

Zoning for Business

UNRUH TURNER
BURKE & FREES

A T T O R N E Y S A T L A W

A PROFESSIONAL CORPORATION

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Firm Background

- Twenty-two attorneys in six practice groups.
- Providing a broad range of legal services including:

Commercial Litigation

Commercial Transactions

Creditors' Rights

Estate and Trust Planning
and Administration

General Business Representation

Taxation

Labor and Employment Law

Administrative Law

Municipal Law and Government

School Law

Real Estate Transactions

Zoning and Land Use

Zoning for Business

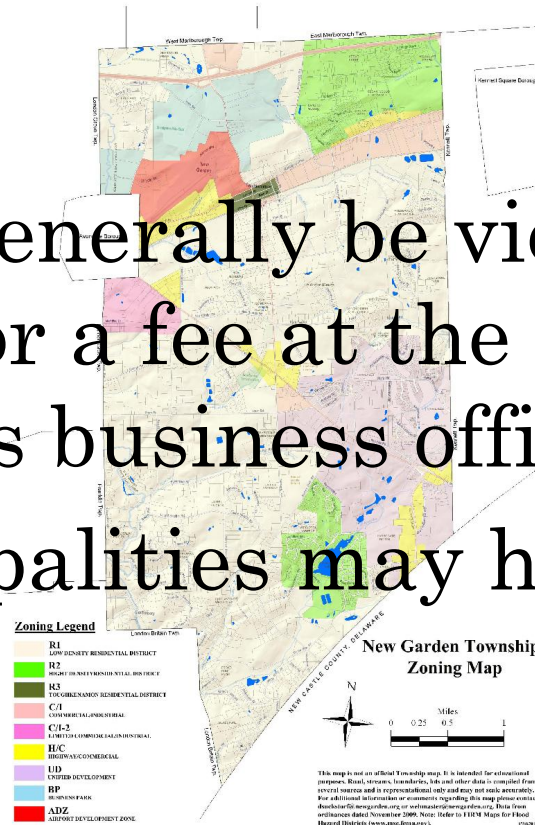
- What is “zoning”?
- Why is zoning important to business owners?
- Where can a business owner obtain information on zoning?
- How do I use zoning information?
- Who can I contact with zoning questions?

Sources of Zoning Information

- Zoning Maps
- Zoning Ordinances
- Township Officials
- Attorneys

Zoning Maps

- Copies may generally be viewed for free or obtained for a fee at the municipality's business office.
- Some municipalities may have their maps on-line.

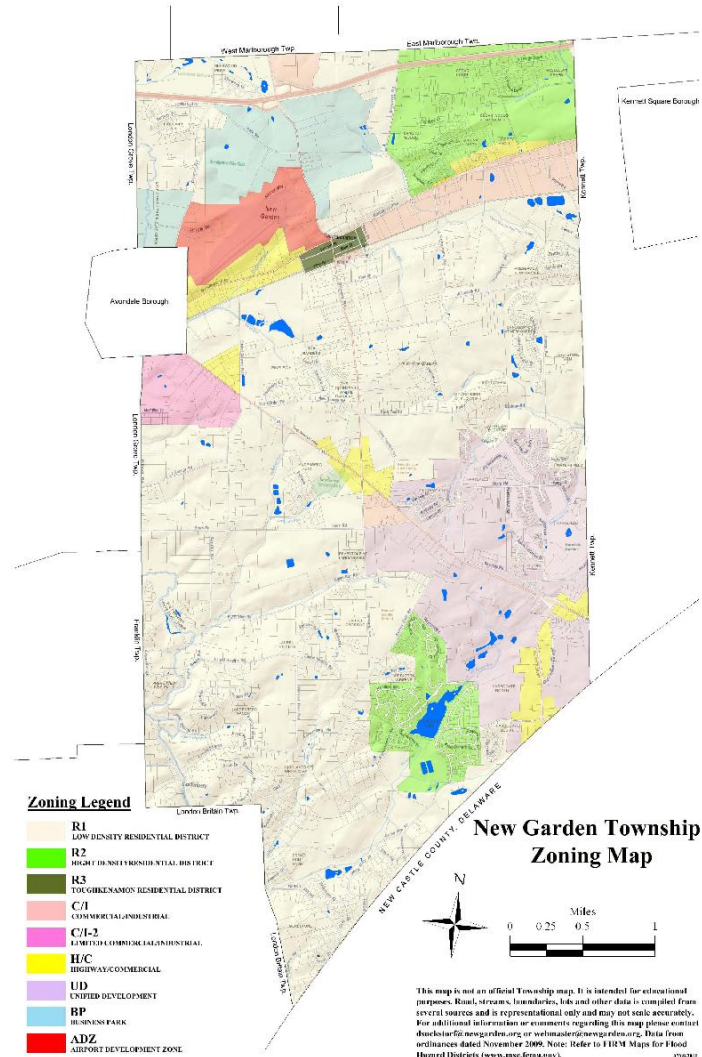


Zoning Ordinances

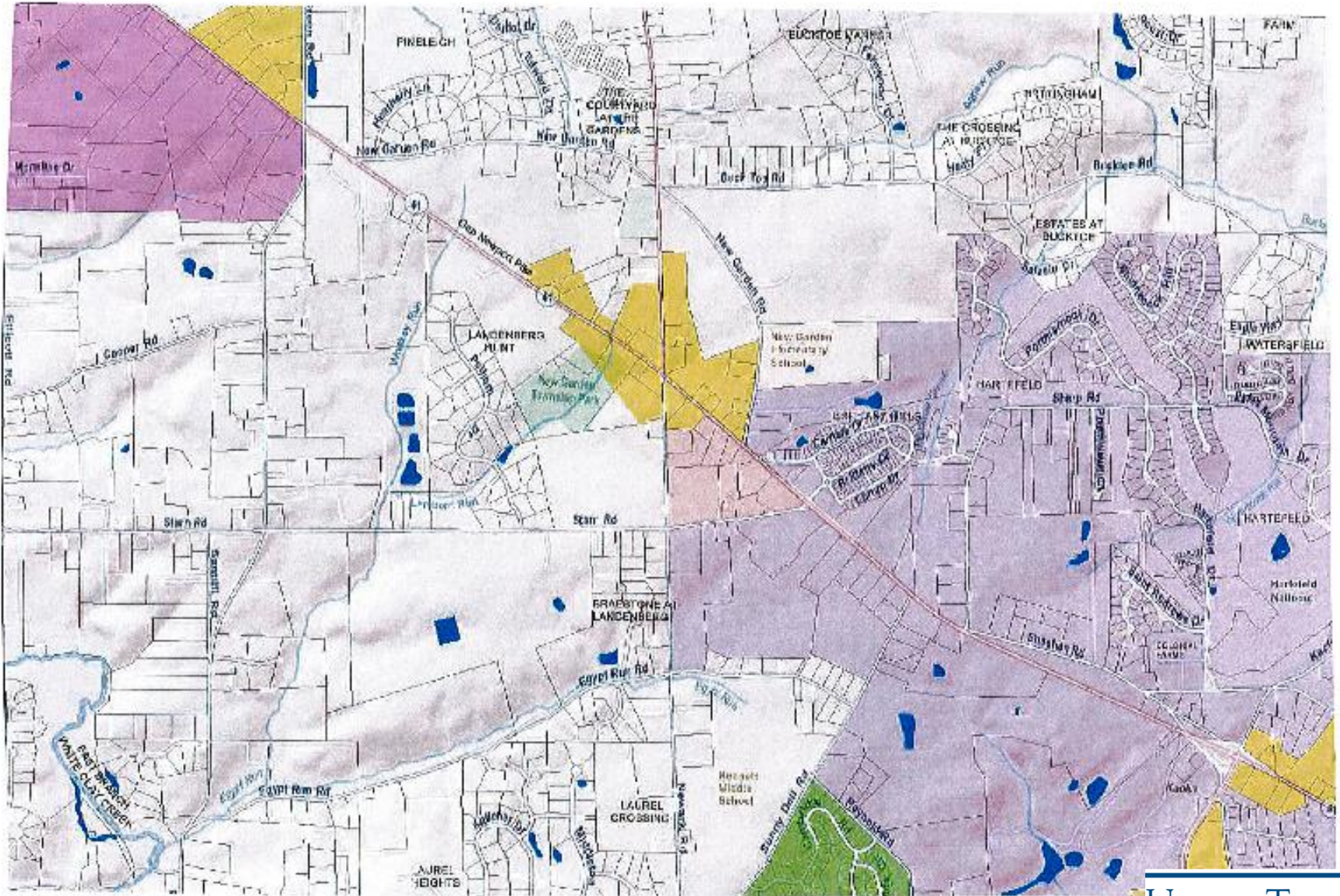
- Copies may generally be viewed for free or obtained for a fee at the municipality's business office.
- Many ordinances are also on-line at:
<http://www.generalcode.com/webcode2.html#penn>

Using Zoning Information

- The Zoning Map:



This map is not an official Township map. It is intended for informational purposes. Roads, streams, boundaries, lots and other data is compiled from several sources and is representational only and may not scale accurately. For additional information or comments regarding this map please contact burke@unruhturnerburkeandfrees.com or www.unruhturnerburkeandfrees.com. Data from ordinances dated November 2009. Note: Refer to FIRM Maps for Flood Hazard Districts (www.aac.firm.gov).



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Using Zoning Information

- The Zoning Ordinance:
 - New Garden Zoning Ordinance §200-35 Use Regulations (Highway/Commercial District)
 - Permitted Uses:

A. **Uses by right.** In the H/C District a building shall be erected, altered, or used, and a lot or premises may be used, by right, for any one of the following purposes, and for no other:

- (1) Executive, administrative or professional office building.
- (2) Office for lawyer, doctor, realtor, architect, engineer, tax consultant, and similar professional business; office for industrial and trade union, credit union and commercial and civic organization.
- (3) Office of nonprofit organization, social or fraternal association, political or religious organization.
- (4) Business office of a public utility, transportation, advertising, insurance, executive and administrative office of commercial and industrial establishment.
- (5) Retail store.
- (6) Flea market.
- (7) Bank, banking machine and drive-in bank facility.
- (8) (Reserved)
- (9) Bed-and-breakfast in accordance with the § 200-123.

- (10) Day-care facility in accordance with § 200-121.
- (11) Restaurant without drive-through.
- (12) New Garden Township municipal use.
- (13) Accessory commercial use, in accordance with the following:
 - (a) Only customary activities accessory to the principal use are permitted.
 - (b) A single residential unit may be permitted, either as a conversion or new unit, provided the unit is accessory to the principal commercial use, and is occupied by the owner-operator of the principal use.
 - (c) Any storage structure, or shed, shall require a permit and shall comply with the regulations of § 200-104.
 - (d) Use of truck trailer bodies as storage units shall be limited to use as temporary storage and only as an accessory use. A temporary use permit is required to be secured annually.
 - (e) Storage areas shall be included in calculations for total allowable floor space.
- (14) Veterinary facilities, excluding overnight boarding, except as may be necessary and related to veterinary treatment/services performed on the property.

Zoning Ordinance Continued

- B. **Uses by special exception.** Only one of the following uses may be permitted per lot in the Highway Commercial Zoning District as a special exception when authorized by the Zoning Hearing Board subject to the standards of this section and Article XX of this chapter:
- (1) Hotel or motel.
 - (2) Hospital, convalescent home, physical rehabilitation center, or group home.
 - (3) Commercial recreational use such as swim club, tennis club, spa, theater.
 - (4) Kennel in accordance with § 200-126.
 - (5) Restaurant with drive-through.

Zoning Ordinance Continued

- C. **Conditional use.** The following use may be permitted in the Highway Commercial District (H/C) when approved by the Board of Supervisors as a conditional use, subject to the standards of this section and Article XIX of this chapter:
- (1) Planned commercial development, as defined in this chapter, in accordance with the terms of this article and all other applicable provisions of this chapter. In addition, the following minimum requirements shall apply:
 - (a) Only those uses permitted as uses by right in § 200-35A shall be permitted within a planned commercial development.
 - (b) The planned commercial development must be served by a public or community water supply.
 - (c) The planned commercial development must be served by a public or community sewage treatment system.
 - (d) Each tract shall meet the following requirements:
 - [1] A minimum net tract area of 10 acres.
 - [2] The minimum width of the tract, measured at the existing street right-of-way line abutting the tract to be developed, shall be 400 feet.
 - [3] The tract coverage, after development, shall not exceed 65%.
 - [4] The minimum front yard setback shall be 75 feet.
 - [5] The minimum side and rear yard setbacks shall be 50 feet.
 - (e) A planned commercial development shall comply with the design standards contained in Article XVI of this chapter.

Other Zoning Considerations

- Accessory Uses
- Lot size requirements
- Setbacks
- Parking
 - New Garden Zoning Ordinance §200-109 Off-Street Parking Regulations

A. Applicability. The regulations established under this section apply to all uses other than residential.

B. Design.

(1) There shall be sufficient spaces provided for each use so that there is a minimum of *one space per employee, plus* additional parking to be provided.

(2) The number of additional spaces shall be calculated using the formula listed below:

(3) All uses not specified shall provide a minimum of one space per employee plus such additional spaces as deemed necessary by the board of Supervisors.

Parking Calculations

Activity or Use	A Minimum of One Parking Space for Each
Driving range	One tee
Golf course	1/2 tee
Theater and churches	Three seats
Convalescent/nursing home	Two patient beds
Retirement community	One dwelling and three patient beds
Hospital	Two patient beds
Eating and drinking places	Four seats
Elementary school	20 students
All other schools	Three students, plus three fixed seats in auditorium
Gift/apparel/hardware stores	300 square feet of sales area
Offices/clinics/financial institutions	300 square feet of sales area
Wholesale sales/storage	1,000 square feet of such part of the floor area dedicated to sales to customers
Department and variety stores	300 square feet of sales area
Food stores and pharmacies	300 square feet of sales area
Gasoline service station	Two pumps of service
Personal service establishment	100 square feet of service area
Flea market	200 square feet of gross sales area
Light industry	Employee on day shift plus 1/2 of the employees from the next largest contiguous shift

Contact information by municipality:

- Avondale Borough
610-268-8501
- Birmingham Township
610-793-2600
- East Marlborough
Township
610-444-0725
- East Nottingham
Township
610-932-8494
- Elk Township
610-255-0634
- Franklin Township
610-255-5212
- Kennett Township
610-388-1300
- Kennett Square Borough
610-444-6020
- London Britain Township
610-255-0388
- Londonderry Township
610-869-2138
- London Grove Township
610-345-0100
- Lower Oxford Township
610-932-8150
- New Garden Township
610-268-2915
- New London Township
610-869-8658
- Oxford Borough
610-932-2500
- Penn Township
610-869-9620
- Pennsbury Township
610-388-7323
- Pocopson Township
610-793-2151
- Upper Oxford Township
610-932-9233
- West Grove Borough
610-869-2792
- West Marlborough
Township
610-383-5986

The End

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