

## LEGAL NOTICE

The Borough Council of the Borough of Kennett Square will hold a public meeting on Monday, August 7, 2017 at 7:00 PM to conduct a public hearing and consider enactment of an ordinance adding permitted and accessory uses, definitions, and off-street parking requirements in the OI-1 *Office and industrial district*.

The meeting will be held at the Red Clay Room, Kennett Fire Company No. 1, 423 Dalmatian Street, Kennett Square, PA. The public is invited to attend and comment. The Borough of Kennett Square is committed to ensuring that all members of the public are afforded equal access and the ability to participate in public meetings. The Borough will provide reasonable accommodations consistent with the Americans with Disabilities Act, upon a written request submitted to the Borough Secretary at least **7 days** in advance of the meeting.

The proposed ordinance may be examined or obtained during regular business hours at the offices of the *Daily Local News*, 250 N. Bradford Avenue, West Chester, PA; and at the Kennett Square Borough Hall, 120 Marshall Street, Kennett Square, PA. An attested copy of the ordinance has been sent to the Chester County Law Library, 201 W. Market Street, West Chester, PA, and the Bayard Taylor Memorial Library (the Kennett Library), 216 E. State Street, Kennett Square, PA. The proposed ordinance is also available on the Borough's website at [www.kennettsq.org](http://www.kennettsq.org).

A summary of the proposed ordinance setting forth all the provisions in reasonable detail is as follows:

**AN ORDINANCE OF THE BOROUGH OF KENNETT SQUARE, CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF KENNETT SQUARE, PENNSYLVANIA, CHAPTER 23, ZONING, ARTICLE II, DEFINITIONS, ARTICLE III, ZONING DISTRICTS AND USE REGULATIONS, AND ARTICLE VII, OFF-STREET PARKING AND LOADING, BY ESTABLISHING NEW PERMITTED USES IN THE O-I OFFICE AND INDUSTRIAL DISTRICT, AND ADDING DEFINITIONS AND OFF-STREET PARKING REQUIREMENTS RELATED TO THE NEW USES.**

Section 1: Section 1 adds definitions for “conference center,” “craft distillery,” “cultural center,” “makerspace,” “open-air restaurant,” “open-air seating area,” “taproom,” and “tasting room.”

Section 2: Section 2 repeals the definition of “community center/cultural center” and replaces it with a definition for “community center.”

Section 3: Section 3 repeals and replaces the definition of “mixed-use building.”

Section 4: Section 4 adds “open-air restaurant,” “conference center,” “makerspace,” “distillery,” “retail sales,” “cultural center,” and “restaurant” as uses permitted by right in the OI-1 district.

Section 5: Section 5 adds “open-air seating area,” “tap room,” and “tasting room” as permitted accessory uses in the OI-1 district.

Section 6: Section 6 amends the general regulations in the OI-1 district regarding development, redevelopment, and public water and sewer facilities.

Section 7: Section 7 deletes sign regulations from section 23-22(k)(2).

Section 8: Section 8 changes the reference from “community center/cultural center” definition to a “community center.”

Section 9: Section 9 changes the reference from “community center/cultural center” definition to a “community center.”

Section 10: Section 10 provides for off-street parking options for properties in the OI-1, C-1, C-2, and TBO districts.

Section 11: Section 11 contains a repealer clause.

Section 12: Section 12 is a severability clause.

Section 13: Section 13 provides the effective date of the ordinance.

**Marc D. Jonas, Esq. Solicitor  
Borough of Kennett Square**

**BOROUGH of KENNETT SQUARE**

**COUNTY of CHESTER, PENNSYLVANIA**

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**ORDINANCE NO. – to be assigned after enacted**

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**AN ORDINANCE OF THE BOROUGH OF KENNETT SQUARE, CHESTER COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF KENNETT SQUARE, PENNSYLVANIA, CHAPTER 23 ZONING: ARTICLE II DEFINITIONS; ARTICLE III ZONING DISTRICTS AND USE REGULATIONS; AND ARTICLE VII OFF-STREET PARKING AND LOADING, ESTABLISHING NEW PERMITTED USES IN THE OI-1 OFFICE AND INDUSTRIAL DISTRICT INCLUDING DEFINITIONS AND OFF-STREET PARKING REQUIREMENTS.**

**WHEREAS**, the Borough Council of the Borough of Kennett Square is empowered by section 1202 of the Borough Code, 8 Pa.C.S.A. §1202, section 601 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, and section 23-75 of the Zoning Ordinance of the Borough of Kennett Square to enact and amend regulations to advance the health, safety, and welfare of the citizens of the Borough of Kennett Square; and

**WHEREAS**, the Borough Council wishes to permit additional non-residential uses within the OI-1 *Office and industrial district* similar to other non-residential uses already permitted in the OI-1 district, including new definitions and off-street parking requirements.

**NOW, THEREFORE**, be it ORDAINED and ENACTED by the Council of the Borough of Kennett Square, Chester County, Commonwealth of Pennsylvania, as follows:

**SECTION 1**

Chapter 23 *Zoning*, Article II *Definitions*, section 23-7 *Definitions*, is hereby amended by ADDING the following defined terms:

“Conference center” means a large building that is designed to hold a convention or similar use, where individuals and groups gather to promote and share common interests. This includes wedding events.

“Craft distillery” means a small-scale establishment where potable distilled spirits are manufactured, and which is operated by a licensee in accordance with the requirements

of the Pennsylvania Liquor Code, 47 P.S. § 1-101 *et seq.*, and other applicable state laws and regulations.

“Cultural center” means a building or complex that promotes culture and the arts. Cultural centers can be operated by neighborhood community arts organizations, private entities, or government-sponsored entities.

“Makerspace” means a facility where individuals gather to share resources and equipment, work on projects, network, and create.

“Open-air restaurant” means an occasional or temporary restaurant held in an open area or structure where groups of individuals or individual sellers offer food and beverages for sale to the public.

“Open-air seating area” means an accessory use to a microbrewery or craft distillery that is an open air area, roofed or unroofed, where alcoholic beverages produced onsite are served and consumed in compliance with the requirements of the Pennsylvania Liquor Code, 47 P.S. § 1-101 *et seq.*, and other applicable state laws and regulations.

“Taproom” means an accessory use to a microbrewery or craft distillery where alcoholic beverages produced onsite are available for sale by the glass and consumed on the premises. The sale of food is secondary and subordinate to the sale of alcohol. A taproom is distinguished from a restaurant where the sale of food is the primary and dominant use.

“Tasting room” means an accessory use to a microbrewery or craft distillery where spirits and/or beer produced onsite are consumed only for the purpose of sampling for prospective purchase.

## **SECTION 2**

Chapter 23 *Zoning*, Article II *Definitions*, section 23-7 *Definitions* is hereby amended by REPEALING the definition of “Community center/cultural center” and REPLACING it with the following:

"Community center" means a building to be used as a place of meeting, recreation, or social activity and not operated for profit where neither alcoholic beverages, nor meals are normally dispensed or consumed.

## **SECTION 3**

Chapter 23 *Zoning*, Article II *Definitions*, section 23-7 *Definitions* is hereby amended by REPEALING the definition of “Mixed-use building” and REPLACING it with the following:

“Mixed-use building” means a building with two or more principal uses.

## **SECTION 4**

Chapter 23 *Zoning*, Article III *Zoning Districts and Use Regulations*, section 23-22 *OI-1 Office and industrial district*, subsection (b) *Uses Permitted by Right*, is hereby amended by adding the following immediately after subsection (15):

- (16) Open-air Restaurant
- (17) Conference Center
- (18) Makerspace
- (19) Distillery
- (20) Retail sales
- (21) Cultural center
- (22) Restaurant

#### **SECTION 5**

Chapter 23 *Zoning*, Article III *Zoning Districts and Use Regulations*, section 23-22 *OI-1 Office and industrial district*, subsection (e) *Accessory Uses*, subsection (2) is hereby amended by adding the following immediately after subsection (K):

- (L) Open-air seating area
- (M) Tap room
- (N) Tasting room

#### **SECTION 6**

Chapter 23 *Zoning*, Article III *Zoning Districts and Use Regulations*, section 23-22 *OI-1 Office and industrial district* is hereby amended by REPEALING subsection (j) *General Regulations*, and REPLACING it with the following:

- (j) General Regulations. The following general regulations shall apply for any development or redevelopment proposal within the *OI-1 Office and Industrial District*.
  - (1) Ownership. The tract of land to be developed shall be in one ownership or shall be the subject of an application filed jointly by the owners of the entire tract. The tract will be developed under single direction in accordance with an approved plan.
  - (2) Sewer and Water Facilities. The tract of land shall be served by public sewer facilities and water facilities deemed acceptable by the Borough, upon recommendation of the Borough engineer or Borough Public Works Director.
  - (3) Development/redevelopment Plan. The application for development shall be accompanied by a plan or plans showing the detailed use of the entire tract. The plan or plans shall comply with all requirements of Chapter 18, Subdivisions and other applicable ordinances. The plan shall clearly

designate the proposed use(s) of each building, structure, and area of the tract.

- (4) Development/redevelopment Stages and Permits. The development of a tract carried out in either a single or 2 or more phases shall be constructed and improved in accordance with a development agreement among the Borough, landowner, and developer, to be recorded concurrently with the approved final land development plan in the office of the Chester County Recorder of Deeds. The terms of the agreement shall be binding on the landowner, its successors, and assigns.

## **SECTION 7**

Chapter 23 *Zoning*, Article III *Zoning Districts and Use Regulations*, section 23-22 *Ol-1 Office and industrial district*, subsection (k) is hereby amended by REPEALING subsection (2) *Signs*.

## **SECTION 8**

Chapter 23 *Zoning*, Article III *Zoning Districts and Use Regulations*, section 23-29 *Additional regulations for certain permitted by right uses, special exception uses and conditional uses*, subsection (c) *List of Standards and Conditions for Certain Permitted By Right (with Additional requirements) Uses, Special Exception and Conditional Uses* is hereby amended by REPEALING subsection (10) and REPLACING it with the following:

- (10) Community Center (see Institutional Uses).

## **SECTION 9**

Chapter 23 *Zoning*, Article III *Zoning Districts and Use Regulations*, section 23-29 *Additional regulations for certain permitted by right uses, special exception uses and conditional uses*, subsection (c) *List of Standards and Conditions for Certain Permitted By Right (with Additional requirements) Uses, Special Exception and Conditional Uses*, subsection (19) *Institutional Uses*, subsection (B) *Classification*, subsection (i) is hereby amended by REPEALING subsection c and REPLACING it with the following:

- c. Community center;

## **SECTION 10**

Chapter 23 *Zoning*, Article VII *Off-Street Parking and Loading*, section 23-65 *Required number of off-street parking spaces*, subsection (a) *Requirement* is hereby amended by REPEALING subsection (5) and REPLACING it with the following:

- (5) Any of the following alternative standards, or a combination of them, may be utilized to comply with the parking requirements for a nonresidential use in the

C-1, C-2, OI-1, or TBO district. The parking for the proposed use must be in located in a zoning district where the proposed use is a permitted use.

- (A) On-site parking spaces, including proper vehicular access;
- (B) For a use located within the C-1, C-2, or TBO district, the owner or occupant of the tract has a contract with an initial term of greater than five (5) years duration with a public or private property owner for the required off-street parking within six hundred (600) feet of a proposed use located within the C-1, C-2, or TBO district, or for a use located in the OI-1 district, within one thousand five hundred (1,500) feet of the proposed use;
- (C) Sufficient parking spaces are or will be conveniently available in a public parking facility within six hundred (600) feet of the proposed use located within the C-1, C-2, or TBO district, or for a use located in the OI-1 district, within one thousand five hundred (1,500) feet of the proposed use. The sufficiency of parking shall be documented by an analysis and report of a qualified parking consultant. The report shall be reviewed and determined to be sufficient by the Borough Codes Enforcement Officer, or, on appeal, by application for special exception filed with the zoning hearing board;
- (D) An agreement with the Borough showing compliance with the parking requirement through existing or planned public off-street parking spaces within six hundred (600) feet of the proposed use located within the C-1, C-2, or TBO district, or for a use located in the OI-1 district, within one thousand five hundred (1,500) feet of the proposed use, together with a contribution to a Borough parking fund pursuant to the fee schedule established by resolution.

**SECTION 11. Repealer.**

Any and all other ordinances or parts of ordinances in violation of or in conflict with the terms, conditions, and provisions of this Ordinance are hereby repealed.

**SECTION 12. Severability.**

The terms, conditions, and provisions of this Ordinance are severable. Should any portion, part, or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, the Borough declares its intent that the Ordinance shall have been enacted without regard to the invalid, unlawful, or unenforceable portion, part, or provision.

**SECTION 13. Effective date.**

This Ordinance shall become effective immediately.

**DULY ORDAINED** and **ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2017, by the Borough Council of the Borough of Kennett Square, Chester County, Pennsylvania, in lawful session duly assembled.

**BY:** \_\_\_\_\_  
Danilo P. Maffei  
Borough Council President

**ATTEST:**

\_\_\_\_\_  
Karen L. Scherer  
Borough Secretary

[BOROUGH SEAL]

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Matthew W. Fetick  
Mayor