

LAND PRESERVATION DISTRICT MODEL ZONING

Montgomery County, PA

Planning Commission

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MONTGOMERY COUNTY PLANNING COMMISSION

LAND PRESERVATION DISTRICT

Section 1. Intent

The primary purpose of the Land Preservation District (LPD) is to preserve open land, sensitive natural areas, and rural community character that would be lost under conventional development. In addition, the intent of this district is to permit a reasonable amount of residential development in the form of small, compact neighborhoods of single-family detached homes in an open space setting, located and designed to reduce the perceived intensity of development preserve natural features and farmland, and provide privacy and neighborhood identity. Specific objectives are as follows:

- A. To preserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development.
- B. To preserve scenic views and elements of the municipality's rural character, and to minimize perceived density, by minimizing views of new development from existing roads;
- C. To provide greater design flexibility and efficiency in the siting of services and infrastructure, by reducing the road length, utility runs, and the amount of paving required for residential development.
- D. To create compact neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
- E. To implement the goals of the municipality's comprehensive plan and open space/recreation plan.
- F. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
- G. To create new woodlands through natural succession and reforestation where appropriate, and to encourage the preservation and improvement of habitat for various forms of wildlife.
- H. To preserve areas of the municipality with productive agricultural soils for continued or future agricultural use, by preserving blocks of land large enough to allow for efficient farm operations.

I. To provide for the preservation and maintenance of open land within the municipality to achieve the above-mentioned goals and for active or passive recreational use by residents.

Section 2. Permitted Uses

Land in the LPD may be used for the following purposes:

A. Single-family detached dwellings:

1. On tracts of **ten acres or more**, the following dwelling types are permitted under the neighborhood design standards herein, at a maximum density of one unit per two gross acres, with at least 75% of the tract in open land:

- a. Standard single-family detached dwelling;
- b. Village house (see [Definition](#));
- c. Lot-line house (see [Definition](#)).

2. On tracts of **less than ten acres** in size, existing as of the date of adoption of this ordinance:

Standard single-family detached dwellings, at a maximum density of one dwelling unit per two acres, with no required common open land, although a portion of the tract may be set aside as open land, if desired. No more than one dwelling is permitted per individual lot.

3. On tracts of **ten acres or more**, as a conditional use:

Single-family detached dwellings with no required common open land, at a maximum density of one unit per two acres, in compliance with the standards in Section 9.

B. Open land comprising a portion of a residential development, as specified above and according to the requirements of Section 5.

C. The following non-residential uses, on lots of 15 acres or more, according to the standards of Section 7.C:

1. Agricultural activities of the following types:

- a. The cultivation, harvesting, and sale of crops and related farm products;
- b. The raising and sale of livestock or fowl, along with associated pasture and grazing land.
- c. Orchards, nurseries, greenhouses, and related horticultural uses.

2. Open space uses, primarily passive in nature, including wildlife sanctuary, forest preserve, nature center, and similar uses.

- a. Game farm, fish hatchery, hunting or fishing preserve; or similar uses designed for the protection or propagation of wildlife.
- b. Parks and recreation areas for non-intensive uses, including golf course (excluding driving range or miniature golf), hiking, bicycling or bridle trails, picnic areas, playing fields, and similar uses.

D. Accessory uses on the same lot with and customarily incidental to any permitted use.

Section 3. Inventory and Analysis.

The initial application for any development, with the exception of standard single-family detached development on tracts of less than ten acres, shall include an inventory and analysis of the site. The following site elements shall be inventoried and mapped in sufficient detail to allow evaluation of the plan by the township relative to the intent of this district.

A. Physical Resources. Identification of resources associated with the natural environment of the tract, including geology, topography, soil hydrology and vegetation. These features shall be mapped at a scale of no smaller than one inch equals 100 feet, and shall be briefly described. The maps shall include:

1. Topographic contours at ten-foot intervals, showing rock outcrops and slopes of more than 15 percent;
2. Soil type locations and a table identifying soil characteristics relating to agricultural capability, seasonal high water table, depth to bedrock, and suitability for on-site disposal systems, as per the Montgomery County Soil Survey.
3. Hydrologic characteristics of the site, including surface water bodies, floodplains and hydric soils.
4. Vegetation of the site, defining location and boundaries of woodland areas and vegetation associations in terms of species and size.

B. Land Use. Current land use and land cover (cultivated areas, paved areas, pastures, etc.), all buildings and structures on the land, and all encumbrances, such as easements or covenants.

C. Visual Resources. Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract.

D. Cultural and Historic Resources. Brief description of historic character of buildings, and structures, if applicable.

E. Content. General outlines of buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no smaller than one inch equals 400 feet.

Section 4. Neighborhood Design Standards

The following standards apply to all residential developments in the LPD, except standard single-family lotting on small tracts (less than 10 acres), on estate lots, or when permitted as a conditional use.

A. All lots shall be grouped into neighborhoods which shall contain at least five, but no more than 25 lots, and are surrounded by open land.

B. The maximum or minimum number of lots in a neighborhood may be increased or decreased, and neighborhoods may be assembled into larger groupings with the approval of the governing body. However, the applicant must demonstrate that such an alternative plan is more appropriate for the tract in question, and will meet both the general intent and design standards of this ordinance, rather than being intended solely for economic savings.

C. Neighborhoods are defined by the outer perimeter of contiguous lotted areas or abutting roads, and may contain lots, roads and neighborhood open space.

D. A plan may contain one or more neighborhoods.

E. The outer boundaries of each neighborhood shall meet the setback requirements specified in Section 7, Density and Dimensional Standards.

F. Neighborhoods shall be located on areas of the tract which are relatively free of sensitive environmental features. At a minimum, neighborhoods shall not encroach upon:

1. Floodplain or wetlands;
2. Lands designated for open space in the municipal Comprehensive Plan.

G. Disturbance to woodlands, hedgerows, mature trees or other significant vegetation shall be minimized.

H. Prime farmland soils, and large tracts of contiguous land, suitable for agricultural use, shall be preserved.

I. Neighborhoods shall be defined and separated by open land in order to provide direct access to open space and privacy to individual yard areas. Neighborhoods may be separated by roads if the road right-of-way is designed as a parkway and meets the setback requirements in Section 7.

J. Views of neighborhoods from exterior roads shall be minimized by the use of changes in topography, existing vegetation or additional landscaping.

K. All lots in a neighborhood shall take access from interior roads, rather than roads exterior to the tract.

L. All lots in a neighborhood shall face neighborhood open space or other open land (directly or across a road) to either the front or the rear for a distance of no less than 30 feet.

M. **Neighborhood Open Space Standards.** A neighborhood with ten or more residential lots must provide neighborhood open space at a minimum rate of 1,000 square feet per lot, in compliance with the following standards:

1. The open space shall be central to the neighborhood it serves.
2. The open space shall have a minimum of 100 feet of road frontage and a minimum average width of 35 feet.
3. It shall be configured as a green or parkway.
 - a. A green shall be located in a central position in the neighborhood, and shall be surrounded by streets and/or building lots on at least three sides. It shall be designed and landscaped as a space for common neighborhood use.
 - b. A parkway is a narrow strip of open space surrounded by streets on all sides, and generally intended for a smaller neighborhood. It shall be designed as a space for neighborhood use.
4. It may contain stormwater detention basins or parking areas, but these shall not be included in the required 1,000 square feet per lot.
5. Neighborhood open space shall count toward meeting the 75% open land requirements of the LPD.

Section 5. Open Land Standards

Under the neighborhood standards, 75% of each tract is required to be set aside as protected open land. This open land area shall meet the following standards:

- A. The following uses are permitted in open land areas:
 1. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).
 2. Agricultural uses, including raising of crops or livestock, and farm buildings.
 3. Neighborhood open space as specified in Section 4.L.
 4. Passive recreation including, but not limited to, trails, picnic areas, community gardens, and lawn areas.
 5. Active recreation areas such as golf courses, playing fields, playgrounds and courts, meeting the setback requirements in Section 7.D.
 6. Water supply and sewage disposal systems for individual lots, neighborhoods, or the entire development.
 7. Pasture for recreational horses (at a rate not exceeding one horse per 2 acres).
 8. Easements for drainage, access, sewer or water lines, or other public purposes.

9. Stormwater management facilities for the proposed development, or for a larger area in compliance with a watershed stormwater management plan (adopted in accordance with the Stormwater Management Act of 1978).
10. Parking areas of ten or fewer spaces where necessary to serve active recreation facilities.
11. Above-ground utility and road rights-of-way, except that their land areas shall not count toward the required 75% minimum total open land requirement.
12. Estate lots, meeting the following standards:
 - a. A minimum size of 5 to 20 acres, of which a maximum of one acre may be developed with a single-family detached dwelling and customary accessory uses. Only the undeveloped portion of the estate lot may be used to meet the 75% open land requirement (see Section 7, Density and Dimensional Standards).
 - b. The one acre of the estate lot that may be developed shall include any portion of the site not left in its natural state or used for agricultural purposes: all dwellings, accessory buildings and structures, paved areas, lawns and gardens, etc.
 - c. The developed area of the estate lot shall meet the Neighborhood setback standards listed in Section 7.D, with the exception of Sections 7.D.4 and 5.
 - d. Estate lots shall be restricted by permanent easement against further subdivision.
 - e. Dwellings on estate lots shall be counted toward the maximum density permitted on a tract.
 - f. Dwellings on estate lots shall be sited according to the same principles as neighborhood, as per Section 4, Neighborhood Design Standards. Specifically, dwellings shall not encroach on environmentally sensitive areas, and should not infringe upon scenic views from exterior roads or from neighborhoods.

B. Open land areas shall be located and designed to:

1. Protect site features identified in the inventory and analysis as having particular value, in compliance with the intent of this Ordinance;
2. Comply conceptually with the recommendations of the municipality's Open Space Plan and/or Comprehensive Plan, where specified;
3. Maximize common boundaries with open land on adjacent tracts, as shown in the Comprehensive Plan or as otherwise required by the governing body in the interest of good planning and design.

C. Safe and convenient pedestrian and maintenance access shall be provided to open land areas.

1. Each neighborhood shall provide one centrally located access point per 25 lots, a minimum of one lot wide.
2. Access to open land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
3. Public access to estate lots is not required.

D. The following are prohibited in open land areas:

1. Use of motor vehicles except within approved driveways and parking areas. Maintenance, law enforcement, emergency, and farm vehicles are permitted, as needed.
2. Cutting of healthy trees, regrading, topsoil removal, altering, diverting, or modifying water courses or bodies, except in compliance with a land management plan for the tract in question, conforming to customary standards of forestry, erosion control and engineering.

E. Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, functioning, or overall condition, as recommended by experts in the particular area being modified. Permitted modifications may include:

1. Reforestation
2. Woodland management
3. Meadow management
4. Buffer area landscaping
5. Streambank protection
6. Wetlands management

Section 6. Ownership and Maintenance of Common Facilities and Open Land

J. Ownership and maintenance of common facilities and open land shall be provided for in accordance with the regulations in Section _____. All open land shall be permanently restricted from future development.

K. Pursuant to Section _____, the following methods of ownership may be used, either individually or in combination:

1. Fee simple dedication to the municipality, although the municipality need not accept the offer of dedication.
2. A condominium association.
3. A homeowners association.

4. Dedication of easements to the municipality or county.
5. Transfer to a private conservation organization.
6. Deed restrictions on estate lots.

L. **Maintenance.** Unless otherwise agreed to by the municipality or county, the cost and responsibility of maintaining common facilities shall be borne by the property owner, condominium association or homeowners association.

If the facilities are not properly maintained, the municipality may assume responsibility of maintenance and charge the property owner, condominium association or homeowners association a fee which covers maintenance costs, administrative costs and penalties as stipulated in Section _____.

Section 7. Density and Dimensional Standards

Section 7A of the following standards applies to standard single-family detached lots, either under the neighborhood design standards or on non-neighborhood lots (as a conditional use or one tracts of less than ten acres). Section 7.B (village house and lot line development) applies only under the neighborhood design standards. Any of these dwelling types maybe combined in a single neighborhood. Section 7.C applies to estate lots and non-residential uses. Section 7.D applies to neighborhoods.

A. Standard Singe-Family Detached Dwellings:

Neighbor hood Non-Neighborhood

- 1. Min. tract size 10 ac ---**
- 2. Min. common open space 75% ---** (% of gross acreage)
- 3. Max. density 1 du/2 ac 1 du/2 ac** (based on gross acreage)
- 4. Min. lot size 10,000 sf 40,000 sf***
- 5. Max. lot width 2 ac ---**
- 6. Min. lot width 75 ft 150 ft**
- 7. Min. front yard 25 ft 40 ft**
- 8. Min. side yard 10/25 ft agg 25/60 ft agg**
- 9. Min. rear yard 25 ft 40 ft**
- 10. Max. bldg. coverage 18% 5%** (% of lot area)

*In order to provide some flexibility in the design of non-neighborhood lots, the minimum lot size is 40,000 square feet. If central sewers and water are available, the minimum lot size may be reduced to 10,000 square feet through lot averaging and the other "neighborhood" dimensional

standards may be used, although the density may not be increased above 1 dwelling unit /2 acres. All non-neighborhood lots exceeding the minimum lot size shall be deed-restricted against further subdivision.

B. Alternative Single-Family Detached Dwelling Types (in neighborhoods only):

Village House Lot Line House

1. Min. tract size 10 ac 10 ac
2. Min. common open space 75% 75% (% of gross acreage)
3. Max. density 1 du/2 ac 1 du/2 ac (based on gross acreage)
4. Min. lot size 6,000 sf 6,000 sf*
5. Max. lot width 60 ft 50 ft
6. Min. lot width 20 ft 20 ft
7. Min. front yard 10 each 0/15 ft**
8. Min. side yard 25 ft 25 ft
9. Min. rear yard 18% 18%

**A lot line house requires a five-foot wide maintenance easement on the lot adjacent to the "zero" side yard. Alternatively, one side yard five feet wide may be provided.

C. Estate Lot and Non-Residential Standards. The following standards apply to single-family detached dwellings on estate lots located in open land areas, in conjunction with neighborhood development (see Section 5.A.12.). These standards also apply to non-residential uses under Section 2.C.

1. Minimum lot size:
 - a. On tracts of 10 - 19 acres 5 acres
 - b. On tracts of 20 - 29 acres 10 acres
 - c. On tracts of 30 acres or more 15 acres
2. Maximum developed area 1 acre (Setbacks pertain to developed area of lot)
3. Minimum lot width 150 feet
4. Minimum front yard 40 feet
5. Minimum side yard 25/60 ft. agg.
6. Minimum rear yard 40 feet

7. Maximum building coverage 15 % of developed area (see 2 above)

D. Neighborhood Setbacks. The outer boundaries of all neighborhoods shall meet the following setbacks. The boundary is defined as the outer edge of lots abutting open land, or of roads adjacent to the fronts of those lots.

1. From external arterial road ultimate rights-of-way, 200 feet (Including limited access roads) or from scenic roads, if defined in the Comprehensive Plan
2. From all other external road ultimate rights-of-way 100 feet
3. From all tract boundaries 100 feet
4. From cropland or pasture land 100 feet
5. From buildings or barnyards housing livestock 300 feet
6. From other residential neighborhoods 100 feet
7. From wetlands, floodplains or water courses 25 feet
8. From active recreation areas such as courts or playing fields 150 feet
9. All setback areas along roads shall be landscaped according to the standards of the Subdivision and Land Development Ordinance in order to preserve scenic views and integrate the neighborhood into the surrounding landscape.
10. Setback standards may be reduced by the Board of Supervisors under the following circumstances:
 - a. Setbacks from roads may be reduced to a minimum of 50 feet if the applicant can demonstrate that existing vegetation and/or topography form an effective visual buffer along these roads.
 - b. An other setbacks may be reduced to half of the requirement specified above if the applicant can demonstrate that reduced setbacks improve the plan's compliance with the Neighborhood Design Standards in Section 4, the intent of this Ordinance, and other goals of the Comprehensive Plan.

Section 8. Sewage and Water Facilities

A. All development within the LPD shall be provided with adequate sewage treatment facilities in conformance with the municipality's approved Official Sewage Facilities Plan (Act 537) and the alternatives contained therein. Alternatives may include:

1. Public sewers where available;
2. Individual on-lot systems, employing subsurface disposal or spray irrigation on open land;

3. Community system serving two or more units, employing subsurface disposal or spray irrigation on open land.

B. All neighborhood development shall be served by a centralized water system of adequate capacity to serve all dwelling units on an ongoing basis. Dwellings on lots of 40,000 square feet or more may be served by on-site wells.

Section 9. Conditional Use Standards

In order to develop single-family detached dwellings with no common open land, as a conditional use within the LPD, the applicant must demonstrate to the municipality's satisfaction that all the following conditions are met, where applicable.

A. The tract in question is unsuitable for neighborhood development due to factors such as the size or shape of the tract or the location of natural features.

B. Where the property is wholly or partially in agricultural use, that the property is not feasible for continued or future agricultural use due to its physical characteristics. Existing features such as soil conditions, rock outcroppings, wooded areas, the tract's shape or size, past farming activities, and suitability for efficient use of farm machinery shall be considered.

C. The proposed development will not have a disruptive effect on the existing topography, floodplains, wetlands, mature woodlands or other natural features on the site.

D. A complete environmental and visual inventory of the site has been submitted, as specified in Section 3, Inventory and Analysis.

E. The proposed development shall be consistent with good design principles and land development practices. Specifically, it shall be designed to minimize views of dwellings from exterior roads, and to avoid "stripping out" of lots along those roads.

F. The tract in question can be developed in a manner consistent with community goals as expressed in the Comprehensive Plan/Open Space Plan.

Section 10. Phasing

Development under the standards of this ordinance may be phased and estate lots may be subdivided prior to neighborhood development, in accordance with a unified development plan for the entire tract and the following requirements:

A. An inventory and analysis of the entire tract shall be completed in accordance with Section 3, Inventory and Analysis.

B. The unified development plan for the tract shall be approved as a sketch plan, and shall be made a part of a binding development agreement between the applicant and the municipality.

C. When estate lots are subdivided prior to neighborhood development, the following standards shall apply:

1. If neighborhood development is desired in the future, the plan must be designed so that sufficient land area is set aside in a suitable configuration for that purpose.

2. The maximum density permitted within the neighborhood development shall be based upon the acreage of the original tract, minus the dwelling units on the estate lots.
3. The estate lots shall be restricted from further subdivision by permanent easement when they are created.

DEFINITION OF TERMS

Condominium Association-A community association combining individual homeownership with shared use or ownership of common property and facilities, organized in accordance with the Pennsylvania Uniform Condominium Act, 68 P.S. Section 3101 et. seq. The homeowner owns the interior of the individual residence while the exterior is owned "in common" with the other owners. The homeowner owns an undivided interest in the common facilities in addition to his residence. The association is responsible for maintaining the property and delivering common services, but does not own the common property. Condominium is a legal form of ownership, not a specific building type.

Common Facilities-All the real property and improvements set aside for the common use and enjoyment of the residents, including, but not limited to, buildings, open land, private roads, parking areas, walkways, recreation areas, landscaped areas, drainage easements, and any utilities that service more than one unit, such as sewer and water facilities.

Estate Lot-A large, privately-owned lot comprising all or part of an area of open land. The purpose of the estate lot is to provide surrounding residents with visual access to open land, while keeping the land under private ownership and maintenance. Only a small portion of the estate lot maybe developed; the remainder maybe farmed or left in its natural state. Public access to estate lots is not required.

Homeowners Association (HOA)-A community association combining individual homeownership with shared use or ownership of common property and facilities. The homeowner owns the lot, including the interior and exterior of the individual home, while the association owns and maintains the common facilities.

Lot Line House-A single-family detached dwelling on an individual lot, with the building set on, or close to, one side property line, so that the lot essentially has only one side yard. Lot line homes should be designed so that this side yard and the rear yard constitute the primary outdoor living areas for the dwelling. Typically, no windows are placed on the building wall that is on the lot line. If the building is set on the side lot line, a five foot access easement is provided on the adjacent property along the lot line, for necessary maintenance of the building wall.

Neighborhood-A development consisting of between 5 and 25 single-family detached dwellings, surrounded by open land that comprises at least 75% of the tract.

Open Land-That portion of a tract (at least 75%) that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. Open land may be accessible to the residents of the development and/or the municipality, or it may contain areas of farmland or estate lots which are not accessible to the public.

Village House- A single-family detached house on an individual lot, differing from other forms of single-family detached housing in its lot size and placement on the lot. The front yard is narrow, but is distinguished by planting or architectural treatments. Each village house must meet two or more of the following criteria:

- A. An unenclosed porch, at least seven feet wide, running across at least three-quarters of the house front.
- B. A front yard raised above sidewalk grade by at least 30 inches with a retaining wall of at least 18 inches at the sidewalk line.
- C. A fence of at least 30 inches and no more than four feet in height, enclosing the front yard, plus one flowering shrub per 60 inches across the width of the house front.
- D. Two canopy trees per lot, or three flowering trees per lot, located within the front yard.
- E. Intensive planting of one canopy tree and one flowering tree, plus one flowering shrub per 30 inches across the width of the house front.
- F. A hedge of shrubs planted 18 inches apart across the width of the front yard, limited to a mature height of four feet.