

ORDINANCE NO. _____ OF 2018

WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING CHAPTER 170, ZONING, OF THE CODE OF WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, REGARDING THE CONVERSION OF AN ACCESSORY DWELLING UNIT INTO A RENTAL DWELLING UNIT BY SPECIAL EXCEPTION AND PROVIDING A DEFINITION FOR “BUILDING FOOTPRINT.” ~~AND “MEMBERS OF THE SAME FAMILY.”~~ AND “RENTAL DWELLING UNIT.”

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that certain provisions of Chapter 170, Zoning, of the Code of Westtown Township, as amended, be amended as follows:

SECTION 1. Article II, Definitions, §170-201, Definitions, shall be amended by adding the following new terms and definitions:

BUILDING FOOTPRINT

The area of any building measured along the perimeter of the exterior foundation walls.

MEMBER(S) OF THE SAME FAMILY

Any individual, such individual’s brothers and sisters, the brothers and sisters of such individual’s parents and grandparents, the ancestor and lineal decedents of any of the foregoing, a spouse of any of the foregoing, ~~and the estate of any of the foregoing.~~ Individuals related by the half blood or legal adoption shall be treated as if they were related by the whole blood.

RENTAL DWELLING UNIT

Any space used for human occupancy located within a building used for residential use and occupancy, that is rented for human occupancy under either a written or oral lease or other rental agreement, regardless of the term of the rental or lease, but excluding units within a motel or hotel rented by the day for transient occupancy.

SECTION 2. Article V, A/C Agricultural/Cluster Residential District, §170-501, Use regulations, Subsection B, Uses by special exception, shall be amended by the addition of the following subparagraph:

(8) Conversion of an accessory dwelling unit into a rental dwelling unit, in accordance with the provisions of §170-1619.

SECTION 3. Article VI, R-1 Residential District, §170-601, Use regulations, Subsection B, Uses by special exception, shall be amended by the addition of the following subparagraph:

(9) Conversion of an accessory dwelling unit into a rental dwelling unit, in accordance with the provisions of §170-1619.

SECTION 4. Article VII, R-2 Residential District, §170-701, Use regulations, Subsection B, Uses by special exception, shall be amended by the addition of the following subparagraph:

(8) Conversion of an accessory dwelling unit into a rental dwelling unit, in accordance with the provisions of §170-1619.

SECTION 5. Article XVI, Supplemental Regulations, new §170-1619, Conversion of an Accessory Dwelling Unit (ADU) into a rental, shall be added as follows:

§170-1619. Conversion of an Accessory Dwelling Unit (ADU) into a ~~Rental Dwelling Unit (RDU)~~.

A. Statement of intent. The intent of this section is to provide an alternative use for a structurally sound, approved, and permitted ADU whose occupancy was permitted only to “related or relative” persons as defined under §170-201. This section is also intended to increase the supply of smaller dwelling units and provide for a more efficient use of the existing housing stock, while protecting the character of sound, stable residential neighborhoods and preserving the basic character of dwellings that might otherwise become obsolete.

B. Standards for conversion to residential rental use. An approved, permitted ADU, existing on the effective date of this chapter, may be converted into and used as a ~~dwelling unit for rent~~RDU, when approved as a special exception by the Zoning Hearing Board in accordance with the terms of Article XXI of this chapter and with the following ~~stipulations~~standards:

- 1) The ARDU may be located in the principal dwelling or in a structure which is accessory to the principal dwelling and is located on the same single-family residential lot.
- 2) A RDU located within a principal dwelling shall meet the setbacks for the principal dwelling for the zoning district in which it is located. A detached ARDU located in a structure which is accessory to the principal dwelling shall meet the setbacks for an accessory structure for the zoning district in which it is located.
- 3) The minimum size of the ARDU shall be 500 square feet, the maximum size shall be no greater than 50% of the building footprint of the principal dwelling.

- 4) The height of the ARDU shall not exceed the height of the principal dwelling.
- 5) There shall not be more than one ~~accessory dwelling unit~~RDU ~~created~~permitted on any single-family residential lot.
- 6) One of the two dwelling units (either the ~~principle~~principal or the accessory) shall be occupied by the owner of the property, or a ~~family m~~Member of the Same Family of the owner of the ~~lot~~property on which both dwelling units are located.
- 7) At least one paved off-street parking space shall be required for the ~~accessory dwelling unit~~RDU in addition to those required for the principal dwelling. ~~The additional parking space(s) shall not be located within any required setback area.~~
- 8) ~~Utility billing for the property shall remain under the name of the property owner.~~
- 9) ~~8) No other~~Any alterations to the exterior of the ~~structure~~RDU shall be ~~permitted unless necessary for health or safety reasons~~in keeping with the character of the principal dwelling.
- 9) Sanitary Sewer.
 - a. ~~Where the principal dwelling unit is connected to public sewer, then the RDU must also be connected to public sewer.~~
 - 10) ~~b. Except w~~Where public sewer is ~~un~~available, the applicant shall submit to the Township a permit for an on-site sewage disposal system issued by the Chester County Health Department, certifying that the sewage disposal facilities are adequate for the projected number of residents. Where the existing on-site system is found to be inadequate, by the Health Department, to serve the projected demand, no approval shall be given for the ~~accessory dwelling unit~~RDU by the Township until the system is improved to meet Health Department requirements and a permit is issued by the Health Department.
- 11) ~~10) To ensure compliance with this chapter, a site plan shall be submitted, accurately drawn to scale, indicating the location and size of the existing and proposed dwelling units~~principal dwelling unit and the RDU, parking areas, ~~all utility connections.~~
- 12) ~~11) All accessory dwelling units~~RDUs in the Township shall be subject to the requirements of §170-2004, §170-2005 and §170-2006 relating to use and occupancy permits.

Comment [PMM1]: This should be removed or amended as driveways can be as close as 5 feet to the property line. I do not think it is advisable to require parking outside of the setbacks, otherwise it will be limited to the building envelope of the property and will not be practical. Consider also amending §170-1603.A(2)(h) to be consistent.

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Comment [PMM2]: This is not a concern for zoning, but rather is a matter for the property owner and/or utility company to determine.

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13)12) The ~~Rental Dwelling Unit~~RDU shall not be occupied by more than one (1) family, ~~per dwelling unit~~, which shall consist entirely of individuals who are related to one another as ~~defined under~~ "Members of the ~~s~~Same ~~f~~Family".

SECTION 6. If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or validity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisor that this Ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

SECTION 7. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 8. This Ordinance will be effective five (5) days after enactment.

ENACTED AND ORDAINED this _____ day of _____, 2018.

ATTEST:

WESTTOWN TOWNSHIP

Secretary

Carol R. DeWolf, Chair

Scott E. Yaw, Vice Chair

Mike T. DiDomenico

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