

# Residential Chicken Keeping Ordinance

Tuesday, April 03, 2018

4:41 PM

<b>PC Status/Action</b>	<b>BOS status/action</b>	<b>Next Scheduled</b>
PC reviewed at 7/22/2015, 4/6/2016, 4/18/2016, 7/20/2016, 8/3/2016, meetings.	Tabled indefinitely	n/a

# Bi-Directional Antennas

Tuesday, April 03, 2018

4:42 PM

<b>PC Status/Action</b>	<b>BOS status/action</b>	<b>Next Scheduled</b>
Meeting to discuss on 12/6/17, 12/20/17, 1/3/18, 12/18/18	N/A	1/23/19 PC mtg?
Waiting for comments from WEGO PD and local fire depts JAN 2019		



2018 - Bi-d...

# Conditional Use posting requirements amendment

Tuesday, April 03, 2018

4:43 PM

<b>PC Status/Action</b>	<b>BOS status/action</b>	<b>Next Scheduled</b>
Pending	Pending	Brought before BOS in summer 2017 (WIP)

# New Accessory Structure setbacks

Tuesday, April 03, 2018  
4:44 PM

PC Status/Action	BOS status/action	Next Scheduled
PC Reviewed at 8/23/17, 9/6/17, 9/20/17, 10/4/17, 10/18/17, 12/6/12, 12/20/17, 1/3/2018 meetings, recommended to BOS	Reviewed at 4/2/18 workshop, reviewed at 6/14/2018 workshop	BOS workshop 1/22/2019
<p>✓ <b><u>Accessory structures – 170-1603.C</u></b></p> <ul style="list-style-type: none"> <li>✓ <input checked="" type="checkbox"/> Size – there are no regulations on the size of an accessory structure in the Ordinance. A few years ago a property owner built an accessory structure with a footprint as large or larger than the existing dwelling. There was considerable neighborhood objection resulting in a court case.</li> <li>✓ <input checked="" type="checkbox"/> PC at the time suggested considering adding some ordinance language which could be used to limit the size (and possible the placement ) of such structures, at least in residential districts..</li> <li>✓ <input checked="" type="checkbox"/> Placement – currently the Ordinance requires that all accessory structures (over 250 square feet) conform to the same setbacks as the primary structure in most zoning districts.. (25 feet from side lines, 40 feet from rear lines in R1, 10 feet and 30 feet R2) The small, uninhabitable structures (under 250 square feet - sheds, gazebos, pool houses) can be placed within 15 feet of a property line in rear or side yards.</li> <li><input type="checkbox"/> There are a large number of existing sheds which do not have permits and are located much closer to property lines. There have been numerous appeals to the Zoning Hearing Board to allow closer placement due to actual conditions on the lot. It has been suggested that the regulations be changed to allow placement closer to lot lines at least in the R2 district.</li> <li><input type="checkbox"/> Placement of accessory structures in the <a href="#">Flexible Development</a> projects (West Glen, Green Lane Village, and Arbor View) is a different issue. These projects have zero lot lines. The structures must be 30 from the curb line and separated by at least 30 feet. There are no other setback regulations. There are several other issues relating to <a href="#">Flexible Development</a>.</li> </ul>		

Ordinance Amendment Notes:

- ✓  170-1603C:  
Private garages, Private greenhouses, and Garden sheds
- ✓  170-1502F:  
Arbors ~~and~~ trellises, ~~garden sheds, and similar uninhabitable accessory structures~~ under 250 square feet in area, ~~excluding garages~~, shall be permitted within side and rear yard areas provided they are not more than 12 feet in height, and not closer than 15 feet from the lot line, irrespective of the otherwise applicable yard requirement of the district.
- ✓  170-1502I:

Private garages, garages for vehicle repair, garden sheds, greenhouses, and similar accessory structures shall be permitted within the side and rear yard areas provided they do not exceed 50% of the building footprint of the principal dwelling in area, and do not exceed the height of the principal dwelling. The side and rear yard setbacks shall equal the height of the structure. Any wheels attached to the structure must be removed prior to the issuance of any permits. These standards do not apply to flexible developments.



Proposed  
Ordinance...



New  
Accessory ...

4. Section 170-1603C(3) shall be amended by the modification of the following:  
“(3) Private garage, workshop, or greenhouse, garden shed, or similar structure.”

5. If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or validity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisor that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

6. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

7. This Ordinance will be effective five (5) days after enactment.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

WESTTOWN TOWNSHIP

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Carol R. DeWolf, Chair

\_\_\_\_\_  
Scott E. Yaw, Vice Chair

\_\_\_\_\_  
Mike T. DiDomenico

# Convert Accessory Dwelling Units into Rental Dwelling Units by Special Exception

Tuesday, April 03, 2018  
4:46 PM

PC Status/Action	BOS status/action	Next Scheduled
PC Reviewed at 8/23/17, 9/6/17, 9/20/17, 10/4/17, 10/18/17, 12/6/12, 12/20/17, 1/3/2018 meetings, recommended to BOS	Reviewed at 4/2/18 meeting (favorable)	Staff and Solicitor are crafting ordinance language
<p>✓ <b><u>Accessory Dwellings – 170-1603.A(EA)</u></b></p> <p>Currently accessory dwellings are permitted either connected to the primary dwelling, in combination with an existing accessory structure (garage), or in a separate structure. There are existing accessory dwellings in all three of these categories.</p> <p><input type="checkbox"/> There have been objections to the “separate structure” accessory dwelling because of the possibility that a <b>mobile home</b> might be an accessory dwelling.</p> <p><input checked="" type="checkbox"/> Currently the Ordinance requires that one of the two dwelling units on a residential lot be occupied by the owner. This was originally intended to prevent development of a “rental” community. It was challenged as preventing an owner from allowing two of his relatives from occupying the dwelling units.</p>		



Proposed Ordinance ...

Inserted from: <[file:///F:/pc/Ordinance Amendments/Converting ADUs/Proposed Ordinance Amendment for converting an accessory dwelling unit \(ADU\) into a rental by special exception APR2018 - WCE.docx](file:///F:/pc/Ordinance%20Amendments/Converting%20ADUs/Proposed%20Ordinance%20Amendment%20for%20converting%20an%20accessory%20dwelling%20unit%20(ADU)%20into%20a%20rental%20by%20special%20exception%20APR2018%20-%20WCE.docx)>

4. Section 170-701B shall be amended by the addition of the following:

“(8) Conversion of an accessory dwelling unit into a rental, in accordance with the provisions of 170-1619.”

5. Section 170-1619 shall be created with the following:

“170-1619 Conversion of an Accessory Dwelling Unit (ADU) into a rental.

A. Statement of intent. The intent of this section is to provide an alternative use for a structurally sound, approved, and permitted ADU whose occupancy was permitted only to “related or relative” persons as defined under 170-201. This section is also intended to increase the supply of smaller dwelling units and provide for a more efficient use of the existing housing stock, while protecting the character of sound, stable residential neighborhoods and preserving the basic character of dwellings that might otherwise become obsolete.

B. Standards for conversion to residential rental use. An approved, permitted ADU, existing on the effective date of this chapter, may be converted into and used as a dwelling unit for rent, when approved as a special exception by the Zoning Hearing Board in accordance with the terms of Article XXI of this chapter and with the following stipulations:

- 1) The ADU may be located in the principal dwelling or in a structure which is accessory to the principal dwelling and is located on the same single-family residential lot.
- 2) A detached ADU shall meet setbacks for an accessory structure for the zoning district in which it is located



- 3) The minimum size of the ADU shall be 500 sqft, the maximum size shall be no greater than 50% of the footprint of the principal dwelling.
- 4) The height of the ADU shall not exceed the height of the principal dwelling.
- 5) There shall not be more than one accessory dwelling unit created on any single-family residential lot.
- 6) One of the two dwelling units (either the principle or the accessory) shall be occupied by the owner of the property, or a family member of the owner of the lot on which both dwelling units are located.
- 7) At least one paved off-street parking space shall be required for the accessory dwelling unit in addition to those required for the principal dwelling. The additional parking space(s) shall not be located within any required setback area.
- 8) Utility billing for the property shall remain under the name of the property owner.
- 9) No other alterations to the exterior of the structure shall be permitted unless necessary for health or safety reasons.
- 10) Except where public sewer is available, the applicant shall submit to the Township a permit for an on-site sewage disposal system issued by the Chester County Health Department, certifying that the sewage disposal facilities are adequate for the projected number of residents. Where the existing on-site system is found to be inadequate, by the Department, to serve the projected demand, no approval shall be given for the accessory dwelling

unit until the system is improved to meet Health Department requirements and a permit is issued by the Department.

- 11) To ensure compliance with this chapter, a site plan shall be submitted, accurately drawn to scale, indicating the location and size of the existing and proposed dwelling units, parking areas and any proposed exterior alterations.
- 12) All accessory dwelling units in the Township shall be subject to the requirements of §170-2004, §170-2005 and §170-2006 relating to use and occupancy permits.
- 13) The Rental Dwelling Unit shall not be occupied by more than 1 family per dwelling unit, which shall consist entirely of individuals who are related to one another as defined under "Members of the same family".

6. If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or validity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisor that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

7. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

8. This Ordinance will be effective five (5) days after enactment.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

WESTTOWN TOWNSHIP

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Carol R. DeWolf, Chair

\_\_\_\_\_  
Scott E. Yaw, Vice Chair

\_\_\_\_\_  
Mike T. DiDomenico

# Open Space

Tuesday, April 03, 2018  
4:46 PM

PC Status/Action	BOS status/action	Next Scheduled
Recommended to BOS 5/4/2017, 12/28/2017	w/the Board as of 1/3/2018	N/A
<p>When the <a href="#">Flexible Development</a> option was added to the Ordinance, it included an extensive <a href="#">Open Space</a> description -170-907. It was decided to refer the <a href="#">Open Space</a> requirements in all other districts to this section in order to avoid repetition.</p> <p>While there are requirements for some portion of the <a href="#">Open Space</a> be useable for active recreation, storm water management often occupies a significant area. Revising the <a href="#">open space</a> definition and regulations has been suggested.</p>		

# Floodplain Ordinance

Thursday, April 05, 2018  
12:26 PM

PC Status/Action	BOS status/action	Next Scheduled
N/A	N/A	N/A
Based on comments received during review and passage in 2017 PC members indicated a desire to make some changes with Beth Uhler's assistance when the time becomes available.		

# Buffers & Screening - MU and R-3 Districts

Thursday, April 05, 2018  
2:05 PM

PC Status/Action	BOS status/action	Next Scheduled
N/A	N/A	N/A
<p>Present regulations generally require buffers between <u>districts</u> rather than between uses. (except for commercial vs residential)</p> <p>Possibility for problems in MU and R-3 districts where residential and non-residential uses are permitted. The MU District is presently developed as residential except for one tract (5 acres?) currently industrial which could be redeveloped for any use permitted in the C1 District.</p>		

# 170-900 Flexible Development

Thursday, April 05, 2018  
2:06 PM

PC Status/Action	BOS status/action	Next Scheduled
N/A	N/A	N/A
<p>170-904.C There are no lot size limits in Flex. For single family dwellings the only control of lot size is the requirement that there can be only 4 lots per acre in the area used for single family dwellings (smallest lots could be just under 11,000 square feet).</p> <p>170-904.E.(3).(10) Setbacks - The only setback regulations for dwellings in Flex are 30 feet behind the curb line and 30 foot separation between structures. This applies to decks, sheds, and even dwellings. (Not to swimming pools, however.)</p> <p>When a property owner applies for a building permit such as for a deck or garden shed, the only control on placement is the 30 foot separation. This is a problem because (1) it requires locating structures on the adjacent property, and (2) in many cases a garden shed cannot be located 30 feet from the dwelling because the lots are so small.</p> <p>Impervious cover – There are no regulations on impervious cover on individual lots. A home owner could build a pool, patio, and deck which resulted in 50% or more impervious cover. Maximum impervious cover in other residential districts is 20 to 25%. The PC concluded some years ago that unless the Township Engineer determines that the revised Storm Water Management and building permit regulations adequately address this issue, there is a potential problem. (No bulding permit is required for a patio.)</p>		

## [170-1502 Projections into setbacks and setback exceptions](#)

Thursday, April 05, 2018  
2:41 PM

PC Status/Action	BOS status/action	Next Scheduled
N/A	N/A	N/A
This section relates to decks in townhouse developments where the lot line conforms to the building footprint. It allows a deck to project into the common <b>open space</b> as long as it is no closer than 15 feet from another structure. Possible safety issue for access by emergency equipment.		



## **170-1509 Storage**

Thursday, April 05, 2018

2:43 PM

<b>PC Status/Action</b>	<b>BOS status/action</b>	<b>Next Scheduled</b>
N/A	N/A	N/A
Residents frequently complain about storage of RV's, landscaping and construction equipment (even once an ultralight airplane) in residential neighborhoods. This is particularly a problem in areas where there are many Major Home Occupations as these tend to be contractors and landscapers. The wording of this section makes addressing these issues difficult as it appears aimed at non-residential situations.		

## **170-1513.B Interior circulation and streets minimum widths.**

Thursday, April 05, 2018  
2:46 PM

PC Status/Action	BOS status/action	Next Scheduled
N/A	N/A	N/A
PC has been asked to consider reducing the minimum paved width of streets on low traffic volume streets.		

## **170-1605.G.(2).n Major home occupations.**

Thursday, April 05, 2018

2:46 PM

<b>PC Status/Action</b>	<b>BOS status/action</b>	<b>Next Scheduled</b>
N/A	N/A	N/A
Correct reference from 170-1700D to "170-1708.A.		

# 170-602.D R-1 Residential Area and Bulk Regulations

Thursday, April 05, 2018

2:53 PM

PC Status/Action	BOS status/action	Next Scheduled
N/A	N/A	N/A
Residential Cluster per 170-1602 which has been deleted (replaced by <a href="#">Flexible Development.</a> ) Remove 170-602.D and renumber as necessary.		

# 149-915 Driveways

Thursday, April 05, 2018  
2:56 PM

<b>PC Status/Action</b>	<b>BOS status/action</b>	<b>Next Scheduled</b>
N/A	N/A	N/A
The Subdivision Ordinance includes specifications for the design and construction of driveways in new developments, but there is no requirement for a permit to alter or install new driveways. PC has suggested on several occasions that the Board adopt a free standing driveway ordinance.		

# 149-910 Street Construction

Thursday, April 05, 2018  
3:01 PM

PC Status/Action	BOS status/action	Next Scheduled
N/A	N/A	N/A
<p><b>This language is either outdated or technically obsolete:</b> §149-910 - “All materials used for the construction of streets and/or roads as herein defined and the method of construction and installation shall be in strict accordance with the requirements of PennDOT Specifications Publication 408 and/or PennDOT Seldom Used Specifications 1983 and/or the latest revision thereof.” This language is either outdated or technically obsolete.</p> <p><i>MT Response: This section could be revised to remove the reference to “PennDOT Seldom Used Specifications 1983” and more appropriately Reference PennDOT Publication 46.</i></p>		

# 149-910.D Paving - Bituminous Surface Course ID-2A

Thursday, April 05, 2018  
3:02 PM

PC Status/Action	BOS status/action	Next Scheduled
N/A	N/A	N/A
<p><b>This language is either outdated or technically obsolete.</b>  <i>MT Response: This section could be revised to remove the reference to Bituminous Surface Course ID-2A. This section should be completely re-written to include a modern specification of the Superior Asphalt Paving System (Superpave).</i></p>		

# 149-803 Stormwater Management in the Land Development Ordinance

Thursday, April 05, 2018  
3:04 PM

PC Status/Action	BOS status/action	Next Scheduled
N/A	N/A	N/A
<b>This language is either outdated or technically obsolete.</b> <i>MT Response: This section could be completely removed since the Township Stormwater was installed as a "stand alone - §144" section in 2013.</i>		



# 144-301T General Requirements

Thursday, April 05, 2018  
3:05 PM

PC Status/Action	BOS status/action	Next Scheduled
N/A	N/A	N/A
<p><b>This language contains typos.</b>            §144-301.T “Disturbance of existing ground cover during construction of the proposed regulated activity is prohibited within fifty (75)[4] feet of top-of-bank of all perennial and intermittent waterways, water bodies (lakes, ponds, etc.) and wetlands, except for activities otherwise approved by state or local agencies (e.g., stream restoration projects, road crossings, subsurface utility projects, etc.). At the Municipal Engineer’s discretion, and with Conservation District and PADEP approval where necessary, the non-disturbance, buffer may be reduced because of setback or other site constraints, but never be less than 10 feet. [4]Editor’s Note: So in original.”</p> <p><i>MT Response: A typo appears in the code. The ordinance should correctly read “seventy-five” (75), not fifty, which was the original language from the Chester County Model ordinance.</i></p>		

# Administrative Preliminary or Final Waivers

Thursday, April 05, 2018  
3:07 PM

PC Status/Action	BOS status/action	Next Scheduled
N/A	N/A	N/A
<i>The entire concept of a preliminary submission has its roots in the 1960 / 70's when engineers and surveyors would submit a preliminary plan with little or no final engineering and received vested rights in the lot-geometry or number or units for an application. Modern applications contain so much information that that boundary between preliminary and final has become almost negligible far as engineering detail. Very infrequently have I seen a request for the waiver from preliminary to prelim/ final denied.</i>		

# Landscaping Waivers

Thursday, April 05, 2018

3:08 PM

PC Status/Action	BOS status/action	Next Scheduled
N/A	N/A	N/A
Westtown Woods: §149-925-I.5 – Street Trees within 5 feet of property and within 10 feet of side lot lines	N/A	N/A
§149-924.D which would require a separate tree protection plan.	N/A	N/A
Fairshaire Builders: §149-924.D(12)(b) – Regarding the request to waive the full amount of compensatory trees, the site was formerly a tree nursery.	N/A	N/A
Rustin Residential: §149-925-I.5 – Street Trees within 10 feet of side lot lines.	N/A	N/A

*Considering that these applications are handled on a case by case basis, I see no reason to make changes to the code.*

# Lighting waivers

Monday, April 09, 2018  
8:44 AM

PC Status/Action	BOS status/action	Next Scheduled
§170-603, §170-703, §170-803, §170-905: Technically lighting is required in Residential applications in R-1, R-2, R-3, Flex Dev., by "Design Standards" §170-603, §170-703, §170-803, §170-905 by §170-1514 "Outdoor Lighting."	N/A	N/A

*The Township has not required outdoor lighting on the following residential land developments:*

Hawthorne: 1019 Shiloh Road – Six Lots,  
 Greenstone, Arborview: Hidden Pond Way – 35 Lots,  
 Westtown Woods: Piper Lane – 15 Lots,  
 Rustin Residential: Leeds Circle 50 Lots

Smaller Applications:

March Creek Homes – Garden Circle,  
 Springer – 102 Oakbourne Road

*I'd recommend that the lighting requirements in Residential be officialy removed from the code.*

# Stormwater

Monday, April 09, 2018  
10:13 AM

PC Status/Action	BOS status/action	Next Scheduled
N/A	N/A	N/A
§144-311.B.2 HDPE Pipes to be used in areas not supporting traffic loads. This request has been made on several applications and been granted by the BOS frequently enough to warrant amending the code.		

## Proposed Additions to the Code

Monday, April 09, 2018  
10:14 AM

PC Status/Action	BOS status/action	Next Scheduled
N/A	N/A	N/A
§170-1600 – Consider adding Drive Thru Regulations (Recall Dunkin’ Donuts)		
N/A	N/A	N/A
§170-1600 – Consider adding MS4 Assist Regulations (Recall the Maneri Property 1126 Kolbe Lane, Rustin and Crebilly CU)		
N/A	N/A	N/A
§149-1514 – Consider adding a Belgian Block Section of Code with detail.		
N/A	N/A	N/A
§170-1600 – Parking has become popular for compact cars, oversized vehicle, seniors citizen and new or expecting parents.		
N/A	N/A	N/A
§170-1600 – Truck Turning Templates are not require by ordinance and should be added to the preliminary/ final plan set requires. All vehicles for emergency response, delivery and trash and recycling should be provided to major applications.		

# Definitions

Monday, April 09, 2018  
10:19 AM

PC Status/Action	BOS status/action	Next Scheduled
N/A	N/A	N/A
<p>The definition of "Lot Area" and "Tract Area" are treated differently in Zoning:            "Lot Area" - §170-200            The acreage contained within the property lines of a lot, as defined in the deed or as shown on an approved subdivision plan. For purposes of compliance with minimum lot area requirements, the following shall be excluded:            [Amended 3-3-2003 by Ord. No. 2003-2]            A. Any area used for gas, oil, natural gas, electric, water, or communications transmission facilities, whether below or above ground, that do not serve the lot or lots traversed.            B. Any area within a street or other transportation right-of-way, existing or proposed.            C. Any area within a permanent drainage easement.</p> <p>"Tract" - §170-1519            (1) Tract area shall be determined by excluding from the gross area of the tract any or all of the following, as applicable:                (a) Any area used for gas, oil, natural gas, electric, or communications transmission facilities, railroad fee-simple interest, right-of-way or easement whether below or above ground, that do not serve the tract.                (b) Any area within an existing street right-of-way.                (c) An area measured in acres equal to 75% of the total area comprising any of the following:                    [1] Any area overlain by the Floodplain District;                    [2] Any area where the slope gradient is 25% or greater;                    [3] Any area designated as a wetland.                (d) An area measured in acres equal to 25% of the total area comprising any area containing seasonally high water table soils.            (2) In the event two or more of the above-named features overlap, the overlapped area with the most severe reduction shall be counted, and the overlapped areas shall be counted only once.</p>		

# Lot Area

Monday, April 09, 2018  
10:20 AM

PC Status/Action	BOS status/action	Next Scheduled
N/A	N/A	N/A
<p>The acreage contained within the property lines of a lot, as defined in the deed or as shown on an approved subdivision plan. Such acreage shall be exclusive of the following:</p> <ul style="list-style-type: none"> <li>A. Any area used for gas, oil, natural gas, electric, or communications transmission facilities, whether below or above ground, that do not serve the lot or lots traversed.</li> <li>B. Any area within a street or other transportation right-of-way, existing or proposed.</li> <li>C. Any area within a permanent drainage easement.</li> <li>D. Every lot created by subdivision shall have a contiguous and uninterrupted area equal to 75% of the minimum lot area required by the applicable zoning district which is unencumbered by wetlands, one-hundred-year floodplains, steep slopes and/or stormwater management basins/facilities.</li> </ul>		



# Medical Services (curative amendment)

Friday, April 20, 2018

8:13 AM



Amend article XII, not article III

COMPLETED

Medical O...




Leiss - We...



Leiss - We...

# Sign Ordinance Update 2017-2018

Wednesday, March 28, 2018  
12:11 PM

PC Status/Action	BOS status/action	Next Scheduled
New Business 4/18/18, Old Business 5/9/18	N/A	BOS Workshop 1/22/2019
	 Westtown...	

# High tunnels or “hoop houses”

Wednesday, May 09, 2018  
9:53 AM

Thanks Beth.

Since there is no adoption deadline, I suggest we add this to the ever-expanding list of ordinance amendments for some unknown future ordinance update.

Rob

**From:** Beth Uhler [<mailto:buhler@cedarvilleeng.com>]  
**Sent:** Monday, May 07, 2018 4:33 PM  
**To:** [rpingar@westtown.org](mailto:rpingar@westtown.org)  
**Cc:** 'Mila Robinson' <[mrobinson@westtown.org](mailto:mrobinson@westtown.org)>; 'Will Ethridge' <[wethridge@westtown.org](mailto:wethridge@westtown.org)>  
**Subject:** RE: Municipal Memorandum - Action Alert

Rob,

I agree with Mila that this new exemption and provisions for high tunnels or “hoop houses” must be adopted by the Township. The Township’s current stormwater ordinance exempts “agricultural activities” and “conservation activities”, but that does not apply to agricultural activities that will result in new impervious.

There isn’t a timeline specified for adoption, only the timeline for the Act to take effect. It would be ideal to incorporate this amendment with others, if you foresee any in the near future.

Here is the House Bill:

<http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2017&sessInd=0&billBody=H&billTyp=B&billNbr=1486&pn=1893>

Thanks,  
Beth



**Beth Uhler**  
**Project Manager**  
CEDARVILLE Engineering Group, LLC  
1033 S. Hanover Street, Suite 300  
Pottstown, PA 19465

610-705-4500 | office

610-705-4900 | fax

[www.cedarvilleeng.com](http://www.cedarvilleeng.com)

[buhler@cedarvilleeng.com](mailto:buhler@cedarvilleeng.com)

[Facebook](#) | [Twitter](#) | [LinkedIn](#)

Federally Certified 8(a), EDWOSB, State Certified DBE/WBE  
NAICS Codes: 115310, 236116, 236210, 236220, 237110, 237310, 237990, 541330, 541340, 541350, 541360, 541370, 541380, 541512, 541511, 541611, 541620, 541690, 541712  
DUNS No.: 962659947

**From:** Robert Pingar <[rpingar@westtown.org](mailto:rpingar@westtown.org)>

**Sent:** Thursday, May 3, 2018 11:38 AM  
**To:** Beth Uhler <[buhler@cedarvilleeng.com](mailto:buhler@cedarvilleeng.com)>  
**Cc:** 'Mila Robinson' <[mrobinson@westtown.org](mailto:mrobinson@westtown.org)>; 'Will Ethridge' <[wethridge@westtown.org](mailto:wethridge@westtown.org)>  
**Subject:** RE: Municipal Memorandum - Action Alert

Beth. Your thoughts on the new “requirement”, please.

Thanks. Rob

**From:** Mila Robinson [<mailto:mrobinson@westtown.org>]  
**Sent:** Thursday, May 03, 2018 11:28 AM  
**To:** [rpingar@westtown.org](mailto:rpingar@westtown.org); 'Will Ethridge' <[wethridge@westtown.org](mailto:wethridge@westtown.org)>  
**Subject:** RE: Municipal Memorandum - Action Alert

Rob and Will –

I read the House Bill No. 1486 and reviewed the Westtown Township Code: *Chapter 144. Stormwater Management §144-106. Exemptions and modified requirements and §144-202. Definitions.*

It seems that the Township must adopt an amendment to include the following:

- Definition of “high tunnel” as stated in Section 4 of the House Bill
- Exemption requirements as stated in Section 11
- As stated in Section 3: “This act shall take effect in 60 days”. The bill has been signed into effect on **April 18, 2018.**

Thank you!  
Mila

**Mila Robinson**  
*Planning Technician*  
Westtown Township  
1039 Wilmington Pike | P.O. Box 79  
West Chester, PA 19382 | Westtown, PA 19395

P: [610-692-1930](tel:610-692-1930)  
F: [610-692-9651](tel:610-692-9651)  
E: [mrobinson@westtown.org](mailto:mrobinson@westtown.org)  
[www.westtownpa.org](http://www.westtownpa.org)

*This message may contain confidential information for the use of the addressee's above and may contain legally privileged information. If you are not the addressee, or the person responsible for delivering it to the addressee, you are hereby notified that reading, disseminating, distributing or copying this message may be prohibited. If you have received this message by mistake, immediately notify us by replying to the message and delete the original message immediately.*

**From:** Robert Pingar [<mailto:rpingar@westtown.org>]  
**Sent:** Friday, April 27, 2018 5:23 PM  
**To:** Will Ethridge <[wethridge@westtown.org](mailto:wethridge@westtown.org)>; Mila Robinson <[mrobinson@westtown.org](mailto:mrobinson@westtown.org)>  
**Subject:** FW: Municipal Memorandum - Action Alert

Will & Mila. Please review this and let me know if we must adopt an amendment, and by when.

Thanks. Rob

**From:** Anthony T. Verwey [<mailto:averwey@gawthrop.com>]  
**Sent:** Friday, April 27, 2018 11:55 AM  
**To:** [rpingar@westtown.org](mailto:rpingar@westtown.org)

Experienced. Respected. Responsive.



Gawthrop Greenwood, PC  
*Attorneys at Law*

## Municipal Memorandum

April 27, 2018

### Action Alert

From [Anthony T. Verwey](#), Partner, [Gawthrop Greenwood Municipal Law Department](#)

Governor Wolf signed into law Act 15 of 2018, which amends Act 167 known as the Stormwater Management Act. The amendment will require municipalities to modify ordinances based on the addition of an exemption regarding high tunnels used in agricultural applications. High tunnels are generally a structure that is covered with a plastic or woven textile or other flexible covering as further defined by the Act. A high tunnel will be exempt from the provisions from Act 167 if it:

- \* Does not have an impervious area exceeding 25% of all structures located on the entirety of the owner's contiguous land area;
- \* The high tunnel is located at least 100 feet from any perennial stream or water course, public road or neighboring property line;
- \* The high tunnel is located within at least 35 feet from any perennial stream or water course, public road or neighboring property line located on the land with a slope not greater than 7%;
- \* The high tunnel is supported with a buffer or diversion system that does not directly drain into a stream or other water course by managing stormwater runoff consistent with the requirements of Act 167.

Act 15 requires all municipalities who have adopted an ordinance or regulation that regulates high tunnels under a stormwater plan pursuant to Act 167 to amend the ordinance or regulation to comply with this amendment. If you have further questions regarding this change in the Stormwater Management Act, please do not hesitate to contact us.



## About Gawthrop Greenwood

With offices in West Chester, PA and Greater Wilmington, DE, [Gawthrop Greenwood](#) serves clients throughout the greater mid-Atlantic region and nation. For more than a century, the firm has championed its core principle of providing high-quality legal services with personal attention to entrepreneurs, businesses and governmental entities.

STAY CONNECTED:



**Gawthrop Greenwood, PC | [Gawthrop.com](#)**

**17 East Gay Street, Ste 100, West Chester, PA | 610-696-8225  
3711 Kennett Pike, Ste 100, Wilmington, DE | 302-777-5353**

**Experienced. Respected. Responsive.**

Gawthrop Greenwood, PC, 17 East Gay Street Suite 100,  
P.O. Box 562, West Chester, PA 19381

[SafeUnsubscribe™ rpingar@westtown.org](#)

[Forward this email](#) | [Update Profile](#) | [About our service provider](#)

Sent by [averwey@gawthrop.com](mailto:averwey@gawthrop.com) in collaboration with



[Try it free today](#)

# Update to Alarms Ordinance

Friday, May 11, 2018  
11:50 AM



45-11 Fals...



False alar...

# Parking Regulations update

Friday, May 11, 2018  
11:51 AM

Times, circumstances, streets, locations