

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING AGENDA

Wednesday, January 17, 2024 – 7:00 pm

Stokes Assembly Hall – Township Administration Building
1039 Wilmington Pike, West Chester, PA

For general inquiries or questions about any of the items on this agenda, please contact the Township office either by phone (610) 692-1930 or via e-mail at administration@westtown.org.

Call to Order and Pledge of Allegiance

Adoption of Agenda

Approval of Minutes

Planning Commission Meeting January 3, 2024

Announcements

Public Comment – Non-Agenda Items

New Business

1. Priorities for 2024 and Preparation for Joint Meeting

Discuss potential meeting dates and finalize a list of items, including priorities for ordinance amendments, for the joint meeting with the Board.

Old Business

1. Ordinance Amendments – Managed Meadow

Planning Commission previously provided favorable recommendation to proposed draft amendments to Section 170-1507, Landscaping and Site Design, of the Westtown Township Zoning Ordinance to provide a definition of managed meadow to exempt these intentionally planted areas from enforcement under the Property Maintenance Code. The Board suggested to explore other options, including potentially amending Chapter 54, Brush, Grass and Weeds.

Public Comment

Reports

1. Board of Supervisors Meeting January 16, 2024 – Jack Embick

Adjournment

Next PC Meeting:

- **February 7, 2024, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Monday February 5, 2024, 7:30 PM** – Jim Lees/Russ Hatton

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall, 1039 Wilmington Pike
Wednesday, January 3, 2024 – 7:00 PM

Present

Commissioners – Russ Hatton (RH), Jack Embick (JE), Jim Lees (JL), Brian Knaub (BK), Kevin Flynn (KF), Tom Sennett (TS), and Joseph Frisco (JF) were present. Also present was Director of Planning & Zoning Mila Carter.

Call to Order and Pledge of Allegiance

Mr. Hatton called the meeting to order at 7:02 PM.

Adoption of Agenda (JE/JL) 7-0

Mr. Embick made a motion to adopt the agenda. Mr. Lees seconded. All were in favor of the motion.

Election of Officers

Nomination for Commission Chairman

Mr. Flynn nominated Mr. Embick, seconded by Mr. Sennett. All were in favor of the motion.

Nomination for Commission Vice-Chairman

Mr. Sennett nominated Mr. Hatton, seconded by Mr. Embick. All were in favor of the motion.

Nomination for Commission Secretary

Mr. Embick nominated Mila Carter, Director of Planning & Zoning, as acting secretary, seconded by Mr. Lees. All were in favor of the motion.

Approval of Minutes (TS/RH) 7-0

Mr. Sennett made a motion to adopt the meeting minutes from December 20, 2023. Mr. Hatton seconded. Mr. Frisco asked whether the applicant requesting special exception to permit a major home occupation at 1001 S. Walnut Street provided pictures of commercial vehicles and equipment to be stored on site. Ms. Carter recalled the layout plans for both garages. Mr. Sennett recalled a picture of Toro Dingo skid steer, because the Planning Commission wanted to know what it looked like. Mr. Embick recalled a picture of garage showing vehicles inside. Mr. Frisco asked how the compliance would be enforced. Mr. Embick recapped that the Planning Commission recommended imposing several conditions and explained that it would be up to the Zoning Hearing Board to make a decision on appropriate conditions to impose, which will be enforceable under the zoning ordinance. All were in favor of the motion.

Announcements

1. Ms. Carter announced that the conditional use application for the Stokes Estate flexible development was denied by the Board on December 27, 2023. She explained that once available, the written decision will be provided to the Planning Commission and posted on the Township website. Ms. Carter reminded the Planning Commission of an unresolved application to permit construction of 68 single-family detached residential homes on the 65 acres of the Stokes Estate, which was submitted by the same applicant in 2021. Mr. Hatton asked whether anyone has seen a final draft of the subdivision and land development plan with proposed emergency access roadways. Ms. Carter recapped that the applicant did not provide a full set of revised drawings to the Planning Commission for review and instead, submitted revised individual plan sheets for the hearing, including those depicting two emergency access roads to address comments of the Township's consultants. Mr. Hatton

suggested to revisit flexible development requirements in the event that the impending applications would not move forward. Mr. Embick suggested inviting Kristin Camp, Planning Commission solicitor, to update the Planning Commission on the status of various applications and to help strategize. He agreed with Mr. Hatton that even though flexible development procedure might not get utilized in the future, it would be a good idea to address issues that were raised during the land developments, which were built under those requirements. The Planning Commission agreed. Mr. Embick suggested to potentially ask Mr. Snook to assist with finishing up the revisions to the flexible development requirements, or to consider some other version of conservation design that might be more suitable for the Township. Mr. Embick asked whether the findings of the fact were provided to the Board. Ms. Carter believed there were submitted by the applicant and the Planning Commission solicitor. She made a note to post those on the webpage dedicated to the application.

2. Ms. Carter brought to the Planning Commission's attention the Master Planner Program, and asked members to let her know if they would be interested. Mr. Hatton encouraged members to attend. Mr. Frisco expressed an interest in registering.
3. Ms. Carter provided an update on several pending proposed ordinance changes, some of which have been previously discussed by the Planning Commission, including bidirectional antennas, off-street parking, managed meadows, fences, and historic preservation. She expects to place them on the Planning Commission agenda for a more detailed discussion in the future.

Public Comment – Non Agenda Items

There was none.

Old Business

1. Ordinance Amendments – Outdoor Burning

Ms. Carter summarized the feedback provided by the Township solicitor on proposed draft language and subsequent changes made to the document since it was last discussed by the Planning Commission. She explained that new definitions to the chapter were added including structure, burning, burn barrel and incinerator, and minor changes were made for clarity purposes. Ms. Carter also noted that limitations on hours of burning have been added to sections dedicated to a specific type of burning, and a phone number for non-emergency calls as requested by the Planning Commission.

Mr. Sennett asked about the reasoning behind having a phone number in the ordinance language. Ms. Carter explained that the Planning Commission found that the number was not readily available or easy to find, therefore the suggestion was made to have it listed for convenience. Mr. Sennett argued that as long as resident notified the Township Fire Marshal, it did not matter whether it was done via phone or in writing. Ms. Carter responded that Mr. DiNunzio, the Township Fire Marshal, did not have a preference on how he would like to be notified provided that he was made aware that a bonfire was set. Mr. Sennett did not think it was a good idea to place something in the ordinance that could potentially change requiring another amendment. Mr. Embick asked whether the Township administrator could field those calls. Mr. Flynn reminded those present that the Township office is closed on weekends. After a brief discussion, the Planning Commission agreed to leave it as is.

Ms. Carter also noted the solicitor's suggestion to remove provisions specifically prohibiting burning of leaves and commercial/industrial waste and burning on public roads, because another section of the chapter already prohibited those activities. Mr. Embick suggested to keep those, because the definition of yard waste included leaves and there was a definition of commercial/industrial waste in the draft language, therefore, it made sense to have provisions

applicable to those. Ms. Carter explained that the solicitor suggested to potentially utilize the definition of municipal waste under the Solid Waste ordinance, however, that definition was too broad to be applicable to the outdoor burning ordinance. She believed that Mr. DiNunzio raised concerns about burning of leaves, grass, brush, and garden residue due to smoke that they could generate. Mr. Hatton supported banning the burning of leaves. Mr. Embick was in support of specifically prohibiting burning of commercial/industrial waste.

Motion to refer the proposed ordinance amendments to Chapter 54, Outdoor Burning, to the Board of Supervisors to be adopted as drafted with a feedback from the Township solicitor. (TS/RH) 7-0.

New Business

1. Board Attendance

Ms. Carter presented the draft attendance schedule for the 2024 Board of Supervisor's meetings and asked the Planning Commission to provide any feedback on their anticipated availability on the dates for which they were scheduled. The Planning Commission discussed availability and Ms. Carter will make the recommended changes and re-distribute the schedule.

Public Comment

None

Reports

Mr. Knaub made the BOS report from the December 18 meeting.

Adjournment (TS/JL) 7-0

The meeting was adjourned at 8:05 PM.

Respectfully submitted,
Mila Carter
Planning Commission Secretary

List of Potential Amendments

Revised: January 11, 2024

No. (Origination year-month)	Chapter	Section/Name	Description of Changes/Status	Source	Priority	Status (PC)	
1	2023-08	170 Zoning	1505 Fences	Considerations for deer fences and other changes (height of fences?); MC to draft proposed ordinance language for review.	MC	1	PENDING
2	2023-01	170 Zoning	1507 Landscaping and site design	Add provisions for managed meadow (inconsistency with the PMC); BOS suggested to address Mr. Foster's concerns. He suggested to add provision under Chapter 54.	EAC	1	DRAFT UNDER 170 APPROVED 12/08/23
3	2017-08.4	170 Zoning	1509 Storage	PC worked with Mr. Snook to revise existing storage regulations to address modular storage units and self-storage facilities, self-storage units, warehouse, junkyards, trailers, boats, human or animal remains, RVs, generators, and temporary accessory storage. The last revisions were made in May 2021. MC will review the draft, make changes as needed and bring it back to the PC for review and comment.	PC (EA)	1	PENDING 1/11/24
4	2023-12.5	170 Zoning	1618 Renewable energy systems	Consider specific setbacks for accessory ground-mounted solar; bldgs and structures on historic resources list; conflicts with SW ordinance; setbacks are too extreme?;	MC	1	
5	2023-12.1	170 Zoning	2400 Historic Preservation	Proposed changes to require review by the HC of all incoming applications,	HC	1	TWP SOLICITOR
6	unk.	149 SLDO	300 Application Procedures	Numerous administrative updates related to plan submission, # of copies required (currently 16 hard copies), correct outdated terminology. Also want to include standards for plan revision which don't exist now to better formalize review procedures/timeline.	MD	1	
7	2023-09	149 SLDO	500 Sketch Plan	Sketch plan requirements and process can be improved	MC	1	
8	2023-05	63 Burning	63 Outdoor Burning	Revise ordinance to clarify the use of fire pits and address other outdoor burning related concerns. Draft language has been reviewed by the Twp.solicitor.	EMC	1	DRAFT APPROVED 1/3/24
9	2017-09.1	149 SLDO	910 Street Construction	1. Revise to remove the reference to "PennDOT Seldom Used Specifications 1983" and more appropriately Reference PennDOT Publication 46. 2. 149-910.D: This section could be revised to remove the reference to Bituminous Surface Course ID-2A. This section should be completely re-written to include a modern specification of the Superior Asphalt Paving System (Superpave). Bob Flinchbaugh provided draft language that was reviewed by Mark Gross in 2021.	MT (KM)	1	PENDING 1/11/24
10	2017-05	170 Zoning	Article IX Flexible Development	1. When the Flexible Development option was added to the Ordinance, it included an extensive Open Space description -170-907. It was decided to refer the Open Space requirements in all other districts to this section in order to avoid repetition. 2. 170-904.C There are no lot size limits in Flex. For single-family dwellings, the only control of lot size is the requirement that there can be only 4 lots per acre in the area used for single-family dwellings (smallest lots could be just under 11,000 square feet). 3. 170-904. E. (3). (10) Setbacks - The only setback regulations for dwellings in Flex are 30 feet behind the curb line and 30-foot separation between structures. This applies to decks, sheds, and even dwellings. (Not to swimming pools, however.)	PC (EA)	1	Discussed at 12/16/23 mtg.
11	2023-10	170 Zoning	1511 Establishment of future right-of-way widths for streets	Consider changing the language to only regulate dedicated ROWs	ZHB Solicitor		
12	2017-09.12	170 Zoning	1600 Supplemental Regulations	1. Parking has become popular for compact cars, oversized vehicle, electric vehicle, seniors citizen and new or expecting parents, multi-family, and residential uses. (rideshare parking); 2. Truck Turning Templates are not required by ordinance and should be added to the preliminary/ final plan set requires. All vehicles for emergency response, delivery, trash, and recycling should be provided to major applications. 3. Consider adding MS4 Assist Regulations Recall the Maneri Property 1126 Kolbe Lane, Rustin and Crebilly CU 4. Consider adding Drive Thru Regulations Recall Dunkin' Donuts	MT (KM)		
13	2023-03	170 Zoning	1603 Accessory uses and structures	1. Attached vs. Detached structures connected via breezeway – how do we want to define them and how it relates to the size of garages and setbacks; 2. 1603.B Uses accessory to agriculture: Potential to revise the language to make it more specific; "50% of products"; 3. Consider provisions for enclosed garden structures (high visibility on all sides); 4. Consider clarifying the definition of ADU; permanent food preparation facilities; laundry areas?	MC		
14	2023-05	170 Zoning	1605 Home occupations	1. Consider adding beekeeping as permitted minor home occupation; 2. Consider increasing the size of the sign for major home occupations at the intersection of two major roadways; 3. Revise 1605.A(1) that states "within the dwelling"; occupations within detached structures ?	MC		
15	2023-10	170 Zoning	1614 Bus shelters	Connection to existing sidewalk, pedestrian facility req.	MC		
16	2019-03	170 Zoning	1700 Off-street parking	1. Times, circumstances, streets, locations, rideshare parking locations (WE); 2. Handicapped parking - increase the number of req. handicapped spaces due to increase in aging population (BOS)	Twp		
17	2017-08.5	170 Zoning	1513.B Interior circulation and streets minimum widths	Consider reducing the minimum paved width of streets on low traffic volume streets.	PC (EA)		
18	2021-01	170 Zoning	1800 Signs	1. 1806.F.4.a - Specify which "right-of-way" (existing, legal or future)	JS		
19	2019 -1	170 Zoning	201 Definitions	1. "Boarding home(s)"; 2. "All usable space within a dwelling unit without netting out any space unless it is not capable of being lived in." (Examples of spaces to exclude: hvac closets, unfinished basements, unfinished attics); 3. Business or trade school; 4. Commercial vehicle and equipment; 5. "building area" and "floor area" to include more details about "breezeway" 6. Definition of impervious surface; consistency with SW ordinance (pervious pavement, gravel areas and etc.) 7. Consider adding entertainment, fast-food, and/or restaurant (parking requirements); 8. The definition of "Lot Area" and "Tract Area" are treated differently in Zoning. Definition of lot area (proposed): The acreage contained within the property lines of a lot, as defined in the deed or as shown on an approved subdivision plan. Such acreage shall be exclusive of the following: A. Any area used for gas, oil, natural gas, electric, or communications transmission facilities, whether below or aboveground, that do not serve the lot or lots traversed. B. Any area within a street or other transportation right-of-way, existing or proposed. C. Any area within a permanent drainage easement. D. Every lot created by subdivision shall have a contiguous and uninterrupted area equal to 75% of the minimum lot area required by the applicable zoning district, which is unencumbered by wetlands, one-hundred-year floodplains, steep slopes and/or stormwater management basins/facilities.	PC		

20	2023-08	149 SLDO	201 Definitions	1. Definition of land development; minor land development (?); 2. Add definition for specimen trees	MC		
21	2023-04.1	170 Zoning	2103 Hearings (ZHB)	Notice to multi-family dwellings, condos process (multiple units)	ZHB Solicitor		
22	unk.	170 Zoning	401 Floodplain Regulations	Based on comments received during review in 2017, PC members indicated a desire to make some changes with Beth Uhler' assistance			
23	2019-04	149 SLDO	405 Commencement of development	Add times and days of the week, 149-404?	PC		
24	unk.	170 Zoning	907 Open space standards	While there are requirements for some portion of the Open Space be useable for active recreation, storm water management often occupies a significant area. Revising the open space definition and regulations has been suggested. Establishment of an Open Space fund, clarification of in lieu of fees			
25	2001-08.2	149 SLDO	915 Driveways	PC has suggested on several occasions that the Board adopt a freestanding driveway ordinance.	MT (KM)		
26	unk.	149 SLDO	924 Existing trees	§149-924.D which would require a separate tree protection plan.	MT (KM)		
27	unk.	149 SLDO	925 Landscaping requirements and standards	1. Add provisions for setbacks and size of trees from power lines; 2. Street Trees within 5 feet of property and within 10 feet of side lot lines; Rustin Residential: §149-925-I.5 – Street Trees within 10 feet of side lot lines. (I.5)	MT		
28	2017-09.5	149 SLDO	Administrative Preliminary or Final Waivers	Modern applications contain so much information that the boundary between preliminary and final has become almost negligible as far as engineering detail. Rarely have I seen a request for a waiver from preliminary to prelim/final denied.	MT (KM)		
29	2001-08.1	170 Zoning	Buffers & Screening - MU and R-3 Districts	Present regulations generally require buffers between districts rather than between uses. (Except for commercial vs residential).	PC (EA)		
30	2017-09.11	149 SLDO	Design standards	Consider adding a Belgian Block Section of Code with detail.	MT (KM)		
31	unk.	170 Zoning	Uses - M-U District	Possibility for problems in MU and R-3 districts where residential and non-residential uses are permitted. The MU District is presently developed as residential except for one tract (5 acres?) currently industrial, which could be redeveloped for any use permitted in the C1 District.			

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 149-910 **Street construction.**
[Amended 7-22-2002 by Ord. No. 2002-5]

All materials used for the construction of streets and/or roads as herein defined and the method of construction and installation shall be in strict accordance with the requirements of PennDOT Specifications Publication 408 and/or PennDOT ~~Seldom Used Specifications 1983~~ Publication 46 and/or the latest revision thereof.

- A. Drainage. All drainage and utility structures, including but not limited to manholes, inlets, pipes, water and electric lines, shall be installed prior to the final grading of the cartway.
- B. Grading. Grading shall be completed to the full width of the right-of-way. Banks shall be sloped not less than three horizontal to one vertical with top of slopes rounded.
- C. Subgrade. The subgrade within the limits of the proposed cartway shall be shaped to conform to the line, grade and cross-section of the proposed cartway and shall be thoroughly compacted as per PennDOT Publication 408 as last revised. Subgrade shall be sloped to correspond to the slope of the finished road surface. Before placing the base course, the subgrade shall be dressed with one inch of fine aggregate.

NOTE 1: Backfill of trenches within the cartway and shoulder area shall be mechanically tamped in uniform layers of not more than eight inches, thoroughly compacted, 95% dry volume, prior to application of the base course.

NOTE 2: If, during the installation of any of the aforementioned items, the Township determines that the material used for backfill is unacceptable, the contractor shall be required to use select fill.

D. Paving:

- ~~(1) The Township Supervisors, upon the recommendation of the Township Engineer, shall determine the type of paving which shall be utilized.~~
- ~~(2) Type I Base Course. Base course shall be constructed of stone aggregate, rolled with vibratory roller, and thoroughly compacted in two layers to a depth of not less than eight inches for residential and 10 inches for industrial. The materials and construction methods shall be in strict accordance with the requirements of Section 310, "Crushed Aggregate Base Course," PennDOT Seldom Used Specifications.~~
- (1) (3) Type II Base Course. Base course shall consist of five inches for residential and six inches for industrial, after compaction, of hot mixed, hot laid bituminous concrete base course placed on a six-inch compacted layer of PennDOT No. 2A course aggregate, Type C or better (no slag material). The materials and construction methods shall be in strict accordance with the requirements of Section ~~305, Bituminous Concrete Base Course~~ 313, Superpave Asphalt Mixture Design, Standard Construction, Base Course, and Section ~~305, Subcourse~~ 350, Subbase, of PennDOT Publication 408 Specifications. The subbase and base course shall be rolled with a vibratory roller.
- (2) (4) Bituminous Surface Course ID-2A. Bituminous surface course ~~ID-2A~~ shall consist of constructing a binder course and wearing course of hot mixed, hot laid asphalt concrete on the above prepared base course. The binder course shall be rolled with vibratory roller and compacted to a depth of not less than two inches and the wearing course not less than 1 1/2 inches. The materials and construction methods shall be in strict accordance with the requirements of Section ~~420, Bituminous~~

~~Wearing Course ID-2410, Superpave Mixture Design, Standard and RPS Construction of Plant-Mixed HMA Fine-Graded Courses, and Section 421, Bituminous Binder Course ID-2,~~ of PennDOT Publication 408, as amended. The binder course shall be Superpave Asphalt Mixture, 19mm Bituminous Binder Course, PG64S-22, 0.3<3 ESALs and the wearing course shall be Superpave Asphalt Mixture, 9.5mm Bituminous Wearing Course, PG64S-22, 0.3<3 ESALs. The Township may require that the final application of bituminous concrete be withheld until the streets are offered for dedication to the Township ~~if the wearing course is not applied immediately after the binder course.~~ (NOTE: The binder course shall be thoroughly cleaned and tack coated in accordance with PennDOT Publication 408, as amended.)

DRAFT



HOT TOPICS AND TRENDS IN ZONING

A BRIEF OVERVIEW OF CURRENT ZONING TRENDS

LAURA LUDWIG, AICP & LORI MORGAN, AICP

January 10, 2024

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Engineering | Planning | Infrastructure Solutions

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Speakers



LAURA LUDWIG, AICP
Group Manager | Senior Planner



LORI MORGAN, AICP
Senior Planner

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Agenda

- Review the PA Municipalities Planning Code as it pertains to Zoning Ordinances
- Discuss emerging zoning ordinance trends and hot topics and how to address them in your municipal zoning ordinances
- Discuss the Zoning Ordinance amendment process as outlined in the PA MPC
- Review resources and tips for updating your ordinance



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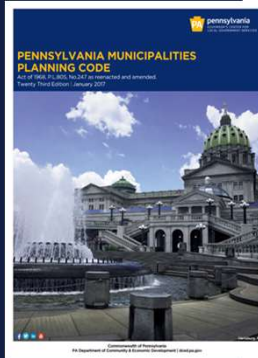
Background on HRG

- HRG is an employee-owned, full-service engineering, planning, and related services firm.
- We have several offices throughout the State of PA and one in Morgantown, WV.
- We represent many public and private sector clients.
- Several Groups – Planning and Design, Civil, Water & Wastewater, GIS, Transportation, Strategic Management and Capital Solutions, and Geomatics.
- Our Planning and Design Group works on ordinances, comprehensive plans, active transportation plans, downtown revitalization plans, park master plans, bike and ped plans, trail feasibility studies, park, recreation, and open space plans, and more!



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Background on the PA MPC



- The PA MPC is the uniform planning and land use enabling law for all municipalities and counties throughout Pennsylvania, including those under home rule (excluding the cities of Philadelphia and Pittsburgh!).
- It provides provisions and regulations for subdivision and land development ordinances, zoning ordinances, comprehensive land use planning, municipal capital improvement planning, impact fees, and municipal zoning hearing boards, including variances from a zoning ordinance.



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Zoning Ordinances

- Provisions for zoning ordinances are found in Article VI of the MPC.
- Article VI states that zoning ordinances should...
 - Be consistent with the policy goals related to the statement of community development objectives and be overall consistent with the Comprehensive Plan
 - Reflect the character of the municipality
 - Consider the needs of residents
 - Consider the sustainability and special nature of specific parts and neighborhoods of the municipality



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Zoning Ordinances

- **Article VI of the MPC also states the purposes of Zoning, which are as follows:**
 - To promote, protect, and facilitate public health, safety, and welfare
 - To encourage coordinated and practicable community development and proper density of population
 - To prevent overcrowding of land, blight, danger, and congestion in travel and transportation
 - To provide for various residential housing types
 - To accommodate reasonable overall growth
 - To preserve prime agricultural and farmlands



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Emerging Zoning Trends and Changing Needs

- **Regulation of short-term rentals and Airbnb's**
- **Animals – Chickens, ducks, bees, and goats in residential zones**
- **Accessory dwelling units**
- **Ghost kitchens**
- **Food trucks**
- **Agritourism - Wineries, Breweries, Distilleries, Events, Catering, etc.**



Source: <https://www.backyardchickencoops.com.au>



Source: <https://blakeyuri.myportfolio.com/airbnb-ad-campaign>

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Short-term Rentals

- **Airbnb's and short-term rentals can be a problem because...**
 - Could lead to loud parties and noise complaints
 - Potential for overcrowding
 - Can cause parking issues
- **There are several online services that provide short-term rental and vacation rental opportunities, including...**

Booking.com

Tripadvisor



TURNKEY

Sources: <https://www.flipkey.com> <https://www.Airbnb.com> <https://www.vrbo.com>
<https://www.turnkeyvr.com> <https://www.booking.com/> <https://www.tripadvisor.com>

HRG

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Short-term Rentals

- **There have been several court cases over the last several years within PA that have dealt with short-term rentals, vacation rentals, and Airbnb-type establishments.**
- **Based on the various outcomes of these cases, even though some favored the municipalities, Airbnb's remain quite prevalent throughout PA and are legal in PA today.**
- **Don't wait until someone challenges your ordinance or until there is an issue. Be proactive and include language in your Zoning Ordinance to address short-term rentals.**

HRG

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Short-term Rentals

- **Add and define the term “short-term rental”**
 - Add in definitions and add as a use and list where it is permitted within the Uses Table of your Zoning Ordinance – you can permit it as a use by right, conditional use, or use by special exception
 - Typically, within the definition, a period of time is placed on short-term rentals, i.e. “a dwelling or part of a dwelling that is rented for a period of time less than 30 consecutive days.”



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Short-term Rentals

- **Review your current definitions of the terms “family”, “single-family dwelling”, and/or “housekeeping unit”.**
 - The definition of family – do you want it to include or exclude tenants of short-term rentals from being considered a family?
 - Does the definition of dwelling unit include short-term rentals or not?



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Short-term Rentals in Zoning Ordinances

- A complete ban of short-term rentals could be considered exclusionary
- Think about where short-term rentals make sense within your community
 - Higher density residential districts?
 - Mixed Use Districts?
 - Neighborhood Commercial Districts?
 - Rural residential areas or farms?



Entire rental unit in Pittsburgh
Great apartment minutes from downtown!

4 guests - 1 bedroom - 2 beds - 1 bath
WiFi - Air conditioning - Kitchen

★ 4.97 (31 reviews)

\$90 / night



Entire rental unit in Pittsburgh
Eclectic 1BR Apt in Pittsburgh's Cultural District

4 guests - 1 bedroom - 1 bed - 1 bath
WiFi - Air conditioning - Kitchen

★ 4.84 (242 reviews)

\$110 / night

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Accessory Dwelling Units

- There are many version of accessory dwelling units...
 - Granny flats
 - Garage apartments (above the garage or attached to it)
 - In-law suites
 - Tiny homes
 - Stand alone, separate buildings



Source: <https://www.skyfiveproperties.com>



Source: <https://www.planetizen.com>

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Accessory Dwelling Units

- **What are some of the positive factors and benefits associated with ADUs?**
 - They allow for the efficient use of one's property.
 - They allow our younger (recent college graduates) and older (elderly parents) to remain at home affordably.
 - They promote a higher density of housing.
 - They allow for more options for families.



Source: <https://yestertec.com>



Source: <https://www.lappstructures.com>

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Accessory Dwelling Units in Zoning Ordinances

- **Define the term "accessory dwelling unit"**
- **Decide in which zoning districts they are permitted and not permitted and how they are permitted, i.e. use by right, conditional use, or use by special exception**
- **Will they be restricted to family members / blood relatives?**
 - Or, will they be able to be rented out to anyone?
 - Enforcement can also be an issue!



Source: <https://www.oregonlive.com>



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Animals

The Keeping of

Chickens
Ducks
Bees
Goats

- Many property owners in residential districts want to have backyard chickens or ducks, honeybees, and/or even goats on their properties.
- Think about what makes sense in your community. Should backyard chickens be permitted in residential zones? Should there be limits on the number?
- What about apiaries?
- Ducks? Goats?
- Where do you draw the line?
- How much land should a property owner have in order to allow these animals?



Source: <https://triblive.com>



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Animals

The Keeping of

Chickens
Ducks
Bees
Goats

- Municipalities across the Commonwealth have changed their ordinances to account for the keeping of backyard chickens.
- Many local governments have also provided guidance and regulations in their zoning ordinances concerning apiaries, ducks, and even goats.
- Think about what makes sense in your community.
 - Is this something the residents want? Will it lead to more complaints? Where do you start?



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Animals

The Keeping of

Chickens & Bees

- **Add the following terms and definitions for them.**
 - Bees: Africanized Honeybee, Apiary, Bee, Beekeeper, Colony, Flyaway Barrier, Hive, Nucleus Colony
 - Chickens: Chickens, Chicken Coop, Chicken Tractor, Rooster
- **Allow them as an accessory use to a single-family dwelling.**
- **Determine how much lot area a property should have for chickens and bees.**
 - Usually determined by so many square feet
 - Usually a limit is placed, i.e. up to but no more than 10-15 chickens



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Animals

Chicken Example

- **Allow as an accessory use; require an accessory use permit or zoning permit.**
- **First 4,000 square feet up to 3 chickens.**
- **One additional chicken allowed for every additional 2,000 square feet of lot area**
- **Maximum number of chickens: 10**
- **Setback requirements for coop, outdoor runs: 10 feet at minimum.**
- **Coop should provide 3 square feet per chicken.**
- **Roosters usually prohibited.**



Sources: <https://www.post-gazette.com> <https://www.newtribune.com> <https://observer-reporter.com>

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Animals

Apiary/Bee Example

- Accessory use permit or zoning permit required
- For the first 4,000 square feet, up to 2 hives allowed.
- Each additional 2,000 square feet, two additional hives.
- Maximum number of hives: 6
- Must be in the back yard
- Setback required: 15 feet
- Certain requirements for flyaway barriers
- Notify neighbors within 300 feet (some communities add this!)



Source: <http://meadowsweetbees.com/>

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Animals

Duck Example

- Accessory use or zoning permit required
- Must have 1 acre of land (typically more noisy, dirty, and odorous than chickens)
- No more than 5 ducks per property
- Must be contained on owner's property
- Setback requirement of at least 25 feet for duck waste collection and storage
- Not permitted in apartment and townhome communities



Source: <https://www.baltimoresun.com>



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Animals

Goat Example

- Accessory use or zoning permit required
- Define miniature goat and adult goat
- Two miniature goats for the first 4,000 square feet
- Half an acre lot or more, can have two adult goats
- Must be contained on owner's property
- Setback requirement of at least 25 feet for any waste collection and storage
- Add language re: temporary goats used to remove vegetation on vacant lots



Source: alleghenygoatscape.org

23

Ghost Kitchens

- **Definition:** a commercial cooking space with no dine-in option
- Also known as "dark kitchens"
- Commercial kitchens created and utilized only for online food delivery services like DoorDash, UberEats, and GrubHub
- No wait staff, seating, or storefront
- Provides opportunities for multiple ghost kitchens to work under one roof/shared space
- Must adhere to local zoning laws, food and safety laws, and kitchen rules/regulations that include fire suppression and ventilation
- Ideal for dense, urban areas
- Some municipalities require specific permits, applications, and fees



Source: <https://order.guysflavortownkitchen.com/>



Source: Ghost Chicken Kitchen Facebook Page

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Food Trucks

The City of Pittsburgh requires a Mobile Vehicle Vendor License for anyone selling food or goods from an approved vending vehicle on public parking.



- Food trucks have increased in popularity over the last several years.
- Many ordinances now include definitions specific to food trucks and include supplemental regulations for them.
- Many municipalities are implementing permits, fees, and mobile vendor license requirements that must be paid and approved prior to food truck operation.
- In many areas, food trucks are only allowed on specific streets or in specified neighborhoods. Some may allow them to park on the street or certain streets.



Source: Blue Sparrow Instagram: @bluesparrowpgh



Source: <https://www.facebook.com/PghPierogiTruck/>

25

Pop-Up / Temporary Events

- **Definition: a temporary event hosted in unique venues ranging from temporary fixtures in open, public spaces to unused retail or commercial space, in yards, or on private property.**
 - May include parades, runs/walks, street fairs, block parties, rallies, protests, food truck collectives, boutiques, etc.
- Pop-up events require a permit or application fee.
- Must submit said permit or application at least 30 days before the event.
- Liquor license is required if serving alcohol.
- Insurance is required at the discretion of the municipality.
- Parade routes must be approved by Police Chief.
- Street closures must be approved by the Police and Fire Chiefs.



Sources: <https://triblive.com> <https://www.pghcitypaper.com> <https://www.clubcycle.com/pop-up/>

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Outdoor Dining

- Many municipalities began to permit or allow expansion of outdoor dining during COVID-19.
- Allow restaurants to expand existing sidewalk cafes via temporary license applications.
- Associated fixtures like railings, potted plants, decorations, etc. must be non-permanent.
- Tables, chairs, umbrellas, canopies, and awnings must all be uniform design.



Source: <https://nextpittsburgh.com>

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Curbside Pickup and Designated Delivery Areas

- Have become increasingly popular with delivery apps and online ordering, and even more so because of COVID-19.
- Some cities, like Seattle, are converting parking spaces near restaurants into pick-up loading zones for customers.
- Option: Treat these as accessory use with conditional use criteria to develop the desired regulations.
 - Utilize key design features such as painting, chalk, signage, or traffic tape to clearly delineate the spaces.
 - Determine parking time limits for spaces.
 - Choose a location that does not interfere with emergency access and pedestrian crossing.



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Catering and Event Venues

- **Add definition**
 - A facility that provides a location for a planned occasion or activity, such as a wedding, reunion, graduation, or other social gathering. Event halls, when authorized, may sometimes include a catering use.
- **Principal and accessory use? Will it be permitted by right, conditional use, or use by special exception?**
- **What will the criteria and conditions be?**
 - Area and bulk requirements
 - Noise
 - Traffic, parking – require a traffic study or a trip generation letter?
 - Demonstrate compliance with other applicable laws and regulations at the federal, state, county, and local levels



Source: <https://cfe-news.com/>
<https://www.weddingwire.com/>

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Cryptocurrency Mining

- **The operation of specialized computer equipment for the purpose of mining one or more blockchain-based cryptocurrencies, such as Bitcoin.**
- **This activity typically involves the solving of algorithms as part of the development and maintenance of a blockchain which is a type of distributed ledger maintained on a peer-to-peer network.**
- **Typical physical characteristics of cryptocurrency mining include specialized computer hardware for mining operations as well as equipment to cool the hardware and operating space.**
- **Usually in industrial or manufacturing zoning districts and treated as a conditional use or special exception**



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Cryptocurrency Mining

- **Important regulations to consider..**
 - Noise
 - Types of structures allowed in - cargo containers, railroad cars, warehouse
 - Suitable electrical infrastructure and capacity and should not cause any interference
 - Use of magnetic fields
 - Requirement to purchase or develop renewable energy to offset electricity consumed
 - Electronic waste disposal should be handled by a DEQ-licensed electronic waste recycling firm



Source: Bitcoin Wikipedia

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Agritourism

- **Add a definition...**
 - The practice of attracting travelers or visitors to an area or areas used primarily for agricultural purposes, including but not limited to overnight stays (lodging and camping), special events and festivals, recreation activities and events, fresh products and value-added products, tourism-enhanced direct marketing, and/or education. Agritourism may serve as a supplementary, complimentary, or primary enterprise of the area(s).



Source: <https://www.weddingwire.com/>



Source: <https://goodfoodpittsburgh.com/>

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Agritourism

- In what zoning districts should it be allowed?
- Should you permit it as a use by right, conditional use, or use by special exception?
- Is this a principal and accessory use?
- What concerns are important for the requirements?
 - Area and bulk requirements
 - Buffers
 - Traffic and Circulation
 - Parking
 - Noise
 - Operating Hours
 - Compliance with other applicable regulations



33

Breweries, Wineries, and Distilleries

- Terms to add and define...
 - Brewery
 - Brewpub
 - Distillery
 - Micro-Brewery
 - Micro-Distillery
 - Tasting Room
 - Winery



Source: <https://www.discovertheburgh.com/>



Source: <https://triblive.com/>

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Breweries, Wineries, and Distilleries

- **In what zoning districts should these uses be allowed?**
- **Permit as a use by right, conditional use, or use by special exception?**
- **Principal and accessory use?**
- **What concerns are important for the requirements?**
 - Area and bulk requirements
 - Buffers
 - Traffic
 - Parking
 - Noise
 - Compliance with other applicable regulations
 - Operating hours
 - Indoor and outdoor display areas



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What can your municipality do?

- **Review your zoning ordinance for areas that could be updated or improved to stay current with trends and new ideas**
- **Understand what fits and makes sense in YOUR community**
- **Think outside the box**
- **Do your research**
- **Examine case law/solicitor review**
- **Develop a plan of action and execute it**
- **Engage key stakeholders**



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Zoning Amendment Process

- **A governing body can take legislative action to adopt, amend, or repeal a land use ordinance at any time, provided the following occur:**
 - Proper notice to the public
 - Required Review by County Planning Agency
 - Adherence to all procedures as outlined in the MPC
- **PA MPC provides guidance and steps for the process of completing an Amendment to your Zoning Ordinance (as opposed to a full re-write)**



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Zoning Amendment Process

- **First and foremost,**
 - Municipal staff, the solicitor, consultants, the planning commission, and the governing body should work together on research and define policies and issues on topic areas.
 - Consensus among staff and the various boards and commissions should be developed before proceeding with a zoning amendment.



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Zoning Amendment Process

- **The PA MPC requires the following:**
 - The Planning Commission reviews the draft ordinance amendment and recommends approval to the Governing Body
 - The Governing Body submits the draft ordinance to the County Planning Agency for review and comment, at least 30 days prior to the public hearing
 - Public Notice: The Governing Body publishes the proposed amendment in the newspaper as well as the date of the public hearing – not more than 60 days nor less than seven days prior to passage
 - The advertisement can be a summary of the proposed ordinance (or the full-text version)
 - Once adopted, a copy of the amendment should be sent to the County Planning Agency within 30 days



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Potential Funding Sources

- **Local Share Account (LSA) – Select Counties with Gaming Fund Revenues – Fayette, Lehigh, Luzerne, Monroe, Northampton, Philadelphia, & Washington Counties** \$
 - May be used for economic development, neighborhood revitalization, community improvements, and planning related projects.
- **Municipal Assistance Program (MAP) – DCED – Statewide**
 - Community Planning grants available for comprehensive plans, land use ordinances, etc.
- **Other Sources**
 - County Government
 - Regional Planning Commission or Regional MPO



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THANK YOU!

CONTACT INFO:

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Lori Morgan, AICP
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Memo

To: Westtown Township Planning Commission
From: Liudmila Carter, Director of Planning & Zoning
Date: January 12, 2024
Re: Ordinance Amendments – Managed Meadow

Enclosed are two redlined documents with proposed draft ordinance language in an effort to exempt landscaping areas that have been converted from traditional grass lawn from the Property Maintenance Code, which prohibits grass in excess of 10 inches. In most cases, such conversion results in issuance of violations if the Zoning Officer was to receive a complaint about a property. Below are potential options for addressing the issue:

1. Amend Section 170-1507, Landscaping and site design, under Article XV General Regulations.

The Planning Commission has previously reviewed the proposed language and provided a favorable recommendation to the Board of Supervisors. The main concerns that have been raised by the Commission and incorporated into the draft were:

- a. Yard and setback requirements for buildings and structures, public right-of-ways, sidewalks, trails, pedestrian routes, parking areas, fences and property lines.
- b. Mowing requirement.
- c. Requirement for a site plan to be provided by the property owner upon request with details on the composition of the meadow.

2. Amend Chapter 54, Brush, Grass and Weeds, of the Township Code.

Mr. Foster raised several concerns about the proposed zoning ordinance changes and provided suggestion to exempt “areas of natural vegetation” as enclosed.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 170-201 **Definitions.**

MANAGED MEADOW

An area intentionally planted or maintained with herbaceous plant material primarily composed of native species. A managed meadow shall be kept free of species identified in the most recent Noxious Weed Control Law and Invasive Plants List adopted by the Pennsylvania Department of Agriculture. Both are incorporated herein by reference.

§ 170-1507 **Landscaping and site design.**

- A. Any portion of a lot, site, or tract which is not used for buildings or structures, loading or parking spaces and aisles, or other impervious surfaces or designated storage areas shall be planted with an all-season ground cover. A major objective for such ground cover shall be to prevent soil erosion and sedimentation off the site.
- B. Any use or activity proposed as part of a subdivision or land development shall further comply with the requirements for shade trees, street trees, and other landscaping components stipulated in Chapter 149, Subdivision and Land Development.
- C. There shall be no plantings, ground cover or other objects placed within the road right-of-way above 18 inches in height.

D. Managed Meadows may be used as all-season groundcover to satisfy the requirements of Subsection (A).

(1) Plantings that meet the definition of Managed Meadows are specifically excluded from the definition of “nuisance” in Chapter 54, Brush, Grass and Weeds, and “weeds” in Chapter 126, Property Maintenance, of the Westtown Township Code. Whether plantings meet the definition of Managed Meadows is within the sound discretion of the municipality.

(2) Managed meadows shall only be permitted within the side or rear yards.

(3) Managed meadows shall not be permitted within 10 feet of public rights of way, sidewalks, trails, pedestrian routes, parking areas, fences or property lines.

(4) Managed meadows shall not be permitted within 25 feet of buildings or structures.

(5) Managed meadows shall be mowed at least once per year and are kept free of woody species.

(6) Managed meadows shall not be permitted within any clear sight triangle.

(7) Upon request by the Township, the owner of managed meadow shall provide a plan with details on the composition of the meadow, including list of plantings, their location and approximate quantity, and ongoing measures for managing invasive plant species within the meadow area.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 54

Brush, Grass and Weeds

[HISTORY: Adopted by the Board of Supervisors of the Township of Westtown 4-5-1965 by Ord. No. 65-1. Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 126.

§ 54-1 Nuisances prohibited.

[Amended 11-18-2013 by Ord. No. 2013-2]

A. Between the dates of May 1 and September 30 of any year, no person, firm, corporation or other entity owning or occupying any land within the Township of Westtown shall allow any grass, weeds or other vegetation whatsoever, which is not normally considered edible or planted and maintained for some useful or ornamental purpose, to grow or remain upon such land uncontrolled, to cause any unpleasant or obnoxious odor, to conceal any filthy deposit, to provide a place for the accumulation of garbage or rubbish, to produce any obnoxious pollen or seed, or to provide a breeding place for insects. Any such grass, weeds or vegetation growing upon any land in the Township in violation of the provisions of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness, comfort and general welfare of the citizens of the Township.

(1) Areas of natural vegetation that support important beneficial purposes to include preservation of floodplains, wetlands, riparian buffers, wildlife habitat, scenic vistas or similar ecological attributes that promote the health, safety, cleanliness, comfort and general welfare of the citizens of the Township are exempt from this Section.

B. Bamboo is a group of perennial evergreens in the true grass family (Poaceae) and typically can be categorized as either a "clumping" or "running" type. Certain of the more than 1,450 species of running bamboo can be invasive and can grow to 40 feet in height. The Board of Supervisors has, therefore, determined that bamboo species, including, but not limited to, Bambuseae, Phyllostachys and Pseudosasa, including Common Bamboo, Golden Bamboo and Arrow Bamboo, shall be declared to be a nuisance and shall be maintained only as follows: **[Amended 10-18-2021 by Ord. No. 2021-09]**

- (1) Bamboo shall not be planted, maintained or otherwise be permitted to exist within 40 feet of the edge of the pavement or traveled portion of any public roadway in the Township; and
- (2) Bamboo planted or growing on a property shall not be permitted to encroach or grow upon adjoining or neighboring properties, including public property and Township rights-of-way, and shall not spread beyond the property lines of the property where it has been planted, grown, or permitted to remain.

§ 54-2 Responsibility of owners and occupants.

[Amended 8-6-2001 by Ord. No. 2001-5; 11-18-2013 by Ord. No. 2013-2]

A. The owner of any premises which is vacant or occupied by the owner and the occupant of any premises occupied by other than the owner thereof shall remove, trim, cut or otherwise control all grass, weeds or other vegetation growing or remaining upon such owned or occupied premises in violation of the provisions of § 54-1A of this chapter. It shall be the duty of all owners and occupiers of lands owned or

occupied by them to keep the same in good order and to keep all fields, yards, lots and other open areas mowed and trimmed and the same shall be mowed once before June 15 and again before October 1 of each and every year.

- B. Property owners or occupants of properties containing bamboo in violation of the prohibition set forth in § **54-1B(1)** of this chapter shall remove and abate the growth of the bamboo within 40 feet of the edge of the pavement or the traveled portion of a public road within the Township and shall keep the same in good order and free of bamboo at all times. [**Amended 10-18-2021 by Ord. No. 2021-09**]
- C. Property owners who plant, grow, or permit bamboo to remain on their property are herein considered to be "bamboo owners" and shall be required to take such measures as are reasonably expected to prevent bamboo from encroaching or growing onto adjoining or neighboring properties. Such measures shall include, but are not limited to, regular removal of new bamboo growth, and/or installation of sheathing comprised of metal, plastic, or other material impenetrable by bamboo at a sufficient depth and height within the property line or lines where the bamboo is planted or is growing to prevent such growth or encroachment upon adjoining or neighboring properties. [**Added 10-18-2021 by Ord. No. 2021-09**]
- (1) In the event that bamboo growing on a property encroaches or grows onto an adjoining or neighboring property that is owned or held on behalf of the Township, the Township shall notify the bamboo owner, in writing, that the bamboo has invaded the Township property and require the removal of such bamboo from the Township property.
- (2) In the event that the property owner does not remove or contract for the removal of the bamboo from the Township property, or does not make an arrangement with the Township for removal of such bamboo within 30 days from the date the Township first provided notice pursuant to the above, the Township, at its discretion, may remove or arrange for the removal of such bamboo from the Township property and the property owner shall be liable and responsible to the Township for all costs incurred in removing the bamboo from the Township property.

§ 54-3 Notice; failure to comply; work to be done by Township.
[**Amended 11-18-2013 by Ord. No. 2013-2**]

The Supervisors of the Township or their duly authorized agents are hereby authorized to give notice by personal service or by United States mail directed to the last known address of the owner or occupant, as the case may be, of any lands whereon bamboo, grass, weeds or other vegetation is growing or remaining in violation of the provisions of §§ **54-1** and **54-2** of this chapter and directing such occupant or owner to remove, mow, cut or trim such bamboo, grass, weeds or vegetation so as to conform to the requirements of this chapter. The owner or occupant shall conform to the directions of the notice within five days after the issuance thereof. In the event that any person, firm, corporation or other entity so notified shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Township or its authorized agents may remove, trim, cut or mow such bamboo, grass, weeds or other vegetation, and the cost of such removal, trimming, cutting or mowing, together with the additional penalty provided by law, may be collected by the Township from such person, firm, corporation or other entity in the manner provided by law, including the placing of a municipal lien on the offending property.

§ 54-4 Violations and penalties.
[**Amended 10-18-2021 by Ord. No. 2021-09**]

Any person who violates or permits a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Justice, pay a fine of not more than \$600, plus all court costs, including reasonable counsel fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may

enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

DRAFT