

BOROUGH OF KENNETT SQUARE

Chester County, Pennsylvania

ORDINANCE NO. 918

**AN ORDINANCE AMENDING THE KENNETT SQUARE
BOROUGH CODE, CHAPTER 23 ZONING, AMENDING
ARTICLE II DEFINITIONS, SECTION 23-7 DEFINITIONS
AND ARTICLE III ZONING DISTRICTS AND USE
REGULATIONS, SECTION 23-30 ACCESSORY USES**

WHEREAS, the Borough Council for the Borough of Kennett Square has the authority, pursuant to section 601 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10601, and section 1006(3) of The Borough Code, 53 P.S. §46006(3), to repeal and amend ordinances as the Borough shall deem beneficial to the Borough and to promote the health, safety, and general welfare; and

WHEREAS, the Borough Council deems it appropriate and in furtherance of these objectives to amend regulations governing definitions and accessory uses, specifically accessory apartments.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Kennett Square, as follows:

Section 1. The definition of “Accessory Apartments” is amended as follows:

‘Accessory Apartment’ means one dwelling unit incidental to a principal residential dwelling located in the upper floors, basement, to the rear of the principal dwelling unit, or in a detached carriage house or garage, located on the same lot as the principal dwelling unit. The accessory apartment dwelling unit must have its own sanitary, sleeping, and cooking facilities, and either a separate access to the outside or a common hallway or balcony.

Section 2. The Kennett Square Borough Code, Chapter 23 *Zoning*, Article III *Zoning District and Use Regulations*, section 23-30 *Accessory uses*, subsection (c)(1), providing special standards for accessory apartments, is amended as follows:

(1) Accessory Apartment:

- (A) Shall be incidental to the principal dwelling, not exceeding 50% of the square footage of the principal dwelling unit;
- (B) Shall be located in the upper floors, basement, to the rear of the principal building, or in a carriage house or garage;
- (C) Shall be on the same lot as the principal dwelling;
- (D) Shall have its own sanitary, sleeping, and kitchen facilities, and either a separate access to the outside or a common hallway or balcony.

Section 3. All other sections, parts, and provisions of Chapter 23, Zoning, shall remain in full force and effect as previously enacted and amended.

Section 4. The terms hereof supersede the terms of all other ordinances or resolutions of the Borough inconsistent herewith.

Section 5. The provisions of this ordinance are severable. If any provision, section, sentence, clause or part shall be held to be invalid, illegal, or unconstitutional by any court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of the ordinance. It is hereby declared to be the intent that this ordinance would have been adopted as if such illegal, invalid, or unconstitutional provision, section, sentence, clause or part had not been included herein.

Section 6. This amendatory ordinance shall take effect and be in force from and after its enactment. The enactment date of this amendatory ordinance is the date when the Mayor shall approve it, or the date of passage by the Borough Council over the veto of the Mayor. If the amendatory ordinance is not returned by the Mayor at the regular meeting of Borough Council, occurring at least ten days after the meeting at which the amendatory ordinance was passed by the Borough Council, the date of enactment shall be the date of the succeeding regular meeting of Borough Council.

DULY ORDAINED AND ENACTED this 8th day of September, 2015, by the Borough Council of the Borough of Kennett Square, Chester County, Pennsylvania, in lawful session duly assembled.

BOROUGH of KENNETT SQUARE
Chester County, Pennsylvania

By: _____
Leon R. Spencer, Jr.
Borough Council President

Attest: _____
Karen L. Scherer
Borough Secretary

[BOROUGH SEAL]

Approved this _____ day of _____, 2015

Matthew W. Fetick, Mayor
Borough of Kennett Square