

**ORDINANCE NO. 98-2002
HONEY BROOK TOWNSHIP**

AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE HONEY BROOK TOWNSHIP ZONING ORDINANCE OF 1979, AS AMENDED, BY REINSTATING, AMENDING, ADDING AND DELETING CERTAIN SECTIONS OF ARTICLE II, ARTICLE III AND ARTICLE IX TO ADD REGULATIONS FOR ACCESSORY DWELLING UNIT(S).

Ordinance #70 dated June 12, 1996 is hereby deleted in its entirety.

Article II, DEFINITIONS

Add the following definitions:

DWELLING, ACCESSORY – a single family dwelling that is an addition to or a conversion of a principal single family dwelling or occupies an accessory building each of which are restricted to 90% or less of the habitable floor area of the principal single family dwelling.

FARM LABORER – any person who is employed by a twenty (20) acre, or larger, tract owner as farm help and resides thereon.

HABITABLE SPACE—A space in a building designed for living, sleeping, eating and/or cooking.

Article III, Section 302.1 (d) of Honey Brook Township Zoning Ordinance of 1979 as amended, is amended as follows:

Conversion of or addition to a principal single family detached dwelling unit to permit accessory dwelling unit(s) for members of the immediate family or farm laborer employed thereon and also subject to the conditions contained in Article IX of this Ordinance.

Article IX, Section 901.6 of the 1979 Honey Brook Township Zoning Ordinance, as amended, is hereby deleted and replaced by the following:

Article IX, Section 901.6 – CRITERIA FOR ACCESSORY DWELLING UNIT(S).

A principal single family detached dwelling unit is authorized, by conversion or addition, one (1) accessory dwelling unit on any size tract and a 2nd accessory dwelling unit on tracts of twenty (20) acres or more as a use-by-right provided the following criteria are met:

- (a) When expanding or converting a principal dwelling unit the accessory dwelling unit shall be attached to the principal dwelling unit by a common wall(s) which encloses habitable space and gives the appearance of a single dwelling unit from the exterior view or shall be wholly contained within the principal dwelling unit.
- (b) Any accessory dwelling unit(s) shall be subject to the area and development regulations for a single family detached dwelling in the underlying Zoning District.
- (c) The habitable floor area in use for the accessory dwelling shall not exceed ninety (90%) percent of the habitable floor area of the principal dwelling.
- (d) The owner of the tract shall reside on the property and the accessory dwelling

unit(s) may be used by and resided in only by the owner or person(s) related to such owner, who is one of the following: grandfather/grandmother, mother/father, brother/sister, daughter/son, granddaughter/grandson and/or the spouse of one of the foregoing or a farm laborer employed thereon on a tract of twenty (20) acres or more. Use of any accessory dwelling unit under this section for rent to non-family members, with the exception of a farm laborer, is expressly prohibited.

- (e) The owner shall upon occupancy advise the Township of the person(s) in residence in any accessory unit(s). A new use & occupancy permit shall be issued whenever there is a change in the use or in the person or persons residing in the accessory unit(s).
- (f) The Chester County Health Department shall approve the septic and water systems for use at the premises and such approval shall occur prior to issuance of any building permit.
- (g) Sketch plans and building plans for any accessory dwelling unit(s) shall be submitted to the Zoning Officer as part of a building permit application.
- (h) A sketch plan shall show ingress and egress to existing and proposed buildings and compliance with applicable area development regulations. It shall also provide adequate and suitable parking or storage space at a safe distance from the public highway for not less than two (2) cars per dwelling unit.
- (i) If required, fire escapes and/or outside stairways for safety reasons shall be located to the side or rear of the dwelling.
- (j) Where a tract consists of at least twenty (20) acres, a second accessory detached single family dwelling may be constructed for anyone listed in sub-paragraph (d) provided the parent tract is not reduced below the minimum twenty (20) acres containing the principal and accessory dwelling unit(s). Any newly constructed accessory single family dwelling unit(s) must meet all area and development regulations for single family detached dwellings in the underlying zoning district.
- (k) The applicant shall enter into an agreement acceptable to the Township Solicitor (such as a deed restriction) to demonstrate compliance with Section 901.6.(j).

ARTICLE IV is amended by adding Section 403.1(a) 5 as follows:

“Accessory dwelling units in accordance with Section 901.6 and 302.1(d)”

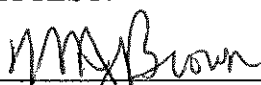
ARTICLE V is amended by adding Section 501.1 (i) as follows:


“Accessory dwelling units in accordance with Section 901.6 and Section 302.1 (d)”

THESE AMENDMENTS SHALL TAKE EFFECT AS PROVIDED FOR BY LAW, AND ALL ORDINANCE PROVISIONS INCONSISTENT WITH THESE AMENDMENTS ARE HEREBY REPEALED AND DELETED.

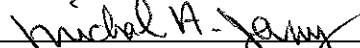
ENACTED AND ORDAINED THIS 13th DAY OF February 20 02.

ATTEST:


Secretary


D. Weston Darby, Jr. Member

HONEY BROOK TOWNSHIP
BOARD OF SUPERVISORS


Michal A. Jany, Chairperson


Donald Johnson, Vice-Chairperson