

Township of Valley

Chester County, Pennsylvania

***Subdivision and Land Development
Ordinance***

***Ord. 8/15/1989
As Amended Through
Ord. 99-5, 11/3/1999***

***Penns Valley Publishers
A Division of Fry Communications, Inc.
Mechanicsburg, Pennsylvania***

CHAPTER 22
SUBDIVISION AND LAND DEVELOPMENT

PART 1

TITLE; PURPOSE; ADOPTION; AUTHORITY AND JURISDICTION

- §101. Title
- §102. Purpose
- §103. Adoption; Authority
- §104. Jurisdiction

PART 2

DEFINITIONS

- §201. General
- §202. General Terms
- §203. Specific Terms

PART 3

PLAN PROCESSING PROCEDURES

- §301. General
- §302. Pre-Application
- §303. Preliminary Plan Application
- §304. Final Plan Application
- §305. Waiver Request
- §306. Plan Exempted from Standard Procedures

PART 4

**INFORMATION TO BE SHOWN ON OR SUBMITTED
WITH SUBDIVISION AND LAND DEVELOPMENT PLANS**

- §401. Sketch Plan
- §402. Preliminary Plans
- §403. Final Plans

PART 5

IMPROVEMENT GUARANTEES

- §501. General
- §502. Financial Security
- §503. Dedication of Improvements
- §504. Maintenance Guarantee
- §505. Inspection of Improvement During Construction
- §506. As-Built Plans
- §507. Development Agreement
- §508. Professional Fee Agreement

PART 6

DESIGN STANDARDS

- §601. General
- §602. Streets, Access Drives and driveways
- §603. Vehicular Parking Facilities
- §604. Sidewalks
- §605. Blocks and Lots
- §606. Building Setback Lines and Building Separations
- §607. Easements
- §608. Survey Monuments and Markers
- §609. Stormwater Management
- §610. Floodplain and Steep Slopes
- §611. Landscaping
- §612. Sanitary Sewage Disposal
- §613. Water Supply
- §614. Street Address Numbers

PART 7

MOBILE HOME PARKS

- §701. General

PART 8

ADMINISTRATION

- §801. General
- §802. Amendment
- §803. Waivers
- §804. Challenges and Appeals
- §805. Penalties for Violations

§806. Records
§807. Conflicts

PART 9

APPENDICES

- Appendix No. 1. Statement of Accuracy
- Appendix No. 2. Statement of Ownership, Acknowledgement of Plan and Offer of Dedication
- Appendix No. 3. Planning Commission Review Statement
- Appendix No. 4. Preliminary Plan Approval Statement
- Appendix No. 5. Final Plan Approval Statement
- Appendix No. 6. Application for Consideration of a Subdivision and Land Development Plan
- Appendix No. 7. Application for Consideration of a Waiver

PART 1

TITLE; PURPOSE; ADOPTION; AUTHORITY AND JURISDICTION

§101. TITLE.

This Chapter shall be known and may be cited as the "Valley Township Subdivision and Land Development Ordinance."

(Ord. 8/15/1989, §101)

§102. PURPOSE.

The purpose of this Chapter is to provide for the harmonious development of the Township by:

- A. Assisting in the orderly and efficient integration of land developments within the Township.
- B. Ensuring conformance of land development plans with the Comprehensive Plan and public improvements plans.
- C. Ensuring the provision of adequate public facilities including roadways, walkways, street lighting, water supply, storm and sanitary sewerage facilities, recreation sites, open spaces and other improvements for the public health, safety and welfare.
- D. Ensuring coordination of intermunicipal and intramunicipal public improvement plans and programs.
- E. Securing the protection of water resources and drainageways and other environmental resources.
- F. Facilitating the efficient movement of traffic.
- G. Securing equitable handling of all land development plans by providing uniform standards and procedures.
- H. Facilitating the efficient movement of traffic.
- I. Securing equitable handling of all land development plans by providing uniform standards and procedures.
- J. In general, promoting greater health, safety and welfare of the citizens of the Township.

SUBDIVISION AND LAND DEVELOPMENT

- K. Securing adequate sites for recreation, conservation, scenic and other open space purposes.

(Ord. 8/15/1989, §102)

§103. ADOPTION; AUTHORITY.

1. The Board of Supervisors of Valley Township, Chester County, Pennsylvania, pursuant to the Pennsylvania Municipalities Planning Code, Act of 1968, as amended, 53 P.S. §10101 *et seq.*, hereby enacts and ordains the following Chapter governing subdivisions and land development within the limits of Valley Township.
2. The Board of Supervisors shall administer and enforce this Chapter and does hereby designate the Valley Township Planning Commission as the agency of the Board of Supervisors:
 - A. With which applicants hold all pre-application consultations relating to the plans.
 - B. To which all applications relating to either preliminary or final approval of subdivision and land development plans are referred upon submission to the Township.
 - C. Which makes recommendations to the Board of Supervisors concerning approval, disapproval, modification and conditions of approval of such plans.
 - D. Which makes recommendations to the Board of Supervisors concerning the interpretation of and the granting of waivers to provisions and standards of this Chapter.

(Ord. 8/15/1989, §103)

§104. JURISDICTION.

1. This Chapter shall apply to all subdivision and land development plans submitted after the effective date of this Chapter.
2. This Chapter shall apply to all subdivision and land development plans previously approved in accordance with any law or regulation then applicable, the development of which has not been completed in accordance with the terms of such approval within five (5) years of such approval. However, this Section shall not affect the vested rights of the developer as provided in the Pennsylvania Municipalities Planning Code.
3. This Chapter shall not affect any suit or prosecution pending or to be instituted, to enforce any provision of the Valley Township Subdivision Control Ordinance of 1974, Ordinance No. 74-1, or its applicable predecessor regulations, on an act done, contract executed or liability incurred prior to the effective date of this Chapter, nor shall any

provisions of this Chapter be construed to waive the obligations imposed upon an applicant to complete a previously approved preliminary or final plan, including the installation of all improvements required hereunder, in strict compliance with the requirements of the Valley Township Subdivision Control Ordinance of 1974, No. 74-1, or any applicable predecessor regulations.

4. No subdivision or land development of any lot, tract or parcel of land in Valley Township shall be effected; no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings thereon unless and until authorized by this Chapter.
5. No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no building may be erected or altered in a subdivision or land development unless and until a final subdivision or land development plan has been approved by the Board of Supervisors and recorded and until the improvements required in connection therewith have been either constructed or guaranteed in a manner prescribed herein.
6. All subdivision and land development plans are subject to the prevailing Township Zoning Ordinance [Chapter 27], Stormwater Management/Erosion Control Ordinance [Chapter 9], Floodplain Ordinance [Chapter 8], BOCA Housing/Building Codes [Chapter 5] and all other applicable ordinances, regulations and requirements.

(Ord. 8/15/1989, §104)

PART 2

DEFINITIONS

§201. GENERAL.

Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined or interpreted differently within this Section.

(Ord. 8/15/1989, §201)

§202. GENERAL TERMS.

In this Chapter, when not inconsistent with the context:

- A. Words in the present tense imply also the future tense.
- B. The singular includes the plural.
- C. The male gender includes the female gender.
- D. The word "person" includes a partnership or corporation as well as an individual.
- E. The term "shall" or "must" is always mandatory.

(Ord. 8/15/1989, §202)

§203. SPECIFIC TERMS.

The following words and phrases shall have the particular meaning assigned by this Section in the appropriate Sections of this Chapter:

ACCESS DRIVE - an improved cartway designed and constructed to provide for vehicular movement between a public street and a tract of land containing any use other than one (1) single-family dwelling unit or farm. [Ord. 99-5]

AGENT - any person other than the developer, who acting for the developer, submits land development plans to the Township for the purpose of obtaining approval thereof.

AGRICULTURAL PURPOSES - the use of land for farming, dairying, pasturage, beekeeping, horticulture, viticulture or animal or poultry husbandry, including the necessary accessory uses for packing, treating or storing the produce and equipment or housing and feeding the animals and/or the use of dwellings for families headed by a full-time farm worker. Includes land devoted to and meeting the requirements and

SUBDIVISION AND LAND DEVELOPMENT

qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government.

ALLEY - see "street."

APPLICANT - a landowner or developer, as hereinafter defined, who has filed an application for development including his heirs successors and assigns.

APPLICATION FOR DEVELOPMENT - the application form and all accompanying documents and exhibits required for a preliminary or final application in accordance with this Chapter.

BLOCK - a tract of land which is entirely bounded by streets, public parks, cemeteries, railroads, watercourses or any other barrier to the continuity of development.

BUILDING - any structure or edifice designed or intended for use as an enclosure, a shelter or for protection of persons, animals or property.

BUILDING, ACCESSORY - a detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, which is located on the same lot as that occupied by the principal building. Farm buildings not intended for habitation are considered to be accessory buildings.

BUILDING, PRINCIPAL - a building which is enclosed within exterior walls or fire walls, which is built, erected and framed of component structural parts, which is designed for housing, shelter, enclosure and support of individuals or property of any kind and which is a main structure on a given lot.

BUILDING COVERAGE - the portion of a lot which is proposed to be covered by buildings.

BUILDING SETBACK LINE - a line within a lot, designated on a plan as the minimum required distance between any structure and the adjacent street right-of-way or property line.

CARTWAY - the surface of a street, drive or alley available for vehicular traffic, including travel lanes and parking lanes but not including shoulders, curbs, sidewalks or swales.

CLEAR SIGHT TRIANGLE - a triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

COMMON OPEN SPACE - a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. [Ord. 99-5]

COMPREHENSIVE PLAN - the plan, or parts thereof, which have been adopted by the Board of Supervisors showing its recommendations for such systems as: land uses, parks and recreation facilities, water supply, sewerage and sewage disposal, garbage disposal, transportation, highways, civic centers and other public improvements which affect the development of the Township.

CORNER LOT - a lot abutting upon two (2) streets at their intersection.

CURB - the raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

CURB LINE - the outside edge of the cartway.

DEDICATION - the deliberate appropriation of land by its owner to another party.

DEED - a written instrument whereby an estate in real property is conveyed.

DENSITY - the number of dwelling units and/or lots per acre, exclusive of street rights-of-way but including the area of any easement.

DEVELOPER - any landowner, agent of such landowner, equitable owner, or tenant with the permission of the landowner for whom subdivision or land development plans are being or have been made.

DEVELOPMENT PLAN - the provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of development plan" when used in this Chapter shall mean the written and graphic materials referred to in this definition. [Ord. 99-5]

DOUBLE FRONTAGE LOT - a lot which fronts upon two (2) parallel streets or which fronts upon two (2) streets which do not intersect at the boundaries of a lot.

DRIVEWAY - an improved cartway designed and constructed to provide vehicular movement between a public road and a tract of land serving one (1) single-family dwelling unit or a farm. [Ord. 99-5]

EASEMENT - a right-of-way granted for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

ENGINEER - a professional engineer licensed as such in the Commonwealth of Pennsylvania.

FLOODPLAIN - the area inundated by the regulatory flood as described in the Official Floodplain Ordinance of Valley Township [Chapter 8].

SUBDIVISION AND LAND DEVELOPMENT

FRONTAGE - the linear measurement taken along a property's common boundaries with adjoining street rights-of-way other than a limited access highway.

FUTURE RIGHT-OF-WAY -

- (1) The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads.
- (2) A right-of-way established to provide future access to or through undeveloped land.

GRADE - the slope expressed in a percent which indicates the rate of change of elevation in feet per hundred (100) feet.

GUTTER - that portion of a right-of-way carrying surface drainage.

IMPROVEMENTS - physical changes to the land (including, but not limited to, grading, paving, curbs, gutters, storm sewers and drains, improvements to existing watercourses, sidewalks, street sights, monuments, water supply facilities and sewage disposal facilities) that may be necessary to produce usable and desirable developments.

LAND DEVELOPMENT -

- (1) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two (2) or more residential or nonresidential buildings whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
 - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
 - (a) The following shall not be considered a land development:
 - 1) The conversion of an existing single-family detached dwelling or single family semidetached dwelling into not more than three (3) residential units unless such units are intended to be a condominium.
 - 2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

- 3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities. [Ord. 99-5]

LANDOWNER - the legal, beneficial, equitable owner or owners of land, including the hold of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee (if he is authorized under the lease to exercise the rights of the landowner), or any other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Chapter.

LATERAL - a utility line between a trunk or interceptor line that is located within a utility easement and the single building which the line serves.

LOT - a parcel of land considered as a unit (1) for a principal use and/or (2) from the standpoint of ownership. It may be vacant, devoted to a certain use, occupied by a structure or occupied by a group of structures that are united by a common interest or use.

LOT AREA (NET LOT AREA) - the area contained within the property lines of an individual lot, excluding any area within a street right-of-way but including the area of any easement.

LOT COVERAGE - a percentage of the lot area which may be covered by impervious surfaces such as, but not limited to, buildings, parking areas, driveways, sidewalks, etc.

LOT DEPTH - the horizontal distance measured between the street right-of-way and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

LOT WIDTH - the horizontal distance measured between side property lines, parallel to the street line, at the building setback line. On corner lots, the right-of-way line for the nonaddress street shall be considered a side property line for the purpose of calculating lot width.

MOBILEHOME - a transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

MOBILEHOME LOT - a parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections

SUBDIVISION AND LAND DEVELOPMENT

thereon of a single mobilehome, which is leased by the park owner to the occupants of the mobilehome erected on the lot.

MOBILEHOME PARK - a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.

MULTIPLE DWELLING BUILDING - a building providing separate living quarters for three (3) or more families.

MUNICIPAL AUTHORITY - a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945." [Ord. 99-5]

PEDESTRIAN EASEMENT - a right-of-way, municipally or privately owned, at least ten (10) feet wide which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

PLAN - the map representing a tract of land including all supplementary data specified in Part 4 of this Chapter. The following are the types of plans specified by this Chapter:

AS-BUILT - a corrected final plan, showing dimensions and locations of all streets and other public improvements as actually constructed.

FINAL PLAN - a complete and exact subdivision and/or land development plan prepared for official recording as required by statute to define property rights, propose streets and other public improvements.

PRELIMINARY PLAN - a complete and exact subdivision and/or land development plan, the purpose of which is to authorize the construction of public improvements and the preparation of final plans.

SKETCH PLAN - an informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings with the general layout of a proposal for consideration prior to the formal submission of a plan.

PUBLIC GROUNDS - includes:

- (1) Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and,
- (3) Publicly owned or operated scenic and historic sites.

[Ord. 99-5]

PUBLIC HEARING - a formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter. [Ord. 99-5]

PUBLIC IMPROVEMENT - any improvement facility or service together with its associated public site or right-of-way necessary to provide transportation, drainage, public or private utilities, energy or similar essential services.

PUBLIC MEETING - a forum held pursuant to notice under the Act of June 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. §§271 et seq. [Ord. 99-5]

PUBLIC NOTICE - notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. [Ord. 99-5]

REVERSE FRONTAGE LOT - a lot extending between and having frontage on a minor street and either an arterial street or collector street with vehicular access solely from the minor street.

RIGHT-OF-WAY - land opened for use as a street, alley, crosswalk, utilities or other public or private use.

ROADWAY - the portion of a street right-of-way which is paved, improved, designated or intended for vehicular traffic. Sometimes referred to as "cartway."

SCREEN OR BUFFER PLANTING - a method of visually shielding or obscuring one (1) abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

STREET - includes street, avenue, boulevard, road, highway, freeway, land, alley, viaduct and any other dedicated and adopted public right-of-way used or intended to be used by vehicular traffic or pedestrians. Streets are further classified as follows:

ARTERIAL STREET - a street which provides for intercommunity travel connecting population centers and carrying large volumes of traffic at speeds higher than desirable on other types of streets. Existing arterial streets are established by resolution of the Township Board of Supervisors. A list of existing arterial streets is available at the Township Building.

COLLECTOR STREET - a street which (1) provides access to a residential land use with a density in excess of four (4) dwelling units per acre, industrial land use or a commercial land use; and/or (2) carries traffic from minor streets to the major system of arterial streets including, but not limited to, the principal entrance streets of a residential development. Existing collector streets are established by resolution of the Township Board of Supervisors. A list of existing collector streets is available at the Township Building.

SUBDIVISION AND LAND DEVELOPMENT

CUL-DE-SAC - a street with a single common ingress and egress with a turnaround at the end.

MARGINAL ACCESS STREET - a street, one (1) side of which is parallel and in close proximity to a major street and the other side of which provides access to abutting properties.

MINOR STREET - a street which provides access to a residential land use with a density of four (4) or less units per acre or an institutional land use.

SERVICE STREET or ALLEY - a minor right-of-way on which no property fronts which provides the secondary means of access for two (2) or more properties.

STREET GRADE - the elevation of a street along the centerline of the existing or proposed cartway.

STREET LINE (RIGHT-OF-WAY) - a line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way currently in existence. However, where a future right-of-way width for a Township-owned road or street has been established by the Valley Township Comprehensive Plan, then that width shall determine the location of the street line.

STREET, PRIVATE - a street not offered for dedication or which dedication was not accepted by the Township.

STRUCTURE - any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. [Ord. 99-5]

SUBDIVISION - the division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the parcels of more than ten (10) acres not involving any new street or easement of access or residential dwelling shall be exempted.

SUBSTANTIALLY COMPLETED - where in the judgment of the Township engineer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Chapter) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use. [Ord. 99-5]

SURVEYOR - a surveyor registered in the Commonwealth of Pennsylvania.

SWALE - a wide shallow ditch which gathers or carries surface water.

TOWNSHIP - Valley Township, Chester County, Pennsylvania.

UNDEVELOPED LAND - land in parcels sufficiently large for further land development which is presently in agriculture, woodland or lying fallow.

WAIVER - a process for alleviating specific requirements imposed by this Chapter and provided under §803.

WATER SURVEY - an inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Township. [Ord. 99-5]

WATERCOURSE - a permanent or intermittent stream, river, brook, creek, channel or swale, whether natural or manmade, for gathering or carrying surface water.

ZONING ORDINANCE - the prevailing Zoning Ordinance [Chapter 27], as amended, for Valley Township.

(Ord. 8/15/1989, §203; as amended by Ord. 99-5, 11/3/1999)

PART 3

PLAN PROCESSING PROCEDURES

§301. GENERAL.

1. The procedures set forth in this Chapter shall be followed for all subdivision and /or land development plans.
2. The Township Planning Commission, Township Engineer and County Planning Commission are advisory to the Township Board of Supervisors.
3. The pre-application review specified in §302 is optional. The purpose of the procedure is to provide the developer with the advice and assistance of the Planning Commission.
4. The preliminary plan application specified in §303 is mandatory for all land developments, subdivisions involving new streets and subdivisions involving ten (10) or more lots. In general, the purpose of the preliminary plan is to review detailed design and construction plans. Approval of the preliminary plan authorizes the construction of improvements and the preparation of final plans. [Ord. 99-5]
5. The final plan application specified in §304 is mandatory for all subdivision and /or land development plans. In general, the purpose of the procedure is to review detailed design and construction plans and receive assurance of public improvements. Approval of the final plan authorizes the recording of the plan, the construction of buildings and the selling of land in accordance with §304(8)(B). [Ord. 99-5]

(Ord. 8/15/1989, §301; as amended by Ord. 99-5, 11/3/1999)

§302. PRE-APPLICATION REVIEW.

1. Applicants are urged, but not required, to discuss possible development sites and plans with the Planning Commission prior to submission of the preliminary or final plans. The purpose of the pre-application meeting is to afford the applicant an opportunity to receive the advice and assistance of the Planning Commission. Request for a pre-application review shall not constitute the formal filing of a plan.
2. A request for a pre-application review shall include four (4) copies of a sketch plan, which includes those items listed in §401, one (1) application form (see Appendix No. 6, Part 9, of this Chapter.) and a filing fee as set by resolution of the Township of Supervisors (see Fee Schedule.) The request shall be submitted to the Township Secretary at the Township Building on any business day; however, the Township Planning Commission will officially review a plan at a particular meeting only if the plan was filed at least fifteen (15) days prior to that meeting. The Township staff shall distribute the sketch plan to the Township Planning Commission, Township Engineer and Township Board of Supervisors.

SUBDIVISION AND LAND DEVELOPMENT

(Ord. 8/15/1989, §302)

§303. PRELIMINARY PLAN APPLICATION.

1. Preliminary plan applications are required for all land developments, subdivisions involving new streets and subdivisions involving ten (10) or more lots. [Ord. 99-5]
2. Subdivisions involving less than ten (10) lots and no new street or other public improvements may be submitted as final plans in accordance with §304.
3. Preliminary plans shall be submitted to the Township Secretary at the Township Building on any business day; however, the Township Planning Commission will officially review a plan at a particular meeting only if the plan was filed at least twenty-five (25) days prior to that meeting. [Ord. 99-5].
4. Applicants are urged to submit a sewer facilities plan revision or supplement in conjunction with the preliminary plan to avoid unnecessary delays at the final plan stage.
5. Application Requirements. All preliminary plan applications shall include the following:
 - A. Twelve (12) copies of the preliminary plan and all reports, notifications and certification which are specified in §402.
 - B. One (1) application from (See Appendix No. 6, Part 9, of this Chapter.)
 - C. Filing fee as set by resolution of the Township Board of Supervisors (see Fee Schedule.)
 - D. In the case of a land development which contemplates the construction of any public water supply or sanitary sewer service, a certification that the applicant has entered into a professional services escrow agreement with the Valley Township Authority.

The Township staff shall first determine that the preliminary plan application is substantially complete in accordance with subsection (5)(A), (B) and (C). This determination does not constitute approval or disapproval of the plan but is provided to assure the submission of sufficient data for the Township Board of Supervisors to make a formal action on the plan. If the application is found to be incomplete, the Township will notify the applicant in writing that the submitted data does not constitute a formal filing of the preliminary plan and specify the deficiencies.

6. Distribution. The Township staff shall distribute the preliminary plan to the Township Planning Commission, Township Engineer, Township Zoning Officer, County Planning Commission, County Health Department and, if deemed necessary, Solicitor, Valley Township Authority or other officials.

7. Review of the Preliminary Plan.

- A. The preliminary plan is reviewed by the Township staff, Township Engineer, County Planning Commission, County Health Officer and Township Planning Commission. Attendance at the Planning Commission meeting by the applicant or authorized agent is mandatory to answer technical questions and establish the acceptance of any possible recommended conditions of approval. The applicant will be advised of the scheduled Township Planning date.
- B. A review of the plan shall determine its conformance with the standards contained in this Chapter as well as other applicable ordinances and recommend to the Board of Supervisors such changes and modifications as deemed necessary. [Ord. 99-5]
- C. Any recommendation which involves engineering considerations shall be subject to review and comment by the Township Engineer which shall be incorporated and separately set forth with the recommendations to the Board of Supervisors.
- D. The Township staff, Township Engineer, County Planning Commission, County Health Officer and Township Planning Commission shall render a decision on the plan and submit copies of their recommendations to the Board of Supervisors.

8. Ruling on the Preliminary Plan.

- A. The applicant will be advised of the scheduled meeting date for consideration of the preliminary plan by the Board of Supervisors. Attendance at this meeting by the applicant or authorized agent is mandatory to establish the acceptance of any possible conditions of approval. If there exists uncertainty of the acceptance of conditions of approval, the plan may be disapproved.
- B. The Board of Supervisors shall approve, conditionally approve or disapprove the preliminary plan and shall communicate said decision to the applicant within ninety (90) days following the date of the regular meeting of the Board of Supervisors or the Planning Commission (whichever first reviews the application), next following the date the application is filed; provided, that should the said next regular meeting occur more than thirty (30) days following the filing of the application the said ninety (90) day period shall be measured from the thirtieth (30) day following the day the application has been filed. Said notice shall be in writing, specifically cite any conditions of approval and/or any plan defects and shall be communicated in writing to the applicant not later than fifteen (15) days following the decision. Refusal by the applicant to accept conditions shall constitute disapproval of the plan.
- C. In the event that any waiver of requirements from this Chapter is requested by the applicant or is deemed necessary by the Board of Supervisors, the waiver and the reasons for its necessity shall be entered in the minutes of the Board of Supervisors.

SUBDIVISION AND LAND DEVELOPMENT

- D. When the preliminary plan is not approved in terms as presented to the Board of Supervisors, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of this Chapter.
 - E. Approval of the preliminary plan constitutes approval of the design for streets, lots, structures and other planned facilities. Preliminary approval binds the developer to the plan as approved. Preliminary approval does not authorize the recording, sale or transfer of lots nor shall this plan be recorded with the Chester County Recorder of Deeds but shall, when combined with other necessary approvals and permits, grant the authority to install the public improvements required as part of this Chapter. [Ord. 99-5]
 - F. Preliminary approval shall expire within five (5) years after being granted unless an extension is requested by the applicant and approved by the Board of Supervisors. Requests for extensions shall be submitted to the Township at least thirty (30) days prior to any prevailing expiration date.
9. Compliance with Conditions of Approval.
- A. If the Board of Supervisors conditions its preliminary plan approval upon receipt of additional information, alterations, changes or notifications, such data shall be submitted and/or alterations noted on three (3) copies of the plan to be submitted to the Township. The conditions of approval must be satisfied to obtain preliminary plan approval. The Board of Supervisors will acknowledge the satisfactory compliance with all conditions, if any, of the preliminary plan approval at a public meeting.
 - B. There is no time limitation on attaining compliance with the conditions of approval; however, conditional approval does not extend the five (5) year approval period stated above. Refusal by the applicant to accept and/or comply with the conditions specified shall constitute disapproval of the plan.
 - C. At the option of the applicant and upon receipt of an unconditional preliminary plan approval, a preliminary plan may be presented to the Township for signature. (See Appendix No. 3 and 4 [Part 9 of this Chapter] for certificate.)

(Ord. 8/15/1989, §303; as amended by Ord. 99-5, 11/3/1999)

§304. FINAL PLAN APPLICATION.

- 1. A final plan application is required for all subdivision and land development plans. When a preliminary plan is required, in accordance with §303, an application for final plan approval can be submitted only after obtaining an unconditional preliminary plan approval.

2. Final plans shall be submitted to the Township Secretary at the Township Building on any business day; however, the Township Planning Commission will officially review a plan at a particular meeting only if the plan was filed at least twenty-five (25) days prior to that meeting. [Ord. 99-5]
3. Application Requirement.
 - A. All final plan applications shall include the following:
 - (1) Twelve (12) copies of the final plan and all reports, notifications and certificates which are specified in §403.
 - (2) One (1) application form (See Appendix No 6, Part 9, of this Chapter.)
 - (3) Filing fee as set by resolution of the Township Board of Supervisors (See Fee Schedule.)
 - B. The Township staff shall first determine that the final plan application is substantially complete in accordance with subsection (3)(A)(1) and (2). This determination does not constitute approval or disapproval of the plan but is provided to assure the submission of sufficient data for the Township Board of Supervisors to make a formal action on the plan. If the application is found to be incomplete, the Township will notify the applicant in writing that the submitted data does not constitute a formal filing of the final plan and specify the deficiencies.
4. Distribution. The Township staff shall distribute one (1) copy of the final plan to the Township Planning Commission, Township Engineer, Township Zoning Officer, County Planning Commission, County Health Department and, if deemed necessary, Solicitor, Valley Township Authority or other officials.
5. Review of the Final Plan.
 - A. The final plan is reviewed by both the Township staff, Township Engineer, County Planning Commission, County Health Officer and Township Planning Commission. Attendance at the Planning Commission meeting by the applicant or authorized agent is mandatory to answer technical questions and establish the acceptance of any possible recommended conditions of approval. The applicant will be advised of the scheduled meeting date.
 - B. A review of the plan shall determine its conformance with the standards contained in this Chapter as well as other applicable ordinances and shall recommend to the Board of Supervisors such changes and modifications as deemed necessary. [Ord. 99-5]
 - C. Any recommendation which involves engineering consideration shall be subject to review and comment by the Township Engineer which shall be incorporated and separately set forth with the recommendations to the Board of Supervisors.

SUBDIVISION AND LAND DEVELOPMENT

- D. The Township staff, Township Engineer, County Planning Commission, County Health Officer and the Township Planning Commission shall render a decision on the plan and submit copies of their recommendations to the Board of Supervisors.
6. Ruling on the Final Plan.
- A. The applicant will be advised of the scheduled meeting date for consideration of the final plan by the Board of Supervisors. Attendance at this meeting by the applicant or authorized agent is mandatory to answer technical questions and establish the acceptance of any possible conditions of approval. If there is uncertainty on the acceptance of conditions of approval, the plan may be disapproved.
- B. The Board of Supervisors shall approve, conditionally approve or disapprove the final plan and shall communicate said decision to the applicant within ninety (90) days following the date of the regular meeting of the Board of Supervisors or the Planning Commission (whichever first reviews the application), next following the date the application is filed; provided, that should the said next regular meeting occur more than thirty (30) days following the filing of the application the said ninety (90) day period shall be measured from the thirtieth (30) day following the day the application has been filed. Said notice shall be in writing, specifically cite any conditions of approval and/or any plan defects and shall be communicated to the applicant not later than fifteen (15) days following the decision. Refusal by the applicant to accept conditions shall constitute disapproval of the plan.
- C. In the event that any waiver of requirements from this Chapter is requested by the applicant or is deemed necessary by the Board of Supervisors, action on the waiver shall be entered in the minutes of the Board of Supervisors.
- D. When the final plan is not approved in terms as presented to the Board of Supervisors the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of this Chapter.
- E. No final plan will receive approval by the Board of Supervisors unless the applicant has completed all required public improvements as specified in this Chapter or has filed with the Board of Supervisors an improvements guarantee in the manner prescribed in Part 5.
7. Compliance with Conditions of Approval. If the Board of Supervisors conditions its final plan approval upon receipt of additional information, alterations, changes or notifications, such data shall be submitted and/or alterations noted on three (3) copies of the plan to be submitted to the Township. The Board of Supervisors will acknowledge the satisfactory compliance with all conditions, if any, of the final plan approval at a public meeting. Conditional approval does not constitute an extension of the ninety (90) day final plan certification period stated below.

8. Final Plan Certification. After approval and/or conditional approval of the final plan and the required changes, if any are made, the applicant shall present to the Township six (6) sets of final plans which shall consist of four (4) paper copies, one (1) paper transparency and one (1) plastic transparency. All final plans shall bear original signatures in black ink on each certificate. The final plans shall be signed by the Township Planning Commission, Township Engineer and the Board of Supervisors (see Appendix No. 3 and 5, Part 9 of this Chapter.)
 - A. Upon payment of any outstanding plan review fees or inspection fees, the four (4) paper copies of the plan will be returned to the applicant for recordation. The applicant shall submit the plans to the Chester County Planning Commission for signatures and record the plan in the office of the Chester County Recorder of Deeds. Should the applicant fail to record the final plan within ninety (90) days of the Board of Supervisors ruling on the final plan (see subsection (6)), the Township action on the plan shall be null and void unless the Board of Supervisors grants a waiver by extending the effective time period of the approval.
 - B. The final plan shall be filed with the Chester County Recorder of Deeds and the above referenced numbers of the Chester County Recorder of Deeds submitted to the Township before proceeding with the sale of lots and/or the construction of units.
 - C. No subdivision or land development plan may be recorded unless it bears the original endorsement of the Board of Supervisors.
 - D. Recording of the final plan shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use shown thereon unless reserved by the developer as hereinafter provided. The approval of the Board of Supervisors shall not impose any duty upon the Township concerning maintenance or improvement of any such dedicated street or public use until the Board of Supervisors shall have accepted the same by ordinance or resolution.
 - E. If the final plan includes a notation to the effect that there is no offer of dedication to the public of certain designated uses, areas or streets, the title to such areas shall remain with the owner, their heirs and assigns and the Township shall assume no responsibility for improvements or maintenance thereof, which fact shall also be noted on the final plan.

(Ord. 8/15/1989, §304; as amended by Ord. 99-5, 11/3/1999)

§305. WAIVER REQUEST.

1. The Board of Supervisors may waive any mandatory provisions of these regulations to the benefit of the developer provided the majority of the members of the Board of Supervisors present at a scheduled public meeting determines that the waiver:
 - A. Is consistent with the purpose of this Chapter as described in §102.

SUBDIVISION AND LAND DEVELOPMENT

- B. Will remove or reduce an unreasonable or undue hardship, as it applies to the particular property, which is grossly disproportionate to any benefit derived from the standard.
 - C. Will result in an equal or better situation.
 - D. Provides for reasonable utilization of the property while securing the public interest.
2. Waiver Application. A waiver request shall be submitted to the Township Secretary at the Township Building on any business day. A waiver request shall include eight (8) copies of all applicable plans, reports and supplementary data, one (1) application form (see Appendix No. 7, Part 9 of this Chapter.) and a filing fee as set by resolution of the Township Board of Supervisors (see Fee Schedule.) If this information was filed with a preliminary plan or final plan, additional copies need not be submitted.
 3. Distribution. The Township shall distribute one (1) copy of the waiver to the Township Planning Commission, the Township Engineer, the Township Zoning Officer and, if necessary, Solicitor or other officials.
 4. Review of the Waiver. The waiver is reviewed by the Township staff and Planning Commission.
 5. Execution of the Waiver.
 - A. The Board of Supervisors shall have the authority to approve or disapprove the waiver. In granting any waiver the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Chapter.
 - B. Action on the waiver shall be entered in the minutes of the Board of Supervisors and forwarded to the applicant.
 - C. Failure of the Board of Supervisors to render a decision and communicate it to the applicant as described herein shall be deemed a denial of the waiver.

(Ord. 8/15/1989, §305)

§306. PLANS EXEMPTED FROM STANDARD PROCEDURES.

1. Procedure for Processing Revised Subdivision and/or Land Development Plans. Any replatting or resubdivision of recorded and/or approved plans shall be considered as a new application and shall comply with all requirements of this Chapter, except that plans may be changed in accordance with this procedure to correct an obvious error.

- A. A revised subdivision and/or land development plan shall not alter the number, location or configuration of lots, buildings or other improvements beyond the original understanding of the Board Supervisors.
 - B. All revised subdivision and/or land development plan applications which meet the above shall be submitted to the Township Secretary at the Township Building. Each application shall include two (2) paper copies of the revised final plan and one (1) application form (See Appendix No. 6, Part 9 of this Chapter.) The Board of Supervisors shall have the authority to approve or disapprove the revised plan. The applicant will be advised of the scheduled meeting for consideration of the revised plan.
 - C. If the Board of Supervisors determines that the revised plan conforms with the above standards, the applicant shall prepare final plans for recordation in accordance with §304(8).
2. Minor Preliminary Plans. Applicants may, at their discretion, concurrently submit preliminary and final plans for land developments involving no more than ten (10) residential units which require no new streets or for a single nonresidential building on one (1) lot. Consideration of both the preliminary and final plans will be scheduled at the same meetings. [Ord. 99-5]
 3. Auction Sale. In the case of the proposed subdivision of land by process of auction sale, the following procedure is recommended:
 - A. The applicant should prepare a sketch plan in accordance with §401.
 - B. The sketch plan should be designed in accordance with the standards of Part 6, "Design Standards," and shall be submitted to the Township staff for review. Additionally, the following notation should be included on the plan: "The property is intended to be sold by auction on or about _____, 20___, in whole or in part according to this plan. Sale of lots at such auction shall be in the form of agreement to purchase and no transfer of ownership or interest in such lots shall proceed until a final plan showing such division of property shall have been approved in accordance with the Valley Township Subdivision Control Ordinance and recorded in the office of the Chester County Recorder of Deeds." [Ord. 99-5]
 - C. The auction sale may then proceed in accordance with the above notation, after which the applicant shall prepare and submit plans in accordance with this Chapter.

(Ord. 8/15/1989, §306; as amended by Ord. 99-5, 11/3/1999)

PART 4

**INFORMATION TO BE SHOWN ON OR SUBMITTED
WITH SUBDIVISION AND LAND DEVELOPMENT PLANS**

§401. SKETCH PLAN.

1. The scale and sheet size of sketch plans shall be as required for preliminary plans in §402(A)(1) and (3). Although not required, it is recommended that the sketch plan be prepared by a registered professional engineer, registered land surveyor or registered landscape architect. The sketch plan shall show or be accompanied by the following data, legible in every detail, but not necessarily drawn to exact scale with precise dimensions:
 - A. Name and address of the developer (if applicable) and landowner.
 - B. Name of the individual and/or the firm that prepared the plan.
 - C. Location map with sufficient information to locate the property.
 - D. North arrow.
 - E. Written scales.
 - F. Identification of the district, lot size and/or density and yard requirements of the prevailing Zoning Ordinance [Chapter 27].
 - G. Existing tract boundaries accurately labeled with the names of adjacent landowners and adjacent plans of record.
 - H. Name of the municipality in which the project is located including the location of any municipal boundary lines if located within the vicinity of the property.
 - I. Significant topographical and manmade features (e.g. bodies of water, quarries, floodplains, tree masses, structures.)
 - J. Proposed street, parking, building, lot layout, water supply, sanitary sewage disposal and other planned features.
 - K. Proposed land use; if several land uses are proposed, the location of each land use shall be indicated.
2. The sketch plan shall be accompanied by an application (see Appendix No. 6, Part 9 of this Chapter.) and a check or money order drawn to Valley Township in an amount specified on the Fee Schedule adopted by resolution of the Board of Supervisors.

(Ord. 8/15/1989, §401)

SUBDIVISION AND LAND DEVELOPMENT

§402. PRELIMINARY PLANS.

Preliminary plans shall be prepared by an engineer, surveyor and/or a landscape architect registered in the Commonwealth of Pennsylvania to perform such duties. Metes and bounds descriptions shall be prepared by surveyors and designs which entail engineering expertise shall be prepared by professional engineers. The preliminary plan shall show, be accompanied, by or be prepared in accordance with the following:

A. Drafting Standards.

- (1) The plan shall be clearly and legibly drawn at a scale of ten (10) feet, twenty (20) feet, thirty (30) feet, forty (40) feet, fifty (50) feet, sixty (60) feet, eighty (80) feet or one hundred (100) feet to the inch. Profile plans shall maintain a ratio of one to ten (1:10) vertical to horizontal.
- (2) Dimensions for the entire tract boundary shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. Lot line descriptions shall read in a clockwise direction. The description shall be based upon a survey and not have an error of closure greater than one (1) foot in ten thousand (10,000) feet. If a landowner is going to retain a single lot with a lot area in excess of ten (10) acres, the boundary of that lot may be identified as a deed plotting and may be drawn at any legible scale; if the retained lot has a lot area of ten (10) or fewer acres, its existing perimeter must be described to the accuracy requirements of this Chapter.
- (3) The sheet size shall be no smaller than seventeen by twenty-two (17 x 22) inches and no larger than thirty-four by forty-four (34 x 44) inches. If the plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5.)
- (4) Plans shall be legible in every detail.

B. Location and Identification.

- (1) The proposed project name or identifying title.
- (2) The municipality in which the project is to be located. If the tract of land is located in the vicinity of a municipal boundary line, the location of the boundary shall be shown.
- (3) The name and address of the owner, authorized agent of the tract, the developer and the firm that prepared the plans.

- (4) Source of title to the land included within the subject application as shown by the books of the Chester County Recorder of Deeds. If equitable owner the name, address and reference to the equity agreement.
- (5) The map and lot number assigned to the property by the Chester County Tax Assessment Office.
- (6) The file or project number assigned by the firm that prepared the plan, the plan date and the date(s) of all plan revisions.
- (7) A north arrow, a graphic scale and a written scale.
- (8) The total acreage of the entire existing tract.
- (9) A statement on the plan identifying the district, lot size and/or density and yard requirements of the prevailing Zoning Ordinance [Chapter 27] and any existing variances, special exceptions, conditional uses and non-conforming structures/uses.
- (10) A statement on the plan identifying any existing waivers.
- (11) The location and description of existing lot line markers and monuments along the perimeter of the entire existing tract.
- (12) A location map, drawn to scale, relating the property to at least two (2) intersections of existing road centerlines including the approximate distance to the intersection of the centerlines of the nearest existing street intersection.

C. Existing Features.

- (1) Existing contours at a minimum vertical interval of two (2) feet for land with average natural slope of four (4) percent or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours shall be accompanied by the location of the bench mark within or immediately adjacent to the subject tract and a notation indicating the datum used. Contours plotted from the United States Geodetic Survey may only be used for subdivision plans which require no new streets or other public improvement. Contour data is not required beyond two-hundred (200) feet of the proposed lots within remaining land which exceeds ten (10) acres.
- (2) The names of all immediately adjacent landowners and the names and plan book record numbers of all previously recorded plans for adjacent projects.
- (3) The following items when located within two hundred (200) feet of the subject tract:

SUBDIVISION AND LAND DEVELOPMENT

- (a) The location and name of existing rights-of-way and cartways for streets, access drives, driveways and service streets.
 - (b) The location of the following features and any related rights-of-way: sanitary sewer mains (including manhole numbers), water supply mains, fire hydrants, buildings, swales, watercourses, bodies of water, floodplain and stormwater management facilities which affect stormwater runoff on the subject tract.
 - (c) The location of existing rights-of-way for electric, gas and oil transmission lines and railroads.
- (4) The following items when located within the subject tract:
- (a) The location, name and dimensions of existing rights-of-way and cartways for streets, access drives, driveways and service streets.
 - (b) The location and size of the following features and related rights-of-way: sanitary sewer mains, water supply mains, fire hydrants, buildings, swales, watercourses, bodies of water, floodplain, stormwater management facilities and wooded areas.
 - (c) The location of existing rights-of-way for electric, gas and oil transmission lines and railroads.

D. Proposed Features.

- (1) Complete description of the centerline for all new streets. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc and chord. The description shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- (2) Approximate lot line dimensions and lot areas for all parcels. Along existing street rights-of-way the description may utilize the existing deed lines or road centerlines.
- (3) Lot numbers in consecutive order.
- (4) In the case of land development plans the location and configuration of proposed buildings, parking compounds, streets, access drives, driveways and all other significant facilities.
- (5) A statement of the plan indicating the proposed total number of lots, units of occupancy, density, minimum lot size, type of sanitary sewage disposal, type of water supply, name of authority providing sanitary sewage disposal and water supply (if applicable), and proposed land use. The location of each land use if several types of uses are proposed. This statement shall also include the criteria needed to calculate off-street parking, lot coverage

and other requirements of the prevailing Township Zoning Ordinance [Chapter 27].

- (6) Easements.
- (7) Building setback lines with distances from the property and street right-of-way. A typical example may be used to identify side and rear yard setback; however, odd or unusual shaped lots shall be plotted with all setback lines.
- (8) Identification of buildings and other structures to be demolished.
- (9) Typical street cross-section for each proposed street and typical cross-section for any existing street which will be improved as part of the application. Each cross-section shall include the entire right-of-way width.
- (10) Vertical and horizontal alignment on one (1) sheet for each proposed street, stormwater management facility, sanitary sewer (including manhole numbers) and water distribution system. All street profiles shall show at least the existing (natural) profile along the centerline, proposed grade at the centerline and the length of all proposed vertical curves for streets. All water distribution and sanitary sewer systems shall provide manhole locations, size and type of material. This information is not subject to recording with the Chester County Recorder of Deeds.
- (11) Proposed names for new streets.
- (12) Location and material of all permanent monuments and lot line markers including a note that all monuments and lot line markers are set or indicating when they will be set.
- (13) In the case of land development plans, a grading plan. The grading plan shall include finished grades and ground floor elevations. This information may be provided on separate sheets and is not subject to recording with the Chester County Recorder of Deeds.
- (14) A statement on the plan indicating any proposed waivers. This statement must be revised prior to recordation of the plan to acknowledge the outcome of the requested waiver.
- (15) Identification of any lands to be dedicated or reserved for public, semi-public or community use.

E. Reports.

- (1) A sketch plan for the entire landholding where the application covers only a part of the property. The application will be considered in light of its relationship to the entire landholdings.

SUBDIVISION AND LAND DEVELOPMENT

- (2) A sewer facilities plan revision (plan revision module for land development) or supplement in accordance with the Pennsylvania Sewerage Facilities Act 537 of 1966, as amended.
- (3) A stormwater management plan in accordance with the Valley Township Stormwater Management/Erosion Control Ordinance [Chapter 9], as amended.
- (4) The following impact statements for all nonresidential land uses which generate more than one hundred (100) vehicular trips per day and residential land uses which exceed twenty-five (25) lots or units in whole or in part:
 - (a) Transportation.
 - 1) The objective of the impact statement on transportation is to provide the Township with enough data to properly determine:
 - a) The impact generated by the proposed development on the street network in the Township as well as on streets which provide immediate access to the site.
 - b) The capital improvements to existing transportation facilities that will be needed because of the development.
 - c) The traffic safety problems that may be generated by the development.
 - 2) As a minimum the impact statement shall include the following:
 - a) Existing twenty-four (24) hour and peak hour traffic volume data for all streets which provide direct access to the proposed development and for the collectors and arterials which will serve it as well as any major intersection within the impact area.
 - b) Estimates of the total number of vehicle trips to be generated by the development for a typical twenty-four (24) hour period and typical a.m. and p.m. peak periods.
 - c) Assignment of future twenty-four (24) hour and peak hour volumes to the collectors and arterials and other streets what will serve the proposed development based on the above assignment and estimates of normal growth in overall traffic volumes.

- d) Projected twenty-four (24) hour and peak hour turning movement data for all access points proposed for the development.
- e) Existing and proposed capacity/level of service analysis during peak hours on major intersections which will be impacted by the additional volumes generated by the development.
- f) The most recent data about existing accident levels at the above intersections categorized by accident type for each intersection.
- g) Descriptions of the street and traffic control improvements that will be required in order to improve safety conditions and bring the impacted intersections up to acceptable levels of service.
- h) Cost estimates of any proposed improvements that will be required.
- i) Descriptions of existing and planned public transportation services in the Township and the potential to serve the proposed development.
- j) Descriptions of any action proposed or offered by the applicant to alleviate any burdens caused by the impact of the development on the transportation network.
- k) The source of standards used in the data as presented.

(b) Recreation.

- 1) The objective of the impact statement concerning recreation is to provide sufficient data for the Township to adequately evaluate:
 - a) The demand for recreational facilities which the development will generate and determine whether adequate facilities exist or are planned.
 - b) The extent or scope of any new facilities or services that will be required as a result of the proposed development.
- 2) As a minimum the impact statement shall include the following:

SUBDIVISION AND LAND DEVELOPMENT

- a) A description of the projected age breakdown of the residents of the proposed development.
- b) A description of any recreation facilities to be provided by the developer.
- c) A description of who the responsible party(s) will be for maintenance of any recreational facilities to be provided by the developer.
- d) A description of existing municipal recreation facilities and the impact of the proposed development on these facilities.
- e) Discussion of potential for any recreation facilities to be provided by the developer to compensate for any anticipated deficiencies of the Township's recreational facilities.
- f) A description of accessibility of proposed facilities to general Township residents.
- g) A description of any contributions that the developer plans to make for Township recreation to compensate for expected impacts.
- h) Source of standards used in the data as presented.

F. Certifications and Notifications.

- (1) Where the land included in the subject application has an electric or telephone transmission line, a gas pipeline or a petroleum or petroleum products transmission line located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- (2) A statement by the individual responsible for the data to the effect that the survey, plan and/or other general data are correct (see Appendix No. 1, Part 9 of this Chapter). This statement must be placed on both plans and reports.
- (3) A statement acknowledging that the subdivision or land development shown on the plan is presented with the consent of the landowner.
- (4) A statement that a highway occupancy permit is required pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No. 428), as amended, before street or driveway access to a State highway is permitted.

- (5) An application (see Appendix No. 6, Part 9 of this Chapter).
- (6) (Optional) A statement acknowledging municipal action (see Appendix No. 3 and 4, Part 9 of this Chapter).
- (7) Filing Fee. The preliminary plan shall be accompanied by a check or money order drawn to Valley Township in an amount specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township building.

(Ord. 8/15/1989, §402)

§403. FINAL PLANS.

Final plans shall be prepared by an engineer, surveyor or landscape architect registered in the Commonwealth of Pennsylvania to perform such duties. The final plan shall show, be accompanied by or prepared in accordance with the following:

- A. Drafting Standards. The same standards are required for a final plan as specified for a preliminary plan in §402(A).
 - B. Location and Identification. The same standards are required for a final plan as specified for a preliminary plan in §402(B).
 - C. Existing Features. The same standards are required for a final plan as specified for a preliminary plan in §402(C).
 - D. Proposed Features. In addition to the following data, the same standards are required for a final plan as specified for a preliminary plan in §402(D).
 - (1) Complete description of the centerline and right-of-way line for all new streets. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc and chord. The description shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
 - (2) Complete description of all lot lines with accurate bearings and distances and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearing and distance. Along existing street rights-of-way the description may utilize the existing deed lines or road centerlines. Along all proposed street rights-of-way, the description shall be prepared to the right-of-way lines. The description shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- (c) Mailing address for all new lots.

SUBDIVISION AND LAND DEVELOPMENT

- E. Reports. The same standards are required for a final plan as specified for preliminary plan in §402(E).
- F. Certifications and Notifications. In addition to the following data, the same standards are required for a final plan as specified for preliminary plan in §402(F).
- (1) A statement acknowledging final plan approval (see Appendix No. 5, Part 9 of this Chapter). This statement must be placed on all sheets which are subject to recording with the Chester County Recorder of Deeds.
 - (2) A statement acknowledging plan review by the Township Planning Commission (see Appendix No. 3, Part 9 of this Chapter). This statement must be placed on all sheets which are subject to recording with the Chester County Recorder of Deeds.
 - (3) Notice from the Pennsylvania Department of Environmental Protection that a sewer facilities plan revision or supplement has been approved. [Ord. 99-5]
 - (4) A notarized statement signed by the landowner, duly acknowledged before an officer authorized to make acknowledgment of deeds to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plan and that they desire the same to be recorded as such (see Appendix 2, Part 9 of this Chapter). This must be dated following the last change or revision to said plan.
 - (5) A statement of dedication of streets and other public property as well as area that is not to be offered for dedication (see Appendix No. 2, Part 9 of this Chapter).
 - (6) The submission of a controlling agreement in accordance with §602(2) when an application proposes to establish areas which are not offered for dedication to public use.
 - (7) Such written notices of approval as required by this Chapter, including written notices approving the water supply systems, sanitary sewage systems and stormwater runoff to adjacent properties.
 - (8) A statement that a highway occupancy permit is required pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No. 428), as amended, before street or driveway access to a State highway is permitted.
 - (9) An improvement guarantee which is governed by an improvement escrow agreement, a development agreement and a professional fee agreement in accordance with Part 5.
 - (10) An application (see Appendix No., Part 9 of this Chapter).

- G. Filing Fee. The final plan shall also be accompanied by a check or money order drawn to Valley Township in an amount specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township Building.

(Ord. 8/15/1989, §403; as amended by Ord. 99-5, 11/3/1999)

PART 5

IMPROVEMENT GUARANTEES

§501. GENERAL.

1. No project shall be considered in compliance with this Chapter until the streets, all street signs, sidewalks, curbs, landscaping, storm drainage for dedication or which affect adjacent properties or streets, sanitary sewer facilities for dedication, water supply facilities, fire hydrants, lot line markers, survey monuments and other such public improvements have been installed in accordance with this Chapter and other applicable Township ordinances.
2. No final plan shall be signed by the Board of Supervisors for recording in the office of the Chester County Recorder of Deeds unless:
 - A. A financial security which is governed by an improvement escrow agreement in accordance with §502 has been completed and/or the improvements required by this Chapter have been installed.
 - B. A development agreement in accordance with §507 has been completed.
 - C. A professional fees agreement in accordance with §508 has been completed.
3. Financial security requirements for the construction of public water and/or sanitary sewage facilities shall be established by the Valley Township Authority. No final plan shall be signed by the Board of Supervisors until the applicant presents a certification from the Authority that all financial security requirements have been met.

(Ord. 8/15/1989, 8/15/1989, §501).

§502. FINANCIAL SECURITY.

The administration of the financial security shall comply with the provisions of this Part, the Pennsylvania Municipalities Planning Code, Act 247, as amended, and other applicable laws of the Commonwealth.

- A. Submission of Financial Security and an Improvement Escrow Agreement. Final plan applications that include public improvements that have not been installed shall be accompanied by a financial security which is governed by an improvement escrow agreement in accordance with the following:
- B. Type of Financial Security. Although the Board of supervisors may accept an alternative type of financial security, commonly used forms are irrevocable letters of credit and escrow accounts. Such financial security shall be posted by a chartered lending institution or bonding company authorized to do business in the

SUBDIVISION AND LAND DEVELOPMENT

Commonwealth of Pennsylvania and is subject to review by the Township Solicitor for adequacy.

C. Amount of Financial Security.

- (1) The amount of financial security shall be equal to one hundred ten (100) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment the Township may require the developer to post additional security in order to assure that the financial security equals said one hundred ten (110) percent. Any additional security shall be posted by the developer in accordance with this Chapter.
- (2) The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.
- (3) If the party posting the financial security requires more than one (1) year from the date of posting the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above procedure.

D. Release of Financial Security.

- (1) When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Board of Supervisors in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer.

- (2) The Board of Supervisors shall notify the developer, within fifteen (15) days of receipt of the Engineer's report, in writing, by certified or registered mail of the action of the Board of Supervisors with relation thereto.
- (3) If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
- (4) If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- (5) Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise any determination of the Board of Supervisors or the Township Engineer.
- (6) If any portion of said improvements are not approved or are rejected by the Board of Supervisors the applicant shall proceed to complete the same and, upon completion, the same procedure of notification outlined herein shall be followed.

E. Other Remedies. If proceeds of the financial security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install all or part of such improvements and may institute appropriate legal or equitable action to recover the funds necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security of from any legal or equitable action brought against the applicant, or both, shall be used solely for the installation of the improvements covered by such security and not for any other Township purpose.

(Ord. 8/15/1989, §502)

§503. DEDICATION OF IMPROVEMENTS.

All improvements shall be deemed to be private improvements and only for the benefit of the specific project until such time as the same have been offered for dedication and formally accepted by the Board of Supervisors. No responsibility of any kind with respect to improvements shown on the final plan shall be transferred until the improvements have been formally accepted. All requests for dedication shall follow the current procedures of the Township of Valley.

(Ord. 8/15/1989, §503)

SUBDIVISION AND LAND DEVELOPMENT

§504. MAINTENANCE GUARANTEE.

The Board of Supervisors may, at its discretion, require the applicant to submit a maintenance guarantee or other approved guarantee as specified herein guaranteeing the structural integrity as well as function of any improvement shown on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication by the Board of Supervisors. Said guarantee shall not exceed fifteen (15) percent of the actual cost of installation of said improvements and be of the same type of financial security as required in this Chapter.

(Ord. 8/15/1989, §504)

§505. INSPECTION OF IMPROVEMENT DURING CONSTRUCTION.

1. Prior to initiation of construction, the developer shall notify the Township so that an inspection schedule can be coordinated with the construction schedule. Additionally, the Township and the Township Engineer shall be notified two (2) working days in advance of any intended date of construction. The provisions stated herein shall be construed as mandating periodic inspections and the undertaking of periodic inspections shall not be construed as an acceptance of the work during construction or as a final inspection of the construction.
2. The Township, at the expense of the developer, reserves the right to require tests of the improvement to determine whether the improvement complies in all respects with the requirements of the Township.

(Ord. 8/15/1989, §505)

§506. AS-BUILT PLANS.

Upon completion of all required improvements and prior to final inspections of improvements, the applicant shall submit a plan labeled "as-built plan" showing the location dimension and elevation of all improvements. In addition, the plan shall indicate that the resultant grading, drainage structures and/or drainage systems and erosion and sediment control practices, including vegetative measures, are in substantial conformance with the previously approved drawings and specifications. The plan shall note all deviations from the previously approved drawings. Two (2) copies of the plan (one (1) paper transparency and one (1) plastic transparency) shall be submitted to the Township who shall distribute the paper transparency to the Township Engineer and retain the plastic transparency for the Township files.

(Ord. 8/15/1989, §506)

§507. DEVELOPMENT AGREEMENT.

Final plan applications that include public improvement shall be accompanied by a development agreement which is prepared in a form acceptable to the Township. The development agreement shall specify the obligations of the developer pursuant to this Part.

(Ord. 8/15/1989, §507)

§508. PROFESSIONAL FEE AGREEMENT.

Final plan applications that include public improvements shall be accompanied by a professional fee agreement which is prepared in a form acceptable to the Township. The professional fee agreement shall assure that the professional fees, both legal and engineering, are secured and reimbursed by the developer to the Township.

(Ord. 8/15/1989, §508)

PART 6

DESIGN STANDARDS

§601. GENERAL.

The standards and requirements contained in this Part shall apply as minimum design standards for subdivision and/or land developments. Whenever other Township ordinances or regulations impose more restrictive standards and requirements than those contained herein, the more restrictive shall apply.

(Ord. 8/15/1989, 8/15/1989, §601)

§602. STREETS, ACCESS DRIVES AND DRIVEWAYS.

1. Conformance with Adopted Plans. The proposed street pattern shall be properly related to existing streets, official maps and such Township, County and State highway plans as have been duly adopted.
2. Private Streets. Private streets are prohibited unless they meet the design standards of these regulations. Applications which propose a private street shall be accompanied by a right-of-way agreement which shall be submitted for review by the Township and recorded with the Chester County Recorder of Deeds on the same date as the recording of the final plan. This agreement shall establish the conditions under which the street will be constructed and maintained, as well as conditions controlling an offer of dedication.
3. Improvements to Existing Streets. All existing streets at the perimeter and/or through the development shall be improved according to Township specifications. If an existing street is located at the perimeter of the development it shall be improved to the centerline of the street. If an existing street is located within the development it shall be improved to the full width of the street as required by such specifications.
4. Arterial Street Design. The design standards for arterial streets shall be as specified by the Pennsylvania Department of Transportation and based upon the projected average daily traffic and speed limit.
5. Arrangement.
 - A. Streets shall be designed with consideration to both existing and planned streets.
 - B. All streets shall be arranged to conform as closely as possible to the original topography.
 - C. New streets shall be connected with streets of similar function, to form continuations thereof.

SUBDIVISION AND LAND DEVELOPMENT

- D. Local streets shall be laid out to discourage use by through traffic. Streets shall be laid out to provide convenient and safe access to the property.
 - E. The rigid rectangular street pattern need not be adhered to; the use of curvilinear streets may be provided when their use will result in a more desirable layout.
 - F. Where a development abuts a collector or arterial street, the Township may require the use of marginal access streets, reverse frontage lots or such other treatment that will provide protection for abutting properties, reduce the number of intersections with the major street and separate the local and through traffic.
6. Street Provisions for Future Development.
- A. Where appropriate, areas shall be reserved for future street usage in conjunction with the development of adjacent tracts. Areas reserved for future street usage will not be required to be improved; however, the right-of-way for these areas shall be reserved for street improvements to be provided by the developer of the adjacent tract.
 - B. Wherever there exists a dedicated or platted area reserved for future street usage along the boundary of a tract being developed, the adjacent street shall be extended into the proposed project, provided this use is not adverse to the man-made or natural features of the site.
7. Street Names. Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets within the same postal area. All new street names are subject to approval by the Township.
- A. Street Signs. Street signs, including name and traffic controls, shall be installed by the developer. The design and placement of such signs shall be subject to approval by the Township.
8. Vertical Alignments. Vertical street alignments shall be measured along the centerline. The minimum grade of all streets shall be seventy-five hundredths (0.75) percent. The maximum grade shall not exceed ten (10) percent.
- A. Vertical curves shall be used in changes of grade exceeding one (1) percent. The minimum lengths, in feet, of vertical curves shall be fifteen (15) times the algebraic difference in grade. *For example, if a three (3) percent upgrade is followed by a four (4) percent downgrade, the algebraic difference in grade is $7 [+3 - (-4) = 7]$; the minimum length of the vertical curve would then be 105 feet [$15 \times 7 = 105$].*
 - B. Where the approaching grade exceeds seven (7) percent on any or all streets at a four (4)-way intersection or the terminating street at a three (3)-way intersection a leveling area shall be provided. Such leveling area shall have a maximum grade of four (4) percent for a minimum length of one hundred (100) feet measured from the intersection of the centerlines.

- C. The grade within the diameter of a turnaround at the terminus of a permanent cul-de-sac shall not exceed five (5) percent.
- D. All areas with the street right-of-way shall be graded substantially consistent with the street centerline. The maximum slopes of banks within the street right-of-way, measured perpendicular to the centerline of the street, shall be two to one (2:1). Slope of disturbed banks, located outside of the street right-of-way, shall not exceed three to one (3:1) for fills and two to one (2:1) for cuts.

9. Horizontal Alignments.

- A. Horizontal street alignments shall be measured along the centerline. Horizontal curves shall be used at all angle changes in excess of two (2) degrees.
- B. Single, long radius curves shall be used rather than a series of curves with varying radii and/or a series of short curves separated by short, straight segments.
- C. The minimum horizontal curve radius for collector streets shall be three hundred (300) feet and for all other streets shall be one hundred and fifty (150) feet. All curves shall be tangential arcs.
- D. A minimum one hundred (100) foot tangent shall be provided between reverse curves on collector streets.
- E. Perimeter Streets. Street locations along the perimeter of a property shall be required to provide building setback lines and clear sight triangles within the adjacent properties; permission for these encroachments shall be obtained from the adjacent landowner.
- F. Cartway Alignment. The centerline of the street cartway shall correspond with the centerline of the street right-of-way.

10. Street Right-of-Way and Cartway Widths. The minimum street rights-of-way and cartway widths shall be as follows:

CLASSIFICATION *	MINIMUM RIGHT-OF-WAY **	MINIMUM CARTWAY **
Collector Street	60 ft.	32 ft.
Minor and Cul-de-Sac Street	50 ft.	28 ft.
Marginal Access Street, Service Street or Alley	28 ft.	24 ft.
Turnaround	120 ft.	100 ft.

SUBDIVISION AND LAND DEVELOPMENT

* See §203, "Definitions," for explanation of individual street classifications.

** Width/Diameter

11. Street Improvements. All streets shall be designed in accordance with PennDOT specifications, acceptable engineering standards and the following;

A. Subgrade. The subgrade shall be prepared as specified below:

- (1) All rock shall be removed and covered with a six (6) inch cushion of suitable material meeting the physical placement and compaction requirements of §210 of the Pennsylvania Department of Transportation (PennDOT) Form 408.
- (2) Preparation of subgrade shall conform to the construction requirements of §210 of PennDOT Form 408.
- (3) For a BCBC base, subbase (subsection (11)(B)) shall be a layer of 2A stone, graded and compressed to three (3) inches thickness using a ten (10) ton vibratory roller, or its equivalent, when authorized by the Township, shall be placed on the prepared subgrade.
- (4) One-quarter (1/4) inch per foot crown must be maintained when fine grading subgrade.
- (5) No stone shall be laid on frozen ground.
- (6) Geotextile fabric in accordance with the specific street design or at the direction of the Township Engineer.

B. Base. The base construction material shall be one of the following:

- (1) Bituminous concrete base course with a minimum compacted thickness of four (4) inches.
- (2) Number 3A modified stone compacted to a minimum compacted thickness of eight (8) inches.

C. Surface Courses. The Supervisors, in their discretion, may require any one of the following surface courses: CP-2, FB-1, FB-2, FB-3, ID-2. The surface courses shall not be less than two and one-half (2 1/2) inch binder and one (1) inch wearing course compacted with a ten (10) ton vibratory roller, or its equivalent, when authorized by the Township.

D. Finished Streets. All finished streets must maintain one-quarter (1/4) inch per foot crown, except on superelevations and areas approved by standard engineering practice.

12. Street Intersections.

- A. All streets intersecting a State route shall be subject to the approval of the Township and the Pennsylvania Department of Transportation.
- B. Multiple intersections involving the junction of more than two (2) streets are prohibited. Only four (4)-way intersections are permitted.
- C. The distance between the centerline of streets opening onto the opposite sides of existing or proposed streets shall be no less than one hundred and fifty (150) feet between centerlines measured along the centerline of the street being intersected; however, intersections with arterial streets shall be located not closer than eight hundred (800) feet measured from centerline to centerline along the centerline of the arterial street.
- D. Right angle intersections shall be used whenever possible. No street shall intersect another at an angle of less than seventy-five (75) degrees or more than one hundred and five (105) degrees.
- E. The cartway edge at intersections shall be rounded by a tangential arc with the following minimum radii:

TYPE OF STREET INTERSECTION	RADII
Collector to Arterial	55 feet
Collector to Collector	55 feet
Collector to Minor	30 feet
Minor to Minor	20 feet

The right-of-way radii at intersections shall be substantially concentric with the cartway edge.

- F. There shall be provided and maintained at all intersections a clear sight triangle with a line of sight between points which are established along the centerline of the intersecting streets. The minimum clear sight triangles are as follows:

TYPES OF STREET	CLEAR SIGHT TRIANGLE SIDE
Arterial	150 ft.
Collector and Minor	100 ft.

SUBDIVISION AND LAND DEVELOPMENT

Clear sight triangles shall be indicated on all plans. No building or other obstruction that would obscure the vision of a motorist shall be permitted within these areas. Obstructions, grading and/or plantings less than tree (3) feet above the street grade shall be permitted.

13. Sight Distance. All streets shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The sight distance shall be measured along the centerline of the street cartway from a height of three and three-quarters (3 3/4) feet to the height of an object which is one-half (1/2) foot above the street cartway. At intersections, the point shall be fifteen (15) feet from the edge of paving on the intersected street. The following are minimum sight distances:

SPEED (M.P.H.)	STREET GRADE IN PERCENT													
	0	+1	+2	+3	+4	+5	+6	+7	+8	+9	+10	+11	+12	+13
15	75'	74'	73'	73'	73'	73'	72'	72'	71'	71'	71'	70'	70'	70'
20	109'	108'	107'	106'	105'	105'	104'	103'	102'	102'	101'	101'	100'	100'
25	147'	145'	144'	143'	142'	140'	139'	138'	137'	136'	135'	134'	134'	133'
30	196'	194'	191'	189'	187'	185'	183'	182'	180'	178'	177'	175'	174'	173'
35	249'	245'	242'	238'	236'	233'	231'	228'	226'	224'	221'	219'	217'	215'
40	314'	309'	309'	299'	295'	291'	287'	284'	280'	277'	274'	271'	268'	266'
45	383'	376'	370'	364'	358'	353'	348'	343'	338'	334'	330'	326'	322'	319'
50	462'	453'	444'	436'	429'	421'	415'	409'	403'	397'	392'	388'	382'	378'
55	538'	527'	517'	508'	494'	490'	422'	475'	467'	461'	454'	448'	442'	437'
60	621'	608'	596'	584'	573'	563'	554'	545'	536'	528'	521'	513'	506'	500'

14. Cul-de-Sac Streets.
 - A. A cul-de-sac will not be approved when a through street is more advantageous. Cul-de-sac streets shall not serve more than twenty (20) dwelling units and/or exceed a centerline distance of six hundred (600) feet. The length of a cul-de-sac shall be measured from the centerline intersection with a street which is not a cul-de-sac to the center of the cul-de-sac turnaround.

- B. All cul-de-sac streets shall be provided at the closed end with a fully paved turnaround to the specifications stated in subsection (10).
15. Future Access Strips. Future access strips are rights-of-way reserved for future street improvements. When, in the opinion of the Board of Supervisors, access to adjacent land is desirable, future access strips shall be provided and designed in conformance with the requirements for a street.
16. Service Streets (Alley). Service streets are prohibited unless the developer demonstrates a need. Service streets shall conform to the following standards:
- A. No part of any dwelling, garage or other structure shall be located within sixteen (16) feet of the right-of-way of a service street.
 - B. Service streets shall be designed in accordance with the street standards in subsections (1),(2),(5),(6), and (8) through (15).
 - C. Service streets shall not provide lot frontage.
 - D. On-street parking is prohibited along service streets and this prohibition must be acknowledged both on the plan and on the site.
17. Driveways. Unlike access drives, driveways shall only be used to provide vehicular access between a public street and a tract of land containing only one (1) unit of occupancy. Driveways shall conform to the following:
- A. Driveways which intersect other than a minor street shall provide adequate turnaround within the lot so egress to the street is in a forward direction.
 - B. Driveway intersections shall conform with the sight distance requirement stated in subsection (13).
 - C. Only one (1) driveway connection per one hundred (100) foot of lot frontage is permitted; no more than two (2) driveway connections per lot shall be permitted.
 - D. Driveways shall not connect with a public street within forty (40) feet of the right-of-way lines of any intersecting streets nor within five (5) feet of a fire hydrant.
 - E. Driveways shall be located and constructed so that a clear sight triangle of seventy-five (75) feet, as measured along the street centerline, and five (5) feet along the driveway centerline is maintained; no permanent obstructions over three (3) feet high are permitted within this area.
 - F. A driveway shall not exceed a slope of eight (8) percent within twenty-five (25) feet of the street right-of-way.
 - G. Driveway access shall be provided to the street of lesser classification when there is more than one (1) street classification involved.

SUBDIVISION AND LAND DEVELOPMENT

- H. No driveway shall provide a curb cut exceeding twenty-five (25) feet in width.
 - I. All driveways shall be set back at least two (2) feet from any side lot lines.
 - J. All driveways shall be paved from the edge of the street cartway a minimum distance of fifteen (15) feet towards the lot. [Ord. 99-5]
18. Access Drives. Access drives are private drives, other than driveways, which provide for vehicular access between a street and a tract of land containing any use other than one (1) unit of occupancy.
- A. Access drives do not require a specific right-of-way; however, the minimum cartway width shall be twenty-four (24) feet.
 - B. The vertical and horizontal alignments of access drives shall conform to the specifications for minor streets as stated in subsections (8) and (9).
 - C. Access drive intersections shall conform to the specifications for minor streets as stated in subsection (12) and the sight distance specifications stated in subsection (13).
 - D. Access drives which form a cul-de-sac shall not exceed one thousand (1,000) feet in length, measured from the centerline intersection of a street or access drive which is not a cul-de-sac. Access drive cul-de-sacs which do not terminate in a parking compound shall be provided at the terminus with a fully paved turnaround with a minimum diameter of one hundred (100) feet.
 - E. Vehicular parking is prohibited along access drives. This prohibition must be acknowledged on the plan and properly signed along the cartway.
 - F. The cartway of all access drives shall be constructed with a minimum six (6)-inch crushed aggregate base course and a two and one-half (2 1/2) inch surface course of materials specified in the latest edition of the Pennsylvania Department of Transportation Manual 408. Additionally, all work procedure shall conform to the latest edition of the Pennsylvania Department of Transportation Manual 408.

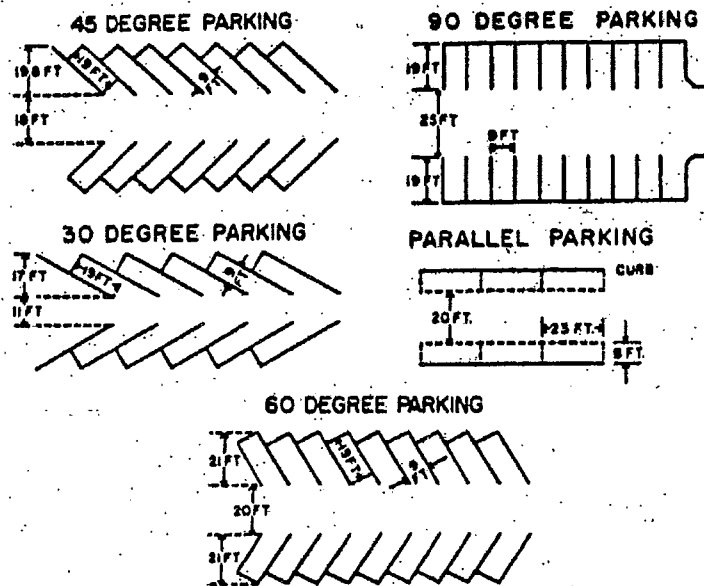
(Ord. 8/15/1989, §602; as amended by Ord. 99-5, 11/3/1999)

§603. VEHICULAR PARKING FACILITIES.

Vehicular parking facilities for multiple users shall be designed in accordance with the following provisions:

- A. Parking facilities shall not be permitted within fifteen (15) feet of a side or rear property line unless formal arrangements have been made for the establishment of a common parking facility.

- B. Parking compound dimensions shall be no less than those listed in the following chart.



3. Buffer planting shall be provided where parking compounds are adjacent to property and/or street lines. The buffer planting area shall be at least fifteen (15) feet wide. Such buffer planting shall include a combination of vegetative materials including ground covers, shrubbery and trees. Such material shall be so arranged as to not interfere with adequate motorist visibility at adjoining street intersections.
4. In addition to the required buffer planting, no less than ten (10) percent of the total lot area shall be devoted to interior landscaping. Interior landscaping shall be dispersed throughout off-street parking lots and around proposed structures. Interior landscaping shall include a combination of vegetative materials including trees, shrubs and groundcover.
5. Not less than a four (4)-foot radius of curvature shall be permitted for horizontal curves in parking areas.
6. All dead end parking lots shall be designed to provide sufficient back-up area for all end stalls.
7. Painted lines, arrows and dividers shall be provided and maintained to control parking when necessary to direct vehicular circulation. Parking areas for over thirty (30) vehicles shall be divided by permanent raised curbing that clearly defines parking stalls from designated access lanes.
8. Parking areas, main entrances and exits which are open to the public shall be lighted to a minimum average of seventy-five hundredths (.75) foot candles at an elevation of three

SUBDIVISION AND LAND DEVELOPMENT

(3) feet above the surface. All lighting shall be completely shielded from traffic on any public street and from any residential district.

9. The location of waste storage areas, shopping cart storage areas and other nonparking facilities within the parking area shall be clearly labeled.

(Ord. 8/15/1989, §603)

§604. SIDEWALKS.

1. Sidewalks shall be provided in all residential projects with an average density in excess of four (4) dwelling units per acre. Additionally, sidewalks shall be required in the following circumstances:
 - A. To continue existing sidewalks systems to the terminus of a service area or block.
 - B. To provide access to vehicular parking compounds.
 - C. To provide access to and/or within a commercial, industrial or community facility.
2. Sidewalks which are provided as part of a "subdivision plan" shall be located along the side(s) of the street upon which lots front.
3. Sidewalks which are provided as part of a "land development plan" shall be located along the existing street frontage of the tract along one (1) side of proposed streets and/or access drives through the project and adjacent to vehicular parking compounds. These sidewalk locations may be varied if, in the judgment of the Board of Supervisors, the proposed alternate system meets the projected need for pedestrian circulation.
4. Sidewalks located adjacent to public streets shall be constructed in accordance with the following specifications:
 - A. Sidewalks shall be constructed of concrete. Concrete used in sidewalk work shall be certified to develop a compressive stress of at least three thousand (3,000) P.S.I. at twenty-eight (28) days. Certification of the mix shall be furnished if requested by the authority accepting dedication. Concrete shall be placed in forms that are straight and securely braced. Care shall be taken to control the water content to prevent separation of the aggregates. The concrete shall have a broom finish and the edge shall be finished with an edging tool.
 - B. All concrete sidewalks shall be constructed on a four (4)-inch thick crushed stone or gravel base to insure proper drainage. The concrete shall be placed so that there is a separate joint every five (5) feet. There shall be one-half (1/2) inch premoulded expansion joints between every fifth (5th) section and between all points where the concrete sidewalk abuts a concrete curb.

- C. All concrete sidewalks shall have a minimum thickness of four (4) inches except where driveways cross sidewalks and for driveway apron areas. These areas shall have a minimum thickness of six (6) inches and shall contain one (1) layer of No. 6 wire forming six (6) inch squares. The wire shall be installed so that it is not closer than one (1) inch from the top or bottom surface of the driveway.
5. Sidewalks located outside of the public right-of-way, adjacent to driveways, access drives and parking compounds may be constructed of any material acceptable to the Board of Supervisors.
6. Sidewalks shall have a minimum width of four (4) feet.
7. Sidewalks shall be graded so as to discharge stormwater runoff.
8. Sidewalks along public streets shall be located one (1) foot inside the street right-of-way and physically divided from the street cartway by curb or grass strip.
9. Maintenance and repair cost for sidewalks is the sole responsibility of the landowner.
10. Pedestrian easements which may be required by the Board of Supervisors to facilitate pedestrian circulation or to give access to community facilities shall have a minimum right-of-way width of six (6) feet and a walkway width of four (4) feet. This walkway shall be improved to the standards assigned by the individual or other entity which accepts the easements. [Ord. 99-5]

(Ord. 8/15/1989, §604; as amended by Ord. 99-5, 11/3/1999)

§605. BLOCKS AND LOTS.

1. General. The configuration of blocks and lots shall be based upon the lot area requirements, the salient natural features, the existing manmade features and the proposed type of structure. Lot configurations should provide for flexibility in building locations while providing safe vehicular and pedestrian circulation.
2. Residential Blocks. All blocks in a residential subdivision shall have a maximum length of one thousand six hundred (1,600) feet. Where practical, the minimum width shall be five hundred (500) feet.
3. Nonresidential Blocks. Blocks in nonresidential areas may vary from the requirement of subsection (2) when required by the nature of the use. Adequate provisions shall be made for off-street parking, loading areas and traffic circulation.
4. Lot Configuration.
 - A. Whenever practical, side lot lines shall be radial or perpendicular to street lines.

SUBDIVISION AND LAND DEVELOPMENT

- B. In order to avoid jurisdictional problems, lot lines shall, wherever feasible, follow municipal boundaries rather than cross them. Where a lot is divided by a municipal boundary, the minimum standards of both municipalities shall apply.
 - C. Lots with areas that are two (2) or more times the minimum area requirements shall, wherever feasible, be designed with configurations which allow for additional subdivision.
 - D. All lots with a width of sixty (60) feet or more shall contain a lot depth not less than one-half (1/2) nor more than three (3) times their width. All lots with a width less than sixty (60) feet shall contain a lot depth not more than one hundred eight (180) feet. All lots shall contain a lot depth no less than seventy-five (75) feet.
 - E. All lots shall front on a street.
 - F. Double frontage lots are prohibited. The Board of Supervisors may permit reverse frontage lots as provided in subsection (4)(G).
 - G. Reverse frontage lots are limited to lots which have frontage on both a minor street and a street of greater classification with vehicular access solely from the minor street. All single-family reverse frontage lots shall have a rear yard with a minimum depth of seventy-five (75) feet and have a planted buffer easement of at least ten (10) feet in width located immediately contiguous to the street right-of-way. Vehicular access shall be prohibited from the rear of reverse frontage lots. All reverse frontage lots shall include an identification of the frontage for use as a road access. The street designated for frontage must be consistent for all contiguous lots.
 - H. All remnants of land (areas remaining after subdivision) shall conform to the lot area and configuration requirements.
 - I. All lots shall be designed to provide sufficient building area based upon building setbacks, easements, floodplains, etc.
5. Lot Size and/or Intensity. Lot areas shall conform with the prevailing Valley Township Zoning Ordinance [Chapter 27] requirements.

(Ord. 8/15/1989, §605)

§606. BUILDING SETBACK LINES AND BUILDING SEPARATIONS.

The building setback lines and building separations shall conform with the prevailing Valley Township Zoning Ordinance [Chapter 27] requirements.

(Ord. 8/15/1989, §606)

§607. EASEMENTS.

Easements for sanitary sewer facilities, stormwater drainage facilities, public utilities or pedestrian access shall meet the following standards:

- A. To the fullest extent possible, easements shall be adjacent to property lines.
- B. Nothing shall be placed, planted, set or put within the area of an easement that would adversely affect the function of the easement or conflict with the easement agreement.
- C. Pedestrian easements shall have a minimum width of six (6) feet.
- D. Utility easements shall have a minimum width of twenty (20) feet.
- E. The applicant shall reserve easements where stormwater or surface water drainage facilities are existing or proposed, whether located within or beyond the boundaries of the property. Easements shall have a minimum width of twenty (20) feet and shall be adequately designed to provide area for (1) the collection and discharge of water, (2) the maintenance, repair and reconstruction of the drainage facilities and (3) the passage of machinery for such work. The easements shall clearly identify who has the right-of-access and responsibility of maintenance.
- F. Where any electric or telephone transmission or petroleum product transmission line traverses a property the applicant shall confer with the applicable transmission or distribution company to determine the minimum distance which shall be required between each structure and the centerline of such petroleum or petroleum product transmission line. All applications shall include a letter from the owner of the transmission line stating any conditions on the use of the tract and the right-of-way width or a copy of the recorded agreement which shall contain the above data.

(Ord. 8/15/1989, §607)

§608. SURVEY MONUMENTS AND MARKERS.

1. Permanent stone or concrete monuments shall be accurately placed at the right-of-way lines along at least one (1) side of each street and on the property lines of the parent tract. These monuments shall be placed at the intersection of all lines forming angles, changes in direction and at the end of each curved line. An intermediate monument shall be placed wherever topographical or other conditions make it impossible to sight between two (2) otherwise required monuments. Monuments shall be placed along the line of streets as may be determined by the Township to be necessary so that any street may be readily defined in the future.
2. Markers shall be set at all points where lot lines intersect curves and/or property lines.

SUBDIVISION AND LAND DEVELOPMENT

3. Monuments shall be of concrete or stone with a flat top having a minimum width or diameter of four (4) inches and a minimum length of thirty (30) inches. Concrete monuments shall be marked with a three-quarter (3/4) inch copper or brass dowel; stone or precast monuments shall be marked on the top with a proper inscription and a drill hole. Markers shall consist of iron pipes or steel bars at least thirty (30) inches long and not less than three-quarters (3/4) of an inch in diameter.
4. All monuments and markers shall be placed by a registered surveyor so that the scored or marked point shall coincide exactly with the point of intersection of the lines being monumented or marked. All monuments and markers shall be set flush with the grade.
5. All existing and proposed monuments and lot line markers shall be delineated on the final plan.
6. Within five (5) days after completion of the placement of monuments and markers or completion of the replacement of any such monuments or markers destroyed during construction activities, the registered surveyor responsible for said work shall provide the Township with written certification of accurate placement thereof, substantially as follows:

I, [surveyor's name] hereby certify that all of the monuments and pins shown on Section [Section number] of the [name of subdivision] Subdivision Plan have been accurately placed in accordance with the Plan.

(Ord. 8/15/1989, §608)

§609. STORMWATER MANAGEMENT.

All subdivision and land development applications shall include stormwater management data. The stormwater management data shall be prepared and stormwater facilities provided in accordance with the prevailing Valley Township Stormwater Management/Erosion Control Ordinance [Chapter 9.] This information may be provided on a sheet with other data or on separate sheets and need not be recorded with the final plan.

(Ord. 8/15/1989, §609)

§610. FLOODPLAIN AND STEEP SLOPES.

1. Floodplain. All subdivision and land development plans shall conform with the Official Floodplain Ordinance of Valley Township [Chapter 8], December 1985, as amended.
2. Protection of Steep Slopes. In those areas of the subject property containing slopes that exceed fifteen (15) percent no structure shall be erected that will unduly disturb existing grade and natural soil conditions. If a structure is proposed upon these steep slopes, a statement must be prepared by a registered architect, engineer or landscape architect as

to the means used to overcome building foundation problems, the maintenance of the natural watershed and the prevention of soil erosion.

(Ord. 8/15/1989, §610)

§611. LANDSCAPING.

1. Protection of Natural Features. The finished topography of the site shall adequately facilitate the proposed development without excessive earthmoving, tree clearance and destruction of natural amenities. Natural feature such as lakes, streams and wooded slopes shall be preserved and incorporated into the final landscaping of the development wherever possible and desirable. The applicant shall demonstrate the means whereby trees and other natural features shall be protected during construction. The location of such trees and other natural features must be considered when planning the open space, location of buildings, underground service, walks, paved areas and finished grade level.
2. Existing Wood Areas. Existing wooded areas shall be protected to prevent unnecessary destruction. Healthy trees with a caliper of six (6) inches or more as measured at a height of four and one-half (4 1/2) feet above existing grade shall not be removed unless they are located within fifteen (15) feet of any planned improvement. In areas where trees are retained, the original grade level shall be maintained, if possible, so as not to disturb the trees.
3. Where existing trees are removed along the street right-of-way, supplemental planting, in the form of appropriate street trees, shall be provided. Such trees shall be planted at intervals of between fifty (50) feet and one hundred (100) feet and preferably in random patterns.
4. Replacement trees shall be of a minimum trunk caliper of two (2) inches at a height of six (6) inches above finished grade.

(Ord. 8/15/1989, §611)

§612. SANITARY SEWAGE DISPOSAL.

1. When the Board of Supervisors, in accordance with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended, determines the necessity for a sewer facilities plan revision (plan revision module for land development), or supplement, the Board of Supervisors shall require that notice of approval from the Pennsylvania Department of Environmental Protection be submitted as a condition of final plan approval. [Ord. 99-5]
2. The applicant shall provide the type of sanitary sewage disposal facility consistent with the planning module for land development. Whenever public sanitary sewer is planned in the foreseeable future, a capped sanitary sewer system shall be provided.

SUBDIVISION AND LAND DEVELOPMENT

3. Public sanitary sewer systems shall be designed and built in accordance with the rules, regulations and design standards of the Valley Township Authority. No final plan will be approved by the Board of Supervisors until the applicant submits a certification from the Authority that this Section has been complied with.
4. Where onsite sanitary sewage disposal facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary subsurface sewage disposal system and a replacement system at a safe distance from building and water supply in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection and Chester County Department of Health.

(Ord. 8/15/1989, §612; as amended by Ord. 99-5, 11/3/1999)

§613. WATER SUPPLY.

1. Whenever feasible, a development shall connect to an existing public water supply system.
2. Wherever the water supply system contains sufficient capability or will in the foreseeable future, with or without developer assistance, fire hydrants shall be provided. Fire hydrants shall meet the specifications of the Middle Department Association of Fire Underwriters and the local fire company. Fire hydrants shall be located at street intersections, where possible, and shall be located no more than ten (10) feet from the curb. Fire hydrants shall be located so that the distance from any building shall not exceed six hundred (600) feet measured along the street. All fittings shall be National Standard threads. The large fitting shall face the street and be a minimum of sixteen (16) inches above the ground level. The minimum size of a main which supplies a fire hydrant shall be eight (8) inches or a looped six (6) inches.
3. Where a public system is not accessible, particularly where onsite sanitary disposal systems are to be used, a community water supply may be required. If such a system is provided, it shall be approved by the Pennsylvania Department of Environmental Protection and appropriate measures shall be provided to ensure adequate maintenance. [Ord. 99-5]
4. Where an individual onsite water supply system is to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system in accordance with all applicable standards. [Ord. 99-5]
5. Where individual onsite water supply system(s) will be utilized, test wells and the hydrogeology should be carefully studied to assure a sound water supply.
6. If water is to be provided by means other than by an individual onsite water supply system (wells that are owned and maintained by the individual lot owners), the final plan application shall include:

- A. A certified public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority of utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
 - B. Notice of approval of the design, installation and possible financial guarantee from the provider of the water service.
7. Any public water supply system which is intended to become part of the Valley Township water system shall be designed and built in accordance with the rules, regulations and design standards of the Valley Township Authority. No final plan will be approved by the Board of Supervisors until the applicant submits a certification from the Authority that this Section has been complied with.

(Ord. 8/15/1989, §613; as amended by Ord. 99-5, 11/3/1999)

§614. STREET ADDRESS NUMBERS.

1. Assignment of Numbers.
 - A. Street address numbers shall be assigned to each building, tract, lot or parcel of land, placed on file in the Township Office and assigned to the owners or occupants of such buildings, tract, lot or parcel of land by the Code Enforcement Officer or by such other person as may be designated by resolution of the Board of Supervisors. Once assigned, all such properties shall be designated for all purposes by the number assigned, and thereafter, all persons shall take due notice thereof and comply with the provisions of this Section, when applicable.
 - B. The Code Enforcement Officer, or such other person as may be designated, shall have the power and duty to correct any errors with respect to assignment of street address numbers, as and when such errors are discovered. The Board of Supervisors shall have the right and power to change a street address number or numbers assigned to any property whenever it may deem such a change necessary and desirable, and require the owner or the occupant thereof to comply with the provisions of this Section with respect to such change.
2. Application for Street Address Number. The owner or occupant of each tract, lot or parcel of land to which no street address number has previously been assigned shall, upon purchase, acquisition or occupancy thereof or within seven (7) days of discovery that no such number has been assigned, make application to the Code Enforcement Officer or his designated agent for assignment of such number and thereon the Code Enforcement Officer shall assign a correct street number to the property.
3. Number of Subdivision Lots. The Code Enforcement Officer shall be responsible for assigning proper street address number sequences to each lot which is created as a result of a subdivision or resubdivision, said numbers shall be in proper municipal sequence

SUBDIVISION AND LAND DEVELOPMENT

in relation to the number assigned to other lots fronting on the same street and shall be properly recorded on the subdivision plan and the Township file.

- A. When the assignments required under subsection (3)(A) hereof have been completed and signed by the Code Enforcement Officer, they shall be appended to the final subdivision plan and thereby incorporated therein by reference. No subdivider shall sell or convey any lot or dwelling unit or other building or structure upon said lot or lease or otherwise permit the use and occupancy thereof without first complying with all of the terms of this Section.
 - B. The requirements for application for street address number and display thereof shall be a condition precedent to the submission of any applications for a certificate of occupancy.
4. Size and Location of Numbers. In order to comply with this Section, street address numbers shall be Arabic in design, shall have a minimum height of three (3) inches and shall be mounted in a secure fashion by one (1) or more of the approved manners. The number shall be sufficiently legible as to contrasting background, arrangement, spacing, size and uniformity of numerals so that the numbers may be read with ease during daylight hours by a person possessing normal vision, if he views the numbers for the center line of the facing street. The numbers shall be so placed that trees, shrubs and other obstructions do not block the line of sight of the numbers from the center of the street to any appreciable degree.
5. Approved Manners.
- A. Occupancies with mailboxes at the end of driveways shall display numbers on both sides of the mailbox or support post. When mailboxes are placed on the opposite side of the facing street from the occupancy, auxiliary numbers shall be provided in addition to the mailbox numbers. When two (2) or more mailboxes are placed side by side together in a row then numbers shall be placed on the fronts of the mailboxes.
 - B. Occupancies without mailboxes at the end of driveways shall place numbers in the general vicinity of the main entrance or path of travel which leads to the main entrance and shall be visible from the center line of the facing street.
 - C. Those occupancies with no mailboxes which are built down long driveways or occupancies not visible from the street shall have a marker or post of noticeable size placed at the driveway entrance. If more than one (1) occupancy shares the driveway, then each occupancy shall be so numbered.
 - D. Occupancies with shared driveways shall also display auxiliary numbers at or near the main entrance of the structure according to specifications herein.
6. Violations and Penalties.

- A. The absence of street numbers, or the insecure fastening or absence of any numeral thereof, or the use of any street address number not assigned by the Code Enforcement Officer, or the failure of a street address number to meet the elevation requirements or the visibility requirements shall be a violation of this Section. Upon discovery of such violation, a notice of violation shall be sent by certified mail to the property or occupant, or shall be posted in a prominent place upon the property by the Code Enforcement Officer or his agent or shall be personally served on the property owner or occupant or his agent. Such notice shall specify the specific provisions of this Section violated and shall require compliance with the provisions of this Section within fifteen (15) days from the service or posting of the notice of violation.
- B. Any person who shall fail to comply with the notice of violation shall be liable to the Township in a civil enforcement proceeding commenced by the Township in an amount not to exceed six hundred dollars (\$600.00), together with all court costs and reasonable attorney's fees incurred by the Township in such enforcement proceeding. [Ord. 96-5]
- C. Every violator of the provisions of this Section or any of its subsections shall be subject to a separate civil enforcement proceeding for each and every day such violation shall continue and be subject to the penalty imposed by this Section for each and every such offense. [Ord. 96-5]
- D. After the issuance by the Code Enforcement Officer of a notice of violation of the provisions of this Section or any of its subsections and the posting of such notice of violation on the premises, each day such violation shall continue shall be deemed a separate offense subject to a separate civil enforcement proceeding. [Ord. 96-5]
7. The final authority for determining and assigning the street number or numbers to be used upon any particular property, as well as the enforcement of this Section or any of its subsections, shall be in the office of the Code Enforcement officer, his agent or such other person as provided for in subsection (1)(A).

(Ord. 8/15/1989, §614; as added by Ord. 95-5, 4/8/1995, §1; as amended by Ord. 96-5, 6/4/1996, §§2-4)

PART 7

MOBILE HOME PARKS

§701. GENERAL.

Mobilehome park plans shall be processed in accordance with Part 3. Mobilehome park plans shall comply with the design standards set forth in the Valley Township Zoning Ordinance [Chapter 27] and any other Township ordinance, resolution or regulation containing a mobilehome park standard which is more restrictive.

(Ord. 8/15/1989, §701; as amended by Ord. 99-5, 11/3/1999)

PART 8

ADMINISTRATION

§801. GENERAL.

This Section outlines the procedures for enforcement and amendment of this Chapter, as well as the procedures for challenges and appeals of decisions rendered under this Chapter.

(Ord. 8/15/1989, 8/15/1989, §801)

§802. AMENDMENT.

1. Amendments to this Chapter shall become effective only after a public hearing held pursuant to public notice. A brief summary setting forth the principal provisions of the proposed amendment and a reference to the place within the Township where copies of the proposed amendment may be secured or examined shall be incorporated in the public notice. Unless the proposed amendment shall have been prepared by the Planning Commission, the Board of Supervisors shall submit the amendment to the Planning Commission at least thirty (30) days prior to the hearing on such amendment to provide the Planning Commission an opportunity to submit recommendations. In addition, at least thirty (30) days prior to the public hearing on the amendment, the Township shall submit the proposed amendment to the County planning agency for recommendations.
2. Within thirty (30) days after adoption, the Board of Supervisors shall forward a certified copy of the amendment to the County planning agency.
3. Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed amendment once in a newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
 - A. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
 - B. An attested copy of the proposed amendment shall be filed in the County law library (or other County office designated by the County Commissioners).

SUBDIVISION AND LAND DEVELOPMENT

4. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) days prior to enactment, readvertise, in one (1) newspaper of general circulation in the [municipality], a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

(Ord. 8/15/1989, 8/15/1989, §802; as amended by Ord. 99-5, 11/3/1999)

§803. WAIVERS.

1. The provisions of this Part are intended as minimum standards for the protection of the public health, safety and welfare. The Township Board of Supervisors may modify said provisions to the benefit of the developer; provided, the majority of the members of the Board of Supervisors present at a scheduled public meeting determines that the waiver:
 - A. Is consistent with the purpose of this Chapter as described in §102.
 - B. Will remove or reduce an unreasonable or undue hardship as it applies to the particular property which is grossly disproportionate to any benefit derived from the standard.
 - C. Will result in an equal or better situation. [Ord. 99-5]
 - D. Provides reasonable utilization of the property while securing the public interest.
2. All waivers of the minimum standards shall be processed in accordance with the waiver provision described in §305. It shall be the burden of the applicant to demonstrate compliance with the above conditions. In granting waivers, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of this Chapter.

(Ord. 8/15/1989, 8/15/1989, §803; as amended by Ord. 99-5, 11/3/1999)

§804. CHALLENGES AND APPEALS.

The decision of the Board of Supervisors with respect to the approval or disapproval of plans may be appealed, as provided for in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

(Ord. 8/15/1989, 8/15/1989, §804)

§805. PENALTIES FOR VIOLATIONS.

1. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations; to prevent unlawful

construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

2. A Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following:
 - A. The owner of record at the time of such violation.
 - B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - E. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.
3. Jurisdiction. District justices shall have initial jurisdiction in proceedings brought under this Chapter.
4. Enforcement Remedies.
 - A. Any person, partnership or corporation who or which has violated the provisions of this Chapter, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not more than six hundred dollars (\$600.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. [Ord. 99-5]

SUBDIVISION AND LAND DEVELOPMENT

- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
 - C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
 - D. District justices shall have initial jurisdiction in proceedings brought under this Section. [Ord. 99-5]
- 5. No applicant shall proceed with any site grading or construction of improvements prior to recordation of a final plan as specified in §304(8) unless such grading or construction is for the sole purpose of installing the public improvements as prescribed in a unconditionally approved preliminary plan in accordance with §303(8).
 - 6. No deeds shall be executed or recorded for lots nor shall the construction of any structure be initiated before the Board of Supervisors has approved the final plan and such plan is filed with the Chester County Recorder of Deeds.

(Ord. 8/15/1989, 8/15/1989, §805; as amended by Ord. 96-4, 4/7/1996, §22; by Ord. 97-2, 3/18/1997, §22; and by Ord. 99-5, 11/3/1999)

PART 9

APPENDICES

APPENDIX NO. 1

STATEMENT OF ACCURACY

SURVEY DATA

I hereby certify that, to the best of my knowledge, the survey and plan shown and described hereon is true and correct to the accuracy required by the Valley Township Subdivision and Land Development Ordinance (error of no closure no greater than one (1) foot in ten thousand (10,000) feet).

_____, 20__

*

* Signature and seal of the registered surveyor responsible for the preparation of the plan.

GENERAL PLAN/REPORT DATA

I hereby certify that, to the best of my knowledge, the * _____ shown and described hereon is true and correct to the accuracy required by the Valley Township Subdivision and Land Development Ordinance.

_____, 20__

**

* Title of Plan/Report

** Signature and seal of the registered professional responsible for preparation of the data.

(See §§402(F) and 403(F))

SUBDIVISION AND LAND DEVELOPMENT

APPENDIX NO. 2

STATEMENT OF OWNERSHIP, ACKNOWLEDGEMENT OF PLAN
AND OFFER OF DEDICATION

INDIVIDUAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CHESTER

On this, the ___ day of _____, 20___, before me, the undersigned officer, personally appeared _____ who being duly sworn according to law, disposes and says that he is the * _____ of the property shown on this plan, that the plan thereof was made at his direction, that he acknowledges the same to be his act and plan thereof was made at his direction, that he acknowledges the same to be his act and plan, that he desires the same to be recorded, and that all streets and other property identified as proposed public property (excepting those areas labeled "NOT FOR DEDICATION") are hereby dedicated to the public use.

** _____

*** _____

My Commission Expires _____, 20___.

- * Identify Ownership or Equitable Ownership
- ** Signature of the Individual
- *** Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds

(See §403(F))

CO-PARTNERSHIP

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CHESTER

On this, the ____ day of _____, 20 __, before me, the undersigned officer, personally appeared _____, being one of the firm of _____, who being duly sworn according to law, disposes and says that the co-partnership is the * _____ of the property shown on this plan, that the plan thereof was made at its direction, that it acknowledges the same to be its act and plan and desires the same to be recorded, and that all street and other property identified as proposed public property (excepting those areas labeled "NOT FOR DEDICATION") are hereby dedicated to the public use.

** _____

*** _____

My Commission Expires _____, 20 ____.

- * Identify Ownership or Equitable Ownership
- ** Signature of the Individual
- *** Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds

SUBDIVISION AND LAND DEVELOPMENT

CORPORATE

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CHESTER

On this, the ____ day of _____, 20 __, before me, the undersigned officer, personally appeared * _____, being ** _____ of *** _____, the **** _____ of the property shown on this plan, that he is authorized to execute said plan on behalf of the corporation, that the plan is the act and deed of the corporation, that the corporation desires the same to be recorded and on behalf of the corporation further acknowledges, that all streets and other property identified as proposed public property are hereby dedicated to the public use (excepting those areas labeled "NOT FOR DEDICATION").

Corporate Seal

My Commission Expires _____, 20 __.

* Individual's Name

** Individual's Title

**** Identify Ownership or Equitable Ownership

***** Signature of Individual

***** Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds

APPENDIX NO. 3

PLANNING COMMISSION REVIEW STATEMENT

At a meeting on _____, 20 ____, the Valley Township Planning Commission reviewed and recommended (approval, conditional approval, disapproval) of this plan.

* _____

* Signature of the Planning Commission Chairman or Designee

(See §§303(9),304(8),402((F) and 403((F))

SUBDIVISION AND LAND DEVELOPMENT

APPENDIX NO. 4

PRELIMINARY PLAN APPROVAL STATEMENT

At a meeting on _____, 20 __, the Board of Supervisors of the Township of Valley granted PRELIMINARY PLAN APPROVAL of this project, including the complete set of plans marked sheet(s) ____ through ____ which form a part of the application dated _____, last revised _____, and bearing File No. _____. This plan may not be recorded in the office of the Chester County Recorder of Deeds, nor may any construction be initiated, but when combined with the other necessary approvals and permits, grants the authority to install only the public improvements required as part of the plan.

* _____

* Signature of the Township Secretary or Designee

TOWNSHIP ENGINEER REVIEW STATEMENT

Reviewed by the Valley Township Engineer

Township Engineer

Date

(See §303(9) and 402(F))

APPENDIX NO. 5

FINAL PLAN APPROVAL STATEMENT

At a meeting on _____, 19 ____, the Board of Supervisors of the Township of Valley approved this project, and all conditions of approval have been met. This approval includes the complete set of plans and information which are filed with the Township in File No. ____ , based upon its conformity with the standards of the Valley Township Subdivision and Land Development Ordinance.

* _____

* Signatures of the members of the Board of Supervisors

TOWNSHIP ENGINEER REVIEW STATEMENT

Reviewed by the Valley Township Engineer

Township Engineer

Date

(See §§304(8) and 403(F))

SUBDIVISION AND LAND DEVELOPMENT

APPENDIX NO. 6

VALLEY TOWNSHIP

APPLICATION FOR CONSIDERATION OF A SUBDIVISION

AND/OR LAND DEVELOPMENT PLAN

File No. _____
Date of Receipt/Filing: _____
(For Township Use Only)

The undersigned hereby applies for approval under the Valley Township Subdivision and Land Development Ordinance for the Plan submitted herewith and described below:

1. Plan Name: _____

Plan No: _____ Plan Date: _____

2. Project Location: _____

3. Name of Property Owner(s): _____

Address: _____ Phone No. _____

4. Land Use and Number of Lots and/or Units (indicate answer by number of lots or units:

Single Family (Detached)

Commercial

Multifamily (Attached-Sale)

Industrial

Multifamily (Attached-Rental)

Institutional

Mobile Home Park

(Other) Please Specify

5. Total Acreage: _____

6. Application Classification:

Sketch Plan

Preliminary Plan

Final Plan

Revised Plan

7. Name of Applicant (if other than owner): _____

Address: _____ Phone No. _____

8. Firm Which Prepared Plan: _____

Address: _____ Phone No. _____

Person Responsible for Plan: _____

9. Is a Zoning Variance, Special Exception and/or Conditional Use Approval Necessary?
___ If yes, Please specify:

10. Type of Water Supply Proposed: ___ Public

___ Regional

Please indicate if a capped system is proposed. ___ Individual

11. Type of Sanitary Sewage Disposal Proposed: ___ Public

___ Regional

___ Individual

Please indicate if a capped system is proposed.

12. Lineal Feet of New Street _____

Identify All Street(s) Not Proposed for Dedication _____

13. Stormwater Management/Erosion Control Ordinance Application

Date:

14. Sewer Facilities Plan Revision or Supplement Number _____ and
Date Submitted: _____

Date: _____

(See §§302,303(5),304,306(1),401,402((F) and 403((F))

SUBDIVISION AND LAND DEVELOPMENT

APPENDIX NO. 7

VALLEY TOWNSHIP

APPLICATION FOR CONSIDERATION OF A WAIVER

File No. _____

Date of Receipt/Filing: _____
(For Township Use Only)

The undersigned hereby applies for approval of a waiver, submitted herewith and described below:

1. Name of Project: _____
2. Project Location: _____

3. Name of Property Owner(s): _____
Address: _____ Phone No: _____
4. Name of Applicant (if other than owner): _____
Address: _____ Phone No: _____
5. Specify Section(s) of the Valley Township Subdivision and Land Development Ordinance for which a Waiver is requested: _____

6. The Proposed Alternative to the Requirement: _____

7. Justification for the Waiver: _____

AMENDMENTS

TOWNSHIP OF VALLEY
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2008-07

AN ORDINANCE OF THE TOWNSHIP OF VALLEY, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 22 OF THE VALLEY TOWNSHIP CODE OF ORDINANCES, THE VALLEY TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, BY AMENDING SECTION 506 TO SPECIFY WHEN "AS-BUILT" PLANS SHALL BE REQUIRED, AS WELL AS THE INFORMATION TO BE INCLUDED IN THOSE PLANS, AMENDING SECTION 602.11.C, TO INCREASE THE WEARING COURSE REQUIREMENT TO 1 ½ INCHES, AMENDING SECTION 402.E.5, TO REQUIRE A DEVELOPMENT'S RECREATION AREA TO BE 0.021 ACRES PER DWELLING UNIT, AS WELL AS ESTABLISHING THE TYPES OF DEVELOPMENT TO WHICH SUCH A REQUIREMENT PERTAINS, AMENDING SECTION 402.E.5 TO PERMIT A RECREATION AREA TO HAVE A SLOPE ACCEPTABLE TO THE TOWNSHIP ENGINEER, AMENDING SECTION 604.1, TO ADD A REQUIREMENT FOR CURBING, AS WELL AS TO SET FORTH THE SPECIFICATIONS FOR CURBING, AND AMENDING SECTION 604.14.A, TO REQUIRE THAT NON-THROUGH STREETS BE POSTED WITH A SIGN STATING "NO OUTLET."

WHEREAS, the Valley Township Board of Supervisors has received recommendations from the Valley Township Planning Commission and the Valley Township Engineer, Pennoni Associates, Inc., that certain amendments to the Valley Township Code of Ordinances, Chapter 22, be considered for enactment;

NOW THEREFORE, BE IT ENACTED AND ORDAINED, this 18 day of MARCH, 2008, by the Board of Supervisors of Valley Township, Chester County, Pennsylvania, that Chapter 22 of the Valley Township Code of Ordinances, also known as the Valley Township Subdivision and Land Development Ordinance, as heretofore amended, be further amended as follows:

SECTION 1. Subdivision and Land Development Text Amendments.

A. That Section 506, "AS-BUILT PLANS," as previously amended by Ordinance 2003-08, be deleted in its entirety, and in its place be substituted the following:

SECTION 506. AS-BUILT PLANS.

1. Authorization to continue construction of any building beyond construction of the building foundation shall not be issued until the Valley Township "Foundation As-Built Certification" form and an "as-built" survey of the building foundation have been prepared and submitted to the Code Enforcement Officer. The "as-built" certification and survey shall confirm that the

location and elevation of the building conforms to the approved plans and the provisions of the Valley Township Subdivision and Land Development Ordinance and Zoning Ordinance.

2. An "as-built" plan shall be submitted for sediment basins and/or stormwater management basins (basins) within 60 days of construction of the facility. Construction activities will not be allowed to continue beyond 60 days of completion of basins unless an "as-built" plan of the facility has been submitted to the Township Secretary and the Township Engineer for review. The "as-built" plan shall show the grading of the basin; elevations and locations of spillways, outlet structures, endwalls, headwalls, orifices, inverts, and discharge piping (material, size, slope); and lot setback lines. If the facilities are constructed inconsistent with the approved Subdivision and Land Development Plans and/or Grading Plans, calculations must be submitted for Township Engineer review to demonstrate the adequacy of the "as-built" basin.
3. Upon completion of all required improvements and prior to final inspections of improvements, the applicant shall submit a comprehensive plan labeled "as-built plan" showing the location, dimensions, and elevations of all improvements. In addition, the plan shall indicate that the resultant grading, drainage structures and/or drainage systems, and erosion and sediment control practices, including vegetative measures, are in substantial conformance with the previously approved drawings and specifications. The plans shall note all deviations from the previously approved drawings. Two (2) copies of the plan (one (1) paper transparency and one (1) plastic transparency) shall be submitted to the Township Secretary who shall distribute the paper transparency to the Township Engineer and retain the plastic transparency for the Township files. In addition, two (2) copies of the plan shall be submitted on CD in AutoCAD format, latest edition.

The "as-built" plans are to be inclusive of the following information:

- A. Delineation and bearings of the overall tract boundary with monument locations shown.
- B. Actual dimensions and locations of streets, public and private, as they were constructed.
- C. Right-of-way delineation and bearings of new and existing roadways with monument locations shown.
- D. Actual inverts, top elevations, pipe sizes, pipe materials, pipe slopes and locations for all storm drainage facilities as they were constructed.
- E. Actual inverts, top elevations, pipe sizes, pipe materials, pipe slopes and locations for all sanitary sewer facilities including individual service lateral locations as they were constructed.
- F. Road profiles including elevations at one hundred (100) foot stations along the present ground surface over the center line.
- G. Actual locations for all fire hydrants, valves, cap and blowoffs and other visible water appurtenances as they were constructed.

- H. Actual locations, inverts, pipe sizes, pipe materials, pipe slopes, inlet dimensions, orifice sizes, top elevations, outlet protection sizes and dimensions, emergency outfall elevation and dimensions, stone depths and stone dimensions for all permanent stormwater management facilities as they were constructed.
- I. Individual plan at the same scale as the final approved plan showing actual contours, spot elevations and dimensions for all above-ground permanent stormwater management and/or storage facilities including volumetric calculations.
- J. All easements are to be shown and defined by metes and bounds on the plan.
- K. Actual location of subsurface and visible appurtenances relative to other utilities, i.e. gas, electric, cable, as documented during construction.
- L. Actual locations of street signs, traffic signs, signals, and street lights as applicable.
- M. On a separate plan, the landscaping installed within right-of-way, open space, and other common areas as required per Valley Township standards.

B. That Section 602.11.C be amended by deleting the words "one (1) inch wearing course," and in place thereof substituting the words "one and one-half (1 ½) inch wearing course."

C. That Section 402.E(5)(a) be amended by deleting the words "0.21 acres per dwelling," and in place thereof substituting the words "0.021 acres per dwelling."

D. That Section 402.E(5)(a) be further amended by adding the words "of twelve (12) or more single family dwelling units or six (6) or more multi-family dwelling units" after the words "proposed development" of the current section.

E. That Section 402.E(5)(c) be amended by deleting the words "graded to a maximum two (2) percent slope and seeded to provide suitable play area," and substituting in place thereof the words "graded and seeded at a slope acceptable to the Township's Engineer for the purpose of a suitable recreational activity and the avoidance of retaining walls in these areas."

F. That Section 604 be amended by adding the words "**AND CURBING**" after the word "**SIDEWALKS**" in the title header to the section.

G. That Section 604.1 be amended by adding the words "and curbing" after the word "sidewalk" in the first and second sentences.

H. That Section 604.1 be amended by the addition of the following subsection:

D. Sidewalks and curb shall be provided unless it can be shown to the satisfaction of the Board of Supervisors that pedestrian traffic does not follow or mix with vehicular traffic, in which the requirement of case sidewalks and/or curbs may be waived by the Board of Supervisors.

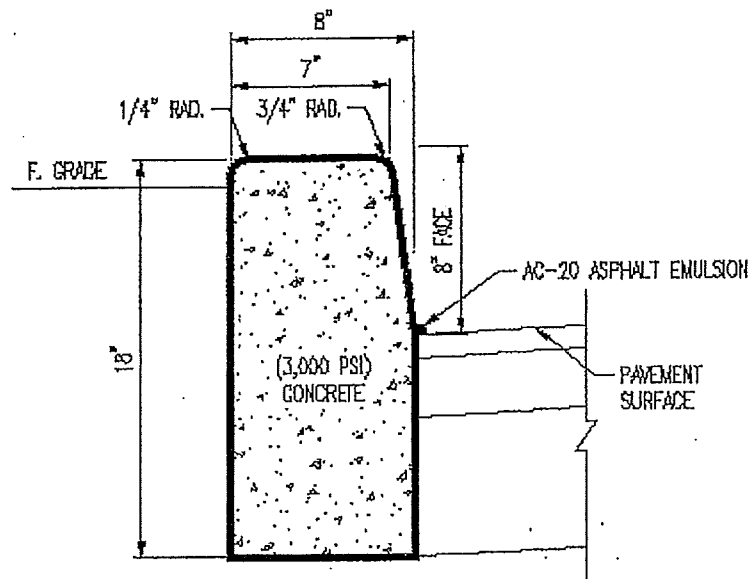
I. That Section 604 be amended by the addition of the following subsection:

11. Curbing shall be provided on residential projects on both sides of all minor, cul-de-sac, and marginal access streets as required in Section 604.1, and as required by the Board of Supervisors on collector streets. Where no curb is provided, there shall be a stabilized shoulder consisting of 3A modified stone compacted to a thickness of six inches (6") provided at a minimum width of four (4') feet.

J. That Section 604 be further amended by the addition of the following subsections:

12. Curbs shall be provided on all new streets and parking lot compound located within a land development, unless demonstrated to the satisfaction of the Board of Supervisors that Section 604.1.D applies. In areas where curb is not used, satisfactory provision must be made to avoid erosion.

13. All curbs shall conform to specifications for Class A concrete, as specified by the Pennsylvania Department of Transportation, with a minimum compressive strength of 3,000 pounds per square inch after 28 days. Curbing shall be constructed in ten foot lengths. A pre-molded expansion material having a minimum thickness of 1/4 inch shall be placed between sections of curved curb and at intervals of not more than 120 feet. Intermediate joints between ten-foot sections shall be formed of two layers of single-ply bituminous paper. Curbs shall be constructed to the dimensions shown below, and at the discretion of the Board of Supervisors.

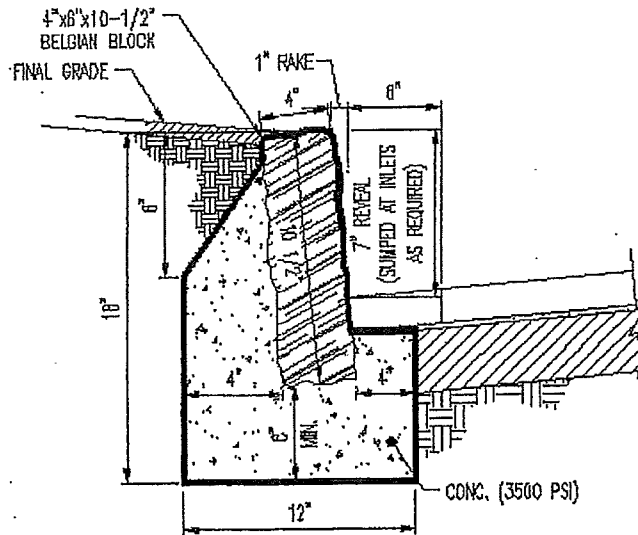


TRANSVERSE JOINTS 3/4" WIDE SHALL BE INSTALLED IN THE CURB 50' APART AND SHALL BE FILLED WITH CELLULAR COMPRESSION MATERIAL AS SPECIFIED RECESSED 1/4" IN FROM FRONT FACE AND TOP OF CURB.

TYPICAL CONCRETE CURB

N.T.S.

Alternate Belgian Block Curbing



BELGIAN BLOCK CURB DETAIL

N.T.S.

14. The depressed curb at driveways shall be no higher than 1 ½ inches above the street surface. The length of this depressed curb shall not exceed 35 feet. Storm sewer grates or other appurtenances shall not be placed in the gutter of a driveway ramp.

15. Curb excavations shall be made to the required depth, and the material upon which the curb is to be constructed shall be a compact, firm, even surface. Where the sub-grade is soft and spongy, a layer of crushed stone not less than four inches thick shall be placed under the curb.

K. That Section 602.14.A be amended by the addition of the following:

C. All non-through streets shall be provided with an authorized sign stating "No Outlet."

SECTION 2. APPLICABILITY. The provisions hereof shall supersede any Ordinances or parts of Ordinances which are inconsistent herewith.

SECTION 3. SEVERABILITY. If any provision, sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such

unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective five (5) days after enactment as by law provided.

ENACTED AND ORDAINED, this 18 day of MARCH, 2008, by the Board of Supervisors of Valley Township.

**VALLET TOWNSHIP
BOARD OF SUPERVISORS**

By: *Patricia L. Luster*
Chairman

Walter P. Johnson
Vice-Chairman

[Signature]
Supervisor

[Signature]
Supervisor

[Signature]
Supervisor

Attest:

[Signature]
Secretary

VALLEY TOWNSHIP
ORDINANCE NO. 2010-03

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE VI OF
THE CODE OF ORDINANCES OF VALLEY TOWNSHIP,
CHESTER COUNTY, PENNSYLVANIA, BY ADDING SECTION 615,
ESTABLISHING STANDARDS FOR OUTDOOR LIGHTING,
INCLUDING THE ESTABLISHMENT OF RECOMMENDED LEVELS
OF INTENSITY AND LUMINAIRE DESIGN, THE CONTROL OF GLARE, THE
INSTALLATION AND MAINTENANCE OF LUMINAIRES, THE PLACEMENT OF
RESIDENTIAL LUMINAIRES, THE REGULATION OF NIGHTTIME ILLUMINATION FOR
RECREATIONAL PURPOSES, THE REQUIREMENT OF THE SUBMISSION OF LIGHTING
PLANS WITH PRELIMINARY/FINAL SUBDIVISION AND LAND DEVELOPMENT PLANS,
THE RESERVATION TO VALLEY TOWNSHIP OF THE ABILITY TO MONITOR AND
ENFORCE THE ORDINANCE, AND THE PRESERVATION
OF NONCONFORMING LIGHTING

BE IT ENACTED AND ORDAINED, this 22nd day of April, 2010, by the Valley Township Board of Supervisors, that Chapter 22, Article VI, of the Valley Township Code of Ordinances be amended as follows:

SECTION 1. That the current Section 603.8 be deleted, and in its place be substituted the following:

Section 603.8. Parking areas, main entrances and exits that are open to the public shall be lighted in accordance with Section 615.

SECTION 2. That Section 615 be added providing the following:

§615. LIGHTING.

1. Purpose -- To require and set minimum standards for outdoor lighting to:
 - A. Provide for and control lighting in outdoor public places where public health, safety and welfare are potential concerns
 - B. Protect drivers and pedestrians from the glare of non-vehicular light sources
 - C. Protect neighbors, the environment, and the night sky from nuisance glare and light trespass from improperly selected, placed, aimed, applied, maintained or shielded light sources
 - D. Promote energy efficient lighting design and operation
 - E. Protect and retain the intended visual character of the various Valley Township venues
2. Applicability
 - A. All uses within Valley Township where there is interior or exterior lighting that creates a nuisance or hazard as viewed from outside, including, but not limited to, residential,

commercial, industrial, public and private recreational/sports and institutional uses, and sign, billboard, architectural and landscape lighting.

- B. Temporary seasonal decorative lighting is exempt from all but the glare-control requirements of this Ordinance.
- C. Lighting for special events, when approved by the Board of Supervisors, is exempt from all but the glare control requirements of this Ordinance.
- D. Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency as described in NFPA 75 and NFPA 101, are exempt from the requirements of this Ordinance.

3. Definitions

- A. Footcandle – Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), and measurable with an illuminance meter, a.k.a. light meter.
- B. Full Cutoff – Attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion of the luminaire and no more than 10% of the lamp's intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the luminaire. A full-cutoff luminaire, by definition, also is "fully shielded."
- C. Fully Shielded – Attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion of the luminaire.
- D. Glare – Excessive brightness in the field of view that is sufficiently greater than the brightness to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare.
- E. Illuminance – Quantity of light, measured in footcandles.
- F. Light Trespass – Light emitted by a luminaire or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.
- G. Lumen – As used in the context of this Ordinance, the light-output rating of a lamp (light bulb).
- H. Luminaire – A complete lighting unit including lamp, wiring, and all necessary parts.
- I. Shielded – A luminaire from which direct glare is not visible at normal viewing angles by virtue of its being properly aimed, oriented, and located and properly fitted through the use of such devices as shields, barn doors, baffles, louvers, skirts or visors.

4. Criteria

A. Illumination Levels

- (1) Lighting, where required or permitted by this Ordinance, or otherwise required or allowed by Valley Township, shall have illuminances, uniformities and glare control in

accordance with the recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook, latest edition, unless otherwise directed by Valley Township.

- (2) Examples of intensities for typical outdoor applications that are within the recommended levels in the 9th Edition of the Lighting Handbook, are presented below:

Use/Task	Maintained Footcandles	Uniformity Average Minimum
Streets, local residential	0.4 Avg.	6:1
Streets, local commercial	0.9 Avg.	6:1
Parking, residential, multifamily		
Low vehicular/pedestrian activity	0.2 Min.	4:1
Medium vehicular/pedestrian activity	0.6 Min.	4:1
Parking, industrial/commercial/institutional/municipal		
High activity, e.g. regional shopping centers, fast food facilities, major athletic/cultural/civic events	0.9 Min.	4:1
Medium activity, e.g. community shopping centers, office parks, hospitals, commuter lots, civic/recreational events	0.6 Min.	4:1
Low activity, e.g. neighborhood shopping, industrial employee parking, schools, church parking	0.2 Min.	4:1
Walkways and bikeways		
Adjacent to roadway, commercial	1.0 Avg.	5:1
Adjacent to roadway, intermediate	0.6 Avg.	5:1
Adjacent to roadway, residential	0.2 Avg.	5:1
Distant to Roadway	0.5 Avg.	5:1
NOTES:		
1.	Illumination levels are maintained horizontal footcandles on the task (e.g., pavement or area surface).	
2.	Uniformity ratios dictate that average illuminance values shall not exceed minimum values by more than the product of the minimum value and the specified ratio [e.g., for commercial parking high activity, the average footcandles shall not be in excess of 3.6 (0.9 x 4)]	

B. Luminaire Design

- (1) Luminaires shall be of a type and design appropriate to the lighting application and shall be aesthetically acceptable to Valley Township.
- (2) For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down and shall meet full-cutoff criteria. Luminaires with an aggregate rated lamp output not exceeding 500 lumens (e.g. the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp) are exempt from the requirements of this paragraph. In the case of decorative street lighting, Valley Township may

approve the use of luminaires that are fully shielded or comply with IESNA cutoff criteria.

- (3) For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, when their use is specifically approved by Valley Township, luminaires shall be shielded, be field-adjustable, and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Luminaires with an aggregate rated lamp output not exceeding 500 lumens (e.g. the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp) are exempt from the requirements of this paragraph.

C. Control of Glare

- (1) All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
- (2) Directional luminaires such as floodlights and spotlights, when their use is specifically approved by Valley Township, shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties, except when motion-sensor actuated, shall not be aimed out more than 45° from straight down. When a floodlight creates glare as viewed from an adjacent residential property, the floodlight shall be required to be reaimed and/or fitted with a shielding device to block the view of the glare source from that property.
- (3) NEMA-head fixtures, a.k.a. "barn lights" or "dusk-to-dawn lights", when a source of glare as viewed from an adjacent property, shall not be permitted unless effectively shielded as viewed from that property.
- (4) The use of floodlights and wall-mounted luminaires (wall packs) shall not be permitted to illuminate parking areas unless it can be proven to the satisfaction of Valley Township that the employment of no other means is possible.
- (5) Parking facility and vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations) for commercial, industrial and institutional uses shall be automatically extinguished no later than one hour after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of twenty-five (25) percent of the number of luminaires or illumination level required or permitted for illumination during regular business hours. When it can be demonstrated to the satisfaction of Valley Township that an elevated security risk exists, such as a history of relevant crime, an appropriate increase above the twenty-five (25) percent limit may be permitted.
- (6) Luminaires shall be automatically controlled through the use of a programmable controller with battery power-outage reset, which accommodates daily and weekly

variations in operating hours, annual time changes, and seasonal variations in hours of darkness. The use of photocells is permitted when in combination with the programmable controller to turn luminaires off at the required time and also for dusk-to-dawn safety/security lighting when such lighting is specifically approved by Valley Township. The use of motion detectors is permitted.

- (7) Illumination for signs, billboards, building facades and/or surrounding landscapes for decorative, advertising or aesthetic purposes is prohibited between 11:00 p.m. and dawn, except that such lighting situated on the premises for a commercial establishment may be operated while the establishment is actually open for business, and until one hour after closing.
- (8) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.
- (9) The illumination projected from any use onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight from any point on the receiving residential property.
- (10) The illumination projected from any property onto a non-residential use shall at no time exceed 1.0 footcandle, measured line-of-sight from any point on the receiving property.
- (11) Except as permitted for certain recreational lighting and permitted elsewhere in this paragraph, luminaires shall not be mounted in excess of twenty (20) feet above finished grade of the surface being illuminated. Luminaires not meeting full-cutoff criteria, when their use is specifically approved by Valley Township, shall not be mounted in excess of 16 feet above finished grade of the surface being illuminated. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. Where proposed parking lots consist of 100 or more contiguous spaces, Valley Township may, at its sole discretion, based partially on mitigation of potential off-site impacts, allow a luminaire mounting height not to exceed 25 feet above finished grade. For recreational lighting maximum mounting height requirements, refer to "Recreational Uses" elsewhere in the Ordinance.
- (12) When flags are to be illuminated all night, only the United States and the state flag shall be permitted to be illuminated past 11:00 p.m. Flag lighting sources shall not exceed 7,000 aggregate lamp lumens per flagpole, measured at the source(s) of light. The light source shall have a beam spread no greater than necessary to illuminate the flag and shall be shielded so the light source (lamp and reflector) is not visible at normal viewing angles.
- (13) Under-canopy lighting for such applications as gas/service stations, marquees and building entrances, fast-food/bank/drugstore drive-thru lanes, shall be accomplished using flat-lens full-cutoff luminaires aimed straight down and shielded in such a manner that the lowest opaque edge of the luminaire shall be below the light source on all sides. The average maintained illumination in the area directly below the canopy shall not exceed 20 initial footcandles, and the maximum shall not exceed 30 initial footcandles.

D. Installation

- (1) Electrical feeds for lighting standards shall be run underground, not overhead, and shall be in accordance with the NEC Handbook.
- (2) Poles supporting luminaires for the illumination of parking areas and located directly behind parking spaces, or where they could be hit by snow plows or wide-swinging vehicles, shall be placed a minimum of five (5) feet outside paved areas, or placed on concrete pedestals at least thirty (30) inches high above the pavement, or suitably protected by other Valley Township-approved means.
- (3) Pole mounted luminaires for lighting horizontal tasks shall be aimed straight down, and poles shall be plumb.
- (4) Poles and brackets for supporting luminaires shall be those specifically manufactured for that purpose and shall be designed and rated for the luminaire and mounting accessory weights and wind loads involved.
- (5) Pole foundations shall be designed consistent with manufacturer's wind load requirements and local soil conditions involved.

E. Maintenance – Luminaires and ancillary equipment shall be maintained so as to always meet the requirements of this Ordinance.

F. Billboards and Signs – The lighting of new or relighting of existing billboards and signs shall be subject to the following requirements:

- (1) Externally illuminated billboards and signs shall have luminaires mounted at the top of the billboard or sign and aimed downward. The luminaires shall be designed, fitted, and aimed to shield the source from off-site view and to place the light output onto and not beyond the sign or billboard. Lighting shall be by linear fluorescent unless it can be demonstrated to the satisfaction of Valley Township that such a mounting arrangement is not possible. At no point on the face of the sign or billboard and at no time shall the illumination exceed 30-vertical footcandles during hours of darkness.
- (2) Internally illuminated signs shall have a dark field and light message. The aggregate output of the light sources shall not exceed 500 initial lumens per square foot of sign face per side.
- (3) Illumination for off-premises billboards and signs shall be extinguished automatically by a programmable controller, with astronomical and daylight savings time control and spring or battery power-outage reset, by no later than 11:00 p.m. each evening until dawn, except that signs for establishments (not companies) that operate or remain open past 11:00 p.m. may remain on no later than one hour past the close of the establishment.
- (4) Rotating, traveling, pulsing, flashing or oscillating light sources, lasers, beacons, searchlights or strobe lighting shall not be permitted.

(5) LED (light-emitting diode) sign lighting shall only be permitted in commercial and industrial districts, and LED billboard lighting shall only be permitted in industrial districts. LED lighting shall be static, shall not be allowed to operate between 11:00 p.m. and dawn when located where visible from a residential district or use, and shall not be located within 1,000 feet of an approaching interchange or traffic-merging lanes. Except for time and weather signs and public emergency alerts, the message shall not be permitted to change more than once each hour. The LED output shall be automatically reduced to a brightness level that does not create glare during hours of darkness.

(6) The use of highly reflective signage that creates nuisance glare or a safety hazard shall not be permitted.

5. Residential Development Luminaire Placement

A. For residential developments where lot sizes are or average less than 20,000 square feet, unless the Board of Supervisors approves otherwise, street lighting powered at the development's expense shall be provided at:

- (1) the intersection of public roads with entrance roads to the proposed development,
- (2) intersections involving proposed public or non-public roads within the proposed development,
- (3) the apex of the curve of any road, public or non-public, within the proposed development, having a radius 300 feet or less,
- (4) cul-de-sac bulbs,
- (5) terminal ends of center median islands having concrete structure curbing, trees, and/or other fixed objects not having breakaway design for speeds of 25 m.p.h. or greater,
- (6) defined pedestrian crossings located within the development,
- (7) other locations along the street as deemed necessary by Valley Township.

6. Recreational Uses – The nighttime illumination of outdoor recreational facilities for sports, particularly baseball, softball, basketball, soccer, tennis, track and field, and football, typically necessitate higher than normally allowed luminaire mounting heights and aiming angles, utilize very high-wattage lamps, and potentially produce unacceptable levels of light trespass and glare when located near residential properties. Permission to illuminate such facilities shall be granted only when Valley Township is satisfied that the health, safety and welfare rights of nearby property owners and Valley Township as a whole have been properly protected. When recreational uses are specifically permitted by Valley Township for operation during hours of darkness, the following requirements shall apply:

A. Recreational facilities, for such uses as but not limited to basketball, baseball, softball, football, soccer, miniature golf, tennis or track, shall not be illuminated if located within a

residential district or sited on a nonresidential property located within 1,000 feet of a property containing a residential use.

B. Sporting activities, except events involving school-sanctioned teams, shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by 10:00 p.m., regardless of such occurrences as extra innings or overtimes.

C. Maximum mounting heights for recreational lighting shall be in accordance with the following:

(1) Basketball	20'
(2) Football	70'
(3) Soccer	70'
(4) Lacrosse	70'
(5) Baseball	
(a) 200' Radius	60'
(b) 300' Radius	70'
(6) Miniature Golf	20'
(7) Swimming Pool Aprons	20'
(8) Tennis	30'
(9) Track	20'

7. Plan Submission – Lighting plans shall be submitted to Valley Township for review and approval for all proposed outdoor lighting, including but not limited to proposals which are part of a Preliminary or Final Subdivision and/or Land Development Plan, and shall include:

- A. A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), existing and proposed vegetation, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed and existing luminaires.
- B. A 10'x10' illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance, and uniformity requirements as set forth in this Ordinance or as otherwise required by Valley Township. When the scale of the plan, as judged by Valley Township, makes a 10'x10' grid plot illegible, a more legible grid spacing may be permitted.
- C. Light-loss factors, IES candela test-filename, initial lamp-lumen ratings, and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the plotted illuminance levels.
- D. Description of the proposed equipment, including luminaire catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details, pole protection means, and mounting methods.
- E. When landscaping plans are involved, they shall contain the luminaire locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.

F. When requested by Valley Township, Applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate potential consequences of on-site and off-site glare and to retain the intended character of Valley Township. This plan may require the inclusion of initial vertical footcandle values at specific off-site venues (e.g. bedroom windows of adjacent residential uses).

G. Plan Notes – The following notes shall appear on the Lighting Plan:

(1) Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to Valley Township for review and approval. Requests for substitutions shall be accompanied by catalog cuts of the proposed equipment and lighting plans, including a point-by-point plot, as required, that demonstrate full compliance with the Valley Township-approved plan.

(2) All exterior lighting, including building-mounted lighting, shall meet IESNA full-cutoff criteria unless otherwise specifically approved by Valley Township.

(3) Installer shall notify Valley Township to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation.

8. Post-Installation Inspection – Valley Township reserves the right to conduct post-installation inspections to verify compliance with the Ordinance requirements and approved Lighting Plan commitments, and if deemed appropriate by Valley Township, to require remedial action at no expense to Valley Township.

9. Compliance Monitoring

A. Safety Hazards

(1) If Valley Township judges a lighting installation creates a safety hazard, the person(s) responsible for the lighting shall be notified in writing and required to take remedial action.

(2) If appropriate corrective action has not been effected within fifteen (15) days of notification, Valley Township may take appropriate legal action including remedying, enforcing, and assessing penalties under §206, §207, and §208 of Chapter 10, Health and Safety, of the Code of the Township of Valley.

B. Nuisance Glare and Inadequate Illumination Levels

(1) When Valley Township judges an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this Ordinance, Valley Township may cause written notification of the person(s) responsible for the lighting and require appropriate remedial action.

(2) If appropriate corrective action has not been effected within thirty (30) days of notification, Valley Township may take appropriate legal action including remedying, enforcing, and assessing penalties under §805.

10. Nonconforming Lighting – Any luminaire or lighting installation existing on the effective date of this Ordinance that does not conform with the requirements of this Ordinance, shall be considered as a lawful nonconformance.

A. A nonconforming luminaire or lighting installation shall be made to conform with the requirements of this Ordinance when:

- (1) Minor corrective action, such as reaiming or shielding, can achieve conformity with the applicable requirements of this Ordinance.
- (2) It is deemed by Valley Township to create a safety hazard.
- (3) It is replaced by another luminaire or luminaires or abandoned or relocated.
- (4) The number of existing luminaires is increased by 50% or more.
- (5) There is a change in use.

SECTION 3. APPLICABILITY. The provisions hereof shall supersede any Ordinances or parts of Ordinances which are inconsistent herewith.

SECTION 4. SEVERABILITY. If any provision, sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective five (5) days after enactment as by law provided.

**BOARD OF SUPERVISORS OF
VALLEY TOWNSHIP**

By: Patrice Proctor
Patrice Proctor, Chairperson

Walter P. Johnson
Walter P. Johnson, Supervisor

Christopher Lehenky, Supervisor

Yolanda R. Beattie, Supervisor

Arlin Yoder
Arlin Yoder, Supervisor

Attest:

Sam B. Chen
Secretary

ORDINANCE 2003-08

AN ORDINANCE AMENDING CHAPTER 22, OF THE VALLEY TOWNSHIP CODE OF ORDINANCES (1) BY ADDING A DEFINITION FOR "DEVELOPMENT" IN SECTION 203, (2) BY AMENDING THE DEFINITIONS OF SCREEN OR BUFFER PLANTING, COLLECTOR STREET AND MINOR STREET IN SECTION 203, (3) BY AMENDING THE NUMBER OF SKETCH PLAN COPIES REQUIRED FOR PRE-APPLICATION REVIEW IN SECTION 302.2, (4) BY AMENDING TO FOUR (4) THE NUMBER OF COPIES OF REPORTS, NOTIFICATIONS AND CERTIFICATIONS REQUIRED FOR A PRELIMINARY PLAN APPLICATION, (5) BY AMENDING TO FOUR (4) THE NUMBER OF COPIES OF REPORTS, NOTIFICATIONS AND CERTIFICATIONS REQUIRED FOR A FINAL PLAN APPLICATION, (6) BY REVISING THE REQUIREMENTS FOR PRELIMINARY PLAN SUBMISSIONS, INCLUDING THE ADDITION OF SECTION 402.E.5, REQUIRING A DEVELOPMENT RECREATION AREA, AS RECOMMENDED IN THE 1990 VALLEY TOWNSHIP RECREATION PLAN, (7) BY AMENDING THE REQUIREMENTS FOR THE SUBMISSION OF "AS-BUILT" PLANS, AND (8) BY AMENDING THE REQUIRMENTS FOR SIDEWALKS IN RESIDENTIAL DEVELOPMENTS

BE IT ENACTED AND ORDAINED this 16th day of SEPTEMBER,

2003, by the Board of Supervisors of Valley Township, Chester County, Pennsylvania, that Chapter 22, of the Valley Township Code of Ordinances be amended as follows:

Section 1. That the following definition of "DEVELOPMENT" be added to Section 203, immediately following the definition of "DEVELOPER":

"DEVELOPMENT – Any man-made change to improved or unimproved real property, including, but not limited to the construction or placement of buildings or other structures, mobile homes, streets and other paving, utilities, mining, dredging, filling, excavation, drilling operations, or the subdivision of land."

Section 2. That the current definition of "SCREEN OR BUFFER PLANTING" in Section 203, be amended by adding the following at the end of the current definition "consisting of two (2) staggered rows of evergreen trees, each a minimum of eight (8')

feet in height, conforming to Section 314.4 of the Valley Township Zoning Ordinance of 1990, as amended, spaced at intervals of ten (10) feet.”

Section 3. That the current definition of COLLECTOR STREET in Section 203, be amended by deleting the first sentence thereof and substituting in place thereof the following: “a street, including streets into and/or through developments, which (1) is characterized by full land access and/or neighborhood penetration, or which serves traffic generators such as local elementary schools, industrial plants, offices, commercial facilities and warehouses not served by arterial streets; or (2) serves any nonresidential use(s) which generate(s) one hundred (100) or more vehicle trips per day separately or totally; or (3) serves any residential development use which exceeds 30 lots or dwelling units in whole or in part.”

Section 4. That the current definition of MINOR STREET in Section 203 be amended by deleting the existing definition and substituting in place thereof the following: “a street which is used primarily to provide access to abutting properties which are lesser traffic generators than those described for collector streets.”

Section 5. That the current Section 302.2, be amended by deleting “four (4)” in the first sentence thereof, and substituting in place thereof “ten (10)”.

Section 6. That the current Section 303.5.A, be amended by the addition of a comma after the words “preliminary plan” and the addition of the following between the words “and” and “all”: “four (4) copies”.

Section 7. That the current Section 304.3.A(1), be amended by the addition of a comma after the words “final plan” and the addition of the following between the words “and” and “all”: “four (4) copies”.

Section 8. That the current Section 402.C(4)(b), be amended by the addition of the following between the words “location” and “and”: “ , dimensions”.

Section 9. That the current Section 402.C(4), be amended by the addition of the following: “(d) The location, dimensions and purpose of any easement(s) and the identity of the possessor of right(s) of access and/or use and maintenance responsibility for the easement(s).”

Section 10. That the current Section 402.E(4), be amended by deleting “statements,” and the substitution in place thereof “statement”, and by the deletion of “(b) Recreation,” as well as all subsections thereunder.

Section 11. That the current Section 402.E, be amended by adding the following new subsection:

“(5) Provide a development recreation area per the 1990 Valley Township Recreation Plan recommendation as follows:

- (a) A recreation area of at least 0.21 acres per dwelling shall be provided in proposed developments, except as may be modified in (f) below.
- (b) This area shall be suitable for active recreational uses without interfering with adjacent dwelling units, parking, driveways and roads.
- (c) The total required recreation area shall be comprised of no more than two (2) separate individually contiguous areas not less than ¼ acre, graded to a maximum two (2) percent slope and seeded to provide suitable play area.

- (d) Any required recreation area shall have a minimum dimension of one hundred (100) feet and a maximum to minimum dimension not exceeding 8:1.
- (e) The minimum required recreation area shall not include (i) land within public or private streets or street rights-of-way or access drives, (ii) required setbacks, (iii) required front, rear or side yards, (iv) required separations between buildings, (v) required areas between lot lines and access drives or parking areas, (vi) parking areas, or (vii) wetlands or stormwater retention or detention basins.
- (f) The minimum required area for recreation may be reduced by an area having a monetary value equal to that of the recreation equipment provided by the developer as approved by the Board of Supervisors. The reduction shall not be more than fifty (50) percent of the original required minimum area.”

Section 12. That the current Section 506, be amended by the addition of the following at the end of the current section: “In addition to the plans required above in this paragraph, two (2) copies of the plan shall be submitted on compact discs (CD’s) in AutoCAD (.DXF) format.”

Section 13. That the current Section 604.1, be amended by deleting the first sentence thereof, and substituting in its place the following: Sidewalks shall be provided (i) along all public or private streets, access drives and parking compounds/areas within multiple family or townhouse developments, (ii) within subdivisions or land developments in which the average lot area is thirty thousand (30,000) square feet or less, (iii) within subdivisions or land developments in which average lot width is one hundred

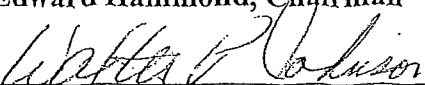
fifty (150) feet or less, and (iv) within subdivisions or land developments containing twenty (20) or more dwelling units.”

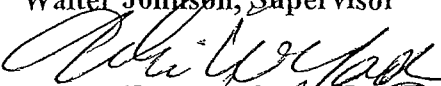
Section 13. This ordinance shall be effective five (5) days after enactment.


ENACTED AND ORDAINED at a public meeting of the Board of Supervisors held the date above-written, after public hearing thereon held on September 16, 2003.

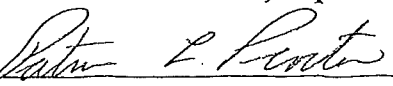
**VALLEY TOWNSHIP
BOARD OF SUPERVISORS**


By: 
Edward Hammond, Chairman


Walter Johnson, Supervisor


Arlin Yoder, Supervisor


Walter Pietschmann, Supervisor


Supervisor

Attest: 
Secretary

VALLEY TOWNSHIP
ORDINANCE NO. 2012-13
2013 -

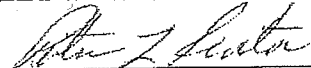
AND ORDINANCE AMENDING CHAPTER 22, SECTION 602.17.9
OF THE VALLEY TOWNSHIP CODE OF ORDINANCES BY
PERMITTING DRIVEWAY SETBACKS OF LESS THAN TWO (2) FEET
IF AUTHORIZED UNDER CHAPTER 27 OF THE CODE.

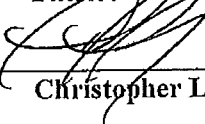
BE IT ENACTED AND ORDAINED, this 16th day of April, 2013, by the Board of Supervisors of Valley Township, Chester County, Pennsylvania, that Chapter 22 of the Valley Township Code of Ordinances be amended as follows:

Section 1. That Section 602.17.9 be amended by the addition of the following at the beginning of the current section: "Except as may otherwise be authorized in Chapter 27 of this Code".

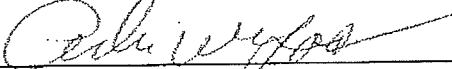
Section 2. This Ordinance shall be effective five (5) days after enactment.

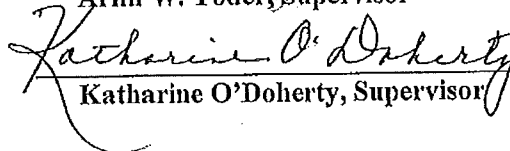
VALLEY TOWNSHIP BOARD OF SUPERVISORS

By: 
Patrice L. Proctor, Chairperson


Christopher Lehenky, Supervisor

Yolanda R. Beattie, Supervisor


Arlin W. Yoder, Supervisor


Katharine O'Doherty, Supervisor

Attest:


Karen E. Chandler, Secretary

