



Montgomery County, Pennsylvania

Protecting Natural, Scenic, and Historic Resources

rural residential district

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Introduction

What makes a place rural? Is it rolling hills and undeveloped open space? White picket fences running down a narrow two-lane road? Small villages and communities? Woodlands? Farmlands? Truth is, the qualities that make up rural character are hard to define, easy to spot, and often a perception that is unique to the individual. Whatever it is that makes much of Montgomery County rural, many of these qualities are rapidly disappearing. As growth pressures spread to the far reaches of the county, the new and typical suburban-style development that gets built ends up looking out of place. Too often, new homes don't fit with existing rural character, adversely impact nearby farms and residences, and intrude into environmentally sensitive land.



Rural character is easy to spot but hard to define - but it's something that's rapidly disappearing in Montgomery County.

The Need for Rural Residential Zoning

Rural areas are an important part of Montgomery County and contribute to its economic vitality. Rural areas closest to the county's urban fringe are especially susceptible to urban pressures, which can quickly consume existing community character, municipal budgets, and municipal staff time.

Planning for the county's rural residential areas is imperative for several reasons:

- Protection of Natural Features. It is crucial to maintain and preserve the county's important landscape elements, including unique and environmentally sensitive features like woodlands, hedgerows, streams, wetlands, floodplains, or ridge tops. These features are quickly vanishing from the county's landscape.

- Preservation of Scenic Views. The county has many scenic views from roads, public open space, and other public areas which remain unspoiled - for now. These vistas can and should be protected from the potentially visually undesirable impacts of future development.
- Safeguarding Historic and Cultural Features. Caring for the county's stone walls, farm buildings, and historic homes will help to preserve our rural heritage.
- Conservation of Open Space. Although open space areas in Montgomery County are preserved through a number of different methods, this is another way to add preserved open space to a municipality's inventory.

This model zoning ordinance is designed to provide an alternative to the typical new suburban residential development that is commonly built in the county. The provisions of this model zoning ordinance address issues like preserving natural features, enhancing scenic views and rural roads, and siting new development in a way that is sensitive to its surrounding context. Creating rural residential communities that blend with the county's existing rural character will serve to enhance communities while allowing for limited amounts of growth.

Rural Residential Trends

Traditionally, the county's rural areas were made up of small hamlets and villages with areas of farmland and open space surrounding them. Homes were clustered together in these hamlets and villages to save the most productive land for farming. More recently, development patterns in rural areas have

taken on a more suburban feel, with price tags to match. As areas closer to Philadelphia are nearly built out, new rural development seemingly becomes a part of the Philadelphia housing market.

To truly preserve rural character, communities should determine which rural qualities merit preservation. Not only will this help to create a more effective ordinance, it will help communities solidify a vision for the future. Although this can be a time-consuming task, the process can be broken down into three broad, yet distinct, steps:

1. Define the visual resources. What features make up the local rural landscape? This is an opportunity to take photos of visually distinct and interesting areas, as well as map out the areas that the community treasures the most. Things to note could include land use patterns, notable architecture, natural amenities, and places where people congregate.
2. Organize opportunities for community input. If feasible, create a committee or panel to deal specifically with this task.
3. Determine significant rural resources. The community may want to conduct visual preference surveys as part of the input sessions, which would allow participants to visually assess their community. A survey of this type would give great feedback for any final determinations.

Preserving the county's rural areas - at least what remains of them - has been and continues to be a priority for Montgomery County. Rural residential

zoning can preserve rural character and natural areas, while allowing new development to happen in a way that is sensitive to the existing landscape.

In This Publication

What is the Rural Residential District? It provides for a limited amount of new development based on an approximate ratio of one (1) dwelling unit to two (2) developable acres of land. The district's permitted uses include single-family detached homes, open space, agricultural activities, farmstands, and some passive recreational uses. Conservation areas, created to preserve scenic, historic and natural features within this district, would make up at least 40 percent of tracts that are 5 acres or greater developed under these standards. The end result is a zoning district that allows for some growth while preserving the county's rural landscape.

This report starts with a section on planning issues that may arise as communities plan for rural residential areas. This includes the differences between rural residential zoning and land preservation (or rural cluster) zoning, key rural resources, and rural sewer needs. The report then includes a detailed section on rural residential design elements. Some of the design issues included in this publication are building and lot layouts, site design, historic building conversions and public facilities needs.

The model ordinance is indeed a complete document that a municipality could adopt and add to its existing code. However, it is something that

can be tweaked to fit the varying needs of the county's unique places. A section of appendices follows with information that is supplemental to the model ordinance.



1995



2005

Changes in the rural parts of the county happen quickly. These two aerial photos chart the changes in a small area of the county from 1995 to 2005.

Key Elements of the Rural Residential District

- The Rural Residential District is a mapped zoning district that replaces existing zoning.
- Important scenic, historic, and environmental areas are identified and preserved.
- Density of homes is one house per two developable acres.
- Developable acreage is calculated by taking out environmentally constrained land.
- To create room to preserve important areas of a site, the lot size of internal lots can be reduced to 30,000 square feet.
- New buildings must be hidden from view from external roads.
- Lots fronting external roads must be at least 80,000 square feet in size.

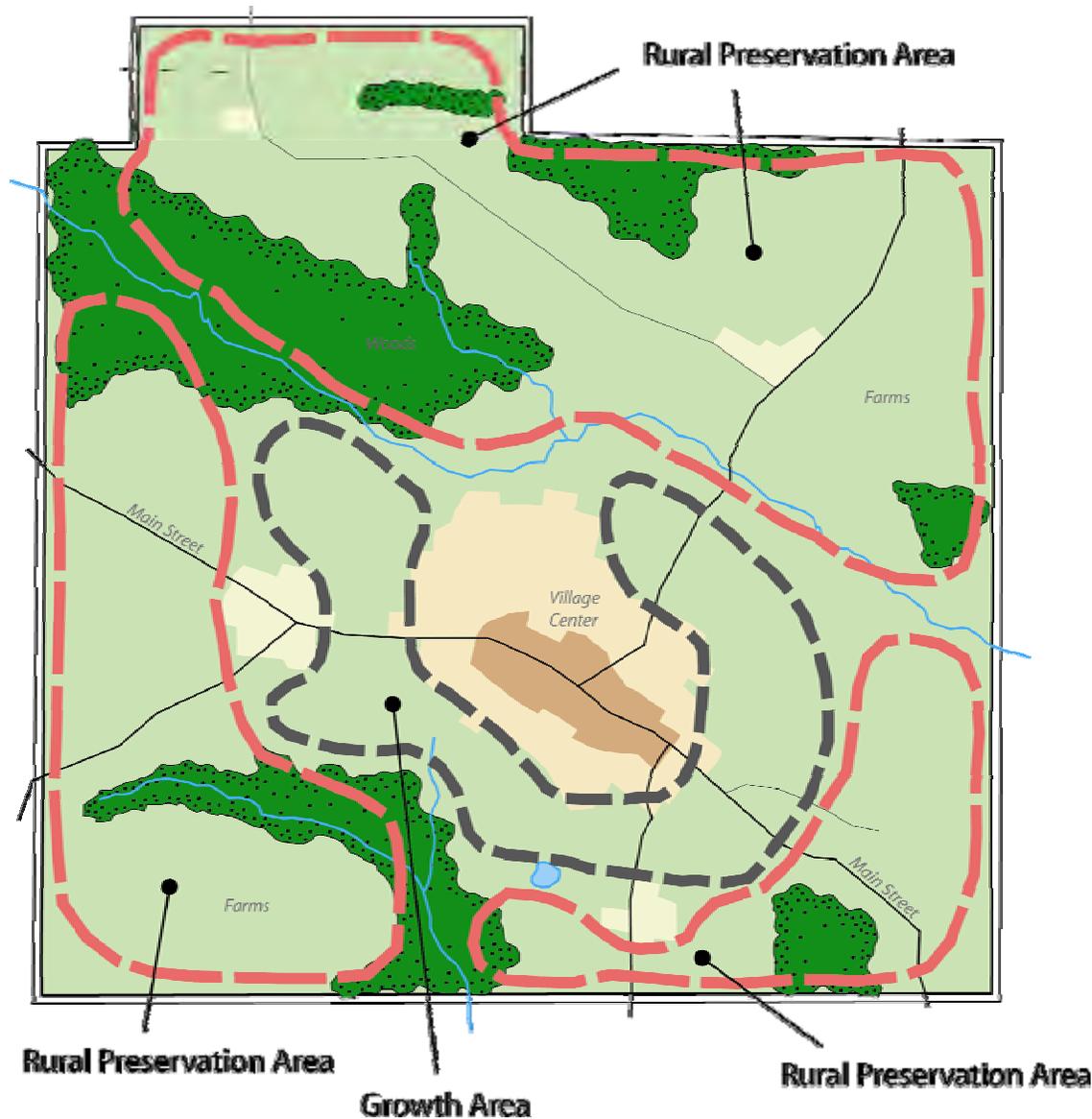
*planning for
rural residential
development*

Part

1

Part 1 of this publication discusses important planning issues for rural residential zoning. When writing a rural residential district, municipalities should identify which rural areas are most appropriate for this zoning, based on utilities, existing features, and planning goals.

Example of a Municipality with Rural Areas



In the above example municipality, areas most appropriate for the Rural Residential District are undeveloped areas outside of proposed growth areas and sewer service areas.

Location

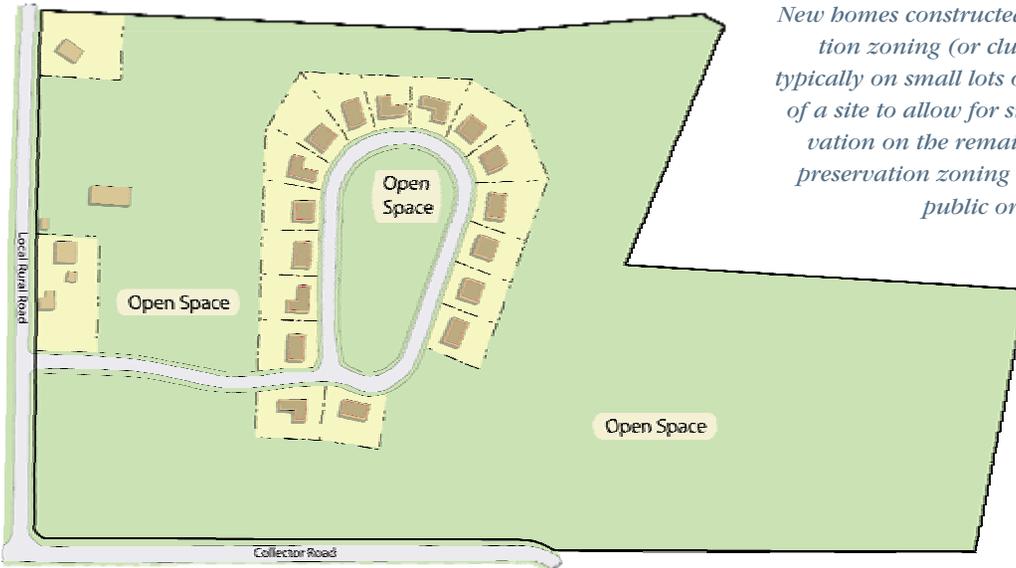
The Rural Residential District is meant to preserve rural community character while preserving sensitive natural, scenic, and historic features. It's appropriate for much of the county's more rural areas, most of which are in the western end of the county.

The most appropriate locations for rural residential districts are rural areas without sewer and water service or other suburban style amenities or public facilities. In addition, rural residential areas are not appropriate for growth areas where suburban growth and uses are planned for the future.

Residential density would be approximately one home per two developable acres.

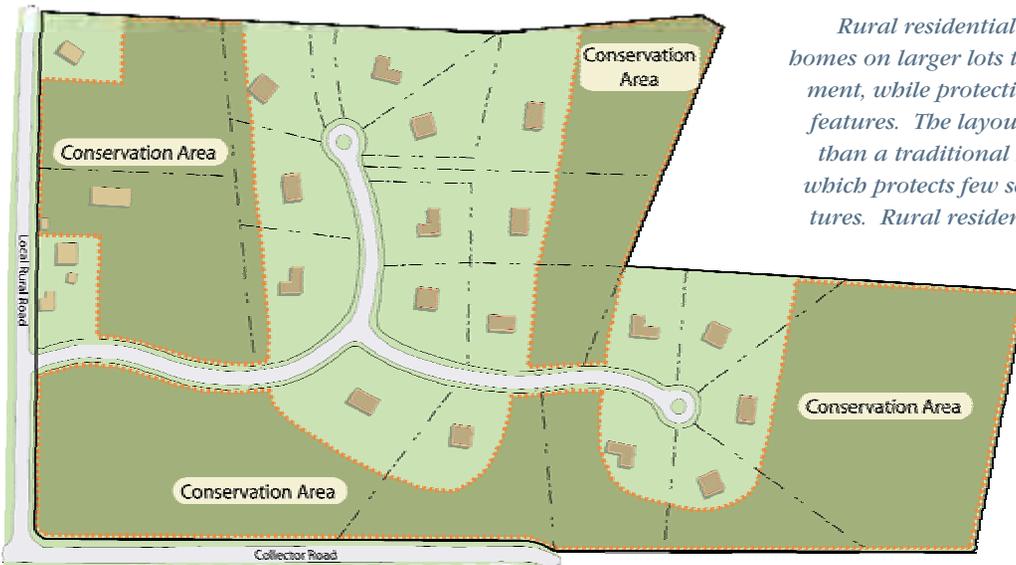
Creating a rural residential district may also become an alternative to the cluster development found in land preservation zoning districts if a cluster development's typically smaller lot sizes are inappropriate for a community's preferences.

Example of Land Preservation Zoning



New homes constructed using land preservation zoning (or cluster development) are typically on small lots on a restricted portion of a site to allow for significant land preservation on the remainder of the site. Land preservation zoning also typically requires public or central sewer service.

Example of Rural Residential Zoning



Rural residential development features homes on larger lots than a cluster development, while protecting natural and scenic features. The layout is distinctly different than a traditional 2-acre lot subdivision, which protects few scenic and natural features. Rural residential homes would use on-site sewer service.

Rural Residential Zoning Versus Land Preservation Zoning

Rural residential development takes many forms. This zoning model is appropriate when rural areas have features worth preserving and new single-family detached homes require large lots for construction. The model keeps many rural features intact, such as limited public utilities, narrow roads, and scenic character. This model also allows for the construction of popular larger homes.

In some cases, land preservation zoning (also known as cluster development) may be the right option for new home construction in the county's rural areas. Land preservation zoning also allows the flexibility to plan around a site's natural features and constraints. In a typical land preservation development (LPD), homes are grouped on a small portion of a site, with lots smaller than those found in a typical subdivision. The end result is the same overall number of housing units and a significant amount of preserved, undeveloped land.

The LPD model is well-suited for sites with significant natural resources and access to public or central sewers. Clustered homes can be laid out to promote walkability and local trails, and can potentially lower the cost of infrastructure and local public services like snow plowing or mail delivery.



Identifying Key Community Resources

Figuring out what resources are most important to a municipality's rural feel is one of the hardest parts of preserving rural character. Designating conservation priorities makes it easier to ensure quality development and construction in the years to come.

Determining an area's key community resources can be an arduous task. The results become somewhat of a blueprint for rural growth. To start:

- Take an inventory of local rural character. What features are most important to the local landscape? This might include land use patterns, notable architecture, natural amenities, and popular places where people congregate.
- Outline the community's values. What things or places does the community cherish the most? And which of these qualities should be emphasized in new residential development?

These steps are an essential beginning to creating a rural residential district that is the best fit for the county's unique communities. Each of these places has individual qualities and characteristics that make them special and charming places to live.

Scenic views, historic properties, and environmentally sensitive areas are some of the many rural features that a municipality may want to consider making a key community resource.



There are various options for on-lot sewage disposal, such as a community lagoon (as shown in the picture on the left) or a sand mound for an individual home (as shown on the right).



Another sewage disposal option would be to place sand mounds in adjacent open space or on another adjacent property, as was done above in Salford Township.

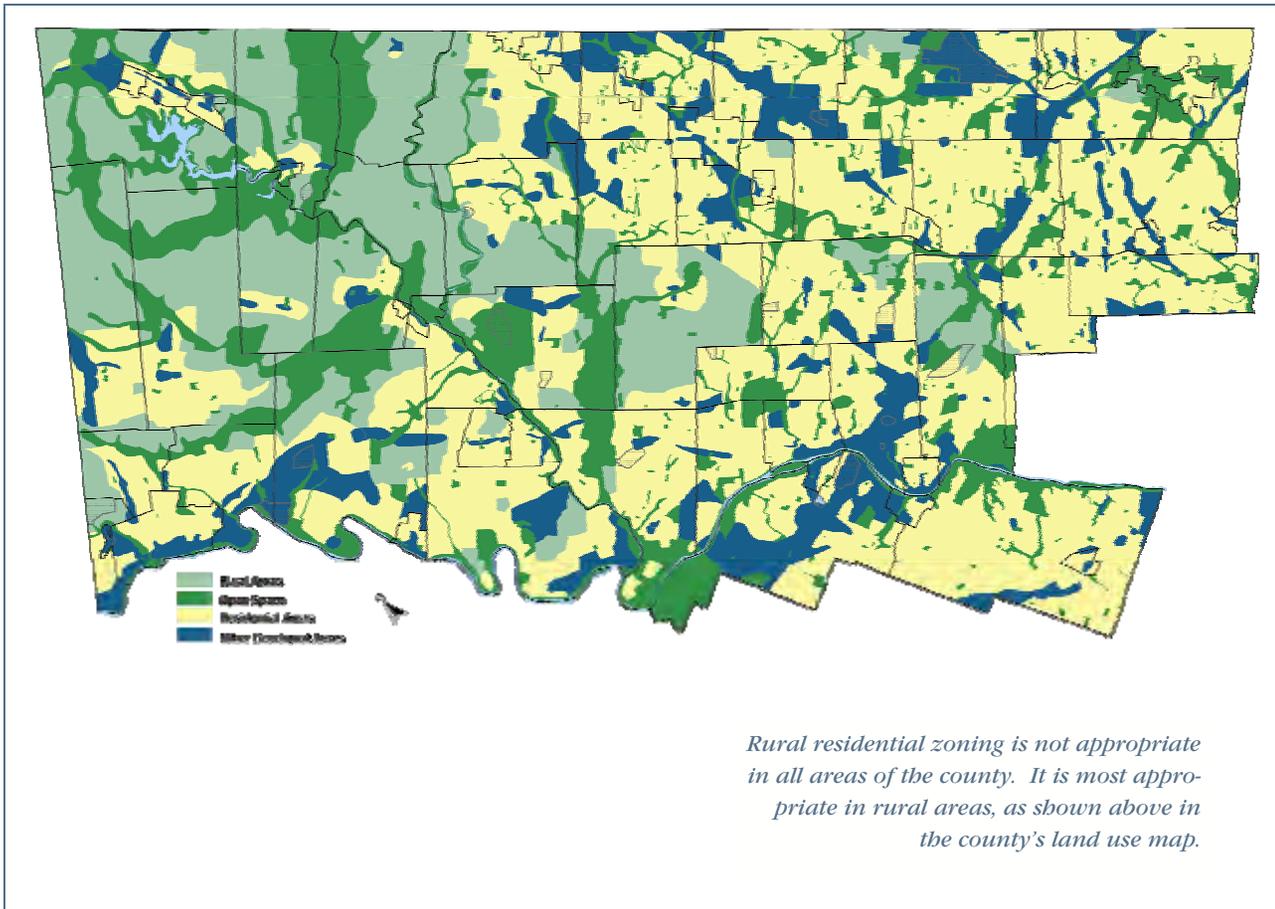
Rural Sewer Needs

Many rural areas are served by on-lot wastewater systems, which is expected for new development under the Rural Residential District model. On-lot systems are on or near a homeowner's property and both treat and dispose of domestic waste. On-lot systems are common in rural areas because of the isolation of the properties they serve or the lack of available public sewer lines.

Soil type and characteristics are traditionally the most important factors to determine if an on-lot system can be installed as well as which type of system will function best on a site. Sand mounds are a commonly found type of on-lot system. However, the technology behind on-lot systems is rapidly evolving. Even if some properties can't support a system now, they may be able to in the future, leading to development on previously unbuildable tracts.

Montgomery County's *Community Facilities Plan* outlines sewer service criteria for developments outside of sewer growth areas. Rural developments that follow this model and are located more than a half-mile from existing sewer lines will likely need an on-lot system; developments within a half-mile should likely tie into existing sewer lines. Additionally, municipalities utilizing the Rural Residential District should implement an on-lot disposal management program to avoid difficulties down the road.

Land Use in Montgomery County



Relationship to the County Comprehensive Plan

Montgomery County's 2005 comprehensive plan - *Shaping Our Future: A Comprehensive Plan for Montgomery County* - provides guidance on land use policy to local municipalities. It can be used to determine the most appropriate places for rural residential zoning.

The land use map in this plan groups land uses by the intensity, function, and characteristics of an area. This map shows the categories that are the most appropriate location for rural residential zoning - primarily rural areas and possibly open space areas that are surrounded by rural areas. However, if the rural area can be served by central sewers, then zoning the area as a Land Preservation District may be more appropriate. It has smaller residential lots and preserves 75% of a site as open space.

Areas chosen for rural residential zoning should be consistent with both the county and municipal comprehensive plans.

design elements

Part

2

rural residential district

Part 2 of this publication introduces design elements that are featured throughout the Rural Residential District.
This section is intended to illustrate concepts of the model ordinance found in Part 3 of this publication.



Some land uses are permitted as conditional uses in the Rural Residential District, including post offices and small schools.



Agricultural activities, as well as single-family detached homes are permitted uses in the Rural Residential District.

Permitted and Conditional Uses

There are only a few permitted uses in the Rural Residential District. A permitted use is one that is allowed by-right, with no additional review or approval. Single-family detached dwellings are permitted uses, as are open space areas (either within or separate from a residential development). A few non-residential uses, including agriculture, farmstands and outdoor passive recreation areas (like a golf course or a park), are also allowed.

Additionally, there are a variety of conditional uses allowed in the Rural Residential District. Conditional uses are permitted uses that, because of the nature of the use or potential impact it could have, require additional judgment on both the location and site plan. In the Rural Residential District, this includes non-residential uses like kennels, stables, small schools, and religious gathering places. Converted historic rural buildings (see the next page for more information on this topic) are also permitted by conditional use.



This historic home was reused as a clubhouse in a recently constructed age-restricted development in Franconia Township.



This agricultural property was renovated into office space and two residential properties.

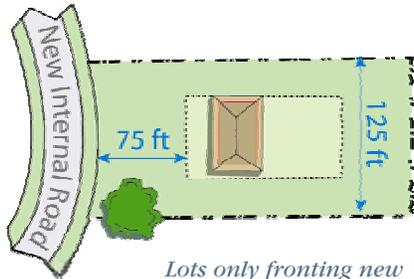
Historic Building Conversions

Converting historic buildings to allow for new uses helps to preserve rural character. This also gives property owners more options for the use of their land. Allowable uses in converted buildings are generally low-impact and non-residential, and include:

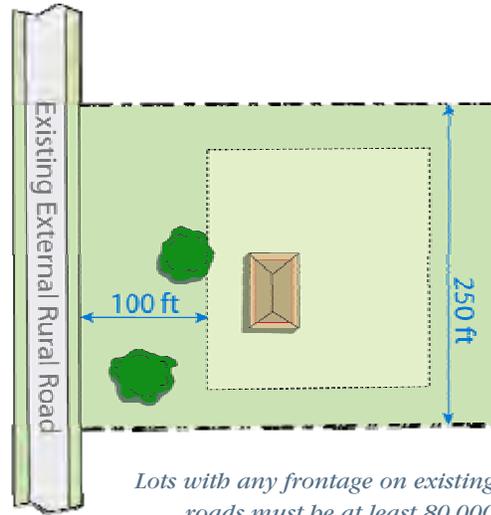
- Low intensity business or professional offices
- Studios
- Bed and breakfast facilities
- Low intensity retail shops, such as for antiques or flowers
- Personal services shop, such as a barber or manicurist
- Up to three apartments

Historic rural buildings should be in good condition and have historic rural surroundings (rather than be in a more suburban setting). Upper Hanover Township, for example, allows for the conversion of historic buildings in their R-1 Agricultural Low Density District.

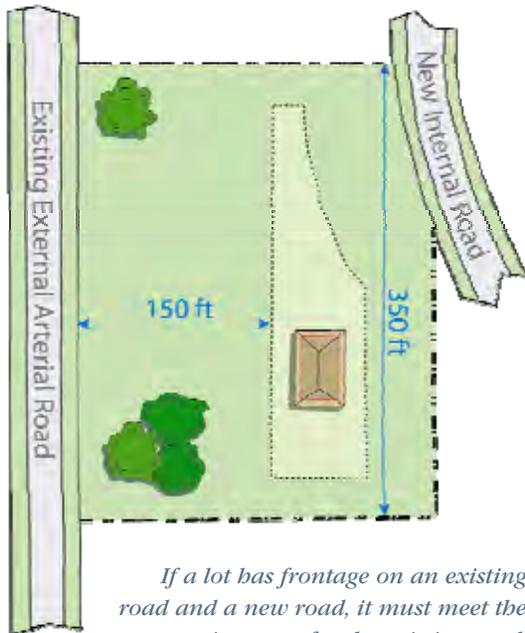
Additionally, historic facade easements shall be employed in the Rural Residential District. An easement would preserve historic buildings while allowing an owner to retain possession and use of a building. Via an easement, a property owner transfers to another party certain rights and privileges pertaining to that property.



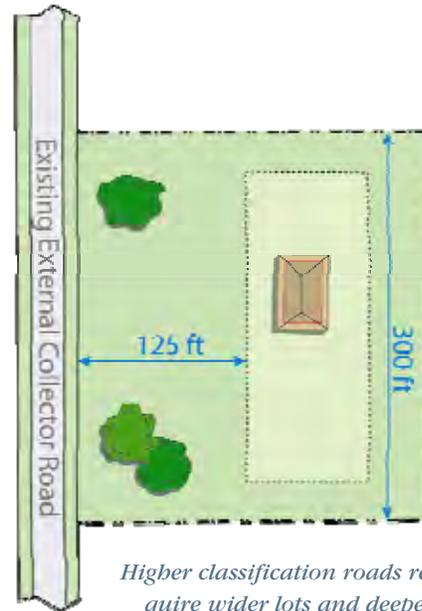
Lots only fronting new internal roads can be as small as 30,000 square feet.



Lots with any frontage on existing roads must be at least 80,000 square feet.



If a lot has frontage on an existing road and a new road, it must meet the requirements for the existing road.



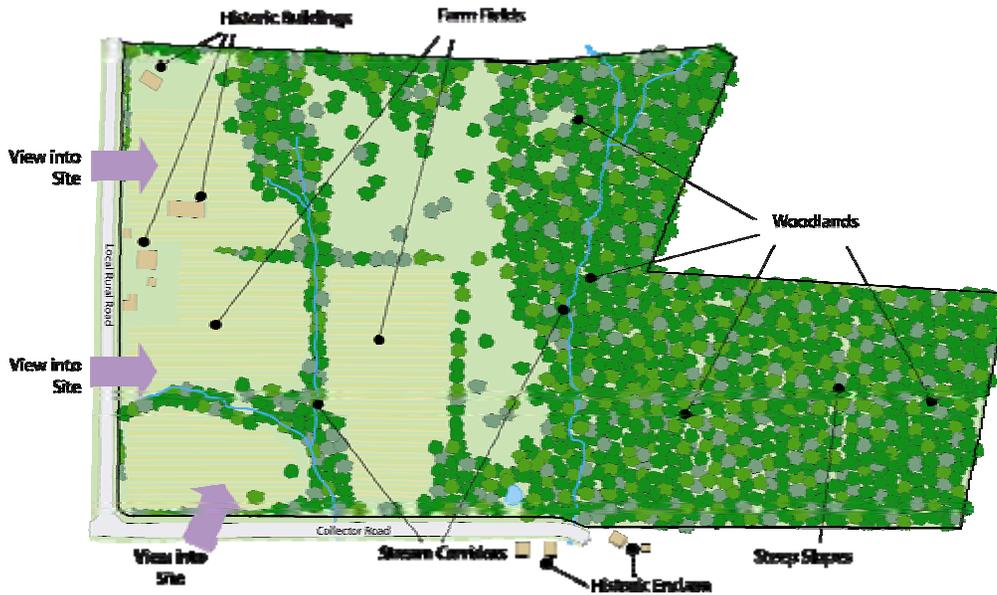
Higher classification roads require wider lots and deeper front yard setbacks.

Lot Requirements Vary by Their Location on a Site

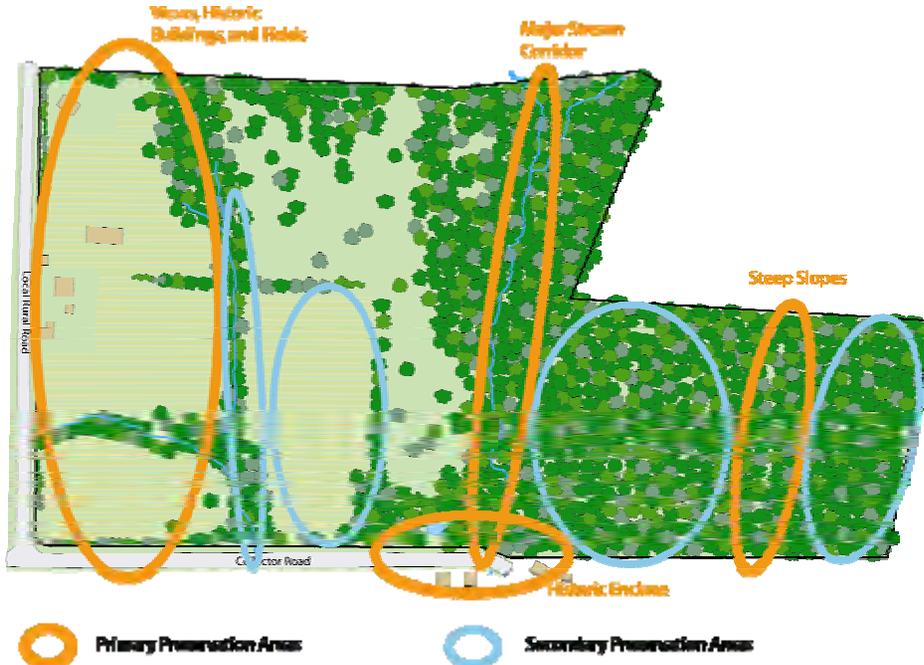
Depending upon the location, new development in the Rural Residential District has various applicable dimensional standards.

- A lot with any frontage on an existing road must be at least 80,000 square feet. A lot with frontage only on a new road must be at least 30,000 square feet. This gives the flexibility to shift a site's layout to both hide buildings and preserve conservation areas. It also encourages the placement of new buildings away from existing roads, minimizing their visibility and increasing the rural feel. This flexibility is crucial to the success of the Rural Residential District zoning.
- Lots with either single-family detached homes or converted rural buildings that front on an arterial or collector road have wider minimum lot width and front yard setback requirements. These standards would be reduced for lower classification roads or newly built roads internal to the development. Greater lot widths have the effect of increasing the distance between homes and driveways, making for a more "open" atmosphere.
- For other uses, the minimum net lot size is 5 acres. The front yard setback is 150 feet, with the exception of farm stands or farm markets.

Step One: An Applicant Submits a Site Inventory



Step Two: The Municipality Identifies and Sets its Conservation Priorities



 Primary Preservation Areas

 Secondary Preservation Areas

Conservation Area Designation

A primary goal of the Rural Residential District is to preserve a site's important natural, scenic, and historic features. As part of this ordinance, developers are required to identify and submit an inventory of these features.

Potential features for an inventory are:

- Existing mature woods
- Canopies of trees over a road
- Stone walls or rock outcroppings
- Scenic meadows or farmsteads
- Landmark buildings or sites
- Unique cliffs or steep slopes
- Lakes, ponds, creeks or waterfalls

The areas to be preserved should be of the highest possible quality. Conservation areas (the features chosen as top preservation priorities from the natural features inventory) in the Rural Residential District must be at least 40 percent of a site's net tract area (as long as the tract is at least 5 acres in size).

Some municipalities have taken a more proactive approach to preserving rural features by identifying key resources in their comprehensive plan. Developers would then have to conform to these plans in any submissions or proposals. A municipality may also want to require developers to walk a site with municipal representatives.

Step Three: Final Conservation Area is Created



Calculating Conservation Areas

These illustrations show the steps needed to identify a site's key conservation areas, and eventually the land that is appropriate for development. It is the responsibility of the municipality to take the developer's site inventory (shown at the far upper left on page 18) which details a site's natural, scenic, and historic features and choose the conservation priorities of the development site (shown at the far bottom left on page 18).

In this case, there are several items that the municipality has chosen as priorities. Of primary importance are the items circled in orange: scenic views into the site, open fields, historic buildings, a major stream corridor, a cluster of historic homes, and an area of steep slopes. Of secondary importance are the items circled in blue: a smaller stream corridor, a smaller open field, and several wooded areas. These priorities are then used to calculate the final conservation areas plan, as shown to the left. This becomes the blueprint for the site's final layout.

Example of Conventional Subdivision Lotting



At left is an example of what this site would look like using developable area to calculate density but with conventional two-acre lotting. Views, historic buildings, more woodlands, and more steep slopes are lost than with rural residential development.

Example of Rural Residential Subdivision Lotting



However, the same site can yield the same density (19 lots) using the rural residential model as its basis.

Developable Area and Density

The total amount of new allowable development is based on the developable acres on a site, that is, the portion that is not environmentally constrained. This model relates a development's density to its carrying capacity, or the ability of a site to support the new development. For some sites with significant constraints, such as wetlands or floodplains, a great deal of land is subtracted from the net tract area. In other cases, such as the one primarily used in this publication, only a portion is subtracted.

The illustration on the top left shows a development that uses developable area to calculate density but places the homes on minimum 2-acre lots. The bottom illustration shows what could be developed within the parameters of the Rural Residential District. Each presents the same outcome - a total of 19 housing units.

These regulations do present some restrictions. Some sites will be hard to develop under the density regulations of the Rural Residential District. For example, an old quarry site with a fair amount of floodplains or steep slopes would likely only be permitted to have a few new homes built upon the site.

Simplified Example of a Density Calculation

Gross Tract Area: 48.3 acres

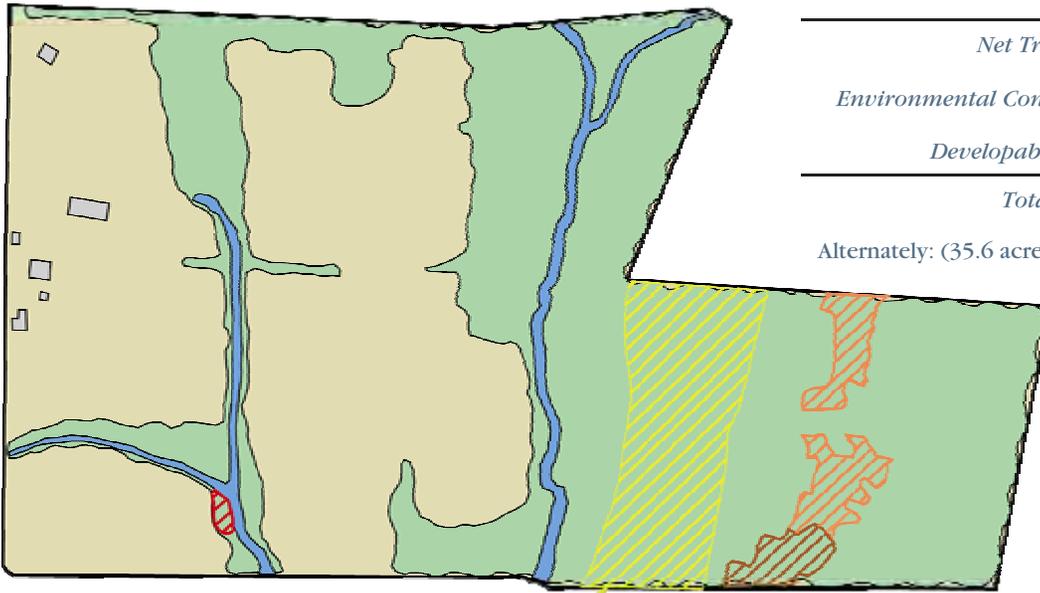
Net Tract Area: 47.5 acres

Environmental Constraints: -11.9 acres

Developable Area: =35.6 acres

Total Units Allowed: 19

Alternately: $(35.6 \text{ acres} \times 43,500) / 80,000$



Acres of Most Restrictive Environmental Constraint x Adjustment Factor = Acres to Subtract from Net Tract Area

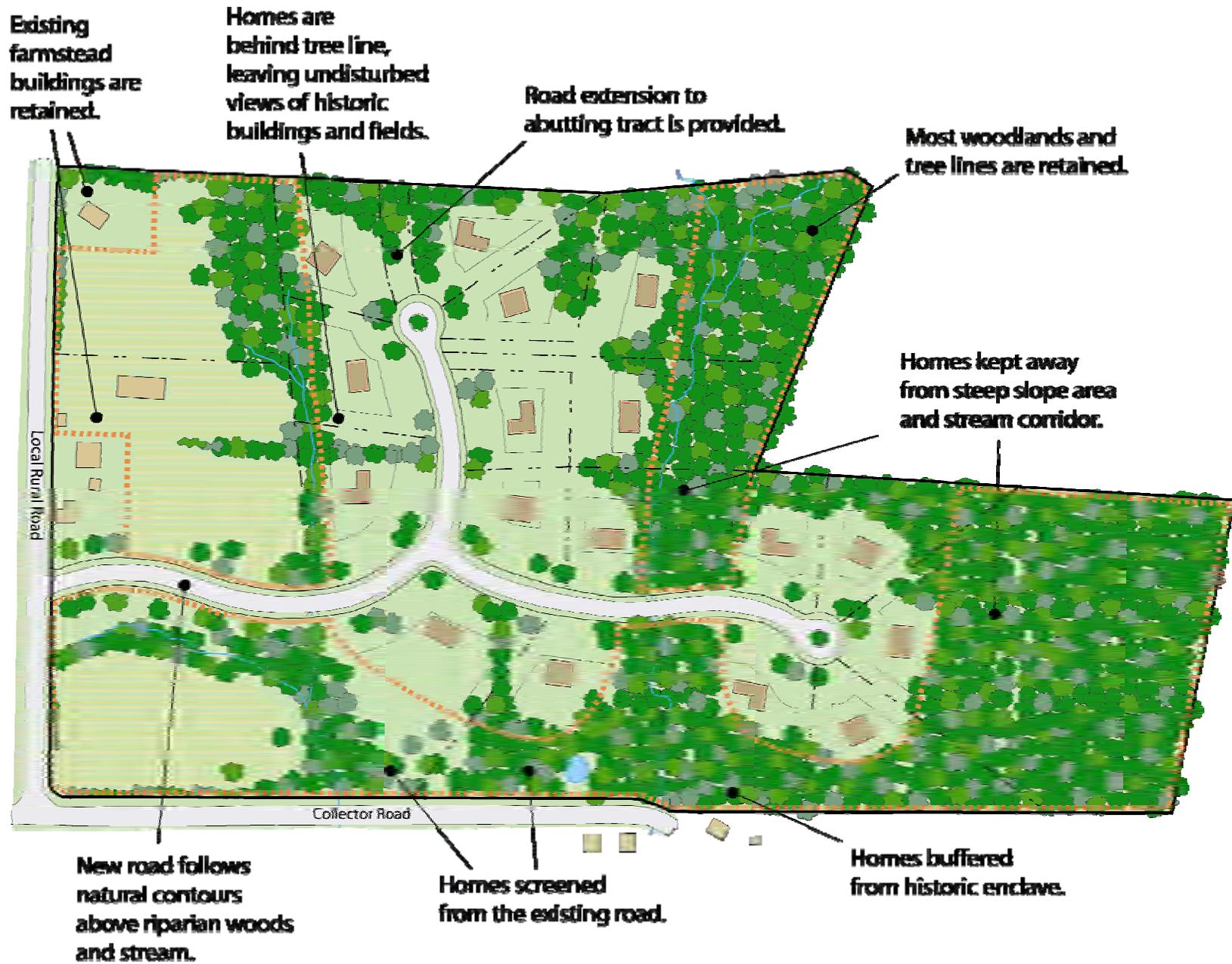
Environmental Constraint	Acres of Environmental Constraint	Acres That Do Not Overlap With More Restrictive Constraints	Adjustment Factor	Acres of Constraint to Subtract
 Floodplain	1.3	1.3	1.0	1.3
 Wetlands	0.1	0.1	1.0	0.1
 Woodlands	21.6	18.4	0.50	9.2
 Steep Slopes of 15-24%	1.4	1.4	0.67	0.9
 Steep Slopes of 25% or more	0.4	0.4	1.0	0.4
 Soils with Seasonal High Water Table 18"-36"	3.6	0	0.33	0
Total Constraints to be Subtracted				11.9

Calculating Density

There are several steps needed to figure out a site's allowable density. From the beginning:

1. Figure out the net tract area. This is the site's gross tract area minus any area within existing street rights-of-way, utility easements, or access strips. This site has a net tract area just shy of 48 acres.
2. Determine the site's environmental constraints to subtract from the net area. These constraints and the ratios to determine how much land to subtract are in this publication's model ordinance. The constraints identified and accounted for are detailed on the left.
3. Determine the tract's developable area. After the environmental constraints are properly subtracted from the net tract area, the developable area remains.
4. Calculate the permitted number of homes. This number is found by dividing the developable area by 80,000 square feet, rounded down to the nearest whole number. Historic buildings, as explained in the model ordinance, can potentially count as one dwelling unit.

Overall Site Design





Laying out new developments in a way that minimizes changes to the existing landscape, while enhancing its surroundings, is strongly encouraged in the Rural Residential District.



Site Design

The overall design of a new development has much to do with enhancing the rural character of Montgomery County's rural areas.

- The minimum lot size of 30,000 square feet creates the flexibility to preserve conservation areas, while allowing for the design and construction of high quality new development that blends into the rural environment.
- The proper placement of roads, driveways, parking areas, buildings, and lots can enhance the rural character and make new construction unobtrusive. Existing natural contours, hedgerows, tree lines, streams, and similar features should be kept as much as possible in the design of new residential areas.
- Well-designed development can fit into the existing rural landscape. To that end, changes to existing topography, vegetation, and both natural or man-made features should be minimized.
- Grade changes, existing woodlands, hedgerows, or new landscaped buffers can be used to screen views of new buildings, homes, or parking lots from exterior roads.

Do this:



Not this:



In the two illustrations to the left, homes are placed in our model site as they would appear (top) constructed under the rural residential model ordinance and (bottom) as they would appear if constructed under conventional zoning regulations. The home on top protects scenic views and is sited in such a way as to be as inconspicuous as possible.

Building Location and Design

New buildings in the Rural Residential District have several location and design requirements:

- New homes or buildings should be on the least visible areas of the tract and should be away from designated conservation areas.
- New homes should not be built along or close to existing roads, nor be visible from existing roads. Placing buildings in a way that is mindful of environmentally sensitive vegetation can go a long way toward screening the views of new construction from both nearby roads and buildings.
- Landscaped buffers should be used to reduce the potential for conflicts between neighbors or land uses. Buffers can also minimize the visual impact of new construction.
- For open areas that lack natural screening materials, new hedgerows, buffers, or berms should be established.
- Since preservation of the rural landscape is key to this model ordinance, new buildings should be harmonious with their surroundings. New construction can utilize building materials, roof pitches, window sizes and rhythms, colors, and details that meet this goal.



A planted stormwater basin, seen above, provides both necessary stormwater controls and an attractive amenity to the site.



Trails and pathways are an important part of a rural landscape and when needed, should be an integral part of new development proposals.



Rural roads and country lanes should be kept as vital parts of new development, and can be reimagined as new roads or private driveways.

Public Improvements

Stormwater: In rural areas, natural drainage routes should be preserved to the greatest extent possible. New facilities should be naturalized and designed to be small and efficient. Some stormwater facilities can be seamlessly incorporated into individual lots. Well-designed larger facilities could be inconspicuously placed in portions of conservation areas.

Roads: Old farm roads and country lanes should be retained and re-appropriated for driveways or new roads. Similarly, new roads should fit in with the context of their surroundings. New roads should be relatively narrow, use swales versus curbs, and minimize cut and fill. Existing roads should not be overly widened and changed to accommodate growth pressures, but only improved to address safety issues. Guard rails or stream crossings should be built with appropriate materials. Overall, the roads should look rural, not suburban.

Pathways and Trails: Both pathways and trails are important parts of the rural landscape. Pathways, or walkways, can create safe and scenic corridors for pedestrians while avoiding the look of suburbanized sidewalks. Trails, on the other hand, are recreational amenities that are a great way to promote active lifestyles as well as a method of transportation that has a low impact on its rural surroundings.

model ordinance

Part

3

rural residential district

Part 3 of this publication presents the model ordinance,
with comments and illustrations included in the right hand sidebar.
The Rural Residential District is intended to be adopted as a freestanding separate zoning district.

Rural Residential District

Section 1. Intent

The primary purpose of the Rural Residential District (RRD) is to preserve rural community character and sensitive natural areas that would be lost under conventional development. In addition, the intent of this district is to permit a reasonable amount of low-density single-family detached residential development and other non-residential rural uses in an open space setting – designed to reduce the perceived intensity of the development while preserving local natural features. Specifically, the Rural Residential District is intended to:

- A. Encourage rural uses that blend with and complement the area’s rural character, and which do not require typical suburban improvements, services, facilities, and infrastructure.
- B. Preserve the area’s existing natural amenities, including but not limited to woodlands, tree lines, individual specimen trees, wetlands, floodplains, steep slopes, stream corridors, and geologic features.
- C. Maintain rural views and vistas, especially from public areas like roads, parks, trails, and waterways.
- D. Encourage the preservation of the historic vernacular landscape as well as historic rural buildings as much as possible.
- E. Encourage the location of housing units and other uses where they are least visible and hidden primarily by existing topography or vegetation, or secondarily where new buffers are created to produce the same visual effect.
- F. Provide flexibility in the design and layout of rural housing areas.
- G. Limit the impact of driveways on public roads by maximizing the spacing and minimizing the number of access points onto rural roads.
- H. Implement the goals of the *municipality’s* comprehensive plan and open space/recreation plan as well as the county’s comprehensive plan.
- I. Reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes.
- J. Create new woodlands through natural succession and reforestation where appropriate, and encourage the preservation and improvement of habitat for various forms of wildlife.

COMMENTARY AND ILLUSTRATIONS

Legislative Intent:

The legislative intent should be tailored to reflect each municipality’s own specific goals, especially goals related to rural preservation and natural resources.

Section 2. Permitted Uses

A lot may be used for one or more of the following by-right uses:

- A. Single-family detached dwellings, in accordance with the Density and Dimensional Standards in Section 6, the Design Standards in Section 7, and all other requirements of the RRD.
- B. Undeveloped open space, natural areas, and open space comprising a portion of a residential development.
- C. The following non-residential uses on lots of five acres or more, according to the standards of Section 6.B.2.
 - 1. Agricultural activities
 - 2. Farmstands, provided at least 75% of the value of the goods for sale are produced upon the premises.
 - 3. Parks, golf courses, and outdoor passive recreation.
- D. Accessory uses on the same lot with and customarily incidental to any permitted use.

Section 3. Conditional Uses

A lot may be used for one or more of the following uses, when permitted as a conditional use by the governing body in accordance with the conditional use standards in Section 4 of the Rural Residential District and all other standards of this ordinance:

- A. The following non-residential uses on lots of five acres or more, according to the dimensional standards of Section 6.B.2.
 - 1. Kennels, stables, and riding academies.
 - 2. Nursery, religious, or other low-intensity schools, day care centers, churches and other religious establishments, cemeteries, meetinghouses, emergency services buildings, municipal administrative buildings, community centers, and post offices.
 - 3. Educational camps.
 - 4. Farm markets, provided at least 25% of the value of the goods for sale are produced upon the premises during the growing season.

Home Occupations:

Home occupations are very appropriate in the Rural Residential District. These are normally permitted in all parts of a community and are regulated in the general provisions section of a zoning ordinance. If a municipality does not permit home occupations otherwise, then it should add home occupations to the permitted use section of this ordinance. (Please note: According to state law, no-impact home occupations, which have no signs, outside employees, or client traffic, must be allowed in all zoning districts. Requirements for other types of home occupations, however, are completely up to the discretion of local municipalities.)

Conversion of Historic Rural Buildings:

To encourage the preservation of rural character, this model ordinance encourages the retention of historic buildings by allowing the addition of relatively low-impact non-residential uses, such as offices and antique shops.

To qualify as a historic rural building, the building should be in good condition and, ideally, located in a historic rural setting rather than a more suburban setting. The National Park Service's National Register Bulletin #30: "Guidelines for Evaluating and Documenting Rural Historic Landscapes," describes some of the characteristics a historic rural setting should have.

The preservation of historic buildings may be aided by state-level loans and grants. More information is available from the Pennsylvania Historical & Museum Commission at www.phmc.state.pa.us.

- B. Conversion of historic rural buildings, including residences, barns, mills, farm buildings, institutions, and commercial buildings, in accordance with the following use and design requirements:
1. The converted historic rural building may be used for one or more of the following purposes:
 - a. Up to three apartments
 - b. Low intensity business office or professional office, when property is located on a minor collector or higher classification road.
 - c. Studio
 - d. Bed and breakfast facility accommodating no more than 12 guests.
 - e. Low intensity retail shop selling antiques, handmade crafts, flowers, or locally produced farm products, when property is located on a minor arterial or higher classification road.
 - f. Shop for a barber, hairdresser, cobbler, tailor, or manicurist, when property is located on a minor arterial or higher classification road.
 2. Rural buildings shall be considered historic when the building is built prior to 1940, the historic architectural integrity of the building remains, and the building is within a rural historic landscape that meets the definitional standards established by the National Park Service.
 3. Conversions of historic rural buildings shall meet the following dimensional and design requirements:
 - a. Converted historic rural buildings shall meet all dimensional standards for single-family detached lots, as required by Section 6.B.1, except that a non-conforming front yard setback shall be permitted to remain.
 - b. Any changes or additions to a historic rural building, in terms of bulk, scale, height, materials, roof lines and pitches, and fenestration, shall be historically compatible with the architectural style and integrity of that building and shall enhance the period character.
 - c. Historic rural buildings may be expanded by up to 50% of the gross floor area of the building, as demonstrated by elevations submitted to the *municipality*. The addition shall not adversely impact views of the rural landscape as viewed from public areas such as roads, parks, trails or waterways, in opinion of the *municipal* governing body. Expansions shall generally be to the side or rear of the original building.
 - d. Parking and loading for more than four vehicles shall be located to the side and/or rear of the structure, with extensive landscaping and berming to screen the parking area from nearby roads and properties.
 - e. Views from and into the property shall be screened with landscaping and berming.

Historic Homes:

A historic home being preserved within a conservation areas should be counted as at least one unit of the overall housing units allowable by this district.

Historic Rural Building Standards:

Several publications may be of some use in shedding light on what constitutes a historic rural building, as well as what details in new construction are historically appropriate and accurate. In addition to the Secretary of the Interior's "Standards for the Treatment of Historic Properties," various publications from the National Register of Historic Places may also be consulted.

- f. Façade easements shall be required by converted historic rural buildings to permanently preserve the building's exterior historic character.
- g. When new fences, walls, outbuildings, refuse collection areas, and/or light poles are installed, they must be historically appropriate and blend well with any existing built features of the site.

Section 4. Conditional Use Criteria

Rural Residential District uses that are permitted as conditional uses shall meet the following conditional use criteria. These criteria are meant to assist in preserving viewsheds, rural landscapes, existing community character, and rural design features. These standards, as well as the conditional use requirements in Section ___ of this ordinance, apply to all Rural Residential District conditional uses:

- A. Buildings, driveways, parking areas, loading areas, light sources, and trash areas shall be located and designed to both preserve viewsheds and minimize adverse impacts on abutting properties. The *municipal governing body* may require alternative site layouts in order to limit the adverse impacts of a proposed conditional use. These alternative layouts may include additional setbacks; different locations and designs for buildings; reduced scale and bulk of buildings, parking areas, driveways, and trash storage facilities; and increased screening and landscaping.
- B. Rural residential buildings, parking lots, driveways, and site improvements (including road improvements, alignments, and storm drainage systems) shall have rural character that complements the character of surrounding properties. Applicants shall submit building elevations, landscaping plans, a viewshed analysis, or other documents to the *municipal governing body* to demonstrate the rural character of the proposed use.
- C. Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections. The *municipal governing body* may require alternative locations or site designs for both driveways and parking lots to alleviate potential congestion or safety problems.
- D. The *municipal governing body* may also require a traffic improvement study that analyzes the potential impact on nearby or connecting streets and intersections.

Section 5. Creation of Site Inventory Plan and Designation of Conservation Areas

On tracts of five (5) acres or greater, the following regulations apply to all residential or nonresidential developments:

- A. Identification of Important Resources for Preservation

Facade Easements & Historic Structures:

Historic rural buildings shall be required to have façade easements when converted to a different use. Historic facade easements preserve historic buildings and their land while allowing an owner to retain possession and use of a building and land. With an easement, a property owner transfers to another party certain rights and privileges pertaining to that property.

Conditional Use Criteria:

Because conditional uses might have more impacts on neighboring properties and adjacent roads, these criteria allow the municipal governing body to impose reasonable limitations on proposed uses and land developments to ensure compatibility.

Traffic Improvement Studies:

This can encompass a variety of topics, including pedestrian concerns, traffic congestion or traffic flow, or the need for improvements such as left turn lanes or traffic signals.

Site Inventory Plans:

Some municipalities might want to move the Site Inventory requirements to their subdivision and land development ordinance; however, these regulations have more teeth when they are in the zoning ordinance.

1. Prior to the submittal of preliminary plans or sketch plans showing the location of proposed lots or roads, the applicant shall provide the *municipality* with a site inventory.
2. Within the site proposed for subdivision and/or land development and within one hundred (100) feet of the site boundaries, the site inventory plan shall show, on distinct plans for natural, scenic, and historic resources, the general location of natural and built resources. These resources shall include the following: 100 year floodplains, wetland areas or hydric soils, steep slopes, rock outcroppings, farmland, ponds and streams, riparian areas, woodlands, significant specimen trees, existing structures, scenic views into the subject tract, scenic views from the tract, topography, hedgerows, trails, preserved open space, and historic structures and settings. Using the site inventory plan as a guide and within 60 days of the submittal of the site inventory plan, the *municipal planning commission* will identify and prioritize key natural, scenic, and historic resources to be preserved on the site by highlighting these resources on the site inventory plan.
3. Future plan submittals by the applicant shall, to the greatest extent possible, permanently protect the key resources identified by the *municipal planning commission*.

B. Conservation Areas

1. Key resources shall be preserved to the greatest extent feasible as Conservation Areas through a deed restriction and conservation easement that prohibits future development.
2. Conservation Areas shall comprise at least forty percent (40%) of the net tract area of a proposed subdivision or land development of tracts five (5) acres or larger in size, existing at the time of adoption of this ordinance.
3. Conservation Areas may be on portions of residential or non-residential lots or may be on separate open space lots.

Section 6. Density and Dimensional Standards

Proposed uses shall meet the following density and dimensional standards:

- A. Density. The permitted residential density on a property shall be based on the developable area of the tract.
 1. Calculation of the developable area of a tract. The developable area of a tract is calculated by subtracting portions of environmentally constrained land from the total net tract area, as outlined below.

Preservation of Key Natural, Scenic, and Historic Resources:

New development often does not preserve a site's most important natural, scenic, and historic features. Instead, new development is typically designed to maximize roads and lots, with preservation an afterthought.

This model requires developers to submit a site inventory plan, which the local planning commission (or governing body) uses to identify key resources for preservation. The most important key resources are ultimately protected within a conservation area.

Municipalities may want to require that applicants inventory each site element on separate paper sheets and potentially require more information than just the natural, scenic, or historic elements mentioned here. These requirements can be included in the municipal subdivision ordinance.

Alternately, municipalities can identify key resources in a comprehensive plan or open space plan and simply require conformity from development proposals. They may also want to consider requiring long-term monitoring of conservation areas by a qualified conservation organization.

- a. Step 1. Determine the net tract area. The net tract area is the total gross tract area minus area within street ultimate rights-of-way lines, utility easements, and access strips.
- b. Step 2. Determine environmental constraints to subtract from net tract area. The table below lists environmental constraints that must be subtracted from the net tract area to determine the developable area of a tract. To determine how much to subtract, the acreage of the environmental constraint must be multiplied by the ratio listed in the table below.

Environmental Constraint	Total Acreage of the Constraint on the Tract*	Ratio to Determine Portion of Constraint to Subtract	Acreage of this Constraint to Subtract from Net Tract Area
Woodlands (Applies to woodlands that existed on a tract within five years prior to an application for land development or subdivision.)	_____ acres	X .50	= _____ acres
Riparian Corridor (area within 25 feet of the edge of a perennial or intermittent stream.)	_____ acres	X .67	= _____ acres
Riparian Corridor (area from 25 feet to 75 feet of the edge of a perennial or intermittent stream.)	_____ acres	X .33	= _____ acres
Floodplain	_____ acres	X 1	= _____ acres
Wetlands	_____ acres	X 1	= _____ acres
Waterbodies	_____ acres	X 1	= _____ acres
Watercourses	_____ acres	X 1	= _____ acres
Slopes of 15% to 24%	_____ acres	X .67	= _____ acres
Slopes greater than 24%	_____ acres	X 1	= _____ acres
Seasonal High Water Table (less than 18" depth. Only applies when sewage system utilizes land for disposal.)	_____ acres	X .67	= _____ acres
Seasonal High Water Table (18"- 36" depth. Only applies when sewage system utilizes land for disposal.)	_____ acres	X .33	= _____ acres
Depth to Bedrock (Less than 42" depth. Only applies when sewage system utilizes land for disposal.)	_____ acres	X .33	= _____ acres
Diabase Bedrock (Applies to sites using wells for water supply.)	_____ acres	X .67	= _____ acres

* When environmental constraints overlap, only the acreage of the environmental constraint with the highest ratio listed above is used.

Density Calculation:

The allowed density is directly related to the carrying capacity of the land. For example, a site with significant floodplains and steep slopes could not have as many homes built upon it as a identically-sized site with flat farmland.

The density is determined by subtracting environmentally constrained land from the total site area. In some cases, such as floodplains, all of the environmentally constrained land is subtracted; in other cases, such as soils with a high water table, only a portion of the land is subtracted.

In this ordinance, a portion of wooded land is also subtracted from the total tract area. Because woodlands can easily be razed, this woodland requirement is based on the woodlands that existed 5 years prior to the application.

Riparian Corridors:

Communities with a riparian corridor preservation ordinance typically require more than a 25 foot setback from watercourses and waterbodies. When a community does have a riparian corridor ordinance, Sections 6.B.1.i and 6.B.2.g should be changed to reflect the ordinance's setback requirements.

- c. Step 3. Determine developable area of a tract. The adjusted acreages of the environmental constraints from the last column are now subtracted from the net tract area to determine the developable area of the tract.

2. Density Calculation

- a. The permitted number of homes on a tract shall be no greater than the developable area of the tract in square feet divided by 80,000 square feet, rounded down to the nearest whole number.
- b. Historic buildings converted to uses allowed in Section 3.B.1, when more than 1,000 square feet in size, will be the equivalent of one home for the purposes of the above density calculation.

B. Dimensional Standards

1. Single-Family Detached Homes and Conversions of Historic Rural Buildings

- a. Minimum Net Lot Size
 - i. Lots with any frontage on an existing road: 80,000 square feet
 - ii. Lots with frontage only on a new road: 30,000 square feet
- b. Minimum Lot Width
 - i. Lots fronting an arterial road: 350 feet
 - ii. Lots fronting a collector road: 300 feet
 - iii. Lots fronting other existing road: 250 feet
 - iv. Lots only fronting a new road: 125 feet
- c. Minimum Building Setback from Roads
 - i. From arterial roads: 150 feet
 - ii. From collector roads: 125 feet
 - iii. From other existing roads: 100 feet
 - iv. From new roads: 75 feet
- d. Front yard setback located within the flag portion of flag lots: 75 feet
- e. Minimum Side Yard Setback: 30 feet
- f. Minimum Rear Yard Setback: 50 feet
- g. Minimum Building Setback from Tract Boundaries: 60 feet
- h. Minimum Parking Area Setback from Tract Boundaries: 30 feet

Dimensional Standards

Lot sizes, lot widths, and building setbacks vary according to the type of road a lot fronts.

If a lot has any frontage on an existing road, even if it also fronts a new road in a subdivision, the lot must meet the requirements for fronting an existing road.

Building Envelopes:

Some municipalities require the building envelope to have a minimum size, depth, and width. This can be added as an additional dimensional requirement to Section 6.B.1.

The building envelope outside of conservation areas should not only achieve the setback requirements of the RRD, but also:

- *cover the least vegetated areas of the lot, so as to minimize any grading and clearing while respecting and balancing the need to minimize the visibility of any new buildings*
- *be located outside of a floodplain or protected riparian corridor*
- *have little or no impact upon local vistas and views*

- i. Minimum Building and Parking Area Setback from Floodplain, Wetlands, Waterbodies, Watercourses, and Slopes of 15% or greater: 25 feet
 - j. Maximum Building Coverage: 12% of net lot area
 - k. Maximum Impervious Coverage: 20% of net lot area
 - l. Maximum Height: 35 feet
2. All Other Uses
- a. Minimum Net Lot Size: 5 acres
 - b. Minimum Lot Width: 350 feet
 - c. Minimum Front Yard Setback
 - i. For Farmstands: 10 feet
 - ii. For Farm markets: 75 feet
 - iii. For All Other Uses: 150 feet
 - d. Minimum Side Yard Setback: 75 feet
 - e. Minimum Rear Yard Setback: 75 feet
 - f. Minimum Parking Area Setback from Tract Boundaries: 30 feet
 - g. Minimum Building and Parking Area Setback from Floodplain, Wetlands, Waterbodies, Watercourses, and Slopes of 15% or greater: 25 feet
 - h. Maximum Building Coverage: 8% of net lot area
 - i. Maximum Impervious Coverage: 15% of net lot area
 - j. Maximum Building Size: 15,000 square feet for schools and day care centers; 25,000 square feet for all other uses
 - k. Maximum Height: 35 feet

Section 7. Design Standards

- A. Layout of Residential Development. Because minimum lot size is 30,000 square feet and dwelling unit density is one home per 80,000 square feet of developable area, there is much flexibility built into the subdivision of a property into residential lots. Tracts proposed for residential development can be subdivided in two ways:



Farmstands are permitted to have a smaller front setback than other uses in the Rural Residential District.

Non-Residential Building Size:

The maximum size of non-residential buildings is extremely limited, with none allowed to exceed 25,000 square feet.

Design Standards:

This ordinance includes a variety of design standards intended to minimize the impacts of new development on existing rural character.

When development proposals are submitted, a municipality can use these design standards to encourage more appropriate rural development. The execution of these design standards will depend on the judgment of local municipal officials to get the results that the community wants.

1. With a variety of lot sizes that on average equal a density of one home per 80,000 square feet of developable area and no common open space. In this case, conservation areas would be completely located on private residential lots.
 2. With common open space on the tract in addition to the residential lots. In this case, conservation areas could be located in common open space areas and/or on private residential lots.
- B. Location of Buildings, Site Improvements, and Manicured Landscaping. All newly constructed buildings, site improvements, and manicured landscaping shall meet the following location requirements.
1. New buildings, site improvements, and manicured landscaping shall avoid to the greatest extent possible the key resources identified for preservation by the *municipal planning commission*. This can be accomplished by placing common open space or oversized lots on these key resource areas and designating these areas as conservation areas.
 2. Views of new residences and other new buildings, site improvements, and manicured landscaping from exterior roads and abutting properties shall be minimized by placing these elements below ridgelines, beyond grade changes, in existing woodlands, behind hedgerows, or through the use of other techniques through which new buildings blend into the landscape and are unseen, maximizing rural vistas and character and avoiding a suburban feel. New buildings shall not be located along or be visible from existing roads.
 3. Where none of these features exist, new hedgerows, rural buffers, berms, and/or other landscaping shall be installed to screen views of buildings, site improvements, manicured landscaping, and roads, in accordance with the requirements of Section ___ of the *municipal* Subdivision and Land Development Ordinance.
- C. Design of New Buildings. All new buildings shall be harmonious with their surrounding rural character and shall use building materials, roof pitches, window sizes and rhythms, building colors, and building details that complement the character of nearby historic rural buildings.
- D. Layout of Developments. Proposed developments shall use existing natural contours, hedgerows, tree lines, streams, and other features to guide the placement of roads, driveways, parking areas, buildings, and lots. Changes to existing grades, vegetation, natural features, and man-made features shall be minimized and key resources shall be protected to the greatest extent feasible.
- E. Design of Parking Lots for 5 or More Vehicles
1. Views of parking lots from exterior roads and abutting properties shall be minimized by placing parking lots beyond grade changes, in existing woodlands, and behind hedgerows.

Open Space:

The Rural Residential District does not require open space; however, because of the requirement for conservation areas, some developments may create common open space. Municipalities should have regulations governing common open space elsewhere in their codes, perhaps as part of a cluster district. In these cases, the Rural Residential District should reference these other sections. If no open space regulations exist, they should be added to Section 7.F of the Rural Residential District.

Manicured Lawns:

For more information on manicured lawns, please note its definition in Appendix 1.

Conservation Areas:

The conservation areas in this model ordinance are presumed to be contained on private residential lots. Common open space would likely require a homeowner's association that would maintain and manage this open space. While not unreasonable, it would add another layer of complexity to this model and to local regulations.

2. Where none of these features exist, views of parking lots shall be shielded by rows of shrubs no less than 3 feet high, new hedgerows, and/or rural buffers, as well as one of the following additional shields in accordance with the requirements of Section ____ of the *municipal* Subdivision and Land Development Ordinance:
 - a. Berms
 - b. Fences
 - c. Walls no less than 2.5 feet high or more than 4 feet high
3. Individual parking areas shall not exceed 4,000 square feet of paved area and shall be separated from other parking areas by at least ten feet of landscaped area.

F. Open Space and Trails

1. When common open space is proposed, this open space shall meet the design, ownership, and maintenance requirements outlined in Section ____ of this Ordinance.
2. Rights-of-ways for trails and pathways shown in the *municipal* Open Space Plan shall be legally and permanently reserved, whether on municipal property, commonly owned land, or private lots. These trails shall be constructed at the time of land development.

G. Driveways. Driveways shall meet the following standards:

1. No more than one driveway is permitted for each lot per street and combined driveways are strongly encouraged if any driveway connections are made to any existing road.
2. Driveway access points shall meet the following spacing requirements:
 - a. On arterial roads, driveways shall be at least 200 feet from other driveways and from street intersections.
 - b. On collector roads, driveways shall be at least 150 feet from other driveways and from street intersections.
 - c. On all other existing roads, driveways shall be at least 100 feet from other driveways and from street intersections.



Trails and Pathways:

Trails (like the above) and pathways are two important aspects of the Rural Residential District. Municipalities should encourage both trails (for recreation and transportation) as well as pathways even if they do not appear in a municipal plan. In the future, these areas can be linked into larger trail or pedestrian systems.

Section 8. General Requirements

- A. Conservation Areas, as required by Section 5.B, shall be preserved with a deed restriction and conservation easement that protects key resources identified by the *municipal* planning commission from the Site Inventory Plan, such as natural features, historic properties, and scenic views, from future adverse impacts and development.
1. Conservation areas with natural features and scenic views shall not include new streets, sidewalks, buildings, pools, furniture, play equipment, or similar man-made items. In addition, manicured landscaping and/or invasive plants shall not be permitted.
 2. Conservation areas with historic properties shall not include new man-made features that are incompatible with the character of the historic property.
 3. Sewage disposal systems shall take up no more than 10 percent of a site's conservation areas.
 4. Conservation easements shall give the *municipality* the right to inspect the site and monitor compliance with the deed restriction.
- B. For lots of 60,000 square feet or greater, a deed restriction shall be recorded which notes the number of residential lots that can be subdivided from this lot, based on the density calculated for the developable area of the whole original tract. For many lots, this deed restriction may note that no additional residential lots can be subdivided from the lot.
- C. The owner of a historic property that is listed on or is eligible to be listed on the National Register of Historic Places can grant a façade easement to a qualified non-profit organization, which would assume responsibility for protecting the historic and architectural integrity of the property's exterior features.

On-site Sewage Systems:

On-site sewage disposal is a necessity in rural areas that do not have access to sewer lines. It may also be preferable to treat sewage on-site in order to return water to the local soil, or to provide irrigation for non-food plants. Typically, a septic tank is required, in which anaerobic bacteria provide primary treatment. The effluent from the septic tank discharges either directly to a leach field, or indirectly through an aerobic treatment unit and then to a leach field.

Other on-site sewage disposal options for rural areas include sand mounds, spray irrigation fields, and assorted leach fields.

Municipalities that want to encourage the consolidation of sewage and water systems in order to streamline maintenance and reduce the possibility of system failure could provide a density bonus within this ordinance for consolidated systems.

appendices

Part

4

rural residential district

Part 4 of this publication contains supplemental regulations and resources that complement the Rural Residential District model ordinance. These appendices cover definitions of specific terms used in this model ordinance, subdivision ordinance standards, landscaping and open space standards, recommended plantings, and a sample deed restriction.

Appendix 1

Definitions

Bed and breakfast facility – a place of temporary lodging with eight or fewer rooms for rent for more than 10 nights in a 12-month period, resided in by the owner, in which the only meal served to guests is breakfast.

Business office – an office that provides direct services to consumers, such as insurance agencies, title companies, or real estate offices; they typically do not provide a retail or wholesale good to the public.

Conservation area – the rural elements designated for preservation because of important natural features, historic resources, agricultural resources or scenic views; these are to be preserved permanently through a deed restriction and conservation easement.

Conservation easement – a voluntary agreement between a private landowner and a municipal agency or qualified nonprofit organization to permanently restrict the development or use of a parcel of land or part thereof; the participating agency holds the interest in and is empowered to enforce restrictions against current and subsequent owners of the land.

Deed restriction – a clause written into a deed limiting the use of the real property; it can impose a variety of conditions, such as building density, allowable structures, or the prevention of different uses.

Developable area – the total net tract area minus environmentally constrained land; this total amount of land is then used to calculate a development's overall allowable density.

Educational camp – a seasonal destination for children and/or teenagers which provides a variety of specialized learning opportunities and outdoor activities in a natural setting.

Environmental constraints – physical limitations of a site which restrict development; these include but are not limited to high water tables, waterbodies, wetlands, floodplains, steep slopes, woodlands, bedrock close to the site's surface, and riparian corridors, some of which may end up designated as *conservation areas*.

Farm market – a permanent facility with the capacity to be used year-round as a retail farm store, no greater than 4,000 square feet, devoting the majority of sales area to products of or items made from the products of the farm premises on which it stands.

Farmstand – a seasonal retail farm store, no greater than 500 square feet, selling at least 75% of its products from the farm premises on which it stands, operated from temporary buildings, and annually closed to business during the off season for a period of not less than 90 days.

Flag lot – a large lot not meeting minimum lot frontage requirements and where access from the flag portion of the lot to a public or private street is provided by means of a long, narrow access strip which contains a driveway located between abutting lots.

These definitions are a supplement to a municipal ordinance's definitions. Not all terms are defined here. This section concentrates on further clarifying terms that may not normally be found in a municipality's code; these terms should be added to a code's existing definitions section.

For more information on defining unfamiliar planning terms, the American Planning Association has published several volumes that compile planning terms and their definitions from sources around the country.

Historic architectural integrity – the degree to which a property that displays a significant amount of high quality indicators (such as location, design, setting, materials, workmanship, or feeling) accurately conveys the period of time in which it was built; this should not be confused with the physical condition of a building or structure as a building may be in excellent physical and structural condition, but may have lost its historical character-defining elements.

Historic rural building – a structure, built prior to 1940, with local or regional historic qualities; it should be in good condition and have most, if not all, of its tangible features resulting from human use dating to the building's construction; examples include houses, barns and other related farm buildings, places of religious worship, railroad stations, or schoolhouses.

Low intensity business – a business that has little impact on its neighbors and/or surroundings; it typically attracts little automobile or foot traffic, has a limited number of employees, provides few parking spots and signage, and requires few, if any, modifications to a site.

Manicured landscaping – grassy lawns, yards, and/or hedges that require regular mowing, trimming, and care to maintain a neat and orderly appearance, as opposed to a more natural rural appearance.

Net tract area – the area derived from subtracting the area within street ultimate rights-of-way lines, utility easements, and access strips from the total gross tract area.

Passive recreation – outdoor leisure activities that are low vehicle trip generators with a low potential for nuisance to nearby property owners; examples include wooded parks, pathways, fishing areas, bird sanctuaries, etc.

Pathway – in lieu of a sidewalk, a meandering hard-surfaced walkway that provides a place for pedestrians to safely navigate around a residential development.

Professional office – the office of a member of a recognized profession maintained for the conduct of business in any of the following or related categories: architecture, engineering, planning, law, real estate, dentistry, medicine, or any similar type of profession.

Site inventory plan – a mapped identification of a site's natural and built resources; this could include the following elements: 100 year floodplains, wetland areas, hydric soils, steep slopes, water bodies like ponds or streams, riparian areas, woodlands, significant tree specimens, existing structures, scenic views into the tract in question, topography, hedgerows, abutting trails, preserved open space, and historic properties and settings.

Studio – an area or workspace used for small-scale artistic or creative pursuits; this could include painting, sculpting, dance, exercise, yoga, photography, graphic design, or other similar activities.

Appendix 2

Subdivision Ordinance Standards

The following special regulations shall apply to any subdivision or land development proposed within the RRD - Rural Residential District, as is described in the *municipal* zoning ordinance and delineated on the official *municipal* zoning map. All applicable standards contained in the *municipal* subdivision and land ordinance shall be adhered to for all tracts in a subdivision or development in the Rural Residential District, except as modified below.

Section 1. Roads and Curbing

All new internal streets shall be developed to the standards specified in the *municipal* subdivision and land development ordinance, unless modified below.

- A. Right-of-way width: 50 feet.
- B. Cartway width: 24 feet OR 20 feet with two (2) stabilized shoulders, each three (3) feet in width.
- C. Cul-de-sac streets shall have a maximum length of 1200 feet or have a maximum of 20 dwelling units along it, whichever results in the shorter street.
- D. Streets shall be extended to tract boundaries to allow connections with existing or future streets on abutting tracts.
- E. Roads shall be designed relative to existing topography to minimize grading or realignment.
- F. New roads shall follow existing site features like access roads, tree lines, or stone rows to minimize their visual impact and to maintain the integrity and usability of existing fields.
- G. Private roads shall be built to public road standards, unless otherwise waived by the *municipality*.
- H. Curbs shall only be used when absolutely deemed necessary by the *municipality* for stormwater management purposes. When no curbs are provided, a drainage swale at least one (1) foot deep and with a maximum side slope of 3:1 shall be constructed in appropriate locations on each side of the street.
- I. All other requirements of the Subdivision and Land Development Ordinance relating to grades, culverts, drainage, horizontal and vertical curves, tangents between curves, sight distance, construction specifications, intersection radius, and similar regulations shall be adhered to in all developments.

These additional subdivision standards can be incorporated as a whole or put into different existing sections of the subdivision ordinance.



Roads shall be designed to fit into their natural surroundings. This may result in roads designed to be narrower or roads that function without curbs.

Section 2. Pathways

- A. Pathways are not required unless deemed necessary by the *municipality* for safety reasons.
- B. When needed, pathways shall provide convenient pedestrian access throughout the development as well as to other areas of the community.
- C. Pathways shall be a minimum of four (4) feet wide and limited to one side of the street.
- D. Pathways shall not be paved with concrete, but shall be constructed with either cinder or asphalt.
- E. Pathways shall follow a meandering course alongside a road, with at least a five (5) foot wide landscaped area between the path and the road. The use of native plants and grasses is strongly encouraged.

Section 3. Bridges

- A. Bridges shall be designed to blend into their rural surroundings.
- B. Alternate construction materials can be used with the approval of the *municipality*. Guardrails shall be constructed of metal railings, traditional wooden fencing, or a combination of the two. The bridge span shall be constructed of metal grates, wood, asphalt, or a combination of these materials.

Section 4. Stormwater Facilities

- A. Existing natural drainage routes shall be retained to the greatest extent possible.
- B. The location(s) for stormwater management facilities shall be identified using the site inventory plan and conservation area information as a basis.
- C. Vegetated Swales
 - 1. The use of vegetated swales shall be the preferred method of stormwater runoff management.
 - 2. When delivering surface water away from buildings, swales shall have embankments with a maximum slope of 3:1.
 - 3. Swales shall be sodded or planted throughout with wild flowers and nonaggressive meadow grasses, which tolerate wet, intermittently wet and usually dry conditions. Trees and shrubs may be planted where they will not interfere with the swale's function.



Bridges can be designed in any number of ways so as to fit into their nearby surroundings.

D. Stormwater Management Basins

1. All stormwater basins and associated facilities are required to have landscaping in and around the basin. All basins, including basin floors, side slopes, berms, impoundment structures or other earth structures, shall be planted with suitable vegetation such as naturalized meadow plantings or lawn grass specifically suited for stormwater basins.
 - a. Trees and shrubs shall be planted around stormwater basins given they do not interfere in the proper function of the basin and no trees are planted on or within 30 feet of an impoundment structure, emergency spillway or dam. A minimum planting of two trees and 10 shrubs per 100 linear feet of basin perimeter shall be planted around the basin.
 - b. Naturalized ground cover plant species, such as wildflowers, meadows and nonaggressive grasses specifically designed for the permanently wet, intermittently wet and usually dry areas of stormwater basins, shall be seeded in the floors and slopes of the basin given these plantings provide a satisfactory continuous cover to the basin and the plantings do not interfere in the safe and efficient function of the basin as determined by the Township Engineer.
 - c. Lawn grass areas may be sodded or hydroseeded to minimize erosion during the establishment period.
2. Stormwater basins shall be curvilinear to blend with surrounding topography. When natural topography lends itself to straight-sided detention basins, the basin shall contain an island or peninsula planted with trees which is large enough and placed to reduce the perceived size of the detention basin. Such basins shall have a perimeter circumference that complies with the following formula, where "y" equals the perimeter circumference in feet and "x" equals the area of the basin in square feet:

$$y \geq [3.6\pi * \sqrt{(x/\pi)}]$$

3. The maximum slope of any basin embankments and other graded areas shall not exceed 4:1.
4. Concrete low-flow channels are prohibited.

Section 5. Street Lighting

- A. Street lights shall be required only at street crossings and pedestrian crossings, or as otherwise mandated by the *municipality* where safety conditions warrant their placement.



Guardrails and fences can be constructed in a way that adds to rural character, like the above farm fences.

- B. All street light fixtures shall be designed, constructed, and maintained so that the light(s) are directed downward onto roadways. All fixtures shall contain incandescent or fluorescent bulbs and the exterior shielding and hooding materials shall be composed of nonreflective, opaque materials.
- C. Street light poles shall blend into their surroundings as much as possible, and shall preferably be constructed of wood. Cobra-head street lights are discouraged.
- D. Street lights shall not be taller than sixteen (16) feet high above grade level.

Section 6. Concrete Engineered Structures

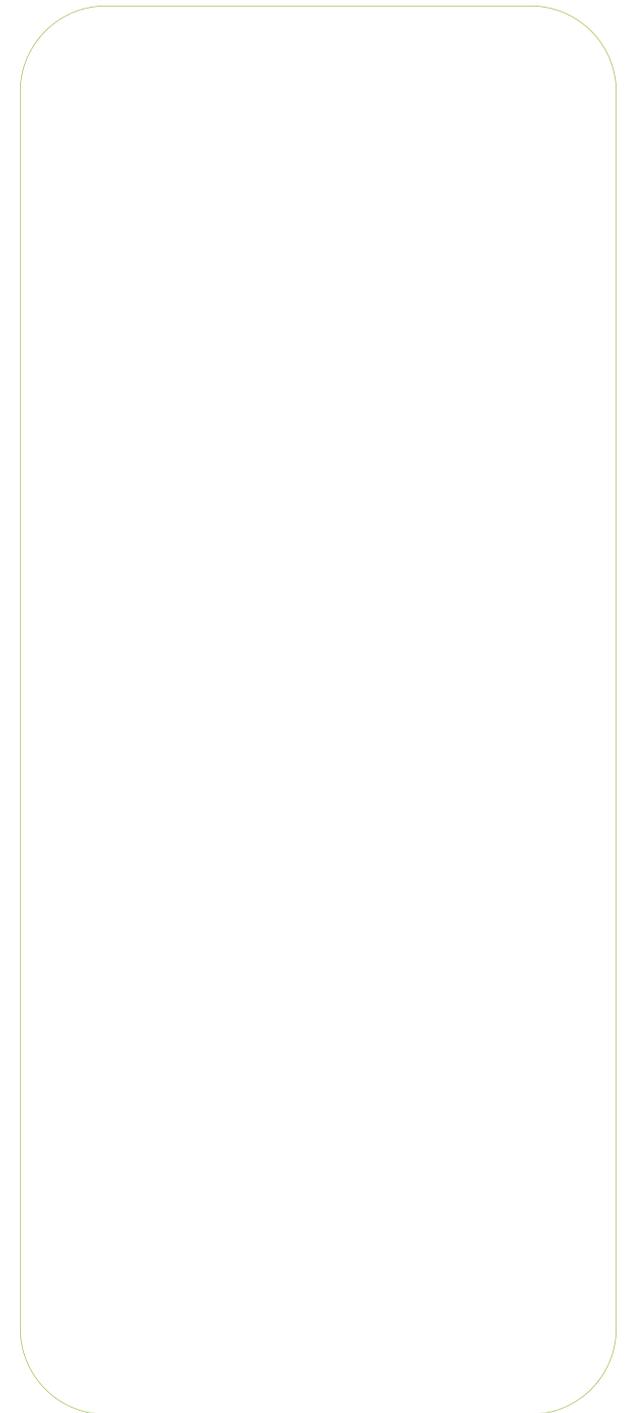
- A. Visible structures like curbing, culverts, walls, or stormwater outlets shall not be stark white. The use of dyed and textured concrete, stone, or other natural materials shall be required to lessen the visual impact of these structures

Section 7. Guardrails and Fences

- A. Any necessary guardrails or fences shall be constructed of rust-colored metal railings, traditional wooden fencing, brick or stone walls, or a combination of the above.
- B. No fence or wall over four (4) feet high shall be permitted along the frontage of the development or each lot within that development. Fences to contain permitted animals may exceed four (4) feet in height.
- C. Other rural design elements, such as boulders or suitable vegetation, may be incorporated into a fence at a residential development's entrance or exit.

Section 8. Excavation and Site Grading

- A. Any grading or earth moving operation shall be minimized and executed so that the final landscape is changed as little as possible from the site's original topography.



Appendix 3

Landscaping Standards

All subdivisions and land developments in the Rural Residential District shall comply with the standards contained in this section, unless the standards contained in other applicable sections of the *municipal* Subdivision and Land Development Ordinance are more stringent.

Section 1. Applicability

- A. A landscape plan shall be submitted as part of the preliminary plan submission. The landscape plan shall be prepared by a qualified professional, such as a landscape architect or horticulturalist.
- B. The landscape plan shall depict a planting design that preserves and enhances the rural character of both the proposed development and its nearby surroundings.

Section 2. Preservation and Protection of Existing Vegetation

- A. All subdivisions or land developments shall be laid out in such a manner as to minimize any disturbance to the site's natural features.
- B. Any woodlands or trees within a subdivision or land development that are designated as conservation areas shall be preserved in their entirety.
- C. To the maximum extent possible, existing woodlands and hedgerows shall be incorporated into the site design, boundaries, and lot layout of a new development.
- D. Existing vegetation shall be credited towards any applicable *municipal* landscaping requirements at the discretion of the *municipality*.
- E. The applicant shall prove to the satisfaction of the *municipality* that vegetation removal has been minimized. If requested by the *municipality*, the applicant shall produce evidence such as written documents or plans that have been certified by a registered landscape architect or other certified professional.

Section 3. Street Trees

- A. Street trees shall be planted in the following locations, and shall comply with all applicable *municipal* regulations:

Internal Lot Landscaping

A landscaped strip between homes and internal streets can add to a rural landscape. It can incorporate natural vegetation and should be supplemented with a landscaped berm, split rail fence, or white painted rail fence. Alternate decorative fence materials may be utilized, subject to review and approval of the municipality. Street trees should be incorporated into these designs and can be planted in the right-of-way.

1. All existing streets when they abut or lie within the proposed subdivision or land development, except where existing vegetation serves to meet the planting requirements.
 2. All proposed new streets, whether public or private.
- B. Street trees shall be planted at a ratio of one tree for every 40 linear feet of a street, on both sides of the street. Street trees shall be clustered informally to avoid a repetitive planting pattern.
 - C. The street tree requirement may be waived by the municipality to maintain scenic views of open space, farmland, hedgerows, or other rural elements.
 - D. Street trees shall be planted as close to the street cartway as feasible and outside of any swales or pathways.
 - E. The use of tree species selected from Section ___ of this ordinance is strongly encouraged.

Section 4. Rural Buffers

- A. Buffers shall be designed in a way which incorporates the conservation of a site's significant natural, historic, and scenic features.
- B. Buffers shall be used for the purpose of screening views of a development's new homes from external public rights-of-way and from existing buildings on the property.
- C. When topography changes or existing vegetation do not sufficiently screen new development, a perimeter buffer with a minimum width of 12 feet shall be created and maintained between any external road and the edge of any residential development with two (2) or more units, within the designated setback area. If an existing historic building is to remain on the property along the frontage of the external street, the buffer shall be placed between the farm or historic house and the lots.
- D. Buffer length shall be sufficient to completely screen any development from external roads.
- E. This screening shall be achieved in the following ways:
 1. Existing evergreen trees, mature and healthy deciduous trees, shrubs, or other vegetation within the buffer shall be retained during the development process and used as part of the rural buffer.
 2. New landscaping, in accordance with Section ___ of this ordinance shall be adequate to screen the development from external roads and existing buildings. This screening vegetation shall be provided

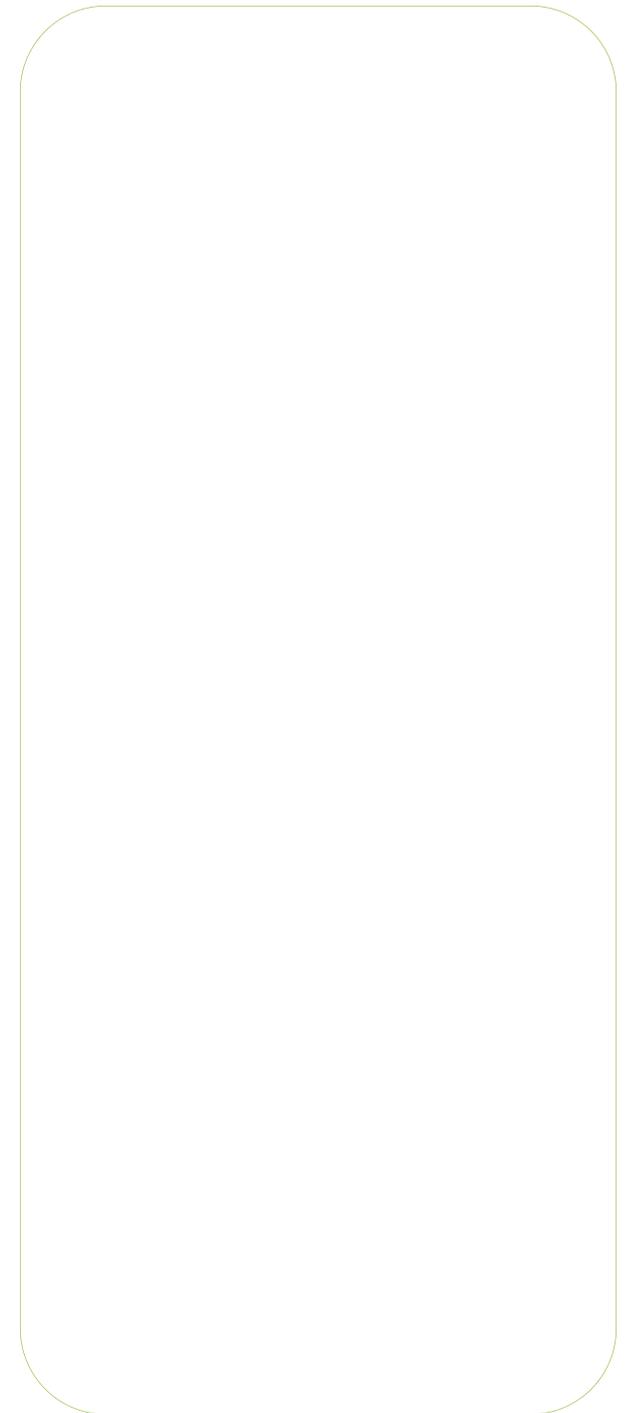
Rural Buffers

Rural buffers can screen undesirable views, promote native wildlife, produce multiple environmental benefits and maintain a rural sense of place. Buffers, upon completion, should appear natural in both species arrangement and composition. Utilizing plants of varying sizes will contribute to a buffer's natural appearance.

and maintained within the buffer area. Landscaping shall be appropriate to a rural location and may include vegetation types that are recommended in Section ___ of this ordinance.

F. Additional Rural Buffer Requirements

1. For every 100 linear feet of rural buffers, there shall be the following minimum number of plants arranged in an irregular and varied planting scheme.
 - a. Medium to large deciduous trees - 4 plants
 - b. Small deciduous trees - 4 plants
 - c. Evergreen trees - 6 plants
 - d. Deciduous shrubs - 12 plants
 - e. Evergreen shrubs - 12 plants
2. Trees within rural buffers shall be of varying species, heights, and caliper when installed. Trees shall also have varying heights at maturity.
3. Of the total trees planted:
 - a. One-third shall have a 1.5 inch minimum caliper or be 10 feet in height
 - b. One-third shall have a 2 inch minimum caliper or be 12 feet in height
 - c. One-third shall have a 2.5 inch minimum caliper or be 14 feet in height
4. Plant species in the buffer shall be no more than 50% evergreens.
5. Shrubs at the time of planting shall have a minimum height of 30 inches.
6. No less than five (5) species of native vegetation shall be utilized.
7. Paved areas and parking are not permitted in the buffer area, except for driveway crossings and/or pathways.
8. Existing topography, such as embankments or grassy inclines, as well as existing vegetation, can be substituted for part or all of the required buffers at the discretion of the *municipality*.



Section 5. Hedgerows

- A. Existing hedgerows shall be preserved to the greatest extent possible.
- B. Hedgerows shall be used for the purpose of screening views of a development's new homes from external public rights-of-way and from existing buildings on the property.
- C. The minimum width for hedgerows is 15 feet and the maximum width is 30 feet.
- D. Additional Hedgerow Requirements
 - 1. For every 100 linear feet of hedgerows, there shall be the following minimum number of plants arranged in an irregular and varied planting scheme.
 - a. Medium to large trees - 6 plants
 - b. Small trees - 2 plants
 - c. Deciduous shrubs - 15 plants
 - d. Evergreen shrubs - 12 plants
 - 2. If hedgerows are chosen as a screening option, they shall be enhanced and improved with additional plantings if gaps exist within the linear arrangements.
 - 3. The composition of hedgerows shall be 50% trees and 50% shrubs.
 - 4. No less than five (5) species of native vegetation shall be planted.
 - 5. Vegetation shall be planted in at least two (2) staggered rows and grouped informally. A repetitive planting pattern shall be avoided.

Section 6. Parking Lot Landscaping

- A. Parking lots shall be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights; delineate driving lanes; define rows of parking, as well as provide shade; and be aesthetically pleasing.
- B. Planting Regulations
 - 1. One canopy tree shall be provided for every five parking spaces in planting areas and/or around the perimeter of the parking area.
 - 2. Plant materials shall comply with the recommended plantings in Section ___ of this ordinance.

Hedgerows

Hedgerows consist of both introduced and native vegetation, which serve as visual screens and barriers within the county's rural landscape. Hedgerows are typically linear and follow natural contours, which create meandering lines and a naturalistic planting. A wide variety of plants grow within hedgerows and their unique appearance is due in part to the plants' close proximity to each other.

Appendix 4

Recommended Plantings List

It is important to choose landscaping plants that grow well at a site despite any constraints. Much information can be found on the Internet about choosing the right plants for one's landscaping needs. What follows is a short list of recommended plants that are appropriate for the Rural Residential District.

Medium - Large Deciduous Trees

Botanical Name	Common Name	Mature Height	Commonly Found in Local Hedgerows	Adaptable or Appropriate for Hedgerows
Acer rubrum	Red Maple	75-100 feet	•	•
Acer saccharum	Sugar Maple	75-100 feet		•
Betula nigra	River Birch	50-75 feet		•
Celtis occidentalis	Common Hackberry	75-100 feet	•	•
Fraxinus americana	White Ash	75-100 feet		•
Fraxinus pennsylvanica	Green Ash	50-75 feet	•	•
Juglans nigra	Eastern Black Walnut	75-100 feet	•	
Liquidambar styraciflua	American Sweetgum	75-100 feet		•
Liriodendron tulipifera	Tuliptree	75-100 feet	•	•
Platanus occidentalis	American Planetree	75-100 feet	•	
Prunus serotina	Black Cherry	50-75 feet	•	•
Quercus alba	White Oak	75-100 feet		•
Quercus coccinea	Scarlet Oak	50-75 feet		•
Quercus palustris	Pin Oak	50-75 feet	•	•
Quercus rubra	Red Oak	60-95 feet		•
Tilia americana	American Linden	60-100 feet		•

Invasive Species

Invasive species are a constant concern in Southeast Pennsylvania. Invasive species are non-indigenous and undesirable species (in this case, plants) that heavily colonize a particular habitat, sometimes to the point of crowding out other native species and causing environmental or ecological damage.

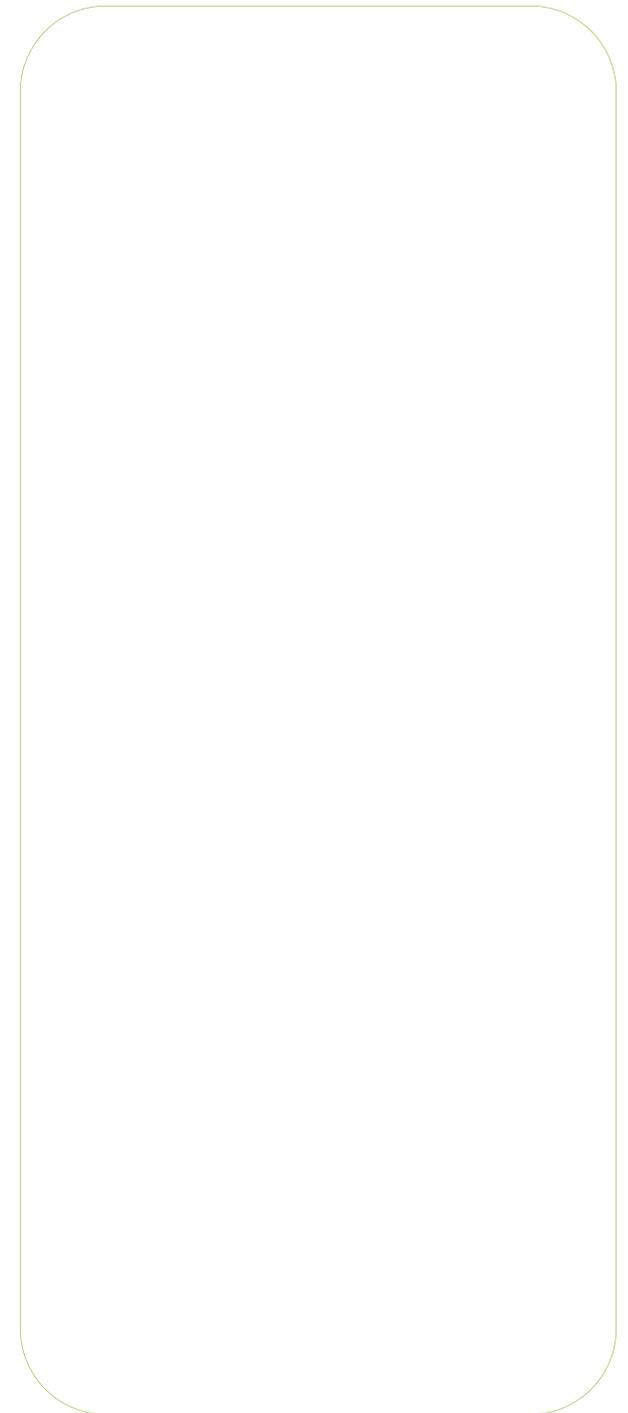
We strongly encourage the removal of invasive plants during the construction process. The removal of invasive plants should not require any additional mitigation or landscaping requirements.

Plants invasive to the county include:

- *Norway maple*
- *Sycamore maple*
- *Tree of heaven*
- *Russian olive*
- *Autumn olive*
- *Korean evodia*
- *Mulberry*
- *Empress tree*
- *Amur cork tree (female)*
- *Sweet cherry*
- *Black locust*
- *Siberian elm*

Small Deciduous Trees

Botanical Name	Common Name	Mature Height	Commonly Found in Local Hedgerows	Adaptable or Appropriate for Hedgerows
<i>Alnus rugosa</i>	Speckled Alder	20-35 feet		•
<i>Alnus serrulata</i>	Common Alder	15-25 feet		•
<i>Amelanchier arborea</i>	Downy Serviceberry	15-25 feet		•
<i>Amelanchier canadensis</i>	Shadblow Serviceberry	35-50 feet		•
<i>Amelanchier laevis</i>	Allegheny Serviceberry	25-35 feet		•
<i>Carpinus caroliniana</i>	Musclewood	35-50 feet		•
<i>Cornus florida</i>	Flowering Dogwood	25-50 feet	•	•
<i>Hamamelis virginiana</i>	Common Witchhazel	20-35 feet		•
<i>Morus rubra</i>	Red Mulberry	35-50 feet	•	
<i>Prunus pensylvanica</i>	Pin Cherry	20-35 feet	•	
<i>Prunus virginiana</i>	Common Chokecherry	35-50 feet	•	
<i>Quercus imbricaria</i>	Shingle Oak	35-50 feet		•
<i>Rhus glabra</i>	Smooth Sumac	10-20 feet		•
<i>Rhus typhina</i>	Staghorn Sumac	35-50 feet	•	•
<i>Sassafras albidum</i>	Common Sassafras	35-50 feet	•	•
<i>Viburnum prunifolium</i>	Blackshaw	20-35 feet	•	•



Deciduous Shrubs

Botanical Name	Common Name	Mature Height
<i>Aronia arbutifolia</i> *	Red Chokecherry	6-12 feet
<i>Aronia melanocarpa</i> *	Black Chokecherry	6-12 feet
<i>Cornus amomum</i>	Silky Dogwood	6-12 feet
<i>Cornus sericea</i>	Redosier Dogwood	7-12 feet
<i>Ilex verticillata</i>	Common Winterberry	6-12 feet
<i>Lindera benzoin</i> *	Common Spicebush	6-12 feet
<i>Myrica pennsylvanica</i> *	Northern Bayberry	6-12 feet
<i>Sambucus canadensis</i>	Elderberry	6-12 feet
<i>Viburnum cassinoides</i> *	Witherod Viburnum	6-12 feet
<i>Viburnum dentatum</i> *	Arrow Viburnum	6-12 feet
<i>Viburnum nudum</i>	Possumshaw Viburnum	12-20 feet
<i>Viburnum prunifolium</i>	Blackshaw Viburnum	12-15 feet
<i>Viburnum trilobum</i>	Highbush Cranberry	6-12 feet

Evergreen Trees and Shrubs

Botanical Name	Common Name	Mature Height
<i>Abies concolor</i>	Concolor Fir	30-50 feet
<i>Abies nordmanniana</i>	Nordmann Fir	50-75 feet
<i>Ilex gabra</i> *	Inkberry	6-12 feet
<i>Ilex opaca</i>	American Holly	25-50 feet
<i>Juniperus communis</i> *	Common Juniper	3-6 feet
<i>Juniperus virginiana</i>	Eastern Red Cedar	50-75 feet
<i>Picea omorika</i>	Serbian Spruce	45-50 feet
<i>Picea orientalis</i>	Oriental Spruce	25-40 feet

* Particularly suited for tough growing conditions

Appendix 5

Sample Deed Restriction

This is a simplified version of a deed restriction and should only be used as a guideline.

This Deed Restriction made this day of _____, 20___, by _____ (hereby known as the “Grantor”) to *the municipality* (hereby known as the “Grantee”) in joint ownership, for the purpose of forever conserving the open space and rural character of the property in question.

Witness that:

The Grantor is the sole owner in fee simple of certain real property, attached to and made part of this deed, which consists of ___ acres of land, and all buildings and improvements erected thereon (hereby known as the “Property”), located in the *municipality of _____, County of Montgomery, State of Pennsylvania.*

This property is primarily open space that has been classified by the *municipality* as having valuable rural, scenic, historic, or natural character and resources that can be enjoyed by not just the Grantor but the public at-large.

These features of the Property are documented in an inventory, dated _____, 20___ (on file at the offices of the Grantee), and consist of reports, maps, photographs, and/or other documentation that the parties provide, collectively, as an accurate representation of the Property at the time of this deed restriction and is intended to serve as a basis for monitoring compliance with the terms of this deed restriction.

Grantors intend that the rural, scenic, historic, and natural qualities of the Property be preserved and maintained by the continuation of land use patterns that do not significantly interfere with those values.

Grantors further intend, as owners of the Property, to convey to Grantee the right to preserve and protect the rural, scenic, historic and natural qualities of the Property in perpetuity.

Grantee is a municipal entity, whose primary purpose in preserving this Property is to maintain and enhance its rural, scenic, historic and natural qualities.

Grantee agrees by accepting this grant to honor the intentions of Grantors stated herein and to preserve and protect in perpetuity these values for the benefit of generations to come.

This sample deed restriction is based upon a model conservation easement authored by the Natural Lands Trust, available online at www.epa.gov/nps/ordinance/documents/A2e-ModelLand.pdf

Now, therefore:

In consideration of the above and the terms and conditions contained herein, and pursuant to the laws of Pennsylvania, Grantors hereby convey to Grantee a deed restriction in perpetuity over the Property of the nature and character and to the extent hereinafter set forth.

1. Purpose. It is the purpose of this deed restriction to assure that the Property will be retained forever predominantly in a rural, scenic, historic, and/or natural condition and to prevent any use that will significantly impair or interfere with these values. Grantors intend that this deed restriction will restrict the use of the Property to activities that are consistent with the purpose of this deed restriction.
2. Rights of Grantee. The following rights are conveyed to Grantee:
 - a. To preserve and protect the conservation values of the Property;
 - b. To enter upon the Property in order to monitor Grantors' compliance with and otherwise enforce the terms of this deed restriction; provided that reasonable notice shall be given to Grantors before entry, and entry shall not unreasonably interfere with Grantors' use and quiet enjoyment of the Property; and
 - c. To prevent any activity on or use of the Property that is inconsistent with the purpose of this deed restriction, and to require the restoration of areas of the Property that may be damaged by inconsistent activity or use.
3. Prohibited Uses and Reserved Rights.
 - a. Any activity on or use of the Property inconsistent with the purpose of this deed restriction is prohibited.
 - b. Any activity or use that would adversely impact key resources within conservation areas, as identified in the inventory of the Property is prohibited.
 - c. Deed restricted lands with natural features and scenic views may not include new streets, sidewalks, buildings, pools, furniture, play equipment, or similar man-made items.
 - d. Deed restricted land containing historic properties shall not include new man-made features that are incompatible with the character of the historic property.
 - e. Grantors reserve to themselves, and to any representatives, heirs, successors, and/or assigns, all rights accruing from their ownership of the Property, including the right to engage in all uses of the Property that are not expressly prohibited and are not inconsistent with the purpose of this deed restriction.

Frequently Asked Questions About Deed Restrictions

What is a deed restriction?

A deed restriction is a written agreement that restricts or limits property use or activities in a subdivision. They appear in the deed records, and are private agreements between a property buyer and a property seller.

Who must abide by a deed restriction?

In most cases, a deed restriction is binding upon all property owners (and subsequent property owners) within a defined neighborhood or subdivision.

How is a deed restriction put in place?

A deed restriction is usually imposed on lots in a subdivision by the initial developer, at which point the restriction is filed with the county's Recorder of Deeds.

Do all subdivisions or neighborhoods have deed restrictions?

Most subdivisions developed for residential use have deed restrictions. There is no legal requirement for a developer to establish deed restrictions while constructing new homes.

How long are deed restrictions in effect?

The time deed restrictions remain in effect is decided by the timeline laid out in the documents that created the deed restrictions and the enforcement or maintenance of the deed restrictions. Only a judge and/or jury can decide whether lack of enforcement has caused deed restrictions to lapse. While some deed restrictions have specific lifespans, most are drafted to remain in effect in perpetuity by a series of automatic renewals.

4. Notice of Intention to Undertake Certain Permitted Actions. Grantors shall notify Grantee in writing not less than 30 (thirty) days prior to the date Grantors intend to undertake any activity that is not expressly prohibited in this deed restriction. The notice shall describe the nature, scope, design, location, and timetable of the proposed activity to permit Grantee to make an informed judgment as to its consistency with the purpose of this deed restriction.
 - a. Grantee's Approval. Where Grantee's approval is required, Grantee shall grant or withhold its approval in writing within 30 (thirty) days of receipt of Grantors' written request therefore. Grantee's approval may be withheld only upon a reasonable determination by Grantee that the action as proposed would be inconsistent with the purpose of this deed restriction.
5. Grantee's Remedies. Grantee shall give written notice to Grantors of any violation of this deed restriction and demand corrective action to cure the violation. If Grantors fail to cure the violation within 30 (thirty) days after receipt of the Grantee's notice, or under circumstances where the violation cannot reasonably be cured within a 30 (thirty) day period, Grantee may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this deed restriction and to enjoin the violation. By either temporary or permanent injunction, Grantee may recover any damages to which it may be entitled for violation of the deed restriction's terms, including damages for the loss of scenic, aesthetic, or environmental values, and can require the restoration of the Property to the condition that existed prior to any violation. Grantee may apply any damages recovered to the cost any corrective action on the Property. If Grantee, determines that circumstances require immediate action to prevent or mitigate significant damage to the Property, Grantee may pursue its remedies under this paragraph without prior notice to Grantors or without waiting for the period provided for cure to expire. Grantee's rights under this paragraph apply equally in the event of either actual or threatened violations, and that Grantee shall be entitled to the injunctive relief, both prohibitive and mandatory, in addition to such other terms of this deed restriction, without proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this paragraph shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.
 - a. Costs of Enforcement. Any costs incurred by Grantee in enforcing the terms of this deed restriction against Grantors, including without limitation, costs of suit and attorneys' fees, and any costs of restoration necessitated by Grantors' violation of the terms of this deed restriction shall be borne by Grantors. If Grantors prevail in any action to enforce the terms of this deed restriction, Grantors' costs of suit, including without limitation, attorneys' fees, shall be borne by Grantee.
 - b. Grantee's Discretion. Enforcement of the terms of this deed restriction is at the discretion of Grantee, and any forbearance by Grantee to exercise its rights under this deed restriction in the

event of a breach of this deed restriction by Grantors will not be deemed or construed to be a waiver by Grantee of such term, nor will any subsequent breach of the same or any other term of this deed restriction or of any of Grantee's rights under this deed restriction. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantors shall impair such right or remedy or be construed as a waiver.

- c. Waiver of Certain Defenses. Grantors hereby waive any defense of laches, estoppel, or prescription.
 - d. Acts Beyond Grantors' Control. Nothing within this deed restriction will be construed to entitle Grantee to bring any action against Grantors for any injury to or change in the Property resulting from causes beyond Grantors' control, including fire, flood, storm, and earth movement, or from any prudent action taken by Grantors under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.
6. Access. No right of access by the general public to any portion of the Property is conveyed by this deed restriction.
7. Costs and Liabilities. Grantors retain all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including the maintenance of adequate comprehensive general liability insurance coverage. Grantors shall keep the Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantors.
- a. Taxes. Grantors shall pay all taxes, assessments, fees, and charges levied on or assessed against the Property (collectively "taxes"), including any taxes imposed upon, or incurred as a result of this deed restriction, and shall furnish Grantee with satisfactory evidence of payment upon request. Grantee is authorized to make or advance any payment of taxes, upon 3 days prior written notice to Grantors, in accordance with any bill, statement, or estimate procured, without inquiry into the validity of the taxes or the accuracy of the bill, statement, or estimate, and the obligation created by such payment shall bear interest until paid by Grantors.
 - b. Hold Harmless. Grantors shall hold harmless, indemnify, and defend Grantee and its members, directors, officers, employees, agents, and contractors and the heirs, personal representatives, successors, and assigns of each of them (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees, arising from or in any way connected with: (1) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the

Property, regardless of cause, unless due solely to the negligence of any of the Indemnified Parties; (2) the obligations specified in paragraphs 7 and 7.1; and (3) the existence or administration of this deed restriction.

8. Extinguishment. If circumstances arise that render the purpose of this deed restriction impossible to accomplish, this deed restriction can be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction, and the amount of the proceeds to which Grantee shall be entitled, after the satisfaction of prior claims, from any sale, exchange, or involuntary conversion of all or any portion of the Property subsequent to such termination or extinguishment, shall be determined, unless otherwise provided by Pennsylvania law at the time, in accordance with paragraph 9.1. Grantee shall use all such proceeds in a manner consistent with the conservation purposes of this grant.
 - a. Proceeds. This deed restriction constitutes a real property interest immediately vested in Grantee, which, for the purposes of paragraph 8, the parties stipulate to have a fair market value determined by multiplying the fair market value of the Property unencumbered by the deed restriction (minus any increase in value after the date of this grant attributable to improvements) by the ratio of the value of the deed restricted land at the time of this grant to the value of the Property, without deduction for the value of the deed restricted land, at the time of this grant. The values at the time of this grant shall be those values used to calculate the deduction for federal income tax purposes allowable by reason of this grant, pursuant to Section 170(h) of the Internal Revenue Code of 1954, as amended. For the purposes of this paragraph, the ratio of the value of the deed restricted land to the value of the Property unencumbered by the deed restricted land shall remain constant.
 - b. Condemnation. If the deed restricted land is taken, in whole or in part, by exercise of the power of eminent domain, Grantee shall be entitled to compensation in accordance with applicable law.
9. Assignment. This deed restriction is transferable, but Grantee may assign its rights and obligations under this deed restriction only to an organization that is a qualified organization at the time of transfer under Section 170(h) of the Internal Revenue Code of 1954, as amended (or any successor provision then applicable), and the applicable regulations promulgated thereunder, as well as authorized to acquire and hold deed restrictions under the appropriate Pennsylvania statute (or any successor provision then applicable). As a condition of such transfer, Grantee shall require that the conservation purposes that this grant is intended to advance continue to be carried out.
10. Subsequent Transfers. Grantors agree to incorporate the terms of this deed restriction in any deed or

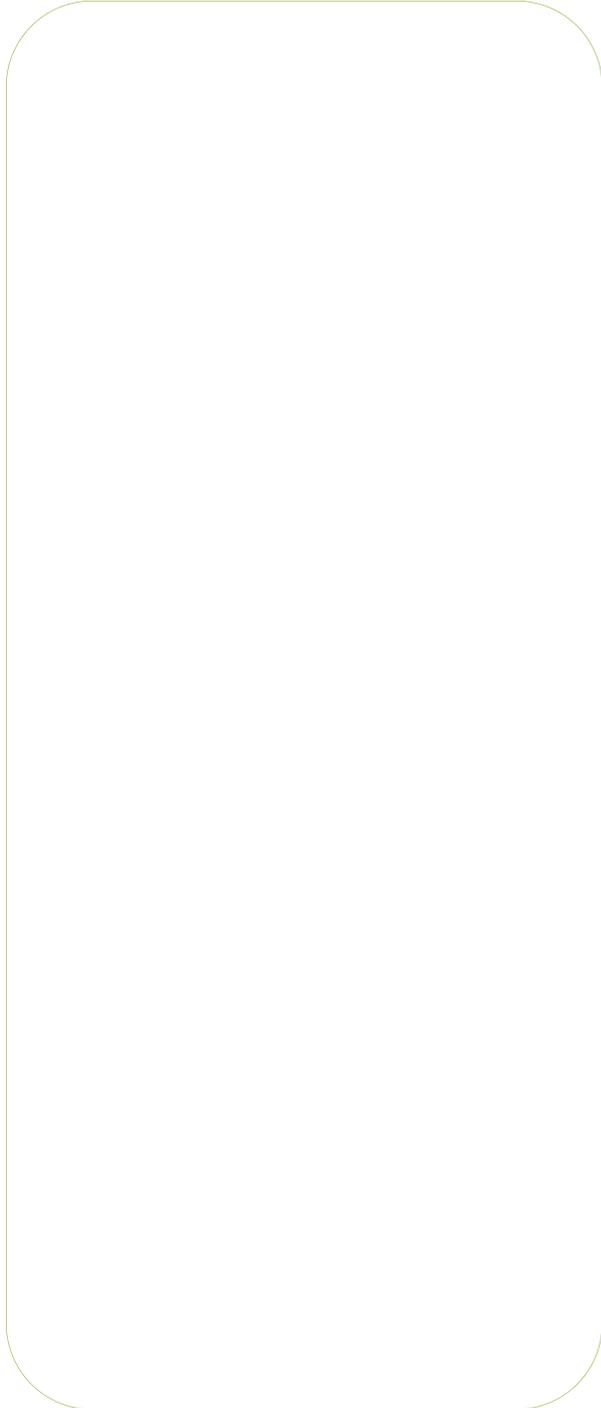
other legal instrument by which they divest themselves of any interest in all or a portion of the Property, including, without limitation, a leasehold interest. Grantors further agree to give written notice to Grantee of the transfer of any interest at least twenty (20) days prior to the date of transfer. The failure of Grantors to perform any act required by this paragraph shall not impair the validity of this deed restriction or limit its enforceability in any way.

- 11. Estoppel Certificates. Upon request by Grantors, Grantee shall within 20 days execute and deliver to grantors any document, including an estoppel certificate, which certifies Grantors' compliance with any obligation of Grantors contained in this deed restriction and otherwise evidences the status of this deed restriction as may be requested by Grantors.
- 12. Notices. Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid, addressed as follows:

To Grantors:	_____	To Grantee:	_____
	_____		_____
	_____		_____

or to such other address as either party from time to time shall designate by written notice to the other.

- 13. Recordation. Grantee shall record this instrument in timely fashion in the official records of Montgomery County, Pennsylvania, and may re-record it at any time as may be required to preserve its rights in this deed restriction.
- 14. General Provisions.
 - a. Controlling Law. The interpretation and performance of this deed restriction shall be governed by the laws of the State of Pennsylvania.
 - b. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this deed restriction shall be liberally construed in favor of the grant to effect the purpose of this deed restriction and the policy and purpose of Pennsylvania's regulations. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this deed restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.
 - c. Severability. If any provision of this deed restriction, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this deed restriction, or



the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

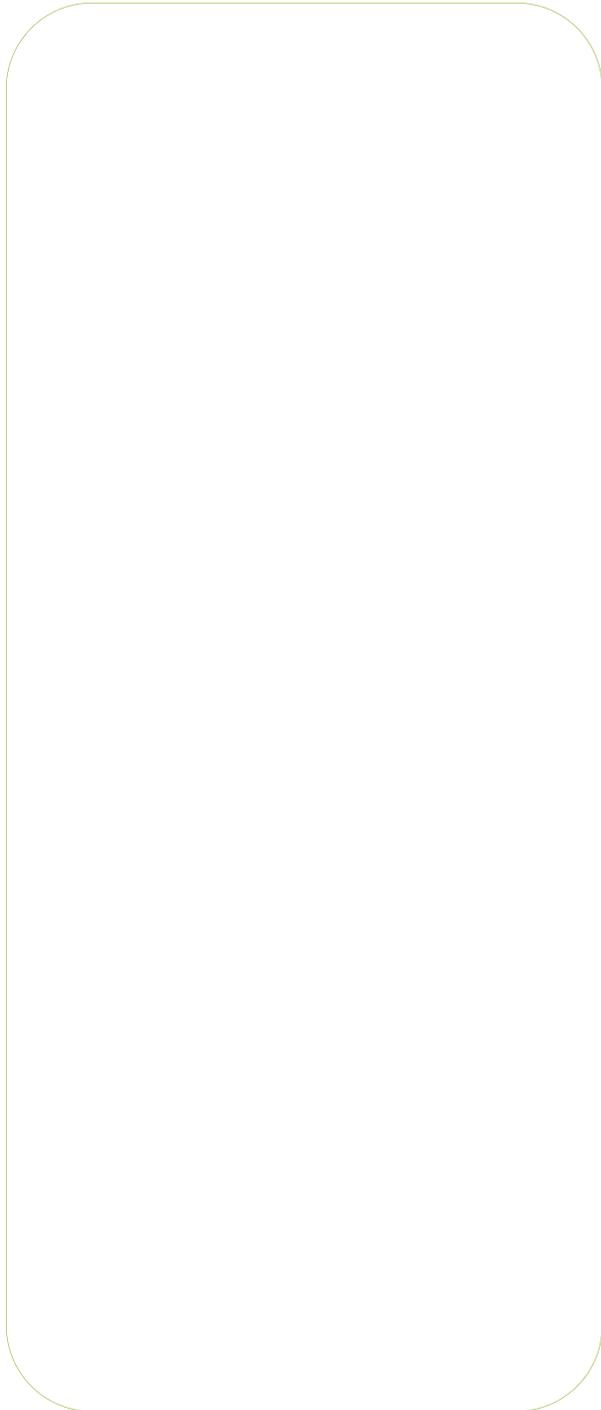
- d. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the deed restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the deed restriction, all of which are merged herein.
- e. No Forfeiture. Nothing contained herein will result in a forfeiture or reversion of Grantor's title.
- f. Joint Obligation. The obligations imposed by this deed restriction upon Grantors are joint and several.
- g. Successors. The covenants, conditions, and restrictions of this deed restriction shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.
- h. Termination of Rights and Obligations. A party's rights and obligations under this deed restriction terminate upon transfer of the party's interest in the deed restricted land or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.
- i. Counterparts. The parties may execute this instrument in two or more counterparts, which shall, in the aggregate, be signed by both parties; each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

TO HAVE AND TO HOLD unto Grantee, its successors, and assigns forever. IN WITNESS WHEREOF Grantors and Grantee have set their hands on the day and year first above written.

Grantor

Grantee

By _____ its [Official Capacity]





This model ordinance is designed to provide an alternative to typical new suburban residential development that is commonly built in rural parts of the county. Rural residential development preserves important scenic, historic, and/or natural features, while requiring new low-density residential development to be hidden from view.

Montgomery County Planning Commission
Montgomery County Court House
PO Box 311, Norristown, PA19404

www.planning.montcopa.org