

**WEST PIKELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2015-01

AN ORDINANCE AMENDING THE WEST PIKELAND TOWNSHIP ZONING ORDINANCE TO PROVIDE FOR THE DEFINITION OF PROPERTY CARETAKER; TO PROVIDE FOR DWELLINGS FOR A PROPERTY CARETAKER OR FARM EMPLOYEE, AND THEIR FAMILIES AS AN ACCESSORY USE IN THE ARTICLE V, RC-RESIDENTIAL AND CONSERVATION DISTRICT USE REGULATIONS; TO PROVIDE SUPPLEMENTAL LAND USE REGULATIONS FOR DWELLINGS FOR A PROPERTY CARETAKER OR FARM EMPLOYEE, AND THEIR FAMILIES; AND MISCELLANEOUS OTHER RULES AND REGULATIONS.

AND NOW this 6th day of April, 2015, it is hereby ENACTED and ORDAINED by the Board of Supervisors of West Pikeland Township, Chester County, Pennsylvania as follows:

1. Section 202 of the West Pikeland Township Zoning Ordinance ("Zoning Ordinance") shall be amended by the addition of the following definition:

"Farm Employee": A person other than the property owner who provides labor in the agricultural operations on a tract of land.

"Property Caretaker": A person other than the property owner who cares for the buildings, accessory structures, and grounds on a tract of land.

2. Section 502D: "Accessory Uses" of the Zoning Ordinance shall be amended by replacement of the existing language with the following:

Any use customarily accessory to and on the same lot as any permitted principal use, including the display and sale of farm products and dwellings for a Property Caretaker or Farm Employee and their families, and further subject to all applicable provisions of Section 1002 and 1003.

3. Section 1002A: "Uses Accessory to Agriculture" of the Zoning Ordinance shall be amended by the addition of the following section:

8. "Dwellings for a Property Caretaker or Farm Employee, and Their Families." Dwellings for a Property Caretaker or Farm Employee, and his or her immediate family shall be permitted as a use accessory to the primary use subject to the following restrictions and conditions:

- (1) Immediate family shall be limited to the Property Caretaker or Farm Employee, his or her spouse and their children.
- (2) At least one immediate family member shall be employed on the subject property on a part-time (i.e., at least 20 hours per week) or full-time basis, in connection with the maintenance and/or permitted agricultural activities on the property. Any part-time worker shall daily devote a significant amount of time and effort in performing material duties to support the maintenance and/or permitted agricultural activities on the property.
- (3) The applicant shall furnish documentation satisfactory in the opinion of the Codes Official that an approved means of sanitary sewage disposal and a potable water supply either exists or the Chester County Health Department has issued permits for their installation.
- (4) There shall be a minimum tract size of ten (10) acres.
- (5) A Declaration of Covenants and Restrictions shall be presented to the Township for approval and recordation. The Declaration shall restrict the use of accessory dwellings authorized herein to a caretaker(s) or Farm Employee(s) associated with the agricultural use of the property.
- (6) The dwelling shall not exceed one thousand two hundred (1,200) square feet.
- (7) There shall be one off street parking space for apartment dwellings and two off street parking spaces for detached dwellings.
- (8) The architecture of the exterior façade of a new or renovated detached dwelling or a new or renovated addition to an existing building or an apartment dwelling shall be compatible with the rural and agricultural nature of the surrounding properties.
- (9) The following requirements apply to detached dwellings, but not to apartment dwellings:
 - a. A sketch plan must be presented to the Code Officer to demonstrate that the dwelling complies with all Zoning requirements for a possible subdivision of the detached accessory dwelling from the remainder of the property.
 - b. The sketch plan shall also delineate the curtilage (that is, the yard area around the dwelling proposed to

be devoted to the use and enjoyment of the dwelling unit).

- c. The detached dwelling shall have its own independent sanitary sewer system, potable water and utility services.
- d. the area comprising the detached dwelling and the curtilage shall not be included in the area calculation for the number of horses or other large animals permitted on the property.

(10) These regulations shall have no effect on the regulations found in Article VII, Historic Districts, which regulations shall be independent from these regulations.

(11) At the time of initial dwelling occupancy and each time there is a change of Property Caretaker or Farm Employee occupancy, the property owner shall file with the Township an affidavit which shall identify the occupants, their family relationship, the duties to be performed, and the estimated time per week to be devoted to those duties. In addition, the property owner shall permit the Code's Officer to conduct an inspection of the dwelling to ascertain Code compliance.

4. Section 1002B: "Uses Accessory to Residential" of the Zoning Ordinance shall be amended by the addition of the following section:

12. "Dwellings for a Property Caretaker or Farm Employee, and Their Families." Dwellings for a Property Caretaker or Farm Employee, and his or her immediate family shall be permitted as a use accessory to the primary use subject to the following restrictions and conditions:

- (1) Immediate family shall be limited to the Property Caretaker or Farm Employee, his or her spouse and their children.
- (2) At least one immediate family member shall be employed on the subject property on a part-time (i.e., at least 20 hours per week) or full-time basis, in connection with the maintenance and/or permitted agricultural activities on the property. Any part-time worker shall daily devote a significant amount of time and effort in performing material duties to support the maintenance and/or permitted agricultural activities on the property.
- (3) The applicant shall furnish documentation satisfactory in the opinion of the Codes Official that an approved means of sanitary sewage disposal and a potable water supply either exists or the Chester County Health Department has issued permits for their installation.

- (4) There shall be a minimum tract size of ten (10) acres.
- (5) A Declaration of Covenants and Restrictions shall be presented to the Township for approval and recordation. The Declaration shall restrict the use of accessory dwellings authorized herein to a caretaker(s) or Farm Employee(s) associated with the agricultural use of the property.
- (6) The dwelling shall not exceed one thousand two hundred (1,200) square feet.
- (7) There shall be one off street parking space for apartment dwellings and two off street parking spaces for detached dwellings.
- (8) The architecture of the exterior façade of a new or renovated detached dwelling or a new or renovated addition to an existing building or an apartment dwelling shall be compatible with the rural and agricultural nature of the surrounding properties.
- (9) The following requirements apply to detached dwellings, but not to apartment dwellings:
 - a. A sketch plan must be presented to the Code Officer to demonstrate that the dwelling complies with all Zoning requirements for a possible subdivision of the detached accessory dwelling from the remainder of the property.
 - b. The sketch plan shall also delineate the curtilage (that is, the yard area around the dwelling proposed to be devoted to the use and enjoyment of the dwelling unit).
 - c. The detached dwelling shall have its own independent sanitary sewer system, potable water and utility services.
 - d. the area comprising the detached dwelling and the curtilage shall not be included in the area calculation for the number of horses or other large animals permitted on the property.
- (10) These regulations shall have no effect on the regulations found in Article VII, Historic Districts, which regulations shall be independent from these regulations.
- (11) At the time of initial dwelling occupancy and each time there is a change of Property Caretaker or Farm Employee

occupancy, the property owner shall file with the Township an affidavit which shall identify the occupants, their family relationship, the duties to be performed, and the estimated time per week to be devoted to those duties. In addition, the property owner shall permit the Code's Officer to conduct an inspection of the dwelling to ascertain Code compliance.

5. Section 3 of Ordinance 2015-01: 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 of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not be included herein.
6. Section 4 of Ordinance 2015-01: This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of West Pikeland.

ENACTED AND ORDAINED this 6th day of April 2015.

ATTEST:

Vincent M. Visoskas

Vincent M. Visoskas, Township Secretary

BOARD OF SUPERVISORS OF
TOWNSHIP OF WEST PIKELAND

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