

TOWNSHIP OF WEST BRADFORD
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE 00-01

AN ORDINANCE OF WEST BRADFORD TOWNSHIP, COUNTY OF
CHESTER COMMONWEALTH OF PENNSYLVANIA, AMENDING THE
ZONING ORDINANCE OF WEST BRADFORD TOWNSHIP. AS
AMENDED, BY CHANGING VARIOUS SECTIONS OF ARTICLE 405.

SECTION 1.

Make the following changes to Article 405 Unified Development Area as noted below: *(underline text represents the additions/changes)*

Section 405.2 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 within such time as set forth in the written decision of the Board of Supervisors approving the Master Plan) 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, or should such restriction, dedication or conveyance not occur within the time required by this Section, 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 shown on the Master Plan, (unless the dedication, restriction or conveyance of the open space is permitted to occur at some later date as set forth in the written decision of the Board of Supervisors approving the Master Plan) and approval by the Board of Supervisors of all material provisions of the open space plan upon the Board's approval of the Preliminary Subdivision and Land Development Plan, which open space plan shall be in substantial conformity to the open space depicted on the Master Plan.

Section 405.3 D 1.

Land which is the subject of an easement or other perpetual, legally binding covenant in favor of the Township or a non-profit conservation organization, running with the land and prohibiting the construction of structures for residential, office, commercial, industrial or any other use other than existing historic and agricultural structures, and uses existing or permitted in the zoning district in which the land is located when approved by the Board of Supervisors in the written decision approving the Master Plan. Provided, a private golf course, public or private school, emergency service facility, Conservation Lot as set forth below or horseback riding academy/school or combination thereof may, in the discretion of the Board, be approved for location in the open space when made an element of the initial Master Plan submission if such use is permitted in the zoning district in which the land is located. Otherwise, any such use that is not a proposed element of the Master Plan may subsequently be added as an element for location within the open space otherwise established in the Master Plan upon application by the applicant and approval by the Board of Supervisors as an amendment to the Master Plan in accordance with the procedures in Section 405.5 if such use is permitted in the zoning district in which the land is located. The easement or covenant which is required by this Section shall vest in the Township or the non-profit conservation organization the right to enforce the use, maintenance and management restrictions and obligations upon such land.

Section 405.3 D 2

If proposed as an element of the initial Master Plan submission, the Township may approve a limited number of "Conservation Lots" (Lots) for inclusion as a part of the required open space if the Board determines that (i) their use is limited to residential use and (ii) they serve the purposes of preservation of a portion of the required open space, and (iii) they are made the subject of an easement or other perpetual, legally binding covenant in favor of the Township or a non-profit conservation organization, running with the land and prohibiting any further use or development of the Lots, except any residential use, including, but not limited to a house, garage, barn, pool or other accessory residential structure or except as may be approved as a part of the Master Plan approval.

Section 405.3 D 3

Open Space so restricted may be owned by any individual (if owned as a conservation lot) or eased to an entity, including but not limited to homeowners' association, a conservation organization, or, with Township approval, the Township.

Section 405.3 D 4

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.

Section 405.3 D 5

Use of open space (other than as situated on Conservation Lots) 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.

Section 405.3 D 6

Open space may include steep slopes, land covered with water, land subject to easements for spray irrigation disposal of effluent, sewage effluent basins, drip irrigation or similar sewage treatment or management control.

Section 405.5 C

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 or special exception approval otherwise required with respect to the uses provided for in the underlying R-1 District, so long as such uses or any aspect of the development requiring conditional use or special exception approval are identified in the materials submitted pursuant to Section 405.4, and reviewed and approved by the Board of Supervisors as a part of the Master Plan.

Section 405.6 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. The Board of Supervisors may, in its sole and absolute discretion, allow a density bonus of up to the permitted density of the underlying zoning district if the Board determines that all of the following requirements are met: (1) all of the applicable area and bulk requirements and design standards of the Zoning Ordinance are met in the allowance of the additional density without variation; (2) the Master Plan demonstrates excellence in design and layout in preserving open space and multiple view sheds arising from the configuration of the open space; (3) the applicant agrees to install at its expense any road or traffic facilities improvements necessitated by the additional density and it is demonstrated to the Board's satisfaction that with such improvements the additional density will not have a substantially negative impact on the capacity of the roads and intersections serving the proposed development; (4) no part of the required open space will be adversely impacted by the allowance of the density bonus; (5) no waiver from any mandatory requirement of the Subdivision and Land Development Ordinance necessitated by the density bonus will adversely affect either traffic safety and adequate access for emergency equipment within the development, the provision of adequate and effective storm water management, or the adequate and effective treatment and disposal of sanitary sewerage generated by the development.

Section 405.6 J

Treated sewage effluent to be returned to the groundwater by spray irrigation or drip irrigation or other methods as approved by the Pennsylvania Department of Environmental Protection in accordance with Act 537, and subject to approval by the Board of Supervisors.

SECTION 2

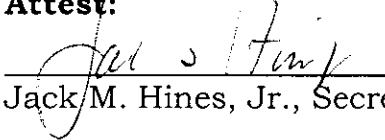
All other portions of Article 405 shall remain the same as previously adopted.

SECTION 3

This ordinance shall take effect five days after enactment.

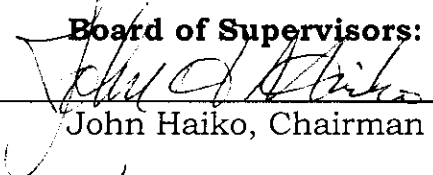
**Enacted this 25th day of April 2000 by the
Board of Supervisors of West Bradford Township.**

Attest:




Jack M. Hines, Jr., Secretary

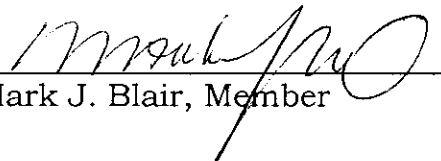
Board of Supervisors:



John Haiko, Chairman



Kenneth E. Klunk, Vice-Chairman



Mark J. Blair, Member