

## **Elverson Borough Zoning and Subdivision Ordinance Update: July 2018**

**Summary.** Elverson Borough initiated a contract with the Chester County Planning Commission to update the Borough zoning (ZO) and subdivision and land development (SLDO) ordinances. The project began in January 2015 and the Ordinances are scheduled to be adopted on September 4, 2018.

This document is a summary of the project and changes between the existing Elverson Borough Zoning Ordinance adopted in 1998 and its subsequent amendments and the Hearing Draft of the Ordinance dated July 2018 developed in accordance with the contract and the direction of the Borough Comprehensive Plan.

**Public Meetings.** An initial public information meeting was held at Hopewell Manor the evening of Monday September 8, 2015 to introduce the project to residents by providing an overview of the proposed zoning changes and allowing for public comments and questions. After this meeting the zoning update task force made further adjustments to the draft zoning ordinance prior to proceeding to proposed updates to the subdivision ordinance. A second public meeting to discuss further revisions to the zoning map and minor text adjustments since the September 2015 meeting was held on May 24, 2016 at Hopewell Manor from 7-9pm.

After receiving comment from the Borough planning commission, Borough Council will submit the ordinances to the County Planning Commission for a mandatory Act 247 review for comments by the County. Once this review is completed, the Borough Council may hold a public hearing to adopt the ordinances. The public hearing is scheduled for September 4, 2018.

**Overview.** The first section of this summary includes the table of contents from the existing zoning ordinance with general comments on each Article, reflecting whether the Article remains, is deleted, or separated into other Articles in the Draft. More specific descriptions are provided in the second section that outlines the draft ordinance and significant changes from the existing ordinance. The existing and draft zoning maps are included at the end of this document for reference and comparison.

The purpose of this summary is to outline significant changes between the existing and draft zoning regulations, particularly those that have the most impact on the Borough and/or future development. Specific regulations, issues, or questions can be addressed through direct comparison of the existing ordinance and the Draft. The draft ordinances will be provided on the Borough Webpage, at Borough Hall, and by request as they become available for review.

**ELVERSON ZONING ORDINANCE. *Existing Ordinance Adopted 1998, as amended:*****Table of Contents (By Article)**

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<b>ARTICLE 1</b>	<b>SHORT TITLE; EFFECTIVE DATE; PURPOSE; INTERPRETATION; CONFLICT; VALIDITY; REPEALER</b> Remains with minor modifications. Renamed Article 1, Preamble.
<b>ARTICLE 2</b>	<b>DEFINITIONS</b> Remains. Significant additions and modifications included.
<b>ARTICLE 3</b>	<b>ESTABLISHMENT OF ZONING DISTRICTS</b> Remains with minor modifications.
<b>ARTICLE 4</b>	<b>(HV) HISTORIC VILLAGE CENTER DISTRICT</b> Remains and renamed Town Center (TC). Changes to uses were made to accommodate for existing uses and provide for appropriate new uses. Additional design standards for buildings and parking have been added to assure new development fits into the fabric of the existing downtown area. Building heights may be increased by conditional use in addition to other criteria and building regulations. The District has also expanded slightly to incorporate existing commercial uses and areas for infill or traditional village development. See zoning maps.
<b>ARTICLE 5</b>	<b>(NC) NEIGHBORHOOD COMMERCIAL/EMPLOYMENT DISTRICT</b> Remains and renamed Commerce District. No changes to area and bulk regulations. Changes to uses provide for existing uses and additional uses appropriate to the area. Some parcels changed to draft TC and C Districts. See zoning maps.
<b>ARTICLE 6</b>	<b>(SR) SITE RESPONSIVE RESIDENTIAL DISTRICT</b> Remains. No changes to area and bulk regulations. Very minor changes to uses. Some parcels changed to draft TC and C Districts. See zoning maps.
<b>ARTICLE 7</b>	<b>SITE RESPONSIVE RESIDENTIAL COMMUNITY OPTION</b> Remains. Relocated to Supplemental Use Article as these regulations are use specific requirements and do not constitute a zoning district.
<b>ARTICLE 8</b>	<b>(MHPO) MOBILE HOME PARK OVERLAY DISTRICT</b> Remains.
<b>ARTICLE 9</b>	<b>NATURAL RESOURCE CONSERVATION</b> Remains and renamed Natural Resource Protection. Existing requirements for steep slopes and conservation of woodlands remain while adding wetland regulations. References are made to the existing Borough Floodplain and Stormwater ordinances.
<b>ARTICLE 10</b>	<b>SUPPLEMENTAL LAND USE REGULATIONS</b> This Article remains and has been reorganized. Some regulations have been modified and modernized while additions complement changes to permitted uses in the zoning districts.
<b>ARTICLE 11</b>	<b>GENERAL REGULATIONS AND DESIGN STANDARDS</b> This Article remains and has been reorganized. Some regulations were modified and modernized while additions complement other changes and modifications to the Ordinance. Some sections have been relocated, for example existing Section 1117 Signs becomes a new Article in the draft ordinance.

- ARTICLE 12**            **NONCONFORMING USES, STRUCTURES, LOTS AND SIGNS** Remains.
- ARTICLE 13**            **CONDITIONAL USE PROCESS** Remains.
- ARTICLE 14**            **ZONING HEARING BOARD** Remains.
- ARTICLE 15**            **ADMINISTRATION** Remains. Reorganized and modified to match current Borough procedures.
- ARTICLE 16**            **AMENDMENTS** Remains.
- ARTICLE 17**            **NOTICE OF VIOLATION; REMEDIES, FEES, LIABILITY** Remains, but relocated to Article 15, Administration.

**ELVERSON ZONING ORDINANCE. HEARING DRAFT, JULY 2018:****Table of Contents (By Article)**

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<b>ARTICLE 1</b>	<b>PREAMBLE</b> Similar to existing Article 1 with only minor modifications.
<b>ARTICLE 2</b>	<b>DEFINITIONS</b> This is an important Article of the ordinance. The existing ordinance is lacking definitions that can result in interpretation issues for the zoning officer, making it difficult to enforce the ordinance. The addition of definitions does not necessarily result in “more regulation” but provides “more clarity” in regard to using, interpreting, and enforcing the ordinance. A significant number of new definitions simply fill in definitions missing from the existing ordinance. Other modifications update definitions based on current information, add definitions required by the Pennsylvania Municipalities Planning Code (MPC), or accommodate for legal issues.
<b>ARTICLE 3</b>	<b>ESTABLISHMENT OF ZONING DISTRICTS AND MAP</b> Similar to the existing Article with only minor modifications.
<b>ARTICLE 4</b>	<b>(SRR) SITE RESPONSIVE/RECREATION DISTRICT</b> This new zoning district comprises the northern third of the Borough which the existing zoning ordinance classifies as SR. The draft SRR is very similar to the existing SR District allowing for only very limited uses while accommodating single family detached residential and agricultural uses and permitting the Site Responsive Residential Development option. There are significant natural resources within this district which will likely limit the future development potential. The Mobile Home Park Overlay District overlays a portion of this zoning district.
<b>ARTICLE 5</b>	<b>(SR) SITE RESPONSIVE RESIDENTIAL DISTRICT</b> Remains. No changes to area and bulk regulations. Very minor changes to uses. Some parcels changed to draft TC and C Districts. See zoning maps. The SR District comprises the neighborhoods in the southern third of the Borough. Portions of the existing SR District have been reclassified into the TC and C Districts either to provide more appropriate zoning for existing uses, or to provide future development potential as directed by the Comprehensive Plan.
<b>ARTICLE 6</b>	<b>(TC) VILLAGE CENTER DISTRICT</b> The draft TC District comprises the existing HV Historic Village District with some additional area to accommodate certain uses more appropriately and provide areas for infill and redevelopment potential in accordance with the Comprehensive Plan. Changes to uses were made to accommodate existing uses and provide appropriate new uses. Design standards for buildings and parking were added to assure new development fits into the fabric of the existing historic downtown area. Building heights may be increased by conditional use in addition to other criteria and building regulations. See zoning maps.
<b>ARTICLE 7</b>	<b>(C) COMMERCE DISTRICT</b> The draft Commerce District comprises the existing NC district and has been expanded primarily to provide more appropriate zoning for certain existing uses. Little change was made to the area and bulk standards. Changes to permitted uses provide for existing uses and additional uses appropriate to the area. See zoning maps.

**ARTICLE 8**                    **LI LIMITED INDUSTRIAL DISTRICT** This is a new district in the vicinity of the Whitford Corporation. This district was created to accommodate light industrial uses within the Borough.

**ARTICLE 9**                    **MHPO MOBILE HOME PARK OVERLAY DISTRICT** This is an existing overlay district to the SRR District in the northern portion of the Borough. This district fulfills the Borough's obligation to accommodate mobile home park uses within the Borough and avoid legal challenges.

**ARTICLE 10**                **NATURAL RESOURCE PROTECTION** This Article includes existing requirements for steep slopes and conservation of woodlands while adding wetlands regulations. Wetlands regulations primarily refer to national standards for wetlands identification and protection and provide the Borough notification and awareness if a development may impact wetlands. This in part due to wetlands disturbance is the purview of the US Army Corps of Engineers. The Draft includes a wetlands margin where wetlands protection standards apply to an area fifty (50) feet beyond the boundaries of any identified wetlands. The purpose of this is to account for further protection of identified resources in addition to accounting for some variation in the delineation of wetlands.

The Article includes references to the protection of riparian buffers as regulated by the existing Borough Stormwater Ordinance and the Borough Floodplain Ordinance.

**ARTICLE 11**                **GENERAL REGULATIONS**

General Regulations are regulations that apply to every lot and use within the Borough. This Article generally remains the same but has been reorganized. It contains a reference to Landscaping, Buffering, and Screening requirements which are located to the Subdivision Ordinance to provide for flexibility and combine several sections from existing subdivision ordinance for clarification. Buffering and screening regulations apply to various areas of the ordinance, but are particularly for nonresidential uses. Significant changes include more specific requirements for the landscaping of parking lots and changes to screening that create a hierarchy of screening requirements depending on the use and adjacent uses. The primary objective for these provisions is buffering and screening of nonresidential uses from residential uses. These regulations have been relocated to the Subdivision Ordinance to allow for flexibility and are referenced in this Article. The Borough Engineer has reviewed and approved this section.

Certain regulations were modernized such as lighting requirements. In particular the modifications are oriented to better control glare and restrict the direct visibility of the light source in lighting fixtures and signs from sidewalks, streets, and adjacent properties. A majority of the lighting regulations have been relocated to the Subdivision Ordinance to allow for flexibility and are referenced in this Article. The Borough Engineer has reviewed and approved this Section.

Other additions include requirements such as outdoor storage, which added provisions to allow for limited outdoor display of items for sale by retail commercial uses. All such items must be stored inside during the time the

applicable business is closed. Other aspects of outdoor storage include commercial and industrial storage which include screening and setback requirements from adjacent uses. The Borough has an existing required permit for fences but no regulations, fence and wall regulations have been added to facilitate the construction of safe and consistent fences in the Borough and provide the zoning officer with enforceable standards.

## **ARTICLE 12**

**SUPPLEMENTAL USE REGULATIONS** Supplemental Use regulations are specific regulations that only apply to a specific use and no other. This is an existing Article with significant additions to assist in defining and protecting the Borough character and achieve consistency with current regulations, practices, or case law as applicable. While these regulations are significant in volume, they provide important guidance to assure that new uses appropriately fit into the Borough.

Section 1202 includes all accessory use regulations. These regulations generally mimic existing ordinance standards but provides for greater specificity and flexibility by including a specific setbacks for residential, commercial, and industrial accessory uses.

Several additions in the Draft that do not exist in the existing ordinance include, but are not limited to: Outdoor Dining for restaurants in the TC District, Mixed Use, and Medical Clinics. See the table of contents for Article 12 for a full listing of regulations for specific uses.

## **ARTICLE 13**

**SIGN REGULATIONS** This new Article including existing regulations relocated from a section in the existing General Regulations. The regulations were reorganized and modified. Changes were made for consistency with current case law related to signs (a 1<sup>st</sup> Amendment Constitutional issue). Some sign types were renamed for clarification and definitions were added for all sign types in addition to illustrations. A minor increase in the minimum sign size was made to both accommodate existing signs and provide flexibility. Other changes include legal considerations for signs consistent with court cases and legislation in terms of time, place, and manner; freedom of speech; political signs; billboards; digital signs; and other issues. The Borough Solicitor and Engineer have reviewed and commented on this Article.

## **ARTICLE 14**

**OFF-STREET PARKING AND LOADING** This new Article combines a number of existing sections with modifications. These regulations were previously located in existing Article 9, General Regulations, and have been placed together into a single article. The regulations were upgraded to provide for improved design standards for parking lots and the potential for off-street parking options in the TC District and appropriate landscaping, buffering, and screening of parking facilities.

## **ARTICLE 15**

**NONCONFORMITIES** This is an existing Article. Only minor modifications were made.

- ARTICLE 16            ZONING HEARING BOARD** This is an existing Article. Only minor modifications or corrections were made. Zoning Hearing Board requirements are effectively straight from the MPC.
- ARTICLE 17            CONDITIONAL USE PROCESS** This is an existing Article. Only minor modifications or corrections were made.
- ARTICLE 18            ADMINISTRATION AND ENFORCEMENT** This existing Article contains language for the administration and enforcement of the ordinance, including a description of the powers of the zoning officer and various permits (zoning, building, use and occupancy). Some of the sections are effectively zoning language from the Pennsylvania Municipalities Planning Code (MPC) which governs zoning ordinances.
- ARTICLE 19            AMENDMENTS** This is an existing Article. Amendment provisions are effectively directly from the MPC.

As a note, the existing and June 2018 Hearing Draft ordinance are available for review and will be provided at Borough Hall and online via a link on the Borough webpage (<http://elversonboro.org/home/>). Both the existing and June 2018 Hearing Draft zoning maps are available at the end of this document.

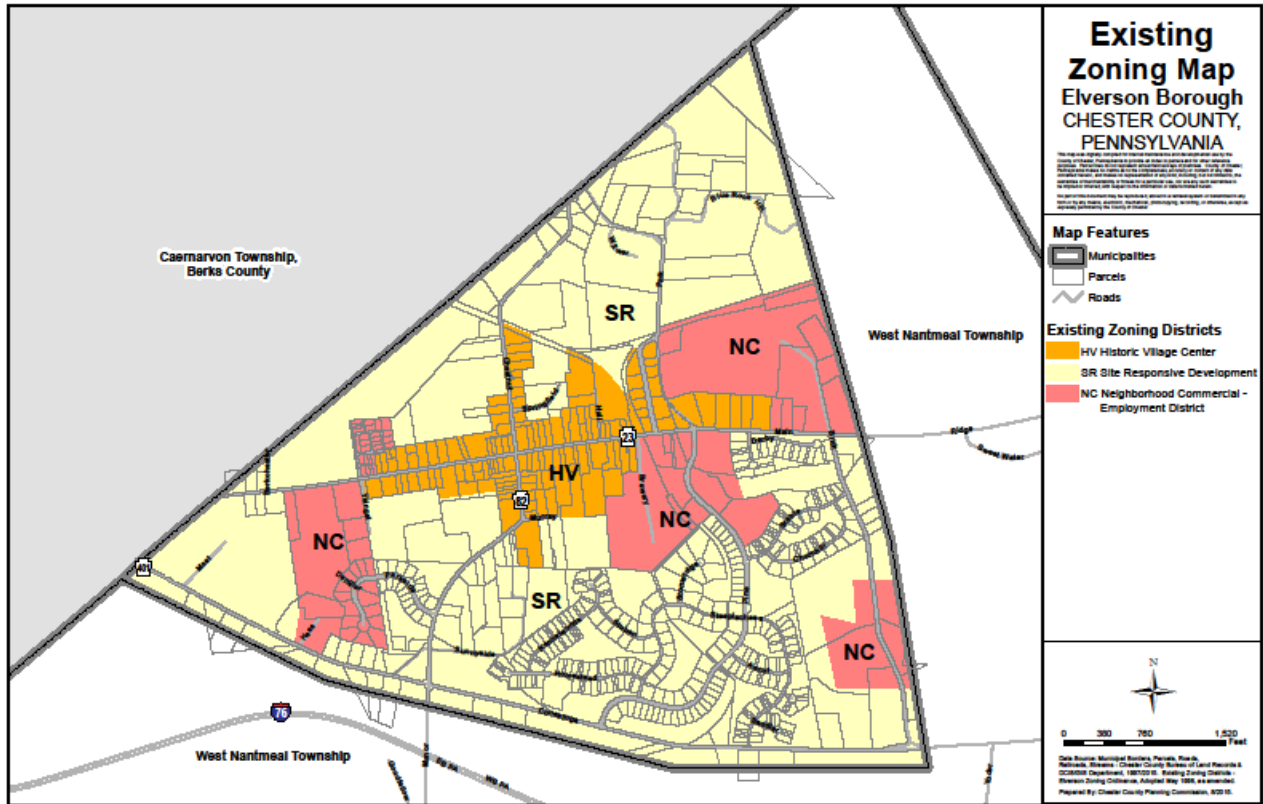
Please note that generally, the residential zoning districts and area and bulk standards have changed very little between the existing and proposed ordinances. The renaming of the districts (for example HV to TC, or NC to C) may cause some confusion, but this is primarily a nomenclature change and to provide clarification and definition to the intent of the zoning districts.

We hope you find this commentary helpful, and if you have any questions or comments on this or any other question related to the zoning ordinance, please do not hesitate to contact the Borough or myself as necessary.

Thank you,

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Elverson Borough existing zoning map:





Elverson Borough, Hearing Draft zoning map, July 2018:

