

VALLEY TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE NO 05 of 2024

AN ORDINANCE OF THE TOWNSHIP OF VALLEY, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE VALLEY TOWNSHIP CODE OF ORDINANCES, AS AMENDED, AT CHAPTER 27, ZONING TO ALLOW SINGLE FAMILY COVERED DECKS FOR CLUSTER DEVELOPMENTS SUBJECT TO THE SETBACK REGULATIONS FOR ACCESSORY USES/STRUCTURES; AND OTHER MISCELLANEOUS PROVISIONS CONTAINED HEREIN.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Valley Township, Chester County, Pennsylvania, that Chapter 27 of the Code of Valley Township, titled, "Zoning," shall be amended as follows:

SECTION 1. §27-448 "Limited Cluster Development (R-1)" Subsection 1.J is amended to read as follows with underlined interlineations showing the addition of language:

J. General Provisions. All uses permitted within the limited cluster development shall also comply with the general provisions set forth in Part 3 of this chapter, except as otherwise provided in this section. The provisions of this §27-448 shall control in the event of any inconsistencies between any provision of §27-448 and other provisions of the Zoning Ordinance. In addition to the items set forth in §27-304, setback regulations shall not apply to uncovered decks. Single Family Covered Decks shall comply with the R-1 setback regulations for accessory uses as set forth in Section 27-448.1. E, 27 Attachment 8.

SECTION 2. §27-413 "Cluster Development (R-2)" is amended to add the following subsection:

1.L. Residential Accessory Uses and Structures as set forth in §27-302.2 are permitted, including Single Family Covered Decks, in accordance with the accessory use setbacks as set forth in Section 27-413.1.C, 27 Attachment 9.

SECTION 3. §27-302 "Accessory Uses and Structures" Subsection 2.B is amended to read as follows with underlined interlineations showing the addition of language:

B. Uncovered decks, uncovered porches, terraces, patios and similar structures. Single Family Covered Decks for cluster design homes in limited cluster developments (R-1) and cluster developments (R-2) are permitted in accordance with the accessory use setbacks as set forth in Section 27-448.1.E, 27 Attachment 8 and Section 27-413.1.C, 27 Attachment 9.

SECTION 4. §27-111 "Definitions," Subsection 3 is amended to add the following definition:

Single Family Covered Decks. A platform, whether elevated or at ground level, attached to a single family cluster home, which platform has a permanent roof attached to the principal dwelling and supported by posts but no continuous walls that completely enclose the area. For purposes of this definition, enclosure of more than 30% of the area of the single family covered deck by walls shall be considered complete enclosure. In addition to solid walls, permeable walls made of materials such as mesh, wire, screens, removeable or retractable walls, and temporary walls shall be considered walls. The height of the roof of the deck shall not exceed the height of the eaves of the roof of the single family cluster home, except for one story rancher style homes where the height of the roof of the deck shall not exceed the height of the lowest ridge of the roof of the home.

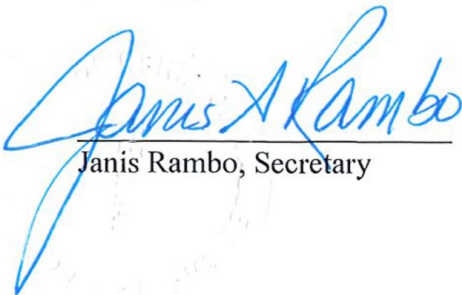
SECTION 5. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid such a constitutionally, illegal or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or part hereof. 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 sentence, clause, section or part thereof not been included therein.

SECTION 6. Repealer. All Ordinances or parts of Ordinance conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance. Notwithstanding the foregoing, the adoption of this amendment and the repeal of ordinances shall not affect the any right or liability established, accrued or incurred under any legislative provision of the Township prior to the effective date of this ordinance or any action or proceeding brough for the enforcement of such right or liability or any cause of action acquired or existing.

SECTION 7. General Code. General Code is hereby authorized to make non-substantive formatting and numbering changes necessary to clarify references to other section of the Valley Township ordinances and/or codification and to bring the Ordinance into conformity with the Valley Township ordinances/codification.

SECTION 8. Effective Date. This Ordinance shall be effective (5) days after enactment.

ATTEST:



Janis Rambo, Secretary

BOARD OF SUPERVISORS
VALLEY TOWNSHIP



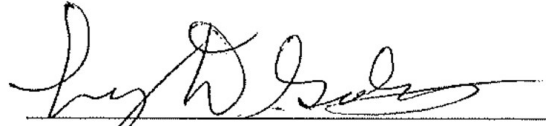
Patrice Proctor, Chairwoman



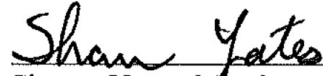
Casey Leidy, Vice-Chair



Linda Baugher, Member



LeRoy Goldsmith, Member



Sharon Yates, Member