

HONEY BROOK TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 28-9, 1985

AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK, CHESTER COUNTY, PENNSYLVANIA AMENDING THE HONEY BROOK TOWNSHIP ZONING ORDINANCE ADOPTED FEBRUARY 1, 1979, AS AMENDED, BY ADDING TO, REVISING AND AMENDING ARTICLES II, III, IV, V, VI AND IX 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 Township Zoning Ordinance of 1979 is amended as follows:

- I. Amend Article II., Section 202 to delete certain definitions as noted below, to replace certain definitions as listed below and to modify certain existing definitions, as follows:

"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.

Condominium. (This definition is revised by deleting the wording "the Pennsylvania Unit Property Act of 1963" and by substituting therefore the wording "the Pennsylvania Uniform Condominium Act of 1980.")

Educational Use. The use of any lot, parcel of land, building or structure for the express purpose of the advancement of education for persons of all ages provided that such use shall be recognized and licensed by the Commonwealth of Pennsylvania as an educational use or educational facility and further provided that the term "educational use" or "educational facility" shall not be construed as a facility for purposes of detention or confinement of any person or group including court adjudicated persons.

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 set back line and may not be counted as a part of the minimum lot area required by this Zoning Ordinance (refer also to Section 506 of the Honey Brook Township Subdivision and Land Development Ordinance).

Home Occupation. An accessory use which is clearly incidental or secondary to the residential use of the dwelling unit and is customarily carried on within a dwelling unit or buildings accessory to such dwelling unit and said home occupation is conducted by one or more occupants of such dwelling unit. Any home occupation shall require approval as a Special Exception by the Zoning Hearing Board.

Land Development. (the first paragraph and subparagraph is revised to read:)

- 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 group of two (2) or more buildings, or a single building (other than single-family detached dwellings and agricultural buildings), or

The balance of the definition of Land Development will remain without change.

Lot, Flag. (Refer to definition for Flag Lot.)

Mobile Home. Add to existing definition - "A mobile home may not be used as a storage facility."

Sight Distance. The distance of unobstructed view along the centerline 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.

Subdivision and Land Development Ordinance. The Subdivision and Land Development Ordinance of Honey Brook Township as adopted August 5, 1976, as amended."

II. Amend Article III., Section 302.3., by adding the following new Subparagraph f) as follows:

f) Home Occupations as defined in this Ordinance and as noted in Section 901.26 herein."

III. Amend Article III., Section 303.1 by adding a new Subparagraph f) as follows:

"f) Maximum Impervious Coverage 20%"

IV. Amend Article III., Section 303.2 by adding a new Subparagraph f) as follows:

"f) Maximum Impervious Coverage 25%"

V. Amend Article IV., Section 402.1.,c) by deleting the second paragraph pertaining to "Home Occupations" and by inserting therefore the following wording:

"Home Occupations, as defined in this Ordinance and as noted in Section 901.26 herein."

VI. Amend Article IV., Section 402.2.,a) to incorporate a new requirement for maximum impervious coverage following the existing requirement for maximum building height, as follows:

"Maximum Impervious Coverage 20%"

VII. Amend Article IV., Section 402.2.,b) to incorporate a new provision for maximum impervious coverage following the requirement for maximum building height, as follows:

"Maximum Impervious Coverage 20%"

VIII. Amend Article IV., Section 402.2.,c) to incorporate a new provision for maximum building coverage following the

existing requirement for maximum building height, as follows:

"Maximum Impervious Coverage 20%"

IX. Amend Article IV., Section 402.2.,d) to incorporate a new provision for maximum building coverage following the existing requirement for minimum yards, as follows:

"Maximum Impervious Coverage 15%"

X. Amend Article IV., Section 403.1.,c) by deleting the present wording regarding "Home Occupation" and substituting therefore the following wording:

"Home Occupation in a single-family detached dwelling only and as defined in this Ordinance and as noted in Section 901.26 herein."

XI. Amend Article V., Section 403.2., by adding a new Subsection 403.2.,k), as follows:

"k) The maximum building coverage for single-family detached dwellings in this district shall be twenty-five (25) percent and the maximum impervious coverage for single-family detached dwellings on each lot shall be thirty-five (35) percent. The maximum building coverage when combined dwelling types are constructed shall not exceed thirty-five (35) percent of each lot or each development site (except townhouses) and the maximum impervious coverage for each lot and for the entire development site shall not exceed fifty (50) percent. The maximum permitted building coverage for townhouse units shall not exceed sixty (60) percent of each lot area and the maximum permitted impervious coverage for townhouse units shall not exceed seventy (70) percent of each lot."

XII. Amend Article V., Section 501.2 by adding a new use by Special Exception as Subparagraph f), as follows:

"f) Home Occupation as defined in this Ordinance and as noted in Section 901.26 herein."

XIII. Amend Article V., by correcting Section 502.2 by deleting the line which reads "Maximum Lot Coverage" and by substituting therefore the words "Maximum Impervious Coverage."

XIV. Amend Article VI., by adding a new Section 602.3 as follows:

"602.3 Uses by Special Exception

The following use may be permitted when authorized as a Special Exception by the Zoning Hearing Board in accordance with Article XII, herein.

a) A municipal landfill owned and operated by Honey Brook Township or owned and operated by an Authority created by the Board of Supervisors of Honey Brook Township and meeting all solid waste disposal requirements of the Pennsylvania Department of Environmental Resources."

XV. Amend Article VI., Section 603.2 by deleting the wording "Maximum Lot Coverage" and substituting therefore "Maximum Impervious Coverage."

XVI. Amend Article IX., by deleting Section 901.10.,d) and by substituting therefore the following new Subparagraph d):

"d) Time Limit for Development Plans

In the event that substantial progress has not been made in completing the Development Plan or in the event that actual development or construction has not yet begun after a period of five (5) years from the official date of the granting of the approval of the Preliminary or Final Development Plan, then such approval of the Development Plan shall become null and void. However, an applicant may apply to the Board of Supervisors, in writing, prior to the above expiration time for an additional one (1) year extension. If the Supervisors should deny the request for extension, then the original plan approval shall become null and void, and any further consideration of the specific application shall be as an entirely new submission. In all cases, the provisions of Section 508 of the Municipalities Planning Code, as amended from time to time, shall apply."

XVII. Amend Article IX., Section 901.22., by revising the Off Street Parking requirement for business and professional office as follows:

"Business and Professional Office	150 square feet of office floor area"
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XVIII. Amend Article IX., by adding a new Section 901.26 for Home Occupations as follows:

"901.26 HOME OCCUPATIONS

- a. Wherever the practice of a home occupation is permitted, the principal person so employed must be a resident of the dwelling unit. Such occupation shall be incidental or secondary to the use of the property as a residence and is limited to those occupations customarily conducted within a dwelling unit or accessory buildings. Any home occupation shall require approval as a Special Exception by the Zoning Hearing Board.
- b. Standards
 - (1) A home occupation shall be limited to the employment on the premises of not more than two (2) paid or unpaid assistants employed at any one time.
 - (2) Three (3) off-Street parking spaces, in addition to those required for the residence units, shall be required for any such home occupation.
 - (3) Home occupations shall not occupy more than twenty-five (25) percent of the total floor area of the dwelling unit or 600 square feet, whichever is less. If an accessory building is used alone or in combination with the dwelling unit, the work area may not exceed a total of six hundred (600) square feet.
 - (4) Home occupations shall be subject to the following limitations.
 - (a) No emission of unpleasant gases or other odorous matter shall be permitted.
 - (b) No emission of noxious, toxic, or corrosive gases or fumes injurious to persons, property, or vegetation shall be permitted.
 - (c) No glare and heat from any home occupation shall be permitted.

- (d) No discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water, or into the ground of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any sewage system or any sewage treatment plant, or otherwise could cause the emission of dangerous objectionable elements.
- (e) No vibration perceptible beyond the dwelling unit or building in which the home occupation is conducted shall be permitted.
- (f) No noise shall be audible beyond the dwelling unit or building in which the home occupation is conducted which exceeds the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.
- (g) No emission of any smoke shall be permitted.
- (h) Electric or electronic devices shall be shielded in such a manner as not to interfere with radio or television reception or transmission of any kind.
- (i) No manufacturing, repairing or other mechanical work shall be performed in any open area. Such activity shall be conducted in such a way that no noise, odor, vibration, electromagnetic interference or smoke shall be noticeable at or beyond the property line.
- (j) No storage of materials or products shall be permitted in open areas (outside of the principal or accessory building).
- (k) No articles shall be sold or offered for sale except such as may be produced on the premises unless incidental to the principal service provided.

- (l) There shall be no use of display windows or advertising visible outside the premises to attract customers or clients other than home occupation announcement signs as permitted and regulated in Subsection 901.20.
- (m) No external alterations shall be permitted which are not customary in residential building or indicates from the exterior that the dwelling is utilized for purposes other than a dwelling.
- (n) No repetitive servicing by trucks for supplies and materials shall be permitted.
- (o) The conducting of any home occupation shall not create a traffic problem in terms of excessive traffic generation.
- (p) An approved home occupation may be conducted only during the hours of 7:00 a.m. to 9:00 p.m."

XIX. Amend Article IX., by adding a new Section 901.27 regarding overall building height limitations, towers and antenna, as follows:

"901.27 OVERALL BUILDING HEIGHT LIMITATIONS, TOWERS, AND ANTENNA

The maximum building height in the A-Agricultural District, in the R-1 and R-2 Residential Districts, and the NC-Neighborhood Commercial District shall not exceed thirty-five (35) feet as specified in each respective District. Within the IP-Planned Industrial Office District, the maximum height of any building shall not exceed fifty-five (55) feet. The height of farm buildings and farm related structures shall be exempt from these regulations.

A pole, mast or tower related to the use of an amateur radio operation is permitted as an accessory use to a dwelling [refer to Section 901.1.,b) of this Ordinance] provided the height of said poles, masts or towers does not exceed the maximum height limitation of the District in which it is located. If a person requires a pole, mast, tower or antenna exceeding the height limitation of the District in which the

structure is located, a Special Exception granted by the Zoning Hearing Board shall be required for such additional height. In addition, if a Special Exception is sought which exceeds the height limitations within the respective District, the regulations below shall also apply to such Special Exceptions if granted. Further, any commercial radio towers, radio antennae not related to a residence, any microwave relay towers and similar commercial communication towers for which any Special Exception might be granted within any District shall be subject to each of the following regulations:

- A. The tower or antenna and its foundation shall be designed and all construction shall be supervised by a registered professional engineer. The applicant shall file a location plan and all appropriate details for the tower prepared by a registered professional engineer in addition to all manufacturers' specifications required.
- B. Where a tower is erected by a tenant, the consent of the owner of the property shall be included with the application.
- C. The tower base shall meet all of the front side and rear yard requirements of the District in which it is proposed to be located and no portion of the base of said tower shall be located closer to any property line than the actual proposed height of said tower.

XX. Amend Article IX., by adding a new Section 901.28 regarding minimum lot frontage for all Districts within the Township, as follows:

"901.28 MINIMUM LOT FRONTAGE - ALL DISTRICTS

Each lot in any zoning districts shall have a minimum lot width at the street right-of-way line of not less than fifty (50) feet except where flag lots are otherwise permitted in which case the minimum street frontage for the portion of the lot connecting with the main lot area shall not be less than twenty-five (25) feet. This does not alter or modify the required lot width at the building line as specified for each respective zoning district."

XXI. Amend Article III, Section 302.2 by deleting subparagraph a) and by deleting subparagraph d), substituting a new subparagraph d), shown below, and by assigning new letters to each subparagraph:

"d) Church use, educational use, religious facility use, charitable or philanthropic use. However, none of the foregoing conditional uses shall involve a correctional, penal or detention facility for any court adjudicated person or for a group of such persons."

XXII. Amend Article IV, Section 402.1,b) by deleting subparagraph 2) and by substituting the following new subparagraph 2):

"2) Church use, educational use, religious facility use, charitable or philanthropic use. However, none of the foregoing conditional uses shall involve a correctional, penal or detention facility for any court adjudicated person or for a group of such persons."

XXIII. Amend Article IV, Section 403.1., to add a new subparagraph d) as follows:

"d) Conditional uses which must be approved by the Board of Township Supervisors:

1) Churches"

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. Stinson
Township Secretary

BOARD OF SUPERVISORS
OF HONEY BROOK TOWNSHIP

James L. Smith
Richard J. Decker
Donald Johnson