

TOWNSHIP OF WEST BRADFORD
CHESTER COUNTY, PENNSYLVANIA
ORDINANCE 97-06

AN ORDINANCE REGULATING THE DESIGN AND INSTALLATION OF
DRIVEWAYS OPENING ONTO ROADS IN WEST BRADFORD TOWNSHIP,
CHESTER COUNTY, ESTABLISHING PROCEDURES FOR THE GRANTING OF
PERMITS, ADMINISTRATION AND FEES WITH RESPECT THERETO AND
ESTABLISHING PENALTIES FOR VIOLATIONS.

- Section 1.** **Short Title**
This ordinance shall be know as the West Bradford Township Driveway Ordinance of 1997.
- Section 2.** **Repealer**
Ordinance #84-03, know as the Driveway Ordinance of 1984, is hereby repealed.
- Section 3.** **Intent**
The intent of this ordinance is to regulate driveway construction so as to provide safe access to township roads, states roads and private roads, to eliminate problems of stormwater runoff, and to assure sufficient area for and access to off-street parking.
- Section 4.** **Applicability**
This ordinance shall apply to all new driveways constructed after the effective date of this ordinance. The provisions of this ordinance shall also apply to existing driveways which include alterations after the effective date of this ordinance.
- Section 5.** **Definitions**
Private Driveway-As defined herein, shall mean a private vehicular access from a private or public street. The beginning of the driveway shall be measured from the edge of the cartway.

Alteration-Any change in grade or profile, width or location of a driveway within the ultimate street right-of-way and twenty-five feet (25') beyond that point. This definition is not intended to include overlay or reconstruction of existing driveways unless changes, as noted, are made.

Cartway-The surface of a street or alley available for vehicular use.

Ultimate Right-of -way-A strip of land granted for public or private use as specified by the West Bradford Township Subdivision Ordinance.

Street-A street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other strip of land including the entire right-of-way used or intended to be used by vehicular traffic or pedestrians whether public or private.

Private Street-Those streets not offered for dedication.

Local Street-A street used primarily to provide access to abutting properties.

Collector Street-A street which in addition to providing access to abutting properties, collects traffic from the local road system.

Arterial Street-A street whose primary function is to serve comparatively high volumes of through traffic at speeds higher than would be desirable on collector and local streets.

Section 6.

Permits

- 6.1** Any person, partnership or corporation who shall construct or alter a driveway shall first make application to the Code Enforcement Officer or other designated official of the township, present plans and obtain a permit for said construction..
- 6.2** Building permits for any new building or structure will not be issued without first obtaining a permit to construct a driveway, unless, an approved driveway already exists.
- 6.3** Fees for driveway permits shall be set by the Boards of Supervisors by resolution and may be changed by subsequent resolution.

Section 7.

Plans

- 7.1** A plan drawn to scale shall be submitted with each permit application which shall include at least the following:
 - a.** Site plan of the driveway and twenty-five feet (25') to each side of the centerline.

- b. Adjacent driveways or streets within one hundred feet (100') of the driveway entrance.
- c. A profile of the driveway with existing and proposed grading within the area of the site plan and the fifty feet (50') stretch of existing or proposed public road as defined in Section a. above.
- d. Clear sight triangle.
- e. Any other information that may be required by the Code Enforcement Officer.

Section 8. Standards

8.1 All driveways shall contain a straight length of at least twenty-five feet (25'), measured from the edge of the street and extending inside the lot. The full length of the above referenced twenty-five foot segment shall be paved with (as a minimum requirement) a base of Pennsylvania 3A stone compacted to four inches (4") and a surface of a minimum of one and one half inches (1 1/2 ") ID-2A bituminous concrete or have an alternate approved surface, as indicated below.

8.2 Alternate Driveway Surfaces:

The following guidelines are provided for alternate driveway surfaces. However, since these alternates are for rigid and semi-rigid paving, the design for which is a function of the type of existing subgrade soil, it is required that an engineer and/or architect be engaged to design the thickness of paving required for the specific driveway application.

- A. Concrete driveway surface:
Minimum thickness four inches (4") for normal residential driveway use. Concrete shall have a twenty-eight (28) day minimum compressive strength of 3500 *psi* and contain six percent (6%) air-entrainment by volume. All control joints, shall be placed a minimum of 10' - 0" on center. Premolded isolation joint materials shall be placed where concrete driveway abuts house, poles, or other rigid structures. Control joints shall be one quarter of the slab thickness in depth.

In order to minimize shrinkage cracking, it is recommended to place welded wire fabric in the concrete driveway slab. The wire mesh should be placed in the center of the thickness of the concrete slab. To minimize shrinkage of the concrete and to develop the full strength of the concrete, the concrete driveway slab surface should be wet cured for a minimum of four (4) days or sprayed with a

PennDOT approved curing compound. Due to existing soil subgrade conditions, stone base may be required to be placed under the concrete driveway slab. The thickness of the stone base will vary from four (4) to six (6) inches depending upon the soil subgrade conditions.

B. Brick and Precast Concrete Paver Surface:

There are several brick and precast concrete pavers that are available for driveway surfaces. All pavers to be used for driveways shall have a non-slip finish. Pavers shall be installed in accordance with the manufacturers recommendations.

Pavers can be installed on a rigid concrete base having a minimum thickness of four inches (4") or on a flexible base consisting of a minimum thickness of six inches (6") of crushed aggregate base and two inches (2") of sand or stone screenings for the paver setting bed. In order to increase the strength of the flexible base geotextile fabric subgrade reinforcement shall be placed between the crushed aggregate base course and the existing soil subgrade.

The joints in the pavers can be either sand or mortar. All subgrade areas to be covered with pavers shall be first treated with a pre-emergence herbicide (Surflan, Dactac, or other approved equal) and applied in accordance with the manufacturers' recommendations to inhibit weed and grass growth or germination.

Support should be placed at the edges and terminus of the pavers consisting of either a brick soldier course or rigid curb constructed of concrete, wood, or other suitable material.

- 8.3** The first twenty-five feet (25') of any driveway shall have a grade of five percent (5%) or less.
- 8.4** The maximum grade of any driveway shall not exceed sixteen percent (16%) at any point.
- 8.5** Where a driveway slopes down from the street surface, a stormwater runoff paving diverter surface shall be provided for the driveway by sloping up from the edge of street or curb one quarter inch (1/4") per foot for a distance of ten feet (10') before starting the down slope of the driveway. When there is a depressed curb at the driveway and if the contributing watershed for the street flowing to the depressed curb at its junction with the street is less than one-half (1/2) acre, then the length of the above referenced quarter inch (1/4") per foot upward grade can be reduced to six feet (6').
- 8.6** When the grade of a driveway, at any point, exceeds eight percent (8%), a minimum of one (1) off-street parking space shall be provided. The off-street parking space shall be located outside the driveway access aisle and adjacent to the first twenty-five feet (25') of the driveway length, as

measured from the edge of street paving. Parking space construction standards shall be in accordance with Section 8.

8.7 Driveways to single family residences shall intersect streets at angles of not less than sixty (60) degrees. All other driveways shall intersect street at right angles, where practicable, and in no case less than seventy-five (75) degrees.

8.8 The width of a single dwelling driveway, within the legal right-of-way of the public road or when carried by a bridge, shall be a minimum of twelve feet (12'), it shall be a minimum of ten feet (10') at all other points within the property line.

Where the township declares it feasible, a shared driveway is permitted. A shared driveway must continue as a shared driveway for twenty-five feet (25') from the edge of the cartway. Additional length of shared driveway may be required if approved by the township, however, it is not permitted without approval of the township Board of Supervisors. Each residential property shall be limited to a single access, unless the lot frontage exceeds three hundred feet (300'), the side without three hundred feet (300') frontage may have only a single access.

a. A declaration of easement and/or maintenance agreement shall be prepared for any shared driveway. That agreement shall be satisfactory to the township solicitor.

8.9 Driveways shall not be permitted to enter onto collector or arterial streets.

8.10 Driveway entrances into all non-residential single use properties shall be no less than twenty feet (20') in width, shall not exceed thirty-six feet (36') in width at the street line.

8.11 The curbs of non-residential driveway entrances at the street shall be rounded with a minimum radius of twenty feet (20') where they intersect a street.

8.12 Residential private driveways shall be rounded with a minimum radius of five feet (5') where they intersect a street.

8.13 The edge of any driveway shall be at least forty feet (40') from the nearest end of the paving radius at the street intersection, or sixty-five feet (65') from the edge of the cartway of the intersecting street, whichever is greater.

8.14
A. Clear sight triangles shall be provided at all driveway entrances and shall be shown on the plans. The legs of such triangles shall be at least one hundred feet (100') in either direction, measured from a point twelve feet

(12') back from the edge of the cartway of the intersecting street. Within such triangles, no object greater than two and one half feet (2 1/2') in height and no other object that would obscure the vision of the motorist shall be permitted. Whenever a portion of the line of such triangles occurs within any proposed building setback line, such a portion shall be shown on the final plan of the subdivision or land development and shall be considered a building setback line.

- B.** The minimum required sight distance for a single family residential driveway is one hundred fifty feet (150') in either direction. Greater distances may be required if warranted by specific circumstances.
 - C.** The clear sight distances shall be measured from a point in the driveway located ten feet (10') back from the edge of street and at a height of forty two inches (42") to a point in the center of each on-coming traffic lane where an object six inches to forty two inches (6" to 42") in height can be seen.
 - D.** All sight distance obstructions, including, but not limited to embankments and vegetation shall be removed by the applicant (permittee) to provide a minimum of one hundred fifty feet (150') of sight distance in either direction.
- 8.15** Sight distances for non-residential driveways shall adhere to the PennDOT standards for non-residential driveways.
- 8.16** The gutter line, wherever possible, shall be maintained as a paved swale. It shall have a minimum depth of four inches (4") and a minimum width of twenty four inches (24"). A pipe may only be placed under the drive entrances when approved by the township engineer. The condition where a pipe will be accepted will be governed by the gutter depth on each side of the drive. The minimum pipe size under the driveway will be subject to approval by the township engineer. In addition to the plan requirements in Section 7.1, the applicant shall provide stormwater runoff calculations based on a one hundred (100) year storm event.
- 8.17** No driveway shall be located closer than five feet (5') to any property line except when using a common driveway by approval of the Board of Supervisors.
- 8.18** Driveways shall be graded so that, wherever possible, surface drainage will be discharged to the owner's property, otherwise, adequately sized pipes, inlets, and/or headwalls shall be installed and gutter improvements shall be made to direct surface drainage into the road drainage system and not onto the paving of the intersecting road.
- 8.19** Any person, property owner, or corporation who repaves an existing driveway and fails to maintain a proper gutter swale, as defined in this

ordinance , or otherwise creates a blockage to the flow of stormwater within a road drainage system thereby causing the stormwater to be directed onto the traveled portion of the road, shall be in violation of this ordinance.

Section 9. **Maintenance of Driveways**

It shall be the responsibility of the property owner to properly maintain any new or existing driveway in a condition such that it provides safe access to a township, state or private road. Maintenance shall include but not be limited to clear sight distances, gutter swales, wearing surfaces and washouts created by stormwater runoff. All washouts shall be removed from the cartway immediately following such storms.

Any person, property owner or corporation failing to properly maintain a driveway shall be subject to a fine in accordance with Section 13 of this ordinance.

Any person who, by construction or maintenance of any driveway, obstructs any public road or commits any nuisance thereon by felling trees, making fences, turning the road, diverting water onto or in any other way and who does not, on notice given by the Board of Supervisors, remove the obstruction or nuisance and repair the damages done to the road commits a summary offense.

Section 10. **Variances**

Where due to the unusual topography, grade, size, width or other dimensions of a lot or the placement of structures thereon, literal compliance with this ordinance would be rendered physically impossible or where such compliance would, by reason of excess cuts or fills, otherwise render the lot unusable, the Board of Building Appeals shall be and hereby is authorized to grant reasonable variances from the literal requirements of this ordinance.

Such variances, when granted, shall not be contrary to the public health, safety, morals or welfare not at variance with the spirit and purposes of this ordinance nor shall the variance be greater than the minimum variance necessary to remove or mitigate the hardship imposed. No variance shall be granted where the hardship for which a variance is sought was created by the developer or owner by reason of the layout of any subdivision, installation and design of any road, or other cause within the control of the developer or owner.

Applications for a variance shall be submitted to the municipality and shall be on forms provided by the municipality. When applying for a variance, a fee in the amount of \$250.00 shall be paid to the municipality. Upon receiving an application for a variance, the municipality shall schedule a hearing to be held within thirty (30) days from the date of receiving such application.

Section 11. **Right of Appeal**

All persons, firms and corporations shall have the right to appeal the Code Official's decision through the West Bradford Township Building Appeals Board appointed by the West Bradford Township Board of Supervisors. An application for appeal shall be based on a claim that the true intent of this ordinance or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction can be used. A fee in the amount of \$250.00 shall be paid at the time of application for such appeal. Public hearings for such hearings shall be scheduled within thirty (30) days from the date in which application for appeal is received.

Section 12. Any structure erected in violation of the provisions of this ordinance or in violation of any plan or permit shall be and hereby is declared to be a public nuisance.

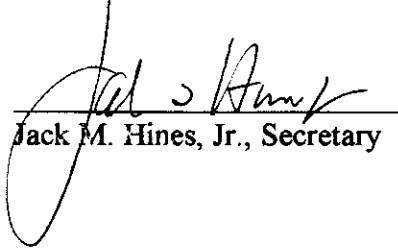
Section 13. Any person violating the provisions of this ordinance or constructing any driveway at variance with the terms of this ordinance or at variance with the terms of any plan finally approved by the township or at variance with the terms of any permit issued hereunder shall, upon conviction before a District Justice in a summary proceeding, be sentenced to pay a fine of not more than \$1,000.00 together with costs of prosecution. After notification by the township Code Official of the violation, each day in which the violation continues shall be deemed a separate offense subject to a fine of not more than \$1,000.00.

Section 14. In addition to the remedies provided in the immediately preceding section, and not in substitution thereof, the township, through the Board of Supervisors, may institute and prosecute any other action at law in equity for the abatement or removal of a violating structure or the township may, in its discretion and in addition to the other remedies herein provided, enter upon the lands where the violation exists and cause the same to be removed and recover the cost of such removal from the owner, occupier, and/or contractor, all of whom are declared to be jointly and severally liable to the township for such costs and expenses incurred.

Section 15. The provisions of this ordinance are severable, and if any of its provisions shall be held to be unconstitutional or illegal, such decision shall not affect the validity of any of the remaining provisions of this ordinance; and it is hereby declared as a legislative intent that this ordinance would have been adopted had such constitutional or illegal provision not been included herein.

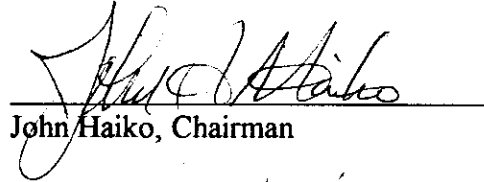
Enacted this 9th day of Sept 1997 by the Board of Supervisors
of West Bradford Township.

Attest:

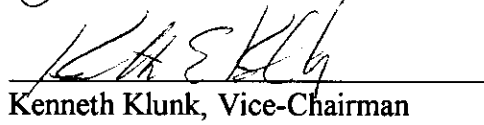


Jack M. Hines, Jr., Secretary

Board of Supervisors



John Haiko, Chairman



Kenneth Klunk, Vice-Chairman



Mark Blair, Member