tract proposed for clustered residential development in the R-1 District, the maximum number of dwelling units shall be determined by multiplying the net tract area, as defined by this chapter, by 0.3658.

(3) Lot area and yard dimensions.

(a) Minimum net lot area: 30,000 square feet.

(b) Minimum lot width: 125 feet, measured at the building setback line.

(c) Minimum front yard: 35 feet.

(d) Minimum side and rear yards.

[1] On each lot, other than a corner lot, there shall be two side yards having an aggregate width of not less than 50 feet, with neither side yard having a width of less than 20 feet. A corner lot, as defined by this chapter, shall have one or more side yards, each of which shall be not less than 20 feet.

[2] No principal building shall be situated less than 30 feet from any rear lot line.

[3] Any accessory use structure may be located within a side or rear yard only in accordance with § **399-75** of this chapter or, with respect to the sheltering of animals, in accordance with § **399-85D(2)**.

(e) Maximum impervious surface. Not more than 25% of the net area of any lot may be covered by impervious surfaces.

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

(5) Minimum common open space: 50% of the net tract area, together with 100% of the area containing or contained within any primary conservation area, as defined by this chapter.

(6) Use, design, ownership, and maintenance of common open space shall be governed by the standards in § **399-58C(5)** of this chapter.

(7) Wherever practical, one side of each dwelling unit or lot should abut common open space for direct views and access. Each lot shall have safe and convenient pedestrian access to active and passive recreation areas within the common open space.

(8) Pedestrian and bicycle access. Corridors for pedestrian and bicycle trails shall be established within clustered residential developments. Such corridors may include a combination of sidewalks, pathways, and trails that provide reasonable access to open space or other destinations within the tract, as well as connection to adjacent tracts and any broader Township pedestrian and/or bikeway system.

(9) Sewage facilities.

(a) Dwellings within a clustered residential development shall be served by individual sewage systems, consistent with the East Brandywine Township Sewage Facilities (Act 537) Plan and subject to demonstration of compliance with all applicable regulations of the Chester County Health Department and/or the Pennsylvania Department of Environmental Protection. Applicants also shall demonstrate compliance with § **350-47** of Chapter **350**, Subdivision and Land Development.

(b) Upon the approval of the Township and the Chester County Health Department:

[1] The drain field for an individual on-lot septic tank may be located within common open space.

[2] Where necessary, a replacement area for an individual system may be located within common open space.

[3] For each proposed dwelling unit, the applicant shall conduct percolation tests on the proposed lot and/or the adjacent common open space and, with suitability documented by the results of those tests, shall identify a drain field site which meets the criteria of the Chester County Health Department. Where primary and/or replacement drain field sites are located within common open space, the terms of the easement protecting the common open space shall identify acceptable uses of that land that are compatible with its use or potential use for subsurface sewage disposal.

(c) A homeowners' association shall be responsible for pumping the contents of and inspecting all septic systems, whether located on lots or partially or entirely within the common open space. The frequency of such pumping shall be consistent with the Township's Sewage Management Program, but in no case shall be less frequent than once every two years. If determined necessary by the inspection, such responsibility shall include cleaning the internal piping in the drain field.

(10) Water supply.

(a) It is the policy of East Brandywine Township that individual water supply wells are the preferred means of serving dwellings in a clustered residential development that is subject to the terms of this section. Except where the Board of Supervisors approves use of a public water supply system as a conditional use under the terms of Subsection **B(10)(b)** below, lots shall be served by individual water supplies, as defined by this chapter. The applicant shall conduct the test well procedures as required in § 350-48C(2) of Chapter **350**, Subdivision and Land Development, and shall demonstrate, to the reasonable satisfaction of the Township, the availability of a reliable, safe, and adequate water supply and that there will be no adverse impact on any existing water supply.

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

[1] The applicant shall demonstrate that the provision of public water will provide a substantial and significant benefit to the Township as compared to the use of individual water supply wells.

[2] The applicant shall demonstrate that, specific to this particular development proposal, such a system is a more preferable means of supplying water to the dwellings than individual wells.

[3] Where appropriate, the Township may regulate, limit, and/or preclude service from the public water supply system to other properties where such service would be inconsistent with the Township's land use planning and regulatory policies or could induce development pressure on surrounding tracts or along the route of the water supply line. The Township may require that the entity proposing to supply public water to the cluster development site enter into an agreement with the Township that no other tracts shall be connected to the public water supply line without prior approval of the Township.

[4] The applicant shall demonstrate the suitability of the proposed public water supply system in relation to the following additional criteria:

[a] The adequacy and reliability of projected yields from individual water supply wells, based on results of the test well procedure specified in § 350-48C(2) of Chapter **350**, Subdivision and Land Development, and, at the applicant's discretion, additional documentation on groundwater quantity and reliability at the site.

[b] The anticipated availability of groundwater resources, based upon the geology of the site and its water-bearing characteristics.

[c] Groundwater recharge capabilities of the site, areas within the site most important to retain for recharge purposes, and the relationship of the proposed site design to those areas; the objective shall be to maximize recharge of domestic wastewater and stormwater as a means of contributing to the maintenance of a net positive water balance on the tract and hydrologic balance within the Township.

[d] Proximity of the site to a public water supply system, and the currently existing availability and capacity of such system to serve the site; providing the site with public water should not require or result in the development of new or additional water supplies in the Township.

[e] Ability to provide the necessary water to supply the tract without the need to transfer water between subdrainage basins within the Township or create a deleterious effect on the tract's hydrologic balance.

[f] Assurance that the provision of public water to the tract will not result in the depletion of surface water flows, adverse impacts on existing groundwater supplies, or deleterious effects on the Township's hydrologic balance.

[g] Assurance that a public water supply system, if provided to the site, will have no effect on the density of development of the site.

[h] Public water supply service to the tract is consistent with Township land use policy.

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

(11) Visual protection of existing road corridors.

(a) Where a tract proposed for clustered residential development has frontage on a scenic road corridor, as designated in the Township Open Space Plan, an area of common open space designed to preserve the scenic corridor shall be established adjacent to such road frontage for purposes of buffering views of the tract from the road. This area of open space buffer may be included within the minimum amount of common open space required as part of the clustered residential development.

(b) Except where an alternative dimension is agreed to by the Board, the width of the open space buffer shall be a minimum of 50 feet. In reviewing the proposed site plan, however, the Township and applicant shall seek the most effective combination of open space (including, as appropriate, increased or decreased width of the common open space buffer), vegetation, dwelling unit setbacks, topography, and/or architectural treatments to buffer and filter views of the developed tract from the existing road. The Board also may consider the overall delineation of common open space on the site and the importance of other functions it will perform in establishing an acceptable minimum width of the open space buffer.

(c) Within the open space buffer area, the requirements in § **399-79** of this chapter for minimum plantings shall be met.

[1] *Editor's Note: This ordinance provided for an effective date of 7-18-2025.*