

ARTICLE 5 VILLAGE OF BERWYN DISTRICT (VB)

Section 500 Purpose.

To provide for a variety of retail, commercial, residential, and light manufacturing uses within the Village of Berwyn and its immediately contiguous areas, as depicted on the Zoning Map, consistent with the maintenance, preservation and enhancement of the traditional Village of Berwyn atmosphere. It is recognized that the purpose of this District is to serve the needs of the Easttown community, while at the same time preserving and enhancing the unique qualities of the District.

Section 501 Use Regulations.

A. Uses By Right.

The following uses shall be permitted by right subject to compliance with the area and bulk regulations of Article 3 and the other applicable provisions of this Zoning Ordinance:

1. Apartment Accessory to Non-Residential Uses, permitted only on the second or higher floor in the same building, in accordance with Section 904, housing any one (1) of the following uses which shall be located only on the ground level floor of the building:
 - a. Retail Commercial Use.
 - b. Personal Service Commercial Use.
 - c. Professional or Business Office.
2. Automobile Car Wash.
3. Automobile Gasoline Service Station in accordance with Section 905.
4. Automobile Gasoline Service Station and Convenience Store in accordance with Section 905 and 909.
5. Automobile Repair.
6. Bank or Financial Institution.
7. Convenience Store in accordance with Section 909.
8. Dwelling, Two-Family (Twin or Duplex)
9. Forestry in accordance with Section 912.
10. Funeral Home in accordance with Section 913.
11. Grocery Store.
12. Home Occupation, minor in accordance with Section 915.
13. Laundromat or Dry Cleaner.
14. Municipal or public utility use.
15. Personal Service Commercial Use.
16. Professional or Business Offices.
17. Retail Commercial Use.
18. Theater.
19. Single family dwelling only when constructed and continuously used as such prior to the effective date of the this Ordinance.

B. Conditional Uses.

The following uses shall be permitted as conditional uses when authorized by the Board of Supervisors subject to the procedures and requirements of Article 14 along with any reasonable conditions that the Board shall impose under Section 1404.B.10 of this Ordinance, compliance with the area and bulk regulations of Section 502 and the other applicable provisions of this Zoning Ordinance.

1. Adaptive Re-Use in accordance with Section 903.
2. Automobile Sales.
3. Bed and Breakfast in accordance with Section 906.
4. Building Materials, Storage and Sales.
5. Commercial Day Care Center in accordance with Section 907.
6. Commercial Recreation.
7. Community Center.
8. Drive-Through Service in accordance with Section 910.
9. Outdoor Café in accordance with Section 920.
10. Parking Garage, Private.
11. Parking Garage, Public.
12. Parking Lot, Public.
13. Place of Worship in accordance with Section 921.
14. Restaurant.
15. Restaurant, Fast Food.
16. Shopping Center.
17. Wireless Communications Facility, subject to Article 12.
18. Any use of the same general character as a conditionally permitted use.

C. Accessory Uses.

The following accessory uses, buildings, and structures (including signs and parking associated with the accessory use) are permitted on the same lot with, and customarily incidental to, any of the uses permitted by this Section:

1. Accessory Uses, buildings, and structures permitted by right as per Section 901 and 902.
2. Storage within a completely enclosed building.
3. Parking as permitted by Article 10.
4. Signs as permitted by Article 11.

Section 502 Area and Bulk Regulations.

A. Minimum lot Area.	No minimum lot size
B. Maximum Build-to Line.	10 feet without parking, 20 feet with parking
C. Minimum Lot Width at Build-to Line.	20 feet
D. Minimum Lot Width at the Street Line.	20 feet
E. Minimum Side Yard Setback.	0 feet
F. Minimum Rear Yard Setback.	10 feet
G. Maximum Building Coverage.	85 percent
H. Maximum Impervious Surface.	95 percent
I. Minimum Green Area.	5 percent
J. Maximum Building Height.	35 feet

Section 503 Village of Berwyn Off-Street Parking Regulations and Design Standards.

Each building, structure, or use constructed, established, erected, enlarged, modified or altered in the Village of Berwyn District shall provide and satisfactorily maintain off-street parking spaces in accordance with the requirements of this Article, Article 8 (General Regulations), and Article 10 (Off-Street Parking and Loading). The parking regulations and design standards in this District shall supplement the regulations and design standards in Article 10, and in the case the provisions of this Article conflict with the provision of Article 10, the provisions of this Article shall apply.

A. Off-Site Parking Alternatives.

The following alternatives for Off-Street Parking shall apply within the Village of Berwyn District:

1. **Common Parking Lots.** Two (2) or more existing or proposed uses located on separate lots in the Village of Berwyn District (VB) may provide for required parking in a common parking lot if conditional use approval is granted by the Supervisors and if all of the following requirements are met (See Figure 5-1):
 - a. If each lot has adequate parking, but combining the parking areas would yield added parking benefiting the uses, then parking may be combined on the lots subject to compliance with this subsection 503.A.1.
 - b. The total number of spaces provided for both uses may be reduced by ten (10) percent from the sum of the spaces required for each use individually.
 - c. Common parking shall not be extended to include contiguous lots or parts thereof, which lie outside the Village of Berwyn District (VB).
 - d. The owners of all lots involved join in a written application for land development in compliance with the Subdivision and Land Development Ordinance and agree in writing by execution of a Land Development Agreement on an approved Township form to be fully bound to develop common parking to serve all of the lots.
 - e. The preliminary sketch and final land development plans shall show a traffic circulation and parking plan meeting the minimum requirements of the Zoning Ordinance and the Subdivision and Land Development Ordinance.
 - f. A written agreement assuring the retention of parking spaces for such common parking lots shall be properly drawn and executed by the parties concerned, and approved as to form and execution, by the Township Solicitor as a part of conditional use approval. Such conditional use approval shall be rescinded by the Township and additional parking shall be obtained by the owner to meet the required standard in the following cases:
 - 1) If the Township determines the parking results in a public nuisance or adversely affects the public health, safety, or welfare.
 - 2) If, at any time the parking is found in violation of any of the provisions of the provisions of the conditional use.
 - 3) If the parking does not result in providing, or does not continuously provide, the approved amount of required parking.
 - 4) If such agreement is changed, amended, or extinguished, without notice and approval by the Township.
 - 5) If there is a change in use.
2. **Off-Site Parking Lots.** Required parking spaces may be accommodated in off-site parking areas within the Village of Berwyn District, provided the following requirements are met and if conditional use approval is granted by the Supervisors (See Figure 5-2):
 - a. The owner of a use or structure shall submit an application that includes a site plan and agreement showing joint use, agreement, maintenance responsibility, and location of the off-street parking area.
 - b. The number of spaces fulfills the requirement for the structure and use for which the lot is designated to accommodate.
 - c. Pedestrian walkways or sidewalks for pedestrian safety are available.

- d. The lot can be accessed by patrons where safe crossing of arterial or collector streets is available, and are located within five hundred (500) feet of the primary building in which the use is located.
 - e. A written agreement assuring the retention of parking spaces for such off-site parking shall be properly drawn and executed by the parties concerned, and approved as to form and execution, by the Township Solicitor as a part of conditional use approval. Such conditional use approval shall be rescinded by the Township and additional parking shall be obtained by the owner to meet the required standard in the following cases:
 - 1) If the Township determines the parking results in a public nuisance or adversely affects the public health, safety, or welfare.
 - 2) If, at any time the parking is found in violation of any of the provisions of the provisions of the conditional use.
 - 3) If the parking does not result in providing, or does not continuously provide, the approved amount of required parking.
 - 4) If such agreement is changed, amended, or extinguished, without notice and approval by the Township.
 - 5) If there is a change in use.
3. Shared Parking Lots. Required parking spaces may be accommodated by shared parking lots within the Village of Berwyn District, provided the following requirements are met and if conditional use approval is granted by the Supervisors (See Figure 5-3):
- a. Up to fifty (50) percent of the required parking spaces for a theater, restaurant, or other use of primarily evening entertainment, may be provided and used jointly by banks, offices, retail stores, service establishments, places of worship, and other similar uses which are not normally open, used, or operated during evening hours (beyond typical business hours of 8 a.m. to 5 p.m.), and on Saturday and Sunday.
 - b. As stated above, sharing of parking must be approved by a conditional use. In granting the conditional use, the Board of Supervisors shall consider, among other criteria, the hours of operation of the uses that are sharing required parking spaces and the number of spaces involved.
 - c. Shared or common parking lots shall be provided with appropriate signage indicating the buildings and/or uses for which the spaces are available.
 - d. Places of public assembly, including places of worship, auditoriums, gymnasiums or other assembly halls may provide up to twenty (20) percent of required parking.
 - e. A written agreement assuring the retention of parking spaces for such sharing of required parking shall be properly drawn and executed by the parties concerned, and approved as to form and execution, by the Township Solicitor as a part of conditional use approval. Such conditional use approval shall be rescinded by the Township and additional parking shall be obtained by the owner to meet the required standard in the following cases:
 - 1) If the Township determines the parking results in a public nuisance or adversely affects the public health, safety, or welfare.
 - 2) If, at any time the parking is found in violation of any of the provisions of the provisions of the conditional use.
 - 3) If the parking does not result in providing, or does not continuously provide, the approved amount of required parking.
 - 4) If such agreement is changed, amended, or extinguished, without notice and approval by the Township.
 - 5) If there is a change in use.

4. On-Street and Public Parking Credit. Required parking spaces may be accommodated by on-street parking within the Village of Berwyn District, provided the following requirements are met and if conditional use approval is granted by the Supervisors (See Figure 5-4):
 - a. Only retail, professional office, or similar use within the Village of Berwyn District shall be permitted to count on-street parking toward off-street parking requirements.
 - b. On-street parking may be counted towards meeting a maximum of twenty (20) percent of off-street parking requirements, provided the spaces can be accessed without patrons crossing arterial or collector streets, and are located within fifty (50) feet of the primary building in which the use is located.
 - c. Spaces available in public parking lots may be counted towards meeting a maximum of twenty (20) percent of off-street parking requirements provided the spaces can be accessed by patrons where safe crossing of arterial or collector streets is available, and are located within two hundred fifty (250) feet of the building entrance in which the use is located.
 - d. On-street parking and public parking may comprise a combined maximum of thirty (30) percent of off-street parking requirements.
5. Removal of Curb Cut(s). (See Figure 5-5).

In the following cases within the Village of Berwyn District, the removal of a curb cut by a business or property owner to either increase the number of parking spaces or increase the open space, aesthetics, or access to a parking lot shall be permitted by conditional use, in accordance with the following:

- a. Where an existing parking lot has more than one (1) access and the applicant(s) can prove that removal of a curb cut(s) will improve the condition of the street from which it is removed and will not cause significant traffic issues at the remaining access point(s) as determined by the Township Engineer.
- b. Where two (2) or more adjacent businesses can feasibly interconnect their existing or proposed parking lot(s), the number of curb cuts may be reduced and the total number of required spaces for the associated uses may be reduced by up to twenty (20) percent per parking lot connection.

B. Design Standards.

1. General Regulations.
 - a. Parking shall be permitted on public or private streets within the Village of Berwyn District for the implicit use of providing parking for the solicitation of businesses within the Village of Berwyn District, unless specifically prohibited by the Township police. The Township reserves the right to restrict on-street parking at locations where parking may be hazardous, impede sight distances, block fire hydrants, or for other substantive measures by placing signs, or other appropriate measures.
 - b. Required parking spaces for individual businesses shall not be double counted by more than one business use, unless specifically stated in an executed agreement approved by conditional use under Section 503.A, above.

2. Off-Street Parking Access.

a. Access drives or streets that cross the lot line along a public right-of-way shall be limited to two (2) in number along the frontage of each right-of-way, and their center lines shall be placed at least forty (40) feet apart. On all corner properties, such accesses shall be spaced a minimum of thirty (30) feet, measured at the curb line, between the center line of any such access and the right-of-way line parallel thereto. The separation distance shall not apply to single family detached, semi-detached, and two-family residential lots in a development.

b. All other access provisions shall be in accordance with Article 10, Section 1001.C.

3. Parking Space Size and Design Regulations.

a. Perpendicular spaces within the VB District shall have minimum dimensions of nine (9) feet wide by eighteen (18) feet long.

b. All other Parking Space and Design Regulations shall be in accordance with Article 10, Section 1001.D.

4. Handicapped Parking. All Handicapped Parking regulations shall be in accordance with Article 10, Section 1001.E.

5. Traffic Lane and Driveway Dimensions.

a. Traffic aisles and other vehicular access ways designed for circulation of motor vehicles within parking lots shall have the following minimum widths:

<u>One-Way</u>	<u>Two-Way</u>	Access way (aisle) Width
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14 feet	22 feet
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b. All other Traffic Lane and Driveway Dimension regulations shall be in accordance with Article 10, Section 1001.F.

6. Minimum Number of Required Off-Street Parking Spaces. All owners and developers shall provide for each land use, at a minimum, sufficient off-street parking spaces to conform to Article 10, Sections 1001.G, H, and I.

7. Landscaping. See Article 11, Landscaping of the Natural Resource Protection Ordinance.

8. Screening and Buffering. Screening and Buffering regulations shall be in accordance with Article 10 of the Natural Resource Protection Ordinance, as incorporated by reference in Section 804 of this Ordinance.

Figure 5-1 Common Parking Lots

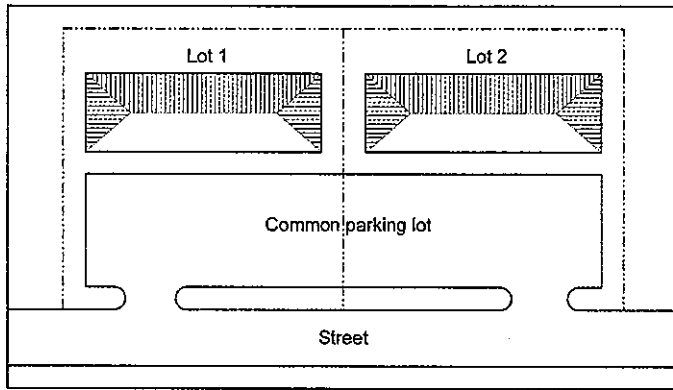


Figure 5-2 Off-Site Parking Lots

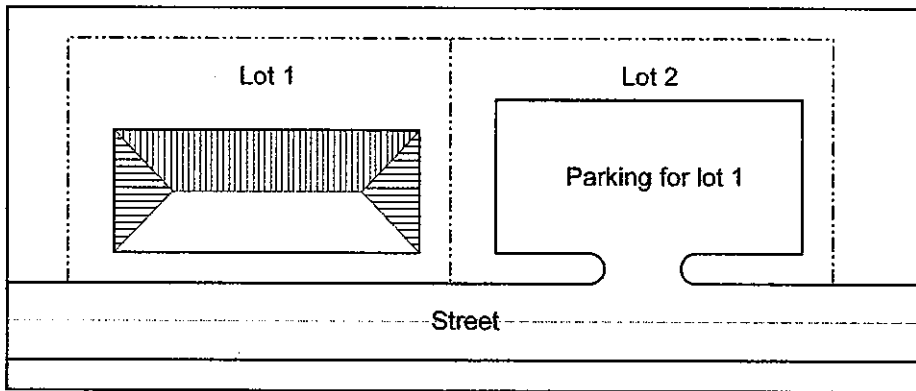


Figure 5-3 Shared Parking Lots

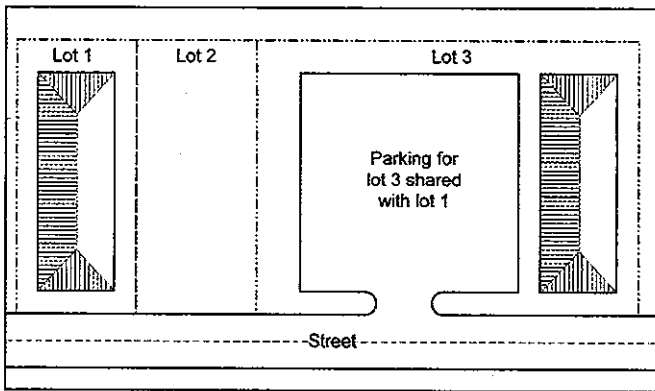


Figure 5-4 On-Street and Public Parking Credit

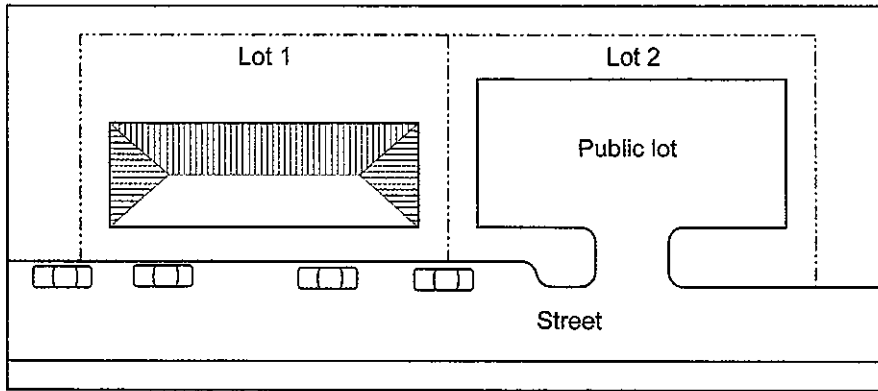


Figure 5-5 Removal of Curb Cut

