

Chapter 170. Zoning

Article XV. General Regulations

§ 170-1502. Projections into setbacks and setback exceptions.

[Amended 3-3-2003 by Ord. No. 2003-2]

- A. The following components of principal buildings (with or without accessory dwelling units), may project into any required yard so long as they are set back at least 15 feet from any lot line: terraces; platforms, stoops, patios, and other uncovered landings; buttresses; chimneys; cornices; piers or pilasters; unenclosed fire escapes; and unroofed steps.
- B. In situations where the Board of Supervisors permits a lot size which conforms to the footprint of a building, such components or decks may project no more than 25% of the minimum distance between buildings or be set back at least 15 feet from the tract boundary; projections into open space not covered by these standards shall be subject to approval by the Board of Supervisors.
- C. Raised decks attached to a dwelling may extend into a required side or rear yard, provided they are set back a minimum of 15 feet from any lot line (except along a lot line where two dwellings are attached to each other).
- D. An open gazebo or a similar unenclosed uninhabitable decorative structure with a maximum floor area of 64 square feet shall be permitted within a front yard setback, provided the front yard has a minimum width of 50 feet.
- E. A movable awning or movable canopy may project into any required yard not more than 25 feet, but shall not be closer than 15 feet from any property line.
- F. Arbors, trellises, garden sheds, and similar uninhabitable accessory structures under 250 square feet in area, excluding garages, shall be permitted within side and rear yard areas provided they are not more than 12 feet in height, and not closer than 15 feet from the lot line, irrespective of the otherwise applicable yard requirement of the district.
- G. Swimming pools, measured from the edge of the water, tennis courts, and similar outdoor recreation facilities shall be permitted within side and rear yard areas provided they are set back at least 25 feet from the lot line.
- H. Corner lots. If a corner lot is occupied by a single-family detached dwelling, and the applicant proves to the Zoning Officer that there is no suitable permitted location for customary accessory uses/structures (such as a shed or pool), then the Zoning Officer may permit such accessory use/structure in one of the two front yards, provided it is located and landscaped so as to minimize the impacts upon the neighborhood.

Chapter 170. Zoning

Article XVI. Supplemental Regulations

§ 170-1603. Accessory uses and structures.

[Amended 3-3-2003 by Ord. No. 2003-2]

Uses considered customarily accessory and incidental to any permitted use under this chapter shall include those generally provided for within the various zoning districts. In addition, the uses listed herein shall specifically be deemed accessory in accordance with the following terms:

A. Accessory dwellings.

[Amended 9-15-2008 by Ord. No. 2008-1; 5-21-2012 by Ord. No. 2012-5]

- (1) Specific intent. In allowing opportunities for the creation of accessory dwelling units, it is the specific intent of this subsection to address directly the housing needs of small households to make more efficient use of the Township's existing building stock and infrastructure.
- (2) Standards for accessory dwellings. Where authorized as a special exception under the terms of this chapter, accessory dwellings may be created in accordance with the following standards:
 - (a) There shall not be more than one accessory dwelling unit created on any single-family residential lot.
 - (b) The accessory dwelling unit 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.
 - (c) One of the two dwelling units shall be occupied by the owner of the lot on which both dwelling units are located.
 - (d) The accessory dwelling unit shall be occupied only by members of the family of the occupants of the principal dwelling or those providing care or services to the occupants of the principal dwelling unit.
 - (e) The minimum size of an accessory dwelling shall be 500 square feet of gross habitable area. The accessory dwelling shall comprise not more than 35% of the gross habitable area of the principal dwelling prior to creation of the accessory dwelling. However, in no case shall the accessory dwelling exceed 1,200 square feet, not including any vehicle garage space.
 - (f) No other alterations to the exterior of the structure shall be permitted unless necessary for health or safety reasons. No exterior changes shall be made which, in the judgment of the Zoning Hearing Board, are not in conformance with the existing single-family character of the neighborhood.
 - (g) Except where an off-site sewage system is 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 Department, to serve the projected demand, no approval shall be given for the accessory dwelling unit until the system is improved to meet Health Department requirements and a permit is issued by the Department.

- (h) One off-street parking space shall be required for the accessory dwelling unit in addition to those required for the principal dwelling. The additional parking space shall not be located within any required yard area.
- (i) To ensure compliance with this chapter, an architectural plan shall be submitted, accurately drawn to scale, indicating the location and size of the existing and proposed dwelling units, parking areas and any proposed exterior alterations.
- (j) All accessory dwelling units in the Township shall be subject to the requirements of §§ **170-2004**, **170-2005** and **170-2006** relating to use and occupancy permits.

B. Uses accessory to agriculture.

- (1) Greenhouse.
- (2) Display and sale of farm products, in accordance with the following:
 - (a) At least 50% of such products shall have been grown on the property on which they are offered for sale or by the family of the operator.
 - (b) Parking space for at least three cars shall be provided on the lot. Where building area exceeds 600 square feet, one additional parking space shall be provided for each additional 200 square feet of building area.
 - (c) Sale of farm products shall be conducted either from a temporary stand, dismantled at the end of the growing season, or from a permanent building, the location of which complies with all Township setback standards for that zoning district. Any temporary structure shall be set back at least 25 feet from the right-of-way line of the road.
 - (d) The use shall be on a lot or contiguous lot(s) of at least five acres in the R-1 District, provided that the lot requirements for creation of any new lot shall be met. If the lot is not five acres or more, the use may also occur on a lot that generates more than \$2,000 of annual agricultural revenue.
 - (e) The use may also include the sale of custom crafts as supplemental to the farm products.
 - (f) The applicant shall prove that any driveway location has suitable sight distances at entrances/exits to a public street.
- (3) Keeping, breeding, and management of livestock and poultry, in accordance with § **170-1516** of this chapter.
- (4) The following accessory uses are permitted for a malt production use as accessory and subordinate to agriculture on the same parcel(s) of land which is permitted for and being utilized for agriculture in the A/C Agricultural/Cluster Residential District, subject to the following standards in this Subsection **B(4)** herein, which shall control over other provisions set forth in § **170-1603B(2)** and § **170-1609I(2)**:
[Added 9-6-2016 by Ord. No. 2016-5]
 - (a) Storage, processing and sale of malt and malt products whether or not the grain was grown on site subject to a maximum annual production/processing of 2,000 tons of malt. A report is required to be submitted to the Township on an annual basis confirming production output.

- (b) Malt tasting room on premises for the showcase, promotion, and sale of malt and malt products as well as any other farm products grown or produced on premises subject to the following:
 - [1] Tastings of malt beverages are permitted on the premises only in accordance with the Pennsylvania Liquor Control Board's (PLCB) regulations for beer tastings and subject to full compliance with all PLCB regulations including possessing a valid license.
 - [2] Seating must be available for at least 10 patrons in accordance with the regulations of the PLCB, not to exceed 50 indoor seats.
 - [3] Food must be available for patrons if there will be on-premises consumption of malt beverages in accordance with the regulations of the PLCB. To the extent food trucks are used, they shall be located at a predetermined location approved by the Township at the time of building permit.
 - [4] On-premises consumption may occur only between the hours of 10:00 a.m. and 12:00 midnight, subject to compliance with the Township Noise Ordinance after 10:00 p.m.
 - [5] Outside seating is permitted for no more than 25 seats.
 - [6] A permanent designated parking area devoted to servicing customers and/or visitors shall be provided proximate to the building used for the malt tasting room. Any additional new parking areas shall be reviewed by the Township at the time of building permit or land development, if applicable, for appropriate berming and/or screening if determined to impact surrounding residential properties in close proximity to same. The designated parking area shall be provided at a calculation of one space per five seats and shall be improved in accordance with § 170-1703B(l).
 - (c) Retail area to sell packaged malt, malt products, and malt accessories including, but not limited to, shirts, hats, and glassware provided that the maximum floor area of a building or portion thereof devoted to retail sales shall be 1,000 square feet. Floor area devoted to retail sales shall include any area for customer's access and circulation, for the display of products including floor area devoted to counters, tables, display cases and similar purposes. Floor area not included in the area devoted to retail sales would include the malt tasting room, and the inside floor area for storage and processing of malt where customer access is restricted except for instructional tours related to the malt production process. No display of retail products outside the building or structure shall be permitted.
 - (d) Applicant shall prove that any new driveway location utilized by patrons has suitable sight distance at the entrances/exits to a public street and shall be subject to PennDOT approval, if applicable.
 - (e) If applicable, any and all third-party permits are required to be submitted at the time of building permit.
- C. Uses accessory to residential use, provided that any detached building that is accessory to a dwelling shall be securely anchored to the ground or attached to a foundation in such a manner that will resist high winds.
[Amended 5-2-2005 by Ord. No. 2005-4]
- (1) Private garage, private parking space, barn.
 - (2) 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 greenhouse, garden shed.

- (4) Home occupation, in accordance with § **170-1605** of this chapter.
- (5) Ham radio or television aerials, masts, or antennas; windmills and similar wind energy conversion systems. Such facilities shall comply with the height regulations of the applicable zoning district, except as provided through special exception under the terms of § **170-1504** of this chapter.
- (6) Microwave antenna for satellite communication, in accordance with the terms of § **170-1604** of this chapter.
- (7) Bed-and-breakfast facility, in accordance with the terms of § **170-1607** of this chapter.
- (8) Vehicle repairs, provided that a residential lot in any residential district shall not be used for any of the following activities:
 - (a) To repair more than one motor vehicle per week that is not registered to a current resident of such lot or a person who is related to a resident of such lot;
 - (b) Spray painting or structural body- or framework of a motor vehicle outside of an enclosed building; or
 - (c) Other motor vehicle repairs that are perceptible from another dwelling between the hours of 9:00 p.m. and 7:00 a.m.
- (9) Vehicle sales. No more than one motor vehicle or boat may be offered for sale on any lot at any one time unless the use is approved as a motor vehicle or boat sales use.