
HONEY BROOK TOWNSHIP
CHESTER COUNTY, PA
ORDINANCE #151 - 2010

AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK AMENDING THE HONEY BROOK TOWNSHIP ZONING ORDINANCE OF 2003, AS AMENDED, TO REVISE STANDARDS FOR CEMETERIES AND KENNELS.

SECTION 1. Section 27-402.1 shall be amended to add the following:

Q. Cemetery, less than 5 acres in size, in accordance with the standards in §27-1604.F.

SECTION 2. Section 27-402.3.B shall be amended to read as follows:

B. Cemetery, 5 acres in size or larger, in accordance with the standards in §27-1604.F.

SECTION 3. Section 27-502.1 shall be amended to add the following:

P. Cemetery, less than 5 acres in size, in accordance with the standards in §27-1604.F.

SECTION 4. Section 27-502.3.A shall be amended to read as follows:

A. Cemetery, 5 acres in size or larger, in accordance with the standards in §27-1604.F.

SECTION 5. Section 27-602.1 shall be amended to add the following:

Q. Cemetery, less than 5 acres in size, in accordance with the standards in §27-1604.F.

SECTION 6. Section 27-602.3.B shall be amended to read as follows:

B. Cemetery, 5 acres in size or larger, in accordance with the standards in §27-1604.F.

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

F. *Paragraph Reserved for Future Use.*

SECTION 8. Section 27-1604.F shall be amended to read as follows:

F. *Cemetery.* The following regulations shall apply to any cemetery, whether a principal or accessory use, except as otherwise noted.

(1) The minimum net lot area shall be 1 acre, for a cemetery, when located on a separate parcel or lot. If located on the same lot as a church, the combined minimum net lot area shall be 3 acres.

(2) Any cemetery smaller than 5 acres, whether or not as a principal or accessory use of a parcel or lot, shall be permitted by-right in the A-Agricultural, RC-Resource Conservation,

and FR-Farm Residential districts. Any cemetery 5 acres in size or larger shall be required to seek approval as a conditional use.

(3) Any cemetery shall comply with the following standards:

(a) No burial ground or plot or any structure related to the cemetery operation shall be located within:

- 1) Ten feet of any property line or street line.
- 2) One hundred feet of any existing well.
- 3) Ten feet of the cartway of any private vehicular accessway within the tract or any parking area.

(b) In no case shall any structure, burial ground, or burial plot be located within the FH-Flood Hazard, the RCC-Riparian Corridor Conservation, or WHP-Wellhead Protection Area Zone 1 or 2 overlay districts.

(c) The maximum height of cemetery structures shall be:

- 1) For a grave stone, monument, or statue marking an individual burial site: 6 feet.
- 2) For a mausoleum: 15 feet.
- 3) For any other structure: 35 feet.

(d) The placement of burial vaults within burial ground areas shall comply with the following standards:

- 1) Multiple burial vaults may be placed in a single plot (i.e., one above the other).
- 2) No vault shall be located less than 3 feet beneath the ground surface after development, except where completely enclosed within a mausoleum.
- 3) No vault shall be located where, at its greatest depth below the ground surface, it may intrude upon the seasonal high water table.
- 4) In order to provide for adequate percolation of groundwater, all burial vaults shall be placed such that minimum horizontal separation between vaults is no less than 2 feet. This provision shall not apply to burial vaults completely enclosed within a mausoleum.

(e) Natural buffer areas shall be retained to the greatest degree feasible to mitigate impacts to scenic landscape qualities and water recharge capacity. Use of plant material in lieu of fencing is encouraged to provide privacy, screening, and access control.

(4) Application Requirements. The following shall be provided by the applicant for review by the Township prior to receiving approval to operate a cemetery.

(a) The application for a cemetery, whether as a conditional use approval or a subdivision or land development, shall include the following:

1) For a conditional use, a plan shall accompany the application which identifies natural constraints, proposed capacity of burial plots, circulation of vehicles through the proposed cemetery, all proposed buildings, other improvements, and general landscaping or protection of existing vegetation. If the conditional use is approved, the applicant shall submit a plan sufficient to comply with the requirements of a minor land development plan in Chapter 22.

2) For a cemetery permitted by-right, a land development plan shall be submitted for review by the Township. Where the cemetery review is for expansion of an existing cemetery, the full land development plan may be waived by the Township provided that the applicant

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- a) Provide a sketch plan for review by the Township Planning Commission; and
 - b) Agrees to incorporate the sketch plan into the legal agreement specified in subsection (c), below, as an exhibit for maintenance of the cemetery property.
- 3) A narrative of how the cemetery will be developed and maintained.
 - 4) At the discretion of the Township Engineer, a traffic study subject to the requirements of Chapter 22 may be required for cemeteries considered significantly large enough to warrant such study.

(b) Prior to approval of a cemetery, either as a land development or a sketch plan where land development review has been waived, the applicant shall engage a qualified soil scientist to conduct soil testing of the proposed cemetery site along the perimeter and in areas proposed for burial plots to confirm the depth to the water table. Such testing shall be conducted in the presence of the Township Engineer. In addition, in conditions of drought, the soil scientist shall consider weather conditions in the assessment of the normal depth to the water table.

(c) The applicant shall provide sufficient hydrologic and other information to satisfy the Board that potential for groundwater contamination from development of burial grounds shall not be hazardous to any neighboring water supply wells. As a condition of approval, the Board may require the installation of monitoring well(s) where potential hazard to neighboring well(s) is suspected.

(d) The applicant shall provide a legal agreement, subject to the approval of the Board, based upon review by the Township Solicitor, which shall identify the owners or operators responsible for the long-term maintenance responsibilities and the financial means for such maintenance. This agreement shall comply with the provisions for ownership and maintenance of open space as provided in §22-625. This legal agreement shall be incorporated on the subdivision or land development plan by reference and recorded with deed to the property.

SECTION 9. Section 27-1604.M shall be amended as follows:

1. Section 27-1604.M(2)(a) shall be amended to read as follows:

(a) A kennel shall be deemed a principal use of a property. Where such use is located on a property containing a residential or agricultural use, it shall be considered a second principal use. A boarding kennel may be considered an accessory use where co-located within an animal hospital or veterinary office/clinic. An animal shelter may be considered as either a principal or accessory use, subject to the approval of the Board of Supervisors.

2. Section 27-1604.M(4) shall be amended to read as follows:

(4) *Permits Required.* A use and occupancy permit is required prior to beginning operation of a kennel, boarding kennel, or animal shelter. Such permit shall be authorized after compliance with the standards of this Section has been verified.

3. Section 27-1604.M(5)(k) shall be amended to read as follows:

(k) Any kennel, boarding kennel, or animal shelter not within a completely enclosed building shall enclose the entire operation with a fence at least 6 feet in height. Materials and construction of the fence shall be specified at the public hearing for the conditional use.

4. Section 27-1604.M(5)(m) shall be amended to read as follows:

(m) All loading of animals shall be off-street and within either a building or area enclosed by the fence and bufferyard area. Supplies shall be loading or unloaded off-street.

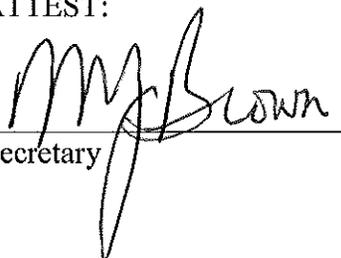
SECTION 10, SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts 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 11, 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 12, EFFECTIVE DATE. This Ordinance shall become effective five days after enactment as provided by law.

SO IT IS ENACTED AND ORDAINED this 14 day of July, 2010.

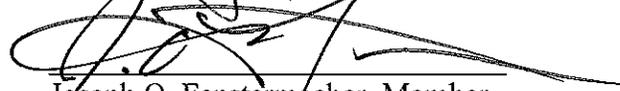
ATTEST:


Secretary

HONEY BROOK TOWNSHIP
BOARD OF SUPERVISORS


Lewis M. Wertley, Chairman


Donald E. Johnson, Vice-Chairman


Joseph O. Fenstermacher, Member