

ORDINANCE NO. 96-02

AN ORDINANCE OF THE TOWNSHIP OF WEST BRADFORD, COUNTY OF CHESTER, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF WEST BRADFORD TOWNSHIP, AS AMENDED, (THE "ZONING ORDINANCE") BY CREATING A UNIFIED DEVELOPMENT AREA ZONING CLASSIFICATION, DEFINING THE TYPES OF USES PERMITTED IN THE UDA DISTRICT AND ESTABLISHING DEVELOPMENT STANDARDS FOR THE VARIOUS USES WITHIN THE DISTRICT.

The Board of Supervisors of West Bradford Township, Chester County, does hereby enact and ordain as follows:

**SECTION 1.** Section 201, "Definition", is amended by inserting in proper alphabetical order the following defined terms:

**Master Development Plan:** A plan or plans accompanied by written materials where such are necessary to describe, in graphic form and narrative form, the information required in a Unified Development Area application under Article 405 of this Ordinance.

**Municipalities Planning Code ("MPC"):** The Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, reenacted and amended by Act No. 170 of 1988, as subsequently amended.

**Unified Development:** A development of land in accordance with Article 405 of this Ordinance.

**SECTION 2.** A new Article 405, entitled "Unified Development Area" is hereby added to the Zoning Ordinance, as follows:

**405 UNIFIED DEVELOPMENT AREA DISTRICT**

**405.1 PURPOSE**

The Unified Development Area ("UDA") District has been established for the following purposes:

- A. To provide an opportunity for integrated development of a variety of uses according to a Master Development Plan ("Master Plan");
- B. To encourage the preservation of open space for conservation and recreation;

- C. To provide opportunities for site design that conserve the natural, historical and visual resources of the tract;
- D. To provide opportunities for storm water and waste water management facilities which promote groundwater recharge;
- E. To provide flexibility in design and use of larger tracts of land within the Township consistent with the goals and objectives of the Township Comprehensive Plan;
- F. To provide an opportunity for unified and harmonious development in order to establish continuity between uses in terms of character, scale, building massing, internal circulation patterns and open space.

#### **405.2 ZONING OVERLAY CONCEPT**

- A. The UDA District of West Bradford Township shall be deemed an overlay district on the otherwise applicable zoning districts as delineated on the Township zoning map. Said overlay, and the zoning subdistricts as are designated in the approved Master Plan, shall become affixed to the land as the base zoning for the tract (and the official zoning map of the Township shall be amended accordingly) upon the approval of the Master Plan by the Board of Supervisors; provided, however, that in the event that the open space is not finally restricted, dedicated or conveyed as provided in the Master Plan and as required by Section 405.3 within two (2) years after the date of the approval of the UDA District, or if the applicant or its successor notifies the Township in writing that it does not intend to so restrict, dedicate or convey the open space, the zoning of the tract shall revert to the zoning that existed immediately prior to the approval of the UDA District, and the UDA District shall be of no further force or effect. No building permit shall be issued prior to the restriction, dedication or conveyance of the open space as provided in the Master Plan, and approval by the Board of Supervisors of all material provisions of the open space plan.
- B. The zoning subdistrict which may be designated as the zoning for the tract shall be R-1. Development within the designated zoning subdistrict of the approved UDA District shall be in accordance with the zoning regulations applicable to such designated zoning subdistrict, modified by the performance and development standards provided in this Article 405.

### 405.3 QUALIFYING CONDITIONS

The following conditions shall serve as the criteria for an application to be considered eligible for consideration under this Article 405:

- A. The tract shall have a contiguous area of not less than three hundred (300) acres having frontage along a collector or arterial road as designated by the Township Comprehensive Plan. The term "tract" shall include all land within the boundaries of the proposed Master Plan, including but not limited to wetlands, steep slopes, and flood plains, and exclusive only of existing road right-of-ways and existing utility easements; provided, however, that utility easements shall not include sewage effluent spray irrigation areas which shall be included in determining the area of the tract.
- B. Not less than sixty percent (60%) of the tract shall be either: (1) designated as open space, which shall be designed to link proposed zoning subdistricts, conserve sensitive environmental and cultural resources and provide opportunity for active and/or passive recreation, or (2) dedicated or conveyed to the Township for open space use, subject to approval and acceptance by the Board of Supervisors. "Open space" for purposes of this Article 405 shall have the meaning provided in subsection 405.3D below. The open space requirement of this Section shall supersede and be in lieu of all other Township ordinances requiring the designation of open space or community facilities.
- C. If the tract is not held in single ownership, all of the owners of the tract must join in the application.
- D. Open space for purposes of this Article 405 shall mean land meeting the following criteria:
  - 1. Land which is the subject of a perpetual, legally binding covenant in favor of the Township, running with the land and prohibiting the construction of structures for residential, office, commercial, industrial or other use (other than existing historic and agricultural structures, and agricultural and golf course uses existing or permitted in the zoning district in which the land is located) and which vests in the Township the right to enforce the use, maintenance and management restrictions and obligations upon such land.
  - 2. Open space so restricted may be owned by any individual or entity, including but not limited to a homeowners' association, a conservation organization, or, with Township approval, the Township.

3. Open space must be suitable for one or more of the following purposes: active recreation, park sites, woodland and wildlife preserves, flood plain conservation, and the preservation of other scenic or historic features consistent with the plan and policy of future land use for the Township.
4. Use of open space may be for the general public, or restricted to residents of adjoining land, members of a homeowners' association or other group as approved by the Board of Supervisors.
5. Open space may include steep slopes, land covered with water, land subject to easements for spray irrigation disposal of effluent, sewage effluent basins or storm water management control.
6. Open space shall have a minimum width of fifty (50) feet when adjacent to collector roads.
7. Adequate access shall be provided to open space for the general public or other group for whom the open space is available for use.

#### **405.4 APPLICATION CONTENT**

Applications for a UDA District shall meet all procedural requirements for a zoning map amendment as required by the MPC and the Zoning Ordinance of West Bradford Township, and shall include the submission of a Master Plan and accompanying support data for the affected tract, as follows:

A. Master Plan

The Master Plan shall be drawn at a scale of not less than one (1) inch equals two hundred feet (200') and shall be supplemented with additional information sufficient to assess the impact of future development of the tract, including, but not limited to, the following:

1. The boundaries of each of the proposed subdistricts within the entire tract, including, but not limited to:
  - a. The location and type of land uses proposed in each subdistrict; and
  - b. Total building area being proposed, represented by the total square footage of office and commercial buildings and total residential dwellings.

2. The location and proposed use and disposition to be made of open space and other common areas and facilities, including the proposed schedule for the dedication and/or imposition of restrictions upon the open space in accordance with Section 405.3.
3. The general vehicular and non-vehicular circulation for the tract, including points of access to the tract, and the location, dimensions and rights of way of the major road network that will link subdistricts.
4. The source and general methods by which water shall be supplied and sewage shall be treated and disposed, in accordance with Act 537.

B. Environmental Impact Assessment Report

The applicant shall submit with the Master Plan an Environmental Impact Assessment Report as described in Section 901 of the Subdivision and Land Development Ordinance.

C. Additional Information

The following additional information shall accompany the Master Plan and be made part of the application:

1. A narrative describing how the proposed application complies with each of the purpose statements under Section 405.1.
2. A narrative generally describing proposed covenants, restrictions and development standards for the Unified Development.
3. A narrative description of existing zoning and land uses on, and adjacent to, the tract.
4. An inventory of historical resources and existing open space and recreation areas on the tract.

#### **405.5 PROCEDURES**

The following procedures shall apply to the designation of a UDA District and the underlying subdistricts:

A. Review of Master Plan

The Master Plan shall be submitted to the Board of Supervisors together with such fee and such forms as may be prescribed by the Board, which shall,

within thirty (30) days of submission of a complete application, refer the application to the County and Township Planning Commissions. Not later than ninety (90) days, but not earlier than thirty (30) days after such referral, the Board shall hold a public hearing to consider the application, pursuant to public notice and posting of the tract as required by the MPC for a zoning map change. The Board, within thirty (30) days following the conclusion of the public hearing, shall, by written notice to the applicant:

1. Grant approval to the Master Plan as submitted;
2. Grant approval to the Master Plan, subject to specified conditions not included in the Master Plan as submitted or;
3. Deny approval to the Master Plan.

Failure of the Board of Supervisors to timely approve or deny the Master Plan as provided above shall be deemed to constitute a denial of the Master Plan application.

B. Criteria For Master Plan Review

The following criteria shall be considered by the Board of Supervisors when evaluating Master Plan applications submitted under the provisions of this Article 405:

1. The natural environments of the tract, with particular reference to preservation of streams, wetlands, Pennsylvania Natural Diversity Index Sites, woodlands and slopes in excess of twenty percent (20%), protection against soil erosion and water contamination, and provision for flood and storm water run off control.
2. Location of subdistricts, infrastructure and open space shall take into account the following:
  - a. Suitability with respect to topography and drainage.
  - b. Compatibility with surrounding land use.
  - c. Preservation of significant natural features and vegetation.
  - d. Preservation of significant visual resources.
  - e. Preservation of water quantity and quality.

3. Consideration of traffic improvements designed to alleviate potential vehicular traffic congestion resulting from implementation of the Master Plan, including any off-site improvements demonstrated to be required as a result of the UDA development.
4. Provision for the ownership, public access and restrictions of the proposed open space which will secure proper maintenance and preservation thereof for open space purposes.
5. Preservation of historic sites and structures.
6. Determination of compliance with each of the purpose statements under Section 405.1.

C. Submission of Subdivision and Land Development Plan

Approval of the Master Plan shall not constitute a subdivision or land development of any part of the tract, and the applicant shall comply with all subdivision and land development application requirements, except as expressly modified in this Article 405. The developer, or any successor to the developer, for all or any portion of the Unified Development, shall comply with the West Bradford Subdivision and Land Development Ordinance for the Unified Development. The application may include a subdivision and/or land development plan for the first phase of the Unified Development. Approval of the Master Plan by the Board of Supervisors will be in lieu of any conditional use approval otherwise required with respect to uses provided in and approved as a part of the Master Plan.

D. Vested Right to Proceed

The applicant, or any successor to the applicant, for all or any portion of the Unified Development, shall have a vested right to proceed according to the Master Plan, and no subsequent change or amendment to the zoning, subdivision and land development ordinance, or other governing ordinance or regulation, shall be applied to affect adversely the right of the applicant, or any successor, to commence or complete any aspect of the approved Master Plan, or materially increase the amount of site improvements or the projected cost of construction of buildings and site improvements, for a period of twenty (20) years from the date of approval of the Master Plan.

E. Amendment of Master Plan

The Board of Supervisors may permit amendment of the Master Plan upon application for amendment by an applicant representing the entirety of the

Unified Development by following the procedures and criteria outlined in Section 405.5A and Section 405.5B.

#### **405.6 PERFORMANCE STANDARDS**

A Master Plan which includes the designation of an underlying zoning district of R-1 Residential District may include a request that any or all of the following provisions regulating use, lot area, yards and building length and height, and sections regulating steep slopes and off-street parking apply notwithstanding any provision of the underlying zoning district to the contrary:

- A. Driveway access and storm water facilities may be located on steep slopes, provided that not less than 70% of steep slope areas on the tract remain undisturbed. Section 810A.3(a) may be modified to permit construction of an access driveway and storm water facilities on steep slopes in excess of twenty percent (20%) without a compensating increase in minimum lot size otherwise applicable, provided that not less than three (3) acres of open space which is not located in steep slopes or flood hazard areas shall be provided for each lot in which construction on steep slopes in excess of twenty percent (20%) is permitted, the standards of Section 8403 of the Driveway Ordinance are satisfied, and each lot in the tract contains not less than 4,000 square feet of contiguous land not constrained by steep slopes, wetlands, or flood hazard areas. These modifications shall be permitted only with the review and approval of the Township engineer.
- B. Not more than twenty percent (20%) of the lots on the tract may have a minimum lot area of less than 12,000 square feet (but not less than 9,000 square feet), provided that the average lot size of all lots included in the Master Plan is at least 18,000 square feet, the overall tract density is not greater than one (1) unit per two and one half (2.5) acres, and each lot in the tract contains not less than 4,000 square feet of contiguous land not constrained by steep slopes, wetlands, or flood hazard areas. Steep slopes areas may be included in the calculation of lot area.
- C. Flag lots and cul-de-sac bulb lots may have a minimum frontage of forty (40) feet at the street line, measured by chord not arc. Only the lot frontage with driveway access of double frontage lots shall be required to meet a minimum width at the street line.
- D. A minimum lot width at the building line of not less than eighty (80) feet with all contiguous lots averaging a width at the building line of ninety (90) feet may be permitted. The lot width at the building line of any non-contiguous lot shall be not less than ninety (90) feet. For the purposes of calculating the average width at the setback line of contiguous lots, no lot width at the setback

line greater than one hundred fifty (150) feet shall be used in such calculations. For double frontage lots, only one frontage shall meet this requirement.

- E. A minimum lot depth of not less than eighty (80) feet for lots smaller than 12,000 square feet may be permitted. Lots bordered by open space shall have a minimum lot depth of not less than one-hundred twenty feet (125), of which not more than forty-five (45) feet may be located in the open space rather than on the lot.
- F. Maximum impervious coverage of a residential lot may be the lesser of 6,300 square feet or one-half of the lot area.
- G. Front-yard setback distances for local roads may be not less than thirty (30) feet from the street right-of-way line or not less than forty (40) feet from the street centerline, whichever is greater; this setback requirement may be reduced to ten (10) feet from the street right-of-way line for historic structures. In addition, not more than twenty-five percent (25%) of the residences may be located not more than ten (10) feet forward of the building setback line if the same number of lots are located an equal distance behind the setback line. However, any structure that is located at a distance greater than an additional thirty (30) feet from the minimum setback cannot be included in the calculation of the number of lots that can be set forward of the setback line. Front-yard setback distances for collector roads may be not less than fifty (50) feet from the street right-of-way line or not less than sixty (60) feet from the street centerline, whichever is greater.
- H. Side yard setback distances of not less than ten (10) feet may be permitted, provided that the distance between residences is not less than thirty (30) feet for not more than fifteen percent (15%) of the residences on the tract, and not less than forty (40) feet for not less than eighty-five percent (85%) of the residences on the tract.
- I. Rear yard setback distances of not less than twenty (20) feet may be permitted.
- J. Treated sewage effluent to be returned to the groundwater by spray irrigation in accordance with Act 537, and subject to approval by the Board of Supervisors.
- K. Section 810A.3(f) may be modified to permit banks created by cutting and filling to exceed the right-of-way, subject to Township Engineer approval.
- L. Emergency access shall be provided if required by the Planning Commission. Emergency access shall be indicated by either reflective markers or trees set

every seventy-five (75) feet (alternating sides) along the emergency access. Emergency access roads shall be not less than sixteen (16) feet wide, with a slope not to exceed six percent (6%), and shall be capable of supporting emergency vehicles during wet or freezing weather conditions.

- M. Facilities accessory to a golf course, including but not limited to a country club house, restaurant, pro shop, cart storage and maintenance facilities, may be on a lot of not less than five (5) acres, provided that such lot meets all subdivision requirements, is contiguous to the golf course, and the maximum impervious surface area does not exceed the lesser of 50% of the lot or three (3) acres.
- N. Baked goods and non-alcoholic beverages may be sold to the general public by a Bed and Breakfast Inn otherwise meeting the requirements of Section 802.13.
- O. A building, structure, or parking facility within a country club or golf course may be nearer than fifty (50) feet to any property line, provided that such building, structure, or parking facility is not nearer than seventy (70) feet to any property line at the perimeter of the tract, and parking areas are screened by landscaping from adjoining uses as depicted on a landscaping plan approved by the Planning Commission.
- P. Section 705B shall be modified so that stream crossings shall be permitted throughout the golf course as shown on the Master Plan, subject only to approval by the Township Engineer and the Pennsylvania Department of Environmental Protection.

#### **405.7 Additional Design Criteria**

Any residence to be constructed within six hundred (600) feet of the primary stream of an exceptional value stream corridor shall be screened by a minimum of four (4) deciduous trees as depicted on a landscape plan, with a caliper of not less than two (2) inches, located in open space, between the residence and the stream as determined by the Planning Commission. Setbacks shall be provided from the primary stream of an exceptional value stream corridor as required by the Army Corp. of Engineers and Pennsylvania Department of Environmental Protection.

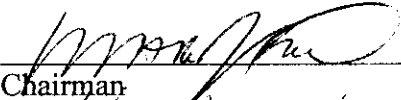
**405.8 INVALIDITY**

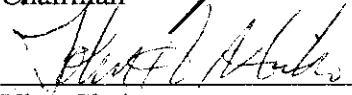
If any part of this Article 405 to the Zoning Ordinance of West Bradford Township shall be held to be invalid or unconstitutional, the remaining provisions of this Article 405 shall remain in full force and effect.

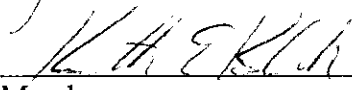
**SECTION 3.** This ordinance shall take effect five days after enactment.

**ENACTED AND ORDAINED** this 10<sup>th</sup> day of Sept., 1996.

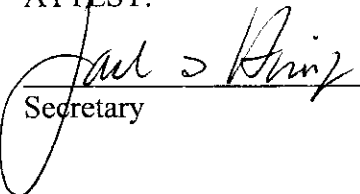
BOARD OF SUPERVISORS  
WEST BRADFORD TOWNSHIP

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Vice-Chairman

  
\_\_\_\_\_  
Member

ATTEST:

  
\_\_\_\_\_  
Secretary

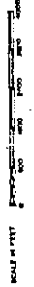
# WEST BRADFORD TOWNSHIP

CHESTER COUNTY PENNSYLVANIA

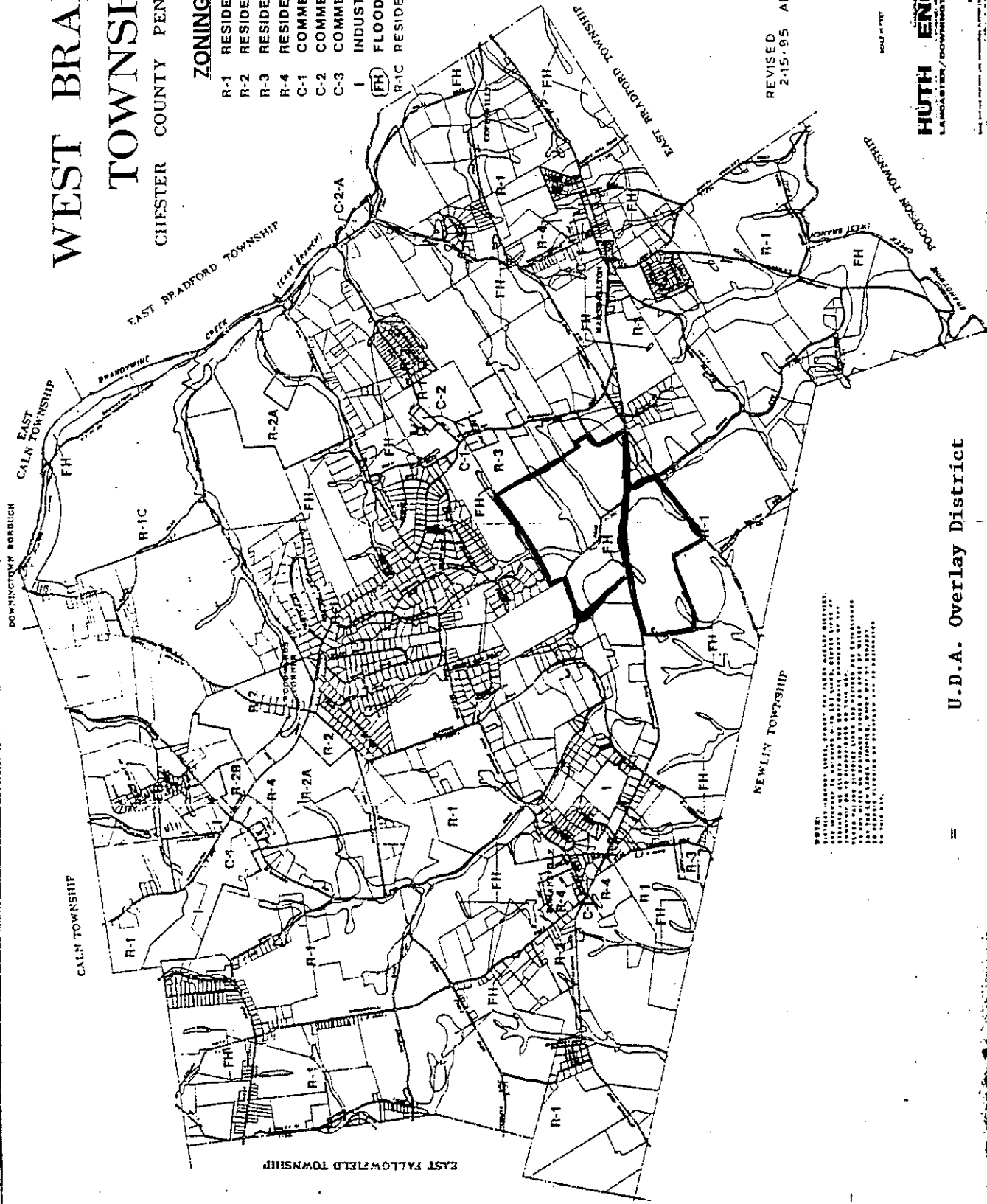
## ZONING MAP

- R-1 RESIDENTIAL
- R-2 RESIDENTIAL
- R-2A RESIDENTIAL
- R-2B RESIDENTIAL
- R-3 RESIDENTIAL
- R-4 RESIDENTIAL
- C-1 COMMERCIAL
- C-2 COMMERCIAL
- C-2A COMMERCIAL
- C-3 COMMERCIAL
- I INDUSTRIAL
- FH FLOOD HAZARD
- R-1C RESIDENTIAL

REVISED  
2-15-95 ADD R-1C ZONE



**HUTH ENGINEERS, INC.**  
LANDSCAPE ARCHITECTS  
LANCASTER, PENNSYLVANIA  
ESTABLISHED 1977



**NOTE:**  
THIS ZONING MAP WAS PREPARED BY HUTH ENGINEERS, INC. FOR THE TOWNSHIP OF WEST BRADFORD, PENNSYLVANIA. THE TOWNSHIP ENGINEER HAS REVIEWED AND APPROVED THIS MAP. THE TOWNSHIP ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE MAP AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN THEREON. THE TOWNSHIP ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE MAP AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN THEREON.

U.D.A. Overlay District