

ORDINANCE _____ of 2011
POCOPSON TOWNSHIP

An ordinance amending the Code of the Township of Pocopson, as amended, at Chapter 190, "Subdivision and Land Development," to revise references to Township Secretary/Treasurer, Parks, Recreation and Trails Committee and Office of the Recorder of Deeds, to correct typographical errors, to remove references to Environmental Advisory Council, to add references to township landscape consultant, to revise internal Code references, to add and revise certain definitions; to add new subsection pertaining to notification of abutters; to require certification by the Township Engineer; to remove computerized filing requirement; to revise paper submission requirement, to revise minimum isolation distances for on-lot septic systems and wells; AT Chapter 250, "Zoning," To revise references to Township secretary/treasurer, Open Space fund, and Office of the Recorder of deeds, to correct typographical errors, to revise internal Code references, to add and revise certain definitions, to establish fees by resolution and to address trail and bikeway Acquisition and costs, to address lot area, to address review and recommendation from the zoning officer or township engineer, to revise standards regarding recreation fund Contributions; and other miscellaneous provisions contained herein.

AND NOW, this ____ day of _____, 2011, it is hereby enacted and ordained by the Board of Supervisors of Pocopson Township, Chester County, Pennsylvania that the Pocopson Township Code shall be amended as follows:

Section 1. Chapter 190, "Subdivision and Land Development," Article I, "General Provisions," Section 190-3, "Interpretation; conflict with other provisions," is hereby amended as indicated by the strikeout interlineations below, with strikeout indicating deletion of language (specifically "regulations" in line three is changed to "regulation"):

The provisions of this chapter shall be held to be minimum requirements to meet the above stated purposes. Where the provisions of this chapter impose greater restrictions than those of any statute, other ordinance or regulations, the provisions of this chapter shall prevail. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than those of this chapter, the provision of such statute, ordinance or regulation shall prevail.

Section 2. Chapter 190, "Subdivision and Land Development," Article II, "Definitions," Section 190-6, "Definitions," is hereby amended as indicated by the blackline interlineations below, with underlined interlineations indicating insertions of language:

Abutter – Any property owner whose property adjoins or abuts an applicant’s property, regardless of whether a roadway, Township boundary, or natural feature, including, but not limited to streams, intervenes between the boundaries of the properties.

Driveway – Common/Shared – A private means of access from a public or private street to more than one parcel.

Section 3. Chapter 190, “Subdivision and Land Development,” Article II, “Definitions,” Section 190-6, “Definitions,” is hereby amended for the following definitions as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

Certificate of Occupancy – A statement, signed by the Township Building Inspector or other official designated by the Board ~~a zoning officer~~, setting forth that a proposed building or structure and its intended use complies with the Township Building Code and with Chapter 250, Zoning, or that a building, structure, or parcel of land may lawfully be employed for specific uses, or both.

Driveway -- A private means of access from a public or private street to a single lot.

~~A. COMMON DRIVEWAY~~

~~—A private means of access from a public or private street to two adjacent lots.~~

Lot – A parcel of land, undivided by any street or private road or dedicated future street right-of-way. Such parcel shall be separately described by metes and bounds, the description of which is recorded in the ~~office~~ Office of the Recorder of Deeds of Chester County by description or is described by an approved subdivision plan recorded in the ~~office~~ Office of the Recorder of Deeds of Chester County.

Public Notice – Notice published once each week for two successive weeks in a newspaper of general circulation in the Township or by other means as may be permitted by Pennsylvania law. Such notice shall state the time and place of the hearing or meeting and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days prior to the date of the hearing or meeting.

Trail – A linear structure not less than five feet in width, composed of compacted stone, macadam, or concrete or other material as approved by the Board of

Supervisors, and constructed to Township specifications. Trail(s) shall be designed to provide alternative transportation and recreational opportunities for exclusively nonmotorized movement of people, including pedestrians, cross-country skiers, equestrians, bicyclists or others as the Township may designate. A trail may be constructed within the rights-of-way of streets and roads as a bikeway to accommodate higher-speed bicycling and other users or as an off-road trail that may be located within a defined trail corridor secured by a trail easement.

Section 4. Chapter 190, "Subdivision and Land Development," Article IV, "Plan Submission and Review Procedures," Section 190-8, "General Standards," is hereby amended by the addition of a new subsection to read as follows:

D. The applicant shall notify all abutters, at their last known address on file with the Chester County Department of Assessment, of the date and time of the first public meeting where the initial application will be considered by the Planning Commission. The notification shall be sent by regular mail and certified mail, return receipt requested, and mailed a minimum of one week prior to the first Planning Commission meeting that will consider the application. The applicant shall provide a copy of each abutter's notification and the return receipts, if available, to the Planning Commission at the first Planning Commission meeting. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. The failure to notify abutters may be a basis for denying plan approval.

Section 5. Chapter 190, "Subdivision and Land Development," Article IV, "Plan Submission and Review Procedures," Section 190-9C is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

C. For informational purposes, nine copies of the sketch plan may be submitted to the Township Secretary/~~Treasurer~~, for distribution to the Township Engineer, Planning Commission, Parks, Recreation and Trails Commission~~Committee~~, ~~Environmental Advisory Council~~, the Township Landscape Consultant if applicable, the local fire company, and the Board of Supervisors. In addition, the applicant should submit additional copies for review by the Chester County Planning Commission and the Chester County Health Department, as required by § 190-9. If the applicant wishes to receive comments from the Township Engineer or Township Landscape Consultant, escrow funds shall be provided to cover the review costs.

Section 6. Chapter 190, "Subdivision and Land Development," Article IV, "Plan Submission and Review Procedures," Section 190-9D is hereby amended as indicated by the blackline

and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

D. Where, by law, submission to a Chester County agency is not mandatory, the Township, in its sole discretion, may elect to wave wave submission to any one or more of the county agencies.

Section 7. Chapter 190, "Subdivision and Land Development," Article IV, "Plan Submission and Review Procedures," Section 190-10C is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

C. For informational purposes, eight copies of the sketch plan may be submitted to the Township Secretary/~~Treasurer~~ for distribution to the Township Engineer, Planning Commission, ~~the Environmental Advisory Council,~~ Township Landscape Consultant if applicable, the local fire company, and the Board of Supervisors. In addition, the applicant should submit additional copies for review by the Chester County Planning Commission and Chester County Health Department as required by § 190-9.

Section 8. Chapter 190, "Subdivision and Land Development," Article IV, "Plan Submission and Review Procedures," Section 190-10D is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

D. In the event that any developer shall intend to make changes in the contour of any land proposed to be subdivided, developed or changed in use by grading, excavating or removal or destruction of the natural topsoil, trees, or other vegetative covering thereon, the developer is strongly urged to consult with the Township Engineer and Township Landscape Consultant ~~and the Environmental Advisory Council~~ prior to or concurrently with submission of the sketch plan, in order to insure that the proposed subdivision or land development will be compatible with a conservation plan (as described in § 190-24) to be submitted.

Section 9. Chapter 190, "Subdivision and Land Development," Article IV, "Plan Submission and Review Procedures," Section 190-11A is hereby amended as indicated the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

A. After receiving the written comments of the Township Engineer and Township Landscape Consultant if applicable, ~~the Environmental Advisory Council~~ and Chester

County agencies, the Planning Commission shall consider the suitability of a sketch plan for the development of the land and its relationship to the harmonious extension of streets and utilities, arrangement and density of housing, and compatibility of the plan with the Comprehensive Plan for the Township, and submit its written recommendations to the Board and the applicant. The Planning Commission also may solicit reviews and reports from adjacent municipalities and other governmental agencies affected by the plan.

Section 10. Chapter 190, “Subdivision and Land Development,” Article IV, “Plan Submission and Review Procedures,” Section 190-12B is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

B. Copies of the preliminary plan and all required supplementary data shall be initially and officially submitted to the Township Secretary/Treasurer, together with the required fees and escrow funds as prescribed by resolution of the Board. The Township Secretary/Treasurer shall note the date of receipt and shall submit such plans to the Board of Supervisors, the Township Planning Commission, the Environmental Advisory Council, the county agencies, the Township Engineer, the Parks, Recreation and Trails Committee, the Township Landscape Consultant if applicable, and other such persons or agencies as the Board of Supervisors shall determine.

Section 11. Chapter 190, “Subdivision and Land Development,” Article IV, “Plan Submission and Review Procedures,” Section 190-12C is hereby amended as indicated by the strikeout interlineations below, with strikeout indicating deletion of language:

C. Official submission of a preliminary plan to the Township Secretary/~~Treasurer~~ shall consist of:

Section 12. Chapter 190, “Subdivision and Land Development,” Article IV, “Plan Submission and Review Procedures,” Section 190-12D is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

D. Upon receipt of the above, the Township Secretary/~~Treasurer~~ shall forward one copy of the application for review, eight prints of the preliminary plan and seven prints of all other required plans to the Township Planning Commission, one copy to each of the Chester County agencies, three copies of the preliminary plan and three

prints of all other required plans to the Township Board of Supervisors, and one print of the preliminary plan and one print of all other required plans to the Township Engineer and Township Landscape Consultant if applicable, one print of the preliminary plan and the stormwater management and water supply plans to the fire company of the jurisdiction, retaining all other data in the Township files.

Section 13. Chapter 190, "Subdivision and Land Development," Article IV, "Plan Submission and Review Procedures," Section 190-13A(1) is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(1) The Township Planning Commission shall within 60 days review the plan and the recommendations of the county agencies, the Parks, Recreation and Trails Committee, ~~the Environmental Advisory Council~~, and the Township Engineer, and the Township Landscape Consultant and the fire company, should such recommendations be made. The Planning Commission also may solicit reviews and reports from adjacent municipalities and other governmental agencies affected by the plan.

Section 14. Chapter 190, "Subdivision and Land Development," Article IV, "Plan Submission and Review Procedures," Section 190-14E is hereby amended as indicated by the strikeout interlineations below, with strikeout indicating deletion of language:

E. Official submission of the final plan to the Township Secretary/~~Treasurer~~ shall consist of:

Section 15. Chapter 190, "Subdivision and Land Development," Article IV, "Plan Submission and Review Procedures," Section 190-14F is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

F. Copies of the final plan and all required supplementary data shall be initially and officially submitted to the Township Secretary/~~Treasurer~~. After the required fees and escrow deposits have been paid, the Township Secretary/~~Treasurer~~ shall note the date of receipt and shall then forward seven prints of the plan to the Township Planning Commission, ~~one print to the Environmental Advisory Council~~, one print of the final plan to each of the Chester County agencies, three prints of the final plan and one copy of the application for final review to the Township Board of Supervisors, one print of the final plan to the Township Engineer and Township Landscape Consultant if applicable, and one print to the local fire company.

Section 16. Chapter 190, “Subdivision and Land Development,” Article IV, “Plan Submission and Review Procedures,” Section 190-15A(1) is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(1) The Planning Commission shall, within 60 days, review the plan and the recommendations of the county agencies, the Township Engineer, the Environmental Advisory Council, the Township Landscape Consultant, the local fire company and other reviewing agencies. The Planning Commission also may solicit reviews and reports from adjacent municipalities and other governmental agencies affected by the plan.

Section 17. Chapter 190, “Subdivision and Land Development,” Article IV, “Plan Submission and Review Procedures,” Section 190-15A(2) (d) is hereby amended as indicated by the strikeout interlineations below, with strikeout indicating deletion of language:

(d) Township Secretary/~~Treasurer~~.

Section 18. Chapter 190, “Subdivision and Land Development,” Article IV, “Plan Submission and Review Procedures,” Section 190-16C is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

C. That the owner agrees to tender a deed or deeds of dedication to the Township for such streets and for such easements for sanitary and storm sewers, sidewalks, manholes, inlets, pumping stations, and other appurtenances as shall be constructed as public improvements, provided that the Township shall not accept dedication of such improvements until their completion is certified as satisfactory by the Township Secretary/~~Treasurer~~ Engineer.

Section 19. Chapter 190, “Subdivision and Land Development,” Article IV, “Plan Submission and Review Procedures,” Section 190-18, “Recording of the final plan,” is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

Within 90 days of the applicant's execution of the subdivision and land development agreement and performance guarantee, the final plan shall be recorded by the applicant in the ~~office~~ Office of the Recorder of Deeds of Chester County. No such plan shall be accepted for recording without official notification of approval by the Board of

Supervisors and of review by the Chester County Planning Commission. Failure to record the deed plan within 90 days and return two copies to the Township Secretary/~~Treasurer~~ with a certification from the ~~office~~ Office of the Recorder of Deeds of the book, page, and date of recording shall constitute a violation of this chapter and thus subject to the full penalties and forfeitures hereinafter provided. ~~The applicant shall insure that all relevant information is filed on the Township's computerized mapping system by providing the Township Secretary/Treasurer with a copy of all plans specifically for this purpose.~~

Section 20. Chapter 190, "Subdivision and Land Development," Article V, "Plan Requirements," Section 190-21C(3) is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(3) Preliminary conservation plan, as defined in § 190-24. Such plan shall be subjected to the review of ~~the Environmental Advisory Council of Pocopson Township and the Township Engineer,~~ the Township Landscape Consultant as well as the Planning Commission and the Board of Supervisors.

Section 21. Chapter 190, "Subdivision and Land Development," Article V, "Plan Requirements," Section 190-22B(5) is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(5) The names of all abutting ~~supervisors,~~ subdivisions, if any, with the book and page numbers where recorded, and the names of the owners of all adjacent unplotted land.

Section 22. Chapter 190, "Subdivision and Land Development," Article V, "Plan Requirements," Section 190-23E is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

E. Except as provided above for minor subdivisions, conservation subdivisions and subdivisions for transfer of development rights, as noted above, the existing resources and site analysis plan shall consist of all of the maps as set forth below. Required information shall be submitted to the Township on paper at a scale of one-inch equals 50 feet and ~~Mylar copies at a scale of one inch equals 50 feet and on computer disks~~ in an AutoCAD or ArcInfo GIS format or other format compatible with the systems used by the Township and its Engineer. Electronic submissions shall separate data layers for each of the site features required. To the extent reasonably feasible, required

information shall be submitted at the time of sketch plan submission and shall, in all cases, be required for preliminary and final plan submission. The Township shall review the existing resources and site analysis plan to assess its accuracy and thoroughness.

Section 23. Chapter 190, “Subdivision and Land Development,” Article V, “Plan Requirements,” Section 190-24B(12) is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(12) Historic buildings or sites, natural areas, woodlands, or features of importance identified in the Pocopson Township Open Space, Recreation and Environmental Resources Plan, ~~open space, recreation and environmental resources plan~~, the Chester County Historic Sites Survey, the National Register of Historic Places, or such plans as the Township may adopt to identify and prioritize such resources and areas.

Section 24. Chapter 190, “Subdivision and Land Development,” Article VI, “Design Standards and Improvement Specifications,” Section 190-27D is hereby amended as indicated by the strikeout interlineations below, with strikeout indicating deletion of language:

D. House numbers and street names shall be assigned to each lot in accordance with the program of street names and lot numbers developed by the West Chester Regional Planning Commission, as determined by the Township Secretary/~~Treasurer~~.

Section 25. Chapter 190, “Subdivision and Land Development,” Article VI, “Design Standards and Improvement Specifications,” Section 190-30B(2) is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(2) Driveways for two or fewer single-family dwellings. Except as authorized in Subsection C, privately owned driveways shall be permitted to provide access to not more than two single-family dwellings. In cases where property access poses a particular safety problem with respect to inadequate sight distance or similar concerns, the Board may require the construction of a common driveway in the place of two individual driveways to serve two adjacent lots, provided that the required street frontage and all other applicable requirements of Chapter 250, Zoning, and this chapter are complied with on each lot. Terms for ownership and maintenance of the driveway shall be approved by the Board and included in the development agreement. Driveways serving two dwellings shall be constructed to residential street thickness

throughout the commonly shared portions of the driveway. The required maintenance agreement shall provide, among other things, for the Township Engineer to arbitrate and decide any disagreements concerning maintenance, and shall provide lien authority and a method for compounding interest on unpaid portions of costs incurred where one owner is unwilling or unable to pay for needed improvements or repairs. It shall be the responsibility of the subdivider to have such an agreement recorded at the office Office of the Recorder of Deeds of Chester County and indexed against the deeds of the abutting property owners. A recorded copy of such document shall be provided to the Township prior to issuance of building permits.

Section 26. Chapter 190, "Subdivision and Land Development," Article VI, "Design Standards and Improvement Specifications," Section 190-30C(1) is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(1) Subdivider shall enter into an agreement with the Township specifying that said streets shall not be offered for dedication and shall not be accepted by the Township unless said streets are constructed to Township standards then existing at the time of the offer of dedication and said agreement shall be recorded at the Office of the Recorder of Deeds'-office of Chester County.

Section 27. Chapter 190, "Subdivision and Land Development," Article VI, "Design Standards and Improvement Specifications," Section 190-36 is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

All sanitary sewage disposal shall comply with the Pocopson Township Sewage Facilities Plan. All individual and community sanitary sewage disposal systems shall, in addition to the requirements of this section, comply with the regulations contained in ~~Township Ordinance No. 1-1990~~ Chapter 170.

Section 28. Chapter 190, "Subdivision and Land Development," Article VI, "Design Standards and Improvement Specifications," Section 190-36.B(3) is hereby amended as indicated by the strikeout interlineations below, with strikeout indicating deletion of language:

(3) After assuring that all requirements and specifications have been met, the appropriate officials will then issue a certificate of approval to the Township Secretary/~~Treasurer~~ as a requirement to final plan approval.

Section 29. Chapter 190, "Subdivision and Land Development," Article VI, "Design Standards and Improvement Specifications," Section 190-36B(7) is hereby deleted and replaced in its entirety to read as follows:

(7) Minimum horizontal isolation distances between on-lot septic system components and various site features shall meet the requirements of Chapter 73, Section 73.13 of the PADEP regulations, as may be amended.

Section 30. Chapter 190, "Subdivision and Land Development," Article VI, "Design Standards and Improvement Specifications," Section 190-37C is hereby deleted and replaced in its entirety to read as follows:

C. Minimum isolation distances for wells shall meet the requirements of Chapter 500, Section 501.6.1. of the Chester County Health Department Rules and Regulations, as may be amended.

Section 31. Chapter 190, "Subdivision and Land Development," Article VII, "Construction and Acceptance of Public Improvements", Section 190-48A is hereby amended as indicated by the strikeout interlineations below, with strikeout indicating deletion of language:

A. Upon completion of any public improvements shown on an approved subdivision plan and within 90 days after approval of such public improvements as herein provided, the developer shall submit written offer of such public improvements for dedication to the Township. Said offer shall include a deed of dedication covering said public improvements together with a copy of a title insurance policy establishing the developer's title to the said property. Such documents are to be filed with the Township Secretary/Treasurer for review by the Township Solicitor. Deeds of dedication for public improvements may be accepted by resolution of the Board at a regular meeting thereof. The Supervisors shall require that at least 50% of the lots in any approved subdivision or development (or phase thereof, if final plan approval has been in phases) have dwellings or other principal buildings erected thereon prior to acceptance of dedication. Should the above-mentioned roads or streets, even though constructed according to these specifications, deteriorate before the said 50% of the lots have buildings erected thereon, such roads or streets shall be repaired in a manner acceptable to the Board before being accepted by the Township.

Section 32. Chapter 190, "Subdivision and Land Development," Article VII, "Construction and Acceptance of Public Improvements," Section 190-49C is hereby amended as indicated

by the blackline interlineations below, with underlined interlineations indicating insertions of language:

C. All trails are to be maintained by usage and pursuant to the terms of maintenance established by the relevant easement document. The Township shall have the right, but not the obligation, to keep trails passable. A trail also may be attended to by the property owner, so long as this maintenance does not infringe upon passage by trail users. If the rules and regulations established by the Parks, Recreation and Trails Committee are repeatedly abused by users, the Township shall have the right to close the trail.

Section 33. Chapter 250, "Zoning," Article I, "General," Section 250-6, "Definitions and word usage," is hereby amended for the following definitions as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

Building Area/Building Coverage: The total area of land covered by a building, measured on the horizontal plane.

Certificate of Occupancy: A statement, signed by the ~~Zoning Officer and the Township Code Enforcement Officer~~ Township Building Inspector or other official designated by the Board, setting forth that a proposed building or structure and its intended use comply with the Township Building Code and with this Chapter ~~and have been constructed in accordance with the Building Code of Pocopson or that a building, structure, or parcel of land may lawfully be employed for specific uses, or both.~~

Driveway: A private means of access from a public or private street to a single lot.

~~(1) COMMON DRIVEWAY~~

~~—A private means of access from a public or private street to two adjacent lots.~~

Lot: A parcel of land, undivided by any street or private road or dedicated future street right-of-way. Such parcel shall be separately described by meters and bounds, the description of which is recorded in the ~~office~~ Office of the Recorder of Deeds of Chester County by deed description or is described by an approved subdivision plan recorded in the ~~office~~ Office of the Recorder of Deeds of Chester County.

Public Notice: Notice published once each week for two successive weeks in a newspaper of general circulation in the Township or by other means as permitted by Pennsylvania Law. Such notice shall state the time and place of any hearing or meeting and the particular nature of the matter to be considered at the hearing or meeting. The first publication shall not be more than 30 days and the second publication shall not be less than seven days prior to the date of the hearing or meeting.

Section 34. Chapter 250, “Zoning,” Article I, “General,” Section 250-6, “Definitions and word usage,” is hereby amended by the deletion of the definition for “Trail” and replacing it to read as follows:

Trail – A linear structure not less than five feet in width, composed of compacted stone, macadam, or concrete or other material as approved by the Board of Supervisors, and constructed to Township specifications. Trail(s) shall be designed to provide alternative transportation and recreational opportunities for exclusively nonmotorized movement of people, including pedestrians, cross-country skiers, equestrians, bicyclists or others as the Township may designate. A trail may be constructed within the rights-of-way of streets and roads as a bikeway to accommodate higher-speed bicycling and other users or as an off-road trail that may be located within a defined trail corridor secured by a trail easement.

Section 35. Chapter 250, “Zoning,” Article I, “General,” Section 250-6, “Definitions and word usage,” is hereby amended by the new definition to read as follows:

Driveway – Common/Shared: A private means of access from a public or private street to more than one parcel.

Section 36. Chapter 250, “Zoning,” Article II, “Districts Generally,” Section 250-11, “Applicability,” is hereby deleted in its entirety and replaced to read as follows:

The Board of Supervisors, in its sole discretion, may waive zoning regulations in this chapter for the use of and structures on any Pocopson Township owned properties.

Section 37. Chapter 250, “Zoning,” Article III, “Residential and Agricultural District,” Section 250-17D(2)(b), is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(b) As a condition of final plan approval of development and as a prerequisite for the issuance of any building permits, the developer or owner of a property shall provide easements for continuation of the Township's Trail and Bikeway System through the property in accordance with the Township Trail and Bikeway System plan and construct the development's proportional share of the trails or bikeways or provide fees in lieu of dedication and construction if no trail or bikeway is proposed to be located on the property. ~~or the proposed trail or bikeway costs (using standard prices) would be less than the development's proportional share of the costs of the Township's Trail and Bikeway System.~~ Such fees shall be established from time to time by resolution of the Board of Supervisors.

Section 38. Chapter 250, "Zoning," Article III, "Residential and Agricultural District," Section 250-17D(3) (d), is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(d) Other standards and provisions for private streets and driveways contained in ~~Section 606 of the Subdivision and Land Development Ordinance~~ §190-30 shall be met.

Section 39. Chapter 250, "Zoning," Article III, "Residential and Agricultural District," Section 250-17D(5) (a), is hereby amended as indicated by the strikeout interlineations below, with strikeout indicating deletion of language:

(a) All buildings on lots with less than two acres of soils acceptable for percolation that are served by individual on-lot septic systems shall have their septic tanks pumped at least every two years by a licensed waste disposal operator. All others shall be pumped on a three-year cycle unless other requirements are specifically established by the Chester County Health Department or the Township. Where homeowners' associations are created, the homeowners' association shall be responsible for contracting for pumping and shall annually send the Township Secretary/~~Treasurer~~ an updated list of the latest tank pump date and the disposal company for each homeowner. Where no homeowners' association exists, individual property owners shall bear the same responsibilities for pumping and reporting to the Township.

Section 40. Chapter 250, "Zoning," Article III, "Residential and Agricultural District," Section 250-17D(7) (a), is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(a) Consistent with Section 611 of the Subdivision and Land Development Ordinance §190-35, every building or development application shall provide for planting of at least one native shade tree of at least three-inch caliper every 50 feet along perimeter roads and internal streets on both sides of such roads and streets to the extent that the applicant owns or controls applicable lands or the applicable lands are part of the restricted open space required for the tract on which application has been made. In addition to shade trees, landscape plans shall be provided for all individual lots in accordance with the requirements of the Subdivision and Land Development Ordinance.

Section 41. Chapter 250, "Zoning," Article III, "Residential and Agricultural District," Section 250-17D(7) (b), is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(b) All parking areas shall be landscaped with a combination of trees and shrubs as provided in ~~Section 611 of the Subdivision and Land Development Ordinance §190-35~~. Within the interior of every parking lot, there shall be a minimum of one shade tree of native species (minimum three-inch caliper) for every 100 feet of single or double loaded (two facing spaces) parking spaces. Such tree(s) shall be planted in a landscaped area that has a minimum lateral dimension of 20 feet from any point on the planting area's perimeter (half-moon shapes with twenty-foot radii areas are acceptable). Such planting areas shall, at a minimum, be established along any primary parking lot entrance road, at the entrance to each block or bay of parking spaces and at their end. Landscaping planting areas at least 20 feet wide and planted with trees and shrubs shall surround all parking lots so as to provide a screen that is at least 50% opaque at driver's eye level when viewed from adjoining streets or other public accessways. Tree planting within and around parking lots also shall be designed to shade the parking area in order to reduce the effects of summer heat.

Section 42. Chapter 250, "Zoning," Article III, "Residential and Agricultural District," Section 250-18I, is hereby amended as indicated by the blackline interlineations below, with underlined interlineations indicating insertions of language:

I. Maximum impervious coverage on each lot: 15% of lot area.

Section 43. Chapter 250, "Zoning," Article III, "Residential and Agricultural District," Section 250-18J, is hereby amended for the following definition as indicated by the blackline interlineations below, with underlined interlineations indicating insertions of language:

J. Maximum building coverage on each lot: 10% of lot area.

Section 44. Chapter 250, "Zoning," Article III, "Residential and Agricultural District," Section 250-21D(2) (a), is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(a) A permanent conservation easement shall be recorded in the ~~office~~ Office of the Recorder of Deeds of Chester County prior to application to the Township in accordance with this chapter and the provisions of the Subdivision and Land Development Ordinance;

Section 45. Chapter 250, "Zoning," Article III, "Residential and Agricultural District," Section 250-25E(2) (c), is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(c) Development in accordance with this section shall be served by a public or community wastewater treatment and disposal system utilizing spray irrigation provided at the expense of the applicant, consistent with the Pocopson Township Sewage Facilities (Act 537) Plan, as may be amended, and in accordance with the provisions of ~~Section 612 of the Pocopson Township Subdivision and Land Development Ordinance~~ Chapter 170 and § 190-36.

Section 46. Chapter 250, "Zoning," Article III, "Residential and Agricultural District," Section 250-26C, is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(5) Development in accordance with the VDOD shall be served by a public or community wastewater treatment and disposal system provided at the expense of the applicant, consistent with the Pocopson Township Sewage Facilities (Act 537) Plan, as may be amended, and in accordance with the provisions of ~~Section 612 of the Pocopson Township Subdivision and Land Development Ordinance~~ Chapter 170 and § 190-36.

(6) Development in accordance with the VDOD shall be served by a public or community water supply system in accordance with the provisions of ~~Section 613 of~~

the Pocopson Township Subdivision and Land Development Ordinance § 190-37. It shall be the burden of the applicant to demonstrate, to the satisfaction of the Board of Supervisors, that adequate and safe water supply can be provided for the intended uses within the village development.

Section 47. Chapter 250, "Zoning," Article V, "C-1 Neighborhood Commercial District," Section 250-31H, is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

H. Erosion/sedimentation control and stormwater management, as established in ~~Sections 609 and 610 of the Township Subdivision and Land Development Ordinance Chapter 170, Chapter 178, § 190-33 and § 190-37.~~

Section 48. Chapter 250, "Zoning," Article VII, "Limited Industrial District," Section 250-46M, is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

M. The creation of new access points with existing streets and the design of streets shall be governed by the standards of § 250-90A and C of this chapter and ~~Sections 605 and 606 of the Township Subdivision and Land Development Ordinance § 190-29 and § 190-30.~~ In any case, an accessway to a single property shall be a minimum of 500 feet from other accessways on the same side of the road. Where the Subdivision and Land Development Ordinance refers to residential streets, such standards shall also apply to streets in this district.

Section 49. Chapter 250, "Zoning," Article XI, "Applications and Permits," Section 250-69, is hereby amended as indicated by the strikeout interlineations below, with strikeout indicating deletion of language:

The applicant for a permit required under this chapter or the Township Building Code shall pay at the time of application a fee in the amount as set by the Board of Supervisors either as part of the Pocopson Township Building Code or by separate resolution or ordinance. Such fee shall be paid into the Township's treasury for the use of the Township. Fees for permits shall not be refundable to the applicant unless the Zoning Officer or Township Code Enforcement Officer, as the case may be, is notified in writing of the withdrawal of the permit application prior to commencement of the review process. In addition, the Board of Supervisors may, by separate resolution or ordinance, require a deposit for reasonable costs incurred by

the Township, including engineering, consulting or legal expenses, in reviewing the application. In the event the costs exceed the amount of the minimum deposit, the applicant shall reimburse the Township within 30 days of notification by the Secretary/Treasurer of the excess amount due. No permits or final approval shall be granted by the Township, or any officer thereof, and no applications under this chapter shall be complete, until such time as all outstanding sums due the Township for fees or costs are paid in full, as provided by applicable law.

Section 50. Chapter 250, "Zoning," Article XII, "Zoning Hearing Board," Section 250-74A(3), is hereby amended as indicated by the strikeout interlineations below, with strikeout indicating deletion of language:

(3) By mailing written notice thereof to the Zoning Officer, the Township Secretary/Treasurer, each member of the Board of Supervisors, each member of the Planning Commission, the Secretary of the Chester County Planning Commission, and to all persons or organizations who shall have registered their names and addresses for this purpose with the Board and paid the appropriate mailing fee, if any. The Board of Supervisors may fix an annual fee for provision of notices to such registered persons or associations.

Section 51. Chapter 250, "Zoning," Article XII, "Zoning Hearing Board," Section 250-74J, is hereby amended as indicated by the strikeout interlineations below, with strikeout indicating deletion of language:

J. A copy of the final decision or, where no decision is called for, the findings shall be delivered to the applicant personally or mailed to him by certified mail not later than the day following its date. To all other persons who have filed their name and address with the Board no later than the last day of the hearing, the Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place the full decision or findings may be examined. Copies of the decision or findings provided the applicant shall also be filed with the Township Secretary/Treasurer, Planning Commission, and Zoning Officer.

Section 52. Chapter 250, "Zoning," Article XII, "Zoning Hearing Board," Section 250-78A(2), is hereby amended as indicated by the strikeout interlineations below, with strikeout indicating deletion of language:

(2) Upon acceptance by the Zoning Officer that the application is complete, correct and proper, a formal filing for consideration of the variance request shall be made by the Zoning Officer to the Zoning Hearing Board, together with the comments and

recommendations of the Zoning Officer. Sufficient duplicate copies of this application and the comments and recommendations of the Zoning Officer shall be provided to the Township Secretary/Treasurer for circulation of the Township Planning Commission and Board of Supervisors. The Planning Commission Secretary shall place consideration of the application on the agenda for the next scheduled Planning Commission meeting (or a specifically scheduled meeting), and will so notify the applicant in writing. The Planning Commission's recommendation to the Zoning Hearing Board shall state whether the applicant has attended the meeting or failed to attend, which information shall also be forwarded to the Board of Supervisors.

Section 53. Chapter 250, "Zoning," Article XII, "Zoning Hearing Board," Section 250-78A(4), is hereby amended as indicated by the strikeout interlineations below, with strikeout indicating deletion of language:

(4) Prior to the public hearing, the Planning Commission shall submit its written comments and recommendations on the application to the Zoning and Hearing Board, or a written statement that it chooses to make no comments and recommendations. The Zoning Hearing Board shall not make a decision on the application until receipt of the Planning Commission's comments or its statement of no comment. When submitted, the comments of the Planning Commission shall be considered by the Board, but shall not be binding.

Section 54. Chapter 250, "Zoning," Article XIII, "General Standards," Section 250-87M(1), is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(1) Plan information and delineation of natural resources. To ensure compliance with the natural resource conservation standards of this section, the following information shall be submitted by the applicant when applying for a zoning or building permit, conditional use or special exception approval, zoning variance, or subdivision and land development approval where land disturbance is contemplated. In those cases where only a limited amount of the site will be subject to disturbance, the Zoning Officer Board of Supervisors may allow a smaller ~~determine the~~ area of land required to be shown on the plan, based upon a review and recommendation from the either the Zoning Officer or the Township Engineer, where the such that information submitted will adequately demonstrate compliance with the natural resource conservation standards of this section. Where less than the entire site is to be shown on the plan, the application shall be accompanied by a written explanation from the applicant as to why it is not necessary to include the entire site with the plan

information.

Section 55. Chapter 250, "Zoning," Article XIII, "General Standards," Section 250-97, is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

A. Applicability.

(1) Except for individual lots existing at the time of adoption of this section and occupied or intended to be occupied by single-family or two-family dwellings, the provisions of Section 611 § 190-35 of the Pocopson Subdivision and Land Development Ordinance shall apply to all uses and to any change in use in Pocopson Township, such standards incorporated herein by this reference.

(2) Where any use or activity requires approval of any building or zoning permit, zoning variance, special exception or conditional use, such approval or permit shall be conditioned upon compliance with the provisions of said ~~Section 611~~ § 190-35, including submission of a landscaping plan as set forth in ~~Section 611.2~~ § 190-35B. Plans accompanying conditional use application may be conceptual in nature but shall demonstrate the ability to achieve the objectives of ~~Sections 611~~ § 190-35.

(3) It is the intention of this section that the provisions of said ~~Section 611~~ § 190-35 shall apply independently under this chapter only where the Subdivision and Land Development Ordinance does not otherwise apply to the proposed use or activity. Therefore, where any use, activity, permit or approval is also subject to subdivision or land development review, there shall be no requirement for additional review under this chapter. Further, where and to the extent that modification(s) of any of the provisions of said ~~Section 611~~ § 190-35 has/have been approved by the Pocopson Board of Supervisors in connection with any subdivision or land development review, the said requirements shall not be independently enforced pursuant to this chapter.

B. Modifications.

(1) For any use or activity subject to subdivision or land development review, modification(s) to the provisions of ~~Section 611~~ § 190-35 of the Pocopson Subdivision and Land Development Ordinance may be requested, which modification(s) may be granted at the discretion of the Board of Supervisors pursuant to the provisions of that ordinance.

(2) For any use or activity not subject to subdivision or land development review, but where the use or activity is subject to application for approval of a conditional use, special exception, or zoning variance, modification(s) to the provisions of said Section 611 § 190-35 may be requested as part of such application.

(3) For any use or activity not otherwise subject to permit or approval as provided in Subsection B(1) or (2) above, modification(s) to the provisions of said ~~Section 611~~ § 190-35 may be requested in the form of an application for grant of a special exception by the ~~Pöeöpöön~~ Pöeöpöön Zoning Hearing Board. Such applications shall be submitted to the ~~Pöeöpöön~~ Töwöön Töwöön Planning Commission for review and comment prior to formal special exception application to the Zoning Hearing Board.

(4) In approving any application pursuant to Subsection B(2) or (3) above, the Zoning Hearing Board or Board of Supervisors, as applicable, as a condition of approval of such application, may permit specific modification(s) to the provisions of said ~~Section 611~~ § 190-35 subject to the following:

(a) The Zoning Hearing Board or Board of Supervisors, as applicable, shall determine that the specific nature of the lawful use or activity, existing site conditions, or safety considerations warrant such modification(s); and

(b) Permitted modifications shall be consistent with the purposes of said ~~Section 611~~ § 190-35.

Section 56. Chapter 250, “Zoning,” Article XIII, “General Standards,” Section 250-98A(1) (a), is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(a) The developer of a conventional development of lots averaging less than three acres shall pay to the Township Recreation Fund ~~or anyone constructing a residence on a lot subdivided prior to the enactment of this section and in a subdivision where no prior contribution to active recreational development was made commensurate with the requirements of this section, shall pay to the Open Space Fund~~ a proportionate share of the Township's cost of acquiring and developing active recreational facilities as set forth herein.

Section 57. Chapter 250, “Zoning,” Article XIII, “General Standards,” Section 250-98A(1) is

hereby amended by the creation of a new subsection (c) to read as follows:

(1) Anyone constructing a residence of a lot subdivided prior to the enactment of this section (11-19-2003) and in a subdivision where no prior contribution to active recreational development was made commensurate with the requirements of this section, shall pay to the Township Recreation Fund a fee established by resolution of the Board of Supervisors.

Section 58. Chapter 250, "Zoning," Article XIII, "General Standards," Section 250-98A(2) (b), is hereby amended for as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

The developers of any cluster development with fewer than 20 dwelling units may, in lieu of dedicating land for recreation, elect to contribute to the Open Space Fund Township Recreation Fund a proportionate share of the Township's costs of acquiring and developing active recreational facilities off-site as set forth herein.

Section 59. Chapter 250, "Zoning," Article XIII, "General Standards," Section 250-98C, is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

C. Trails and bikeways. All developments shall make provision for the construction and dedication of the sections of the Township comprehensive Trail and Bikeway System linking their development to the rest of the system or, if the linkages along a development's frontage roads or another accessible location has been completed on another property, ~~a pro-rata contribution shall pay a fee for trail and bikeway acquisition, construction, and management shall be made for such purposes to the Township Open Space Fund~~ Trails Fund. Such fee shall be established by resolution of the Board of Supervisors. Sidewalks (as may be required by this chapter) and trails within the development shall provide safe connection for the development residents to the Township-wide system.

Section 60. Chapter 250, "Zoning," Article XIII, "General Standards," Section 250-98E(1), is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

E. Conventional developments with lots of less than five acres without the common

recreational facilities of the type indicated in Subsection E(2) (a) through (e) below or alternatives approved by the Board of Supervisors shall contribute funds to the Open Space Fund Township Recreation Fund to provide the facilities noted in Subsection E (2) below according to the pro-rata formula noted. All lots over six acres in size contribute 1/2 of the per-lot amount.

Section 61. Chapter 250, "Zoning," Article XIII, "General Standards," Section 250-98E(2) (c), is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(c) The developer of less than 30 dwelling units shall provide a multipurpose level practice field and a tennis court/basketball court or, if less than 15 units, may make a pro-rata contribution to the ~~Open Space Fund~~ Township Recreation Fund.

Section 62. Chapter 250, "Zoning," Article XIII, "General Standards," Section 250-98E(3), is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

~~Open Space Fund~~ Township Recreation Fund contributions shall be based on the Township's cost of purchasing and developing land suitable for active recreation (using current fair market value of such land and related acquisition expenses) as well as the current costs of constructing the facilities, parking, and other improvements. Pro-rata contributions per unit shall be based on 1/50 of all of these costs which would be incurred in meeting this Subsection E except that the costs of a regulation-sized soccer or baseball field would be used in place of the practice fields.

Section 63. Chapter 250, "Zoning," Article XIII, "General Standards," Section 250-98G(3) (d), is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(d) A provision for leasing certain open space lands back to the original developer, his or her heirs or assigns, or to any qualified person, or corporation for the operation and maintenance of open space lands, provided residents have access at all times, and the agreements and any transfer or assignment of the lease is approved by the homeowners' association and the Board of Supervisors. No lease shall extend beyond the time when the homeowners assume majority control of the homeowners' association unless provision is made for review and approval at such time. Lease

agreements of five years or more shall be recorded with the Office of Recorder of Deeds of Chester County. Copies of current leases shall be kept on file with the Township Secretary/~~Treasurer~~.

Section 64. Chapter 250, "Zoning," Article XIII, "General Standards," Section 250-99B(9), is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

(9) A provision for leasing certain open space lands back to the original developer, his or her heirs or assigns, or to any qualified person or corporation for the operation and maintenance of open space lands, provided residents have access at all times, and the agreements and any transfer or assignment of the lease is approved by the homeowners' association and the Board of Supervisors. No lease shall extend beyond the time when the homeowners assume majority control of the homeowners' association unless provision is made for review at such time. Lease agreements shall be recorded with the Office of the Recorder of Deeds of Chester County and filed with the Township Secretary/~~Treasurer~~.

Section 65. Chapter 250, "Zoning," Article XIV, "Administration and Enforcement," Section 250-104B, is hereby amended as indicated by the blackline and strikeout interlineations below, with strikeout indicating deletion of language and underlined interlineations indicating insertions of language:

B. Applications or appeals before the Board of Supervisors or Zoning Hearing Board.

(1) Upon submission of an application or appeal before the Board of Supervisors or the Zoning Hearing Board, the applicant shall deposit an amount of money in accordance with a schedule of applicant expenses, adopted by resolution of the Board of Supervisors. The Township Secretary/~~Treasurer~~ shall have the sole discretion to determine in which category an application falls and, therefore, what amount is due.

(2) If, at any time, the charges then made against the applicant's deposit shall render the balance insufficient to insure payment of all expenses that may accrue in the disposition of the pending appeal or application, the Township Secretary/~~Treasurer~~ shall obtain from the applicant additional deposits to assure adequate funds to pay such expenses as they may accrue. Prior to the final disposition of the matter, the amount of the deposit shall not be less than 15% of the initial deposit amount. The failure of the Township Secretary/~~Treasurer~~ to require and obtain additional deposits

from time to time shall not relieve the applicant from liability for expenses in excess of deposits.

Section 66. General Code is hereby authorized to make non-substantive formatting and numbering changes necessary to clarify references to other sections of the Code of Pocopson Township and to bring the Ordinance into conformity with the Code of Pocopson Township.

Section 67. The provisions of this Ordinance shall be severable, and if any provision or phrase shall be held to be unconstitutional or otherwise invalid, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of any of the remaining provisions or phrases hereof, it being the express intention of the Supervisors to enact and adopt each section independently of every other section.

Section 68. All ordinances or parts of ordinances are hereby repealed insofar as they may be inconsistent herewith.

Section 69. This Ordinance shall become effective five (5) days after the adoption and enactment hereof.

ENACTED AND ORDAINED on the _____ day of _____ 2011.

ATTEST:

BOARD OF SUPERVISORS OF
POCOPSON TOWNSHIP

Susan E. Simone, Secretary

Stephen R. Conary, Chair

Georgia F. Brutscher, Vice-Chair

Lauressa J. McNemar, Member

