

Ordinance #19

*IM Zoning Ordinance Book

WEST PIKELAND TOWNSHIP ZONING ORDINANCE OF 1976

ARTICLE I

An ordinance of the Township of West Pikeland, Chester County to amend, revise and re-enact the West Pikeland Township Zoning Ordinance and all amendments, maps and supplements thereto.

The Board of Supervisors of the Township of West Pikeland does enact and ordain:

Section 1. That the Zoning Ordinance of the Township of West Pikeland as amended, is hereby amended, revised and re-enacted to read as follows:

Section 100. Purposes - Title, Interpretation, Conflict and Severability.

This ordinance is enacted under and pursuant to the Municipalities Planning Code, Act. 247 of 1968, as amended, for the following purposes: To promote, protect and facilitate the public health, safety, and general welfare of the inhabitants of the Township of West Pikeland by coordinated and practical community development; by providing for proper density of population and assuring

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adequate light and air; and facilitating the adequate provision of transportation, police protection, water, sewerage, schools, parks, public grounds and to prevent overcrowding of land, blight, danger and congestion in travel, transportation, loss of health, life or property from fire, flood, panic or other danger.

The regulations and districts contained herein represent reasonable consideration as to the character of the districts and their peculiar suitability for particular uses of land and have been made with a view to preserving the existing environment and assuring the development of a future environment that realizes the greatest possible use and enjoyment of land on individual properties, balanced against the necessary protection of the values of buildings and land and the use and enjoyment of land on adjacent properties, with the objective of promoting and protecting the public welfare through the regulation of land use and the process of land development.

Section 101. Interpretation. In the interpretation and application of the provisions of this ordinance, the said provisions shall be held to be the minimum requirements for the promotion and protection of the public health, welfare and safety. Where the provisions of this ordinance impose greater restrictions than those of any other ordinance or regulation, the provisions of this ordinance shall be

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controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this ordinance, the provisions of such statute, ordinance or regulation shall be controlling.

Section 102. Short Title. This ordinance shall be known and may be cited as the West Pikeland Township Zoning Ordinance of 1976.

Section 103. Severability. If any article, section, subsection, paragraph, clause or provision of this ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole or of any other part.

Section 104. Definitions. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this ordinance to have the meaning herein indicated. The singular shall include the plural and the plural shall include the singular. The word "building" shall include the word "structure". The past tense shall include the future tense. The word "shall" is always mandatory.

1. Accessory Building. A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.

2. Accessory Use. A use subordinate to the main use of

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land or of a building on a lot and customarily incidental thereto.

3. Agricultural Use. The planting, growing, storing and selling of plants and crops and the breeding, raising, keeping and selling of animals and the products thereof provided that such uses shall be conducted on a lot not less than five acres in size.

4. Buffer Planting Strip. A strip of required yard space adjacent to the boundary of a property or district, not less in width than is designated in this ordinance, which is landscaped for the full width and on which is placed a screen of sufficient density not to be seen through, and of sufficient height to constitute an effective screen and give immediate visual screening to an abutting property or district. The required screen shall be permanently maintained and shall constitute a planting of dense evergreens or a compact evergreen hedge, or, where otherwise specifically designated in the ordinance, an appropriate wall, fence, suitable planting or combination thereof. All planting shall comply with the provisions of the West Pikeland Township Subdivision Ordinance.

5. Building. Any structure affording shelter to persons, animals or chattels.

6. Building Area. The aggregate of the maximum horizontal cross section areas, excluding steps, cornices, eaves and gutters,

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of all buildings on a lot.

7. Building Height. The vertical distance from the average grade (the average of the grades taken at twenty (20) foot intervals around the building perimeter) to the top of the highest roof beams of a flat roof, or to the mean level of a sloped roof, provided that chimneys and spires shall not be included in measuring the height. Elevator, stair and equipment penthouses, tanks and air conditioning towers shall not be included. The height shall be measured from finished grade but such measurement shall not be made from a point higher than eight (8) feet above original grade.

8. Building Line. A line parallel to the street right-of-way line at a distance therefrom equal to the depth of the front yard or setback required for the district in which the lot is located, except in the case of an interior lot not fronting on a street or highway for its full width in which case the building line shall be a line parallel to the right-of-way at a distance from the property line nearest to the highway or street equal to the depth of the front yard required for the district in which the lot is located. If the property or lot abuts more than one street or highway, the front of the lot shall, in the case of an existing building, be deemed to be that part or portion of the lot to which the main entrance of the building faces and, in the case of a

building proposed to be constructed, the part or portion of that lot to which the main entrance of a building is proposed to face.

9. Certificate of Occupancy. A statement signed by a duly authorized official setting forth that a building, structure, or use legally complies with the zoning code and that the same may be used for the purpose stated therein.

10. Dwelling.

(a) Single-family. A building, on a lot, designed and occupied exclusively as a residence for one family.

(b) Two-family. A building, on a lot, designed and occupied exclusively as a residence for two families, living independently of one another.

(c) Multiple family dwelling or apartment house. A building on a lot, designed and used exclusively as a residence for three or more families living independently of one another.

11. Garage - Private. A building used for the storage of one or more automobiles owned and used by the owner or tenant of the lot on which it is erected for a purpose accessory to the use of the lot.

12. Garage - Public. A building, not a private garage, used for the repair, servicing and storage of motor vehicles but not to include marshalling yard, trucking facility, or facility

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for the storage and repair of earth moving or construction equipment.

13. Lot. A parcel of land on which a principal building, or where authorized by this ordinance a unified group of buildings, is or may be placed together with the required open space. The use of a lot for more than one principal building or for a unified group of buildings shall be considered a subdivision and the plan for any such use shall be subject to approval in accordance with the West Pikeland Township Subdivision Ordinance. For the purposes of these definitions, Unified Group of Buildings shall include a single commercial building designed to house more than one commercial use or entity and shall include also a multiple dwelling group.

14. Parking Space. An outdoor or garage space used for parking motor vehicles, which shall measure nine (9) feet six (6) inches by twenty (20) feet and to which there is access from a street, alley or driveway.

15. Permit. A statement issued and signed by the Zoning Officer authorizing the construction of a building and indicating on its face that the proposed use complies with the zoning ordinance or with a decision and order of the Zoning Hearing Board or a court of competent jurisdiction rendered in connection with an application relative to use of the premises involved. No permit

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shall be issued for any use or construction unless the applicant shall submit written proof that the designated authorities have granted approval of sanitary sewage and water facilities.

16. Sign. Any structure or part thereof on which lettered or pictorial matter is displayed for advertising or notice purposes.

17. Street Line. The edge or side limit line of the legal right-of-way of a road or street.

18. Structure. An assembly of material forming a construction for occupancy or use including among others, buildings, stadiums, tents, reviewing stands, platforms, stagings, observation towers, water tanks, trestles, piers, wharves, open sheds, coal bins, shelters, fences and display signs.

19. Yard. The required open area around the inner periphery of each lot in which no building or structure shall be erected.

(a) Front. The minimum open space extending the full width of the lot from the street right-of-way line on which the lot abuts to the nearest structure on the lot, exclusive of steps, overhanging eaves, gutters or cornices, provided that where a lot abuts more than one street, the owner thereof shall have the option of determining which side of the lot shall be designated as the front.

(b) Side. The minimum open space extending the full depth of the lot required between the side line of the lot and a

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main building on the lot, exclusive of steps, overhanging eaves, gutters or cornices.

(c) Rear. The minimum open space extending the full width of the lot required between the rear line of the lot and a main building on the lot exclusive of steps, overhanging eaves, gutters or cornices.

ARTICLE II

Classification of Districts

Section 200. Classes of Districts. For the purposes of this ordinance, the Township of West Pikeland is hereby divided into the following classes of districts:

CR	-	Conservation Residence
HB	-	Historic Business District
B	-	Business
FH	-	Flood Hazard District
HP	-	Historic Preservation
PRD	-	Planned Residential Development

Section 201. Zoning Map. The boundaries of districts shall be as shown on the map attached hereto and made a part of this ordinance which may shall be known as the "Zoning Map of West Pikeland Town-

ship". Said map and all notations, references and data shown thereon are hereby incorporated by reference into this ordinance and shall be as much a part of this ordinance as if all were fully described herein.

Section 202. District Boundaries. The boundaries between districts are, unless otherwise indicated, either the center lines of streets or railroad rights-of-way or such lines extended or lines parallel or perpendicular thereto. Where figures are shown on the zoning map between a street and a district boundary line, they indicate that the district boundary line runs parallel to the right-of-way line at a distance therefrom equivalent to the number of feet so indicated.

Section 203. Federal, State, County or Municipally Owned Property.

Wherever Federal, State or County owned property is included in one or more zoning districts, it shall be subject to the provisions of this ordinance only insofar as is permitted by the Constitution and laws of the United States of America and of the Commonwealth of Pennsylvania. In the case of municipally owned property, the use provisions of this ordinance shall not apply.

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ARTICLE III

CONSERVATION-RESIDENCE DISTRICT

Section 300. CR - Conservation-Residence Districts.

CR Conservation-Residence Districts are intended to facilitate agricultural, conservation, recreation and other open space purposes in recognition of the steep slopes, shallow soils and minimal drainage of these areas. Accordingly, the districts contain use and area regulations which:

(a) provide for farming, conservation and very low density use;

(b) discourage scattered isolated higher density development which would severely disturb the topography, water table and other natural features to the detriment of the natural environment and, further, which would imperil the inhabitants of such scattered isolated developments by reason of flooding, soil erosion, and lack of drainage;

(c) facilitate the conservation of creek valleys, steep slopes and woodland areas; and

(d) facilitate the conservation and proper utilization of ground water supplies and control of surface water flooding.

In CR Residence Districts the following regulations shall apply:

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Section 301. Use Regulations.

1. Single-family detached dwelling.
2. Woodlands, game preserves or other conservation purpose.
3. Agricultural use, including tilling of the soil, nursery or greenhouse and the keeping of livestock and poultry, provided; that:

(a) Any building used for the keeping of livestock and poultry or as a greenhouse shall be located not less than 85 feet from any street line and not less than 100 feet from any other property line.

(b) No barn lot or manure storage shall be established closer than 100 feet to any property line.

4. The display and sale of farm products shall be permitted provided that:

(a) At least 50% of such products shall have been produced on the property on which they are offered for sale.

(b) Parking space for at least three cars shall be provided behind the highway right-of-way line.

(c) Sale of farm products shall be conducted from a portable stand which shall be dismounted at the end of the growing season.

5. The following uses when authorized as a special excep-

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tion by the Zoning Hearing Board subject to the standards provided in Article XII of this ordinance:

(a) Church or similar place of worship including rectory or parish house.

(b) Educational or philanthropic use.

(c) Private country club, hunt club or similar club for recreational, fraternal, civic, social, cultural or educational purpose, provided that the principal activity shall not be one which is customarily carried on as a business.

(d) Riding schools or academies.

(e) Conversion of a single family dwelling to multi-family use, provided that the requirements of Sec 1006 are met.

6. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses. The term "accessory use" shall not include a business but may include:

(a) Private parking or garage space.

(b) Private home swimming pool.

(c) Private home greenhouse.

(d) Professional office, studio or home occupation such as professional office or studio of a doctor, veterinarian, dentist, masseur, teacher, artist, architect, musician, lawyer, magistrate or practitioner of a similar character; and/or rooms

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for home occupations such as dressmaking, millinery or similar handicrafts provided that:

(1) such office or room for home occupation shall be located in a dwelling in which the practitioner resides, or in a building accessory thereto;

(ii) such accessory use may not occupy more than 50% of the floor area of the basement or 50% of the floor area of the first floor of the dwelling with no such use permitted above the first floor;

(iii) there shall be not more than two associates or employees who are not members of the household; and

(iv) no goods shall be publicly displayed on the premises.

(e) Signs as permitted in Article XIII.

(f) On a premises of three (3) but less than five (5) acres, 2 animal units as defined by the United States Department of Agriculture and one additional large animal for each acre over three acres. A premises of more than five acres used for agricultural purposes shall be considered a farm.

Section 302. Area Regulations.

1. Lot area and width. Every lot shall have an area of not less than 2 acres and each lot shall be not less than 200 feet at the building line.

2. Lot coverage. Not more than 15% of the area of each lot may be occupied by buildings or other impervious cover, except that any area devoted to swimming pool construction, exclusive of surrounding paved areas, shall not be included in the 15%.

3. Front yard. There shall be a front yard which shall be not less than 50 feet in depth.

4. Side Yard.

(a) For every single-family detached dwelling and its accessory buildings there shall be two side yards which shall be not less than 80 feet in aggregate width and neither of which shall be less than 35 feet in width.

(b) For every building other than a dwelling and its accessory buildings there shall be two side yards neither of which shall be less than 60 feet in width.

5. Rear Yard. There shall be a rear yard of not less than 40 feet in depth.

6. Accessory buildings shall not be placed in any portion of a front yard; no accessory building shall be placed in any setback area. For the purposes of this subsection, a swimming pool shall be deemed to be a structure and shall not be placed in any setback area.

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Section 304. Height Regulations. No building shall exceed three stories or 30 feet in height except that no accessory building other than a farm building shall exceed 20 feet in height.

Section 305. Off-Street Parking Regulations. Off-street parking spaces with proper and safe access from a street shall be provided within a structure or in the open, to serve adequately the use on each lot within the district. The number of spaces to be provided and their location shall be as provided in Section 1002.

ARTICLE IV
HISTORIC BUSINESS DISTRICT

Section 400. - HB - Historic Business Districts

It is the purpose of this Article to assist in the orderly development of the Chester Springs Historic District in which there exists a large number of older structures of historic significance, by permitting conversions or adaptive uses thereof under conditions which will protect the distinctive historic and architectural character of the neighborhood.

In a Historic Business District the following regulations shall apply:

Section 401. Use Regulations

Subject to the provisions of Article VIII of this ordinance, a building may be erected or used and a lot may be used or occupied

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for any of the following purposes and for no other.

(1) Retail store with a gross floor area not in excess of 1,000 square feet, provided that there shall not be more than one such use for each 1,000 feet of frontage.

(2) Single family residential dwelling unit.

(3) Conversion of an existing single family or two-family dwelling unit to multiple dwelling occupancy, provided that the requirements of Section 1006 are met.

(4) Professional office or studio.

(5) Hotel, inn, restaurant, theater, auditorium, assembly hall, library or community recreation center.

(6) Accessory use which may include

(a) Storage within a completely enclosed building in conjunction with a permitted use.

(b) Living accommodations or sleeping quarters for the proprietor of a business establishment or for a watchman.

(c) Signs as permitted in Article XIII.

Section 402. Area, Height and Special Regulations

(1) Lot area and width. Every lot shall have an area of not less than 10,000 square feet and shall be not less than fifty feet in width at the building line.

(2) Building Area. Not more than fifty-five (55) percent of the area of each lot may be occupied by buildings.

(3) Front Yard. There shall be a setback on each

street on which a lot abuts which shall be not less than thirty-five (35) feet in depth.

(4) Side Yards. Side yards shall be provided on every lot as follows:

(a) For every detached building there shall be two side yards neither of which shall be less than twelve (12) feet in width.

(b) For every semi-detached building there shall be one side yard which shall be not less than twelve (12) feet in width.

(5) Rear Yard. There shall be a rear yard on each lot which shall be not less than twenty-five (25) feet in depth or not less than twenty (20) percent of the lot depth, whichever is the greater.

(6) Height. No building shall exceed three stories or thirty-five (35) feet in height.

(7) Special Regulations. In order to encourage sound and attractive business development, the following special requirements shall apply:

(a) Every use, other than a parking lot, shall be completely enclosed within a building.

(b) No restaurant or similar use shall be

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conducted as a drive-in service establishment or refreshment stand (sometimes called a snack bar, dairy bar, hamburger stand or hot dog stand), where customers and patrons are served food and (or) drinks for immediate consumption outside the building in which the business is conducted. All preparation, serving and consumption of food shall be within the building in which the business is conducted except for food taken out for consumption off the premises.

(c) Along each side or rear property line which directly abuts a residence district in the Township or a similar district in an adjoining municipality, there shall be a buffer planting strip not less than fifteen (15) feet in width, as defined in Section 104(4).

(d) No permanent storage of merchandise, articles or equipment shall be permitted outside a building, and no goods, articles or equipment shall be stored, displayed or offered for sale beyond the front lines of a building. No outdoor vending machine, self-service station, or similar use shall be allowed in any required yard abutting a street or on a public sidewalk.

(e) The greatest dimension in length or depth of a building shall not exceed one hundred sixty (160) feet.

(f) The off-street parking, off-street loading and special requirements relating to highway frontage prescribed in

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Sections 1002, 1003 and 1004 shall apply in Historical Business Districts.

ARTICLE V

Section 500. "B" - Business District

"B" Business Districts provide for the special requirements of retail-convenience commercial establishments which serve primarily the day to day needs of the surrounding neighborhood and encourage compact, attractive retail commercial development.

In a "B" Business District, the following regulations shall apply:

Section 501. A detached or semi-detached building may be erected or used and a lot may be used or occupied for any of the following purposes and for no other.

(1) Any use permitted in an Historic Business District.

(2) Retail service shop, or custom shop, such as: bakery, candy, ice cream or similar shop; custom tailoring or millinery shop; clock, watch, or jewelry shop; radio, television or household appliance repair shop; provided that:

(a) Any processing activity, if located on the

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ground floor, shall be not less than fifteen (15) feet from the front of the building and shall be screened by a wall or partition from the front portion of the building used by customers.

(b) Any article made on the premises shall be sold at retail from the premises.

(c) The area devoted to processing shall constitute not more than forty (40) percent of the gross floor area.

(3) Personal service shop such as barber shop, beautician, dry cleaning establishment.

(4) Banking institutions.

(5) Accessory use as permitted in Section 401 (5).

Section 502. Area, Height, and Special Regulations.

(1) Lot Area and Width. Every lot shall have a lot area of not less than five thousand (5,000) square feet and such lot shall be not less than fifty (50) feet in width at the building line.

(2) Building Area. Not more than fifty-five (55) percent of the area of each lot may be occupied by buildings.

(3) Front Yard. There shall be a setback on each street on which a lot abuts which shall be not less than twenty (20) feet in depth.

(4) Side Yards. For each building or unified group

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of buildings erected on a lot there shall be two side yards neither of which shall be less than ten (10) feet in width, except that where a lot abuts a residence district in the Township or a similar district in an adjoining municipality, a side yard shall be provided which shall be not less than twenty (20) feet in width.

(5) Rear Yard. There shall be a rear yard on each lot which shall be not less than fifteen (15) feet in depth, or not less than fifteen (15) percent of the lot depth, whichever is the greater.

(6) Height. No building shall exceed thirty-five (35) feet in height, except that such height limits may be exceeded by five (5) feet for each five (5) percent that the lot coverage is decreased below the maximum building area requirements, up to a maximum height of forty-five (45) feet.

(7) Special Regulations. In order to encourage sound and attractive business development, the following special requirements shall apply:

(a) Along each side or rear property line which directly abuts a residence district in the Township, a similar district in an adjoining municipality, or the right-of-way of an existing or proposed major street or through highway (in each case as defined in the West Pikeland Township Subdivision and Land Development Ordinance) there shall be a buffer planting strip not less than fifteen (15) feet in width, as defined in Section 104(4) of this ordinance.

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(b) No permanent storage of merchandise, articles or equipment shall be permitted outside a building, and no goods, articles or equipment shall be stored, displayed or offered for sale beyond the front lines of a building. No outdoor vending machine, self-service station, or similar use shall be allowed in any required yard abutting a street or on a public sidewalk.

(c) The greatest dimension in length or depth of a building shall not exceed one hundred sixty (160) feet.

(d) The off-street parking, off-street loading and special requirements relating to highway frontage prescribed in Sections 1002, 1003, and 1004 shall apply in "B" Business districts, except that where a development or lot abuts or contains an existing or proposed major street or highway direct access to such major street shall be prohibited and access thereto from such lots and/or parking areas thereon shall be provided only by parallel marginal streets or by minor streets perpendicular to the major street or highway.

ARTICLE VI

LOT AVERAGING

Section 600: Special Regulations for Lot and Density Averaging.

A subdivision plan which is subject to review under, and in accordance with the West Pikeland Township Subdivision and Land Development Ordinance and the regulations adopted thereunder, may be modified with respect to the requirements of this ordinance upon the following conditions:

- (1) The plan shall involve a tract of land held in single and separate ownership not less than ten acres in size.

(2) Development may include a mix of housing types including single family houses, town houses or other housing structures having party or common walls, provided that the total number of dwelling units shall not exceed one unit for each two (2) acres of the gross area of the tract exclusive of right-of-way.

(a) Where the developer elects to develop either totally or partially in multi-dwelling structures, no multi-dwelling structure shall contain more than six (6) dwelling units and no such structure shall be closer than thirty (30) feet to any other structure.

(b) Where a developer elects to develop the entire tract in single family houses, the area of the individual lots may be reduced by not more than 50% of the lot area requirements provided that the average of the area of the individual lots for the entire tract shall be not less than the minimum required for the district.

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- (3) The yard, lot width and other requirements of the district relating to an individual lot may be modified provided that, in no case, shall a building be located less than fifty (50) feet from a street right-of-way line, no less than fifty (50) feet from another property line and the minimum lot width at the building line shall be seventy-five (75) feet.
- (4) The design and layout of buildings on the tract shall take into account the topographical features of the particular site and shall, to the maximum extent, be consistent with reasonable and sound development practices and permit the preservation of natural features which the Planning Commission and the Board of Supervisors deem worthy of protection.
- (5) In any case where a plan for development is filed in accordance with and under this Article, the application shall be filed by the owner or owners of the entire tract and it shall be agreed that the tract shall be developed within a reasonable time under single direction.

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- (6) Where a plan for development is approved by the Board of Supervisors in accordance with the requirements of this Article, development shall take place according, and in strict adherence, to the plan as approved.
- (7) No lot of such size as to be capable of further subdivision or of development shall be included in determining the average lot area of the gross permissible density on the entire tract unless the possibility of such further subdivision or development is eliminated either by deed restriction or other agreement in a form acceptable to the Township Solicitor and duly recorded in the Office of the Recorder of Deeds.
- (8) In the case of areas set aside to be reserved for open space purposes to comply with the average lot area requirements for the tract:
- (a) The areas designated as open space areas shall be those which will serve to preserve woodlands, stream valleys, unusual topography or other natural features of the tract or which are

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appropriate for park, recreation or other open space purposes.

- (b) Such areas shall be consistent with the Comprehensive Plan for the township and shall contain no structure other than a structure related to outdoor recreational use.
- (c) Areas for common open space use may be reserved for private use or may be dedicated to the township. Areas which are to be dedicated to the township shall be acceptable to the township in shape and location. Areas to be set aside and reserved for private use shall be covered by written agreements for perpetual preservation and maintenance, such agreements to be subject to the approval of the Township Solicitor.

ARTICLE VII

FLOOD HAZARD DISTRICT

Section 700. Findings of Fact and Legislative Purpose.

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(a) Findings of Fact. (1) The flood hazard areas of West Pikeland Township are subject to periodic inundation which results in loss of property, loss of life, damage to structures, injury to people, disruption of public and private activities and services, burdensome public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) The foregoing flood losses are caused by: (i) the cumulative effect of obstructions in flood hazard areas causing increases in flood heights and velocities; (ii) the occupancy of flood hazard areas by uses vulnerable to floods.

(3) This Article VII is based upon and is consistent with the objectives and the intent of the Comprehensive Plan of West Pikeland Township, dated January 15, 1973, as adopted March 5, 1973 by the Board of Supervisors of West Pikeland Township.

(b) Statement of Purpose. It is the purpose of this Article to promote the public health, safety, and general welfare and to minimize those losses described in Section 700(a)(1) by provisions designed to:

(1) Regulate or prevent the erection of buildings and other structures in areas unfit for development by reason of

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periodic flooding.

(2) Protect public health by preventing pollution of surface and subsurface water supplies and providing surface area to absorb and retain runoff for maintenance of the subsurface water supply.

(3) Protect public safety by preserving natural flood plains and valley flats which are subject to periodic flooding in order (i) to prevent the increase in flood volume and rate of flow which results from covering the flood plains with impervious surfaces and from constricting natural drainage channels and (ii) to provide areas for the deposition of sediment.

(4) Prevent added downstream damage from increased flood volume and rate of flow and to permit uses of the flood plain compatible with the preservation of natural conditions and the maintenance of the stream flow throughout the year; and

(5) Minimize the financial burden imposed on the community, its governmental bodies, and individuals by floods.

Section 701. General Provisions.

(a) Definitions of Flood Hazard Area and District.

The flood hazard area is defined as and established to be that land, adjoining any perennial stream, as shown on the most recent United States Geological Survey quadrangle, as supplemented by the West

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Pikeland Township Flood Hazard District Map or adjoining any ponds or lakes with an area of one acre or more, which (1) is denoted as having alluvial or wet soils by the Soil Conservation Service, United States Department of Agriculture in the Soil Survey of Chester and Delaware Counties, Series 1959, No. 19, including, without limitation because of specific enumeration, Wehadkee (We), Chewacla (Ch), Worsham (WoA, WoB, WoB2, WoC2, WsB), and Watchung (Waa, WaB2, WcB); or (2) extends fifty feet inland from the banks of said streams, lakes, or ponds, whichever distance is greater. The Flood Hazard District consists of all land in the flood hazard area. This Article applies to all land within the Flood Hazard District.

(b) Zoning Map. The Flood Hazard District shall be shown on the West Pikeland Township Zoning Map or a map specifically designated as the West Pikeland Township Flood Hazard District Map, either or both of which, together with all explanatory material, shall be available for inspection at the West Pikeland Township office. The Zoning Map and the Flood Hazard District Map are hereby adopted by reference and declared to be a part of this Article.

(c) Rules of Interpretation of District Boundaries. The boundaries of the Flood Hazard District shall be determined by

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scaling distances of the Zoning Map or the Flood Hazard District Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Zoning Map or the Flood Hazard District Map, the Zoning Hearing Board shall, on appeal to it, make the necessary interpretation. The person contesting the location of the district boundary shall have the burden of establishing that land does not lie within the Flood Hazard District as defined by Section 701(a).

(d) Compliance. No structure, land, or water, shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(e) Abrogation and Greater Restrictions. It is not intended by this article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article imposes greater restrictions, the provisions of this article shall prevail.

(f) Warning and Disclaimer of Liability. The degree of flood protection required by this article is considered reasonable

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for regulatory purposes and is based on scientific study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes such as ice jams or bridge openings constricted by debris. In such instances areas outside the Flood Hazard District or land uses permitted within the District may be subject to flooding or flood damages. This article shall not create liability on the part of West Pikeland Township or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(g) Overlay. The Flood Hazard District shall be deemed an overlay on any Zoning District now or hereafter applicable to any lot in West Pikeland Township. Should the Flood Hazard District be declared inapplicable to any tract by reason of action of (a) the Board of Supervisors in amending this ordinance; (b) the Zoning Officer or the Zoning Hearing Board, or any court of competent jurisdiction in interpreting the same; or (c) the Zoning Hearing Board or any court

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of competent jurisdiction in determining the legal effect of the same, the zoning applicable to such tract shall be deemed to be the District in which it is located without consideration of this article.

Section 702. Flood Hazard District.

Within this District all uses not allowed as Permitted Uses or permissible as Special Exceptions shall be prohibited.

(a) Permitted Uses. The following open space uses shall be permitted within the Flood Hazard District to the extent that they are not prohibited by any other ordinance and provided that they do not require structure, fill or storage of materials or equipment:

(1) Agricultural uses such as: general farming, pasture, orchard, grazing, outdoor plant nurseries, truck farming, forestry, and wild crop harvesting.

(2) Recreation uses such as: park, camp, picnic grounds, golf course, golf driving range, archery and shooting ranges, hiking and riding trails, hunting and fishing areas, game farm, fish hatchery, wildlife sanctuary, nature preserve and swimming areas.

(3) An area comprising no more than three-quarters of the required minimum lot area for any lot contiguous

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to the Flood Hazard District, except that no required setback areas shall be located within the Flood Hazard District and provided that no building or structure and no sanitary drainage field shall be placed within fifty feet of the Flood Hazard District boundary line where the setback requirement of any other zoning district is less than fifty feet.

(4) In the case of any development effected under Articles VI or IX of this ordinance, where any tract proposed for development under Articles VI or IX lies partially in a flood hazard area, no more than 50% of the tract lying within such flood hazard area may be used in the computation of allowable density.

(5) Permeable parking areas and roads to serve other permitted uses in the Flood Hazard District or where required by the regulations for any contiguous district.

(b) Special Exceptions. The following uses are permitted only upon the granting of a special exception by the Zoning Hearing Board, in accordance with Sections 908 and 913 of the Pennsylvania Municipalities Code, as amended, 53 P.S. §10908, 10913, and upon the condition that no use permitted as a special exception shall increase the elevation of the 100-year frequency flood more than one foot at any point.

(1) Accessory uses customarily incidental to

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any of the foregoing permitted uses.

(2) Circuses, festivals, and similar transient amusement enterprises.

(3) Roadside stands and signs.

(4) Extraction of sand, gravel, and other materials.

(5) Railroads, roads, bridges, and utility transmission lines.

(6) Sealed water supply wells and water pipelines.

(7) Storm and sanitary sewer outlets, which shall take the shortest route across the District to the point of discharge.

(8) Grading or fill provided that the effect is not to alter substantially the cross-sectional profile of the stream basin at the point of the proposed use.

(9) Dams and impoundment basins where approved by appropriate public agencies.

(10) Single-family residences, where the property will not otherwise yield a reasonable return because of specific circumstances of topography, lot size, or lot shape, in any part of the District not having alluvial soils.

*Continued in ordinance Book #4

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