

**ELK TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA  
ORDINANCE NO. 2016-01**

**AN ORDINANCE OF ELK TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA,  
AMENDING THE ELK TOWNSHIP ZONING ORDINANCE**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Elk Township, Chester County, Pennsylvania, that the Elk Township Zoning Ordinance, as amended, be further amended as follows:

**SECTION 1. Article IV R-H Residential District Section 401 Use Regulations**

Replace existing Section 401.A preamble with the following: **401.A. By Right Uses.** A building may be erected, altered, or used, and a lot may be used or occupied, for any one of the following principal uses, and for no other:

Delete existing Section 401.A.7 and Section 401.A.8 and renumber subsequent sections accordingly.

Add the following to Section 401.C. Accessory Uses: 401.C.4 Minor Home Occupation in accordance with the provisions of Section 1215. 401.C.5 Accessory agricultural dwelling in accordance with the provisions of Section 1202.

**SECTION 2. Article V R-1 Residential District Section 501 Use Regulations**

Replace existing Section 501.A preamble with the following: **501.A. By Right Uses.** A building may be erected, altered, or used, and a lot may be used or occupied, for any one of the following principal uses, and for no other:

Delete existing Section 501.A.7 and Section 501.A.8 and renumber subsequent sections accordingly.

Add the following to Section 501.D Accessory Uses: 501.D.6 Minor Home Occupation in accordance with the provisions of Section 1215. 501.D.7 Accessory agricultural dwelling in accordance with the provisions of Section 1202.

**SECTION 3. Article VI R-2 Agricultural Residential District Section 601 Use Regulations**

Replace existing Section 601.A preamble with the following: **601.A. By Right Uses.** A building may be erected, altered, or used, and a lot may be used or occupied, for any one of the following principal uses, and for no other:

Delete existing Section 601.A.7 and Section 601.A.9 and renumber subsequent sections accordingly.

Add the following to Section 601.D Accessory Uses: 601.D.5 Minor Home Occupation in accordance with the provisions of Section 1215. 601.D.6 Accessory agricultural dwelling in accordance with the provisions of Section 1202.

**SECTION 4. Article VII Agricultural Preservation District Section 701 Use Regulations**

Replace existing Section 701.A preamble with the following: **701.A. By Right Uses.** A building or other structure may be erected, altered, or used, and a lot may be used or occupied, for any one of the following principal uses, and for no other:

Delete existing Section 701.A.11 and replace with the following: 701.A.11 One single family detached dwelling on a non-farm lot which conforms to the standards of Section 702.C and which was a lot of record as of the date of enactment of Ordinance No. 2010-06.

Delete existing Section 701.A.7 and Section 701.A.9 and renumber subsequent sections accordingly.

Add the following to Section 701.D Accessory Uses: 701.D.3 Minor Home Occupation in accordance with the provisions of Section 1215. 701.D.4 Accessory agricultural dwelling in accordance with the provisions of Section 1202.

**SECTION 5. Article VIII LV Lewisville Village Residential District Section 801 Use Regulations**

Replace existing Section 801.A preamble with the following: 801.A. **By Right Uses.** A building or other structure may be erected, altered, or used, and a lot may be used or occupied, for any one of the following principal uses, and for no other:

Delete existing Section 801.A.11 and Section 801.A.13 and renumber subsequent sections accordingly.

Add the following to Section 801.D Accessory Uses: 801.D.5 Minor Home Occupation in accordance with the provisions of Section 1215. 801.D.6 Accessory agricultural dwelling in accordance with the provisions of Section 1202.

**SECTION 6. Article IX C-1 Village Commercial District Section 901 Use Regulations**

Delete existing Section 901.A preamble and replace with the following: 901.A. **By Right Uses.** A building may be erected, altered or used, and a lot may be used or occupied, for any one of the following principal uses, and for no other:

Delete existing Section 901.A.16 and Section 901.A.17 and renumber subsequent sections accordingly.

Add the following to Section 901.D Accessory Uses: 901.D.4 Minor Home Occupation in accordance with the provisions of Section 1215. 901.D.5 Accessory agricultural dwelling in accordance with the provisions of Section 1202.

**SECTION 7. Article X C-2 General Commercial District Section 1001 Use Regulations**

Delete existing Section 1001.A preamble and replace with the following: 1001.A. **By Right Uses.** A building may be erected, altered or used, and a lot may be used or occupied, for any one of the following principal uses, and for no other:

Delete existing Section 1001.A.15 and Section 1001.A.19 and renumber subsequent sections accordingly.

Add the following to Section 1001.C Accessory Uses: 1001.C.4 Minor Home Occupation in accordance with the provisions of Section 1215. 1001.C.5. Accessory agricultural dwelling in accordance with the provisions of Section 1202.

**SECTION 8. Article XI Natural Resource Overlay District Section 1103 Resource Conservation Overlay District**

Delete existing Section 1102.G.2.b. and replace with the following: 1102.G.2.b. Stormwater management facilities, including conveyance facilities, when located in the Precautionary Slope District and when demonstrated that no feasible location on areas of lesser slopes exist to site the facilities. The proposed stormwater management facilities must also be fully compliant with the Elk Township Stormwater Ordinance as well as the standards of all other regulatory agencies.

Renumber Section 1103.E.4 Tree Protection Zone as Section 1103.E.6 Tree Protection Zone.

**SECTION 9. Effect on Other Provisions and Repealer**

This Ordinance shall supersede all prior Ordinances and Resolutions as to the specific subject matter contained herein. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

**SECTION 10. Severability**

If any section or provision of this Ordinance is declared by any Court of competent jurisdiction to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the constitutionality, legality or validity of this Ordinance as a whole, nor the constitutionality, legality or validity of any other section or provision of this Ordinance other than the one so declared to be unconstitutional, illegal or invalid.

**SECTION 11. Effective Date**

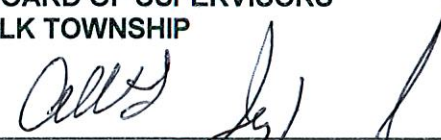
The provisions of this Ordinance shall become effective five (5) days after its enactment.

**ENACTED AND ORDAINED** this 1st day of February 2016.

**ATTEST:**

  
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TERRI KUKODA, Secretary

**BOARD OF SUPERVISORS  
ELK TOWNSHIP**

  
\_\_\_\_\_  
ALBERT JEZYK, CR, Chairman

  
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ESTACE WALTERS, Vice Chairman

  
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JAMES GEORGE, Member