

XII. FUTURE LAND USE

One element important to the comprehensive planning process is the charting of appropriate future land uses and growth areas. This effort embodies all of the background information collected regarding natural features, public facilities and utilities, existing land use, population studies, and traffic patterns. Then, these resources are allocated in a manner that responds to the Region's desires, as expressed in the Community Planning Goals in Chapter II. ***What results is a future land use map that should be used to adjust zoning boundaries, and help properly locate future municipal investments to maximize their efficiency. This chapter should be used in conjunction with the Future Land Use Map.***

The preparation of the Future Land Use Map was accomplished according to several "ground rules"; an understanding of these "ground rules" will lead to a better understanding of the Plan's recommendations.

First, this Plan is designed to address future conditions until the year 2025. Accordingly, future growth areas have been generally located and sized to accommodate the growth that is projected during this time frame. This results in a "staged" future land use scheme that (1) reduces the pressure to develop productive farmlands and sensitive natural features, (2) identifies target development areas so that public improvements and services can be provided efficiently, (3) focuses infill development around existing settlements and (4) enables natural resources and productive farmland to be preserved during the course of development through the use of conservation subdivision techniques. ***The benefits of this approach are significant, but require that the municipalities commit to the Plan's updating on or before the year 2025.***

Second, a great deal of emphasis was placed on existing land uses in developed areas. In some limited cases, existing development types were recommended for changes to another land use category to enhance compatibility. In rare instances, existing uses were not reflected to portray a future vision for that locale toward which regulatory efforts can strive. Similarly, isolated land uses within the rural landscape are not identified unless they are large enough in scale to represent regional consequence. This helps to convey the Plan's overall approach towards targeted growth in designated growth areas and conservation of outlying natural features and farms. Furthermore, this document deals with future land use on a property-by-property basis. In rural settings individual home sites are not reflected as they are considered a part of the rural landscape. Overall, this emphasis on existing land use will keep the Plan practical and should make it more useful to local officials in their evaluation of future land use decisions.

Third, it is based upon regional goals to concentrate certain types of development in Topton Borough where public utilities exist or are anticipated. Most of the remaining future growth is located throughout the remaining areas of District and Rockland Townships at lower densities. Therefore, policies applied to these areas must recognize their considerable development potential yet offer protection to adjoining farming operations. Accordingly, the Plan promotes conservation design techniques that are more fully described as part of the Conservation land use category description. Regionally, the Plan attempts to distinguish between "urban" areas in which planned growth will be served by a wide range of public utilities and services, and rural areas in which farming and natural features will be spared the burden of suburban encroachment.

This Chapter establishes a cornerstone of this Plan and will directly implement one of the goals articulated at the outset of this planning process by local officials as follows:

“Structure the Plan and its policies to enable a regional allocation of various land uses through the future development of one regional or individual zoning ordinances.”

The regional allocation of land use is available within Pennsylvania. The Municipalities Planning Code (MPC) has two applicable sections that enable this technique:

1. Section 811-A. of the MPC specifically authorizes a regional allocation of land use when a regional plan is adopted and implemented through a joint zoning ordinance of the participating municipalities. It states:

“Area of Jurisdiction for Challenges. In any challenge to the validity of the joint municipal zoning ordinance, the court shall consider the validity of the ordinance as it applies to the entire area of its jurisdiction as enacted and shall not limit its consideration to any single constituent municipality.”

2. Section 916.1. (h) Of the MPC specifically authorizes a regional allocation of land use when a regional plan is adopted and individual zoning ordinances generally implement the Plan. It states:

“Where municipalities have adopted a multimunicipal comprehensive plan pursuant to Article XI but have not adopted a joint municipal ordinance pursuant to Article VIII-A and all municipalities participating in the multimunicipal comprehensive plan have adopted and are administering zoning ordinances generally consistent with the provisions of the multimunicipal comprehensive plan, and a challenge is brought to the validity of a zoning ordinance of a participating municipality involving a proposed use, then the zoning hearing board or governing body, as the case may be, shall consider the availability of uses under zoning ordinances within the municipalities participating in the multimunicipal comprehensive plan within a reasonable geographic area and shall not limit its consideration to the application of the zoning ordinance on the municipality whose zoning ordinance is being challenged.”

These sections authorize this Plan’s use of a regional allocation of land use to be implemented either through a joint zoning ordinance for all of the municipalities or through individual zoning ordinances that are administered in a manner generally consistent with this Plan. This Chapter presents recommended land use categories that are meant to specifically guide subsequent zoning policies. These categories correspond to those depicted on the Future Land Use Map.

A. Agriculture Zone

Throughout history, agriculture has played a primary role within Berks County, Pennsylvania and the Region; today, this is still true as evidenced in Chapter VII (Local Economy). As the Soils and Geology Map contained within Chapter II (Natural & Cultural Features) of this Plan reveals, the Region contains a generous amount of prime agricultural soils and agricultural soils of statewide importance. However, many of these farm soils are scattered by steeply sloped woodlands that are also abundant within the Region.

Both District and Rockland Townships have areas of concentrated farming. Here active farming operations have long existed upon productive farmlands that weave amid more steeply sloped and wooded hills.

In planning for agricultural land, the local officials from District and Rockland Townships should adopt a philosophy and policy not to consider agricultural land as “undeveloped farmland awaiting another use”. Rather it is viewed as “developed land” that is being used to produce a valuable product. Farming is a land-intensive, manufacturing process that converts raw materials into a product, comparable to other industrial operations, with occasional accompanying impacts of noise, odor and dust. Therefore, this plan advocates a position that this agricultural area not be considered as a holding zone, but as a zone having a positive purpose of utilizing the Region's natural and non-renewable resources for the benefit of the entire community and beyond. This agricultural area should be protected by strict zoning regulations that prevent interference by incompatible uses which weaken the ability to conduct normal farming practices and introduce influences that erode its critical mass.

Traditionally, farming has involved the growing of crops for either sale off of the farm or for consumption by animals on the farm with the subsequent marketing of either meat or milk. Thus, the viability of the farming operation was very much tied to the productivity of the land.

Recent years have seen the advent of concentrated animal feeding operations (CAFOs). These involve the concentration of large numbers of cows, hogs or poultry on a single tract of land with the feed being bought off-site. Because the food these animals eat is often not grown on the tract of land where they are housed, very high animal concentration can be achieved. These highly concentrated operations often create acute odor impacts on neighboring residents. These odors can arise from the animals themselves, but more often from their waste products, both at the site where produced and where they are land-applied. Strict zoning regulations are needed to insure that these operations, should they come into the area, will not adversely affect their immediate neighbors, nor the community at large. However, the municipalities must keep their regulations consistent with the Pennsylvania Nutrient Management Laws.

Finally, past lenient zoning policies have enabled the development of several clusters of rural homes within the area. These homes are not proposed for public utilities nor would they be permitted once this Plan is adopted and implemented via resulting effective agricultural zoning. ***Nonetheless, these homes exist and future zoning regulations should specifically permit them as permitted uses within this Zone.*** In so doing, the homes avoid the classification as nonconforming uses. This will enable residents to make logical adjustments to these lots/homes without the need to gain approval from a local zoning hearing board for variances or expansions to nonconforming uses.

To manage these issues in District and Rockland Townships, it is recommended that effective Agricultural Zone continue to be applied to this area with the following components:

- 1. A deliberately worded purpose statement that cites the valid public purpose to protect and preserve prime agricultural soils and valuable farming operations in compliance with Section 604.(3) of the Municipalities Planning Code;**
- 2. A “hands-off” and “by-right” regulatory approach to farms conducting normal farming operations;**
- 3. Severely restricted development potential (ex. 1 lot for every 20 acres of lot area);**
- 4. A minimum and maximum lot area of 1 and 2 acres in Rockland Twp. and 1 and 3 acres for District Township, for nonfarm uses, or the minimum needed for on-lot septic based upon environmental factors;**
- 5. Liberal accessory use regulations that specifically include farm occupations, roadside stands and other rural pursuits, provided that these uses have little impact and that adequate provision is made for the safe disposal of wastes;**
- 6. Separate provisions of concentrated animal feeding operations (CAFOs) that ensure proper siting, operation and disposal of wastes;**
- 7. Siting standards for future dwelling units proposed that protect sunlight easements/equipment turning radii onto adjoining farms and locate homes so as to minimize land use conflict;**
- 8. Language that specifically authorizes existing homes as permitted uses; and,**
- 9. An Agricultural Nuisance Disclaimer that informs prospective residents of potential impacts associated with normal farming practices that are protected under the PA Right to Farm Law.**

Although effective agricultural zoning ordinance can preserve farmlands in the short run, certain legal principles on accommodating growth can threaten their long-term integrity. Therefore, the Region should continue to support the County’s Agricultural Conservation Easement Program and the respective Township’s Agricultural Security Area programs. Certainly, easement funds are limited and not all prime lands can be purchased immediately. Therefore, local officials should commit to the preservation of farmlands through zoning until easements can be purchased through this program.

Last, the areas within the Township’s Agricultural Zones are mostly located within the exceptional value and high quality watersheds. Historically, intensive agricultural production has created surface water degradation due to erosion and the application of fertilizers. ***It is critical that deliberate actions be taken by local officials to prevent surface water degradation in these areas. Local officials should employ a variety of techniques that encourage farmers to install riparian buffers along the creek and its tributaries.***

Unfortunately, farmers generally have little interest in installing riparian buffers as they reduce land available for crops and pasturing and it requires funding, which some farmers may not have available. Furthermore, ongoing farming operations have little need for zoning approvals and change; therefore, local municipalities have little leverage to require their installation and use. Nonetheless, these areas are often the most critical in determining local surface water quality. ***Therefore, local officials should adopt and implement a riparian buffer ordinance in this Zone and others. District Township should review their existing riparian buffer ordinance for any needed revisions. Then compliance should be required whenever a zoning permit is needed. Required Natural Resource Conservation Service (NRCS) conservation plans should also be fitted to include riparian buffers. Farmers should also be educated about the Federal Conservation Resource Enhancement Program (CREP) and income tax deductions that are made available to property owners who***

place conservation easements upon their properties for riparian buffers. Local watershed groups should target important farms that can offer the best improvement to surface water quality. These sites should become local priorities for fund-raising and actual riparian buffer construction.

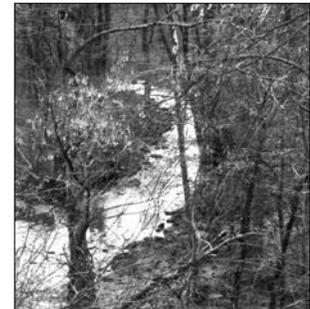
A sample riparian buffer ordinance is presented later in this Chapter and additional discussion can be found on pages VI-13 through 16 of this Plan. **In addition, all farms must always conduct their operations in compliance with approved Conservation and Nutrient Management Plans, as applicable. Local officials and staff should quickly notify the Berks County Conservation District of suspected violations.**

Finally, this Zone is likely to permit activities that are only provided for in this area within the Region. Airports, heliports and intensive livestock/produce operations are some examples of these uses. Consequently, this Zone is regionally significant, as it will accommodate uses found nowhere else within the Region. **Therefore, the implementation agreement developed for this Plan should require referral of any amendment to the Comprehensive Plan or subsequent zoning ordinance that would eliminate this Zone or prohibit these uses to all of the Region's municipalities.**

B. Conservation Zone

The Eastern Berks County Region is blessed with greater natural diversity in its landscape than the rest of Berks County. Much of this landscape takes the form of rocky and wooded hillsides and ridges that are difficult to develop yet offer protection of surface water quality. At the same time these areas present significant natural habitats and passive recreation opportunities. Other lower-lying areas contain valuable wetlands and sensitive floodplains; these areas, too, hold the same value. It is not surprising that protection of these resources is foremost in the minds of many local officials and residents.

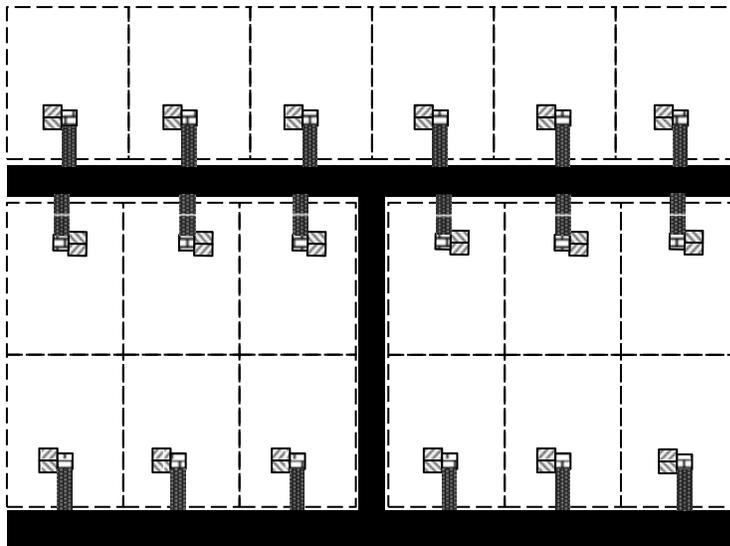
Both of the Townships within the Region share in these critical areas. Current case law suggests the limitation of residential development within these areas at 1 dwelling unit per each 3 acres. This precedent is based upon a case in which a municipality sought to impose a minimum lot size greater than 3 acres that was successfully challenged. The Court decided that requiring such a large lot size was exclusionary because it elevated the cost of building lots to a point where many would-be residents could not afford them. However, in some cases, such as District and potentially Rockland Townships, due to environmental factors the minimum lot size necessary to provide on-lot septic will be over 3 acres.



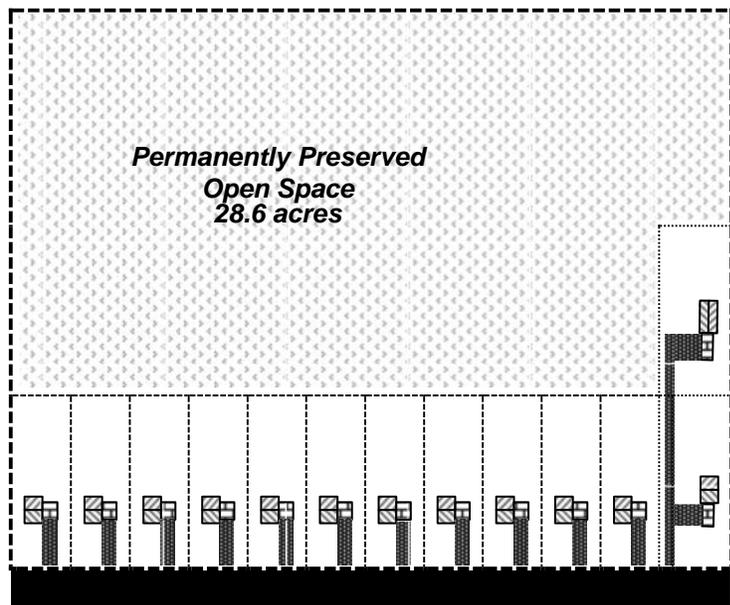
On the other hand, recent amendments to the Municipalities Planning Code emphasize the need for local governments to strengthen their protection of natural features. By applying a ratio form of zoning density (like that in agricultural zoning) where a lot is permitted based upon a prescribed number of acres, the number of new units allowed can be kept low to protect the overall setting while at the same time keeping the cost of lot ownership reasonable. This approach has the added benefit of reducing the impacts to the natural areas by confining disturbance and clustering development in a smaller area. This enables the “critical mass” of woodlands and habitats to remain intact while not depriving prospective landowners of “reasonable use” of their land.

It is unknown if the legal system will support as restrictive an approach in a conservation setting as it has in an agricultural context. However, Eastern Berks County's wealth and concentration of important natural features would seem to provide the strongest argument for such an approach. Similarly, its local officials understand and are committed to the need to protect these areas in their natural state. ***For this reason, it is recommended that the Region apply this approach in its Conservation Zone. This Zone should enable the development of detached homes at a rate of one per each 3 to 5 acres.***

**COMPARISON OF STANDARD 2-ACRE MINIMUM LOT AREA ZONE vs.
FIXED RATIO ZONE WITH DENSITY OF 1 LOT PER 3 ACRES & 1 ACRE MINIMUM LOT SIZE**



Max. Density - 1 lot per	2 ac.
Min. Lot Size (ac.)	2
Min. Lot Width (ft.)	200
Min. Front Setback (ft.)	50
Total Lots (Acres)	18 (36.6)
Total Street ROW (ac.)	3.4
Street Coverage (ac.)	2.03
Building Coverage (ac.)	.82
Driveway Coverage (ac.)	.41
Total Coverage (ac.)	3.26
Total Open Space (ac.)	0



Proposed Zone	C
Max. Density - 1 lot per	3 ac.
Min. Lot Size (ac.)	1
Min. Lot Width (ft.)	150
Min. Front Setback (ft.)	50
Total Lots (Acres)	13 (13.4)
Total Street ROW (ac.)	0
Street Coverage (ac.)	0
Building Coverage (ac.)	.60
Driveway Coverage (ac.)	.43
Total Coverage (ac.)	1.03
Total Open Space (ac.)	28.6

Assumptions

- 41 acre site
- 1000 square feet driveways (50 by 20 feet)
- 2000 square feet building footprints
- 60-foot street ROW with 36-foot cartway

For this approach to work optimally, it is important that several other features be integrated within the Conservation Zone. **First, a certain amount of design flexibility should be “built-into” this Zone. While lot sizes should be at least one acre in size (in the Townships this would require the allowance of easements in the open space for on-lot sewer requirements) to accommodate on-lot sewers with primary and back-up disposal fields, lot width, and setback requirements should be kept small so that homes can be situated amid the rugged terrain without the need for variances. In addition, the use of flag lots and shared driveways can help to tuck small clusters of homes amid the “nooks and crannies” of a natural landscape thereby enabling the preservation of vast and/or inter-connected areas elsewhere on the same parcel.**

The locations of various conservation features have been depicted on the Natural Features Map contained within Chapter III of this Plan. Similarly, the Soils and Geology Map (within Chapter III) depicts soils with severe development constraints for buildings and on-lot sewers. All of these features form the basis for the assignment of the Conservation Zone. In addition, they offer some general perspective on the presence of conditions with a given locale. However, the specific location and extent of these features will require more detailed refinement and analysis during preliminary plan review of the subdivision process. Consequently, **this Zone should apply a required environmental impact report as a prerequisite to subdivision of new lots.** This report should require an applicant to identify important natural features on the site and keep proposed development activities away or manage impacts within acceptable levels. This will require considerable work on the part of applicants and the Townships.

In both of the Townships, this approach requires greater involvement and expertise from local officials in the review of prospective development plans. **Often individual local planning commissioners are assigned one topic (e.g. wetlands, steep slopes, surface waters, groundwater, woodland, habitats, etc.) to become the local expert.** Then as new lots are proposed, the respective planning commissioner assumes a prominent role in the review of the project based upon what natural features comprise the proposed site. This is a big step to take in the name of natural conservation and it requires more commitment from local officials.



An amendment to the MPC requires that forestry uses be permitted by right within every zone of every municipality within the Commonwealth. Since forestry uses typically occur within conservation settings this discussion is presented here. At about the same time, the Pennsylvania State Township Association of Supervisors (PSATS), Pennsylvania State University (PSU) and PA Department of Conservation and Natural Resources (PA DCNR) prepared a model ordinance to help regulate and monitor forestry operations. **A slightly altered copy of this model ordinance is contained on page XII-10 and should be reviewed and adapted for use as a general zoning provision applied to every property within each municipality.**

In addition to the Conservation areas depicted on the Future Land Use Map, FEMA Floodplains, USDI Wetlands and Riparian Buffers are shown on the Natural Features Map and should be taken into consideration when reviewing development plans. While protection of floodplains and wetlands are widely accepted land use management techniques, recent awareness of diminishing surface water quality suggests the need for more protection for surface water. Since most of the Region contains State-designated “High-Quality” or “Exceptional Value” watersheds, this is an important local topic.

Studies conducted by the U.S. Forest Service demonstrate that 60-to-95-foot wide riparian buffers offer real advantages in the removal of harmful nutrients and sediment from storm water before it enters the stream. These same riparian buffers can increase the food supply and create interconnected natural systems of movement for local wildlife. Riparian buffers are areas adjoining streams where naturally successive vegetation is provided and protected. More information about this subject can be found in Section III and Section VI, and a model ordinance is contained on Page XII-10 of this Chapter. ***Local officials should adopt a Riparian Buffer Overlay Zone and apply it throughout the Region, particularly within its state-designated watersheds.***

Next, the use of accessory businesses should be permitted within the Conservation Zone to offer close-to-home employment. Home occupations should be confined to uses that can be adequately conducted from within the dwelling unit itself with limited non-resident employees; these uses can be permitted by right. Rural occupations expand on the home occupation concept and enable other more intensive uses that can make efficient use of rural outbuildings and outdoor storage. Here impacts of noise, light, dust, hours, screening and odor should be scrutinized prior to approval to ensure that adjoining properties are not adversely affected. Farm occupations should be confined to larger farms and can be conducted in barns. Here local residents from the site and its neighborhood can engage in non-farm activities provided the impacts are contained upon the site and the operator continues to farm. In all cases (home, rural and farm occupations), the applicant should demonstrate safe means of waste disposal that does not threaten the environment. Rural and farm occupations are best administered with a special exception to ensure a proper scale and orientation of the use.

Finally, past zoning policies have enabled the development of many scattered rural homes within the area. These pre-existing homes should specifically be permitted by right within the Conservation Zone. This avoids their classification as nonconforming uses and will enable residents to make logical adjustments to these lots/homes without the need to gain approval from a local zoning hearing board for variances or expansions to nonconforming uses.

In summary, it is recommended that a Conservation Zone be applied to this area with the following components:

1. *A deliberately worded purpose statement that cites the valid public purpose to protect and preserve important natural features in compliance with Section 604.(1) of the Municipalities Planning Code;*
2. *A “hands-off” and “by-right” regulatory approach to farms conducting normal farming operations;*
3. *Severely restricted development potential (say 1 lot for every 3-5 acres of lot area);*
4. *Flexible lot design standards that enable new homes to tuck into the “nooks and crannies” of the rugged terrain;*
5. *Provision for flag lots and shared driveways to facilitate efficient lotting and access;*
6. *Required environmental impact report that details important natural conditions on a site and presents a strategy for their protection as a prerequisite to site design;*
7. *Regulations governing the conduct of forestry operations in all areas of the Region;*
8. *Regulations governing the use of riparian buffers throughout the Region;*
9. *Requirements for 2 on-lot sewers and a domestic well prior to establishment of new homes;*
10. *Liberal accessory use business regulations that specifically include home, rural and farm occupations, provided that these uses have little impact and that adequate provision is made for the safe disposal of wastes;*
11. *Separate provisions of concentrated animal feeding operations (CAFOs) that ensure proper siting, operation and disposal of wastes;*
12. *Siting standards for future dwelling units proposed that protect sunlight easements/equipment turning radii onto adjoining farms and locate homes so as to minimize land use conflict; and,*
13. *Language that specifically authorizes existing homes as permitted uses;*
14. *An Agricultural Nuisance Disclaimer that informs prospective residents of potential impacts associated with normal farming practices that are protected under the PA Right to Farm Law.*

Model Regulations for Forestry Uses

1. In accordance with State law, forestry uses are permitted by right in every zone, subject to the following standards:
2. **Logging Plan Requirements** - Every landowner on whose land timber harvesting is to occur shall obtain a zoning permit, as required by this Ordinance. In addition to the zoning permit requirements listed elsewhere in this Ordinance, the applicant shall prepare and submit a written logging plan in the form specified below. No timber harvesting shall occur until a zoning permit has been issued. The provisions of the permit shall be followed throughout the operation. The logging plan shall be available at the harvest site at all times during the operation, and shall be provided to the Zoning Officer upon request. The landowner and the forestry operator shall be jointly and severally responsible for complying with the terms of the logging plan and the zoning permit.
 1. **Minimum Requirements** - As a minimum, the logging plan shall include the following:
 - A. Design, construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails, and landings.
 - B. Design, construction and maintenance of water control measures and structures, such as culverts, broad-based dips, filter strips, and water bars.
 - C. Design, construction and maintenance of stream and wetland crossings.
 - D. The general location of the proposed operation in relation to municipal and State highways, including any accesses to those highways.
 2. **Map** - Each logging plan shall include a sketch map or drawing containing the following information:
 - A. Site location and boundaries, including both the boundaries of the property on which the timber harvest will take place, and the boundaries of the proposed harvest area within that property.
 - B. Significant topographic features related to potential environmental problems.
 - C. Location of all earth disturbance activities, such as roads, landings and water control measures and structures.
 - D. Location of all crossings of waters of the Commonwealth.
 - E. The general location of the proposed operation to municipal and State highways, including any accesses to those highways.
 3. **Compliance With State Law** - The logging plan shall address and comply with the requirements of all applicable State regulations, including, but not limited to, the following:
 - A. Erosion and sedimentation control regulations contained in Title 25 Pennsylvania Code, Chapter 102, promulgated pursuant to The Clean Streams Law (35 P.S. §691.1 et seq.).
 - B. Stream crossing and wetlands protection regulations contained in Title 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §693.1 et seq.).
 4. **Relationships of State Laws, Regulations and Permits to the Logging Plan** - Any permits required by State laws and regulations shall be attached to and become part of the logging plan. An erosion and sedimentation pollution control plan that satisfies the requirements of Title 25 Pennsylvania Code, Chapter 102, shall also satisfy the requirements for the logging plan and associated map specified in Sections 2.1. and 2.2., provided that all information required by these sections is included or attached.
3. **Required Forest Practices** - The following requirements shall apply to all timber harvesting operations:
 1. Felling or skidding on, or across, any public road is prohibited without the express written consent of the Municipality, or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of the thoroughfare.
 2. No tree tops or slash shall be left within twenty-five (25) feet of any public road, or private roadway providing access to adjoining residential property.
 3. All tree tops and slash between twenty-five (25) and fifty (50) feet from a public roadway, or private roadway providing access to adjoining residential property, or within fifty (50) feet of adjoining residential property, shall be lopped to a maximum height of four (4) feet above the ground.
 4. No tree tops or slash shall be left on, or across, the boundary of any property adjoining the operation without the consent of the owner thereof.
 5. Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the forestry operator.
4. **Responsibility for Road Maintenance and Repair; Road Bonding** - Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49; and Title 67 Pennsylvania Code, Chapter 189, the landowner and the forestry operator shall be responsible for repairing any damage to Municipality roads caused by traffic associated with the timber harvesting operation, to the extent the damage is in excess of that caused by normal traffic, and shall be required to furnish a bond to guarantee the repair of such potential damages, as calculated by the Municipality Engineer.

Model Regulations for Riparian Buffers

As required within this Ordinance, and as guidance to any other landowner that voluntarily proposes, streamside buffers shall be provided in accordance with the following standards:

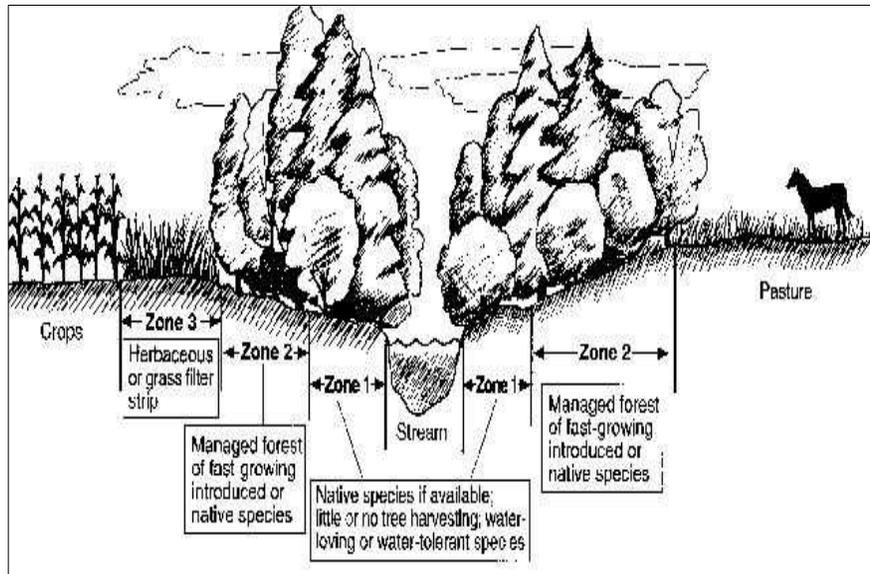
Buffer delineation – The applicant must submit a scaled site plan that clearly depicts the streamside buffer comprised of the following three separate Zones:

Zone 1 – The landward area located between the streambank edge under typical flow conditions and the largest combined width of all of the following:

- fifteen (15) feet as measured directly perpendicular from the streambank edge;
- the 100 year floodplain;
- any adjoining identified wetlands; and/or,
- any adjoining area characterized by slopes exceeding twenty-five percent (25%).

Zone 2 – The area beginning at the inland edge of the above-described Zone 1 and extending at least sixty (60) feet inland there from; and,

Zone 3 - The area beginning at the inland edge of the above-described Zone 2 and extending at least fifteen (15) feet inland there from. Where a pasture is proposed just beyond the above-described Zone 2, no Zone 3 is required;



Buffer plantings – Each of the respective Zones of the streamside buffer shall include vegetation that already exists or will be planted and maintained by the applicant that satisfies the following design objectives. The applicant shall submit expert evidence that the existing and/or proposed vegetation satisfies such objectives:

Zone 1 – This Zone must include mature canopy trees and a ground cover of warm season grasses. New tree plantings should be selected, arranged and managed to accelerate canopy growth, and offer native species habitat and food supply. New grass plantings should be selected and managed to filter-out pollutants and offer habitat. All vegetation within this Zone must thrive in wet conditions;

Zone 2 - This Zone must include mature canopy trees generally three rows deep and a natural undercover. New tree plantings should be selected that are rapid growing so as to intercept passing nutrients. Such trees should also be arranged and managed to accelerate canopy growth, and offer native species habitat and food supply. Successive undercover plants should also be allowed to “evolve” with the canopy of this Zone;

Zone 3 – This Zone should be planted with warm season grasses that are allowed to mature naturally without mowing. The tall grasses ensure that overland storm water flows do not “channel” into Zone 2. New grass plantings should be selected and managed to enable controlled grazing or haying so long as the grasses are not reduced to a point where they are no longer able to effectively disperse the surface water flows.

Buffer use and maintenance – Streamside buffers must be generally undisturbed. Mature trees and long grasses absorb more nutrients than do manicured plants. Similarly the more extensive root systems retain passing sediments. These characteristics reduce pollution and yield abundant food and habitat for wildlife. The temptation to “over-maintain” the streamside must be overcome. The following lists required maintenance activities for each Zone and the applicant must present a working plan that demonstrates compliance with such activities and practices:

Zone 1 – This Zone compels requires little maintenance. As trees mature, die and decay it is important that such natural debris be allowed to decompose within the stream. This will provide important food and habitat for beneficial microorganisms, fish and amphibious animals. Streamside grasses should similarly be allowed to seasonally flourish and recede. Man-made activities should be very limited and confined to perpendicular passages from Zone 2. Intensive-used locations should be fitted with raised walkways and reinforced embankments. Streamside cleanup of junk and manmade debris is permitted. No animal watering and crossing locations are permitted.

Zone 2 – This Zone requires the most attention but not for some time after initial planting. Here the objective is to develop a stable and broad canopy of tree cover. The trees within Zone 2 are fast-growing and therefore consume many nutrients. The regular pruning and trimming of these trees will increase their nutrient consumption, but should not jeopardize the important overhead canopy of shade. The natural undercover should be undisturbed except for periodic litter cleanup. Pedestrian paths can weave through Zone 2 but should be provided with raised walkways to prevent compacted soils and root damage.

Zone 3 – This Zone also requires little maintenance. Long summer grasses should be allowed to flourish and recede with the seasons. Grazing and haying is permitted so long as the residual grass length is sufficient to disperse overland storm water flows into Zone 2 and avoid channelization.

C. Residential Zones (Medium Density through Town Center Residential Zones)

As described in Chapter VIII (Existing Land Use) of this Plan, the Region contains a wide variety of residential forms. Considerable rural housing lies in outlying areas on large lots with on-lot utilities. Most of these are scattered along the Region's roads but some larger neighborhoods have also evolved. These rural homes are **not** part of this discussion but are covered by their respective previous land use categories (Agriculture or Conservation) depending upon their location.

This Section and category focus upon previously developed areas and those specifically planned for residential growth. These areas are confined to Topton Borough. Within the Borough, these neighborhoods are to be fitted with public sewer and public water as well as a host of other public amenities, facilities and services.

Chapter IV (Demographics) of this Plan analyzed population and housing trends within the Region by municipality and for the Region as a whole. Since the Region has undertaken this Plan in a cooperative manner and has established the goal to allocate growth on a regional basis, the above graphs past and projected growth across the entire Region. The net projected population growth is summarized below:

Projected Net Changes Per Decade		
Year	2000 to 2010	2010 to 2020
Population Growth	1698	3396
Housing Growth	807	1614
Persons/Unit	-0.07	-.13

The community development goal of this Plan is to direct planned growth into compact neighborhoods with a wide range of utilities and services while accommodating less dense residential and commercial development within the Townships. New development of housing within the Region is very limited since the market downturn in 2008-2009.

Growing Greener: Conservation by Design

¹*Growing Greener: Conservation by Design* is a conservation planning program designed to help local officials manage growth in a manner that uses the development process to their advantage, by adding land to a community-wide network of open space, each time a property is developed. Using this “conservation subdivision design” approach, a developer can build the maximum number of homes permitted under zoning, but in a less land consumptive manner. Conservation design rearranges the density on each development parcel as it is being planned, so that only half (or less) of the buildable land is consumed by houses, lawns and streets. By permitting development using conservation-based tools, a community can protect its most valued resources and special places, while still accommodating full-density growth.

To implement conservation design, zoning and subdivision ordinances are overhauled to focus not only on development-related issues (such as lot dimensions, street geometry, stormwater management, etc.), but to place equal emphasis on conserving a variety of environmental, cultural, historic and scenic features that give a community character.

To manage growth in this way most effectively, a Township should ideally document its natural and cultural resources on a *Map of Potential Conservation Lands*, which provides an overview of the community-wide open space and greenway network. This map is often contained in a community’s Open Space Plan, but can also be created separately. Some of the maps contained in this Comprehensive Plan can be used as a source for needed data.²

These data layers could easily be combined to form the beginning of a *Map of Potential Conservation Lands*. Additional information that would help complete the map includes steep slopes, hedgerows and scenic views. Finally, judgments would have to be made as to which of the potentially buildable lands should be conserved. ***It is recommended that if either of the Townships decide to enact “Conservation by Design” that they eventually create such a map, as it would prove invaluable in making development and conservation decisions.***

The *Map of Potential Conservation Lands* provides an overview of the Township-wide network, but the details have to be worked out as development (or acquisition) occurs. This is accomplished by requiring the developer to provide a detailed *Existing Resources and Site Analysis Plan* early in the review process. This plan would reflect a thorough understanding of the site, so that even the location of large trees or unusual geologic formations could be identified. It tells reviewers virtually everything they need to know about the property to make informed conservation and development decisions. As the most important document in the subdivision design process, it provides the factual foundation upon which all design decisions are based.

¹ Launched in 1996, *Growing Greener: Conservation by Design* began as a collaborative effort of Natural Lands Trust, a non-profit land conservation organization based in Media, PA; the Pennsylvania Department of Conservation and Natural Resources (DCNR); and the Pennsylvania State University Cooperative Extension. Many other state agencies, conservation organizations, private practitioners and municipalities have participated in the program. The Governor’s 1999 statewide environmental funding initiative shares the same *Growing Greener* name, but is a separate program focused on watershed restoration.

² For example, floodplain, wetlands and PNDI sites can be taken from the Natural Features Map; the proposed greenways for the Little Lehigh and Sacony Creeks can be taken from the Public Parks Map; woodlands can be taken from the Existing Land Use Map; historic sites can be taken from the Cultural Features Map; and existing protected lands can be taken from the Agricultural Preservation Map.

When local land use regulations require developers to design around special natural and cultural features, developers can become the Township's greatest conservationists, at no cost to the community and with no loss of profit to the developer. ***To achieve this, a few procedural changes to the subdivision ordinance are needed. These include a pre-application meeting between the applicant and Township officials, a site visit by Township representatives, a strongly encouraged sketch plan based on the Existing Resources/Site Analysis Map, and a Four-Step Design Process that requires the plan to be designed around the conservation features, as well as other provisions. Local officials should also seek to preserve agricultural productivity and minimize disruption of adjoining farming operations as one of its "conservation by design" priorities when reviewing new neighborhoods that adjoin active and preserved farms in this area. For this reason, properties with Agricultural Conservation easements have been identified on the Future Land Use Map.***

Revisions to the zoning ordinance are based on a multi-optioned approach relating density to the provision of open space, offering a range of density incentives to encourage greater open space and density disincentives to discourage lesser open space. In addition, the zoning ordinance needs to be made more flexible to accommodate development in patterns that preserve natural resources. Both the zoning and subdivision ordinances are further revised to include significant location and design standards for open space.

A "menu" of density options gives the developer a choice of several approaches toward any particular parcel of land. The *Growing Greener* model ordinance offers five choices, but the Township may choose to apply only two or three. The first option is "density neutral", with density equal to the Township's "base density" in any given zoning district. In other words, the developer would get the same number of permitted units as under conventional development. This option requires open space to total 50 percent of the buildable land plus constrained land. Other zoning options would permit a greater number of lots in exchange for additional open space. Other options would permit development with no open space, but at much reduced densities.

Additional informational material describing *Growing Greener* concepts is available from Natural Lands Trust.³

A Conservation by Design Zone would permit a variety of housing unit types and costs.

R-1 Residential Zone - Within the Region, the R-1 Residential Zone is largely designed around the existing "suburban-style" neighborhoods that have evolved along the eastern and western edges of Topton Borough. These newer neighborhoods are characterized by detached dwellings with sidewalks and front yard driveways. Lot widths average 100 feet and lot sizes average around 9000 square feet. These design standards are acceptable as a base density permitted within the planned R-1 Residential Zone neighborhoods.

But planning for residential growth involves more than merely assigning acres for development. Municipalities and the Region have a responsibility to provide for a wide range of housing types and costs. Development of the R-1 Residential Zone exclusively for single-family detached dwellings would continue the Region's relative lack of a variety of housing types. An analysis of housing types within Chapter IV (Demographics) recommends that the Region allocate future land use to meet the following target housing mix:

Therefore, to ensure that the Region provides for its fair-share of a wide range of housing types, this R-1 Residential Zone must do more. ***To promote a higher mixture of housing styles and costs it is recommended that the R-1 Residential Zone include an optional set of "overlay" standards. These standards could include adopting a "Traditional***

Neighborhood Design” (TND) philosophy that departs from the base suburban style.

TNDs feature designs and characteristics that resemble communities more like Topton Borough than sprawling suburbs. These communities are sweeping the nation as society recognizes the consumptive and dissociative aspects of suburban sprawl. Amendments to the Municipalities Planning Code specifically enable and encourage this new approach. This recommendation also directly responds to one of this Plan’s goals:

“Attempt to promote more density in planned residential areas as a means of reducing development pressure on the outlying rural landscape.”

In return, the community will receive neighborhoods that feature a better integration of important natural and cultural features, additional common open space, better pedestrian access and mobility, diverse housing styles, and a setting that invites neighborliness and interaction.

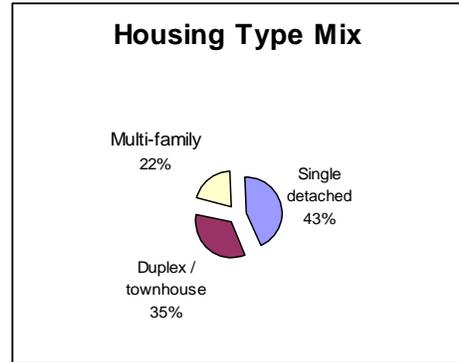
However, developers are often reluctant to undertake traditional neighborhood designs when **they** require special zoning reviews as conditional uses or special exceptions. They also resist strict prescribed design requirements that offer little flexibility. Consequently, very few examples of traditional neighborhood designs have been built within Berks County; although that is changing. ***It is important that the local officials of the Region invite the use of traditional neighborhood designs through a variety of short-term and ongoing actions.***



Old Towne Lancaster, a fine example of TND

First, as part of the development of new zoning policies for the Region, local officials should participate in a joint workshop to develop a set of traditional neighborhood design regulations that meet their needs. This work should be undertaken with representatives from the BCPC staff along with a professional planning consultant. Suitable regulations should:

1. **Require a “proper site planning process” and review early in the development review process that effectively incorporates and protects important natural and cultural features, and then provides an opportunity for developers and the community to agree on the design priorities for the site;**
2. **Ensure a diversity of housing types, sizes, and costs, with particular emphasis on scattered-site, affordable housing opportunities at densities of up to 6 units per acre. To meet County-wide figures the mixture should encourage the ratio of new unit types as reflected in the adjoining graph;**
3. **Provide for interconnected and rectilinear narrow streets and intersection designs with on-street and rear yard off-street parking, and abundant well-lit sidewalks to promote pedestrian mobility and safety;**
4. **Require the provision and efficient use of local infrastructure and services;**
5. **Reflect the historic and traditional building styles of the Region;**
6. **Reserve and feature civic uses and open spaces as community focal points;**
7. **Invite regular and frequent social interaction among its inhabitants;**
8. **Blend all of these above-described features in a way that promotes community identification and a “sense-of-belonging” for the residents; and**



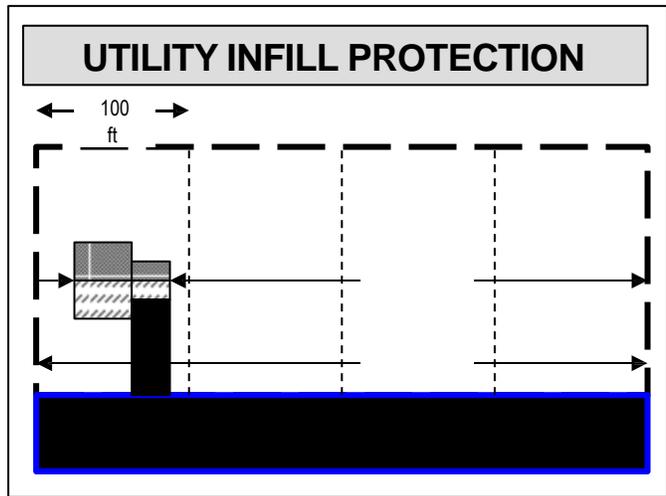
9. ***Provide for a set of requirements that achieves the preceding designs, yet allows enough flexibility for developer ingenuity and creativity, and applies a development review process that is streamlined and can be effectively managed by local officials and staff.***

Once a draft ordinance is prepared, a series of local official training sessions to familiarize and seek feedback from would-be users of the ordinance should be conducted:

1. The first work session should be held for local staff, engineers, planning commissioners, and elected officials. Here, local officials need to be educated about the benefits of TND and trained on how they would administer the ordinance. Local officials should be shown with actual or hypothetical examples of how the ordinance is applied. Feedback during this process should be used to fine-tune the ordinance;
2. After local officials have had the chance to understand and refine the TND ordinance, another work session should invite review and comment from local developers. Local officials should emphasize their intent to “get serious” about TND as the preferred development form, and plainly explain that a higher standard of design is expected from all developers. Then, local officials should invite constructive review of the TND ordinance, to enable practical use by the developers. This will likely take several weeks as the developers study the ordinance and its consequences. Suggestions to streamline the review process should be incorporated, unless local officials fear a lack of control over the process and its outcome. Revisions to the design standards should be avoided, unless local officials are convinced that a better standard results; and,
3. Finally, a similar public education and awareness session should be held to explain the ordinance and its impact on respective neighborhoods. Local officials should promote the benefits of TND to citizens and homeowners groups. They should also candidly explain their intent to approve TND developments within the various neighborhoods, along with their higher densities. In this manner, local officials can forewarn would-be NIMBY opponents of the municipality’s commitment to this form of development, and invite constructive neighbor involvement during the review process. This display will also assure prospective developers that local officials would not allow NIMBY opponents to prevent approval of an otherwise preferred TND.

Once these meetings have been held and the Ordinance is adopted, the real work begins. Local staff and officials need to be ever-vigilant in their desire to promote TND within the community. Initial developer resistance is likely, and unless local officials turn-away substandard plans, their TND efforts will have been in vain. Developers who miss the mark should have their plans denied firmly and quickly. Conversely, developers who attempt TND designs should be welcomed and assisted in their development review process and approval. Over time, this will “send the right message” to developers and citizens alike.

Given the prerequisite work needed by Tipton Borough to offer public utilities throughout the planned R-1 Residential Zone, **public utilities are already available.**



At such times as public utilities become available these previously created lots can be re-subdivided to offer additional home sites and utility connections.

Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Minimum Yard Setbacks				Maximum Permitted Height
			Front	One Side	Both Sides	Rear	
43,560 sq. ft.	400 ft.	10%	40 ft.	320 ft.	330 ft.	40 ft.	35 ft.

Much of the Region's housing diversity is anchored within Tipton Borough. As a result, the traditional residential pattern of development must be reflected to continue and grow. Long and narrow lots with tightly-knit houses built close to the sidewalks and on-street parking are prevalent characteristics of these areas. Garages upon narrow alleys and garages on adjoining properties are common. This Plan recognizes these areas and allows them to evolve with little municipal oversight.



These areas are entirely within Tipton Borough and will have access to a full range of public utilities and services. The following lists suggested design standards based upon the prevailing designs of existing developments within these areas.

“TYPICAL” DESIGNS OF TOPTON BOROUGH’S RESIDENTIAL ZONES							
Proposed Zone	Housing Types	Min. Lot Size (sq. ft.)	Min. Lot Width	Front setback	Side setbacks	Rear setback	Parking Location
R-1	SFD	9000	75 ft.	35 ft.	5/10 ft.	30 ft.	Front/side
R-1	SFD	6000	60 ft.	25 ft.	0/6 ft.	20 ft.	Front/side
R-1	2FD	3500	35 ft.	25 ft.	6 ft.	20 ft.	Front/side
R-1	Townhouse	2000	20 ft. 30 ft. ends	25 ft.	10 ft. ends	20 ft.	Front/side
R-2	SFD	4000	30 ft.	10 ft.	10/20 ft.	0 ft. garage	Street/ garage
R-2	2FD	4000	30 ft.	10 ft.	10 ft.	0 ft. garage	Street/garage
R-3	2FD	3200	24 ft.	5 ft.	2 ft.	0 ft. garage	Street/garage
R-3	Townhouse	2400	18 ft. 23 ft. ends	5 ft.	10 ft. ends	0 ft. garage	Street/garage
R-4	Townhouse	3200	24 ft.	0 ft.	0 ends	0 ft. garage	Street/garage
R-5	Multi-family	43,460	180 ft.	25 ft.	25 ft.	25 ft.	Street/parking lot

To accommodate logical change in these neighborhoods, zoning policies must align with the preceding design standards. This will enable residents to undertake projects that are consistent and compatible with nearby uses, without the need for variance and/or special exception applications and hearings. This will ease municipal workload and increase public acceptance of municipal practices and policies.

These neighborhoods are almost entirely “built-out”; therefore, few new buildings are expected. However, the Borough should “keep-an-open-mind” regarding the use of new and creative forms of housing within these settings, provided adequate space exists per unit and for required parking, and such housing does not alter the residential character of the site. Also, it is recommended that the Borough determine the feasibility of allowing, by Special Exception, two-family, multi-family, group homes, and personal care homes in the eastern section where there is a mix of industrial and existing housing. Two-family conversions, and outbuilding apartments provide opportunities for scattered site affordable housing that can be used as starter units for young families or empty-nest units for the elderly. These housing opportunities should be incorporated into the Borough’s Residential Zones; the following presents “typical” special exception criteria imposed upon these uses:

Section ___ Conversion Apartments

1. Within the (R-) Residential Zone, a single-family detached dwelling may be converted into two (2) dwelling units by special exception, subject to the following criteria:
2. The applicant shall furnish evidence that an approved system of water supply and sewage disposal will be utilized;
3. No modifications to the exterior of the building (except fire escapes) that would alter its residential character shall be permitted;
4. Each unit shall have at least 400 square feet of habitable floor area and a direct means of escape to ground level;
5. The applicant must provide for two(2) new off-street parking spaces, unless the site already has required off-street parking for both units; and,
6. Two-family conversions shall only be permitted within single-family detached dwellings that contained at least two thousand (2,000) square feet of habitable floor area, or within its outbuilding that contained at least 400 square feet of habitable floor area, respectively, on the effective date of this Ordinance.

Another issue that is commonly problematic within densely developed neighborhoods relates to accessory uses. Accessory uses are structures or activities that are incidental to the primary use of a property. For example, a residential accessory structure could include a detached garage, swimming pool or satellite dish antenna. Similarly, a residential accessory activity could be a yard sale, the storage of a boat or trailer, or the repair of personal automobiles. The impacts of accessory uses are more easily absorbed in rural or suburban areas where lot-to-lot separation is greater. Within the Borough, however, such separation is impossible and neighbors are more easily affected by another's activities and actions. ***The Borough is recommended to strengthen applicable residential accessory land use regulations.***

Last, the Borough's Residential Zones are linked with the central business areas of the Borough. Consequently, these neighborhoods already include other nonresidential uses that contribute to the Borough's central role within the Region and its small-town character. These uses should be specifically accommodated. Civic uses, churches, schools, parks and playgrounds and limited day care facilities should all be permitted as they provide important services within these established neighborhoods.

Finally, these Zones provide for the diversity of the Region's housing stock and are critical to the Region providing for its fair-share of diverse forms of housing. ***The implementation agreement developed for this Plan requires referral of any amendment to the Comprehensive Plan or subsequent zoning ordinance that would eliminate this diversity of housing stock or reduce the area available for development within these Zones to all of the Region's municipalities, as there may be a need to provide for greater diversity elsewhere within the Region.***

D. Mobile Home Parks Zone

The EBC Region has two areas of mobile homes in the Townships. The larger area is a mobile home park within District Township has additional areas, which if infrastructure needs are met, and then the Region meets its fair-share burden to provide for mobile home parks. Therefore, future mobile home park development will be limited to expansion of this existing park within District. Within Rockland Township, there is a development made up of mobile homes, but it is not a mobile home park, however mobile home parks are allowed under certain conditions within the Township. Nonetheless, this provides for the Region’s mobile home housing stock and is critical to the Region providing for its fair-share of this legally protected form of housing. ***The implementation agreement developed for this Plan discusses the fair share of uses and requires referral of any amendment to the Comprehensive Plan or subsequent zoning ordinance that would eliminate fair share to each of the municipalities, as there may be a need to provide for this use elsewhere within the Region.*** It is important to understand that this restriction only applies to mobile home parks as freestanding mobile homes are protected under Federal law as single-family detached dwellings and can be placed anywhere “stick-built” homes can be.

Mobile home parks have unique settings that do not mesh with regulations imposed upon their surroundings. Therefore, occupants of these parks must often apply to the Zoning Hearing Board to undertake minor expansions and adaptations of their homes. This imposes unnecessary bureaucracy and costs upon low-to-moderate income residents who can least afford the hearing and legal representation expenses. To overcome this problem it is recommended that a Mobile Home Park Zone be applied to existing parks. This will enhance the compatibility within the other adjoining zones by eliminating mobile home parks as a potential use within these unsuspecting neighborhoods. The following presents typical design standards for mobile home parks observed during the field inspection of the Existing Land Use Inventory (Chapter VIII):

"TYPICAL" DESIGN CHARACTERISTICS OF MOBILE HOME PARKS						
Min. Rd. width	Min. Lot Width	Front Setback	Side Setback	Rear Setback	Parking Location	Other/Sidewalks
30 ft.	50 ft.	30 ft.	10 ft.	20 ft.	Front pads	Sheds setback 10 ft.

E. Commercial Zones (Commercial, Town Center, Highway Commercial)

Within the Eastern Berks County Region, there are three distinct patterns of planned commerce. The first, **Commercial Zone**, aims to localize convenience goods and services in the Village of New Jerusalem and Dryville in Rockland Township. The **Town Center** within Topton Borough is intended to provide a vibrant downtown destination featuring a variety of shops, restaurants, offices and civic uses. The **Highway Commercial** uses are allowed in the Industrial Zone located within the Borough of Topton.

Commercial Zone - The majority of this category is within and between the Villages of New Jerusalem and Dryville along Lyons Road is a proposed Village Commercial Zone. There is a junction of five important roads at a central location serving rural Rockland Township. Today this area contains residential, a small auto dealership, auto repair and salvage and a restaurant. Several churches are also nearby. For the most part this area is built-out. However, the boundaries of this Zone include under-utilized parcels and residential properties that could be adapted for commercial use. Based upon the Existing Land Use Inventory (Chapter VIII) about 292 acres could be adapted for commercial use within this Zone. This area would be appropriate for uses such as small personal care homes and other businesses that would blend in with the current type and style of the existing neighborhood without taxing the roads.

The proposed configuration of this Zone reflects these existing uses and adds several other lots fronting this intersection. Should this configuration become saturated with new businesses that are contributing to the convenience of the Region's rural residents, expansion is conceivable. **However, local officials should be mindful of the desired scale of this Zone and not invite uses that are better sited in Topton or along State Street.**

Uses permitted here should reflect a local orientation and integrate within the setting without great adverse impact. Uses should remain small and emphasize providing local daily needs to nearby rural residents. Convenience stores, personal care, small nursing home, restaurants and taverns, bed and breakfasts, offices, automobile repair, card, book, magazine, newspaper, music, and video shops, barber and beauty salons, photographic, art and dance studios, tailors, Laundromats and dry cleaning drop-off stations, flower shops, jewelry, watch and small appliance sales and various civic uses like churches, cemeteries and post offices are all appropriate.

Overall retail size per store should be limited so as not to exceed its local orientation, nor provide an incentive for the demolition of existing historic buildings in favor of more modern commercial building styles. The development of multi-shop arcades should be encouraged particularly within the adaptive reuse of existing historic buildings. Demolition of historic buildings should be discouraged. All commercial signs should also be limited to reflect their local orientation yet offer ready identification at this busy intersection.

Existing site designs, parking availability, and uses vary widely. **Nonetheless, local officials can begin to tighten regulations in these areas and, over time, "weed-out" unwanted nonconforming uses and replace them with businesses that can coexist better within this small village. Similarly, zoning design standards should promote shared use of access drives, and off-street parking and loading spaces. Outdoor storage should be prohibited in most cases and, if allowed, effectively screened from adjoining roads and residences.**

Town Center District - Topton Borough has the most cohesive and identifiable commercial core within the Region. While this may be true, local officials hope for a better future with more activity and reinvestment. This Zone will assemble a strategy to enable "downtown" Topton to thrive as the Region's center of retail, service, civic and leisure activities. For the most part this area is built-out. However, the boundaries of this CBD include under-utilized parcels and residential properties that could be adapted for commercial use. Based upon this Future Land Use designation there are 16 acres within the proposed Town Center (mixed use) Area.

To manage this area the Borough should create a new Zone with the following characteristics.

First, the Borough should be more selective in the uses allowed in downtown areas to be pedestrian-friendly and at a proper scale. This will allow for confident reinvestment as owners will be assured of a pleasant and intimate setting that is free of more intensive and objectionable uses. Zoning requirements for this area should incorporate several important features. **First, the zone should promote uses that are oriented toward pedestrian customers.** This does not suggest that customers will suddenly stop visiting the area via automobile, but that "potential" uses should be ones that can serve pedestrians equally well. Such uses would have the added benefit of not requiring the frequent delivery of merchandise via large tractor-trailers, in an area lacking adequate off-street loading space. Examples of suitable uses include:

card, book, magazine, newspaper, music, and video shops; specialty food stores; bakeries; delicatessens; wine shops; clothing boutiques; barber and beauty salons, sporting goods and musical instrument shops; drug, tobacco, hardware, and 5 and 10 cent stores; restaurants, taverns, ice cream parlors, and outdoor cafes; bed and breakfasts; photographic, art and dance studios; offices; photocopy and office supplies; computer and software sales; arcades and movie theaters; tailors; Laundromats and dry cleaning drop-off stations; flower shops; jewelry, watch and small appliance sales and repair; corner grocery stores, including outdoor display, etc. In addition, various civic uses like churches, cemeteries and post offices are also appropriate. In addition, residential uses on upper floors would be appropriate.

Overall retail size per store should be limited, so as not to exceed its local orientation, nor provide an incentive for the demolition of existing historic buildings in favor of more modern commercial building styles. The development of multi-shop arcades should be encouraged, but only through the adaptive reuse of existing buildings. Demolition should be discouraged, and all structural alterations should be scrutinized by a local Historic Architectural Review Board (HARB). The HARB should also consider devising suitable standards for other streetscape amenities, such as signs, canopies, benches, light poles, and so forth.

All commercial signs should be limited to reflect their pedestrian orientation. Within this Zone, the Borough should substantially relax off-street parking requirements for suitable uses, due to their pedestrian orientation and the proximity of on-street public parking. Second-story apartments should be permitted to offer a greater variety of affordable housing options, and make efficient use of floor space that is often unusable for commercial purposes.

Zoning requirements should prohibit the placement of off-street parking and/or loading within the front yard, in favor of sidewalk “build-to” lines with outdoor cafes and limited outdoor display bins. Other outdoor storage areas should be prohibited to enhance site-to-site compatibility.

Within Topton, several industries adjoin, or are a short walk from its downtown. Today, most of these uses are active and generate local employment. Some, however, are vacant now and others may become vacant in the future. **Consequently, local regulations governing these older structures should invite creative adaptive reuse opportunities.** Regulations should be flexible enough to promote reinvestment but protect adjoining land uses. More discussion on this subject is contained later under the Industrial Zone of this Chapter.

To promote revitalization, local officials also need to advertise their willingness to work with local entrepreneurs to achieve the right type of development. Too often, would-be proprietors are afraid of the development review process and the NIMBY opposition that can emerge. Local officials should aggressively market their willingness to cooperate and work through any specific difficulties that jeopardize reinvestment. This is not to say that they should approve every request, but the local business community should feel as though they have an ally in the review process when the right type of use is proposed, despite some neighborhood opposition. This will require an ongoing demonstration of this commitment over repeated developer requests. Over time, local entrepreneurs will come to trust the Borough officials and feel free to exercise their creativity and entrepreneurial spirit through reinvestment to the benefit of the community and Region.



1999 Aerial Photo of Tipton “downtown”

Borough Council should challenge and energize the Topton Borough Business Owners Association to oversee and nurture these areas through various programs and activities.

This group should be vigilant in their advocating for these areas at all times, and keep the local officials' and public's attentions squarely on its needs over the long haul. This should be accomplished as a short-term activity that will lead to an ongoing process of improvement. Topton Borough, unlike many other Boroughs, has an important industrial base within the Region.

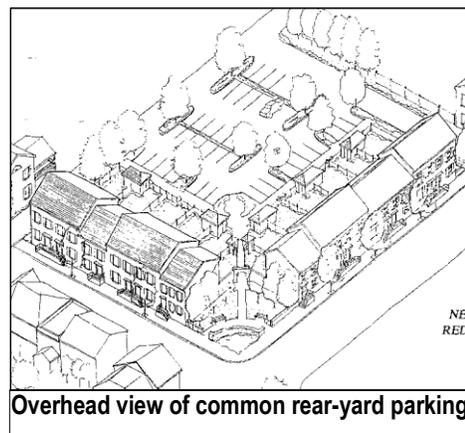
It is recommended that local businesses explore the provision of goods and services that target these employees who work here on a daily basis. Convenience goods, services, and lunchtime menus can create new customers, and intercept others who may look for similar services along State Street. This would help to capture the existing employee market that is available on a daily basis. In a related matter, the Borough also currently contains the two campuses of the School District; this creates considerable traffic through the downtown after school. **Local merchants should seek to offer goods and services that can intercept this traffic, while parents and students commute to-and-from the school. Convenience goods and services, prepared meals, and day-care facilities would be good examples of suitable pursuits.**

Despite Topton Borough's efforts to promote a downtown that is largely accessible to pedestrians, limited off-street parking could adversely affect its ability to compete with outlying shopping areas. Furthermore, tourists will not enjoy a visit that is marred by an inability to conveniently park. **The Borough has adopted a parking overlay district in its zoning ordinance and should revisit this occasionally to determine if revisions are necessary.**

Today, the on-street parking appears to be sufficient to serve the existing businesses with their modest level of commercial activity. However, with increased success and activity in the downtown will come an increasing demand for services, including parking.

First, many civic uses are located within or adjoining the Town Center. Large church parking lots as well as nearby parkland parking can supplement "downtown" parking during periods of low use. **The Borough should approach these civic uses to see if public parking access can be negotiated during periods of low usage. Then, if approved, modest signage should be posted at the street entrances to such parking along with times when public use is use authorized. Such signs should also be posted to inform downtown patrons of parking available along Dogwood Drive adjoining the ball fields on the Topton Community Park.**

If the preceding does not accomplish needed parking, then local officials should implement a Downtown Parking District for all of those properties within the downtown areas. As can be seen in the above aerial photograph, considerable open area exists between the principal buildings and the alleys in the rear yards. However, the narrow lot widths confound any attempts to incorporate additional off-street parking with access lanes, except those that would front directly on an adjoining alley. **To efficiently use this space, several adjoining rear yards would need to be assembled and developed together.**



The Borough Zoning Ordinance should allow for, and even encourage, such an arrangement by waiving parking setbacks and enabling shared vehicular access drives. Then, landscape screening should be applied along the alley to protect adjoining residential properties located on the other side of the alley.



Ground-level view of mid-block walkway from common parking lot toward Street.

Pedestrian access from the parking lots to the downtown streetscape should be provided by at least one mid-block landscaped walkway. Such walkways should be well lighted for safe nighttime passage and security. They should also reflect the desirable amenities of the downtown streetscape (landscaping, benches, old-style light fixtures, archways, modest directional signage, waste receptacles, etc.).

To implement this District, it is recommended that the Borough initially encourage private property owners to construct and operate the lot. Then they can offer leases to nearby businesses that need additional off-street parking to serve their proposed use. If private efforts fail, then the Borough may have to undertake a more “top-down” governmental approach. In any event, local officials will need to aggressively promote this concept within the community as part of its redevelopment campaign, and convince downtown businesses of the need to include their respective properties within the overall design. Should the Borough assume responsibility for this project, it should investigate the use of fees-in-lieu of off-street parking for uses that cannot provide for their required parking and must rely upon the common parking lot.

To potentially reduce the need for parking within the Borough, the Region should lobby the Berks Area Transit Authority to provide bus service to downtown Tipton Borough. The Town Center and the Industrial/Highway Commercial Zone should be fitted with bus stops at important and regularly-spaced locations to facilitate the use of mass transit.

As discussed in Chapter VII (Local Economy)“the Borough should also explore the “Main Street Model” for application toward their downtown revitalization efforts. More discussion is contained in Section VII of this Plan.

The Town Center of Tipton is in the heart of the Borough. Unfortunately, the active railroad line also runs across it. **It is important that the Borough continuously employ state-of-the-art systems to notify and warn pedestrians and motorists within the Town Center of frequent passing trains.**

Finally, this Zone provides for the diversity of the Region’s business stock and is critical to the Region providing for its fair-share of diverse forms of commerce. **The implementation agreement developed for this Plan should require referral of any amendment to the Comprehensive Plan or subsequent zoning ordinance that would eliminate this diversity, or reduce the area available for development within this Zone to all of the Region’s municipalities, as there may be a need to provide for greater commercial diversity elsewhere within the Region.**

Highway Commercial Zone – Apart from Topton Borough’s Town Center, the EBCR must accommodate a wide range of commerce and businesses that are too large or intensive to adapt to a “downtown” setting. In addition, vehicle-related sales and services often involve outdoor storage that presents impact too great to integrate within the tight Borough streetscape. For this reason **Highway Commercial is planned for accommodation within the Industrial Zone** within the Borough. Within this Zone are vacant, under-utilized and residential properties that could be adapted or redeveloped for commercial use.

The areas have been sized and configured to allow for coordinated developments and shopping centers that share access drives, off-street parking and loading, signs and stormwater management facilities. Since many of the uses already in place have developed without these shared features, it will take time for this site coordination to spread throughout the area. **Topton Borough should develop suitable commercial zoning regulations that require and/or strongly encourage shared development features.** This can be done by limiting access drive locations, waiving setbacks for shared features, providing lot coverage bonuses and other design incentives for shared features, and generally communicating to prospective developers the Region’s desire for these coordinated designs. **Topton Borough should immediately incorporate these zoning requirements, then continuously advocate coordinated designs in the coming years as existing businesses seek to change and new ones emerge.**

Next, local officials believe that future concentrations of businesses, employers and residents within the Region could demand regular mass transit service. They’d prefer to see an established bus route with regular and widely-known scheduled stops at key locations within the Region (e.g., downtown Topton Borough, park-n-ride lots, major employers, Village of Mertztown). **Local officials and key corporate officials should lobby the Berks Area Transit Authorities for this service. This action should be initiated within 5 years, but may take longer to justify as the Region more fully develops and potential ridership increases.**



To optimally regulate this area a new Highway Commercial Zone should be adopted by Topton Borough. It should include the shared design features listed above to help to beautify the corridor and reduce visual clutter. Beyond these shared features, other contemporary design features should also be used.

First, the use of front yard landscape strips should be required along the road. These strips will help to define road/site travel lanes and soften the appearance of the roadside and offer shade for pedestrians. **A minimum 10-foot wide landscape strip should be required, along with ornamental shade trees and sidewalks where adjoining residential development.**

Off-street loading spaces and outdoor storage areas (exclusive of outdoor sales) should be screened from the roads and adjoining properties.

Sign standards should reflect the vehicle-oriented customers of the area, but should produce signs that are informative without being loud and obtrusive. It is important that signs be large enough so that motorists can easily read them at prevailing speed limits. The

number of signs should be limited so that they do not compete for driver's attention, and the use of coordinated signage is encouraged.

On-site lighting of buildings and surrounding areas should employ hooded or screened fixtures that confine glare to the site, and security lighting should be directed toward the building, rather than the area around it. Lighting levels should be established to enable the detection of suspicious movement, rather than the recognition of definitive detail.

Public address systems used in external areas should be designed to keep audible impact at ambient levels.

It is noted that a small number of scattered highway-oriented businesses exist throughout the Region. The absence of these uses within the planned Highway Commercial Zone reflects a vision of the future for the Region where such uses are confined to areas served by public utilities and services. Some of these scattered businesses could be permitted within their respective Zones (eg. Conservation & Agriculture) as they would be logical uses within those contexts. For example, a country inn or bed & breakfast are an appropriate use within the Conservation and Agricultural Zones. Similarly, a nursery and garden center can also be justified within an Agricultural Zone. Conversely, many of these uses are not consistent with Conservation or Agricultural settings unless they are limited in scale as accessory occupations (home, rural and farm occupations). In such cases, these uses should be regulated as nonconforming uses by local zoning ordinances.

Finally, this Zone provides for the bulk of the Region's planned commercial growth and is critical to the Region providing for its fair-share of growth and development. ***The implementation agreement developed for this Plan should require referral of any amendment to the Comprehensive Plan or subsequent zoning ordinance that would eliminate this Zone or reduce the area available for development within this Zone to all of the Region's municipalities, as there may be a need to provide for this "displaced" growth elsewhere.***

F. Industrial Zone

Topton Borough will provide for the Region's planned industrial growth. Within the Borough, industry is planned on the north sides of the railroad tracks. Within this Zone are vacant, under-utilized and residential properties that could be adapted or redeveloped for industrial use. Based upon the Existing Land Use Inventory (Chapter VII) about 82 acres could be developed/adapted/redeveloped for industrial use within this Zone.

Within the Region older industries often lack contemporary site designs, include outdoor storage and lack screening and buffering. ***Local officials should strive to retrofit these amenities as uses expand, change or improve. Most particularly, industries abutting existing or planned residential areas should be fitted with sight-tight fences and/or landscape screens to enhance compatibility. This process will be slow and will require patient persistence; however, now is the time to start!***

New uses proposed amid these older, industrial enclaves should be held to a higher standard of site design, and suitable zoning regulations should be adopted. This may make many features of the existing industries nonconforming; however, the nonconforming use provisions of zoning ordinances are intended to effect desired change over time. Furthermore, if

new uses are proposed, they should be encouraged to cooperate with their neighboring uses (where practical) in the sharing of vehicular access, off-street parking and loading, signage and storm water management. **Local officials should seize every opportunity to upgrade these older industrial sites when confronted with some prospective change.**

Within Topton, several vacant industrial buildings adjoin, or are a short walk from its downtown. Some others may also become vacant in the future. **Consequently, local regulations governing these older structures should invite creative adaptive reuse opportunities. The Borough should focus upon the potential impacts of a proposed use rather than trying to identify all potential uses that would be acceptable.** Regulations should be flexible enough to promote reinvestment but protect adjoining land uses. The Borough should engage a conditional use review process via the Planning Commission and Borough Council, to review all proposals for change. In so doing, it should list certain prescribed objectives for the use and ask the respective developer to meet them. For example, the following could be a list of seemingly appropriate development objectives:

1. To make efficient use of the existing historic buildings located within the Borough and retain any “historic” character of the area;
2. To develop properties with uses that contribute to the economic vitality of the Borough;
3. To propose uses that are sized and designed to serve local residents and businesses and can be adequately housed within the existing building;
4. To minimize the detrimental effect on existing, sensitive and natural features and improve compatibility with adjoining uses;
5. To ensure that adequate vehicular circulation and parking are part of the proposed use;
6. To, wherever practical, make use of shared amenities with other nearby uses for parking, loading, vehicular access, signage, storm water management, etc.; and,
7. In those instances where one or more of the preceding objectives cannot be accomplished, suggest what measures could be taken by the Borough to facilitate needed change.

Many of the preceding objectives are subjective by design so that local officials can carefully evaluate the benefits of a particular land use proposal against its potential problems. Typically, zoning ordinances try to minimize such broad discretion; however, in this case, it seems the best option to consider the wide range of potential uses and their optimal designs. **Local officials will need to carefully review each proposal with public input and begin to set precedents that best align with the stated objectives, whatever they may be. One caution deals with equal treatment. Local officials will need to be ever mindful of fairness with this approach. Legal doctrine requires that similar proposals be treated similarly and that differing treatments be explicitly explained.**

The Industrial Zone is suitable for a wide range of industrial activities that contribute to the well-

being of the Region by diversifying its economy and providing valuable employment opportunities. **Zoning should allow for small, start-up business and light industry as permitted uses. However, more intensive uses (listed below) should require the obtainment of a conditional use:**

- Billboards;
- Heavy equipment sales, service and repair, such as excavation machinery, farm equipment, commercial trucks, buses, trailers, and other similar machinery;
- Truck or motor freight terminals;
- Warehousing and wholesale trade establishments;
- Adult-related uses;
- Junkyards;
- Quarries and mines;
- Sawmills;
- Slaughtering, processing, rendering, and packaging operations;
- Solid waste disposal, and processing facilities; and,
- Any other industrial activity that presents adverse impact to surrounding areas.

By requiring a conditional use review local officials realize the following benefits:

- (1) require the developer to fully explain the nature of the proposed uses;
- (2) give local citizens the opportunity to express support or concern over the use;
- (3) application of specific criteria aimed at minimizing adverse impact to the community and adjoining properties;
- (4) provide the Region time to engage professional review assistance of the use and its expected impacts; and,
- (5) allow local officials to attach reasonable conditions of approval to mitigate any negative effects of the use.

Regulations should also limit the number of driveway cuts and freestanding signs, and manage outdoor storage, off-street loading and parking. **Design standards should encourage functional, yet attractive, sites when viewed from adjoining properties and roads. This involves required landscaping, screening and buffering, and dumpster storage standards.**

Additionally, prospective industries should demonstrate compliance with all applicable Federal and State operations standards. Each municipality should adopt noise and lighting standards that will ensure compatibility from one site to the next.

This Plan recommends that the Borough maintain the majority of its Industrial Zoned land for Industrial and Heavier Commercial Uses. This encompasses the area on the north and northwest side of the Borough. Understanding that the area on the east that is currently zoned for Industrial may need to accommodate some additional residential uses to allow for future growth.

Finally, this Zone provides for the bulk of the Region's planned industrial growth and is critical

to the Region providing for its fair-share of growth and development. ***The implementation agreement developed for this Plan should require referral of any amendment to the Comprehensive Plan or subsequent zoning ordinance that would eliminate this Zone or reduce the area available for development within this Zone to all of the Region’s municipalities, as there may be a need to provide for this “displaced” growth elsewhere.***

G. Public / Institutional

As reported in Chapter VIII (Existing Land Use) the Region’s public and nonprofit uses comprise 248 acres of the total land area. Several of these are large parks and open spaces including the PA State Gamelands located within District Township and an adjoining quasi-public conservation area.

In addition to these open grounds, this category includes all of the properties owned and operated by the Brandywine Heights Area School District and each of the Region’s municipalities.

Adjoining Topton Borough is a significant public/institutional use that the Region should note, even though it is not located within the boundaries of the Region. The Topton Lutheran Home provides services at a larger regional level than this Plan defines. The Home includes a 400 acre campus that offers a range of residential and nursing care facilities and services for the elderly. It is also the location of the Brandywine Area Community Library.

Finally, this category reflects many numerous governmental uses, public utilities, parks, maintenance sheds, and cemeteries. While Churches are not specifically mentioned as part of the Public/Institutional category they are anticipated to be allowed in the zones that they are currently found.

Given these uses’ integration within the various settings of the Region, it is recommended that they be specifically permitted in their respective zones as depicted on the Future Land Use Plan.

H. Potential Development Acreages

Potential Undeveloped Acreage Available for Development Within Townships			
	Open Space Acreage	Acreage with Environmental Constraints*	Potential Development Acreage
District	4,425	1,700	2,725
Rockland	5,268	2,304	2,964
*Environmental Constraints include: Future Agriculture, Total 150 Ft Stream Buffer, 25% and Greater Slopes, all Eased Land and State Gamelands			

The potential undeveloped acreages available for development with the Townships are based upon the following Tables that depict existing and future land use acreages within the Region.

Eastern Berks Region Existing Land Use Acreages								
Existing Land Use	Rockland	District	Topton	Acreage Eased Berks County ACE	Acreage of Eased by Other Organizations	Sum of Easements	Acreage Not in Easements	% of Area by Land Use
Agriculture	2,742	1,144	50	434	325	759	3,177	19.69%
Commercial	33	29	22	0	0	0	84	0.52%
Industrial	4	15	49	0	0	0	68	0.42%
Institutional	61	42	47	0	0	0	150	0.93%
Open Space*	5,268	4,425	30	119	1641	1,760	7,963	49.36%
Recreation	35	50	13	0	0	0	98	0.61%
Residential High	113	40	151	0	0	0	304	1.88%
Residential Low	2,248	1,372	3	0	46	46	3,577	22.17%
Transportation	364	195	81	1	1	2	638	3.95%
Water	41	40	0	1	6	7	74	0.46%
Total	10,909	7,352	446	555	2,019	2,574	16,133	100.00%
Source: Berks County Assessment, Planning Commission GIS, Recorder of Deeds								
*Open Space is the undeveloped category								

Eastern Berks Region Future Land Use Acreages								
Future Land Use	Rockland	District	Topton	Acreage Eased Berks County ACE	Acreage Eased by Other Organizations	Sum of Easements	Acreage Not in Easements	% of Area by Land Use
Agriculture	2,807	471	0	312	575	887	2,391	14.43
Commercial	327	0	2	0	0	0	329	1.99
Conservation	7,348	6,485	0	4	1248	1,252	12,581	75.94
Industrial	0	0	131	1	0	1	130	0.78
Mobile Home park	0	27	0	0	0	0	27	0.16
Public	29	124	50	0	0	0	203	1.23
R-1 Medium Density Residential	0	0	107	0	0	0	107	0.65
R-2 High Density Residential	0	0	33	0	0	0	33	0.20
R-3 Urban Residential	0	0	13	0	0	0	13	0.08
Recreation	37	50	13	0	0	0	100	0.60
Town Center	0	0	16	0	0	0	16	0.10
Transportation Network	363	195	80	0	1	1	637	3.84
Total	10,911	7,352	445	317	1,824	2,141	16,567	100.00
Sources: Berks County Assessment, Planning Commission GIS, Recorder of Deeds								