

ORDINANCE NO. 2023 - 278

**BOROUGH OF AVONDALE
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE BOROUGH OF AVONDALE, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE BOROUGH'S ZONING ORDINANCE CODIFIED AS CHAPTER 430 OF THE BOROUGH CODE, TO REPEAL AND REPLACE ARTICLE VI R-3 RESIDENTIAL DISTRICT IN ORDER TO UPDATE AREA AND BULK REGULATIONS AND TO UPDATE DESIGN REQUIREMENTS FOR TOWNHOUSE DEVELOPMENTS, AND TO AMEND THE BOROUGH'S SUBDIVISION AND LAND DEVELOPMENT ORDINANCE CODIFIED AS CHAPTER 375 OF THE BOROUGH CODE, IN ORDER TO REPEAL AND REPLACE SECTION 375-32 TO AMEND AND EXPAND PROVISIONS RELATED TO RECREATIONAL AREAS, OPEN SPACE AND FEE IN LIEU PROVISIONS, AND SEVERABILITY AND EFFECTIVE DATE PROVISIONS.

NOW THEREFORE, BE IT HEREBY ENACTED AND ORDAINED, BY THE COUNCIL OF THE BOROUGH OF AVONDALE, CHESTER COUNTY, PENNSYLVANIA, TO AMEND THE AVONDALE BOROUGH CODE OF ORDINANCES, AS FOLLOWS:

SECTION 1. Article VI. R-3 Residential District of the Borough's Zoning Ordinance codified at Chapter 430 is hereby repealed and replaced to read as follows:

**“Article VI
R-3 Residential District**

§ 430-25 District purpose.

This district provides for lower density large- and small-scale development of single-family detached, semidetached (twin) and attached (townhouse) dwellings with off-street parking for multiple-car households and recreation and open space areas.

§ 430-26 Use regulations.

- A. Uses permitted by right. A building may be erected and used and a lot may be used and occupied for any one of the following uses and no other:

- (1) Single-family detached dwelling;
 - (2) Single-family semidetached dwelling (twin);
 - (3) Single-family attached dwelling (townhouse);
 - (4) Any of the following accessory uses shall be permitted on the same lot as any single-family detached, semidetached or attached dwelling, subject to the provisions of this article and Article **XIV**:
 - (a) Shed or other storage structure;
 - (b) Private garage;
 - (c) Swimming pool;
 - (d) Noncommercial greenhouse;
 - (e) No-impact home-based business and home occupation;
 - (f) Professional office or studio.
 - (5) Signs, when erected and maintained in compliance with Article **XV**.
- B. Uses permitted by conditional use. A building may be erected or used and a lot may be used or occupied for any one of the following uses and no other, when approved as a conditional use (see § **430-110**, Conditional use procedures)
- (1) Single-family attached dwellings for the elderly in accordance with § **430-84**.
 - (2) Limited-impact home occupation.
 - (3) Townhouse gross density development.

§ 430-27 Area and bulk regulations.

Uses in the R-3 District, except for townhouse gross density development, shall comply with the following standards:

- A. Single-family detached dwellings.
- (1) Minimum lot area for each dwelling: 10, 000 square feet.
 - (2) Minimum lot width at street line: 50 feet.
 - (3) Minimum front yard setback: 30 feet.
 - (4) Minimum rear yard setback: 25 feet.

- (5) Minimum side yard setback: 15 feet.
- (6) Minimum garage parking spaces: two.
- (7) Minimum total off-street, on-lot parking spaces: four.
- (8) Minimum setback for accessory structures: five feet.
- (9) Maximum lot coverage: 50%

B. Single-family semidetached dwellings.

- (1) Minimum lot area for each dwelling: 6,000 square feet.
- (2) Minimum lot width at street line: 50 feet.
- (3) Minimum front yard setback: 20 feet.
- (4) Minimum rear yard setback: 25 feet.
- (5) Minimum side yard setback: 15 feet for sides not attached to other buildings.
- (6) Minimum garage parking spaces per dwelling unit: one.
- (7) Minimum total off-street, on-lot parking spaces per dwelling unit: three.
- (8) Minimum setback for accessory structures: three feet.
- (9) Maximum lot coverage: 50%

C. Single-family attached dwellings.

- (1) Minimum lot area per dwelling unit: 3,000 square feet.
- (2) Minimum lot width at building line: 25 feet.
- (3) Minimum front yard setback: 20 feet.
- (4) Minimum rear yard setback: 25 feet.
- (5) Minimum side yard setback: 10 feet for each end unit.
- (6) Minimum garage parking spaces per dwelling unit: one.
- (7) Minimum total off-street on-lot parking spaces per dwelling unit: two.

(8) Minimum setback for accessory structures: three feet.

(9) Maximum lot coverage: 50%

§430-27.1 Townhouse Gross Density Development Provisions.

A. The following shall apply to townhouse gross density development in the R3:

- (1) The minimum area of a tract to be used for townhouse gross density development, exclusive of existing street rights-of-way, shall be 15 acres.
- (2) Each townhouse shall:
 - (a) Have a minimum width (side to side, not front to back) of 24 feet;
 - (b) Have a minimum rear yard setback of 20 feet. Decks and patios may encroach into the 20 foot setback by 10 feet.
 - (c) Have a minimum front yard of 21 feet (as measured from the street right-of-way line to the front façade of the townhouse).
 - (d) Have a minimum side yard setback of 10 feet at the end of each townhouse building.
 - (e) Have a minimum setback for accessory structures of 3 feet from all lot lines.
 - (f) Have a minimum of one inside garage parking space;
 - (g) Have a minimum of one outside parking space, in the driveway to the garage, for the exclusive use of the occupants of the townhouse unit. All end units shall have a minimum of two outside parking spaces, in the driveway to the garage, for the exclusive use of the occupants of the townhouse unit – this may also include a two-car garage in some instances;
 - (h) Have a minimum habitable floor area of 1,700 square feet, which area shall be exclusive of garage areas, areas occupied by heating and/or air conditioning equipment, unfinished attic areas and/or space which is not designed to be heated by the dwelling's heating system. The minimum habitable floor area for a townhouse unit may be reduced to 1,450 square feet provided that no more than 33% of the total townhouse units shall be permitted to be less than 1,700 square feet (in other words at least 67% of the townhouse units constructed shall be 1,700 square feet each or more based upon the minimum habitable floor area). Smaller townhomes shall be intermixed with the larger townhomes.
 - (i) Be designed generally as shown on Appendix entitled “R-3 Townhouse Gross Density Typical Layout” as attached to Chapter 430 as an example of a typical layout under this development option.

- (3) A townhouse gross density development in the R3 shall consist of at least 125 townhouse units but shall not exceed 185 townhouse units – this is based upon the allowable floor areas, parking spaces and related density of units.
- (4) There shall be no more than six townhouse units in any group of connected townhouses (each group of connected townhouse units shall be referred to as a "townhouse building"). Up to three townhouse buildings shall be permitted to consist of only two units without being defined as twins.
- (5) There shall be a minimum of 2 1/2 parking spaces per townhouse unit including the garage and driveway spaces. Each townhouse shall have the exclusive use of at least two parking spaces (inclusive of interior garage spaces). Each required parking space not for the exclusive use of a townhouse unit shall be separated from the townhouse unit for which it is required by no more than 230 feet.
- (6) All parking areas shall be set back a minimum of 20 feet from existing street rights-of-way.
- (7) A landscaping plan shall be included as a part of the preliminary and final plans submitted as part of the subdivision and land development approval process. Such landscape plan shall provide for the following:
 - (a) Street trees, at intervals of at least 80 feet, on both sides of all proposed street rights-of way within the tract; however, trees may be situated in other viable locations (including offsite) upon review by the Borough Engineer and approval by the Borough provided that the number of total trees equals what would be required if the trees were set at least 80 feet apart on both sides of all proposed street rights-of-way within the tract.
 - (b) Where feasible, a continuous vegetative screening between the tract boundaries, and the townhouse buildings and associated improvements. Such vegetative screening shall comply with the requirements set forth in Section 430-67.C of the Zoning Ordinance and may incorporate the existing woodlands areas that are not disturbed during development in order to satisfy screening requirements.
- (8) An open space/recreation area plan shall be provided as part of the conditional use application and guided by the provisions set forth in §375-32 of the Borough's Subdivision and Land Development Ordinance as part of the Borough's Code of Ordinances. The implementation of the open space/recreation plan shall be a condition of any conditional use approval and shall provide the required open space/recreation areas consistent with §375-32 of the Borough's Subdivision and Land Development Ordinance unless otherwise agreed to, as part of the conditional use process, by the Applicant and the Borough pursuant to the processes and alternatives, including fee in lieu provisions, as set forth in §375-32.
- (9) All areas not deeded, in fee title, to owners of individual townhouse units shall be owned by a homeowners' association in which the owners of each townhouse unit are mandatory members.
- (10) Continuous four-foot-wide sidewalks shall be provided along at least one side of each new street, which, at the election of the developer, may abut the curb if the curb is a vertical curb, or be separated from the curb by a grass strip. Sidewalks will be constructed of concrete.

- (11) The length of street between a cul-de-sac bulb and the nearest intersection of the street with another public street shall not exceed 1,000 feet.
- (12) The applicant must establish that that sufficient sewer service will be provided and that the public water supply system serving all proposed townhouse units will have adequate water pressure and also adequate for firefighting purposes.

§ 430-28 **Height regulations.**

No building shall exceed 35 feet in height, provided that such height limit may be exceeded by one foot for each foot by which the width of each side yard is increased beyond minimum side yard requirements, up to a maximum height of 45 feet. Accessory structures shall not exceed 16 feet in height.

§ 430-29 **Parking.**

Except for townhouse gross density development, parking shall be provided in accordance with § 430-72, Off-street parking.

§ 430-30 **Additional standards.**

Sections 430-61, Carbonate Overlay District, 430-62, Floodplain regulations, 430-63, Wetland Protection Overlay District, 430-64, Steep Slope Overlay District, and 430-65, Woodland Overlay District, shall not apply to townhouse gross density development, provided that it shall be a condition of any conditional use approval for such use that the applicant or the applicant's successors or assigns shall establish, to the Borough's satisfaction, prior to doing any work and/or filling in the Floodplain Hazard Overlay District, that such work and/or filling will be in compliance with all applicable regulations of the Federal Emergency Management Agency and will not compromise, in any way, the Borough regulatory duties in a manner that could affect the availability and/or cost of flood hazard insurance for property and improvements within the Borough.”

SECTION 2. The following diagram is hereby included as an appendix to Chapter 430 as described below and included as an attachment to this Ordinance:

“Appendix entitled “R-3 Townhouse Gross Density Typical Layout” as an example of a typical layout under this development option.”

SECTION 3. Section 375-32 of the Borough’s Subdivision and Land Development Ordinance is hereby repealed and replaced to read as follows:

“§ 375-32. **Open Space, Public Grounds and Recreation Areas.**

A. Public grounds.

- (1) In reviewing subdivision plans, the Borough shall consider whether community facilities, especially schools, in the area are adequate to serve the needs of the additional dwellings proposed by the subdivision, and shall make such report to the local school district as it deems necessary in the public interest.
- (2) An applicant shall give earnest consideration to the desirability of providing or reserving areas for facilities normally required in residential neighborhoods, including libraries, schools, and other public

buildings, parks, playgrounds and playfields. Areas provided or reserved for such community facilities should be adequate to provide for landscaping and off-street parking as appropriate to the uses proposed.

B. Open space and community recreation areas in subdivision and/or land development projects.

- (1) In reviewing subdivision and land development proposals, the Borough Council shall consider the adequacy of existing or proposed community active recreation areas and facilities to service the population of the proposed development.
- (2) Pursuant to the Borough's 2019 Comprehensive Plan, as updated and amended, the Borough's 1993 Open Space, Recreation and Environmental Resources Plan, as updated and amended, and pursuant to the standards set forth below in §375-32.B(3), any proposed development shall be required to permanently set aside land for active recreation purposes within the development or allocate funds to improve existing park and recreational facilities with the Borough to better serve the development. The Board may accept, at its sole discretion, the payment of a fee in lieu of such set aside of land, in an amount and in the manner prescribed below as agreed upon by the applicant. The Board may accept a combination of land and fee in lieu for recreation areas, in its sole discretion and as agreed upon by the applicant.
- (3) In residential subdivision and land developments, it is the policy of the Borough Council to require the dedication of land for recreational purposes within such developments. These recreational areas shall comply with the following regulations:

(a) At a minimum, the following amount of acreage shall be provided for community recreation areas:

| Dwelling Units to be Created by Proposed Development | Minimum Recreation Area Acreage |
|---|--|
| 25 to 50 | .25 acre |
| 51 to 100 | .5 acre |
| 101 to 200 | 1.0 acres |
| 201 or greater | 1.5 acres |

(b) Community recreation areas shall comply with the open space and recreation area standards as specified in §375-32.B(6), of this chapter.

(c) Community recreation areas may be dedicated to the Borough by the applicant if the Borough Council agrees to accept the dedication. Acceptance of dedication of recreation areas shall be determined by the Borough Council, at its sole discretion.

- (4) As an alternative to providing required on-site community recreation areas pursuant to §375-32.B(3), Borough Council may, with the agreement of the applicant, elect to receive a fee in lieu of the set aside of such recreation area from the applicant detailed as follows:

(a) The amount of any fee in lieu of land for active recreation shall be computed as follows: 50% of the current County of Chester's assessed value of the entire tract (which is calculated based upon the total amount of all of the total assessment values of each tax parcel that comprises the tract), multiplied by the minimum number of acres required to be set aside for recreation as set forth in Section 375-32.B.(3)(a).

(Note: The County of Chester's assessed value of each tax parcel can be found on the County's website under ChescoViews and is listed as the "total assessment" line item under the description of the tax parcel. ChescoViews may be updated in the future; however, this is current system in place.)

(b) A notation shall be made on the final plan prepared for recording, stipulating the full amount of the fee to be paid, as established by this section, and the means and timing of the payment, consistent with the terms of this section or as otherwise agreed upon in writing.

(c) For any subdivision and/or land development projects not exempt from preliminary/final plan requirements, the full amount of the fee shall be placed in escrow or otherwise secured in a manner deemed acceptable under the terms of §375-57 of this chapter, as a condition of final plan approval by the Board. Actual payment of the fee for any lot shall be made at one of the following points, whichever shall occur first:

- (1) At the time of conveyance of any lot;
- (2) At the time of application for a building permit; or
- (3) At the time that any public improvements are offered for dedication.

(d) Borough Council may allow for payment of fees in lieu to be staged, and the timing and conditions of such staging shall be solely at the discretion of Borough Council.

(e) For any fee in lieu of land dedication for active recreation, the full amount of the fees paid to the Borough shall be deposited in an interest bearing account clearly identified as reserved for providing, acquiring, operating or maintaining park or recreational facilities consistent with the Borough's 2019 Comprehensive Plan and the Borough's 1993 Open Space, Recreation and Environmental Resources Plan, both as may be amended and updated. Fees deposited to this account shall be administered as required by Act 247, the Pennsylvania Municipalities Planning Code, as amended.

(5) Improvements to other recreation sites. Subject to the discretion of Borough Council, as a further alternative to providing for onsite recreation areas, the applicant may, through an agreement with the Borough, be permitted to construct recreational facilities on existing or proposed parkland that is readily accessible to the residents of the proposed development. The value of such improvements shall be credited against the fee in lieu that would have otherwise applied, based upon the applicant's estimates, as reviewed by the Borough Engineer. The Borough and the applicant may also agree to a combination of a fee in lieu and construction of recreational facilities on existing parkland.

(6) Community recreation area standards.

A. In designing community recreation areas within residential subdivision and land development plans, the applicant shall comply with the following criteria and standards for community recreation areas:

(1) Consistent with the Borough's 2019 Comprehensive Plan and the Borough's 1993 Open Space,

Recreation, and Environmental Resources Plan as both may be updated and amended

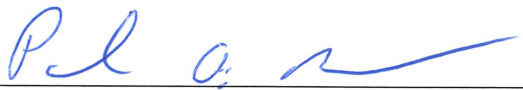
- (2) Suitable for active recreational uses to the extent deemed necessary by the Borough Council without interfering with adjacent dwelling units, parking, driveways, and roads.
- (3) The minimum required area shall be composed of not more than 10% environmentally sensitive lands: floodplains, woodlands, slopes in excess of 25%, surface waters, and wetland areas.
- (4) Comprised of areas which do not include net out lands, buffer strips and zones, seepage beds and drain fields (primary and backup), utility and maintenance easements, stormwater management basins and facilities, right-of-way, or building setback areas.
- (5) Comprised of areas not less than 75 feet in width, and not less than 10,000 square feet in contiguous areas, except when part of a trail system or pathway network.
- (6) Relatively compact, placed to serve all parts of the development, and interconnected with common open space areas on abutting parcels whenever applicable, including provision for pedestrian pathways to general public use to create linked pathway system within the Borough.
- (7) Provided with sufficient perimeter parking where necessary, and with safe and convenient access by adjoining street frontage or other rights of way or easements capable of accommodating pedestrian, bicycle, and maintenance and vehicular traffic and containing appropriate access improvements.
- (8) Undivided by public or private streets, except where necessary for proper traffic circulation, and then only upon recommendation of the Borough Engineer.
- (9) Free of all structures, except those of historic or architectural importance and those directly related to outdoor recreational use.
- (10) Suitably landscaped either by retaining existing natural ground cover and wooded areas and according to a landscaping plan for enhancing open space and recreation areas through plantings.
- (11) No trail shall be designed with the intent to accommodate motorized vehicles.
- (12) Trails and their easements shall be placed under the care of a community association in order to assure continuing maintenance of the trail and trail easement.
- (13) Recreation facilities (such as playground equipment, volleyball courts or similar type facilities) shall be designed and presented to Borough Council for review and approval.”

SECTION 4. All other ordinances or resolutions or parts thereof, conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

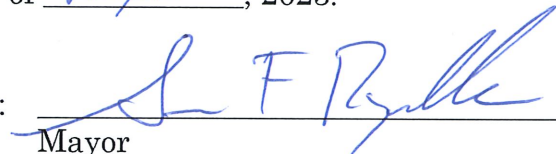
SECTION 5. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 6. This Ordinance shall be effective upon enactment as by law provided.


PASSED by Borough Council this 3rd day of August, 2023.

BY: 
President

APPROVED this 3rd day of August, 2023.

BY: 
Mayor

ENACTED this 3rd day of August, 2023.

BY: 
Borough Secretary

I **HEREBY CERTIFY** the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 3rd day of August, 2023.

BY: 
Borough Secretary