PART 2

DISTRICT REGULATIONS

§ 27-201. RR - Rural Residential District. [Ord. 150, 3/7/2006; as amended by Ord. 161, 11/11/2008; as amended by Ord. 2017-190, 7/11/17, §§3-4]

1. Purpose.

A. In addition to the general goals listed in the statement of community development objectives, § 27-104, it is the purpose of this district to foster the continued existence of watersheds, woodlands, and agriculture and to protect critical natural areas such as steep slopes, watercourses, water supplies, and ecosystems. Low-density single- family development is permitted, though conservation by design will allow concentrations of development when significant portions of the tract are permanently reserved for open space. The following are specific purposes for this district:

(1) To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development.

(2) To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.

(3) To reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes.

(4) To provide for a variety of lotting opportunities.

(5) To implement adopted Township policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Comprehensive Plan.

(6) To protect areas of the Township with productive agricultural soils for continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operations.

(7) To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space.

(8) To provide for the conservation and maintenance of open land within the Township to achieve the above-mentioned

goals and for active or passive recreational use by residents.

(9) To provide options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplains and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).

(10) To conserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.

(11) To foster the protection and conservation of sensitive environmental resources, including streams, floodplains, wetlands, wet soils, steep slopes, woodlands, areas with variable groundwater yields, prime agricultural soils, and areas conditionally suitable for on-site sewage disposal systems.

(12) To maintain the rural character and provide options for preserving existing agriculture, open space and conservation uses.

(13) To conserve groundwater resources.

(14) To provide for residential development at relatively low densities compatible with existing development and appropriate to environmental concerns within this RR District.

(15) To limit the residential demand for public services in areas which generally lack adequate transportation facilities and utilities to serve a suburban population.

2. Permitted uses. Land, buildings or structures in the RR District may be used for the following purposes and no others, unless a special exception is granted by the Zoning Hearing Board or a conditional use is approved by the Township Supervisors:

A. Municipal use.

B. Forestry.

C. Woodland or game preserve, wildlife sanctuary, or similar conservation use.

D. Agriculture, except intensive agriculture, pursuant to § 27-312.

E. Single-family detached dwelling, subject to:

(1) In order to achieve the purposes of this district, this

section provides for flexibility in designing new residential subdivisions by requiring one of three forms of "by-right" development, referred to as "options," for tracts equal to or greater than 20 acres in size:

(a) Option 1: Basic Conservation, providing for residential uses at the density permitted below. Greenway lands comprise at least 35% of the tract.

(b) Option 2: Estate Lots, providing for low densities in conventional layouts of standard house lots, where homes and streets are located carefully to minimize impacts on resource lands.

(c) Option 3: Country Properties, providing for very low densities appropriate to rural situations, with flexible and reduced design standards in instances where a permanent conservation easement is offered to maintain such uses.

(2) The design of all new subdivisions shall be governed by the following minimum standards:

(a) Ownership. The tract of land may be held in single and separate ownership or in multiple ownership. However, when a tract is held in multiple ownership, it shall be planned as a single entity with common authority and common responsibility.

(b) Site suitability. The tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and configuration.

(c) Combining the design options. The various layout and density options may be combined, at the discretion of the Board of Supervisors, based upon demonstration by the applicant that such a combination would better fulfill the intent of this chapter, in particular the stated purposes of this district, as compared with applying a single option to the property.

(d) Intersections and access. New intersections with existing public roads shall be minimized. Although two accessways into and out of subdivisions containing more than 20 dwellings are generally required for safety, proposals for more than two entrances onto public roads may be discouraged if they would unnecessarily disrupt traffic flow.

(e) Sensitive area disturbance. The proposed design shall strictly minimize disturbance of environmentally sensitive areas. Demonstration by the applicant that these areas will be protected by the proposed application shall be prerequisite to approval of both the preliminary plan and the final plan.

(3) On tracts equal to or greater than 20 acres, single-family detached dwellings are permitted under the standards found in § 27-201, Subsections 5 and 6.

(4) On tracts of less than 20 acres, existing on the effective date of this chapter, single-family detached dwellings are permitted under the standards found in § 27-201, Subsection 7. If a parcel of land equal to or greater than 20 acres in size which exists at the effective date of this chapter is divided into parcels of less than 20 acres in size, the standards of § 27-201, Subsections 5 and 6, shall apply to the development of all parcels less than 20 acres in size created from the original tract of land.

F. Cemeteries and necessary incidental structures.

G. Fire stations.

H. Roadside stands for the sale of farm products grown on the premises and other produce and farm products, provided that the owner of the premises actually grows and offers for sale a substantial amount of his products actually grown thereon, and provided that off-road parking space is provided for customers.

I. Permitted accessory uses, located on the same lot with the permitted principal use:

(1) Signs pursuant to § 27-304.

(2) Home occupations pursuant to § 27-302.

(3) Customary accessory uses and buildings, provided that such are clearly incidental to the principal use and do not include any activity commonly conducted as a business pursuant to § 27-303.

(4) No-impact home-based businesses pursuant to § 27-314.

J. Non-Tower Wireless Communication Facilities, subject to §27-315 of the Brecknock Township Zoning Ordinance. [Ord. 2017-190]

3. Uses permitted by special exception. The following uses are permitted

when special exceptions are granted by the Zoning Hearing Board:

A. Churches or similar places of worship, parish houses, convents and other housing for religious personnel.

B. Nursery school, elementary school, middle school, junior high school, senior high school or day-care center.

C. Intensive agriculture pursuant to § 27-410A.

D. Hospitals, orphanages, housing for the aged, and convalescent homes for the care of the sick, aged or crippled, but excluding institutions for the insane, feeble-minded, or drug or liquor patients.

E. Accessory use not located on the same lot as the permitted principal use.

F. Lodges or clubs for hunting, fishing, gunning or archery.

G. Public and private outdoor recreation areas and facilities, including parks (except amusement parks, which are specifically not permitted), playgrounds, picnic grounds, swimming clubs, camps, campgrounds and facilities, golf courses or country clubs (except driving ranges and miniature golf courses, which are not permitted). Outdoor recreation involving motorized equipment or vehicles (except golf carts) is not permitted.

H. Kennel, pursuant to § 27-410G, provided that the minimum lot size is two acres.

I. Riding academy or stable, subject to the standards of § 27-312, Subsections 2 and 3.

4. Uses permitted by conditional use. The following uses are permitted as conditional uses upon approval by the Township Board of Supervisors:

A. Reserved. [Ord. 2017-190]

B. For tracts equal to or greater than 20 acres in size, single-family detached dwellings on lots meeting the standards found in § 27-201, Subsection 7.

5. Minimum lot standards for single-family detached dwellings under Options 1, 2 and 3.

A. Dimensional standards for Option 1: basic conservation.

(1) Density factor to be used to determine the number of lots allowed: one dwelling unit per 1 1/2 acres of developable area, as determined in accordance with § 27-313 of this chapter.

(2) Minimum required greenway land:

(a) The subdivision must include at least 35% of the gross tract area as greenway land. Greenway land shall not be used for residential lots.

(3) Minimum lot area: one acre of developable lot area as determined in accordance with § 27-313 of this chapter.

(4) Minimum lot width at the street right-of-way line: 125 feet.

(5) Yard regulations: The builder or developer is urged to consider variations in the principal building position and orientation but shall observe the following minimum standards:

(a) Front: 40 feet.

(b) Rear: 40 feet.

(c) Side: 20 feet.

(6) Maximum impervious coverage: 20% limit on each lot.

(7) Maximum building height: 35 feet.

B. Dimensional standards for Option 2 subdivisions: estate lots.

(1) Maximum density: one dwelling unit per four acres of developable area, determined in accordance with § 27-313 of this chapter.

(2) Minimum lot area: four acres of developable lot area, as determined in accordance with § 27-313 of this chapter.

(3) Minimum lot width at the street right-of-way line: 200 feet.

(4) Yard regulations: The builder or developer is urged to consider variations in the principal building position and orientation but shall observe the following minimum standards:

(a) Front: 60 feet.

(b) Rear: 50 feet.

(c) Side: 40 feet.

(5) Maximum impervious coverage: 15% limit on entire subdivision tract.

(6) Maximum building height: 35 feet.

(7) Option 2 subdivisions shall be exempt from all requirements of § 22-518 of Chapter 22, Subdivision and Land Development.

C. Dimensional standards for Option 3 subdivisions: country properties.

(1) Maximum density: one dwelling unit per 10 acres (gross).

(2) Minimum lot area: 10 acres.

(3) Minimum lot width at the street right-of-way line: 200 feet.

(4) Yard regulations: the builder or developer is urged to consider variations in the principal building position and orientation but shall observe the following minimum standards:

(a) Front: 60 feet.

(b) Rear: 50 feet.

(c) Side: 40 feet.

(5) Maximum impervious coverage: 10% limit on entire subdivision tract.

(6) Maximum building height: 35 feet.

(7) Option 3 subdivisions shall be exempt from all requirements of § 22-518 of Chapter 22, Subdivision and Land Development.

6. Design standards for Option 1 subdivisions.

A. Lots for single-family detached dwelling lots shall not encroach upon primary conservation areas, and their layout shall respect secondary conservation areas as described in § 27-201, Subsection 8B(1).

B. All new single-family detached dwellings shall meet the following setback requirements:

(1) From all external road ultimate rights-of-way: 100 feet.

(2) From all other tract boundaries: 50 feet.

(3) From cropland or pasture land: 50 feet.

(4) From buildings or barnyards housing livestock: 300 feet.

(5) From active recreation areas, such as courts or playing fields (not including tot lots): 150 feet.

C. Lots for single-family detached dwellings shall be accessed from interior streets, rather than from roads bordering the tract,

unless otherwise permitted by the Board of Supervisors.

D. At least 3/4 of the lots shall directly abut or face greenway land across a street.

E. Standards pertaining to the quantity, quality, configuration, ownership, and maintenance of the greenway land created under this district are contained in § 27-201, Subsections 8 through 10.

F. Dwellings shall be served by on-lot water supply facilities.

G. Dwellings shall be served by on-lot sewage disposal systems.

H. Any lot approved for single-family detached dwelling use which has an area of 10 acres or less shall not be further subdivided and shall be subjected to a recorded restriction prohibiting further subdivision. The recorded restriction shall be reviewed by the Board of Supervisors and subject to its approval.

7. Minimum lot standards for all other uses.

A. Minimum developable lot area: 1.5 acres. Note: Refer to § 27-313 for the method of determination of the total developable area, maximum tract density and minimum individual lot acreage.

B. Minimum lot width: 150 feet, measured at the street right-of-way line.

C. Minimum front yard: 60 feet.

D. Minimum one side yard: 20 feet.

E. Minimum total side yards: 50 feet.

F. Minimum rear yard: 40 feet.

G. Maximum building coverage: 10%.

H. Maximum paved area: 10%.

I. Maximum building height: 35 feet.

8. Greenway land use and design standards (applies to Option 1 only). Required greenway land in all subdivisions designed under Option 1 shall meet the following standards:

A. Uses permitted on greenway lands. The following uses are permitted in greenway land areas:

(1) Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).

(2) Agriculture, except intensive agriculture. Equestrian

facilities solely for recreational purposes shall be permitted but may not consume more than 1/2 of the minimum required greenway land.

(3) Forestry.

(4) Neighborhood open space uses such as village greens, commons, picnic areas, trails, and similar low-impact passive recreational uses, specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Board of Supervisors.

(5) Active noncommercial recreation areas, such as playing fields, playgrounds, courts, and bikeways (but excluding use of motorized equipment or vehicles), provided that such areas do not consume more than 1/2 of the minimum required greenway land. Playing fields, playgrounds, and courts shall not be located within 100 feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than 10 parking spaces.

(6) Individual water supply systems and stormwater detention areas designed, landscaped, and available for use as an integral part of the greenway land.

(7) Easements for drainage, access, sewage disposal or water supply systems, or other public purposes.

(8) Underground utility rights-of-way. Aboveground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required greenway land.

(9) Individual sewage disposal replacement systems (including appurtenances) provided that no more than 25% of the total required greenway land shall contain such sewage disposal systems, subject to the following:

(a) Primary septic system areas shall not be located in the required greenway.

(b) Easements must be provided for all replacement septic system areas located in the required greenway. Dimensions of the easements must be reviewed and approved by the Township Engineer and shall be determined based upon the required size of the septic system to be located within the easement.

(c) Ownership and maintenance of septic system

facilities located in the required greenway shall be the sole responsibility of the owner of the lot which is served by said septic system facilities.

(d) All replacement septic system areas must be located on the same side of the public street as the lot which the system serves.

B. Greenway design standards.

(1) Greenway lands shall be laid out in general accordance with the Comprehensive Plan to ensure that an interconnected network of open space will be provided. The required greenway land shall consist of a mixture of primary conservation areas (PCAs), all of which must be included, and secondary conservation areas (SCAs). PCAs consist of water bodies, watercourses, floodplains, wetlands, and slopes greater than 25%. SCAs consist of seasonal high-water-table soils (<36 inches), shallow depth to bedrock (<42 inches), diabase geology, and slopes of 15% to 25%.

(2) The greenway land comprises a minimum of 35% of the gross tract area. This land shall generally remain undivided and shall be owned and maintained in accordance with the parameters listed in § 27-201. Subsection 10. These ownership options may be combined so that different parts of the greenway land may be owned by different entities.

(3) Buffers for adjacent public parkland. Where the proposed development adjoins public parkland, a natural greenway buffer at least 150 feet deep shall be provided within the development along its common boundary with the parkland, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction). Where this buffer is unwooded, the Board of Supervisors may require vegetative screening to be planted or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.

C. Other requirements.

(1) Pedestrian and maintenance access, excluding those lands used for agricultural purposes as permitted herein, shall be provided to greenway land in accordance with the following requirements:

(a) Each subdivision shall provide one centrally located

access point per 20 lots, a minimum of 35 feet in width.

(b) Access to greenway land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural options.

(2) All greenway land areas that are not wooded or farmed shall be landscaped in accordance with the landscaping requirements of Chapter 22, Subdivision and Land Development.

(3) Greenway lands shall not be allocated for residential accessory uses, such as but not limited to keeping of animals and sheds.

(4) Compatibility with other Township standards.

(a) Recreational facilities shall be provided in the required greenway in accordance with § 22-518, Subsection 3E of Chapter 22, Subdivision and Land Development, if deemed appropriate by the Board of Supervisors. When recreational facilities will be provided, such facilities shall be installed in accordance with § 22-518, Subsection 6, of Chapter 22, Subdivision and Land Development.

(b) Option 1 subdivisions shall be exempt from all other requirements of § 22-518 of Chapter 22, Subdivision and Land Development.

9. Permanent land protection through conservation easements.

A. In Option 1 subdivisions. In Option 1 subdivisions, the required greenway land shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and to install subsurface septic disposal systems.) The determination of necessity shall lie with the Board of Supervisors.

B. In Option 2 and 3 subdivisions, any single-family detached dwelling lot which has an area of 10 acres or less shall not be further subdivided and shall be subjected to a recorded restriction prohibiting further subdivision. The recorded restriction shall be reviewed by the Board of Supervisors and shall be subject to its approval. In Option 2 and 3 subdivisions, applicants may offer to place a restrictive conservation easement preventing future subdivision of any newly created parcels which have an area greater than 10 acres, in which case the Board of Supervisors shall review the proposed easements and shall approve them,

provided that their wording accomplishes the purposes of this chapter and is consistent with the Comprehensive Plan.

10. Ownership and maintenance of greenway land and common facilities.

A. Development restrictions. All greenway land shall be permanently restricted from future subdivision and development. Under no circumstances shall any development be permitted in the open space at any time, except for those uses listed in these district regulations.

B. Ownership options. The following methods may be used, either individually or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities or in the open space ratio of the overall development and upon approval of the Board of Supervisors. Ownership methods shall conform to the following:

(1) Fee-simple dedication to the Township. The Township may, but shall not be required to, accept any portion of the common facilities, provided that:

(a) There is no cost of acquisition to the Township; and

(b) The Township agrees to and has access to maintain such facilities.

(2) Condominium association. Common facilities may be controlled through the use of condominium agreements. Such agreements shall be subject to all of the provisions for condominiums set forth in state regulations and statutes. All open land and common facilities shall be held as common elements.

(3) Homeowners' association. Common facilities may be held in common ownership by a homeowners' association, subject to all of the provisions for homeowners' associations set forth in state regulations and statutes. In addition, the following regulations shall be met:

(a) The applicant shall provide the Township a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common facilities.

(b) The proposed association shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if

necessary) before the sale of any dwelling units in the development.

(c) Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.

(d) The association shall be responsible for maintenance and insurance of common facilities.

(e) The bylaws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in his dues. Such dues shall be paid with the accrued interest before the lien may be lifted.

(f) Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the Township no less than 30 days prior to such event.

(g) The association shall have adequate staff to administer, maintain, and operate such common facilities.

(4) Private conservation organization or Berks County. With permission of the Township, an owner may transfer either fee- simple title of the open space or easements on the open space to a private nonprofit conservation organization or to Berks County, provided that:

(a) The conservation organization is acceptable to the Township and is a bona fide conservation organization intended to exist indefinitely;

(b) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization or Berks County becomes unwilling or unable to continue carrying out its functions;

(c) The greenway land is permanently restricted from future development through a conservation easement and the Township is given the ability to enforce these restrictions; and

(d) A maintenance agreement acceptable to the Township is established between the owner and the conservation organization or Berks County.

(5) Dedication of easements to the Township. The Township

may, but shall not be required to, accept easements for public use of any portion of the common land or facilities. In such cases, the facility remains in the ownership of the condominium association, homeowners' association, or private conservation organization while the easements are held by the Township. In addition, the following regulations shall apply:

(a) There shall be no cost of acquisition to the Township;

(b) Any such easements for public use shall be accessible to the residents of the Township; and

(c) A satisfactory maintenance agreement shall be reached between the owner and the Township.

(6) Where greenway land is proposed to be owned by a condominium association or a homeowners' association, the incorporation of the association shall be completed before the subdivision plan is recorded and the articles of incorporation, bylaws, and initial budget and other operating documents of the association shall be submitted to the Board of Supervisors for review and approval before the subdivision plan is recorded. The declaration for the association shall be recorded simultaneously with the new subdivision plan, and no lots from the subdivision may be conveyed before the declaration and plan are recorded.

C. Maintenance.

(1) Unless otherwise agreed to by the Board of Supervisors, the cost and responsibility of maintaining common facilities and greenway land shall be borne by the property owner, condominium association, homeowners' association, or conservation organization.

(2) The applicant shall, at the time of preliminary plan submission, provide a plan for maintenance of greenway lands and operation of common facilities in accordance with the following requirements:

(a) The plan shall define ownership.

(b) The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadow, pasture, cropland, woodlands, etc.).

(c) The plan shall estimate staffing needs, insurance requirements, and associated costs, and define the

means for funding the maintenance of the greenway land and operation of any common facilities on an ongoing basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.

(d) At the Township's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year.

(e) Any changes to the maintenance plan shall be approved by the Board of Supervisors.

(3) In the event that the organization established to maintain the greenway lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the Township may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended, and the Township may recover any costs it incurs in excess of any escrow funds from the responsible party.

(4) The Township may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowners' association, conservation organization, or individual property owners who make up a condominium or homeowners' association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the Township in the office of the Prothonotary of Berks County.

D. Ownership and maintenance agreements. The applicant shall, at the time of final plan submission, provide a proposed ownership and maintenance agreement to the Board of Supervisors for its review. Such agreement shall set forth the obligations and duties of the applicant and any other affected parties with respect to compliance with § 27-201, Subsections 9 and 10. The agreement shall provide for the enforcement of the agreement and penalties for violation of the agreement. The Township shall be entitled to recover any costs it incurs for enforcement from the violating party. The application for plan approval shall not be granted unless the agreement under this section has been accepted by the Board of Supervisors and executed by the applicant and any other affected parties. The ownership and maintenance agreement shall be recorded in the office of the Recorder of Deeds of Berks County

along with the final plan.

§ 27-202. LDR - Low-Density Residential District. [Ord. 150, 3/7/2006; as amended by Ord. 2017-190, 7/11/2017, §5]

1. Purpose.

   A. In addition to the general goals listed in the statement of community development objectives in § 27-104, the purpose of this district is:

      (1) To provide a transition from rural and agricultural areas to moderatedensity residential areas that are compatible with the existing neighborhoods and uses in the district.

      (2) To foster protection of sensitive environmental features while allowing for development appropriate to the district.

      (3) To ensure that adequate water and sewage facilities are provided for proposed development.

2. Permitted uses.

   A. Single-family semidetached dwellings.

   B. Municipal uses.

   C. Nursery schools, elementary schools, middle schools, junior high schools, senior high schools or day-care centers.

   D. Churches or similar places of worship, parish houses, convents and other housing for religious personnel.

   E. Public buildings owned and operated by the Township.

   F. Public libraries and fire stations.

   G. All forms of agriculture, except intensive agriculture, pursuant to § 27-312.

   H. Roadside stands for the sale of farm products grown on the premises and other produce and farm products, provided that the owner of the premises actually grows and offers for sale a substantial amount of his products actually grown thereon and provided that off-road parking space is provided for customers.

   I. Cemeteries and necessary incidental structures.

   J. Forestry.