

WEST VINCENT TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 200

AN ORDINANCE AMENDING THE WEST VINCENT TOWNSHIP CODE, CHAPTER 390 ZONING, BY DELETING THE EXISTING ARTICLE XII. LVCC LUDWIGS VILLAGE CENTER COMMERCIAL DISTRICT AND RE-ENACTING AN NEW ARTICLE XII. LVCC LUDWIGS VILLAGE CENTER COMMERCIAL DISTRICT, SECTIONS 390-57 THROUGH 390-63.

SECTION 1. The existing Article XII Ludwigs Village Center Commercial District, of the Code of the Township of West Vincent is deleted.

SECTION 2. Attachment "A" consisting of a revised Article XII Ludwigs Village Center Commercial District, of the Code of the Township of West Vincent, Section 390-57 through Section 390-63 is enacted in its entirety as the new Article XII.

SECTION 3. Severability. If any sentence, clause, section or part 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 provisions, sentences, clauses, sections, or part hereof. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 4. Repealer. All ordinances or parts of ordinances conflicting with any provisions of this ordinance are hereby repealed insofar as the same affects this ordinance.

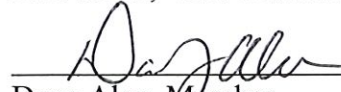
SECTION 5. Effective Date. This Ordinance shall be effective five (5) days after enactment as by law provided.

ENACTED AND ORDAINED THIS 17th DAY OF October, 2022


WEST VINCENT TOWNSHIP
BOARD OF SUPERVISORS


Bernie Couris, Chairman


Sara Shick, Vice Chairman


Dana Alan, Member

ATTEST:


Kathryn Shillenn, Secretary

Attachment "A"

Township of West Vincent, PA
Draft Revisions 4-28-22

Chapter 390. Zoning

Article XII. LVCC Ludwigs Village Center Commercial District

§ 390-57. Purpose.

- A. In addition to the general goals listed in the statements of § 390-3, Purpose, and § 390-4, Community development objectives, it is the purpose of this district to encourage the continuation of the traditional land use patterns and design of the early village setting of Ludwigs Corner, allowing in-fill development and a reasonable level of new development to occur along Lexington Boulevard and other roads, as delineated on the Township Official Map, while preserving those areas which characterize the unique heritage of the area; and to provide and require a unified and organized arrangement of buildings, connected walkways, signs, service and parking areas, together with adequate off-street circulation among neighboring businesses and harmoniously landscaped greenway, planned and designed as an integrated unit, and in a manner so as to provide an efficient, walkable, safe, convenient, and attractive mixed shopping, civic and recreational area in an area of the Township accessible to a regional highway system, incorporating the design and use guidelines of the Ludwigs Corner Strategic Vision and Community Design Plan.
- B. This purpose is to be achieved by employing the following techniques, as permitted by Section 605 of Act 247, the Pennsylvania Municipalities Planning Code,^[1] to ensure that proposed designs for in-fill development and new development on the fringe of the Village are compatible with the planning goals for this area:
- (1) Provide opportunities for the creation of mixed uses in keeping with the character, scale, and architecture of the traditional village setting in the area, in accordance with Section 604(5) of Act 247.^[2]
[2] *Editor's Note: See 53 P.S. § 10604(5).*
 - (2) Encourage a compact form of development by allowing lot design alternatives, as permitted by Sections 503(5) and 603(c)(5) of Act 247,^[3] which permit the concentration of land use on certain portions of the tract while leaving other portions open so as to promote designs compatible with the Village;
[3] *Editor's Note: See 53 P.S. §§ 10503(5) and 10603(c)(5).*
 - (3) Require land use designs which preserve natural, scenic, and historic resources as permitted by Section 604(1) of Act 247;^[4]
[4] *Editor's Note: See 53 P.S. § 10604(1).*
 - (4) Promote pedestrian movement by locating new Village housing, services, jobs and public places within convenient walking distance of each other, wherever practicable;
 - (5) Establish a viable network of greenway land areas that complements the land use pattern of the Village and which links the Village with surrounding areas, including existing housing, employment, and recreational facilities, and that corresponds to the recommendations of the

Township Open Space and Recreation Plan and the Ludwigs Corner Strategic Vision and Community Design Plan;

- (6) Reduce traffic congestion and dependence on the automobile by creating a hierarchy of streets and public ways that efficiently serve pedestrians and drivers;
- (7) Promote community life and identity by providing for commercial services, village greens, and sites for civic buildings;
- (8) Define landscaping, circulation, parking, signage and community facility/services standards that are unique to the village setting and are compatible with its particular design requirements; and
- (9) Ensure that new development is compatible with the availability of essential services or facilities, as required by Section 604(1) of Act 247,^[5] and that new demands as required by the project are adequately addressed.

[5] *Editor's Note: See 53 P.S. § 10604(1).*

[1] *Editor's Note: See 53 P.S. § 10605.*

C. In the LVCC Ludwigs Village Center Commercial District, the following regulations shall apply.

§ 390-58. Use regulations.

A. Uses by right. A building may be erected, altered or used, and a lot or premises may be used by right for any combination of any of the following uses on the first floor of the premises, except as not allowed pursuant to this chapter:

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- (1) Retail establishments for the sale of dry goods, jewelry, art and/or crafts, variety and general merchandise, instruments, video rentals, job printing, except as otherwise noted in § 390-58B, Conditional uses.
- (2) Retail bakeries and artisan workshops conducted in conjunction with educational classes and/or the sale of goods produced on the premises (such as bread, pastries, pottery, paintings, jewelry, glassware, etc.) and as long as the manufacture or production of such goods is accessory to the retail sale.
- (3) Personal service shop, including barber, beauty salon, shoe repair, tailor, dressmaking, and laundry and dry cleaning pickup service.
- (4) Restaurant, tea room, cafe, diner, ice cream parlor, confectionery or other place serving food or beverage. This category of uses permitted by right shall not include fast-food restaurants in freestanding, single-use buildings, serving quick meals in readily disposable containers in a manner that makes it convenient for the food to be consumed away from the premises.
- (5) Business, professional, or medical office; bank, savings and loan association, or other financial institution; or real estate sales office or insurance sales office.
- (6) Bed-and-breakfast establishment or inn offering overnight accommodations, not exceeding 20 bedrooms or suites. One improved off-street parking space per guest room shall be provided.
- (7) Low-intensity recreation use area.
- (8) Municipal building or use.
- (9) Laundry, Dry Cleaner
- (10) Bar, Tavern
- (11) Craft Brewery, Brewpub

- (12) Ethnic Market or Grocer,
- (13) Ethnic Restaurant
- B. Conditional uses. Any one of the following uses may be permitted as a conditional use on the first floor of the premises, except as allowed pursuant to Article **XXVI** of this chapter, when authorized by the Board of Supervisors, subject to the standards set forth herein and in § **390-219** of this chapter:
- (1) Apartment buildings constituting no more than 40% of building footprint area on a development parcel, provided that parcel has no frontage on PA 100 or PA 401.
 - (2) Residential Townhouses, provided the parcel to be developed has no frontage on PA 100 or PA 401.
 - (3) Medium- to high-intensity recreation use areas, provided that:
 - (a) If the recreational activity is to be conducted outdoors:
 - [1] No outdoor lighting shall be installed other than that required for illumination of parking areas and driveways per § **390-141** of this chapter.
 - [2] Hours of operation shall be limited to daylight hours.
 - [3] No public address systems with outdoor speakers shall be allowed.
 - [4] Such outdoor area shall not exceed 15,000 square feet.
 - [5] All high-intensity outdoor recreation uses shall be set back at least 200 feet from all lot lines. Medium-intensity recreation uses shall be set back at least 50 feet from all lot lines.
 - [6] Screening and buffering shall be installed along all property boundary lines with neighboring residential uses or residentially-zoned properties to protect the neighboring residential use from noise, light and other disturbances.
 - [7] The applicant shall establish that parking facilities will be sufficient to provide on-site parking for the maximum anticipated use. The intensity of the use of the facilities shall be restricted to the on-site parking provided, except to the extent that the applicant provides the Township with a shared parking agreement executed between it and another landowner.
 - (b) If the recreational activity involves the use of objects which have the potential of traveling off site, adequate screening or netting shall be installed to protect adjacent properties and roads.
 - (c) Uses shall not create any nuisances for adjacent properties.
 - (4) Church or similar place of worship, including rectory or parish house.
 - (5) Civic uses, day-care centers, libraries and/or community centers.
 - (6) Establishments selling drugs, food, hardware, home furnishings and supplies, electronics equipment and/or appliances, where the premises are used for only one of the above-listed uses in this subsection.
 - (7) Retail grocery stores, supermarkets, and/or farmers markets.
 - (8) A combination of uses permitted by right or conditional use under this district.
 - (9) Uses substantially similar to the permitted uses or conditional uses listed above with respect to their traffic generation, operating characteristics, exterior appearance, and community impact.

C. Accessory uses.

- (1) Customary commercial accessory uses shall be permitted, provided that they are customary and incidental to any of the foregoing permitted uses.
- (2) Communications antennas mounted on an existing public utility transmission tower, existing building or other existing structure, and communications equipment buildings subject to the provisions of § 390-167 of this chapter.
- (3) Pocket parks and public gathering spaces that may be used on a temporary basis for commercial purposes by adjacent businesses.

§ 390-59. Area and bulk regulations.

A. Lot area, gross. The minimum lot size shall be 5,000 square feet for a single use and 10,000 square feet for mixed-use developments, with a minimum of 2,500 square feet for each use within a mixed-use development; or it shall be determined by the area of land necessary to meet the requirements of this chapter with respect to setbacks, maximum coverage, parking, circulation, landscaping, and other applicable county and state laws or regulations (such as those pertaining to wells and septic systems), whichever is greater.

B. Front yard.

- (1) The minimum front yard for buildings shall be determined by the functional classification of the road fronting the lot or development, as defined by the Township Comprehensive Plan. If the minimum right-of-way width required in § 315-43B(2) of Chapter 315, Subdivision and Land Development, of the Code of the Township of West Vincent exists, the minimum front yards shall be 25 feet; otherwise, the minimum front yard shall be as follows:
 - (a) Arterial road: 40 feet (comprised of a minimum of 25 feet dedicated to greenway and minimum 10 feet dedicated to walkway areas).
 - (b) Collector road: 40 feet (comprised of a minimum of 25 feet dedicated to greenway and minimum 10 feet dedicated to walkway areas).
 - (c) Local road: 16 feet (comprised of a minimum of 8 feet of greenway and minimum 6 feet dedicated to walkway areas).
- (2) The sidewalks and walkway areas shall be situated closest to the buildings, while the non-walkway greenway areas shall be situate closer to the roadway. Such greenway areas shall be fully landscaped and shall include one shade tree for each fifty feet of building facade, and shall not contain any parking spaces, outdoor storage or displays of merchandise, or accessory structures, except as may be specifically permitted by other provisions of this chapter. Where the front yard is along an arterial or collector road, there shall be a continuous concrete sidewalk located at the front of the setback buildings to facilitate pedestrian access between parcels and buildings. The front-yard setback may be reduced for compatibility with existing historic resources or structures as long as required clear sight distances and safety considerations are achieved.
- (3) While there is no official maximum front-yard setback, the design of new developments shall generally be required to create the appearance of a traditional village streetscape. In instances where front-yard setbacks are proposed to be greater than 20 feet, the front yard shall be designed in a manner appropriate to a rural village, such as with a grassy, tree-lined "green" or "common." Such areas may be used for subsurface septic disposal areas. In cases where such areas are used to locate required stormwater management facilities, such facilities shall be designed either as self-draining detention basins with flat, mowed lawns, or as ponds planted at the edges with native species wetland flowers and shrubs, or as bioinfiltration gardens. Such facilities shall be designed by a registered landscape architect in consultation with the United States Department of Agriculture Natural Resources Conservation Service.

C. Side yards.

(1) The minimum side yards shall be determined based on the functional classification of the road fronting the lot or development, as defined by the Township Comprehensive Plan. If the minimum right-of-way width required in § 315-43B(2) of Chapter 315, Subdivision and Land Development, of the Code of the Township of West Vincent exists, the minimum side yards shall be 10 feet; otherwise, the minimum side yards shall be as follows:

(a) Arterial road: 40 feet.

(b) Collector road: 40 feet.

(c) Local road: 16 feet.

(2) When a side yard abuts a residential use or district, the building setback shall be not less than 50 feet.

D. Rear yard. For principal buildings, there shall be a rear yard on each lot, which shall be not less than 25 feet in depth; however, a rear yard shall be 50 feet in depth when abutting a residential use or district. For accessory buildings or structures, there shall be a rear yard on each lot, which shall be not less than 10 feet in depth.

E. Lot coverage. Impervious coverage shall not exceed 50% of adjusted tract acreage unless otherwise permitted under § 390-60.

F. Height restrictions and objectives. No principal building or structure shall exceed 35 feet in height, and no accessory building shall exceed 25 feet in height. Although no minimum building height is specified, the construction of two-story buildings is encouraged in the LVCC District, in the interests of efficiency, compactness and traditional village center design, by allowing retail, service, office and residential uses on second floors in accordance with the provisions herein.

G. Minimum building separation. The minimum distance between buildings on the same lot shall be 15 feet, unless the buildings are separated by a roadway.

H. Maximum building separation. The maximum distance between buildings on the same lot shall be 25 feet, unless the buildings are separated by a roadway.

I. Façade offsets. In order to promote architectural variation and space for landscaping, courtyards, and pedestrian furnishings, facades along a street or sidewalk shall contain variations in setback of at least eight feet, as follows:

(1) For Townhouses, no more than two adjacent units shall have the same front setback from the street or sidewalk. The length of a continuous run of connected Townhouses shall not exceed five (5) dwelling units.

(2) For all other buildings, no more than 75 continuous linear feet of façade shall be permitted without a setback variation from the street. No single building façade, including setback variations, shall exceed 300 feet.

J. Building façade treatments. Any building façade visible from a street or sidewalk shall include visually enriching features such as fenestration, plinths, water tables, scarcements, blinds, string courses, expressed sills, expressed lintels, relief arches, and cornices that create horizontal and/or vertical relief. The maximum area of an uninterrupted wall surface plane, without horizontal and/or vertical relief and/or a change in surface material, shall not exceed 350 square feet.

K. Ludwigs Corner Strategic Vision and Community Design Plan. The design of greenway, walkways and sidewalks, roads and parking shall conform to the requirements set forth in the Ludwigs Corner Strategic Vision and Community Design Plan adopted by the Township.

§ 390-60. Greenway land requirements.

A. Minimum greenway land requirements. Parcels within the Ludwigs Village Center Commercial

District shall be designed with at least 50% of their gross lot area as permanent greenway land of the following types:

- (1) Civic commons or greens;
 - (2) Pocket parks and similar public gathering spaces;
 - (3) Publicly accessible recreation areas, which may be accessory to other uses; and
 - (4) Land belonging to homeowners' associations, land trusts or the Township.
- B. Of these three types of greenway land, no less than 25% of the greenway land shall be in the form of squares, commons, greens, or low- to medium-intensity recreation areas.
- C. Any such land that is privately owned (either individually, jointly or by an organization) shall be permanently protected through conservation easements.
- D. The required greenway land shall be located and designed to add to the visual amenities of the Village and to the surrounding area, by maximizing the visibility of internal greenway land as terminal vistas at the ends of streets or along the outside edges of street curves and by maximizing the visibility of external greenway land as perimeter greenway land. Perimeter greenway land shall be designated to provide buffers and to protect scenic views as seen from existing roadways and from public parks.
- E. Greens or commons shall border on the principal street of the development or be located so as to constitute the "terminal vista" of that street. The type of trees and shrubs used shall be such that vistas through the open space are largely unobstructed. Greens shall be landscaped using elements of formal gardens, walkways, monuments, statues, gazebos, fountains, park benches, and pedestrian-scale lamp posts. No green or common shall contain more than 10% coverage by impervious surfaces.
- F. Parcels utilizing the fee-in-lieu option and/or Route 100 Overlay District provisions of this chapter may reduce the minimum greenway land requirements of this section correspondingly.
- G. Parcels within the Ludwigs Village Center Commercial District may reduce the minimum greenway land requirements of this section to 25% by paying a fee to the Township in lieu of providing such a greenway land. The decision to accept a fee-in-lieu offer by the applicant shall lie with the Board of Supervisors, which shall also establish the amount of the fee-in-lieu based on the Township's estimated cost of acquiring land that is similar in area and has attributes which would better serve the public recreational needs. Any fees established shall be payable prior to issuance of building permits. All fees collected in lieu of greenway land shall be maintained in an interest-bearing Township open space capital reserve fund, which shall be used only for the acquisition of greenway lands or capital improvements for greenway lands and/or park and/or recreational purposes within the Township at locations consistent with the Open Space Plan of the Township.

§ 390-61. Special parking standards.

- A. The front edge of required parking areas shall be set back at least as far as the nearest facade of the principal building facing the front property line (porticos, open colonnades, and open porches excluded).
- B. Off-street parking shall be to the rear of the property and located within internal parking areas.
- C. On-street parking spaces along the front property line of a lot may be counted toward the minimum number of parking spaces required for the use on the lot.
- D. On-street parking spaces shall be designed to be parallel to the curb.
- E. All parking shall be shared by adjacent buildings and businesses in compliance with the Township's Shared Parking Ordinance or, in the absence of such ordinance, the model shared parking ordinance in "Shared Parking in the Portland Metropolitan Area." The parking requirements for a given use shall be satisfied by utilizing the available parking, in the following

order of priority: first, by on-street parking; second, by parking in the parking areas identified on the Township Official Map; and third, by parking in other approved parking areas, provided that such shall only be allowed if the on-street and parking areas on the Township Official Map are insufficient to meet the parking requirements of the use.

§ 390-62. Design standards.

Design standards shall comply with the design standards provided in the Ludwigs Corner Strategic Vision and Community Design Plan. Where there is a conflict between that plan and this chapter, the standards set forth in that plan shall be utilized. Unless specified in the Ludwigs Corner Strategic Vision and Community Design Plan, applicable design standards are as follows:

- A. Parking: as required by §§ **390-61** and **390-135** of this chapter.
- B. Access and highway frontage: as required by § **390-136** of this chapter.
- C. Interior circulation and emergency access: as required by § **390-137** of this chapter.
- D. Loading and unloading: as required by § **390-138** of this chapter.
- E. Landscaping and screening: as required by § **390-139** of this chapter.
- F. Storage: as regulated by § **390-140** of this chapter, except that all storage shall be within a completely enclosed building in conjunction with a permitted use.
- G. Lighting: as regulated by § **390-141** of this chapter.
- H. Performance standards: as required by § **390-156** of this chapter.
- I. Signs: as required by Article **XXI** of this chapter.
- J. Outdoor display of merchandise: as required by § **390-162** of this chapter.
- K. Village design standards: as required by § **390-142** of this chapter.

§ 390-63. Modifications.

- A. The Board of Supervisors may, by conditional use approval, permit the modification of the provisions of this article in order to encourage a well-planned traditional Township village center.
- B. Any conditional use to permit such a modification shall be subject to the following criteria in addition to the requirements of § **390-219** of this chapter:
 - (1) The design and modifications shall be consistent with the purposes and the land use standards contained in this article.
 - (2) The design and modifications shall generally enhance the development plan, the central village area, the streetscapes, and the surrounding village neighborhoods, or at least not be any less desirable than the plan that could be created in conformance with this article.
 - (3) The design and modifications shall not produce lots or street systems that would be impractical or detract from the appearance of the district and shall not adversely affect emergency vehicle access.
 - (4) Increased intensity of nonresidential uses shall be offset by corresponding special efforts by the applicant to improve the appearance of the development through enhanced architectural and landscaping efforts.
 - (5) The applicant shall demonstrate that the proposed modifications will produce equal or better results, from the Township's perspective, and represent the minimum modification necessary.

- C. If the Board of Supervisors determines that the applicant has met his/her burden, it may grant a modification of the requirements of this article. In granting modifications, the Board may impose such conditions as will, in its judgment, secure the objectives and purposes of this article.