

**BOROUGH OF WEST CHESTER**  
**CHESTER COUNTY, PENNSYLVANIA**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 112, TITLED “ZONING”; SECTION 112-202 TO ADD A DEFINITION FOR “ACCESSORY DWELLING UNIT” AND TO AMEND THE DEFINITION OF “FAMILY”; TO AMEND SECTION 112-304.B AND TABLE 304.B TO ADD ACCESSORY DWELLING UNIT AS AN ALLOWABLE ACCESSORY USE IN THE NC-1, NC-2 AND TC-TOWN CENTER ZONING DISTRICTS; AND TO AMEND SECTION 112-903 TITLED “ACCESSORY USES” TO ADD A NEW SUBPARAGRAPH I TO ADOPT REGULATIONS FOR ACCESSORY DWELLING UNITS.**

**BE IT ENACTED AND ORDAINED**, by the Council of the Borough of West Chester, that Chapter 112 of the Code of the Borough of West Chester, titled, “Zoning” is amended as follows:

**SECTION 1.** The following definition shall be added to Section 112-202:

**“ACCESSORY DWELLING UNIT or ADU**

A residential dwelling living unit located on the same lot parcel as a single-family detached dwelling, single-family semidetached dwelling and single-family attached dwelling unit which ~~provides complete independent living facilities for a family one or more persons~~. It may take various forms: a detached dwelling unit; a dwelling unit that is part of an accessory structure, such as a detached garage; or a dwelling unit that is part of an expanded or remodeled principal dwelling unit. The adaptive reuse of aA historic carriage house for an accessory dwelling unit is shall ~~not be considered as~~ an ADU.

Formatted: Font: (Default) Arial

Formatted: Font: (Default) Arial

**SECTION 2.** The definition of family in Section 112-202 shall be amended as follows:

**FAMILY**

One or more individuals living together in a dwelling unit as a single nonprofit housekeeping unit, and doing their cooking on the premises, when said individuals are related by blood, marriage or adoption; or no more than four unrelated individuals living together as a single nonprofit housekeeping unit in a ~~single-family dwelling unit and no more than two unrelated individuals living together as a single nonprofit housekeeping unit in a two-family or multifamily dwelling; or, by special exception granted by the Zoning Hearing Board, no more than three unrelated individuals living together as a single nonprofit housekeeping unit in a two-family or multifamily dwelling~~. This definition excludes occupants of a club, dormitory, fraternity, sorority house, lodge or rooming house, group quarters and a student home.

**SECTION 3.** Section 112-304.B titled “Accessory uses” and Table 304.B shall be amended to add accessory dwelling unit as an allowable accessory use in the following Zoning Districts. NC-1 Neighborhood Conservation, NC-2 Neighborhood Conservation and TC Town Center. Table 304.B shall be amended as follows:

<b>ACCESSORY USES</b>	NC-1	NC-2	NC-3	TC	CS	ID	IS
1. Accessory Uses and Structures	X	X	X	X	X	X	X
2. Historic carriage house adaptive reuse	X	X	X	X	X	X	X
3. Home occupation	X	X	X				
4. Family day-care							
5. Accessory dwelling unit	X	X		X			

**SECTION 4.** Section 112-903 titled, “Accessory uses” shall be amended by adding a new subparagraph I titled, “Accessory Dwelling Units” which shall provide as follows:

**§ 112-903.I. Accessory Dwelling Units**

- (1) Specific Intent. The purpose of these regulations is to allow accessory dwelling units on lots where single family ~~detached dwellings and single family attached dwellings~~ are permitted. Council recognizes that allowing accessory dwelling units subject to the standards in this Ordinance may achieve some or all of the following benefits:
  - (a) Increase the supply of a more ~~attainable~~ ~~ffordable~~ and diverse type of housing not requiring government subsidies;
  - (b) Assist older homeowners, single parents, young home buyers, and renters seeking a wider range of homes, prices, rents and locations;
  - (c) Provide opportunities to reduce segregation of people by race, ethnicity, and income that resulted from decades of exclusionary zoning;
  - (d) Provide homeowners with extra income to help meet rising ownership costs;
  - (e) Create a convenient living arrangement that allows family members or other persons to provide care and support for someone in a semi-independent living arrangement while remaining in his or her community;
  - (f) Increase security, home care and companionship for older or other homeowners;
  - (g) Reduce burdens on taxpayers while enhancing the local property tax base by providing a cost-effective means of accommodating development without the cost of building, operating and maintaining new infrastructure;

- (h) Promote more compact urban growth, which reduces the loss of natural areas and resources, while limiting increases in pollution that contributes to climate instability; and
  - (i) Enhance job opportunities for individuals by providing housing nearer to employment centers and public transportation.
- (2) Eligibility. An ADU may be permitted as an accessory use to a single-family detached dwelling, ~~single-family semidetached dwelling and~~ single-family attached dwelling in the NC-1, NC-2 and TC Town Center Districts as identified in §112-304(B), subject to the conditions set forth in this Section and all other applicable provisions of this Chapter.
- (3) Standards for Accessory Dwellings. All ADU's must be in compliance with the following standards:
- (a) One of the two dwelling units shall be occupied by the owner of the lot on which both dwelling units are located.
  - (b) There shall be no more than one ADU built on each lot.
  - (c) The floor area of an ADU shall be limited to a maximum of eight hundred (800) square feet and shall contain no more than one (1) bedroom.
  - (d) A maximum of two people may reside in the ADU.
- (4) Dimensional requirements.
- (a) An ADU proposed within or attached to an existing structure shall be subject to all applicable residential dimensional requirements for the principal structure, ~~except minimum lot area.~~
  - (b) A detached ADU shall not be located within any front or side yard and shall be subject to all applicable residential dimensional requirements for accessory structures, ~~except maximum building height.~~
  - (c) The maximum building height for a detached ADU shall not exceed 24 feet. If an ADU is proposed for an accessory structure existing at the time of adoption of this ~~Ordinance Section that is~~ in excess of 24 feet, the height of the existing structure is considered the maximum height permitted.
- (5) Parking.
- (a) One (1) off-street parking space shall be required for an ADU, in addition to those required for the principal dwelling. ~~The Building and Zoning Official, may waive or modify this provision upon satisfactory evidence from the~~

Formatted: Font: Not Bold

Formatted: Font: Not Bold

~~applicant that the occupant or occupants of the accessory dwelling unit will not generate the need for an additional parking space as outlined § 112-603: Parking space requirements.~~

- (b) The residents of the ADU shall not be eligible for any on street parking permits issued pursuant to the Borough's Residential Parking Program.
- (6) The owner of the proposed ADU must obtain all necessary permits and approvals from the Borough's Wastewater Department prior to issuance of any building permit.
- (7) If an ADU is located within an accessory structure, such structure must be located on the same lot as the principal dwelling.
- (8) If an ADU is located within an existing single family detached dwelling or attached dwelling, it shall have an entrance separate from the entrance to the primary dwelling. This entrance may not be a part of the front façade of the primary dwelling.
- (9) If an ADU is built within an accessory structure that is on a lot adjacent to an alley, the following design standards must be met:
- (a) The area between the front façade of the ADU and the alley shall be embellished with landscaping in the form of planters, planting beds, river jack stones or similar features and be maintained in a mud free condition.
  - (b) The area adjacent to the cartway of the alley shall have stabilized edges formed by river jack stones, brick or other non-erosive surfaces.
  - (c) The front façade of the ADU must face the alley.
  - (d) The front façade shall be detailed with features such as a pent eave roof above the front door or garage doors, eave roof pilasters and other like type architectural embellishments. ~~(is this just front façade?)~~
  - (e) The front façade must have vertically proportioned windows, aligned windows on the façade and proportional massing. ~~(is this just front façade?)~~
  - (f) All accessory structures to the ADA, such as generators and electrical/mechanical systems and trash receptacles shall be screened by walls or fencing complimentary to the material of the principal dwelling.
  - (g) The ADA shall be constructed of materials that are compatible with the materials used on the principal dwelling and shall be traditional building materials such as brick, stone, painted wood and slate or metal roofing.
  - (h) Sidewalks, curbs and street trees shall be installed and maintained where space permits.
  - (i) No parking shall be permitted in front of the ADU.
- ~~(i) If the ADU is located in the Historic District, it shall comply with the standards and criteria in Section 112-504.~~

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial, 12 pt

Formatted: Font: (Default) Arial, 12 pt

- (10) To ensure compliance with this Chapter, an architectural plan shall be submitted as part of a building permit application, accurately drawn to scale, indicating the relationship and size of the two dwelling units, as well as parking areas and any proposed exterior alterations.
- (11) A use and occupancy permit shall be required prior to the occupancy of an ADU. The permit form, as provided by the Borough, and accompanying required fee shall be submitted by the property owner. An application to renew the permit shall be submitted annually prior to the intended continuation of occupancy. It shall be unlawful for the ADU to be occupied beyond the operative period of a permit. The ADU shall be subject to inspection by the Zoning Officer prior to issuance of the initial use and occupancy permit, and then at least once every three (3) years thereafter while the dwelling unit is occupied, on or about the date of initial occupancy.

**SECTION 5. 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 Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 6. REPEALER.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective upon enactment as by law provided.

**ENACTED AND ORDAINED THIS** \_\_\_\_ **DAY OF** \_\_\_\_\_, 2023.

**COUNCIL OF THE BOROUGH OF  
WEST CHESTER**

ATTEST:

\_\_\_\_\_  
Sean Metrick, Secretary

By: \_\_\_\_\_  
Michael Stefano, President

**APPROVED THIS** \_\_\_\_ **DAY OF** \_\_\_\_\_, 2023.

\_\_\_\_\_  
Lillian L. DeBaptiste, Mayor