



Chapter 7 ~ Land Use

“Some see things the way they are and say ‘why.’ I see things that never were and say “Why not?”
~ George Bernard Shaw



Bradford Heights Elementary, Stonegate & Brandywine Ridge Neighborhoods

Existing Land Use

Understanding existing land uses and the interrelationships between them is important for evaluating the location and suitability of future land uses. This Chapter covers one of the most important aspects of a Comprehensive Plan. The information presented here will be used as the basis for recommending the Township’s future land use plan (Chapter 8) and corresponding zoning changes to accommodate our expected growth.

As outlined in Chapter 3, the Township is expected to experience build-out during the life of this plan. It is very important that we plan wisely for the next two decades to ensure sustainability for our community. This Plan and its implementation may very well be the last chance that our community will get to solidify its character for the long term

To accomplish this it is more important to focus on retaining community character and our current quality of life; than to concentrate exclusively on just land use densities. This is a subtle difference that many people don’t fully understand. But, the fact is that given the existing land use regulations that municipalities must work under, setting unreasonable restrictions on densities of development are likely to result in the Township ultimately losing the character that it is trying to save. Some of the



most poorly planned and less sustainable, higher density developments in West Bradford have been the result of court mandates after a legal case was lost. .

This document would be remiss if it did not point out some of the land use and growth limitations that municipalities operate under in Pennsylvania. The Pennsylvania Municipalities Planning Code and corresponding case law, put restrictions upon the regulation of land uses by municipalities.

What municipalities can do...

- Municipalities can zone certain sections of the municipality for certain land uses.
- Municipalities can enact general regulations promoting the health and welfare of the community.
- Municipalities can consider community character and setting when establishing land use regulation.
- Municipalities can adopt multi-municipal comprehensive plans and corresponding multi-municipal zoning that provides for all required land uses and growth on a regional basis instead of a local basis.

What municipalities are **not** allowed to do...

- Municipalities cannot exclude particular land uses from their community. All land uses must be accommodated somewhere in a municipality (e.g. industrial, landfills, cell phone towers, adult uses, and penal institutions).³³
- Municipalities cannot zone a particular area without a whole rational planning framework to support it – “spot zoning.”
- Municipalities cannot discriminate in land use by precluding or overly regulating certain classes of individuals from locating in a community. Group homes for the disabled, treatment centers, religious worship uses, and half-way houses are examples of this.
- Municipalities cannot take private property without compensation. This would also include regulating land use by unduly and restrictively limiting a property’s use or density.
- Municipalities have limited regulatory options concerning public utilities and where they should be sited.

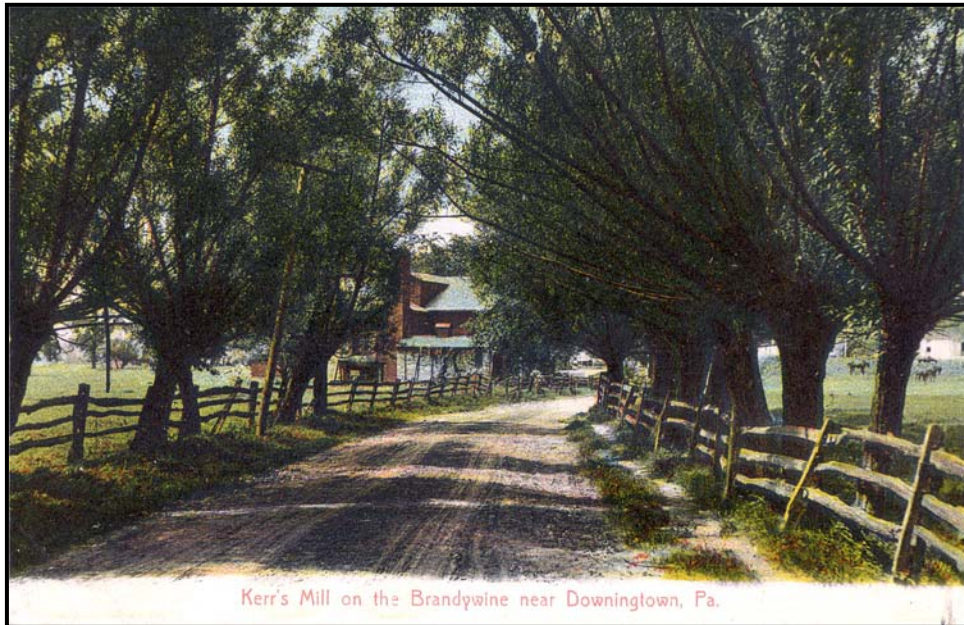


³³ This does not mean that once land zoned for a certain use has been filled that a municipality is obligated to rezone other lands to accommodate a specific use.



What municipalities are required to do...

- Municipalities must accept their “fair-share” of regional residential growth. This includes single family, multi-family, and apartments. Also, this means that very low densities cannot be zoned for without an overriding, recognized public interest.
- Municipalities must provide for all types of land uses in their Zoning Ordinances.





Adjacent Municipal Land Use

Land use impacts may extend beyond a municipality's boundaries; some having significant impacts upon neighbors and some having regional impacts. It is important to recognize how our proposed land uses may affect or be affected by those of adjacent communities. The generalized land uses in adjacent municipalities within 1,500 feet of the boundary are described below.



East Bradford Township – East Bradford lies to the east of our Township. The East Branch of Brandywine Creek is the boundary for a majority of the distance. Adjacent land uses are primarily open space and low density residential.

Pocopson Township – Pocopson lies to the southeast of our Township. The West Branch of Brandywine Creek is the boundary. Adjacent land uses are primarily farming and low density residential.

Newlin Township - Newlin lies to the south of our Township. A majority of the adjacent land uses are low density residential and a stabilized, Superfund landfill site. Within the Village of Mortonville there is a mix of neighborhood commercial and medium density residential uses.

East Fallowfield Township – East Fallowfield shares a western boundary with our Township. Adjacent land uses are low and medium density residential uses.

Caln Township - Caln shares a northern boundary with our Township. This coincides with a significant topological boundary – the southern ridgeline of the Chester Valley. This feature somewhat buffers adjacent land uses in Caln Township. A combination of medium and high density residential uses and some industrial uses are found adjacent to the boundary.

Downingtown Borough – Downingtown also shares a northern boundary with our Township. Both the East Branch of the Brandywine and the South Chester Valley Hills ridgeline occur here. Utility and high density residential uses abut our Township.

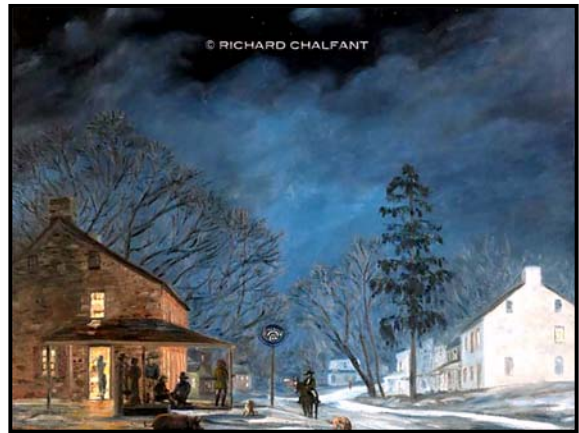
East Caln Township – East Caln shares a northeastern boundary with our Township. The East Branch of Brandywine Creek is the boundary between the Townships. Industrial and utility uses are adjacent to the creek.

West Bradford Township's existing land uses are very compatible with those of our eastern, southern, and western neighbors. Natural buffers separate and somewhat alleviate any negative impacts of the land uses to our north.



Land Use Pattern Summary

The existing land use pattern shows that West Bradford Township is primarily a bedroom community. Low and medium density residential uses are spread fairly evenly throughout our land area. The Township supports limited commercial and industrial uses. Our remaining farmland is not production farmland where a family's or business's livelihood depends upon it. Instead it is mostly used for gentlemen's farming such as for equestrian use, extra income, tax benefits, and/or aesthetic landscaping.



The Township is fortunate to have secured the amount of active recreational land that is projected to be needed to meet our parkland needs through our build out. It has supplemented this with a network of preserves and open space lands that protect many of our critical natural features and habitat areas. Due to the Township's topography and its many stream valleys, much of the residential development pattern is buffered and broken up by natural greenways. This is a key to the character of our community.

Future Developability

The Township can generally be broken into three sections regarding its future development potential. The eastern section located generally east of Shadyside and Telegraph Roads is largely built-out. While this area contains many larger lots that could conceivably be developed, a majority of these lots have private conservation easements on them that limit development.



The central section located generally east of Poorhouse, Broad Run, and Leids Roads has limited future development potential. Much of the area has already been subdivided and built on. However, pockets of constrained land with some development potential remain for smaller subdivisions. Regulations on future development for this area should pay particular attention to ensuring that natural features are not destroyed at the expense of new homes.

The remaining western section of the Township is less constrained and has larger tracts of developable lands. This area is the farthest from major transportation routes and has less supporting infrastructure than other areas in the Township. It has also been historically perceived as being less desirable to live in because its postal code is Coatesville; even though all of West Bradford Township



is within the Downingtown Area School District. This area is expected to receive the bulk of Township new development during the next decade.

Once the Township approaches build-out it is believed that more interest will be shown in redevelopment or the gentrification of existing residential structures. This has already occurred to a small extent in the Village of Marshallton, where existing structures were reconstructed or rehabilitated. Traditional neighborhood zoning and demolition restrictions were enacted to deal with this. It will become more important during the life of this plan to enact regulations that balance property and redevelopment rights on single parcels with the interests of community character and demographic changes.

Existing Land Use Density

While a Comprehensive Plan is not meant to establish specific development densities, its future land use planning establishes general land use and density recommendations that are meant to be implemented through a municipality's Zoning Ordinance. It is therefore important to look at existing zoning densities and how they relate to our existing neighborhoods before future land use recommendations are made.

In order to put recommended residential densities into a realistic framework that can be legally implemented and also to compare possible future densities with our existing neighborhoods, two tables were developed. Figure 7-1 shows sample subdivision densities and the average lot size effect of differing open space requirements. Figure 7-2 shows the densities of existing neighborhoods in our Township.

All of the sample subdivisions shown in Figure 7-1 have 100 acres. The number of homes that were selected for each degree of density is based upon a general range of accepted densities that are tailored to the characteristics found in West Bradford Township. Legal precedents have found that municipalities with characteristics similar to our own usually cannot support zoning residential densities lower than 1.25 acres per dwelling. The selected number of homes for higher density is based upon the densities of many of our denser existing subdivisions. The selected number of homes for medium density is based upon the average for much of our community. Hopefully, this will better illustrate the correlation between open space requirements and ultimate lot sizes.





**Figure 7-1
Sample Subdivision Densities**

Subdivision Type { all 100 acres }	Number of Homes	Open Space	Average Lot Size including OS	Average Home Lot Size
Low Density Subdivision (No Open Space)	80	0 ac	1.25 ac	1.25 ac
Low Density Subdivision (20% Open Space)		20 ac		1.00 ac
Low Density Subdivision (50% Open Space)		50 ac		0.63 ac
Low Density Subdivision (67% Open Space)		67 ac		0.41 ac
Medium Density Subdivision (No Open Space)	200	0 ac	0.50 ac	0.50 ac
Medium Density Subdivision (20% Open Space)		20 ac		0.40 ac
Medium Density Subdivision (50% Open Space)		50 ac		0.25 ac
Medium Density Subdivision (67% Open Space)		67 ac		0.17 ac
High Density Subdivision (No Open Space)	500	0 ac	0.20 ac	0.20 ac
High Density Subdivision (20% Open Space)		20 ac		0.16 ac
High Density Subdivision (50% Open Space)		50 ac		0.10 ac
High Density Subdivision (67% Open Space)		67 ac		0.07 ac



**Figure 7-2
Existing Neighborhood Densities**

Neighborhood	Area (acres)	Number of Homes	Open Space (acres)	OS %	Average Lot Size including OS	Average Home Lot Size
Brandywine Ridge	408	142	7	2%	2.87 ac	2.82 ac
Hilltop	38	32	0	0%	1.19 ac	1.19 ac
Romans Village	41	56	0	0%	0.73 ac	0.73 ac
Chestnut Ridge Estates	74	37	49	66%	2.00 ac	0.68 ac
Manorwood	30	48	0	0%	0.63 ac	0.63 ac
Stonegate	81	102	21	26%	0.79 ac	0.59 ac
Appleville Mobile Home Park	73	125	0	0%	0.58 ac	0.58 ac
Freedom Road Village	3.5	13	0.4	11%	0.27 ac	0.24 ac
Bradford Glen / Victoria Crossing	181	509	64	35%	0.36 ac	0.23 ac
Brandywine Green Phase I-III	93	207	51	55%	0.45 ac	0.20 ac
Meadowview	71	69	57	80%	1.03 ac	0.20 ac



Fair Share / Exclusionary Zoning Analysis

A regional fair share and exclusionary zoning study entitled *Regional Land Use Regulatory Assessment* was done in 2003 by the Downingtown Area Community Planning Group.

The following excerpts from that document define the terms.

Fair Share

"Fair share" is considered to be the municipality's legal responsibility for accommodating a variety of housing types for the people who are anticipated to move into the community. Pennsylvania's courts have clearly indicated that all communities that are considered to be in the path of growth must accept their fair share of regional growth by allowing for new housing to be constructed and to be comprised of the basic forms of housing and at varying densities.

Exclusionary Zoning

Exclusionary zoning refers to the commercial and industrial version of the fair share test. In order to be considered as validly promoting and protecting the public health, safety, and welfare, a zoning ordinance cannot exclude legitimate uses of land from the municipality. An ordinance that either specifically prohibits, or fails to make provisions for a specific use is said to affect a facial or "de jure" exclusion of the use. An ordinance which, on its face, permits a specific use, but which does not allocate sufficient land thereto or otherwise negates the facial provision of the use, is said to affect a "de facto" exclusion.

As evidenced by past growth and expected projections, West Bradford Township is squarely in the path of growth in the region and must abide by fair share requirements.

An analysis of our existing land uses and the zoning of developable tracts shows that the Township appears to currently meet its fair share requirements regarding single family, manufactured housing / mobile home parks, and multi-family residential. However, with the expected growth over the life of this plan and demographic trends showing smaller numbers of persons per household, the need to increase multifamily residential (apartments, townhomes, and non-traditional housing) opportunities will occur.



An analysis of our existing zoning ordinance shows that the Township meets its current industrial, penal, and commercial needs proportionately to its population. Again, as residential growth increases so does the proportionate need for these types of land uses. It appears that looking at expected growth our current zoning is sufficient to meet all of our needs, with the exception of commercial uses, to the Township's build-out. The overall proportion of commercial uses to residential uses should remain the



same, but the area allocated to commercial uses should increase proportionately with expected population growth.

Existing Land Use Mapping

Both Map 7-1 and Figure 7-3 show the existing land use in the Township at the end of 2008. Land uses are not static and change over time. The mapping and its analysis are meant to be a starting point for the development of the Future Land Use Plan found in Chapter 8.

Each land use category broadly defines the predominant land use that takes place on the properties within it. However, the actual intensity of the lands use varies from parcel to parcel. For instance a property within the residential category may also include different types of farming, home office uses, utility easements, or varied housing densities.

Existing uses that are not currently allowed under the parcel's current zoning are also shown. These "grandfathered" uses may not fit into the surrounding uses, but they are legally allowed. Also, natural features that could also be described as "land uses" are not included such as woodlands and water resources. Other than for agriculture, Pennsylvania law generally does not recognize these as land uses that can be zoned for. Pennsylvania law does generally allow for the consideration of the importance of these types of natural features within a municipality's Subdivision and Land Development Ordinance. This Plan will consider the predominant natural features mapping as shown in Chapter 4 when establishing its future land use planning in Chapter 8.





**Figure 7-3
Existing Land Use**

Land Use Category	Approximate Acres	Percent of Total
Single Family Residential	5,049	41%
Multi-family Residential	1	0%
Manufactured Housing	277	2%
Residential Subcategory	5,328	44%
Agricultural Lands	2,400	20%
Vacant / Underutilized Lands	1,884	15%
Agricultural / Vacant Subcategory	4,285	35%
Commercial / Office Uses	272	2%
Light Manufacturing / Industrial Uses	37	0%
Commercial Subcategory	309	3%
Parklands / Preserves	602	5%
Homeowners' Association Lands	733	6%
Golf Course	345	3%
Protected Open Spaces Subcategory	1,680	14%
Institutional Uses	393	3%
Municipal Uses	90	1%
Utility Uses	139	1%
Municipal / Institutional Subcategory	621	5%
TOTAL ACREAGE	12,223*	100%
<p>* Acreage includes parcels that span more than one municipality.</p> <p align="right">Source: Chester County Parcel Base 2007 as classified by West Bradford Township</p>		



Residential

The existing land use map shows three categories of residential uses – single family residential, multi-family residential, and manufactured housing. These uses make up the predominant land uses (44%) of West Bradford. Most of the manufactured housing stocks in the Township are contained within the Appleville Mobile Home Community on Marshallton Road. The remaining residential uses are spread evenly across the community.



Agricultural / Vacant

The second most common land uses are agricultural lands and vacant or underutilized lands. The specific land uses in these categories have wide latitude and can change rather frequently. West Bradford Township does not have the existing land use patterns, demographics, and economics to sustain a viable agricultural base anymore. Efforts to sustain and enhance its agricultural base over the life of our previous Comprehensive Plan were unsuccessful primarily due to our regional location – directly in the path of residential housing growth.

Remaining agricultural lands are limited in their productivity and many of them are still in limited production because of conservation easements that make agricultural uses the highest and best use of land. Some of the agricultural lands are on larger lots that would not support typical production agriculture characteristic of the County. They are instead used as “gentlemen’s farms” with equestrian uses being predominate. Many of the lands in these categories also may retain development potential. They are awaiting development by being farmed or laying fallow.



Commercial

This category includes commercial, light manufacturing, and industrial uses. In West Bradford Township these uses are not concentrated and are interspersed with other uses. Small businesses of various types make up the bulk of commercial uses. Residual light manufacturing uses have remained in their historic locations. This category makes up 3% of the land uses in the Township.



The topography and road network in the Township are not conducive to large scale commercial uses. However, the smaller commercial uses make up an important aspect of the community and promote our quality of life and diversify our economy. The current ratio of commercial uses to residential uses is 1:14 in our community. Currently, for every 14 acres in residential use there is one acre in commercial use.

Protected Open Spaces

This category includes parks, preserves, homeowner's association lands, and the Broad Run golf course. They are protected open spaces precluded from further development and make up a significant, but not proportionately large (14%), amount of the Township's land uses. These uses are spread throughout the community. When combined with our rolling topography and other natural features protected by non-zoning ordinances, these uses break up our development pattern and make the community feel less dense than it actually is.



Municipal / Institutional

This category includes municipal, institutional, and utility uses. Municipal uses include non-recreational municipal lands, the Pennsylvania State Police Embreeville Barracks, the Chester County PennDOT maintenance complex. The primary institutional use in West Bradford is the Embreeville Complex owned by the State and houses social welfare and penal uses. Institutional uses also include those religious holdings and non-profit uses disbursed through the community. Utility uses include only those lands that a utility owns in fee simple such as sewage treatment plants, water dispersal substations, and railroad corridors. Corridors used by utilities, but having a "use" easement such as pipelines and electric transmission lines are not included.

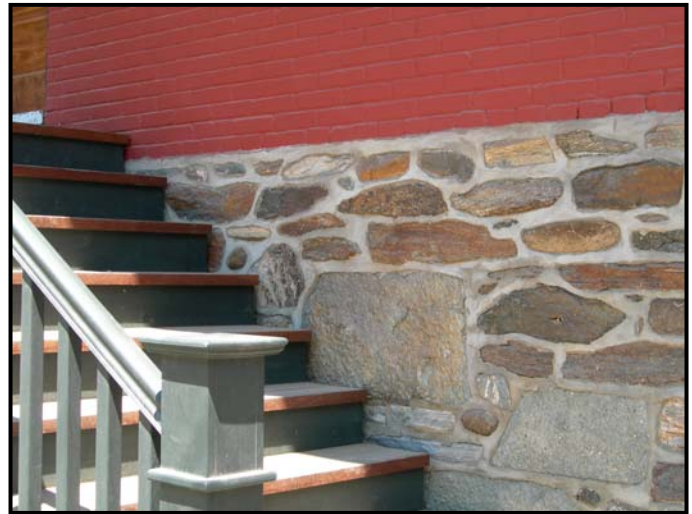




Land Use Management Regulations

The two principal regulatory documents guiding land use in West Bradford Township are its Zoning Ordinance (adopted 1977, as amended) and its Subdivision and Land Development Ordinance (adopted 2006, as amended). These ordinances are the primary tools available to the Township for implementing the future land use related objectives of this Comprehensive Plan. These two regulatory ordinances are not static; the Township has amended them from time to time to ensure that our overall land use goals are being met in the best way possible. The Township's current zoning is shown on Map 7-2.

Generally, the Zoning Ordinance governs the density and location of land uses, as well as dimensional requirements such as setbacks, heights, area and bulk standards. The current base zoning in West Bradford Township consists of eight residential districts, three commercial districts, one industrial, one institutional, two mixed use, and one traditional neighborhood district. There are three overlay districts – Flood Hazard, Open Area, and Romansville Traditional Neighborhood overlay districts. Overlay districts allow the base zoning uses, but apply further restrictions based upon a specific resource that occurs over the base parcel.



The Subdivision and Land Development Ordinance establishes minimum requirements for building lot layout and design, as well as for necessary development-related improvements such as water supply, road access, stormwater management, and sewage disposal. The Township's Subdivision and Land Development Ordinance also established standards to protect natural resources such as slopes, woodlands, riparian buffers, and erosion prevention.

Figure 7-4 summarizes how the current zoning ordinance applies to the major uses and densities in each district. Please refer to the Zoning Ordinance for specific descriptions of each zoning district.



**Figure 7-4
West Bradford Township Existing Zoning**

Zoning Designation	Major Uses / Densities ³⁴	Acres / Percent of Total
R-1 Residential	Single Family Detached Homes & Agriculture (1 d.u. / net acre)	8,741 (73.5%)
R-1C Residential	Single Family Detached Homes & Conservation (0.4 d.u. / net acre)	498 (4.2%)
R-2 Residential	Single Family Detached Homes with public sewer and water (1.75 d.u. / net acre)	308 (2.6%)
R-2A Residential	Single Family Detached Homes with public sewer and water (1.75 d.u. / net acre & cluster development setbacks)	245 (2.1%)
R-2B Residential	Single Family Detached Homes with public sewer and water (2 d.u. / net acre & cluster development setbacks)	49 (0.4%)
R-3 Residential	Manufactured Homes with public sewer and water (4 d.u. / net acre)	67 (0.6%)
R-4 Residential	Single Family or Multi-family dwellings with public sewer and water (5 d.u. / net acre)	71 (0.6%)
R-5 Residential	Single Family Attached Homes with public sewer and water (1 d.u. / gross tract acre w 75% open space)	109 (0.9%)
Residential Subcategory	10,888 acres	84.8%
C-1 Commercial	General Commercial Uses (0.7 acre lot size)	23 (0.2%)
C-2 Commercial	Agricultural Sales (0.45 acre lot size)	5 (0%)
C-2A Commercial	Nursery Sales & Goods Repair, (6 acre lot size)	12 (0.1%)
Commercial Subcategory	40 acres	0.3%

³⁴ Please see ZO for full description



Zoning Designation	Major Uses / Densities ³⁵	Acres / Percent of Total
I Industrial	Limited Industrial & Manufacturing, (2 acre lot size)	201 (1.7%)
Industrial Subcategory	201 acres	1.7%
IM Mixed Institutional	Institutional Uses (2 acre lot size)	418 (3.5%)
Institutional Subcategory	418 acres	3.5%
UDA Unified Development Overlay Area	Master Planned Residential & Commercial Uses (300 acre tract size)	1,051 (8.8%)
TND-2 Traditional Neighborhood Development	Mixed Residential & Commercial Uses with design controls (0.25 acre lot size)	100 (0.8%)
TND-1/VOD Traditional Neighborhood Development / Village Overlay District	Mixed Residential & Commercial Uses with design controls (20 acre tract size)	212* (1.8%)
Mixed Use Subcategory	1,363 acres*	11.4%
TOTAL ACREAGE	11,900 acres	100%

* Overlay area exists in more than one zoning district; therefore totals are greater than 100%.

Source: Chester County Parcel Base 2007 as classified by West Bradford Township



³⁵ Please see West Bradford Township's Zoning Ordinances for a full description.