

**HONEY BROOK TOWNSHIP
CHESTER COUNTY, PA
ORDINANCE #169-2013**

AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK AMENDING THE HONEY BROOK TOWNSHIP ZONING ORDINANCE OF 2003, AS AMENDED, TO AMEND STANDARDS FOR RETAIL USES IN THE COMMERCIAL AND INDUSTRIAL DISTRICTS; RURAL OCCUPATION REQUIREMENTS AND THE DEFINITION OF STREET LINE.

SECTION 1. Amend §27-202, *Definitions*, by

1. Deleting from the definition of "Exterior alteration" the words "or way".
2. Deleting the existing definition of "Public street or way" in its entirety.
3. Adding a definition of "Public street" to read: "A strip of land, including the entire right-of-way, intended for general public use as a means of vehicular and pedestrian circulation to provide access to more than one lot. A public street shall be one that has been dedicated to the public use and used and maintained pursuant to the Second Class Township Code and/or the regulations of the Commonwealth of Pennsylvania, Department of Transportation.
4. Adding, under the definition of "Street", subsection D. to read "D. *Private street* – A street, that has not been dedicated nor is intended to be dedicated to the Township."
5. Deleting the existing definition of "Street line" in its entirety and replacing it with the following: "*Street line* – the dividing line between a lot and the outside boundary or right-of-way line of a Public street legally open, or between a lot and a Private street over which the owners or tenants of two or more lots each held in single and separate ownership have the right-of-way."

SECTION 2. Amend §27-902.3 *Uses Permitted as Conditional Uses* to add subsection E to read as follows "E. Retail Sales with building floor areas in excess of 8,000 SF when in accordance with the standards in §27-1604.Q."

SECTION 3. Amend §27-1002.1 *Uses Permitted by Right* to renumber subsections R – FF as S – GG, and add the following as subsection 1002.1.R "R. Retail sales with less than 25,000 SF of building floor area."

SECTION 4. Amend §27-1002.3 *Uses Permitted as Conditional Uses*, subsection 1002.3.D to replace the existing language in its entirety with "Retail Sales in excess of 25,000 square feet of building floor area, when in accordance with the standards in §27-1604.Q."

SECTION 5. Amend §27-1602 *Uses Permitted by Right*, subsection 1602.V. *Rural Occupation* as follows:

- a) Replace the existing language in subsection 1602.V.(2)(c) in its entirety with "The party proposing to conduct the rural occupation shall either be the lot owner, or a member of the lot owner's immediate family on which the use is to be located. The lot owner or a member of the lot owner's immediate family shall also reside on the property on which the use is to be located."

Immediate family shall be defined as the spouse, parents, grandparents, ~~children, grandchildren~~ and great-grandchildren.

- b) Amend the existing language in subsection 1602.V(5)(k) to read as follows "Harness shop, plumbing shop, upholstery shop, shoe shop, printing shop, tailor/dressmaking/sewing/hatters shop, welding or metal fabrication services on customer basis, or quilt shop."
- c) Delete the existing language in subsection 1602.V(8)(g), including its subsections (g)(1), (g)(2), and (g)(3) in its entirety and replace it with the following: "*Outdoor Storage.* The outdoor storage of materials, products or supplies connected with a rural occupation shall be permitted in accordance with the following standards:
 - 1) In no case shall outdoor storage be permitted in the front yard of the building housing the rural occupation.
 - 2) Materials, products or supplies shall not be stacked to a height greater than 12 feet.
 - 3) A vegetative screening buffer shall be provided around the outdoor storage area to mitigate the visual impact from adjoining properties and the street right-of-way in accordance with the requirements of §22-629.5.E & 22-629.5.F.
 - 4) Any outdoor facility for hazardous chemicals, as identified by the O.S.H.A., shall be a double-walled tank or shall be located on impervious pavement completely enclosed by an impervious dike high enough to contain the total volume of liquid kept in the storage area, plus the accumulated rainfall of a 50-year storm. Storage tanks for any petroleum products not exceeding 275 gallons in size may be exempted from this requirement, provided they comply with any applicable State or Federal requirements."

SECTION 6. Amend §27-1604 *Uses Permitted as Conditional Uses*, to replace the existing title of subsection 1604.Q with the following:

"R. Retail Uses requiring Conditional Use Approval

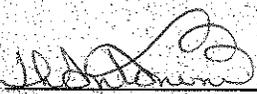
SECTION 7. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of Honey Brook Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 8. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective five days after enactment as provided by law.

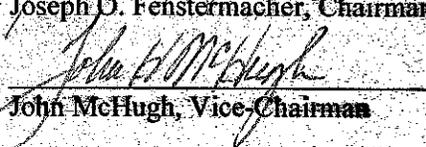
SO IT IS ENACTED AND ORDAINED this 11th day of December, 2013.

ATTEST:


Secretary

HONEY BROOK TOWNSHIP
BOARD OF SUPERVISORS


Joseph O. Fenstermacher, Chairman


John McHugh, Vice Chairman

Tracy Olsen
Tracy Olsen, Member