

**WILLISTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 5 of 2016

AN ORDINANCE PURSUANT TO ARTICLE VI, SECTION 609 OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AMENDING THE WILLISTOWN TOWNSHIP ZONING ORDINANCE TO REVISE DEFINITIONS, REVISE BUFFER STRIPS AND SCREENING REQUIREMENTS, AND FURTHER REGULATE YARD EXCEPTIONS. EFFECTIVE FIVE DAYS FROM ENACTMENT.

BE IT AND IT IS HEREBY ENACTED by the Board of Supervisors of Willistown Township, Chester County, as follows:

Section 1. The Code of the Township of Willistown, Chapter 139 thereof, being the Willistown Township Zoning Ordinance, Article II, §139-6, Definitions, is amended by repealing the definition for “BUFFER PLANTING STRIP” and adding the following terms and definitions in the correct alphabetical sequence:

BUFFER PLANTING STRIP, BUFFER STRIP OR SCREEN - A strip of required yard space adjacent to a use or facility within a property or to the boundary of a property or district, as designated in Chapters 73, 123, and 139, which is landscaped for the full width (or as otherwise specified in Chapter 73) and on which is located a visual barrier 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 trees and shrubs consistent with the requirements of Chapter 73, Article X.

LANDSCAPE IMPROVEMENT - The addition of features to the land which enhance a particular site from the standpoint of, e.g., noise abatement, recreational enjoyment, wildlife preservation, visual amenity, etc. Such improvements might include plantings, pathways, patios and fences. Landscape Improvements may include vegetative components but are not considered to be buffer planting strips.

RECREATIONAL STRUCTURE - Anything constructed or erected on the ground or attached to the ground, pursuant to the definition of "structure," as intended for community recreational purposes. Such structures shall not include facilities intended for the private use and benefit of individual property owners (patios, decks, outdoor kitchens, etc.).

SCREENING - The creation of a visual barrier through some combination of plantings, fences and walls, pursuant to the requirements of Chapter 73, specifically Article X; in no case shall combinations of plantings, fences and walls be used as a method to reduce or eliminate the requirements of Chapter 73, Article X, unless specifically permitted otherwise or by approval of the Board.

Section 2. Chapter 139 of the Code relating to zoning, being the Willistown Township Zoning Ordinance, as amended (the “Zoning Ordinance”), Article XVII, Section 139-53, is repealed in its entirety and replaced with a new Section 139-53, as follows:

§ 139-53. Buffer strips and screening.

- A. Buffer planting strips at least five feet wide shall be used to screen utility areas from public view consistent with the requirements of Chapter 73, Article X, Landscaping, Buffering and Screening: Development and Construction Standards.
- B. Buffer planting strips shall be provided along front, side, and rear property lines, of such width, density, and variety of planting as necessary to ensure privacy and protection pursuant to the requirements of Chapter 73, Article X.
- C. All buildings shall be provided with trash receptacles convenient to service entrances and screened as part of the architectural treatment of the building, or as otherwise required pursuant to Chapter 73, Article X.

Section 3. Chapter 139 of the Code relating to zoning, being the Willistown Township Zoning Ordinance, as amended (the “Zoning Ordinance”), Article XVII, Section 139-94, is repealed in its entirety and replaced with a new Section 139-94, as follows:

§139-94. Yard Exception for accessory structures and buildings.

An arbor, trellis, garden shed, tool shed or similar uninhabitable accessory structure/building (but not to include a garage for the storage of automobiles, a swimming pool, pool house, outdoor fireplace, outdoor kitchen, tennis court, boathouse or other recreational facility, which is separate from the principal building), may be located in the required side and/or rear yard, but not the front yard, as follows:

- A. RU, RA, RA-1 (without public water) Districts. Accessory structures/buildings as defined herein shall not be less than 20 feet from any property line, provided that such structures/buildings are situated a minimum of 50 feet further back from the front property line than the rearmost portion of the principal building. Such structures/buildings shall be no more than nine (9) feet in height. The provisions of this subsection shall not apply to a side or rear yard which abuts a street.
- B. RA-1 (with public water), R-1, R-2, OSC Districts. Accessory structures/buildings as defined herein shall not be less than 10 feet from any property line, provided that such structures/buildings are situated a minimum of 20 feet further back from the front property line than the rearmost portion of the principal building. Such structures/buildings shall be no more than nine (9) feet in height. The provisions of this subsection shall not apply to a side or rear yard which abuts a street.
- C. R-3 Districts. Accessory structures/buildings as defined herein shall not be less than 3 feet from any property line, provided that such structures/buildings are situated a minimum of

10 feet further back from the front property line than the rearmost portion of the principal building. Such structures/buildings shall be no more than nine (9) feet in height. The provisions of this subsection shall not apply to a side or rear yard which abuts a street.

Any structure/building with a footprint of more than 150 square feet shall not be permitted in the required yards. A maximum of two (2) accessory structures/buildings may be permitted in the side and/or rear yards pursuant to this section. Where the principal building is situated at or near the rear yard setback line due to environmental, infrastructure, and/or other constraints in the front yard, the Zoning Officer may, where in his/her professional judgment there exists an undue hardship, reduce the property line setback for the yard exception to 10 feet in the RU, RA and RA-1(without public water) districts, and 5 feet in the RA-1 (with public water), R-1, R-2, and OSC districts.

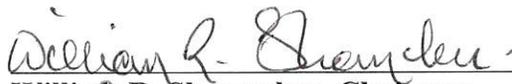
Section 4. Chapter 139 of the Code relating to zoning, being the Willistown Township Zoning Ordinance, as amended (the "Zoning Ordinance"), Article XX, Section 139-122.A(1)(b), is amended to delete the word "certified", as follows:

§139-122.A(1)(b) By providing, by mail, a written notice thereof to the applicant at least seven days before the date fixed for the hearing.

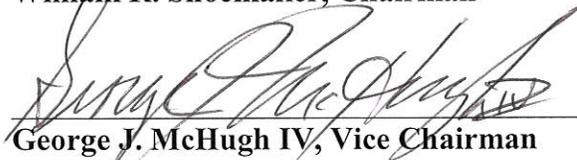
Section 5. This Ordinance shall be effective five (5) days from the date of enactment.

ENACTED and ORDAINED this 14th day of March, 2016

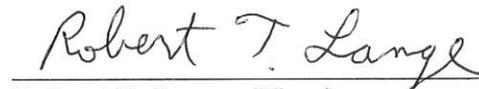
**BOARD OF SUPERVISORS
WILLISTOWN TOWNSHIP**



William R. Shoemaker, Chairman



George J. McHugh IV, Vice Chairman



Robert T. Lange, Member

ATTEST:



David R. Burman, Secretary