

EAST COVENTRY TOWNSHIP

BOARD OF SUPERVISORS

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 209

**“MISCELLANEOUS ORDINANCE AMENDMENTS AND
AMENDMENTS REGARDING TRANSMISSION PIPELINES”**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF EAST COVENTRY, CHESTER COUNTY, PENNSYLVANIA, TO AMEND CHAPTER 9 (GRADING AND EXCAVATING), PART 1 (STORMWATER MANAGEMENT), SUBPART C (STORMWATER MANAGEMENT STANDARDS), SECTION 129 (CALCULATION METHODOLOGY), PARAGRAPHS 1, 3, 6 AND TABLE 129.1 TO ELIMINATE THE RATIONAL METHOD AS AN ACCEPTABLE COMPUTATION METHOD; TO AMEND SUBPART E (PERFORMANCE AND INSPECTION OF REGULATED ACTIVITIES, AND FINAL AS-BUILT PLANS), SECTION 152 (FINAL AS-BUILT PLANS), PARAGRAPH 6 TO ESTABLISH A 90-DAY TIME LIMIT FROM COMPLETION OF THE WORK TO DELIVER AS-BUILT PLANS; AND TO AMEND APPENDIX E (STORMWATER BEST MANAGEMENT PRACTICES AND CONVEYANCES OPERATION AND MAINTENANCE AGREEMENT) TO GRANT THE TOWNSHIP A BLANKET EASEMENT TO INSPECT STORMWATER BMPS; TO AMEND CHAPTER 21 (STREETS AND SIDEWALKS), PART 3 (STANDARD CONSTRUCTION AND MATERIAL SPECIFICATIONS FOR PUBLIC IMPROVEMENTS), EXHIBIT 21-3-A, SECTION 1 (GENERAL CONDITIONS), PARAGRAPH 1.6 (PROTECTION OF WORK AND PROPERTY), TO ALLOW THE TOWNSHIP ENGINEER TO REQUIRE A PRE-CONSTRUCTION VIDEO OF SITE CONDITIONS BE PROVIDED; TO AMEND CHAPTER 22 (SUBDIVISION AND LAND DEVELOPMENT), PART 2 (DEFINITIONS), SECTION 202 (DEFINITIONS) TO ADD NEW DEFINITIONS FOR “PIPELINE”, “SURFACE LAND USES AFFILIATED WITH TRANSMISSION PIPELINES” AND “TRANSMISSION PIPELINES”; TO AMEND PART 3 (PLAN PROCESSING AND CONTENT), SECTION 304 (PRELIMINARY PLAN SUBMISSION, RESUBMISSION, REVIEW AND CONTENT), SUBSECTION 2 (REVIEW) PARAGRAPH B (REVIEW BY TOWNSHIP CONSULTANTS), SUBPARAGRAPHS (1), (2), (3), (4), (5) AND (6) TO SHORTEN THE TIME FOR ISSUANCE OF CONSULTANT REVIEW LETTERS FOR PRELIMINARY PLAN SUBMISSIONS; TO AMEND SUBSECTION 3 (CONTENT), PARAGRAPH A (GENERAL CONTENT), SUBPARAGRAPHS (9) AND (28) TO REQUIRE THAT NET LOT AREA BE CALCULATED USING THE NET LOT AREA TEMPLATE

ATTACHED AS APPENDIX 22-C, TO ADD NEW APPENDIX 22-C FOR THE NET LOT AREA TEMPLATE, AND TO REQUIRE THAT TRANSMISSION PIPELINES ABUTTING OR WITHIN CERTAIN DISTANCES OF THE SITE BE SHOWN ON THE PLANS; TO AMEND SECTION 305 (FINAL PLAN SUBMISSION, RESUBMISSION, REVIEW AND CONTENT), SUBSECTION 2 (REVIEW), PARAGRAPH B (REVIEW BY TOWNSHIP CONSULTANTS, THE AUTHORITY OR OTHER ENTITY, FOR SANITARY SEWAGE DISPOSAL AND THE AUTHORITY OR OTHER ENTITY, FOR WATER SUPPLY)), SUBPARAGRAPHS (1), (2), (3), (4), (7) AND (8) TO SHORTEN THE TIME FOR ISSUANCE OF CONSULTANT REVIEW LETTERS FOR FINAL PLAN SUBMISSIONS; TO AMEND SECTION 307 (RECORDING OF FINAL PLANS), PARAGRAPH 2 TO REQUIRE THE FINAL PLAN SET BE RECORDED; TO AMEND PART 4 (DEVELOPMENT DESIGN STANDARDS), SECTION 404 (MONUMENTS AND MARKERS), SUBSECTION 1 (MONUMENT STANDARDS), PARAGRAPHS A AND D TO MODIFY THE LOCATIONS WHERE CONCRETE MONUMENTS ARE REQUIRED; TO AMEND SUBSECTION 2 (MARKER STANDARDS), PARAGRAPHS A AND C TO MODIFY THE LOCATIONS WHERE LOT PINS ARE REQUIRED; TO AMEND SECTION 428 (LANDSCAPING, SCREENING AND BUFFERING), TO MAKE SECTION 428 APPLICABLE TO SURFACE LAND USES AFFILIATED WITH TRANSMISSION PIPELINES; AND TO ADD A NEW SECTION 431 ENTITLED "BUFFER STANDARDS AND SETBACKS FROM TRANSMISSION PIPELINES" TO CONTAIN THE FOLLOWING SUBSECTIONS: PURPOSE; APPLICABILITY; LAND DEVELOPMENT DESIGN, BUFFERING AND SCREENING; AND SIGNAGE; TO AMEND PART 7 (ADMINISTRATION), SECTION 704 (MODIFICATIONS AND WAIVERS), PARAGRAPH 3 TO CLARIFY THE DOCUMENTATION REQUIRED FOR WAIVER REQUESTS AND TO ADD NEW PARAGRAPH 5 REQUIRING APPROVED WAIVERS BE INCLUDED IN A WAIVER REQUEST MATRIX ON PRELIMINARY/FINAL PLANS; TO AMEND APPENDIX 22-B (STREET TREES AND GENERAL LANDSCAPING APPROVED PLANT LIST), SECTIONS 1 (APPROVED STREET TREES) AND 4 (APPROVED ORNAMENTAL TREES), TO REMOVE ASH TREES FROM THE APPROVED SPECIES LIST; TO AMEND CHAPTER 27 (ZONING), PART 2 (DEFINITIONS), SECTION 202 (DEFINITIONS) TO ADD NEW DEFINITIONS FOR "PIPELINE", "SURFACE LAND USES AFFILIATED WITH TRANSMISSION PIPELINES" AND "TRANSMISSION PIPELINES" AND TO AMEND THE DEFINITION FOR "SUBSTANTIAL CHANGE" PERTAINING TO WIRELESS COMMUNICATIONS FACILITY STRUCTURES; TO AMEND PART 5 (FR FARM RESIDENTIAL DISTRICT), SECTION 502 (USE REGULATIONS), SUBSECTION 2 (CONDITIONAL USES) AND PART 9 (NC NEIGHBORHOOD COMMERCIAL DISTRICT AND C COMMERCIAL DISTRICT), SECTION 902 (USE REGULATIONS),

SUBSECTION 2 (NC NEIGHBORHOOD COMMERCIAL DISTRICT CONDITIONAL USES), TO PERMIT SURFACE LAND USES AFFILIATED WITH TRANSMISSION PIPELINES IN ALL ZONING DISTRICTS BY CONDITIONAL USE; TO AMEND PART 13 (GENERAL AND SUPPLEMENTAL REGULATIONS AND DESIGN STANDARDS), SECTION 1306 (PARKING STANDARDS), PARAGRAPH E (MINIMUM OFF-STREET PARKING SPACE REQUIREMENT) TO ADD PARKING REQUIREMENTS FOR SURFACE LAND USES AFFILIATED WITH TRANSMISSION PIPELINES; AND TO ADD A NEW SECTION 1338 ENTITLED "SURFACE LAND USES AFFILIATED WITH TRANSMISSION PIPELINES" TO CONTAIN THE FOLLOWING SUBSECTIONS: PURPOSE; USE PROVISIONS; AND STANDARDS FOR SURFACE LAND USES AFFILIATED WITH TRANSMISSION PIPELINES; TO AMEND PART 17 (AMENDMENTS), SECTION 1704 (PUBLIC HEARING AND NOTICE), PARAGRAPH B, SUBPARAGRAPH (3) TO ELIMINATE THE NOTICE BY MAIL REQUIREMENT FOR ZONING MAP CHANGES THAT CONSTITUTE A COMPREHENSIVE REZONING; TO AMEND PART 19 (NONCONFORMING USES, STRUCTURES AND BUILDINGS), SECTION 1902 (NONCONFORMING STRUCTURE OR BUILDING), PARAGRAPH C (EXPANSION OR EXTENSION OF NONCONFORMING NONRESIDENTIAL BUILDINGS OR STRUCTURES BY VARIANCE) TO ELIMINATE THE NEED FOR A VARIANCE WHEN THE BUILDING EXPANSION DOES NOT EXPAND THE EXISTING NONCONFORMITY; TO AMEND PART 20 (WIRELESS COMMUNICATIONS FACILITIES), SECTION 2002 (APPLICABILITY), SUBSECTION B (PRE-EXISTING APPROVED WCF STRUCTURES AND WCFs) TO INCREASE THE PROVISIONS TO WHICH EXISTING FACILITIES ARE SUBJECT; TO AMEND SECTION 2003 (GENERAL REQUIREMENTS FOR ALL WCF STRUCTURES AND WIRELESS COMMUNICATIONS FACILITIES), SUBSECTION E (PERMIT REQUIRED-MODIFICATION OR CO-LOCATION OF WIRELESS COMMUNICATIONS FACILITIES ON AN EXISTING WCF STRUCTURE) TO ESTABLISH A 60-DAY REVIEW PERIOD FOR MODIFICATION OR CO-LOCATION APPLICATIONS; TO AMEND SECTION 2004 (REQUIREMENTS FOR TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES LOCATED OUTSIDE THE RIGHT-OF-WAY), SUBSECTION E (DEVELOPMENT REGULATIONS), PARAGRAPH 5 (HEIGHT RESTRICTIONS), SUBPARAGRAPH B TO REQUIRE THAT ADDITIONAL ANTENNA ARRAY FOR HEIGHT EXTENSIONS TO TOWER-BASED WCFs OUTSIDE THE RIGHT-OF-WAY BE SEPARATED BY NOT MORE THAN 20 FEET; AND TO AMEND SECTION 2005 (TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES LOCATED IN THE RIGHT-OF-WAY), SUBSECTION E (DEVELOPMENT REGULATIONS), PARAGRAPH (2) (HEIGHT RESTRICTIONS), SUBPARAGRAPH (b) TO RESTRICT HEIGHT EXTENSIONS FOR TOWER-BASED WCFs IN THE

RIGHT-OF-WAY TO NOT MORE THAN THE GREATER OF 10% OR 10 FEET.

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, Chester County, Pennsylvania, Chapter 9 (Grading and Excavating), Part 1 (Stormwater Management), Subpart C (Stormwater Management Standards), Section 129 (Calculation Methodology), Paragraph 1 is hereby amended and restated in its entirety, as follows:

1. Stormwater runoff from all regulated activity sites shall be calculated using a generally accepted calculation technique(s) that is based on the NRCS soil cover complex method. Table 129.1 summarizes acceptable computation methods. The method selected for use shall be based on the individual limitations and suitability of each method for a particular site.

SECTION II. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 9 (Grading and Excavating), Part 1 (Stormwater Management), Subpart C (Stormwater Management Standards), Section 129 (Calculation Methodology), Paragraph 1, Table 129.1 (Acceptable Computation Methodologies for SWM Site Plan), is hereby amended to delete the fourth row of the table in its entirety pertaining to the Rational Method.

SECTION III. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 9 (Grading and Excavating), Part 1 (Stormwater Management), Subpart C (Stormwater Management Standards), Section 129 (Calculation Methodology), is hereby amended to delete

Paragraphs 3 and 6 in their entirety and to consecutively renumber the remaining paragraphs of said section.

SECTION IV. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 9 (Grading and Excavating), Part 1 (Stormwater Management), Subpart E (Performance and Inspection of Regulated Activities, and Final As-Built Plans), Section 152 (Final As-Built Plans), Paragraph 6 is hereby amended to add “within ninety (90) days of completion of the work” after “The as-built plans must be received” and before the comma appearing in the first line of said paragraph.

SECTION V. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 9 (Grading and Excavating), Appendix E (Stormwater Best Management Practices (BMPs) and Conveyances Operation and Maintenance Agreement), is hereby amended to add the following “Whereas” paragraph at the end of the existing “Whereas” paragraphs:

WHEREAS, the Municipality desires to obtain easements over all portions of the Property that are components of the stormwater BMP(s) and conveyances for purposes of acquiring the right to enter upon the Property and to inspect, maintain, repair and/or replace all stormwater BMP(s) and conveyances, when and if necessary.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 9 (Grading and Excavating), Appendix E (Stormwater Best Management Practices (BMPs) and Conveyances Operation and Maintenance Agreement), is hereby amended to delete Paragraph Numbered 4 of said agreement and to add a new Paragraph Numbered 4 in its place, as follows:

4. The Landowner hereby irrevocably grants to the Municipality, its authorized agents and employees, the full and uninterrupted right, right of way, privilege, easement and authority to enter upon all areas of the Property at

reasonable times and upon presentation of proper identification, to inspect the BMP(s) and conveyance(s) whenever it deems necessary for compliance with this Agreement, the O&M Plan and the Municipality's Stormwater Management Ordinance. Whenever possible, the Municipality shall notify the Landowner prior to entering the Property and shall enter from a public right of way or roadway if and to the extent feasible.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 9 (Grading and Excavating), Appendix E (Stormwater Best Management Practices (BMPs) and Conveyances Operation and Maintenance Agreement), is hereby amended to add the word "fees" after the word "attorneys" appearing in the last sentence of Paragraph Numbered 10.

SECTION VI. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 21 (Streets and Sidewalks), Part 3 (Standard Construction and Material Specifications for Public Improvements), Exhibit 21-3-A (Standard Construction and Material Specifications for Public Improvements), Section 1 (General Conditions), Paragraph 1.6 (Protection of Work and Property), is hereby amended to add a new paragraph at the end of said section, as follows:

The Township Engineer may require the Improver to document site conditions prior to construction with a digital video to be submitted to the Township prior to the commencement of construction (a pre-construction video).

SECTION VII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 2 (Definitions), Section 202 (Definitions), is hereby amended to add new definitions for "Pipeline", "Surface Land Uses Affiliated with Transmission Pipelines" and "Transmission Pipelines", as follows:

PIPELINE — as defined by Title 49, Code of Federal Regulations, Sections 195.2 and 192.3.

SURFACE LAND USES AFFILIATED WITH TRANSMISSION PIPELINES — above-ground transmission pipeline facilities including, but not limited to, compressor stations, pumping stations, regulator stations, launcher/receiver stations, and other surface pipeline appurtenances.

TRANSMISSION PIPELINES — transmission pipelines include, but are not limited to, pipelines designed for the transmission of a "gas" or "petroleum gas", except a "service line", as those terms are defined by Title 49, Code of Federal Regulations, Section 192.3; also included are pipelines designed for the transmission of a "hazardous liquid", as defined by Title 49, Code of Federal Regulations, Section 195.2.

SECTION VIII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 304 (Preliminary Plan Submission, Resubmission, Review and Content), Subsection 2 (Review), Paragraph B (Review by the Township Consultants), Subparagraph (1) is hereby amended to delete the words “meeting after the” appearing after the word “next” and before the word “regularly” in the last sentence of said subparagraph.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 304 (Preliminary Plan Submission, Resubmission, Review and Content), Subsection 2 (Review), Paragraph B (Review by the Township Consultants), Subparagraph (2) is hereby amended to delete the words “meeting after the” appearing after the word “next” and before the word “regularly” in the last sentence of said subparagraph.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 304 (Preliminary Plan Submission, Resubmission, Review and Content), Subsection 2 (Review), Paragraph B (Review by the Township Consultants), Subparagraph (3) is hereby amended to

delete the words “meeting after the” appearing after the word “next” and before the word “regular” in the last sentence of said subparagraph.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 304 (Preliminary Plan Submission, Resubmission, Review and Content), Subsection 2 (Review), Paragraph B (Review by the Township Consultants), Subparagraph (4) is hereby amended to delete the words “meeting after the” appearing after the word “next” and before the word “regularly” in the last sentence of said subparagraph.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 304 (Preliminary Plan Submission, Resubmission, Review and Content), Subsection 2 (Review), Paragraph B (Review by the Township Consultants), Subparagraph (5) is hereby amended to delete the words “meeting after the” appearing after the word “next” and before the word “regularly” in the last sentence of said subparagraph.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 304 (Preliminary Plan Submission, Resubmission, Review and Content), Subsection 2 (Review), Paragraph B (Review by the Township Consultants), Subparagraph (6) is hereby amended to delete the words “meeting after the” appearing after the word “next” and before the word “regularly” in the last sentence of said subparagraph.

SECTION IX. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 304 (Preliminary Plan Submission, Resubmission, Review and Content), Subsection 3 (Content),

Paragraph A (General Content), Subparagraph (9) is hereby amended to add the following at the end of said subparagraph:

For the purpose of demonstrating how net lot area is calculated, the applicant shall utilize the template located in Appendix 22-C of this Chapter.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), is hereby amended to add a new Appendix 22-C entitled: "Zoning Requirements/Net Lot Area Template for East Coventry Township", as follows:

SECTION X. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 304 (Preliminary Plan Submission, Resubmission, Review and Content), Subsection 3 (Content), Paragraph A (General Content), is hereby amended to add a new Subparagraph 28, as follows:

(28) The locations, center line right-of-way, limits of easements and dimensions of all transmission pipelines on the tract and (i) on any abutting property, or (ii) within any applicable setback area as described in §431.2.A of this Chapter, or (iii) within any “PIR” area as defined in §431.2.A(2) of this Chapter, whichever distance is the greatest.

SECTION XI. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 304 (Preliminary Plan Submission, Resubmission, Review and Content), Subsection 3 (Content), Paragraph H (Site Analysis), is hereby amended to add the words “land developments or” after the words “For all” and before the word “subdivisions” appearing at the beginning of said paragraph.

SECTION XII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 305 (Final Plan Submission, Resubmission, Review and Content), Subsection 2 (Review), Paragraph B (Review by the Township Consultants, the Authority or Other Entity, for Sanitary Sewage Disposal and the Authority or Other Entity, for Water Supply), Subparagraph (1) is hereby amended to delete the words “meeting after the” appearing after the word “next” and before the word “regularly” in the last sentence of said subparagraph.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 305 (Final Plan Submission, Resubmission, Review and Content), Subsection 2 (Review), Paragraph B (Review by the Township Consultants, the Authority or Other Entity, for Sanitary Sewage Disposal and the Authority or Other Entity, for Water Supply), Subparagraph (2) is hereby amended to delete the words “meeting after the” appearing after the word “next” and before the word “regularly” in the last sentence of said subparagraph.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 305 (Final Plan Submission, Resubmission, Review and Content), Subsection 2 (Review), Paragraph B (Review by the Township Consultants, the Authority or Other Entity, for Sanitary Sewage Disposal and the Authority or Other Entity, for Water Supply), Subparagraph (3) is hereby amended to delete the words “meeting after the” appearing after the word “next” and before the word “regularly” in the last sentence of said subparagraph.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 305 (Final Plan Submission, Resubmission, Review and Content), Subsection 2 (Review), Paragraph B (Review by the Township Consultants, the Authority or Other Entity, for Sanitary Sewage Disposal and the Authority or Other Entity, for Water Supply), Subparagraph (4) is hereby amended to delete the words “meeting after the” appearing after the word “next” and before the word “regularly” in the last sentence of said subparagraph.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section

305 (Final Plan Submission, Resubmission, Review and Content), Subsection 2 (Review), Paragraph B (Review by the Township Consultants, the Authority or Other Entity, for Sanitary Sewage Disposal and the Authority or Other Entity, for Water Supply), Subparagraph (7) is hereby amended to delete the words “meeting after the” appearing after the word “next” and before the word “regularly” in the last sentence of said subparagraph.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 305 (Final Plan Submission, Resubmission, Review and Content), Subsection 2 (Review), Paragraph B (Review by the Township Consultants, the Authority or Other Entity, for Sanitary Sewage Disposal and the Authority or Other Entity, for Water Supply), Subparagraph (8) is hereby amended to delete the words “meeting after the” appearing after the word “next” and before the word “regularly” in the last sentence of said subparagraph.

SECTION XIII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 307 (Recording of Final Plans), Paragraph 2 is hereby amended to delete the reference to “record plan” appearing in the first sentence of said paragraph and to add the following in its place: “final plan set”.

SECTION XIV. – 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 404 (Monuments and Markers), Subsection 1 (Monument Standards), Paragraph A is hereby amended to delete said paragraph in its entirety and to add the following Paragraph A in its place:

A. Permanent concrete monuments shall be accurately placed along the right-of-way line of all existing and proposed streets internal to or abutting the exterior boundary of each property subject to subdivision or land development 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 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.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 4 (Development Design Standards), Section 404 (Monuments and Markers), Subsection 1 (Monument Standards), Paragraph D is hereby amended to delete said paragraph in its entirety.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 4 (Development Design Standards), Section 404 (Monuments and Markers), Subsection 1 (Monument Standards) is hereby amended to consecutively renumber the remaining paragraphs of said subsection.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 4 (Development Design Standards), Section 404 (Monuments and Markers), Subsection 2 (Marker Standards), Paragraph A is hereby amended to delete said paragraph in its entirety and to add the following Paragraph A in its place:

A. Markers (lot pins) shall be accurately placed at all lot corners within a subdivision or land development, at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of each

property subject to subdivision or land development, except along a street right-of-way.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 4 (Development Design Standards), Section 404 (Monuments and Markers), Subsection 2 (Monument Standards), Paragraph C is hereby amended to delete said paragraph in its entirety.

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 406 (Streets), Paragraph 7 is hereby amended to add the words “or land development” after the word “subdivision” appearing in the first sentence of said paragraph.

SECTION XVI. – 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 423 (Other Utilities), Subsection 3 (Gas, Electric and Petroleum Product Pipelines), is hereby amended to delete said subsection in its entirety and to add a new Subsection 3, as follows:

3. Gas, Electric and Petroleum Product Utilities. There shall be a minimum distance of fifty (50) feet, measured at the shortest distance, between any proposed dwelling, industrial or commercial building and any existing natural gas, electric, telecommunications or petroleum product utility right-of-way or property line. See §431 of this Chapter for setback requirements for transmission pipelines as defined in §202 herein.

SECTION XVII. – 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 428 (Landscaping, Screening and Buffering), Paragraph 1, is hereby amended to add a new subparagraph "I" at the end of said paragraph, as follows:

I. Construction or installation of any surface land use affiliated with transmission pipelines.

SECTION XVIII. – 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), is hereby amended to add a new Section 431 entitled "Buffer Standards and Setbacks from Transmission Pipelines", as follows:

§431. Buffer Standards and Setbacks from Transmission Pipelines.

1. **Purpose.** The purpose of this Section is to help prevent and minimize unnecessary risk to the public health, safety and welfare due to transmission pipelines and ensure consistency with the intent of the Township's Comprehensive Plan. Recognizing it is impossible to eliminate risk entirely, this Section is intended to:

A. Minimize the likelihood of accidental damage to transmission pipelines due to external forces, such as construction activity and equipment.

B. Avoid exposing land uses with high on-site populations that are difficult to evacuate.

C. Help reduce adverse impacts in the event of a pipeline failure.

D. Ensure compliance with and supplement existing federal and state regulations related to transmission pipeline corridor management, including Federal Energy Regulatory Commission (FERC) standards, the Pennsylvania Oil and Gas Act, as amended, and Pennsylvania case law.

2. **Applicability.**

A. **Setbacks.**

(1) New residential buildings and all new commercial, industrial and institutional uses other than those surface uses affiliated with transmission pipelines shall be set back a minimum of three hundred (300) feet from any existing or proposed transmission pipeline right-of-way; such uses shall

be set back from natural gas compressor stations or other surface land uses affiliated with transmission pipelines a minimum of seven hundred and fifty (750) feet or five hundred (500) feet from the nearest lot line of natural gas compressor stations or other surface land uses affiliated with transmission pipelines, whichever is greater. Other unoccupied residential or non-residential accessory uses such as but not limited to detached garages, parking areas, storage facilities or garden sheds shall not be located within two hundred (200) feet of any pipeline right-of-way. Where yard area or other setbacks of the underlying zoning district contradict these standards, the larger of the setbacks shall apply.

(2) Setbacks may be modified by the Township pursuant to the type of material being transported in the pipeline, the type of use being proposed for the site, and the current status of science regarding safety protocols in proximity to pipelines or surface land uses affiliated with transmission pipelines. The Township shall, on a case-by-case basis, determine whether increased setbacks are warranted consistent with the "Potential Impact Radius" (PIR), defined by the relationship between the diameter of the adjacent pipeline and its maximum operating pressure (See Appendix "A" of the Zoning Ordinance [Chapter 27]), whether high on-site populations are proposed (often referred to as High Consequence Areas), and whether more than one transmission pipeline (such as coupled lines) exist (or are proposed). The PIR approach is applicable only to "gas" or "petroleum gas" transmission pipelines as defined by Title 49, Code of Federal Regulations, Section 192.3. Transmission pipelines carrying "hazardous liquids", as defined by Title 49, Code of Federal Regulations, Section 195.2 shall adhere to the setback standards contained in this Subsection.

(3) No activity or grading within the pipeline setback shall create depressions or areas in which flammable or explosive materials may collect or accumulate; examples include but are not limited to grading for structures, stormwater management facilities or landscape beds. Furthermore, pipeline rights-of way shall be identified and protected during construction by erecting suitable temporary barricades (non-disturbance fencing or silt fencing) and posting notices on-site.

B. Consultation Zone. Any preliminary and/or final plan application, other than those surface uses affiliated with transmission pipelines, for new residential structures and all commercial, industrial and institutional uses (whether Class 1, 2, 3 or 4 locations pursuant to Appendix A of Chapter 27), proposed within six hundred sixty (660) feet of any existing or proposed transmission pipeline right-of-way shall include written verification from the applicant that:

(1) The applicant has contacted the pipeline operator(s) and has provided the pipeline operator(s) with documentation detailing the proposed development activity and where the activity is to take place;

(2) The applicant has made sufficient access to the pipeline available to the pipeline operator(s) for routine maintenance and emergency operations; and

(3) The pipeline operator(s) has reviewed the documents for compatibility with continued or proposed safe operation of the transmission pipeline(s).

It shall be clear in the written notification submitted with the preliminary and final plan applications that the pipeline operator(s) has received and acknowledged documentation showing the proposed activity and its location.

C. Land Uses With High On-Site Populations.

(1) Applicants for land uses with high on-site populations within six hundred sixty (660) feet of a transmission pipeline shall develop appropriate mitigation measures to help reduce adverse impacts in the event of a pipeline failure. Such measures and/or corresponding plans shall be submitted to the Township for review. Land uses with high on-site populations include schools (through grade 12), hospitals, clinics, multi-family housing, retirement and/or life care facilities, stadiums or arenas, day care centers, or large scale commercial, industrial or institutional uses of fifty (50) or more persons.

(2) Mitigation measures intended to reduce risk and minimize impact in the event of a pipeline failure include but are not limited to: emergency procedures such as emergency plans and guides, employee training and drills, and education programs for occupants and employees concerning pipeline safety, such as what to be aware of and how to respond in the event of a problem. Applicants shall consult with the Township Fire Marshal regarding the level of emergency planning and procedures appropriate for the proposed development; the Fire Marshal may also require submission of plans for review and approval where deemed appropriate.

3. Land Development Design, Buffering and Screening.

A. Applicants shall consider existing or proposed pipelines in their design and placement of lots, structures and roads. Specifically, consideration shall be given to incorporating the linear appearance of the pipeline right-of-way into the overall development design or landscaping in a manner that works with or minimizes the linear appearance of the pipeline right-of-way. Attempts shall be made to avoid creating a bisecting and unnatural linear space that does not relate to the land development.

B. The applicant shall provide a landscape plan in accordance with the requirements of §428 of this Chapter showing landscaping proposed to be installed to minimize the linear appearance of the pipeline right-of-way and to screen and buffer new development from transmission pipelines in the event of an accident or failure. Landscaping

shall be used both to minimize the linear appearance of the pipeline right-of-way and to buffer structures from those remedial activities associated with pipeline failure and clean-up.

The landscape plan shall conform to the requirements of §428.11.D of this Chapter and shall incorporate a mix of native vegetation, including evergreens, shrubbery and trees, which shall be of sufficient density to meet the objectives outlined herein. Existing vegetation in proximity to transmission pipelines shall be preserved to the greatest extent possible. All proposed landscaping shall comply with the requirements of §429 of this Chapter.

SECTION XIX. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 7 (Administration), Section 704 (Modifications and Waivers), Paragraph 3 is hereby amended to delete said Paragraph in its entirety and to replace it with a new Paragraph 3, as follows:

3. All requests for modifications or waivers shall be submitted in writing in the form of a letter addressed to the Township. The letter shall accompany and be made a part of the application for preliminary plan approval and shall provide the following information:

A. The citation for and a restatement of the specific section or sections of this Chapter from which a modification or waiver is sought;

B. A description of the extent of the modification or waiver being requested and the alternatives being proposed; and

C. A full and complete explanation of the reasons why strict application of the requirements of the identified section(s) would be unreasonable or result in hardship to the applicant if the requested relief is not granted.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 7 (Administration), Section 704 (Modifications and Waivers), is hereby amended to add a new Paragraph 5, as follows:

5. Any modifications or waivers approved by the Board of Supervisors shall be described in a Waiver Matrix, the form of which is provided in Appendix 22-A of this Chapter. The Waiver Matrix shall be fully completed for all approved modifications or waivers and placed on the first sheet of the

applicant's plan. 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.

SECTION XX. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Appendix 22-A (Waiver Request Matrix) is hereby amended to delete "Request" from the title to Appendix 22-A.

SECTION XXI. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Appendix 22-B (Street Trees and General Landscaping Approved Plant List), Section 1 (Approved Street Trees) is hereby amended to delete the following from said section:

<u>Botanical Name</u>	<u>Common Name</u>
Fraxinus Americana	White Ash
Fraxinus Pennsylvania	Green Ash

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Appendix 22-B (Street Trees and General Landscaping Approved Plant List), Section 4 (Approved Ornamental Trees) is hereby amended to delete the following from said section:

<u>Botanical Name</u>	<u>Common Name</u>
Sorbus Americana	Mountain Ash

SECTION XXII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 2 (Definitions), Section 202 (Definitions), is hereby amended to delete

the definition for “Substantial Change” appearing in said section and to add a new definition for “Substantial Change” in its place, as follows:

SUBSTANTIAL CHANGE – means: (1) the replacement of a WCF Structure; or (2) for a Tower-Based WCF not in the ROW, (i) any increase in the height of the Tower-Based WCF by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna by more than twenty (20) feet, or (ii) adding an appurtenance to the body of the Wireless Tower that would protrude from the edge of the Wireless Tower by more than twenty (20) feet or by more than the width of the Wireless Tower at the level of the appurtenance; or (3) for all other Non-Tower WCFs and Tower-Based WCFs in the ROW, (i) any increase in the height of the WCF Structure by more than 10% or by more than ten (10) feet, or (ii) adding an appurtenance to the body of the WCF Structure that would protrude from the edge of the structure by more than six (6) feet; or (4) any change that entails excavation outside of the current approved site; or (5) any change that would violate any conditions of approval previously issued by the Township or the Stealth Technology of the existing WCF Structure; or (6) as otherwise defined under applicable FCC rules and regulations.

SECTION XXIII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 2 (Definitions), Section 202 (Definitions), is hereby amended to add new definitions for “Pipeline”, “Surface Land Uses Affiliated with Transmission Pipelines” and “Transmission Pipelines”, as follows:

PIPELINE — as defined by Title 49, Code of Federal Regulations, Sections 195.2 and 192.3.

SURFACE LAND USES AFFILIATED WITH TRANSMISSION PIPELINES — above-ground transmission pipeline facilities including, but not limited to, compressor stations, pumping stations, regulator stations, launcher/receiver stations, and other surface pipeline appurtenances.

TRANSMISSION PIPELINES — transmission pipelines include, but are not limited to, pipelines designed for the transmission of a "gas" or "petroleum gas", except a "service line", as those terms are defined by Title 49, Code of Federal Regulations; Section 192.3; also included are pipelines designed for the transmission of a "hazardous liquid", as defined by Title 49, Code of Federal Regulations, Section 195.2.

SECTION XXIV. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 5 (FR Farm Residential District), Section 502 (Use Regulations), Subsection 2 (Conditional Uses), is hereby amended to add a new Paragraph B as follows:

B. Surface land uses affiliated with transmission pipelines, subject to the standards and criteria for surface land uses set forth in §1338 of this Chapter.

SECTION XXV. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 9 (NC Neighborhood Commercial District and C Commercial District), Section 902 (Use Regulations), Subsection 2 (NC Neighborhood Commercial District Conditional Uses), is hereby amended to add a new Paragraph B as follows:

B. Surface land uses affiliated with transmission pipelines, subject to the standards and criteria for surface land uses set forth in §1338 of this Chapter.

SECTION XXVI. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 13 (General and Supplemental Regulations and Design Standards), Section 1306 (Parking Standards), Paragraph E (Minimum Off-Street Parking Space Requirement), is hereby amended to add the following to the Parking Space Chart at the end of the listings under the “Industrial Uses” heading:

<u>Industrial Uses</u>	<u>Parking Spaces</u>	<u>Other Standards</u>
Surface Land Use	-	If not automated, 1.0
Affiliated w/ Transmission Pipeline		per employee, largest shift, plus additional spaces to accommodate shift changes and adequate storage for other vehicles used on site as determined appropriate by Township

SECTION XXVII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 13 (General and Supplemental Regulations and Design Standards), is hereby amended to add a new Section 1338 entitled “Surface Land Uses Affiliated with Transmission Pipelines”, as follows:

§1338. Surface Land Uses Affiliated with Transmission Pipelines.

1. Purpose. The intent of this Section is to:

- A.** Accommodate the need for surface land uses affiliated with transmission pipelines consistent with the desire to protect the health, safety and welfare of the citizens of the Township.
- B.** Minimize aesthetic, nuisance and visual impacts of surface land uses affiliated with transmission pipelines through proper design, siting and vegetative screening.
- C.** Ensure the location of surface land uses affiliated with transmission pipelines in compliance with applicable industry standards and requirements, Federal law, and Pennsylvania State law, including the Federal Energy Regulatory Commission (FERC), the Pennsylvania Oil and Gas Act (as amended), and Pennsylvania case law.
- D.** Preserve the rural, suburban and urban character of neighborhoods adjacent to surface land uses affiliated with transmission pipelines.

2. Use Provisions.

A. Except as otherwise designated in Paragraph B below, surface land uses affiliated with transmission pipelines shall be permitted as a principal use in all zoning districts when adjacent to and within 100 feet of underground transmission pipelines that exist as of the date of adoption of this Section or are proposed when authorized as a conditional use pursuant to Subsection 3 below and Part 14 of this Chapter. In addition, such uses shall meet the dimensional requirements, including but not limited to area and bulk standards, of the underlying zoning district and shall demonstrate compliance with the East Coventry Township Stormwater Management Ordinance [Chapter 9, Part 1].

B. Surface land uses affiliated with transmission pipelines shall be prohibited in the following areas: (1) the SSCD Steep Slope

Conservation District; (2) the FW Floodway Floodplain District; (3) areas containing seasonally high water table soils; (4) areas containing wetlands; (5) riparian buffer areas; and (6) all areas identified on the Historic Resources Map of the Township as described in Part 12 of this Chapter.

C. All other uses ancillary to surface land uses affiliated with transmission pipelines are prohibited unless otherwise permitted in the zoning district in which the use is located.

3. Standards for Surface Land Uses Affiliated with Transmission Pipelines. The following standards will be considered by the Township prior to permitting surface land uses affiliated with transmission pipelines:

A. Setbacks.

(1) Unless otherwise approved by the Board of Supervisors upon recommendation of the Township Planning Commission, the applicant shall demonstrate that the setbacks for surface land uses affiliated with transmission pipelines and all supporting equipment and structures to any property line or right-of-way shall be consistent with the minimum setback in the underlying zoning district. In addition, surface land uses affiliated with transmission pipelines and all supporting equipment and structures shall be setback a minimum of seven hundred and fifty (750) feet from residential buildings and all commercial, industrial and institutional uses or a minimum of five hundred (500) feet from the nearest lot line, whichever is greater. Where yard area or other setbacks of the underlying zoning district contradict these standards, the larger of the setbacks shall apply.

(2) Setbacks may be increased by the Township pursuant to the type of material being managed at the surface land use affiliated with transmission pipelines, if the use is adjacent to areas of high on-site population, and the current status of science regarding safety protocols in proximity to pipelines or surface land uses affiliated with transmission pipelines. The Township shall, on a case-by-case basis, determine if increased setbacks are warranted consistent with the "Potential Impact Radius" ("PIR"), defined by the relationship between the diameter of the adjacent pipeline (and appurtenances) and its maximum operating pressure (see Appendix "A"), if high on-site populations are located in close proximity (referred to as High Consequence Areas), and if more than one transmission pipeline (such as coupled lines) will be managed at the surface land use affiliated thereto. The PIR approach is applicable only to surface land uses affiliated with "gas" or "petroleum gas" transmission pipelines as defined by Title 49, Code of Federal Regulations, Section 192.3. Surface land uses affiliated with transmission pipelines carrying "hazardous liquids", as defined by Title 49, Code of Federal Regulations, Section 195.2, shall adhere to the setback standards contained in this Paragraph A.

B. Landscaping. The applicant shall provide a plan prepared by a landscape architect licensed in Pennsylvania showing landscaping proposed to be installed to screen and buffer surface land uses affiliated with transmission pipelines. The landscape plan shall incorporate a mix of native vegetation, including evergreens, shrubbery and trees, which shall be of sufficient density to screen the facility. Existing vegetation in proximity to surface land uses affiliated with transmission pipelines shall be preserved to the greatest extent possible. All proposed landscaping shall comply with the requirements of §428.11.D of the Subdivision and Land Development Ordinance [Chapter 22] and §1309 of this Chapter. Applicants shall submit a visual survey from mutually agreed upon vantage points in order to support the proposed landscaping plan's mitigation of visual impacts.

C. Noise. Sound produced by the surface land use affiliated with transmission pipelines shall not result in noise or vibration clearly exceeding the average intensity of noise or vibration occurring from other causes at the property line; in no case shall the sound pressure level exceed (1) the noise levels set forth in §1330.G of this Chapter measured one hundred (100') feet from the property line of the property upon which the emission occurs, or (2) 60 dB(A) (according to the American National Standards Institute (ANSI) "a" weighted scale) at the property line closest to the land use, whichever is more restrictive.

D. Odors. Odor, vapors or particulate matter produced by the surface land use affiliated with transmission pipelines shall not exceed (1) the average emission of such substances occurring from other causes at the property line, and (2) the standards set forth in §1330.F of this Chapter. Specific contaminants shall be regulated by PA Code, Title 25, Environmental Protection, Part 1, Subpart C, Article III, Air Resources.

E. Signage. All signs, other than utility identification signs, appropriate warning signs, or owner identification signs, shall be prohibited. There shall be no antennae, advertising, or other items or material affixed to or otherwise placed on surface land uses affiliated with transmission pipelines, except as permitted by the Township.

F. Parking. If the surface land use affiliated with transmission pipelines is fully automated, adequate parking as determined by the Township shall be required for maintenance workers. If the site is not automated, the number of parking spaces shall be equal to the number of people on the largest shift, plus such additional spaces to accommodate shift changes and to provide adequate storage for other vehicles used on site as determined appropriate by the Township. Parking spaces shall be located within the landscape buffer area so they are substantially concealed when viewed from surrounding properties.

G. Lighting. No surface land use affiliated with pipeline utilities shall be artificially lighted except as required for emergency night time access. Any such lights shall be shielded so as to prevent intrusion upon nearby properties.

H. Engineered Drawing Submission. Applications for a land use affiliated with pipeline utilities shall be accompanied by engineering drawings prepared by an engineer licensed in Pennsylvania. The engineer shall certify that all applicable Commonwealth of Pennsylvania and U.S. standards and all Township Ordinances and requirements for the construction, operation, and maintenance of the proposed facility have been met.

I. Visual Impact. Any surface land use affiliated with transmission pipelines shall be designed and constructed so as to mitigate the visual impact from public roads and nearby uses. In addition, the color and other visual features of the land use affiliated with pipeline utilities shall be designed and installed in such a manner so as to create the least visual impact practicable.

J. State and Federal Regulation. All applicants, whether commercial pipeline companies or otherwise, must demonstrate the submission of sufficient filings and/or receive sufficient approvals, as required, through the Federal Energy Regulatory Commission (FERC), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and appropriate departments or agencies of the Commonwealth of Pennsylvania, including without limitation, the Pennsylvania Department of Environmental Protection (PADEP) and/or the Pennsylvania Public Utilities Commission (PA PUC). Such documentation is not required as part of the initial application to the Township, but must be included with the final as-built plans submitted upon approval by the Township.

K. Removal of Surface Land Uses Affiliated With Transmission Pipelines. Any surface land uses affiliated with transmission pipelines that are no longer licensed and active shall be removed and the site restored to its original condition at the owner's expense within 60 days of the last date that the facility was licensed by the PADEP and FERC. A bond or escrow account shall be posted with the Township prior to the construction of the facility in an amount determined by the Township to be sufficient to ensure such removal and site restoration. The applicant shall have prepared and shall submit to the Township to accompany the bond or escrow account, an estimate of the cost necessary to remove the surface land use facility associated with the pipeline and restore the site to its preconstruction condition.

SECTION XXVIII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 17 (Amendments), Section 1704 (Public Hearing and Notice), Paragraph B, Subparagraph (3), is hereby amended to add the following at the end of said subparagraph:

The provisions of this Subparagraph (3) shall not apply when the zoning map change constitutes a comprehensive rezoning.

SECTION XXIX. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 19 (Nonconforming Uses, Structures and Buildings), Section 1902 (Nonconforming Structure or Building), Paragraph C (Expansion or Extension of Nonconforming Nonresidential Buildings or Structures by Variance), is hereby amended to delete said paragraph in its entirety and to add the following paragraph in its place:

C. Expansion or Extension of Nonconforming Nonresidential Buildings or Structures by Variance. Where a nonresidential building or structure is nonconforming, the nonconformity may not be expanded, extended or increased in size in any manner except pursuant to authorization for variance obtained from the Zoning Hearing Board, provided that (1) such alteration, reconstruction, extension or enlargement shall be only upon the same lot as in existence at the date the use(s) became nonconforming, and (2) such nonconforming use, or the building or structure in which it is conducted, shall not be enlarged more than fifty percent (50%) greater than the original building footprint occupied by such use at the time said use became nonconforming under the provisions of this Chapter or any amendments thereto.

SECTION XXX. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 20 (Wireless Communications Facilities), Section 2002 (Applicability), Subsection B (Pre-Existing Approved WCF Structures and WCFs), is hereby amended to delete the reference to “Subsections 2003(C), (E), (P), (Q) and (R) below.”

appearing in said subsection and to add the following in its place: “Subsections 2003(A), (C), (E), (P), (Q), (R) and (X) below.”

SECTION XXXI. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 20 (Wireless Communications Facilities), Section 2003 (General Requirements for All WCF Structures and Wireless Communications Facilities), Subsection E (Permit Required – Modification or Co-location of Wireless Communications Facilities on an Existing WCF Structure), is hereby amended to renumber the text of existing Subsection E as Paragraph (1) and to add a new Paragraph (2), as follows:

(2) The Township shall approve or deny the application for modification or co-location within sixty (60) days of the date on which the application is submitted. The 60-day review period may be tolled by mutual agreement or if the Township determines the application is incomplete. If the application is incomplete, the Township shall, within thirty (30) days of receipt of the application, notify the applicant in writing of all missing information. The review period shall begin running again when the Township receives the requested information. In the event the Township fails to approve or deny the application within the foregoing 60-day period (subject, however, to any tolling period(s) as herein described and any other tolling periods permitted under FCC rules and regulations), the application shall be deemed approved upon written notification from the applicant that the review period has expired.

SECTION XXXII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 20 (Wireless Communications Facilities), Section 2004 (Requirements for Tower-Based Wireless Communications Facilities Located Outside the Right-of-Way), Subsection E (Development Regulations), Paragraph 5 (Height Restrictions), Subparagraph (b) is hereby amended to delete the second sentence of said subparagraph and to add the following in its place:

A height extension shall not increase the overall height of the Tower-Based WCF to more than the greater of ten percent (10%) of the pre-extension height of the

WCF Structure or the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, and shall be subject to the height limitations in Subparagraph (a) above.

SECTION XXXIII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 20 (Wireless Communications Facilities), Section 2005 (Tower-Based Wireless Communications Facilities Located in the Right-of-Way), Subsection E (Development Regulations), Paragraph (2) (Height Restrictions), Subparagraph (b) is hereby amended to delete said subparagraph in its entirety and to add the following in its place:

(b) All height extensions to an existing Tower-Based WCF in the Right-of-Way shall require prior approval of the Township, subject to the WBCA. A height extension shall not increase the overall height of the Tower-Based WCF to more than the greater of ten percent (10%) of the pre-extension height of the WCF Structure or ten (10) feet and shall be subject to the height limitations in Subparagraph (a) above. A WCF Structure that has already been extended by ten percent (10%) or more of its originally approved height or by ten (10) feet shall not be further extended.

SECTION XXXIV. – 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 XXXV. – 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 XXXVI. – Effective Date.

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

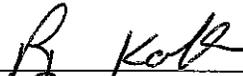
SECTION XXXVII. – Repealer.

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 12th day of December, 2016.

EAST COVENTRY TOWNSHIP

By:



Ray A. Kolb, Chairman

Attest:


Bernard A. Rodgers, Secretary

Appendix A
Potential Impact Radius (PIR) and Pipeline Class Locations

Source: "A Model for Sizing High Consequence Areas Associated With Natural Gas Pipelines", Gas Research Institute and C-FER Technologies, 2000.

The Hazard Area Radius, also referred to as the Potential Impact Radius (PIR) or Blast Radius, is calculated by comparing the diameter of a pipeline to its maximum operating pressure (psi). Note that the Impact Radius increases as operating pressure rises.

Calculating the Potential Impact Radius (PIR) (as measured in feet)

$$\text{PIR} = 0.69 * d * \text{SQRT}(P)$$

Where:

d = diameter of the pipe (inches)

SQRT = square root

P = pressure (psi)

Take the square root of the pressure (if pressure is 100 psi, the square root is 10), multiply by the diameter (inches), then multiply by 0.69. Resulting number is the PIR in feet.

Class Locations

Many of the inspection protocols through PHMSA and/or PA PUC are based on the pipeline "class location"; in general, class determines pipeline standards and frequency of inspections. Below are listed the various class locations. In essence, Class 3 & 4 areas are places where there would be greater human injury potential from a pipeline incident and therefore require more vigorous inspection regimes. Class locations are checked routinely and revised based on new development occurring in an area. Class locations are determined by the number of buildings within 660 feet (220 yards) on each side of a pipeline per sliding mile.

Class 1 location — 10 or fewer buildings.

Class 2 location — more than 10 but less than 46 buildings.

Class 3 & 4 locations — more than 46 buildings and buildings with high occupancy (churches, schools, etc.).

NOTICE

NOTICE is hereby given that the Board of Supervisors of the Township of East Coventry, at its public meeting on December 12, 2016 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 9, Part 1, Subpart C, Section 129, Paragraphs 1, 3, 6 and Table 129.1; Subpart E, Section 152, Paragraph 6; and Appendix E; To Amend Chapter 21, Part 3, Exhibit 21-3-A, Section 1, Paragraph 1.6; To Amend Chapter 22, Part 2, Section 202; Part 3, Section 304, Subsection 2, Paragraph B, Subparagraphs (1), (2), (3), (4), (5) and (6); Subsection 3, Paragraph A, Subparagraphs (9) and (28); Section 305, Subsection 2, Paragraph B, Subparagraphs (1), (2), (3), (4), (7) and (8); Section 307, Paragraph 2; Part 4, Section 404, Subsection 1, Paragraphs A and D; Subsection 2, Paragraphs A and C; Section 428; To Add A New Section 431 Entitled "Buffer Standards And Setbacks From Transmission Pipelines" To Contain The Following Subsections: Purpose; Applicability; Land Development Design, Buffering And Screening; And Signage; Part 7, Section 704, Paragraph 3 and To Add New Paragraph 5; Appendix 22-B, Sections 1 and 4; and To Add New Appendix 22-C; To Amend Chapter 27, Part 2, Section 202; Part 5, Section 502, Subsection 2; Part 9, Section 902, Subsection 2; Part 13, Section 1306, Paragraph E; To Add A New Section 1338 Entitled "Surface Land Uses Affiliated With Transmission Pipelines" To Contain The Following Subsections: Purpose; Use Provisions; And Standards For Surface Land Uses Affiliated With Transmission Pipelines; Part 17, Section 1704, Paragraph B, Subparagraph (3); Part 19, Section 1902, Paragraph C; Part 20, Section 2002, Subsection B; Section 2003, Subsection E; Section 2004, Subsection E, Paragraph 5, Subparagraph B; and Section 2005, Subsection E, Paragraph (2), Subparagraph (b).

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*, 24 North Hanover Street, Pottstown, Pennsylvania 19464, 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**