

**EAST COVENTRY TOWNSHIP
BOARD OF SUPERVISORS
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2018-228

**“MISCELLANEOUS TRAFFIC, ZONING AND SUBDIVISION
AND LAND DEVELOPMENT ORDINANCE AMENDMENTS”**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF EAST COVENTRY, CHESTER COUNTY, PENNSYLVANIA, TO AMEND CHAPTER 10 (HEALTH AND SAFETY), PART 5 (BRUSH, WEEDS AND GRASS), SECTION 10-502 (HEIGHT RESTRICTIONS; EXCEPTIONS; NOXIOUS VEGETATION PROHIBITED), SUBSECTION 2 TO UPDATE THE REFERENCE TO GOVERNING STATE LAW; TO AMEND CHAPTER 15 (MOTOR VEHICLES), PART 4 (GENERAL PARKING REGULATIONS), SECTION 15-409 (ADDITIONAL PARKING REGULATIONS), TO CLARIFY THE DEFINITION OF “ROADWAY” AND THE PERMITTED PARKING DISTANCE FROM THE CURB, AND PROHIBIT PARKING WITHIN 20 FEET OF AN INTERSECTION; TO AMEND CHAPTER 22 (SUBDIVISION AND LAND DEVELOPMENT), PART 2 (DEFINITIONS), SECTION 22-202 (DEFINITIONS), TO AMEND THE DEFINITION OF “YARD, SIDE” AND UPDATE REFERENCES TO THE GOVERNING OPEN SPACE PLAN; TO AMEND PART 3 (PLAN PROCESSING AND CONTENT), SECTION 22-301 (PLAN CLASSIFICATION AND PUBLIC NOTIFICATION), SUBSECTION 3, PARAGRAPH A (MINOR SUBDIVISION PLAN), TO LIMIT TO 20 YEARS THE RESTRICTION ON MINOR SUBDIVISION STATUS FOR PREVIOUSLY SUBDIVIDED PROPERTIES; TO AMEND PART 4 (DEVELOPMENT DESIGN STANDARDS), SECTION 22-410 (STREET INTERSECTIONS), TO ADD NEW SUBSECTION 6 ENTITLED “OBSTRUCTIONS TO VISION” ESTABLISHING SIGHT DISTANCE REQUIREMENTS FOR DRIVEWAYS AND INTERSECTIONS; AND MISCELLANEOUS TECHNICAL AMENDMENTS TO CHAPTER 22; TO AMEND CHAPTER 27 (ZONING), PART 2 (DEFINITIONS), SECTION 27-202 (DEFINITIONS), TO AMEND THE DEFINITION OF “GARDEN SHED”, TO UPDATE REFERENCES TO THE GOVERNING OPEN SPACE PLAN AND TO ADD A DEFINITION FOR “YARD, SIDE”; TO AMEND PART 20 (WIRELESS COMMUNICATIONS FACILITIES), SECTION 27-2003 (GENERAL REQUIREMENTS

FOR ALL WCF STRUCTURES AND WIRELESS COMMUNICATIONS FACILITIES), SUBSECTION 1, PARAGRAPH P (INDEMNIFICATION), TO EXPAND THE INDEMNIFICATION PROVISIONS; AND MISCELLANEOUS TECHNICAL AMENDMENTS TO CHAPTER 27.

The Board of Supervisors of East Coventry Township does hereby **ENACT** and **ORDAIN**:

SECTION I. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 10 (Health and Safety), Part 5 (Brush, Weeds and Grass), Section 10-502 (Height Restrictions; Exceptions; Noxious Vegetation Prohibited), Subsection 2, is hereby amended and restated in its entirety, as follows:

2. Noxious vegetation or noxious weeds as defined in the East Coventry Township Zoning Ordinance [Chapter 27] or Pennsylvania laws relating to controlled plants and noxious weeds [3 Pa.C.S.A. §1501 *et seq.*], as may be amended from time to time, are prohibited on any property in East Coventry Township.

SECTION II. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 15 (Motor Vehicles), Part 4 (General Parking Regulations), Section 15-409 (Additional Parking Regulations), Subsection 3, is hereby amended to delete the words “upon a roadway” at the end of said subsection and to add the following in its place: “upon that portion of a roadway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder.”

SECTION III. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 15 (Motor Vehicles), Part 4 (General Parking Regulations), Section 15-409 (Additional Parking Regulations), Subsection 12, is hereby amended to delete the words “right-hand curb” and to add the following in its place: “tire sidewall to the curb.”

SECTION IV. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 15 (Motor Vehicles), Part 4 (General Parking Regulations), Section 15-409 (Additional Parking Regulations), is hereby amended to add a new Subsection 15, as follows:

15. Parking within 20 feet of an intersection measured from the intersecting curb line or the intersecting cartway/roadway line.

SECTION V. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 22 (Subdivision and Land Development), Part 2 (Definitions), Section 22-202 (Definitions), the definition of “Lot Area, Net”, Paragraph D is hereby amended to delete said paragraph in its entirety and to add a new Paragraph “D” in its place, as follows:

D. Any stormwater management basin and the perimeter easement area required by §9-174 of the Stormwater Management Ordinance [Chapter 9].

SECTION VI. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 22 (Subdivision and Land Development), Part 2 (Definitions), Section 22-202 (Definitions), is hereby amended to delete the definition for “Parks, Recreation, and Open Space Plan” in its entirety and to add a new definition for “Parks, Recreation and Open Space Plan” in its place, as follows:

PARKS, RECREATION AND OPEN SPACE PLAN – The Parks, Recreation and Open Space Plan of East Coventry Township, Chester County, Pennsylvania dated April 2017, which comprises a chapter of the East Coventry Township Comprehensive Plan, and any amendments or supplements thereto.

SECTION VII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 22 (Subdivision and Land Development), Part 2 (Definitions), Section 22-202 (Definitions), the definition for “Yard, Side”

is hereby amended to delete said definition in its entirety and to add a new definition for “Yard, Side” as follows:

- C. YARD, SIDE – A yard extending in depth on the lot along a side lot line from the closest front yard line to the closest rear yard line, 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.

SECTION VIII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 22-301 (Plan Classification and Public Notification), Subsection 3, Paragraph A (Minor Subdivision Plan), is hereby amended to delete the word “previously” appearing in the fourth line of said paragraph and to add the following in its place: “at any time during the twenty-year period preceding the date of the subdivision application”.

SECTION IX. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 22-301 (Plan Classification and Public Notification), Subsection 3, Paragraph A (Minor Subdivision Plan), Subparagraph (1), Clause (e), is hereby amended to delete “deed restriction” appearing in said clause and to add the following in its place: “a deed restriction is recorded against the lots”.

SECTION X. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 22-301 (Plan Classification and Public Notification), Subsection 5 (Public Notification), Paragraph E, Subparagraph (2) (Size), is hereby amended to add the following after the words “four feet by four feet” appearing in the

first sentence of said subparagraph: “or the maximum size permitted by §27-1314.14.B of Chapter 27 [Zoning], whichever is less,”.

SECTION XI. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 22-304 (Preliminary Plan Submission, Resubmission, Review and Content), Subsection 3 (Content), Paragraph A (General Content), Subparagraph (7), is hereby amended to add the following after the words “EXELON’S Exclusion Zone”: “(which is the 2,500-foot perimeter around the towers located at Exelon’s Limerick Generating Station)”.

SECTION XII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 22-304 (Preliminary Plan Submission, Resubmission, Review and Content), Subsection 3 (Content), Paragraph E, Subparagraph (7), is hereby amended to add the following after the first sentence of said subparagraph: “If a deed restriction is required as described in §22-301.3.A.(1)(e), a statement to such effect shall be included.”

SECTION XIII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 22 (Subdivision and Land Development), Part 4 (Development Design Standards), Section 22-405 (Streets), Subsection 9 is hereby amended to delete the words “right-of-way,” appearing in the first line of said subsection.

SECTION XIV. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 22 (Subdivision and Land Development), Part 4 (Development Design Standards), Section 22-410 (Street Intersections), Subsection 6 is hereby amended and restated in its entirety as follows:

6. Obstructions to Vision.
 - A. All driveway and street intersections shall be designed and maintained in such a manner that a clear view is obtained for vehicles entering and exiting the intersection or driveway, according to the following:
 - (1) The measurement and calculation of required sight distances for all driveways and intersections shall be in accordance with the Pennsylvania Code, Title 67, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, as amended from time to time.
 - (2) PENNDOT recommended sight distance requirements are typically based upon the posted speed limit. However, in those instances where the speed of traffic may create an unsafe sight distance as determined by the Township Traffic Engineer, the Applicant may be required to verify the 85th percentile speed of traffic. If it is impossible to achieve PENNDOT recommended sight distances, then the minimum acceptable sight distance values may be used based upon the 85th percentile speed of traffic, if necessary, upon recommendation of the Planning Commission and the Township Traffic Engineer.
 - (3) If recommended by the Planning Commission upon advice of the Township Traffic Engineer, the Applicant shall provide a sight distance profile plan verifying adequate sight distance exists, which shall be acceptable to the Planning Commission and the Township Traffic Engineer. The profile plan shall be prepared by a Pennsylvania licensed professional engineer and shall show at least the following: existing roadway profiles (spot elevations at 50-foot increments and 25-foot increments along vertical curves), proposed roadway profiles, all sight line profiles (six inches or more of sight line clearance above the finished grade), proposed site grading and temporary grading easements.
 - B. On any lot, no wall, fence or other obstruction shall be erected, allowed or maintained, and no hedge, tree, shrub or other plant material shall be planted or exist which obscures the view of approaching traffic along streets or at intersections.
 - C. On a corner lot, nothing shall be erected, placed or allowed to grow which obscures the view within a clear sight triangle defined by the following:

- (1) Above the height of 2½ feet and below the height of 12 feet measured from the center line grades of the intersecting streets.
- (2) Within the area bounded by the center line of intersecting streets and a line joining points on these center lines 75 feet from an intersection of center lines of such streets.

SECTION XV. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 4 (Development Design Standards), Section 22-418 (Sidewalks), Subsection 2, is hereby amended to add “abutting or” after the words “collector streets” and before the words “within a subdivision” appearing in the first sentence of said subsection.

SECTION XVI. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 2 (Definitions), Section 27-202 (Definitions), is hereby amended to delete the definition for “Garden Shed” in its entirety and to add a new definition for “Shed” in its place, as follows: “SHED – An accessory structure no greater than 400 square feet.” Any reference in Chapter 27 to “garden shed” or “garden sheds” is hereby amended to state “shed” or “sheds”.

SECTION XVII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 2 (Definitions), Section 22-202 (Definitions), the definition of “Lot Area, Net”, Paragraph D is hereby amended to delete said paragraph in its entirety and to add a new Paragraph “D” in its place, as follows:

- D. Any stormwater management basin and the perimeter easement area required by §9-174 of the Stormwater Management Ordinance [Chapter 9].

SECTION XVIII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 2 (Definitions), Section 27-202 (Definitions), is hereby amended to delete the definition for “Parks, Recreation, and Open Space Plan” in its entirety and to add a new definition for “Parks, Recreation and Open Space Plan” in its place, as follows:

PARKS, RECREATION AND OPEN SPACE PLAN – The Parks, Recreation and Open Space Plan of East Coventry Township, Chester County, Pennsylvania dated April 2017, which comprises a chapter of the East Coventry Township Comprehensive Plan, and any amendments or supplements thereto.

SECTION XIX. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 2 (Definitions), Section 27-202 (Definitions), is hereby amended to add a definition for “Yard, Side” as follows:

- C. YARD, SIDE – A yard extending in depth on the lot along a side lot line from the closest front yard line to the closest rear yard line, 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.

SECTION XX. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 5 (FR Farm Residential District), Section 27-502 (Use Regulations), Subsection 3 (Special Exceptions), Paragraph A, is hereby amended to delete the following language from said paragraph: “housing of repair or other employees”.

SECTION XXI. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 13 (General and Supplemental Regulations and Design Standards), Section 27-1319 (Accessory

Uses and Accessory Buildings), Subsection 1, Paragraph D (Tool Sheds, Leans-To, Storage Buildings Accessory to All Residential Dwellings), is hereby amended to delete the words “Tool Sheds” appearing in the title and the words “tool shed” appearing in the first sentence of said paragraph and to add the word “Sheds” and “shed”, respectively, in their place. Any reference in Chapter 27 to “tool shed” or “tool sheds” is hereby amended to state “shed” or “sheds”.

SECTION XXII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 20 (Wireless Communications Facilities), Section 27-2003 (General Requirements for All WCF Structures and Wireless Communications Facilities), Subsection 1, Paragraph P (Indemnification), is hereby amended to delete said paragraph in its entirety and to add a new Paragraph P in its place, as follows:

- P. Indemnification. Each person that owns or operates a WCF structure, related equipment, and/or wireless communications facilities shall, at its sole cost and expense, indemnify, defend, hold harmless and exonerate the Township, its elected and appointed officials, officers, employees, consultants, independent contractors and agents, at all times from and against any and all actual or threatened claims (including claims of negligence, personal injury, death or property damage), actions, damages, liabilities, judgments, awards, costs, losses and expenses, together with reasonable counsel and expert witness fees, arising in any way from, caused by or connected with any act or omission of the indemnifying party, its officers, agents, employees, contractors and/or subcontractors, arising out of or relating to the construction, installation, operation, maintenance or removal of a WCF structure, related equipment or any associated wireless communications facilities. Each person that owns or operates a WCF structure, related equipment or any associated wireless communications facilities shall defend, using counsel reasonably satisfactory to the Township, all suits, actions, or other legal or administrative proceedings that may be threatened, brought or instituted against the Township or other indemnified parties, arising out of any approvals made by the Township or any claims or actions on account of any matter arising out of or relating to

the construction, installation, operation, maintenance or removal of a WCF structure, related equipment or any associated wireless communications facilities.

SECTION XXIII. – Severability.

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION XXIV. – Failure to Enforce not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION XXV. – Effective Date.

This Ordinance shall take effect and be in force from and after its approval as required by the Second Class Township Code.

SECTION XXVI. – Repealer.

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, this 10th day of December, 2018.

Attest:


Bernard A. Rodgers, Secretary

By:

EAST COVENTRY TOWNSHIP


W. Atlee Rinehart, Chairman

NOTICE

NOTICE is hereby given that the Board of Supervisors of the Township of East Coventry, at its public meeting on December 10, 2018 in the Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania, will hold a public hearing on and could vote to adopt an Ordinance amending the Code of Ordinances of the Township of East Coventry, Chester County, Pennsylvania, to amend Chapter 10 (Health and Safety), Part 5 (Brush, Weeds and Grass), Section 10-502 (Height Restrictions; Exceptions; Noxious Vegetation Prohibited), Subsection 2 to update the reference to governing state law; to amend Chapter 15 (Motor Vehicles), Part 4 (General Parking Regulations), Section 15-409 (Additional Parking Regulations), to clarify the definition of “roadway” and the permitted parking distance from the curb, and prohibit parking within 20 feet of an intersection; to amend chapter 22 (Subdivision and Land Development), Part 2 (Definitions), Section 22-202 (Definitions), to amend the definition of “Yard, Side” and update references to the governing Open Space Plan; to amend Part 3 (Plan Processing and Content), Section 22-301 (Plan Classification and Public Notification), Subsection 3, Paragraph A (Minor Subdivision Plan), to limit to 20 years the restriction on minor subdivision status for previously subdivided properties; to amend Part 4 (Development Design Standards), Section 22-410 (Street Intersections), to add new Subsection 6 entitled “Obstructions to Vision” establishing sight distance requirements for driveways and intersections; and miscellaneous technical amendments to Chapter 22; to amend Chapter 27 (Zoning), Part 2 (Definitions), Section 27-202 (Definitions), to amend the definition of “Garden Shed”, to update references to the governing Open Space Plan and to add a definition for “Yard, Side”; to amend Part 20 (Wireless Communications Facilities), Section 27-2003 (General Requirements for all WCF Structures and Wireless

Communications Facilities), Subsection 1, Paragraph P (Indemnification), to expand the indemnification provisions; and miscellaneous technical amendments to Chapter 27.

Copies of the full text of the proposed ordinance are available for examination during normal business hours without charge at the offices of *The Pottstown Mercury*, 307 Derstine Avenue, Lansdale, Pennsylvania 19446, the Chester County Law Library, 201 West Market Street, Suite 2400, West Chester, Pennsylvania 19380-0989 and the East Coventry Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania 19465, where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

**MARK A. HOSTERMAN, ESQUIRE
WISLER PEARLSTINE, LLP**