

EAST COVENTRY
BOARD OF SUPERVISORS
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2019-231

“Specialty and Heavy Construction Contractor Ordinance”

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF EAST COVENTRY TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, TO AMEND CHAPTER 27 (ZONING), PART 2 (DEFINITIONS), SECTION 27-202 (DEFINITIONS), TO ADD DEFINITIONS FOR “SPECIALTY CONTRACTOR” AND “HEAVY CONSTRUCTION CONTRACTOR”; TO AMEND PART 9 (NC NEIGHBORHOOD COMMERCIAL DISTRICT AND C COMMERCIAL DISTRICT), SECTION 27-902 (USE REGULATIONS), SUBSECTION 1 (NC NEIGHBORHOOD COMMERCIAL DISTRICT USES PERMITTED BY RIGHT) TO PERMIT SPECIALTY CONTRACTORS PROVIDED THE USE IS LOCATED ON A SEPARATE LOT CONTAINING A SINGLE PRINCIPAL USE; TO AMEND SECTION 27-905 (OTHER REQUIREMENTS AND STANDARDS) TO ADD NEW SUBSECTION 7 ENTITLED “REQUIREMENTS FOR SPECIALTY CONTRACTORS”; TO AMEND PART 10 (C-1 COMMERCIAL AND BUSINESS CAMPUS DISTRICT), SECTION 27-1005 (OTHER REQUIREMENTS AND STANDARDS), TO ADD NEW SUBSECTION 2 ENTITLED “REQUIREMENTS FOR SPECIALTY CONTRACTORS”; TO AMEND PART 11 (LI LIMITED INDUSTRIAL DISTRICT), SECTION 27-1102 (USE REGULATIONS), SUBSECTION 1 (LI LIMITED INDUSTRIAL DISTRICT USES PERMITTED BY RIGHT), TO PERMIT HEAVY CONSTRUCTION CONTRACTORS PROVIDED THE USE IS LOCATED ON A SEPARATE LOT CONTAINING A SINGLE PRINCIPAL USE; TO AMEND SECTION 27-1105 (OTHER REQUIREMENTS AND STANDARDS) TO ADD A NEW PARAGRAPH 3 ENTITLED “REQUIREMENTS FOR HEAVY CONSTRUCTION CONTRACTORS”; AND TO AMEND PART 13 (GENERAL AND SUPPLEMENTAL REGULATIONS AND DESIGN STANDARDS), SECTION 27-1306 (PARKING STANDARDS), SUBSECTION 1, PARAGRAPH 3 (MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS), TO ADD PARKING REQUIREMENTS FOR SPECIALTY AND HEAVY CONSTRUCTION CONTRACTORS.

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

SECTION I. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 2 (Definitions), Section 27-202 (Definitions), is hereby amended by adding new definitions for “Specialty Contractor” and “Heavy Construction Contractor” to said section, as follows:

SPECIALTY CONTRACTOR – A contractor that routinely provides residential or commercial services, not requiring the outdoor storage of materials, supplies or equipment, but utilizing three or more service vehicles.

HEAVY CONSTRUCTION CONTRACTOR - A contractor that routinely performs heavy construction or excavation work generally requiring the outdoor storage and transport to and from the construction site of construction trucks, materials and heavy equipment.

SECTION II. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 9 (NC Neighborhood Commercial District and C Commercial District), Section 27-902 (Use Regulations), Subsection 1 (NC Neighborhood Commercial District Uses Permitted by Right), is hereby amended by adding a new Paragraph I to said subsection, as follows:

- I. Specialty contractor facility provided the use is located on a separate lot containing a single principal use.

SECTION III. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 9 (NC Neighborhood Commercial District and C Commercial District), Section 27-905 (Other Requirements and Standards), is hereby amended by adding a new Subsection 7 entitled “Requirements for Specialty Contractors”, as follows:

7. Requirements for Specialty Contractors. The following requirements and standards shall apply to specialty contractors:

- A. The required minimum net lot area shall be one acre (with or without public sewage disposal).
- B. The required minimum lot width shall be 150 feet. The required minimum front yard shall be 50 feet.
- C. No on-street parking shall be permitted.
- D. The outdoor storage of materials and equipment other than service vehicles shall be prohibited.
- E. Outdoor parking or storage of service vehicles shall be permitted, provided the outdoor parking and storage areas comply with the yard setback requirements of §27-904.1.A, as modified by this subsection.
- F. All applicable requirements of this Part and Part 13 of this chapter shall apply to the extent not inconsistent with this subsection.

SECTION IV. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 10 (C-1 Commercial and Business Campus District), Section 27-1005 (Other Requirements and Standards), is hereby amended by adding a new Subsection 2 entitled “Requirements for Specialty Contractors”, as follows:

- 2. Requirements for Specialty Contractors. The following requirements and standards shall apply to specialty contractors:
 - A. No on-street parking shall be permitted.
 - B. The outdoor storage of materials and equipment other than service vehicles shall be prohibited.
 - C. Outdoor parking or storage of service vehicles shall be permitted, provided the outdoor parking and storage areas comply with the yard setback requirements of §27-1004.1.A.
 - D. All applicable requirements of this Part and Part 13 of this chapter shall apply to the extent not inconsistent with this subsection.

SECTION V. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 11 (LI Limited Industrial District), Section 27-1102 (Use Regulations), Subsection 1 (LI Limited Industrial District Uses Permitted by Right), is hereby amended by adding a new Paragraph C, as follows:

- C. Heavy construction contractor facility provided the use is located on a separate lot containing a single principal use.

SECTION VI. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 11 (LI Limited Industrial District), Section 27-1105 (Other Requirements and Standards), is hereby amended by adding a new Paragraph 3 entitled “Requirements for Heavy Construction Contractors”, as follows:

- 3. Requirements for Heavy Construction Contractors. The following requirements and standards shall apply to heavy construction contractors:
 - A. No on-street parking shall be permitted.
 - B. Street or driveway access to the lot shall be limited to one access point per street frontage. All entrance and access ways shall be designed to meet PennDOT guidelines or be otherwise satisfactory to the Township Engineer and shall be of sufficient width, with widened radii where they meet the sides of roads and highways, to conveniently and safely accommodate the flow of traffic. The locations of entranceways shall be subject to approval of the Board of Supervisors upon advice of the Township Traffic Engineer. The entrance and access ways shall be designed, constructed and maintained to provide safe and efficient ingress and egress for traffic without undue congestion or interference with the normal traffic flow on the abutting streets and highways.
 - C. If deemed appropriate by the Board of Supervisors and approved by PENNDOT when required, the applicant shall be required to widen the paved road frontage abutting the lot, install curbing along the same and/or build acceleration and deceleration lanes to provide for the safe and efficient ingress and egress of trucks and other vehicles.

- D. The outdoor parking or storage of trucks, materials and equipment shall be permitted, provided the outdoor parking and storage areas comply with the yard setback requirements of §27-1104.1.A.
- E. The pavement design specifications for the driveways, access and any necessary frontage widening, including turning lanes, shall comply with all applicable requirements of the East Coventry Township Driveway Ordinance and be otherwise acceptable to the Township Engineer.
- F. All applicable requirements of this Part and Part 13 of this chapter shall apply to the extent not inconsistent with this subsection.

SECTION VII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 13 (General and Supplemental Regulations and Design Standards), Section 27-1306 (Parking Standards), Subsection 1, Paragraph E (Minimum Off-Street Parking Space Requirements), is hereby amended by adding the following under the heading for “Commercial Service Uses”:

Use	Parking Spaces Per <u>1,000 square feet Gross Floor Area</u>	Other Standards
Specialty Contractor	-	1.0 per employee or independent contractor, during the largest work shift, plus additional spaces to accommodate shift changes and adequate storage for other vehicles used on site as determined appropriate by the Township.

SECTION VIII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chapter 27 (Zoning), Part 13 (General and Supplemental Regulations and Design Standards), Section 27-1306 (Parking Standards), Subsection 1, Paragraph E (Minimum Off-Street Parking Space Requirements), is hereby amended by adding the following under the heading for “Industrial Uses”:

Use	Parking Spaces Per <u>1,000 square feet Gross Floor Area</u>	Other Standards
Heavy Construction Contractor	-	1.0 per employee or independent contractor, during the largest work shift, plus additional spaces to accommodate shift changes and adequate storage

for other vehicles used on site as determined appropriate by the Township.

SECTION IX. – 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 X. – 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 XI. – 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 XII. – 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 11th day of March, 2019.

Attest: 

David G. Kraynik, Secretary

EAST COVENTRY TOWNSHIP
By: 

W. Atlee Rinehart, Chairman

NOTICE

NOTICE is hereby given that the Board of Supervisors of East Coventry Township, at its public meeting on March 11, 2019 at the Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania, will consider and could vote to adopt an ordinance amending the Codified Ordinances of East Coventry Township, Chester County, Pennsylvania, to amend Chapter 27 (Zoning), Part 2 (Definitions), Section 27-202 (Definitions), to add definitions for “Specialty Contractor” and “Heavy Construction Contractor”; to amend Part 9 (NC Neighborhood Commercial District and C Commercial District), Section 27-902 (Use Regulations), Subsection 1 (NC Neighborhood Commercial District Uses Permitted By Right) to permit specialty contractors provided the use is located on a separate lot containing a single principal use; to amend Section 27-905 (Other Requirements and Standards) to add new Subsection 7 entitled “Requirements for Specialty Contractors”; to amend Part 10 (C-1 Commercial and Business Campus District), Section 27-1005 (Other Requirements and Standards), to add new Subsection 2 entitled “Requirements for Specialty Contractors”; to amend Part 11 (LI Limited Industrial District), Section 27-1102 (Use Regulations), Subsection 1 (LI Limited Industrial District Uses Permitted By Right), to permit heavy construction contractors provided the use is located on a separate lot containing a single principal use; to amend Section 27-1105 (Other Requirements and Standards) to add a new Paragraph 3 entitled “Requirements for Heavy Construction Contractors”; and to amend Part 13 (General and Supplemental Regulations and Design Standards), Section 27-1306 (Parking Standards), Subsection 1, Paragraph 3 (Minimum Off-Street Parking Space Requirements), to add parking requirements for specialty and heavy construction contractors.

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**

Solicitor for East Coventry Township