

WEST VINCENT TOWNSHIP ZONING ORDINANCE OF 2010

An Ordinance of the Township of West Vincent, Chester County, Pennsylvania to amend and revise the West Vincent Township Zoning Ordinance of 2003, incorporating all amendments, maps, and supplements thereto.

ARTICLE I

GENERAL PROVISIONS

SECTION 101 SHORT TITLE AND EFFECTIVE DATE

This Ordinance shall be known and may be cited as the "West Vincent Township Zoning Ordinance of 2010". This Ordinance shall become effective five days following its official adoption.

Adopted: _____, 2010
Effective: _____, 2010

SECTION 102 ORDINANCE PROVISIONS

This Ordinance is enacted to permit, prohibit, regulate, restrict and determine: uses of land, watercourses, and other bodies of water; size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal, and use of structures; areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards and other greenway lands and distances to be left unoccupied by uses and structures; density of population and intensity of use; provisions for special exceptions and variances; provisions for conditional uses; provisions for the administration and enforcement of such Ordinances; provisions for the protection and preservation of natural resources and agricultural land and activities; and such other provisions as may be necessary to implement the purposes of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

SECTION 103 PURPOSE

This Ordinance is enacted under and pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, for the following purposes:

- A. To promote, protect and facilitate one or more of the following: the public health, safety, morals and general welfare of current and future Township residents; ~~the coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewage, schools, public grounds and other public requirements.~~

- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- D. To promote sustainability by: adopting measures to reduce Township-wide energy costs and dependence on fossil fuels or other sources that negatively affect the natural environment; incorporating protections for local ecosystems; and supporting sustainable policies and practices in a manner that enhances the community's prosperity, its sense of community identity, inclusiveness and civic-mindedness; honoring and advancing, ~~and that honor and advance~~ the natural beauty of the Township in an effort to achieve the status as a model community for sustainable policies and practices.

This Ordinance has been prepared in accordance with the West Vincent Township Comprehensive Plan, as amended, the Phoenixville Regional Comprehensive Plan, the Township Sustainability Plan of 2012, as amended, and with consideration for the character of the Township, its various parts and the suitability of the various parts for particular uses and structures.

SECTION 104 COMMUNITY DEVELOPMENT OBJECTIVES

This Ordinance has been prepared in accordance with the West Vincent Township Comprehensive Plan, as amended, and with consideration for the goals and objectives of the Township. The goals and objectives are stated within the Township Comprehensive Plan, which goals are reestablished as part of this Ordinance, as follows:

- A. To provide for the preservation, protection, management, and enhancement of the natural resources and environmental qualities of West Vincent Township for present and future generations.
- B. To encourage and promote the provisions for a wide-range and variety of decent, safe and sanitary housing that meet the needs of all present and future Township residents regardless of age, sex, income, religion or ethnic background and which is compatible with the limitations established by the environment, transportation network, community facilities and services.
- C. To provide in an economically and aesthetically beneficial manner, the various facilities and services necessary to meet the existing and future needs of the Township in a way that is compatible with the natural and man-made environments.
- D. To provide a transportation system that provides the most efficient, safe and convenient movement of goods and people while minimizing the adverse impacts the system may have on the natural and man-made environment.

under this Ordinance, including his/her heirs, successors and assigns.

Architecture. The art/science of building design and construction; a method or style of building; the product of construction; the recognizable features for any kind of structure; the materials and methods used to produce a structure. Architecture signifies a standing cultural resource, either in whole or in part, used at one time for dwelling, storage, industry, recreation, religious use or any other activity related to reasonable human functioning.

Architect. An individual registered in the Commonwealth of Pennsylvania in the profession of architecture.

Archaeology. The science of investigation and study of the past by examination of artifacts/remains of human activity; the examination of non-renewable cultural resources deposited in the earth by human or animal-related activity over time for the purpose of defining or affirming human activities and behavior.

Archaeologist. An individual with a degree from a recognized college or university in the science of archaeology.

Attached Garden Lot Development. See Single-Family Garden Lot Development.

Automobile Service Station. A structure, building or area of land or any portion thereof that is used for the sale of gasoline and/or other motor vehicle fuel, which may or may not include facilities for lubrication, service, washing or minor repair of motor vehicles, but not for body repair or painting or for the sale of new or used vehicles. Any use dispensing motor fuel for its own vehicles will not be deemed to be an automobile service station.

Automotive/Mechanical Repair Shop. A structure, building or area of land or any portion thereof that is used principally for mechanical or body repair of motor vehicles, and which may or may not be used for the sale of motor fuel, lubricants, parts and accessories.

Base Density. The number of dwelling units per acre or in the case of non-residential uses, the maximum floor area or building/lot coverage that may be achieved when a property is developed in accordance with the applicable zoning district requirements without the use of Transferable Development Rights or other design options.

Base District. A zoning district designated by this Ordinance and whose boundaries are depicted on the Township Zoning Map.

Basement. Any area of a building having its floor below ground level on all sides.

Bed and Breakfast. An accessory activity-use to a single family dwelling unit/home in which all or a portion of the dwelling unit is rented on a short-term basis, including peer-to-peer home or room rental services such as homeaway.com, vrbo.com and Airbnb.com-a limited number of guest rooms are provided without structural alteration. The guest rooms should not be occupied on a weekly or longer basis and the owner of the property must be in residence. Bed and Breakfast

~~rentals shall be classified as either: a) Host Rentals: where the owner of the property remains on-site during the entirety of the rental period; or b) Non-Host Rentals: where the owner of the property does not remain on-site during the entirety of the rental period. Residential leases greater than six (6) months in duration shall not be subject to the provisions associated with Bed and Breakfast uses. Bed-and-breakfast facilities shall be permitted a sign no greater than _____ square feet in area, and such facilities must be on a 5-acre minimum property unless they are in a designated historic resource or located in the BV-Birehrunville Village District, the LVCC Ludwigs Village Center Commercial District, the KV-Kimberton Village District or the RM-Residential Mix District (in which case, the minimum lot area requirements of the applicable Zoning District shall apply). This term shall include peer-to-peer home rentals (through sites such as homeaway.com, vrbo.com and airbnb.com).~~

Berm. An earthen mound designed to create a visual and sound barrier between a use and adjoining properties, streets, and adjacent uses.

Board. The Board of Supervisors of West Vincent Township.

Boarding House. A dwelling in which three (3) or more, but not more than fifteen (15) rooms are rented, housed, or lodged for compensation with or without meals. A rooming house, tourist home, or lodging house shall be deemed a boarding house.

Boarding Unit. An inhabited space within a boarding house designed for the use and enjoyment of a boarder(s) which does not qualify as a self-contained dwelling unit under this Ordinance.

Buffer. An area to be used as means of limiting the effects created by a use on adjoining properties, streets and uses, including but not limited to screening, fencing and use of berms.

Buffer, Riparian (a.k.a. Stream Buffer, Vegetated Stream Buffer). Land areas immediately adjacent to streams or ponds, and typically include floodplains, alluvial soils and stream-related wetlands. Riparian buffers can provide many environmental benefits (including, but not limited to, functioning as silt and chemical buffers for associated streams).

Building. A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

Building Area. The aggregate of the maximum horizontal cross-section areas of all buildings on a lot, excluding cornices, eaves, and gutters projecting not more than eighteen (18) inches.

Building Coverage. The ratio of the total building area on a lot to the lot area, expressed as a percentage.

Building Footprint. The total enclosed area in the horizontal plane or floor of a building at grade or ground level. See also Floor Area, Ground.

Communications Equipment Building. An unmanned building or structure containing communications equipment required for the operation of communications antennas.

Communications Tower. A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

Community Supported Agriculture (CSA) - A partnership of mutual commitment between a farm and a community of supporters that provides a direct link between the production and consumption of food. Members generally purchase a share of the season's harvest. Members may participate in harvesting, or they may be limited to regularly scheduled pick-ups at the farm.

Completely Dry Space: A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

Comprehensive Plan. The Comprehensive Plan of West Vincent Township, as adopted and amended from time to time, ~~which shall be deemed to include the Township Sustainability Plan of 2012, as amended from time to time, and the Regional Comprehensive Plan.~~

Conditional Use. A use which is not generally appropriate or allowed by right in a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Board of Supervisors after a public hearing and review and recommendations by the Planning Commission.

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which may be designated for common ownership solely by the owners of those separate portions, in accordance with the Pennsylvania Uniform Condominium Act 1980-82, as amended.

Conservancy Lot or Conservation Lot. A large, privately-owned lot comprised partially of greenway land and restricted from further subdivision and development under Article XIX and subject to the provisions in Section 1903 C.4. The purpose of the conservancy lot is to provide surrounding residents with visual access to greenway land, while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with the standards set forth in this Ordinance. Public access to conservancy lots is not required.

Conservation Area Map. A map adopted as part of the Township Comprehensive Plan and/or Township Zoning Ordinance depicting Primary and Secondary Conservation Areas for the purposes of creating an interconnected system of greenway land and recreation areas.

Conservation Area, Primary. Environmentally constrained lands comprising floodplains, submerged lands, wetlands, and prohibitive steep slopes (above 25%).

Conservation Area, Secondary. Features, such as precautionary slopes (15-25%),

generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public.

Public Utility Transmission Tower. A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

Receiving Zone. A zoning district in which concentrated development has been planned, where Transferable Development Rights may be applied and added to the base density.

Recreation, Active. Leisure time activities, usually of a more formal nature and performed with other individuals, often requiring equipment and taking place at prescribed places, sites or fields. Such areas usually require physical alteration to the area before they can occur and are intensively used, including playgrounds, ball courts, and swimming pools.

Recreation, Passive. Leisure time activities, usually of an informal nature and which can be carried out with little alteration or disruption to the area in which they occur. Such uses include hiking and picnicking.

Recreation Facility, Commercial. A building or parcel of land designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, and which is operated as a business and open to the public for a fee.

Recreational Vehicle. A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational Vehicle Campground. A parcel or tract of land under single and separate ownership upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recreational Vehicle Site. A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Reduced Yard. A development design option which allows flexibility in required side and/or rear yard setback to create larger contiguous yard area, provided special criteria are met.

Regional Comprehensive Plan. The Phoenixville Regional Comprehensive Plan of 2008, as may be amended from time to time.

Regional Planning Agency. A planning agency that is composed of representatives of more than one county. Regional planning responsibilities shall include providing technical assistance to

6. Single-family attached dwellings in Tier III and Tier IV developments, subject to a maximum of four (4) units within any single building and a maximum of thirty-three percent (33%) of all dwelling units within the development.
7. Park or recreation area.
8. Municipal building or use.
9. ~~9.~~ Essential services.
9. ~~Bed and breakfast uses, provided that no more than two (2) guest rooms are let to a maximum occupancy of four (4) guests, in the aggregate, at any one time, that one (1) improved off-street parking space per guest room is provided, and that the use is located on a lot of at least five (5) acres in area.~~

~~ALTERNATIVE DRAFT LANGUAGE (INCORPORATE THROUGHOUT IF SELECTED):~~

~~Bed and Breakfast uses on a lot of at least five (5) acres, provided that:~~

- a) ~~Host Rentals: If the owner of the property will remain on-site during the entirety of the rental period, then no more than three (3) guest rooms may be let at any one time, with a maximum occupancy of six (6) guests. One (1) improved off-street parking space per guest bedroom must be provided.~~
- b) ~~Non-Host Rentals: If the owner of the property will not remain on-site during the entirety of the rental period, then the rental period shall not exceed seven (7) consecutive days and the number of overnight guest stays shall not exceed sixty (60) nights per year. The owner must also supply the Township and each guest with their name and emergency contact information. One (1) improved off-street parking space per guest bedroom must be provided. The Non-Host Rental Bed and Breakfast must also remain incidental and secondary to the principal residential use of the property.~~
- c) ~~The owner of a Bed and Breakfast use shall register with the Township prior to commencement of the use and on or before the end of January of each calendar year, providing the name, type of Bed and Breakfast use, number of guest rooms, number of guest bedrooms, number of rental nights in the prior year (in the case of a Non-Host Rental Bed and Breakfast use), and the emergency contact information of the property owner.~~

7. Personal use airport for personal use by the landowner only provided the minimum tract size is not less than ten (10) acres and in accordance with Section 2214 of this Ordinance.
8. ~~Bed and Breakfast use on a lot less than three (3) acres in area, subject to compliance with the requirements of Section 403.A.9 and Section 2711.~~

C. Uses by Special Exception

Any of the following uses may be granted as a special exception when authorized by the Zoning Hearing Board, subject to the standards of Section 2807 of this Ordinance:

- ~~1. Bed and breakfast uses, provided that no more than two (2) guest rooms are let to a maximum of four (4) guests at any one time, that one (1) improved off-street parking space per guest room is provided, and that the use is located on a lot of at least five (5) acres in area.~~
2. Conversion of one or more farm buildings or structures existing at the effective date of this ordinance located in a cluster, or a close grouping of buildings or structures typically associated with a farm lot, into a single-family detached dwelling or multi-family dwelling, provided that the minimum total lot area for such a use shall be two (2) acres for each dwelling unit so created, including the original single-family dwelling unit, and subject to the provisions of Section 2204.

D. Accessory Uses

The following accessory uses shall be permitted, provided they are incidental to any of the foregoing permitted uses subject to the applicable provisions of Article XXII of the Zoning Ordinance, including Section 2201:

1. Customary Residential Accessory Uses. The total impervious coverage of all structures associated with such accessory uses shall not exceed a maximum of five percent (5%) of the gross lot area, unless authorized by the Zoning Hearing Board as a special exception in accordance with Section 2807 of this Ordinance.
 - a. Private swimming pools, subject to the provisions of Section 2222.
2. Customary Agricultural Accessory Uses, including the raising, breeding or boarding of pigs, poultry and fowl subject to compliance with the provisions of Section 2220.
3. Private, noncommercial greenhouses.
4. Home occupations, in accordance with the provisions of Section 2209.
5. Accessory dwelling units subject to the provisions of Section 2201.

5. Park or recreation area.
6. Municipal building or use.
7. Essential services.
8. Single-family detached homes.
9. Single-family attached dwellings in Tier III and Tier IV developments, subject to a maximum of five (5) units within any single building and a maximum of thirty-three percent (33%) of all dwellings units within the development.

Commented [A1]: See comment/consideration with respect to Section 603 below.

10. Bed and Breakfast use on a lot of at least three (3) acres, provided that:

- a) Host Rentals: If the owner of the property will remain on-site during the entirety of the rental period, then no more than three (3) guest rooms may be let at any one time, with a maximum occupancy of six (6) guests. One (1) improved off-street parking space per guest bedroom must be provided.
- b) Non-Host Rentals: If the owner of the property will not remain on-site during the entirety of the rental period, then the rental period shall not exceed seven (7) consecutive days and the number of overnight guest stays shall not exceed sixty (60) nights per year. One (1) improved off-street parking space per guest bedroom must be provided. The Non-Host Rental Bed and Breakfast must also remain incidental and secondary to the principal residential use of the property.
- c) The owner of a Bed and Breakfast use shall register with the Township prior to commencement of the use and on or before the end of January of each calendar year, providing the name, type of Bed and Breakfast use, number of guest rooms, number of guest bedrooms, number of rental nights in the prior year (in the case of a Non-Host Rental Bed and Breakfast use), and the emergency contact information of the property owner

~~Bed and breakfast uses, provided that no more than two (2) guest rooms are let to a maximum occupancy of four (4) guests, in the aggregate, at any one time, that one (1) improved off-street parking space per guest room is provided, and that the use is located on a lot of at least five (5) acres in area.~~

B. Conditional Uses

Any of the following uses may be permitted as a conditional use when authorized by the Board of Supervisors, subject to the standards established herein and the standards of Section 2711 of this Ordinance.

1. Commercial greenhouses, provided they are situated no less than one hundred (100) feet from an adjoining property line or public right-of-way.
2. Church or similar place of worship, including rectory or parish house.
3. Boarding stables, excluding commercial hack stables, provided they meet the standards of Section 2220 and the following minimum requirements:
 - a. Minimum lot area: ten (10) acres.
 - b. Such stables shall be an accessory use to a principal dwelling located on the same lot.
4. Cemetery, provided that the parcel devoted to this use shall not be less than twenty (20) acres.
5. Public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal sanitary landfills.
6. Clubs for swimming, golf, horseback riding, tennis, or other racquet sports, provided that:
 - a. The minimum tract size is not less than ten (10) acres;
 - b. Each structure or building shall be clearly incidental to the outdoor use;
 - c. Any club or lodge building and its services shall be for the use of members and their guests only;
 - d. Amusement parks, driving ranges, pitch and putt, miniature golf, go-cart tracks, rifle ranges, or similar shall be prohibited. Driving ranges shall be permitted only as part of a regulation golf course; and
 - e. All outdoor uses or activities shall be conducted on and confined to the premises.
7. Bed and Breakfast use on a lot less than three (3) acres in area, subject to compliance with the requirements of Section 503.A.10 and Section 2711.

C. **Uses by Special Exception**

Any of the following uses may be granted as a special exception, when authorized by the Zoning Hearing Board, subject to the standards contained herein and the standards of Section 2807 of this Ordinance:

~~1. Bed and breakfast uses, provided that no more than two (2) guest rooms are let to a maximum of four (4) guests at any one time, that one (1) improved off-street parking space per guest room is provided, and that the use is located on a lot of at least five (5) acres in area.~~

~~1~~ 2. Conversion of one or more farm buildings or structures existing at the effective date of this Ordinance located in a cluster, or a close grouping of buildings or structures typically associated with a farm lot, into a single-family detached dwelling or multi-family dwelling, provided that the minimum total lot area for such a use shall be two (2) acres for each dwelling unit so created including the original single-family dwelling unit, and subject to the standards of Section 2204.

D. Accessory Uses

The following accessory uses shall be permitted, provided they are incidental to any of the foregoing permitted uses:

1. Customary Residential Accessory Uses. The total impervious coverage of all structures associated with such accessory uses shall not exceed a maximum of five percent (5%) of the gross lot area, unless authorized by the Zoning Hearing Board as a special exception in accordance with Section 2807 of this ordinance.
 - a. Private swimming pools, subject to the provisions of Section 2222.
2. Customary Agricultural Accessory Uses, including the raising, breeding or boarding of pigs, poultry and fowl, subject to compliance with the provisions of Section 2220.
3. Private, noncommercial greenhouses.
4. Home occupations, in accordance with the provisions of Section 2209.
5. Accessory dwelling units in accordance with the provisions of Section 2201 of this Ordinance.
6. Roadside stands for the sale of farm products and in accordance with the provisions of Section 2219.
7. Communications antennas mounted on an existing public utility transmission tower, existing building or other existing structure, and communications equipment buildings subject to the provisions of Section 2224 of this Ordinance.

E. Combined Approaches Involving Tiers I, II, III and IV Design

No tract may be used for more than one of the permitted "tiers" of residential development, unless it can be demonstrated to the satisfaction of the Board of Supervisors that additional

7. Single-family attached dwellings in Tier III and Tier IV developments, subject to a maximum of four (4) units within any single building and a maximum of thirty-three percent (33%) of all dwelling units within the development.
8. Planned residential development in accordance with Article XVIII and as designated on the West Vincent Township Zoning Map.

9. Agricultural Village Community in accordance with Section 2229 of this Ordinance.

10. Park or recreation area _____

Commented [A2]: We suggest further discussion on this issue as to whether it should be permitted by right or by conditional use. For example, should a motocross and/or commercial park be allowed by right?

11. Municipal building or use.

12. ~~Bed and breakfast uses, provided that no more than two (2) guest rooms are let to a maximum occupancy of four (4) guests, in the aggregate, at any one time, that one (1) improved off-street parking space per guest room is provided, and that the use is located on a lot of at least five (5) acres in area.~~ Bed and Breakfast use on a lot of at least three (3) acres, provided that:

a) Host Rentals: If the owner of the property will remain on-site during the entirety of the rental period, then no more than three (3) guest rooms may be let at any one time, with a maximum occupancy of six (6) guests. One (1) improved off-street parking space per guest bedroom must be provided.

b) Non-Host Rentals: If the owner of the property will not remain on-site during the entirety of the rental period, then the rental period shall not exceed seven (7) consecutive days and the number of overnight guest stays shall not exceed sixty (60) nights per year. One (1) improved off-street parking space per guest bedroom must be provided. The Non-Host Rental Bed and Breakfast must also remain incidental and secondary to the principal residential use of the property.

c) The owner of a Bed and Breakfast use shall register with the Township prior to commencement of the use and on or before the end of January of each calendar year, providing the name, type of Bed and Breakfast use, number of guest rooms, number of guest bedrooms, number of rental nights in the prior year (in the case of a Non-Host Rental Bed and Breakfast use), and the emergency contact information of the property owner

B. Conditional Uses

Any of the following uses may be permitted as a conditional use when authorized by the Board of Supervisors, subject to the standards established herein and the standards of Section 2711 of this Ordinance.

1. Commercial greenhouses, provided they are situated no less than one hundred (100) feet from an adjoining property line or public right-of-way.
2. Church or similar place of worship, including rectory or parish house.
3. Boarding stables, excluding commercial hack stables, provided they meet the standards of Section 2220 and the following minimum requirements:
 - a. Minimum lot area: ten (10) acres.
 - b. Such stables shall be an accessory use to a principal dwelling located on the same lot.
4. Cemetery, provided that the parcel devoted to this use shall not be less than twenty (20) acres.
5. ~~Park or recreation area;~~ Governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal sanitary landfills.
6. Clubs for swimming, golf, horseback riding, tennis, or other racquet sports, provided that:
 - a. The minimum tract size is not less than ten (10) acres;
 - b. Each structure or building shall be clearly incidental to the outdoor use;
 - c. Any club or lodge building and its services shall be for the use of members and their guests only; and
 - d. Amusement parks, pitch and putt, miniature golf, go-cart tracks, rifle ranges, or similar uses shall be prohibited. Driving ranges shall be permitted only as part of a regulation golf course.
 - e. All outdoor uses or activities shall be conducted on and confined to the premises.
7. Life-care community, subject to the provisions of Section 2212 of this Ordinance.
8. Bed and Breakfast use on a lot less than three (3) acres in area, subject to compliance with the requirements of Section 603.A.12 and Section 2711.

C. Uses by Special Exception

Any of the following uses may be granted as a special exception, when authorized by the Zoning Hearing Board, subject to the standards of Section 2807 of this Ordinance:

- ~~1. Bed and breakfast uses, provided that no more than two (2) guest rooms are let to a maximum of four (4) guests at any one time, that one (1) improved off-street parking space per guest room is provided, and that the use is located on a lot of at least five (5) acres in area.~~
2. Educational, medical, or religious uses, excluding correctional or penal institutions, but including schools, hospitals, animal hospitals, nursing or convalescent centers, in accordance with the standards contained in Section 2210.
3. Conversion of one or more farm buildings or structures existing at the effective date of this ordinance located in a cluster, or a close grouping of buildings or structures typically associated with a farm lot, into a single-family detached dwelling or multi-family dwelling, provided that the minimum total lot area for such a use shall be two (2) acres for each dwelling unit so created including the original single-family dwelling unit, and subject to the provisions of Section 2204.

D. Accessory Uses

The following accessory uses shall be permitted, provided they are incidental to any of the foregoing permitted uses:

1. Customary Residential Accessory Uses. The total impervious coverage of all structures associated with such accessory uses shall not exceed a maximum of five percent (5%) of the gross lot area, unless authorized by the Zoning Hearing Board as a special exception in accordance with Section 2807 of this Ordinance.
 - a. Private swimming pools, subject to the provisions of Section 2222.
2. Customary Agricultural Accessory Uses (including the raising, breeding, boarding of pigs, poultry and fowl) subject to compliance with the provisions of Section 2220.
3. Private, noncommercial greenhouses.
4. Home occupations, in accordance with the provisions of Section 2209.
5. Accessory dwelling units subject to the provisions of Section 2201.
6. Roadside stands for the sale of farm products and in accordance with the provisions of Section 2219.

- F. Ensure that new development is compatible with the availability of essential services or facilities, as required by Section 604.1 of Act 247, and that new demands as required by the project are adequately addressed.
- G. To encourage the continued agricultural uses in surrounding areas in keeping with the traditional village pattern of land use and the goal to preserve farming as an important land use and economic activity, as provided by Section 604.3 of Act 247.
- H. Provide opportunities for the creation of a variety of residential dwelling types in keeping with the character, scale, and architecture of the traditional village setting, in accordance with Section 604.5 of Act 247.

In the RM Residential Mix District, the following regulations shall apply:

SECTION 702 USE REGULATIONS

A. Uses by Right

A building may be erected, altered or used, and a lot or premises may be used, by right, for any one (1) of the following uses and no other:

- 1. Single-family detached dwelling, single family semi-detached dwelling.
- 2. Woodland preserve, game preserve, wildlife sanctuary or other conservation use.
- 3. Passive Agricultural Uses.
- 4. Breeding or raising of animals (excluding the raising of pigs, which is expressly prohibited), provided that the minimum area of the tract on which the use is conducted shall not be less than ten (10) acres and shall be subject to the provisions of Section 2220.
- 5. Essential services.
- 6. Planned residential development in accordance with Article XVIII and as designated on the West Vincent Township Zoning Map.
- 7. Park or recreation area
- 8. Municipal building or use.
- 9. Bed and Breakfast use, provided that:
 - a. One (1) improved off-street parking space per guest bedroom shall be provided;

- b. The Bbed and Bbreakfast shall be occupied by the owner and operator thereof; and
- c. The principal building on the lot shall be a historic resource and shall be an integral component of the Bbed and Bbreakfast; and.
- d. Non-host Bed and Breakfast uses shall be permitted on properties not containing a historic resource, provided that the rental period shall not exceed seven (7) consecutive days and the number of overnight guest stays shall not exceed sixty (60) nights per year. The owner shall also register with the Township prior to commencement of the use and on or before the end of January of each calendar year, providing the owner's name, the type of Bed and Breakfast use, the number of guest rooms, the number of guest bedrooms, the number of rental nights in the prior year, and the emergency contact information of the property owner.

B. Uses by Special Exception

Any of the following uses may be permitted as a special exception when authorized by the Zoning Hearing Board, subject to the standards contained herein and Section 2807 of this Ordinance:

- 1. Two family and multi-family residential building types, provided that:
 - a. The minimum tract size for multi-family dwellings shall not have a lot area less than fifteen (15) acres.
 - b. No unit shall be less than twenty (20) feet in width.
- 2. Life-care community, subject to the provisions of Section 2212.
- 3. Municipal or public uses; public park or recreation area owned and operated by a public or private non-profit agency; governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal landfills.
- 4. Combination of two or more residential dwelling types on the same tract, provided that the minimum tract size is not less than twenty-five (25) acres.
- 5. Private clubs for swimming, golf, horseback riding, tennis or other racquet sports, provided that:
 - a. The minimum tract size is not less than ten (10) acres;

- b. Each structure or building shall be clearly incidental to the outdoor use;
 - c. Any club or lodge building and its services shall be for the use of members and their guests only;
 - d. No commercial activity or use such as amusement park, recreational vehicle campground, driving range, pitch and putt, or miniature golf course, and similar uses customarily carried on as a business shall be permitted; and
 - c. All activities shall occur and be confined to property owned by the club.
6. Conversion of a single-family detached dwelling or other detached buildings, subject to the provisions of Section 2204.
 7. Communications towers subject to the provisions of Section 2224 of this Ordinance.
 8. ~~Bed and breakfast, provided that:~~

- a. ~~One (1) improved off-street parking space per guest room shall be provided;~~
- b. ~~The bed and breakfast shall be occupied by the owner and operator thereof; and~~
- c. ~~The principal building on the lot shall be a historic resource and shall be an integral component of the bed and breakfast.~~

C. Accessory Uses

The following accessory uses shall be permitted provided that they are incidental to any of the foregoing permitted uses:

1. Customary Residential Accessory Uses.
 - a. Private swimming pools, subject to the provisions of Section 2222.
2. Customary Agricultural Accessory Uses.
3. Private non-commercial greenhouses.
4. Home occupations, in accordance with the provisions of Section 2209.
5. Accessory dwelling units, subject to the provisions of Section 2201.
6. Roadside stands for the sale of farm products and in accordance with the provisions of Section 2219.
7. Private, non-commercial nursery.
8. Communications antennas mounted on an existing public utility transmission tower,

facilities, as required by Section 604.1 of Act 247, and that new demands as required by the project are adequately addressed.

- C. Allow development which is consistent with the Township's Act 537 Sewage Facilities Plan and the recent extension of public sewage service to this area of the Township.
- D. Encourage the continued agricultural uses in surrounding areas in keeping with the traditional village pattern of land use and the goal to preserve farming as an important land use and economic activity, as provided by Section 604.3 of Act 247.
- E. Provide opportunities for the creation of a variety of residential dwelling types in keeping with the character, scale, and architecture of the traditional village setting, in accordance with Section 604.5 of Act 247.

In the KV Kimberton Village District, the following regulations shall apply:

SECTION 802 USE REGULATIONS

A. Uses by Right

A building may be erected, altered or used, and a lot or premises may be used, by right, for any one (1) of the following uses and no other:

- 1. Single-family dwelling.
- 2. Single-family semi-detached dwelling.
- 3. Woodland preserve, game preserve, wildlife sanctuary or other conservation use.
- 4. Passive Agricultural Uses.
- 5. Essential services.
- 6. Park or recreation area.
- 7. Municipal building or use.
- 8. Bed and bBreakfast, provided that:

- a. One (1) improved off-street parking space per guest bedroom shall be provided;

- b. ~~The Bbed and Bbreakfast shall be occupied by the owner and operator thereof; and~~
- c. ~~The principal building on the lot shall be a historic resource and shall be an integral component of the Bbed and Bbreakfast.~~
- d. ~~Non-host Bed and Breakfast uses shall be permitted on properties not containing a historic resource, provided that the rental period shall not exceed seven (7) consecutive days and the number of overnight guest stays shall not exceed sixty (60) nights per year. The owner shall also register with the Township prior to commencement of the use and on or before the end of January of each calendar year, providing the owner's name, the type of Bed and Breakfast use, the number of guest rooms, the number of guest bedrooms, the number of rental nights in the prior year, and the emergency contact information of the property owner.~~

B. Conditional Uses

Any of the following uses may be permitted as a conditional use when authorized by the Board of Supervisors, subject to the standards contained herein and the standards of Section 2711 of this Ordinance:

- 1. Two-family and multi-family residential building types, provided that:
 - a. The minimum tract size for multi-family dwellings shall not have a lot area less than five (5) acres.
 - b. No unit shall be less than twenty (20) feet in width.
- 2. Conversion of a single-family detached dwelling or other detached buildings, subject to the provisions of Section 2204.
- 3. Communications towers subject to the provisions of Section 2224 of this Ordinance.

~~4. Bed and breakfast, provided that:~~

- ~~a. One (1) improved off-street parking space per guest room shall be provided;~~
- ~~b. The bed and breakfast shall be occupied by the owner and operator thereof; and~~
- ~~c. The principal building on the lot shall be a historic resource and shall be an integral component of the bed and breakfast.~~

C. Accessory Uses

The following accessory uses shall be permitted provided that they are incidental to any of the foregoing permitted uses:

traditional village pattern of land use and the goal to preserve farming as an important land use and economic activity, as provided by Section 604.3 of Act 247.

- H. Provide opportunities for the creation of a variety of residential dwelling types and a limited mix of non-residential uses in keeping with the character, scale, and architecture of the traditional village setting, in accordance with Section 604.5 of Act 247.
- I. Allow for the conversion of land uses in the village setting in a manner that identifies the potential impacts and opportunities, ensures compliance with the goals and objectives of the Comprehensive Plan, and promotes innovative designs that are compatible with and contribute to the village character, as permitted by Sections 603.5 and 603.6 of Act 247.

In the BV Birchrunville Village District, the following regulations shall apply:

SECTION 1002 USE REGULATIONS

A. Uses by Right

A building may be erected, altered or used, and a lot or premises may be used, by right, for any one (1) of the following uses and no other:

- 1. Single-family detached dwelling.
- 2. Single-family residence as part of a commercial use within the same building, as long as it is occupied by the owner or operator of the business. Such use shall comply with the applicable provisions of Zoning Ordinance Section 2201.E.
- 3. Woodland preserve, game preserve, wildlife sanctuary or other conservation use.
- 4. Park or recreation area.
- 5. Municipal building or use.
- 6. Bed and Breakfast, provided that:

- a. One (1) improved off-street parking space per guest room shall be provided;
- b. The building shall be occupied by the owner and operator of the Bed and Breakfast;
- c. The principal building on the lot shall be a historic resource and shall be an integral component of the Bed and Breakfast; and
- d. Non-host Bed and Breakfast uses shall be permitted on properties not containing a historic resource, provided that the rental period shall not exceed seven (7) consecutive days and the number of overnight guest stays shall not exceed sixty (60) nights per year. The owner shall also register

Commented [A3]: See proposed alternative language above.

with the Township prior to commencement of the use and on or before the end of January of each calendar year, providing the owner's name, the type of Bed and Breakfast use, the number of guest rooms, the number of guest bedrooms, the number of rental nights in the prior year, and the emergency contact information of the property owner.

B. Conditional Uses

Any one of the following uses may be permitted as a conditional use when authorized by the Board of Supervisors, subject to the standards set forth herein and in Section 2711 of this Ordinance:

1. Professional office uses are permitted, provided that they are confined to a maximum of 1,500 square feet of gross area (if on one (1) floor) and 2,500 square feet of gross area (if on more than one (1) floor).
2. Restaurant, tearoom, and cafes provided that food be served at tables by the establishment and that it not be designed for drive-in or take-out business, provided that the total ground floor area is two thousand (2,000) square feet or less.
3. Conversion of a single-family detached dwelling in existence at the time of the adoption of this Ordinance, subject to the provisions contained herein and in Section 2204 of this Ordinance, except that office uses may be permitted the full use of the existing gross floor area, even if such gross floor area exceeds the limitations listed in paragraph 1 above.
4. ~~Bed and breakfast, provided that~~
 - a. ~~One (1) improved off-street parking space per guest room shall be provided;~~
 - b. ~~The building shall be occupied by the owner and operator of the bed and breakfast;~~
 - e. ~~The principal building on the lot shall be a historic resource and shall be an integral component of the bed and breakfast;~~
5. Accessory dwelling unit, subject to the provisions contained herein and in Section 2201 of this Ordinance.
6. Public park or recreation area owned and operated by a public or private non-profit agency.
7. Single-family residence on the second floor of any use allowed by conditional use in this District (which has been approved as a conditional use by the Township Board of Supervisors). Such use shall comply with the applicable provisions of Zoning Ordinance Section 2201.E.

C. Accessory Uses

- d. a structural report on the current condition of the structure and its ability to be converted into a multi-family structure.

B. **Conversion/Reuse of a Class I, II or III Historic Resource as an Accessory Dwelling Unit**

Application may be made for the conversion of historic structures into an accessory dwelling unit in accordance with the following standards:

1. The minimum lot area required by the base zoning district may be reduced if authorized as a conditional use by the Board of Supervisors, subject to the standards contained in Section 2201 and 2711 of this Ordinance.
2. All other provisions of Section 2201 of this Ordinance shall apply.

C. **Bed and Breakfast Uses**

Where permitted by the base zoning district, historic resources may be used as a Bed and Breakfast facility in accordance with the following standards:

1. No more than four (4) guest rooms for a maximum of eight (8) guests shall be permitted.
2. One (1) improved off-street parking space per guest bedroom shall be provided.

D. **Home Occupations**

Where permitted by the base zoning district, historic resources may be used for a home occupation in accordance with Section 2209 of this Ordinance, except that the maximum habitable floor area of a dwelling unit occupied by the home occupation in accordance with Section 2209C.1 may be increased to thirty percent (30%).

E. **Historic Resources within Village Center Residential District or Rt. 100 Overlay District**

Any historic resource located within the Village Center Residential District or the Rt. 100 Overlay District may be converted or used for any use permitted within the Ludwigs Village Center Commercial District if authorized as a conditional use by the Board of Supervisors, subject to the standards contained in Section 2711 of this Ordinance and the additional standards of this section.

F. **Density Bonus**

In addition to the maximum number of lots or dwelling units permitted on any tract by the base zoning district provisions, an applicant may be permitted one (1) additional lot or dwelling unit for each historic resource renovated or adaptively reused if authorized as