

**TOWNSHIP OF WEST BRADFORD
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE 2008-01

**AN ORDINANCE TO AMEND THE WEST BRADFORD TOWNSHIP
ZONING ORDINANCE, BY ADDING AN OPEN AREA OVERLAY
ZONING DISTRICT**

NOW THEREFORE, be it enacted and ordained by the Board of Supervisors of West Bradford Township, Chester County, Pennsylvania, as follows:

The following revisions shall be made to the West Bradford Township Zoning Ordinance of 1977 as amended:

- A. Rename Article 700 – “*Natural Resources Overlay Districts*”**
- B. Rename Section 700, “*SECTION 700A – Flood Hazard Overlay District*” Add “*A*” to each Section number.**
- C. Add SECTION 700B – Open Area Overlay District.** The Section shall be as follows:

SECTION 700B Open Area Overlay District

701B. FINDINGS OF FACT

- A. Within certain developments density provisions have been met by setting aside certain land as open space. In some instances that land has been designated as either dedicated or non-dedicated open space or area.
- B. Within certain developments certain areas have been reserved or used for storm water management to minimize the effect of storm water from impervious areas created by the development.
- C. Within certain developments, certain areas have been reserved from building lots in order to preserve natural features such as but not limited to; steep slopes, wetlands, flood hazard areas and forested areas.
- D. Within certain developments land has been preserved to allow for development in other areas. (Such as Transfer of Development Rights)

- E. Within certain developments portions of the tract have been reserved to promote land conservation, protect view sheds and provide for protection of other environmentally sensitive and important areas; in doing this, these areas have remained open and undeveloped.

702B. INTENDED PURPOSE

It is the purpose of this Article to promote the public health, safety and general welfare and to prevent overuse of certain land areas, minimize storm water runoff and degradation of environmentally sensitive areas, preserve view sheds and to prevent the erection of buildings and other structures which have been deemed inappropriate through prior reservation of land areas as described hereinabove. In furthering that purpose, the specific intent of this Section is:

- A. To regulate or prevent the erection of buildings and other structures in order to protect environmentally sensitive areas, protect view sheds; prevent the accumulation of additional storm water drainage, unsanitary drainage conditions and related hazards.
- B. To protect public health by preventing overburdening of streams and storm water collection systems and causing the failure of existing storm water management systems and areas.
- C. To protect the public from overuse of areas previously determined by action of the Board of Supervisors to be worthy of protection and necessary for the overall reasonable development of the community, to preserve property values and prevent blight.

703B. DEFINITION AND SCOPE OF OPEN AREA OVERLAY DISTRICT

The Open Area Overlay District is defined and established as:

- A. Any area not used for building lots in a subdivision wherein the lot size, lay out and density of the developed area is determined by providing open areas instead of providing larger lot area. These areas may be designated as dedicated or non-dedicated open space.

B. Any area not part of a building lot in a subdivision that has or is being utilized for storm water management purposes.

C. Any area or lot that has, through a subdivision process, been reserved for limited use and/or limited number of dwellings units. These areas would have as specified in the subdivision documents and created by the subdivision or land development process an easement or other documentation to provide notice to others that the property has reservations on its use which reservations may also include a conservation easement in favor of a named conservation organization. The area could also be restricted by language in the deed styled as a deed restriction against further subdivision and/or limiting the use. This may sometimes be referred to as a conservation lot.

D. Any area that has been set aside within a lot area through the subdivision process that is shown on the plan to be restricted open space or otherwise shown as open space or beyond the limits of disturbance.

E. Any area that is within a cul-de-sac bulb and not part of a building lot.

704B. COMPLIANCE

No structure shall be located within this area and no land shall be used without full compliance with the terms of this Section and other applicable regulations. The permitted uses herein shall not be in addition to any regulations or restrictions created by subdivision or land development approval. If any lands are determined to not be regulated by this Section the land shall be deemed to continue under the uses, privileges and restrictions enumerated in the applicable zoning district.

705B. USES AND STRUCTURES

Within this District, all uses not allowed as permitted uses shall be prohibited.

A. PERMITTED USES

The following uses, and no others, shall be permitted within the Open Space Overlay District, to the extent that they are not prohibited by any other section of this Ordinance.

1. Agriculture uses such as farming, cultivation and harvesting of crops, except if prohibited in the principal district on which the overlay district extends, according to recognized soil conservation practices and good farming practice to prevent the over grazing of pasture and/or the erosion of soil and to benefit the proper management of storm water on the site.
2. Outdoor plant nursery or orchard, when a proper management process is used to control erosion and contamination from herbicides and pesticides.
3. Wildlife sanctuary, woodland or nature preserve and arboretum, excluding structures.
4. Recreation uses, such as park, picnic grounds, tent camping, golf course, hiking and biking trails, hunting, fishing, and swimming areas, excluding above ground structure with the exception of picnic tables and open sided pavilions not exceeding 400 square feet in roof area.
5. Forestry subject to the provisions of Section 811 of the Zoning Ordinance.
6. Land application of treated wastewater or partially treated wastewater when the final renovation of the wastewater is a natural biological process, when part of a municipal wastewater system when operated by West Bradford Township or an authority created by it.
7. Dwelling(s) and other structures when specifically allowed through an easement document and when allowed by the underlying district, however; this permitted use shall not apply to all property in the district only as noted herein. (Such as a Transferable Development Right Sending Area)
8. Municipal uses.
9. Storm water management facilities.
10. Underground utilities such as gas pipelines, sanitary sewer, public water, telecommunications, and storm water.

B. CONDITIONAL USES

1. Land application of treated wastewater or partially treated wastewater when the final renovation of the treatment is a natural biological process, when operated by other than a municipal system.

706B. DISTRICT MAP

The areas of this district may be shown on the Zoning Map and/or the Official Map. All areas described in this Section on final, recorded plats, which have been approved by the Township, shall be regulated by this Section whether or not they are shown on the Zoning Map and/or the Official Map. For clarity, the Open Area Overlay District may be shown on a separate Map showing these areas only, or on the Official Map.

D. Severability

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

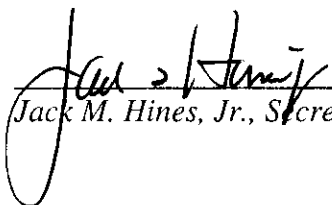
E. Effective Date

This Ordinance shall be effective five days following adoption.

*Enacted this 27th day of May, 2008 by the
Board of Supervisors of West Bradford Township.*

Attest:

**TOWNSHIP OF WEST BRADFORD
BOARD OF SUPERVISORS:**



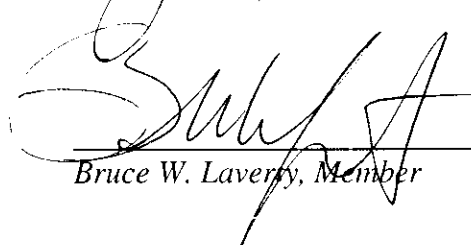
Jack M. Hines, Jr., Secretary



Mark J. Blair, Chairman



John A. Haiko, Vice-Chairman



Bruce W. Lavery, Member