

BOROUGH OF SWARTHMORE
DELAWARE COUNTY, PENNSYLVANIA
ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF SWARTHMORE, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND/OR SUPPLEMENTING THE ZONING CODE OF THE BOROUGH OF SWARTHMORE BY ADDING CERTAIN DEFINITIONS THERETO; REPLACING THE EXISTING BUSINESS APARTMENT (BA) ZONING DISTRICT WITH THE TOWN CENTER (TC) ZONING DISTRICT; ESTABLISHING USES PERMITTED BY RIGHT AND BY SPECIAL EXCEPTION IN THE TC ZONING DISTRICT; ESTABLISHING DIMENSIONAL STANDARDS FOR BUILDING PLACEMENT, SIDE AND REAR YARD SETBACKS, MAXIMUM IMPERVIOUS COVERAGE, FLOOR AREA RATIO AND BUILDING HEIGHT; ESTABLISHING DESIGN STANDARDS FOR FAÇADE ARTICULATION, FAÇADE COMPOSITION, GROUND FLOOR FAÇADES AND ARCHITECTURAL ELEMENTS OF NEW CONSTRUCTION INTENDED TO MAINTAIN AND ENHANCE THE TRADITIONAL COMMUNITY AND PEDESTRIAN-ORIENTED CHARACTER WITHIN THE TC ZONING DISTRICT; AND REGULATING DEMOLITION WITHIN THE TC ZONING DISTRICT; AND REVISING THE REQUIREMENTS THAT OFF-STREET PARKING BE PROVIDED FOR ANY NEW CONSTRUCTION OR CHANGE OF USE IN THE TC ZONING DISTRICT

BE IT ENACTED, by the Borough Council of the Borough of Swarthmore as follows:

Section 1. Additional Definitions. Section 1240.05 of the Codified Ordinances of the Borough of Swarthmore, entitled "Definitions," is hereby amended by adding the following new definitions in alphabetical order:

"Articulation" shall mean the visible expression of architectural or landscape elements through form, structure or materials that break up the scale of buildings and spaces to achieve human scale.

"Base" shall mean the first floor of a building which is distinct from the upper floors

"Body" shall mean one or more architecturally similar stories that are distinct from the base

"Cap" shall mean the roof of a building, including a cornice or parapet, where the body of a building ends.

"Demolition" shall mean the razing or destruction, whether entirely or in significant part, of the exterior of a building, structure or site. Demolition includes the removal of a building or structure from its site or the removal, stripping, concealing or destruction of the facade or any

significant exterior architectural features which are integral to the historic character of the resource, for whatever purpose, including new construction, reconstruction or significant renovation.

“Historic value” shall mean any structure that is:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved program of the Commonwealth of Pennsylvania; or
4. Historic resources identified in the most updated version of the Borough of Swarthmore “Historic Resources Survey” (originally compiled in 2001).

“Low-slope roof” shall mean a category of roof that generally includes weatherproof membrane types of roof systems installed on slopes of less than 3:12 (14 degrees).

“Parapet” shall mean the extension of the main walls of a building above the roof level.

“Substantial improvement” shall mean any extension, repair, reconstruction, or other improvement of a property, the cost of which equals or exceeds 50 percent of the fair market value of a property either before the improvement is started or, if the property has been damaged and is being restored, before the damage occurred.

Section 2. Replacement of Business Apartment Zoning District with Town Center Zoning District. Chapter 1256 of the Codified Ordinances of the Borough of Swarthmore is hereby amended by deleting the existing text of Chapter 1256 in its entirety and replacing it with the following:

CHAPTER 1256

Town Center (TC) Zoning District

1256.01 Purpose

The intent of the Town Center (TC) Zoning District is to:

- A. Encourage economic viability through the establishment of flexible standards that maintain Swarthmore's unique identity.
- B. Encourage the retention of the Town Center streetscape by preserving the existing buildings of historic significance to the greatest extent possible.
- C. Promote the reuse of existing structures, and the construction of new structures in a manner that maintains the visual character and architectural scale of the Town Center.
- D. Ensure that new buildings, additions, and renovations are sympathetic with and enhance the surrounding streetscape.
- E. Encourage a walkable community by promoting pedestrian orientation of streets and buildings and providing a safe and convenient interconnected sidewalk network and access to an intermodal mass transit network.
- F. Retain and enhance the diverse array of retail, residential, commercial and civic uses in the Town Center.
- G. Accommodate parking in a manner that does not interfere with pedestrian traffic or the rhythm of the existing streetscape.

1256.02 Permitted Uses

- A. In the Town Center (TC) Zoning District, the following uses are permitted by right:
 - 1. Retail store, meaning an establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

2. Establishments primarily engaged in rendering services on a fee or contract basis to businesses or individuals, such as real estate sales, travel agency, insurance sales, advertising, or retail copying and printing services.
3. Personal service shop, meaning establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel, such as a tailor, barber, beauty salon, shoe repair, dressmaker, or dry cleaner. Tattoo parlors and massage parlors are not personal service shops.
4. Establishment serving food or beverages to the general public, such as a restaurant, café, retail bakery, confectionary or ice cream shop.
5. Financial institution, such as a bank or savings and loan association.
6. Art galleries and artist studios.
7. School or studio for the arts and related fields, including music, dance, fine arts, and similar establishments.
8. Educational or philanthropic uses, except those specifically listed as special exception.
9. Religious institutions and their ancillary uses.
10. Private clubs or fraternal organizations.
11. Farmers' market.
12. Transit facilities, including railroad stations.
13. Government administration uses, including post office, community center, and libraries.
14. Hotel, inn or bed and breakfast establishment.
15. The following uses, provided that they do not occur on the first floor of buildings where the street frontage is adjacent to and at the same general grade as the sidewalk:
 - (a) Offices. These include professional offices, such as those for the practice of medicine or other health services, or for accounting, architecture, engineering, or law and offices for general business administration purposes.
 - (b) Dwelling, multi-family dwelling/apartment/residential condominium.

- (c) Business or trade school.
- (d) Shops or offices of tradesmen.
- (e) Mixed-use development involving any of the above permitted uses.

B. Accessory Uses.

1. Indoor storage provided that it is limited to the stock and related supplies of a permitted use and adjacent to the permitted use.
2. Off-street parking, as further regulated by this Ordinance.

C. Special Exceptions.

1. Wireless communication facility with antennas.
2. Off-premises billboards.
3. A family day-care home facility, group home day-care facility, day-care center or nursery school.
4. Congregate housing for the elderly.
5. Long-term care facility.
6. Mobile homes and mobile home parks.
7. Light industrial.
8. Any other use required by law to be permitted and not specifically permitted in any other zoning district and the exclusion of which would be unlawful.

D. Conditional Uses.

1. Demolition of any building.
2. The use of architectural standards and designs that differ from those set forth below if the applicant demonstrates to the satisfaction of the Borough Council that such standards and designs are in furtherance of the legislative intent of this article and of this subsection.

1256.03 Dimensional Standards

The following dimensional standards shall apply within the Town Center (TC) Zoning District:

A. Building Placement

1. Setback from the Street

(a) Build-to Line: A building shall have a minimum front yard setback of 0 feet and a maximum setback of 5 feet from the front property line. A setback may be increased to 20 feet from the front property line for the purposes of a courtyard, plaza, square, recessed entrance, or an outdoor dining area adjacent to the public street. Parking lots, driveways, loading zones, and auto-related areas may not be located at or in front of the build-to line, except that a hotel or inn may have a drop-off area in front of its primary entrance.

(b) At corner locations, a building shall be built to the property line of both streets to anchor the street corner.

2. Side Yard Setback

(a) There is no required side yard setback for buildings that share a party wall.

(b) The setback between buildings shall be 10 feet (5 feet per building) when not sharing a party wall.

3. Setback from Rear Lot Line

(a) There is no minimum rear yard requirement.

B. Maximum Impervious Coverage: 100 percent.

C. Floor Area Ratio (FAR)

1. The maximum FAR is 2.0.

2. If the new building is mixed use and at least 50% of the required parking is below grade or provided in an enclosed garage not visible from any street on which the façade fronts, the maximum FAR is 4.0.

D. Building Height

Notwithstanding any other definitions in the Borough Zoning Code, the height of a building with a low slope roof shall be defined as the vertical distance from grade at the front of the building to the top of the roof parapet. The height for a building with any other type of roof shall be determined as set forth in the definition of "height" in this zoning ordinance. For buildings where the grade along the front of the building slopes, the vertical distance shall be measured from the highest elevation along the front of the building.

1. Buildings shall be at least two stories in height at the principal façade with a minimum height of 26 feet.
2. The maximum building height for a principal building shall be thirty-five feet. The height can be increased to five stories or 65 feet, if there is a 10-foot setback (on average) above the third floor.

1256.04 Design Standards

A. Goals of Design Standards.

The overall goal of these design standards is to maintain and build upon the positive qualities of the Borough's Town Center while maintaining and enhancing the Borough's traditional community character and pedestrian-oriented development. The principles guiding the administration of these standards are as follows:

1. New buildings should complement the pattern of the existing landmark structures and have a building fabric and relate to their site and surroundings, noting in particular that the existing streetscape is characterized by continuous street walls and multiple storefronts.
2. Buildings should respond at street level to a pedestrian scale and encourage visual access and active uses at the ground floor.
3. Emphasis should be provided at prominent locations to buildings:
 - (a) With prominent facades that terminate view corridors; or

(b) Whose corners are at gateway locations; or

(c) That either surround or are surrounded by open space.

4. New and existing development should have a complementary character.
5. Texture and variety should be provided through facade articulation and composition.
6. Architectural expression should be provided in windows, doors, walls, and roofs.
7. Pedestrian pathways should be provided that are safe and attractive and that accommodate a high volume of pedestrian traffic.
8. Street trees and shade trees should be employed to enhance development.

B. Façade Articulation.

Façade articulation is a series of small setbacks and projections in the overall street wall. Articulation breaks the scale of the building into an aggregate of smaller forms, introduces rhythm, and relates to the human scale, without detracting from the overall sense of a consistent street wall. All new, renovated or expanded buildings shall comply with the following standards:

1. The main façade of buildings shall be designed to emphasize entryways, windows, corners, and vertical elements of the building façade, as well as other special features.
2. The massing of all buildings shall be deemphasized through the use of projecting and recessed elements, such as porches, windows, and roof dormers to reduce overall bulk and volume, enhance visual quality and contribute to human-scale development.

C. Façade Composition.

Façade composition is the arrangement of materials and details to distinguish the components of a building, particularly its base and top. All new, renovated or expanded buildings shall comply with the following standards:

1. All new building facades shall be built to the scale of other buildings on the street.
2. The design shall distinguish and emphasize the building's base and top, and reinforce the scale of the street for the pedestrian.

3. All buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade or other visual device.

D. Ground Floor Façade.

The ground floor is the primary zone of interaction for pedestrians on the street and includes the elements of doorways, access points and window transparency. All new, renovated or expanded buildings shall comply with the following standards:

1. The primary pedestrian entrance shall be placed along the build-to line of the dominant street and not the rear or side of the building. Additional pedestrian access points may be located along other façades.
2. When buildings are located on street corners, primary entrances shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar building feature. If such design is not feasible, the building shall be most prominent on the primary street.
3. Lobbies and retail spaces shall be clearly connected to the outdoor environment and visible from the street.
4. All primary building entrances shall be accentuated. Entrances permitted include recessed, protruding, canopy, portico, or overhang.
5. Windows shall be at street level and allow pedestrians to see the activity inside the building.

E. Architectural Elements.

The architectural design of buildings should complement the scale and proportion of surrounding buildings, celebrate innovative design, and be varied in context. Windows at the ground floor are important in activating the building and encouraging pedestrian traffic. All new, substantially improved or expanded buildings shall comply with the following standards:

1. Windows and Doors: Primary Front Façade.

- (a) The ground floor of the primary front façade shall contain between 65% to 70% clear windows and doors and be complementary in design to existing properties in the Town Center District.
- (b) Bronze glass, highly reflective glass, tinted or black and smoked glass is prohibited.
- (c) Windows and door openings at the ground floor of the primary front façade shall occur in a ratio of at least 3:1 between openings and solid surfaces.
- (d) Windows above the ground floor on the primary front façade of new or expanded buildings shall be clear and occur in a wall-to-window ratio of .75:1 to 1.25 along the horizontal width of the façade to result in a pattern of solid wall buildings with punched windows.
- (e) The maximum sill height above the adjacent sidewalks shall be two feet.
- (f) Window heads shall be nine feet to 12 feet above the sidewalk level.
- (g) The top of the display window shall be at least as high as the door height.
- (h) Individual windows in upper stories of the primary front façade(s) shall be vertically aligned with the location of windows and doors on the ground level to the extent possible.

2. Windows and Doors: Secondary Facades.

Any building wall with less than 25% of clear windows shall be articulated by two or more of the following methods:

- (a) Details in masonry courses;
- (b) Blank window openings trimmed with frames, sills and lintels;
- (c) Recessed or projecting window cases.

3. Exterior walls.

- (a) Construction materials shall be in keeping with the surrounding pattern of construction. Acceptable materials are stone, brick, precast concrete, stucco, masonry, and wood clapboard (including cement board).

(b) Awnings shall complement the distinct character of each storefront.

4. Roofs

(a) The tops of buildings must express the roofline and have either pitched roofs with overhanging eaves or low-slope roofs with articulated parapets and cornices. Fascias, dormers and gables or similar architectural features shall be employed to provide visual interest.

(b) Pitched roofs shall have a minimum slope of 4:12.

(c) Pitched roof material shall be composed of:

(i) Slate, either natural or manmade; or

(ii) Shingle, either wood or asphalt composition; or

(iii) Metal formed to resemble standing seams or other similar materials.

1256.05 Other Requirements.

A. Pedestrian Accessibility.

1. Sidewalks are required along all street frontages.
2. For any street frontage where there is not currently a sidewalk, the new sidewalk shall have a minimum width of eight (8) feet.
3. Sidewalks shall conform to the overall design pattern of existing sidewalks in the Town Center.

B. Streetscape and Green Area Standards.

The pre-development streetscape along the property shall be restored or recreated. This shall include the replacement of existing street trees, plantings, planters, street amenities, including furniture, sidewalks, paver strips and curbs. If there is no existing streetscape along a frontage, the streetscape shall relate to the streetscape along the other frontages of the property, including the installation of street trees, plantings, planters, street amenities, including furniture, sidewalks, paver strips and curbs.

- C. All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes shall not be located on the street facing façade of a building if another location option is available on the property, and shall in all cases be screened from public view.
- D. All rooftop mechanical equipment and other appurtenances, including antennas, shall be screened visually and acoustically. Such screening shall be integrated into the architectural design of the building.
- E. Driveways and Parking.
 - 1. The creation of new sidewalk curb cuts for motor vehicles shall be avoided whenever an alternate point of access is available or can be created. Shared access agreements are encouraged. For properties with multiple street frontages, curb cuts shall be prohibited from a frontage with retail use.
 - 2. Parking shall be as required in the Borough of Swarthmore Zoning Code.
- F. Refuse Areas.
 - 1. All properties are required to provide space for refuse receptacles (trash and recycling) on the site.
 - 2. The storage of refuse shall be provided inside of the building or within an outdoor enclosed area enclosed by either walls or opaque fencing. Any refuse storage area outside of the building shall be designed to be architecturally compatible with the building and be entirely screened by a fence or enclosure.
 - 3. For multi-occupant buildings, refuse receptacle storage shall be consolidated into a single area.
- G. Drive-Through Windows Prohibited. A drive-through window may not be installed or constructed in the Town Center (TC) Zoning District.

1256.06 Demolition.

No structure located within the Town Center (TC) Zoning District shall be demolished unless and until a demolition permit shall have been approved by Borough Council in accordance with

conditional use application procedures outlined in the Borough of Swarthmore Zoning Code, this ordinance and the building code in effect from time to time in the Borough. Any application for demolition shall be subject to the following regulations.

- A. In order for a building of historic value, as defined in the Borough of Swarthmore Zoning Code, to be demolished, all of the following conditions must be demonstrated:
 - 1. The building is structurally unsound and cannot be stabilized in an economically feasible manner as determined by a Professional Engineer.
 - 2. The Pennsylvania Historical and Museum Commission (PHMC) has been notified of the intent of demolition. The applicant must provide documentation of notification to the PHMC.
- B. No permit for demolition shall be approved until the applicant has received a Zoning Permit for a new building that demonstrates compliance with all codes of the Borough of Swarthmore. The applicant must also provide documentation to the Borough of the financial capability to begin construction of the new building within 30 days of completion of the demolition. Exception: It shall not be necessary to obtain a zoning permit for a new building where demolition is necessitated by casualty (such as by fire or natural disaster) that was not caused by the owner of the property.

1256.07 Review Procedure

Any applicant who seeks to change the use of a building, construct a building, construct an addition to an existing building, alter a façade, or erect a fence or wall within the Town Center (TC) Zoning District shall submit an application for a Zoning Permit on a form provided by the Borough.

- A. The application shall be submitted to the Zoning Officer. The Zoning Officer shall review the application for completeness.
- B. The application shall include sufficient information in the form of architectural elevations and sketches of buildings in order to determine to what extent the applicant complies with the requirements of this Ordinance.

- C. If the Zoning Officer determines that the proposed use, construction or alteration complies with the requirements of the Zoning Ordinance, the Zoning Officer shall approve and issue a Zoning Permit to the applicant. If the Zoning Officer determines that a proposed, construction or alteration does not comply with this Zoning Ordinance, the Zoning Officer shall reject the application for a Zoning Permit. In the event that the Zoning Officer determines that a proposed use, construction or alteration complies with all of the requirements of Sections 1246.02 (Permitted Uses), 1246.03 (Dimensional Standards), 1246.05 (Other Requirements), but that it does not comply with the requirements of Sections 1246.04 (Design Standards, then the Zoning Officer may elect to either (i) reject the application or (ii) refer the application to the Planning Commission.
- D. The Planning Commission shall review any such application which is referred to it by the Zoning Officer pursuant to subsection C above within sixty (60) days of receipt of the application. The purpose of the review is to advise the Zoning Officer as to whether the application complies with the intent of the Zoning Ordinance. The Planning Commission shall either recommend approval or recommend alternatives to the applicant.
- E. As part of the review, the Planning Commission shall consider the historic value of the building.
- F. The Planning Commission shall issue its written review of the application within thirty (30) days of completing its review. If the Planning Commission does not recommend approval of the application, the applicant may resubmit the application, with revisions, and the Planning Commission shall conduct a new review. The Planning Commission shall issue its written review of the revised application and recommendation for approval or rejection within thirty (30) days following completing its review of the revised application. The Zoning Officer shall then approve or reject the revised application no later than seven (7) days following the expiration of the Planning Commission's thirty (30) day period for reviewing the revised application.

Section 3. Amendment of Parking Requirements for the Town Center (TC) Zoning District.

Section 1268.02 of the Codified Ordinances of the Borough of Swarthmore shall be amended to read as follows:

1268.02. OFF-STREET PARKING REQUIREMENTS IN THE TOWN CENTER (TC) ZONING DISTRICT.

- A. Any uses occupying structures which were in existence at the date of enactment of this subsection shall be conclusively presumed to be in compliance with their obligation to provide off-street parking, either via parking spaces existing at the site or via parking spaces existing at public parking lots within the Town Center (TC) Zoning District at the time of enactment of this subsection; and any changes in permitted commercial uses within such existing structures shall not require that any additional off-street parking be provided.
- B. There shall be no requirement to provide off-street parking for any structure which replaces any structure which was in existence at the date of enactment of this subsection provided that the replacement structure is constructed within the same building footprint of the original structure, does not exceed the height of the original structure, and is built with the same configuration of residential and commercial space as the original structure. For example, if the original structure consisted of one floor of commercial space and two floors of apartment residences, the replacement structure must be constructed for the same use.
- C. For purposes of this Section 1268.02, any permitted non-residential use in the Town Center (TC) Zoning District (i.e. retail, offices, personal service shops, etc.) shall be considered commercial space.
- D. Off-street parking shall be required in any new construction or change of use in the Town Center (TC) Zoning District which does not comply with subsections (A) through (C) of this Section 1268.02 as follows:
 - (1) Multiple dwelling - .75 space per dwelling unit;
 - (2) Store and shop - one space per 400 square feet of usable floor area;
 - (3) Service establishments - one space per 600 square feet of usable floor area;
 - (4) Offices - one space per 200 square feet of usable floor area;
 - (5) Banks and financial institutions - one space per 300 square feet of usable floor area;
 - (6) Municipal uses - one space per 300 square feet of usable floor area; and

- (7) Where mixed uses are within the same complex, a multiuse factor of .7 may be applied to reduce the total parking requirements.

Section 4. Replace References to the BA Business Apartment District to the Town Center District. Any and all references in the Zoning Ordinance or Zoning Map of the Borough of Swarthmore to the “Business Apartment District” or the “BA District” shall be replaced with the terms “Town Center District” or “TC District” respectively.

Section 5. Severability. The provisions of this ordinance are severable, and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, or parts of this Ordinance. It is hereby declared to be the intent of the Borough Council that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional sections, sentence, clause, part, or provision had not been included therein.

Section 6. Repealer. All resolutions or ordinances, or parts thereof, which are inconsistent herewith are hereby repealed to the extent of the inconsistency.

Section 7. Adoption. This Ordinance shall take effect and be in force from and after its enactment as required by law.

ENACTED AND ORDAINED THIS ____ DAY OF _____, 2012.

SWARTHMORE BOROUGH COUNCIL
