

ORDINANCE NO. 2024 - _____

BOROUGH OF AVONDALE
CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE AVONDALE BOROUGH CODE OF ORDINANCES, TO AMEND CHAPTER 430. ZONING AT SECTION 430-7 TO INCLUDE A DEFINITION FOR “FAMILY” AND TO REVISE THE DEFINITION OF “RESIDENTIAL CONVERSION”; TO REMOVE RESIDENTIAL CONVERSIONS AS A CONDITIONAL USE IN THE R-1 ZONING DISTRICT; TO AMEND SECTION 430-81 TO UPDATE REGULATIONS APPLICABLE TO RESIDENTIAL CONVERSIONS IN THE BOROUGH, TO AMEND SECTION 430-107 TO ALLOW FOR REASONABLE ACCOMMODATIONS TO BE MADE BY THE ZONING OFFICER, AND TO PROVIDE FOR REPEALER, SEVERABILITY, AND EFFECTIVE DATE PROVISIONS.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Avondale that Chapter 430. Zoning of the Code of the Borough of Avondale shall be amended as follows:

SECTION 1. Section 430-7.Definitions. shall be amended to include the following definition of “Family”:

“FAMILY

1. A single person occupying a dwelling unit.
2. Two (2) or more persons related by blood, marriage, or adoption occupying a dwelling unit and maintaining it as a functional common household.
3. A group home providing non-transient lodging for unrelated persons with a disability, functioning as a single household unit, in accordance with the Federal Fair Housing Amendment Act which may include reasonable accommodations to facilitate the group home within the Borough.
4. Not more than four (4) unrelated persons occupying a dwelling unit, living together as a single household unit, excluding a rooming boarding house, fraternity house, dormitory, or transitional housing.”

SECTION 2. Section 430-7.Definitions. shall be amended to remove the definition of “Residential Conversion” in its entirety and to replace it with the following:

“RESIDENTIAL CONVERSION

The alteration of an existing single-family detached dwelling to accommodate two or more dwelling units. This implies a change in density and housing type of an

existing dwelling, resulting in the creation of party walls and independent cooking, lavatory, and sleeping facilities for each separate dwelling unit. A residential conversion shall contain independent living arrangements for each dwelling unit and shall not consist of shared cooking, lavatory or sleeping facilities among separate dwelling units.”

SECTION 3. Section 430-14.B. Uses permitted by conditional use. shall be amended to read as follows:

“B. Uses permitted by conditional use. A building may be erected or used, and a lot may be used or occupied for any one of the following uses, and no other, when approved as a conditional use (see 430-110, Conditional use procedures):

- (1) Single-family semidetached dwelling (twin).
- (2) Two-family dwelling (duplex).
- (3) Bed and Breakfast.
- (4) Educational institution.
- (5) Cemetery.
- (6) Religious use.
- (7) Limited-impact home occupation.”

SECTION 4. Section 430-81, “Conversion of Structures,” shall be removed in its entirety, and renamed and replaced to read as follows:

“§ 430-81. Residential Conversion.

If permitted by conditional use in the applicable zoning district, the following additional regulations shall apply to all proposed conversions of existing single-family dwellings within the Borough:

- A. Prior to approval from the Borough for the conversion of an existing single-family dwelling, the original lot and structure must be in full compliance with the provisions of this chapter, or the property owner shall be taking action to bring the property into compliance. As part of conditional use approval, Borough Council may consider residential conversion of a structure that has a use other than residential or a combination of uses.
- B. Subsequent residential dwelling units shall have the following minimum floor area/DU:

Efficiency	450 square feet
1 Bedroom	750 square feet
2 Bedroom	900 square feet
3 Bedroom	1050 square feet

- C. The dwelling units may share outside access and internal hallways, lobbies and similar facilities.
- D. The dwelling unit cannot be individually lotted but shall share a lot or parcel on which the building is located; except as otherwise permitted under condominium law.
- E. The maximum permitted density for any lot containing a single-family dwelling undergoing residential conversion shall be 4 dwelling units. No dwelling unit can consist of more than three (3) bedrooms.
- F. The dwelling units may be arranged in a variety of configurations including side-by-side, over and under, or back to back with another dwelling unit.
- G. The dwelling units created by such residential conversion shall comply with applicable building code regulations including all fire and safety requirements.
- H. A minimum of one off-street parking space shall be required for each dwelling unit unless it can be shown to satisfaction of Borough Council that a lesser amount of parking spaces is sufficient or parking can be handled through a sharing parking arrangement.”

SECTION 5. Section 430-107.B.(5) shall be removed and replaced to read as follows:

(5) issue permits for construction and use which are in accordance with the requirements of this chapter including allowing for reasonable accommodations to be made in accordance with fair housing laws.

SECTION 6. Repealer. All other ordinances or resolutions or parts thereof, conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 7. 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 Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 8. General Code. General Code is hereby authorized to make whatever numbering and formatting changes are needed in order to properly codify this ordinance and properly incorporate this ordinance into the Borough’s online Code.

SECTION 9. Effective Date. This Ordinance shall be effective upon enactment as by law provided.

PASSED by Borough Council this _____ day of October, 2024.

BY: _____
Paul Morgan, President

APPROVED this _____ day of October, 2024.

BY: _____
Susan Rzucidlo, Mayor

ENACTED this _____ day of October, 2024.

BY: _____
Sharon Norris, Borough Secretary

I HEREBY CERTIFY the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the _____ day of October, 2024.

BY: _____
Sharon Norris, Borough Secretary