

ORDINANCE #2016-02
AN ORDINANCE OF WEST PIKELAND TOWNSHIP
AMENDING THE TOWNSHIP ZONING ORDINANCE

AN AMENDMENT TO THE ZONING ORDINANCE OF THE TOWNSHIP OF WEST PIKELAND TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA AMENDING THE TOWNSHIP ZONING ORDINANCE PROVISIONS CONCERNING IMPROVEMENTS PERMITTED IN OPEN SPACE AND THE SETBACK REQUIREMENTS CONCERNING IMPROVEMENTS ON TOWNHOME LOTS IN HOME OWNER ASSOCIATION DEVELOPMENTS.

WHEREAS, Twin Hills is a development situated on 167 acres, which includes ninety (90) townhomes, single family homes and substantial areas designated as open space (“Open Space”).

WHEREAS, with respect to the townhomes, the property lines of the townhome units are the boundaries of the individual townhomes themselves (“Townhome Lots”);

WHEREAS, the Townhome Lots abut Open Space owned, administered and maintained by Twin Hills;

WHEREAS, during original development, decks were constructed in the rear of some of the Townhome Lots which extended into the Open Space area;

WHEREAS, where decks were not constructed during original development, many Townhome Lot owners have since constructed decks which extend twelve (12) feet into /Open Space;

WHEREAS, any Architectural Changes of the townhome units, including the addition of a decks and repair and replacement of same, are subject to Association approval and to Township approval in the form of the issuance of a permit before any work may be commenced;

WHEREAS, on April 25, 2005, West Pikeland Township adopted Ordinance No. 2005-201 (“Amended Zoning Ordinance”), creating a new comprehensive zoning ordinance for the Township and, in effect, repealed all prior zoning ordinances;

WHEREAS, as the result of the enactment of the Amended Zoning Ordinance, no residential improvements are permitted in Open Space and no such improvements are permitted closer than three (3) feet to a property line; all existing decks within the Twin Hills are rendered non-conforming;

WHEREAS, numerous townhome unit owners within Twin Hills have submitted applications to the Township to construct, repair, replace or enlarge decks abutting the Open Space;

WHEREAS, recent enforcement of the Amended Zoning Ordinance has resulted in the denial of some or all of these applications;

WHEREAS, it is anticipated that the Township will receive similar applications in the future;

WHEREAS, an amendment to the Amended Zoning Ordinance is necessary in order to render existing decks conforming and to permit decks in the future to extend into the Open Space when approved by the Association;

NOW, THEREFORE, it is hereby ENACTED and ORDAINED by the Board of Supervisors of West Pikeland Township, Chester County, Pennsylvania that Ordinance No. 2005-201 is hereby amended as follows:

SECTION 1 Article IX, Section 905.A.2, Open Space Designation & Management Standards, is hereby amended to add the following subsection:

k. Open space owned by a Condominium or Homeowners Association (“Association”) as defined in Section 202 of the Zoning Ordinance may be used by abutting unit owners in the association to construct, repair, replace or enlarge decks and patios (“Residential Improvements”), provided that such improvements extend into the open space no more than twelve feet. Prior to the issuance of permits authorizing such Residential Improvements, the owner of the unit shall provide written approval of the proposed improvement by the Association.

SECTION 2 Article XI, Section 1103.C.1.5, Common Regulations, is hereby amended to add the following:

In no case shall a building or part of a building be closer than three (3) feet from a property line, except that unit owners in a Condominium or Homeowners Association (as defined in Section 202 of the Zoning Ordinance) are permitted to construct Residential Improvements (as defined in Section 905.A.2.k hereof) extending no more than twelve (12) feet into open space owned by the Association with written approval of the Association.

SECTION 3 Miscellaneous

1. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.
2. Effective Date. This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of West Pikeland Township.

ENACTED AND ORDAINED on this 19th day of September, 2016.

BOARD OF SUPERVISORS OF WEST PIKELAND TOWNSHIP

ATTEST:



 Jonathan Slaven
 Township Secretary



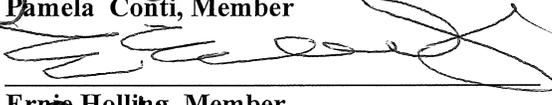
 Richard Bright, Jr., Chair



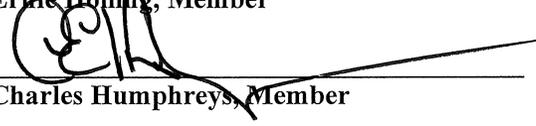
 Harold Hallman, III, Vice Chair



 Pamela Conti, Member



 Ernie Holling, Member



 Charles Humphreys, Member