

**ARTICLE V**  
**RC – RURAL CONSERVATION DISTRICT**

---

**501 Purpose.**

In accordance with the objectives of the Hereford Township and Washington Township Joint Municipal Comprehensive Plan, and the purpose statements and community development objectives set forth in Article I of this Ordinance, the RC – Rural Conservation District is established to promote the conservation of the rural, heavily environmentally constrained, and largely wooded landscape that characterizes much of Hereford Township, particularly the hilly terrain that constitutes a portion of the federally designated Pennsylvania Highlands and an extension of the Oley Hills, a Berks County conservation priority. The regulations set forth herein are intended to achieve the following specific purposes:

- A. To preserve significant woodlands, thereby assuring Township residents of the continued benefits derived from them, including but not limited to natural diversity, stormwater management, groundwater recharge, buffering of human activity, reduction of wind velocity, and production of oxygen;
- B. To preserve the quality and quantity of Township water resources, including both surface waters and groundwater;
- C. To protect steeply sloped areas from unnecessary disturbance and inappropriate development, thereby preventing the erosion of soils, increase in surface water run-off, and siltation of surface waters;
- D. To preserve the scenic rural character that is a crucial element of community identity, particularly in the central part of the Township; to preserve open space areas which are not necessarily used for agricultural purposes, but have landscape qualities which support the rural-agricultural character of Hereford Township or have historic features that represent the heritage of the Township; and
- E. To enable potential non-farm residential development to be transferred to other, more appropriate locations within the Township through provision for severance and conveyance of transferable development rights.

**502 Use Regulations.**

- A. Uses permitted by right.

A building or other structure may be erected, altered, or used, and a lot may be used or occupied, for any of the following principal uses, together with permitted accessory uses, by right in accordance with the terms of the Ordinance:

- 1. Agricultural uses, including horticulture, crop farming, animal husbandry,

grazing and pasturing, orchards, vineyards, tree farms, commercial greenhouses, and commercial nurseries, subject to the provisions of Section 1905.

- 2. Forestry, where conducted in compliance with all applicable provisions of Article XVIII of this Ordinance.
- 3. Conservation uses including woodlands preserve, game preserve, arboretum or other similar use.
- 4. Public outdoor recreational areas and facilities.
- 5. No-Impact Home-Based Business
- 6. The severance or transfer of Transferable Development Rights (TDRs) under the applicable provisions set forth herein. Net Acreage previously restricted as a result of severance of TDRs shall not be used to calculate additional available TDRs
- 7. Winery including facilities for the processing of grapes and the production of wine.
- 8. One principal single family detached dwelling provided that the dwelling and its accessory buildings shall not be located within 200 feet of any structure used for housing farm animals. Where TDRs are severed, one of the originally available TDRs shall be retained for the principal single family detached dwelling.
- 9. Municipal use, including municipal communications facilities.

B. Uses permitted by special exception.

Within the RC-Rural Conservation District the following uses may be permitted where approved by the Zoning Hearing Board as a Special Exception in accordance with Section the provisions set forth in Article XVI of this Ordinance. Special Exception uses shall be compatible with the surrounding neighborhood and shall not be detrimental to public health, safety, or welfare:

- 1. Second principal dwelling on an active agricultural property with a Net Lot Area of 10 acres or greater, subject to the standards of Section 403.C.3. Where TDRs have been severed, no second principal dwelling shall be permitted unless at least one of the originally available TDRs has been retained in addition to that retained for the first principal residence.
- 2. Accessory dwelling unit subject to the standards of Section 1902.B.4.

3. Temporary housing for farm laborers incident and necessary to the gathering of crops grown or other agricultural uses conducted on the premises, subject to the standards of Section 1905.D.
4. A building, structure, or facility owned and used by an electric, telephone, or other public utility or other government regulated industry, but not including communications towers or communications equipment buildings.

C. Uses permitted as conditional use.

Within the RC-Rural Conservation District the following uses shall be permitted when approved as a conditional use by the Board of Supervisors in accordance with Section 1504, the applicable standards contained in Article XIX, and any other applicable provisions of the Ordinance:

1. The receipt of TDRs for use under the applicable provisions set forth for the Conservation Design Option.
2. Bed and breakfast or country inn subject to the standards of Section 1908.
3. Conversion of agricultural structures subject to the standards of Section 1912.
4. Church or other place of worship, subject to the standards of Section 1910. Church or other place of worship use shall not be permitted on tracts from which TDRs have been severed unless a minimum of five (5) Net Acres remains unrestricted for each such use.
5. Cemetery or mausoleum, subject to the standards of Section 1909. Cemetery or mausoleum use shall not be permitted on tracts from which TDRs have been severed unless a minimum of five (5) Net Acres remains unrestricted for each such use.
6. Public or private academic schools approved by the Pennsylvania Department of Education, subject to the standards of Section 1914. Public or private academic school use shall not be permitted on tracts from which TDRs have been severed unless a minimum of five (5) Net Acres remains unrestricted for each such use.
7. Correctional institutions or institutional facilities for the care or rehabilitation of chemically dependent persons, juvenile delinquents, or the mentally ill (as distinct from the mentally retarded). As a part of the conditional use approval process, the Township may compel the applicant for such use(s) to provide measures by which the safety and security of the surrounding residents and properties shall be assured. Such uses shall not

be permitted on tracts from which TDRs have been severed.

8. Privately owned outdoor recreational areas and facilities, including playgrounds, swim clubs, camps, golf courses, and country clubs. Such uses shall not be permitted on tracts from which TDRs have been severed. Amusement parks, miniature golf courses, and driving ranges are excluded.
9. Privately owned passive outdoor recreational uses and open spaces including picnic grounds, but excluding any use listed in subsection 502.C.8 above.
10. Communications antennas, communications towers and communications equipment buildings, subject to the standards of Section 1911.
11. Any other use not elsewhere provided for in this Ordinance which is, in the judgment of the Board of Supervisors, of the same general character as the uses permitted by right. Any other use not elsewhere provided shall not be permitted on tracts from which TDRs have been severed unless a minimum of five (5) Net Acres remains unrestricted for each such use.

D. Accessory Uses.

The following accessory uses shall be permitted, where in compliance with all applicable provisions of Article XIX and provided that they shall be incidental to any of the foregoing uses permitted by right, special exception or conditional use:

1. Private garage or private parking area.
2. Uses accessory to agricultural uses to the extent which they support the activity of the farm upon which they are located, including barns, silos, bulk bins, and other structures essential to the farm operation; farm stands subject to the provisions of Article XIX as provided herein.
3. Signs, pursuant to Section 1713.
4. Home occupation, pursuant to Section 1917.
5. Swimming pool, pursuant to Section 1902.
6. Other customary accessory structures and uses, pursuant to the applicable provisions of Article XIX of this Ordinance.

**503 Area, Bulk and Development Regulations.**

A. Pre-Existing Parcels with a Net Lot Area less than Three (3) Acres:

1. Maximum Lot Coverage: 15%, except as provided below.
2. Maximum Lot Coverage may be increased to no more than 30%, where approved as a special exception subject to the following:
  - a. The sewage system shall be certified as adequate.
  - b. The Township Engineer shall certify that adequate stormwater recharge or storage facilities adequate to handle roof drainage and resolve any existing problems exist or shall be installed.
  - c. No such increase in coverage shall be permitted where any building requiring such increase shall require the installation of a sand mound or other non-conventional sewage system on a substandard lot of less than 1 acre.
3. Minimum Front Yard Setback: Fifty (50) feet
4. Minimum Rear Yard Setback: Fifty (50) feet
5. Minimum Side Yard Setbacks: Twenty (20) feet for one yard; fifty (50) feet aggregate.
6. Maximum Building Height: Thirty-five (35) feet, except as otherwise permitted by Section 1703.B.

B. Conventional Residential Development Option.

1. The use of this option shall be limited to single-family detached residential use and customary residential accessory uses. Net Acreage restricted as a result of TDR severance shall not be available toward any calculation of permitted residential density nor toward compliance with minimum lot area requirements in any conventional subdivision including where lot-averaging is utilized.
2. Application of Area & Bulk Regulations.
  - a. The conventional area and bulk regulations set forth in Subsection 503.B.3 below shall apply to the following situations:
    - 1) Any conventional subdivision NOT utilizing lot-averaging
    - 2) Any residential lot existing at the time of adoption of this Section with a Net Lot Area greater than three (3) acres and not otherwise subject to subdivision or land development.

- b. The lot-averaging area and bulk regulations set forth in Subsection 503.B.4 below shall apply to any conventional subdivision utilizing lot-averaging, where permitted subject to conditional use approval.
3. Conventional Area & Bulk Regulations
- a. Minimum Net Lot Area:
    - 1) Where Pre-Existing Parcels with a Net Lot Area less than Fifteen (15) Acres are Subdivided: Three (3) acres.
    - 2) Where Pre-Existing Parcels with a Net Lot Area of Fifteen (15) Acres or greater are Subdivided: Five (5) acres.
  - b. Minimum Lot Width at building line: 200 feet.
  - c. Minimum Lot Width at street line: 200 feet, except that in the case of lots entirely fronting on a cul-de-sac turnaround, the lot width at street line may be reduced to no less than one-quarter (1/4) of the perimeter of the cul-de-sac turnaround.
  - d. Minimum Front Yard Setback: 50 feet.
  - e. Minimum Rear Yard Setback: 100 feet.
  - f. Minimum Side Yard Setback: thirty (30) feet.
  - g. Maximum Lot Coverage: 15%.
  - h. Maximum Building Height: 35 feet, except as otherwise permitted by Section 1703.B.
4. Lot-Averaging
- a. Eligibility
    - 1) In consideration of conditional use approval for use of lot-averaging, each proposed subdivision shall be evaluated individually as to its impacts upon natural, scenic and cultural resources. It shall be the burden of the applicant to demonstrate to the satisfaction of the Board of Supervisors that the proposed design using lot-averaging promotes the conservation of local resources to a greater degree than would conventional subdivision design.
    - 2) Except where public or community sewage disposal acceptable to the Township is provided, all lots shall be capable of supporting individual on-lot sewage systems. Where on-lot sewage systems are proposed, each lot of the

proposed subdivision shall have passed a percolation test prior to receiving subdivision approval.

- b. Minimum Average Net Lot Area Over Entire Subdivision:
  - 1) Where Pre-Existing Parcels with a Net Lot Area less than Fifteen (15) Acres are Subdivided: Three (3) acres.
  - 2) Where Pre-Existing Parcels with a Net Lot Area of Fifteen (15) Acres or greater are Subdivided: Five (5) acres.
  
- c. Lot-Averaging Area & Bulk Regulations, applicable to lots resulting from a subdivision utilizing lot-averaging:
  - 1) Lots having a Net Lot Area in excess of three (3) acres shall comply with the conventional area and bulk regulations set forth in Subsection 503.B.3 above. No lot that is of sufficient size to otherwise be capable of further subdivision under the district regulations shall be included in determining the average lot area unless the possibility of such further subdivision is eliminated by a deed restriction or agreement in a form acceptable to the Township and duly recorded in the Office of the Recorder of Deeds of Berks County.
  
  - 2) Lots having a Net Lot Area less than three (3) acres in area shall comply with the following:
    - a) Minimum Individual Net Lot Area: One (1) acre.
    - b) Minimum Lot Width at building line: 150 feet.
    - c) Minimum Lot Width at street line: 150 feet, except that in the case of lots entirely fronting on a cul-de-sac turnaround, the lot width at street line may be reduced to no less than one-quarter (1/4) of the perimeter of the cul-de-sac turnaround.
  
    - d) Minimum Yard Setbacks: All yards on lots abutting the perimeter of the tract shall comply with the conventional setbacks set forth in Subsection 403.B.4 above. All other yards shall comply with the following:
      - i. Minimum Front Yard Setback: 50 feet.
      - ii. Minimum Rear Yard Setback: 50 feet.

- iii. Minimum Side Yard Setback: twenty (20) feet one yard, fifty (50) feet aggregate.
    - e) Maximum Lot Coverage: Twenty-five (25) percent,
    - f) Maximum Building Height: 35 feet, except as otherwise permitted by Section 1703.
- C. Additional Options for Larger Parcels
  - 1. Transferable Development Rights.

The owner of any property with a Net Lot Area greater than fifteen (15) acres, or having a Net TDR Area of 15 acres or greater as defined in Section 703.B.1, may sever TDRs and may transfer such rights to another party as set forth in Article VII, provided that at least one available TDR is retained for each existing or future principal dwelling located on the property. Where no principal dwelling presently exists on a property from which TDRs are severed, at least one TDR shall be retained for the potential future erection of such a dwelling unless the subject property is merged in title with another property upon which a principal dwelling may be erected. Net Acreage restricted as a result of severance of TDRs may not subsequently be used to calculate TDRs nor to meet the minimum net lot area for certain uses as specified herein.
  - 2. Limited Agricultural Subdivision. Except for development under the Conservation Design Option as provided in Article VI, subdivision of any property with a Net Lot Area greater than ten acres, for purposes of development of principal single-family detached dwellings, may comply with the standards set forth in Section 403.C.2 in lieu of the conventional development standards set forth in Section 503.B.3 above.
- D. Conservation Design Option. Subdivision and development in accordance with the Conservation Design Option shall be permitted subject to the provisions of Article VI. Net Acreage restricted as a result of TDR severance shall not be available toward any calculation of permitted residential density nor toward compliance with minimum open space requirements in any development under the Conservation Design Option.
- E. Non-Residential & Non-Agricultural Uses. The following standards shall apply to tracts or lots used for any principal use permitted by right, special exception or conditional use, not subject to any of the residential development options or provisions for prime agricultural properties set forth herein, and except where otherwise provided in this Ordinance:
  - 1. Minimum Net Lot Area: Five (5) acres.
  - 2. Minimum Lot Width: 200 feet

3. Minimum Street Frontage: 200 feet, except that in the case of lots entirely fronting on a cul-de-sac turnaround, the lot width at street line may be reduced to no less than one-quarter (1/4) of the perimeter of the cul-de-sac turnaround.
4. Minimum Front Yard Setback: 50 feet
5. Minimum Rear Yard Setback: 50 feet.
6. Minimum Side Yard Setback: 50 feet.
7. Maximum Lot Coverage: 15%.
8. Maximum building height: 35 feet, except as otherwise permitted by Section 1703.B

#### **504 Design Standards.**

All applicable standards provided in Article XVII of this Ordinance shall apply to any use within the RC – Rural Conservation District.

#### **505 Agricultural Nuisance Disclaimer.**

Lands within the RC- Rural Conservation District may be used for commercial agricultural production, including the keeping or raising of livestock or poultry. Owners, residents, and other users of a lot may be subjected to inconvenience, discomfort, and the possibility of injury to a lot and health arising from normal and accepted agricultural practices and operations, including but not limited to: noise, odor, dust, the operation of machinery of any kind, the storage and disposal of manure, the application of fertilizers, herbicides, and pesticides. Owners, residents, and users of a lot should be prepared to accept these conditions and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982, “The Right to Farm Law”, may bar them from obtaining a legal judgment against such normal agricultural operations.