

**EAST PIKELAND TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE No. 124**

**AN ORDINANCE OF THE EAST PIKELAND TOWNSHIP BOARD OF  
SUPERVISORS ESTABLISHING DESIGN GUIDELINES FOR THE  
KIMBERTON VILLAGE**

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of the Township of East Pikeland, Chester County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by its authority the following:

**Section A: Short Title** - This Ordinance shall be known and may be cited as the “East Pikeland Township, Kimberton Village Design Guidelines Ordinance.”

**Section B: Statutory Authority** – The Municipality is empowered to regulate land use activities by the authority of the Second Class Township Code, the Pennsylvania Municipalities Code, and other state and federal statutes.

**Section C: Applicability**

1. This ordinance applies to any Subdivision, Land Development, Building Permit Application, Conditional Use Application, Special Exception Application and Building Alteration, Rehabilitation or Enlargement that is located within the Kimberton Historic District as defined on the East Pikeland Township Cultural, Historical and Architectural Resources Map.
2. The intent of these Design Guidelines is to provide standards for developers and property owners in Kimberton Village. The emphasis of the guidelines is continuity of visual elements and the creation of a pedestrian oriented place.
3. In all cases, the implementation of the guidelines shall be as determined to be appropriate by the Board of Supervisors or the township designated official.

**Section D: KIMBERTON VILLAGE DESIGN GUIDELINES** - The structure of the guidelines is built around the following topics:

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**Section One. Design Goals, Objectives and Implementation**

1. The overall goals and objectives for the Kimberton Village design guidelines are based on the following policies and principles:
  - A. To provide a cohesive positive character for the Kimberton Village in the KR (Kimberton Retail) District, and applying to both existing and proposed development.
  - B. To encourage planned, physically integrated facilities that maximize opportunities for pedestrian movement and patronage of multiple facilities.
  - C. To establish a pedestrian-oriented village center, encouraging pedestrian circulation throughout.
  - D. To enhance the character of the Kimberton Village by placing utilities underground and providing improvements such as extensive landscaping, well crafted signs and unified street lighting.
  - E. To create and enhance the Kimberton Village setting through the unified use of materials, street furniture, landscaping and lighting, as well as the provision of banners, benches, bike racks, bollards, fencing, pavements and the like, which add character and identity to the place.

**Section Two. Awnings.**

1. Overview. As a simple adornment to an otherwise flat facade of a building, awnings add an architectural canopy, provide shelter and reinforce the entry.
2. Design guidelines.
  - A. Awnings may be provided as an adornment to an otherwise flat facade of a building, and to add a colorful canopy, provide shelter and reinforce the entry.
  - B. Awnings may be utilized for limited signage graphics in accordance with the Zoning Ordinance. Any signage graphics shall count toward the wall or other sign area limits.

- C. A minimum vertical clearance of 8 feet, 0 inches shall be provided above any sidewalk or other walkway.
- D. All installation details and anchoring details, as well as information on color, signage, graphics and height shall be shown on a detail sheet to be submitted for any alteration, renovation or new construction.
- E. Awnings shall be installed and maintained to last. Any awning which becomes damaged or destroyed shall be repaired, replaced or removed as necessary.
- F. Awnings shall be of a commercial grade canvas and shall not be illuminated.

**Section Three. Banners.**

- 1. Overview. Vertical pole-mounted banners can add an attractive civic message along the streetscape and parking areas. Banners should be considered temporary and shall conform to the sign regulations of the Township Zoning Ordinance.
- 2. Design guidelines.
  - A. A pole-mounted dual vertical banner system (vertical pole with banner) may be established and installed within the Kimberton Village. Banners may be installed on either architectural street light standards or parking lot area lights. Any banner installed within a public street right-of-way shall obtain approval from PennDOT or the owner of the right-of-way.
  - B. The vertical banner system may announce "Kimberton Village" and shall be coordinated with the architecture and colors of Kimberton Village, so as to project a unified image and streetscape identity. However, the Township may approve an additional vertical panel to announce a specific seasonal/holiday event.
  - C. All proposed hardware and hanging systems shall be in accordance with manufacturers' specifications.
  - D. The design, graphics and colors for all dual pole-mounted vertical banners shall be shown on a detail sheet, and approved by the Township.
  - E. The banner system shall be a marine acrylic with thermoplastic ink on both sides.

**Section Four. Benches.**

- 1. Overview. Benches are needed to provide rest opportunities, and to complement pedestrian accessways (sidewalks, pedestrian paths).

2. Design guidelines.

- A. Benches shall be installed to provide rest opportunities, and to complement pedestrian accessways (sidewalks, pedestrian paths).
- B. Benches shall be located close to building entrances, against a building wall, a retaining wall or other decorative wall.
- C. One bench shall be installed and maintained for every 10,000 square feet of gross floor area.
- D. When placed along a street, one bench shall be placed for every 200 feet of pedestrian accessway. However, such benches need not be placed at regular intervals.
- E. Benches shall be 5 to 7 feet in width, and shall be anchored in a footing to provide stability.
- F. Benches shall have frames and/or seating constructed of powder coated steel or cast iron. Wood seats and backs (such as cedar or teak) are permitted; however, wood may not be painted or stained with an opaque color. Pressure treated wood is not permitted.

**Section Five.            Bike Racks.**

- 1. Overview. Bike racks send an important message: "Bikes are Welcome Here!" Bike racks are an integral component to the pedestrian orientation of the town center.
- 2. Design guidelines.
  - A. Bike racks shall be installed and maintained as an integral component to the pedestrian orientation of the town center.
  - B. Bike racks shall be permanently anchored or in a concrete footing to promote stability and security, and should be located near major areas of pedestrian activity.
  - C. One bike rack, black in color, with a capability of holding up to 5 bicycles shall be installed for every 30,000 square feet of gross floor area.

**Section Six.            Bollards.**

- 1. Overview.
  - A. Bollards provide enclosure, limit access or serve as an edge or containment feature necessary for minimizing pedestrian and vehicular conflicts.

- B. Bollards with lighting provide low level pedestrian lighting along sidewalks and pathways.

2. Design guidelines.

- A. Bollards may be used to provide enclosure, limit access or serve as an edge or containment feature necessary for minimizing pedestrian and vehicular conflicts.
- B. Bollards shall be installed and maintained, and any bollard which becomes damaged or destroyed shall be repaired or replaced as necessary.
- C. Bollards shall be buried/anchored at a minimum depth of 3 feet.
- D. Bollards shall be at a height of 30 to 42 inches (except in service areas where bollards shall be 42 to 72 inches) above grade, with a minimum diameter of 8 inches.
- E. Bollards with lighting may be used as an appropriate means to provide low level pedestrian lighting along sidewalks and pathways.
- F. All bollards with lighting shall not exceed 4 feet in height and have a concealed light source.
- G. Bollards in service areas shall be traffic yellow.

**Section Seven. Site Planning and Layout.**

- 1. Overview. Careful site planning and layout is required to ensure the continued success and functionality of Kimberton Village.
- 2. Design guidelines:
  - A. Building Orientation:
    - (1) Not more than 80% of the gross floor area of all buildings of Kimberton Village shall be oriented in a linear configuration, with buildings facing the on-street parking areas.
    - (2) Not less than 20% of the gross floor area of all non-residential buildings of Kimberton Village shall be sited in a cluster configuration to form a progression of pedestrian oriented open spaces or promenades, with visual, as well as pedestrian connections between such spaces.
      - a. Vehicular circulation shall be permitted through these spaces, as will be limited on-street parking.

- b. Parking areas serving the non-residential buildings shall be located to the sides and rear of those buildings and shall not be permitted within the interior of the cluster.
- c. Primary customer entrances for stores within a cluster shall be oriented inward towards the interior of the cluster.
- d. Secondary entrances shall be permitted towards the parking areas; the building facade shall be subject to the Front Building Facades criteria noted herein.
- e. Loading facilities for the buildings along Main Street shall be provided through screened delivery courtyards or in a similar fashion, which is not visually or functionally obtrusive to patrons using the parking areas.
- f. Primary entrances shall be oriented towards existing streetscapes.

B. Pedestrian Connections:

- (1) Pedestrian connections throughout Kimberton Village shall be required between all buildings.
- (2) In addition, there shall be well-defined pedestrian connections between Kimberton Village and the immediately adjacent KR zoned areas.
- (3) Another pedestrian connection shall be provided through a parking area whenever the distance between any two public customer entrances on a designated pedestrian connection exceeds 1.5 times the straight line distance between the two entrances.

C. Intersections - Vehicular intersections within Kimberton Village, at major access points from the roads, and at locations of major pedestrian/vehicular circulation overlap, shall be defined through the use of pavers.

D. Crosswalks:

- (1) Crosswalks shall be installed and maintained as an integral component of the sidewalk system of Kimberton Village and shall be provided at all intersections of streets and major driveways, and at all continuations of sidewalks.
- (2) All crosswalks shall be signed to indicate pedestrian connections.
- (3) All intersections of streets, and all continuations of sidewalks across streets shall have a minimum 10 foot wide crosswalk which shall be defined through the use of pavers.

- (4) All sidewalks intersecting driveways shall have a minimum 4 foot wide crosswalk of pavers.

E. Off-Street Parking Areas:

- (1) Parking areas for Kimberton Village shall be designed to provide safe and convenient access for motorists, without sacrificing aesthetic and streetscape values.
- (2) Parking areas shall be designed to promote safe pedestrian access to buildings. Parking aisles perpendicular to storefronts are encouraged; parking aisles parallel to storefronts are discouraged.
- (3) Circulation of traffic within parking areas shall be continuous; "dead-end" parking aisles are not permitted.
- (4) Parking areas shall include handicapped accessible spaces in accordance with the Americans with Disabilities Act ("ADA"). Parking fields shall be designed to locate handicapped accessible parking spaces in close proximity to customer entrances and curb ramps.
- (5) All parking areas shall be designed to include a pedestrian connection, linking the interior of the parking area to the curb/sidewalk at the front of the building being served.
- (6) The designation of parking for employees is encouraged along the sides and rear of buildings.
- (7) All parking areas in the Village shall have pervious parking surfaces with a transitional area of impervious material adjacent to road rights-of-way. Surface material similar to gravel is encouraged.

F. Lighting - In addition to the requirements of the Zoning Ordinance, the following lighting standards shall be required:

(1) Parking Areas:

- a. Full cutoff fixtures shall be utilized for area light standards in parking areas.
- b. Photometric design for lighting within parking areas shall ensure safe pedestrian access during nighttime hours when customers will be utilizing stores and businesses within Kimberton Village.
- c. Lighting within parking areas shall be programmed to be dimmed to 30% of the maximum intensity, or average 1.5

foot-candles, whichever is greater, between the hours of 10:00pm and 5:00am.

- d. The color and architectural design of light poles and fixtures within the parking areas shall be coordinated with the design of lights within the Village and streetscape lights along access and perimeter drives.

(2) Buildings:

- a. Illumination of Front Building Facades is encouraged, either from street lighting on area lights or accent lighting on the buildings, or both.
- b. Uplighting, or other lighting design, which directs lighting upward into the night sky shall not be permitted.
- c. If arcades are utilized along building facades, under canopy or soffit lighting shall be utilized to provide a lit promenade within the arcade.
- d. Lighting used on building facades shall be dimmed to a lower intensity between 10 PM and 5 AM.

(3) Streetscape Lighting:

- a. Streetscape lighting shall be provided within the Village.
- b. A minimum of one (1) streetscape light shall be provided for i) every 150 linear feet of Front Building Façade within the Village buildings and ii) every 150 linear feet of frontage road.
- c. Streetscape lighting is encouraged along perimeter drives serving parking areas.
- d. The color and architectural design of streetscape lighting shall be coordinated with the area light standards in the parking areas.
- e. Lighting used in a streetscape setting shall be dimmed to a lower intensity between 10 PM and 5 AM.

(4) Accent Lighting:

- a. Accent lighting to enhance lighting along building facades, pedestrian connections and within pedestrian plazas is encouraged.

- b. Accent lighting may include, but not be limited to, ground lighting, lighting in steps, lighting within planters, lighting within bollards, retaining walls, signs and fencing.
- c. Accent lighting shall be dimmed to a lower intensity between 10 PM and 5 AM.

**Section Eight. Building Architecture.**

1. **Overview.** The architectural style of Kimberton Village shall be sympathetic to the character of the existing buildings and designed to avoid the massive scale and uniform impersonal appearances of a “big box” commercial center; this shall be accomplished through building forms and massing, building offsets, window treatments, variations in roof lines, entrance treatments and quality building materials.
2. **Design guidelines.**
  - A. Compliance with Section 1609 of the Zoning Ordinance.
  - B. Front Building Facades, defined as those facades having public customer entrances, greater than 35’ in length, including separate buildings that are attached, shall have recesses or projections of the main building wall of at least four (4) feet extending over 20% of the length of the façade. There shall be no uninterrupted length of Front Building Façade greater than 35’, without a deflection in direction of building façade.
  - C. Side and Rear Building Facades, defined as those facades having no public customer entrances, greater than 35’ in length, including separate buildings that are attached, shall have recesses or projections of the main building wall of at least four (4) feet extending over 20% of the length of the façade. There shall be no uninterrupted length of Side and Rear Building Façades greater than 35’, without a deflection in direction of building façade.
  - D. First floor activities that promote multiple pedestrian destinations, such as retail, restaurants, banking, entertainment and civic uses are encouraged.
  - E. Retail stores or restaurants of less than 10,000 square feet shall have glass storefronts between the height of 1’-6” and 10’-0” along not less than 40% of the horizontal length of the Front Building Façade.
  - F. Front Building Façades, including separate buildings which are attached, exceeding 100’ in length shall have clearly defined, highly visible customer entrances that include at least three (3) of the following:
    - (1) Canopies or porticos;
    - (2) Overhangs;

- (3) Recesses/projections;
  - (4) Arcades;
  - (5) Peaked roof forms;
  - (6) Arches;
  - (7) Outdoor patios;
  - (8) Display windows;
  - (9) Architectural details such as tile work and moldings which are integrated into the building structure and design;
  - (10) Integral planters or wing walls that incorporate landscape areas and/or places for sitting;
  - (11) Awnings.
- G. Side and Rear Building Facades, including separate buildings that are attached, shall be designed to avoid the massive scale and uniform impersonal appearances of “big box” commercial centers. In addition to the requirements noted in B. above, such facades shall have vertical treatments, to include but not be limited to detailed articulation and fenestration of exterior building materials, to reduce the mass of such building elevations and avoid a homogenous presentation.
- H. Variations in façade roof lines shall be used to screen HVAC equipment from all sides of the building and to provide interest and reduce the scale of large buildings. Commercial HVAC equipment shall be placed so as to minimize the visual impact on nearby properties. When compatible with building design, sloped roofs shall be at a 42 degree angle to facilitate the installation of solar devices. Façade roofs should have at least one (1) of the following features:
- (1) Parapets to conceal flat roofs and equipment;
  - (2) Overhanging eaves of at least three (3) feet;
  - (3) Sloping roofs with an average slope of between 3:1 and 1:1 that do not exceed the average height of the supporting walls.
  - (4) Three (3) or more roof slope planes.
  - (5) Approved roof materials on pitched roofs shall be metal standing seam, cedar shake, or dimensional asphalt/fiberglass shingles.
- I. Exterior building materials shall be composed of one (1) dominant facing material and not more than two (2) additional materials. The dominant

material shall comprise eighty percent (80%) or greater of each building elevation.

(1) Dominant exterior building materials may include:

- a. Wood or faux wood (such as James Hardie cementitious siding);
- b. Brick;
- c. Stone or faux (cementitious) stone;
- d. Concrete masonry unit (CMU). CMU allowed only as block molded with a textured surface.
- e. Glass, when limited to 25% of façade materials;
- f. Stucco or faux (EIFS) stucco

(2) Exterior building materials may not include:

- a. Aluminum siding;
- b. Vinyl siding;
- c. Tilt-up concrete panels (except that tilt-up concrete construction shall be permitted provided that such construction is veneered with an approved exterior building material);
- d. Corrugated metal.

(3) Non-dominant material may include:

- a. Architectural metal trim;
- b. Marble or similar quarried material;
- c. Board and batten siding

J. Dominant façade colors shall be low reflectance, subtle, neutral or earth toned. The use of high intensity colors, metallic colors and black is prohibited. Building trim and accents may feature brighter colors. Neon and/or fiber-optic tube-lighting are not permitted for building trim or accent.

## **Section Nine. Curbing.**

1. Overview. Curbing is critical for channeling pedestrian and vehicular movement. Curbing may be needed for grading and stormwater management.

2. Design guidelines.

- A. Curbing shall be installed and maintained in order to channel pedestrian and vehicular movement, and/or to contain grades or direct stormwater.
- B. Curbing shall be provided throughout Kimberton Village, along streets and access drives and within and around parking areas.
- C. Curb cuts shall be made to promote barrier-free access, and to accommodate pedestrians with disabilities in accordance with ADA requirements.
- D. All low points along curbs shall be adequately drained to prevent flooding and ponding of water.
- E. Curbing materials and design shall be consistent throughout the Village.

**Section Ten. Fencing.**

1. Overview. Fencing can be installed and maintained to define pedestrian space, courtyards and civic spaces, and to screen and separate uses and activities.

2. Design guidelines.

- A. Fencing may be installed and maintained to help define pedestrian space, courtyards and civic spaces.
- B. Such fences may be up to 6 feet and may be erected in any required side or rear yard, provided it does not obstruct sight distance at intersections.
- C. Details for fence construction, footings, gates, sizes, etc. shall be shown on a plan which shall be submitted for Township review and approval.
- D. Chain-link fence shall be prohibited.

**Section Eleven. Green Areas - Pedestrian Plazas, Pavilions and Planters.**

1. Overview.

- A. Pedestrian plazas and pavilions are meant to identify places where people would congregate. Such places should be designed and built as a park or gathering place, marked with special pavements, shade trees, benches and other pedestrian amenities approved by the Township.
- B. Planters provide a graceful and attractive type of street or courtyard furniture within which plants can be installed.

2. Design guidelines.

- A. Open air or covered pedestrian oriented spaces (“Pedestrian Plazas”) shall act as connectors within Kimberton Village and shall contain such amenities as changes in level, benches, landscaping, accent lighting, planters, sculptures, opportunities for entertainment and seating areas to provide a sense of place and orientation for its users.
- B. At least one (1) Pedestrian Plaza of not less than 6,500 square feet and width to length ratio of not less than 1:3 shall be provided within a cluster of Village buildings where determined appropriate by the Board of Supervisors.
- C. Pedestrian Plazas shall be planted with a minimum of one shade tree with a minimum caliper of 3 inches for every 1,000 square feet of such space.
- D. Trees in Pedestrian Plazas shall have tree grates and tree guards, as approved by the Board of Supervisors.
- E. Where Pavilions are required in the form of a gazebo, porto-cochere, shelter, pergola, canopy or other structure with an overhead plane or roof shall be installed and maintained to provide opportunities for gathering, pedestrian circulation and visual interest. Pavilions shall be pedestrian in scale and designed to reflect the character and identity of Kimberton Village. A pavilion shall provide a minimum of 100 square feet of covered area. Access to any pavilion shall be provided in accordance with ADA.

**Section Twelve. Guardrail.**

- 1. Overview. As an alternative to the conventional galvanized steel guardrail, typically along State roads, wooden guardrail provides an attractive, natural appearance. Wooden guardrail may be chosen to blend better with other wooden elements like wooden bollards.
- 2. Design guidelines.
  - A. The posts for wooden guardrail shall be 8 inches by 8 inches pressure treated lumber, buried at least 36 inches below grade. Post spacing shall be approved by the Township.
  - B. The horizontal components of the guardrail shall be a minimum of 3 inches by 8 inches by 8 feet, preferably 4 inches by 8 inches by 8 feet, pressure treated lumber.
  - C. All plans and details for wooden guardrail shall be submitted to the Township for review and approval and, if along a State road, shall be submitted to PennDOT for approval.
  - D. All such wooden guardrail shall be maintained. Any guardrail which becomes damaged or destroyed shall be replaced within 60 days of any incident causing the damage or destruction of same.

### **Section Thirteen. Landscaping.**

1. Overview. Landscaping is one of the most critical elements to softening the appearance of Kimberton Village, especially those areas where parking areas and pavements predominate. An overall focus is needed for establishing street trees; providing a long-term shade canopy; and, complementing architectural spaces.
2. Design guidelines.
  - A. In addition to the requirements of the Zoning Ordinance, the following shall apply:
    - (1) All landscape plans shall include notes, diagrams, sketches or other depictions to present the consideration and analysis of the following:
      - a. An analysis of proposed planting and other landscaping needs as related to screening views of buildings; screening buildings and sections of buildings; fencing and screening parking areas and other areas where vehicles are parked; screening storage areas; screening site utilities; and, other appropriate types of screening.
      - b. The consideration of locations where plantings and other landscaping is needed to provide visual interest; define outdoor spaces; compliment the proposed architectural style; and, achieve other functional and aesthetic requirements for landscaped areas.

### **Section Fourteen. Pavements - Gradient.**

1. Overview. Pavement gradients, especially those involving pedestrian circulation should be flatter than conventional street and driveway grades.
2. Design guidelines.
  - A. Pavement grades shall comply with the following:
    - (1) The maximum pavement and sidewalk gradient shall be 5% and the minimum pavement and sidewalk gradient shall be 1%.
    - (2) All paved surfaces shall have positive drainage.
  - B. All pavement grades shall conform to the requirements of the Americans with Disabilities Act (ADA).

**Section Fifteen. Pavements - Materials.**

1. Overview. Pavement materials in Kimberton Village should be distinctive and respectful of pedestrian movement. Unit pavers add visual interest, have a tendency to slow traffic down and reinforce the sense of entry and/or arrival to a building or civic space.
2. Design guidelines.
  - A. Pavement materials in Kimberton Village shall be installed and maintained to be respectful of pedestrian movement. Unit pavers shall be provided to add visual interest, slow traffic down and reinforce the sense of entry and/or arrival at a building or civic space.
  - B. Asphalt and concrete pavements shall comply with the following:
    - (1) All concrete pavements shall have a broom finish, with smooth trowel edging along the sides and at all expansion and dummy joints.
    - (2) Unit pavers shall constitute at least 50% of the pavement materials for any property within the Kimberton Village boundary.

**Section Sixteen. Sidewalks and Bicycle/Pedestrian Paths.**

1. Overview. Sidewalks serve as the most practical method of pedestrian access within Kimberton Village. Sidewalks should be provided along all streets and drives, and when interrupted should be made continuous through the use of crosswalks and pedestrian paths. Where determined to be appropriate by the Board of Supervisors, bicycle paths shall be installed, either in conjunction with pedestrian paths or as separate facilities.
2. Design guidelines.
  - A. Sidewalks shall comply with the following:
    - (1) Sidewalks shall be a minimum of 4 feet in width.
    - (2) Sidewalks shall be placed along all streets and drives.
    - (3) Whenever a sidewalk is interrupted, a crosswalk shall be constructed, with a minimum width of 6 feet in a parking area and 10 feet in a street.
    - (4) Sidewalks immediately adjacent to building storefronts shall have minimum depth of 10 feet from the curb to the building storefront.
    - (5) Sidewalks utilizing concrete shall have a broom finish and smooth trowel edging at along the sides and at all expansion and dummy joints; creative scoring patterns are encouraged.

(6) Colored concrete is permitted in sidewalks provided that an earth tone pallet is utilized and approved by the Township.

B. Bicycle paths shall comply with the following:

(1) Bicycle paths shall be a minimum width of 8 feet.

(2) Bicycle paths may have a hard surface permitted for sidewalks or may have a surface made of crushed stone, asphalt, soil stabilized with concrete or other similar material as approved by the Board of Supervisors.

(3) Where bicycle paths intersect either pedestrian paths or rights-of-way, bollards shall be placed so as to allow bicycle passage but exclude automobiles. Removable bollards may be installed to allow access for maintenance vehicles.

(4) Signs designating a bicycle path and its restricted usage shall be placed at the ends of all bicycle paths and at intersections with other paths or rights-of-way.

## **Section Seventeen. Utilities.**

1. Overview. Overhead electric lines, small substations and other like visual intrusions take away from a unified cohesive Kimberton Village appearance.

2. Design guidelines.

A. The location of small substations, transformers, switching stations and/or panel boxes shall be designed to be preferable in service areas and to the rear of buildings.

B. All small substations, transformers, switching stations or other panel boxes shall be screened with landscaping and/or wooden fencing or placed within a building, such that they are not readily apparent to customers in Kimberton Village. All such fencing shall be softened by landscaping.

C. The installation of any new electric, gas, data/communication, street light supply and telephone lines shall be underground, and shall be placed at a minimum depth of 24 inches below finished grade.

D. All HVAC (heating, ventilating and air conditioning) equipment, whether ground or roof mounted, shall be installed in locations that are oriented away from adjacent or nearby residential areas. Such installation locations shall be further screened from view by the use of architectural elements and/or plant material.

**Section Eighteen.                      Walls and Retaining Walls.**

1. Overview. Walls can be a feature element, especially in a Village location where walls should be used in lieu of berms. Walls help to define pedestrian and civic spaces.
2. Design guidelines.
  - A. Walls shall be in accordance with the following:
    - (1) Walls shall be built and maintained to provide containment of courtyards, plazas or other civic spaces.
    - (2) Walls shall not obstruct safe sight distance at intersections.
  - B. Retaining Walls shall be in accordance with the following:
    - (1) Concrete or segmental retaining walls shall be permitted within Kimberton Village.
    - (2) Retaining walls may have a batter and shall be terraced when the vertical height of the wall exceeds 6 feet.
    - (3) Retaining walls shall be designed by a Professional Engineer.
    - (4) The exterior (visible) face of retaining walls shall be designed to be coordinated with the exterior building materials. Unfinished concrete shall not be permitted.

**Section Nineteen.      Waste (Trash) Receptacles.**

1. Overview. Waste (trash) receptacles should be placed in selected locations along streets, sidewalks and pathways and in other locations determined by the Board of Supervisors. A uniform appearance to these structures is necessary to insure that they are not visually offensive.
2. Design guidelines.
  - A. Waste (trash) receptacles shall be a dark color to reduce their visibility, easy to open and placed to be convenient to service.
  - B. Waste (trash) receptacles shall be placed on a concrete pad or other hard surface to aid in their maintenance, and shall be anchored in a concrete footing.
  - C. Waste (trash) receptacles shall be constructed of architectural steel with a powder coated paint finish.
  - D. Waste (trash) receptacles shall be located so as to be oriented away from residential uses.

- E. Waste (trash) receptacles shall be as selected by the Board of Supervisors.

**Section E. Modification or Waiver of Requirements**

1. The Board of Supervisors, solely at its discretion, may grant a modification of the requirements of one or more provisions on this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question or if an alternative standard can be demonstrated to provide equal or better results, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.
2. In granting a modification, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standard or requirements so modified.
3. Any request for a modification shall be in writing and shall accompany the subdivision or land development application. A modification may, when authorized by the Board of Supervisors, be requested after the application has been submitted. The request shall describe the modification.

**Section F. Enforcement Generally**

1. Whenever the Township finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Township may order compliance by written notice to the responsible person.
2. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violations. Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work will be done by the Township or designee and the expense thereof shall be charged to the violator.
3. Failure to comply within the time specified shall also subject such person to the penalty provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Township from pursuing any and all other remedies available in law or equity.

**Section G. Suspension and Revocation of Permits and Approvals**

1. Any building, land development or other permit or approval issued by the Township may be suspended or revoked by the Township for:
  - a. Non-compliance with or failure to implement any provision of the permit;

- b. A violation of any provision of this Ordinance; or
- 2. A permit or approval, which has been revoked by the Township cannot be reinstated. The Applicant may apply for a new permit under the procedures outlined in this Ordinance.

**Section H. Compatibility with Other Requirements**

- 1. Approvals issued and actions taken under this Ordinance do not relieve the Application of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation or Ordinance. To the extent that this Ordinance imposes more rigorous or stringent requirements the specific requirements contained in this Ordinance shall be followed.
- 2. Nothing in this Ordinance shall be construed to affect any of the Municipality's requirements regarding the Kimberton Retail Zoning District or Historic Resource Protection Standards which do not conflict with the provisions of this Ordinance. Conflicting provisions in other Municipal Ordinances, regulations or other applicable law shall be construed to impose the more rigorous or stringent requirements.

**Section I. Penalties**

- A. Any person violating the provisions of this Ordinance shall be guilty of a summary offense, and upon conviction shall be subject to a fine of not more than \$1,000 for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense.
- B. In addition, the Township, through its Solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

**Section J. Conflict**

- 1. It is not intended by this Ordinance to repeal, abrogate, annul or interfere with any existing Ordinance or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance.
- 2. In the case where any general provision of this Ordinance governing a given use conflicts with a more specific provision of this Ordinance, the more-restrictive provision shall apply.

