

WEST PIKELAND TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2012-03

**AN ORDINANCE OF WEST PIKELAND TOWNSHIP, AMENDING SECTION 202 OF  
THE WEST PIKELAND TOWNSHIP ZONING ORDINANCE, REVISING THE  
DEFINITION OF TERMS FOR “NET AREA”**

PURSUANT TO THE AUTHORITY CONFERRED BY THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, 53 P.S. § 10101, ET SEQ., THE BOARD OF SUPERVISORS OF WEST PIKELAND TOWNSHIP DOES HEREBY ENACT AND ORDAIN AS FOLLOWS:

**Section I** Article II, Section 202 of the West Pikeland Township Zoning Ordinance (“the Ordinance”) under is hereby amended to replace Section A, under the definition of Net Area, as follows:

NET AREA: The net area of any lot or tract for purposes of density calculation and determination of compliance with certain area and bulk criteria, measured in acres or square feet. The Net Area shall be determined by subtracting the following from the surveyed gross area of any lot or tract as applicable:

- A. All lands within existing rights-of-way or easements for public or private streets or other access ways. Notwithstanding the foregoing, there shall not be subtracted from the gross lot or tract area any land within any existing or proposed public trail use unless the same is or was required to be offered, dedicated or conveyed in order to satisfy any mandatory requirements of this Ordinance, or of the Subdivision and Land Development Ordinance, or of any conditions to a final approval granted hereunder.
- B. All lands within existing or proposed rights-of-way or easements for pipelines or electrical transmission lines for 125 KVA or greater;
- C. All lands within existing stormwater management facilities serving more than a single lot and including stormwater management basins and easements utilized for stormwater conveyance, detention or retention. For purposes of this exclusion, stormwater

management basins shall be measured to include any area necessary to convey, detain, store or retain the one hundred year storm and any area comprising a berm or berms necessary to impound such conveyance, detention, storage or retention, measured to extend to the downstream or downslope toe of any such berm. Easement(s) established for stormwater management purposes shall be measured to include all area within the defined limits of the easement(s).

- D. Existing open space restricted from further development except for permitted open space purposes;
- E. Any area comprising one or more of the following:
  - 1. Flood plain or alluvial soils as established by the provisions of the Flood Plain Conservation District (Article VI of this ordinance);
  - 2. Steep slope areas defined as grades of twenty-five percent (25%) or greater as determined by detailed topographical survey using aerial photogrammetry or field survey;
  - 3. Any area designated as a wetland, under the jurisdiction of the U.S. Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection (DEP) or successive agencies;
- F. Forty percent (40%) of any area not otherwise excluded and comprising Hydric Soils as defined herein.

For purposes of application of the net area definition to a tract of land under application for subdivision or land development, or for conditional use approval, the term “existing” in subsections A through D above shall not apply to future development, easements or rights-of-way which may be established as a result of approval of the subject application, but which do not exist at the time of application.

**Section II Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections,  
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or parts hereof. 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 thereof not been included herein.

**Section III Repealer.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**Section IV Effective Date.** This Ordinance shall take effect five (5) days after its adoption.

**DULY ADOPTED and ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2012.

**ATTEST:**

**BOARD OF SUPERVISORS:**

\_\_\_\_\_  
Joan C. Matthews, Township Secretary

\_\_\_\_\_  
Ernest E. Holling, Chairman

\_\_\_\_\_  
Richard Bright, Vice Chairman

\_\_\_\_\_  
Harold M. Hallman, III, Supervisor

\_\_\_\_\_  
Robert Shemonsky, Supervisor

\_\_\_\_\_  
Tom Tucker, Supervisor