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FRANKLIN TOWNSHIP PLANNING COMMISSION MEETING MINUTES October 4, 2018

Call to Order: Chairman Dave Hoffman called the meeting to order at 7:07 p.m. Present were Planning Commission (PC) members Chuck Phillips and Brent Van Lith. John Gontarz and Mark Harris were absent. Also in attendance on behalf of the Township were PC Alternates Donna Dea and Paul Lagasse, Mgr. Joan McVaugh, Zoning Officer Jeff Vogels and Secretary Sharon Norris. Two members of the public were in attendance.

Public Comment: There was no public comment.

Approval of Minutes:

a. *September 7, 2018 PC Minutes:* Mr. Phillips moved, seconded by Mr. Van Lith, that the September 6, 2018 minutes be approved as submitted. Motion passed 3-0.

Planning & Zoning:

a. *Continuation of Additional Dwelling Unit Discussion:*

The following background information is taken from discussions of this topic at previous PC meetings and is summarized here to facilitate the public's understanding of tonight's complex discussion.

Background

The PC first discussed "In-Law Suites" at their November 2, 2017 meeting. The intent was to consider amending the Township's Zoning Ordinance to allow for the addition of an "in-law suite/granny flat" to accommodate various family situations within the immediate proximity of the family, rather than in an external facility. The topic was discussed again at the February 1, 2018 meeting at which Engineer Eisenbrown presented a draft entitled "Additional Living Units" (since revised to "Additional Dwelling Units (ADU)"). At their March 7, 2018 meeting, the PC recommended that the Board enact an ordinance amending the Township's Zoning Ordinance by deleting Section 27-1712 and adding Section 27-1721 governing ADUs. The PC's goal was to take what they found to be an ambiguous, inconsistent ordinance and add detailed restrictions which would make it less ambiguous and more consistent with governing regulations. At the April 17th BOS meeting, the Board requested that the PC revisit certain specific items at a meeting to be attended by the Zoning Officer/Code Official and any supervisor who had unanswered questions. That discussion occurred at the PC's June 6th meeting. At that meeting the Township's Zoning Officer, Jeff Vogels advised the PC of information he had obtained from the Chester County Health Department (CCHD) regarding the number of septic failures they experienced when an ADU was added. They provided him with the following information:

- Any project proposing additional sleeping areas or an additional kitchen requires a CCHD review for added flows;
- The CCHD considers that an additional kitchen constitutes a separate dwelling unit;
- The CCHD generally requires two separate sewage systems for two dwelling units on a single parcel. Enlargement of the existing system often has problems and is generally not cost effective;
- CCHD has parameters requiring them to contact DEP for testing before approving a second sewage system on a single parcel;

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- Per CCHD, two systems on 2 acres or less is virtually impossible; 2-3 acres works occasionally; 4 acres is usually adequate to accommodate two systems.

This information caused the PC to look at the minimum lot size needed to meet CCHD requirements. It became obvious that the total acreage of a parcel becomes a deciding factor in determining whether a resident can have an ADU, whether detached or within the existing dwelling. After discussion, the PC decided to include the following requirements in the revised ordinance:

- For properties of less than 3.5 acres, an attached ADU is allowed;
- For properties of 3.5 but less than 10 acres, either an attached, or detached, ADU is allowed;
- For properties of 10 acres or more, both an attached and detached ADU are allowed.

Mr. Vogel's recommendations for revisions included the following:

- Use the IRC's (International Residential Code) and UCC's (Uniform Construction Code) definition of Dwelling Units and Dwelling and change the wording throughout the ordinance from living Unit(s) to Dwelling Unit(s);
- Under Section 27-1721 page 2, add as #3 "*A detached Additional Dwelling Unit*" shall require a Land Development Plan as defined in Section 22-202";
- Revise #16 to read – "*Additional Dwelling Units shall obtain a building permit and comply with all applicable building code requirements. Additional Dwelling Units (within or attached to the existing structure) shall comply with the current UCC as adopted by the Commonwealth of PA*".

10.04.18 Discussion of Additional Dwelling Units: To recap, the PC's objective is to allow a resident, who has a primary residence on a qualified parcel of land, to build an additional dwelling unit, attached or detached (depending on the acreage), that contains a kitchen, sleeping quarters, and a bathroom, for occupancy by one family. They plan to accomplish this by replacing section 27-1712 (Residential Conversion) with the new section 27-1721, governing only ADUs. The discussion started with Zoning Officer Jeff Vogels providing a summary of the latest revisions to the ordinance as stated above in the background information. BOS Supervisor Nancy Morris voiced multiple concerns. She said she understands and agrees with the objective but feels the current ordinance is well written and very encompassing and a lot of specificity is being lost by replacing it. She mentioned the clustering provision and the provision to notify neighbors within 1000 ft. of any proposed development, as provisions that she would like to see in the ADU ordinance. It was explained that all other sections of the Zoning Ordinance remain in effect, but may not apply to ADUs. The clustering provision, as used in the Zoning Ordinance, applies only to subdivisions and the notification requirement applies only to Zoning Hearing Board and Conditional Use applications. BOS Chairman John Auerbach said that, in his opinion, the current ordinance is ambiguous, open to interpretation and hard to apply because the requirements are scattered throughout the Zoning Ordinance. He said the objective was to create a comprehensive ordinance that is clear and less open to interpretation and also, that is in one place in the ordinance book so there is no need to go to different sections to find what you need. Mrs. Morris feels that the new ordinance will reduce the rural character of the Township by allowing for the reduction of open space. Mr. Phillips and Mr. Van Lith disagree noting that, according to Mr. Vogels interpretation of both ordinances, the new ADU ordinance is much more regulated and restrictive and will make it more difficult to put more than one house on a single parcel of land. Mrs. Morris is not sure she will support the ADU ordinance but reiterated that she would strongly support including a requirement that neighbors must be notified if an ADU is being considered. Members of the PC and Mr. Vogels countered that all land development plans must come before the PC and the Board at public meetings

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and the agendas are on the website. Working from the draft of the Ordinance which came from the PC's 6.7.18 meeting, the discussion continued with input from the PC members and alternates, the Zoning Officer, the Township Manager and members of the public, i.e., Supervisors Morris and Auerbach. The Solicitor's recommended revisions were included on the draft. For purposes of the minutes, the proposed revisions are listed in the order they appear in the ordinance, which is not necessarily the order in which they were discussed. Only the provisions revised at the 10.4.18 PC meeting are provided.

Pg. 1, Section 2, add the following defined term:

Additional Dwelling Unit (ADU) – an area within a single-family residential dwelling (or an area within a detached accessory structure) that contains a kitchen, sleeping quarters, and a bathroom, for occupancy by one family.

Pg. 2, Section 27-1721 Additional Dwelling Unit

1. An additional Dwelling Unit as defined herein shall be permitted within a single-family dwelling or a detached accessory structure on the same property.
3. An Additional Dwelling Unit in a detached accessory structure, shall require a Land Development Plan as defined in Section 22-202.
4. For properties 3.5 acres or less in size, one Additional Dwelling Unit shall be permitted within a principal structure.
5. For properties greater than 3.5 acres but less than 10 acres, one Additional Dwelling Unit shall be permitted as follows:
 - i. A maximum of one Additional Dwelling Unit may be within a principal structure, or
 - ii. A maximum of one Additional Dwelling Unit may be within a detached accessory structure.
6. For properties 10 acres or more in size a maximum of 2 Additional Dwelling Units shall be permitted as follows:
 - i. A maximum of one Additional Dwelling Unit shall be contained within the primary structure.
 - ii. A maximum of one Additional Dwelling Unit shall be located within a detached accessory structure.
7. An Additional Dwelling Unit may only be used for long-term occupation and may not be used for a short-term use.
8. A separate street address shall be obtained and utilized for an Additional Dwelling Unit that is located within a detached accessory structure.
9. An Additional Dwelling Unit shall utilize the existing driveway to the subject property whenever possible. If necessary, a second driveway may be permitted subject to a driveway permit being obtained. The number of driveways shall comply with Section 21-126.
12. Chester County Health Department Sewage approval for each proposed Additional Dwelling Unit shall be provided.
14. Any proposed detached accessory structure in which an Additional Dwelling Unit may be located shall comply with the setback requirements for a principle dwelling within the underlying zoning district in which it is to be located.
15. An additional Dwelling Unit shall not be located within an existing detached accessory structure that does not comply with the setback requirements for a principal dwelling.
17. A building permit shall be required for the construction of any Additional Dwelling Unit and shall comply with the current UCC as adopted by the Commonwealth of Pennsylvania.

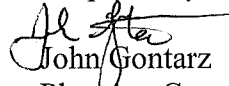
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The revised ordinance will be reviewed by the PC at their November meeting.

Public Comment: No public comment.

Adjourn: Chairman Hoffman adjourned the meeting at 9:09 p.m.

Respectfully submitted,



John Gontarz
Planning Commission Secretary

PC Mtg. 10.04.18.v.2.er