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HONEY BROOK TOWNSHIP  
CHESTER COUNTY, PA  
ORDINANCE #145 - 2009

**AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK AMENDING THE HONEY BROOK TOWNSHIP ZONING ORDINANCE OF 2003, AS AMENDED, TO AMEND AND REVISE REGULATIONS FOR NO-IMPACT HOME OCCUPATIONS, HOME OCCUPATIONS PERMITTED BY SPECIAL EXCEPTION, AND RURAL OCCUPATIONS, AND CORRESPONDING DISTRICT PERMITTED USES PERTAINING THERETO.**

**SECTION 1.** Delete Section 27-702.1.M. and renumber Sections 27-702.1.N through .R as Sections 27-702.1.M through .Q.

**SECTION 2.** Delete Section 27-802.1.K and renumber Section 27-802.1.L as Section 27-802.1.K.

**SECTION 3.** Delete Section 27-902.1.B and renumber Sections 27-902.1.C through .M as Sections 27-902.1.B through .L.

**SECTION 4.** Delete Section 27-1002.1.S and renumber Sections 27-1002.1.T through .HH as Sections 27-1002.1.S through .GG.

**SECTION 5.** Section 27-1602.O. shall be amended as follows:

(1) Subsection 27-1602.O(4) shall be amended to read as follows:

(4) Not more than one vehicle, with not more than one dual-wheel axle and a GVWR not to exceed 26,001 pounds, and one trailer with a maximum loaded weight of 10,000 pounds, connected with the home occupation may be maintained on the property.

(2) Subsection 27-1602.O(11) shall be amended to read as follows:

(11) Except where approved by the Zoning Hearing Board, a property shall have no more than one home occupation per dwelling unit. In addition, a no-impact home occupation shall be permitted by-right on the site of a rural occupation, where such use is authorized under this Chapter.

(3) Subsection 27-1602.O(12) shall be amended by deleting subpart (j) and renumbering subpart (k) as subpart (j).

**SECTION 6.** Section 27-1602.V shall be amended to read as follows:

**1602.V. Rural Occupation.**

(1) *Purpose.* In providing opportunities for rural occupation uses, it is the Township's intent that any rural occupation shall be compatible with other existing and permitted uses on the property and within the surrounding neighborhood and zoning district(s).

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(2) *Applicability.* Rural occupations shall be permitted under the following conditions.

(a) The rural occupation shall be deemed accessory and secondary to the principal residential and/or agricultural use of the property.

(b) A rural occupation shall be permitted by right in the A – Agricultural District in accordance with the provisions of this Section. A rural occupation shall be permitted in the RC – Resource Conservation and FR – Farm Residential districts provided there is a minimum gross lot size of greater than 10 acres and the criteria of this Section are fully complied with.

(c) The party proposing to conduct the rural occupation use shall own, and either he/she or a member of his/her immediate family shall 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.

(d) When there is a change in ownership or occupancy of the property where a rural occupation exists or when there is a proposed change in the type of business, the Zoning Officer shall review the proposed change to see if it conforms to the original approval or if changes shall be made.

(e) Only one rural occupation use shall be permitted on any eligible property. A property with a rural occupation may be permitted a home occupation under §27-1603.D of this Chapter, subject to approval of the Zoning Hearing Board, and is permitted to have a no-impact home occupation under §27-1602.O of this Chapter.

(f) A rural occupation does not require the deed restricting of a parcel of land, and further subdivision of the parcel shall be permitted only as long as the existing parcel continues to meet all criteria outlined in this Chapter or any subsequent amendment to this Chapter.

(3) *Application Required.* The applicant shall set forth in his application that he will comply with all rules and regulations of all government authorities having jurisdiction over the applicant's business. In addition, the applicant shall provide all information necessary to demonstrate compliance with the requirements contained in this Section and this Chapter.

(4) *Permits and Inspections Required.* A use and occupancy permit is required prior to beginning a rural occupation. The issuance of a use and occupancy permit for a rural occupation shall be deemed an authorization of the Township Zoning Officer to inspect annually and reissue the use and occupancy permit, based on compliance with all requirements of this Chapter.

(5) *Uses Permitted.* The following uses are permitted as rural occupations:

- (a) Blacksmith shop, farrier, farm equipment shop, tinsmithing, or tool sharpening shop.
- (b) Butcher shop, bakery, or craft shop.
- (c) Processing of locally produced agricultural products.
- (d) Preparation of food or food products to be sold or served off-site.
- (e) Veterinary office.
- (f) The manufacturing, assembly, warehousing, sales, repair and/or servicing of household articles, including such items as chairs, tables, clocks, cabinets and other similar carpentry-type items, as well as decorative iron work and other articles for use in the home.
- (g) Sales and repair of appliances and small engines.

- (h) Dry goods store.
- (i) Greenhouse.
- (j) Taxi, limousine, or hauling services, provided all vehicles are housed inside the building used for the rural occupation.
- (k) Harness shop, plumbing shop, upholstery shop, shoe shop, printing shop, tailor/dressmaking/sewing/hatters shop, welding services on a customer basis, or quilt shop.
- (l) Home builder/remodeling business, or other building trades.
- (m) Grain mills or feed supply operations.

(6) *Uses Prohibited.* The following uses are prohibited as rural occupations: animal rendering; fuel and fertilizer distribution; composting and other farm waste storage facilities; recycling businesses; heavy manufacturing such as the building and repair of dumpsters; automobile, truck, boat or other motor vehicle sales, service and repair facilities; wholesale distribution of industrial products, including lumber and coal yards, building material storage yards, contractors' equipment and storage yards, and commercial warehouses; any custom or commercial hauling or spreading of solid, slurry or liquid wastes.

(7) *Hazardous Uses Prohibited.* No use that requires application or permitting by the PA DEP for the handling of hazardous waste or other substances shall be permitted.

(8) *Use and Design Standards and Requirements.* Rural occupations shall be permitted in accordance with the following use and design standards and requirements.

- (a) The following standards shall apply to a rural occupation:

Property Size (gross acres)	Max. Building Coverage (Principal Building)	Max. # Employees (non-family members)	Max. Land Area Devoted to Use
3 to 5	2,000 sq.ft.	2	0.50 acres
>5 to 10	3,000 sq.ft.	3	0.75 acres
>10 to 15	4,000 sq.ft.	4	1.0 acres
>15 to 20	5,000 sq.ft.	5	1.25 acres
>20	6,000 sq.ft.	6	1.50 acres

(b) *Principal Rural Occupation Building.* The rural occupation shall be conducted within a completely enclosed accessory building. This building shall be the principal rural occupation building, and may be an existing accessory building at least 1 year old or a newly constructed, conforming building. If a new building is constructed for the rural occupation, it shall be located to the side or rear of the principal dwelling unit, and shall be set back a minimum of 100 feet from all lot lines and rights-of-way.

(c) *Additional Buildings Permitted.* The rural occupation may also utilize two additional buildings, one to house a power supply and one to store materials.

(1) The power supply building shall not exceed 500 square feet and may be located adjacent to the principal rural occupation building.

(2) The storage building shall not exceed 50 percent of the gross floor area of the principal rural occupation buildings, nor exceed the height of the principal rural occupation building. The storage

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building may be connected to the principal rural occupation building, but such connection shall be by breezeway roof only.

(d) *Architectural Design.* All rural occupation buildings shall be designed and built to be visually consistent with traditional farmsteads and residential uses and shall afford minimal external evidence of the nature of the rural occupation.

(e) *Parking and Loading.* All off-street parking and loading spaces shall conform to Part 15. Parking lots shall be provided only at the side or to the rear of the buildings housing the rural occupation.

(f) *Performance Standards.* The home occupation may not use any equipment or process that creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception that is detectable in the neighborhood. Standards for compliance shall be those found in §27-1005 of this Chapter.

(g) *Outdoor Storage.* Materials, products or supplies comprising any part of the rural occupation shall be contained within an enclosed building, unless outdoor storage of such materials, products, or supplies connected with a rural occupation is permitted as a special exception by the Zoning Hearing Board. Applications for a special exception shall comply with the following standards:

(1) In no case shall outdoor storage be permitted in the front yard of the building housing the rural occupation, nor shall materials be stacked to a height greater than 12 feet.

(2) A vegetative buffer shall be provided in accordance with the requirements of §22-629 of the Township Subdivision and Land Development Ordinance.

(3) 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 there are no more than two (2) such tanks in use for normal residential purposes.

(h) *Signs.* One non-illuminated sign not exceeding 8 square feet shall be permitted and shall be set back a distance at least equal to its height from every lot line and road right-of-way and shall not interfere with required sight triangles.

(i) *Retail Sales Permitted.* When a rural occupation involves retail sales, the sales and display area shall not exceed 15 percent of the first floor area of the principal rural occupation building. The 15 percent retail sales and display area shall not be in addition to the proposed first floor area.

(j) All roof-mounted storage/fuel tanks and other equipment shall be suitably screened or enclosed so as not to be visible from any property line or road, using materials visually compatible with the building on which they are located.

(k) *Driveways.* All rural occupations shall comply with the following requirements:

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(1) All driveway intersections, whether existing or proposed, shall conform to the sight distance requirements of the Township or the Pennsylvania Department of Transportation, whichever governmental body has jurisdiction. The applicant shall demonstrate that the land use provides for the safe and efficient movement of traffic.

(2) Any rural occupation shall have a paved driveway apron extending 30 feet into the parcel from the roadway. In addition, access drives and parking areas shall be of sufficient length and size to accommodate the off-road stacking of delivery and customer vehicles.

(l) The applicant shall furnish evidence from the Chester County Health Department and/or the Pennsylvania Department of Environmental Protection that an approved means of sewage disposal shall be utilized.

(m) *Waste Collection and Disposal.* All rural occupations shall comply with the following requirements:

(1) All trash dumpsters shall be located within a side or rear yard of the building used for the rural occupation and be completely enclosed within a masonry or fenced enclosure equipped with a self-latching door or gate.

(2) Evidence shall be provided indicating that the disposal of all material and wastes shall be accomplished in a manner that complies with State and Federal regulations. No burning of waste shall be permitted; except that untreated or unpainted wood scraps may be used for heating purposes. Proper disposal of materials and wastes shall be done on a regular basis. All solid wastes generated by a rural occupation shall be disposed of in a trash dumpster or stored inside until the wastes can be disposed of properly.

(n) *Hours of Operation.* Rural occupations shall only be conducted between the hours of 6 a.m. and 9 p.m.

(o) *Vehicles Used for Rural Occupation.* Not more than one vehicle, with not more than two rear axles, and no more than one trailer, connected with the rural occupation may be maintained on the lot in conjunction with the rural occupation.

**SECTION 7.** Section 27-1603.D shall be amended to read as follows:

**1603.D. Home Occupations.**

(1) *Purpose.* The purpose of the standards in this Section is to provide opportunity for certain home occupation uses that do not comply fully with the criteria in §27-1602.O for home occupations permitted by right, primarily due to the proposed employment of nonresidents and/or the nature of the proposed use. Except as superceded by the standards herein, any applicant seeking approval of a home occupation as a special exception shall comply with the standards in §27-1602.O. It is the intent of this Section to assure that any home occupation is:

- (a) Compatible with other uses permitted in the respective zoning district.
- (b) Incidental and secondary to the use of the property as a residential lot.
- (c) Helping to maintain and preserve the character of the neighborhood.

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(2) *Applicability.* To qualify for a public hearing on a special exception under the terms of this Section, the applicant shall demonstrate compliance with the following:

(a) The location of the home occupation use shall be within a single-family detached dwelling or a building accessory to the dwelling.

(b) The property on which the home occupation is proposed shall have frontage on and direct access to a public street.

(c) If the resident conducting the home occupation is a tenant and not the owner of the property, the owner shall be party to the application for special exception approval.

(d) No more than one home occupation is permitted on any property. Any property that has a rural occupation operating in compliance with §27-1602.V of this Chapter shall be permitted to have a home occupation under the terms of this Section.

(3) *Application Requirements.* The application shall provide all information necessary to demonstrate compliance with the requirements contained in this Section and this Chapter, as well as all other pertinent rules and regulations of all government authorities having jurisdiction over the applicant's proposed use.

(4) *Permit Required.* No home occupation approved under the terms of this Section shall operate without having applied for a permit and having been issued a use and occupancy permit by the Township, as required by §27-1905.2(E) of this Chapter.

(5) *Uses Permitted.* Home occupations shall be limited to those occupations customarily conducted within a dwelling unit or a building accessory to a dwelling unit. In addition to those uses listed in §27-1602.O, these uses shall include:

(a) Medical or dental office.

(b) Family child/adult day care involving no more than six children or adults unrelated to the operator, and provided the following criteria are met:

(1) The minimum size of the lot containing the day care facility shall be 15,000 square feet.

(2) Passenger drop-off and pick-up areas shall be provided on-site and arranged so that passengers are not required to cross traffic lanes on or adjacent to the site and vehicles are not required to back out onto the abutting street.

(3) There shall be suitable outside activity/recreation area which shall be buffered from all adjoining properties with screening of evergreens, walls, fencing or other materials acceptable to the Zoning Hearing Board. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged to block the ground level views between grade and the height of 6 feet. Landscape screens shall achieve this visual blockage within 2 years following installation.

(c) Repair and/or servicing of household articles, including such items as chairs, tables, clocks, cabinets and other similar carpentry-type items, as well as decorative iron work and other articles for use in the home.

(d) Repair of appliances and small engines, including sales of serviced appliances or small engines.

(e) Taxi or limousine services, provided all vehicles are housed inside an accessory structure designated for use with the home occupation.

(f) Retail sale of merchandise, supplies, or products shall not be conducted on the property except for the following:

(1) The sale of items that are clearly incidental and subordinate to the conducting of the home occupation or items used in the home occupation such as the sale of beauty supplies used by the proprietor is permitted.

(2) Orders previously made by telephone, appointment, or other prior contact may be filled at the site of the home occupation. There shall be no direct sales of products from display shelves or rack, but a person may pick-up an order placed earlier as described above.

(g) Building trades, including contracting services provided off-site, provided equipment involved in such operations is housed in the primary residential building or one accessory structure located on-site.

(h) Uses not listed that, in the determination of the Zoning Hearing Board, are considered to be of the same general character as the home occupations listed herein.

(6) *Use and Design Standards and Requirements.* Home occupations approved under this Section shall comply with the following use and design standards and requirements.

(a) Any home occupation shall be clearly incidental and secondary to the use of the property as a residence.

(b) A home occupation shall not change the residential character of the property.

(c) A home occupation may be conducted, in whole or in part, within an accessory building on the property, subject to the following size limitations.

Property Size	Maximum Gross Area of Accessory Structure
Up to 1 acre	600 square feet
>1 acre up to 2 acres	1,200 square feet
>2 acres	1,800 square feet

Buildings already existing on the property that are intended for use with the home occupation shall comply with the square footage limitations indicated above.

(d) *Employees.* No more than two nonresident employees shall be permitted.

(e) *Parking.* Adequate off-street parking shall be provided for both the home occupation and the dwelling unit. In no case shall the parking spaces provided be less than two for the dwelling unit, one for each nonresident employee, and such other parking spaces as required under Part 15 of this Chapter. Such parking spaces shall be screened from adjoining properties in accordance with §22-629 of the Township Subdivision and Land Development Ordinance.

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(f) No outdoor storage or display of goods shall be permitted.

(g) *Performance Standards.* The home occupation may not use any equipment or process that creates noise, vibration, glare, fumes, odors, or electrical interference, including interference with radio or television reception that is detectable in the neighborhood. Standards for compliance shall be those found in §27-1005 of this Chapter.

(h) A home occupation shall not generate waste products or material of a quality or quantity not normally associated with a residential use.

(i) *Traffic.* The operation of a home occupation shall not generate traffic on nearby roads that is substantially higher than that for a residential use.

(j) The applicant shall demonstrate that sufficient water and sewage disposal service is available for the home occupation. If the property is served by public water and/or public sewer service, the applicant shall provide confirmation from the water and/or sewer service provider that capacity is available for the home occupation. If the property is served by on-lot sewage disposal, the applicant shall present evidence that the existing on-lot sewage disposal system is adequate to dispose of the anticipated sewage flows from the home occupation.

(k) *Hours of Operation.* An approved home occupation may be conducted only during the hours of 7 a.m. to 9 p.m.

**SECTION 8, 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 9, REPEALER.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

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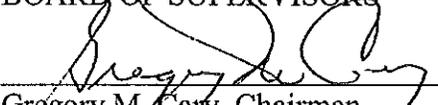
**SECTION 10, EFFECTIVE DATE.** This Ordinance shall become effective five days after enactment as provided by law.

SO IT IS ENACTED AND ORDAINED this 13<sup>th</sup> day of May, 2009.

ATTEST:

  
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Secretary

HONEY BROOK TOWNSHIP  
BOARD OF SUPERVISORS

  
\_\_\_\_\_  
Gregory M. Cary, Chairman

  
\_\_\_\_\_  
Donald E. Johnson, Vice-Chairman

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Lewis Wertley, Member

