**ORDINANCE NO. 2019-\_\_**

**WESTTOWN TOWNSHIP**

**CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING CHAPTERs 144 Stormwater management, 149 subdivision of land, and 170 ZONING, of the code of WESTTOWN TOWNSHIP regarding the deletion and CORRECTIoN of ERRONEOUS REFERENCES AND MISSPELLINGS, as well as updating some outdated language.**

**be it enacted and ordained** by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that certain provisions of Chapter 144, Stormwater Management, Chapter 149 Subdivision of Land, and Chapter 170 Zoning, of the Code of Westtown Township, as amended, be amended as follows:

**SECTION 1.** Article III, Stormwater Management Standards, §144-301.T, General Requirements, shall be amended to read as follows:

T. Disturbance of existing ground cover during construction of the proposed regulated activity is prohibited within seventy-five (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 nondisturbance buffer may be reduced because of setback or other site constraints, but never be less than 10 feet.

**SECTION 2.** Article III, Stormwater Management Standards, §144-311.B.(2), Other conveyance and system design standards, shall be amended to read as follows:

(2) Storm sewers shall be reinforced concrete when constructed within rights-of-way public streets. High Density Polyethylene Pipe (HDPE) may be used in all other areas.

**SECTION 3.** Article VI, Preliminary Plan, §149-602, Preliminary plan requirements, shall be amended to read as follows:

(h) A statement noting proposed signage for the development.

**SECTION 4.** The following sections contained in Article VIII, Supplementary Studies and Plans, §149-803, Stormwater Management, shall be removed:

* §149-803.B.(2)
* §149-803.B.(4-9)

**SECTION 5.** Article IX, Development & Design Standards, §149-910, Street Construction, shall be amended to read as follows:

§ 149-910 Street Construction.

[Amended 7-22-2002 by Ord. No. 2002-5]

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 Publication 46, and/or the latest revision thereof.

**SECTION 6.** Article IX, Development & Design Standards, §149-910.D.(4), Paving, shall be amended to read as follows:

(4)Bituminous Surface Course ID-2A. Bituminous surface course ID-2A shall consist of constructing a binder course and wearing course of hot mixed, hot laid asphalt concrete on the above prepared base course. The binder course shall be rolled with vibratory roller and compacted to a depth of not less than two inches and the wearing course not less than 1 1/2 inches. The materials and construction methods shall be in strict accordance with the requirements of Section 420, Bituminous Wearing Course ID-2, and Section 421, Bituminous Binder Course ID-2, of PennDOT Publication 408, as amended. The Township may require that the final application of bituminous concrete be withheld until the streets are offered for dedication to the Township if the wearing course is not applied immediately after the binder course. (NOTE: The binder course shall be thoroughly cleaned and tack coated in accordance with PennDOT Publication 408, as amended.)

**SECTION 7.** Article VI, R-1 Residential District, §170-602.D, shall be removed.

**SECTION 8.** Article XV, General Regulations, §170-1502.B, Projections into setbacks and setback exceptions, shall be amended to read as follows:

B. In situations where the Board of Supervisors permits a lot size which conforms to the footprint of a building, such components or decks may project no more than 25% of the minimum distance between buildings or be set back at least 20 feet from the tract boundary; projections into open space not covered by these standards shall be subject to approval by the Board of Supervisors.

**SECTION 9.** Article XV, General Regulations, §170-1502.G, Projections into setbacks and setback exceptions, shall be amended to read as follows:

G. Swimming pools, measured from the edge of the water, tennis courts, and similar outdoor recreation facilities shall be permitted within side and rear yard areas provided they are set back at least 30 feet from the lot line.

**SECTION 10.** Article XVI, Supplemental Regulations, §170-1605.G.(2).(n), Major Home Occupations, shall be amended to read as follows:

(n) Parking of commercial vehicles is in accordance with §170-1708.A of this chapter.

**SECTION 11.** Article VI, R-1 Residential District, §170-603.A.(7), Design Standards, shall be removed, and the remainder of the section renumbered as appropriate.

**SECTION 12.** 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 Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

**SECTION 13.** All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

**SECTION 14.** This Ordinance will be effective five (5) days after enactment.

ENACTED AND ORDAINED this day of , 2019.

ATTEST WESTTOWN TOWNSHIP

Secretary Carol R. De Wolf, Chair

Scott E. Yaw, Vice Chair

Michael T. Di Domenico, Police Commissioner