

CHAPTER 22

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Part 1

Preamble

§101. Short Title. This Chapter shall be known and may be cited as the "East Coventry Township Subdivision and Land Development Ordinance of 2011," as amended. (Ord. 179, 8/8/2011, §I)

§102. Purpose. The Chapter is designed:

A. To accomplish the coordinated development of the Township, thereby creating conditions favorable to the health, safety and general welfare of the citizens in conformance with the adopted East Coventry Township Comprehensive Plan and other applicable Township ordinances and regulations.

B. To secure sites suitable for building purposes and human habitation, while protecting the Historic Resources, soils, vegetation, quality of the waters and other elements of the ecology.

C. To provide for the general welfare by protecting the economic, cultural, social and governmental structure of the Township and guiding development and growth, as well as improving governmental processes and functions.

D. To guide the type, location and layout of streets and coordinate such streets with the existing street system so as to insure that prospective traffic is properly accommodated and to facilitate fire protection, and to guide the type, location and layout of recreation areas, public grounds and other facilities.

E. To insure that adequate easements or rights-of-way shall be provided for streets, drainage and other utility facilities.

F. To insure that land within the Township that is susceptible to flooding or subsidence is used in such manner as shall not endanger life or property.

G. To insure that all new development incorporates adequate provisions for a reliable, safe and adequate water supply to support the intended uses within the capacity of available resources.

H. To allow innovative and high quality subdivision design that will lead to a sustainable community.

I. To encourage desirable development of the Township in a manner consistent with the goals and objectives of the adopted Comprehensive Plan and other ordinances of East Coventry Township.

(Ord. 179, 8/8/2011, §I)

§103. Interpretation. The provisions of this Chapter shall be held to be the minimum requirements for the promotion and protection of the above stated purposes. Where the provisions of this Chapter impose greater restrictions than those of any other applicable ordinance or regulation, the provisions of this Chapter and its standards and specifications shall prevail. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Chapter, the provisions of such statute, ordinance or regulation shall prevail. (Ord. 179, 8/8/2011, §I)

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§104. Control.

1. All subdivision and land development within East Coventry Township is subject to the provisions of this Chapter and all plats of land intended for subdivision or land development must be submitted to the Board of Supervisors of East Coventry Township for approval.

A. Subdivision and Land Development Control. No land development, subdivision or resubdivision of a lot, tract or parcel of land shall be effected, and no street, sanitary sewer, storm drain, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this Chapter.

B. Sale of Lots, Issuance of Building Permits, Erection of Buildings or Onsite Improvements. In a subdivision or land development, no lot may be used or sold, no building permit may be issued, and no building or other structure may be erected, unless and until:

(1) A final plan for such subdivision or land development shall have been approved and duly recorded.

(2) A grading plan, including a complete conservation plan for erosion and sediment control, has been duly approved.

(3) Either the required onsite and/or public improvements from the lot or building to an existing improved street, or otherwise, shall have been constructed or the Township has been assured, by means of a proper performance guarantee in the form of a financial security of such type as shall be approved by the Board of Supervisors sufficient to cover the cost of all required public and onsite improvements, as estimated by the Township Engineer, that such public and onsite improvements will subsequently be installed by the developer or owner of the property.

2. Where, owing to unusual and specific conditions, a literal enforcement of any of the provisions of this Section would result in unnecessary hardship, such reasonable exceptions thereto may be made by the Township Supervisors in accordance with §704 of this Chapter, as will not be contrary to the interests of the public or property owner involved or adjacent thereto, in which case the issuance of a permit, or erection of a building, or other structure may be permitted subject to such conditions and safeguards as may be imposed to assure adequate streets and other public improvements, and adequate conservation and other onsite improvements.

(Ord. 179, 8/8/2011, §I)

§105. Validity. Should any section or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Chapter as a whole or any other part thereof. (Ord. 179, 8/8/2011, §I)

Part 2  
Definitions

§201. General Interpretation.

1. The headings used in this Chapter are for convenience only and shall not control or affect the meaning or construction of any of the provisions of this Chapter.

2. Unless otherwise expressly stated, or where the context clearly indicates otherwise, the words and phrases defined in this Part, whether with initial capitalization, full capitalization or otherwise shall be construed throughout this Chapter to have meanings indicated in this Part.

3. The present tense of any word or phrase used in this Chapter includes the future; the singular number includes the plural and the plural the singular and the masculine gender includes the feminine and neuter.

4. Whenever appearing in this Chapter, the word "used" includes the words "designed, arranged or intended to be used"; the word "occupied" includes the words "designed or intended to be occupied"; the words "shall" and "will" are always mandatory; the words "may" and "should" are always permissible; the words "person," "applicant," "subdivide," "developer" and "owner" include a corporation, unincorporated association, partnership or other legal entity, as well as an individual; the word "structure" includes a building and a historic resource; and shall be construed as if followed by the phrase "or part thereof"; and the words and phrases "such as," "including" and the like are intended to introduce matters which are illustrative of the meaning of the sentence, clause or phrase in which such words or phrases appear without limiting or derogating from the general application of the sentence, clause or phrase in which such words or phrases appear.

5. Unless specifically provided otherwise herein, any reference in this Chapter to any other ordinances of the Township, to any Federal or State law or statute, to any regulation, study, map, survey or other matter issued or prepared by the Board of Supervisors, or any officer or official thereof, and/or by any Federal or State public body, or a public officer or official thereof, shall include such other ordinance, law, statute, regulation, study, map, survey or other matter, with all amendments and supplements thereto, and any new ordinance, law, statute, regulation, study, map, survey or other matter substituted for the same, as in force at the time of application hereunder.

6. Unless specifically provided otherwise herein, any reference in this Chapter to any governmental agency, department, board, commission or other public body, or to any public officer or other public official, shall include an entity or official which or who succeeds to substantially the same functions as those performed by such public body or official at the time of the application hereunder.

(Ord. 179, 8/8/2011, §I)

§202. Definitions.

AASHTO - the American Association of State Highway and Transportation Officials.

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ACCELERATED EROSION - the removal of the soil mantle through the combined action of earthwork activities and natural processes at a rate greater than would occur from the natural process upon undisturbed land.

ACCESSORY BUILDING (STRUCTURE) - a subordinate building or structure, the use of which is entirely incidental to that of the principal or main building or structure, used for an accessory use and located on the same lot.

ACCESSORY USE - a use customarily incidental and subordinate to and located on the same lot occupied by the principal use to which it relates.

ACT 247 - the "Pennsylvania Municipalities Planning Code," Act of July 31, 1958, P.L. 805, No. 247, as reenacted and amended by the Act of December 21, 1988, P.L. 1329, No. 170, 53 P.S. §10101 et seq., and any subsequent amendments thereto.

ADULT COMMUNITY - a residential community that is intended and operated for occupancy by persons aged fifty-five (55) and older, is governed by a declaration of covenants, conditions and restrictions that limits the occupancy of dwellings to persons aged fifty-five (55) and older, and otherwise qualifies as "housing for older persons" in accordance with the Fair Housing Act, as amended, 42 U.S.C. §3601 et seq. (2007) and its implementing regulations.

ALLEY - a strip of land over which there is a right-of-way, serving as a secondary means of access to two (2) or more properties.

ALLUVIAL SOILS - soils generally found in floodplains and formed by the deposit of sediments or alluvium washed from uplands showing little or no weathering or alteration of the original material by soils-forming processes. Alluvial soils in East Coventry Township are identified as Chewacla and Rowland Series soils.

APPLICANT - a landowner, developer or equitable owner, as hereinafter defined, who has filed an application for subdivision and/or land development with the Township, including his heirs, personal representatives, successors and assigns.

APPLICATION FOR DEVELOPMENT - every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

BERM -

A. For landscape purposes, an earthen structure, a minimum of six (6) feet in height with a one (1) to three (3), height to width, slope along its length and at its ends, designed as an integral part of a landscape screen. For an illustration, see §202 of Chapter 27.

B. For stormwater management purposes, a well compacted earthen ridge, a mound of earth or the act of pushing earth into a mound to help channel surface water away from a site.

BEST MANAGEMENT PRACTICES (BMPs) - activities, facilities, designs, measures, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the Commonwealth. BMPs can be either structural or nonstructural devices that temporarily or permanently store or treat stormwater runoff to

reduce stormwater impacts from regulated earth disturbance activities, to meet State water quality requirements, to promote groundwater recharge and to otherwise meet the purposes of this Chapter. BMPs include, but are not limited to, infiltration, filter strips, low impact design, bioretention, wet ponds, rain gardens, permeable paving, grassed swales, forested buffers, sand filters and detention. All BMPs shall be designed in accordance with the most recently issued "Pennsylvania Stormwater Best Management Practices Manual."

BMP ACCESS EASEMENT - a twenty (20) foot right-of-way across private land providing for unimpeded access for the installation, inspection, repair, maintenance and replacement of BMPs within which the owner shall erect no permanent structures, but may use the land in any other way not inconsistent with the grantee's rights or other applicable regulations.

BOARD or BOARD OF SUPERVISORS - the Board of Supervisors being the governing body of East Coventry Township, Chester County, Pennsylvania.

BRIGHTNESS - a term usually applied to the intensity of sensation resulting from viewing a surface, opaque or transmitting, from which light comes to the eyes. Everything that is visible has some degree of brightness.

BUFFER (BUFFER AREA, BUFFER YARD) - a designated area of land, containing a landscaped screen, as defined herein, between two (2) uses intended to protect one use from another use that is incompatible, or to provide privacy between two (2) uses, or intended to protect the view(s) of or from a use.

BUILDER - a person, not necessarily the owner, subdivider, developer of land or agent, who by contract or otherwise is responsible for the construction of buildings or other structures or for making any construction improvements on any parcel of land.

BUILDING - any structure, permanently located on the ground, having enclosing walls and a roof; a mobile home and a trailer used or to be used for human occupancy.

BUILDING CODE - the provisions of Part 1, entitled "Building Codes," and Part 2, entitled "Uniform Construction Code," of Code Enforcement [Chapter 5] of the Township of East Coventry Code of Ordinances, subject to the replacement of the provisions of Part 1 by the provisions of Part 2 as provided by §§204 and 207 of Part 2.

BUILDING FOOTPRINT - the calculated square footage of any building or structure as determined by the outside face of the foundation at grade level, and which includes any roofed overhangs that are supported by posts or additional foundation support.

BUILDING HEIGHT - the vertical distance from the grade plane, as defined herein, to the average height of the highest roof.

BUILDING PERMIT - a document issued and signed by the Building Inspector authorizing the erection, alteration, or enlargement of a building or structure. The document shall indicate that the proposed activity complies with the applicable codes and ordinances of the Township.

BUILDING, PRINCIPAL - a building or structure in which is conducted or intended to be conducted or designed to be conducted, the principal use of the lot on which the building or structure is located.

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BUILDING SETBACK LINE (BUILDING LINE) -

A. Except in the case of an interior lot, the building setback line shall be a line, within and extending the full width of a lot, parallel to the street line and set back a distance therefrom equal to the depth of the minimum required front yard. To the extent that the street line is curved, the building setback line shall be concentric therewith. In the case of an interior lot (where preexisting or approved by relief), the building setback line shall be a line, within and extending the full width of the lot, which is (1) parallel to the intervening lot line nearest the street line, and (2) setback from such intervening lot line a distance equal to the depth of the minimum required front yard.

B. For the purpose of measuring lot width at and along the building setback line, the following shall apply:

(1) Except as otherwise provided in subsection (2), below, the building setback line, for the purpose of measuring lot width, shall be the minimum building setback line as defined in subsection (A), above.

(2) In the case of a lot having its entire street frontage within the turnaround, measured from reverse curve to reverse curve, of a cul-de-sac street, the building setback line, for the purpose of measuring lot width, shall be a curved line that is (a) parallel to and concentric with the street line, and (b) set back from the street line a distance equal to at least the depth of the minimum required front yard but in no case more than twice the depth of the minimum required front yard.

BULK - a term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and/or lot lines and includes: the size, height and floor area of a building or other structure; the relation of the number of dwelling units in a residential building to the area of the lot (usually called density); and all open areas in yard space relating to buildings and other structures.

CALIPER - the diameter of a tree measured in inches at six (6) inches from the ground surface.

CARPORT - a roofed-over structure, open on at least two (2) sides, used in conjunction with a dwelling for parking or other temporary storage of private motor vehicles.

CARTWAY - that portion of a street or alley paved or otherwise intended for vehicular traffic. Where vertical curbs are provided, the area between the sides of the curbs facing the cartway shall be included in the cartway.

CHURCH - a building used for divine public worship and education by a congregation, but excluding buildings used exclusively for residential, burial, recreational or other uses not normally associated with worship. The term "church" shall also include temples, synagogues, mosques and other similar places of worship.

COMMERCIAL - a use of land or improvements thereto for the purpose of engaging in retail, wholesale or service activities for profit.

COMMON AREA - any real estate designated for common ownership solely by the unit owners in a condominium, any real estate within a planned community

which is owned by or leased to the homeowners' association, or any area or space designed for joint use of tenants occupying a mobile home development.

COMMON OPEN SPACE or OPEN SPACE - a parcel, parcels of land, greenway, an area of water or a combination of land and water designed and intended for the use or enjoyment of the residents, consisting of landscaped or natural terrain including lakes and streams. Common open space shall be substantially free of buildings (but may include such buildings or other improvements as are in the development plan as finally approved and as are appropriate for the recreational uses). Common open space shall not include street rights-of-way, yards, required areas for buildings, off-street parking areas or similar functions. Common open space may include recreational uses such as tennis courts, squash courts, playgrounds, golf courses, swimming pools or other like uses. Common open space may also include stormwater detention or retention facilities, provided that the area devoted to such facilities shall not be included as part of the required minimum open space area. For ownership purposes, any open space owned by the Township shall be considered "public open space"; all other open spaces shall be considered "private open space."

COMMONWEALTH - Commonwealth of Pennsylvania.

COMPREHENSIVE PLAN - the document adopted on May 19, 2003, by the Board of Supervisors, in accordance with the provisions of Act 247, as the Comprehensive Plan for the Township of East Coventry, including the Pottstown Metropolitan Regional Comprehensive Plan, dated August 2005, and as adopted by the Board of Supervisors on December 19, 2005, and any amendments thereto.

CONDITIONAL USE - a use, which is permitted in a particular zoning district pursuant to express standards and criteria prescribed for such use in the Zoning Ordinance [Chapter 27]. A conditional use is allowed (possibly with conditions attached) or denied upon application to the Board of Supervisors pursuant to public notice and hearing, and recommendation by the Planning Commission as set forth in Part 14 of the Zoning Ordinance [Chapter 27].

CONDOMINIUM - real estate, portions of which are designated for separate ownership, and the remainder of which is designated for common ownership solely by the owners of those portions, and is created under the Pennsylvania Uniform Condominium Act, P.L. 286, Act No. 82, as amended, 68 Pa.C.S.A. §3101 et seq. A form of ownership of real property, not a type of use. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONSERVATION DISTRICT - the Chester County Conservation District.

CONSERVATION PLAN - a plan for the conservation of precipitation and soils meeting the standards established and revised from time to time by the Pennsylvania Department of Environmental Protection, the Chester County Conservation District and by the Natural Resources Conservation Service, U.S. Department of Agriculture. See §306(1) of this Chapter.

CONVERSION - an alteration of a building, structure, historic resource or land by change of use, theretofore existing, to a new use which imposes other special provisions of a law governing building construction, equipment, exits or zoning regulations. In the case of dwelling units, the creation of two (2) or more dwelling units within an existing single-family detached dwelling, with the resulting units each having independent kitchen, bath, and

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sleeping facilities.

COUNTY PLANNING COMMISSION - the Planning Commission of Chester County, Pennsylvania.

CROSSWALK - a right-of-way exclusively for pedestrian or nonmotorized vehicle travel across a street.

CUL-DE-SAC - a single access local street intersecting another street at one end and terminated at the other end by a permanent vehicular turnaround.

CULTURAL RESOURCE NOTICE - a notice provided to the Pennsylvania Historical and Museum Commission required by State permitting agencies in accordance with the Pennsylvania History Code, Act of May 26, 1988, P.L. 414, No. 72, as amended, 37 Pa.C.S. §101 et seq.

CULVERT - a pipe, conduit or similar structure, including appurtenant works, which conveys a stream or drainage flow under a roadway.

DATE OF SUBMISSION - the date on which a completed application for subdivision and land development together with all required information, fees, etc., is received by East Coventry Township.

DATUM - used as a basis for calculations or measurements as a level from which elevations are measured in surveying.

DBH - the diameter of a tree at breast height measured three and one-half (3.5) feet from the ground surface.

DEMOLITION OR DEMOLISH - the razing or destruction, whether entirely or in significant part, of the exterior of a building, structure, or historic resource. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing or destruction of an historic resource, including, without limitation, the facade or any significant exterior architectural features that are integral to the historic character of the resource, for whatever purpose, including new construction or reconstruction.

DEPARTMENT OF HEALTH - the Department of Health of the Commonwealth of Pennsylvania, or its representative having jurisdiction in the Township.

DESIGN STANDARDS - minimum standards by which a subdivision or land development is developed.

DETENTION BASIN - a structure designed to retard surface water runoff for a period of time sufficient to provide for a reduced rate of discharge through a controlled outlet, and to retard the velocity and cause the deposition of sediment, and as a means of preventing erosion. For the purpose of calculating the net lot or net tract area, the area of a detention basin shall be measured as twenty (20) feet outward from the 100-year storm event elevation contour within the basin, or as recommended by the Township Engineer and approved by the Board of Supervisors.

DEVELOPER - any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land and/or a land development, or who constructs public improvements or causes public improvements to be constructed.

DEVELOPMENT AGREEMENT - see §309 of this Chapter.

DEVELOPMENT PLAN - the provisions for development, including a plat of

subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan," when used in this Chapter or in the Zoning Ordinance [Chapter 27], shall mean the written and graphic materials referred to in this definition.

**DRAINAGE** - the flow of water or other liquid and the means or structures for directing such flow, whether surface or subsurface, and whether natural or artificial.

**DRAINAGE AREA** - the upstream watershed area of a drainage basin measured from a point of discharge in the watercourse.

**DRAINAGE EASEMENT** - a right-of-way not less than twenty (20) feet in width across private land providing for either the unimpeded surface flow or the installation and maintenance of stormwater management facilities to facilitate the flow of water within which the owner shall erect no permanent structures, but may use the land in any other way not inconsistent with the grantee's right or other applicable regulations.

**DRIP LINE** - a generally circular line around a tree, the circumference of which is determined by the outer reaches of the tree's widest branch points.

**DRIVEWAY ORDINANCE** - the East Coventry Township Driveway Ordinance, adopted July 19, 2004, as amended, codified at Part 1 of Chapter 21 of the Township of East Coventry Code of Ordinances.

**DRIVEWAY, PRIVATE** - that portion of a lot that is intended for vehicular use and which is privately owned, whether paved or unpaved.

**DWELLING** - a building consisting of one (1) or more dwelling units designed and occupied principally for residential purposes.

**DWELLING UNIT** - a room or group of rooms within a building used, intended to be used or capable of being used as a complete housekeeping facility for one (1) family, providing living, sleeping, cooking, dining and sanitary facilities.

**EARTH DISTURBANCE ACTIVITY or EARTHMOVING** - a construction or other human activity which disturbs the surface of the land including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and the moving, depositing, stockpiling, or storing of soil, rock or earth materials, excluding agricultural activities.

**EASEMENT** - a permanent right granted for limited use of private land, normally for a public purpose (e.g., utility, drainage, public access). The owner of the property shall have the right to make any other use of the land that is not inconsistent with the rights of the grantee.

**EASEMENT, CONSERVATION** - a legal agreement between a property owner and an appropriate conservation organization or governmental entity through which the property owner establishes certain use restrictions, which may include, without limitation, historic resource facade easements, over all or portions of the property for conservation purposes.

**EMERGENCY ACCESS DRIVE** - emergency vehicle access lanes across lawn or agricultural areas designed in accordance with the most current version of

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East Coventry Township's Standard Public Improvement Specifications.

ENGINEER, TOWNSHIP - a professional engineer, licensed as such by the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township.

EROSION - the process by which soils, vegetation and manmade materials on the earth's surface, including channels, are worn away by action of water, wind, frost, or a combination of other such geological processes.

EROSION AND SEDIMENT CONTROL PLAN - a plan for a project site, which identifies BMPs to minimize accelerated erosion and sedimentation.

FACADE - any exterior face of a building or structure.

FENCE - a freestanding assembly of wood, glass, metal, plastic, wire, wire mesh, masonry or vegetation, singly or in combination with other materials, two and one-half (2 1/2) feet high or higher, erected to secure or divide one (1) property from another or part of a property from a remaining part, to assure privacy, to protect the property so defined or to enclose all or part of the property. A freestanding masonry wall is considered a fence.

FILL - material, exclusive of structures, placed or deposited so as to form an embankment or raise the surface elevation of the land.

FLOOD - a general and temporary inundation of land areas caused by the overflow of streams, rivers or other waters of the Commonwealth of Pennsylvania.

FLOOD FRINGE - that portion of the one hundred (100) year floodplain outside the floodway.

FLOOD, ONE HUNDRED (100) YEAR - the highest level of flooding that, on the average, is likely to occur every one hundred (100) years, that has a one percent (1%) chance of occurring each year, as delineated by the Flood Insurance Rate Maps (FIRM) developed by the Federal Emergency Management Agency.

FLOODPLAIN - a relatively flat or low land area that is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse, and/or any area subject to the unusual and rapid accumulation of the surface waters from any source. The limits of a floodplain area shall be as provided in §303(2)(A) of the Zoning Ordinance [Chapter 27].

FLOODPLAIN DISTRICTS - the floodplain districts specifically described in Part 3 of the Zoning Ordinance [Chapter 27], including the FW Floodway Floodplain District, the FE Flood Fringe Floodplain District and the FA General Floodplain District. See Chapter 9, "Grading and Excavating," Part 1, "Stormwater Management," of the East Coventry Township Code of Ordinances.

FLOODWAY - the designated area of the one hundred (100) year floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of Chapter 27, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

FLOOR AREA - the total enclosed area in the horizontal planes of a principal structure, and all accessory structures as measured from the outside face of all exterior walls.

FOOTCANDLE (FC) - a quantitative unit for measuring illumination equivalent to the illumination produced by a plumber's candle (standard

source) measured at a distance of one (1) foot. One (1) lumen per square foot.

FRONT LOT LINE - see "lot line, front."

GLARE - brightness in the field of view that is sufficiently greater than the amount of light to which the eye is adapted, to cause annoyance, discomfort or loss of visual performance and visibility.

GLARE, DISABLING - brightness in the field of view that impairs visibility and creates a potential hazard to the health, safety and welfare of residents and others in the Township.

GLARE, NUISANCE - brightness in the field of view that creates an annoyance or aggravation but does not create a potentially hazardous situation.

GRADE, EXISTING - the elevation, relative to a given datum, of the ground surface prior to any excavation or fill.

GRADE, FINISHED - the elevation, relative to a given datum, of the ground surface after completion of any excavation or fill.

GRADE, PROPOSED - the elevation, relative to a given datum, of the ground surface to be achieved by excavation or fill.

GRADE PLANE - a reference plane representing the average of the finished grade adjoining a building at the exterior walls. Where the finished grade slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

GRADING - the changing of the surface of the ground by excavation or filling, or combination of the two, the act of moving earth.

GRADING PLAN - a plan to scale showing existing and proposed buildings and other structures, as well as existing and proposed contours at sufficient intervals to define scale, location, depth and gradient and general slope of the ground.

GREENWAY - a linear corridor of public or private land that provides public access for a wide variety of users and which may allow use by non-motorized vehicles. Greenways may also consist of linear open space corridors not specifically established for public use, but conserved primarily for ecological, environmental, historical or scenic reasons. Greenways link points of interest together to create an interconnected system of green space. Greenways located adjacent to watercourses shall have a minimum width of one hundred (100) feet measured from the top of the stream bank to provide a riparian buffer area. Greenways located within utility corridors shall be of the same width as the utility right-of-way or easement.

GROUND STABILIZATION FABRIC - a permeable plastic material designed to prevent upward or downward movement of soil particles or other solids while allowing vertical water movement. (Trade names include Mirafi 500, Bidim, Typar and Supac.)

GROUNDWATER RECHARGE - replenishment of geologic aquifers and rock or soil interstices, which have the capacity to store water.

GUARANTEE, MAINTENANCE - financial security, that is approved by the

## SUBDIVISION AND LAND DEVELOPMENT

Board of Supervisors and which is required by the Board under and pursuant to §309 of this Chapter to guarantee the structural integrity and functioning of improvements, dedication of which to the Township, is accepted by the Board of Supervisors.

GUARANTEE, PERFORMANCE - financial security, that is approved by the Board of Supervisors and which is required by the Board under and pursuant to §310 of this Chapter as a condition to final approval of a subdivision or land development plan, to guarantee that the improvements shown on the plan are installed and completed in accordance with the plan and applicable provisions of this Chapter.

GUTTER - that portion within a street right-of-way, whether paved or unpaved, designed for surface drainage.

HEALTH DEPARTMENT - the Chester County Health Department.

HEIGHT - for structures that are buildings, see "building height." For structures other than buildings, the height shall be the vertical distance measured from the elevation of the proposed mean level of the ground along the front of the structure to its highest point.

HISTORIC RESOURCE - a building, site, structure, object or district, aged fifty (50) years or more, which meets one (1) or more of the following criteria:

A. Identified in the Historic Sites Survey of historic structures in the Township, conducted in 1981, as described in the Comprehensive Plan and as shown on Figure 3.10: Community Facilities Inventory Map, dated February 2003 in the Comprehensive Plan.

B. The recipient of a courtesy Chester County Historic Certification certificate.

C. Listed individually or as a contributing historic resource in a Historic District listed on the National Register of Historic Places, a list maintained by the National Park Service under the jurisdiction of the Department of the Interior.

D. Deemed eligible for listing on the National Register of Historic Places and, as such, has received a Determination of Eligibility from the Bureau for Historic Preservation, Pennsylvania Historical and Museum Commission.

E. Identified in a Pennsylvania Act 167 Historic District.

HISTORICAL COMMISSION - the East Coventry Township Historical Commission established and created under and by Part 5 of Chapter 1 (Administration and Government) of the Code of Ordinances of the Township of East Coventry.

HOMEOWNERS ASSOCIATION - an association comprised exclusively of homeowners or unit owners, organized as a profit or nonprofit corporation or as an unincorporated association, and operated in accordance with approved bylaws, for the purpose of governing and operating the association and administering to the needs of residents through the management and maintenance of common property and facilities owned by the association or its members.

HYDRIC SOILS - a soil that formed under saturated conditions including, but not limited to, Bowmansville Silt Loam (Bo), Croton Silt Loam (CrA - 0% - 3%) and Croton Silt Loam (CrB - 3% - 8%), Wehadkee Silt Loam (We), and

Rowland soils series (Ro).

HYDROLOGY - the science of the water cycle, describing the properties, distribution and effects of water on the earth's surface, in the soil and underlying rocks and in the atmosphere.

ILLUMINANCE - the quantity of light measured in foot-candles or lux.

ILLUMINATION - the density of luminous flux on a surface.

IMPERVIOUS SURFACE/COVER - any surface or constructed material, which is impenetrable to the passage of water or other liquids under normal conditions and thus produces stormwater runoff from precipitation. All buildings, including roof overhangs, parking areas, driveways, roads, sidewalks, stone driveways or parking areas, and other such areas in concrete or asphalt, shall be considered components of impervious cover. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition shall also be considered as contributing to total impervious cover. For purposes of determining compliance with maximum impervious cover limitations on any lot or tract, impervious cover shall be measured as a percentage of net tract area, defined herein.

IMPROVEMENTS - physical additions, installations and/or changes to buildings, structures or land such as, but not limited to, grading, paving, roads, curbing, fire hydrants, water mains, sanitary sewers, capped sewers, storm sewers, storm drains, catch basins, culverts, sidewalks, monuments, crosswalks, bridges, earthworks, street lights, wells, sewage disposal systems, street trees, landscaped screens and other plantings and other manmade facilities that may be necessary, desirable or proposed in a subdivision or land development in order to render the land suitable for the use or uses intended.

IMPROVEMENTS, PUBLIC - improvements including, but not limited to, grading, paving, roads, curbing, fire hydrants, water mains, sanitary sewers and other surface drainage facilities, retaining walls, street signs, monuments or the like, which may be dedicated to the Township.

INDUSTRIAL USE - any use permitted in the LI Limited Industrial Zoning District that involves the fabrication, production, repair, alteration and/or storage of a product(s) within a building and/or outdoors. Such uses do not include customer oriented retail sales.

LAND DEVELOPMENT -

A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

(1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of tenure or the number of occupants, whether owners or renters; or

(2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

SUBDIVISION AND LAND DEVELOPMENT

C. Development in accordance with §503(1.1) of the MPC.

The following shall be excluded from the definition of land development: (A) the conversion of an existing single-family detached dwelling or a single-family semi-detached dwelling into not more than three (3) dwelling units, unless such units are intended to be a condominium; and (B) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

LAND DISTURBANCE - any activity which causes land to be exposed to erosion, including clearing, grading, filling and any other activity, excepting agricultural activities resulting in the movement of earth or stripping of vegetative cover or removal of hazardous or invasive alien vegetation (see definition of "woodland disturbance" under §202 of the Zoning Ordinance [Chapter 27]); includes, without limitation, earthmoving.

LANDOWNER - the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPE SCREEN - the use of plant material, walls, fencing or earthen berms, or combinations thereof, to: (A) aid in the concealment of such features as parking and loading areas; (B) to provide privacy and/or protection between two (2) incompatible land uses; or, (C) to provide a visual and/or sound barrier. Where a wall, fence or berm is employed, such structures shall be not less than six (6) feet in height. The landscape screen shall meet the requirements of §428 of this Chapter.

LANDSCAPING - the planting of turf or other appropriate ground cover or the planting of deciduous or evergreen trees or shrubbery, other than for agricultural purposes, and including the maintenance and replacement thereof, for control of erosion, retention of precipitation, protection against elements or promotion of human comfort and welfare.

LEVEL OF SERVICE - a description of traffic conditions along a given roadway or at a particular intersection. As defined by the Highway Capacity Manual, level of service, ranging from A to F, measures the operational conditions within a traffic stream in terms of such factors as speed, travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience.

LIGHT TRESPASS - light emitted by a lighting installation, which extends beyond the boundaries of the lot on which the installation is sited.

LOT - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon in accordance with this Chapter, the Zoning Ordinance [Chapter 27] and/or other applicable law.

LOT AREA, GROSS - the area of land contained within the property lines of a parcel, tract or lot as described in the deed or as shown on an approved subdivision plan.

LOT AREA, NET - the gross lot area excluding the following areas:

A. Any area (1) within a street ultimate right-of-way; or (2) within any other ultimate right-of-way, whether public or private, that provides, or is intended to provide, access to more than one (1) lot by

way of vehicular and/or pedestrian circulation.

B. Any area, easement or right-of-way to be used for emergency access, drives or fire lanes.

C. Any existing easements or rights-of-way for gas, oil, natural gas, electric or communications transmission facilities, whether below or above grade, that do not exclusively serve the lot.

D. Any area comprising a stormwater management facility.

E. Any easement area at and twenty (20) feet around the point of water discharge, whether below or above grade, comprising any stormwater management basin easement, drainage easement, and/or sanitary sewer easement.

F. Any area overlain by the 100-year floodplain.

G. Any area of prohibitive steep slope.

H. Any area of seasonally high water table soils and hydric soils.

I. Any area of wetlands.

J. Any riparian buffer area.

The net lot area shall be used to determine the area, bulk, coverage, dimensional and density requirements as provided in the Zoning Ordinance [Chapter 27].

LOT, CORNER - a lot at the junction of, and abutting on two (2) or more streets. [Ord. 196]

LOT COVERAGE - the ratio or percentage of the total ground floor area of all buildings on a lot to the gross area of the lot on which they are located.

LOT DEPTH - the distance along a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT, FRONTAGE - the uninterrupted linear or curvilinear extent of a lot measured along the street right-of-way from the intersection of one (1) side lot line to the intersection of the other side lot line.

LOT, INTERIOR - a pre-existing lot, existing as of December 31, 2002, or lot approved to provide relief, having limited frontage on a public or private road, where such frontage is intended primarily to provide access to the lot. The strip of land used for access shall be a fee simple part of the lot. An interior lot shall include, without limitation, a flag lot.

LOT LINE - a property boundary line of any lot held in single and separate ownership, except that, in the case of any lot abutting a street, the lot line for such portion of the lot as abuts such street shall be deemed to be the same as the street line, and shall not be the centerline of the street or any other line within the street lines even though such may be the property boundary.

LOT LINE ADJUSTMENT - an adjustment of boundary lines to accommodate the transfer of land among/between adjacent property owners of existing lots, which does not result in the creation of any new lots.

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LOT LINE, FRONT - front lot line shall mean the line separating such lot from the ultimate street right-of-way.

LOT LINE, REAR - a line opposite and most distant from the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line. In the case of a corner lot, any lot line that is not a front lot line or a side lot line.

LOT LINE, SIDE - any lot line that is not a front or rear lot line. In the case of a corner lot, any lot line that intersects a front lot line may be considered a side lot line.

LOT, REVERSE FRONTAGE - a lot extending between and having frontage on an existing or proposed arterial, collector or local street and a local street and with vehicular access solely from the latter.

LUMEN - a unit used to express the light output of a lamp or fixture. The number of lumens striking a square foot of area determines the footcandle level (lumens per square foot).

LUMINAIRE - a complete lighting unit consisting of a lamp(s) together with the parts required to distribute the light, position and protect the lamp and to connect the lamp to a power supply. Used synonymously with the term "fixture."

MARKER - an iron pipe or pin of at least one-half (1/2) inch diameter and at least thirty-six (36) inches in length embedded vertically into the ground.

MINIMIZE - to reduce to the smallest amount or extent possible. "Minimize" shall not mean complete elimination but shall require that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect(s) of the action required to be minimized. "Minimize" shall include, but not be limited to, the requirement that the placement of dwellings and other structures and the locations of roads, stormwater management facilities, and other land disturbance shall be planned and designed to reduce the adverse effect(s) of the activity in question to the smallest amount possible under the circumstances consistent with otherwise permitted development.

MINIMUM YARD - the minimum front, side or rear yard setback distance measured from its corresponding lot line of the lot as required by the applicable zoning district, which is open and unobstructed from the ground to the sky, except for permitted accessory structures and signs.

### MITIGATION -

A. An action undertaken to accomplish one (1) or more of the following:

(1) Avoid or minimize impacts by limiting the degree or magnitude of the action and its implementation.

(2) Rectify the impact by repairing, rehabilitating or restoring the impacted environment.

(3) Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.

(4) Obtain a Memorandum of Agreement relating to a historic resource.

B. If the impact cannot be minimized in accordance with subsections (A)(1) through (4) above, compensation for the impact by replacing the environment impacted by the project or by providing substitute resources or environments.

MOBILE/MANUFACTURED HOME - a transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

MOBILE/MANUFACTURED HOME LOT - a parcel of land in a mobile home/manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile/manufactured home.

MOBILE/MANUFACTURED HOME PAD - a concrete pad on which a mobile/manufactured home is placed at least six (6) inches in thickness with a base of at least six (6) inches of 2B stone and with at least six (6) tie-down rings to which the mobile/manufactured home shall be secured. The pad shall be equal in length and width to the dimensions of the mobile home to be placed thereon.

MOBILE/MANUFACTURED HOME PARK - a parcel or contiguous parcels of land under single ownership which has been planned and improved for placement of mobile homes for nontransient use, consisting of two (2) or more mobile/manufactured home lots.

MONUMENT - a permanent concrete monument with a flat top at least four inches in diameter or square, and at least thirty-six (36) inches in length, embedded vertically into the ground and to the top of which is permanently affixed a reference mark (indented cross or drill hole). The monument shall be tapered so that the dimensions at the bottom are at least two (2) inches greater than the top, to minimize movement caused by frost.

MUNICIPALITIES PLANNING CODE/ACT 247/MPC - the Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended, 53 P.S. §10101 et seq., known as the "Pennsylvania Municipalities Planning Code," together with amendments and supplements thereto and any new statutes substituted therefor, as in force at the time of application.

NEW CONSTRUCTION - structures, including any subsequent improvements to such structures for which the start of construction commenced on or after November 2, 1981, the date of adoption of the floodplain management regulations of the Township of East Coventry.

NEW MOBILE/MANUFACTURED HOME PARK - a parcel or contiguous parcels of land containing two (2) or more mobile/manufactured home lots for rent for which the construction of facilities for servicing the lot on which the mobile/manufactured home is to be affixed (including at a minimum the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed on or after the effective date of the floodplain regulations set forth in Part 4 of the

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Zoning Ordinance [Chapter 27].

NURSERY - a tract of land on which trees and plants are raised and stored for transplanting or sale.

OFFICIAL MAP - a map, legally adopted by the Board of Supervisors pursuant to Article IV of the MPC, showing (A) officially dedicated, ordained, opened or planned streets, existing and proposed watercourses and public grounds, including widenings, narrowings, extensions, diminutions and openings or closings thereof, (B) existing public parks and other public properties, and those proposed for acquisition by the Township by condemnation, purchase, dedication or otherwise, (C) pedestrian ways and easements, (D) railroad and transit rights-of-way and easements, (E) flood control basins, floodways and floodplains, stormwater management areas, stormwater management basin easements, and drainage easements, and (F) support facilities, easements and other properties held by the Township and other public agencies.

OFFICIAL SEWAGE FACILITIES PLAN - the Act 537 Plan, including all revisions thereto, for the provision of adequate sewage systems adopted by the Township and submitted to and approved by the Pennsylvania Department of Environmental Protection as provided in and by the Pennsylvania Sewage Facilities Act and the regulations of the Pennsylvania Department of Environmental Protection promulgated thereunder.

ONE HUNDRED YEAR FLOOD (100-YEAR FLOOD) - see "flood, one hundred (100) year."

PARKING, OFF-STREET - a parking space or spaces as required by the Zoning Ordinance [Chapter 27], no part of which shall be located within any public or private street right-of-way.

PARKING, ON-STREET - a parking space or spaces as permitted by the Zoning Ordinance [Chapter 27], which shall be located fully within a street, but outside of the cartway.

PARKING LOT - an off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

PARKING SPACE - a reasonably level space designated for the parking of one (1) motor vehicle, surfaced to permit use under all weather conditions, the dimensions of which are consistent with §1306(B)(1) of the Zoning Ordinance [Chapter 27], exclusive of passageways, driveways or other means of circulation and access and to which there is access from a street, alley, or driveway. For residential dwellings, parking spaces within garages shall not be considered in the calculation of the minimum number of required off-street parking spaces. [Ord. 196]

PARKS, RECREATION, AND OPEN SPACE PLAN - the Parks, Recreation, and Open Space Plan for the Federation of Northern Chester County Communities, adopted by the Township as an element of the East Coventry Township Comprehensive Plan on April 10, 2012, (Res. 2012-10), and any amendments or supplements thereto. [Ord. 196]

PEDESTRIAN WAY - a paved or non-paved surface designed to provide for the movement and circulation of pedestrians and/or bicyclists, including sidewalks, walkways, paths and trails.

PENNDOT - the Department of Transportation of the Commonwealth of

Pennsylvania.

PENNSYLVANIA SEWAGE FACILITIES ACT - the Act of January 24, 1966, P.L. (1965) 7.535, No. 537, as amended, 35 P.S. §750.1 et seq., together with amendments and supplements thereto and any new statutes substituted therefor, as in force at the time of application.

PERSON - any individual, firm, trust, condominium, partnership, joint venture, unincorporated association, business association or corporation, whether public or private or other legal entity cognizable at law.

PHMC - the Pennsylvania Historical and Museum Commission.

PLAN, AS-BUILT - plans in accordance with the requirements identified in Appendix 2 of the Standard Public Improvement Specifications.

PLAN, FINAL - see §305 of this Chapter.

PLAN, CONSTRUCTION IMPROVEMENT - see §306(2) of this Chapter.

PLAN, LAND DEVELOPMENT - a plan depicting all aspects of a particular land development as required herein, including all exhibits, drawings, cross-sections, profiles and descriptive text to the degree of detail specified herein and sufficient to portray the full intent of a developer.

PLAN, PRELIMINARY - see §304 of this Chapter.

PLAN, PROFILE - a plan prepared by an engineer or surveyor registered in the Commonwealth of Pennsylvania showing the vertical section of the existing and proposed grade along the centerline of any proposed street and any street appurtenances to be constructed or installed, which must include a typical cross-section of the street construction and the grades of all street right-of-way lines and curb lines; part of the required submission of the improvement construction plan in accordance with §306(2)(E) of this Chapter.

PLAN, RECORD - the copy of the final plan which contains the original endorsements of the Chester County Planning Commission and the Township and which is intended to be recorded with the Chester County Recorder of Deeds.

PLAN, SKETCH - see §303 of this Chapter.

PLANNER, TOWNSHIP - a person duly designated by the Board of Supervisors to perform the duties of planner as herein specified.

PLANNING COMMISSION - the East Coventry Township Planning Commission, Chester County, Pennsylvania.

PLANTING STRIP - a strip of land lying between; (A) the curb line, or edge of the paving of a street, and (B) the sidewalk, or edge of parking lot paving.

PLAT - the map or plan of a subdivision of land or land development, whether preliminary or final.

PROFESSIONAL ENGINEER - an individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of engineering.

PROFESSIONAL LAND SURVEYOR - an individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of land surveying.

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**PUBLIC GROUNDS** - areas of land or water that include parks, playgrounds, trails, paths and other public areas, and the sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

**PUBLIC HEARING** - a formal meeting held pursuant to public notice by the Board of Supervisors, the Township Planning Commission or the Zoning Hearing Board intended to inform and obtain public comment prior to taking action in accordance with this Chapter and the MPC.

**PUBLIC IMPROVEMENTS** - those facilities that are designed for and available to the public, which may be offered for dedication to the Township, including, but not limited to, streets, stormwater management facilities, sidewalks, curbs, trails and public sanitary sewers.

**PUBLIC MEETING** - a forum held pursuant to notice under 65 Pa.C.S., Chapter 7, known as the "Sunshine Act."

**PUBLIC NOTICE** - notice of a hearing published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notices shall state the time and place of any hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days, and the second publication shall not be less than seven (7) days, prior to the date of the hearing.

**PUBLIC SEWER** - any off-site system, including all parts, facilities and other appurtenances thereof (including laterals), owned and/or operated by the Township, for the collection, conveyance, treatment and/or disposal of sanitary sewage and/or industrial wastes through means approved by the Pennsylvania Department of Environmental Protection.

**PUBLIC UTILITY** - an agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with communication, gas, power, rail, transportation, sewer or water facilities or other similar service.

**QUEUE ANALYSIS** - an analysis that identifies the maximum queue of vehicles in each traffic stream, measured in feet. A queue analysis shall utilize a computer model typically accepted by PennDOT and the Township.

**RECREATION, ACTIVE** - those recreational pursuits that require physical alteration to the area in which they are performed. Areas of land designed for active recreation are intensively used and satisfy the following criteria:

A. The land has an average slope of less than five percent (5%) and is suitable for active recreational uses without interfering with adjacent dwelling units, parking, driveways and roads; and

B. The land does not constitute a "wetland" under Federal or State regulations; and

C. The land is not within a "100-year floodplain"; and

D. The land is not included in, or made part of, stormwater management facilities, including detention/retention basins, swales, culverts and any associated appurtenances thereto; except that with the permission of the Board of Supervisors and if noted on the subdivision and/or land development plan, up to fifty percent (50%) of the area of the stormwater detention/retention basins designed to provide for park and/or recreation uses may be considered as active recreation area. The

linkage of stormwater detention/retention basins with recreation facilities and open space is encouraged when the presence of such facilities does not conflict with proposed basin operations. Examples of active recreation area include, but are not limited to, playgrounds, ball courts and swimming pools. Active recreation shall exclude amusement parks.

RECREATION, PASSIVE - recreational pursuits that can be carried out with little alteration or disruption in the area in which they are performed. Such uses include, but are not limited to, hiking, biking and picnicking.

RECREATIONAL VEHICLE - a vehicle that is: (A) built on a single chassis, (B) four hundred (400) square feet or less when measured at the largest horizontal projection, (C) designed to be self-propelled or permanently towable by a light duty truck or car, and (D) designed as temporary living quarters for recreational, camping, travel or seasonal use and not for continued occupancy or use as a permanent dwelling. The term "recreational vehicle" shall include tent trailers, travel trailers, motor homes, mini motor homes and any similar self-propelled or trailered vehicle used mainly to provide easily transportable, temporary living accommodations. Also included are boats, other watercraft, snowmobiles, all-terrain vehicles and four-wheel drive vehicles meant for rugged, off-the-road use.

REFORESTATION - the restocking of an area with forest trees, including natural regeneration as well as tree planting.

REGISTERED LANDSCAPE ARCHITECT - a professional registered as a landscape architect in the Commonwealth of Pennsylvania.

RESERVE STRIP - a parcel of ground in separate (sometimes public) ownership separating a street from other adjacent properties or from another street.

RESUBDIVISION - any replatting or resubdivision of land, limited to changes in lot lines on the approved final plan or recorded plan as specified in this Chapter. Other replattings shall be considered as constituting a new subdivision of land. See also "subdivision."

RETAINING WALL - a stabilized structure of stone, concrete or treated wood designed to prevent the erosion or collapse of a soil cut or fill.

RETENTION BASIN - a reservoir, formed from soil or other material, designed to permanently retain stormwater runoff from a specified amount of stormwater runoff as defined by this Chapter, to detain temporarily additional stormwater runoff and/or to retain perennial or intermittent surface water flow from permanent or intermittent streams. Retention basins always contain water and include manmade ponds and lakes. For the purpose of calculating the net lot or net tract area, the area of a retention basin shall be measured as twenty (20) feet outward from the one hundred (100) year storm event elevation contour within the basin, or as recommended by the Township Engineer and approved by the Board of Supervisors.

REVIEW - See §§303, 304, and 305 of this Chapter.

RIGHT-OF-WAY, LEGAL - the total width of any land dedicated as a street, alley, crosswalk, utility or for any other public or private purpose, as reflected on a recorded subdivision plat, boundary plat or dedication plat.

RIGHT-OF-WAY, ULTIMATE - the total width of any land which is expected to be needed for a street, alley, crosswalk, utility or for any other public

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or private purpose, including lands privately owned, but intended to be acquired by a public agency.

RIPARIAN BUFFER AREA - any area within one hundred (100) feet measured from the top of the stream bank or within one hundred (100) feet measured from the water's edge if no well-defined stream bank is present along Pigeon Creek, Stony Run, Bickles Run, the Schuylkill River and their perennial tributaries, within which no land disturbance is permitted. These buffer areas shall consist of permanent vegetation consisting of native trees, shrubs and forbs along the above-mentioned watercourses that are maintained in a natural state or managed to protect and enhance water quality, stabilize stream channels and banks, and buffer land use activities from surface waters. Riparian buffer areas are not required around intermittent or seasonal watercourses. [Ord. 196]

ROAD OR ROADWAY- see "street."

RUNOFF - that portion of incident rainfall, which does not infiltrate into the soil mantle and subsequently flows over the land surface.

SCREEN/SCREENING - see "landscaped screen."

SEASONALLY HIGH WATER TABLE SOILS - those soils in which the groundwater surface is one (1) foot or less from the ground surface at certain or all times of the year or as defined by the U.S. Department of Agriculture, Natural Resources Conservation Service (USDANRCS) Web Soil Survey Website. These soils include, but are not limited to: Bowmanville (Bo), Chewacla (Ch), Croton (CrA, CrB), Glenville (GnA, GnB, GnB2), Readington (RdA, RdB, RdB2), Rowland (Ro, Rp), Wehadkee (We), and Worsham (WoA, WoB, WoB2).

SECTION 106 REVIEW - the review process by which a Federal agency takes into account the effects of its undertakings on historic properties in accordance with the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended.

SEDIMENT - particulate material, both mineral and organic, that has been eroded from the soil mantle, suspended and transported in stormwater and deposited in surface depressions or stream channels.

SENSITIVE ENVIRONMENTAL FEATURES - natural features that perform a beneficial function such as reducing erosion or which, if disturbed, may cause hazards or stress to life and property such as steep slopes. For the purposes of this Chapter, sensitive environmental features include, but are not limited to, the following: (A) slopes in excess of fifteen percent (15%), (B) soils classified as highly erodible, which include, but are not limited to, Joanna (JoC, JoD, JpD) and Urban land-Penn (UrxD), (C) wetlands, (D) hydric soil areas, (E) mature stands of native vegetation, (F) aquifer recharge and discharge areas, (G) floodplains, and (H) lands incapable of meeting percolation requirements for onsite sewage disposal systems.

SEPTIC TANK - a covered water-tight settling tank in which raw sewage is changed into solid, liquid and gaseous states to facilitate further treatment and final disposal.

SEWAGE FACILITIES -

COMMUNITY SANITARY SEWAGE COLLECTION, TREATMENT AND/OR DISPOSAL SYSTEM - a sanitary sewage system in which sewage is carried from two (2) or more individual dischargers by a system of pipes to one (1) or more privately owned and/or maintained common treatment and disposal

facilities, approved by the Chester County Health Department and the Pennsylvania Department of Environmental Protection. Treatment and disposal may occur either onsite or offsite.

INDIVIDUAL, ONSITE SANITARY SEWAGE DISPOSAL SYSTEM -the disposal of sewage by use of septic tanks, or other safe and healthful means, approved by the Chester County Health Department, within the confines of the lot on which the use is located.

PUBLIC SEWAGE SYSTEM - offsite system for the treatment and disposal of sewage in which sewage is conveyed by interceptor to a publicly operated treatment plant and disposed of through means approved by the Pennsylvania Department of Environmental Protection.

SHADE TREE - a tree intended to provide shade along streets and pedestrian ways, and in parking lots and other places and installed only as provided in this Chapter.

SHOULDER - the portion of a street, contiguous to the main traveled portion, for accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses and pavements.

SIGHT DISTANCE - the distance along a roadway throughout which an object of specified height is continuously visible to the driver, as defined in PennDOT Pub. 70M, Chapter 2.1.C. [Ord. 196]

SIGN - any structure or part thereof or any device attached to a building or painted or represented thereon which shall display or include any letter, word, model, banner, pennant, insignia, device, trade flag, symbol or representation which is in the nature of, or which is used as an announcement, direction or advertisement for any purpose. A sign includes, without limitation, a billboard, neon tube, string of lights or similar device outlining or placed upon any part of a building or lot, but does not include the flag or insignia of any nation, group of nations, governmental agency or any political, educational, charitable, philanthropic, civic, professional, or religious group.

SIGN, DEVELOPMENT - a temporary sign, indicating that the premises on which the sign is located is in the process of being subdivided and developed for construction of dwellings or other buildings. Such a sign includes all contractors on the site, and finance and sales information.

SINGLE AND SEPARATE OWNERSHIP - the ownership of a lot in which ownership is separate and distinct from that of any abutting or adjoining lot.

SITE - a lot, tract or parcel of land, or a contiguous combination thereof, on which grading, construction or land development is taking place, or is proposed to take place; the location of the work.

SITE ANALYSIS - an analysis of the natural features and historic resources on a site intended to promote a site design that is sensitive to the unique natural features of the landscape. The site analysis shall accompany the preliminary plan and final plan.

SITE RESTORATION - measures taken following completion of land disturbance activities, which will stabilize the land surface and minimize exposure to possible erosion or sedimentation.

SLOPE - the ratio of the change in elevation (rise) over the horizontal

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distance (run) as measured between consecutive contour lines, expressed as a percentage. See "steep slope areas."

SOIL PERCOLATION TEST - a field test conducted to determine the suitability of the soil for onsite sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

SPECIAL EXCEPTION - a use, which is permitted in a particular zoning district pursuant to express standards and criteria prescribed for such use in the Zoning Ordinance [Chapter 27]. A special exception is allowed (possibly with conditions attached) or denied upon application to the Zoning Hearing Board pursuant to public notice and hearing as set forth in Part 15 of the Zoning Ordinance [Chapter 27].

SPRING - a surface discharge of groundwater, usually a constant flow from a rock fissure or seep.

STABILIZATION - the prevention of soil erosion by surface runoff or wind through the establishment of a vegetative cover or structural measures. Examples include, but are not limited to, straw mulch with temporary or permanent vegetation, wood chips and stone or gravel ground cover.

STANDARD PUBLIC IMPROVEMENT SPECIFICATIONS - the "Standard Construction and Material Specifications for Public Improvements" for East Coventry Township, prepared by ARRO Consulting, Inc., numbered ARRO #5222.35, enacted August 6, 2007, Ord. 142, as the same may be amended from time to time by the Board of Supervisors, which specifications apply to all public improvements constructed, installed or otherwise completed in the Township, as provided therein.

STEEP SLOPE - those areas of the Township that are characterized by a change in elevation of fifteen percent (15%) or greater.

STEEP SLOPE, PRECAUTIONARY - precautionary slopes are those of fifteen percent (15%) to twenty-five percent (25%) slope (e.g., sloping fifteen (15) to twenty-five (25) feet vertical over a distance of one hundred (100) feet horizontal). Slopes shall be deemed precautionary when there are three (3) adjacent contour intervals of two (2) feet each such that, in the aggregate, they delineate a slope between fifteen percent (15%) and twenty-five percent (25%).

STEEP SLOPE, PROHIBITIVE - prohibitive slopes are those of twenty-five percent (25%) or greater slope (e.g., sloping twenty-five (25) feet or more vertical over a distance of one hundred (100) feet horizontal). Slopes shall be deemed prohibitive when there are three (3) adjacent contour intervals of two (2) feet each such that, in the aggregate, they delineate a slope of at least twenty-five percent (25%).

STORM SEWER - a pipe or conduit that carries intercepted surface runoff from streets, buildings or other impervious surfaces.

STORMWATER - incident rainfall, which is conveyed from land surfaces into surface swales, streams and rivers; frequently termed "runoff."

STORMWATER MANAGEMENT - a combination of controls and measures designed to regulate the quantity and quality of stormwater runoff from a development while promoting the protection and conservation of groundwater and groundwater discharge.

STORMWATER MANAGEMENT BASIN - a retention basin or detention basin.

STORMWATER MANAGEMENT BASIN EASEMENT - a twenty (20) foot right-of-way across private land providing for unimpeded access for the installation, inspection, repair, maintenance and replacement of stormwater management basins within which the owner shall erect no permanent structures, but may use the land in any other way not inconsistent with the grantee's rights or other applicable regulations.

STORMWATER MANAGEMENT ORDINANCES - the East Coventry Township ordinances regulating stormwater management in the Township, adopted October 6, 2000, as amended, codified at Part 1 of Chapter 9 of the Township of East Coventry Code of Ordinances.

STREAM - any watercourse with a defined bed and banks.

STREAM VALLEY - the streams identified in the Township Parks, Recreation, and Open Space Plan, Geology and Watershed Boundaries Map of stream orders 1, 2, 3 and 4, together with their one hundred (100) year floodplains and hydric soils identified as very significant and significant. [Ord. 196]

STREET - a strip of land, including the entire ultimate right-of-way thereof, publicly owned, dedicated and accepted for public use, or privately owned, abutting and furnishing access to more than one (1) lot, primarily serving, or intended to serve, as a means of vehicular and pedestrian travel, and which may also be used to provide space for sewer, other utilities and sidewalks. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, roadway, highway, lane, alley, service street, marginal access street, road or similar terms. The following categories of streets are defined as follows:

ARTERIAL - a major street or highway with high vehicular speeds or high traffic volumes of considerable continuity and used primarily as a traffic artery between rural and urban areas. Arterial streets may be either principle arterials or minor arterials. Principle arterials serve major centers of activity and carry the highest proportions of area travel and most of the trips entering and leaving the Township, thus serving intra-area travel. Minor arterials interconnect with and augment the principle arterial system distributing travel to smaller centers of activity and allowing for more access to adjoining properties than principle arterials.

COLLECTOR - a major street which carries traffic from local streets to arterial streets. Collector streets may be either major collectors or minor collectors. Major collectors may provide access to centers of activity, connect with principle arterials and allow for more access to adjoining properties than minor collectors. Minor collectors serve more to collect traffic from local streets and provide access to the smallest of activity centers.

LOCAL - every public or private street used for access to abutting properties. Local streets may be primary distributor roadways, secondary distributor roadways or local access streets. A primary distributor roadway is the highest order local street, which moves traffic from lower order local streets, to collector and arterial streets. A secondary distributor roadway is the middle order local street, which carries traffic from local access streets to primary distributor roadways. A local access street is the lowest order local street, which serves no through function and provides the greatest

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degree of access.

STREET, CENTER LINE OF - the line that is equidistant from both sides of the street.

STREET, COMMERCIAL - a street used primarily as the means of access to abutting commercial or industrial properties.

STREET, IMPROVED - a street wherein paving and other required improvements exist in accordance with the Township standards specified in this Chapter and any other Township ordinance or regulation.

STREET, MAJOR - an arterial street or collector street as defined herein.

STREET, MARGINAL ACCESS - a street, parallel and adjacent to an arterial or collector street but separated from it by a reserve strip, that provides access to abutting properties and connection with the arterial or collector street at controlled intervals.

STREET, PRIVATE - any street not offered or not required to be offered for dedication to the Township.

STREET, SERVICE - a street adjoining the rear lot line of a lot and providing vehicular access to the lot, commonly referred to as an alley.

STREET, SINGLE ACCESS - any street that has access to an existing public road and circulation system at only one (1) point. A single access street includes cul-de-sacs and loop roads.

STREET, STUB - any street laid out in a subdivision or land development, intended for connection to a future street on adjoining property.

STREET TREE - deciduous hardwood trees, having a caliper of not less than two and one half (2 1/2) inches, planted adjacent to and outside of a street right-of-way, such trees to be approved as to type by the Board of Supervisors.

STRUCTURE - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

STUDY AREA - the area of land within the Township that is likely to be affected (from a traffic impact standpoint) by a proposed development and is the subject of a traffic impact study.

SUBDIVISION - the division or redivision of a single lot, tract or parcel of land by any means, into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwellings, shall be exempted from this definition.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE or SALDO - the East Coventry Township Subdivision and Land Development Ordinance of 2011, as amended, as codified at Chapter 22 of the Township of East Coventry Code of Ordinances.

SUBDIVISION, MAJOR - see §301(3)(B) of this Chapter.

SUBDIVISION, MINOR - see §301(3)(A) of this Chapter.

SUBGRADE - any finished surface or elevation of compacted fill or natural earth upon which materials of construction are placed.

SUBSOIL - clay, sand, gravel or other natural earth material below the surface soil and low in organic matter.

SUBSTANTIAL DAMAGE - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT -

A. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure determined not more than thirty (30) days prior to the start of construction of the improvement.

B. Substantial improvement includes any repair, restoration or other improvement to structures that have incurred substantial damage regardless of the actual repair, restoration or other improvement work performed.

C. Substantial improvement however does not include either:

(1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and which project is the minimum necessary to assure safe living conditions.

(2) Any alteration of a historic structure provided that the alteration does not preclude the continued designation of the structure as a historic structure.

SUNSHINE ACT - the Act of October 15, 1998, P.L. 729, No. 93, as amended, 65 Pa.C.S. §701 et seq., together with any amendments thereto.

SURFACE WATERS OF THE COMMONWEALTH - any and all rivers, streams, creeks, tributaries, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface water with defined bed and banks, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth.

SURVEYOR - a licensed surveyor registered by the Commonwealth of Pennsylvania.

SWALE - a depression or surface flow pathway, which collects or conveys surface water during periods of runoff.

TOPSOIL - natural and friable loam containing sufficient organic nitrogen, phosphorus and potassium to support plant growth and extending in depth to the extent of penetration of feeder roots of the prevailing native grasses.

TOWNSHIP - the Township of East Coventry, Chester County, Pennsylvania.

TOWNSHIP ENGINEER - see "Engineer, Township."

TOWNSHIP MANAGER - the person duly appointed as the manager of the

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Township by the Board of Supervisors.

TOWNSHIP PLANNING COMMISSION - see "Planning Commission."

TRACT - one (1) or more contiguous lots assembled and presented as a single property for purposes of subdivision or land development.

TRAILER - a vehicle designed to be towed by a motor vehicle.

TRIBUTARY - a smaller watercourse that flows into a larger watercourse or other body of water.

TRIP GENERATION - the total count of trips to and from the subject development per unit of land use (i.e., dwelling unit, square footage, etc.) as established by the most recent edition of the Institute of Transportation Engineers publication, Trip Generation. For applications involving an expansion or relocation of an existing facility, actual trip generation characteristics of the existing land use may be utilized, as appropriate and subject to acceptance by the Township. Other local sources of trip generation data may be acceptable, subject to the approval of the Township.

USE - any purpose for which a building or other structure or tract of land may be designed, arranged, intended, maintained or occupied, or any activity or occupation carried on, or intended to be carried on, in a building or other structure or a tract of land.

UTILITIES - sanitary sewer lines, water lines, fire hydrants, street lights, storm sewer lines, manholes, inlets, catch basins, gas lines, electric lines, telephone lines, cable television lines and other facilities of the same general character.

VARIANCE - relief granted by the Zoning Hearing Board from strict conformity with the terms of the Zoning Ordinance [Chapter 27] pursuant to the provisions of Part 15 of the Zoning Ordinance [Chapter 27] and Articles VI and IX of the MPC.

VEGETATION, PERMANENT - perennial grasses, legumes or other long-lived plant materials, such as crown vetch, fescues, and bluegrasses, etc., depending upon the degree of refinement desired.

VEGETATION, TEMPORARY - fast growing grasses, usually annuals, such as rye, oats, sedan or other appropriate cover to prevent erosion until permanent vegetation can be installed.

VIEW - the relative ability to see a given object from a designated location.

VOLUME/CAPACITY ANALYSIS - an analysis that compares the volume of a traffic facility to its capacity. The procedure for the analysis shall adhere to the most recent edition of the Highway Capacity Manual, or other methodology acceptable to the Township, and a computer model typically accepted by PennDOT and the Township.

TURNAROUND - a paved circle or square terminating a cul-de-sac.

WATERCOURSE - a permanent or intermittent stream, river, brook, run, creek, pond, lake or other body of surface water, carrying or holding surface water, having defined beds and banks, whether natural or manmade, with perennial or intermittent flow.

WATER SUPPLY SYSTEM, PUBLIC - a system that is owned by a municipality, a public company, or a private company and which serves more than a single

community or subdivision and may be interconnected with other water supply systems.

WATER TABLE - the upper surface of a zone of saturation except where that surface is formed by an impermeable body.

WATERSHED - the land surface or drainage area that contributes stormwater runoff to a single point.

WETLANDS - areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

WETLANDS DELINEATION - the on-site method or process for identifying jurisdictional wetlands, which is currently, or hereafter adopted by the Pennsylvania Department of Environmental Protection.

WOODLAND - an ecosystem characterized by a more or less dense and extensive tree cover. More particularly, a plant community consisting predominantly of healthy trees and other woody vegetation, well stocked and growing more or less closely together.

WORK - labor, services, materials, and equipment as required for the successful completion of the project.

YARD - the area between the principal structure on a lot and the lot line of the lot.

YARD, FRONT - a yard extending the full width of the lot along the front lot line and extending in depth the full width of the lot from a parallel line containing the nearest point of the foundation of the principal structure on the lot. See "Lot, Corner."

YARD, REAR - a yard extending the full width of the lot along the rear lot line and extending in depth the full width of the lot from a parallel line containing the nearest point of the foundation of the principal structure on the lot.

YARD, SIDE - a yard extending in depth on the lot along a side lot line from the front yard to the rear yard, and extending in width on the lot from a parallel line containing the nearest point of the foundation of the principal structure on the lot.

ZONING HEARING BOARD - the Zoning Hearing Board of the Township.

ZONING ORDINANCE - the East Coventry Township Zoning Ordinance of 2008, as amended, as codified at Chapter 27 of the Township of East Coventry Code of Ordinances.

(Ord. 179, 8/8/2011, §I; as amended by Ord. 196, 8/12/2013, §§I, IV, VI, VIII, and IX)



Part 3

Plan Processing and Content

§301. Plan Classification and Public Notification.

1. It is the intention of the Board of Supervisors in enacting these procedures to provide the applicant with a timely and comprehensive review of plans submitted for subdivision and/or land development. To this end, the following classifications of plans are established as hereinafter provided:

- A. Sketch plans.
- B. Preliminary plans.
- C. Final plans.

2. Where literal application of plan processing procedures established by this Chapter would create undue hardship or be plainly unreasonable in their opinion, the Planning Commission may recommend in writing to the Supervisors such reasonable exceptions as will not be contrary to the public interest, subject to §704 of this Chapter.

3. All subdivision applications shall be classified for the purposes of procedure, as either minor or major. Applicants shall apply for and secure approval in accordance with the following procedures:

A. Minor Subdivision Plan. A subdivision plan shall be classified as minor where the conditions of subsection (1), (2) or (3) below apply; provided, however, that any further subdivision submissions involving property that was previously the subject, in whole or in part, of an approved subdivision application shall be treated as a major subdivision under subsection (3)(B), notwithstanding that the further subdivision submission otherwise qualifies as a minor subdivision as defined herein.

(1) A subdivision plan shall be classified as a minor subdivision where all of the following circumstances apply:

(a) No improvement intended to be dedicated to the Township including, but not limited to, any street, sewer improvement or stormwater management improvement, is to be constructed; provided, however, the dedication to the Township of additional right-of-way land area to satisfy Township road widths may be required.

(b) Only land disturbance activities that are incidental and/or accessory to the construction and/or use of one (1) single-family dwelling on each lot are proposed, including but not limited to stormwater management improvements.

(c) No more than two (2) lots are proposed.

(d) No street, either public or private, is proposed.

(e) Further subdivision cannot occur by virtue of insufficient size to permit additional subdivision within the resulting lots or deed restriction prohibiting further subdivision without prior Township approval pursuant to a major subdivision application.

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(2) The purpose of the plan is to provide a lot line adjustment.

(3) A reverse subdivision or consolidation of lots previously subject to a subdivision application where no construction or land disturbance activity has occurred on the property.

B. Major Subdivision Plan or Land Development Plan.

(1) All subdivision plans not classified as minor subdivision plans, as defined above, and all land development proposals shall be processed under this category.

(2) The plan content, submission and approval procedures provided by this Part shall apply to all major subdivision and land development proposals.

4. In the case where the subdivision or land development does not propose the development of the entire parcel, the Board of Supervisors may request the submission of a sketch plan indicating how the remainder of the tract will be used in the future.

5. Public Notification.

A. The filing of a preliminary plan for a major subdivision or land development with East Coventry Township, as determined by requirements of this Part, shall require the applicant to notify surrounding property owners by mail of the action and place a sign of notice on the subject premises. The Township shall require the applicant to notify surrounding property owners of subsequent meetings or hearings following the initial meeting.

B. The mailed notice to nearby property owners shall occur at least fourteen (14) consecutive calendar days before the public meeting of the Planning Commission when the plan will be first reviewed. Notice shall be by first class mail, return receipt requested, and the applicant shall provide the Township with documentation of the mailings prior to the public meeting. Mailed notices shall be required for the following plan types and relevant properties:

(1) Major Subdivision or Land Development Plan. All properties within five hundred (500) feet of the application site.

(2) Nonresidential Development Plan. All properties within one thousand (1,000) feet of the application site.

C. The mailed notice shall contain a narrative statement describing the proposed development and include, at a minimum, the name and address of the applicant, the parcel number(s) and description of the application site, and the number and type of residences and/or buildings being proposed.

D. For purposes of the mailing notice requirement, distances shall be measured from the nearest part of the application site to any portion of an affected parcel to be notified.

E. The sign(s) of notice shall be placed on the application site providing notice of a public meeting for the preliminary plan application. The sign(s) shall be located so as to be in clear view of passers-by and adjacent to the right(s)-of-way. If the application site is bordered by more than one (1) public street, a public notice sign

shall be placed adjacent to each right-of-way, but in no case shall more than two (2) signs be required. The sign(s) shall be erected within ten (10) calendar days of the filing of a preliminary plan application with the Township. The applicant shall be required to apply for a sign permit from the Township for all signs and the Township Permit Officer shall determine the sign location Requirements for the public notice sign(s) shall be as follows:

(1) Location. The posted sign(s) shall be placed in a conspicuous location, as close to, but outside, the right-of-way as practical, parallel to the street, and clearly visible to the public. The Township may allow the posting of only one (1) sign on corner lots of less than four (4) acres. In no case shall a sign be placed so as to interfere with driver visibility or vehicular safety.

(2) Size. The posted sign(s) shall be single-faced and shall measure four (4) feet by four (4) feet with a yellow background with two (2) inch black lettering in sans serif typeface. The top of sign when installed shall be no more than seven (7) feet from the ground under it.

(3) Plan Information. The sign(s) shall include a site plan which depicts the lot configuration of residential applications or building footprint with square footage, paving and landscaping in the case of nonresidential applications. The applicant's name and phone number, the name of the plan, the application number, and the tax parcel number(s) shall be prominently displayed. The internet address of the Township ([www.eastcoventry-pa.gov](http://www.eastcoventry-pa.gov)) shall be provided at the bottom of the sign(s). The applicant shall be responsible for cleaning or replacing, within ten (10) days of notification, any sign that has been defaced, becomes illegible, or is removed. The sign(s) shall remain in place until final action on the preliminary plan application is taken by the Township.

(4) Proof of Posting. The applicant shall provide the Township with photographic proof of posting and a signed affidavit prior to the public meeting. Failure of any such posted notice to remain in place after the notice has been posted shall not be deemed a failure to comply with these standards or be grounds to challenge the validity of any decision made on the application unless the notice was removed by the applicant or at his or her direction.

(5) Removal of Posted Sign. The applicant shall remove the posted sign(s) not later than ten (10) calendar days after final action on the preliminary plan application is taken by the Township.

(Ord. 179, 8/8/2011, §I)

§302. Review by Chester County and Other Agencies.

1. Chester County Planning Commission. The applicant shall supply one (1) copy of all preliminary plans and final plans, and all supporting information, including the sewage facilities planning module, to the Township for submission to the Chester County Planning Commission for their review.

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2. Chester County Health Department. The applicant shall supply two (2) copies of the preliminary plan and sewage facilities planning module to the Township for submission to the Chester County Health Department for review of matters relating to requirements for public water and sewer systems and/or to the adequacy of the site to sustain onsite water and/or sewage disposal systems.

3. Chester County Conservation District. The applicant shall supply three (3) copies of all preliminary plans and final plans, and all supporting information, including all correspondence and all soil erosion and sedimentation pollution control plan submissions, provided by the applicant to, and all responses to such submissions from, the Chester County Conservation District relating to the review of stormwater and soil erosion management.

4. Other Agencies. The applicant shall submit additional copies of plans as may be required by the Planning Commission or Board of Supervisors for review by County, State, Federal or other reviewing or regulatory agencies, the fire company, police department, water company and the authority for sanitary sewage disposal in the Township.

(Ord. 179, 8/8/2011, §I)

§303. Sketch Plan Submission and Review.

1. Submission Optional. In accordance with §707-A of the Pennsylvania Municipalities Planning Code, applicants may informally meet with the Township to informally discuss the conceptual aspects of the subdivision and land development plan prior to filing an application for preliminary or preliminary/final plan approval.

A. To facilitate this informal discussion, the applicant may elect to submit the following to the Township:

(1) A completed application form, available from the Township.

(2) A sketch plan for discussion purposes only and review by the Planning Commission, the Township Engineer, the Township Planner, the Township Traffic Engineer, the Historical Commission and/or the Parks, Recreation and Conservation Committee, as the applicant may elect. Although not required, the applicant should endeavor to include in the sketch plan all items enumerated in §304(3) of this Chapter, to the extent applicable.

B. The applicant may elect to submit the sketch plan to the Planning Commission for discussion purposes and informal input only. To receive Planning Commission input, five (5) copies of the sketch plan should be supplied to the Township for distribution to the Planning Commission.

C. All sketch plans submitted for review by the Planning Commission shall be received by the Township at least fourteen (14) consecutive calendar days prior to a regularly scheduled meeting of the Planning Commission in order to be placed on the agenda for that meeting.

D. If the applicant elects to submit a sketch plan for review by one (1) or more Township consultants, then a sufficient number of copies also should be supplied to the Township for distribution to those

consultants from whom the applicant is desirous of obtaining such review.

E. Prior to sketch plan review by one (1) or more Township consultants, the applicant shall submit payment of required engineering or other review fees for the consultants selected by the applicant to review the sketch plan.

2. Review. Any suggestions or recommendations made by the Planning Commission and/or Township consultants on the design of the sketch plan are intended as informal dialogue and shall not be binding on the Township.

A. Review by the Township Planning Commission.

(1) If requested by the applicant, the Planning Commission will perform a general, conceptual review of the sketch plan at its next regularly scheduled meeting following submission in accordance with subsection (1)(C) above, and the applicant or designated representative should be present to participate in an informal dialogue with, and receive input and guidance from, the Planning Commission. General development concepts may be reviewed to determine their compatibility with the development potential of the site and with relevant plans and ordinances. A sketch plan review is designed to offer the applicant an opportunity to informally discuss, prior to preliminary plan submission, the applicant's plans for the proposed subdivision or land development with the Planning Commission. However, no official action shall be taken on a sketch plan and the Township shall not be bound by any comments made or not made as part of a sketch plan review.

B. Review by Township Engineer, Township Planner, Township Traffic Engineer and Other Consultants.

(1) The Township Engineer, Township Planner, Township Traffic Engineer, or other consultants selected by the applicant will perform a general, conceptual review of the plan with particular emphasis on those aspects of the site and the surrounding area that pertain to the consultant's area of expertise, such as site feasibility, environmental conditions, access, historic resources, traffic impact, conformance to Township ordinances, and consistency with Township planning documents and transportation studies.

(Ord. 179, 8/8/2011, §I)

§304. Preliminary Plan Submission, Resubmission, Review and Content.

1. Complete Submission.

A. All preliminary plans submitted pursuant to this Chapter shall conform to the requirements of this Section. The applicant may elect to submit a minor subdivision plan as a preliminary/final plan which, when submitted, shall conform to and satisfy all of the requirements set forth in this Chapter pertaining to both preliminary plans and final plans.

B. All preliminary plans, as further described in this Section, together with a completed official application and signed consultant professional services agreement, available from the Township, shall be submitted, along with supporting information, to the Township at least

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twenty-one (21) consecutive calendar days prior to a regularly scheduled meeting of the Planning Commission in order to be placed on the agenda for that meeting. The Township shall determine if the application form is completed correctly, the correct number of plans have been submitted, the Township consultant professional services agreement has been signed, all required fees have been paid, and the application is otherwise complete and, if so, shall place the application on the agenda for the next regularly scheduled meeting.

C. All preliminary plans and revisions to the plans shall be submitted to the Township for review by the Township Engineer, the Township Planner, the Township Traffic Engineer, the Historical Commission, the Parks, Recreation and Conservation Committee and the Township Solicitor (sometimes referred to in this Chapter individually, as a "Consultant" and collectively, as the "Consultants") no less than twenty-one (21) consecutive calendar days prior to a regularly scheduled meeting of the Planning Commission in order to be placed on the agenda for that meeting.

D. In all cases, the Planning Commission shall review the preliminary plan submissions and revisions to the plans before they are submitted for review by the Board of Supervisors. The Planning Commission shall receive comments from reviewing agencies and Consultants as provided in this Section, correlate the comments and submit its written report to the Board of Supervisors within sixty three (63) consecutive calendar days of the date of the regular meeting of the Planning Commission next following the date the application was filed.

E. Each preliminary plan revision submitted to the Township shall be accompanied by a letter from the applicant, or applicant's agent, which shall restate and provide itemized responses to all review comments prepared by the applicable reviewing agencies and Township Consultants on the previous submission, describe the specific revisions made to the preliminary plan and/or accompanying documents to address the review comments, and identify the sheet or page number in which each revision may be found. Such letter also shall describe, in detail, any and all revisions made to the preliminary plan and/or accompanying documents since the previous submission not requested by such review comments. If one (1) or more revisions are made to the preliminary plan and not disclosed or identified in writing by the applicant or applicant's agent, said undisclosed or unidentified revisions shall not be part of, and shall be excluded from, any resulting preliminary plan approval. In addition, any preliminary plan approval by the Board of Supervisors where the plan contains undisclosed or unidentified revisions that are noncompliant with the requirements of this Chapter or any other applicable laws, statutes, ordinances, rules or regulations, shall in no way relieve the applicant of its obligation to fully comply therewith. Further, the applicant shall be required to pay all costs and expenses including, but not limited to, engineering and legal fees, incurred by the Township associated with identifying and appropriately addressing undisclosed revisions to the preliminary plan submission.

F. Copies of the application and the preliminary plan, and supporting information, as further described in this Section, shall be supplied to the Township to permit the following distribution:

(1) Two (2) copies of the preliminary plan and official Township application, all supporting information, including the Sewage Facilities Planning Module, and the required escrow and application fees to the Township.

(2) One (1) copy of the preliminary plan, County referral form, all supporting information, including the Sewage Facilities Planning Module, and accompanying fee to the County Planning Commission.

(3) Two (2) copies of the preliminary plan, two (2) completed Sewage Facilities Planning Modules and appropriate fee to the Chester County Health Department.

(4) Five (5) copies of the preliminary plan, and supporting information and plans to the Township Planning Commission. The stormwater and traffic impact studies shall be submitted as an executive summary only that shall include a description of the analysis and the final design and a statement of compliance with the stormwater management standards and compliance with the traffic standards and requirements of this Chapter, Grading and Excavating [Chapter 9], Streets and Sidewalks [Chapter 21], the Standard Public Improvement Specifications, and other Township ordinances, as applicable.

(5) One (1) copy each of the preliminary plan and supporting information (including technical appendices) and plans to the Township Engineer, the Township Planner, the Township Traffic Engineer and the Township Solicitor. All traffic count data shall also be provided to the Township in electronic format.

(6) One (1) copy each of the preliminary plan, and all related supporting information, including a copy of a completed Cultural Resource Notice (if required) submitted or to be submitted to the Pennsylvania Historical and Museum Commission, to the Historical Commission.

(7) One (1) copy each of the preliminary plan, and all related supporting information, to the Parks, Recreation and Conservation Committee.

(8) One (1) copy of the preliminary plan to any adjacent municipality or other governmental agency affected by the proposed development when requested by the Board of Supervisors or the Planning Commission.

(9) One (1) copy of the preliminary plan reduced to a sheet size of eleven (11) by seventeen (17) inches for the Township file.

G. When required, revised preliminary plans shall be submitted to the Township to permit the following distribution:

(1) Two (2) copies of the preliminary plan and, only if revised, two (2) copies of all supporting information and the Sewage Facilities Planning Module to the Township.

(2) Two (2) copies of the preliminary plan and, only if revised, two (2) copies of the completed Sewage Facilities Planning Module to the Chester County Health Department.

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(3) One (1) copy of the preliminary plan and, only if revised, one (1) copy of all supporting information to the Township Engineer.

(4) If revised, one (1) copy of the traffic impact study and plan to the Township Traffic Engineer.

(5) One (1) copy of the preliminary plan to the Township Planner.

(6) Five (5) copies to the Township Planning Commission.

(7) One (1) copy of the preliminary plan and, only if revised, one (1) copy of all supporting documentation to the Township Solicitor.

(8) One (1) copy each of the preliminary plan and, only if revised, relevant supporting information to the Historical Commission.

(9) One (1) copy each of the preliminary plan and, only if revised, relevant supporting information to the Parks, Recreation and Conservation Committee.

H. The applicant shall furnish additional copies of preliminary plans and supporting information at the Township's request.

I. The Township shall note the date of the receipt of the application, and any fees and escrow deposits, as determined by resolution of the Board of Supervisors. The application shall not be processed until it is complete and the required fees have been received.

J. If, subsequent to the initial preliminary plan application, waivers or additional waivers are requested by the applicant, the applicant shall be required to file a new preliminary plan application, which shall be subject to a new ninety (90) day review period. The fee will be waived, but the escrow shall be recharged.

2. Review. The preliminary plan shall be reviewed by the Planning Commission at the next regularly scheduled meeting and shall also be reviewed by the Township Consultants, the Chester County Planning Commission, the Chester County Conservation District, the Chester County Health Department, and such other agencies as required by this Chapter or deemed appropriate by the Planning Commission.

A. Official Review Period.

(1) The Township shall have ninety (90) consecutive calendar days in which to review and take action on the preliminary plan.

(2) In accordance with Section 508 of the Pennsylvania Municipalities Planning Code, the ninety (90) consecutive calendar day period shall commence on the date of the regularly scheduled Planning Commission meeting next following the date a complete application is submitted to the Township; provided that, if the next regular meeting of the Planning Commission shall occur more than thirty (30) days after the application is submitted to the Township, the ninety (90) day period shall be measured from the 30th day following the date of submission of the application.

(3) An extension of the review period for an unlimited period

of time, revocable upon sixty (60) days prior written notice to the Township, may be granted in writing by the applicant. An unlimited extension of time shall not preclude the Board of Supervisors from taking action to accept or reject the preliminary plan at any time it elects to do so. In the event that an applicant takes no action on a proposed preliminary plan for twelve (12) months or more, the Township may issue a notification letter to the applicant that the Board of Supervisors will consider the preliminary plan application at its next regularly scheduled meeting.

B. Review by the Township Consultants.

(1) The review by the Township Engineer shall include an examination of the content of the plans to be certain that all information required by this Chapter is presented in the plans submitted, an investigation of the plan to be certain that all other Township ordinances are complied with, and an examination of the engineering and design feasibility of the various alternatives presented for the location, alignment and grade of streets, stormwater drainage, sanitary sewers and water supply. To facilitate this review, the Township Engineer may, at his discretion, distribute copies of the plans to Township commissions and committees established by the Board of Supervisors. The Township Engineer shall confer with the Township Traffic Engineer and shall coordinate the preparation of a traffic engineering review to obtain conformity with the requirements of subsection (3) below. The Township Engineer shall confer with the applicant to the extent necessary to obtain conformity of the plan with these regulations and to comment upon the matters subject to his review. The Township Engineer shall forward his written comments on the plan to the Township, the applicant and the applicant's consultants at least fourteen (14) consecutive calendar days prior to the next meeting after the regularly scheduled meeting of the Planning Commission at which the application and preliminary plan were first placed on the agenda.

(2) The review by the Township Planner shall include an examination of the content of the plans to be certain that all information presented in the plans submitted related to the four-step design process, outdoor lighting, landscaping and buffering, and their functional and aesthetic relationship to adjoining properties and uses conform to the applicable provisions of this Chapter, as well as the East Coventry Township Comprehensive Plan dated 2003 or last revised, East Coventry Township Parks, Recreation, and Open Space Plan dated April 10, 2012, or last revised, Pottstown Metropolitan Regional Comprehensive Plan dated 2005 or last revised, and any other planning documents that may be adopted by the Board of Supervisors. The Township Planner shall confer with the applicant to the extent necessary to obtain conformity of the plan with these regulations and planning documents and to comment upon the matters subject to his review. The Township Planner shall forward his written comments on the plan to the Township, the applicant and the applicant's consultants at least fourteen (14) consecutive calendar days prior to the next meeting after the regularly scheduled meeting of the Planning Commission at which the application and preliminary plan were first placed on

the agenda. [Ord. 196]

(3) The review by the Township Traffic Engineer shall include an examination of the content of the plans to be certain that all information presented in the plans submitted related to streets, parking and loading areas, and traffic impact fees conforms to the applicable provisions of this Chapter, the East Coventry Township Roadway Sufficiency Analysis and Transportation Capital Improvement Plan dated 2001, or last revised, and other transportation studies that may be adopted by the Board of Supervisors. If the applicant is required to obtain a Highway Occupancy Permit from PennDOT, then the provisions of subsection (3) (I), below, also shall be applicable to the preliminary plan submission. The Township Traffic Engineer shall confer with the applicant to the extent necessary to obtain conformity of the plan with these regulations and transportation studies and to comment upon the matters subject to his review. The Township Traffic Engineer shall forward his written comments on the plan to the Township, the applicant and the applicant's consultants at least fourteen (14) consecutive calendar days prior to the next meeting after the regular scheduled meeting of the Planning Commission at which the application and preliminary plan were first placed on the agenda.

(4) The review by the Township Solicitor shall include an examination of the content of the plans and supporting documents, to the extent appropriate, to determine the legal documents and agreements, and the terms and conditions to be contained therein, that should be required as a condition of plan approval to ensure compliance with applicable legal requirements and to legally protect the interests of the Township with respect to the completion of the proposed development in accordance with the plans. The Township Solicitor shall forward his written comments on the plan to the Township, the applicant and the applicant's consultants at least seven (7) consecutive calendar days prior to the next meeting after the regularly scheduled meeting of the Planning Commission at which the application and preliminary plan were first placed on the agenda.

(5) The review by the Historical Commission shall include an examination of the content of the plans and supporting documentation, to the extent appropriate, including a satisfactorily completed Cultural Resource Notice, if required under applicable Federal or State law, and correspondence from the Pennsylvania Historical and Museum Commission, to determine the compatibility of the development with extant historic resources and the terms and conditions that should be required as a condition of plan approval to ensure compliance with Federal and State laws designed to protect and preserve historic resources. Unless waived by the Historical Commission, the applicant shall attend a dedicated meeting with the Historical Commission to review the plans and supporting documentation. The Historical Commission shall forward its written comments on the plan to the Township, the applicant and the applicant's consultants at least fourteen (14) consecutive calendar days prior to the next meeting after the regularly scheduled meeting of the Planning Commission at which the applica-

tion and preliminary plan were first placed on the agenda.

(6) The review by the Parks, Recreation and Conservation Committee shall include an examination of the content of the plans to determine whether the plans are in compliance with the Township's park and recreation goals and objectives as documented in the Township's Parks, Recreation, and Open Space Plan, the Pottstown Metropolitan Regional Comprehensive Plan, and any parks and recreation plan now or hereafter adopted by the Federation of Northern Chester County Communities, as each of the same may be amended or supplemented from time to time. The Parks, Recreation and Conservation Committee shall forward its written comments on the plan to the Township, the applicant and the applicant's consultants at least fourteen (14) consecutive calendar days prior to the next meeting after the regularly scheduled meeting of the Planning Commission at which the application and preliminary plan were first placed on the agenda. [Ord. 196]

C. Review by the Township Planning Commission.

(1) The Township Planning Commission shall review all plans referred to it and shall consider any recommendations made by a County agency, the Township Consultants and any other persons or agencies who shall have submitted comments with respect to any such application.

(2) In its review of the preliminary plan, the Planning Commission shall examine the plan with particular emphasis on determining the suitability of the plan for the development of land and its relationship to the harmonious extension of streets and utilities, arrangement and density of housing or other uses, and compatibility of the plan with the Township Comprehensive Plan and Township Zoning Ordinance [Chapter 27]. The Planning Commission also shall review waiver requests and assess the adequacy of parking, surface and storm drainage, access, landscaping and other related design standards.

(3) To facilitate its review, the Planning Commission may, at its discretion, distribute copies of the preliminary plan to Township commissions and committees established by the Board of Supervisors.

(4) The Planning Commission shall send its written recommendations and the reasons therefor in a resolution in draft form prepared by the Township Solicitor and recommended for adoption by the Board of Supervisors, citing specific sections of the Chapter relied upon, along with the written comments of the Township Engineer, the Township Planner, the Township Traffic Engineer, the Township Solicitor, the Chester County Planning Commission, and other agencies which have submitted comments, to the Board of Supervisors, with a copy mailed or delivered personally to the applicant.

D. Review by the Board of Supervisors.

(1) When the written recommendations of the Planning Commission have been sent to the Board of Supervisors, such plan shall be placed on the Board's agenda for its review at its next

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regularly scheduled meeting. The applicant shall attend the meeting and conduct a presentation before the Board, using graphic illustrations of the proposed development, to explain the key features of the preliminary plan and the project.

(2) The Board shall, at one (1) or more regular or special public meetings, review the plan, other supporting information, and the written comments of the Planning Commission, the Township Consultants, the County Planning Commission and all other reviewing agencies, to determine conformity of the plan to the standards of this and any other applicable ordinance. The Board may specify conditions, changes, modifications, or additions to the plan which the Board deems necessary and may make a decision to grant preliminary plan approval subject to such conditions, changes, modifications, or additions, citing appropriate Chapter provisions as described in subsection (2)(D)(4). When a plan is not approved in terms as filed, the decision of the Board shall specify the defects found in the plan and describe the requirements which have not been met and shall, in each case, cite the provision of the Chapter relied upon in the decision. If the Board approves the preliminary plan, the minutes of the meeting shall reflect such approval either with or without conditions.

(3) Notwithstanding the foregoing procedure, the Board shall render a decision on all preliminary plans within the earlier of (a) ninety (90) consecutive calendar days following the date of the regular meeting of the Planning Commission next following the date the application and preliminary plan were filed, or (b) 120 days following the date the application and preliminary plan were filed. The decision of the Board shall be in writing and shall be communicated to the applicant by mail not later than fifteen (15) consecutive calendar days following the decision or before the end of the extension period, if any, whichever shall first occur.

(4) Whenever the approval of a preliminary plan is subject to conditions, the written action of the Board as prescribed herein shall specify each condition of approval, citing relevant Chapter provisions in each case, and require the applicant's written acceptance or rejection of such conditions. If the applicant's written acceptance or rejection of such conditions is not received within the earlier of (a) thirty (30) days after written action by the Board, or (b) the expiration of the 90-day preliminary plan review period, including any extension thereof; or if the applicant delivers written rejection of such conditions, then the approval of the Board shall be rescinded automatically and expire, which rescission and expiration shall automatically revoke any and all approvals granted based on such conditions.

(5) The Board of Supervisors may grant or deny a modification or waiver of one (1) or more provisions of this Chapter if the Board determines that the waiver or modification is appropriate in accordance with §704 of this Chapter. A written request for one (1) or more modifications or waivers shall be submitted in the form of a letter addressed to the Township, citing the specific section(s) from which a modification or waiver is sought, and providing a description of (a) the extent of the modification or

waiver being requested, (b) the resulting hardship to the applicant if the minimum requested relief is not granted, and (c) the alternatives being proposed. If a request for modification or waiver approval is granted by the Board, the approved modifications or waivers shall be placed on the first sheet of the applicant's plan using the form of Waiver Request Matrix provided in Appendix 22-A of this Chapter. If no modifications or waivers are requested, the note "No Waivers are Requested." shall be placed on the first sheet of the applicant's plan.

(6) Additional Reviews. At its option, the Township may require that such additional Township consultants, commissions or committees review the preliminary plans and such supporting documentation as the Township deems necessary or appropriate to preserve the health, safety and welfare of the community.

3. Content. A preliminary plan shall contain the following information relating to the tract and be prepared in accordance with the following minimum standards:

A. General Content.

(1) Name, address and telephone number of the applicant, or authorized agent, and of the owner of record.

(2) Name of subdivision or land development or other identifying title.

(3) Name, address and telephone number of the registered engineer or surveyor responsible for preparing the plan. If a registered engineer, architect or landscape architect collaborated in the preparation of the plan, the name, address, telephone number and seal of such architect or landscape architect shall also appear. All preliminary plans must be accompanied by a boundary survey signed and sealed by a registered surveyor.

(4) Written and graphic scale, not greater than one (1) inch = two hundred (200) feet.

(5) The title: "Preliminary Plan."

(6) North arrow.

(7) A location map for the purpose of locating the site to be subdivided or developed, at a scale of not less than two thousand (2,000) feet to the inch, showing the relation of the tract to adjoining property and to all streets and municipal boundaries existing within one thousand (1,000) feet of any part of the property proposed to be subdivided or developed. The location map also shall delineate EXELON'S Exclusion Zone if situated within the depicted area.

(8) Ordinance information, including the applicable SALDO, zoning, stormwater management and driveway ordinances governing the plan application, identifying all pertinent ordinance section numbers and dates of enactment, applicable district, area, bulk and dimensional requirements, documentation for any variance, conditional use or special exception that may have been granted, and any zoning boundaries that traverse or are within two hundred (200)

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feet of the tract.

(9) Lot numbers, lot areas (both gross and net) in square feet and acres, indicating that portion of the lot containing limitations excluded by the lot area definition, and a statement of the number of lots and parcels.

(10) Original date of preparation and revision dates with concise descriptions of each revision.

(11) Total tract boundaries showing bearings and distances and along all existing rights of way within and adjacent to the tract prepared by a registered professional land surveyor. In addition, all straight lot lines and chords and radii of curved lot lines, defined in feet and hundredths of a foot by distances, and in degrees, minutes and seconds either by magnetic bearings or by angles of deflection from other lot and street lines.

(12) The total tract boundary lines of the area being subdivided with accurate distances to one hundredth (1/100th) of a foot and bearings in degrees, minutes and seconds. These boundaries shall be balanced and closed with an error of closure not to exceed one (1) foot in twenty-five thousand (25,000) feet; provided, however, that the boundary(s) adjoining additional unplatted land of the applicant are not required to be based upon a field survey, and may be calculated. The monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan, and the placement of the monuments.

(13) The location of all existing and proposed monuments.

(14) The names of all owners and tax parcel numbers of adjacent lands, on both sides of all adjacent streets, the names of all proposed and existing subdivisions adjacent, and the locations and dimensions of any streets or right of way easements.

(15) The locations and dimensions of all existing streets, railroads, sewers and sewage systems, aqueducts, water mains and feeder lines, fire hydrants, gas, electric and oil transmission lines, water courses, sources of water supply, easements and other significant features within the property, or such driveways, intersections and utilities within one hundred (100) feet of any part of the property proposed to be developed or subdivided.

(16) Except where a lot line adjustment or reverse subdivision is being proposed, the locations and dimensions of all trails and significant natural features, including topography and areas of steep slope, wetlands, one hundred (100) year floodplains, swales, rock outcrops, vegetation and trees of eight (8) inches DBH, or greater, as indicated from the site analysis.

(17) Except where a lot line adjustment or reverse subdivision is being proposed, the applicant shall obtain a wetlands survey performed by a firm competent to complete such surveys, prepared in accordance with Pennsylvania Department of Environmental Protection criteria and delineated according to the procedures contained in the Federal Manual for Identifying and Delineating

Jurisdictional Wetlands. If no such lands exist on the tract for which the subdivision or land development is proposed, the plan must include a statement indicating so. Whenever the Township Planning Commission and/or either the Township Engineer or Township Planner have reasonable evidence that wetlands may be present or may extend beyond the boundaries shown, the Township may require a U.S. Army Corps of Engineers delineation that shall serve as final arbitration.

(18) Any proposed improvements requiring a permit from the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection shall be so indicated.

(19) Except where a minor subdivision is being proposed as defined in §301(3)(A), where individual on lot sewage disposal systems are proposed, percolation test pits shall be performed according to §421(13) as prescribed herein, and the exact locations of the test pits, probes and percolation holes for primary and replacement fields, if required by the Chester County Health Department, shall be indicated on the plan.

(20) In the case where an individual or community well is proposed to serve the subdivision or land development, the proposed location of the well and the one hundred (100) foot radius separation distance shall be indicated on the plan.

(21) The locations and widths of any streets or other public ways or area shown upon an adopted local plan, if such plan exists for the area to be subdivided or developed.

(22) The locations of all existing structures on the tract and the distance thereof from lot lines, and the locations and dimensions of all historic resources, where known.

(23) Except where a lot line adjustment or reverse subdivision is being proposed, topography, the contour lines of which shall be two (2) foot intervals. Actual field surveying or aerial photo interpretation shall be required when public improvements are proposed. For a lot line adjustment or reverse subdivision, topography may be provided using U.S.G.S. or Chester County GIS data.

(24) Location and elevation of the datum to which contour elevations refer; the datum utilized shall be NGVD datum.

(25) Certification as to the accuracy of the plan and details of such plans shall be prepared in accordance with Act 367, known as the Professional Engineers Registration Law.

(26) A statement of consistency with the East Coventry Township Comprehensive Plan dated 2003 or last revised, the East Coventry Township Parks, Recreation, and Open Space Plan dated April 10, 2012, or last revised, and the Pottstown Metropolitan Regional Comprehensive Plan dated 2005 or last revised. [Ord. 196]

(27) In the event that any of the physical features required by this subsection (3)(A) to be shown on the preliminary plan, or required to be reflected in the accompanying data described in §306, do not exist within the project area and, as a result, cannot

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be shown on the preliminary plan or the supplementary plans identified in §306, a note shall be placed on the first page of the preliminary plan stating: "The following features do not exist within the project area and within the required distances from all property boundaries: " This note shall list each feature by name and Chapter section.

### B. Drafting Standards.

(1) The plan shall be drawn on a scale of no greater than one (1) inch = fifty (50) feet unless the average size of the proposed lots is in excess of ten (10) acres, in which case, a scale of one (1) inch = one hundred (100) feet may be used.

(2) Dimensions shall be set in feet, bearing in degrees, minutes and seconds, with errors of closure not to exceed one (1) part per twenty-five thousand (25,000).

(3) Each sheet shall be numbered and shall show its relationship to the total number of sheets.

(4) The plan shall bear an adequate legend to indicate clearly which features exist and which are proposed.

(5) The original drawing, and all submitted prints thereof, shall be made on sheets of twenty-four (24) by thirty-six (36) inches.

(6) If the preliminary plan requires more than one sheet, a master sheet at a scale not smaller than one (1) inch = four hundred (400) feet showing the location of each section shall accompany the plan.

(7) If more than one scale is used in the plan, a key must be provided that indicates the difference in scale.

(8) All notations on the plan must be readable with a minimum font size of ten (10). Illegible notations will be considered incomplete data on the plan.

C. Site Context Map. A map showing the location of the proposed subdivision or land development within its neighborhood context shall be submitted. For sites under one hundred (100) acres in area, such maps shall be prepared at a scale not less than one (1) inch = two hundred (200) feet and shall show the relationship of the subject site to natural and manmade features existing within one thousand (1,000) feet of the site. For sites of one hundred (100) acres or more in area, the scale shall be one (1) inch = four hundred (400) feet and shall show the above relationships within two thousand (2,000) feet of the site. The features that shall be shown on the site context maps shall include topography (from U.S.G.S. maps), stream valleys, wetland complexes (from maps published by the U.S. Fish and Wildlife Service or the U.S.D.A. Natural Resources Conservation Service), woodlands over one-half (1/2) acre in area (from aerial photographs), ridge lines, public roads and trails, utility easements and rights of way, historic resources, public land and land protected by conservation easements and hedgerows.

### D. Preliminary Resource Impact and Conservation Plan.

(1) Except where a minor subdivision is proposed, a Prelimi-

nary Resource Impact and Conservation Plan shall be prepared to categorize the impacts of the proposed subdivision and land development on those resources identified in the site analysis (as required under subsection (3)(H)). All proposed improvements, including, but not limited to grading, fill, streets, buildings, utilities and stormwater detention and retention facilities, as proposed in the other preliminary plan documents, shall be taken into account in preparing the Preliminary Resource Impact and Conservation Plan.

(2) Using the information from the site analysis, impact areas shall be mapped according to the following categories: (a) primary impact areas (i.e., areas directly impacted by the proposed subdivision), (b) secondary impact areas, (i.e., areas in proximity to primary areas that may be impacted), and (c) designated protected areas, either to be included in a proposed Greenway or an equivalent designation such as dedication of a neighborhood park site.

(3) All or any part of the Preliminary Resource Impact and Conservation Plan may be waived by the Planning Commission if, in its judgment, the proposed development areas would be likely to cause no more than an insignificant impact upon the site's resources.

E. The preliminary plan shall be prepared in accordance with subsection (3)(A) and also shall include, at a minimum, the following:

(1) Location and width of all existing and proposed streets and rights of way with a statement of any conditions governing their use, including distance to the nearest intersection.

(2) Existing and proposed street and utility easement locations, with dimensions.

(3) All proposed lot lines with dimensions and lot areas, both gross and net, indicating those limitations excluded from the net lot area in accordance with the Township Zoning Ordinance [Chapter 27].

(4) All land used for utilities shall be on conforming lots, or on an easement on a conforming lot, and be eligible to be utilized as a legal conforming use.

(5) All proposed building (setback) and yard line requirements for each lot, the proposed placement of each building and the proposed location of onsite water and sewer facilities.

(6) The first floor elevation of all structures, such first floor elevation to be a minimum of one (1) foot above the elevation of the final grade.

(7) A statement of the intended use of all nonresidential lots. A statement of restrictions of any type which exist as covenants in the deed(s) for all lots contained wholly or in part in the subdivision and, if covenants are recorded, including the deed book and page number. The applicant shall provide to the Township copies of all instruments containing such covenants or restrictions for review by the Township Solicitor.

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(8) Lot numbers and a statement of the total number of lots and parcels.

(9) Location, size, material used, invert elevation, proposed connection to existing facilities, and percent of grade of all sanitary and storm sewers, including all manholes, inlets and culverts.

(10) Location and dimensions of proposed parks, playgrounds, trails and other open space areas to be dedicated or reserved for public use, with any conditions governing such use, ownership and maintenance.

(11) Limit of disturbance line.

(12) Typical street cross sections for all proposed streets including details relating to thickness, crowning and construction materials.

(13) If the land to be subdivided lies partially in or abuts another municipality, the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on land subject to his control within the adjoining municipality(s). The design of public improvements shall provide for a smooth, practical transition where specifications vary between East Coventry Township and the adjoining municipality(s). Evidence of approval of this information by appropriate officials of the adjoining municipality(s) shall also be submitted.

(14) Where the applicant proposes to install the improvements in phases, he shall submit with the preliminary plan, pursuant to §508(4)(v) of the Municipalities Planning Code, as amended, a delineation of the proposed sections and a schedule of the deadlines within which applications for final approval of each section are to be filed.

(15) The location of proposed trees and shrubs, plus locations of existing vegetation to be retained per the landscape plan.

(16) The location and dimensions of all emergency access drives, fire lane easements and other easements and rights-of-way, the dimensions of which shall be not less than twenty (20) feet in width and shall otherwise satisfy the requirements of this Chapter, §1305(K) of the Zoning Ordinance [Chapter 27] and the applicable provisions of the Standard Public Improvement Specifications.

(17) Driveways shall comply with the Standard Public Improvement Specifications. All driveway profiles to demonstrate compliance with the slope, cartway connection and drainage requirements of the Township Driveway Ordinance [Chapter 21]. Dimensions between the driveway and property lines, and between structures and the driveway, where appropriate, shall also be provided.

(18) A notation on the plan that the developer and the Township reserve the right to enter upon each lot from time to time and until the expiration of the statutory maintenance period following dedication of public improvements to the Township, in

accordance with §509 of the Municipalities Planning Code, whether prior to or after conveyance of the lot to a purchaser, for purposes of the completion, modification and/or repair of any required improvements on said lot, as shown on the approved final plan including, but not limited to, landscaping, grading, storm-water management, sanitary sewer, and other facilities and improvements, as deemed necessary by the developer and/or the Township Engineer.

(19) Where a subdivision or land development for a multi-unit development is being proposed, one (1) or more refuse storage areas for the development, which shall be placed out of sight of and/or screened from view from the street level. [Ord. 196]

F. Except where a minor subdivision is proposed, the preliminary plan shall be accompanied by the following supplementary data:

(1) A Comprehensive Stormwater Management Plan prepared in accordance with Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the East Coventry Township Code of Ordinances. An executive summary also shall be provided that satisfies the requirements of subsection (1)(F)(4) of this Chapter. [Ord. 196]

(2) A Preliminary Landscaping, Screening and Buffering Plan prepared in accordance with §428 of this Chapter.

(3) A Preliminary Conservation Plan in accordance with §306(1).

(4) A Preliminary Construction Improvements Plan in accordance with §306(2).

(5) All impact studies as required by §306(3).

G. Four-Step Design Process. Except where a minor subdivision is being proposed, all preliminary plans for residential development shall include documentation of the following four-step design process in determining the layout of proposed greenways, house sites, streets and lot lines:

(1) Step 1: Delineation of Conservation Areas. Primary conservation areas shall be delineated comprising floodplains, wetlands and slopes over twenty-five percent (25%). In delineating secondary conservation areas, the applicant shall prioritize natural and historic resources on the site in terms of their highest to least suitability for inclusion in the plan, in consultation with the Planning Commission and utilizing the following list of resources to be conserved: mature woodlands, open space areas, greenways and trails, river and stream corridors, prime farmland, specimen trees, hedgerows, trees and tree groups, wildlife habitats, environmentally sensitive areas, historic resources and scenic viewsheds. On the basis of those priorities and practical considerations given to the site's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives. The boundaries as well as the types of resources included within the secondary conservation areas shall be clearly indicated.

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(2) Step 2: Location of House Sites. Potential house sites shall be tentatively located using the proposed greenways as a base map as well as other relevant data from the site analysis, such as topography and soils. House sites should be generally located not closer than fifty (50) feet from primary conservation areas and twenty-five (25) feet from secondary conservation areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

(3) Step 3: Alignment of Streets and Trails. Upon designating the house sites, a street plan shall be designed to provide vehicular access to each house, complying with the standards in Part 4 herein and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed conservation areas shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes in excess of fifteen percent (15%). Street connections shall be encouraged to generally minimize the number of new cul-de-sacs to be maintained by East Coventry Township and to facilitate access to and from homes on different parts of the site and adjoining parcels.

(4) Step 4: Drawing in the Lot Lines. Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots.

(5) Applicants shall submit four (4) separate sketch maps or one (1) composite map, at the option of the Planning Commission, indicating the findings of each step of the design process.

H. Site Analysis. For all subdivisions (except where a lot line adjustment or reverse subdivision is proposed, or a subdivision in which all proposed residential lots are more than ten (10) acres in area), a site analysis shall be prepared to provide the applicant and the Township with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site. Conditions beyond the site boundaries may be described on the basis of existing published data available from the Township, other governmental agencies, and from aerial photographs. The map shall conform to the drafting standards of subsection (3)(B) of this Chapter and shall provide the following information:

(1) Topography, the contour lines of which shall be two (2) foot intervals. Ten (10) foot contour intervals (from U.S.G.S. maps) are permissible to show the topography beyond the site boundaries. Slopes between fifteen percent (15%) and twenty-five percent (25%) and those exceeding twenty-five percent (25%) shall be clearly indicated. Topography shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.

(2) The location and delineation of watercourses and natural drainage courses, as well as the one hundred (100) year floodplains, riparian buffers and wetlands as defined in the Zoning

Ordinance [Chapter 27]. Additional areas of wetlands on the proposed development site shall also be indicated, as evident from testing, visual inspection or from the presence of wetland vegetation and soils.

(3) Alluvial soils, wherever they extend beyond the limits of the Floodplain District.

(4) Drainage basins and sub-basins.

(5) Vegetative cover conditions on the site according to general cover type indicating cultivated land, permanent grassland, old-field, hedgerow, woodland and wetland, individual trees with a DBH in excess of eight (8) inches and the actual canopy line of existing trees and woodlands. Vegetative types shall be described in terms of plant community, relative age and condition.

(6) High groundwater areas as identified by the location of soils with seasonal or perennial high water tables mapped in the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey located at <http://websoilsurvey.nrcs.usda.gov/app>.

(7) Soil series, types and phases, as mapped in the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey located at <http://websoilsurvey.nrcs.usda.gov/app> and accompanying data for each soil relating to its suitability for construction (and in nonpublicly sewered areas, for septic suitability).

(8) Ridgelines and watershed boundaries.

(9) Viewsheds as delineated in the "East Coventry Township Parks, Recreation, and Open Space Plan." [Ord. 196]

(10) Geologic formations and fault zones on the site shall be identified, based upon available published information or more detailed data obtained by the applicant.

(11) The location and dimensions of all existing streets, roads, buildings, utilities and other manmade improvements.

(12) The location of all historic resources on all adjoining tracts.

(13) The location of all trails that have been in public use (pedestrian, equestrian, bicycle, etc.).

(14) All easements and other encumbrances on the site that are or have been filed of record with the Recorder of Deeds of Chester County.

(15) All exceptional value streams and their tributaries.

(16) The location and dimensions of all gas, electric and petroleum product transmission or similar utility rights-of-way on owner lands.

(17) In the event that any of the physical features required by this subsection (3)(H) to be shown on the preliminary plan do not exist, a note shall be placed on the first page of the preliminary plan stating: "The following features do not exist

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within the project area: " This note shall list each feature by name and Chapter section.

I. Highway Occupancy Permit.

(1) If the proposed land development requires a PennDOT highway occupancy permit, the applicant shall initiate the permit process simultaneously with the preliminary plan submission in accordance with the latest highway occupancy permit procedures established by PennDOT. The applicant shall include the Township Traffic Engineer in any and all meetings, including, without limitation, the scoping meeting, and all correspondence or discussions regarding the permitting process. In addition, any documentation submitted as part of the highway occupancy permit process shall be simultaneously submitted to the Township for review by the Township and the Township Traffic Engineer.

(2) The PennDOT scoping meeting for the traffic impact study shall be scheduled to coincide with the submission of the preliminary plan application. The scoping meeting will provide for discussion of the project, transportation related issues and potential traffic impacts, and set the scope of the traffic impact study for review by the Township and PennDOT.

(Ord. 179, 8/8/2011, §I; as amended by Ord. 196, 8/12/2013, §§I, III; and XII)

§305. Final Plan Submission, Resubmission, Review and Content.

1. Complete Submission.

A. Within twelve (12) months after approval of the preliminary plan, a final plan and all necessary supplementary data shall be submitted to the Township. If the applicant does not make a proper final plan application within twelve (12) months of the date of preliminary plan approval, the preliminary plan shall expire.

B. The final plan shall conform to the terms of approval of the preliminary plan, to the most recent administrative regulations adopted by the Board of Supervisors for such purposes, and to the requirements of this Section.

C. The Board of Supervisors may permit submission of the final plan in sections or phases, each covering a reasonable portion of the entire proposed subdivision or land development as shown on the approved preliminary plan, but in no case shall any section or phase include less than twenty-five percent (25%) of the total lots or dwelling units or total floor area, as depicted on the approved preliminary plan.

D. All final plans, as further described in this Section, together with a completed official application and signed consultant professional services agreement, available from the Township, shall be submitted, along with supporting information, to the Township at least twenty-one (21) consecutive calendar days prior to a regularly scheduled meeting of the Planning Commission in order to be placed on the agenda for that meeting. The Township shall determine if the application form is completed correctly, the correct number of plans have been submitted, the Township consultant professional services agreement has been signed, all required fees have been paid, and the application is otherwise

complete and, if so, shall place the application on the agenda for the next regularly scheduled meeting.

E. All final plans and revisions to the plans shall be submitted to the Township for review by the Township Consultants no less than twenty-one (21) consecutive calendar days prior to a regularly scheduled meeting of the Planning Commission in order to be placed on the agenda for that meeting.

F. In all cases, the Planning Commission shall review the final plan submissions and revisions to the plans before they are submitted for review by the Board of Supervisors. The Planning Commission shall receive comments from reviewing agencies and Consultants as provided in this Section, correlate the comments and submit its written report to the Board of Supervisors within sixty-three (63) consecutive calendar days of the date of the regular meeting of the Planning Commission next following the date the application was filed.

G. Each final plan revision submitted to the Township shall be accompanied by a letter from the applicant, or applicant's agent, which shall restate and provide itemized responses to all review comments prepared by the applicable reviewing agencies and Township Consultants on the previous submission, describe the specific revisions made to the final plan and/or accompanying documents to address the review comments, and identify the sheet or page number in which each revision may be found. Such letter also shall describe, in detail, any and all revisions made to the final plan and/or accompanying documents since the previous submission not requested by such review comments. If one (1) or more revisions are made to the final plan and not disclosed or identified in writing by the applicant or applicant's agent, said undisclosed or unidentified revisions shall not be part of, and shall be excluded from, any resulting final plan approval. In addition, any final plan approval by the Board of Supervisors where the plan contains undisclosed or unidentified revisions that are noncompliant with the requirements of this Chapter or any other applicable laws, statutes, ordinances, rules or regulations, shall in no way relieve the applicant of its obligation to fully comply therewith. Further, the applicant shall be required to pay all costs and expenses, including but not limited to engineering and legal fees, incurred by the Township associated with identifying and appropriately addressing undisclosed revisions to the final plan submission.

H. Copies of the application and the final plan, and supporting information, as further described in this Section, shall be supplied to the Township to permit the following distribution:

(1) Two (2) copies of the final plan and official Township application, all supporting information, including the Sewage Facilities Planning Module, and the required escrow and application fees to the Township.

(2) One (1) copy of the final plan, County referral form, all supporting information, including the Sewage Facilities Planning Module, and accompanying fee to the County Planning Commission.

(3) Two (2) copies of the final plan, two (2) completed Sewage Facilities Planning Modules and appropriate fee to the

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Chester County Health Department.

(4) One (1) copy each of the final plan and supporting information (including technical appendices) and plans to the Township Engineer, the Township Planner, the Township Traffic Engineer and the Township Solicitor. All traffic count data shall also be provided to the Township in electronic format.

(5) Five (5) copies of the final plan and supporting information and plans to the Township Planning Commission.

(6) One (1) copy each of the final plan, and all related supporting information, including a copy of a completed Cultural Resource Notice (if required) submitted or to be submitted to the Pennsylvania Historical and Museum Commission, to the Historical Commission.

(7) One (1) copy each of the final plan, and all related supporting information, to the Parks, Recreation and Conservation Committee.

(8) One (1) copy of the final plan to any adjacent municipality or other governmental agency affected by the proposed development when requested by the Board of Supervisors or the Planning Commission.

(9) If no revisions have been made to the supporting documentation submitted with the preliminary plan, and such supporting documentation remains fully applicable to the final plan submission, this shall be noted in the final plan submission transmittal letter.

I. When required, revised final plans shall be submitted to the Township to permit the following distribution:

(1) Two (2) copies of the final plan and, only if revised, two (2) copies of all supporting information and the Sewage Facilities Planning Module to the Township.

(2) Two (2) copies of the final plan and, only if revised, two (2) copies of the completed Sewage Facilities Planning Module to the Chester County Health Department.

(3) One (1) copy of the final plan and, only if revised, one (1) copy of all supporting information to the Township Engineer.

(4) If revised, one (1) copy of the traffic impact study and plan to the Township Traffic Engineer.

(5) One (1) copy of the final plan to the Township Planner.

(6) Five (5) copies of the final plan to the Township Planning Commission.

(7) One (1) copy of the final plan and, only if revised, one (1) copy of all supporting documentation to the Township Solicitor.

(8) If revised, one (1) copy each of the relevant plan sheets of the final plan and, only if revised, relevant supporting information to the Historical Commission.

(9) If revised, one (1) copy each of the relevant plan sheets

of the final plan and, only if revised, relevant supporting information to the Parks, Recreation and Conservation Committee.

J. The applicant shall furnish additional copies of final plans and supporting information at the Township's request.

K. The Township shall note the date of the receipt of the application, and any fees and escrow deposits, as determined by resolution of the Board of Supervisors. The application shall not be processed until it is complete and the required fees have been received.

2. Review. The final plan shall be reviewed by the Planning Commission at the next regularly scheduled meeting and shall also be reviewed by the Township Consultants, the Chester County Planning Commission, the Chester County Conservation District, the Chester County Health Department and such other agencies as required by this Chapter or deemed appropriate by the Planning Commission.

A. Official Review Period.

(1) The Township shall have ninety (90) consecutive calendar days in which to review and take action on the final.

(2) In accordance with Section 508 of the Pennsylvania Municipalities Planning Code, the ninety (90) consecutive calendar day review period shall commence on the date of the regularly scheduled Planning Commission meeting next following the date a complete application is submitted to the Township; provided that, if the next regular meeting of the Planning Commission shall occur more than thirty (30) days after the application is submitted to the Township, the ninety (90) day period shall be measured from the thirtieth (30th) day following the date of submission of the application.

(3) An extension of the review period for an unlimited period of time, revocable upon sixty (60) days prior written notice to the Township, may be granted in writing by the applicant. An unlimited extension of time shall not preclude the Board of Supervisors from taking action to accept or reject the final plan at any time it elects to do so. In the event that an applicant takes no action on a proposed final plan for twelve (12) months or more, the Township may issue a notification letter to the applicant that the Board of Supervisors will consider the final plan application at its next regularly scheduled meeting.

B. Review by the Township Consultants, the Authority or Other Entity, for Sanitary Sewage Disposal and the Authority or Other Entity, for Water Supply.

(1) The review by the Township Engineer shall include an examination of the content of the plans to be certain that all information and changes required by this Chapter and by the Board in its review of the preliminary plan are presented in the plans submitted, an investigation of the plan to be certain that all other Township ordinances are complied with, and an examination of the engineering and design feasibility of the final designs presented for the location, alignment and grade of streets, stormwater drainage, sanitary sewers and water supply. To facilitate this review, the Township Engineer may, at his discre-

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tion, distribute copies of the plans to Township commissions and committees established by the Board of Supervisors. The Township Engineer shall confer with the Township Traffic Engineer and shall coordinate the preparation of a traffic engineering review to obtain conformity with the requirements of subsection (3) below. The Township Engineer shall confer with the applicant to the extent necessary to obtain conformity of the plan with these regulations and to comment upon the matters subject to his review. The Township Engineer shall forward his written comments on the plan to the Township, the applicant and the applicant's consultants at least fourteen (14) consecutive calendar days prior to the next meeting after the regularly scheduled meeting of the Planning Commission at which the application and final plan were first placed on the agenda.

(2) The review by the Township Planner shall include an examination of the content of the plans to be certain that all information and changes required by this Chapter and by the Board in its review of the preliminary plan are presented in the plans submitted related to the four-step design process, outdoor lighting, landscaping and buffering, and its functional and aesthetic relationship to adjoining properties and uses conforms to the applicable provisions of this Chapter, as well as the East Coventry Township Comprehensive Plan dated 2003 or last revised, East Coventry Township Parks, Recreation, and Open Space Plan dated April 10, 2012, or last revised, Pottstown Metropolitan Regional Comprehensive Plan dated 2005 or last revised, and any other planning documents that may be adopted by the Board of Supervisors. The Township Planner shall confer with the applicant to the extent necessary to obtain conformity of the plan with these regulations and planning documents and to comment upon matters subject to his review. The Township Planner shall forward his written comments on the plan to the Township, the applicant and the applicant's consultants at least fourteen (14) consecutive calendar days prior to the next meeting after the regularly scheduled meeting of the Planning Commission at which the application and final plan were first placed on the agenda. [Ord. 196]

(3) The review by the Township Traffic Engineer shall include an examination of the content of the plans to be certain that all information presented in the plans submitted related to streets, parking and loading areas, and traffic impact fees conforms to the applicable provisions of this Chapter, the East Coventry Township Roadway Sufficiency Analysis and Transportation Capital Improvement Plan dated 2001 or last revised, and other transportation studies that may be adopted by the Board of Supervisors. The Township Traffic Engineer shall confer with the applicant to the extent necessary to obtain conformity of the plan with these regulations and transportation studies and to comment upon the matters subject to his review. The Township Traffic Engineer shall forward his written comments on the plan to the Township, the applicant and the applicant's consultants at least fourteen (14) consecutive calendar days prior to the next meeting after the regularly scheduled meeting of the Planning Commission at which the application and final plan were first placed on the agenda.

(4) The review by the Township Solicitor shall include an examination of the content of the plans and supporting documents, to the extent appropriate, to determine the legal documents and agreements, and the terms and conditions to be contained therein, that should be required as a condition of plan approval to ensure compliance with applicable legal requirements and to legally protect the interests of the Township with respect to the completion of the proposed development in accordance with the final plan. The Township Solicitor shall forward his written comments on the plan to the Township, the applicant and the applicant's consultants at least seven (7) consecutive calendar days prior to the next meeting after the regularly scheduled meeting of the Planning Commission at which the application and final plan were first placed on the agenda.

(5) The authority for sanitary sewage disposal shall review the final design of sewerage facilities to determine compliance with standards established for acceptance of such systems by the Board. Final approval of plans by the authority for sanitary sewage disposal shall be a condition precedent to the Board's action on the final plan.

(6) The authority for water supply shall review the final design of the water supply facilities to determine compliance with standards established for acceptance of such systems by the Board. Final approval of plans by the authority for water supply shall be a condition precedent to the Board's action on the final plan.

(7) The review by the Historical Commission shall include an examination of the content of the plans and supporting documentation, to the extent appropriate, including a satisfactorily completed Cultural Resource Notice, if required under applicable Federal or State law, and correspondence from the Pennsylvania Historical and Museum Commission, to determine the compatibility of the development with extant historic resources and the terms and conditions that should be required as a condition of plan approval to ensure compliance with Federal and State laws designed to protect and preserve historic resources. Unless waived by the Historical Commission, the applicant shall attend a dedicated meeting with the Historical Commission to review the plans and supporting documentation. The Historical Commission shall forward its written comments on the plan to the Township, the applicant and the applicant's consultants at least fourteen (14) consecutive calendar days prior to the next meeting after the regularly scheduled meeting of the Planning Commission at which the application and final plan were first placed on the agenda.

(8) The review by the Parks, Recreation and Conservation Committee shall include an examination of the content of the plans to determine whether the plans are in compliance with the Township's park and recreation goals and objectives as documented in the Township's Parks, Recreation, and Open Space Plan, the Pottstown Metropolitan Regional Comprehensive Plan, and any parks and recreation plan now or hereafter adopted by the Federation of Northern Chester County Communities, as each of the same may be amended or supplemented from time to time. The Parks, Recreation

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and Conservation Committee shall forward its written comments on the plan to the Township, the applicant and the applicant's consultants at least fourteen (14) consecutive calendar days prior to the next meeting after the regularly scheduled meeting of the Planning Commission at which the application and final plan were first placed on the agenda. [Ord. 196]

C. Review by the Township Planning Commission.

(1) The Township Planning Commission shall review all plans referred to it and shall consider any recommendations made by a County agency, the Township Consultants and any other persons or agencies who shall have submitted comments with respect to any such application.

(2) In its review of the final plan, the Planning Commission shall examine the plan with particular emphasis on determining the suitability of the plan for the development of land and its relationship to the harmonious extension of streets and utilities, arrangement and density of housing or other uses, and compatibility of the plan with the Township Comprehensive Plan and Township Zoning Ordinance [Chapter 27]. The Planning Commission also shall review waiver requests and assess the adequacy of parking, surface and storm drainage, access, landscaping and other related design standards.

(3) To facilitate its review, the Planning Commission may, at its discretion, distribute copies of the final plan to Township commissions and committees established by the Board of Supervisors.

(4) The Planning Commission shall send its written recommendations and the reasons therefor in a resolution in draft form prepared by the Township Solicitor and recommended for adoption by the Board of Supervisors, citing specific sections of the Chapter relied upon, along with the written comments of the Township Engineer, the Township Planner, the Township Traffic Engineer, the Township Solicitor, the Chester County Planning Commission, the authorities for water supply and sanitary sewage disposal and other agencies which have submitted comments, to the Board of Supervisors, with a copy mailed or delivered personally to the applicant.

D. Review by the Board of Supervisors.

(1) When the written recommendations of the Planning Commission have been sent to the Board of Supervisors, such plan shall be placed on the Board's agenda for its review at its next regularly scheduled meeting. The applicant shall attend the meeting and conduct a presentation before the Board, using graphic illustrations of the proposed development, to explain the key features of the final plan and the project.

(2) The Board shall, at one (1) or more regular or special public meetings, review the plan, other supporting information, and the written comments of the Planning Commission, the Township Consultants, the County Planning Commission and all other reviewing agencies, to determine conformity of the plan to the standards of this and any other applicable ordinance. The Board may specify conditions, changes, modifications or additions to the plan which

the Board deems necessary and may make a decision to grant final plan approval subject to such conditions, changes, modifications or additions, citing appropriate Chapter provisions as described in subsection (2)(D)(4). When a plan is not approved in terms as filed, the decision of the Board shall specify the defects found in the plan and describe the requirements which have not been met and shall, in each case, cite the provision of the Chapter relied upon in the decision. If the Board approves the final plan, the minutes of the meeting shall reflect such approval either with or without conditions.

(3) Notwithstanding the foregoing procedure, the Board shall render a decision on all final plans within the earlier of (a) ninety (90) consecutive calendar days following the date of the regular meeting of the Planning Commission next following the date the application and final plan were filed, or (b) 120 days following the date the application and final plan were filed. The decision of the Board shall be in writing and shall be communicated to the applicant by mail not later than fifteen (15) consecutive calendar days following the decision or before the end of the extension period, if any, whichever shall first occur.

(4) Whenever the approval of a final plan is subject to conditions, the written action of the Board as prescribed herein shall specify each condition of approval, citing relevant Chapter provisions in each case, and require the applicant's written acceptance or rejection of such conditions. If the applicant's written acceptance or rejection of such conditions is not received within the earlier of (a) thirty (30) days after written action by the Board, or (b) the expiration of the ninety (90) day final plan review period, including any extension thereof, or if the applicant delivers written rejection of such conditions, then the approval of the Board shall be rescinded automatically and expire, which rescission and expiration shall automatically revoke any and all approvals granted based on such conditions.

(5) The Board of Supervisors may grant or deny a modification or waiver of one (1) or more provisions of this Chapter if the Board determines that the waiver or modification is appropriate in accordance with §704 of this Chapter. A written request for one (1) or more modifications or waivers shall be submitted in the form of a letter addressed to the Township, citing the specific section(s) from which a modification or waiver is sought, and providing a description of (a) the extent of the modification or waiver being requested, (b) the resulting hardship to the applicant if the minimum requested relief is not granted, and (c) the alternatives being proposed. If a request for modification or waiver approval is granted by the Board, the approved modifications or waivers shall be placed on the first sheet of the applicant's plan using the form of Waiver Request Matrix provided in Appendix 22-A of this Chapter. If no modifications or waivers are requested, the note "No Waivers are Requested." shall be placed on the first sheet of the applicant's plan.

(6) Following the Planning Commission's recommendation for approval of the final plan, the Board of Supervisors may request

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that the applicant prepare an estimate, subject to approval of the Township Engineer, of the cost of all public improvements to be dedicated to the Township. The estimate shall be prepared, and certified as representing a fair and reasonable estimate of the cost, by a professional engineer licensed as such in Pennsylvania.

(7) The Board of Supervisors shall designate one (1) signed, sealed (if applicable) and recorded paper copy and an electronic (PDF) copy of the final plan as the official copy. An unsigned version of the official copy shall also be provided in AutoCAD. These copies shall include all corrections required by the Board of Supervisors. All copies shall be retained in the Township files.

(8) Copies of the final plan as approved, with the appropriate endorsement of the Board of Supervisors and the Township Engineer, shall be distributed as follows:

(a) A minimum of four (4) copies to the Township, three (3) of which shall be utilized in recording in accordance with §307 and one (1) copy to be returned to the Township after recording.

(b) One (1) copy to the County Planning Commission.

(c) One (1) signed and recorded copy to be retained in the Township files, together with one (1) copy of all supporting materials.

E. Every final plan approval, with the exception of minor subdivision plans, as defined under §301(3)(A), shall be subject to the following conditions:

(1) The applicant shall execute a Land Development Agreement in accordance with §309, agreeing with the Township to install all the improvements as required by this Chapter and all regulations adopted pursuant thereto.

(2) The applicant shall provide a performance guarantee in accordance with §310.

(3) The applicant agrees, if requested by the Board of Supervisors, and to the extent permitted by law, to tender a deed of dedication to the Township for such streets, easements for sanitary sewers, water lines and storm sewers, and public improvements, including street paving, sidewalks, street trees, water mains, any fire hydrants, sanitary and storm sewers, as are required for the promotion of public welfare, after all said improvements are completed and such completion is certified as satisfactory by the Township Engineer. The Board shall require that the applicant supply title insurance from a reputable title insurance company before any real property offered for dedication is accepted by the Township.

(4) Whenever the applicant is providing open space as part of the development, an easement in perpetuity restricting such open space from further subdivision or development shall be executed between the applicant and the Township, or an organization acceptable to the Township, and shall be for the benefit of the

Township and/or the lot purchasers in the subdivision or land development.

(5) The applicant shall have submitted to the Township copies of approvals for all required permits from agencies having jurisdiction over the development, prior to the Planning Commission's consideration of a recommendation for final plan approval. In cases where the permitting agency will not issue the required permit until the Board of Supervisors first approves the final plan, a letter to that effect from the permitting agency shall be provided to the Planning Commission and the Township Engineer. After review of the permitting agency letter, and if found acceptable, the Township Engineer may make a recommendation to the Board of Supervisors that the final plan be considered for approval; provided, however, that if, following plan approval, the permitting agency conditions the issuance of a permit on changes being made to the approved plan, such proposed changes shall be presented to the Board of Supervisors for approval prior to implementation. The Board may, in its discretion, condition approval on the preparation of amended plans in accordance with §312 of this Chapter.

F. Before acting upon any subdivision or land development plan, the Board of Supervisors may hold a public hearing thereon pursuant to public notice.

G. No plan which will require access to a highway or road under the jurisdiction of PennDOT shall be finally approved unless the plan contains a notice that a highway occupancy permit is required pursuant to §420 of Act 428, known as the "State Highway Law," before driveway access to a State highway or road is permitted.

3. Content. Final plans shall contain all information required in §304(3)(A) and shall conform in all details to preliminary plans, including any conditions specified by the Board. A final plan shall consist of and be prepared in accordance with the following:

A. Drafting Standards.

(1) Subdivision or land development plans submitted for review for final approval shall be clear and legible, with black or blue ink on white prints of the drawings. Upon completion of review, and for signature by the Board, clear and legible paper copies, and an electronic (AutoCAD 2000® or earlier version (.dxf format)) copy of all plans shall be submitted. The title sheet of the plans shall contain an area for signatures by the Board of Supervisors and Planning Commission.

(2) Final plans shall be made on sheets of twenty-four (24) inches by thirty-six (36) inches. Where necessary to avoid sheets larger than the maximum size prescribed above, final plans shall be drawn in two (2) or more sections, accompanied by a key diagram showing relative location of the sections. The scale shall not be less than one hundred (100) feet to the inch. All dimensions shall be shown in feet and hundredths of a foot.

B. Site Design, Layout Standards and Content.

(1) All information required in §304(3)(A) and the following

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minimum data shall be shown:

(a) All easements or rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Easements or rights-of-way shall be specifically described on the plans. Legal descriptions and plot plans, including metes and bounds, shall be submitted for all easements with final plans to the Township for review by the Township Engineer. Upon request of the Board of Supervisors, one (1) or more agreements for such easements shall be recorded. Easements shall be located in cooperation with the appropriate public utilities.

(b) If the subdivision proposes a new street intersection with a State road, the intersection permit number(s) shall be indicated for all such intersections.

(c) A certification of ownership, acknowledgment of plan and offer of dedication shall be affixed on the plan, and shall be duly acknowledged and signed by the owner(s) of the property and notarized.

(d) All waivers requested by the applicant and granted by the Board of Supervisors in accordance with §704 of this Chapter shall be clearly stated on the first sheet of the final plan in the form of, and containing the information required by, the Waiver Request Matrix attached as Appendix 22-A of this Chapter.

(e) The street name, street numbering as approved by the Township for each lot, cartway width, legal right-of-way lines and ultimate right-of-way lines of all existing public streets and the name and location of all other roads within the property.

(f) The following data for the centerline of the cartway and the legal right-of-way and ultimate right-of-way lines of all recorded and proposed streets within and adjacent to the property:

1) Courses and distances, with length in feet and hundredths of a foot of all straight lines, and of the radius and the arc of all curved lines with delta angles, including curved lot lines, and bearings in degrees, minutes and seconds for all straight lines.

2) The width in feet of the cartway, the legal right-of-way and the ultimate right-of-way, and (in degrees, minutes and seconds) of the delta angle of all curved lines, including curved lot lines.

(g) Certification as to the accuracy of the plan and details of such plans shall be prepared in accordance with Act 367, known as the Professional Engineers Registration Law.

(h) All notations on the plan must be readable with a minimum font size of ten (10). Illegible notations shall be considered incomplete data on the plan.

(i) Prior to the preconstruction meeting, the developer

and/or contractor shall provide a letter to the Township Manager indicating that all required permits have been received.

(2) The final plan shall be accompanied by the following supplementary data:

(a) A final Conservation Plan, prepared in accordance with §306(1).

(b) A final Comprehensive Stormwater Management Plan prepared in accordance with Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the East Coventry Township Code of Ordinances.

(c) A final Construction Improvements Plan, in accordance with §306(2).

(d) A final Landscaping, Screening and Buffering Plan, prepared in accordance with §428.

(e) Homeowner's Association and/or easement documentation acceptable to the Township Board of Supervisors after review and comment by the Township Solicitor.

(3) In the event that any of the physical features required by this Section to be shown on the final plan, or required to be reflected in the accompanying data described in §306, do not exist within the project area and, as a result, cannot be shown on the final plan or the supplementary plans identified in §306, a note shall be placed on the first page of the final plan stating: "The following features do not exist within the project area: ." This note shall list each feature by name and Chapter section.

(Ord. 179, 8/8/2011, §I; as amended by Ord. 196, 8/12/2013, §I)

§306. Accompanying Data.

1. Conservation Plan. A Conservation Plan is required to accompany the preliminary and the final subdivision or land development plan. For applications with proposed total earth disturbance of less than one (1) acre, this subsection (1) shall apply. For applications with proposed total earth disturbance of one (1) acre or more, the Township shall defer to the requirements of the Chester County Conservation District and the NPDES permit regarding erosion and sedimentation control; provided, however, that deferral shall not apply to post-construction stormwater management facilities. The Conservation Plan shall be clearly and legibly drawn to the same scale as that of the preliminary and final plans. In those instances where the Township defers to the requirements of the Chester County Conservation District and the NPDES permit, a letter of adequacy shall be provided to the Township promptly upon issuance by the issuing authority.

A. Purpose. The purpose of the Conservation Plan is to identify plans and techniques to be incorporated into the development proposal that regulate the modification of natural terrain during the site development process to ensure that:

(1) The disturbance of the site does not result in damaging erosion and sedimentation control problems in order to protect the health, safety and welfare of the Township residents. These

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objectives will be pursued at the Township level in conjunction with State requirements for erosion and sedimentation control, as defined in the Department of Environmental Protection Chapter 102 regulations, as amended, and defined in the Erosion and Sediment Pollution Control Program Manual.

(2) The site design and preparation incorporates necessary steps to ensure the successful installation and long-term operation of erosion and sedimentation control and stormwater management facilities as defined in Chapter 9, Grading and Excavating, of the Township Code of Ordinances.

(3) The goals and objectives for the implementation of the Parks, Recreation, and Open Space Plan, as amended, and regulated in §426 of this Chapter, are linked with other land development concerns. [Ord. 196]

(4) The disturbance and removal of topsoil is reduced and avoided as required by §425 of this Chapter.

(5) The natural and historic resources protection objectives of §429 are realized.

B. General Provisions. The following provisions shall be followed and incorporated into the development review and construction process.

(1) The applicant shall prepare a soil erosion and sediment control plan in accordance with the provisions of this Section. All land disturbance activities shall be conducted in such a way as to minimize erosion on adjoining and downslope properties.

(a) The applicant undertaking land disturbance activity including, but not limited to, grading, excavating or disturbance of topsoil or vegetative cover, or introduction of fill material that may affect the existing flow of surface water within or down slope from the subject parcel, shall be required to:

1) Collect onsite runoff and manage its release to a point of discharge into a natural watercourse of the drainage area.

2) Protect and clean the downslope, and adjoining properties of silt and debris washed from the subject property as a result of land disturbance activities on the subject property.

3) Install all drainage and erosion control improvements as required by the approved soil erosion and sediment control plan.

(b) Measures to minimize soil erosion and sedimentation shall meet the standards and specifications contained in the Pennsylvania Department of Environmental Protection, "Soil Erosion and Sediment Pollution Control Manual," as amended and the Pennsylvania Clean Streams Law, Chapter 102, Erosion and Sedimentation Control Rules and Regulations, as amended and the specifications contained herein. The Township Engineer or other duly authorized agent shall ensure compliance with

the appropriate specifications.

(2) The disturbed area and the duration of exposure shall be kept to a practical minimum and the disturbed soils shall be stabilized as quickly as practical.

(a) The permanent or temporary vegetation, erosion

[Text continued on p. 168.27]



control and stormwater management structures and systems shall be installed within twenty (20) days of the initial ground-breaking.

(b) If located adjacent to a stream within a watershed classified as high quality or exceptional value as designated by Pennsylvania Code 25, Chapter 93, Water Quality Standards, as amended, all graded surfaces shall be stabilized whether temporary or permanent, within three (3) days of the initial ground breaking and, weather permitting, shall be watered, tended and maintained until growth is well established.

(3) Whenever feasible, natural vegetation shall be retained, protected and supplemented.

(4) Sediment in the runoff water shall be trapped until the disturbed area is permanently stabilized by the use of measures such as debris basins, sediment basins, silt traps or similar measures. Accumulated sediment shall be kept removed to ensure continued adequate capacity in the basins or traps.

(5) A grading, excavation, erosion and sediment control plan shall be submitted with the preliminary and final plans. Such plan shall be submitted in accordance with the Pennsylvania Department of Environmental Protection, "Erosion and Sediment Pollution Control Manual," as amended, and the "Special Protection Waters Implementation Handbook," as amended, and in compliance with the most current review requirements of the Chester County Conservation District. The Township shall be copied on all Soil Erosion and Sedimentation Pollution Control Plan submissions and all related correspondence to the Conservation District. In addition, the applicant shall submit three (3) copies of all correspondence to, responses from, and plan submissions to the Chester County Conservation District that are not included in the applicant's formal preliminary and final plan application submissions. These copies shall be distributed as follows: one (1) for the Township file, one (1) for the Township Solicitor and one (1) for the Township Engineer.

(a) When required by the most recent regulations of the Pennsylvania Department of Environmental Protection, development plans will be filed by the Conservation District with the Department of Environmental Protection for issuance of a National Pollutant Discharge Elimination System (N.P.D.E.S.) permit.

(b) Soil erosion and sediment control plans shall incorporate facilities for stormwater management in accordance with the policies and regulations of the Chester County Conservation District and the stormwater management plan required by Chapter 9, Grading, and Excavating, Part 1, Stormwater Management, of the Township Code of Ordinances.

(c) Upon recommendation from the Township Engineer, the Township may require the submission of final plans, regardless of their size or other outside review requirements, to the Chester County Conservation District for review and approval. In such a case, approval by the Chester County Conservation

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District shall be required before final approval of a subdivision or land development, or the issuance of a building permit in the case of a minor subdivision.

(6) There shall be no increase in discharge of sediment or other solid material from the site as a result of runoff.

(7) Erosion and sedimentation control devices, such as temporary vegetation and mulch, temporary earthen berms, interceptor dikes, ditches, diversion terraces, rock filter berms, crushed stone tire scrubbers, silt basins, silt fences and the like, appropriate to the scale of operations, shall be installed concurrent with earthmoving activities and whenever any situation is created that would contribute to increased soil erosion.

(8) Earthmoving operations shall be minimized where possible and practicable to preserve desirable natural features and the topography of the site.

(9) Stripping of vegetation, regrading or other development shall be done in such a way that will minimize soil erosion.

(10) To the maximum extent practicable, mature, healthy trees with DBH of eight (8) inches or more and other significant existing vegetation shall be retained and protected. Such trees shall not be removed, except as provided on the approved subdivision and/or land development plan. The filling of soil more than five (5) inches over the roots of trees to be preserved is prohibited. (The roots are presumed to extend out from the tree as far as the tree's branches extend outward.)

(11) Land disturbance shall be limited to the actual construction site and an access strip. The amount of disturbed area and the duration of exposure shall be kept to a practical minimum. Disturbed areas shall be stabilized with vegetation, mulch, erosion control fabric and the like, as soon as possible after earthmoving procedures.

(12) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Water runoff shall be minimized and retained onsite wherever possible to facilitate groundwater recharge.

(13) Temporary vegetation and/or mulching shall be used to protect critical areas during development. Critical areas shall be construed to mean those portions of a site which are extremely vulnerable to soil erosion.

(14) The permanent final vegetation and structural soil erosion control and drainage measures shall be installed in the development as soon as practicable in accordance with the approved plans.

(15) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris and sediment basins, silt fences or other approved measures. Sediment deposits in basins, silt fences and the like shall be removed at periodic intervals during the construction period, as required.

C. The following practices shall be required for all subdivisions and/or land developments, unless the Township determines they are not applicable:

(1) Silt fences shall be utilized in lieu of straw-bale silt barriers downhill of all construction areas. In general, straw-bale silt barriers will be allowed only on projects with a construction period of less than sixty (60) days and where the uphill drainage area is less than one-half (1/2) acre. In all applications, silt fences and straw-bale silt barriers shall be securely anchored in place and embedded into the soil. Silt fences shall be installed on each subdivision lot down slope of the disturbed area prior to any lot disturbance.

(2) Silt fences or silt traps shall be placed at all inlets, headwalls, basin outlets and similar drainage structures during the construction period in order to prevent sediment from entering any watercourse, storm drainage system or other areas downstream.

(3) Temporary onlot berms designed to act as silt traps and to manage excess runoff, located to protect environmentally sensitive areas and downstream properties, shall be required during construction. The top width of the berms shall be a minimum of three (3) feet, with side slopes of a three (3) to one (1) maximum and the appropriate erosion control facilities, including, but not limited to, erosion control fabric.

(4) Crushed stone tire scrubbers shall be placed at all entrances to construction areas. Tire scrubbers shall be of sufficient width and length to prevent transportation of sediment off of the construction site. Any dirt, stone or other debris left on roadways must be removed at the end of each workday.

(5) Temporary and permanent seeding and mulch specifications shall be noted on all plans. The specifications shall include lime and fertilizer rates of application, as well as other provisions regarding procedures and materials. The Township requires hydro-seeding of all graded areas associated with street construction and stormwater management basins within seven (7) days of final grading.

(6) During roadway grading, interceptor dikes shall be installed on all roadway subgrades with slopes in excess of five percent (5%) to prevent erosion of the subgrades. The interceptor dikes shall divert stormwater runoff through silt traps or silt fences.

(7) The crushed stone base course for driveways, roadways and parking areas shall be applied as soon as possible after grading procedures, in order to prevent soil erosion of the subgrade.

(8) Drainage swales and ditches, and all slopes greater than four (4) to one (1) shall be protected against soil erosion velocities with soil erosion control measures, such as erosion control fabric and other material, as approved by the Township.

D. Plan Content. The Conservation Plan shall be prepared on the base plan for preliminary and final plans showing all of the existing conditions and those elements of a preliminary or final plan relating

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to grading, storm drainage, building and paving coverage proposed, and perimeter boundaries and the like which may affect the design of erosion control and stormwater management facilities. In addition the Conservation Plan will show:

(1) Locations of all soil classifications, with special notations of seasonally high water table soils, prepared by a professional geologist from an actual field testing of the site. Soils present on the site shall be tabulated according to classification and hydrologic soil group.

(2) Location and results of soil percolation tests whenever onsite disposal of sewage is planned.

(3) Notations indicating: all trees of eight (8) inches DBH or greater proposed to be cleared as part of the proposed Subdivision or Land Development Plan, together with reasons for such clearing; all proposed alterations of the natural grade, whether by cut or by fill; exceeding two (2) feet, together with reasons for such alteration; compliance with all applicable erosion and sedimentation control standards.

E. A required element of any Conservation Plan shall be a plan for the control of erosion and sedimentation and for stormwater management. Any preliminary or final Conservation Plan for subdivision or land development must be accompanied by a stormwater management plan as provided for in Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the Township Code of Ordinances. Contents of the submitted plan shall reflect discussion by the applicant with the Township Engineer. The minimum components of the Conservation Plan are as follows:

- (1) A narrative summary of the project, including:
  - (a) General description of the project.
  - (b) General description of accelerated erosion control.
  - (c) General description of sedimentation control.
  - (d) General description of stormwater management, both during and after construction.

(e) Date project is to begin and expected date final stabilization will be completed.

- (2) Proposed alterations to the project area, including:
  - (a) Structures, roads, paved areas, buildings, and primary and secondary on-lot septic system areas for elevated sand mounds, if needed.
  - (b) Proposed stormwater control facilities.
  - (c) Finished contours including areas of cuts and fills.
  - (d) Changes to vegetative cover.

(3) Calculations and description of the amount of runoff from the project area to swales, pipe discharge points, temporary and permanent basins, sediment traps, etc. Calculations shall be performed for both during and after development. Such calculations

shall demonstrate that the capacity of the system to control erosion and to prevent sediment discharges is sufficient to control velocity and quantity of discharge to acceptable limits.

(4) The staging of earthmoving activities, described in the narrative, including:

(a) Cover removal, including all cuts and fills.

(b) Installation of erosion and sediment control facilities and practices.

(c) Installation of improvements, including streets, storm sewers, underground utilities, sewer and water lines, buildings, driveways, parking areas, recreational facilities and other structures.

(d) Program of operations to convert erosion and sedimentation controls to permanent stormwater management facilities, including a chart of the relative time sequence of activities.

(5) Temporary control measures and facilities for use during earthmoving, in both map and narrative form, including:

(a) Purpose.

(b) Temporary facilities or other soil stabilization measures to protect existing trees and shrubs from earthmoving activities.

(c) Types, locations and dimensioned details of erosion and sedimentation control measures and facilities.

(d) Design considerations and calculations of measures and facilities to control excess stormwater created by runoff from graded areas.

(e) Facilities to prevent tracking of mud by construction vehicles onto existing roadways.

(6) A narrative description of the maintenance procedures for both temporary and permanent control facilities, and of ownership arrangements, including:

(a) The methods and frequency for removal and ultimate disposal of sediment and other materials removed from control facilities, both during and upon completion of the project.

(b) The proposed ownership and financial responsibility for the maintenance of the permanent control facilities.

F. Standards for Grading, Excavation and Fill Requirements.

(1) No excavation or fill shall be made with an exposed face steeper in slope than three (3) horizontal to one (1) vertical, except under one (1) or more of the following conditions:

(a) The material in which the excavation or fill is to be made is sufficiently stable to sustain a slope steeper than three (3) horizontal to one (1) vertical, and a written statement to that effect by a licensed professional engineer experienced in erosion control is submitted and approved by

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the Township Engineer. The statement shall certify that the site has been inspected and that the deviation from the slope specified will not result in injury to persons or damage to property of increased erosion and resulting sedimentation.

(b) When a retaining wall is to support the face of the excavation, retaining walls shall be reviewed and approved by the Township Engineer. Retaining walls greater than four (4) feet in height shall have a protective fence a minimum of four (4) feet in height.

(2) The Township Engineer may require a flatter slope when it is found that the material in which the excavation is to be made is unusually subject to erosion or if other conditions exist which make such a shallower slope necessary for stability and safety.

(3) The top or bottom edge of slopes shall be located at least five (5) feet from property lines, in order to permit a gradual rounding of the edge without encroaching onto the abutting property.

(4) Excavation shall not extend below the natural slope of the soil under the nearest point of any footing or foundation or any existing building or structure unless such footing or foundation is first properly underpinned or protected against settlement.

(5) Grading shall not redirect or concentrate surface water onto an adjacent property.

(6) During grading operations, necessary measures for dust control to prevent particulate matter from becoming airborne shall be followed. These measures shall include, but not be limited to, the following:

(a) A tire cleaning area shall be provided at each point of egress from the development areas.

(b) Use, where possible, of water or other method approved by the Township Engineer for control of dust during any land disturbance activity.

(c) Removal of earth or other material from paved streets at the end of each workday.

(7) Grading equipment shall not be allowed to cross permanent or intermittent streams without first obtaining appropriate permits from the Pennsylvania Department of Environmental Protection.

(8) No applicant shall engage in land disturbance activities that endanger any adjoining property, public street, sidewalk, alley or other property from settling, cracking or other damage that might result from such land disturbance. If in the opinion of the Township Engineer, the land disturbance would create a hazard to life or property unless adequately safeguarded, the applicant shall construct walls, fences, guardrails or other structures to safeguard the adjoining property, public street, sidewalk, alley or other property and persons.

(9) Excavation or fills shall not encroach on natural watercourses, floodplain areas, constructed channels or wetlands

without the necessary State and Federal permits. Excavations or fills located adjacent to natural watercourses or constructed channels shall have suitable protection against erosion.

(10) All fill shall be compacted to provide stability of material and to prevent undesirable settlements. The fill shall be spread in a series of layers, not exceeding twelve (12) inches in thickness, and be compacted by a sheepsfoot roller or other approved method after each layer is spread. The Township Engineer may require compaction tests and reports.

(11) Adequate provisions shall be made to prevent surface waters from damaging the cut face of an excavation or the sloping surface or a fill within the area of a proposed subdivision or land development. Slopes of more than ten (10) feet in vertical height shall be separated by level berms of at least four (4) feet in width within which ditches shall be constructed where necessary to prevent erosion and as a safe place to deposit and receive such water. The Township Engineer may require such drainage structures or pipes to be constructed or installed which are perceived necessary to prevent erosion damage and to satisfactorily carry off surface waters.

G. Grading for Drainage.

(1) All lots, tracts or parcels shall be graded to provide proper drainage away from buildings with a minimum slope of two percent (2%), and to dispose of water without ponding. All land within a development shall be graded to drain and dispose of surface water without ponding, except where ponding, as in the case of detention or retention basins, is part of the stormwater management system for the proposed subdivision or land development.

(2) All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet. Where drainage swales are used to direct surface waters away from buildings, they shall be sodded or planted as required.

H. Vegetative Cover.

(1) Removal of any portion of existing vegetation including, but not limited to, trees and associated vegetation layers shall be done in such a manner as to minimize erosion and sedimentation. Existing vegetation shall be retained and protected, or replaced by an immediate cover, such as rye grass or other fast-growing cover material, acceptable to the Township, within thirty (30) days of disturbance.

(2) The appropriate measures, as defined in §428 shall be taken to protect existing trees and associated vegetation.

I. Responsibility.

(1) Whenever sedimentation is caused by the removal of vegetation, regrading or other disturbance, it shall be the responsibility of the applicant causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his or her expense within

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a time period acceptable to the Township.

(2) No applicant shall block, impede the flow of, alter, construct any structure, deposit any material or thing, or commit any act that will affect normal flood flow in any stream or watercourse without having obtained prior approval from the Pennsylvania Department of Environmental Protection and the Township.

(3) Where a subdivision or land development is traversed by a watercourse, a drainage easement of adequate width shall be provided along the line of such watercourse to accommodate a riparian buffer.

(4) All required drainage and erosion control improvements, whether temporary or permanent, shall be installed by the applicant, at his expense, and in accordance with all applicable requirements.

J. Compliance with Regulations and Procedures.

(1) The Township, in considering preliminary subdivision and land development plans, shall condition its approval upon the Township Engineer's approval of soil erosion and sediment control measures for applications proposing less than one (1) acre of total earth disturbance or receipt of the NPDES permit and letter of adequacy issued by the Chester County Conservation District for applications proposing one (1) acre or more of total earth disturbance.

(2) Each application shall contain a commitment to submit for approval, prior to final release of escrow and dedication of improvements, a modified soil erosion and sediment control plan should the proposed plan prove to be inadequate.

2. Construction Improvements Plan. The Construction Improvements Plan shall contain sufficient information to provide working plans for the layout and construction of proposed streets, utilities, stormwater retention structures and other improvements. Information shall include, but not be limited to, the following:

A. A statement describing proposed public improvements, including streets, curbs, sidewalks and the means of water supply and sewage disposal to be provided.

B. Water Supply and Sewage Facilities. All plans shall be accompanied by Planning Modules for Land Development, provided by the Pennsylvania Department of Environmental Protection, including information with regard to the means of sewage disposal and provision of water supply.

(1) Water Supply.

(a) Where offsite or central water service is proposed, the preliminary design of water distribution facilities, including the size and location of water mains, fire hydrants, storage tanks, and when appropriate, wells or other water sources.

(b) Where individual onsite water service is proposed,

approximate location of well sites.

(2) Sewage Facilities. Sufficient information shall be provided to determine if the proposed subdivision or land development meets the recommendation and intent of the Township Act 537 Wastewater Facilities Plan.

(a) Where public sewer service is determined to be feasible and consistent with the sewage service area of the Township Act 537 Wastewater Facilities Plan, the preliminary design of sewage systems including, but not limited to, the location of sewers, pumping stations, sewer mains, and where applicable, sewage treatment plants, showing the size, capacity and location of treatment facilities.

(b) Where a community sewage system is proposed, plan information shall include the evaluation of alternative technologies in order of preference as outlined in the Township Act 537 Wastewater Facilities Plan and the most preferred feasible alternative as agreed to by the Township, the Pennsylvania Department of Environmental Protection, and the applicant. The preliminary design of the proposed system shall also be included, showing the size, capacity and location of treatment facilities, and where applicable, wastewater reclamation/land application sites.

(c) Where individual onsite sewage facilities are proposed, the applicant shall submit a statement with regard to the suitability of the soil to absorb sewage wastes. Test pit and percolation test information shall be provided and the approximate location of the system shall be indicated. Dimensioned horizontal isolation distances for treatment tanks and sewage absorption areas shall be provided as required by the Pennsylvania Department of Environmental Protection.

C. Horizontal plan for streets showing details of the horizontal layout including:

(1) Centerline with bearings, distances, curve data and stations corresponding to the profile.

(2) Right-of-way and curb lines with radii at intersections.

(3) Tie-ins by courses and distances to intersections of all public roads, with their names and widths.

(4) Location of all monuments and other boundary markers by bearings and distances.

(5) Location and size of all drainage facilities, sidewalks, public utilities, fire hydrants, lighting standards and street name signs.

D. Horizontal Plan for Stormwater Management and Sanitary Sewer Facilities.

(1) Location and size of line with stations corresponding to the profile.

(2) Location of manholes or inlets with grade between and

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elevation of flow line and top of each manhole or inlet.

(3) Location of laterals.

(4) Location of other drainage facilities and public utilities in the vicinity of storm and/or sanitary sewer lines.

(5) Hydraulic design data and calculations for storm sewers, inlets, culverts and bridge structures.

E. A profile plan, indicating final grades of streets, sanitary sewers, stormwater management facilities and the extent of cut and fill operations.

(1) The profile plan shall show the vertical section of the existing grade and proposed grade along the centerline of the proposed street. Where storm drainage and/or sanitary sewer lines are to be installed, they shall also be indicated on the profile plan.

(2) The horizontal scale on the profile plan shall not be less than one (1) inch equals one hundred (100) feet and the vertical scale shall not be less than one (1) inch equals five (5) feet or in cases where larger scales are used, the ratio shall be one (1) to ten (10) vertical to horizontal.

(3) A typical cross section of street construction shall be shown on the profile plan and shall indicate the following:

(a) Right-of-way width and the location and width of paving within the right-of-way.

(b) Type, thickness and crown of paving.

(c) The location, width, type and thickness of curbs and sidewalks to be installed if any.

(d) Grading of sidewalk area.

(e) Typical location, size and depth of any underground utilities that are to be installed in the right-of-way where such information is available.

F. Detail sheet(s) providing sufficient details and notes to define the construction methods and materials of proposed improvements. Details shall include, but not be limited to:

(1) All public sewer improvements as required and approved by the Sewer Authority.

(2) All public water improvements as required and approved by municipal or private water companies.

(3) A cross section of each utility trench, showing proposed bedding and backfill material as well as the required compaction methods.

(4) Erosion and sediment control methods and materials.

(5) Stormwater management facilities.

(6) Details of all improvements required by the Pennsylvania Department of Transportation.

G. Landscaping, Screening and Buffering Plan. When applicable, a Landscaping, Screening and Buffering Plan consistent with the requirements of §428 shall be provided.

H. Outdoor Lighting Plan. When applicable, a Lighting Plan, consistent with the requirements of §427 shall be provided.

3. Impact Studies.

A. Applicability. The traffic impact study detailed in subsection (3)(D)(1) below shall be required for all preliminary plan applications for development when any of the following are proposed for a property:

(1) Residential development with a trip generation rate of sixty (60) AADT (annual average daily trips) as established in the Trip Generation Manual prepared by the Institute of Transportation Engineers, as amended.

(2) Institutional facility with a trip generation rate of sixty (60) AADT, as established in the Trip Generation Manual prepared by the Institute of Transportation Engineers, as amended.

(3) Industrial, commercial and/or office development having a trip generation rate of sixty (60) AADT or more, as established in the Trip Generation Manual prepared by the Institute of Transportation Engineers, as amended.

(4) Any project that will affect roads with a level of service at "D," "E," or "F," as determined by the Township at the time of submission.

(5) Any project that will affect roads as determined by the Township to have safety or design deficiency.

(6) Any project that will be developed in phases with a cumulative effect of falling within the required categories outlined above.

B. Applicability. The impact studies detailed in subsection (3)(D)(2), (3), (4) and (6) below shall be required for all preliminary plan applications for development when any of the following are proposed for a property:

(1) Residential development of ten (10) or more dwelling units.

(2) Institutional facility of ten (10) or more bedrooms or residential units.

(3) Industrial, commercial and/or office development in excess of twenty thousand (20,000) square feet of building area.

(4) The Environmental Impact Study detailed in subsection 306(3)(D)(6) below will also be required if the proposed subdivision or land development has, within its boundaries, an area of more than ten percent (10%) of any individual resource, or an area of more than twenty-five percent (25%) of any combination of resources that are protected by the Natural Features Protection Standards enumerated and described in the Zoning Ordinance [Chapter 27]. The natural features to be protected include flood plains,

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steep slopes as defined by the Zoning Ordinance [Chapter 27], and soils with seasonally high water tables.

C. The Historic Resources Impact Study detailed in subsection (3)(D)(5), or portions thereof, shall be required, unless waived or modified by the Board of Supervisors, when any of the following are proposed:

(1) Subdivision or land development plans which will lead to the new construction of buildings, structures, roads, driveways, parking areas, etc., located within one hundred (100) feet of the closest point of a historic resource.

(2) Subdivision or land development plans which propose restoration, rehabilitation, adaptive reuse, relocation or demolition of a historic resource.

(3) General bridge or road construction or substantial repair passing within one hundred (100) feet of the closest point of a historic resource.

D. The Board shall consider the impact of the proposed use on the Township and on the facilities and systems as listed hereafter. When required by the Board, the applicant shall provide all of the information data and studies needed to allow the Board to reach conclusive evaluation of the areas set forth hereafter, which are applicable to the use proposed. The impact study should be one written document. Necessary maps, charts, etc., should be labeled as consecutively numbered exhibits and properly referenced throughout the text of the written document. The study should be written in a manner and style that clearly focuses on the information, data and analysis of the issues and objectives requested by the Board. The source of all data should be appropriately documented.

(1) Traffic Impact Study. A traffic impact study shall be provided that satisfies the requirements of this Section, when applicable pursuant to §1308 of the Zoning Ordinance [Chapter 27].

(a) Purpose. The traffic impact study shall enable the Board of Supervisors to assess the likely impact of a proposed development on the various components of the transportation system in the Township. The study shall: (1) identify any traffic or transportation problems associated with the adequacy of the existing transportation network to provide access to/from the development with regard to the character and volume of traffic to be generated by the proposed development; (2) determine the development's impact on public transportation and pedestrian and nonvehicular circulation; and (3) identify solutions to the traffic or transportation problems.

(b) Professional Input. The applicant shall retain a qualified professional traffic engineer to prepare the traffic impact study. For purposes of this provision, a qualified traffic engineer shall be deemed to be any individual holding a current Professional Engineer (P.E.) license issued by the Commonwealth of Pennsylvania, with documented experience in the field of transportation engineering (including, without

limitation, certification as a Professional Traffic Operations Engineer (PTOE) from the Institute of Transportation Engineers), or any individual who conforms to the definition for a Municipal Traffic Engineer as set forth in 67 Pa.Code Chapter 205, as amended, entitled "Municipal Traffic Engineering Certification."

(c) Study Area. A study area that represents the area likely to be affected (from a traffic impact standpoint) by the development, shall be defined by the Township Traffic Engineer prior to the applicant commencing the traffic impact study. In identifying the study area, the Township Traffic Engineer shall discuss with the applicant and the Township the study area boundaries and the specific intersections to be included in the study.

(d) Contents of Traffic Impact Study. At the discretion of the Township, a traffic impact study shall contain, but not be limited to:

1) Site and Project Description. This description shall identify the site, proposed land use(s), the surrounding area, and the transportation setting, including, without limitation:

a) A description of the size, location, proposed land uses, construction staging and completion date of the proposed development. If the development is residential, the types of dwelling units and number of bedrooms shall be included. Also, the description shall include the characteristics of site users with respect to their transportation needs including, but not limited to, vehicular travel, pedestrian and bicycle travel, and public transportation. In addition, the description for educational, day-care or other similar facilities shall include a narrative of the arrival and dismissal times, student drop-off/pick-up procedures, number of school buses, number of students, and other relevant operational information. Any unique or atypical transportation operations or characteristics of a proposed development shall be fully described.

b) The zoning classification of the existing and proposed uses of the site shall be identified.

c) A complete description of access and circulation for the development including, but not limited to, location of access points and method of traffic control.

d) Description of the adjacent external roadway system within the study area. Major intersections in the study area shall be identified and illustrated, and Township as well as PennDOT Smart Transportation roadway classifications and

context shall be noted.

e) All existing and proposed public transportation services and facilities within the study area and the surrounding area shall be documented.

f) A description of the internal roadway system, pedestrian facilities, transit facilities and other appropriate transportation features.

g) All future committed or proposed roadway and intersection improvements within the study area shall be noted. The responsible party and anticipated project schedule shall be identified for each future improvement.

h) A description and evaluation of the need for school bus or public transportation bus activity and accommodations within the site, at the site access, or along the site frontage shall be provided, as appropriate.

2) Existing Traffic Conditions. Existing traffic conditions shall be documented for all major roadways and intersections established as part of the approved study area and shall be based on the following:

a) Existing peak-hour turning movement traffic volumes shall be recorded at all study area intersections and shall be conducted encompassing both the peak highway and development hours. Daily traffic volumes shall be documented in the report for each of the study roadways. The report shall provide figures illustrating the peak-hour turning movement traffic volumes, and documentation regarding all traffic counts.

b) A volume/capacity analysis based on existing traffic volumes shall be performed during the peak highway and development hours for all roadways and study intersections, including specific conditions and/or locations as may be established by the Township. The level of service results of the volume/capacity analysis shall be presented graphically.

c) A summarization of the most recent accident data within the study area shall be provided if required by the Township.

3) Future Conditions Analysis Without the Proposed Development. An evaluation of the anticipated future traffic volumes and the ability of the roadway network to accommodate this traffic without the proposed development shall be provided. The analysis shall be completed for each study peak hour for the development completion year and any interim years if development phases are proposed, unless otherwise required by the Township, such as the PennDOT design year five (5) years

after the initial development opening year. This evaluation shall include, without limitation, the following:

a) Peak-hour traffic volumes shall be projected for the design year(s) based on traffic growth information compiled by the Pennsylvania Department of Transportation or other approved sources. Projected traffic volumes shall also include anticipated traffic growth associated with other area proposed developments or developments under construction. All assumptions and methodologies utilized to forecast the future traffic volumes shall be clearly documented. Figures shall be provided in the report illustrating the peak-hour turning movement traffic volumes.

b) A volume/capacity analysis based on future without-development traffic volumes shall be performed during the peak highway and development hours for all roadways and study intersections. The level of service results shall be presented graphically.

c) Roadway and intersection improvements committed to by others for implementation prior to the design year(s) shall be included in the analysis. The applicant's traffic engineer shall seek guidance from the Township in determining the appropriateness of future roadway and intersection improvements. An analysis of future conditions both without and with improvements shall be provided, if appropriate.

4) Trip Generation Characteristics. Estimates of vehicle trips to result from the proposed development shall be completed for the design year(s) peak highway and development hours, and shall be determined as follows:

a) Estimation of the number of trips generated by the proposed uses for each study hour and on a daily basis shall be developed.

b) Traffic volumes generated by the proposed development shall be distributed and assigned throughout the study area for each of the study peak hours. Documentation of all assumptions used in the distribution and assignment of traffic shall be provided.

5) Future Conditions Analysis with the Proposed Development. A description of the adequacy of the roadway system to accommodate future traffic with development of the site shall be provided. The analysis shall be completed for each study peak hour for the development completion year and any interim years if development phases are proposed, unless otherwise

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required by the Township, as noted in subsection (3)(D)(1)(d)3), above. The evaluation shall include, without limitation, the following:

a) Daily and peak-hour traffic volumes shall be projected for the design year(s). Projected traffic volumes shall be calculated by adding the anticipated development trip generation to the future traffic volumes without development for the roadway network and site access. Figures shall be provided in the report illustrating the peak-hour turning movement traffic volumes.

b) A volume/capacity analysis based on future with-development traffic volumes shall be performed during the peak highway and development hours for all roadways and study intersections. The level of service results shall be presented graphically.

c) A queuing analysis shall be performed during the peak highway and development hours for each study and site access intersection. The results of the queuing analysis shall be presented graphically and the available storage lengths for all existing and proposed lanes shall be identified to determine the adequacy of these facilities to accommodate the anticipated future vehicular traffic queues.

6) Proposed Improvements. A description of proposed improvements to remedy and otherwise mitigate traffic deficiencies and traffic impacts, as established by the analyses required herein, shall be identified, as follows:

a) Improvements shall be presented for future with-development traffic volumes to operate at level of service D or better for all movements and the overall intersection, if the future without-development conditions function at level of service D or better. If future without-development conditions are at level of service E, the improvements identified shall ensure that under no circumstances shall the future with-development level of service conditions be worse than future without-development conditions. For future with-development level of service F conditions, the volume/capacity ratio and delay shall be no worse than future without-development conditions. All site accesses shall function at level of service D or better for all movements and the overall intersection. Level of service shall be defined in accordance with the most current edition of the Transportation Research Board's "Highway Capacity Manual," or prior edition as currently accepted by

PennDOT.

b) The description of improvements shall describe the location, nature and schedule, as well as the party responsible for the improvements. The listing of recommended improvements shall include, but not necessarily be limited to, the following elements: internal circulation design; site access design location; traffic signal installation/operation; and roadway/intersection widening. Although the improvement recommendations shall be consistent with the Township's Transportation Capital Improvement Plan (most recent revision), these improvements shall not be considered unless they are planned within a reasonable schedule, as directed by the Board of Supervisors.

c) A volume/capacity analysis shall be presented demonstrating the anticipated operating conditions of the study intersections upon implementation of any recommended improvements. The level of service results of the volume/capacity analysis shall be presented graphically.

d) Access design recommendations shall be provided consistent with the design requirements of the Township and/or the guidelines of PennDOT, including, without limitation, the following:

i. The available sight distance measurements shall be indicated for each access, and recommendations to achieve acceptable sight distance shall be provided;

ii. The necessity for auxiliary turn lanes at each site access intersection shall be identified based on PennDOT current design guidelines; and

iii. All access points and pedestrian crossings shall be examined as to the need for and feasibility of installing traffic signals or other traffic control devices, pursuant to PennDOT guidelines and traffic signal warrants.

7) PennDOT Highway Occupancy Permit. If a traffic impact study or traffic impact analysis will be required for a PennDOT highway occupancy permit, then the study shall follow current PennDOT guidelines for completion of the study and prior Township study requirements may be adjusted, as appropriate and with the approval of the Township Traffic Engineer. Further, the study shall incorporate any specific evaluations, analyses or other scope items that may be required by the Township and Township Traffic Engineer and shall be completed to their satisfaction.

8) Conclusions and Recommendations. Projected levels of service for all roadways and intersections shall be identified at the conclusion of each phase of development, and a level of service matrix shall be provided for comparison of the levels of service. All roadways and/or intersections showing a level of service which is deemed deficient shall be identified and specific recommendations for the elimination of traffic problems associated with the proposed development shall be identified. Also, improvements shall be offered to ensure that vehicular traffic queues can be accommodated to provide efficient access and mobility to/from the proposed development for pedestrian and vehicular traffic. The Township shall review the methodology, assumptions, findings, and recommendations of the applicant's traffic impact study. The Board may request additional analyses and may also impose upon the applicant additional improvements deemed necessary to accommodate impacts of the development.

(2) Utilities Impact Study. A study shall be prepared by a registered professional engineer, indicating the likely impact of the proposed development on existing sewer, water, groundwater, solid waste and drainage systems serving East Coventry Township. Said impact analysis shall identify the existing capacity of facilities that would serve the development, the prospects of those facilities being able to provide service to it, and any improvements that might be required as a direct result of the proposed development. Additionally, the study should identify the ability of sewer, water, solid waste and drainage systems to continue to provide efficient and economic service to existing residents and businesses within the Township considering added service requirements of the proposed development. The study shall indicate the alternatives that have been considered for sewage treatment and disposal, as well as measures to be initiated toward solid waste recycling, all utility systems, including stormwater management, and water conservation.

(3) Fiscal Impact Studies. In addition to the applicable development thresholds of subsection (3)(B), a fiscal impact analysis shall be prepared for all conditional use, special exceptions and proposed zoning changes identifying the likely impact of the development on the Township's tax structure and expenditure patterns. Included shall be a determination of the revenues to accrue to the Township as a result of the proposed development, as well as an identification of the costs associated with delivering service to the proposed development. The fiscal impact analysis shall be prepared by a certified professional planner and shall consider the impact of the proposed development on the ability of the Township to deliver fire, police, administrative, public works and utility services. The Fiscal Impact Study shall be prepared in accordance with a methodology offered in the Fiscal Impact Handbook (Rutgers Center for Urban Policy Research, 1978, as modified from time to time), adapted as appropriate and to the Board's satisfaction. The "case study method" shall be

utilized in reviewing methodologies with the applicant however the Board may authorize a different methodology if the applicant can demonstrate to the Board's satisfaction substantial advantages in results achieved and/or efficiencies realized. Particular aspects of the Township's service delivery capability to be analyzed shall include:

(a) Public Works. This includes potential effects on the maintenance, repair and upkeep of roads, signal systems, sewer, water and drainage systems, open space and recreation areas or any other applicable function of this department. This study shall address projected cost increases for the above mentioned items in terms of administration, personnel, equipment and materials.

(b) Administration. This includes time that would be required by the Board, Manager, Administrative Assistant and clerical personnel to process the application and handle the project during construction, as well as long-term administrative demands. This shall include, but not be limited to, the handling of plans, contracts, various legal instruments or agreements, permits, special problems, and escrow. Added demands on the code administration staff also shall be projected.

(c) Fire and Emergency Services. The analysis shall incorporate the development's impact on fire company capabilities including, but not limited to, public water supply, pumping capacity, specialized equipment and training requirements.

(d) Police. The study shall project the overall effects of the proposed development on existing Township police personnel numbers, equipment, vehicles and working space. The plan shall include whatever facilities or assistance the development will provide to handle emergencies, criminal investigations, armed robbery or other security related problems.

(4) Well Withdrawal Impact Study. When required by subsection (3)(B), a Well Withdrawal Impact Study shall be submitted by the applicant. The purpose of the Well Withdrawal Impact Study is to evaluate the proposed subdivision or land development's potential impacts on the quantity and quality of the groundwater and surface water resources of the Township and existing wells in the Township. The Well Withdrawal Impact Study shall be prepared by a professional hydrogeologist, who shall submit to the Township for approval, the scope of the analysis prior to initiation thereof. The Well Withdrawal Impact Study shall contain, at a minimum the following:

(a) A map indicating the property boundaries of the proposed subdivision or land development and all existing wells and surface water bodies located within the radius, specified in this subsection, of the water withdrawal points of the proposed subdivision or land development. Reference shall be made to two studies prepared by the Federation of

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Northern Chester County Municipalities; "Surface Water Runoff Study" (September 1991) and "Water Resources Management Study" (October, 1988). Hydrogeological data contained in these studies shall be included in the analysis.

(b) The proposed thirty (30) day average rate and maximum daily rate of withdrawal from each source and from all sources in total.

(c) A geologic map indicating the property boundaries of the proposed subdivision or land development, the location of the proposed water withdrawal point(s) and the radius, as specified in this subsection, of the proposed water withdrawal point(s).

(d) A hydrogeologic analysis of the well withdrawals (tests to be conducted concurrently at all wells where multiple wells are proposed for concurrent use) that includes, but is not limited to, the following:

1) A constant rate well test for a minimum of forty-eight (48) hours taken during a period of no recharge using the proposed maximum day withdrawal rate for each well. A peak-rate demand pump test may also be required. The water level against the elapsed time shall be recorded throughout the forty-eight (48) hour well test period and appropriately plotted. Additional information shall include:

a) Static, pumping and recovery water level measurements from all observed wells and perennial streams with a sufficient number of measurements taken to adequately characterize drawdown, recovery and stream flow.

b) Date and time of all water level measurements.

c) Record of pumping rate measured throughout the test.

2) Observations of water levels from any monitoring wells located on the subdivision or land development property.

3) Observations of water levels and pumping rate available from existing wells within the specified radius. The monitoring wells shall be representative of the entire area within the required radius. The radius from the location of the proposed water withdrawal point shall be as follows:

<u>Proposed 30 Day Average</u>	<u>Radius</u> <u>(Miles)</u>
Withdrawal Rate <u>(Gallons per Day)</u>	
2,000 - 10,000	0.40

<u>Proposed 30 Day Average</u>	<u>Radius</u> <u>(Miles)</u>
Withdrawal Rate <u>(Gallons per Day)</u>	
10,000 - 50,000	0.50
50,001 - 100,000	0.75

4) Well log data for monitoring wells, if available, to identify significant water bearing zones. A significant water-bearing zone is one capable of providing at least ten percent (10%) of the pump capacity rate.

5) Observations of perennial stream levels at points expected to be impacted by withdrawal.

6) An analysis of expected impacts on intended water source uses caused by continual withdrawals on existing wells, flows of perennial streams and long-term lowering of the groundwater levels.

7) Documentation, based upon historical water table measurements, of drought condition water table elevation approximating a fifty (50) year drought, if available.

8) All field notes and observations, including weather conditions throughout the well test.

9) All methods and/or sources used to obtain data and draw conclusions.

(e) The Well Withdrawal Impact Study shall also include an analysis of the potential for groundwater recharge on the site. A detailed geologic evaluation of the site shall be performed and, at a minimum, shall address soil permeability, depth to bedrock, susceptibility to sinkhole formation and subgrade stability. Where a site is determined to be suitable for ground water recharge, the applicant shall demonstrate that an average daily balance between the amount of groundwater withdrawn and the amount of groundwater recharged will be achieved. To the extent that the site is not suitable for groundwater recharge or a water balance is not achievable, the proposed density or intensity of the subdivision or land development shall be reduced consistent with attaining such water balance or a public water supply shall be utilized. All recharge techniques and/or facilities shall be designed in accordance with the "Pennsylvania Handbook of Best Management Practices for Developing Areas."

(f) In addition, any well or group of wells operating as a system that withdraw an average of more than ten thousand (10,000) gallons per day, over a thirty (30) day period, shall require a Delaware River Basin Commission, Groundwater Protected Area (DRBC, GPA) permit. A group of wells not operating as a system that withdraw an average of more than

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ten thousand (10,000) gallons per day, over a thirty (30) day period, may require a DRBC, Groundwater Protected Area (GPA) permit.

(g) The Township, with the assistance of the Township Engineer or designated consultant, shall review the methodology, assumptions, findings and recommendations of the applicant's hydrogeologist. The Board of Supervisors may impose additional improvements it deems necessary to accommodate the impacts of the proposed subdivision or land development.

(5) Historic Resources Impact Study. When required by subsection (3)(C), a Historic Resources Impact Study, or portions thereof, shall be submitted by the applicant. The purpose of the Historic Resources Impact Study is to evaluate the proposed subdivision or land development's potential impact on historic resources and to avoid or minimize any resulting adverse effects on such historic resources during land development, land disturbance activities and construction. The Board may require the applicant to submit the Historic Resources Impact Study as a subsection of an impact study required in this subsection (3), or as a separate document.

(a) The Historic Resources Impact Study shall be prepared by a qualified professional in historic preservation, historical architecture, planning or related disciplines, and, unless waived by the Historical Commission, shall be presented by the applicant or his agent for discussion at a meeting of the Historical Commission.

(b) Contents. The study shall contain the following information:

1) Background Information.

a) If not otherwise provided by the applicant, a general site description, including topography, watercourses, vegetation, landscaping, existing drives, etc.

b) General description and classification of all historic resources including, but not limited to, historic resource setting, orientation integrity, construction, chronological timeline, and architectural style interpretation, located on the subject tract, on tracts immediately adjacent to the subject tract or road, or within one hundred (100) feet of the subject tract or road.

c) Physical descriptions of all identified historic resources. Historic resource physical descriptions encompass historic resource features, such as windows, doors, facade arrangement, construction composition, roof style, cornices, aperture surrounds, height, width by number of bays, and specific elements for a particular architectural style and are classified per Federal guidelines.

d) Statement of the significance of each historic resource, both relative to the Township and region in general.

e) Sufficient number, as determined by the Township, of black and white eight (8) inches x ten (10) inches photographs to show each identified historic resource in its current setting.

f) Narrative description of the historical development of the subject tract or road.

g) Copy of a satisfactorily completed Cultural Resource Notice, if required under applicable Federal or State laws and regulations, relating to all historic resources, with supporting documentation and copies of all correspondence to and from the Pennsylvania Historical and Museum Commission.

h) A Phase I archaeological survey investigation of the property, if recommended by the Historical Commission on the basis that the land is likely to or may contain archaeological resources, following the Historical Commission's receipt and review of the completed Cultural Resource Notice.

i) Copy of all reports and correspondence relating to a Section 106 Review, if applicable, including any Memorandum of Agreement and/or Programmatic Memorandum of Agreement.

j) Identification of all State and Federal agencies, if any, that are reviewing the project.

2) Proposed Change.

a) General description of project, including timetable of phases.

b) Description of the impact on each identified historic resource with regard to architectural integrity, historic setting and future use.

c) General description of the effect of noise and traffic and any other impacts generated by the proposed change on each identified historic resource.

3) Mitigation Measures. Recommendations for mitigating the project's impacts on identified historic resources, including design alternatives, landscaping, screening and buffering in accordance with §428, and any other appropriate measures permitted under the terms of this and other Township ordinances.

(c) Historical Commission. The Historic Resource Impact Study shall be reviewed by the Historical Commission, which shall set forth its evaluation and recommendations in a written report to the Township, the applicant and the appli-

cant's consultants at least fourteen (14) consecutive calendar days prior to the next meeting after the regularly scheduled meeting of the Planning Commission at which the application and preliminary plan were first placed on the Planning Commission meeting agenda.

(6) Environmental Impact Study.

(a) All applicants filing an Environmental Impact Study shall prepare such a report in accordance with the provisions of this Section.

(b) The format and content of the Environmental Impact Study shall be as follows:

1) Description of Existing Conditions. This section shall present a description of existing characteristics of the property with respect to geology, topography, ground and surface water hydrology, soils, vegetation and existing improvements and uses.

2) Description of the Proposed Action. This section shall describe the proposed action including types, locations and phasing of proposed site disturbances and construction, as well as proposed future ownership and maintenance of the property and the proposed improvements. Plans describing the proposed action may either be included within or accompany the Environmental Impact Study.

3) Proposed Measures to Control Potential Adverse Environmental Impacts. This Section shall describe all measures proposed by the applicant to control all adverse impacts that may occur as a result of the proposed action.

4) List and Qualifications of Authors. The names, addresses, telephone numbers and qualifications of persons directly responsible for preparing the Environmental Impact Study shall be provided.

5) Appendices. Any additional information that the applicant wishes to provide may be included in one (1) or more appendices to the report.

(c) Eight (8) copies of the Environmental Impact Study shall be a required part of the preliminary plan application. The Township Engineer and Township Planner shall review the report and submit their findings in memoranda to the Board. A copy of the memoranda shall be forwarded to the applicant.

(Ord. 179, 8/8/2011, §I; as amended by Ord. 196, 8/12/2013, §I)

§307. Recording of Final Plan.

1. Upon satisfactory completion of the procedures set forth in this Chapter and any and all conditions of plan approval imposed by the Board of Supervisors including, but not limited to, the execution of all legal agreements, which shall be satisfactory to the Board of Supervisors and the Township Solicitor, the posting of all financial security, and the payment of

all required escrows, fees and costs by the applicant, all endorsements shall be indicated on the record plan and on as many other copies of the final plan as may be desired. The satisfactory completion of all conditions of approval imposed by the Board of Supervisors shall be completed within ninety (90) days of the date of final plan approval by the Board, unless a written extension is granted by the Board. The final record plan shall not be signed or recorded until all conditions of approval have been satisfactorily completed.

2. Upon the signing of the final plan by the Township Engineer, the Chairman of the Township Planning Commission, the Chairman of the Board of Supervisors, and any other required signatories, the record plan shall be recorded in the Office of the Chester County Recorder of Deeds within ninety (90) days of the date of the final plan approval by the Township, or within ninety (90) days after completion of all conditions of plan approval, whichever is later. The Chester County Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Board of Supervisors and contains the stamp and seal of the Chester County Planning Commission. All recording fees shall be paid by the applicant. If the record plan is not recorded within the foregoing period, the contingent approval of the Board shall expire and be deemed to automatically revoke all plan approvals granted by the Board based upon the satisfaction of such conditions.

3. Where a major subdivision plan, as defined by this Chapter, is to be recorded, the documentation outlined under §309 shall also be recorded therewith.

(Ord. 179, 8/8/2011, §I)

§308. Resubdivision Plan Submission, Review and Content.

1. All resubdivision plan applications shall comply with the applicable final plan application, review and content requirements and procedures outlined under §§306(1), 306(2) and 306(3) of this Chapter. Where, in the determination of the Board of Supervisors, extraordinary conditions or circumstances exist, or the magnitude of the resubdivision meets or exceeds the threshold for the impact studies required under §306, the applicant shall be required to submit such impact studies.

2. In the resubdivision of land, the following shall be observed:

A. Parcels of land may be divided so long as they are made a part of adjoining land and no lot or tract of land results that is smaller than the minimum dimensions required by the Township Zoning Ordinance [Chapter 27].

B. Reserved drainage easements shall not be changed.

C. No lot shall be created which does not abut a street.

D. The character of the area shall be maintained.

(Ord. 179, 8/8/2011, §I)

§309. Subdivision and Land Development Agreement. The applicant shall execute an agreement, to be approved by the Township, pending the review of the Township Solicitor, before the final plan is released by the Board of Supervisors and filed on record. Said agreement shall, at a minimum, specify

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the following, where applicable:

A. The applicant agrees that he will lay out and construct all streets and other public improvements, including grading, paving, sidewalks, fire hydrants, water mains, street signs, shade trees, storm and sanitary sewers, landscaping, traffic control devices, open space areas and erosion and sediment control measures in accordance with the final plan as approved, where any or all of these improvements are required as conditions of approval.

B. The applicant guarantees completion and maintenance of all improvements by means of a type of financial security acceptable to the Township, as specified in §310(3) of this Chapter.

C. The applicant agrees to execute a deed of dedication, that shall be prepared by the Township Solicitor, for such streets and for such easements for sanitary and storm sewers, sidewalks and other public improvements, provided that the Township shall not accept dedication of such improvements until their completion is certified as satisfactory to the Township Engineer and Township Solicitor.

D. Whenever an applicant proposes to establish or continue a street which is not offered for dedication to public use, the Board of Supervisors shall require the applicant to submit, and also to record with the plan, a copy of an agreement made with the Board on behalf of himself and his heirs and assigns, and signed by him, and which shall establish the conditions under which the street may later be offered for dedication, and shall stipulate among other things:

(1) That an offer to dedicate the street shall be made only for the street as a whole.

(2) That the Township shall not be responsible for repairing or maintaining any undedicated streets.

(3) That the method of assessing repair and maintenance costs of the undedicated streets be stipulated and be set forth in recorded deed restrictions or homeowner association documents so as to be binding on all successors or assigns.

(4) That, if dedication is to be sought, the street shall conform to Township specifications or that the owners of the abutting lots shall, at their own expense, restore the streets to conformance with Township specifications.

(Ord. 179, 8/8/2011, §I)

§310. Performance Guarantees.

1. The applicant shall deposit with the Township financial security in an amount sufficient to cover the costs of all required improvements or common amenities including, but not limited to, streets, roads, curbs, gutters, walkways, street lights, fire hydrants, street trees, stormwater management facilities, recreational facilities, open space improvements, buffer or screen plantings, and public water mains, storm sewers, and sanitary sewers. Financial security related to public sewers shall be provided to the Sewer Authority. Compliance by the developer with the regulations set forth in the Stormwater Management Ordinance [Chapter 9], and the construction and installation of stormwater management facilities

required under Chapter 9, are required improvements for purposes of this Chapter and §509 of the MPC.

2. When requested by the developer, in order to facilitate financing, the Board of Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days, unless a written extension is granted by the Board; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

3. Financial security required herein shall be in the form of a Federal or Commonwealth chartered lending institution irrevocable letter of credit, a restrictive or escrow account in such institution, or with a financially responsible bonding company, or such other type of financial security which the Township may, in its reasonable discretion, approve. The bonding company may be chosen by the party posting the financial security, provided that the said bonding company or lending institution is authorized to conduct business within the Commonwealth and stipulates that it will submit to Pennsylvania jurisdiction and Chester County venue in the event of legal action.

4. The said financial security shall provide for, and secure to the public, the completion of any improvements for which such security is being posted on or before the date fixed in the approved subdivision plan and development agreement for completion of such improvements.

5. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals the said one hundred ten percent (110%). Any additional security shall be posted by the developer in accordance with this Section.

6. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of such engineer shall be paid equally by the

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Township and the applicant or developer.

7. If the party posting the financial security requires more than one (1) year from the date of posting the financial security to complete the required improvements, the amount of financial security shall be increased by an additional ten percent (10%) for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above bidding procedure.

8. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plans by section or stages of development, subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

9. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize to be released, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors, and the Board shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify to the Board of Supervisors, in writing, that such portion of the work upon the improvements has been completed in accordance with the approved plans. Upon such certification, the Board shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board fails to act within said forty-five (45) day period, the Board shall be deemed to have approved the release of funds as requested. The Township Engineer, in certifying the completion of work for a partial release, shall not be bound to the amount requested by the applicant, but shall certify to the Board his independent evaluation of the proper amount of partial releases. The Board may, prior to final release at the time of completion and certification by the Township Engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.

(Ord. 179, 8/8/2011, §I)

§311. Commencement of Development.

1. No construction or land disturbance activities, with the exception of soil or percolation testing, test well drillings or similar engineering or surveying activities, shall be commenced until the final plan is recorded and a copy of the recording receipt issued by the Chester County Recorder of Deeds is submitted to the Township.

2. No application for a building permit under the Zoning Ordinance [Chapter 27] shall be submitted and no building permit shall be issued for any building in any subdivision or land development until the final plans for the said subdivision or land development have been approved, the record plan has been recorded and all of the terms and conditions of §§305(2)(E) and 307 have been satisfied. Further, where final subdivision or land development approval has been conditioned upon the submission and approval of individual lot grading plans for some or all of the lots, no building permit shall be

issued for construction on any lot for which a grading plan is required until this condition has been satisfied.

3. No water system or sewer system, including extensions to existing or proposed Township systems or new systems employing sewage treatment plants, shall be constructed prior to the issuance of appropriate permits from the Pennsylvania Department of Environmental Protection or from Federal or local agencies, as required.

(Ord. 179, 8/8/2011, §I)

§312. Plan Amendments. Any proposed modification or amendment to an approved preliminary or final plan shall be reviewed by the Board of Supervisors, which may, in its discretion, depending upon the nature and extent of the changes requested, (A) accept or deny the modification by an amendment to the resolution granting preliminary or final plan approval, subject to such conditions as the Board may require, or (B) direct that the applicant submit revised plans for the proposed modification to the Planning Commission for full plan review and reprocessing in the same manner as the original plan. All site disturbance activities shall cease pending review and approval of plan modifications by the Board of Supervisors. (Ord. 179, 8/8/2011, §I)



Part 4

Development Design Standards

§401. General.

1. The following standards shall be complied with in all subdivision and land development, and are intended as the minimum for the promotion of the public health, safety and welfare. If an applicant, however, can clearly demonstrate to the satisfaction of the Board that because of peculiar conditions pertaining to his land, the literal enforcement of these standards would cause undue hardship, such variations from their literal interpretation may be permitted as may be reasonable and consistent with the purpose and intent of this Chapter, subject to the satisfaction of §704 of this Chapter. Such variations shall represent the least change from the standard.

2. All proposed subdivisions shall comply fully with the existing zoning regulations applicable to the land, and no parcel of land shall be created, either by inclusion or exclusion from a proposed subdivision, that cannot be properly utilized for a permitted use under the existing zoning regulations.

3. Physical improvements to the property being subdivided shall be provided, constructed and installed as shown on the Plan of Record, in accordance with the requirements of the Township.

4. The design of all improvements in a subdivision or land development shall be in accordance with the design specifications, standards and requirements as set forth in this Chapter and/or other applicable ordinances or, in the absence of the foregoing, in accordance with the applicable provisions of the latest design specifications of the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection and/or such other governmental agency or body which promulgates or otherwise issues design standards, specifications and requirements relevant to the work. In the event that there are no design specifications, standards or requirements, as aforesaid, applicable to the design and construction of any improvements, or parts thereof, in a subdivision or land development, the design, and the specifications, standards and requirements proposed by the applicant for such improvements shall be subject to the approval of the Township Engineer.

(Ord. 179, 8/8/2011, §I)

§402. Land Requirements.

1. No land shall be developed for residential purposes unless all known hazards to life, health, or property from flood, fire and disease shall have been eliminated or unless the plans for the development shall provide adequate safeguard against such hazards.

2. If, in the opinion of the Planning Commission, an applicant proposes streets or building development which would destroy existing tree growth, whether by reason of street alignment, grading or otherwise, the Planning Commission may recommend to the Board of Supervisors:

A. That the Board not approve the preliminary plan.

B. An alternate method of subdivision which would preserve as

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many of the existing trees as is reasonably possible that are of eight (8) inch and greater DBH.

C. That, as a condition of the Board's approval, the applicant be required to plant two (2) new trees of not less than two and one half (2 1/2) inch caliper for every existing tree of eight (8) inch and greater DBH which would be destroyed, such new trees to be planted on the lots and not as street trees, as approved by the Board.

(1) Where approved by the Board of Supervisors as a condition of subdivision or land development approval, required replacement trees may be substituted for greater numbers of trees of smaller caliper than otherwise required.

(2) Required replacement plantings shall be in addition to any required street trees or other landscape material required under applicable provisions of this Chapter or the Zoning Ordinance [Chapter 27].

(3) Where approved by the Board of Supervisors as a condition of subdivision or land development approval, some or all of the required replacement plantings may be installed at a site other than that subject to required replacement planting.

(4) In lieu of actual tree replacement, the Board of Supervisors may request an applicant to place the equivalent cash value, as agreed upon by the Township and the applicant, of some or all of the required replacement trees into a special fund established for that purpose. Such fund shall be utilized by the Township for the purchase and installation of trees elsewhere in the Township.

The purpose of this particular regulation shall be to maintain the supply of natural vegetation, prevent erosion of the topsoil on the site and surrounding properties, foster the retention of ground water supply and generally promote the health, safety and welfare of the citizens.

(Ord. 179, 8/8/2011, §I)

§403. Lot Design.

1. General Lot Design Standards.

A. Lot dimensions, areas and orientation shall be appropriate for the type of development and use contemplated, and sufficient to provide the required space for off-street parking and other accessory uses.

B. Side lot lines shall be at right angles to straight street lines, and radial to curved street lines and cul-de-sac turnarounds.

C. Lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.

2. Tract Frontage Standards.

A. All tracts proposed for subdivision or land development shall have direct access to a public street and, where applicable, shall have a frontage in accordance with zoning standards, but in no case shall such access be less than the minimum width required for right-of-ways pursuant to §406(1), plus such additional area as may be necessary to accommodate required landscaping under §428, with the ability to

demonstrate adequate traffic safety to enter the public street.

B. Any proposed lots abutting an existing or proposed arterial or collector street in the Township shall be designed as reverse frontage lots having access to the street with a lower function, as required in the Zoning Ordinance [Chapter 27].

C. All residential lots using reverse frontage shall have a rear yard with a minimum depth of seventy-five (75) feet, measured in the shortest distance from the proposed dwelling unit to the proposed right-of-way, and shall, within such rear yard and immediately adjacent to the right-of-way, have an easement for a landscape screen at least twenty (20) feet in width, across which there shall be no right of access.

3. Building Setback Lines. The minimum building setback line shall be in accordance with the Zoning Ordinance [Chapter 27].

4. Interior Lots. No interior lots shall be permitted in accordance with the Zoning Ordinance [Chapter 27].

5. Crosswalks.

A. Crosswalks may be required by the Board of Supervisors, as recommended by the Planning Commission, to facilitate pedestrian circulation and to give access to community facilities where situations warrant concern for the safety and welfare of Township residents.

B. The design and installation of required crosswalks shall be in accordance with the provisions of the Federal Highway Administration "Manual on Uniform Traffic Control Devices" and approved by the Township Engineer.

(Ord. 179, 8/8/2011, §I)

§404. Monuments and Markers.

1. Monument Standards.

A. Permanent concrete monuments shall be accurately placed at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of the property being subdivided.

B. All monuments shall be placed by a registered professional engineer or surveyor so that the scored point created by an indented cross or drilled hole in the top of the monument shall coincide exactly with the point of intersection of the lines being monumented.

C. Monuments shall be set with their top level with the finished grade of the surrounding ground.

D. All streets shall be monumented on the right-of-way line at the following locations:

(1) At least one monument at each intersection.

(2) At changes in direction of street lines.

(3) At each end of each curved street line, (e.g., points of curvature and tangency); only one side of each street need be monumented.

(4) An intermediate monument wherever topographical or other conditions make it impossible to sight between two (2) otherwise

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required monuments.

(5) At such other places along the line of streets as may be determined by the Township Engineer to be necessary so that any street may be readily defined in the future.

E. Utility pipeline rights-of-way shall be monumented at all property lines.

F. Common open space and community sewage disposal areas shall be monumented.

2. Marker Standards.

A. Markers shall be accurately placed at all lot corners within a subdivision.

B. Markers shall consist of solid iron rods or pins, with a minimum diameter of one-half (1/2) inch, and shall have a minimum length of thirty-six (36) inches and installed vertically.

C. Markers shall be placed in a six (6) inch diameter by twelve (12) inch deep concrete sleeve. The top of the concrete sleeve should be flush with the ground.

(Ord. 179, 8/8/2011, §I)

§405. Streets.

1. Proposed streets shall be consistent with such street plans or parts thereof as have been prepared and officially adopted by the Township, including without limitation, recorded subdivision plans and the Roadway Classification Map of the Township, as amended from time to time.

2. Proposed streets shall further conform to such Township, County and State road and highway plans as have been prepared, adopted and/or filed as prescribed by law.

3. Thoughtful and imaginative design of streets and their relationship to the arrangement and shape of lots is required. An important element is the blending with topography to produce curvilinear design and reasonable grades. The rectilinear design of streets and lots, involving long straight sections of street, shall be avoided.

4. Local streets shall be laid out so as to discourage through traffic, but provisions for street connections into and from adjacent areas may be required.

5. Where a proposed major subdivision abuts or contains an existing or proposed major thoroughfare, the Board shall require dedication of additional right-of-way specified hereinafter and marginal access streets, rear service alleys, reverse frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major thoroughfare and separation of local and through traffic.

6. Dead end streets shall not be permitted.

7. Where streets and other public improvements continue into adjoining municipalities, evidence of compatibility of design, particularly with regard to street widths, shall be submitted and approved by both municipalities. The applicant shall coordinate such design with both municipalities to avoid

abrupt changes in cartway width or in improvements provided.

8. Where a proposed major subdivision abuts an existing subdivision having a dedicated street or cul-de-sac bulb dead-ending at a common property line, the proposed major subdivision shall make provision for extension of such dedicated street within the proposed subdivision.

9. Where lots abut an existing street, additional right-of-way, paving or other street improvements shall be required for such an existing street to the extent deemed by the Board to be in the public interest.

10. If lots resulting from original subdivision are large enough to permit resubdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided in accordance with §406 of this Chapter.

(Ord. 179, 8/8/2011, §I)

§406. Street Right-of-Way Widths.

1. For all new streets in the Township, the minimum width for the right-of-way, cartway and each shoulder shall be as follows:

<u>Street Function</u>	<u>Right-of-Way Width</u>	<u>Paved Cartway Width</u>	<u>Each Shoulder<sup>1</sup> Width</u>
<u>Arterial Streets</u>			
Principal Arterial	Per PennDOT	Per PennDOT	Per PennDOT
Minor Arterial	60'	28'	8'
<u>Collector Streets</u>			
Major Collector	60'	28'	8'
Minor Collector	52'	28'	6'
<u>Local Streets</u>			
Primary Distributor	52'	28'	4'
Secondary Distributor	52'	28'	4'
Local Access Streets <sup>2</sup> (with curb)	52'	28'	none
Local Access Streets <sup>2</sup> (without curb)	50'	24'	4'
Cul-de-Sac Street	52'	28'	4'
Alley	20'	16'	

<sup>1</sup>If curbs are provided, see the Standard Public Improvement Specifications for curb and sidewalk construction.

<sup>2</sup>Including single access loop streets and residential cul-de-sacs. Dimensions include turnaround area (see §411).

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<u>Street Function</u>	<u>Right-of-Way Width</u>	<u>Paved Cartway Width</u>	<u>Each Shoulder<sup>1</sup> Width</u>
<u>Commercial Streets</u>	60'	28'	8'
Cul-de-Sac Street	60'	28'	8'

[Ord. 192]

2. Divided cartway streets (or boulevards), or parts thereof, may be permitted subject to approval by the Board of Supervisors, upon recommendation of the Planning Commission, and the following requirements:

A. Each cartway shall be one-way and twelve (12) feet in width with a shoulder or curb as required in subsection (1), above.

B. The minimum separation between cartways shall be ten (10) feet and shall not exceed twenty (20) feet, and such separation area shall be landscaped according to a plan recommended by the Planning Commission and approved by the Board of Supervisors.

C. Each side of each cartway shall be curbed, where required, with curbs meeting the specifications of Section 5 of the Standard Public Improvement Specifications.

D. The minimum right-of-way of divided cartway streets shall meet the requirements of subsection (1) plus one (1) foot for each foot of separation between one-way cartways.

3. Marginal access streets shall be designed based on the appropriate street characteristics noted in subsection (1) to provide adequate access to the existing and future land uses being served by the facility. A marginal access street serving residential uses shall be considered a local access street. A marginal access street serving commercial and industrial uses shall be considered a commercial street.

4. The Township may require additional right-of-way and cartway widths for the following purposes:

A. To promote public safety and convenience.

B. To provide parking space in commercial districts and on-street parking in areas of high-density residential development.

C. To accommodate special topographic circumstances which may result in cut/fill slopes extending beyond the standard right-of-way in all circumstances to assure accessibility for maintenance operations.

5. Rights-of-way of lesser width than prescribed in this Section shall not be permitted.

6. Subdivisions abutting existing streets shall be required to provide, for dedication, sufficient land to provide the ultimate right-of-way for such existing streets in accordance with the provisions of this Section.

7. Where a subdivision abuts an existing street of improper cartway or right-of-way width or alignment, the Board of Supervisors shall require

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<sup>1</sup>If curbs are provided, see the Standard Public Improvement Specifications for curb and sidewalk construction.

the dedication of land sufficient to widen the street or correct the alignment and require the installation of improvements and/or the escrow of money where deemed necessary in order to improve said cartway.

8. No fences, hedges or plantings shall be permitted within the right-of-way of any street.

(Ord. 179, 8/8/2011, §I; as amended by Ord. 192, 8/13/2012, §I)

§407. Increase of Right-of-Way Widths. In the case where lots created within a subdivision are large enough to accommodate either further subdivision, or a higher intensity of development, and thus may result in higher traffic levels, the Township may require that additional right-of-way be provided to permit the future development of a higher order street. (Ord. 179, 8/8/2011, §I)

§408. Street Grades.

1. There shall be a minimum centerline grade of one percent (1%). Centerline grades shall not exceed the following:

<u>Street Function</u>	<u>Maximum Grade</u>
Arterial	6%
Collector	7%
Local	8%
Commercial	5%

2. In the approach to an intersection, the street grade shall not exceed the following percentage for the classification of street indicated below. These approach grades shall extend for a minimum of one hundred (100) feet from the nearest right-of-way of the intersection street:

<u>Street Function</u>	<u>Maximum Grade</u>
Arterial	3%
Collector	4%
Local	6%
Commercial	3%

3. At all changes of street grades where the difference in centerline slope exceeds one percent (1%), vertical curves shall be provided per AASHTO, "A Policy on Geometric Design of Highways and Streets."

4. Under no circumstances shall maximum grades be permitted using the minimum curve radii.

(Ord. 179, 8/8/2011, §I)

§409. Street Alignment.

1. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves. Horizontal curves shall be provided in accordance with AASHTO, "A Policy on Geometric Design of Highways and Streets," as amended.

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2. The minimum centerline radii for horizontal curves shall be provided per AASHTO, "A Policy on Geometric Design of Highways and Streets," as amended. Centerline radii and superelevation shall be provided in accordance with AASHTO Standards.

3. A tangent of at least one hundred (100) feet shall be introduced between all horizontal curves on collector and arterial streets and between reverse curves on local streets.

4. Super elevation in accordance with PennDOT standards shall be required when curve radii are less than six hundred (600) feet on arterial streets.

(Ord. 179, 8/8/2011, §I)

§410. Street Intersections.

1. Right angle intersections shall be required.

2. No more than two (2) streets, creating a four-way intersection, shall cross at the same point.

3. Intersection spacing shall be measured from centerline to centerline and shall be based on the following requirements:

A. Intersections along arterials shall be located not less than one thousand (1,000) feet from another arterial or collector street, or not less than five hundred (500) feet when intersected by any other lower classified street type.

B. Intersections along collector streets shall be located not less than five hundred (500) feet from an arterial street, or not less than two hundred fifty (250) feet from any other classified roadway.

C. Any intersection by a local street, marginal access street, or commercial driveway, regardless of the major street classification, shall be not less than one hundred fifty (150) feet from another roadway.

D. Additional intersection spacing beyond these requirements shall be required when needed to provide efficient traffic flow, avoid queuing issues, or accommodate turning lanes, as determined by a traffic impact study.

E. Intersection spacing less than the required minimums shall be considered by the Board of Supervisors if a traffic study identifies a traffic benefit for the surrounding roadway network or no adverse conditions will be created as a result of the reduced intersection spacing.

F. New streets or major driveways serving a development shall intersect streets opposite another street or major driveway, or shall comply with the offset requirements of subsection (4) below.

4. Streets entering from opposite sides of another street forming two (2) T-intersections shall be offset based on the following criteria:

A. When the offset intersections occur along a local, commercial or collector roadway, the intersecting streets shall be offset by the following minimum spacing requirements as measured from centerline to centerline:

(1) When the intersecting roadways are two (2) local streets or a driveway to a major development, or at least one (1) intersecting roadway is a collector street, then the roadways shall be offset by one hundred fifty (150) feet.

(2) When the two (2) intersecting roadways are collector streets, then the roadways shall be offset by two hundred fifty (250) feet.

(3) When the intersecting roadways are both collector streets, or at least one (1) intersecting roadway is an arterial street, then the roadways shall be offset by five hundred (500) feet.

(4) Additional intersection spacing beyond these requirements shall be provided when needed to provide efficient traffic flow, avoid queuing issues, accommodate turning lanes, or if either of the intersecting roadways is signalized, as determined by a traffic impact study.

B. When the offset intersections occur along an arterial street, the intersecting streets shall be offset in accordance with subsection (3)(A) above.

C. Near-right/Far-left offsets (i.e., the first intersecting street is located to the right and the second intersecting street is located to the left) should be avoided on non-local roads to the extent feasible to reduce conflicts between intersections for left-turn vehicles. Additional offset spacing may be required, as determined by a traffic impact study, beyond the minimum criteria set forth in subsection (4)(A).

5. Where curbs are required, curb radii shall not be less than thirty-five (35) feet, forming a tangential arc, and the top curb grade lines for intersecting streets shall be so designed that would meet at a common point if projected. For all intersections involving an arterial street, a forty (40) foot radius shall be required, and on commercial streets a fifty-five (55) foot radius shall be required.

6. Safe sight distances shall be provided at all street intersections. Within such lines of sight, no vision-obstructing object, including plant materials, shall be permitted. Safe sight distances shall be provided for all intersections in accordance with "Pennsylvania Department of Transportation Design Manual," Part 2, Highway Design, Publication 13M (DM-2), as amended from time to time.

7. Greater safe sight distance dimensions imposed by PennDOT for intersections with the State highway system shall supersede the above.

8. Whenever a subdivision abuts or contains an existing or proposed street with an ultimate right-of-way of sixty (60) feet or more, the Planning Commission may recommend and the Board may require restriction of access to the street by:

A. Provision of reverse frontage lots.

B. Provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the streets.

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C. Provision of marginal access streets, provided that the reserve strips establishing such marginal access streets shall be dedicated to the Township under an agreement meeting the approval of the Township.

(Ord. 179, 8/8/2011, §I)

§411. Single Access Streets/Cul-de-Sacs.

1. A single access street shall not be approved wherever a through street is feasible as determined by the Board of Supervisors upon recommendation of the Planning Commission.

2. A cul-de-sac street shall only be permitted when emergency access drives to an arterial, collector or local street are provided.

3. A single access street, whether constructed in one (1) or more phases of development, shall not be more than one thousand (1,000) feet in length and shall not furnish access to more than twenty (20) dwelling units unless clearly impractical due to tract dimensions or topography. In the case of single access loop streets, the measurement of the length shall be taken between the farthest edge of the cartway and the centerline of the cartway of the through street to which it connects. In the case of a cul-de-sac, such measurement shall be taken between the center of the turnaround and the centerline of the cartway of the street to which it connects.

4. The Board of Supervisors may permit additional dwelling units to be served by a single access street upon recommendation of the Planning Commission, provided due consideration has first been given to the feasibility of a through street, adjacent land uses, lot dimensions, topography and drainage.

5. The following shall be required for single access streets:

A. Street stub(s) extending to the boundary of the tract, where appropriate, to provide connection with an adjoining tract(s).

B. Emergency access drives designed in accordance with the most current version of the Standard Public Improvement Specifications or designed to the satisfaction of the Board of Supervisors.

C. Right-of-way provided for future connection.

6. Any constructed street stub for access to an adjoining tract or because of authorized staged development shall be provided with a temporary, all weather turnaround within the subdivision, and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.

7. The Board of Supervisors may require, as a condition of approval and to be noted on the plan of record, that parcels with access to a single access street that are capable of further subdivision or land development under current zoning regulations shall not be subdivided and/or developed until the single access street becomes a through street.

8. Single access streets, permanently designed as such, shall have a minimum length of five hundred (500) feet.

9. All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround, unless a fully curbed planting island is constructed, in which case the minimum paved driving area around the island shall be twenty-one (21) feet

wide for one-way circulation. When a fully curbed planting island is to be constructed, the applicant shall be required to submit a proposal, acceptable to the Township for the maintenance of such planting island.

10. The minimum radius to the pavement edge or curb line within the turnaround area shall be forty-five (45) feet for residential streets, and additional width shall be provided for commercial streets to accommodate the largest anticipated design vehicle, as determined acceptable by the Board of Supervisors. The minimum radius of the right-of-way shall be sixty (60) feet.

11. Drainage of cul-de-sac streets shall preferably be towards the open end.

12. The centerline grade on a cul-de-sac street shall not exceed eight percent (8%) and the grade of the diameter of the turnaround shall not exceed five percent (5%).

13. The turnaround right-of-way of a cul-de-sac street shall be placed adjacent to the tract boundary and a minimum right-of-way width along the boundary line shall be provided, as prescribed in §406(1) for a residential or commercial cul-de-sac, to permit dedication, in accordance with §606 of this Chapter, and extension of a street at full width, unless future expansion of a cul-de-sac street is clearly impractical or undesirable. The small triangles of land beyond the cul-de-sac to the boundary shall be dedicated to the Township.

(Ord. 179, 8/8/2011, §I)

§412. Acceleration, Deceleration and Turning Lanes.

1. Deceleration or turning lanes shall be required by the Township upon the recommendation of the Township Engineer and the Township Traffic Engineer along existing and proposed streets.

2. Deceleration lanes shall be designed to the following standards:

A. The lane shall have a minimum width of twelve (12) feet, or in the case of intersections with State highways, such width as is required by the applicable regulations and standards of PennDOT.

B. The lane shall be paved the required width for the entire length, which shall be measured from the centerline of the intersecting road. In addition, there shall be a seventy-five (75) foot taper, indicated by a painted yellow stripe, provided at the beginning of the lane so that traffic can leave the main travel lane smoothly.

C. The minimum lane length shall be as follows:

<u>Posted Speed Limit</u>	<u>Minimum Taper</u>	<u>Deceleration Lane Length</u>
25 mph	75'	165'
35 mph	75'	275'
45 mph	75'	300'

3. Acceleration lanes are required only when the need is indicated by a traffic impact study. The design shall be as per the recommendation of the Township Engineer. As necessary, a paved taper shall be provided for right

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hand turns.

4. Upon the recommendation of the Township Engineer and the Township Traffic Engineer, acceleration and deceleration lanes shall be provided for:

A. All streets intersecting with streets of a functional classification of collector or greater.

B. All commercial development, the length of acceleration and deceleration lanes to be determined by the Traffic Impact Study.

(Ord. 179, 8/8/2011, §I)

§413. Street Construction. All materials entering into the construction of streets and the methods of construction and drainage shall be in accordance with the applicable requirements of PennDOT Specifications, Publication 408, latest revision thereof, and shall be supplied by vendors approved by PennDOT for the supply of such materials. The thickness of all materials shall be as described in the Material Thickness Table, below, and detailed in the Standard Public Improvement Specifications. Inspection of materials and construction methods shall be as approved, and in accordance with §602 of this Chapter.

A. Street Design.

(1) Thickness of base and paving for new Township streets shall meet the minimum requirements outlined in Section 2 of the Standard Public Improvement Specifications and the related Standard Details.

(2) Paving design is based on overall soil conditions in the Township. The Board may require additional paving, base or sub-base materials where soil types are inferior, wet or otherwise unsuitable as indicated by the U.S. Department of Agriculture, Natural Resources Conservation Service Web Soil Survey, located at <http://websoilsurvey.nrcs.usda.gov/app>, or where, in the opinion of the Township Engineer, such conditions exist.

B. Subgrade.

(1) The area within the limits of the proposed road surface shall be shaped to conform to the line, grade and cross-section of the proposed road.

(2) Remove or stabilize all unsuitable subgrade materials.

(3) Wet or swampy areas shall be permanently drained and stabilized, as permitted by the regulatory agency having jurisdiction.

(4) Fills shall be made with suitable materials approved by the Township Engineer and thoroughly compacted for full width in uniform layers of not more than eight (8) inches thick. No more than two (2) feet of fill shall be laid between inspections by the Township Engineer.

(5) The subgrade shall be thoroughly compacted by rolling with a minimum ten (10) ton three-wheel roller. Equivalent vibratory sheepsfoot or rubber-tired rollers may be used at the discretion of the Township Engineer. Subgrade shall be compacted, tight and dry, to ninety-five percent (95%) compaction at optimum

moisture and shall not be soft and spongy under the roller. Compaction of the subgrade shall extend the full width of the cartway, including the width to be occupied by shoulders.

(6) In fill areas compaction tests meeting ASTM or ASHA standards are required for each three (3) feet of fill thickness. The tests shall be conducted in each eight (8) inch layer at one hundred fifty (150) foot intervals. The tests must be performed by a certified testing laboratory and results submitted to the Township Engineer. All compaction must be ninety-five percent (95%) compaction at optimum moisture. Any layer not coming up to standard will be removed or rerolled until suitable compaction is obtained.

(7) As an alternate to the compaction and testing requirements described above, the subgrade may be proof rolled. Proof rolling shall consist of several passes of a smooth drum vibratory compactor that is capable of imparting a total (static plus dynamic) drum force of not less than five hundred fifty (550) pounds per linear inch of drum width. It may be necessary to operate the equipment in the static mode if the groundwater level is close to the subgrade elevation. Should any unsuitable areas be detected by the proof rolling that cannot be stabilized by additional passes of the equipment, the material in such unsuitable areas shall be undercut and replaced with compacted aggregate fill. The determination of what, if any, areas are unsuitable shall be at the sole discretion of the Township Engineer. Any unsuitable areas, as determined by the Township Engineer, shall be repaired to his satisfaction prior to the subbase installation.

C. Paving.

(1) Paving and base thickness and materials shall be as specified in subsection (A) of this Section.

(2) The sub-base course, where required, shall be installed and compacted in accordance with Pennsylvania Department of Transportation specifications and shall extend thirty-six (36) inches on all streets beyond the paving line when curbs are not to be installed.

(3) Bituminous base, binder and surface courses shall be laid to the specified thickness measured, after compaction. All bituminous courses shall be laid with a mechanical bituminous paver in accordance with specifications of PennDOT Specifications, Publication 408, latest edition.

(4) Crown board and straight edge shall be used for checking street construction. Maximum tolerance shall not exceed one-quarter (1/4) inch in the finished surface.

(5) Delivery slips for all material deliveries shall be furnished to the Township Engineer.

(6) Failure to adhere to the above specifications shall give the Board cause to refuse to accept streets for dedication.

D. Grading and Shoulders.

(1) In accordance with Section 2.5 of the Standard Public

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Improvement Specifications, roadways shall be graded for the full width of the right-of-way on each side. Paved shoulders shall be graded at a slope of three-quarters (3/4) of an inch per foot. Earthen shoulders shall be graded within a minimum slope of one-half (1/2) inch per foot and a maximum slope of one (1) inch per foot. Beyond the limits of this grading, banks shall be sloped to prevent erosion, but this slope shall not be greater than three (3) feet horizontal to one (1) foot vertical with tops of slope in cuts rounded. All unpaved areas between the right-of-way and the curb or shoulders (as the case may be) shall be covered with not less than four (4) inches of topsoil, fertilized and seeded in a manner and with materials specified in Section 804 of PennDOT Specifications, Publication 408, latest edition thereof.

(Ord. 179, 8/8/2011, §I)

§414. Private Streets. Private streets may be permitted in a unified development that is owned or operated by a homeowners association, which shall guarantee the maintenance of the streets, subject to all of the road design and construction standards of this Part. (Ord. 179, 8/8/2011, §I)

§415. Private Driveways. Private driveways shall be permitted only in accordance with the provisions of Chapter 21, Streets and Sidewalks, Part 1, of the East Coventry Township Code of Ordinances. (Ord. 179, 8/8/2011, §I)

§416. Curbs.

1. Curbs shall be installed along both sides of all proposed streets and shall be the vertical type. Curbs shall always be required where sidewalks are required.

2. Grass swales may be permitted, in lieu of curbs, within rights-of-way in developments of less than ten (10) lots, subject to the approval of the Board of Supervisors.

3. No drainage of any kind shall be conducted over the top of curbs and sidewalks, except where the drainage crosses from driveways, and all underground drainage conductors shall be installed in accordance with the Standard Public Improvement Specifications.

4. Curbs shall be provided in all new parking areas located within a land development.

5. All curbs shall be constructed of monolithic concrete. Such concrete shall develop a compressive strength of three thousand five hundred (3,500) pounds per square inch (psi) in twenty-eight (28) days. Certification of the concrete mix shall be provided to the Township.

6. Curbs shall be constructed and installed in accordance with the Standard Public Improvement Specifications.

(Ord. 179, 8/8/2011, §I)

§417. Street Names and Signs.

1. Proposed streets that are in alignment with already existing and named streets shall bear the names of the existing streets.

2. In no case shall the name of a proposed street duplicate, or be

similar to an existing street name in the Township or in any zip code within the Township or in an adjacent municipality, irrespective of the use of the suffix, street, road, avenue, boulevard, driveway, place, court, lane, etc.

3. All street names shall be subject to the recommendation of the Planning Commission and the approval of the Board of Supervisors.

4. Street name signs shall be installed at all street intersections. The design and placement of such signs shall be subject to approval by the Township and installed in accordance with the Standard Public Improvement Specifications.

5. Traffic control signs shall be shown on final plans for all streets. Signs and posts shall meet PennDOT standards. The Township may require additional signs prior to dedication of roads.

(Ord. 179, 8/8/2011, §I)

§418. Sidewalks.

1. All residential developments in excess of ten (10) lots shall have either sidewalks or pedestrian ways acceptable to the Township. All residential developments shall provide sidewalks on both sides of the street. Curbs shall always be required where sidewalks are required. The location of all proposed sidewalks and pedestrian ways shall be approved by the Township.

2. Concrete sidewalks shall be provided on all collector streets within a subdivision; on all streets within one thousand (1,000) feet of and leading to a school; on all commercial streets; and at such other locations deemed by the Board of Supervisors to be necessary for the safety and convenience of the public.

3. Sidewalks may be required on only one (1) side of the street in subdivisions or land developments if there are residential lots on only one (1) side of the street.

4. Concrete sidewalks shall be provided along all streets and parking areas located in nonresidential subdivisions or land developments unless it can be shown, to the satisfaction of the Board of Supervisors, that pedestrian traffic does not follow or mix with vehicular traffic, in which case, both sidewalks and curbs may not be required.

5. Concrete sidewalks, in all new developments or street construction, shall be located entirely within the street right-of-way, and shall be located a minimum of three (3) feet and seven (7) inches from the curb line, measured from the curb line to the street side edge of the sidewalk. Sidewalks shall be installed in accordance with the provisions of this Section and the Standard Public Improvement Specifications. A grass planting strip shall be provided between the curb and sidewalk. All required street trees shall be installed on the residence side of the sidewalk in accordance with §428 of this Chapter. In developed areas of the Township, the existing conditions shall be considered in the application of these location requirements. Curb cut ramps, which are compliant with the Americans with Disabilities Act, 42 U.S.C. §12101 et seq., as amended, and with all other applicable legal requirements, shall be provided at all street intersections, and shall be installed in accordance with the Standard Public Improvement Specifications.

6. Sidewalks shall be constructed and installed in accordance with

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Section 5 of the Standard Public Improvement Specifications.

7. The paved width of sidewalks shall be a minimum of five (5) feet in all new developments or street construction. In no case shall a bike path be combined with a sidewalk. In developed areas of the Township, the existing conditions shall be considered in the application of these requirements.

(Ord. 179, 8/8/2011, §I)

§419. Parking Areas.

1. All parking areas shall comply with the standards of the Zoning Ordinance [Chapter 27] and the specifications contained herein.

2. All parking areas shall be paved and curbed in compliance with the specifications for local streets as provided in §413 and Section 5 of the Standard Public Improvement Specifications.

3. On-street parallel parking shall be permitted within residential and commercial developments when provided along lower volume local streets and commercial streets and where adequate off-street parking is provided. The following criteria shall apply to on-street parking:

A. On local streets within residential developments having an anticipated average daily traffic volume less than five hundred (500), on-street parking may be provided without a separate parking lane or stalls, with approval of the Board of Supervisors upon recommendation of the Planning Commission and the Township Traffic Engineer, provided the paved street cartway is a minimum of twenty-eight (28) feet in width.

B. When on-street parking is proposed beyond the typical cartway width of the street, then parallel on-street parking stalls shall measure eight (8) feet wide and twenty two (22) feet long in order to accommodate vehicular maneuverability and storage.

C. On-street parking shall be prohibited along the primary route(s) through a development when it is designed to serve as a collector or primary distributor street for the development.

(Ord. 179, 8/8/2011, §I)

§420. Street Trees. See §428. (Ord. 179, 8/8/2011, §I)

§421. Sewage Treatment and Disposal.

1. The proposed method of sanitary sewage disposal shall be in accordance with the East Coventry Township officially adopted Act 537 Sewage Facilities Plan, as amended, as evidenced by Sewage Facilities Planning Modules or an exemption or deviation therefrom (e.g., a Request for Planning Waiver and Non-building Declaration) approved by the Pennsylvania Department of Environmental Protection or other responsible agency. Approval of a Sewage Facilities Planning Module or a planning module exemption by the Pennsylvania Department of Environmental Protection, the Board of Supervisors, or any other responsible agency does not constitute a reservation of capacity or establish or guarantee that sewage treatment capacity is or will be available. Sewage treatment capacity is available only on a first-come, first-serve basis and shall only be reserved upon payment by the applicant of

the full amount of the current tapping fee for each EDU being reserved, plus the payment of quarterly fees for reservation of capacity, in such amounts as are established from time to time by resolution or ordinance of the Board of Supervisors.

2. All subdivisions and land developments shall be served by a public sewer system when either the existing principal structure or the proposed principal structure(s), or any part thereof, are within one hundred fifty (150) feet from the public sewer. Where a public sewer is not within one hundred fifty (150) feet of either the existing principal structure or the proposed principal structure(s), or any part thereof, in which ten (10) lots or more are proposed, but is planned to be available to the subdivision or land development in the Act 537 Sewage Facilities Plan within ten (10) years after the time of filing the initial application for plan approval, the applicant shall install capped sewer lines, including lateral connections, unless waived by the Board of Supervisors, as may be necessary to provide adequate service to each lot when connection with the sewer system is made.

3. Where a public sewer system is not available to serve a subdivision or land development at the time the initial application for plan approval is filed with the Township, and is not planned to be available to the subdivision or land development in the Act 537 Sewage Facilities Plan within ten (10) years after such time of filing, the applicant shall prepare an analysis of alternative onsite sewage disposal systems and an evaluation of the most suitable system for the site. Such alternatives shall include, but are not necessarily limited to, the following:

- A. Standard septic systems.
- B. Standard drip irrigation systems.
- C. Standard elevated sand mound systems.
- D. Aerobic systems.
- E. Spray irrigation systems.

4. For purposes of this Section and the other provisions of this Chapter, a public sewer system shall be considered "available" to the subdivision or land development when (A) an operational public sanitary sewer main is located in a street or easement on or abutting all or a major portion of the land which is the subject of the subdivision or land development, and (B) the publicly operated treatment plant, to which the main transports sewage, has capacity available to accept and treat the anticipated sanitary sewage flow from the subdivision or land development.

5. When capped sewer lines are required to be installed, the sewer lines shall be suitably capped at the limits of the subdivision, and the laterals shall be capped until sewers are provided. Onsite disposal facilities also shall be provided in the interim. Design of capped sewer systems shall be subject to approval by the Pennsylvania Department of Environmental Protection and the Township. The specifications for sanitary sewers are contained in the "Technical Specifications for Construction of Sanitary Sewers and Appurtenances" for East Coventry Township.

6. Sanitary sewers shall be designed and constructed in strict accordance with the Pennsylvania Department of Environmental Protection and the Township standards. A copy of the approval by the Township of such systems shall be submitted with the final plan. Permits, where required,

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shall be obtained before construction of a sanitary sewer system is started.

7. Sanitary sewers shall not be used to carry stormwater.

8. All lots which cannot be connected to a public or community sanitary sewage disposal system in operation at the time of construction of an occupied building shall be provided with an individual onsite sanitary sewage disposal system meeting the design standards of Title 25, Chapter 73, Rules and Regulations of the Pennsylvania Department of Environmental Protection.

9. If individual onsite sanitary sewage disposal facilities are to be utilized, the applicant shall prepare a feasibility report to be incorporated in the Land Planning Modules to be submitted. Such report shall compare the cost of providing onsite facilities with alternate sewage disposal methods. Based on the analysis of this report, the Township may require the installation of a public sanitary sewer system or capped sewer constructed in accordance with Township regulations.

10. Where individual onsite sanitary sewage facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary length of tile fields at a safe distance from, and where feasible at a lower elevation than the proposed well and building(s) to facilitate gravity flow.

11. Where community onlot sewage disposal systems are to be utilized that require a building or structure to be located above ground, such building or structure shall be completely screened from the view of any adjacent properties, according to the screening provisions of §428 of this Chapter.

12. Sanitary Sewage Disposal System(s).

A. Sanitary sewage disposal systems shall be provided consistent with the design standards and requirements contained in Title 25, Chapter 73, Rules and Regulations of the Pennsylvania Department of Environmental Protection.

B. Whenever an applicant proposes that individual onsite sanitary sewage disposal systems shall be utilized within the subdivision, before the issuance of a building permit, an onsite system shall be designed and a permit obtained from the Chester County Health Department.

C. In all other cases, the applicant shall provide a complete community or public sanitary sewage disposal system. The design, installation, ownership and maintenance of such systems shall be subject to the approval of the Township Engineer, the Planning Commission and the Board of Supervisors, and to the approval of the Pennsylvania Department of Environmental Protection. As a minimum, the design of each community on lot sanitary sewage disposal system shall provide a reserve area in the event the primary subsurface disposal area should fail. The reserve area shall be located within soils suitable to support such a system and shall not be located within the required open space. Both the primary and reserve area shall be tested, preserved from structures, and noted on the final plan.

13. Deep Probe Test Pits and Soil Percolation Test Requirements.

A. Deep probe test pits and soil percolation tests shall be performed for all subdivisions wherein existing structures utilizing an

onlot sewage disposal system and building(s) at the time of construction will not be connected to a public or community sanitary sewage disposal system in operation. Deep-hole test pits are recommended as a further means of guaranteeing suitability of a site.

B. Deep probe test pits and soil percolation tests shall be made in accordance with the procedure required by the Pennsylvania Department of Environmental Protection by either a registered professional engineer or a registered sanitarian and/or the Pennsylvania Sewage Facilities Act sewage enforcement officer.

C. Deep probe test pits and soil percolation tests shall be performed on each lot within the site of the proposed onsite sanitary sewage disposal facilities for both the primary and backup disposal area and noted on the final plan. For lots that contain an existing structure that utilizes an onlot sewage disposal system, deep probe test pits and soil percolation tests shall be performed to establish an area for the backup disposal facilities.

D. Testing is required for both a primary and replacement sewage absorption area. Both sites and test holes must be shown on the final plans.

(Ord. 179, 8/8/2011, §I)

§422. Water Supply.

1. Adequate and potable water supply system(s) shall be installed consistent with design principles and requirements contained in this Chapter and Pennsylvania Department of Environmental Protection regulations.

2. All subdivisions and land developments shall be served by a public water system where such system is available.

3. Where the applicant proposes that individual onsite water supply systems shall be utilized within the subdivision, before the issuance of a building permit, a permit shall be obtained subject to the standards provided for within Section 501, Chapter 500, Rules and Regulations of the Chester County Health Department.

4. Wherever required by the Township within the existing public water franchise area, the subdivision shall be provided with a complete public water distribution system by the Pennsylvania American Water Company, its successor or the legally licensed franchisee for the area. The design and installation of such public system shall be subject to the approval of the Township and the water company.

5. Wherever a public water system is provided, fire hydrants, as approved by the Township, shall be installed for fire protection. Where fire hydrants are installed, they shall meet the specifications of the Insurance Services Office (ISO), and the location shall be approved by the Township.

A. Generally, all fire hydrants shall be located on a minimum looped eight (8) inch line.

B. Fire hydrants shall be spaced in a development so that all proposed building(s) will be no more than six hundred (600) feet from the hydrant measured along traveled ways and shall provide a minimum of one thousand (1,000) GPM at a residual pressure of twenty (20) pounds per square inch (psi) for a two (2) hour period at the highest useable

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floor.

C. For additional fire protection, a dry hydrant may be required to be incorporated into existing and proposed ponds or reservoirs and an access easement not less than twenty (20) feet in width provided for emergency use.

6. Minimum Water Supply Requirements.

A. In all subdivisions and land developments served by public water, the following water pressure and volume requirements shall apply:

(1) Residential Use. A minimum domestic pressure of fifty (50) pounds per square inch (psi) shall be provided at each house to be connected to the water main. The system to which the residential unit is connected shall have sufficient capacity to supply a minimum of three hundred (300) gallons of water per residential unit per day within the subdivision or land development.

(2) Commercial or Industrial Use. A public water supply shall be required for all new commercial and industrial subdivisions and/or land developments. The public water supplier shall certify in writing, to the satisfaction of the Board of Supervisors, that sufficient water pressure and volume is available to serve the commercial or industrial use. A minimum pressure of fifty (50) pounds per square inch (psi) shall be provided at each commercial or industrial building connected to the water supply main. When a builder wishes to connect to a public water system, a study will be made to determine if there is adequate water to supply the building and use. For purposes of fire protection in commercial and industrial districts, one thousand (1,000) GPM at twenty (20) pounds per square inch (psi) residual pressure, at the highest useable floor, is required or as required for ISO certification.

7. Approvals Conditioned Upon Adequacy of Public Water Supply. No subdivision or land development application proposing a public water supply system shall be granted preliminary or final approval unless the applicant demonstrates, by a fair preponderance of the credible evidence, full compliance with the provisions of this Section.

(Ord. 179, 8/8/2011, §I)

§423. Other Utilities.

1. All other utility lines including, but not limited to electric, gas, street light supply, cable television, other electronic services and telephone shall be placed underground. Installation of all utilities shall be in strict accordance with the engineering standards and specifications of the public utility concerned.

2. In accordance with the provisions of Act 178, all developers, contractors, etc., will contact all applicable utilities and accurately determine the locations and depth of all underground utilities within the boundaries of the tract proposed for development, prior to excavation. A list of the applicable utilities and their phone numbers shall appear on the plans submitted for review and proof that the applicant has contacted said

utilities shall be provided to the Township prior to final plan approval.

3. Gas, Electric and Petroleum Product Pipelines. There shall be a minimum distance of fifty (50) feet, measured at the shortest distance, between any proposed dwelling and any existing natural gas, electric, telecommunications or petroleum product transmission right-of-way or property line.

4. Utility Poles. Proposed utility poles shall be located, and/or existing poles shall be relocated, a minimum of two (2) feet behind the curb face or four (4) feet behind the shoulder, all within the right-of-way.

(Ord. 179, 8/8/2011, §I)

§424. Stormwater Management.

1. Storm Drainage Required. Where a major subdivision development is proposed, a stormwater management system, including a storm sewer system and all appurtenances and retention or detention facilities shall be required to be constructed by the owner or applicant in any area from which the surface or subsurface drainage could impair public safety, cause physical damage to adjacent lands or public property, or be required by the provisions of Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the East Coventry Township Code of Ordinances.

2. The standards for design of stormwater drainage and management systems are contained in Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the East Coventry Township Code of Ordinances.

3. Maintenance of stormwater management facilities shall be provided in accordance with Chapter 9, Grading and Excavating, Part 1, Stormwater Management, of the East Coventry Township Code of Ordinances.

(Ord. 179, 8/8/2011, §I)

§425. Stripping, Piling, Replacement or Removal of Topsoil. Initial construction of any site shall consist of stripping and piling of topsoil from all areas planned to be disturbed. The area stripped shall be kept to a minimum. Upon completion of other construction, the entire amount of topsoil stripped shall be replaced on the site. No topsoil shall be disposed of, by sale or otherwise, off the site of the construction without the approval of the Township. The removal of topsoil from any site resulting from the sale of trees shall not be permitted without the replacement of an equal amount of topsoil. (Ord. 179, 8/8/2011, §I)

§426. Park, Recreation and Open Space.

1. Purpose. The purpose of this Section is to implement the park, recreation and open space goals of the Township as contained in the Parks, Recreation, and Open Space Plan, including: [Ord. 196]

A. Providing a variety and balance of facilities that can meet the recreational needs of residents, businesses and industries.

B. Preserving open space and protecting the environmental, scenic and cultural features of the Township.

C. Developing a system of facilities that can deliver recreation services effectively and efficiently.

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D. Providing equitable and convenient accessibility to recreation facilities.

E. Supporting community development and stability by providing recreation sites and open space.

2. Mandatory Dedication of Land for On-Site Park, Recreation and Open Space Use. Every proposed major residential subdivision of land and/or residential land development regulated by this Chapter and the MPC shall include the provision of land suitable for dedication for on-site park, recreation and open space use.

A. The applicant shall provide land and improvements for park and recreation use to satisfy the requirements of this Section. The amount and composition of land to be dedicated shall meet the following criteria and standards:

(1) (1) Consistent with the Parks, Recreation, and Open Space Plan, the amount of park, recreation and open space land required to be dedicated shall be seven-hundredths (0.07) acres per proposed dwelling unit or building lot (whichever is greater).  
[Ord. 196]

(2) All land to be dedicated, including, without limitation, the proposed use(s) and the location thereof, shall be designed in accordance with the requirements of this Section and the Parks, Recreation, and Open Space Plan. The applicant shall present the plan to the Park, Recreation and Conservation Committee for review and comment on the land to be dedicated. The Park, Recreation and Conservation Committee may prepare a recommendation letter for consideration by the Planning Commission. [Ord. 196]

(3) Upon agreement of the Township and the applicant, the applicant shall be responsible for the provision, construction and/or installation of park and recreational facilities suitable for the intended use of the land to be dedicated. The applicant shall present the plan to the Park, Recreation and Conservation Committee for review and comment on the proposed park and recreational facilities. The Park, Recreation and Conservation Committee may prepare a recommendation letter for consideration by the Planning Commission.

B. The requirements of this Section shall be in addition to, and not in lieu of:

(1) Open space that is required to be provided in connection with certain uses, developments, subdivisions and/or other residential living arrangements pursuant to the Zoning Ordinance [Chapter 27].

(2) Any private park and/or recreation land provided by the applicant in connection with any proposed residential development.

3. Park, Recreation and Open Space Design Standards. In designating areas for parks, recreation and open space within a major subdivision or land development, the applicant shall adhere to the following criteria and standards:

A. The proposed dedication shall be consistent with the Township

Comprehensive Plan.

B. The land to be dedicated shall be suitable for active recreational use and designed in accordance with the provisions of the Parks, Recreation, and Open Space Plan and shall have size, dimensions, topography, access, soil conditions and general characteristics suitable for the intended recreational use, without interfering with adjacent dwelling units, parking, driveways, and roads. Land used for active recreation may be in the floodplain, but shall not be on slopes exceeding three percent (3%), in wetlands, or comprised of surface water. [Ord. 196]

C. The proposed dedication shall be consistent with natural and historic features protection provisions, as contained in §429 of this Chapter.

D. The linkage of erosion and sediment control or stormwater management facilities with park, recreation and open space areas may be permitted if the presence of such facilities does not conflict with proposed recreational activities or detract from the aesthetic values associated with the open space.

E. Wherever possible, recreation and open space areas shall be interconnected with park, recreation and open space areas on abutting parcels, including provisions for pedestrian trails for public use to create linked greenways within the Township.

F. The proposed dedication shall be coordinated with applicable park, recreation and open space plans of any Federal, State, county, regional, adjacent municipal, or private organization to compliment various recreational programs increasing the utility of the park, recreation and open space areas within the Township.

G. The land shall be comprised of individual areas not less than seventy-five (75) feet in width, and not less than one-half (1/2) acre for active recreation facilities, or two (2) acres for passive recreation or open space facilities.

H. The land shall be conveniently accessible to residents through both vehicular and non-vehicular connections that improve the utility of the land and promote its use. Sufficient parking shall be provided, as determined by the Board of Supervisors upon recommendation of the Planning Commission, the Township Engineer, the Township Planner, the Township Traffic Engineer and the Park, Recreation and Conservation Committee, regardless of whether the land and facilities are to be offered for dedication to the Township or, at the present time, are proposed to remain in private ownership, inasmuch as private facilities may possibly be offered for dedication to the Township at a later date.

I. The land shall be undivided by any public streets, except where necessary for proper traffic circulation, and then only upon recommendation of the Township.

J. The land shall be free of all structures, except those related to recreational uses.

K. The land shall be suitably landscaped either by retaining existing vegetation and wooded areas and/or by utilizing a landscaping plan, as recommended by the Planning Commission, that enhances open

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space areas through plantings that are consistent with the purposes of this Section and minimize maintenance costs.

4. Fee-in-Lieu of Dedication of Land for On-Site Park, Recreation and Open Space.

A. If the Board of Supervisors determines, in its discretion, that (1) no land within the proposed subdivision or land development is suitable for dedication as park, recreation or open space, or (2) dedication of land would be impractical, or (3) the dedication of land for park, recreation or open space use is not in the best interest of the residents of the development, then the applicant may elect to pay a fee-in-lieu of land dedication or to pay a fee-in-lieu in combination with the dedication of land, subject to approval of the Board of Supervisors.

B. If the Township and the applicant agree to a fee-in-lieu of land dedication for park, recreation or open space use or a fee-in-lieu in combination with the dedication of land to satisfy the requirements of this Section, then the applicant shall enter into an agreement with the Township, in form and substance satisfactory to the Township, setting forth the terms and conditions of the fee-in-lieu election. Once signed by both the applicant and the Township, the agreement shall become a condition of final plan approval. The following conditions shall apply:

(1) The amount of any fee-in-lieu of land dedication shall be equal to the total fair market value of the land otherwise required to be dedicated pursuant to this Section. Determination of the fee-in-lieu amount shall be based upon the fair market value of the property as vacant land on the date of submission of the preliminary plan. The fair market value of the land shall be determined by an independent MAI appraiser and shall be the responsibility of, and funded by, the applicant.

(2) Payment of the fee-in-lieu amount shall be a condition of final plan approval and shall be paid to the Township at the time of execution of the land development agreement with the Township or, if no land development agreement is to be executed, then prior to the recording of the approved final plan.

(3) A note in form and substance satisfactory to the Township shall be placed on the preliminary and/or final plan stipulating the total amount of the fee-in-lieu of land dedication to be paid, the basis for the fee-in-lieu amount, and the timing of payment.

(4) The applicant, as a condition of final plan approval, shall execute a Fee-in-Lieu Agreement in form and substance satisfactory to the Township.

C. If the applicant elects to pay a fee-in-lieu of land dedication, then such payment shall, upon its receipt by the Township, be deposited in an interest bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account.

D. Funds from the fee-in-lieu account shall be used only for the following purposes when accessible to the development's residents:

(1) The acquisition of land for parks, recreation facilities, open space, trails, bikeways or greenways to expand the Township's public trail system.

(2) The construction of recreational amenities and infrastructure.

(3) Costs incidental to such purposes listed above, including, without limitation, planning, engineering, design, administrative and legal fees, utility relocation or installation, construction of sewage or water facilities, vehicular and non-vehicular access signage and the purchase of park equipment and maintenance.

E. If the Township fails to utilize the fee-in-lieu amount paid by the applicant for the purposes set forth in this Section within three (3) years of the date such fees were paid, then the applicant may submit a written request for the refund of such fees, plus interest accumulated thereon from the date of payment. The applicant's request shall be reviewed and acted upon by the Board of Supervisors.

(Ord. 179, 8/8/2011, §I; as amended by Ord. 196, 8/12/2013, §§I and II)

§427. Outdoor Lighting Requirements and Standards.

1. Outdoor lighting facilities shall be required for all off-street parking lots, off street loading areas, and driveways providing ingress and egress thereto, and along all road and pedestrian ways in all major subdivisions and land developments. The requirements and standards of this Section shall also apply to sign, architectural and landscape lighting.

2. Lighting plans for all major subdivisions and land developments shall be submitted as part of the preliminary plan requirements of §304 of this Chapter. Such lighting plans shall include a schematic layout of all proposed lighting fixture locations and isofootcandle plots of individual fixture installations and ten (10) foot by ten (10) foot illuminance grid plots for multifixture installations that demonstrate full compliance with the intensity and uniformity standards of this Section. The lighting plans shall also include the lighting fixture manufacturers' description of the equipment (catalog cuts) including luminaries, glare control devices, lamps, standards as well as mounting heights and means, hours of operation of the lighting and maintenance schedule.

3. The Board of Supervisors may require the applicant to demonstrate that no nuisance glare or disabling glare will result from implementation of the proposed lighting plan, or if unavoidable, the provision of adequate measures to mitigate nuisance glare and disabling glare both on the site and on adjoining properties and uses.

4. Outdoor Lighting Design Standards and Illumination Standards.

A. All lighting facilities for major subdivisions, land developments and uses governed by this Section shall provide an illumination level utilizing the current recommended practices and standards of the Illuminating Engineering Society of North America (IESNA).

B. Illumination where required by this Section shall have the lighting intensities and uniformity ratios as provided in the Lighting Handbook of the Illuminating Engineering Society of North America (IESNA), 9th Edition, as follows:

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<u>Use</u>	<u>Maintained Footcandles</u>	<u>Uniformity Avg : Min</u>
<u>Parking, Multi-Unit</u>		
Vehicular/Pedestrian Activity		
Low Activity	0.2 Min	4:1
Medium Activity	0.6 Min	4:1
<u>Parking, Industrial/Commercial/Institutional/ Municipal</u>		
High Activity (Regional Shopping Centers/Fast Food Facilities/ Major Athletic/Civic/Cultural Facilities)	0.9 Min	4:1
Medium Activity (Community Shopping Centers, Office Parks, Hospitals, Commuter Parking Lots, Cultural/ Civic/Recreational Facilities)	0.6	4:1
Low Activity (Neighborhood Shopping, Industrial Employee Parking, Schools, Church Parking)	0.2 Min	4:1
Streets, Local Residential	0.4 Min	6:1
Streets, Local Commercial	0.9 Avg	6:1
Walkways and Bikeways	0.5 Avg	5:1
Community Mailboxes	0.9 Avg	6:1
Building Entrances	5.0 Avg	N/A
Street Name Signs	1.0 Min	N/A

Notes:

1. Illumination levels are maintained horizontal footcandles on the task, e.g., pavement or area surface.
2. Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio, e.g., for commercial parking, high activity, the average footcandles shall not exceed three and six tenths (3.6) (0.9 x 4).

C. Lighting fixtures shall be of a type and design appropriate to the lighting application and sensitive to the architecture and overall character of the area in which they are located.

D. For lighting horizontal surfaces such as roadways, pedestrian ways, bikeways and parking areas, fixtures shall meet IESNA "full cutoff" criteria.

E. The use of floodlighting, spotlighting, wall mounted fixtures, decorative globes and other fixtures not meeting IESNA "full cutoff"

criteria may be permitted by the Board of Supervisors, only when the applicant can demonstrate acceptable glare and light trespass control and approved by the Township Engineer.

F. Fixtures shall be equipped with or be capable of being retrofitted with light directing devices such as shields, visors or hoods when necessary to redirect offending light distribution.

5. Control of Nuisance Glare and Disabling Glare.

A. All outdoor lighting shall be aimed, located, designed, installed and maintained so as not to present a hazard (disabling glare) to drivers or pedestrians by impairing their ability to safely traverse, and so as not to create a nuisance by projecting or reflecting objectionable light (nuisance glare) onto a neighboring property.

B. Floodlights and spotlights shall be so installed and aimed so that they do not project their output into the windows of neighboring residences, adjacent uses, directly skyward or onto a roadway or pedestrian way.

C. Unless otherwise permitted by the Board of Supervisors for reasons of safety and security, all exterior lighting of streets and pedestrian ways in the Township shall be controlled by automatic switching devices, such as time clocks or combination motion detectors and photocells, to permit extinguishing light between 11 p.m. and dawn so as to mitigate nuisance glare and skyward light trespass.

D. When all-night, safety or security lighting is permitted by the Board of Supervisors, a maximum of twenty-five percent (25%) of the site's lights may remain on at night. The security lighting shall be distributed around the site at key locations, including, but not limited to, buildings and parking areas. The security lighting shall not shine across property lines.

E. Vegetative or other screens shall not be employed as the primary means of controlling glare, but rather glare control shall be achieved through the use of such means as cutoff fixtures, shields and baffles and the appropriate selection and application of fixture mounting height, wattage, aiming angle and fixture placement.

F. The intensity of illumination projected onto a residential property from an adjoining property shall not exceed one-tenth (0.1) vertical footcandle anywhere on such residential property.

G. Fixtures meeting IESNA "full cutoff" criteria shall not be mounted in excess of twenty (20) feet above finished grade, in commercial, office and industrial developments nor in excess of fourteen (14) feet above finished grade in residential developments. Fixtures not meeting IESNA "full cutoff" criteria, when permitted by the Board of Supervisors, shall not be mounted in excess of sixteen (16) feet above finished grade in commercial, office and industrial developments nor in excess of ten (10) feet in residential developments, unless specifically approved by the Board of Supervisors.

H. Fixtures used for architectural lighting, e.g., facade, fountain, feature and landscape lighting, shall be aimed so as not to project their output beyond the objects intended to be illuminated and shall be extinguished between 11 p.m. and dawn, unless specifically

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approved by the Board of Supervisors.

I. When outdoor lighting is required in major subdivisions and land developments, such lighting shall provide illumination of street name signs so that they can be read by occupants of vehicles approaching the intersection when entering the area. In addition, community mailboxes shall be illuminated.

6. Installation.

A. Electrical feeds for exterior lighting standards shall be placed underground.

B. Exterior lighting standards shall be placed a minimum of five (5) feet outside paved areas or on concrete pedestals at least thirty (30) inches high above the pavement or suitably protected by other means as approved by the Township.

7. Maintenance. Lighting fixtures and ancillary equipment shall be maintained by the owner or lessee of the property on which they are located, or if located within a public right-of-way, the owner of the right-of-way. Such maintenance shall be performed so as to continuously meet the requirements of this Section.

8. Inspection and Compliance.

A. The Township shall conduct a post-installation nighttime inspection to verify compliance with the requirements of this Section and, if appropriate, require remedial action, the cost of which shall be borne by the applicant.

B. Nuisance Glare and Inadequate Illumination.

(1) The owner of an exterior lighting installation that produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient levels of illumination or otherwise does not conform to the requirements of this Section shall be notified thereof by the Township and shall be required to take remedial action.

(2) Remedial action must be completed within thirty (30) days of notification by the Township, after which the Township may levy a fine for as long as the hazard continues to exist.

9. Nonconforming Exterior Lighting. Any lighting fixture or lighting installation existing on July 19, 2004, that does not conform to the requirements of this Section shall be considered a legal nonconformance; however, the lighting fixture or lighting installation shall be required to conform to the requirements of this Section when:

A. It is deemed to create a safety hazard; or

B. It is replaced or relocated.

(Ord. 179, 8/8/2011, §I)

§428. Landscaping, Screening and Buffering.

1. The provisions of this Section shall apply to the following development and construction activities in a major subdivision:

A. All nonresidential building construction, excluding agricul-

tural buildings and buildings accessory to residential uses.

B. All single-family detached dwelling lots requiring subdivision and land development approval.

C. All parking areas that exceed six thousand (6,000) square feet in area.

D. All loading or storage areas for equipment or materials that exceed four thousand (4,000) square feet in area.

E. Construction of any of the following structures or facilities that exceed two thousand (2,000) square feet in ground coverage:

(1) Public utility structures and facilities.

(2) Liquid and solid waste collection, storage, conveyance and treatment facilities.

(3) Any other structure or facility of a similar character or impact.

F. Land disturbance activities, excluding those of an agricultural nature, exceeding one (1) acre.

G. The creation of a landscape screen or buffer between a lot containing historic resources and adjacent properties.

H. Any activity for which a landscape buffer or screen is required, as a condition of approval, by the Zoning Hearing Board or the Board of Supervisors.

2. Any portion of a lot or tract not used for buildings, other structures, loading or parking spaces and aisles, sidewalks and designated storage areas shall be planted and continually maintained with an all-season ground cover and otherwise shall be landscaped and maintained in accordance with a landscape plan approved by the Township. Landscaping shall comply with the minimum design and planting standards and the criteria for the selection of plant material of this Section.

3. No trees shall be planted within five (5) feet, and no shrubs shall be planted within five (5) feet of any side or rear yard property line, or within two (2) feet of any street measured from the ultimate right-of-way line, nor shall trees or shrubs be planted within any utility easement or right-of-way.

4. Where the applicant can demonstrate to the satisfaction of the Board of Supervisors that existing vegetation replicates or improves upon the planting requirements of this Section, such features may be substituted for an equal portion of the required plantings, as approved by the Board of Supervisors. Diseased or undesirable varieties of existing vegetation shall not be retained or counted towards required plantings.

5. Any fractional plantings resulting from the calculation of required plantings shall be rounded up to the nearest whole number.

6. Parking, Loading, and Storage Area Landscaping.

A. A landscape screen shall be used along the outer perimeter of parking, loading and storage areas.

B. Parking, loading and storage areas shall be landscaped to reduce wind and air turbulence, heat and noise, and the glare of

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automobile lights; to reduce the level of carbon dioxide; to increase the oxygen level; to provide shade; to ameliorate stormwater drainage problems; to replenish the groundwater table; to provide for a more attractive setting; and to provide for public safety.

C. For every two thousand (2,000) square feet of parking, loading and storage area, the applicant shall provide one (1) deciduous tree at two and one-half (2 1/2) minimum caliper, two (2) deciduous shrubs between twenty-four (24) and thirty (30) inches minimum height, one (1) evergreen tree at eight (8) feet minimum height, and two (2) evergreen shrubs between twenty-four (24) and thirty (30) inches minimum height.

D. Groundcovers and other plant materials are encouraged to be used to complement the required trees and shrubs, and shall facilitate snow removal, proper surface water drainage and the safe movement of traffic and pedestrians. Planting areas shall be elevated above the parking lot surface or bordered appropriately to prevent erosion or damage from vehicles. Bollards may be used to afford protection of trees.

E. The developer shall use plant materials from the Plant List contained in Appendix 22-B of this Chapter, or comparable species as recommended by the Planning Commission and approved by the Board of Supervisors. Native plant materials shall be used to the maximum extent possible.

### 7. Multi-Unit, Commercial, Institutional and Industrial Landscaping.

A. A landscape screen as described in subsection (11) shall be provided along all property boundaries that abut incompatible land uses, as required by §1309 of the Zoning Ordinance [Chapter 27].

B. For every one thousand (1,000) square feet of gross building area, the applicant shall provide two (2) deciduous trees at two and one-half (2 1/2) minimum caliper, four (4) deciduous shrubs between twenty-four (24) and thirty (30) inches minimum height, one (1) evergreen tree at eight (8) feet minimum height, and four (4) evergreen shrubs between twenty-four (24) and thirty (30) inches minimum height.

C. Landscaping shall be provided in association with each principal building in accordance with the following criteria:

(1) A combination of evergreen and deciduous trees and shrubs shall be used as foundation plantings.

(2) Shrubs shall not be placed closer than five (5) feet from any building facade and shall provide a minimum of five (5) evergreen shrubs and five (5) deciduous shrubs for every one hundred (100) feet of building facade.

(3) Trees at two and one-half (2 1/2) minimum caliper shall not be placed closer than fifteen (15) feet from any building facade and shall provide a minimum of one (1) deciduous tree and one (1) evergreen tree planted for every fifty (50) feet of building facade.

### 8. Street Trees.

A. The applicant shall provide street trees within all proposed subdivision or land developments with existing or proposed roads.

B. For every one hundred (100) lineal feet of new and existing road frontage (measured on both sides, where applicable), the applicant shall provide two (2) deciduous trees at two and one-half (2 1/2) minimum caliper.

C. Street trees shall be planted in accordance with the following standards:

(1) Installed between two (2) feet and four (4) feet outside of and parallel to the ultimate street right-of-way line.

(2) Spaced not less than forty (40) feet nor more than sixty (60) feet apart, staggered along both sides of all streets.

(3) Shall not interfere with the clear sight triangle and sight distance requirements.

(4) Appropriate street trees shall be used along streets and in boulevard islands. No one species shall comprise more than twenty-five percent (25%) of the entire number of street trees in a particular development. Trees considered appropriate for use as street trees are contained in Appendix 22-B of this Chapter. Trees not identified in Appendix 22-B, particularly native species, may be used if recommended by the Planning Commission and approved by the Board of Supervisors.

(5) Species shall be selected that exhibit growth habits that permit maintaining eight (8) feet of vertical clearance above the sidewalks and fourteen (14) feet of vertical clearance above the streets or cartways.

(6) A combination of ornamental and canopy trees may be used within a boulevard, with Board of Supervisors approval.

(7) Trees shall be resistant to salt and de-icing compounds, shall be able to withstand concentrated heat from large paved surfaces, soil compaction and drought, and shall have deep root systems that will not crack pavements or sidewalks.

9. Tract Boundary. For every one hundred (100) lineal feet of existing tract boundary, the applicant shall provide one (1) deciduous tree at two and one-half (2 1/2) minimum caliper, three (3) deciduous shrubs between twenty-four (24) and thirty (30) inches minimum height, one (1) evergreen tree at eight (8) feet minimum height, and five (5) evergreen shrubs between twenty-four (24) and thirty (30) inches minimum height. These trees and shrubs may be planted anywhere within the tract.

10. Landscaping and Structural Features at Entranceways.

A. Where the applicant proposes landscaping and/or structural entranceway features (such as gates, walls, or fences) to the subdivision or land development, such landscaping and features shall be included on the required landscape plan and shall be subject to approval of the Board of Supervisors.

B. The following minimum standards shall apply to residential entranceways:

(1) The structural entranceway feature shall not exceed eight (8) feet in length or six (6) feet in height. The structural feature may include an identification sign, subject to compliance

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with the sign requirements of the Zoning Ordinance [Chapter 27].

(2) The structural entranceway feature shall be landscaped and shall not be illuminated.

### 11. Screening Between Land Uses.

A. A completely landscaped visual barrier, or landscape screen, shall be provided and continually maintained between any use identified in §1309 of the Zoning Ordinance [Chapter 27], and any adjoining residential use or residential zoning district. Such required barrier or screen shall conform to the requirements of this Section.

B. The applicant shall provide plantings and other landscaping improvements such as berms, solid fencing and/or walls, as necessary, to mitigate any adverse impacts including, but not limited to, visual impacts, that the proposed activity will have on the site, adjoining properties, and the Township overall and shall otherwise address all issues as identified in the review of the required existing resources and site analysis.

C. Plantings and other landscape improvements shall be provided according to a design in response to specific site conditions and which best mitigate adverse site activity impacts. The amount, density and types of plantings in any given location shall be based upon the natural features of the site, feasibility of using native species, proximity to existing dwellings, compatibility with adjacent uses, nature of views into and across the site and in consideration of privacy of residential uses that may be impacted.

D. Where a specific need(s) for visual screening or buffering has been identified, evergreen plantings shall be provided that are a minimum of eight (8) feet in height, measured from ground level, and planted at intervals of not more than eight (8) feet on center. No less than fifty percent (50%) of the plants shall be evergreen mixed throughout the length of such screen, so arranged in two (2) rows of staggered plantings to divert attention (at initial planting) from or obstruct, when viewed six (6) feet from the ground surface, at least eighty-five percent (85%) of an otherwise clear view of an objectionable or incompatible use or activity during all seasons of the year. Where approved by the Board of Supervisors, upon recommendation of the Planning Commission, the applicant may provide, in lieu of an immediate screen, an eventual screen (three (3) to five (5) years from date of planting) to provide buffering for future development. Such eventual screen plantings shall be a minimum of two and one-half (2 1/2) feet in height, measured from ground level, and planted at intervals of not more than eight (8) feet on center.

### 12. Landscape Plan Requirements.

A. The applicant shall submit a landscape plan, prepared by a landscape architect, registered as such in the Commonwealth of Pennsylvania, that demonstrates compliance with all provisions of this Section and which indicates how the applicant's landscape planning and design is based upon the existing resources and site analysis in §304(3)(H) of this Chapter.

B. The landscape plan shall depict all proposed plantings for parking lots, landscaping adjacent to buildings, street trees, screening

and tree replacement requirements, to the extent applicable. Landscape plans shall be submitted as part of the preliminary/final plan submission and shall include notes, diagrams, sketches and/or other depictions to present the consideration and analysis of the following:

(1) An analysis of the site in terms of the existing views to and from the areas proposed for development; existing topography and vegetation conditions; and other existing conditions which are relevant to the site.

(2) An analysis of proposed planting and other landscaping needs as related to screening parking areas and other areas where vehicles are parked.

(3) Requirements and standards for landscaping, in addition to that specified above, shall be as determined by the Board of Supervisors. Consideration shall be given to plantings to reduce glare; to abate other nuisances; to enhance the planting area in conjunction with streets; and to fulfill screening and other functional purposes as required by this Chapter and the Zoning Ordinance [Chapter 27].

(4) The location, type, size, height and other characteristics of landscaping shall be subject to the review and approval of the Board of Supervisors.

(5) Landscape plans shall be based on and reflect the following:

(a) The functional and aesthetic factors that relate to the tract.

(b) Concealing visibility of parking, loading, trash and storage areas.

(c) Using plant materials that are hardy and acclimated to the conditions at the tract and within the Township.

(6) The landscape plan shall contain the following:

(a) A delineation of existing and proposed plant materials.

(b) A delineation of all trees and other vegetation to be removed.

(c) A delineation of tree protection areas where snow fence or other temporary fence is placed for protection of vegetation to remain on site.

(d) Proposed treatment of entranceways, including both landscaping and structural features (i.e., walls, gates or fences).

(e) A "plant list" wherein the botanical name, common name and name abbreviations of proposed plants are tabulated, along with the quantity, caliper, height, spread, and other dimensions and characteristics.

(f) Details for the planting and staking of trees, and the planting of shrubs, and any other details which depict other related installation or protection, such as groundcover

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spacing, tree fencing, tree grates and guards, tree wells and the like.

(g) Information regarding the continued maintenance of all plantings, and notes indicating that all plantings shall be installed, maintained and replaced, if dead or diseased, in the same locations as shown on the approved landscape plan.

13. Long-Term Maintenance Plan for Street Trees, Landscape Screen, and Parking Lot Landscaping.

A. A long-term maintenance plan shall be submitted by the applicant for the on-going management and maintenance of parking lot trees, street trees, buffer plantings, landscape screens, foundation plantings and any other landscaping required by the Township pursuant to this Chapter and the Zoning Ordinance [Chapter 27].

B. It shall be the responsibility of the owner/occupant of the property to implement the long-term maintenance plan or provide the maintenance plan to the owner's landscape contractor and ensure that the plan is observed.

C. The Township shall have the right, but not the obligation, to periodically inspect the property to ascertain compliance with the long-term maintenance plan.

D. The long-term maintenance plan shall establish standards of care and maintenance on an annual basis, including the following:

(1) Lawns. The plan shall establish standards for mowing, watering, fertilizing, herbicide, and pesticide applications of lawn grasses.

(2) Meadows. The plan shall establish standards for mowing, watering, fertilizing, and removal of noxious weeds from meadow grasses and wildflowers.

(3) Landscape Screens. The plan shall establish standards for watering, fertilizing, pruning, and removal of noxious weeds.

(4) Trees. The plan shall establish standards for pruning, watering and fertilizing. Excessive crown pruning to facilitate visibility of buildings shall not be permitted and shall be so stated in the maintenance agreement.

E. It shall be the responsibility of the landowners, developers, homeowners association, tenants and/or other occupants of the premises to adequately and properly maintain the landscaped areas, in accordance with the long-term maintenance plan.

14. Plant Characteristics.

A. Plants proposed for landscaping for any purpose shall comply with the following criteria:

(1) The applicant shall select plantings for street trees and general landscaping purposes from Appendix 22-B attached hereto. Plants and/or trees other than those listed in Appendix 22-B may be used, if recommended by the Planning Commission and approved by the Board of Supervisors.

(2) All plants shall conform with the "American Standard for

Nursery Stock" of the American Association of Nurserymen, latest edition. Trees and shrubs shall be typical of their species and variety, and shall have normal growth habits, well-developed, densely foliated branches, and vigorous, fibrous root systems.

(3) Trees and shrubs shall be free from defects and injuries and certified by appropriate Federal and State authorities to be free from diseases and insect infestations.

(4) Trees and shrubs shall be freshly dug and nursery grown. They shall have been grown under climatic conditions similar to those in the locality of the development or properly acclimated to conditions of the locality of the development and shall be properly root pruned to ensure the healthy development of feeder roots in the root ball.

(5) Appropriate species of trees shall be chosen and placed so as not to interfere with overhead utility lines.

(6) All plantings shall be guaranteed and maintained in a healthy and/or sound condition for at least eighteen (18) months from the date of acceptance of dedication to the Township or shall be replaced. The eighteen (18) month maintenance period for plantings on an individual lot to be sold shall begin from the date of issuance of a use and occupancy certificate for such lot.

15. Conservation of Existing Vegetation and Natural Features.

A. When site disturbance necessitates the clearing of trees, the applicant shall be guided by the following criteria in the selection of vegetation for retention and clearing:

(1) Aesthetic values including, but not limited to, autumn coloration, types of flower or fruit, bark and crown characteristics and amount of dieback present.

(2) Susceptibility to disease and/or insect infestation.

(3) Species longevity.

(4) Wind firmness and capability of soil to hold trees.

(5) Existence of disease, rot or other damage, and such damaged trees shall be removed.

(6) Protection of buildings, structures and historic resources.

(7) The size of trees at maturity.

B. The applicant shall exercise care to protect retained trees from damage during construction. The following procedures shall be utilized in order to protect such trees:

(1) Where trees are to be retained, no disturbance or construction shall be permitted within ten (10) feet of the drip line of the trees. Where trees to be retained are adjacent to proposed disturbance or construction, appropriate fencing, four (4) feet in height, shall be placed at ten (10) feet outside the drip line of such trees. Such fencing shall remain in place throughout the duration of construction activity. Roots shall not be cut

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within the drip line of retained trees.

(2) Trees within twenty-five (25) feet of a building or other structure or bordering entrances and exits to a building site or site otherwise to be disturbed shall be protected by a temporary barrier.

(3) No material shall be nailed or otherwise attached to trees that may cause damage to trees during construction or site disturbance.

(4) Tree trunks and exposed roots accidentally damaged during construction or site disturbance shall be protected from further damage by being immediately and professionally treated.

(5) Tree limbs accidentally damaged during construction or disturbance shall immediately be sawed flush to the trunk.

(6) Nondormant trees located adjacent to construction or site disturbance activity shall be given an application of the appropriate type and amount of fertilizer to aid in recovery from potential accidental damage.

(7) Construction debris or other debris shall not be stored or disposed of within ten (10) feet of the drip line of retained trees except for mulched vegetative matter used to prevent soil compaction.

C. Trees of twenty-five (25) inch DBH or greater shall not be disturbed.

16. Site Maintenance and Guarantee.

A. All landscape improvements to be provided in accordance with this Section shall be installed and maintained by accepted practices as recognized by the American Association of Nurserymen. Planting and maintenance of vegetation shall include, as appropriate and not limited to, provisions for surface mulch, guy-wires and stakes, irrigation, fertilization, insect and disease control, pruning and weeding.

B. The applicant shall guarantee, in accordance with Part 6 of this Chapter, that all required landscape improvements shall be installed and maintained in a healthy and/or sound condition, or otherwise be replaced by equivalent improvements, for a period of at least eighteen (18) months from the date of completion of all improvements and acceptance of dedication of all public improvements by Township. After installation and prior to acceptance of the landscape improvements by the Township, if applicable, the Township Engineer shall perform an inspection of such improvements for compliance with the approved landscape plan.

C. The installation of street trees, landscape buffer or screen plantings and other required landscape improvements shall be guaranteed in the same manner as other site improvements in accordance with Part 6 of this Chapter. The cost of the landscape improvements, including material and installation, shall be considered in determining the amount of the performance guarantee required. The applicant shall be required to escrow sufficient funds for the maintenance and/or replacement of the installed plantings or other material during the eighteen (18) month

replacement period.

(Ord. 179, 8/8/2011, §I)

§429. Natural and Historic Resources Protection.

1. Natural and Historic Resources. Consideration shall be shown, and limitations or restrictions shall be identified, for all natural and historic resources, such as large trees, watercourses, hedgerows, and similar community assets that, if preserved, will add attractiveness and value to the remainder of the subdivision. Trees shall be preserved wherever possible. Site alterations, regrading, filling or clearing of vegetation prior to the submission and approval of applications for zoning or building permits or the submission and approval of plans for subdivision or land development shall be a violation of this Chapter. The following standards shall apply to all natural and historic resources:

A. Streams, watercourses, wetlands, wetland margins, tributaries, lakes or ponds shall not be altered, regraded, developed, filled, piped, diverted or built upon except in those instances where no other reasonable alternative is available and in strict compliance with regulations of the Pennsylvania Department of Environmental Protection.

B. In the event that a wetlands delineation, validated by the U.S. Army Corps of Engineers, is shown to vary from the wetlands boundary shown on the plan in accordance with §304(3)(A)(18), the Corps of Engineers delineation shall govern. The wetlands margin shall then be measured from the Corps of Engineers delineated boundary.

C. Historic resources shall not be demolished, removed or altered except in strict compliance with applicable Federal and State laws and regulations following satisfactory completion by the applicant of the Section 106 Review process and the submission of a cultural resources notice to the PHMC and the Historical Commission.

D. In the event that two (2) or more protection standards are applicable to a natural or historic resource, the standard that is the most restrictive (i.e., permits the least amount of alteration, regrading, clearing or building) shall govern.

2. Trails.

A. A system of bicycle, equestrian, and/or pedestrian trails for public use unrelated to and separate from sidewalks shall be established upon recommendation of the Planning Commission and to the satisfaction of the Board of Supervisors. Such trails shall be consistent with the Parks, Recreation, and Open Space Plan or other applicable plans specified by the Township, so as to encourage the formation of an interconnecting trail network both within and beyond the Township.  
[Ord. 196]

B. When a subdivision or land development proposal is traversed by or abuts an existing trail customarily used by pedestrians, bicyclists, and/or equestrians, as shown on the Comprehensive Plan or as otherwise identified by the Township, the applicant shall be required to make provisions for the continued recreational use of the trail, if recommended by the Planning Commission and approved by the Board of Supervisors.

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C. The applicant may alter the course of the trail, or provide for a trail with equivalent dimensions in an alternative location within the tract for which development is proposed (unless otherwise restricted by the terms and conditions under which the trail was granted), under the following conditions:

(1) The points at which the trail enters and exits the tract remain unchanged.

(2) The proposed alteration exhibits quality trail design according to generally accepted principles of landscape architecture. The Township recommends the "Guidelines for Trail Development within Montgomery County, Pennsylvania," as a guide for the development of high quality trails.

(3) The proposed alteration does not run coincidentally with a paved road intended for use by motorized vehicles.

D. To facilitate circulation, trails may be required to serve the interior of a subdivision or land development and link to an outside trail and/or sidewalk. The specifications for such trails shall be as follows:

(1) Regional Trail. Provides connection between multiple municipalities and shall be constructed to the following specifications and designs:

(a) Easement width of thirty (30) feet or greater.

(b) Trail width of eight (8) feet to twelve (12) feet.

(c) Tread design of six (6) inches 3A Modified Aggregate, two (2) inches 2A Modified Aggregate, two and one-half (2 1/2) inches binder course asphalt, and one and one-half (1 1/2) inch wearing course asphalt. All aggregate surfaces shall be installed upon PennDOT Class 2, Type A geotextile fabric.

(d) Slope and grade shall have a four and sixty-five hundredth percent (4.65%) maximum profile slope (five percent (5%) slope for twenty-five (25) feet, five (5) feet landing) one percent (1%) to two percent (2%) side section slope.

(e) Clearing height shall be a minimum of sixteen (16) feet above the trail surface.

(f) Clearing width shall be a minimum of five (5) feet from both edges of the trail.

(g) Access control barriers including, but not limited to, bollards or gates shall be installed to prevent unauthorized vehicular access while allowing exclusive access for maintenance and emergency vehicles.

(h) Trail signage shall be provided based upon commonly accepted standards, as recommended by the Planning Commission and approved by the Board of Supervisors.

(2) Community Trail. Provides connection between areas of the Township and shall be constructed to the following specifications and designs:

(a) Easement width of twenty (20) feet.

(b) Trail width of six (6) feet.

(c) Tread design of six (6) inches 2A Modified Aggregate and two and one-half (2 1/2) inches wearing course asphalt. All aggregate surfaces shall have installed thereon PennDOT Class two, Type A geotextile fabric.

(d) Slope and grade shall have a four and sixty-five hundredth percent (4.65%) maximum profile slope (five percent (5%) slope for twenty-five (25) feet, five (5) feet landing) one percent (1%) to two percent (2%) side section slope.

(e) Clearing height shall be a minimum of ten (10) feet.

(f) Clearing width shall be a minimum of two (2) feet from both edges of the trail.

(g) Access control barriers including, but not limited to, bollards or gates shall be installed to prevent unauthorized vehicular access while allowing exclusive access for maintenance and emergency vehicles.

(h) Trail signage shall be provided based upon commonly accepted standards, as recommended by the Planning Commission and approved by the Board of Supervisors.

(3) Rural Trail. Provides a bicycle, equestrian and/or pedestrian pathway in a defined location, without connection between areas of the Township or with other municipalities, and shall be constructed to the following specifications and designs:

(a) Easement width of twenty (20) feet.

(b) Trail width of three (3) feet.

(c) Tread design shall be a natural earthen surface or improved with gravel or wood chips.

(d) Slope and grade as dictated by the topography. However, erosion control shall be installed on slopes greater than five percent (5%).

(e) Clearing height shall be a minimum of eight (8) feet.

(f) Clearing width shall be a minimum of two (2) feet from both edges of the trail.

(g) Access control barriers including, but not limited to, bollards or gates shall be installed to prevent unauthorized vehicular access while allowing exclusive access for maintenance and emergency vehicles.

(h) Trail signage shall be provided based upon commonly accepted standards, as recommended by the Planning Commission and approved by the Board of Supervisors.

E. All trails shall be designed to include drainage improvements as recommended by the Township Engineer. Regional and community trails shall utilize storm pipes with endwalls or end sections to capture and convey concentrated stormwater flow under the trail. Swales shall be

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utilized uphill of trails to prevent stormwater from flooding trails. The developer shall be responsible for installing additional drainage facilities, as required by the Township Engineer, should drainage problems arise after trail construction.

F. No trail shall be designed with the intent to accommodate motorized vehicles.

G. Trails and their easements or rights-of-way shall be offered for dedication in fee simple to the Township.

3. Historic Resources. Historic resources shall be identified and preserved in accordance with the terms of the Zoning Ordinance [Chapter 27] and may be credited toward open space requirements under the following conditions:

A. The historic resource shall be situated upon a tract of land of sufficient size to preserve an impression, although not necessarily the exact condition, of the environs of the said feature prior to construction of the proposed development. The amount of credit toward open space requirements shall be in accordance with §426(3)(G).

B. The historic resource shall not be moved.

C. The applicant may be required to provide interpretive signage explaining the significance of the historic resource.

D. The historic resource and the tract upon which it is located shall be maintained by the owner of the tract, a community association, a public agency, or a private conservation group which shall be responsible for the maintenance of the feature and its grounds.

E. The developer shall be responsible for improvements to the site deemed necessary by the Board of Supervisors to protect public safety.

F. The Township shall maintain a permanent record of all historic resources that have been credited to open space requirements, as well as the amount of land per historic resource so credited.

(Ord. 179, 8/8/2011, §I; as amended by Ord. 196, 8/12/2013, §I)

§430. Construction Sequence for Major Subdivisions.

1. A construction sequence for the overall site shall be noted on all major subdivision and land development plans. This shall include, but not be limited to, the following:

A. Construction of all escrowed improvements.

B. Approximate start and end date of construction by month and year.

C. Chester County Conservation District address, telephone number, and requirements for construction (i.e., E & S Plan on site, pre-construction meeting).

D. Rules of following the sequence item by item.

E. Installation of construction entrance.

F. Installation of protection measures for natural and historic

resources to be preserved.

G. Installation of soil stabilization measures and stormwater controls.

H. Rough grading site.

I. Installation of utilities.

J. Emergency access drives, if required, to be constructed (and approved by the Township) prior to the submission of any building permit applications.

K. Trails, if required, to be constructed (and approved by the Township) prior to the submission of any building permit applications.

L. Permanently stabilize disturbed areas.

M. Begin on-lot construction in accordance with on-lot construction sequence.

N. Convert stormwater basins from temporary to permanent conditions.

O. Remove erosion control measures.

P. Final inspection of the site for proper stabilization and repair, if necessary.

2. Additionally, a construction sequence for the "typical" on-lot construction shall be noted on all major subdivision and land development plans. This shall include, but not be limited to, the following:

A. Installation of construction entrance.

B. Installation of protection measures for natural and historic resources to be preserved.

C. Rough grading site.

D. Installation of soil stabilization measures and stormwater controls.

E. Stormwater management facilities and/or BMPs to be constructed (and approved by the Township) on a lot prior to the issuance of a use and occupancy certificate for said lot.

F. Sidewalks, if required, across a particular lot as per the approved plan, shall be constructed (and approved by the Township) across said lot prior to the issuance of a use and occupancy certificate for said lot.

G. Curb, if required, across a particular lot as per the approved plan, shall be constructed (and approved by the Township) across said lot prior to the issuance of a use and occupancy certificate for said lot.

H. Driveway entrance (between the road edge of paving and the right-of-way line) and driveway apron (in the case where a sidewalk crosses a driveway, if applicable) on each lot shall be constructed (and approved by the Township) prior to the issuance of a use and occupancy certificate for said lot.

3. Language shall be included on the subdivision and land development

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plans allowing the sequence of construction required by this Section to be part of the sequence of construction required for an erosion and sedimentation pollution control plan, if applicable, provided that the erosion and sedimentation sequence meets all requirements of this Section.

(Ord. 179, 8/8/2011, §I)

Part 5

Mobile/Manufactured Home Parks

§501. Purpose. This Part contains minimum requirements for the design, construction, alteration and expansion of mobile/manufactured home parks and related facilities in the Township. (Ord. 179, 8/8/2011, §I)

§502. General Requirements.

1. Submission of Application and Review of Plans. The construction of a new mobile/manufactured home park, as permitted by the Zoning Ordinance [Chapter 27], or the expansion or alteration of an existing park shall comply with the requirements of this Part and the other applicable provisions of this Chapter. An application and subdivision and/or land development plans shall be submitted to the Township for review and approval, shall be processed in accordance with Part 3, and shall incorporate the applicable standards in Part 4 and other applicable provisions of other Parts of this Chapter.

2. Applicability to Single Mobile/Manufactured Homes. Except for §519 of this Part, the provisions of this Part shall not apply to single mobile/manufactured homes constructed on lots held in single and separate ownership, provided they do not abut any other lot containing a mobile/manufactured home. When two or more mobile/manufactured homes abut, the remaining provisions of this Part shall apply. In addition, single mobile/manufactured homes constructed on lots held in single and separate ownership shall meet all other applicable provisions of this Chapter.

3. Limitations on Nonresidential Uses. No part of any mobile/manufactured home park shall be used for nonresidential purposes, except for approved accessory uses that are required for the direct servicing and amenity of the mobile/manufactured home or the park's residents and for the management and maintenance of the park.

(Ord. 179, 8/8/2011, §I)

§503. Design Requirements.

1. Landscape Screen. A landscape screen shall be required along property boundary lines where any mobile/manufactured home park abuts any other residential use, or any land in any residential zoning district in accordance with §1309(1)(B) of the Zoning Ordinance [Chapter 27].

2. Open Space. Land suitable for dedication for on-site park, recreation and open space use shall be provided and set aside as common open space for the use and enjoyment of the residents of the mobile/manufactured home park in accordance with §426 of this Chapter.

3. Base Enclosure. An enclosure of compatible design and material shall be erected around the entire base of each mobile/manufactured home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

4. Pad Area. All lots shall provide a pad area of not less than eight hundred (800) square feet, and constructed either of crushed stone or concrete.

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5. Orientation of Dwellings. Pads shall be oriented such that not more than two (2) dwellings (long sides) shall be on any one (1) plane.

(Ord. 179, 8/8/2011, §I)

§504. Access Requirements. A safe and convenient vehicular access roadway shall be provided from abutting public streets or roads to each mobile/manufactured home park. To ensure safe access, the following standards shall apply:

A. Standards. With the exception of those street standards specified in this Part, which standards shall control, the standards in Part 4 and other applicable provisions of other Parts of this Chapter shall govern the design and construction of streets in a mobile/manufactured home park.

B. Access. The entrance road connecting the mobile/manufactured home park with a public street or road shall be designated as, and constructed to the standards of, a collector road with a minimum pavement width of twenty-eight (28) feet. At least five hundred (500) feet must separate entrance roads, if more than one (1) entrance road is permitted. No entrance to a mobile/manufactured home park shall be beyond one thousand (1,000) feet from access to an arterial road.

C. Interior Streets. All interior streets shall be designed and constructed to the same specifications as required for subdivisions, except that they shall be paved to a width of at least twenty-four (24) feet; all access streets, between interior streets and the public street, shall be paved to a width of at least twenty-four (24) feet; and, all interior streets shall be provided with vertical concrete curbs in accordance with Section 5 of the Standard Public Improvement Specifications.

D. Parking Areas.

(1) Off-street parking areas shall be provided in all mobile/manufactured home parks for the use of park occupants and guests. All off-street parking areas shall be paved in accordance with the provisions of §419 of this Chapter.

(2) The parking requirements of the Zoning Ordinance [Chapter 27] shall be applicable to all mobile/manufactured home parks.

(3) Required car parking spaces shall be so located as to provide convenient access to the mobile/manufactured home, but shall not exceed a distance of two hundred (200) feet from the mobile/manufactured home that it is intended to serve.

(4) Two (2) required parking spaces shall be provided for onlot parking for each mobile/manufactured home.

(5) Onsite common parking areas shall be provided at a rate of one (1) parking space per each mobile/manufactured home lot. No single common parking area shall contain more than twenty (20) parking spaces.

(6) The parking and storage of recreational vehicles and all trailers in a mobile/manufactured home park shall not be permitted.

E. Sidewalks. All sidewalks shall be constructed in accordance

with Section 5 of the Standard Public Improvement Specifications.  
(Ord. 179, 8/8/2011, §I)

§505. Density, Area and Dimensional Standards. Regulations governing the density of dwelling units in any mobile/manufactured home park and the dimensions of any mobile/manufactured home park or mobile/manufactured home lot therein shall be as specified in the Zoning Ordinance [Chapter 27].  
(Ord. 179, 8/8/2011, §I)

§506. Sewage Treatment and Disposal. All sewage treatment and disposal facilities in a mobile/manufactured home park shall be subject to and comply with the requirement of §421 and any other applicable provisions of this Chapter. (Ord. 179, 8/8/2011, §I)

§507. Water Supply.

1. General. All water supply facilities in a mobile/manufactured home park shall be subject to and comply with the requirements of §422 and any other applicable provisions of this Chapter.

2. Fire Protection. Fire protection facilities, meeting the requirements of the Insurance Services Office, Inc. (ISO) Fire Suppression Rating Schedule, Table 340, "Calculation of Needed Fire Flow," 6th Edition or later, shall be provided and shall otherwise meet the requirements of §§422(4) and 514 of this Chapter.

(Ord. 179, 8/8/2011, §I)

§508. Outdoor Lighting Requirements and Standards. Standards for lighting shall conform to the provisions set forth in §427 of this Chapter. In addition, a driveway light on the right side of each driveway serving a mobile/manufactured home pad shall be required. (Ord. 179, 8/8/2011, §I)

§509. Electrical Distribution System.

1. General Requirements. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power company's specifications regulating such systems and the National Electrical Code (NEC), and all utility lines shall be underground.

2. Power Distribution Lines. Electrical service conductors shall be located not less than eighteen (18) inches radial distance from water, sewer, gas or communications lines.

3. Individual Electric Connections. All exposed noncurrent carrying metal parts of mobile/manufactured homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile/manufactured homes or other equipment.

(Ord. 179, 8/8/2011, §I)

§510. Refuse Disposal and Recycling.

1. General Requirements.

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A. The mobile/manufactured home park operator shall be responsible for the proper storage, collection, recycling and disposal of refuse.

B. The storage, collection, recycling and disposal of refuse in the mobile/manufactured home park shall be so conducted as to create no health hazard, rodent harborage, excess odor, insect breeding areas, accident or fire hazard or air pollution and shall comply with the Pennsylvania Department of Health regulations or other applicable agencies, governing mobile/manufactured home parks.

C. All refuse shall be stored, whether for recycling or disposal, in fly-tight, watertight, rodent-proof containers, which shall be located not more than two hundred (200) feet from any mobile/manufactured home space and no less than one hundred (100) feet from the mobile/manufactured home park boundary. Containers shall be provided in sufficient number and capacity to properly store all refuse.

D. Community refuse recycling and disposal containers shall be screened in such manner as approved by the Township.

E. Racks or holders shall be provided for all refuse recycling and disposal containers. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

F. All refuse for recycling or disposal shall be collected at least once weekly. Where suitable collection service is not available from private agencies, the mobile/manufactured home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

(Ord. 179, 8/8/2011, §I)

§511. Fuel Supply and Storage.

1. Natural Gas System.

A. Natural gas piping system, when installed in mobile/manufactured home parks, shall be maintained in conformity with the required natural gas supplier's standards.

B. Each mobile/manufactured home lot provided with piped gas shall have an approved shut-off valve, installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

2. Liquefied Petroleum Gas Systems (LPG).

A. All liquefied petroleum gas systems shall be installed in accordance with NFPA 58, 2001 Edition or later, (National Fire Protection Association, Liquefied Petroleum Gas Code).

B. Systems shall be provided with safety devices to relieve excess pressures and shall be arranged so that the discharge terminates at a safe location.

C. Systems shall have at least one (1) accessible means for shutting off gas. Such means shall be located outside the mobile/manu-

factured home and shall be maintained in effective operating condition.

D. All LPG piping outside of the mobile/manufactured homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile/manufactured homes. All outside piping and vessels shall be screened from view by a full and opaque evergreen landscaping or a solid fence or wall.

E. Vessels of more than twelve (12) and less than sixty (60) U.S. gallons gross capacity may be installed on a mobile/manufactured home lot and shall be securely, but not permanently, fastened to prevent accidental overturning.

F. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile/manufactured home or any other structures unless such installations are specifically approved by the entity having jurisdiction.

G. No cylinder containing liquefied petroleum gas, bottled gas, or fuel oil shall be located in a mobile/manufactured home. Nor shall such cylinder containing liquefied petroleum gas, bottled gas or fuel oil be located within ten (10) feet of an exterior source of ignition, openings into direct-vent appliances, mechanical ventilation air intakes or other building openings.

### 3. Fuel Oil Supply Systems.

A. All fuel oil supply systems provided for mobile/manufactured homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the entity having jurisdiction.

B. All piping from outside fuel storage tanks to mobile/manufactured homes shall be securely, but not permanently, fastened in place. Outside fuel storage tanks shall be double walled and shall be placed above grade, and shall be screened from view by a full and opaque evergreen landscaping or a solid fence or wall. All exposed above-grade piping shall also be screened from view by a full and opaque evergreen landscaping or a solid fence or wall.

C. All fuel oil supply systems provided for mobile/manufactured homes, service buildings and other structures shall have shut-off valves located within five (5) inches of storage tanks.

D. No fuel combustion unit shall be used in any mobile/manufactured home without being vented to the outside of the trailer.

F. Storage tanks located in areas subject to traffic shall be protected against physical damage.

(Ord. 179, 8/8/2011, §I)

§512. Stormwater Management. The provisions of this Chapter and the provisions of Grading and Excavation [Chapter 9], as set forth in Part 1, Stormwater Management, shall be applicable to the development, construction, alteration and expansion of all mobile/manufactured home parks. (Ord. 179, 8/8/2011, §I)

§513. Open Space, Landscaping, Screening and Buffering. The open space

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and screening and buffering criteria of §§426 and 428 of this Chapter shall apply to all mobile/manufactured home parks. (Ord. 179, 8/8/2011, §I)

§514. Fire Protection.

1. The mobile/manufactured home park area shall be subject to the rules and regulations of the applicable Fire Prevention Code where provided, and shall meet the standards and criteria for life and fire safety of Chapter 4 of NFPA 501A, National Fire Protection Association, Standard for Fire Safety Criteria for Manufactured Home Installations, Site and Communities, 2000 Edition or later.

2. Fire extinguishers of a type approved by the Fire Underwriter Laboratories (a BC Classification type) bearing the Underwriters label, shall be readily accessible within three hundred (300) feet of each mobile/manufactured home. It is required that mobile/manufactured home park owners or operators require each mobile/manufactured home unit to be equipped with a fire extinguisher, smoke detectors and carbon monoxide detectors.

3. Hydrants shall be installed along all streets within the mobile/manufactured home park in accordance with §422 of this Chapter.

(Ord. 179, 8/8/2011, §I)

§515. Community Buildings.

1. Where a community building is provided for a mobile/manufactured home park, it shall contain a toilet and lavatory. In addition, the community building may include laundry facilities, storage facilities for use of occupants, a management office and indoor recreation facilities for park residents and guests only.

2. Construction of all community buildings shall be in compliance with all applicable codes and shall be maintained in a clean, sanitary and structurally safe condition.

3. Ownership and maintenance of all community buildings shall be defined in the application for a mobile/manufactured home park.

4. All community buildings shall be equipped to provide accessibility for the handicapped in accordance with Pennsylvania Labor and Industry Standards.

(Ord. 179, 8/8/2011, §I)

§516. Maintenance of Common Areas and Facilities.

1. The operator/permittee of a mobile/manufactured home park shall be responsible for the proper repair and maintenance of all common facilities, including, but not limited to, roads, parking areas, sidewalks, trees and landscaping, common open space, water supply and sewage disposal systems, fire extinguishers and community buildings.

2. The operator/permittee of a mobile/manufactured home park shall, prior to issuance of any certificate of occupancy pursuant to final approval of an application for a new development or expansion, post with the Township a maintenance bond in a form acceptable to the Township Solicitor. The maintenance bond shall be in an amount sufficient to cover, for a period of eighteen (18) months, the costs of maintenance of all common areas and facilities as described above and in §310 of this Chapter, relating to

improvements subject to performance guarantees, said costs to be estimated by the Township Engineer or other representative.

(Ord. 179, 8/8/2011, §I)

§517. Permits, Fees and Inspections.

1. Permits Required for Mobile/Manufactured Home Parks.

A. It shall be unlawful for any person to construct, alter, extend or operate a mobile/manufactured home park within East Coventry Township unless and until the applicant furnishes satisfactory evidence to the Township that the following permits and approvals have been obtained:

(1) The applicant shall have been granted approval by special exception by the Zoning Hearing Board to construct and operate the park.

(2) A valid permit issued by the Chester County Health Department in the name of the operator in accordance with 28 Pa.Code §§17.71-17.75, as amended, and any other applicable regulations of the Chester County Health Department.

(3) A copy of all permits and approvals for water supply and sewage systems shall have been obtained, and all other requirements contained in this Part and in other applicable portions of this Chapter have been complied with and final approval of the application has been granted by the Board of Supervisors.

(4) A building permit is issued by the Township after having paid a fee for each unit to be placed within the mobile/manufactured home park.

2. Fees.

A. Fees for the initial application and preliminary and final approvals shall be prescribed by resolution of the Board of Supervisors.

B. Fees for the inspection of a mobile/manufactured home park during and following construction shall be as specified in §703 of this Chapter.

3. Inspections.

A. A mobile/manufactured home park shall be subject to inspection during any stage of construction by an authorized representative of the Township or other agency having jurisdiction, and such representative shall make known his presence and authorization to the operator at the time of each inspection.

B. The Township is hereby authorized to stop all work or other activity it finds to be in violation of the provisions of this or other applicable Township ordinances, or in violation of any applicable Federal, State or local law, regulation, rule or requirement.

4. Installation or Relocation of Mobile/Manufactured Homes. No individual mobile/manufactured home shall be installed or relocated in a mobile/manufactured home park unless the Township has issued a building permit therefor. No permit for the removal of a dwelling shall be issued until the Township receives documentation satisfactory to the Township that

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all taxes applicable to the mobile/manufactured home and the installation site have been paid by the owner thereof.

(Ord. 179, 8/8/2011, §I)

§518. Discontinuance of Use. In the event a mobile/manufactured home park operator intends to discontinue operation of the park, the operator shall notify park residents and the Township a minimum of one (1) year in advance of the intended closing date. Such notification to the Township shall include a plan for discontinuance that shall include the following:

- A. The capping of all sewers.
- B. The capping of all water lines.
- C. The removal of all underground and above ground storage tanks.
- D. A plan for the displacement of all park residents.
- E. The removal of all signs.
- F. A plan for securing structures and facilities proposed to remain on the property.
- G. The posting of a bond, or other guarantee, suitable to the Township, to insure the completion of subsections (A) through (F), above.

(Ord. 179, 8/8/2011, §I)

§519. Single Mobile/Manufactured Homes Outside Mobile/Manufactured Home Parks.

1. Single Family Use Only. All mobile/manufactured homes erected and maintained as single family dwellings outside a mobile/manufactured home park shall conform with the following:

- A. Minimum Lot Size. The lot upon which the mobile/manufactured home is installed shall conform to the minimum lot size requirement of the applicable zoning district.
- B. Set Back Lines. The mobile/manufactured home shall meet all front yard, side yard and rear yard set back lines applicable to single-family dwellings in the applicable zoning district.
- C. Foundation. The mobile/manufactured home shall be installed upon, and securely fastened to a foundation or footer which extends below the frost line. In no event shall the mobile/manufactured home be erected on jacks or loose blocks, or utilize other temporary materials.
- D. Foundation Enclosure. The area between the surrounding grade and the bottom of the mobile/manufactured home shall be enclosed with materials that are compatible with the materials used in the mobile/manufactured home. The enclosure shall resist decay and deterioration.
- E. Utility Connections. The mobile/manufactured home shall be connected to public water and sewer systems, if available. If not available, the owner shall provide a potable water supply and shall provide a septic system that shall meet the standards of the Township and the Chester County Health Department and/or the Pennsylvania

Department of Environmental Protection.

F. Landscaping and Seeding. The tract shall be seeded, landscaped and planted with shrubs to prevent erosion and stabilize the ground surface.

G. Outbuildings. All garages, utility sheds, or other outbuildings shall conform to the standards applicable to such structures as contained in the Zoning Ordinance [Chapter 27].

H. Other Standards. All mobile/manufactured homes shall meet the specifications for mobile homes in the United States Standards Institute - Standards for Mobile Homes, USA Standard A 119.1-1969, NFPA No. 501B-1968, and any subsequent modifications or amendments.

2. Township Permit Required. No mobile/manufactured home shall be erected on a single lot unless a building permit is first obtained in accordance with the Zoning Ordinance [Chapter 27].

(Ord. 179, 8/8/2011, §I)



Part 6

Construction and Acceptance of Improvements

§601. Construction Required.

1. Financial security shall be provided by the applicant in lieu of the completion of improvements required as a condition for the final approval of a plat in accordance with this Part and §310 of this Chapter. If such financial security has been provided, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

2. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Pennsylvania Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to Section 420 of the Act of June 1, 1945, (P.L. 1242, No. 428) known as the "State Highway Law."

3. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Chapter.

(Ord. 179, 8/8/2011, §I)

§602. Inspections.

1. All land disturbance work and the construction or installation of all improvements shall be, at all times, subject to inspections by the Township Engineer and/or other professional consultants serving as representatives of the Township.

2. Inspections of the construction or installation of improvements shall be conducted in accordance with the requirements set forth in the Standard Public Improvement Specifications, as last revised.

3. The applicant shall reimburse the Township for the reasonable and necessary expense incurred in connection with the inspection of all required improvements. Such reimbursement shall be based upon a schedule established by resolution of the Board of Supervisors, as revised from time to time. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or other professional

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consultants for work performed for similar services in the Township, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or such other consultants to the Township for comparable services when fees are not reimbursed or otherwise imposed on applicants.

A. The Township shall submit to the applicant an itemized bill showing the work performed in connection with the inspection of improvements performed, identifying the person performing the services and the date and time spent for each task. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, no later than thirty (30) days after the date of transmittal of the bill for inspection services, notify the Township and the Township's professional consultant that such inspection expenses are disputed as unreasonable or unnecessary, and shall explain the basis of their objections to the fees charged, in which case the Township shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any approval or permit related to development due to the applicant's dispute of inspection expenses, and the applicant shall promptly pay such disputed fees pending a determination of the dispute. A dispute regarding inspection expenses shall not, under any circumstances, relieve the applicant from timely payment of the disputed fees. Failure of the applicant to dispute a bill within thirty (30) days shall be a waiver of the applicant's right to arbitration of that bill under this Section.

B. Subsequent to the final release of financial security for completion of improvements for a subdivision or land development, or any phase thereof, the Township Engineer shall submit to the Township a bill for inspection services, specifically designated as a final bill. The final bill shall include inspection fees incurred through the release of financial security.

C. If the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant shall have the right, within forty-five (45) days of the transmittal of the final bill or supplement to the final bill to the applicant, to request the appointment of another professional consultant to serve as an arbitrator. The applicant and professional consultant whose fees are being challenged shall by mutual agreement, appoint another professional consultant to review any bills the applicant has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.

D. The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and shall render a decision within fifty (50) days of the date of appointment. Based on the decision of the arbitrator, the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within sixty (60) days. In the event the Township has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within sixty (60) days reimburse the excess payment.

E. In the event that the applicant and the professional consultant whose fees are being challenged cannot agree upon the arbitrator to be appointed within twenty (20) days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Court of Common Pleas of Chester County (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such arbitrator, who, in that case, shall be neither the Township Engineer nor any professional consultant who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.

F. The fee of the arbitrator shall be paid by the applicant if the review fee charged is sustained by the arbitrator, otherwise it shall be divided equally between the applicant and the Township. If the disputed fees are found to be excessive by more than five thousand dollars (\$5,000.00), the arbitrator shall have the discretion to assess the arbitration fee in whole or in part against either the applicant or the Township. The Township and the consultant whose fees are the subject of the dispute shall be parties to the proceeding.

(Ord. 179, 8/8/2011, §I)

§603. Release from Performance Guarantee.

1. When the developer has completed all of the required improvements, the developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of such required improvements and shall send a copy thereof to the Township Engineer. The Township Manager shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the improvements. The Township Engineer shall thereupon file a report, in writing, with the Board, and shall promptly mail a copy of the report to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Board, and shall be detailed and shall indicate approval or rejection of the improvements, either in whole or in part. If the improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, the report shall contain a statement of reasons for such nonapproval or rejection.

2. The Board of Supervisors shall notify the developer, within fifteen (15) days of receipt of the Township Engineer's report, in writing, by certified or registered mail, of the action of the Board with regard to approval, nonapproval, or rejection of improvements.

3. If the Board of Supervisors or the Township Engineer fails to comply with the time limitations as provided in this Section, all improvements will be deemed to have been approved, and the developer shall be released from all liability, pursuant to its performance guarantee or other financial security.

4. If any portion of the improvements shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to complete those improvements and, upon completion, the same procedure of notification as provided in this Section shall be followed.

5. The developer shall be responsible for maintenance of all public improvements until such improvements are offered for dedication and are

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accepted by the Township. In addition, ten percent (10%) of the performance guarantee shall be held back by the Township until the developer has posted a maintenance guarantee as required by §606 and as-built plans are verified and accepted by the Township as provided in §604.

6. Partial releases of the performance guarantee during the period of construction shall be authorized as provided in §310.

(Ord. 179, 8/8/2011, §I)

§604. As-Built Plans. Within sixty (60) days after completion and Township approval and final inspection of the subdivision or land development improvements as shown on the final plan, and before Township acceptance of such improvements, the developer shall submit as-built plans that conform to the requirements contained in the Standard Public Improvement Specifications.  
(Ord. 179, 8/8/2011, §I)

§605. Dedication and Acceptance of Public Improvements.

1. Upon completion of any public improvements shown on an approved subdivision plan and within ninety (90) days after approval of such public improvements as herein provided, the developer shall submit written offer of such public improvements for dedication to the Township. Said offer shall include a deed of dedication covering said public improvements, together with satisfactory proof establishing the developer's title to said property free and clear of all liens and encumbrances. Such documents are to be filed with the Township for review and approval of the Township Solicitor. Deeds of dedication for public improvements may be accepted by resolution of the Board at a regular meeting thereof. The Supervisors may require that at least eighty percent (80%) of the lots in any approved subdivision or land development (or phase thereof, if final plan approval has been in phases) have certificates of occupancy issued for buildings thereon prior to acceptance of dedication. Should the streets, even though constructed according to the specifications of this Chapter, deteriorate before the said eighty percent (80%) of the lots have certificates of occupancy issued, such streets shall be repaired in a manner acceptable to the Board before being accepted by the Township.

2. If the developer fails to offer dedication of said improvements, then the Board may, in addition to any other remedies provided by law, require the applicant, or his heirs, successors, executors or assigns, to make an offer at any time in the future that the best interests of the Township are served by the dedication and acceptance of the public improvements.

3. The Township shall have no obligation to takeover and make public any street, other improvement or park, however, unless:

A. The required improvements, utility mains and laterals, monuments, markers, etc., shown on the approved final plans, have been certified by the Township Engineer as having been constructed in accordance with the provisions of this Chapter.

B. It is established to the satisfaction of the Board that there exists a need for the improvements to be taken over and made public.

4. The Township shall have no responsibility with respect to any park, street or other improvement, notwithstanding the use of the same by the

public, unless the park, street or other improvement has been accepted by ordinance or resolution by the Board.

5. The Board may require that certain subdivision and land development improvements remain undedicated, with maintenance the responsibility of individual lot owners, a homeowner's association or similar entity, or an organization capable of carrying out maintenance responsibilities.

(Ord. 179, 8/8/2011, §I)

§606. Maintenance Guarantee. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion (whether such dedication is of the fee or of an easement), the Board shall require the posting of financial security to secure the structural integrity of the improvements and the functioning of the improvements in accordance with the design and specifications as depicted on the approved final plan. The security shall be in the form authorized for the deposit of the performance guarantee, as described in §310 of this Chapter, and shall be for a term of eighteen (18) months from the date of the acceptance of dedication. The financial security shall be in an amount equal to fifteen percent (15%) of the actual cost of installation of the improvements so dedicated. (Ord. 179, 8/8/2011, §I)

§607. Liability Insurance. If, in the opinion of the Township Engineer, the nature of any land disturbance work is such that it may create a hazard to human life or endanger adjoining property or property at a higher or lower elevation, or any street or street improvement, or any other public property, then the Township may require, upon the advice of the Township Engineer, that the applicant and/or developer, as applicable, provide a certificate of insurance confirming that the applicant and/or developer is insured against claims for damages for personal and bodily injury and property damage (including damage to East Coventry Township by deposit or washing of material onto municipal streets or other public improvements), which may arise from or out of the performance of the work, whether such performance be by the applicant, the developer, his or their subcontractor(s), or any person directly or indirectly employed by either of them. The certificate of insurance shall also list East Coventry Township as an additional insured, and be presented to the Township Manager prior to the disturbance work. The amount of such insurance shall be prescribed by the Township in accordance with its determination of the risks involved to persons or property but in no event shall the amount be less than one hundred thousand dollars (\$100,000.00) per occurrence. Such insurance shall be written by a company licensed to do business in Pennsylvania and shall be satisfactory to the Township. Neither issuance of a permit nor compliance with the provisions thereto or any condition imposed by the Township shall relieve any person from any responsibility for damage to persons or property otherwise imposed by law, nor shall it impose any liability upon the Township for damages to persons or property. (Ord. 179, 8/8/2011, §I)

§608. Standard Public Improvement Specifications. The Standard Public Improvement Specifications shall apply to all public improvements covered by such standard specifications, as more particularly provided therein.

A. Supplemental Nature of Standard Specifications. The Standard Public Improvement Specifications shall supplement other provisions of this Chapter and provisions of other Township ordinances, rules and

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regulations, which apply to public improvements covered by such standard specifications, to the extent that such other provisions of this Chapter and provisions of other Township ordinances, rules and regulations are not inconsistent with such standard specifications.

2. Inconsistencies.

A. In the event of an inconsistency between (1) provisions of the Standard Public Improvement Specifications, and (2) other provisions of this Chapter or provisions of other Township ordinances, rules and regulations (other than those provisions specifically providing for the construction, installation or other completion of public improvements in a designated floodplain district), the provisions of the Standard Public Improvement Specifications shall govern.

B. In the event of an inconsistency between (1) provisions of the Standard Public Improvement Specifications and (2) other provisions of this Chapter or provisions of other Township ordinances, rules and regulations that specifically provide for the construction, installation or other completion of public improvements in a designated floodplain district, the most restrictive provisions shall govern.

(Ord. 179, 8/8/2011, §I)

Part 7  
Administration

§701. Enforcement.

1. Inspection revealing noncompliance with plans submitted under the provisions of this Chapter, including all supplementary data required, shall be sufficient grounds for withdrawal of building permits by the Township until correction thereof, or other penalties or remedies, including injunctive relief, as may be provided by law.

2. Preventive Remedies.

A. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

B. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:

(1) The owner of record at the time of such violation.

(2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

(3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

(4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

3. Enforcement Remedies.

A. Completion of Improvements. In the event that any required improvements have not been installed in accordance with this Chapter and the approved final plan, the Township shall have the right to enforce the financial security provided by the applicant by appropriate legal and equitable remedies. If proceeds of such financial security are

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insufficient to pay the cost of installing, constructing or making repairs or corrections to all of the improvements covered by said financial security, the Township may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the financial security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such financial security, and not for any other municipal purpose.

B. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

C. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

D. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

(Ord. 179, 8/8/2011, §I)

§702. Records.

1. The Township shall assign a subdivision application number to all subdivision and land development applications, and all matters referring to an application should be filed in accordance with the subdivision case number. The Township shall keep a record of its findings, decisions, and recommendations relative to all plans filed with it for review.

2. All such records shall be public records.

(Ord. 179, 8/8/2011, §I)

§703. Fees and Costs.

1. No application for sketch plan review or preliminary plan or final plan approval shall be deemed submitted until the review and administrative fees and escrow deposits, as set forth below, have been paid.

2. Subdivision or land development application fees (nonrefundable),

escrow deposits for administrative fees and consultant review fees, and a consultant professional services agreement on a form provided by the Township shall be signed by the applicant and submitted with any application for sketch plan, preliminary plan, or final plan approval to cover the costs of plan review and processing. The amounts of the application fees and escrow deposits shall be fixed by resolution of the Board of Supervisors. The escrowed funds shall be used to reimburse the Township for actual expenditures incidental to these processes including, but not limited to, fees of the Township Consultants. In the event that costs are incurred by the Township in excess of the amount held in escrow, or if the Township determines that the funds held in escrow are likely to be exhausted before the work required of the Township Consultants will be completed, then the applicant shall fully reimburse the Township and/or replenish the escrow prior to the issuance of any permits.

3. Following final plan approval and recording and the establishment of any required performance guarantee, the applicant shall deposit funds into a second escrow established by the Township in accordance with a consultant professional services agreement signed by the applicant, to cover the reasonable and necessary costs and expenses incurred by the Township for administrative fees, inspections of improvements construction, materials and/or site testing, and maintenance costs arising prior to the acceptance of dedication of improvements by the Township, pursuant to Section 510 of the MPC. In the event that costs are incurred by the Township in excess of the amount held in escrow, or if the Township determines that the funds held in escrow are likely to be exhausted before construction of the improvements is completed and acceptance of dedication has occurred, then the applicant shall promptly reimburse the Township and/or replenish the escrow. The amount of the escrow deposit shall be fixed from time to time by resolution of the Board of Supervisors.

(Ord. 179, 8/8/2011, §I)

§704. Modifications and Waivers.

1. In any case in which an applicant demonstrates to the satisfaction of the Board of Supervisors that the literal enforcement or strict application of one (1) or more provisions of this Chapter would be unreasonable and exact undue hardship because of peculiar conditions pertaining to the land in question, the Board may grant a modification of or waiver from the requirement; provided, however, that such modification or waiver shall not be granted if it would be contrary to the public interest and the purpose and intent of this Chapter is observed.

2. In granting modifications and waivers, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements so modified.

3. All requests for modifications or waivers shall be submitted in writing in the form of a letter addressed to the Township, which shall accompany and be a part of the application for preliminary plan approval, citing the specific section or sections from which a modification or waiver is sought, and providing a full description of (A) the extent of the modification or waiver being requested, (B) the grounds and facts of unreasonableness or resulting hardship to the applicant if the minimum requested relief is not granted, and (C) the alternatives being proposed. If modification or waiver approval is granted by the Board of Supervisors, the

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approved modifications or waivers shall be placed on the first sheet of the applicant's plan using the Waiver Request Matrix provided in Appendix 22-A of this Chapter. If no modifications or waivers are requested, the note "No Waivers are Requested." shall be placed on the first sheet of the applicant's plan.

4. A request for a modification or waiver shall be reviewed by the Planning Commission who shall make recommendations to the Board of Supervisors. The Board shall keep a written record of all action taken on all requests for modification or waiver.

(Ord. 179, 8/8/2011, §I)

§705. Appeals. Appeals from the actions of the Board of Supervisors with respect to any application for subdivision or land development approval shall be governed by the provisions of the MPC, as amended from time to time, or any successor legislation thereto. (Ord. 179, 8/8/2011, §I)

§706. Amendments.

1. Power to Amend. The provisions of this Chapter may be amended from time to time by the Board of Supervisors.

2. Procedure. The following requirements shall be observed prior to making any amendment to this Chapter:

A. Before voting on the enactment of a proposed amendment, the Board of Supervisors shall hold a public hearing thereon pursuant to public notice as defined in this Chapter, at which time the parties in interest and citizens shall have an opportunity to be heard. A brief summary setting forth the principal provisions of the proposed amendment and a reference to the place within the Township where copies of the proposed amendment may be secured or examined shall be incorporated into the public notice.

B. Unless the proposed amendment has been prepared by the Planning Commission, the Board of Supervisors shall submit the proposed amendments to the Planning Commission for its findings and recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment. In addition, the proposed amendment shall be submitted to the County Planning Commission for its recommendations at least thirty (30) days prior to the date fixed for the public hearing on the amendment.

C. Prior to the enactment of proposed amendments, the Township shall publish the proposed amendment once in one (1) newspaper of general circulation in the Township not more than sixty (60) days and not less than seven (7) days prior to passage. Publication of the proposed amendment shall include the time and place of the meeting, the place within the Township where copies of the proposed amendment can be obtained, and either the full text thereof or the title and a brief summary, prepared by the Township Solicitor, setting forth all the provisions in reasonable detail. If the full text is not included:

(1) A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.

(2) An attested copy of the proposed amendment shall be filed

in the County Law Library.

D. In the event substantial changes are made in the proposed amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) days prior to enactment, re-advertise, in one (1) newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail, together with a summary of the changes.

E. Within thirty (30) days after enactment, the Board of Supervisors shall forward a certified copy of the amendment to the County Planning Commission.

(Ord. 179, 8/8/2011, §I)







Appendix 22-B  
Street Trees and General Landscaping  
Approved Plant List

Trees and/or Shrubs marked with an asterisk (\*) after their botanical name are native species and the use of these is encouraged. Only those species marked with a plus (+) are suitable for planting in wet or natural areas.

1. Approved Street Trees.

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
ACER CAMPESTRE	HEDGE MAPLE
ACER GRISEUM	PAPERBARK MAPLE
ACER RUBRUM*	RED MAPLE
ACER SACCHARUM*	SUGAR MAPLE
ACER X FREEMANII	
CARPINUS BETULUS	EUROPEAN HORNBEAM
CARPINUS CAROLINIANA*+	AMERICAN HORNBEAM
CELTIS OCCIDENTALIS*+	COMMON HACKBERRY
CRATAEGUS CRUSGALLI INERMIS	THORNLESS COCKSPUR HAWTHORN
FRAXINUS AMERICANA*+	WHITE ASH
FRAXINUS PENNSYLVANICA	GREEN ASH
GINGKO BILOBA (MALE GRAFTED)	GINGKO
NYSSA SYLVATICA*+	BLACK GUM
GLEDITSIA TRIACANTHOS "INERMIS"	THORNLESS HONEY LOCUST
KOELREUTERIA PANICULATA	GOLDEN RAIN TREE
PLATANUS ACERIFOLIA	LONDON PLANE TREE
PLATANUS OCCIDENTALIS*+	AMERICAN SYCAMORE
PRUNUS SARGENTII	SARGENT CHERRY
PRUNUS SERRULA	ORIENTAL CHERRY
PYRUS CALLERYANA	FLOWERING PEAR
QUERCUS COCCINEA*+	SCARLET OAK
QUERCUS MACROCARPA	BUR OAK
QUERCUS PALUSTRIS*+	PIN OAK
QUERCUS RUBRA*+	RED OAK
QUERCUS SHUMARDII	SHUMARD OAK
SOPHORA JAPONICA	JAPANESE PAGODA TREE
SYRINGA RETICULATA	JAPANESE TREE LILAC
TILIA AMERICANA*+	AMERICAN LINDEN

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<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
TILIA CORDATA	LITTLE-LEAF LINDEN
ULMUS AMERICANA	HOMESTEAD ELM
ULMUS PARVIFOLIA	CHINESE ELM
ZELKOVA SERRATA	JAPANESE ZELKOVA

2. Approved Shade Trees - Includes all street trees plus:

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
ACER NEGUNDO*+	BOX ELDER
ACER SACCHARINUM*+	SILVER MAPLE
ALNUS GLUTINOSA*+	COMMON ALDER
ASIMINA TRILOBA*+	PAWPAW
BETULA LENTA*+	SWEET BIRCH
BETULA NIGRA*	RIVER BIRCH
CARYA CORDIFORMIS*+	BITTERNUT HICKORY
CARYA GLABRA	PIGNUT HICKORY
CARYA OVATA	SHAG BARK HICKORY
CLADASTRIS LUTEA	YELLOWWOOD
DIOSPYRUS VIRGINIANA*	COMMON PERSIMMON
FAGUS GRANDIFOLIA*	AMERICAN BEECH
FAGUS SYLVATICA	EUROPEAN BEECH
GYMNOCLADUS DIOICA*	KENTUCKY COFFEE TREE
LIRIODENDRON TULIPIFERA*	TULIP POPLAR
LIQUIDAMBAR STYRACIFLUA*+	SWEETGUM
POPULUS HETEROPHYLLA*+	SWAMP COTTONWOOD
QUERCUS ALBA*	WHITE OAK
QUERCUS BICOLOR*+	SWAMP WHITE OAK
QUERCUS FALCATA*	SOUTHERN RED (SPANISH) OAK
QUERCUS MUEHLENBERGII	CHINKAPIN OAK
QUERCUS NIGRA*+	WATER OAK
QUERCUS PHELLOS*+	WILLOW OAK
QUERCUS PRINUS*	CHESTNUT OAK
QUERCUS VELUTINA*	BLACK OAK
SALIX NIGRA*+	BLACK WILLOW
SASSAFRAS ALBIDUM*	SASSAFRAS
TAXODIUM DISTICHUM*+	BALD CYPRESS

3. Approved Evergreen Trees.

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
ABIES CONCOLOR	CONCOLOR FIR
ILEX AQUIFOLIUM	ENGLISH HOLLY
ILEX OPACA	AMERICAN HOLLY
JUNIPERUS VIRGINIANA*	EASTERN RED CEDAR
PICEA ABIES	NORWAY SPRUCE
PICEA GLAUCA	WHITE SPRUCE
PICEA OMORIKA	SERBIAN SPRUCE
PICEA PUNGENS	COLORADO SPRUCE
PINUS	
PINUS STROBUS*	EASTERN WHITE PINE
PINUS THUNBERGI	JAPANESE BLACK PINE
PSEUDOTSUGA MENZIESII	DOUGLAS FIR
THUJA OCCIDENTALIS	EASTERN ARBORVITAE
TSUGA CANADENSIS	CANADIAN HEMLOCK

4. Approved Ornamental Trees.

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
AMELANCHIAR ARBOREA	DOWNEY SERVICEBERRY
AMELANCHIAR CANADENSIS*+	SERVICEBERRY
BETULA NIGRA*	RIVER BIRCH
CARPINUS CAROLINIANA*+	AMERICAN HORNBEAM
CERCIS CANADENSIS*	REDBUD
CHIONANTHUS VIRGINICUS*+	FRINGETREE
CORNUS ALTERNIFOLIA*	ALTERNATE LEAF (PAGODA) DOGWOOD
CORNUS FLORIDA*	FLOWERING DOGWOOD
CORNUS KOUSA	CHINESE DOGWOOD
CORNUS MAS	CORNELIAN CHERRY DOGWOOD
HALESIA CAROLINA*	CAROLINA SILVERBELL
KOELREUTERIA PANICULATA	GOLDEN RAIN TREE
MAGNOLIA SOULANGEANA	SAUCER MAGNOLIA
MAGNOLIA VIRGINIANA*+	SWEETBAY MAGNOLIA
MALUS SPECIES	CRABAPPLE
OXYDENDRUM ARBOREUM*	SOURWOOD, SORREL TREE
PRUNUS CERASIFERA	PURPLELEAF PLUM

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<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
PRUNUS KWANZAN	KWANZAN CHERRY
PRUNUS SARGENTII	SARGENT CHERRY
PRUNUS SEROTINA*	BLACK CHERRY
PRUNUS SUBHIRTILLA VAR. PENDULA	WEeping CHERRY
PYRUS CALLERYANA	FLOWERING PEAR
SORBUS AMERICANA	MOUNTAIN ASH

5. Approved Deciduous Shrubs.

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
AESCULUS PARVIFLORA*	BOTTLEBRUSH BUCKEYE
AMELANCHIER LAEVIS*	ALLEGHENY SERVICEBERRY
ARONIA ARBUTIFOLIA*+	RED CHOKEBERRY
ARONIA PRUNIFOLIA*+	PURPLE CHOKEBERRY
BACCHARIS HALIMOFOLIA*+	GROUNDSEL TREE
CALLICARPA AMERICANA*	BEAUTYBERRY
CALYCANTHUS FLORIDUS*	CAROLINA ALLSPICE
CEPHALANTHUS OCCIDENTALIS*+	BUTTON BUSH
CLETHRA ACUMINATA*	CINNAMON CLETHRA
CLETHRA ALNIFOLIA*+	SUMMERSWEET
CORNUS AMOMUM*+	SILKY DOGWOOD
CORNUS STOLONIFERA*	REDOSIER DOGWOOD
CORYLUS AMERICANA*	AMERICAN HAZELNUT
CRATAEGUS PHAENOPYRUM*	WASHINGTON HAWTHORNE
CRATAEGUS PUNCTATA*	THICKET HAWTHORNE
CRATAEGUS VIRDIS*	GREEN HAWTHORNE
FOTHERGILLA GARDENIA*	DWARF FOTHERGILLA
FOTHERGILLA MAJOR*	FOTHERGILLA
HAMAMELIS VIRGINIANA*	WITCHHAZEL
HYDRANGEA QUERCIFOLIA*	OAKLEAF HYDRANGEA
ITEA VIRGINICA*+	SWEETSPIRE
ILEX VERTICILLATA*+	WINTERBERRY
LEUCOTHOE RACEMOSA*+	SWEETBELLS, FETTERBUSH
LINDERA BENZOIN*+	SPICEBUSH
LYONIA LIGUSTRINA*+	STAGGERBUSH
MYRICA CERIFERA*	WAX MYRTLE
PHILADELPHUS	MOCK ORANGE

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
POTENTILLA FRUTICOSA*	BUSH CINQUEFOIL
PRUNUS AMERICANA*	WILD PLUM
RHODODENDRON ATLANTICUM*	COAST AZALEA
RHODODENDRON PERICLYMENOIDES*	PINKTERBLOOM AZALEA
RHODODENDRON VISCOSOM*	SWAMP AZALEA
RHUS COPAILINA*	SHINING SUMAC
RHUS GLABRA*	SMOOTH SUMAC
RHUS TYPHINA*	STAGHORN SUMAC
ROSA PALUSTRIS*+	SWAMP ROSE
SALIX DISCOLOR*+	PUSSY WILLOW
SAMBUCUS CANADENSIS*	ELDERBERRY
SPIRAEA	BRIDAL WREATH
VIBURNUM ACERIFOLIUM*	MAPLELEAF VIBURNUM
VACCINIUM ANGUSTIFOLIUM*	LOWBUSH BLUEBERRY
VACCINIUM CORYMBOSOM*+	HIGHBUSH BLUEBERRY
VACCINIUM PALLIDUM*	BLUE RIDGE BLUEBERRY
VIBURNUM X BURKWOODII	LINDEN
VIBURNUM DENTATUM*	ARROWWOOD
VIBURNUM NUDUM*+	SMOOTH WITHEROD
VIBURNUM PLICATUM X TOMENTOSUM	DOUBLE FILE
VIBURNUM PRUNIFOLIUM*+	BLACK HAW
VIBURNUM RECOGNITUM*+	NORTHERN ARROW WOOD
VIBURNUM TRILOBUM*	AMERICAN CRANBERRY BUSH

6. Approved Evergreen Shrubs.

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
ILEX CORNUTA	CHINESE HOLLY
ILEX CRENATA	JAPANESE HOLLY
ILEX CRENATAT AU HELLERI	HELLERI HOLLY
ILEX GLABRA*+	INKBERRY
ILEX LAEVIGATA*+	SMOOTH WINTERBERRY HOLLY
ILEX VERTICULATA	WINTERBERRY
JUNIPERUS HORIZONTALIS	CREEPING JUNIPER
JUNIPERUS X PHITZERIANA	PHITZ JUNIPER
KALMIA LATIFOLIA*	MOUNTAIN LAUREL
LEUCOTHOE FONTANESIANA	FETTERBUSH

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BOTANICAL NAME

MAHONIA JAPONICA "BEALEI"

MYRICA PENNSYLVANICA\*

PINUS MUGO MUGO

PRUNUS LAUROCERASUS

RHODODENDRON CATAWBIENSE

RHODODENDRON CAROLINIANUM

RHODODENDRON MAXIMUM

RHODODENDRON VISCOSUM\*+

TAXUS BACCATA

TAXUS CUSPIDATE

COMMON NAME

LEATHERLEAF MAHONIA

BAYBERRY

MUGO PINE

CHERRY LAUREL

CATAWBA RHODODENDRUM

CAROLINA RHODODENDRUM

NATIVE RHODODENDRON

SWAMP AZALEA

ENGLISH YEW

JAPANESE YEW