

**WILLISTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO 2 OF 2023

AN ORDINANCE PURSUANT TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AMENDING CHAPTERS 139, 73 AND 123 OF THE CODE OF ORDINANCES OF WILLISTOWN TOWNSHIP, BEING THE WILLISTOWN TOWNSHIP ZONING ORDINANCE, THE WILLISTOWN TOWNSHIP ENVIRONMENTAL PROTECTION ORDINANCE AND THE WILLISTOWN TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, BY DEFINING VARIOUS TERMS; BY CORRECTING SEVERAL SECTION REFERENCES; BY AMENDING PERMITTED USES WITHIN THE RU RURAL DISTRICT; BY ADDING SPECIFIC STRUCTURES PERMITTED WITHIN A REDUCED SETBACK; BY AMENDING THE SIGN SECTION TO PERMIT WALL SIGNS ON BUILDINGS WITH MULTIPLE STREET FRONTAGES; BY REQUIRING ADDITIONAL DETAIL TO ZONING PERMITS; BY AMENDING THE DELINEATION AND DEFINITION OF PROHIBITIVE AND PRECAUTIONARY SLOPES; AND BY AMENDING DESIGN STANDARDS FOR CUL-DE-SAC TURNAROUNDS.

BE IT AND IT IS HEREBY ENACTED by the Board of Supervisors of Willistown Township, Chester County, as follows:

SECTION 1. The Zoning Ordinance of Willistown Township, Chapter 139 thereof, being the Willistown Township Zoning Ordinance of 1981, as amended (the "Zoning Ordinance"), §139-6 ("Definitions"), is hereby amended by the revision to and the creation of the following:

BUILDING AREA/COVERAGE

The aggregate of the maximum horizontal cross-section areas of all the buildings on a lot, excluding cornices, eaves, gutters, chimneys projecting not more than 18 inches, bay windows not extending through more than one story and not projecting more than five feet, uncovered steps and balconies, but including porches, breezeways, sheds, garages, and carports.

DWELLING UNIT

A building or entirely self-contained portion thereof containing complete kitchen and housekeeping facilities, designed for and occupied exclusively by only one family (including any domestic servants living or employed on the premises) with no enclosed space (other than vestibules, entrances or other hallways or porches) in common with any other dwelling unit. Dwelling units may be contained in the following structures, which are themselves defined as follows:

IMPERVIOUS SURFACE

A surface that has been compacted or covered with a layer of material so that it prevents or is resistant to infiltration of water, including but not limited to: structures such as roofs, buildings, storage sheds; other solid, paved or concrete areas such as streets, driveways, sidewalks, parking lots, patios, terraces, decks, swimming pools, tennis or other paved courts; or athletic playfields comprised of synthetic turf materials. For the purposes of determining compliance with this chapter, compacted soils or stone surfaces used for vehicle parking and movement shall be considered impervious. Surfaces that were designed to allow infiltration (i.e., areas of porous pavement) will be considered on a case-by-case basis by the Township, based on appropriate documentation and condition of the material, etc.

NO-IMPACT HOME OCCUPATION

A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic (whether vehicular or pedestrian) pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activities must comply with the standards in §139-12.G(2)(a-j) of this chapter.

SECTION 2. The Zoning Ordinance, §139-94 (“Yard Exception for Accessory Uses and Buildings”), is hereby amended by the revision of subsections A, A(1), A(2) and A(3) as follows:

- A. An arbor, trellis, garden shed, pool equipment shed or pad, tool shed or similar uninhabitable accessory structure/building (but not to include a garage for the storage of automobiles, a swimming pool, pool house, outdoor fireplace, outdoor kitchen, tennis court, boathouse or other recreational facility, which is separate from the principal building), may be located in the required side and/or rear yard, but not the front yard, as follows:
- (1) RU, RA, RA-1 (without public water) districts. Accessory structures/buildings as defined herein shall not be less than twenty (20) feet from any property line, provided that such structures/buildings are situated a minimum of fifty (50) feet from the rearmost portion of the principal building. Such structures/buildings shall be no more than nine (9) feet in height. The provisions of this subsection shall not apply to a side or rear yard which abuts a street.
 - (2) RA-1 (with public water), R-1, R-2, OSC districts. Accessory structures/buildings as defined herein shall not be less than ten (10) feet from any property line, provided that such structures/buildings are situated a minimum of twenty (20) feet from the rearmost portion of the principal building. Such structures/buildings shall be no more than nine (9) feet in height. The provisions of this subsection shall not apply to a side or rear yard which abuts a street.
 - (3) R-3 districts. Accessory structures/buildings as defined herein shall not be less than three (3) feet from any property line, provided that such structures/buildings are situated a minimum of ten (10) feet from the rearmost portion of the principal building.

Such structures/buildings shall be no more than nine (9) feet in height. The provisions of this subsection shall not apply to a side or rear yard which abuts a street.

SECTION 3. The Zoning Ordinance, §139-103 Front Yard Exception, is hereby amended by the addition of new subsection C as follows:

- C. In R-3 Districts, a porch on a single family detached dwelling may project six (6) feet into the required front yard provided the maximum building and impervious coverages are not exceeded.

SECTION 4. The Zoning Ordinance, §139-110 (“Use and Location Requirements”), is hereby amended by the revision of subsection J(1)(g) as follows:

- (g) No more than one (1) wall sign and one (1) ground sign for a single business shall be erected on the same premises as the use to which they relate, except for a business that has frontage on two (2) streets, in which case one (1) additional wall sign may be placed on each building façade with street frontage.

SECTION 5. The Zoning Ordinance, §139-110.1 (“Standards for Signs Based on Type of Construction”), is hereby amended by the revision of subsection B(2)(b) as follows:

- (b) One (1) wall sign shall be permitted on the front façade of the building and one (1) additional wall sign on the rear façade of a building with double frontage.

SECTION 6. The Zoning Ordinance, §139-113 (“Zoning Permit”), is hereby amended by the addition of other required information to subsections E and E(2) as follows:

- E. At the time of application for the zoning permit, the applicant shall submit a site plan to the Zoning Officer, which site plan shall include the following information:
 - (2) A plan or map of the property showing the location of the proposed construction with respect to the following, as applicable: flood-prone areas, wetlands, steep slopes, fills, woodlands, historic resources, and areas subject to special restrictions such as agricultural security areas and conservation easements. In addition, the application shall include base flood elevation data.

SECTION 7. The Zoning Ordinance, §139-118.1 (“Application for Conditional Use Approval”), is hereby amended by the revision of subsection A(5) as follows:

- (5) Notice of the hearing shall be given as required by law and as would be required by the Zoning Hearing Board pursuant to §139-122 of this chapter.

SECTION 8. The Zoning Ordinance, §139-154 (“Common open space standards”), is hereby amended by the revision of subsection F(6) as follows:

- (6) Agriculture, pursuant to the requirements of the underlying district.

SECTION 9. The Code of the Township of Willistown, Chapter 73 thereof, being the Willistown Township Environmental Protection Ordinance of 1995, as amended (the "Environmental Protection Ordinance"), Article VII, Steep Slope Conservation District §73-31 ("Designation and Interpretation of District Boundary"), is hereby amended by the revision of subsections A and B as follows:

- A. The Steep Slope Conservation District consists of two areas which are delineated and defined as follows:
 - (1) Prohibitive slope. Prohibitive slopes are those of greater than twenty-five percent (25%) slope as based upon and mapped using two-foot contours from a topographic survey of the property or on the United States Geological Survey (U.S.G.S.) Topographic Maps of the Regional Base Map Series of 1973 for the Malvern, Media, Valley Forge and West Chester Quadrangles (i.e., sloping more than 25 feet vertical over a distance of 100 feet horizontal), where such slope exists for five (5) contiguous contour intervals in any continuous horizontal increment along the slope of fifty (50) feet or more.
 - (2) Precautionary slope. Precautionary slopes are those of fifteen to twenty-five percent (15-25%) slope as based upon and mapped using two-foot contours from a topographic survey of the property or on the U.S.G.S. Topographic Maps of the Regional Base Map Series of 1973 for the Malvern, Media, Valley Forge and West Chester Quadrangles (i.e., sloping 15 to 25 feet vertical over a distance of 100 feet horizontal), where such slope exists for five (5) contiguous contour intervals in any continuous horizontal increment along the slope of fifty (50) feet or more.
- B. Whenever there is a difference between the Zoning Map overlay and the two-foot contours from a property survey or the applicable United States Geological Survey Topographic Map, the two-foot contours from a site survey or Topographic Map shall determine the boundaries of the Steep Slope Conservation District.
- C. Boundary interpretation and appeals procedure.
 - (1) Each application for construction or land disturbance within the Steep Slope Conservation District shall be submitted in accordance with §73-33A below. Any area of the Steep Slope Conservation District that falls within the subject lot or lots shall be interpolated and shown on the site plan required under §73-33A(1) through shading of such area or areas. The site plan shall contain a certification by the registered professional engineer or surveyor having prepared the plan as to the accuracy of the slopes as depicted on the plan. Areas shown as less than ten percent (10%) slope may be based on United States Geological Survey information. Any area shown as ten to twenty-five percent (10% to 25%) shall be delineated on the basis of an actual topographic survey of the site where those areas are proposed for disturbance.

SECTION 10. The Code of the Township of Willistown, Chapter 123 thereof, being the Willistown Township Subdivision and Land Development Ordinance of 1984, as amended (the "Subdivision and Land Development Ordinance"), Article VI, Design Standards, §123-24 ("Cul-de-sac and other single-access streets"), is hereby amended by the revision of subsections A, F, and new subsection G as follows:

- A. Cul-de-sac streets permanently designed as such shall not serve more than 24 lots nor exceed 1,600 feet in length from existing streets or from proposed streets having more than one access. The Board, at its sole discretion, may approve lengths in excess of 1,600 feet if the configuration of the tract puts constraints on alternative access or if similar site design problems exist so that in the opinion of the Board the purposes of this Part 1 will be more satisfactorily accomplished by permitting such additional length. Cul-de-sac streets shall have a minimum length of 250 feet and shall be provided at the closed end with a paved turnaround having a minimum diameter to the outer pavement edge of ninety (90) feet and a minimum right-of-way diameter of 110 feet. Plans submitted under the requirements of the Open Space Conservation District shall be permitted to modify the requirements for cul-de-sac streets consistent with approved street right-of-way and cartway widths pursuant to §123-25 upon approval by the Planning Commission and the Board of Supervisors.
- F. Where the proposed design of a single-access street includes an island at its closed end, arrangements acceptable to the Township must be made for landscaping with appropriate ground cover, or alternative treatment, and for regular maintenance. Curbs or mountable curbs will be considered on a case-by-case basis where the applicant proposes to incorporate a landscape island that reduces impervious coverage, minimizes runoff, and assists with stormwater management.
- G. No parking shall be permitted on the cul-de-sac turnaround in order to facilitate access for emergency vehicles. Signage prohibiting parking shall be placed on the turnaround.

SECTION 11. The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.

SECTION 12. This Ordinance shall take effect and be in force five (5) days from enactment.

SECTION 13. The All other ordinances and resolutions or parts thereof as they are inconsistent with this Ordinance are hereby repealed.

ENACTED AND ORDAINED this 13th day of March, 2023.

BOARD OF SUPERVISORS
WILLISTOWN TOWNSHIP

Molly H.B. Perrin
Molly H.B. Perrin, Chair

William R. Shoemaker
William R. Shoemaker, Vice-Chair

Robert T. Lange
Robert T. Lange, Member

ATTEST:

Shanna Lodge
Shanna Lodge, Township Secretary