

TOWNSHIP OF WEST BRADFORD
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE 2006-02

**AN ORDINANCE TO AMEND THE WEST BRADFORD TOWNSHIP ZONING
ORDINANCE, BY DELETING THE TDR SECTION, AMENDING THE OPEN
SPACE RESIDENTIAL DESIGN OPTION, INCORPORATION OF FORESTRY
REGULATIONS, AND THE REGULATION OF DEMOLITIONS WITHIN THE
TND-2 DISTRICT**

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

Section 1 - Revise Section 200 – Definitions

- A. Add new definition – Riparian Buffer (inner): A buffer of land with a minimum width of thirty-five (35) feet beginning at the top of the stream bank of a watercourse measured horizontally on a line perpendicular to the edge of the water at the top of the defined bank (at bankfull) as reviewed and approved by the Township Engineer. This area shall extend to both sides of the watercourse to a total minimum buffer width of seventy (70) feet. Riparian buffers shall apply to water bodies and their tributaries that have been designated as a greenway in the Township’s *Greenways, Trails, and Gateways Plan* (Comprehensive Plan component) plus all waters identified as EV or HQ by the State.
- B. Add to Net Tract Area – I. Any area identified as an inner riparian buffer.
- C. Add to Net Lot Area – G. Any area identified as an inner riparian buffer.
- D. Revise definition – “Forestry” shall be changed to Forestry Activities. An additional sentence shall be added, “Christmas tree farms and landscaping activities associated with residential, business, industrial, or commercial structures shall not be considered forestry activities.”
- E. Add new definition – Clear Cutting: The indiscriminate removal of all trees on a site, or portion thereof, during a single timber harvesting operation or within a six-month timeframe.
- F. Add new definition – Demolition: the tearing down, removal, or razing of a significant portion of a structure or landmark.
- G. Add new definition – Historic Structure: a building, structure, site, object, or landmark that:
 - a. Has been placed on the National Register Historic Places (Districts, Properties, or Landmarks); or
 - b. Is eligible for listing on the National Register Historic Places (Districts, Properties, or Landmarks); or

- c. Has an age of seventy-five (75) years or older containing features of general historical, architectural, cultural, archaeological merit; or
 - d. An age of fifty years (50) years or older containing particular historical, architectural, cultural, archaeological merit significant in that:
 - i. It can be identified with a historical personage or event;
 - ii. It is representative of a period style of architecture;
 - iii. It is a notable work of a recognized master architect, designer, or builder who influenced his/her era; or
 - iv. It has particular significance for any reasons of local, state, or national history.
- H. Add new definition – Imminent Danger: When, in the opinion of the Township’s Building Code Official, there is imminent danger of failure or collapse of a structure which endangers life or when any structure, or part thereof, has fallen and life is endangered by the occupation of or by entering the proximity of the structure.
- I. Add new definition – Unsafe Structure: An unsafe structure is one that has been found by a certified professional structural engineer or code official to be dangerous to the life, health, property, or safety of the public or the occupants of the property by not providing the minimum safeguards necessary for the safe use of the structure or because such structure is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that a partial or complete collapse is possible.

Section 2 – Transfer of Development Rights

- A. Delete Section 401.9 – Transfer of Development Rights in its entirety

Section 3 – Open Space Residential Design Option

- A. Delete Section 401.2.A.2
- B. Revise Section 401.2.C.4 – delete the following, “*where any individual single-family lot is less than 15,000 square feet in gross area.*”
- C. Revise Section 401.10 – Open Space Residential Design Option as follows:
 - 401.10.A, 2nd paragraph, last sentence shall be revised to, “All lands subject to conservation easement(s) *to be placed as a result of the use of the Open Space Residential Design Option* shall be eligible for calculation of Restricted Open Space, subject to the applicable provisions of Section 802.14.
- D. Delete Section 402.10.C in its entirety and replace it with the following:
 - 402.10.C. Minimum Lot and Yard Areas

Under the Open Space Residential Design Option the following lot and yard area regulations shall apply to any principal residential structure or any other structure, as shall the design standards of Section 802.14.

1. The minimum lot area shall be twenty-two thousand (22,000) square feet.
2. The minimum lot width at the street line shall be fifty (50) feet.
3. The length to width ratio of each lot shall not exceed 2.5 to 1.
4. Minimum separation between building at any point, except as provided in subsection 2 below, shall not be less than 20 feet, except that the minimum separation shall not be less than 50 feet measured perpendicularly from the rear wall of any residential structure to any point on any other building not accessory to such residential structure.
5. Minimum separation at any point between accessory buildings and principal structures to which they are accessory shall not be less than that prescribed by applicable provision of the current Building Code of West Bradford Township; minimum separation between accessory buildings and any other buildings shall comply with subsection 1 above. **Where permitted, structures that are accessory to a residential use and not approved as part of the original conditional use or land development submission shall not be located less than five (5) feet from any lot line.**
6. No exterior windows, doors, or other openings shall be permitted in any portion of any principal or accessory structure located less than five feet from any lot line.
7. Where any portion of any principal or accessory structure is located less than five feet from any lot line, a perpetual easement providing for maintenance of the structure, and measuring no less than five feet in width from any lot line, and no less than five feet in width from the affected walls, shall be provided on the adjacent lot(s). This provision shall not apply to lot lines separating two-family or multiple-family dwelling

units or the interior of the same principal structure (potentially feasible within historic structures per Section 802.15).

8. Minimum setback from the edge of right-of-way of any new local road which is a part of the subdivision/land development under application shall be not less than 25 feet, except as provided below, or where abutting an existing road or new arterial or collector road, in which case the setbacks set forth in Section 401.4A shall apply.
9. Unless a greater setback is required elsewhere in this Ordinance, all garages, attached or detached, shall have a minimum setback from the curb or sidewalk of 40 feet. Any less restrictive standard in this Ordinance to the contrary notwithstanding.
10. All proposed dwelling units in a development utilizing the Open Space Residential Design Option shall be situated so that they are set back a minimum of 50 feet from the pre-development perimeter boundary of the tract. Existing dwellings and dwellings resulting from the conversion of existing structures shall be exempt from this requirement.
11. In submission of subdivision and/or land development plans, applicant shall indicate for each lot created under this development option the maximum feasible building envelope which complies with the foregoing area and bulk requirements.

Section 4 -- Forestry Activities

A. Add new Section 811 - FORESTRY ACTIVITIES as follows:

- A. Forestry activities, including, but not limited to timber harvesting, shall be a permitted use by right in all zoning districts. Forestry activities shall be conducted in accordance with the following, requirements, conditions, and/or approvals:
 1. A zoning permit shall be obtained from the West Bradford Township Zoning Officer prior to harvesting or otherwise removing 30 or more trees with a trunk diameter of three (3) inches or more at a point four (4) feet above ground level (DBH) on any tract of land larger than one acre.

2. A Forestry Management Plan shall be prepared and submitted with the zoning permit. A qualified forester or forester technician shall prepare this plan.
3. The Forestry Management Plan shall be consistent with the Timber Harvesting Guidelines of the Pennsylvania Forestry Association.
4. Prior to the issuance of the zoning permit, an Erosion and Sedimentation Control Plan shall be submitted by the applicant to the County Conservation District for review, recommendation, and approval.
5. Clear cutting shall be prohibited except on tracts of one acre or less.
6. When harvesting or otherwise removing 40 or more trees with a trunk diameter of three (3) inches or more at a point four (4) three feet above ground level (DBH) on any tract of land larger than one acre, at least 30% of the forest cover (canopy) shall be kept and the residual trees shall be well distributed. At least 30% of these residual trees shall be composed of the highest value species as determined by a forester and pursuant to the Forestry Management Plan.
7. Clear cutting is prohibited on areas with slopes equal to or greater than fifteen (15) percent, within wetlands, within the Township's Flood Hazard overlay zoning district, and within a one-hundred (100) foot riparian foot buffer along State designated High Quality (HQ) and Exceptional Value (EV) waters.
8. Applicants are encouraged to include a replanting scheme within the Forestry Management Plan using native species.

Section 5 – Demolition Standards within the TND-2 District

A. Add Section 408.11 - Demolition Standards within the TND-2 District

The Village of Marshallton is a listed National Register Historic District and a majority of its buildings and structures are contributing resources to that designation.

Pursuant to the authority granted in the Pennsylvania Municipalities Planning Code, West Bradford Township seeks to promote, protect, and facilitate the

preservation of the scenic and historic values by regulating demolition within the Traditional Neighborhood Development-2 (TND-2) Zoning District. This section shall provide for the protection of historic features and resources and promote and preserve areas of historical significance within the village.

- A. The demolition of historic structures, or components thereof, shall be permitted by Special Exception within the TND-2 district.
- B. The demolition of non-historic structures shall be governed under the Township Ordinances adopting the Pennsylvania Uniform Construction Code (Ordinance 2004-02), as may be from time to time amended by the Township.
- C. Upon the receipt of a demolition permit, the Township Zoning Officer shall make a determination as to whether the structure or landmark shall be classified as a historic structure.
- D. Special Exception Criteria –

The applicant must establish by clear preponderance of the evidence that the following conditions shall apply in addition to any applicable provisions Section 803 and all appropriate provisions of Section 1005.3. The burden of proof shall be upon the applicant and not the Township or any adversely affected party.

- a. The structure is not listed on the National Register of Historic Places, is not eligible for listing on the Register, or is not considered a contributing resource to the any eligible or listed Structure or the District.
- b. The proposed demolition will not substantially injure or detract from the use of the neighboring property(ies) or from the historical character of the village.
- c. The circumstances for which the special exception is sought were neither created by the owner of the property or were not within his ability to prevent (e.g. benign neglect).
- d. The structure displays an architectural style, or non-removable elements, that are out of character with the surrounding structures or context of the Village.
- e. The structure shall be replaced with a structure(s) that are in character with the Village and comply with the requirements outlined in the “Manual of General Design Guidelines” for the TND-2 District.
- f. That any salvageable, characteristic elements be removed from the structure and reutilized within the Village.
- g. That the demolition is part of an adaptive reuse whereby other portions of the structure shall be rehabilitated and reused.

- h. That the structure be available for cataloguing and photography by the Township Historical Commission prior to demolition.
- i. That explosives not be used in the demolition, and that heavy machinery not be used where vibrations or debris may cause an impact upon neighboring properties. Where the previous conditions exist the structure shall be disassembled by hand or by hand-machinery.
- j. The structure has been deemed an unsafe structure and deemed an imminent danger.
- k. That the proposed demolition shall follow all rules and regulations as per the West Bradford Township Property Maintenance Code.

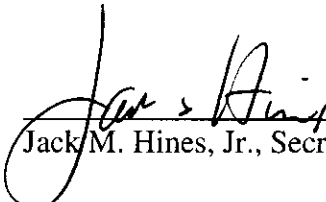
Section 6 – Severability

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.

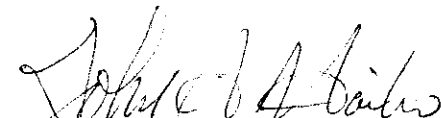
**Enacted this 28th day of March 2006 by the
Board of Supervisors of West Bradford Township.**

Attest:

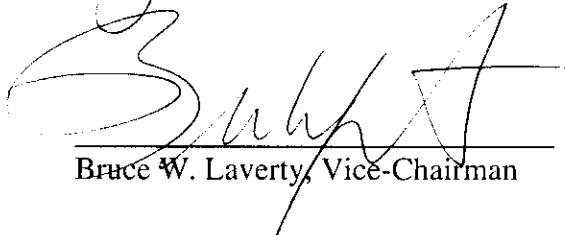
**TOWNSHIP OF WEST BRADFORD
BOARD OF SUPERVISORS:**



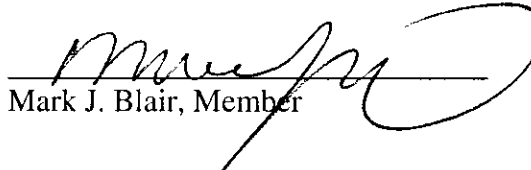
Jack M. Hines, Jr., Secretary



John A. Haiko, Chairman



Bruce W. Lavery, Vice-Chairman



Mark J. Blair, Member