

Borough of West Chester, PA
Friday, June 1, 2018

Chapter 112. Zoning

Article VII. TC Town Center District

§ 112-29. Purpose.

[Amended 11-28-2001 by Ord. No. 15-2001; 2-21-2018 by Ord. No. 2-2018]

The Town Center District is designed to accommodate uses appropriate to the Central Business District, especially within the Retail Overlay District, and to provide regulations to ensure that the scale and character of the historic and retail commercial environment is maintained. The District is also designed to include regulations to encourage the provision of pedestrian amenities and protect the character of adjoining residential zoning districts. The District is not intended to accommodate commercial uses which are more appropriate for the Commercial Service District and entail high-volume traffic turnover, large parking areas and/or outdoor storage and display areas.

§ 112-30. Use regulations outside the Retail Overlay District.

[Amended 2-8-1989 by Ord. No. 5-1989; 8-28-1991 by Ord. No. 17-1991; 2-21-1996 by Ord. No. 4-1996; 4-22-1996 by Ord. No. 7-1996; 8-21-1996 by Ord. No. 16-1996; 9-18-1996 by Ord. No. 17-1996; 4-18-2001 by Ord. No. 5-2001; 11-28-2001 by Ord. No. 15-2001]

- A. Permitted principal uses. A building may be erected, altered or used and land may be used or occupied, subject to the provisions of Articles XI, XII and XIII, for one or more of the following uses and for no other:
- (i) The following uses shall be permitted individually or in combination within any single structure:
 - (a) Retail stores and shops.
 - (b) Restaurants.
 - (c) Personal service shops.
 - (d) Offices.
 - (e) (Reserved)
 - (f) Educational uses.
 - (g) Religious uses.
 - (h) Any permitted principal use in the NC-2 or NC-3 Districts as set forth in §§ 112-19A and 112-25A, except student homes, and provided that such use does not occupy the ground floor of buildings.
[Amended 5-21-2015 by Ord. No. 6-2015]
 - (i) Banks and financial institutions.
 - (j) Restaurant-cafe, in accordance with the regulations in Chapter 90A titled "Restaurant-Cafes," but limited to the areas defined in §112-7 as Cafe I District and Cafe II District.
[Amended 1-19-2005 by Ord. No. 1-2005; 2-17-2010 by Ord. No. 7-2010]
 - (k) Community facilities, within Block Class B only.

[Amended 10-20-2004 by Ord. No. 25-2004]

(l) **Governmental use.**^[1]

[1] *Editor's Note: Former Subsection A(1)(m), which permitted certain student housing, was repealed 6-27-2012 by Ord. No. 8-2012.*

B. Permitted accessory uses shall be as follows:

- (1) Accessory uses on the same lot and customarily incidental to the principal uses permitted in § 112-30A and subject to Articles XV and XVI, except in the case of the Height Option Overlay Districts where accessory parking may be provided on a lot separate from the principal use in accord with the applicable conditional use regulations and requirements.
- (2) Parking, in accordance with Article XIII.
- (3) Signs, in accordance with Article XIV.

C. Conditional uses shall be as follows:

- (1) Hotels.
- (2) Indoor motion-picture theaters, but not adult motion-picture theaters or adult theaters.
[Amended 3-18-2009 by Ord. No. 2-2009]
- (3) Day-care centers.
- (4) Clubs or lodges, provided that such use not occupy the ground floor of buildings in B Block areas, as indicated on the Zoning Map, unless the ground-floor occupancy is on a secondary street or alley.
- (5) Public service facilities.
- (6) Taverns.
- (7) Funeral homes.
- (8) Automotive sales and service facilities, provided that all area and bulk regulations of § 112-32A are met, and provided that such development is in keeping with the purpose of the Town Center Zoning District.
- (9) Adaptive reuse of an historic carriage house, in accordance with § 112-100.2, the historic carriage regulations.
- (10) Educational use.
[Added 3-17-2004 by Ord. No. 5-2004]

§ 112-30.1. Use regulations within the Retail Overlay District.

[Added 11-28-2001 by Ord. No. 15-2001]

- A. The use regulations for the Retail Overlay District (ROD) shall apply to the first 35 feet in depth of the first floor/ground floor of buildings located in the ROD, as shown on the Retail Overlay District Map, a Zoning Map excerpt.
- B. Permitted principal uses. A building may be erected, altered or used and land may be used or occupied, subject to the provisions of Articles XI, XII, and XIII, for one or more of the following uses:
 - (1) The following uses shall be permitted individually or in combination within any single structure:
 - (a) Retail stores and shops.
 - (b) Restaurants.

- (c) Restaurant-cafe, in accordance with the regulations in Chapter **90A** titled "Restaurant-Cafes," but limited to the areas defined in § **112-7** as Cafe I District and Cafe II District.

[Amended 2-17-2010 by Ord. No. 7-2010]

- (d) Personal service shops.

C. Permitted accessory uses shall be as follows:

- (1) Accessory uses on the same lot and customarily incidental to the principal uses permitted in § **112-30A** and subject to Articles **XV** and **XVI**, provided that no parking shall be permitted in the Retail Overlay District as an accessory use.
[Amended 9-19-2012 by Ord. No. 17-2012; 12-19-2012 by Ord. No. 25-2012]
- (2) Plazas, courtyards, entrance courts, sculpture gardens or other pedestrian-oriented spaces.
[Amended 2-21-2018 by Ord. No. 2-2018]
- (3) Signs, in accordance with Article **XIV**.

D. Conditional uses shall be as follows:

- (1) Hotel, in accordance with § **112-33**.
- (2) Indoor motion-picture theaters, in accordance with § **112-33**, but not adult motion-picture theaters or adult theaters.
[Amended 3-18-2009 by Ord. No. 2-2009]
- (3) Tavern, in accordance with § **112-33**.
- (4) Museum, in accordance with § **112-33**.
- (5) Public library, in accordance with § **112-33**.
- (6) Municipal uses, in accordance with § **112-33**.
- (7) Offices, in accordance with § **112-33**.
- (8) Banks and financial institutions, in accordance with § **112-33**.
- (9) Community facilities, within Block Class B only, and subject to the provisions of § **112-33**.
[Amended 10-20-2004 by Ord. No. 25-2004]
- (10) Governmental uses, in accordance with § **112-33**.
- (11) Educational use.
[Added 3-17-2004 by Ord. No. 5-2004]

§ 112-31. Height regulations.

[Amended 9-20-1995 by Ord. No. 16-1995^[1]; 9-18-1996 by Ord. No. 17-1996; 11-28-2001 by Ord. No. 15-2001; 12-16-2008 by Ord. No. 20-2008; 9-19-2012 by Ord. No. 17-2012; 2-21-2018 by Ord. No. 2-2018]

The maximum height of buildings and other structures within the TC District shall be 45 feet; provided, however, that a building may be a maximum of 60 feet in height in the HO-60 Overlay District if built in compliance with the standards in § **112-33.1**.

[1] *Editor's Note: This ordinance also provided that it shall become effective upon the effective date of an ordinance adopting parking, traffic, safety and design regulations or standards specifically applicable to the height option districts or nine months after the effective date of this ordinance, whichever shall occur first.*

§ 112-32. Area and bulk regulations.

A. Permitted principal uses.

[Amended 11-28-2001 by Ord. No. 15-2001; 3-21-2007 by Ord. No. 4-2007]

- (1) Except in the case of a municipal use and a religious use, the following area and bulk requirements shall apply to the block classes as shown on the Zoning Map within the TC District, but outside the Retail Overlay District:

Regulation	Block Class	
	A	B
Minimum lot area (square feet)	5,400	2,500
Minimum lot area per dwelling unit (square feet)	1,250	0
Minimum lot width at the building line (feet)	25	20
Minimum lot width at the street line (feet)	20	20
Minimum rear yard (feet)	20	5
Minimum side yard		
Individual (feet)	5	0
Aggregate (feet)	10	0
Maximum building coverage	85%	90%
Maximum impervious coverage	90%	95%
Minimum green area	10%	5%

- (2) The following area and bulk regulations shall apply to religious uses in the TC District:

- (a) Minimum lot area: 10,000 square feet.
- (b) Minimum lot width at building line: 60 feet.
- (c) Minimum lot width at street line: 60 feet.
- (d) Minimum depth of front and rear yards: five feet.
- (e) Minimum width of side yards: five feet.
- (f) Maximum building coverage: 90%.
- (g) Maximum impervious coverage: 95%.
- (h) Minimum green area: 5%.

- B. Permitted principal uses. Except in the case of a municipal use, the following shall apply to the block classes within the Retail Overlay District, as shown on the Zoning Map and/or the Retail Overlay District:

[Added 11-28-2001 by Ord. No. 15-2001^[1]]

Regulation	Block Class	
	A	B
Minimum lot area (square feet)	5,400	2,500
Minimum lot area per dwelling unit (square feet)	1,250	0
Minimum lot width at the building line (feet)	25	20
Minimum lot width at the street line (feet)	20	20
Minimum rear yard (feet)	20	5
Minimum side yard		
Individual (feet)	5	0
Aggregate (feet)	10	0
Maximum building coverage	90%	95%

Regulation	Block Class	
	A	B
Maximum impervious coverage	100%	100%
Minimum green area	0%	0%

[1] *Editor's Note: This ordinance also provided for the redesignation of former Subsection B as Subsection C.*

C. Area and bulk regulations for conditional uses shall be as follows:

(1) Educational uses:

[Amended 3-21-2007 by Ord. No. 4-2007]

- (a) Minimum lot area: 30,000 square feet.
- (b) Minimum lot width at the building line: 110 feet.
- (c) Minimum lot width at the street line: 100 feet.
- (d) Minimum depth of front and rear yards: 20 feet.
- (e) Minimum width of side yards: 20 feet.
- (f) Maximum building coverage: 60%.
- (g) Maximum impervious coverage: 80%.
- (h) Minimum green area: 15%.

- (2) For all other uses set forth in § 112-30C, the area and bulk regulations of § 112-32A pertaining to Block Class A shall apply.

§ 112-33. Design standards.

A. Due to limited space available in the Town Center District, the required green areas may be computed using the following alternatives in lieu of plantings in the ground:
[Amended 10-27-2010 by Ord. No. 19-2010]

- (1) Sidewalk or courtyard planters may be utilized. The square footage of the top of the planters and 1/2 of the visible surface area of the planter may be computed.
- (2) Trellis or latticework against a building which supports evergreen vines or espaliered shrubs or trees may be utilized. The total square footage of evergreen plant materials affixed to such structures may be computed.
- (3) An overhead pergola or latticed canopy within a courtyard or in another space outside of the required yard setbacks may be utilized. One-fourth of the square footage of such structure may be computed, provided that such structure supports ornamental vines for at least 1/4 of its surface area.
- (4) Unit pavers, including brick, flagstone and grasscrete, may be utilized. The total square footage of such pavers may be computed. The surface area of existing brick and flagstone pavers may be computed, provided that such pavers are in good condition as determined by the Zoning Officer.

B. All lighting, signage, fencing, pavements, storage, traffic and other environmental controls shall be in accordance with the provisions of Articles XIV, XV and XVI and § 112-33.1 or 112-38.1.
[Amended 9-18-1996 by Ord. No. 17-1996]

C. All construction in the Historic (overlay) District shall be in accordance with Article XI.

D. Additional design standards within the Retail Overlay District shall be as follows:
[Added 11-28-2001 by Ord. No. 15-2001; amended 2-21-2018 by Ord. No. 2-2018]

- (1) No more than 35 feet of continuous street wall shall be created for any new building. Any building which is wider than 32 feet shall have a recess or projections of a minimum of three inches at intervals no greater than 35 feet, in the form of a pilaster, column, fenestration or like-type vertical articulation.
- (2) Except for buildings in the Town Center, HO-60 Overlay which exceed 45 feet up to a maximum height of 60 feet, a continuous street wall shall be created along the sidewalk frontage, except for a first-floor break in the street wall that may be created for a deck parking structure, where such break in the street wall does not exceed 24 feet in width.
- (3) No surface parking lot shall be permitted.
- (4) Any parking provided on site shall be placed to the rear of buildings and accessed off an alley or from an existing curb cut.
- (5) No new curb cuts shall be permitted.
- (6) No building shall be a windowless box. Building openings and windows shall constitute no less than 30% of all exterior walls fronting on a primary street (not including alleys and service streets).
- (7) No building shall have opaque windows along a primary street, except for spandrel panels at floor lines.
- (8) All offices, banks and financial institutions, community facilities, and governmental uses in the ROD shall provide a pedestrian-oriented frontage in the form of a landscaped entrance area, or window display area which serves as an art gallery or other like display space accessible to pedestrians.

§ 112-33.1. Standards to increase height to a maximum of 60 feet in the HO-60 Height Option Overlay District.

[Added 9-18-1996 by Ord. No. 17-1996; amended 7-12-2002 by Ord. No. 6-2002; 5-22-2007 by Ord. No. 8-2007; 8-1-2007 by Ord. No. 9-2007; 12-19-2007 by Ord. No. 18-2007; 8-20-2008 by Ord. No. 11-2008; 12-16-2008 by Ord. No. 20-2008; 9-19-2012 by Ord. No. 17-2012; 12-19-2012 by Ord. No. 26-2012; 2-19-2014 by Ord. No. 1-2014; 10-19-2016 by Ord. No. 12-2016; 2-21-2018 by Ord. No. 2-2018]]

- A. A proposed building, structure or part thereof in excess of 45 feet and up to 60 feet within the HO-60 Overlay District as shown on the Zoning Map and Height Option Overlay Map and the parcel the building is constructed on shall comply with the standards set forth in this § 112-33.1.
- B. In order to increase the height of a building, other structure or any portion thereof from 45 feet up to 60 feet, the following standards and criteria shall be met:
 - (1) Building uses.
 - (a) First floor/ground floor use. Except for buildings which are used as public parking garages which are permitted as governmental uses or municipal uses, the first floor/ground floor of all buildings shall:
 - [1] Be used to promote a continuation and continuity of retail shops and stores, restaurants, personal service shops, indoor motion-picture theaters, lobbies and reception spaces, and, where applicable, comply with the provisions of the Retail Overlay District within the Town Center District as set forth in Article VII of this chapter.
 - [2] Not be used for funeral homes.
 - (b) Parking.
 - [1] If parking is located in or under the building, any access driveway leading to such parking shall not be wider than 24 feet in width.
 - [2] If parking is located in or under the building, the parking facility and access driveway leading to such parking facility shall not be greater than 50% of the building frontage, except for public parking garages which are permitted as governmental uses or municipal uses.

- (2) Lighting.
 - (a) All lighting shall have a shield or diffuser to prevent trespass glare and visibility of the light source from a public street and alley.
 - (b) No lighting shall have any blinking, flashing, pulsing or other moving lights or other illuminating device or beacon which has a changing light intensity, brightness or color.
 - (c) All lighting shall be in accordance with the latest standards of the Illuminating Engineering Society of North America (IES).
- (3) Parking.
 - (a) Parking shall be provided in accordance with Article XIII of this chapter.
- (4) Signage. The sign regulations in Article XIV shall apply to all buildings which exceed 45 feet, except that:
 - (a) For buildings from 45 feet up to 60 feet in height, the size of a wall sign or projecting sign shall not exceed 15% of the total wall area of the building or 10% of the total wall area of the building for illuminated signs, provided that, in either case, no individual wall sign shall exceed 64 square feet.
 - (b) Pole signs shall not be permitted.
- (5) Pedestrian amenities and public art.
 - (a) Pedestrian plazas, courtyards, entrance courts, outdoor cafe spaces, brick sidewalks of at least six feet in width, benches, arbors, pergolas, fountains, low stone walls and the like shall be used to promote a human scale and greater attractiveness to the proposed development. Such features shall be computed as part of the minimum green area requirement set forth in §§ 112-32A(1) and 112-99.
 - (b) All required street trees along the building frontages shall be of a caliper of at least 3 1/2 to four inches. All such trees shall be limbed-up to have a clear area free of branching above the sidewalk of at least seven feet and shall be subject to approval of the Borough Tree Commission and the Borough Council.
 - (c) All required street trees shall be selected from a list of species approved by the West Chester Borough Tree Commission and the West Chester Borough Urban Forester. The list of approved street trees is available at the Borough offices, Department of Building, Housing, and Code Enforcement.
 - (d) The applicant shall be required to incorporate public art into the design of the building or as part of the outdoor pedestrian space. The public art shall conform to general guidelines established by the Borough's Public Art Commission, which are available at the Borough offices, Department of Building, Housing, and Code Enforcement. The applicant shall meet with the Public Art Commission for review of and recommendations on the specific type and location of public art proposed by the applicant. The Public Art Commission shall advise Borough Council whether or not the proposed public art complies with the guidelines.
- (6) Conservation performance standards.
 - (a) All new buildings over 45 feet shall be designed, constructed and maintained, at a minimum, to earn and comply with the GOLD certification level based on the standards for such certification included in the document attached hereto as Appendix A, titled West Chester Sustainable! Certification Program, which is hereby adopted as part of the Zoning Ordinance and incorporated herein by reference.^[1]

[1] *Editor's Note: Appendix A is on file in the Borough offices.*
- (7) Architectural design standards.
 - (a) The following architectural design standards shall be met for buildings where the height of the building is proposed to be over 45 feet up to 60 feet:

- [1] The Design Guidelines for the West Chester Historic District, July 2002, as may be amended from time to time, shall be used for elements, including but not limited to: massing, scale, proportion, rhythm, building materials, roofs, building placement, building width, windows and streetscapes.
- [2] If a new building has a flat roof, then it shall have a wraparound parapet wall sufficient in height to screen the building's mechanical and other rooftop equipment from view from public streets.
- [3] All rooftop mechanical equipment and structures shall be screened from view from public streets.
- [4] The HO-60/HO-75 Supplementary Design Guidelines, which are attached to this chapter as an appendix, shall apply.^[2]
- [2] *Editor's Note: Said appendix is on file in the Borough offices.*
- (b) Within the Retail Overlay District, not less than 35% of the street wall of the building shall abut the street line. The remaining street line shall incorporate a combination of architectural and landscape elements such as, but not limited to, columns, piers, fences, hedges, pergolas, low walls, street trees and other pedestrian amenities and public art as provided in § 112-33.1B(5).
- (c) The maximum building coverage shall be 85%.
- (8) Historic preservation standards.
- (a) The applicant shall make every effort to retain existing contributing resources located on the subject property and incorporate them into the new use of that property. The applicant shall demonstrate this effort to the Borough Council as part of land development approval.
- [1] A "contributing resource" is defined as being a resource that is listed as contributing, as defined by the National Register of Historic Places Standards, in the West Chester Borough Historic Resource Inventory of 2003, as amended, and that is shown to be a contributing resource on the accompanying Historic Resource Inventory Map.
- [2] A "noncontributing resource" is defined as being a resource that is listed as noncontributing, as defined by the National Register of Historic Places Standards, in the West Chester Borough Historic Resource Inventory of 2003, as amended, and that is shown to be a noncontributing resource on the accompanying Historic Resource Inventory Map.
- (b) If permission is granted to demolish a contributing resource by Borough Council, then, unless otherwise required by another code of the Borough, no resources shall be demolished until the building permits for new construction and financing for the entire project are secured and documented and the following is completed and filed, when appropriate, with the Borough Council:
- [1] A full historic documentation of the resources and the property shall be prepared by the applicant according to the Historic American Building Survey (HABS) guidelines and provided to the HARB and Borough Council with a copy to the Chester County Historical Society (CCHS) and a letter to the Pennsylvania Historical and Museum Commission (PHMC) informing it that such documentation is available; and
- [2] A plaque or marker shall be provided by the applicant relating the history of the resources. The plaque or marker shall contain accurate information about the history of the resources which has been approved by HARB and the Borough Council and shall be placed at a location on the site that is recommended by HARB and approved by Borough Council.
- C. All applications for buildings with a building height over 45 feet and up to 60 feet shall include the following additional materials:
- (1) A written report that describes the intent of the architectural design of the proposed building(s) and the manner in which the proposed building(s) have a context-sensitive fit into the historic block,

streetscape and neighborhood of the development.

- (2) Plans, conceptual building elevations, diagrams, photographs and other data sufficient to demonstrate compliance with the standards set forth in this § 112-33.1.
- (3) An impact assessment report which is prepared in accordance with § 112-100 to address mitigation measures pertaining to such impacts as traffic, infrastructure, environmental resources, contributing resources and historic resources.