

**BOROUGH of KENNETT SQUARE
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 933

**AN ORDINANCE OF THE BOROUGH OF KENNETT SQUARE
AMENDING THE CODE OF THE BOROUGH OF KENNETT SQUARE,
PENNSYLVANIA, CHAPTER 23, ZONING, BY ELIMINATING THE
CONDITIONAL USE REQUIREMENT FOR CONVERSIONS OF
STRUCTURES IN THE HISTORIC DISTRICT**

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 streamline the procedure for converting structures located in the Historic District to different uses, occupancies, and purposes; and

WHEREAS, eliminating the conditional use requirement for conversions of structures in the Historic District to different uses, occupancies, or purposes will help accomplish that objective; and

WHEREAS, the Borough Council wishes to provide for the review of conversions in the Historic District by Borough staff who may recommend appropriate conditions to be considered and imposed by Borough Council when issuing a certificate of appropriateness.

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 III, *Zoning Districts and Use Regulations*, Section 23-12, *R-1 Residential district*, subsection (b), *Uses Permitted by Right*, is **REPEALED** and **REPLACED** with the following new provision:

- (b) **Uses Permitted by Right.** Each of the following principal uses and their accessory uses are permitted by right in the R-1 Residential 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.

SECTION 2.

Chapter 23, *Zoning*, Article III, *Zoning Districts and Use Regulations*, Section 23-13, *R-2 Residential district*, subsection (b), *Uses Permitted by Right*, is REPEALED and REPLACED with the following new provision:

- (b) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the R-2 Residential 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.

SECTION 3.

Chapter 23, *Zoning*, Article III, *Zoning Districts and Use Regulations*, Section 23-15, *R-3 Residential district*, subsection (b), *Uses Permitted by Right*, is REPEALED and REPLACED with the following new provision:

- (b) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the R-3 Residential 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.

SECTION 4.

Chapter 23, *Zoning*, Article III, *Zoning Districts and Use Regulations*, Section 23-16, *R-3/PAO Residential/professional office district*, subsection (b), *Uses Permitted by Right*, is REPEALED and REPLACED with the following new provision:

- (b) Uses Permitted by Right. Each of the following principal uses and their accessory uses are permitted by right in the R-3/PAO Residential/Professional Office 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.

SECTION 5.

Chapter 23, *Zoning*, Article III, *Zoning Districts and Use Regulations*, Section 23-18, *C-1 Primary retail district*, subsection (b), *Uses Permitted by Right*, is REPEALED and REPLACED with the following new provision:

- (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.

SECTION 6.

Chapter 23, *Zoning*, Article III, *Zoning Districts and Use Regulations*, Section 23-19, *C-2 Secondary commercial district*, subsection (b), *Uses Permitted by Right*, is REPEALED and REPLACED with the following new provision:

- (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.

SECTION 7. Repealer.

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

SECTION 8. Severability.

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

SECTION 9. Effective date.

This Ordinance shall become effective immediately.

DULY ORDAINED and **ENACTED** this 5th day of July, 2016, by the Borough Council of the Borough of Kennett Square, Chester County, Pennsylvania, in lawful session duly assembled.

BOROUGH of KENNETT SQUARE

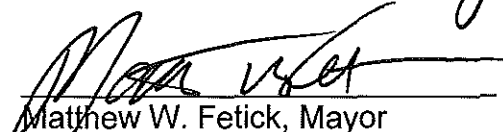
By: _____

Danilo P. Maffei
President

ATTEST:


Karen L. Scherer
Borough Secretary

APPROVED by the Mayor this 5th day of July, 2016.


Matthew W. Fetick, Mayor
Borough of Kennett Square