

POCOPSON TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2020 –

AN ORDINANCE OF THE TOWNSHIP OF POCOPSON, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 250 OF THE POCOPSON TOWNSHIP CODE, ENTITLED “ZONING” SECTION 250-6 TITLED, “DEFINITIONS AND WORD USAGE” TO AMEND THE DEFINITIONS OF “MAJOR HOME OCCUPATION” AND “MINOR HOME OCCUPATION” AND TO ADD A DEFINITION FOR “HOME-RELATED BUSINESS”; SECTION 250-15.A(12) TO ALLOW A MINOR HOME OCCUPATION AND MAJOR HOME OCCUPATION BY RIGHT IN THE RA DISTRICT; SECTION 250-15.A TO ADD A NEW SUBPARAGRAPH (16) TO ALLOW A HOME-RELATED BUSINESS BY RIGHT IN THE RA DISTRICT; SECTION 250-15.C(6) TO DELETE MAJOR HOME OCCUPATION AS A CONDITIONAL USE IN THE RA DISTRICT; SECTION 250-89 TITLED “HOME OCCUPATION STANDARDS” TO AMEND THE REGULATIONS FOR MINOR AND MAJOR HOME OCCUPATIONS AND TO ADD A NEW SECTION 250-89.1 TO ADOPT REGULATIONS FOR HOME-RELATED BUSINESSES.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Pocopson Township that Chapter 250 of the Pocopson Township Code, titled, “Zoning”, shall be amended as follows:

SECTION 1. Section 250-6, titled “Definitions” shall be amended by amending the following terms to read as follows:

“HOME OCCUPATION, MAJOR– A customary accessory use to a residential dwelling unit which is clearly incidental to the principal residential use of the dwelling unit, and which is carried on only within the dwelling unit or in an approved accessory structure on the same lot on which the dwelling is located, and which complies with the standards for major home occupations specified in § 250-89 of this chapter. Examples of major home occupations include: dressmaking, millinery, upholstery, furniture refurbishing (excluding paint stripping operations), or similar handicrafts; professional studios or offices of an architect, doctor, dentist, engineer, lawyer, musician, magistrate, photographer, or practitioner of similar character, small pet grooming, bed-and-breakfast facilities (subject to the standards provided in § 250-89.D), or other home occupation of similar character and impact.”

“HOME OCCUPATION, MINOR – A customary accessory use to a residential dwelling unit which is clearly incidental to the principal residential use of the dwelling unit,

and which is carried on only within the dwelling unit or in an approved accessory structure on the same lot on which the dwelling is located, and which complies with the standards for minor home occupations specified in § 250-89 of this chapter. Examples of minor home occupations include artists, tutors, baby-sitters, house-cleaners, telephone solicitors, typing services, outside salesmen and consultants, and other occupations customarily performed in the home and not normally detrimental to the neighborhood.

SECTION 2. Section 250-6, titled “Definitions” shall be amended by adding the following term:

“HOME-RELATED BUSINESS– A customary accessory use to a residential dwelling unit which is clearly incidental to the principal residential use of the dwelling unit and is not performed within a dwelling unit or in an approved accessory structure, such as is the case with a minor or major home occupation, but may be administered or managed from the dwelling unit and/or approved accessory structure and which complies with the standards in § 250-89.1 of this chapter.”

SECTION 3. Section 250-15.A(12) shall be amended as follows:

“(12) Minor home occupations, major home occupations and home-related businesses as defined in § 250-6 of this chapter, when conducted in compliance with the standards in § 250-89 and §250-89.1 of this chapter.

SECTION 4. Section 250-15.C(6) shall be deleted and the section number reserved.

SECTION 5. Section 250-89, titled, “Home occupation standards” shall be amended as follows:

“§250-89. Home occupation standards.

Home occupations, as defined in § 250-6 of this chapter and permitted under the provisions of § 250-15, shall comply with the following regulations and standards:

A. General standards.

(1) A home occupation shall be conducted within a single-family dwelling which is the bona fide residence of the principal practitioner of the home occupation or in an accessory building thereto which is normally associated with a residential use. The home occupation shall be carried on wholly indoors. There shall be no more than one home occupation in a dwelling or accessory building.

(2) The area used for the conduct of a home occupation, whether conducted all or partly in an accessory structure, shall occupy no more than 25% of the total floor

area of the principal dwelling unit and no more than 1,000 square feet total, whichever is less.

(3) There shall be no exterior display, sale or storage of materials, products, equipment or refuse related to the conduct of the home occupation.

(4) There shall be no discharge of potentially dangerous effluent or fumes.

(5) There shall be no production or storage of any material designed for use as an explosive or any other hazardous material or chemical, excluding such quantity of materials as might normally be used on a property of a homeowner not engaged in a home occupation.

(6) No equipment or process shall be used in the conduct of the home occupation which creates noise, vibration, glare, smoke, fumes, odors, dust, electrical interference, or other objectionable effects perceptible at or beyond the lot boundaries.

(7) All home occupations shall demonstrate that there are adequate sewage facilities to handle anticipated sewage flows from the proposed use.

(8) The Zoning Officer shall issue a permit if the standards and conditions of this chapter are met. If the home occupation shall cease to be conducted in compliance with these standards and conditions, the Zoning Officer may revoke the permit and seek enforcement remedies as provided in Article XIV.

B. Additional standards for minor home occupations (permitted by right).

(1) There shall be no signs, advertising or otherwise, or other indicia showing evidence of the existence or conduct of a minor home occupation.

(2) No additional off-street parking area shall be provided to facilitate the conduct of the home occupation other than the off-street parking required or permitted for the particular residential use, nor shall the home occupation generate vehicular traffic such that there is a need for such additional parking.

(3) No retail sales shall be permitted on the premises.

C. Additional standards for major home occupations (permitted by right).

(1) No more than two persons who are not residents of the dwelling may be employed by the principal practitioner of the major home occupation. The principal practitioner of the major home occupation must be the owner or tenant or the spouse of the owner or tenant, or offspring of the owner or tenant, and a resident of the property on which the occupation is practiced.

(2) There shall be no more than one sign, nonilluminated, and no larger than four square feet in aggregate area, identifying the name and occupation of the home occupation. The area of any sign on a vehicle or structure which is regularly visible from the street shall be included in calculating compliance.

(3) In addition to the off-street parking spaces required for the residential use of the property, one off-street parking space shall be provided for each employee, plus one additional off-street parking space for each 400 square feet of space in the dwelling or accessory structure occupied by the home occupation, providing, however, that a total of no more than six off-street parking spaces shall be permitted on one lot. Off-street parking spaces are not permitted in front yards. Two off-street parking spaces may be of concrete or asphalt. Any parking spaces in addition to the two spaces of concrete or asphalt must be porous, concrete or lattice block pavers. All off-street parking spaces shall be located at least 50 feet from any property line.

(4) No more than one business vehicle may be parked on the property on a regular basis. Any trucks, vans or business vehicles shall have loading capacities not exceeding two tons. The business vehicle shall be parked in an enclosed structure or in an area screened from view from neighboring properties and streets.

(5) No major home occupation shall be permitted in a mobile home within a mobile home park.

D. Standards for bed-and-breakfast facilities.

(1) A bed-and-breakfast facility shall be considered a major home occupation, and shall be subject to all applicable standards of this section regarding major home occupations.

(2) A bed-and-breakfast facility shall be permitted only in single-family detached owner-occupied dwellings, or existing buildings accessory thereto on the same property. Only those buildings identified as surveyed historic resources within Pocopson Township shall be eligible for use as a bed-and-breakfast facility.

(3) A lot size of not less than five acres shall be required for the operation of a bed-and-breakfast facility. The Board may consider a reduced lot size, but in no case less than one acre, where:

(a) The property in question is adjacent to a commercial or an industrial zoning district;

(b) The Board is satisfied that sufficient parking to meet the requirements of this section can be provided on the lot without altering substantially its residential character;

(c) The adequacy of the sewage system to handle the increased flows and the availability of sufficient backup area on the lot has been certified by the Chester County Health Department on the basis of an on-site inspection, or the requisite improvements on the system have been made; and

(d) Compliance with all other requirements of this section can be demonstrated.

(4) The principal use of the property shall remain that of a single-family dwelling.

(5) No more than three guest rooms may be offered for bed-and-breakfast purposes on any individual residential property.

(6) There shall be provided one full bathroom (one toilet, wash basin, bath and/or shower) for each two guest rooms.

(7) Length of stay shall not exceed seven uninterrupted days for any guest.

(8) Meals shall consist of breakfast only, and only for guests of the establishment. Owners shall comply with all federal, state and local requirements for the preparation, handling, and serving of food.

(9) Any amenities (swimming pool, tennis court, etc.) shall be for the sole use of the resident owner and the bed-and-breakfast guests.

(10) The owner shall maintain a current guest register.

(11) Other than minimum lot size, area and bulk standards shall be those that apply to single-family detached dwellings within the applicable zoning district.

(12) One off-street parking space shall be provided per guest room, which shall not be located in any required front yard area.

(13) No signs shall be permitted in association with a bed-and-breakfast operation.

(14) Each bed-and-breakfast facility shall be equipped, at minimum, with one smoke detector in each guest room and one fire extinguisher per floor or sleeping area. Guests shall be provided information regarding the floor plan of the dwelling and the location of the emergency exits.

(15) Proof of annual fire inspection by a fire company or recognized fire safety organization shall be available at all times.

E. Issuance of permit. All applications for approval of a home occupation shall be filed with the Township Zoning Officer and shall be accompanied by plot plan in duplicate, drawn to scale, showing the location and size of each building on the lot on which the home occupation use will be made, the actual dimensions of the lot including dimensions of the front, back and side yards and such other information, in narrative form if necessary, as may be necessary to enable the Zoning Officer to determine that the proposed home occupation will conform to the provisions of all Township ordinances and regulations. A record of such application and plans submitted in support thereof shall be kept on file by the Zoning Officer. No zoning permit shall be issued until the Zoning Officer has determined that the proposed home occupation complies with all the provisions of this chapter.”

SECTION 6. A new Section 250-89.1 titled, “Home-related business standards” shall be adopted and provide as follows:

“§250-89.1 Home-related business standards.

A Home-related business, as defined in § 250-6 of this chapter and permitted under the provisions of § 250-15, shall comply with the following regulations and standards:

A. General standards.

(1) Location. A home-related business shall take place only on a lot containing a single-family detached dwelling and shall be conducted only within the dwelling unit or an accessory structure allowed as an accessory use in the zoning district in

which the lot is located; except that a home-related business may be conducted from a multifamily dwelling unit, provided that there shall be no nonfamily workers or family workers that reside outside the dwelling unit and there shall be only two business vehicles permitted.

(2) The area used for the conduct of a home-related business, whether conducted all or partly in an accessory structure, shall occupy no more than 25% of the total floor area of the principal dwelling unit and no more than 1,000 square feet total, whichever is less.

(3) There shall be no exterior display, sale or storage of materials, products, equipment or refuse related to the conduct of the home-related business.

(4) There shall be no discharge of potentially dangerous effluent or fumes.

(5) There shall be no production or storage of any material designed for use as an explosive or any other hazardous material or chemical, excluding such quantity of materials as might normally be used on a property of a homeowner not engaged in a home-related business.

(6) No equipment or process shall be used in the conduct of the home-related business which creates noise, vibration, glare, smoke, fumes, odors, dust, electrical interference, or other objectionable effects perceptible at or beyond the lot boundaries.

(7) Nonfamily members, family members that reside outside the dwelling unit, or independent contractors working on the property, whether receiving remuneration or not, shall not exceed two persons. Persons assisting with the administration of the home-related business shall be considered workers regardless of whether they receive remuneration or not.

(8) Sign. No sign shall be permitted on the property indicating the presence of a home-related business except signs on vehicles used for the home-related business as permitted in this Section 250-89.1.

(9) Parking. All employees of the home-related business shall park in the off-street parking spaces require by this section. In addition to the off-street parking spaces required for the residential use of the property, one off-street parking space shall be provided for each employee, plus one additional off-street parking space for each 400 square feet of space on the premises occupied by the home-related business, providing, however, that a total of no more than six off-street parking

spaces shall be permitted on one lot. (Off-street parking spaces are not permitted in front yards.) Two off-street parking spaces may be of concrete or asphalt. Any parking spaces in addition to the two spaces of concrete or asphalt must be porous, concrete or lattice block pavers. All off-street parking spaces shall be located at least 50 feet from any property line.

(10) Business vehicles. A maximum of two vehicles, bearing current and valid inspection and emissions stickers and currently licensed by the Pennsylvania Department of Motor Vehicles, which are used for a home-related business shall be permitted on the lot on which the home-related business is conducted, except in the case of a multifamily dwelling unit where only one such vehicle shall be permitted for a home-related business. No one vehicle or trailer capable of being attached to the vehicle shall exceed 10,000 pounds of gross vehicle weight.

(11) Uses. Permitted home-related business uses include, but are not limited to, such uses as an electrician, plumber, carpenter and other skilled workman.

(12) Customer/client visits. The home-related business use shall not involve any customer or client visits to the property, and there shall be no direct sales of products on or from the lot.

(13) Number of uses. Only one home-related business shall be permitted on any one lot.

B. Issuance of permit. All applications for approval of a home-related business shall be made to the Township Zoning Officer and shall be accompanied by plot plan in duplicate, drawn to scale, showing the location and size of each building on the lot on which the home-related business use will be made, the actual dimensions of the lot including dimensions of the front, back and side yards and such other information, in narrative form if necessary, as may be necessary to enable the Zoning Officer to determine that the proposed home-related business will conform to the provisions of all Township ordinances and regulations. A record of such application and plans submitted in support thereof shall be kept on file by the Zoning Officer. No zoning permit shall be issued until the Zoning Officer has determined that the proposed home related-business complies with all the provisions of this chapter.”

SECTION 7. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences,

clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors of Pocopson Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 8. Repealer. All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 9. General Code. General Code is hereby authorized to make non-substantive formatting and numbering changes necessary to clarify references to other sections of the Pocopson Township ordinances and/or codification and to bring the Ordinance into conformity with the Pocopson Township ordinances/codification.

SECTION 10. Effective Date. This Ordinance shall be effective five (5) days following enactment as by law provided.

ENACTED AND ORDAINED this _____ day of _____, 2020.

ATTEST:

**BOARD OF SUPERVISORS
POCOPSON TOWNSHIP**

Susan Simone, Secretary

Ricki Stumpo, Chairman

Elaine DiMonte, Vice-Chairman

Raymond McKay, Supervisor