

WINIFRED MORAN SEBASTIAN  
[REDACTED]

March 1, 2019

Robert A. Willig, Esquire  
Senior Deputy Attorney General  
Office of Attorney General  
1251 Waterfront Place, Mezzanine Level  
Pittsburgh, PA 15222  
[REDACTED]

RE: East Nottingham Township

Dear Mr. Willig:

Please be advised that I am the Solicitor for East Nottingham Township and am on their behalf responding to your letter of February 25, 2018 concerning East Nottingham Township. I note that East Nottingham Township is in Chester County, Pennsylvania and not Cumberland County which is indicated on your letter. However I assume that East Nottingham Township, Chester County is the correct recipient of your letter since all of the information from the complainant appears to reflect our township.

The referenced ordinance which [REDACTED] lists as being in violation of ACRE is a part of the East Nottingham Township Zoning Ordinance. The Planning Commission for East Nottingham Township has compiled an amendment to the zoning ordinance which, including other provisions, would remove the forestry and logging standards contained in 27-406 to which [REDACTED] objects. The township intends to adopt other timbering standards as a free standing ordinance. We are currently reviewing the recommended sample ordinance proposed by the Penn State Extension Office for the appropriate control of timbering in Pennsylvania.

To summarize, East Nottingham Township is in the process of removing the forestry and logging standards contained in 27-406 of the East Nottingham Zoning Ordinance. In terms of a time frame the ordinance has not yet begun the official journey to adoption, which generally requires about 90 days to implement. However I would anticipate that within several months the ordinance adoption will be in place. As I am sure you are aware the Pennsylvania Municipalities Planning Code has a certain procedure which must be implemented in order to amend an

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East Nottingham Township

ordinance and the only way to remove a provision of a zoning ordinance is to adopt an amendment. That review process generally speaking takes 90 days.

In summary, East Nottingham Township is in the process of removing the provisions identified by the complainant from its ordinance. The Township began this process late in 2018. All of these actions occurred at publicly advertised meetings. Please contact me so that we may discuss this matter further. I attach a copy of the ordinance for your review.

Sincerely,



Winifred Moran Sebastian

WMS:ch

cc East Nottingham Township

TOWNSHIP OF EAST NOTTINGHAM  
ORDINANCE NO. \_\_\_\_\_

An Amendment to the East Nottingham Township Zoning Ordinance of 1971, revised in 1989, as amended from time to time including a Comprehensive Amendment in 2005.

Be it ordained by and on behalf of the Board of Supervisors of East Nottingham Township that the East Nottingham Township Zoning Ordinance of 1971, revised 1989, as amended from time to time including a Comprehensive Amendment in 2005 shall be and hereby is amended as follows:

**Section 1716.** Stormwater Roof Drains codified as Section 27-1716 is removed in its entirety;

**Section 501.** Statement of Intent codified as Section 27-501 shall have the following sentence removed: "Potential residential development also may be shifted to other more appropriate locations within the township through use of transferable develop rights provisions."

**Section 1602.B(1).** Codified as 27-1602.B.3 Shall be deleted and replaced with the following:

Detached structures accessory to a residential use shall be subject to the following height restrictions:

- |                                      |   |          |
|--------------------------------------|---|----------|
| Property size less than 1 acre       | : | 15 feet. |
| Property size from 1 acre to 5 acres | : | 25 feet. |
| Property size 5 acres or greater     | : | 35 feet. |

**Section 1602.B(3)** codified as 27-1602.B(3) shall be deleted and replaced as follows:

Structures accessory to a residential use shall be subject to the following restrictions for side or rear yard setbacks:

Property size less than one acre	:	10 foot minimum.
Property size 1 acre	:	10 foot minimum.
Property size 1 acre to 5 acres	:	10 foot minimum plus 1 foot increase for every foot increase in height over 15 feet.
Property size 5 or greater	:	10 foot minimum plus 1 foot increase for every foot increase in height over 15 feet.

**Section 202** lot reverse frontage

Add: the front yard of said lot shall be the local street for setback purposes.

**Section 402.6.B(10)** non-conforming structures and uses in the Floodplain Conservation District;

The modification alteration repair reconstruction or improvements of any kind to a non-conforming structural or use...(10) the zoning hearing board shall have the right to waive any of the requirements of this Section... to be eligible to be considered for such a waiver, the site or structure must be identified as an historic site on the: add HISTORIC REGISTER.

**Section 402.7(O)** codified as 27-402.7(O) Development and construction requirements

O. (1) Uniform Construction Code Coordination's remove the language "or the latest" addition thereof and:

Add: 2009, 2015 and any supporting code or appendix.

(2) International Residential Building Code 2003

Add: 2009, 2015.

**Section 403** codified as Section 27-403 riparian corridor conservation district.

Remove Section and replace with:

The regulations established for the Chester County Conservation District shall apply.

**Section 27-406** Forestry and Logging Standards codified as Section 27-406  
remove entire Section.

**Section 1713** Noise Standards codified as Section 27-1713

Remove in its entirety. Note some municipalities have noise controls within their subdivision ordinances. Noise ordinances are generally separate free standing ordinances that are a part of nuisance ordinances.

**Section 1003** Area and Bulk Regulations (C-2 Highway Commercial District)  
codified as Section 27-1003.

Add: For properties with public water and sewer – minimum lot size ½ acre.

**Section 503.1.B(2A)** in the R-1 Agricultural Residential District for any current lot

Alternative to cluster

On a lot or tract with a gross area of 5 acres to 15 as of the date of adoption of this chapter (November 25, 2003): where single family detached dwellings are proposed when the developer does not want to utilize the large lot cluster

development designs included within this section, the following standards shall apply:

(a) The minimum net lot area for each lot shall be calculated as follows:

40% of the gross lot area shall be removed from the gross area of the original lot or tract for calculation purposes. The remaining lot area shall be divided by a minimum of 1 acre per lot. The 40% open space land calculated above shall then be divided by the number of lots on the tract and added in equal amount to each lot. For example: when a gross area of a lot is 5 acres, 40 % of the 5 acres or 2 acres is subtracted from the 5 acres. The 3 acres remaining are divided by 1 net acre to reach the maximum number of lots permitted on the tract. That is three 1 net acre lots, and each lot shall have an equal share of the 40% reserved for open space added to it. In this example, each lot (without regard to netting out) would contain 1.66 acres.

(b) Lot width at building setback line 150.

(c) Lot width at street line 50 feet.

(d) Front yard 50 feet.

(e) Side yard 25 feet.

(f) Rear yard 50 feet.

(g) Maximum impervious surface 25% of the net lot area.

DULY ENACTED AND ORDAINED THIS \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Attest

EAST NOTTINGHAM TOWNSHIP

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Joseph Herlihy, Chairman

\_\_\_\_\_  
John Wallace, Vice-Chairman

\_\_\_\_\_  
Art Rieck, Supervisor

\_\_\_\_\_  
Sam Goodley, Jr., Supervisor

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William Weaver, Supervisor