

**ORDINANCE NO. 2019-02**

**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 BY SPECIAL EXCEPTION AND  
PROVIDING A DEFINITION FOR “BUILDING  
FOOTPRINT” AND “MEMBERS OF THE SAME FAMILY”.**

**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.

**MEMBERS 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.

**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, 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, 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, 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.

- 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, either existing on the effective date of this chapter or approved and permitted thereafter, may be converted into and used as a dwelling unit for rent, 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:
- 1) The ADU 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 detached ADU shall meet setbacks for an accessory structure for the zoning district in which it is located
  - 3) The minimum size of the ADU shall be 500 sqft, the maximum size shall be no greater than 50% of the footprint of the principal dwelling.
  - 4) The height of the ADU shall not exceed the height of the principal dwelling.
  - 5) There shall not be more than one accessory dwelling unit created on any single-family residential lot.
  - 6) One of the two dwelling units (either the principle or the accessory) shall be occupied by the owner of the property, or a family member of the owner of the lot on which both dwelling units are located.
  - 7) At least one paved 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(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) No other alterations to the exterior of the structure shall be permitted unless necessary for health or safety reasons.
- 10) Except where public sewer 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.
- 11) 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, parking areas and any proposed exterior alterations.
- 12) 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.
- 13) The Rental Dwelling Unit shall not be occupied by more than 1 family per dwelling unit, which shall consist entirely of individuals who are related to one another as defined under "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 \_\_\_\_\_, 2019.

ATTEST:

WESTTOWN TOWNSHIP

\_\_\_\_\_  
Secretary

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Scott E. Yaw, Chair

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Mike T. Di Domenico , Vice Chair

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Carol R. De Wolf, Police Commissioner