

HONEY BROOK TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 23-2, 1985

AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK, CHESTER COUNTY, PENNSYLVANIA AMENDING THE HONEY BROOK TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE ADOPTED AUGUST 5, 1976, AS AMENDED, BY REVISING AND AMENDING ARTICLES I, II, III, IV, V, VI AND VII OF SAID ORDINANCE.

BE IT HEREBY ENACTED AND ORDAINED, and it is enacted and ordained by authority of the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania that the Honey Brook Township Subdivision and Land Development Ordinance of August 5, 1976, as amended, is further amended as follows:

I. Amend Article I., Section 103.C. to read as follows:

"No section of this Ordinance shall be construed to prohibit condominium ownership as permitted by the Pennsylvania Uniform Condominium Act of 1980."

II. Amend Article II., Section 201 by deleting the alphabetical listings preceding each definition within the entire Section 201 and further amend Section 201 of said Ordinance by substituting the following new or revised definitions which shall take precedence where an existing definition appears in the Ordinance:

"Agriculture. Agriculture includes the tilling of the soil, the keeping, raising of livestock, horses or poultry, a nursery, landscape operations and tree farms (provided, however, that any lot used for the keeping, raising or breeding of livestock and poultry including the keeping of a horse, pig or cow whether for breeding, slaughtering or as a pet, shall not be less than five [5] acres in size and any structure used for such purposes shall be located not less than one hundred [100] feet from any property line). The keeping of a single dray horse for daily personal transportation, as opposed to recreational pursuits, shall not require a five (5) acre parcel.

Building Setback Line. An established line within a property defining the minimum required front yard and the minimum required distance between the ultimate right-of-way, or street line, and any structure which may be erected on a property. For any permitted "flag lot" the building setback line shall be measured from the interior front property line and not within the access strip.

Commercial Piggery. A commercial piggery which is a permitted use by Special Exception within the A-Agriculture District only, shall not be allowed if the operation includes the feeding of animal or human wastes or if cooked or processed (steamed) feed lots are utilized. No slaughtering within the premises is permitted. If a piggery involves production beyond normal domestic consumption required on the premises, the use shall be classified as a Commercial Piggery.

Condominium. Existing definition will remain as written. The following sentence shall be added: "Any condominium plan shall be governed by the Pennsylvania Uniform Condominium Act of 1980."

Declaration. (Delete this existing definition in its entirety.)

Declaration Plan. (Delete this existing definition in its entirety.)

Development Plan. The provisions for development of a major residential use, or of a planned development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

Family. A single person occupying a dwelling unit and maintaining a household; two (2) or more persons related by blood or marriage or adoption occupying a dwelling unit, living together and maintaining a common household; or, a group of not more than three (3) persons who need not be so related, who are living together in a single household. A roomer, boarder or lodger shall not be considered a member of the family.

Flag Lot. A flag lot is an interior lot which is connected to a public road or public right-of-way by a minimum twenty-five (25) foot wide strip of land connecting the main portion of the lot with the aforesaid public street, highway

or public right-of-way. The connecting strip of land must be a fee simple portion of the lot. However, the portion of the connecting strip may not be used for measuring the building setback line and may not be counted as a part of the minimum lot area required by this Zoning Ordinance.

Land Development.

- a) The improvement of one (1) lot with one (1) building (except single-family detached dwellings and agricultural buildings) or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
- (1) A single building (except single-family detached dwelling and agricultural building).
 - (2) A group of two (2) or more buildings, or
 - (3) The division or allocation of land or space between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- b) A subdivision of land.
- c) A division of land into lots for the purpose of conveying such lots singly or in groups to any person, partnership or corporation for the purpose of the erection of buildings by such person, partnership, or corporation.

Lot, Corner. A lot at the junction of and abutting on two (2) or more intersecting streets, or at the point of abrupt change in direction of a single street the interior angle of which is not greater than one hundred thirty-five (135) degrees. A corner lot is required to have a front yard on one abutting street.

Lot, Flag. Refer to definition for Flag Lot.

Impervious Surfaces. Impervious surfaces are those that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classified as impervious surfaces.

Lot. A parcel of land which is occupied or is to be occupied by one (1) principal building and other permitted uses, or where permitted, multi-family dwellings or multi-use commercial and industrial developments to be occupied by two (2) or more principal buildings; and, such open spaces as are arranged or designed to be used in connection with such principal buildings or other structures or uses, as open spaces and the area and dimensions of such lot as required by this Ordinance. A lot shall not include any street or right-of-way area.

Lot, Interior. Any lot other than a corner lot.

Lot Coverage (Impervious Coverage). Lot coverage shall include the total area of the lot or parcel which is covered by buildings, driveways, paved surfaces, and other impervious surfaces as defined by this Ordinance.

Open Space. Open space is land used for recreation, resource protection, amenity or buffers, which is freely accessible to all residents of a particular development or subdivision or, if dedicated and accepted by the Township, it is accessible to all residents of the Township as protected by the provisions of this Ordinance and the Subdivision and Land Development Ordinance to ensure that it remains in such uses. Such open space may include improvements and impervious surface coverage to the extent that such is an element of the particular open space use and serves as a function with regard to the particular open space use, whether as parking, tennis courts, service roads or the like.

Open space does not include improvements or impervious surface coverage except where such specifically serves the open space use as noted; and further, such does not include the required yards or lots of dwelling units or roads and parking areas not associated directly with the open space use. Open space shall be left in a natural state except in the case of specific authorized uses of open space which may require impervious surface coverage.

Plan, Sketch. The definition for Plan, Tentative has been revised and replaced as follows: A voluntary rough draft plan showing proposed streets and lots related to topography, to be used as the basis for informal discussion between the Planning Commission and the subdivider, developer, or builder. This type of plan is not required and is submitted strictly at the option of the applicant. The provisions for approval of such plan are in no way related to the provisions of Pennsylvania Act No. 247.

Planned Residential Development. (Delete this definition in its entirety from the Ordinance.

Open Space Ratio. The open space ratio is a measure of the intensity of land use. It is determined by dividing the total amount of open space within the site by the site's total area.

Public Sewers. Any system designed and operated by the Municipal Authority for the collection, treatment, and disposal of sewage or industrial waste of a liquid nature or both.

Public Water System. A system designed and operated for the express purpose of supplying and distributing potable water from a common source to dwellings and other permitted uses within Honey Brook Township and generally not confined to one neighborhood or area of the Township. Such water system shall be fully approved by all required governmental agencies and/or shall be franchised by the Pennsylvania Public Utilities Commission.

Right-of-Way. The expected future right-of-way width computed from the centerline of an established right-of-way, as shown on the Ultimate Right-of-Way Map of the Township adopted by the governing body as part of the Official Map Summary of Honey Brook Township.

Site Distance. The distance of unobstructed view along the center line of a street from the driver's height of four and one-half (4.5) feet to the most distant visible point being also four and one-half (4.5) feet above the street surface.

Street Line. The dividing line between a lot and the outside boundary or right-of-way line of a public street, road, or highway legally open or officially platted, or between a lot and a privately owned street, road, or way over which the owners or tenants of two (2) or more lots each held in single and separate ownership have the right-of-way.

Subdivision. The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose whether immediate or future, of lease, transfer of ownership or building or lot development: provided, however, that the Subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings shall be exempted. "

III. Amend Article III., Section 300. by adding the following sentence at the end of the section:

"Any Developer Agreement or Escrow Agreement shall be governed by the provisions of Section 509 of Act No. 247 as amended and as may be further amended from time to time.

IV. Amend Article III by adding a new Section 303 as follows:

"Section 303. Completion of Improvements or Guarantees for Plat Approval

Any developer shall be responsible for completion of all required public improvements in accordance with the provisions of Section 509 of Act No. 247, as amended. With regard to improvement bonds and release from improvement bonds, the provisions of Section 510 of Act No. 247, as amended, shall govern. Should there be a necessity for the Township to seek remedies to effect completion of required public improvements, the provisions of Section 511 of Act No. 247, as amended from time to time, shall prevail."

V. Amend Article IV, Section 401.A. by deleting the present wording and by substituting the following wording:

A. A Sketch Plan is not required. This is a voluntary rough plan submission provided by the applicant for informal discussion with the Planning Commission and Board of Supervisors. The submission of such a plan shall not involve the time constraints for approval as imposed by Act No. 247. Any notation of "Tentative Plan" in this Ordinance shall mean "Sketch Plan."

VI. Amend Article IV., Section 402., A. by deleting "Tentative Plan" and substituting the wording "Sketch Plan (optional on the part of the applicant)."

VII. Amend Article IV., Section 402., B. by deleting the reference to "Tentative Plan" and substituting therefore "Sketch Plan" and by amending the noted five (5) day period to read "fifteen (15) days."

VIII. Amend Article IV., Section 402.C. by adding the following two additional paragraphs:

"All applications for approval of a plat whether preliminary or final, shall be acted upon by the Board of Supervisors within the normal ninety (90) day period after official receipt of the plan but the Board of Supervisors shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Board of Supervisors or the

Township Planning Commission (whichever first reviews the application) next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed.

The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision."

- IX. Amend Article IV., Section 402., D.e., 3. by deleting this paragraph in its entirety and by substituting the following new wording:

"The approval of any Subdivision or Land Development Plan will be effective for the five (5) year period as noted in Section 508 of Act No. 247, as amended from time to time. The aforementioned section of Act No. 247 shall control any phased submission and any vested rights which may accrue from the date of preliminary plan approval."

- X. Amend Article V., Section 503.B., 3. by deleting the entire last column of the table shown therein which carries the heading "Maximum Change of Grade per Ten (10) Feet." This column is deleted in its entirety.

"This section is further amended to delete the eight (8) percent maximum grade permitted for single-family residential driveways and to increase said maximum percentage of grade to fifteen (15) percent and to further add a footnote to this section which shall read as follows:

- * Driveways serving single-family residential properties should generally be designed with an average grade of eight (8) percent. However, grades of up to fifteen (15) percent may be permitted for distances of not more than one hundred fifty (150) feet. Average grades for the driveway intersection at any public road shall not exceed four (4) percent for a distance of twenty-five (25) feet as measured from the edge of existing public road pavement."

- XI. Amend Article V., Section 503.B. by adding a new Subsection 7. which shall read as follows:

- "7. Combined driveways serving two (2) single-family residential properties shall be permitted provided there are deed covenants recorded as to the

maintenance responsibility and provided there is sufficient area for cross-grading and cross-slopes as required for good drainage. Also, sufficient land area shall be reserved on each abutting lot for the widening of such combined driveway should the need arise.

XII. Amend Article V., Section 506 by adding a new Section 506.C, as follows:

"C. Flag Lots

Flag lots, as defined in the Township Zoning Ordinance, are permitted under the following conditions:

- (1) A minimum twenty-five (25) foot wide fee simple access strip shall be provided from a public right-of-way to the main part of the lot and the access strip may not be counted as a part of the lot area, and may not be used to measure the building setback line.
- (2) For any subdivision there shall be a maximum of two (2) flag lots. However, in larger subdivisions a maximum of fifteen (15%) percent of the total lots may be flag lots.
- (3) Flag lots, once subdivided, shall not be further subdivided without the provision of direct public road access.
- (4) Any driveway constructed in the access strip connecting the main portion of a flag lot with a public road shall be provided with full and adequate drainage facilities which shall be approved by the Township Engineer.
- (5) If any portion of a flag lot access strip located within one hundred (100) feet of a public road exceeds an average grade of eight (8%) percent, off-street parking for two (2) vehicles shall be provided within an area of one hundred (100) feet from such public roadway along the proposed driveway.
- (6) Not more than two (2) contiguous flag lot access strips shall be located adjacent to each other (i.e., not more than two [2] such flag lot access strips shall be approved adjacent to each other).
- (7) The minimum distance separating two contiguous flag lot access strips from any additional flag lot access strip(s) shall not be less than two

times the lot width (at the building line) required within the respective zoning district (two full lots shall separate such flag lot access points)."

XIII. Amend Article V., Section 512.A.1. to delete the words "Valley Forge Sewer Authority" and to substitute therefore "the Honey Brook Municipal Authority."

XIV. Amend Article V., Section 518.H., in its entirety and substitute therefore the following wording:

"All erosion and sediment control requirements of the Chester County Conservation District shall be used in the design and construction of any facility requiring erosion and sediment control. The specific design requirements may be found in the various volumes of the Runoff Calculation Handbook dated November 1976; the Environmental Protection Handbook; and, the Soil and Erosion and Sediment Control Manual dated March 1982 and any other current publications in use by the Chester County Conservation District."

XV. Amend Article VI., Section 603. by correcting Paragraph 1. to delete the notation of forty (40) feet and to substitute therefore eight (80) feet and by correcting Paragraph 3., regarding mobile home patio size to a corrected eight (8) feet by twenty (20) feet in size.

XVI. Amend Article VII. by deleting this Article in its entirety.

EFFECTIVE DATE. This Ordinance shall become effective five (5) days after enactment as provided by law.

ENACTED AND ORDAINED this 4th day of April, 1985.

ATTEST

Ruby M. Kitman
Township Secretary

BOARD OF SUPERVISORS OF
HONEY BROOK TOWNSHIP

Earl A. Lamb
Richard L. Deek, Jr.
Donald Johnson