

NOTICE

Notice is hereby given that, on February 4, 2019, 7:00 p.m., in the Monroe Nute Room, Kennett Fire Company No. 1, 301 Dalmatian Street, Kennett Square, PA, 19348, the Kennett Square Borough Council shall hold a public hearing and shall consider for adoption the following amendment to the Borough Zoning Ordinance:

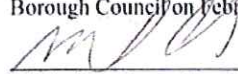
TITLE: An Ordinance of the Borough of Kennett Square, Chester County, Pennsylvania, Amending Code Chapter 23 of the Kennett Square Borough Zoning Ordinance, as it Relates to "Personal Service" Businesses in the C-1 and C-2 Zoning Districts.

SUMMARY: Section 1 amends Chapter 23-18(b), C-1 Primary Retail District, to include personal service businesses as a permitted use; Section 2 amends Chapter 23-19(b), C-2 Secondary Commercial District, to include personal service businesses as a permitted use; Section 3: provides for the severability of any unconstitutional, illegal, or invalid portion of this Ordinance; Section 4: establishes an effective date for the Ordinance; and Section 5 codified this Ordinance into the Borough Code of Ordinance upon adoption.

A copy of the Ordinance is available at the Borough Building and Chester County Law Library for review and public inspection. If you wish to attend the hearing and are a person with a disability requiring an auxiliary aide, service or other accommodation, please contact the Kennett Square Borough Office (610-444-6020) to discuss how the Borough can best accommodate your needs.

Michael G. Crotty, Esquire
Siana, Bellwoar & McAndrew, LLP
Solicitor, Kennett Square Borough

I, Michael G. Crotty, Solicitor of Kennett Square Borough, hereby certify and attest that the below Ordinance is a true and correct copy of the proposed ordinance to be considered for adoption by the Borough Council on February 4, 2019.



Michael G. Crotty, Esquire
Siana, Bellwoar & McAndrew, LLP
Solicitor to Kennett Square Borough

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF KENNETT SQUARE, CHESTER COUNTY, PENNSYLVANIA, AMENDING CODE CHAPTER 23 OF THE KENNETT SQUARE BOROUGH ZONING ORDINANCE, AS IT RELATES TO "PERSONAL SERVICE" BUSINESSES IN THE C-1 AND C-2 ZONING DISTRICTS.

BE IT ENACTED AND ORDAINED by the Borough Council for the Borough of Kennett Square, Chester County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. Chapter 23-18(b), C-1 Primary Retail District, of the Kennett Square Borough Zoning Ordinance is hereby amended to read as follows:

(b) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the C-1 Primary Retail District, provided that the use type, dimensional, and all other applicable requirements of this chapter are satisfied. Any change in use, occupancy, or purpose, on a property within the Historic District shall be reviewed by borough staff, who may make recommendations to borough council, including the imposition of conditions, in connection with any requests for a certificate of appropriateness under the HARB ordinance. Borough council shall have the power to impose those conditions on the approval of a certificate of appropriateness, as recommended by borough staff.

- (1) Retail sale of goods, excluding the prohibited uses listed in subsection (d) of this section.
- (2) Services, excluding the prohibited uses listed in subsection (d) of this section.
- (3) Offices, located in upper floor and first floor, non-store front locations.
- (4) Restaurants without drive-in service, that do not fit the definition of a fast food restaurant in article II, Definitions.
- (5) Upper floor dwellings pursuant to the requirements of Chapter 8, Housing, of this Code.
- (6) Parking facilities.

- (7) Uses permitted by right in the retail use overlay area (RUA), an area solely within the C-1 Primary Retail District extending sixty feet north and sixty feet south from the center line of State Street and limited by Church Alley on the east and Maiden Lane on the west. Only the following uses shall be permitted on the first floor of buildings in the RUA:
- (A) Retail sale of goods, excluding the prohibited uses listed in subsection (d) of this section.
 - (B) Business, bank and administrative offices, (excluding professional offices, professional, and administrative services and drive-in facilities), when operated within a single building having a gross floor area of not less than fifty thousand square feet.
 - (C) Restaurants excluding drive-in facilities.
 - (D) Day spa/salon.
 - (E) Personal Service.
- (8) Brewpub;
- (9) Nanobrewery;
- (10) Wine bar/BYOF;
- (11) Personal Service.

SECTION 2. Chapter 23-19(b), C-2 Secondary Commercial District, of the Kennett Square Borough Zoning Ordinance is hereby amended to read as follows:

(b) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the C-2 Secondary Commercial District, provided that the use type, dimensional, and all other applicable requirements of this chapter are satisfied. Any change in use, occupancy, or purpose, on a property within the Historic District shall be reviewed by borough staff, who may make recommendations to borough council, including the imposition of conditions, in connection with any requests for a certificate of appropriateness under the HARB ordinance. Borough council shall have the power to impose those conditions on the approval of a certificate of appropriateness, as recommended by borough staff.

- (1) The retail sale of dry goods, variety and general merchandise, clothing, food, flowers, beverages, drugs, household goods, supplies or furnishings, and the sale and repair of jewelry, watches, clocks, optical goods, radios and televisions, or

musical, professional, or scientific instruments are permitted by right, unless that use is listed in subsection (c), Special Exception Uses, below.

- (2) Business offices, banks, financial services, medical office buildings, professional offices, and professional/administrative services.

(A) Uses may not include a drive in/through facility without meeting the special exception requirements for a land use with a drive in/through facility as outlined in section 23-29 of this chapter.

- (3) Commercial indoor recreation.
- (4) Commercial warehousing and storage, when incidental to a retail use. The warehousing and storage shall be related to that retail use and serving no other facility.
- (5) Essential public uses including, but not limited to arts centers, offices for a civic organization, museum, library, and post office (not including a post office distribution center).
- (6) Group home. [See subsection 23-29(c)(22)]
- (7) Hotel/motel.
- (8) Movie theater.
- (9) Nursery/greenhouse.
- (10) Residential uses — Any use allowed as a by right use in the R-3 Zoning District.
- (11) Outdoor recreation, including public parks, private membership clubs (i.e. swimming, skate parks, tennis), and picnic groves.
- (12) Restaurant, without drive in/through service.
- (13) Parking facilities.
- (14) Brewpub;
- (15) Microbrewery;
- (16) Nanobrewery;
- (17) Regional brewery;
- (18) Wine bar/BYOF;

(19) Personal Service.

SECTION 3. Severability. If any sentence, clause, section or party 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 sections, sentences, clauses, parts or provisions of the Ordinance. It is hereby declared to be the intent of the Borough Council for the Borough of Kennett Square that this Ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, or part thereof had not been included herein.

SECTION 4. Effective Date. This Ordinance shall become effective five (5) days from the date of enactment.

SECTION 5. The Code of Ordinances of the Borough of Kennett Square, Chester County, as amended, shall remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance. This Ordinance shall be codified into, and become a part of, the Code of Ordinances of the Borough of Kennett Square, as amended, upon adoption.

DULY ENACTED AND ORDAINED this _____ day of _____, 2019.

KENNETT SQUARE
BOROUGH COUNCIL

ATTEST:

LaToya M. Myers
President of Borough Council

This Ordinance is hereby examined and approved by me this _____ day of _____, 2019.

Matthew W. Fetick, Mayor