

**TOWNSHIP OF WEST BRADFORD
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE 98-03**

AN ORDINANCE AMENDING THE WEST BRADFORD TOWNSHIP
ZONING ORDINANCE, ORDINANCE 77-1, AS AMENDED, BY
CREATING A NEW ZONING DISTRICT, AMENDING THE ZONING
MAP, AND ADDING CERTAIN DEFINITIONS.

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

Section 1

The following changes or additions shall be and hereby are made to the text of the West Bradford Township Zoning Ordinance, being Ordinance 77-1, as amended.

- A.** Amend Section 210 by adding the following definitions to that section, the additions shall be placed in alphabetical order to the existing definitions.

Definitions:

Church- A building used for public worship and education by a congregation, excluding buildings used exclusively for residential, burial, recreational, or other uses not normally associated with worship.

Commercial School- Any facility that provides instruction or training on a for fee basis that is not operated by a public agency or authority.

Congregate Housing- A residential facility utilizing two (2) or more dwelling units for the housing of persons (age 60 years or older) where services such as shared food preparation, laundering, recreation, social activities, transportation, and/or counseling are provided for the exclusive use of all residents by a resident staff of personnel.

Education Use- Land and/or buildings specifically designed, arranged, and intended for the primary purpose of academic instruction and learning, including preschools, elementary schools, and secondary schools owned and operated by the local school district or other public education authority.

Life Care Facility- A facility for the transitional residency of elderly and/or disabled persons, progressing from independent living in single family units to congregate apartment living where residents share common meals, with a full health and continuing care nursing home facility.

Light Industry- A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Office- A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.

Office Park- A tract of land designed and developed from a single, unified plan involving the layout of several lots, buildings, and improvements typical of office buildings together with a landscaping and open space plan in order to achieve a campus theme and efficient use of shared utilities and roads.

Research Campus- A building or group of buildings in which are located facilities for scientific research, investigation testing, or experimentation, but not facilities for the manufacture of or sale of products, except as incidental to the main purpose of the laboratory.

Semi-Independent Elderly Housing- An residential dwelling complex or facility designed to meet the needs of elderly residents. Such uses are designed to meet housing needs primarily although support services and some medical services may be provided.

B. Amend Ordinance 77-1, as amended, by adding the following Section:

SECTION 602 IM - INSTITUTION/MIXED USE

602.1 INTENDED PURPOSE

Certain uses, including but not limited to churches, schools, hospitals, penal institutions, government uses and certain public utility uses have many related attributes raising common problems in their location and municipal requirements within the township. In addition, these uses are, for various reasons, incompatible with many other permitted uses within the township area, in some instances, are incompatible inter se even within the same district. Their use within the district may or may not be appropriate at any specific location and could have within the district certain detrimental effects to the public health, safety, morals and welfare by reason of a particular location and the impact upon surrounding uses

and facilities. Accordingly, it is the intent of this Article to permit certain of the uses herein defined as Conditional Uses, subject to specific enumerated standards and not as mere uses of right. In particular, it is recognized that the uses provided herein generally are uses involving substantial traffic, major concentrations of people (either transient or resident) and a need for access, both for the vehicular or pedestrian traffic, as well as special emergency facilities for health, fire and police protection.

602.2 PERMITTED AND CONDITIONAL USES AND STRUCTURES

A. Permitted

1. Agricultural use
2. Public parks and recreational use
3. West Bradford Township municipal use
4. Educational use
5. Office

B. Conditional Uses

1. Churches
2. Privately owned educational use
3. Penal institution - no closer than a 2500 feet radius to a similar use or other penal institution.
4. Youth facility - for non adjudicated youths - no closer than a 2500 feet radius to a similar use.
5. Municipal uses, for other than West Bradford Township, when operated solely and distinctly by a government entity.
6. Congregate housing
7. Financial institution
8. Institution
9. Life care facility
10. Research campus
11. Semi-independent elderly housing
12. Office park
13. Light industry

602.3 LOT AREA, LOT WIDTH AND COVERAGE REQUIREMENTS

A. The following requirements shall be observed:

1. Minimum lot area - two (2) acres
2. Minimum lot width at the street line - one hundred (100) feet.
3. Minimum landscape area - thirty percent (30%).

4. Minimum lot width at the building line - one hundred -fifty (150) feet.

B. Maximum Impervious area - twenty five percent (25%)

1. Impervious surface area may be increased up to thirty percent (30%) when a system is installed to create recharge of groundwater for any amount that is over twenty-five percent (25%) subject to approval of the Township Engineer.

602.4 SETBACK REGULATIONS

A. Front Yard: Front yard setback distances are determined by the kind of road or highway on which the property fronts as follows:

1. Arterial: One hundred twenty (120) feet from the street right of way line or one hundred fifty (150) feet from the street centerline, whichever is the greater.
2. Collector: One hundred (100) feet from the street of way line or one hundred thirty (130) feet from the street centerline, whichever is the greater.
3. Local: Eighty (80) feet from the street right of way line or ninety-five (95) feet from the street centerline, whichever is the greater.

B. Side Yard: A minimum of fifty (50) feet.

C. Rear Yard: A minimum of fifty (50) feet.

D. No building or structure shall be located nearer than two hundred (200) feet to an existing residential building unless the owner of such residence waives this restriction in writing to the Board of Supervisors.

602.5 BUILDING HEIGHT REGULATIONS

A. The maximum building height shall be three (3) stories or forty (40) feet.

602.6 OFF STREET PARKING REGULATIONS

A. As provided for in Section 808

602.7 SIGN REGULATIONS

- A. As provided in Section 809.

602.8 DESIGN STANDARDS

- A. As provided for in Section 802.

602.9 CONDITIONAL USE STANDARDS

In addition to any information as required by Section 804.1 of this Ordinance, and A through N of this section, the applicant shall provide information to prove beyond a reasonable doubt that the proposed use will comply in all respects with the Industrial Use Performance Regulations (Section 802.8). When the applicant does not provide information as required, then it shall be presumed that the proposed use is not a permitted use in this district and that the application cannot be approved.

- A. The applicant shall establish by a fair preponderance of credible evidence that the use intended at the location intended shall not be contrary to the public health.
- B. The applicant shall establish by a fair preponderance of credible evidence that the use intended at the location intended shall not be contrary to the public safety.
- C. The applicant shall establish by a fair preponderance of credible evidence that the use intended at the location intended shall not be contrary to the public morals.
- D. The applicant shall establish by a fair preponderance of credible evidence that the use intended at the location intended shall not be contrary to the public welfare.
- E. The applicant shall establish by a fair preponderance of credible evidence that the capacity of the road net providing access to the premises in question, when the incremental increase in traffic attributable to the proposed use is superimposed upon the existing use of the road net, shall not lower the level of service of the roads or any portion thereof below level of service C.
- F. The applicant shall establish by a fair preponderance of credible evidence that the interior traffic circulation for the proposed use at the proposed location, including but not limited to acceleration and deceleration lanes where required at the proposed entrances to the

location, shall be adequate to provide safe and convenient circulation for users of the facility, visitors to the facility, employees of the facility and all emergency vehicles that may require entrance thereon.

- G. The applicant shall establish by a fair preponderance of credible evidence that the facility provides safe and convenient pedestrian access and internal circulation within the grounds of the facility and particularly for points of access from the facility to the parking areas.
- H. The applicant shall establish by a fair preponderance of credible evidence that adequate screening is provided between the lands in question and surrounding residential uses and residentially zoned districts to screen the facility from view, preclude any glare from lighting or noise from being ascertainable beyond the boundaries of the property.
- I. The applicant shall establish by a fair preponderance of credible evidence, which shall include but not be limited to a certificate from the Chief of the fire company providing services to the facility, that the said company has adequate facilities to reach the highest points of the building with ladders and hoses or, in the alternative, that such facilities satisfactory to the fire company will be provided by the owner or operators of the facility.
- J. The applicant shall establish by a fair preponderance of credible evidence that adequate water storage is available at the facility for fire-fighting purposes, which shall include as minimum 1000 G.P.M. at twenty (20) P.S.I. residual pressure for a duration of two (2) hours, without impairing the uses of the water supply for ordinary purposes on the premises. The evidence shall include but not be limited to a water supply plan, a fire plan and a certificate of the adequacy of both executed by the Chief of the fire company providing services to the facility, and the plans shall be prepared and certified as correct by a registered professional engineer and approved by the Township Engineer.
- K. Where the facility's operation and purpose, in the opinion of the Board of Supervisors, require supervision and protection, the applicant shall establish by a fair preponderance of credible evidence the adequacy of information of security and supervision, including but not limited to information of an adequate supervisor to inmate, student or patient ratio and such other evidence as may be required to establish this condition to the satisfaction of the Board of Supervisors.

- L. The applicant shall establish by a fair preponderance of credible evidence the adequacy of sanitary sewer facilities and the availability of a capacity within the sanitary sewage system to service the proposed facility.
 - M. The applicant shall establish by a fair preponderance of credible evidence that there will be no increase in surface water runoff at the boundaries of the facility beyond that runoff presently existing.
 - N. Public water.
- C. Amend the Official Zoning Map of Ordinance 77-1, as amended by reclassifying the following parcels:

Tax Parcel 50-8-11.1

Tax Parcel 50-8-9

Said parcels previously designated as R-1, shall now be designated IM. The Official Map shall now appear for these parcels as shown on Exhibit "A", attached hereto. The use and regulation of the IM district shall be as set forth in this ordinance.

Section 2. Severability

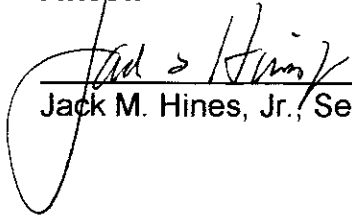
The provisions of this Ordinance shall be independent and severable. If any provision, sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, unenforceable, or invalid, such unconstitutionality, illegality, unenforceability or invalidity shall not affect any of the remaining provisions, sentences, clauses, sections, or parts hereof, which shall continue to be as fully operative as if the unconstitutional, illegal, unenforceable or invalid part had not been enacted. 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 not been included herein.

Section 3. Effective Date

This Ordinance shall become effective five (5) days after enactment as by law provided.

Enacted this 12th day of May 1998 by the
Board of Supervisors of West Bradford Township.

Attest:



Jack M. Hines, Jr., Secretary

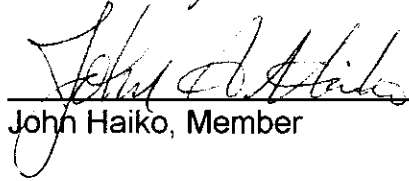
Board of Supervisors:



Kenneth Klunk, Chairman



Mark Blair, Vice-Chairman



John Haiko, Member