

**BOARD OF SUPERVISORS
EAST FALLOWFIELD TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2009 - 08

**AN ORDINANCE AMENDING SECTIONS 1702.B. AND 1712 OF THE
EAST FALLOWFIELD TOWNSHIP ZONING ORDINANCE OF 2002, AS
AMENDED, TO ALLOW A DAY CARE HOME AS A RESIDENTIAL
ACCESSORY USE. EFFECTIVE FIVE DAYS FROM ENACTMENT.**

AND NOW, this 22nd day of December, 2009, the Board of Supervisors of East Fallowfield Township hereby enacts and ordains as follows:

Section 1. Section 1702.B. of the East Fallowfield Township Zoning Ordinance of 2002, as amended, pertaining to uses accessory to residential uses, is amended by adding a new subsection 10 to read as follows:

10. Day care home in accordance Section 1712.C.

Section 2. Section 1712 of the East Fallowfield Township Zoning Ordinance of 2002, as amended, pertaining to home occupations, is amended by adding a new subsection C. to read as follows:

C. Day Care Home. As defined in Section 201 of this Ordinance, a day care home shall be permitted when incidental and subordinate to an existing residential use, and when located on the same land as the principal use, subject to the following conditions:

1. Only single family detached dwellings are permitted to contain a day care home.
2. The principal operator of the day care home shall be a resident of the dwelling except that two persons not residing on the premises may be employed at a maximum of 50 hours per week per person.
3. A day care home shall occupy no more than 25 percent of the total floor area of the dwelling unit, or 750 square feet of floor area; whichever is less.
4. The exterior of the residence shall have an appearance no different than if there were no day care home conducted inside.
5. The use shall not emit noise which violates the performance standards of Section 1810 of this Ordinance.
6. A minimum of two off-street parking spaces shall be provided in addition to the required number for a residence. An area for the discharge and pick-up of children shall be provided, which is removed from both the parking and ingress/egress for the site.

7. No storage or display of moveable play equipment or materials shall take place out-of-doors except during daylight hours.
8. There shall be an outdoor play area of one hundred (100) square feet per child, subject to the following requirements:
 - a. Outside play shall be limited to the hours of daylight.
 - b. The outdoor play area shall be fenced on all sides and shall not include driveways, parking areas or land unsuited by other uses or natural features for active play area.
 - c. Fencing shall be a minimum height of four (4) feet.
 - d. The play area shall be setback no further forward than the rear setback line of the dwelling.
9. There shall be an indoor play area of fifty (50) square feet per child.
10. The day care home shall meet all of the requirements of 34 Pa. Code §403.23(b) applicable for a day care facility that is an R-3 occupancy which provides day care services to four to six children.
11. The day care home shall be licensed under 55 Pa. Code Chapter 3290, relating to family child day care homes, and any other applicable state regulation.

Section 3. This Ordinance shall be effective five (5) days from the date of enactment.

ENACTED and **ORDAINED** this 22nd day of December, 2009.

**BOARD OF SUPERVISORS OF
EAST FALLOWFIELD TOWNSHIP**

George Broadbent, Jr., Chairman

Chris Makely, Vice Chairman

Chris Amentas, Member

Gary Barach, Member

Garth Monaghan, Member

ATTEST:

Denise Miller, Secretary