

WESTTOWN TOWNSHIP

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AGENDA Westtown Township Board of Supervisors Workshop

**Westtown Township Municipal Building
1039 Wilmington Pike, Westtown**

Tuesday, January 22, 2019 – 6:00 pm

- 1. Draft Ordinance Amendment 1 of 2 – Accessory structures setbacks**
- 2. Draft Ordinance Amendment 2 of 2 – Converting an Accessory Dwelling Unit (ADU) into a Rental Dwelling Unit (RDU)**
- 3. Scheduling of 2019 Supervisors meetings with township Planning, Parks & Recreation, and Historical commissions**
- 4. Rt. 202 traffic control signs**

MEMORANDUM

Westtown Township

DATE: June 14, 2018
TO: Rob Pingar, Township Manager
FROM: William Ethridge
Director P&Z
SUBJECT: Proposed Amendment 1 of 2 – New accessory structure setbacks

Rob,

Starting in August of 2017 the Planning Commission began discussions on updating the setbacks for accessory structures to make them easier to understand for applicants and for review by Township staff.

The proposed language would regulate the following accessory structures in A/C, R-1, and R-2 districts only:

- Private garages
- Private greenhouses
- Garden sheds
- Vehicle repair garages

The rear and side yard setbacks would equal the height of the proposed structure. An 8' tall shed would need to be at least 8' from the side or rear lot line. The size of the structure would be capped at 50% of the footprint of the principal dwelling. So if your home is 5,000 sqft the maximum size allowed for your future accessory structure(s) would be 2,500 sqft. (Additional structures would be allowed under the same rules but would ultimately be limited by the impervious surface cap for the lot). The height of the structure would be capped at the height of the principal dwelling.

The language before the Board has been vetted by both myself and Pat McKenna and we believe is ready for review by the County. The PC and I hope the Board will review this amendment favorably.

ORDINANCE NO. _____ OF 2018

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING CHAPTER 170, ZONING,
OF THE CODE OF WESTTOWN TOWNSHIP
REGARDING THE SIZE AND SETBACK
REQUIREMENTS FOR ACCESSORY STRUCTURES AND
USES ACCESSORY TO RESIDENTIAL USE.**

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 XV, General Regulations, §170-1502, Projections into setbacks and setback exceptions, Subparagraph 7 shall be amended to read as follows:

Arbors, garden sheds, private garages, private greenhouses, trellises, workshops, and similar accessory structures shall be permitted within side and rear yard areas provided they do not exceed the height, nor 50% of the footprint, of the principal structure. The side and rear yard setbacks for such structures shall match the height of the accessory structure, irrespective of the otherwise applicable yard requirement of the district. Any wheels attached to a mobile structure must be removed prior to the issuance of any permits. These standards do not apply to flexible developments.

SECTION 2. Article XVI, Supplemental Regulations, §170-1603, Accessory uses and structures, Subparagraph C, Uses accessory to residential use, Subsections (1), (2), and (3) shall be amended to read as follows:

- (1) Private parking space.
- (2) Barn, private stable or other shelter for animals (but not including a kennel, in accordance with the terms of §170-1516 of this chapter.
- (3) Private garage, workshop, or greenhouse, garden shed, or similar structure.

SECTION 3. 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 4. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 5. 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

MEMORANDUM

Westtown Township

WSK

DATE: June 14, 2018

TO: Rob Pingar, Township Manager

FROM: William Ethridge
Director P&Z

SUBJECT: Proposed Amendment 2 of 2 – Converting an existing Accessory Dwelling Unit (ADU) into a Rental Dwelling Unit (RDU)

Rob,

In August of 2017 the Planning Commission became aware, that the Zoning Hearing Board wanted to discuss several changes they would like to see in the Zoning Ordinance. One of those changes was to consider allowing by Special Exception, the conversion of a previously approved Accessory Dwelling Unit, into a Rental Dwelling Unit. The reason for this request was multifaceted. Over the years the ZHB has approved Accessory Dwelling Units by Special Exception. The specific standards for granting an SE for an ADU are listed under 170-1603 A (which are listed on the next page). The standards require that the ADU *may only be occupied by a member of the family of the occupants of the principal dwelling, or those providing care or services to the occupants of the principal dwelling.* This means that you may not rent out the ADU to someone who is not related to you as the occupant of the principal dwelling.

Once the need for the dwelling unit no longer exists (aging parents move into a long term care facility...or pass away) the dwelling units are often (illegally) rented out because a substantial investment was made creating the dwelling unit and owners will inevitably look for ways to turn the unit into an income generator (long term or short term rentals). The cost to remove the kitchen (stove, etc.) can be cost prohibitive also.

The ZHB argued, and the Planning Commission agreed, that property owner(s) in possession of an ADU should be provided a legal means of converting this unit into a rental unit provided certain conditions are met. The Planning Commission believes the conditions outlined in their proposed amendment are reasonable for allowing an ADU to convert to an RDU.

The language before the Board has been vetted by both myself and Pat McKenna and we believe is ready for review by the County. The PC and I hope the Board will review this amendment favorably.

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,” “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. 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 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 standards:
 - 1) The RDU 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 RDU 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 RDU 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 RDU shall not exceed the height of the principal dwelling.
- 5) There shall not be more than one RDU permitted on any single-family residential lot.
- 6) One of the two dwelling units (either the principal or the accessory) shall be occupied by the owner of the property, or a Member of the Same Family of the owner of the property on which both dwelling units are located.
- 7) At least one paved off-street parking space shall be required for the RDU in addition to those required for the principal dwelling.
- 8) Any alterations to the exterior of the RDU shall be 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.
 - b. Where public sewer is unavailable, 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 RDU by the Township until the system is improved to meet Health Department requirements and a permit is issued by the Health Department.
- 10) To ensure compliance with this chapter, a site plan shall be submitted, accurately drawn to scale, indicating the location and size of the principal dwelling unit and the RDU, parking areas, all utility connections, and any proposed exterior alterations.
- 11) All RDUs in the Township shall be subject to the requirements of §170-2004, §170-2005 and §170-2006 relating to use and occupancy permits.
- 12) The RDU shall not be occupied by more than one (1) family, which shall consist entirely of individuals who are related to one another as Members of the Same 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