

**EAST COVENTRY TOWNSHIP
BOARD OF SUPERVISORS**

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 196

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF EAST COVENTRY TOWNSHIP, CHAPTER 22 (SUBDIVISION AND LAND DEVELOPMENT), PART 2 (DEFINITIONS), SECTION 202 (DEFINITIONS), TO AMEND THE DEFINITION OF THE OPEN SPACE PLAN PERTAINING TO THE TOWNSHIP, TO AMEND THE DEFINITION OF "PARKING AREA" TO EXCLUDE PARKING AREAS WITHIN GARAGES FROM THE CALCULATION OF REQUIRED OFF-STREET PARKING SPACES, AND TO AMEND THE DEFINITIONS FOR "LOT, CORNER", "RIPARIAN BUFFER AREA" AND "SIGHT DISTANCE"; TO AMEND 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 E TO ADD A NEW SUBPARAGRAPH 19 TO REQUIRE REFUSE STORAGE AREAS BE PROVIDED AND SCREENED FROM STREET VIEW IN MULTI-UNIT DEVELOPMENTS; TO AMEND CHAPTER 22 (SUBDIVISION AND LAND DEVELOPMENT), PART 4 (DEVELOPMENT DESIGN STANDARDS), SECTION 426 (PARK, RECREATION AND OPEN SPACE), SUBSECTION 2 (MANDATORY DEDICATION OF LAND FOR ON-SITE PARK, RECREATION AND OPEN SPACE USE), PARAGRAPH A, SUBPARAGRAPH (1), TO INCREASE THE FORMULA FOR THE MANDATORY DEDICATION OF LAND FROM 0.02 ACRES PER DWELLING UNIT TO 0.07 ACRES PER DWELLING UNIT; TO AMEND CHAPTER 27 (ZONING), PART 9 (NC NEIGHBORHOOD COMMERCIAL DISTRICT AND C COMMERCIAL DISTRICT), SECTION 902 (USE REGULATIONS), SUBSECTION 3 (NC NEIGHBORHOOD COMMERCIAL DISTRICT SPECIAL EXCEPTIONS), AND PART 10 (C-1 COMMERCIAL AND BUSINESS CAMPUS DISTRICT), SECTION 1002 (USE REGULATIONS) TO PERMIT AN IN-LAW SUITE WHEN AUTHORIZED AS A SPECIAL EXCEPTION, WHICH BY IMPLICATION ALSO PERMITS SUCH USE BY SPECIAL EXCEPTION IN THE LI LIMITED INDUSTRIAL DISTRICT; TO AMEND CHAPTER 27 (ZONING), PART 2 (DEFINITIONS), SECTION 202 (DEFINITIONS), TO AMEND THE DEFINITION OF "PARKING AREA" TO EXCLUDE PARKING AREAS WITHIN GARAGES FROM THE CALCULATION OF REQUIRED OFF-STREET PARKING SPACES, AND TO AMEND THE DEFINITIONS FOR "LOT, CORNER" AND "RIPARIAN BUFFER AREA"; TO AMEND CHAPTER 27 (ZONING), PART 13

(GENERAL AND SUPPLEMENTAL REGULATIONS AND DESIGN STANDARDS), TO ADD A NEW SECTION 1337 ENTITLED "CORNER LOT YARD FRONTAGE" TO REQUIRE THAT EVERY YARD FRONTING A STREET ON A CORNER LOT SHALL HAVE THE REQUIRED FRONT LOT DEPTH, AND TO DELETE ALL REFERENCES TO CORNER LOT FRONTAGE IN CHAPTER 27 (ZONING), PART 5 (FR FARM RESIDENTIAL DISTRICT), SECTION 503 (AREA, BULK AND DIMENSIONAL STANDARDS), PARAGRAPH D (CORNER LOTS), PART 6 (R-1 RESIDENTIAL DISTRICT), SECTION 603 (AREA, BULK AND DIMENSIONAL STANDARDS), PARAGRAPH D (CORNER LOTS), PART 7 (R-2 RESIDENTIAL DISTRICT), SECTION 703 (AREA, BULK AND DIMENSIONAL STANDARDS), PARAGRAPH 2 (CORNER LOTS), PART 8 (R-3 RESIDENTIAL DISTRICT), SECTION 803 (AREA, BULK AND DIMENSIONAL STANDARDS), PARAGRAPH 1 (SINGLE-FAMILY DETACHED RESIDENTIAL USES, AGRICULTURAL USES AND NONRESIDENTIAL USES), SUBSECTION D (CORNER LOTS), AND PART 9 (NC NEIGHBORHOOD COMMERCIAL DISTRICT AND C COMMERCIAL DISTRICT), SECTION 904 (AREA, BULK AND DIMENSIONAL STANDARDS), SUBSECTION D (CORNER LOTS); AND TO AMEND CHAPTER 22 (SUBDIVISION AND LAND DEVELOPMENT) AND CHAPTER 27 (ZONING) TO CORRECT CERTAIN SECTION NUMBER REFERENCES.

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

ORDAIN:

SECTION I. - Amendment to Code

The Codified Ordinances of East Coventry Township, Chapter 22 ("Subdivision and Land Development"), Part 2 ("Definitions"), Section 202 ("Definitions") is hereby amended to delete the term and the definition for "Open Space, Recreation and Environmental Resources Plan" in its entirety.

The Codified Ordinances of East Coventry Township, Chapter 22 ("Subdivision and Land Development"), Part 2 ("Definitions"), Section 202 ("Definitions") is hereby amended to add a new definition, to be inserted in alphabetical order, as follows:

PARKS, RECREATION, AND OPEN SPACE PLAN – the Parks, Recreation, and Open Space Plan for the Federation of Northern

Chester County Communities, adopted by the Township as an element of the East Coventry Township Comprehensive Plan on April 10, 2012 (Resolution No. 2012-10), and any amendments or supplements thereto.

The Codified Ordinances of East Coventry Township, Chapter 22 (“Subdivision and Land Development”) are hereby further amended to delete all references to the “Open Space, Recreation and Environmental Resources Plan” appearing in such Chapter and to insert the term “Parks, Recreation, and Open Space Plan” in its place.

SECTION II. - Amendment to Code

The Codified Ordinances of East Coventry Township, Chapter 22 (“Subdivision and Land Development”), Part 4 (“Development Design Standards”), Section 426 (“Park, Recreation and Open Space”), Subsection 2 (“Mandatory Dedication of Land for On-Site Park, Recreation and Open Space Use”), Paragraph A, Subparagraph (1) is hereby amended to delete said subparagraph in its entirety and to add a new Subparagraph (1) in its place, as follows:

- (1) Consistent with the Parks, Recreation, and Open Space Plan, the amount of park, recreation and open space land required to be dedicated shall be seven-hundredths (0.07) acres per proposed dwelling unit or building lot (whichever is greater).

SECTION III. - Amendment to Code

The Codified Ordinances of East Coventry Township, 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 E is hereby amended to add a new Subparagraph (19), as follows:

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

SECTION IV. - Amendment to Code

The Codified Ordinances of East Coventry Township, Chapter 22 (“Subdivision and Land Development”), Part 2 (“Definitions”), Section 202 (“Definitions”), is hereby amended to

add the following sentence at the end of the definition for “Parking Space” appearing in such section:

For residential dwellings, parking spaces within garages shall not be considered in the calculation of the minimum number of required off-street parking spaces.

SECTION V. - Amendment to Code

The Codified Ordinances of East Coventry Township, Chapter 27 (“Zoning”), Part 2 (“Definitions”), Section 202 (“Definitions”), is hereby amended to add the following sentence at the end of the definition for “Parking Space” appearing in such section:

For residential dwellings, parking spaces within garages shall not be considered in the calculation of the minimum number of required off-street parking spaces.

SECTION VI. - Amendment to Code

The Codified Ordinances of East Coventry Township, Chapter 27 (“Zoning”), Part 2 (“Definitions”), Section 202 (“Definitions”), is hereby amended to delete the definition for “Lot, Corner” appearing in said section and to insert a new definition for “Lot, Corner” in its place, as follows:

Lot, Corner – a lot at the junction of, and abutting on two (2) or more streets.

The Codified Ordinances of East Coventry Township, Chapter 22 (“Subdivision and Land Development”), Part 2 (“Definitions”), Section 202 (“Definitions”), is hereby amended to delete the definition for “Lot, Corner” appearing in said section and to insert a new definition for “Lot, Corner” in its place, as follows:

Lot, Corner – a lot at the junction of, and abutting on two (2) or more streets.

SECTION VII. - Amendment to Code

The Codified Ordinances of East Coventry Township, Chapter 27 (“Zoning”), Part 13 (“General and Supplemental Regulations and Design Standards”), is hereby amended to add a new Section 1337 entitled “Corner Lot Yard Frontage” as follows:

§1337. Corner Lot Yard Frontage. For each corner lot within any zoning district, each yard frontage on a street shall require a front lot depth as set forth in the dimensional standards of the zoning district for such lot.

The Codified Ordinances of East Coventry Township, Chapter 27 (“Zoning”) are hereby amended to delete in their entirety the following provisions relating to yard frontage on corner lots:

Part 5 (“FR Farm Residential District”), Section 503 (“Area, Bulk and Dimensional Standards”), Paragraph D (“Corner Lots”);

Part 6 (“R-1 Residential District”), Section 603 (“Area, Bulk and Dimensional Standards”), Paragraph D (“Corner Lots”);

Part 7 (“R-2 Residential District”), Section 703 (“Area, Bulk and Dimensional Standards”), Paragraph 2 (“Corner Lots”);

Part 8 (“R-3 Residential District”), Section 803 (“Area, Bulk and Dimensional Standards”), Paragraph 1 (“Single-Family Detached Residential Uses, Agricultural Uses and Nonresidential Uses”), Subsection D (“Corner Lots”); and

Part 9 (“NC Neighborhood Commercial District and C Commercial District”), Section 904 (“Area, Bulk and Dimensional Standards”), Subsection D (“Corner Lots”).

SECTION VIII. - Amendment to Code

The Codified Ordinances of East Coventry Township, Chapter 22 (“Subdivision and Land Development”), Part 2 (“Definitions”), Section 202 (“Definitions”), is hereby amended to delete the first sentence of the definition for “Riparian Buffer Area” appearing in said section and to add the following sentence in its place:

- any area within one hundred (100) feet measured from the top of the stream bank or within one hundred (100) feet measured from the water’s edge if no well-defined stream bank is present along Pigeon Creek, Stony Run, Bickles Run, the Schuylkill River and

their perennial tributaries, within which no land disturbance is permitted.

The Codified Ordinances of East Coventry Township, Chapter 27 (“Zoning”), Part 2 (“Definitions”), Section 202 (“Definitions”), is hereby amended to delete the first sentence of the definition for “Riparian Buffer Area” appearing in said section and to add the following sentence in its place:

– any area within one hundred (100) feet measured from the top of the stream bank or within one hundred (100) feet measured from the water’s edge if no well-defined stream bank is present along Pigeon Creek, Stony Run, Bickles Run, the Schuylkill River and their perennial tributaries, within which no land disturbance is permitted.

SECTION IX. - Amendment to Code

The Codified Ordinances of East Coventry Township, Chapter 22 (“Subdivision and Land Development”), Part 2 (“Definitions”), Section 202 (“Definitions”), is hereby amended to delete the definition for “Sight Distance” appearing in said section and to add a new definition for “Sight Distance” in its place, as follows:

Sight Distance – the distance along a roadway throughout which an object of specified height is continuously visible to the driver, as defined in PennDOT Pub. 70M, Chapter 2.1.C.

SECTION X. - Amendment to Code

The Codified Ordinances of East Coventry Township, Chapter 27 (“Zoning”), Part 9 (“NC Neighborhood Commercial District and C Commercial District”), Section 902 (“Use Regulations”), Subsection 3 (“NC Neighborhood Commercial District Special Exceptions”) is hereby amended to add a new Paragraph B, as follows:

- B. In-law suite, as defined in Section 202 and as regulated in Section 1515.

SECTION XI. - Amendment to Code

The Codified Ordinances of East Coventry Township, Chapter 27 (“Zoning”), Part 10 (“C-1 Commercial and Business Campus District”), Section 1002 (“Use Regulations”) is hereby amended to add a new Subsection 8, as follows:

- 8. C-1 Commercial and Business Campus District Special Exceptions. A building or other structure may be erected or used and a lot may be used or occupied when authorized as a special exception for any of the following purposes:

- A. In-law suite, as defined in Section 202 and as regulated in Section 1515.

SECTION XII. - Amendment to Code

The Codified Ordinances of East Coventry Township, 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 F, Subparagraph (1) is hereby amended to delete the reference to “subsection (1)(F)(5)” appearing in the last line of said subparagraph and to add “subsection (1)(F)(4)” in its place.

SECTION XIII. - Amendment to Code

The Codified Ordinances of East Coventry Township, Chapter 27 (“Zoning”), Part 3 (“Zoning Districts and Boundaries”), Section 303 (“Zoning District Boundaries”), Subsection 2 (“Overlay District Boundaries”), Paragraph C (“Wireless Communications Facilities Overlay

District Boundaries and Regulations”), Paragraph 7 (“Equipment Facility”), Subparagraph (c) (“Wireless Communications Facilities with Support Structures”) is hereby amended to delete the reference to “subsection (2)(B)(7)(b)(1)” appearing in said subparagraph and to add “subsection (2)(C)(7)(b)(1)” in its place.

The Codified Ordinances of East Coventry Township, Chapter 27 (“Zoning”), Part 13 (“General and Supplemental Regulations and Design Standards”), Section 1303 (“Exemptions to Height Restrictions”) is hereby amended to delete the reference to “§27-303(2)(B)” appearing in the last line of said section and to add “§27-303(2)(C)” in its place.

SECTION XIV. - Severability

The provisions of this Ordinance are intended to be 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 XV. - 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 XVI. - Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION XVII. - 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 August, 2013.

EAST COVENTRY TOWNSHIP

By: Ray A. Kolb
Ray A. Kolb, Chairman

Attest: Bernard A. Rodgers
Bernard A. Rodgers, Secretary