

Bill No. ____-2016

I hereby certify this to be a true and correct copy of the original Ordinance to be considered for passage at the regular meeting of the Council on Monday, June 13, 2016. Ordinance No. ____ - 2016 of City

ORDINANCE

John S. Carnes, Jr., Esquire, Solicitor

AN AMENDMENT TO THE CITY OF COATESVILLE ZONING ORDINANCE TO ESTABLISH A "MIXED USE DEVELOPMENT" Overlay Zoning District on Areas within the

AMTRAK RIGHT-OF-WAY AND AREAS TO THE SOUTH OF THE RAIL TRACKS TO HARMONY STREET, INCLUDING AREAS EAST OF FIRST AVENUE AND WEST OF FIFTH AVENUE, AND INCLUDING AREAS NORTH OF KERSEY AVENUE WEST OF FOURTH AVENUE, AND INCLUDING "THE FLATS" REDEVELOPMENT AREA NORTH OF THE LINCOLN HIGHWAY WEST OF FIRST AVENUE, AS SHOWN IN MORE DETAIL ON THE MAP LABELED "EXHIBIT A."

WHEREAS, the City Council of the City of Coatesville, Chester County, Pennsylvania desires to amend the Zoning Ordinance; and

WHEREAS, the City Planning Commission and Chester County Planning Commission have each reviewed the proposed amendment; and

WHEREAS, the City advertised the public hearing and notice of intent to adopt the proposed amendments to the Zoning Ordinance, and City Council held a public hearing on the proposed amendment on June 13, 2016; and

WHEREAS, the City Council has determined that the proposed amendments are in the best interests of the City and its citizens, and are consistent with the objectives of the Coatesville Comprehensive Plan.

NOW, THEREFORE, under the authority and procedures of the Pennsylvania Municipalities Planning Code, as amended, the City Council of the City of Coatesville, Chester County, Pennsylvania hereby enacts the following amendment to the Coatesville Zoning Ordinance:

Part One. Zoning Map and Overlay Districts.

A new MU Mixed Use Development Overlay Zoning District is hereby created, as shown on the attached map labeled "Exhibit A."

In Section 224-9.B.(3), the following is added to the list of districts: "MU Mixed Use Development Overlay District (Article XXIII)."

The following is added to Section 224-11.B.(2): ", except as provided otherwise by this Ordinance for the MU Overlay District."

Part Two. Mixed Use Development. A new Article XXIII is hereby added to the Ordinance as follows:

“Article XXIII Mixed Use Development (MU) Overlay District.

224-103. Mixed Use Development Overlay District.

- A. Purposes. The Mixed Use Development Overlay District provides an alternative set of provisions for development of certain properties in the C-1, C-2, I-1, I-2 and PS districts. These provisions are intended to allow for compatible mixtures of commercial, cultural and residential development within Downtown Coatesville. The resulting development will increase local tax revenues and job opportunities, provide services for local residents, and attract a larger customer base for other downtown businesses. These areas are prime for redevelopment, and will be more accessible because of investments in passenger rail service infrastructure. This type of development is intended to allow people to work, reside, dine, and enjoy recreation within the same area. The intent is to encourage development where residents can walk, bicycle, use public transit or take a short drive to reach places of employment and commercial businesses. Reductions in parking requirements are proposed in recognition of the availability of public transit, the walkability of the area, the provision of public parking, and the availability of on-street parking.
- B. Applicability.
- (1) A project that is submitted and subsequently approved under the Mixed Use Development Overlay District provisions shall be known as a “Mixed Use Development.” A Mixed Use Development shall include at least two types of uses, provided that at least one of those uses shall be a business use. In order to be eligible for these provisions, the minimum lot size shall be 8,000 square feet. A parking structure of two or more levels shall also be allowed to use these Overlay District provisions.
 - (2) Compliance With Other Provisions. All other provisions of City development regulations shall continue to apply to a Mixed Use Development, except for provisions that are specifically modified by this Section 224-103 to be more restrictive or more permissive for an approved Mixed Use Development. Where a conflict exists between a provision of this Section 224-103 and a provision of another City development regulation, the provision of this Section 224-103 shall prevail.
 - (a) If a Mixed Use Development is approved under this MU Overlay District, then the provisions of Section 224.60.C. shall not apply.
 - (b) Application of the Historic Overlay District to a Mixed Use Development approved Under the MU Overlay District.
 - (i) The provisions of the Historic Overlay District shall remain in full effect for: a) “Class I” historic resources, and b) other buildings

that are included on the Chester County Planning Commission's "2013 Historic Resources Map," which includes buildings that have been determined to be eligible for the National Register of Historic Places.

- (ii) The provisions of the Historic Overlay District shall not apply to buildings that were built after January 1, 1940.
 - (iii) For other structures controlled by the Historic Overlay District: a) any existing provisions for review and approval of a building demolition shall continue in effect, and b) for activities other than a building demolition, any provisions for required review by the Historic and Architectural Review Board (HARB) shall continue to apply, but action by City Council to approve a Certificate of Appropriateness shall not be required.
 - (iv) For the purposes of this section, any required review by a HARB shall be conducted by the Coatesville Historical Commission, until such time as any HARB may be appointed and be actively in place.
 - (v) Changes to a building shall only be subject to the Historic Overlay District provisions if they are visible from a public street.
- (3) Where any application is subject to the MU Overlay District, the final subdivision or land development plan shall clearly specify the landowner or entity that will be responsible to complete, own and maintain any required improvements over time.

C. Uses.

- (1) Within the MU Overlay District, the following uses shall be permitted by right:
- (a) Mass Transit Station.
 - (b) Multi-family residential uses, provided that on a lot that is adjacent to the Lincoln Highway, new multi-family residential uses shall only be allowed in a building that, at a minimum, includes business or office uses along the entire length of the street-level frontage of the Lincoln Highway, and 1st, 2nd and 3rd Avenues. This street level provision shall apply for a depth of at least 80 feet from the front of the building.
 - (c) Retail Stores, which may include a Farmers Market or a convenience store, but which shall not allow gasoline sales.
 - (d) Offices, including, but not limited, to a doctors or dentist office or an urgent care medical center.
 - (e) Day Care.
 - (f) Hotel or Motel.
 - (g) Restaurants (which may include fast food), Taverns or Nightclubs, and which may include an outdoor Cafe, Banquet Halls, a Brewpub, a Micro-brewery, a Micro-distillery, or a Limited Distillery.
 - (h) Financial Institution.
 - (i) Movie Theater.

- (j) Playhouse, Cultural Center, Community Center, Museum, Live Theater, Conference Center or Special Events Center.
- (k) Meeting Places of Civic, Veterans or Similar Organizations.
- (l) Church/Religious Use.
- (m) Parking lots and structures.
- (n) Commercial/ Trade School or College.
- (o) Residential Conversion, but not including the conversion of an existing single family building into two or more dwelling units.
- (p) Health/Recreation Spa or Fitness Center.
- (q) Indoor Recreation, which may be commercial in nature.
- (r) Group Home within a lawful dwelling unit.
- (s) A Restaurant (which may include fast-food), pharmacy or Financial Institution, may include drive-through service, provided a new drive-through window does not face onto the Lincoln Highway.
- (t) Retail Service business, such as a hair salon, photocopy shop, travel agent or State-licensed massage therapist.
- (u) Live-Work Units that combine a dwelling unit with an office, personal service or artist's studio that is operated primarily by a resident of the dwelling unit.
- (v) Accessory uses that are customarily incidental and subordinate to allowed uses.

(2) Specifically Prohibited Uses. The following uses are specifically prohibited in an approved Mixed Use Development: Adult Entertainment Use, Arcade/Amusement Hall, Junkyard, Sexually Oriented Business, Wagering and Gambling Establishment, Commercial Kennels, Auto Service Business, Auto Sales, Trucking Terminals, Crematoriums, and in-patient or out-patient Drug and Alcohol Treatment Centers.

(3) Uses Per Building. A building or lot may include more than one allowed type of use.

D. Dimensional and Supplementary Requirements. The following dimensional requirements shall apply to an approved Mixed Use Development, in place of the provisions of the table entitled "224 Attachment 5":

(1) Coverage. Maximum Building Coverage – 100 percent. Maximum Lot Coverage – 100 percent.

(2) Yards. A minimum building setback is not required. A new principal building located adjacent to the Lincoln Highway shall have a maximum building setback from the right-of-way of the Lincoln Highway of 15 feet, except where a pedestrian plaza or outdoor café will be located or where a greater setback is needed for adequate sight distances.

(3) Minimum Tract Area. 8,000 square feet.

- (4) Minimum Lot Width. 30 feet.
- (5) Buffer. A landscaped buffer yard with a minimum width of 8 feet shall be provided where the side or rear yard of a new commercial development is proposed abutting to or directly across an alley from an existing principal dwelling in a R-1 or R-2 district. A buffer yard is not required in other cases.
- (6) Height. The maximum building height within a Mixed Use Development shall be 7 above-ground stories or 90 feet, whichever is more restrictive, except as follows:
 - (a) on lots in the C-1 district that are not adjacent to an industrial district, the maximum height shall be 4 stories or 50 feet, whichever is more restrictive;
 - (b) in the C-2, I-1 or I-2 district, a parking structure in a district within the MU Overlay District may include a maximum of 7 above-ground levels;
 - (c) this height restriction shall not apply to: decorative peaked roofs, mechanical areas that are not occupied by persons, parking level(s) that are placed primarily under the street level floor or other height exceptions provided in Section 224-48.D;
 - (d) City Council may approve an additional 2 stories and 30 feet in height as a conditional use, if City Council determines the added height would be compatible with the surroundings; and
 - (e) a minimum height of two building stories shall apply for new building construction on a lot that is adjacent to the Lincoln Highway.
- (7) Dwellings. The minimum average square feet of lot area per dwelling unit shall be 400 square feet.
 - (a) The minimum indoor building floor area for each dwelling unit in a Mixed Use Development shall be 550 square feet.
 - (b) An architectural elevation of each proposed new principal building shall be provided to the City for review and approval at the time of, or prior to, the submittal of a final land development application for the building.
 - (c) Major customer and resident pedestrian entrances to buildings shall include a roof overhang, awning, canopy, inverted entrance or roof extension to provide protection from inclement weather.
- (8) Development and Architectural Standards.

- (a) A minimum of 20 percent of the front facade facing onto the Lincoln Highway of a new commercial building (other than a parking structure) below a height of less than 10 feet shall be comprised of glass or similar transparent materials.
- (b) Conveniently located decorative trash receptacles shall be provided along the front facade of a building of more than 10,000 square feet of floor area. The design of outdoor trash receptacles shall be consistent with the overall architectural design, and shall meet City standards.
- (c) The front facade of any new building (other than a parking structure) that is more than 70 feet in length shall include architectural features that provide variations in the design, such as: decorative cornices, decorative parapet walls, Juliet or regular balconies, a clock tower, a turret, the appearance of varying roof-lines as viewed from the front, variation in colors or building materials, offsets, projections, variations in relief, awnings, canopies, variations in setbacks, and/or decorative light fixtures that extend from the building. For a parking structure of two or more levels, the front facade facing onto a public street shall include an architectural facade that has the appearance of brick or similar architectural masonry and that is mostly solid in appearance, as opposed to allowing unobstructed views from the street of most of the parked vehicles.
- (d) Prohibited exterior building materials for building sides that face directly onto a public street shall include the following: T-1-11 wood siding; painted concrete masonry units that are not shot-blast or ground-face; prefabricated metal panels; or aluminum siding.
- (e) Rooftop heating and air conditioning equipment shall be screened from view from public streets by parapet walls, architectural screens, roof slopes or similar features.
- (f) A set of "Architectural and Design Standards" for the entire Mixed Use Development shall be submitted by the applicant at the time of the first land development plan submission within the development. The standards shall be subject to review by City officials and approval by City Council. These standards shall become binding upon the development of the lots, as a condition of land development approval, as a recorded deed restriction or declaration of covenants and restrictions, through a developer's agreement, or through another method acceptable to the City. These standards shall become binding prior to any lot being sold to a different entity.
 - (i) The Architectural and Design Standards shall address the following matters, at a minimum: prohibited exterior building

materials, requirements for variations and architectural features in building facades; consistency in the design of parking lot lighting poles and any street lighting poles, consistency in commercial signs, styles of designs of signs, placements of signs with typical sizes and materials of tenant signs, and provision of site furnishings. A Master Sign Plan shall also be submitted at the same time to describe typical locations, designs and materials of signs.

- (ii) After the architectural and design standards are legally established under this Section, any later changes or modifications shall require approval by resolution of the City Council or through another City-approval process acceptable to the City.

(9) Loading.

- (a) The existing off-street loading requirements of Section 224-65 shall only apply to a lot with a Mixed Use Development including more than 25,000 square feet of business building floor area.
- (b) For a Mixed Use Development that is not regulated by subsection (9)(a) above, the applicant shall prove to the satisfaction of the Zoning Officer, after a review by the City Engineer, that there is an acceptable system of addressing loading and unloading needs for the proposed uses, which may include one or two of the following:
 - (i) a suitable off-street loading location,
 - (ii) an alternative approved under Section 224-65.D.,
 - (iii) occasional short-term loading and unloading of trucks along a commercial building, provided it will not block traffic along a public street and does not occur during peak hours of parking demand, or
 - (iv) City approval of an appropriate on-street loading area.
- (c) If an option under subsection (b) is utilized, the applicant shall submit a written policy restricting the sizes of vehicles and the times of delivery, and the Zoning Officer may require that the applicant enter into an agreement allowing enforcement by the City or its Parking Authority of the loading limitations, and which enforces any time limits or restrictions on the maximum sizes of trucks through leases.

- E. Bicycles. A bicycle rack shall be provided adjacent to a new building of more than 10,000 square feet of building floor area, unless provisions are made for indoor or enclosed shelter of bicycles for such a building.

- F. Dumpster Screening. Trash dumpsters shall be screened from view of public streets by architectural masonry walls, changes in grades, solid decorative fences with a solid gate, and/or landscaping with a minimum height of 5 feet.
- G. Landscaping.
- (1) Deciduous shade trees shall be planted adjacent to public streets, unless one of the following conditions are met: 1) existing trees will be maintained along the same segment, 2) the applicant proves to the satisfaction of the Zoning Officer that shade trees are not feasible because of the narrow width of the right-of-way or obstructions from utilities, or 3) PennDOT does not approve the placement of shade trees within a State road right-of-way. Where required, an average of one deciduous shade tree shall be located for each 60 feet of lot-line length along the right-of-way. The locations and species of such trees shall be subject to approval by the City.
 - (2) A minimum average of one deciduous shade tree on a lot shall be planted for every 20 required off-street surface parking spaces. Landscaped islands are not required within parking areas.
- H. Signs. See Subsection D.8(f) above concerning architectural standards for signs. The following sign maximum sign areas shall apply to each side of a two-sided sign. No sign shall have more than two sides. In a Mixed Use Development, the following sign provisions shall apply:
- (1) A Mixed Use Development shall include a maximum of one Ground or Freestanding Sign shall be allowed facing each public street with a maximum total sign area of 32 square feet on each of two sides, and a maximum height above the ground level of 8 feet. Decorative stone and cornice areas and structural elements that do not include a message shall not be considered part of the sign area.
 - (2) Each street level business establishment may have one projecting sign per street frontage with a maximum sign area of 16 square feet and a maximum total height of 16 feet above the ground level, and which meets the minimum sidewalk clearance height in the Construction Code.
 - (3) In addition, a maximum of one projecting sign per Mixed Use Development shall be allowed to have a maximum sign area of 90 square feet and a maximum height above the ground of 40 feet. The detailed design and location of this larger projecting sign shall be specifically addressed within the “Architectural and Design Standards” to result in an architecturally distinctive landmark sign.
 - (4) All wall signs, awning signs, window and canopy signs attached to a building shall have a maximum total sign area of one square feet for each foot of building length along the side upon which the signs are attached. However, individual

temporary non-illuminated signs of less than 1.5 square feet each (such as menus) that are attached to windows and doors shall not be regulated.

- (5) Projecting signs and awning or canopy signs may project into the public right-of-way, provided they do not project over more than one-third of the width of a public sidewalk, and provided the signs also are setback a minimum of 6 feet from the street or alley curblineline.
- (6) A new sign attached to a building wall shall not be constructed using a rectangular metal box with a plastic face. However, this provision shall not prohibit internally lit signs that only display company logos.
- (7) If an artistic mural is painted on or adhered onto the side of a building, only the portion of the mural that includes a commercial message shall be regulated as a sign. This type of mural shall not be internally illuminated.
- (8) Flashing signs, signs with moving or animated images, and signs with scrolling words are prohibited.
- (9) A restaurant drive-through lane may include one menu board sign with a maximum sign area of 80 square feet and a maximum height of 10 feet.
- (10) Directional and wayfinding signs shall also be allowed, with a maximum sign area of 6 square feet per sign side and a maximum height of 6 feet.

I. Parking.

- (1) Size. All parking spaces may have a minimum size of 9 by 18 feet, except that a maximum of 30 percent of the required parking spaces may be compact car parking spaces of 9 by 16 feet. Such signs shall be marked as "Compact Cars Only." See requirements for parking for persons with disabilities in the Subdivision and Land Development Ordinance (SALDO).
- (2) Number of Parking Spaces. Uses within a Mixed Use Development shall provide off-street parking at a minimum rate of one space per 500 square feet of leasable non-residential building floor area, plus one parking space per dwelling unit. The resulting minimum amount of off-street parking may be reduced by 40 percent if:
a) a publicly-owned parking lot or parking structure with a minimum capacity of 40 parking spaces will be available within a 500 feet radius of the building that generates the parking demand, and
b) the applicant submits a written parking study showing existing usage of available public and on-street spaces in the vicinity during a peak period and that estimates parking demand from the new uses. If a public parking lot or parking structure has been approved and is actively under construction at the time of the occupancy of the uses, it shall be

considered to be available. In addition, 40 percent of the existing lawful on-street parking spaces that are within a 500 feet radius of the building that generates the parking demand may count towards the parking requirement for a Mixed Use Development.

- J. Sidewalks. Sidewalks shall be provided adjacent to public streets, but shall not be required along an alley. A sidewalk shall have a minimum width of 12 feet along the Lincoln Highway, 8 feet along another State highway, and 5 feet along other streets.
- K. Access. A Mixed Use Development shall be allowed to have vehicle access from and onto streets as approved under the City and PennDOT access approval processes, which shall include not more than one vehicle access point onto the Lincoln Highway.”

Part Three. Severability. If any provision of this Zoning Ordinance Amendment would be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the Zoning Ordinance Amendment as a whole, or any provision not declared to be invalid.

Part Four. Repealer. Where a provision of this Zoning Ordinance Amendment and a provision of a previously-enacted City ordinance provision apply to the same specific matter and directly conflict, the provision in this Zoning Ordinance amendment shall prevail. All other provisions of existing City ordinances shall remain in full effect.

Part Five. Ordinance Book. This Zoning Ordinance Amendment is being adopted and incorporated into the official ordinance books by reference with the same force and effect as if duly recorded therein.

Part Six. Effective Date. This Zoning Ordinance Amendment shall become effective 30 days after the official publication of the Ordinance following the final adoption by City Council.

ENACTED AND ORDAINED by the City Council of Coatesville, Chester County, Pennsylvania on this _____ day of _____, 2016.

CITY COUNCIL OF THE CITY OF COATESVILLE

President

ATTEST:

City Manager

CERTIFICATION

I HEREBY CERTIFY that the forgoing Ordinance was introduced on _____, 2016, and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania on _____, 2016, and that the vote upon the said Ordinance has been recorded in the Minutes of the City Council and that the Ordinance has been fully recorded.

City Manager