

**ORDINANCE NO. 2007-4**

**BOROUGH OF MALVERN  
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE BOROUGH OF MALVERN ZONING ORDINANCE OF 2003, TO CORRECT THE DEFINITION OF "LOT LINE," TO REQUIRE SEPARATE STORAGE AREAS FOR TRASH AND FOR RECYCLABLE MATERIALS IN MULTIFAMILY, COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL DISTRICTS, TO AMEND THE ACCESSORY STRUCTURE SETBACK IN THE R3A, R3B, R4, R5 AND R6 DISTRICTS, TO CORRECT THE BUILDING HEIGHT REGULATIONS IN THE C4 DISTRICT AND TO PERMIT RETAIL SHOPS AND OUTDOOR CAFES IN THE C4 DISTRICT.**

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

The Borough of Malvern's Zoning Ordinance is hereby amended as follows,

**SECTION 201 TERMS** is amended to delete the definition of "Lot Line" and to replace it with the following:

" LOT LINE. A property boundary line of any lot held in single and separate ownership dividing one (1) lot from another or from a street or alley. In the case of any lot abutting a street, the lot line for such portion of the lot as abuts the street shall be deemed to be either the right-of-way line or the interior side of an existing sidewalk, whichever is further from the edge of the street or alley."

**SECTION 903** is amended to add the following:

"F. Separate storage facilities for trash and for recyclable materials shall be provided in accordance with Section 2424."

**SECTION 1003** is amended to add the following:

"F. Separate storage facilities for trash and for recyclable materials shall be provided in accordance with Section 2424."

**SECTION 1203** is amended to add the following:

"H. Separate storage facilities for trash and for recyclable materials shall be provided in accordance with Section 2424."

**SECTION 1303** is amended to add the following:

"H. Separate storage facilities for trash and for recyclable materials shall be provided in accordance with Section 2424."

**SECTION 1403** is amended to add the following:

"H. Separate storage facilities for trash and for recyclable materials shall be provided in accordance with Section 2424."

**SECTION 1501.A USE REGULATIONS** is amended to add the following as a use permitted by right:

"10. Retail Store

**SECTION 1501.B USE REGULATIONS** is amended to add the following as a use permitted upon grant of conditional use from Borough Council:

12. Outdoor Café, as per Section 2418"

**SECTION 1502.A.8 Maximum Building Height** is deleted and replaced with the following:

"Any portion of a building that is closer than twenty (20) feet from the right-of-way line shall be no greater than three (3) stories or thirty-five (35) feet in height, whichever is less. For each ten (10) feet a portion of a building is set back from the right-of-way line, that portion of the building may be five (5) feet higher, up to a maximum of four (4) stories or fifty (50) feet in height, whichever is less. Mechanical equipment can exceed the height regulation by five (5) feet but must be screened from view, subject to Article XXIII."

**SECTION 1503** is amended to add the following:

"H. Separate storage facilities for trash and for recyclable materials shall be provided in accordance with Section 2424."

**SECTION 1604** is amended to add the following:

"F. Separate storage facilities for trash and for recyclable materials shall be provided in accordance with Section 2424."

**SECTION 1704** is amended to add the following:

"G. Separate storage facilities for trash and for recyclable materials shall be provided in accordance with Section 2424."

**SECTION 1803** is amended to add the following:

"G. Separate storage facilities for trash and for recyclable materials shall be provided in accordance with Section 2424."

**SECTION 1904** is amended to add the following:

"G. Separate storage facilities for trash and for recyclable materials shall be provided in accordance with Section 2424."

**SECTION 2003** is amended to add the following:

"G. Separate storage facilities for trash and for recyclable materials shall be provided in accordance with Section 2424."

**SECTION 2003A** is amended to add the following:

"G. Separate storage facilities for trash and for recyclable materials shall be provided in accordance with Section 2424."

**THE PREAMBLE TO SECTION 2401** is deleted and replaced with the following:

"The following may be permitted as Accessory Uses in addition to a permitted principal use in a district, but must always be incidental and subordinate to the principal use. The Accessory Use shall be located in the rear or side yard of the lot and shall be located no further forward than the front line of the principal building. The minimum setback for an Accessory Use in the R3a, R3b, R4, R5 and R6 Zoning Districts shall not be less than five (5) feet from the side lot lines and not less than seven (7) feet from the rear lot lines. In all other Zoning Districts the minimum setback for an Accessory Use shall be not less than seven (7) feet from the lot lines. Accessory Uses shall have a maximum height of fifteen (15) feet and shall specifically be deemed accessory in accordance with the following terms:"

**SECTION 2416.B** is amended to add the following:

"14. Separate storage facilities for trash and for recyclable materials shall be provided in accordance with Section 2424."

**SECTION 2417** is amended to add the following:

"J. Separate storage facilities for trash and for recyclable materials shall be provided in accordance with Section 2424."

**SECTION 2424 STORAGE FACILITIES FOR TRASH AND RECYCLABLE MATERIALS** is added as follows:

**"STORAGE FACILITIES FOR TRASH AND RECYCLABLE MATERIALS**

A. Applicability. All multifamily, commercial, institutional and industrial uses shall have an enclosed area designated for storage of trash and an area for storage of recyclable materials, both of a size adequate to contain the amounts of trash and of recyclable materials reasonably expected to be generated by the use.

B. The storage area for recyclable materials shall be of sufficient size to allow for the separation and separate storage of 1) glass and plastic bottles and jars; 2) cans; 3) cardboard; 4) paper; and 5) any other materials that the Borough may designate in Section 173-2 of the Malvern Borough Code of Ordinances.

C. All trash storage and recyclable material storage shall be located inside a building or in a fenced enclosure to prevent infestation, scattering, damage and vandalism. "

**ORDAINED** by Borough Council this 21st day of August, 2007.

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Henry H. Briggs  
President, Malvern Borough Council

**APPROVED** by the Mayor, this 21<sup>st</sup> day of August, 2007

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Gerard J. McGlone, Jr.  
Mayor

**ENACTED** this 21st day of August, 2007

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Sandra L. Kelley  
Borough Secretary