

**ORDINANCE NO. 2011-2**

**BOROUGH OF MALVERN  
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE BOROUGH OF MALVERN  
ZONING ORDINANCE OF 2003, BY CHANGING THE DEFINITION  
OF LAND DEVELOPMENT TO EXCLUDE THE ADDITION OF  
CERTAIN ACCESSORY STRUCTURES FROM THAT DEFINITION  
AND TO REQUIRE SCREENING OF CERTAIN ACCESSORY  
STRUCTURES.**

WHEREAS, the Municipalities Planning Code permits the exclusion of accessory structures from the definition of “Land Development”; and

WHEREAS, the Borough of Malvern Zoning Ordinance of 2003 is not clear as to what types of accessory structures, if any, are so excluded;

NOW, THEREFORE, The Borough Council of Malvern Borough, Chester County, Pennsylvania, hereby **ENACTS** and **ORDAINS** as follows:

The Borough of Malvern’s Zoning Ordinance of 2003, as amended, is hereby amended as follows:

1. Article II, Section 201 is amended to change the definition of “LAND DEVELOPMENT” by deleting sentence “C” and replacing it with the following new sentence:

“C. Development in accordance with Section 503(1.1) of Act 247, as amended, is specifically included in the definition of land development, except that the addition of an accessory structure (such as a small shed) or appliance (such as a generator) on a lot, subordinate to an existing principal building or use is excluded from the definition, provided that the area of earth disturbance does not exceed 400 square feet and the addition of the structure or appliance will not result in any change in parking requirements, stormwater runoff, impervious surface, intensity of use or other impacts upon nearby properties or the public generally. The Zoning Officer shall determine whether the proposed structure is accessory to the existing building or use. This exclusion does not affect the applicability of Section 2905 of the Zoning Ordinance regarding Zoning Permits.”

2. Article XXIV Section 2401 is amended to delete paragraph A.2 and to replace it with the following:

“Structures such as, but not limited to, shelter for household pets, storage sheds, bathhouses, gazebos, decks, patios, tennis courts and noncommercial greenhouses. Utility structures such as generators and storage tanks shall be screened from view on all sides to the greatest extent feasible and, if located in areas subject to traffic, shall be protected against physical damage.”

3. Article XXIV Section is amended to delete paragraph B.7 and to replace it with the following:

“Utility structures such as generators and storage tanks shall be screened from view on all sides to the greatest extent feasible and, if located in areas subject to traffic, shall be protected against physical damage.”

**ORDAINED** by Borough Council this 17<sup>th</sup> day of May, 2011.

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Woody Van Sciver  
President, Malvern Borough Council

**APPROVED** by the Mayor, this 17<sup>th</sup> day of May, 2011.

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Gerard J. McGlone, Jr.  
Mayor

**ENACTED** this 17<sup>th</sup> day of May, 2011.

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Sandra L. Kelley  
Borough Secretary