BOROUGH OF WEST CHESTER
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 19-2019

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 112 OF THE CODE OF THE BOROUGH OF WEST CHESTER, ENTITLED "ZONING", SPECIFICALLY AMENDING SECTION 112-7 (DEFINITIONS) TO ADD DEFINITIONS FOR "UNIFIED MIXED USE DEVELOPMENT" AND "AFFORDABLE HOUSING"; AMENDING SECTION 112-9 (ZONING DISTRICTS) TO ADD TAX PARCEL NO. UPI 1-5-478 TO THE CS COMMERCIAL SERVICE DISTRICT; AMENDING SECTIONS 112-34 (CS COMMERCIAL SERVICE DISTRICT PURPOSE) AND 112-35 (CS COMMERCIAL SERVICE DISTRICT USE REGULATIONS), TO PROVIDE FOR UNIFIED MIXED-USE DEVELOPMENT IN THE CS COMMERCIAL SERVICE DISTRICT AND TO CREATE A SUBSECTION 112-35.D; AND PROVIDING FOR SEVERABILITY, REPEALER, AND EFFECTIVE DATE.

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Council of the Borough of West Chester that the Code of the Borough of West Chester, specifically, Chapter 112, titled "Zoning", is hereby amended as follows:

SECTION 1. Section 112-7 of Article II, Terminology (Definitions), is hereby amended to add the following definitions:

UNIFIED MIXED-USE DEVELOPMENT- A use on land with frontage on Market Street, Gay Street, Strasburg Road, Downingtown Pike, or Hannum Avenue, which provides Affordable Housing in combination with community facilities and/or neighborhood amenities, as defined in this Section 112-7.

AFFORDABLE HOUSING- Housing (i.e., the total cost of rent and utilities) that does not cost more than thirty percent (30%) of a family’s income, and is deemed affordable to those with a household income no greater than 80% of the Area Median Income as established by the U.S. Department of Housing and Urban Development. A development is considered an “Affordable Housing Development” where greater than Fifty Percent (50%) of the units are deemed affordable.

SECTION 2. Section 112-9 of Article III, Zoning Districts (Districts Enumerated; Zoning Map) is hereby amended as follows:
1) Tax Parcel No. UPI 1-5-478-E (501 East Miner Street currently owned by the Charles A. Melton Arts Education Center) is hereby added to the CS Commercial Service District, and said Tax Parcel is removed from the NC-2 Neighborhood Conservation District;

2) Section 112-9.B (Zoning Map) is hereby amended to revise the locations and boundaries of the said zoning districts, and to amend the maps which collectively form the Zoning Map of the Borough of West Chester, to show Tax Parcel No. UPI 1-5-478-E (501 East Miner Street currently owned by the Charles A. Melton Arts Education Center)) as being located in the CS Commercial Service District rather than the NC-2 Neighborhood Conservation District; and adjusting the zoning district boundaries in conformance with this Ordinance.

3) A new Zoning map dated September 4, 2019 is attached hereto and incorporated herein as Exhibit A and adopted as part of the Zoning Map amendments under Section 112-9.B approved herein.

SECTION 3. Section 112-34 of Article VIII, CS Commercial Service District (Purpose), is amended by adding a last sentence to the text, as follows:

“The district shall also allow for a Unified Mixed-Use Development on parcels that have frontage on Market Street, Gay Street, Strasburg Road, Downingtown Pike, or Hannum Avenue, within the CS Commercial Service District, where meeting specific criteria to support Affordable Housing in combination with community facilities and/or neighborhood amenities.”

SECTION 4. Section 112-35 of Article VIII, CS Commercial Service District (Use Regulations), is amended by adding a Subsection 112-35.D, as follows:

D. Unified Mixed-Use Development. Where meeting specific criteria to support Affordable Housing in combination with community facilities, a Unified Mixed-Use Development shall be a permitted use subject to the following provisions:

(1) Purposes. A Unified Mixed-Use Development provides an alternative set of provisions for development of properties in the CS Commercial Service District. This by-right development alternative is applicable where Affordable Housing is provided in combination with community facilities and/or neighborhood amenities either on the same lot, or on multiple lots approved together as part of a Unified Mixed-Use Development in the CS District, and further subject to all use and development standards established by this Subsection 112-35.D.

(2) Controlling Regulations. Where a conflict exists between a provision of this Subsection 112-35.D and another provision of this Ordinance or the
Borough Subdivision and Land Development Ordinance, or other development ordinance or regulation, the provisions of this Section 112-35.D shall prevail.

(3) Size and Location. A Unified Mixed-Use Development shall be limited to tracts in excess of 0.5 gross acres. There shall be no minimum lot area requirement per use or per dwelling unit.

(4) Uses. A Unified Mixed-Use Development shall include Use Component 1, as set forth below, in all cases. In addition, a Unified Mixed-Use Development shall include at least one of Use Components 2 and 3 as set forth below. Buildings may include a combination of use components, but at least 50% of the gross floor area of all buildings in the Unified Mixed-Use Development must be Affordable Housing.

(a) Use Component 1: Affordable Housing Residential Uses. Any combination of single-family attached (townhouse), multifamily / apartment uses which meet the definition of Affordable Housing. Such residential uses shall not require a separate lot or lots for any such use on the Unified Mixed-Use Development.

(b) Use Component 2: Community Facilities. Facilities which provide for various community, educational, safety, leisure and like needs and the locations at which these services are provided. For purposes of this Subsection 112-35.D typical community facilities or components thereof include, but are not limited to, arts and education centers; recreation centers; community centers; sports, recreational or athletic facilities; playgrounds; parks; libraries; museums; youth or community theaters; culinary institutes or programs; or any combination thereof.

(c) Use Component 3: Neighborhood Amenities. Neighborhood amenities provide neighborhood support in meeting economic and social needs of the community, and enhance walkability and local proximity to such amenities. For purposes of this Subsection 112-35.D, neighborhood amenities include, but are not limited to, grocery or food services, including co-ops or food banks; cafes or restaurants; catering and event venues; child, youth or adult day care; after-school programs; health clinics, medical clinics, or health care services; workforce development services; community group meeting space; educational uses; alternative education facilities; and personal service shops.
(5) Height, Area and Bulk Standards. Notwithstanding any height, area or bulk standards otherwise set forth as to the CS Commercial Service District or elsewhere in the Borough Ordinances, the following shall specifically apply to a Unified Mixed-Use Development:

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>0.5 gross acres</th>
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<tbody>
<tr>
<td>Minimum Lot Width at Lot Frontage on Market Street, Gay Street, Strasburg Road, Downingtown Pike, or Hannum Avenue</td>
<td>50 feet</td>
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<tr>
<td>Minimum Front Yard Setback</td>
<td>5 feet</td>
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<tr>
<td>Minimum Rear Yard Setback</td>
<td>10 feet</td>
</tr>
<tr>
<td>Minimum Side Yard Setback</td>
<td>10 feet</td>
</tr>
<tr>
<td>Maximum Building Coverage</td>
<td>65 %</td>
</tr>
<tr>
<td>Maximum Impervious Lot Coverage</td>
<td>85 %</td>
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<tr>
<td>Building Height</td>
<td>45 feet by right. (Provided however that a building may exceed 45 feet in height if otherwise in the HO-75 Overlay District and when in compliance with the standards in § 112-38.1. as to heights above 45 feet)</td>
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(6) Parking.

(a) Parking for Community Facilities and Neighborhood Amenities. Notwithstanding any parking or loading requirements under Zoning Ordinance Article XIII or elsewhere in the Borough Ordinances, a legally existing or lawfully nonconforming structure containing Use
Component 2 (Community Facilities) or Use Component 3 (Neighborhood Amenities) may utilize the existing number of parking spaces already on the site, and such existing number of parking spaces shall be considered compliant in number and space size as it relates to the Use Components 2 and 3 permitted by Section 112.35.D.

(b) Residential Parking. As to parking for residential uses, given the proximity and support for walkability to services and amenities, and nearby public transportation options, and the more limited needs for traditional residential automobile parking, the applicant shall utilize the following parking standards:

[1] Single-family attached (townhouses): minimum 2 spaces per dwelling unit; provided that where any spaces are approved as garage spaces, such garage spaces shall be continuously maintained as being open and available for vehicular parking, and shall be so stated in any leases.

[2] Multifamily or apartment uses: minimum 0.8 average spaces per apartment unit, provided that the Unified Mixed-Use Development has street frontage along a public transportation route stop or is within ¼ mile of a public transportation route stop as measured from a point in the site. If such public transportation access is not available, the parking minimum shall be 1.2 average spaces per apartment unit.

(7) Internal Zero Lot Lines; Responsibilities for Common Elements and Infrastructure. Any individual units, buildings, or parcels of land within an approved Unified Mixed-Use Development may be leased, purchased, sold, mortgaged, and developed as individual zero lot line units, or as individual condominium units, or as other form of ownership units, provided, however, that the development plan for the overall Unified Mixed-Use Development shall remain compliant with the standards of this Subsection 112-35.D. Any and all association, condominium, or other agreements relating to development shall be subject to review and approval of the Borough Solicitor, and shall properly ensure and provide responsibility for common elements and infrastructure by the applicant, developer, user or tenant.

SECTION 5. Severability. The provisions of this Ordinance are severable, and if any article, section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid or unconstitutional by any court of competent jurisdiction, the decision shall not affect or impair any of the remaining articles, sections, subsections, clauses, sentences or parts thereof of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid or
unconstitutional article, section, subsection, clause, sentence or par thereof had not been included herein.

**SECTION 6. Repealer.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

**SECTION 7. Effective Date.** This Ordinance shall become effective upon enactment as by law provided.

ENACTED AND ORDAINED THIS 16TH DAY OF OCTOBER, 2019.

COUNCIL OF THE BOROUGH OF WEST CHESTER

ATTEST:

Michael A. Perrone, Secretary

By:

Diane C. LeBold, President

APPROVED THIS 16TH DAY OF OCTOBER, 2019.

Dianne Herrin, Mayor
EXHIBIT A