

**D R A F T**  
**APRIL 2008**

**BOROUGH OF KENNETT SQUARE**  
**CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE BOROUGH OF KENNETT SQUARE BY ADOPTION OF SECTION 23-20, THE C-2 RESIDENTIAL NEIGHBORHOOD OVERLAY DISTRICT (C2RNO), AND BY AMENDMENT OF THE ZONING MAP TO PROVIDE FOR THE C2RNO AS AN OVERLAY DISTRICT ON THE EXISTING C-2 SECONDARY COMMERCIAL ZONING DISTRICT

NOW, THEREFORE, BE IT ENACTED and ORDAINED by the Borough Council of the Borough of Kennett Square that Chapter 23 of the Code of the Borough of Kennett Square, "Zoning," shall be amended as follows:

**Section 1.** The following definition is added to section 23-7 in alphabetical order:

MIXED-USE BUILDING – A building with two or more uses where the use or uses on the ground floor are different from the use of the upper floors (e.g. ground floor commercial and upper floor residential use).

**Section 2.** Section 23-20 is added to Article III, Chapter 23:

**§ 23-20 - C-2 RESIDENTIAL NEIGHBORHOOD OVERLAY DISTRICT**

**(a) Purpose.**

The C-2 Residential Neighborhood Overlay District (C2RNO) is intended to provide appropriate dimensional requirements, yard requirements and design standards for the redevelopment of large tracts situated within the C-2 Secondary commercial district in order to foster the creation of human scaled, pedestrian friendly residential and mixed use neighborhoods.

**(b) Applicability.**

The C2RNO shall be an overlay permitted by conditional use, subject to the requirements of section 23-29. The dimensional requirements, yard requirements and

design standards in this Section 23-20 shall apply to all tracts within the C-2 Secondary commercial district that have a minimum lot area, as defined in section 23-7, of four (4) acres. If any provisions of this Section 23-20 differ from or conflict with the provisions of other sections of the Zoning Ordinance or of the Subdivision and Land Development Ordinance, the provisions in this Section 23-20 shall control.

**(c) Uses Permitted by Right.**

(1) In addition to all other principal uses permitted by the provisions of section 23-19, a building may be erected, altered or used and land may be used or occupied within the C2RNO district for one or more of the following principal uses, subject to the design standards of subparagraph (f) or (g) of this Section 23-20, as applicable:

- (A) Single-Family Detached Dwelling.
- (B) Single-Family Semi-Detached; Two-Family Detached Dwellings.
- (C) Single-Family Attached Dwelling (Townhouse).
- (D) Mixed-Use Building.

(A), (B), and (C) are collectively referred to as single family residential dwellings.

(2) Attached accessory garages.

(3) Any of the accessory uses and structures provided for in section 23-30.

**(d) Dimensional Requirements.**

(1) Lot Area, Width, Building Coverage, Impervious Surface Coverage and Height Regulations. Each of the dimensional requirements in Table 12-A shall apply to each use in the C2RNO District.

	Minimum Lot Area (Square Feet)	Minimum Lot Width*** (Feet)	Max. Building Coverage (Percent)	Max. Building Height (Feet)	Max. Impervious Surface Coverage (Percent)
Single-Family Detached Dwelling*	5,000**	40	50	35	65
Single-Family Semi-Detached Dwelling; Two-Family Detached Dwelling*	2,000**	22	60	35	70
Single-Family Attached Dwelling (Townhouse)*	2,000**	20	65	35	80
Attached Accessory Structure****	N/A	N/A	p/o max. for dwelling	25	p/o max for dwelling
Mixed Use Building	5,000 (per building)	35	60	50	90

\* Dwellings shall also comply with the requirements of the Chapter 8 Housing.

\*\* Per dwelling unit for residential uses.

\*\*\* Measured at the Minimum Front Yard listed in section 23-15(g) for the particular use.

\*\*\*\*Garages which are attached to single family residential dwellings.

**(e) Minimum Yard Requirements.**

(1) Each of the minimum yard requirements in Table 13-A shall apply to each use in the C2RNO District.

	Minimum Front Yard (feet)	Minimum Side Yards		Minimum Rear Yard (feet)
		One (feet)	Total (Feet)	
Principal Single Family	10	4	8	20

Residential Uses				
Attached Accessory Structure†	N/A	4‡	8	4
Mixed Use	10	5	15	25

† Garages which are attached to single family residential dwellings.

‡ Side yards may be reduced to zero (0) feet when a single family residential dwelling or attached accessory structure adjoins the same kind of structure on an adjacent lot.

**(f) Single Family Residential Design Standards.** All single family residential uses within the C2RNO District shall comply with the following design standards.

(1) Central Green.

- (A) Neighborhoods composed of thirty (30) single family residential dwellings or greater shall have a Central Green for the use and enjoyment of the neighborhood residents. The Central Green shall be no less than 10,000 contiguous square feet in size.
- (B) The Central Green shall have large, canopy trees to provide shade and to reduce glare, pollutants, wind, and the heat island effect from impervious areas. At least one (1) deciduous shade tree shall be provided for every 1,000 square feet of area. Each tree shall be at least two to two and one half (2 – 2 ½) inches in caliper at the time of planting.
- (C) Shrubbery shall be planted on the edges of the Central Green to visually define its edges. At least one (1) shrub shall be provided for every 200 square feet of area. Each shrub shall be at least twenty-four (24) inches in height at the time of planting. Shrubs shall be selected which achieve an approximate height of thirty six (36) to forty-two (42) inches at maturity.
- (D) Pedestrian walkways shall be no less than sixty (60) inches in width and shall be composed of brick, decorative concrete pavers, patterned and/or colored concrete or a combination thereof.
- (E) Central Greens, and all improvements therein, shall be owned and maintained by a homeowner or community association in accordance with the provisions of section 23-20(h)(1).

(2) Frontage on a Central Green.

- (A) Neighborhoods composed of thirty (30) or more single family residential dwellings may have up to twenty-five (25) percent of the lots without frontage on a public street, provided that all such lots have frontage on the Central Green and are serviced by rear alleys.
- (B) In addition to the two off-street parking spaces required by section 23-20(f)(7), at least one off-street parking space shall be provided for every two lots that do not have frontage on a public street.

- (C) When a Central Green abuts a Vehicular Court, off-street parking spaces shall be provided adjacent to, but not within, the Central Green.
- (D) Off-street parking spaces accessed from a Vehicular Court may be perpendicular or parallel to the cartway.

(3) Neighborhood Streets.

- (A) Neighborhood Streets shall have a right-of-way fifty (50) feet in width.
- (B) Neighborhood Streets shall have a paved cartway of thirty-two (32) feet in width with on-street parking on both sides.
- (C) Grass strips which are four and one half (4½) feet in width shall be provided on both sides of a Neighborhood Street. Grass strips shall be parallel and adjacent to the curb line. Sidewalks shall be provided parallel to the street and grass strip.
- (D) Sidewalks shall be provided parallel to the street and grass strip on each side of a street where residential dwellings or associated off-street parking facilities are proposed.
- (E) Sidewalks shall be no less than four (4) feet in width and be composed of poured-in-place concrete, brick, decorative concrete pavers, patterned and/or colored concrete or a combination thereof. At least twenty (20) percent of the total area of sidewalks parallel to streets shall be composed of brick, decorative concrete pavers, patterned concrete, colored concrete or a combination thereof.
- (F) Street trees shall be planted within the grass strips on both sides of a street at intervals no greater than forty (40) feet. Street trees are intended not only to provide shade along streets, but also to reduce wind, glare, pollution and heat island effects.
- (G) Each street tree shall be at least two to two and one half (2 – 2 ½) inches in caliper at the time of planting.
- (H) A Neighborhood Street may be terminated by a Vehicular Court, in lieu of a cul-de-sac, provided that the length of the cartway from the closest intersecting street to the nearest edge of the Vehicular Court does not exceed two hundred (200) feet.
- (I) Ornamental street lights shall be provided on each side of a street where residential dwellings or associated off-street parking facilities are proposed.

(4) Vehicular Courts.

- (A) Vehicular Courts shall be designed with sufficient area to enable passenger vehicles and small delivery vehicles to make a three point turn.
- (B) Vehicular Courts shall be surfaced with a combination of poured in place concrete, decorative concrete pavers, patterned concrete or a combination thereof. Concrete surfaces shall be divided into sections no greater than twelve (12) square feet in area.
- (C) If required by the Fire Chief, an emergency accessway, free of obstructions, with a compacted aggregate base no less than fifteen (15) feet in width,

capable of supporting an emergency vehicle shall be provided as a secondary means of vehicular access. The surface of the aggregate base may be covered with soil and planted with an all-season vegetative ground cover, paved with a pedestrian walkway or combination thereof.

- (D) Breakaway or sleeved/removable bollards may be used to block non-emergency access to an emergency accessway.
- (E) Vehicular Courts, and all improvements therein, shall be owned and maintained by a homeowner or community association in accordance with the provisions of section 23-20(h)(1).

(5) Alleys.

- (A) Alleys shall have a public right-of-way sixteen (16) feet in width. The entire width of the right-of-way shall be improved with an aggregate base as required for cartway construction.
- (B) Alleys shall have a paved cartway not greater in width than sixteen (16) feet or less than twelve (12) feet in width. The paved cartway shall be sixteen (16) feet in width where it intersects a street. The cartway may taper in width from sixteen (16) feet to twelve (12) feet over a horizontal distance of no less than fifty (50) feet as measured from the nearest edge of the intersecting street.
- (C) Where alleys intersect streets, the radius provided at the edge of the paved cartway shall be no less than fifteen (15) feet.
- (D) Alleys shall be designated for one way or two way traffic, as determined by the Borough Council.
- (E) Underground utilities should be located, to the extent practicable, within the right-of-way of the alleys. If utility providers will not comply with this guideline, written notice must be provided to the Borough Council.
- (F) Alleys shall have a minimum illumination of 0.2 footcandles.

(6) Rear Loaded Garages.

- (A) All garages in single family residential neighborhoods shall be serviced by alleys.
- (B) Garages shall be located at least four (4) feet, but no further than eight (8) feet from the alley right-of-way.
- (C) Garage parking spaces shall be counted as off-street parking spaces and the declaration required by section 23-20(h) shall prohibit conversion of a garage to use for storage only.

(7) Off-Street Parking.

- (A) No less than two (2) off-street parking spaces shall be provided for each single family residential dwelling.

- (B) All off-street parking areas shall be accessed from an alley or a Vehicular Court. All such parking areas shall be exempt from compliance with the general provisions of sections 23-66 and 23-67.
- (C) To reduce impervious coverage, paved wheel strips may be used in off-street parking areas. Wheel strips shall be at least eighteen (18) inches in width. An all season vegetative groundcover shall be used in between the wheel strips.
- (D) Off-street parking spaces accessed from an alley shall be perpendicular to the cartway.

(8) Ornamental Street Lights.

- (A) Ornamental street lights shall be substantially identical in style, size and color to the existing ornamental street lights within the central business district of the borough; provided, however, that fixtures from other manufacturers will be considered. Specifications for proposed ornamental street lights shall be submitted to the Borough Council for review and approval.
- (B) Ornamental street lighting shall be subject to the provisions of section 23-56.
- (C) Electrical service for ornamental street lighting shall be coordinated with respect to street tree planting so as to avoid tree/utility conflicts.

(9) Houses should enhance the street experience of the pedestrian and should present a welcoming face to the street or other public areas through porches, stoops, doorways and well proportioned windows. All garages shall exhibit the same high standard of design and materials as the houses.

(10) Houses should define and protect private space. The effective design of houses and of screening can contribute to the quality of private space by avoiding direct views into adjacent homes and shielding rear yards and gardens from outside eyes.

(11) Houses should exhibit balance and restraint while creating variety and interest. Neighborhood streets shall be comprised of houses that create visual interest through varied massing, fenestration, materials and color while respecting the architectural heritage of the borough and eastern Pennsylvania.

(12) Materials.

- (A) Exterior building walls shall be finished in high-quality building materials such as brick, stone, synthetic stone, stucco, or siding made of fiber-cement, vinyl or wood.
- (B) Foundation walls and piers shall be finished with stucco, brick, formed concrete with brick textured finish, stone or synthetic stone.

- (C) Chimneys shall be faced with stucco, brick, synthetic stone, stone or siding made of fiber-cement, vinyl or wood.
- (D) Foundation walls of stoops and porches must be consistent with the foundation treatment of the building.

(13) Fenestration.

- (A) The design and articulation of windows and doors should be kept simple. Windows shall be divided by muntins or grilles into actual or simulated multiple panes.
- (B) When exterior shutters are used, they shall be sized and mounted appropriately to fit their window. It is inappropriate to mount a single shutter on a double window.

(14) Porches and Stoops.

- (A) Porches and stoops are central to the character of a traditional neighborhood. Porches foster a friendly community with enhanced chances for greeting passers-by, and a safer neighborhood with “eyes on the street.” Porches and stoops provide an opportunity to create a transition between the public life of the street and the private life of the home.
- (B) A minimum of twenty-five (25) percent of the single family residences shall include a front door accessed via a front porch.
- (C) A minimum of twenty-five (25) percent of the single family residences shall include a front door accessed via a stoop.
- (D) Stoops shall be concrete or masonry.
- (E) Porch posts and piers may be finished with wood, stucco, stone, simulated stone or brick.
- (F) Balustrades may be made of wood, large section aluminum or plastic product.

**(g) Mixed Use Building Design Standards.** All Mixed-Use Buildings within the C2RNO District shall be defined as and comply with the following design standards.

(1) Uses.

- (A) Mixed-Use Buildings shall have two or more uses.
- (B) The use or uses on the ground floor shall be different from the use or uses of the upper floors.
- (C) Uses may include all primary and accessory uses permitted by right in § 23-19(b) of the zoning ordinance, provided that accessory uses shall be on the same floor as the principal use except as provided in 23-20(g)(1)(D) below.
- (D) No residential dwelling units or use shall be permitted on the ground floor; however, uses which are accessory to residential dwellings such as an entrance lobby, foyer, stair tower or mechanical room may be located on the ground floor.

(E) Multifamily residential dwellings are not permitted on the ground floor.

(2) Off-Street Parking.

- (A) Off-street parking requirements for individual uses within a Mixed Use Building shall be determined in accordance with the standards outlined in section 23-65 and shall comply with the requirements of sections 23-66 and 23-67.
- (B) At least one (1) deciduous shade tree shall be provided within parking areas for every ten (10) parking spaces. All such trees shall be two to two and one half (2 – 2 ½) inches in caliper at the time of planting.

(3) Sidewalks.

- (A) Sidewalks shall be provided along Neighborhood Streets as defined in section 23-20(f)(3) above and shall be no less than four (4) feet in width and composed of poured in place concrete, brick and/or decorative concrete pavers. At least twenty (20) percent of sidewalks parallel to Neighborhood Streets shall be composed of brick or decorative concrete pavers.

(4) Ornamental Street Lights.

- (A) Ornamental street lights shall be substantially identical in style, size and color to the existing ornamental street lights within the central business district of the borough, provided, however, that fixtures from other manufacturers will be considered. Specifications for proposed ornamental street lights shall be submitted to the Borough Council for review and approval.
- (B) Ornamental street lighting shall be subject to the provisions of section 23-56.
- (C) Electrical service for ornamental street lighting shall be coordinated with respect to street tree planting so as to avoid tree/utility conflicts.

(h) Common Maintenance Areas.

- (1) Where common areas are part of a C2RNO development, a homeowner or community association shall be formed and shall be responsible for maintenance of all common areas and any improvements therein, such as Central Greens, Vehicular Courts, parking areas, private alleys, street trees, sidewalks, storm water management facilities or other similar improvements. The documents that create the association shall provide that common areas may be subject to an offer of dedication to the Borough and they shall establish the right, but not the obligation, of the Borough to maintain these areas should the association fail or refuse to do so and the right of the Borough to assess the cost of such maintenance against the members of the association and the right to collect said costs (including

attorneys fees) by, among other remedies, a municipal lien against the dwelling units and common areas in the C2RNO development. The association shall be formed pursuant to the Pennsylvania Uniform Condominium Act or the Pennsylvania Uniform Planned Communities Act. The declaration for the association shall be submitted to the borough solicitor for review and approval a minimum of 30 days before the final plan is recorded and as a condition of plan approval. If, within those thirty days, the borough solicitor determines, in writing, that that the declaration is not in acceptable form to the Borough, the plan shall not be recorded until acceptable revisions are made to the declaration.

**Section 3.** Section 23-27, Table 16, is hereby amended to add C2RNO to the top of the table and to add Single-Family Detached Dwelling, Single-Family Semi-Detached; Two-Family Dwelling, Single-Family Attached Dwelling (Townhouse) and Mixed-Use Building as conditional uses in the table.

**Section 4. 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 the 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 5. Repealer.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

**Section 6. Effective Date.** This Ordinance shall become effective from the date of enactment. The date of enactment is the date when the Mayor of Kennett Square Borough shall approve it. If not approved, the date of enactment is the date of passage by the Borough Council over the veto of the Mayor. If not returned by the Mayor at the regular meeting of Borough Council, occurring at least ten days after the meeting at which the ordinance was passed by Borough Council, the date of enactment shall be the date of such succeeding regular meeting of Borough Council.

DULY ORDAINED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by the Borough Council of the Borough of Kennett Square, Chester County, Pennsylvania.

ATTEST:

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
David B. Miller  
President, Borough Council  
BOROUGH OF KENNETT SQUARE

David M. Fiorenza, Manager

Approved by the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 2008

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Leon K. Spencer, Jr.  
Mayor