

# WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING AGENDA

Wednesday, February 7, 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](mailto:administration@westtown.org).

## Call to Order and Pledge of Allegiance

## Adoption of Agenda

## Approval of Minutes

Planning Commission Meeting January 17, 2024

## Announcements

1. Public hearing for amendments to Chapter 170, Article XVII, Off-Street Parking and Loading has been scheduled for February 20, 2024.
2. Public hearing for amendments to Chapter 63, Open Burning has been scheduled for February 20, 2024.

## Public Comment – Non-Agenda Items

## New Business

### **1. ZHB Application – 1115 S Concord Road**

The applicant, David Brown, owner and resident of 1115 S Concord Road, has submitted a ZHB application to request special exception for construction of an accessory dwelling unit and a variance to encroach 15 feet into the mandated side yard setback. Section 170-1603 of the Township Zoning Code permits creation of accessory dwelling units. The ZHB hearing date is TBD.

### **2. ZHB Application – 109 Piper Lane**

The applicant, Steven Dinkel, co-owner and resident of 109 Piper Lane, has submitted a ZHB application to request relief to permit a new in-ground swimming pool to encroach 9 feet into the mandated side yard setback. Sections 170-1502.G and 170-1611.B of the Township Zoning Code require swimming pools to be located at least 25 feet from any lot line, measured from the edge of the water. The ZHB hearing is scheduled for February 22, 2024.

### **3. Planning Commission Report 2023**

Review of the draft annual report of completed activities and priorities for the next year.

## Old Business

### **1. Ordinance Amendments – Off-Street Parking**

Planning Commission has provided favorable recommendations to the proposed changes to Chapter 170, Article XVII, Off-Street Parking and Loading. The Board has authorized Act 247 review and scheduled a public hearing. The review by the Chester County Planning Commission is pending.

### **2. Priorities for 2024 and Joint Meeting Preparation**

Finalize a list of discussion items for the joint meeting with the Board.

Public Comment

Reports

1. Environmental Advisory Council January 23, 2024 – Russ Hatton
2. Board of Supervisors Meeting February 5, 2024 – Jim Lees

Adjournment

Next PC Meeting:

- **February 21, 2024, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Tuesday February 20, 2024, 7:30 PM** – Brian Knaub/Joe Frisco

## **ZONING HEARING BOARD APPLICATION SUMMARY**

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ZHB Case: #2023-11  
Date: February 2, 2024  
From: Liudmila Carter, Director of Planning & Zoning

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APPLICANT: David Brown  
ADDRESS: 1115 S Concord Road, West Chester, PA 19382  
UPI: 67-4H-4  
HEARING DATE: TBD

### **REQUEST**

The applicant is seeking a special exception to allow the construction of an accessory dwelling unit (ADU) that will be located on the second floor of a new 2-car garage, which proposed to be connected to the existing house via breezeway, and a variance from side yard setback related to this new addition.

### **LOCATION AND DESCRIPTION OF SITE**

The subject property is a 1.2 acre parcel with an UPI. 67-4H-4 located of S Concord Road in the R-1 Residential Zoning District. The property address and the mailing address per County records is 1115 S Concord Road, West Chester, PA 19382. The property is improved with a single-family detached dwelling, which is serviced by public water and on-lot sewage system.

### **APPLICATION**

The applicant submitted application on November 18, 2023 for special exception to allow for an accessory dwelling unit (ADU) and a variance. The ADU will be located on the second floor of a new 2-car garage which will have internal stairs leading to the ADU. The total living area of the new ADU is under 1,152 square feet and includes an open concept living room with a kitchen, 2 bedrooms, a bathroom and a laundry room. The proposed garage includes bathroom and will be connected to the house via a covered breezeway. The addition encroaches 15 feet into the mandated side yard setback. A dimensional variance is being requested for the encroachment. The request is for special exception and variance from the following Sections:

1. Section 170-501.B(5) Use regulations to allow accessory dwelling by special exception.
2. Section 170-602.B(6) Area and bulk regulations for side yards of 25 feet minimum.

### **ZONING RELIEF STANDARDS**

General standards for the granting of special exceptions are contained within 170-2108 of the Township Zoning Code and are attached to this report as Attachment A (page 2).

Specific standards for accessory dwelling units are contained within 170-1603.A of the Township Zoning Code and are attached to this report as Attachment B (page 4).

Specific standards for area and bulk regulations for single-family homes in the R-1 Residential District are contained within 170-602.B of the Township Zoning Code and are attached to this report as Attachment C (page 5).

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission will review this application at their meeting on February 7, 2024.

## **Attachment A.**

### **§ 170-2108 Special exceptions.**

*[Amended 3-3-2003 by Ord. No. 2003-2]*

Where this chapter has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the chapter, as it may deem necessary to implement the purposes of this chapter. The procedures for acting on a special exception request shall be the same as those specified for variances under § **170-2107**, except that the findings contained in Subsections **A(5)(a)** through (e) of § **170-2107** shall not be applicable. Where any use or any applicable design criteria subject to conditional use approval also is a part of an overall land development plan subject to application for approval of a special exception, such use or design criteria may be considered for approval by the Zoning Hearing Board as part of the applicable special exception application in lieu of separate submission of an application for conditional use approval. Similarly, where any use or any applicable design criteria subject to special exception approval also is a part of an overall land development plan subject to application for conditional use approval, such use or design criteria may be considered for approval by the Board of Supervisors as part of the applicable conditional use application in lieu of separate submission of an application for approval of a special exception.

- A. Application shall be made in writing, indicating the section of this chapter under which an exception is sought. The application shall include a reasonably exact, dimensional sketch showing the placement and use of the proposed buildings and details of parking, loading, lighting, utility systems, sidewalks, and other pedestrian areas, including those within 250 feet of adjoining properties or structures.
- B. Further, a description of the uses proposed shall be included in sufficient detail so that potentially detrimental impacts, if any, can be determined.
- C. The Board shall hear and decide all requests for special exceptions, as identified within this chapter, in accordance with the following standards and criteria:
  - (1) Relationship to the Comprehensive Plan. Consideration of the size, scope, extent, and character of the proposed special exception and assurance that such proposal is consistent with the purposes and objectives of the Westtown Township Comprehensive Plan, including protection and promotion of the public health, safety, and welfare.
  - (2) Suitability of the tract. Consideration of the suitability of the proposed tract including, as applicable, environmental conditions, highway access, and availability of sewer and water service, and of the extent to which the proposed use is susceptible to regulatory restriction through the imposition of appropriate conditions.
  - (3) Impact on existing neighborhood character. Consideration of the extent to which the proposed special exception will alter unduly the character of the existing neighborhood and adjacent tracts, and the effectiveness of proposed or potential mitigation measures; consideration of the character and type of development in the area surrounding the location of the proposed special exception, and a determination that the proposal, if approved, will constitute an appropriate use in the area.
  - (4) Impact on circulation. Consideration of the effects the proposed special exception may have on traffic patterns and volumes, access, and parking.
  - (5) Economic impact. Consideration of the character and type of development proposed in terms of generating revenue for the Township and imposing demands on municipal services.

- D. Persons with disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this chapter that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable federal law to provide a reasonable accommodation to serve persons who the applicant proves have disabilities as defined in and protected by such laws.
- (1) Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
  - (2) If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this chapter necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
  - (3) Any modification approved under this section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.

**Attachment B.**

**§ 170-1603 Accessory uses and structures.**

**[Amended 3-3-2003 by Ord. No. 2003-2]**

Uses considered customarily accessory and incidental to any permitted use under this chapter shall include those generally provided for within the various zoning districts. In addition, the uses listed herein shall specifically be deemed accessory in accordance with the following terms:

**A. Accessory dwellings. [Amended 9-15-2008 by Ord. No. 2008-1; 5-21-2012 by Ord. No. 2012-5]**

- (1) Specific intent. In allowing opportunities for the creation of accessory dwelling units, it is the specific intent of this subsection to address directly the housing needs of small households to make more efficient use of the Township's existing building stock and infrastructure.
- (2) Standards for accessory dwellings. Where authorized as a special exception under the terms of this chapter, accessory dwellings may be created in accordance with the following standards:
  - (a) There shall not be more than one accessory dwelling unit created on any single-family residential lot.
  - (b) The accessory dwelling unit may be located in the principal dwelling or in a structure which is accessory to the principal dwelling and is located on the same single-family residential lot.
  - (c) One of the two dwelling units shall be occupied by the owner of the lot on which both dwelling units are located.
  - (d) The accessory dwelling unit shall be occupied only by members of the family of the occupants of the principal dwelling or those providing care or services to the occupants of the principal dwelling unit.
  - (e) The minimum size of an accessory dwelling shall be 500 square feet of gross habitable area. The accessory dwelling shall comprise not more than 35% of the gross habitable area of the principal dwelling prior to creation of the accessory dwelling. However, in no case shall the accessory dwelling exceed 1,200 square feet, not including any vehicle garage space.
  - (f) No other alterations to the exterior of the structure shall be permitted unless necessary for health or safety reasons. No exterior changes shall be made which, in the judgment of the Zoning Hearing Board, are not in conformance with the existing single-family character of the neighborhood.
  - (g) Except where an off-site sewage system is available, the applicant shall submit to the Township a permit for an on-site sewage disposal system issued by the Chester County Health Department, certifying that the sewage disposal facilities are adequate for the projected number of residents. Where the existing on-site system is found to be inadequate, by the Department, to serve the projected demand, no approval shall be given for the accessory dwelling unit until the system is improved to meet Health Department requirements and a permit is issued by the Department.
  - (h) One off-street parking space shall be required for the accessory dwelling unit in addition to those required for the principal dwelling. The additional parking space shall not be located within any required yard area.
  - (i) To ensure compliance with this chapter, an architectural plan shall be submitted, accurately drawn to scale, indicating the location and size of the existing and proposed dwelling units, parking areas and any proposed exterior alterations.
  - (j) All accessory dwelling units in the Township shall be subject to the requirements of §§ 170-2004, 170-2005 and 170-2006 relating to use and occupancy permits.

**Attachment C.**

**§ 170-602 Area and bulk regulations.**

**[Amended 5-1-1995 by Ord. No. 95-2; 3-3-2003 by Ord. No. 2003-2; 5-2-2005 by Ord. No. 2005-4; 4-4-2022 by Ord. No. 2022-02]**

- A. The maximum density of use on any tract within the R-1 District shall be as determined by § **170-1519B** of this chapter.
- B. Single-family detached dwellings.
  - (1) Lot size: one acre minimum.
  - (2) Lot width at building: 150 feet minimum setback line.
  - (3) Lot width at street line: 50 feet minimum, except 250 feet minimum at the future right-of-way lines of Routes 202, 352, 3, or 926, if the lot would have direct access onto any of these routes.
  - (4) Impervious coverage: 20% maximum.
  - (5) Minimum building setback line: 60 feet minimum, except:
    - (a) No structure shall be located within 100 feet of the future right-of-way line of Route 202 or Route 3. This requirement shall be reduced to 60 feet minimum for lots of record existing prior to the adoption of this chapter that have a lot depth from the future right-of-way line of Route 202 or Route 3 of less than 150 feet.
    - (b) The land within this required setback may be accepted as part of the requirements for open space of this chapter and Chapter **149**, Subdivision of Land.
  - (6) Side yards: 25 feet minimum.
  - (7) Rear yard: 50 feet minimum.
  - (8) Maximum building height: three stories, not to exceed 38 feet.
- C. Agricultural use: as required by the standards in § **170-1609** of this chapter.
- D. Residential development as per flexible development procedure: as required by the standards in Article **IX** of this chapter.
- E. Uses by special exception: as required by § **170-702E** of this chapter.
- F. Accessory uses: Accessory uses may be located in side and rear yards, but only in conformance with the standards of § **170-1502** of this chapter.
- G. Conditional uses: Residential conditional uses, as applicable, shall conform to the standards for single-family detached dwellings in § **170-602B** above. Nonresidential conditional uses shall conform to the standards for nonresidential uses in Article **VII**, § **170-702E**, of this chapter.

David Brown  
1115 S Concord Road  
West Chester, Pa 19382

At 1115 S Concord Road, we are proposing to construct a 2 car detached garage with living space above and locating it at the head of the driveway to the right of the home.

Our property at 1115 S Concord is unique that the primary home was built offset to the right side of the property making the building envelope not symmetrical. The property is also much narrower left to right as it is long limiting buildable room on the sides.

We are proposing to construct the garage 10 feet from the side of the property. The garage will be 32 wide by 36 deep. If we place the garage within the setback of 25 feet then the garage would end behind the home and make it not functional.

The property currently is fairly wooded on that side and this would not impede on the neighbors property any different than the current trees that are there.

We have done extensive work on our property since purchase in 2020 thus improving the look, character and value of the surrounding homes and neighborhood. We will carry out that same theme with the garage making it aesthetically pleasing.

The request for the 10ft side setback to construct the garage will place the left side of the garage at the corner of the primary home.



David Brown  
1115 S Concord Road  
West Chester, Pa 19382

At 1115 S Concord Road, we are proposing to allow for an ADU above a new 2 car garage. This will allow our parents to be close by to help care for them. The living space above will be an open kitchen/living area, one bedroom, one office area and a bathroom. This space will approximately 1000 square feet(below the 1200 maximum). The garage will have a front garage door access at head of driveway allowing to stay compliant with the ADU requirement. The ADU will have a separate single area septic system in the rear of the yard already scoped by CM Kristman.

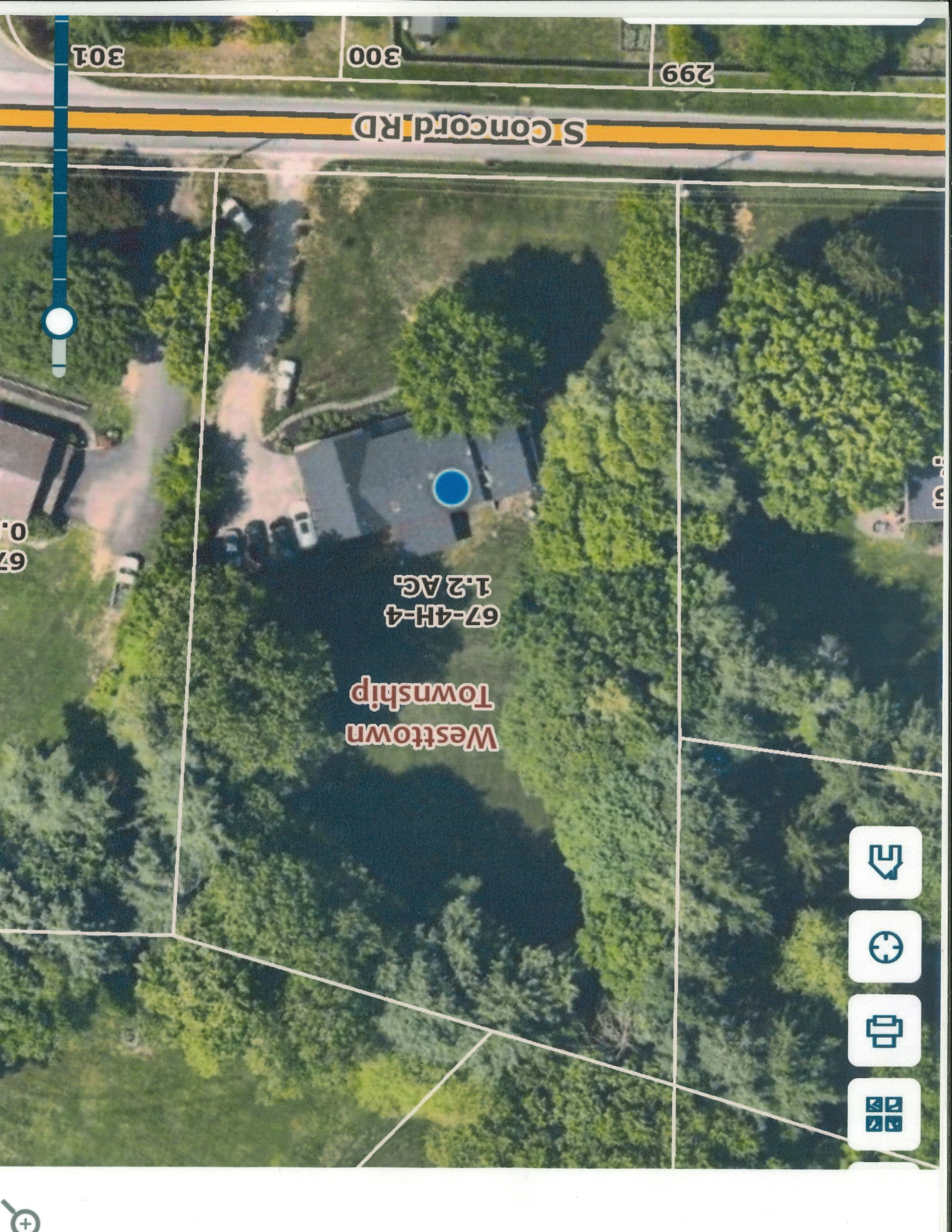
We have done extensive work on our property since purchase in 2020 thus improving the look, character and value of the surrounding homes and neighborhood. We will carry out that same theme with the garage making it aesthetically pleasing











S Concord Rd

299

300

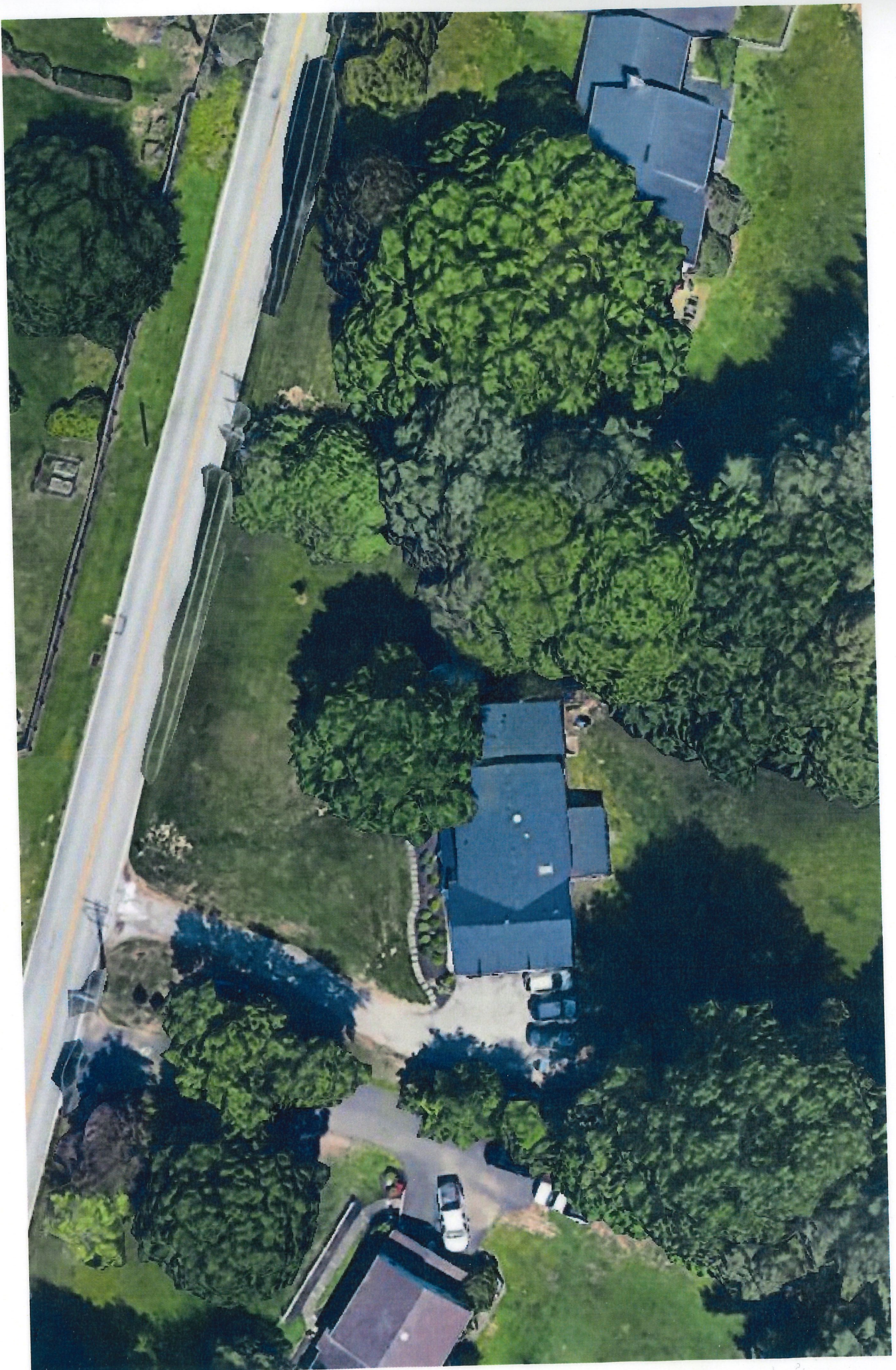
301

67-4H-4  
1.2 AC.

Westtown  
Township









NOTICE: Contact Municipal Codes Enforcement Officer for Erosion Control Requirements

# PERMIT

# SEE ADDENDUM

For

## INSTALLATION OF SEWAGE DISPOSAL SYSTEM

Pursuant to Application for Sewage Disposal System Number: 152165-23-S00666

a permit is hereby issued to:

Dave Brown  
Name of Applicant 6108129909  
Telephone Number

1115 S CONCORD RD, West Chester, PA 19382  
Address of Applicant 1  
# of Bedrooms 400 gpd  
Sewage Flow

1115 S CONCORD RD, WESTTOWN, PA 19382  
Site Address Westtown Township  
Municipality 67-4H-4  
Tax Parcel ID #

This permit issued under the provision of the "Pennsylvania Sewage Facilities Act", the Act of January 24, 1966 (P.L. 1535), as amended, is subject to the following conditions:

1. Except as otherwise provided by the Act or Regulations of the Pennsylvania Department of Environmental Protection no part of the installation shall be covered until inspected by the approving body and approval to use is granted in writing below as per Section 7(b) (3) of the Act.
2. This Permit may be revoked for the reasons set forth in Section 7 (b)(6) of the Act.
3. This Permit expires on 01/24/2027 unless construction of the building and system has commenced.
4. This Permit does not remove the necessity for obtaining Municipal building and/or zoning Permits. THIS PERMIT NOT TRANSFERABLE UNLESS APPROVED BY CHESTER COUNTY HEALTH DEPARTMENT.
5. Notify this Department at (610) 344-6526 or (610) 344-6688 upon starting construction of house and sewage system.
6. Obtain prior approval from this Department for any changes, revisions, deviations, etc.

**Additional Conditions:**

- A. As a condition of the Permit a timely private laboratory analysis of a representative sample of sandy fill material proposed to be used in the sewage system must be submitted. The analysis report must give the name of the proposed supplier and must indicate that the sandy fill material complies with Section 73.55(c), Chapter 73, Title 25 of the Pennsylvania Code.
- B. Restriction on sand placement due to improper soil conditions: 1) Sand shall not be placed on ground that has a high moisture content due to seasonal weather conditions; 2) Sand shall not be placed on ground that is partially or completely frozen.
- C. Restriction on drip tubing or At-Grade gravel placement due to improper soil conditions: 1) shall not be placed on ground that has a high moisture content due to seasonal weather conditions; 2) shall not be placed on ground that is partially or completely frozen.

**Approval to Use**

**Date of Issuance of Permit** 01/24/2024

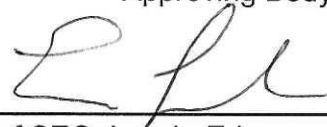
MAINTAIN ALL MINIMUM ISOLATION DISTANCES

INSTALL SYSTEM FOLLOWING NATURAL GROUND CONTOUR

Signature of Enforcement Officer

CHESTER COUNTY HEALTH DEPARTMENT

Approving Body



Date

Signature of SEO: Lynch, Eric

The basis for the issuance of this Permit is the information supplied in the Application for the Sewage Disposal System Permit. The Permit only indicates that the issuing authority is satisfied that the design and installation of the Sewage Disposal System is in accordance with the Rules, Regulations, and Standards of the Pennsylvania Sewage Facilities Act, the Act of January 24, 1966 (P.L. 1535), as amended. The issuance of a Permit shall not preclude the enforcement of other health laws, ordinances or regulations in the case of malfunctioning of the system.

**TO BE POSTED AT THE BUILDING SITE**

Dave Brown  
1115 S Concord Road  
West Chester, Pa 19382

1/1/2024

For applications for special exceptions (as it relates to the proposed ADU), the applicant is required to provide a narrative that addresses the following items:

- (1) Relationship to the [Comprehensive Plan](#). Consideration of the size, scope, extent, and character of the proposed special exception and assurance that such proposal is consistent with the purposes and objectives of the Westtown Township Comprehensive Plan, including protection and promotion of the public health, safety, and welfare.

**(A) In regards to the relationship to the Comprehensive Plan, our proposed ADU is consistent with the purposes and objectives of the Westtown Township Comprehensive Plan. This is a small additional footprint added to the primary residence**

- (2) Suitability of the tract. Consideration of the suitability of the proposed tract including, as applicable, environmental conditions, highway access, and availability of sewer and water service, and of the extent to which the proposed use is susceptible to regulatory restriction through the imposition of appropriate conditions.

**(A) In regards to the suitability of the tract the only items applicable include the water and on site septic. There is public water available and on site septic is proposed and approved in this application.**

- (3) Impact on existing neighborhood character. Consideration of the extent to which the proposed special exception will alter unduly the character of the existing neighborhood and adjacent tracts, and the effectiveness of proposed or potential mitigation measures; consideration of the character and type of development in the area surrounding the location of the proposed special exception, and a determination that the proposal, if approved, will constitute an appropriate use in the area.

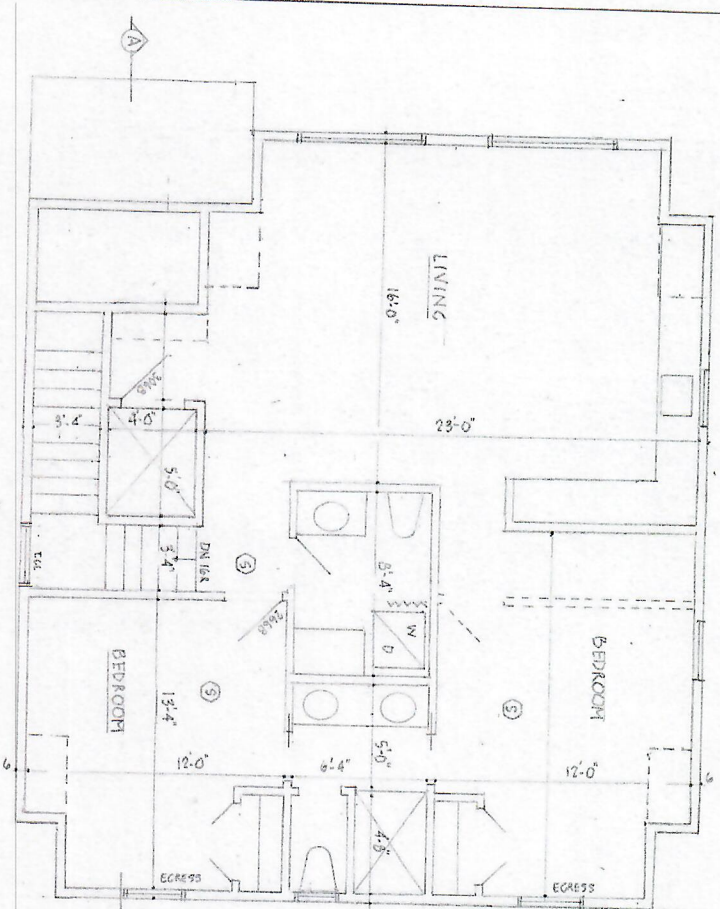
**(A) Our proposal will not have any negative impact on the neighborhood character. We have taken great pride in making our home appeal to Westtown in a positive manner**

(4) Impact on circulation. Consideration of the effects the proposed special exception may have on traffic patterns and volumes, access, and parking.

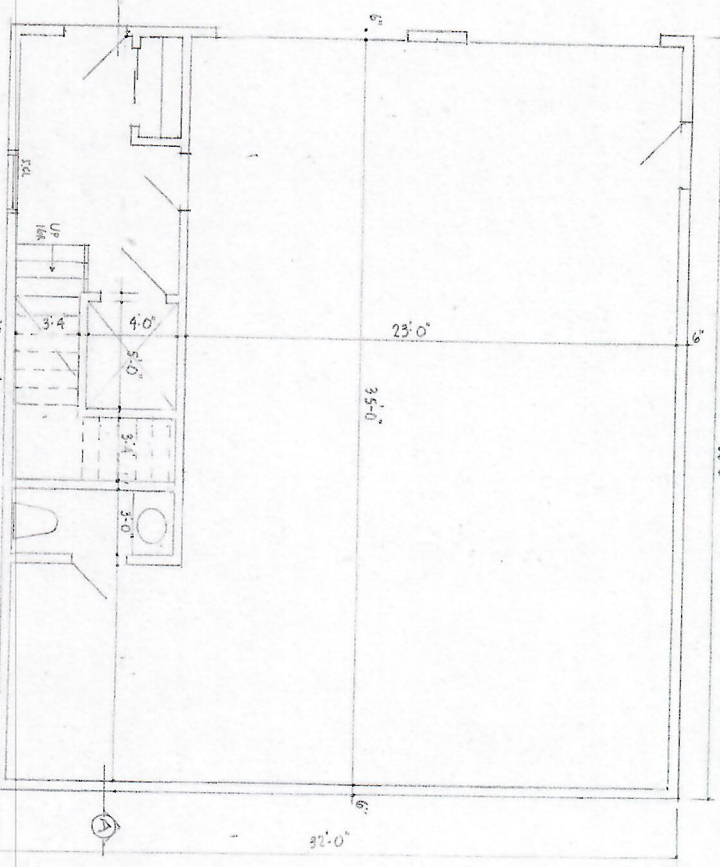
(A) Our proposal will have no impact on circulation. The driveway will provide access to the proposed ADU.

(5) Economic impact. Consideration of the character and type of development proposed in terms of generating revenue for the Township and imposing demands on municipal services.

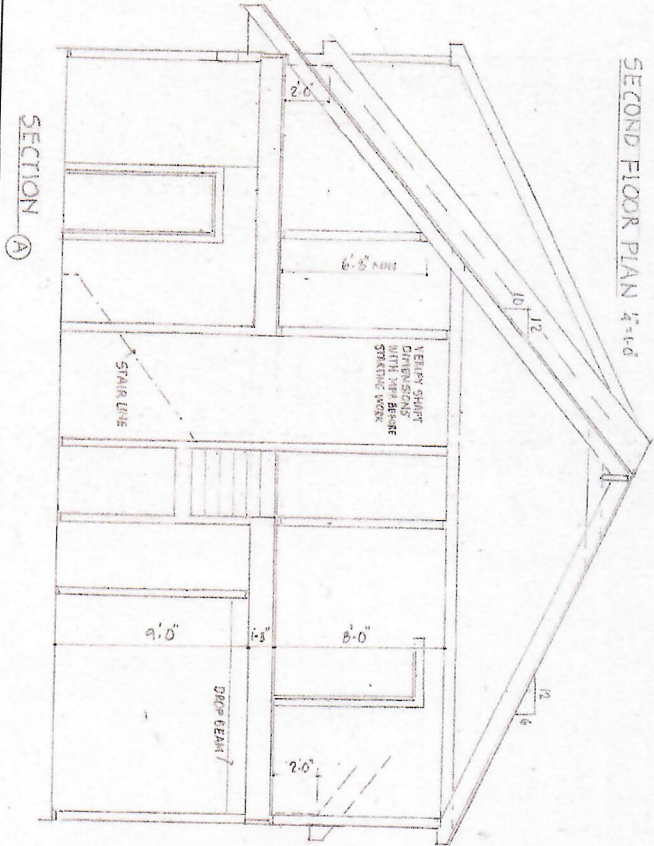
(A) There will be very minimal economic impact from this ADU.



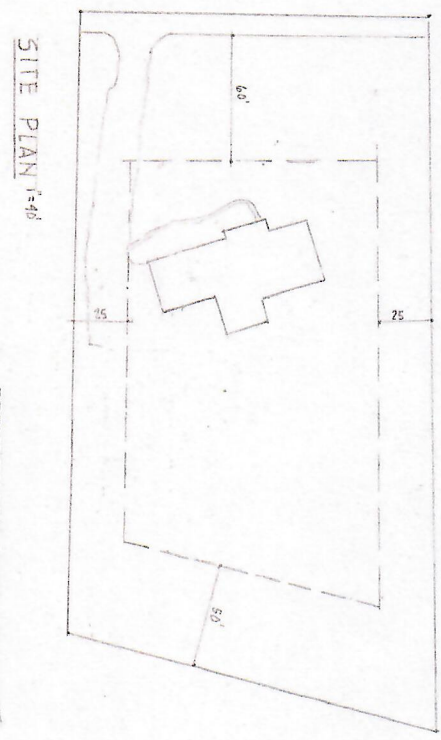
SECOND FLOOR PLAN 1/4"=1'-0"



FIRST FLOOR PLAN 1/4"=1'-0"



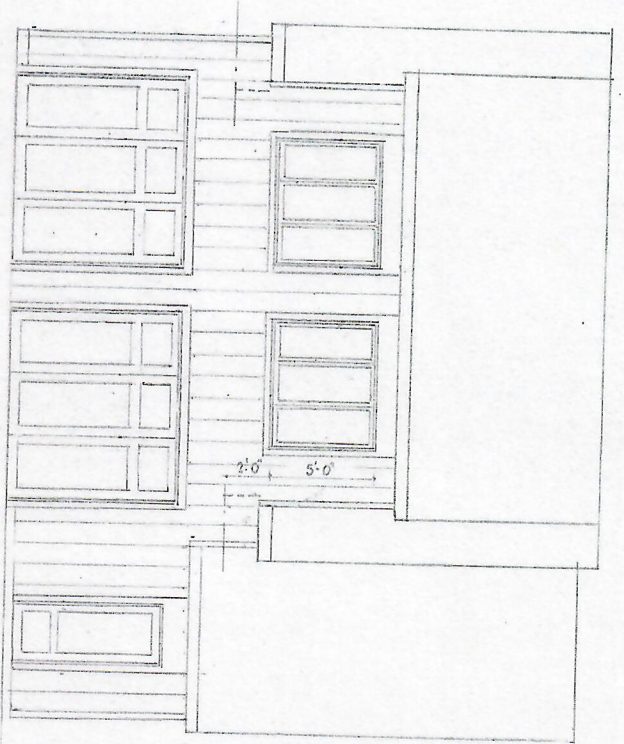
SECTION A-A 1/4"=1'-0"



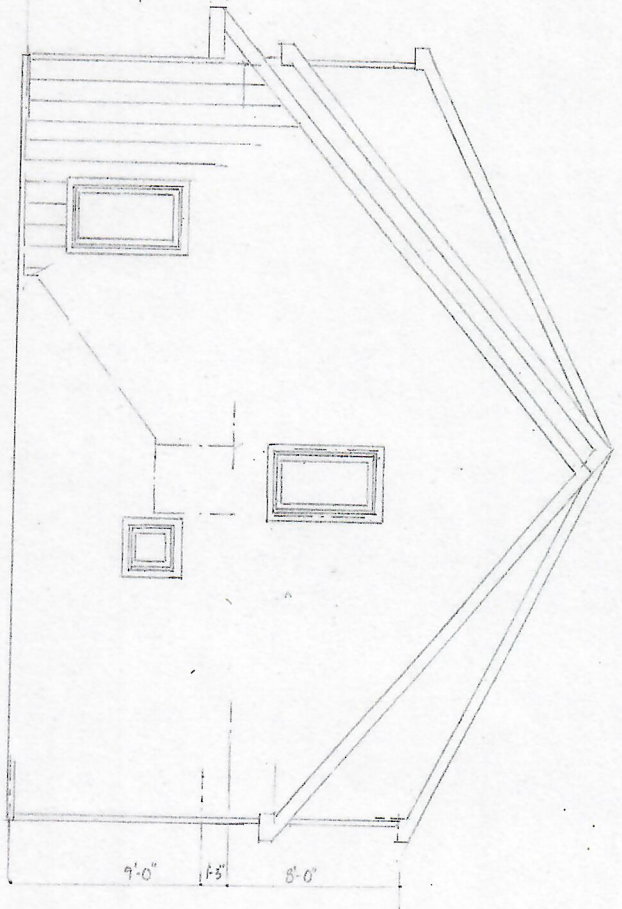
SITE PLAN 1"=40'

**PRELIMINARY / NOT FOR CONSTRUCTION** 1-14-16

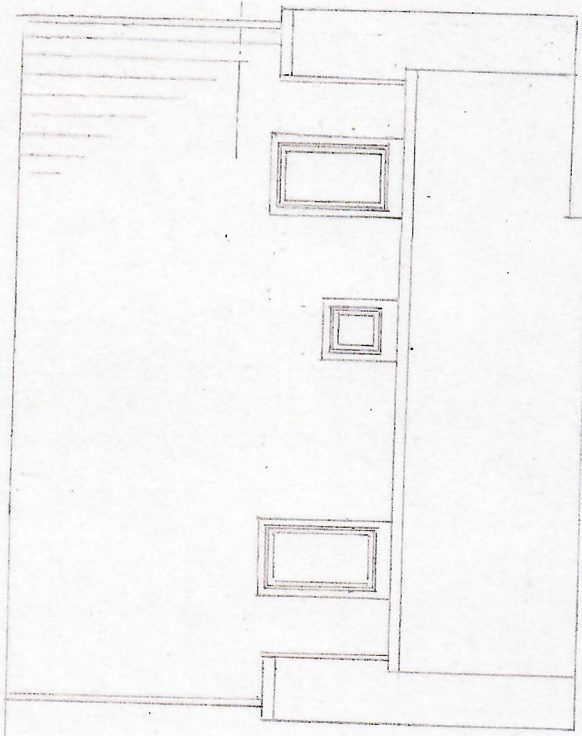
<p>DANIELS CONSULTING ENGINEERS, LLC 722 SPRINGDALE DRIVE, SUITE 100 EXTON PA 19341</p>	<p>CLIENT: DAVE BROWN</p>
	<p>BROWN RESIDENCE 1115 S CONCORD ROAD WEST CHESTER, PA PLANS SECTION</p>
<p>SCALE:</p>	<p>SHEET NO.</p>



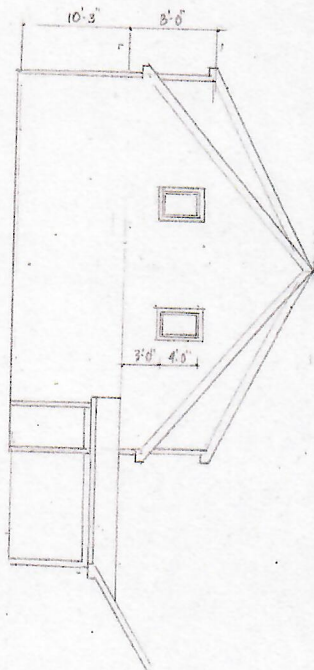
FRONT VIEW 1/4"=1'-0"



RIGHT SIDE VIEW 1/4"=1'-0"



REAR VIEW 1/4"=1'-0"



LEFT SIDE VIEW 3/8"=1'-0"

**PRELIMINARY / NOT FOR CONSTRUCTION** 1-31-24

**DANIELS**  
CONSULTING ENGINEERS, LLC  
722 SPRINGDALE DRIVE, SUITE 100  
EXTON, PA 19341

**CLIENT:** DAVE BROWN  
BROWN RESIDENCE  
1115 S CONCORD ROAD  
WEST CHESTER, PA  
VIEW 5  
**SCALE:**  
**SHEET NO.**

**SOUTH CONCORD ROAD**

M-2 RESIDENTIAL DISTRICT  
M-1 RESIDENTIAL DISTRICT

N32°00'40"W

160.00'

**SITE PLAN**  
①  
1" = 40'-0"

DATE: 08-17-2010  
BY: [Signature]

N. 01°15'45"E

175.15'

159.00'

518'19"07"

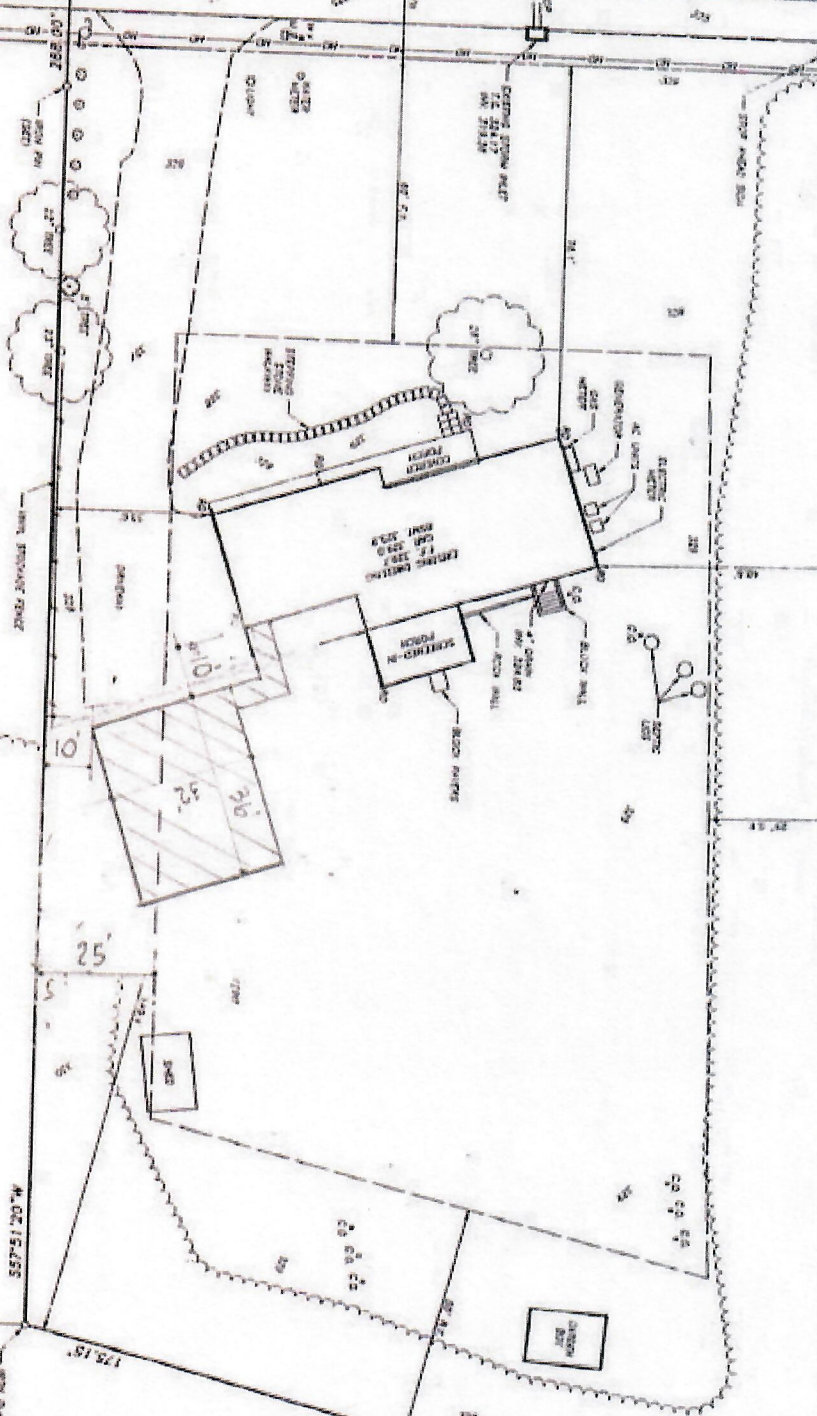
159.00'

175.15'

159.00'

175.15'

159.00'



Dave Brown | dave@fastofwestchester.com | 3 page | 1115 S Concord | 2-2-24

NO. 15  
CONCORD TWP  
DE. 1902, PG. 102

NO. 15  
CONCORD TWP  
DE. 1902, PG. 102

NO. 15  
CONCORD TWP  
DE. 1902, PG. 102

NO. 15  
CONCORD TWP  
DE. 1902, PG. 102

NO. 15  
CONCORD TWP  
DE. 1902, PG. 102

NO. 15  
CONCORD TWP  
DE. 1902, PG. 102

## ZONING HEARING BOARD APPLICATION SUMMARY

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ZHB Case: #2024-01  
Date: February 2, 2024  
From: Liudmila Carter, Director of Planning & Zoning

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APPLICANT: Steven Dinkel and Michelle Hartl  
ADDRESS: 109 Piper Lane, West Chester, PA 19382  
UPI: 67-4-9.20  
HEARING DATE: February 22, 2024

### **REQUEST**

The applicant is seeking a variance from swimming pool setbacks to permit a new in-ground swimming pool in the rear yard with concrete pool deck, boulder wall and fence.

### **LOCATION AND DESCRIPTION OF SITE**

The subject property is a 0.6978 acre parcel with an UPI. 67-4-9.20 located of Piper Lane, in the R-2 Residential Zoning District. The property address and the mailing address per County records is 109 Piper Lane, West Chester, PA 19382. The property is improved with a single-family detached dwelling. The portion of the property is within the 75-foot riparian buffer area and a small portion of the property, specifically northwestern corner, includes areas of precautionary slopes. There is a stormwater drainage easement located at the rear of the dwelling. The property is serviced by public water and sewer.

### **APPLICATION**

The applicant submitted application on January 9, 2024 for a variance to permit swimming pool to be located 16 feet from the edge of the water to the side property line. The request is for variance pertaining to the following Sections:

1. Section 170-1502.G for swimming pools to be setback at least 25 feet from the lot line.
2. Section 170-1611.B for swimming pools to be located at least 25 feet from any lot line, measured from the edge of water.

### **ZONING RELIEF STANDARDS**

General standards for the granting of variances are contained within 170-2107 of the Township Zoning Code and are attached to this report as Attachment A (pages 2).

Swimming pool regulations are contained within 170-1611 of the Township Zoning Code and are attached to this report as Attachment B (page 3).

Additional swimming pool regulations are contained within 170-1502.G of the Township Zoning Code and are attached to this report as Attachment C (pages 4-5).

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission will review this application at their meeting on February 7, 2024.

## **Attachment A**

### **§ 170-2107 Variances.**

- A. The Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the applicant. The Board may, by rule, prescribe the form of application. The procedure shall be as follows:
- (1) A preliminary written application shall be filed with the Zoning Officer, who shall verify that the application is complete, and that the application is properly filed for a variance and not for a change to the Zoning Ordinance or Map concerning a use or district. If the latter is the case, the applicant shall be advised of the proper procedures, as stipulated by this chapter.
  - (2) Upon acceptance by the Zoning Officer that the application is complete, correct, and proper, a formal filing for consideration of the variance request shall be made by the Zoning Officer to the Zoning Hearing Board, together with the comments and recommendations of the Zoning Officer. Copies of the filing and comments shall be submitted to the Township Planning Commission and Board of Supervisors.
  - (3) A public hearing shall be properly advertised in accordance with the requirements established in § **170-2103** of this chapter.
  - (4) Prior to the public hearing, the Planning Commission shall submit its written comments and recommendations on the application to the Zoning Hearing Board, or a written statement that it chooses to make no comments and recommendations. When submitted, the comments of the Planning Commission shall be considered by the Board but shall not be binding. **[Amended 10-4-2021 by Ord. No. 2021-08]**
  - (5) Upon completion of the public hearing, the Board may grant a variance, provided that the procedures specified above are met and the following findings are made where relevant in a given case:
    - (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
    - (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the area and bulk regulations or design standards of the Zoning Ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property, but shall not allow a change in use to one not permitted by right in that district;
    - (c) That such unnecessary hardship has not been created by the applicant;
    - (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, and not be detrimental to the public welfare; and
    - (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this chapter. The Board shall require that all other applicable land development regulations apply.



**Attachment B.**

**§ 170-1611 Swimming pools.**

**[Amended 5-2-2005 by Ord. No. 2005-4; 11-7-2022 by Ord. No. 2022-09]**

- A. Permanent or temporary in-ground and aboveground swimming pools with a water depth of 24 inches or more shall be permitted as an accessory use only in the rear yard or side yard.
- B. Pools shall be located at least 25 feet from any lot line, measured from the edge of the water.
- C. Pools shall be enclosed with a continuous pool-code compliant barrier. Permanent structures, such as the exterior wall of a building, may be considered a part of the enclosure.
  - (1) The provisions regulating fencing shall not apply to pools having sides extending four feet above grade, provided that the stairs, or other means of access to the pool, are removed or locked in such a position as to make it readily inaccessible when not in use.
- D. Equipment accessory to the operation and maintenance of a swimming pool and any structure housing such equipment shall be located at least 15 feet from any lot line. Where such equipment is not housed in a structure, it shall be screened from view from any public right-of-way and neighboring properties.
- E. Hot tubs, swim spas, and jacuzzi-type tubs or baths shall not be considered swimming pools, provided they have a lockable cover, and shall be permitted in side or rear yards in accordance with the setback requirements of § **170-1502C(1)** and **(2)**.

**Attachment C.**

**§ 170-1502 Projections into setbacks and setback exceptions.**

**[Amended 3-3-2003 by Ord. No. 2003-2]**

A. Permitted encroachments. The following components of principal residential buildings (with or without accessory dwelling units), may project into required yard setbacks in accordance with the following: **[Amended 11-7-2022 by Ord. No. 2022-09]**

- (1) Buttresses, chimneys, cornices, piers or pilasters, unenclosed fire escapes, and unroofed steps shall be permitted to encroach into required yard setbacks so long as they are set back at least 15 feet from any lot lines.
- (2) Covered or uncovered porches, stoops, porticos, and other landings may encroach into front yard setbacks up to 10 feet in the A/C and R/1 Districts and up to eight feet in the R-2 and R-3 Districts. These architectural features shall be permitted to encroach in any other zoning district only if the existing front yard setback is at least 40 feet, in which case front yard encroachments shall be permitted up to eight feet.
  - (a) Covered porches and other landings in the front yard must be open on at least two sides. If more than two sides are enclosed, then it shall be considered part of the primary structure and shall conform to all required building setbacks applicable to the zoning district in which the property is located. Railings for fall protection shall not be considered part of an enclosure, provided they are not made of solid walls, panels, or other opaque materials. Mesh screens shall be considered part of an enclosure.
  - (b) Covered porches and other landings located in side and rear yards shall be considered part of the primary structure and shall conform to all required building setbacks applicable to the zoning district in which the property is located, regardless of whether or not any sides are enclosed.

B. For developments where the lot area of a property conforms to the footprint of the dwelling unit, any projections, including decks and patios, may project up to 10 feet from the facade of the building and shall be set back at least 15 feet from the tract boundary. **[Amended 11-7-2022 by Ord. No. 2022-09]**

C. Uncovered decks attached to a principal dwelling may extend into a required side or rear yard, provided they meet the following standards: **[Amended 11-7-2022 by Ord. No. 2022-09]**

- (1) Decks must be set back a minimum of 15 feet from side or rear lot lines. Deck stairs shall be considered part of the structure and shall conform to this setback requirement.
- (2) In the event a principal dwelling unit has a side yard setback of less than 15 feet, the setback for deck and deck stairs shall be 10 feet from property lines, or a distance equivalent to the side yard setback of the primary structure, whichever is less. This standard shall not apply along a shared lot line where two dwellings are attached to each other.
- (3) Covered decks located in side and rear yards shall be considered part of the primary structure and shall conform to all required building setbacks applicable to the zoning district in which the property is located.
- (4) Decks attached to a detached accessory structure, including an accessory dwelling unit, shall meet the same standards for decks attached to principal dwelling units.

- D. An open gazebo or a similar unenclosed uninhabitable decorative structure with a maximum floor area of 64 square feet shall be permitted within a front yard setback, provided the front yard has a minimum width of 50 feet.
- E. A movable awning or movable canopy may project into any required yard not more than 25 feet, but shall not be closer than 15 feet from any property line.
- F. Detached accessory structures are permitted to encroach in side and rear yard setbacks as follows: **[Amended 6-3-2019 by Ord. No. 2019-01; 11-7-2022 by Ord. No. 2022-09]**
- (1) Structures less than 250 square feet and less than 12 feet in height shall be set back from side and rear lot lines a minimum of five feet.
  - (2) Structures 250 square feet and larger and/or structures 12 feet or more in height shall be set back from side a rear lot lines a distance equivalent to the height of the structure.
- G. Swimming pools, measured from the edge of the water, tennis courts, and similar outdoor recreation facilities shall be permitted within side and rear yard areas, provided they are set back at least 25 feet from the lot line. **[Amended 11-7-2022 by Ord. No. 2022-09]**
- (1) Isolation distances from sewage disposal facilities. No pool, tennis court or other recreational facility shall be placed less than 10 feet from any septic field or tank.
- H. Corner lots. If a corner lot is occupied by a single-family detached dwelling, and the applicant proves to the Zoning Officer that there is no suitable permitted location for customary accessory uses/structures (such as a shed or pool), then the Zoning Officer may permit such accessory use/structure in one of the two front yards, provided it is located and landscaped so as to minimize the impacts upon the neighborhood.
- I. Patios shall be permitted to encroach into front yard setbacks in accordance with the standards outlined in § **170-1502A(2)** and subject to the following: **[Added 11-7-2022 by Ord. No. 2022-09]**
- (1) Patios shall be set back a minimum of 15 feet from side and rear lot lines.
  - (2) In the event a principal dwelling unit has a side yard setback of less than 15 feet, the setback for patios shall be 10 feet from property lines, or a distance equivalent to the side yard setback of the primary structure, whichever is less. This standard shall not apply along a shared lot line where two dwellings are attached to each other.
  - (3) If steps are required to access the patio from a door in the house, all steps shall conform to building code standards and shall provide landings and handrails where required.
  - (4) A permit shall be required for the installation of any patio.

Dinkel Property

109 Piper Lane – Westtown Twp., Ches. Co., PA

01/05/2024

Zoning Ordinance Variance Request Narrative

The homeowners wish to install a private in-ground swimming pool to the rear of their existing dwelling. Due to an existing stormwater seepage bed in the rear yard, the pool would best fit the available space if it were shifted towards the side yard. As a result, the setback from the side property line to the pool will be 16 feet, which will be 9 feet closer to the line than the minimum 25 feet that is required. Therefore, a variance is being requested from section 170-1502.G.

Granted of this variance will have no impact on the character of the neighborhood since a pool is an allowable use, will be situated in a rear yard, and is a common modern recreation structure in the subject neighborhood. In addition, a private in-ground swimming pool poses no threat to the public welfare.

**PROPERTY INFORMATION**

PARCEL I.D.#: 67-4-9.20  
 INSTRUMENT #: 1178719  
 ADDRESS: 109 PIPER LANE  
 WEST CHESTER, PA 19382  
 OWNER: STEVEN W. DINKEL & MICHELLE L. HARTL

**GENERAL NOTES**

1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE CONSTRUCTION OF AN IN-GROUND SWIMMING POOL ON AN EXISTING RESIDENTIAL LOT.
2. TOPOGRAPHIC FEATURES SHOWN ARE BASED ON A LIMITED FIELD SURVEY PERFORMED IN OCTOBER 2023. BOUNDARY, INCLUDING BEARINGS AND DISTANCES, ARE SHOWN BASED ON THE PROPERTY DEED DESCRIPTION. NO BOUNDARY SURVEY HAS BEEN PERFORMED FOR THIS PROJECT.
3. SURVEY WAS PERFORMED WITHOUT ACCESS TO A TITLE REPORT, WHICH WOULD PROVIDE INFORMATION ON ANY LEGAL RIGHT, RESERVATION, OR EASEMENT ON THE SUBJECT PROPERTY.
4. THE RECORD PLAN FOR THE LOT IS THE "PLAN OF PRELIMINARY FINAL TITLE PLAN FOR WESTTOWN WOODS", PREPARED BY EDWARD B. WALSH & ASSOCIATES, INC., DATED 03/17/2016, LAST REVISED 10/05/2017. THE SUBJECT PROPERTY WAS KNOWN AS LOT 13 ON SAID PLAN.
5. VERTICAL ELEVATIONS ARE RELATIVE TO THE SITE AND NOT ASSOCIATED WITH A PARTICULAR DATUM.
6. BOUNDARY BEARINGS ARE PER DEED DESCRIPTION AND NORTH ARROW IS ORIENTED PER DEED BEARINGS.
7. RIGHT-OF-WAY WIDTHS PER DEEDS AND / OR PLANS OF RECORD.
8. PER FEMA FIRM 42029C0206G, EFFECTIVE DATE 09/29/2017, THE ENTIRE PROPERTY IS DESIGNATED AS "AREA OF MINIMAL FLOOD HAZARD - ZONE X".
9. BASED ON THE OBSERVED EXISTING FEATURES, THE EXISTING DWELLING APPEARS TO BE SERVED BY A PUBLIC SANITARY SEWER DISPOSAL SYSTEM AND A PUBLIC WATER SUPPLY SYSTEM.
10. LIMITS OF UNDERGROUND UTILITY SERVICE LINES ON THE LOT CANNOT BE DETERMINED.
11. EXISTING UTILITIES SHOWN ON THIS PLAN SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION. REPAIR OF DAMAGED UTILITIES ON OR OFF THE PROPERTY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL NOTIFY PA-1-CALL SYSTEM AT LEAST 3 DAYS PRIOR TO THE START OF CONSTRUCTION.
12. HARDSCAPE PATIO AND STORMWATER MANAGEMENT FACILITY ARE SUBJECT TO CHANGE UPON GRADING PERMIT APPLICATION SUBMISSION.

**LOT AREA SUMMARY:**

GROSS / NET LOT AREA = 30,396 SF (0.698 AC)

**IMPERVIOUS SURFACES SUMMARY:**

	EXISTING	ADDED	TOTAL
DWELLING (BUILDING AREA) =	2,536 SF	0 SF	2,536 SF
PORCH / COV. DECK (BUILDING AREA) =	553 SF	0 SF	553 SF
DECK =	492 SF	0 SF	492 SF
HARDSCAPE PATIO / WALKWAY =	283 SF	-800 SF	1,183 SF
WALLS =	93 SF	+85 SF	178 SF
DRIVEWAY =	1,856 SF	0 SF	1,856 SF
POOL / SPA WATER SURFACE =	0 SF	+700 SF	700 SF
POOL / SPA COPING =	0 SF	+114 SF	114 SF
<b>TOTAL =</b>	<b>5,803 SF</b>	<b>+1,799 SF</b>	<b>7,602 SF</b>

**ZONING SUMMARY:**

1. SUBJECT PROPERTY IS IN THE "R-2 RESIDENTIAL DISTRICT" AND IS NOT LOCATED IN ANY OVERLAY DISTRICTS.
2. CURRENT PRINCIPAL USE IS A SINGLE-FAMILY DETACHED DWELLING, WHICH IS PERMITTED.
3. PROPOSED ACCESSORY USE IS A PRIVATE IN-GROUND SWIMMING POOL, WHICH IS PERMITTED.
4. SINGLE-FAMILY DWELLING (PRINCIPAL STRUCTURE) DIMENSIONAL DATA:

	REQUIREMENT	EXISTING	PROPOSED
LOT AREA	22,000 SF MIN. (1)	30,396 SF	NO CHANGE
LOT WIDTH AT SETBACK LINE	100 FT MIN.	143.9 FT	NO CHANGE
IMPERVIOUS COVERAGE	25% MAX.	19.1 %	25.0 %
LOT WIDTH AT STREET LINE	50 FT MIN.	132.8 FT	NO CHANGE
BUILDING SETBACK LINE	40 FT MIN.	83.1 FT	NO CHANGE
SIDE YARD			
INDIVIDUAL WIDTH	10 FT MIN.	29.9 FT	NO CHANGE
AGGREGATE WIDTH	25 FT MIN.	95.7 FT	NO CHANGE
REAR YARD	30 FT MIN.	54.0 FT	NO CHANGE
BUILDING HEIGHT			
STORIES	3 MAX.	2	NO CHANGE
MEASUREMENT	38 FT MAX.	- 38 FT	NO CHANGE

(1) FOR LOTS SERVED BY PUBLIC SEWER AND WATER.

5. SWIMMING POOL (ACCESSORY STRUCTURE) DIMENSIONAL DATA:

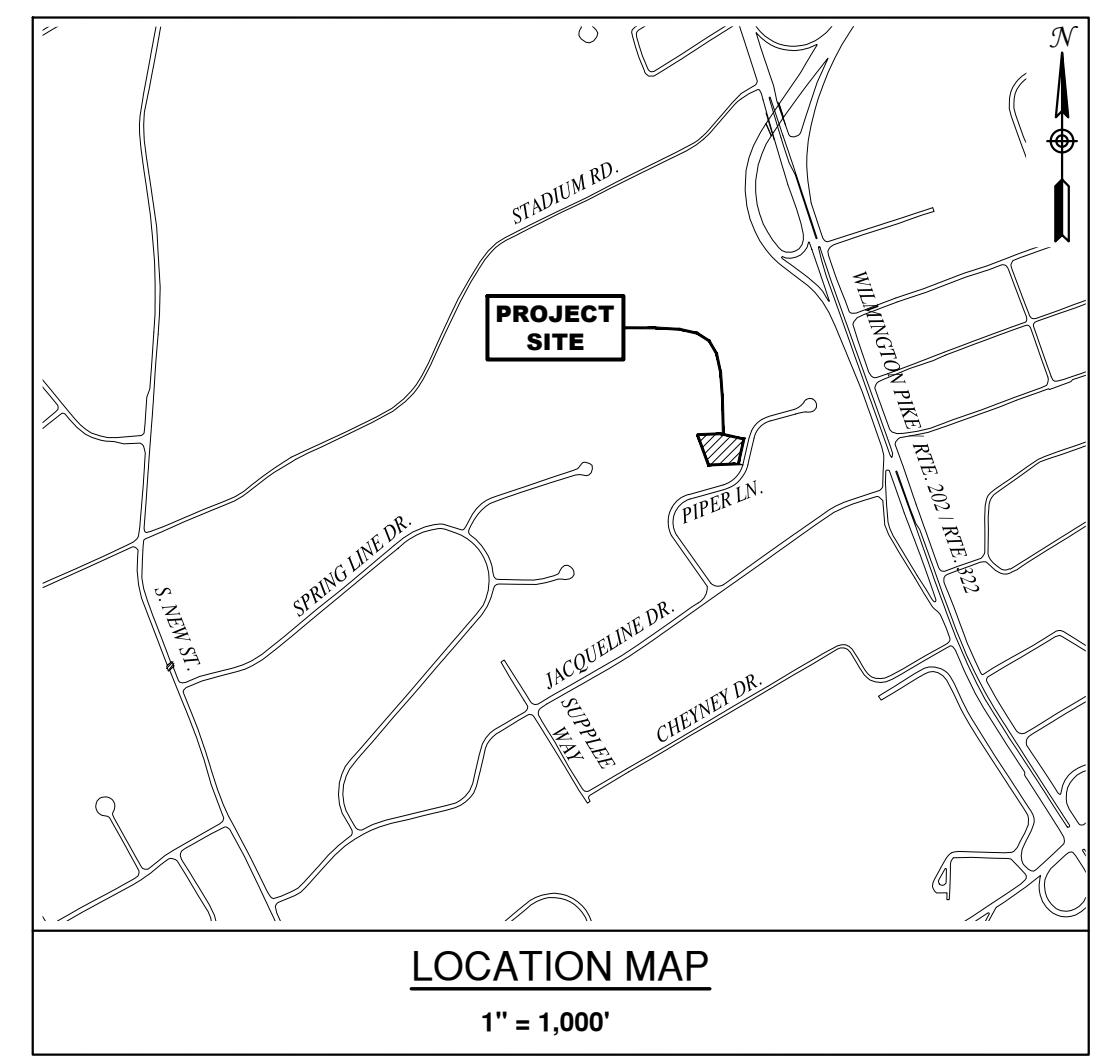
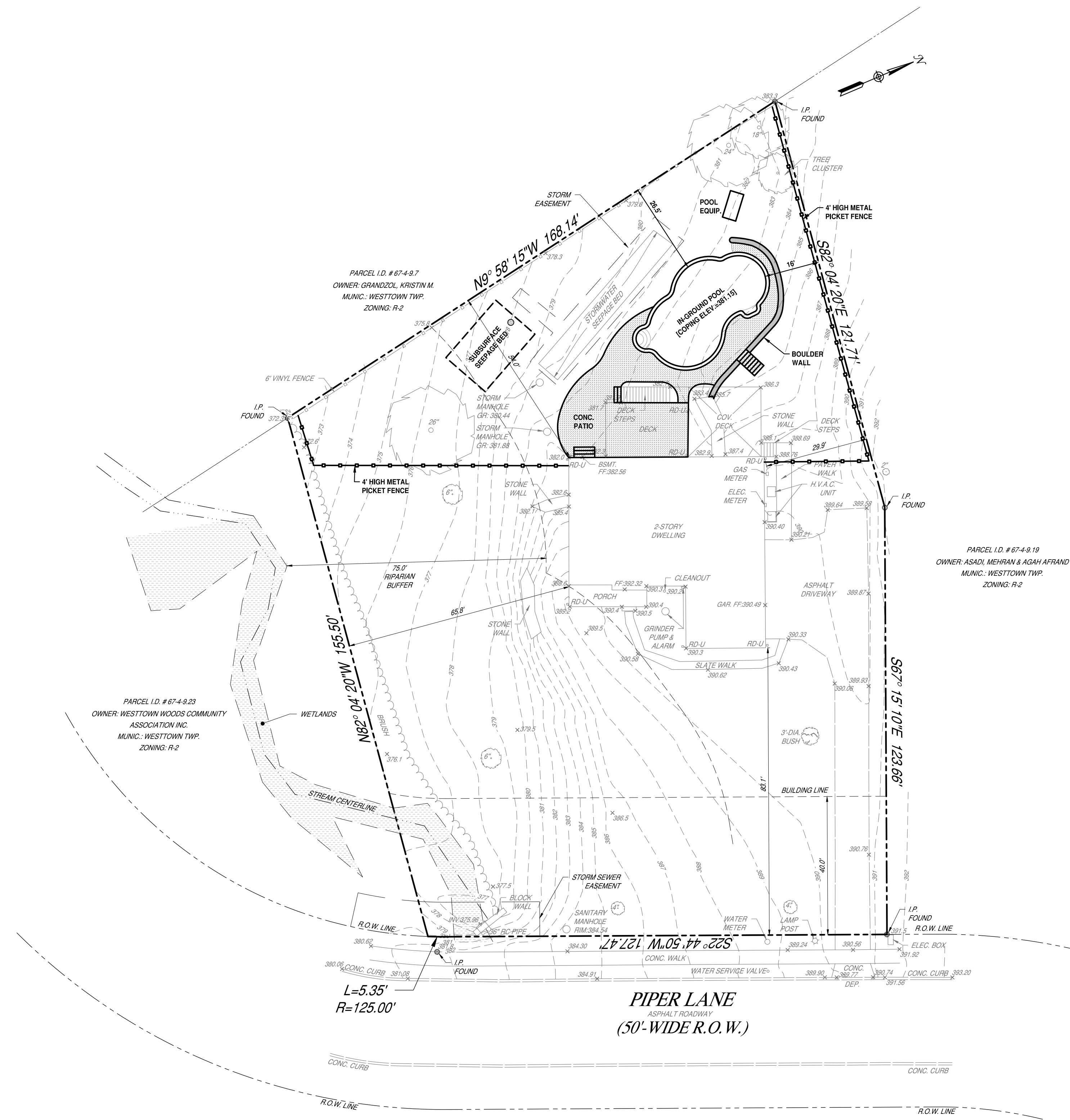
	REQUIREMENT	EXISTING	PROPOSED
LOCATION	PROHIBITED IN FRONT YARD	N/A	OUTSIDE REQ'D FRONT YARD
LOT LINE SETBACK	25 FT MIN.	N/A	16.0 FT (1)

(1) VARIANCE REQUIRED.

**ZONING VARIANCE REQUESTED:**

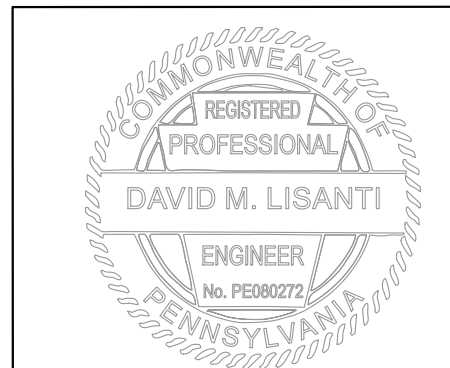
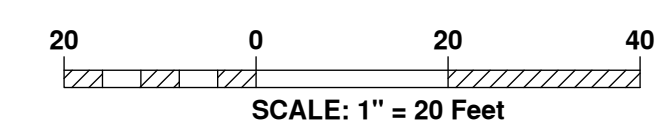
THE FOLLOWING VARIANCE FROM THE WESTTOWN TOWNSHIP ZONING ORDINANCE IS BEING REQUESTED FOR THIS PROJECT:

- VARIANCE FROM SECTION 170-1502.G TO ALLOW THE NEW POOL TO BE LOCATED LESS THAN TWENTY-FIVE (25) FEET FROM A PROPERTY LINE.



**LEGEND**

---	SUBJECT PROPERTY BOUNDARY	BSMT.	BASEMENT
---	RIGHT-OF-WAY LINE	GAR.	GARAGE
---	ADJOINER PROPERTY LINE	CHIM.	CHIMNEY
---	EXISTING CONTOUR	CANT.	CANTILEVER
---	PROPOSED CONTOUR	LSCP.	LANDSCAPE
---	EXISTING SPOT ELEVATION	ROW	RIGHT-OF-WAY
---	PROPOSED SPOT ELEVATION	TBR	TO BE REMOVED / RELOCATED
---	EXISTING TREE WITH TRUNK DIAMETER	I.P.	IRON PIN
---	EXISTING BUSH WITH DIAMETER	I.PIPE	IRON PIPE
---	EXISTING EDGE OF DENSE VEGETATION	MON.	MONUMENT
---		FF	FINISHED FLOOR
---		TOFW	TOP OF FOUNDATION WALL
---		CONC.	CONCRETE
---		DEP.	DEPRESSED
---		COV.	COVERED
---		ELEC.	ELECTRIC
---		U.G.	UNDERGROUND
---		TW	TOP OF WALL
---		BW	BOTTOM OF WALL
---		TS	TOP OF STEP
---		BS	BOTTOM OF STEP
---		RD-S	ROOF DOWNSPOUT - SURFACE
---		RD-U	ROOF DOWNSPOUT - UNDERGROUND



PREPARED BY:  
**DAVID M. LISANTI, P.E., LLC**  
 2657 OLD CEDAR GROVE ROAD  
 BROOMALL, PA 19008  
 (484) 574-4684  
 DLISANTI@OUTLOOK.COM

DATE	REVISION	SHEET:
		1 OF 1
<b>SITE IMPROVEMENTS</b>		
<b>ZONING COMPLIANCE PLAN</b>		
FOR DINKEL PROPERTY 109 PIPER LANE, WEST CHESTER, PA 19382 WESTTOWN TOWNSHIP CHESTER COUNTY, PENNSYLVANIA		

Dinkel Property

109 Piper Lane – Westtown Twp., Ches. Co., PA

01/09/2024

Zoning Ordinance Variance Request Narrative

The applicants wish to install a private in-ground swimming pool to the rear of their existing dwelling. Due to an existing stormwater seepage bed in the rear yard, the pool would best fit the available space if it were shifted towards the side yard. As a result, the setback from the side property line to the pool will be 16 feet, which will be 9 feet closer to the line than the minimum 25 feet that is required. Therefore, a variance is being requested from section 170-1502.G.

Below is the Westtown Township list of hardship standards related to variances with responses following each hardship:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located.

**Response: An existing stormwater seepage bed and associated easement is located in the rear yard, which eliminates much of the space for development.**

- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the area and bulk regulations or design standards of the Zoning Ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property, but shall not allow a change in use to one not permitted by right in that district.

**Response: The pool and patio are sized to accommodate the Applicant's family and intended use. A reduction in the patio or pool size to strictly conform to the setback requirement would adversely affect the intended use.**

- C. That such unnecessary hardship has not been created by the applicant.

**Response: The existing seepage bed, which is restricting the location of the pool and patio, was constructed by the lot developer without the Applicant's knowledge.**

- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, and not be detrimental to the public welfare.

**Response: Granted of this variance will have no impact on the character of the neighborhood since a pool is an allowable use, will be situated in a rear yard, and is a common modern recreation structure**

**in the subject neighborhood. In addition, a private in-ground swimming pool that meets building code standards poses no threat to the public welfare.**

- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

**Response: Situating the pool at 16 feet from the side lot line allows the Applicant to install a pool and patio that are adequate for the size of their family and their intended use. The pool is situated as far away from the side lot line as is possible to accommodate the pool and patio.**



# WESTTOWN TOWNSHIP

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February 7, 2024

Board of Supervisors  
Westtown Township

## **RE: Planning Commission Annual Report - 2023**

In accordance with Article II, section 207 of the Pennsylvania Municipalities Planning Code (MPC), the Planning Commission shall keep a full record of its business and shall annually make a written report by March 1 of each year of its activities to the governing body. The first is a brief summary of the Planning Commission efforts for the year 2023 and signatures. This is followed by a detailed listing of the events by month. The final section is a list of the items planned for 2024 as they are now expected. It is very likely that this list will be modified as the year progresses.

### **Summary of Completed Planning Commission Activities**

For the calendar year 2023, the Planning Commission reports the following activities.

- The Commission continued to review Zoning Hearing Board (ZHB) requests for variances and/or special exceptions being requested by Township residents. This is likely a trend caused by lack of affordable housing, high interest rates, an aging population, and the desire by many to stay in their current homes. It is anticipated that this trend will weaken if interest rates are reduced and the presidential election cycle has completed.
  1. 330 Sissinghurst Drive for a variance to retain the maximum impervious coverage which was exceeded by the unpermitted construction of pool and decks. The Commission did not have a quorum to make recommendation on the application.
  2. 819 Oakbourne Road for a variance to retain two dwelling units and special exception to continue operating the third-party landscaping business. The Commission recommended approval for a second dwelling unit with a condition that the lease to the third-party landscaping business shall terminate with 90 days of the Zoning Hearing Board approval, and that the Zoning Hearing Board consider whether or not the relief should be made personal to the applicants.



3. 1502 West Chester Pike for Chase Bank for a series of variances including the number of parking spaces, location of parking and trash enclosure and width of the driveway aisle for future placement of Chase bank. The Commission did not have a quorum to make recommendation on the application.
  4. 811 E Sage Road for a variance to retain the 8-foot high fence to keep deer away. The Commission recommended denial of the variance request.
  5. 901 S New Street for a variance to construct a garage within the minimum setback area of side yard. The Commission chose not to provide any recommendations.
  6. 1115 Butternut Road for a variance to construct garage within the front building yard setback.
  7. Crebilly Lot #4 for special exception to use the existing barn as an accessory dwelling unit and associated variances. The Commission recommended approval of special exception and variance requests as presented.
  8. 1131 S Chester Road for special exception for a major home occupation on the intersection of two major arterials. The Commission recommended approval of the application to utilize the lower level of the existing house for a sole practitioner's medical office.
  9. 1001 S Walnut Street for special exception for major home occupation for a deck construction business.
- Other than the proposed Stokes Estate subdivision and land development to construct more than 80 single-family homes on 80+ acres of land, which at this time has been denied by the Board of Supervisors, there has been few requests for Conditional Use review. Many of the requests have come from Westtown School, which has initiated a number of projects in the last few years.
    1. Sketch Plans:
      - A 1-story 3,294 SF Chase Bank at Westtown Marketplace shopping center. The land development application is pending upon the amendments to the parking ordinance.
      - A 1-story 9,550 SF warehouse/distribution facility at the former Abbey Green property.
    2. Land Development Plans:
      - Improvements to the Center for the Living Arts at Westtown School. The Commission recommended approval with conditions.
      - Improvements to athletic fields and construction of a support building at Westtown School. The Commission recommended approval with conditions.
    3. Conditional Use

- A 2,750 SF Visual Arts Center (VAC) at 1632 West Chester Pike. The review of the application is extended until the end of March 2024.
  - Athletic field lighting for one field at Westtown School. The Commission recommended approval with conditions.
  - A 10-acre solar panel facility at Westtown School. The Commission recommended approval with conditions.
  - Stokes Estate development of 85 single family homes on 81 acres of land under flexible development procedure with an access from Shiloh Road. The Commission recommended denial. The Board has denied the application.
- The Commission has once again returned to review and update of the planning code ordinances.
    1. Amendments to Chapter 170, Zoning, Article XVII, Off Street Parking and Loading,
    2. Amendments to Chapter 170 Zoning to permit managed meadows.
    3. Amendments to Chapter 63, Outdoor Burning.
  - The Commission experienced several changes to appointments:
    1. The Commission welcomed two new members this year: Brian Knaub and Joe Frisco.
    2. A long time Westtown employee and member of the Commission, Elaine Adler, has retired after many years of service.
    3. Russ Hatton appointed as a PC representative for the Environmental Advisory Council

**Westtown Township Planning Commission**

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Russ Hatton – Chairman (2023)

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Jack Embick – Vice-Chairman (2023)

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Jim Lees

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Tom Sennett

---

Kevin Flynn

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Brian Knaub

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Joe Frisco

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Liudmila Carter - Secretary

## Year in Detail

### January 2023

- Vice-Chairman Mr. Embick nominated Mr. Hatton, seconded by Mr. Lees, for Commission Chairman. All in favor. Nomination for Commission Vice-Chairman Mr. Sennett nominated Mr. Embick, seconded by Mr. Hatton. All voted in favor.
- Westtown School Land Development Plan – Center for the Living Arts The applicant's representative, Gina Gerber, Esq., introduced the scope of the project.
- #2023-02 330 Sissinghurst Drive The applicant and homeowner, Matt Fanfera, presented a summary of the application and a description of the improvements that have already been installed on his property. He noted that if allowed to retain all the improvements, he would need to install a stormwater management facility. Mr. Sennett asked for clarification on the improvements that were already installed.

### February 2023

- ZHB Application – 819 Oakbourne Road. Brendan Burke appeared on behalf of the applicants Hank and Harrison Whalen regarding a use variance for 819 Oakbourne Road, which is in the R-2 Zoning District. The Whalens purchased the property several years ago, and rent out space to a landscaping company. In addition, the property is home to two apartment units, in which Hank lives in one unit and his son Harrison lives in the other. As a result, former Zoning Officer Maggie Dobbs had sent the Whalens a letter dated June 10, 2022 highlighting zoning violations for commercial operations and an excessive number of residential dwellings on the property. Mr. Burke explained that the previous owners had run a nursery business from that location dating back to the early 1980s, when the garage and the two apartment units were constructed, although there is some ambiguity about when the second residential unit was built.
- Zoning Ordinance Update – Managed Meadow Ms. Carter raised concerns that the draft Managed Meadow ordinance lacked specificity. The Planning Commission was agreeable to her revising the draft ordinance, in her new capacity as Director of Planning and Zoning for discussion at a future Planning Commission meeting.
- A Letter of Support for Chester County Municipal Grant Program, Mr. Embick made a motion to authorize the Chair to sign the letter of support for the Chester County Municipal Grant Program for funding to acquire Crebilly Farm.
- Liudmila Carter, Assistant Township Manager and Director of Planning and Zoning, appointed as Secretary to the Planning Commission. (JE/JL) 4-0 Mr. Embick made a motion to appoint Liudmila Carter, All in favor.
- Conditional Use Application – 1632 Associates LLC for Visual Arts Center Mr. Hatton acknowledged that the PC has received additional materials right before the PC meeting with no time for review to be able to render recommendations on the

application at that meeting. He reiterated that all materials are due the Thursday before the PC meeting for the PC to have enough time to review.

### **March 2023**

- ZHB Application – 819 Oakbourne Road continued. Mr. Embick made a motion to recommend that the Zoning Hearing Board approve the variance application for a second dwelling unit with a condition that the lease to the third party landscaping business shall terminate with 90 days of the Zoning Hearing Board approval, and that the Zoning Hearing Board consider whether the relief should be made personal to the applicants.
- ZHB Application – 1502 West Chester Pike for Chase Bank. Mr. Gregg Adelman represented the applicant, Westtown AM West TIC, LLC, which is affiliated with Paramount Realty that purchased an 18.45-acre property at 1502 West Chester Pike. He explained that the company completed an assessment of the property and concluded that additional retail space could be accommodated. He further explained that the applicant proposes to install a 3,294-sf drive-in bank on the northeastern portion of the existing parking lot of the property. He recapped that the applicant is seeking a series of dimensional variances to accommodate the placement of the future bank, to permit a trash enclosure to be located within the side yard, to permit 18-foot-long parking spaces where a minimum of 20-foot-long spaces are required, to permit 518 total parking spaces where 705 spaces are required, to permit the two-way parking lot drive aisle to be 24-feet wide where a minimum of 28 feet wide is required.
- Appoint a Planning Commission member, as a representative for the Environmental Advisory Council. Jack Embick made a motion to appoint Russ Hatton as a Planning Commission representative for the Environmental Advisory Council.
- ZHB Application – 330 Sissinghurst Drive continued. The applicant and homeowner, Matthew Fanfera, summarized the revised plans and narrative provided to the Planning Commission. He recapped that the property survey and stormwater management plan were completed by the engineer demonstrating the proposed infiltration bed to be appropriately sized to mitigate any negative impacts on the environment from completed and pending construction. Mr. Fanfera further explained that the stormwater management report and infiltration testing will be completed upon approval of the application.
- Stormwater, Zoning, and SALDO Proposed Changes List Ms. Carter explained that the list of ordinance updates that was developed in 2019 needs to be revisited to update the status of those completed and to add any potential items that the Planning Commission might have. Mr. Hatton recommended to consider adding beekeeping regulations and the use of gasoline powered leaf blowers. Ms. Carter pointed out that there is an interest in beekeeping in the Township and setting up a specific to beekeeping permit process will be appropriate. Mr. Federico recommended for the Planning Commission to consider revisiting the traffic study requirements within the subdivision and land development ordinance and regulations pertaining to shared parking.

- Supervisor Pomerantz made a motion to appoint Russ Hatton as the Planning Commission representative to the EAC for a three-year term ending December 31, 2025
- Supervisor Pomerantz made a motion to appoint Brian Knaub to the Planning Commission for an unexpired term ending December 31, 2025. Mr. Yaw seconded. There was no public discussion, and the motion passed 3-0.

### **April 2023**

- Ms. Carter announced that Conditional Use Hearing for Westtown School Athletic Field Lighting has been scheduled for Tuesday, May 9, 2023 at 7pm. She noted that meeting location is TBD. Mr. Embick requested Ms. Carter to prepare draft conditions that might be appropriate.
- ZHB Application – 811 E Sage Road. Raman Patel, co-owner, and resident of 811 E Sage Road, provided a handout to the Planning Commission on the neurological condition he must raise awareness and offer context for a variance request. He explained that he was seeking a relief with the Zoning Hearing Board to allow the existing 8-foot heavy duty poly-fencing with a barbed wire at the top to remain on his property for three main reasons: to reduce the damage to his property, to protect his garden areas, and to reduce the risk of contracting a tick-borne illness, such as Lyme disease.
- Conditional Use Application – Westtown School Athletic Field Lighting. Gina Gerber, an attorney with Riley Riper Hollin & Colagreco, representative for the applicant, summarized the application for the installation of permanent outdoor lighting at one athletic field on Westtown School campus. She highlighted that this application differs from what the Planning Commission (PC) has previously reviewed [2018 submission] in that the applicant intends to follow the existing zoning ordinance.
- Mr. Embick made a motion for the Planning Commission to recommend that the Board of Supervisors approve the conditional use application of the Westtown School to install permanent exterior lighting for one new turf field pursuant to Section 170-1514.D(5) of the Zoning Ordinance. There was no public comment. All in favor.
- Ordinance Amendments – Parking Regulations Al Federico provided examples of various parking regulations and discussed challenges when trying to determine the appropriate number of parking spaces for various uses within the shopping center. He suggested for the Township to determine the intent of parking regulations and raised questions about the utilization of existing shopping center parking. Planning Commission discussed the potential requirements for EVs charging stations, including the placement and size and limitations on usage. Mr. Federico agreed to evaluate potential regulations and provide some samples to the Planning Commission.

### **May 2023**

- Conditional Use Application – Westtown School Athletic Field Lighting continued. Mr. Hatton referred to the memo prepared by Ms. Carter at the request of the Planning Commission with a list of conditions recommended by the Planning Commission in 2018 in response to the previous application for permanent outdoor athletic lighting
- Ordinance Amendments – Parking Regulations Al Federico provided examples of various parking regulations and discussed challenges when trying to determine the appropriate number of parking spaces for various uses within the shopping center
- The Planning Commission recommended that the Board of Supervisors approve the conditional use application of the Westtown School to install permanent exterior lighting for one new turf field pursuant to Section 170-1514.D(5)

## June 2023

- Conditional Use Application – Westtown School Solar Panel Facility (BioStar Solar LLC) Louis Colagreco, legal counsel with Riley Riper Hollin & Colagreco, representative for the applicant, introduced Andrew Stancati, Senior Vice President with BioStar Solar LLC, and provided an overview of the proposal. Mr. Stancati explained the main goal of the project is to reduce the school reliance on traditional energy sources by installing onsite solar, which in his opinion aligned with the Township and West Chester Area Council of Governments (WCACOG) objectives to commit to renewable energy by 2025. Mr. Embick made a motion for the Planning Commission to recommend to the Board of Supervisors an approval of the conditional use approval for the installation of solar panel facility at Westtown School's campus.
- ZHB Application – 901 S New Street Thomas Peterson, the property owner at 901 S New Street, described his property as a 1- acre lot with an old farmhouse and storage building and a stream, a tributary of Plum Run, running through the property. He clarified that nearly the entirety of the property, including the existing storage building, is within the area designated by the Federal Emergency Management Agency (FEMA) as Zone A, which is subject to strict floodplain regulations. Mr. Peterson contemplated to replace the deteriorated storage building with a detached garage at the same location, but found it to be costly due to a required hydraulic and hydrologic study and floodproofing requirements. Therefore, he felt the better option is to demolish the existing building and construct a new 3-car garage in the only area that is outside of the designated floodplain, which would require several variances. Mr. Knaub expressed his support in recommending the approval to the ZHB. Mr. Sennett made a motion that the PC makes no recommendation on the application. Mr. Flynn seconded. Mr. Embick opposed. Motion passes
- The BOS acknowledged Elaine Adler's Resignation from the Planning Commission. Jim Lees noted that Elaine Adler had retired after many years on the Planning Commission and that her presence and input would be missed by her colleagues. Supervisor Pomerantz observed that Ms. Adler was the personification of institutional knowledge about Westtown's Zoning Ordinance and was irreplaceable.

## July 2023

- Conditional Use Application – Stokes Estate Flexible Development – continuation. Gregg Adelman, representative for the applicant, explained that the pending application for the Stokes Estate flexible procedure development has been put on hold due to litigation in dealing with connection to Shiloh Hill Drive. Since then, the applicant has acquired portions of adjacent parcels and submitted a new land development plan.
- ZHB Application – 1115 Butternut Road. Howard Hinsdale, the property owner 1115 Butternut Road, summarized his proposal to build an addition to an existing two-car garage, which requires a relief from the front yard setback requirement. He initially contemplated locating a detached garage at the rear of his property, however, due to stormwater-related issues, location of on-lot sewage facility, existing easement, and potential for driveway extension, he felt that addition on the existing garage is a better solution. Mr. Embick made a motion that the PC recommend denial of the application for a variance. Mr. Hatton seconded. Motion passed.
- ZHB Application – Crebilly Lot #4 Mr. Embick announced that he would like to recuse himself from participating in the discussion due to potential conflict from working with Mr. Nagel on other unrelated matters. Brian Nagel, representative for the applicant, summarized the application for special exception and associated variance request to convert the existing barn located on the future parcel of approximately 24 acres, currently designated as Crebilly Lot #4 on the subdivision plan, to an accessory dwelling unit (ADU) of 7,200 square feet. He explained that the property has an access from S New Street, which will remain, and consists of a house, chapel, barn, and pond. Mr. Nagel described the existing barn and its future use as an ADU for visits by extended family Mr. Hatton made a motion that the PC recommend approval of the application for special exception and variances. Mr. Sennett seconded. Motion passes.
- Conditional Use Application – Stokes Estate Flexible Development continued. Gregg Adelman, representative for the applicant, summarized that nothing has changed since the previous appearance at the PC meeting except for a new speed study and revisions to sight distances at proposed road openings on Shiloh Road.

## August 2023

- Conditional Use Application – Stokes Estate Flexible Development continued. Michael Gill initiated the discussion on Planning Commission's (PC) recommendations on the application to develop 85 single family residential homes. He summarized that the PC has voiced several concerns with the application which were incorporated in the draft recommendation letter to the Board of Supervisors (BOS) that called for denial based on several items or approval with a list of conditions.
- ZHB Application – 1131 S Chester Road. Charles Proctor, legal counsel on behalf of the applicant, summarized the application for major home occupation for a sole practitioner's medical office at the property located at the intersection of two arterial



streets. He described the property as an older home that has been used as a photography studio and residence since the time it was purchased by the previous property owner in 1983. Mr. Proctor explained that the previous owners applied for special exception for major home occupation which was granted by the Zoning Hearing Board at that time. Mr. Flynn made a motion to recommend approval of the ZHB application for a major home occupation for a sole practitioner's medical office at 1131 S Chester Road. Mr. Knaub seconded. All were in favor of the motion.

- Supervisor Pomerantz made a motion to appoint Joe Frisco to the Planning Commission for the unexpired term ending December 31, 2023.

### **September 2023**

- Ms. Carter announced that the ZHB application for 1115 Butternut Road to construct a garage within the front yard setback was denied. Ms. Carter also announced that the ZHB application for Crebilly Lot #4 to convert existing barn into an accessory dwelling unit was approved with conditions. Ms. Carter further announced that the applicant for the Visual Arts Center asked for an extension of the conditional use application until the end of the year
- Conditional Use Application – Stokes Estate Flexible Development continued Mr. Embick announced that the PC intended on finalizing its recommendations and conditions on the conditional use application for the flexible residential development of the Stokes Estate, and asked Mr. Gill to summarize the changes made as discussed.

### **October 2023**

- Ms. Carter announced that the ZHB application for 1131 S. Chester Road for special exception to allow for the sole practitioner's medical office to be located at the lower level of the dwelling. Ms. Carter reminded everyone that Conditional Use Hearing for the Stokes Estate Flexible Development is October 24, 2023 at 7pm. Ms. Carter noted that the West Goshen Planning Commission will discuss the Conditional Use application to redevelop a portion of the existing Parkway Shopping Center with a proposed convenience store and fueling stations at their October 10, 2023 meeting. Considering its proximity to Westtown, she encouraged the Planning Commission members to attend.
- Land Development Application – Westtown School. Gina Gerber, an attorney with Riley Riper Hollin & Colagreco, on behalf of the applicant provided a brief overview of the land development application to install various improvements to the athletic fields at the Westtown School.
- Ordinance Amendments - Shopping Center Parking continuation. Al Federico recapped that the Planning Commission expressed interest in reevaluating current parking requirements, and that he has previously provided an overview of parking

trends as well as several samples of shopping center parking ordinance language. In summary, he suggested changes to requirements pertaining to shared parking, shopping center parking, and parking reserve area to allow for modifications to the number of required parking spaces.

- Land Development Application – Westtown School, continued. Gina Gerber, an attorney with Riley Riper Hollin & Colagreco, on behalf of the applicant, recapped that the Township consultants have reviewed the applicant’s submission and issued review letters. Mr. Embick made a motion to recommend approval of the Preliminary and Final Land Development application for the Westtown School Oak Lane project and waivers as requested by the applicant in the October 18, 2023.
- Ordinance Amendments – Parking Regulations continued. In considering potential amendments to the Township’s parking regulations, the PC asked Al Federico to research several other requirements pertaining to parking, specifically potentially increasing the required number of parking spaces for single family and multi-family dwellings. Mr. Federico referenced the Township’s existing code requirements of 3 parking spaces for single family homes and 2 parking spaces for each dwelling unit within multi-family building. In general, the minimum requirement within the suburban areas is 2 parking spaces for single family homes, thus, Mr. Federico believed that Westtown’s requirement is sufficient.
- Ordinance Amendments - Fences continuation. Mr. Patel, 811 E. Sage Road, referred to the document he provided to the Township dated October 11, 2023 with proposed changes to the ordinance regulating fences. He noted that some recommendations might not be substantial in nature.
- Ordinance Amendments - Outdoor Burning continuation. Gerry DiNunzio, Westtown Fire Marshal, summarized his request to amend the outdoor burning requirements to provide some clarity when it comes to the use of fire pits. He explained that many outdoor burning complaints that the fire department receives relate to the use of fire pits, which are permitted.
- Ordinance Amendments – Managed Meadows continuation. Ms. Carter explained that the draft language to permit managed meadows as permitted property use has been previously presented to the PC for review, but no further discussion transpired. She wanted to see if the PC had any comments to be incorporated into the final draft and/or any concerns. Mr. Hatton added that the Township Environmental Advisory Council (EAC) recommends implementing an ordinance that supports the establishment of managed meadows.

## **November 2023**

- Parking ordinance discussion where the BOS may require a street with a sufficient paved width to allow on-street parking on one or both sides if determined it should be necessary to meet parking requirements. Mr. Federico recommended that language be revised. He also brought up the previous discussion on parking within garages, and

noted that a typical parking space is 9 feet by 18 feet and with a garage of 20 feet by 20 feet one can potentially fit two sedans. He further explained that the ordinance requires a specific setback for residential parking from the street line to the parking area, which makes the beginning of the driveway not to be counted towards meeting the parking requirements. Mr. Federico suggested some language to mitigate that issue. Ms. Carter noted that the proposed ordinance language removes specified parking requirements for the visual art center (VAC) and that some of the use-specific parking requirements referenced in Section 170-1705 might not be reflected in the proposed shared parking table. Motion to recommend the proposed amendments to Chapter 170, Zoning, Article XVII, OffStreet Parking and Loading, to be considered for approval by the Board of Supervisors with changes as discussed by the Planning Commission. JE/TS (6-0)

- Outdoor burning continued discussion. Westtown Township Fire Marshal Gerry DiNunzio summarized his request to amend the outdoor burning requirements to provide some clarity when it comes to the use of fire pits. He explained that many outdoor burning complaints that the fire department receives relate to the use of fire pits, which are permitted. He referred to the memo prepared by Ms. Carter that summarized the potential concerns related to the use of outdoor recreational devices and provided recommendations on ordinance changes, including a requirement for no burning after a certain hour and continuous supervision. Mr. DiNunzio expressed concern that limiting burning to certain hours may be too restrictive on recreational burning.
- Sketch Plan Application – continued. Westtown Marketplace Bank Gregg Adelman, attorney with Kaplin Stewart, on behalf of the applicant, Westtown AM West TIC, LLC, presented a sketch plan for the proposed development of a Chase Bank on the property at 1502 West Chester Pike known as the Westtown Marketplace shopping center, located within the C-1 Neighborhood and Highway Commercial Zoning District. He explained that the sketch plan for a one-story 3,294 square feet drive-in bank was like the plans previously submitted under the zoning variance application, which was discussed and favorably supported by the PC. Mr. Adelman recapped that the Zoning Hearing Board (ZHB) has granted approval for several of the requested variances, but denied request to decrease the number of parking spaces.

## **December 2023**

- Ordinance Amendments - Outdoor Burning continued. Fire Marshal Gerry DiNunzio summarized that he worked with Ms. Carter to address PC's comments on proposed language, which included editing definitions for recreational and ceremonial fire, adding definition for yard waste and applicable requirements, dimensions for the burning area, and clarification on how to contact a Fire Marshal. Mr. Flynn asked about the Chester County non-emergency 911 number. Mr. DiNunzio explained that when you call 911, it goes to the same dispatch room as calling the non-emergency number.

- Ordinance Amendments – Managed Meadow continued Mr. Hatton explained that the purpose of the managed meadow ordinance is to assist the Zoning Officer in enforcing the Property Maintenance Code without having to fine residents who have such meadows in place. He recapped that the Code requirement is to keep the grass no higher than 10 inches, however, plantings within meadows are usually taller than that. He further noted that the proposed definition was purposely not very detailed and was limited to managing the invasive plants. Ms. Carter added that from the enforcement perspective if the area in question was being maintained and there were no apparent invasive plants, it could be classified as a meadow. Motion to approve draft ordinance as amended regarding amending Chapter 170 Zoning of the Code of Westtown Township to permit managed meadows. Mr. Lees asked whether the solicitor has approved it. Ms. Carter explained that it was reviewed except for the most recent changes which would be reviewed prior to the Board meeting. Mr. Lees seconded. All were in favor of the motion. (JE/JL) 6-1
- Sketch Plan Application – 1032 and 1036 Wilmington Pike Kurt Wolter, property owner of 1032 and 1036 Wilmington Pike, explained that he purchased the properties approximately 3-4 years ago with the intent to redevelop for a tenant, who walked away. Mr. Wolter had another prospective tenant for commercial use, for which the sketch plan was prepared, but who decided not to move forward. Mr. Wolter wanted to meet with the Planning Commission to discuss any concerns pertaining to the property and referred to the sketch plan depicting a potential layout of building, parking areas, circulation, landscaping buffer and an underground stormwater management facility. Mr. Embick noted that the PC was advised there was a concern about historic significance of one of the buildings, which is included on the Westtown Township Historic Resources list. Mr. Wolter believed the building was ready to tumble down and he intended to demolish it. Stephen Wahrhaftig expressed concerns regarding the historic property. He mentioned that the Township’s records indicate that the building was built in 1795 and it was one of the oldest buildings on the Township’s inventory.
- ZHB Application – 1001 S Walnut Street Mr. Chavous, property owner of 1001 S Walnut Street, summarized his request for special exception for major home occupation to run his business, Chavous Custom Contracting, from his home. He explained that his business is currently located in Darby, but the site is not being utilized, because he and his family relocated to Westtown and he must commute. He reached out to the neighbors to collect signatures in support of his application and revised the site plan to address screening concerns raised by the PC previously. He referred to the site plan depicting a proposed 6-foot privacy fence along portion of the property where most of the business activity would occur. Motion to recommend approval of the ZHB application for special exception to permit major home occupation for a deck building business with the following conditions to be considered by the ZHB:
  1. All commercial vehicles shall be parked in the garage, except for one commercial vehicle which is permitted to be parked outside.
  2. Loading and unloading of materials shall only occur between 7am and 7pm, Monday through Saturday.
  3. Privacy fence

for screening purposes within the front yard, as appropriate, shall be installed prior to start of business operation. JE/KF (6-0

- Ordinance Amendments – 2024 Priorities Mr. Hatton recapped that the PC has been keeping a list of potential ordinance amendments with some going back to 2001. Mr. Flynn proposed to create a separate category for the items that had been discussed but not adopted. Mr. Embick suggested not to separate the list because these items might come up in the future, and instead assign a low priority and make a note under status column to keep track. The PC went through the list of high priority items.

### **Plans for 2024**

The following items have been identified by the PC as high priority initiatives for the next year. It is expected that this list will expand or will be modified as the year progresses.

- Review the renewable energy systems provisions for potential changes to setbacks for ground mounted systems and any other requirements if deemed needed.
- Finalize fencing regulation updates, including placement, type, materials and heights.
- Review proposed changes to the historic preservation ordinance.
- Review flexible development ordinance for setbacks, lot size, and open space requirements.
- Review 2019 Comprehensive Plan for items that could be revised and/or implemented.
- Revise road construction references to outdated PennDOT regulations.
- Improve requirements and process in the use of sketch plans.
- Complete revisions to storage regulations to include self-storage and other storage methods.
- Consider revisions to open space calculations.
- Revise conservation design regulations and consider potential amendments.
- Consider adoption of the environmental impact assessment provisions.
- Discuss opportunities for development of trail connections to parks and open spaces.
- Consider revisions to assessment criteria (i.e., traffic impacts).

**ORDINANCE 2024 - 01**

**WESTTOWN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WESTTOWN, CHAPTER 170, ZONING, ARTICLE XVII, OFF-STREET PARKING AND LOADING, BY AMENDING THE FOLLOWING: §170-1702, SIZE; §170-1704, HANDICAPPED PARKING; §170-1705, SCHEDULE OF REQUIRED PARKING; §170-1706, SHARED PARKING; §170-1707, PARKING RESERVE AREA; §170-1708, PARKING STANDARDS FOR SINGLE-FAMILY RESIDENTIAL DWELLINGS; AND §170-1709, SHOPPING CENTER PARKING.**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, that certain provisions of Chapter 170, Zoning, of the Code of the Township of Westtown, as amended, be further amended as follows:

**SECTION 1.** Chapter 170, Zoning, Article XVII, Off-Street Parking and Loading, §170-1702, Size, Subsection A(3), shall be amended to read as follows:

(3) In the case of churches, schools and office parks, where parking is at a ninety-degree angle and a twenty-four-foot aisle is provided, the spaces shall be nine feet by eighteen feet.

**SECTION 2.** Chapter 170, Zoning, Article XVII, Off-Street Parking and Loading, §170-1704, Handicapped parking, Subsection A, shall be amended to read as follows:

A. In any parking area where the total number of parking spaces exceeds five, a minimum of one space for each 25 total spaces or fraction thereof shall be designed and designated for physically handicapped persons. Number of spaces: Any parking lot including four or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is officially established under the Federal Americans with Disabilities Act:

<b>Total number of parking Spaces on Lot</b>	<b>Required Minimum Number/ Percent of handicapped Parking Spaces</b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4

Total number of parking Spaces on Lot	Required Minimum Number/ Percent of handicapped Parking Spaces
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20, plus 1% of required number of spaces over 1,000

**SECTION 3.** Chapter 170, Zoning, Article XVII, Off-Street Parking and Loading, §170-1705, Schedule of required parking, Subsection B(1), shall be amended to read as follows:

- (1) Indoor retail businesses: Parking or storage space for all vehicles used in the conduct of business, plus five parking spaces per 1,000 square feet of floor area of rooms accessible to customers. For a shopping center, see §170-1709.

**SECTION 4.** Chapter 170, Zoning, Article XVII, Off-Street Parking and Loading, §170-1705, Schedule of required parking, Subsection B(6)(b), shall be amended to read as follows:

- (b) Fast-food restaurants providing drive-through window service shall be sited in such a manner that at least 10 vehicles can stand in line awaiting such service without blocking access to otherwise required parking spaces.

**SECTION 5.** Chapter 170, Zoning, Article XVII, Off-Street Parking and Loading, §170-1705, Schedule of required parking, Subsection B(8), shall be amended to read as follows:

- (8) Grocery store or supermarket: Six spaces per 1,000 square feet of gross leasable area, unless part of a shopping center containing an additional 50,000 square feet or more of retail space, in which case this requirement shall be considered to be met through compliance with the overall shopping center requirements, as stipulated in §170-1709.

**SECTION 6.** Chapter 170, Zoning, Article XVII, Off-Street Parking and Loading, §170-1706, Shared parking, shall be amended to read as follows:

**§170-1706 Shared parking.**

- A. The parking spaces required by §170-1705 may be reduced when two or more uses on abutting lots share a parking area, subject to the following conditions:
  - (1) That some portion of the shared off-street parking area lies within 200 feet of an entrance, regularly used by patrons, into the buildings served by the shared parking facilities.
  - (2) Pedestrian facilities comply with current standards for accessibility and §149-916.
  - (3) Access and parking easements are prepared and recorded for each property affected by the shared parking.
- B. The minimum amount of shared parking required shall be based on the application of the below percentages to the parking required for each land use as per §170-1705.

Use	Weekday			Weekend		
	9 AM to 6 PM	6 PM to 12 AM	12 AM to 9 AM	9 AM to 6 PM	6 PM to 12 AM	12 AM to 9 AM
Offices	100%	10%	5%	10%	5%	5%
Retail and Service Uses	60%	90%	5%	100%	70%	5%
Hotel/Motel	60%	100%	100%	60%	100%	100%
Restaurant	50%	100%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	10%
Other Uses	The Board shall determine with which of the preceding categories any unlisted use shall comply.					

- C. The applicant shall execute a written declaration that provides, in relevant part, that the minimum amount of shared parking required, based on the application of the percentages contained in §170-1706.B, shall be maintained at all times. The Township Solicitor shall review the declaration, as to form, content, and execution, which shall be finally approved by the Board of Supervisors. A draft of the declaration shall be submitted with the application for a building permit, and the final version of the declaration shall be retained by the Township and made a part of the property file.
- D. Shared or common parking lots shall be provided with appropriate signage indicating the buildings and/or uses for which the spaces have been made available.



**SECTION 7.** Chapter 170, Zoning, Article XVII, Off-Street Parking and Loading, §170-1707, Parking reserve area, shall be amended to read as follows:

**§170-1707 Parking reserve area.**

The number of parking spaces to be constructed may be up to 30% less than the number required herein only where the following conditions are met to the satisfaction of the Township:

- A. Evidence is submitted firmly documenting that the special nature of the proposed occupancy or use of the building requires less parking area or fewer spaces than that required by this article.
- B. The land development plan submitted by the applicant indicates that the location and layout of 50% of the required parking area deemed unnecessary at the time of application can and will be constructed on the surface of the site, according to the requirements of this article, in the event that the Township determines at any time that this parking is necessary and in the interest of the public health, safety, and welfare.
- C. In no event shall that authorized portion of the required parking area which is not to be constructed, but reserved for possible future use, be counted as open space or other unpaved area required by other provisions of this chapter.
- D. The parking reserve area shall be designed so that any required minimum area of vegetative cover would be maintained in the event that the parking reserve area is subsequently developed.
- E. The parking reserve area shall be landscaped according to an approved plan and in accordance with §170-1507 of this chapter.
- F. The parking reserve area shall have no building, whether temporary or permanent, erected on it at any time.
- G. Prior to approving a change of use or other modification that results in a requirement for greater total off-street parking, the applicant must demonstrate continued compliance with this article.

**SECTION 8.** Chapter 170, Zoning, Article XVII, Off-Street Parking and Loading, §170-1708, Parking standards for single-family residential dwellings, Subsection C, shall be amended to read as follows:

- C. Areas devoted to surface parking may occupy no more than 50% of any required front, side, or rear yard, and shall comply with §170-1701.D of this chapter.

**SECTION 9.** Chapter 170, Zoning, Article XVII, Off-Street Parking and Loading, §170-1709, Shopping center parking, Subsection A, shall be amended to read as follows:

- A. Except as specified in subsection C below, a minimum of 5 spaces shall be provided for each 1,000 square feet of gross leasable area, or fraction thereof, within the proposed

shopping center.

**SECTION 10.** Chapter 170, Zoning, Article XVII, Off-Street Parking and Loading, §170-1709, Shopping center parking, new Subsection C, shall be added and shall read as follows:

C. The number of parking spaces for an existing shopping center may be reduced to 3.5 for each 1,000 square feet of gross leasable area, or fraction thereof, within the shopping center only when the following conditions are met to the satisfaction of the Township:

(1) The applicant shall submit to the Township for review and approval a Parking Study which includes:

- a) Evidence documenting that the nature of the proposed occupancy or use of the buildings require less parking area or fewer spaces than that required by this article.
- b) Documentation of parking occupancy based on two separate observations completed during peak summer and winter periods, the specific time of which are confirmed with the township traffic engineering prior to collecting data.
- c) A comparison of the observed and proposed parking relative to the 85th percentile parking demand presented in the Institute of Transportation Engineer's Parking Generation, latest edition.

(2) An area equal to 10% of the parking being removed will be landscaped, including full depth removal of the existing paving.

**SECTION 11.** If any sentence, clause or section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or validity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

**SECTION 12.** All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

**SECTION 13.** This ordinance will be effective five (5) days after enactment.

**ENACTED AND ORDAINED** by the Board of Supervisors of Westtown Township, Chester County, Pennsylvania, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**Attest:**

**Westtown Township  
Board of Supervisors**

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Thomas Foster, Chair

\_\_\_\_\_  
Edward Yost, Vice Chair

\_\_\_\_\_  
Richard Pomerantz, Police Commissioner

DRAFT

**Table 1. Future Action and Policy Considerations**

Policy or Action	Priority Level	Timing	Primary Responsibility
Consider development and adoption of the “Official Map” tool with a focus on open space preservation, parkland, desired trail/sidewalk connections and other future public improvements.	High	Short-term	Planning Commission
<b>Seek means to address unique demographic challenges</b>			
Provide for the growing millennial and aging populations, including attention to their housing, economic and recreational interests, implementing appropriate regulatory provisions.	High	Long-term	Township Staff
Seek to engage the millennial generation in municipal governance; consider technological options that may promote and encourage their participation.	High	Long-term	Board of Supervisors
Continue consideration of provisions that provide for affordable and diverse housing opportunities that would allow aging in place (housing that is suitable for the aging population is also often suitable for millennials).	High	Long-term	Planning Commission
Continue consideration of adopting provisions that would allow for “backyard cottage” or “granny flat” residential units in appropriate zoning districts.	High	Long-term	Planning Commission
Consider adopting zoning provisions that encourage the development of mixed-use developments and redevelopment that can provide affordable housing opportunities, as well as commercial/retail establishments and communal meeting spaces frequented by millennials.	Medium	Long-term	Planning Commission
Work to provide multi-modal connections (including walkable) between residential areas (including those in mixed-use zones) and employment, commercial and service provider centers, both within Westtown and to its surrounding communities.	Low	Long-term	Planning Commission

Policy or Action	Priority Level	Timing	Primary Responsibility
Provide suitable recreational opportunities for the aging population, both passive and active, that promotes continued health and wellbeing.	High	Short-term	Park and Recreation Commission
<b>Adopt zoning and SALDO ordinances to protect natural resources</b>			
Consider amending Zoning Use provisions to provide incentives for agri-business and agri-tourism to help keep remaining farm properties viable in a suburban environment.	High	Short-term	Board of Supervisors
Consider adopting specific definitions and standards for disturbance of riparian buffers, including setbacks from streams and wetlands, disturbance limitations, and reforestation provisions.	High	Short-term	Township Staff
Consider requiring future Open Space Management Plans, Woodland Management Plans, and SALDO final plans to include long-term management plans for maintenance of riparian buffers, woodlands and headwaters areas, including designation of management practices, responsible parties, professional assistance where necessary, and enforcement provisions.	Low	Long-term	Township Staff
Consider adopting specific definition of headwaters areas and, where more extensive than riparian buffers, add provisions for disturbance limitations, and reforestation.	Low	Long-term	Township Staff
Consider amending wetland provisions, to apply where any permitted activity in Westtown Township requires the submission of a wetland delineation report, stream or wetland encroachment permit, or mitigation plan to the Pennsylvania Department of Environmental Protection and/or U.S. Army Corps of Engineers. Require that copies of all such documentation be submitted to the Township within 10 days of submission to the requiring agency.	Low	Long-term	Township Staff
Consider amending Vegetation Management provisions to establish specific standards and limitations for woodland disturbance where not governed by forestry or timber harvesting regulations.	Low	Long-term	Township Staff

Policy or Action	Priority Level	Timing	Primary Responsibility
Consider amending Forestry/Timber Harvesting provisions to: <ul style="list-style-type: none"> <li>○ Specify submission requirement for Forest Management and Timber Harvesting Plan(s), including provisions for site restoration and/or natural regeneration</li> <li>○ Consider more specific limitations to canopy tree removal and retention</li> <li>○ Require compliance with Township grading, stormwater management, and erosion control standards as applicable, and any other applicable Township, county, state or federal regulations.</li> </ul>	Low	Long-term	Township Staff
<b>Undertake non-regulatory action and policy to support protection of natural resources</b>			
Continue to support collaborative efforts with other agencies, conservation organizations, and owners of valuable open spaces to achieve permanent land conservation objectives, notably focusing on properties with significant natural resources.	High	Long-term	Board of Supervisors
Develop best management practices for land stewardship of Township-owned natural resources, to improve the ecological performance of these resources and to educate and inspire private landowners.	High	Long-term	Township Staff
<b>Promote preservation of historic resources</b>			
Keep an up-to-date and comprehensive inventory of nationally and locally significant historic resources, defining and mapping “principal” versus “accessory” structures and “contributing” versus “non-contributing” resources, and also consider expansion of the inventory to include additional “structures” which are not buildings, yet are historically important.	Low	Long-term	Historical Commission
Review and revise as necessary existing regulatory provisions to provide incentives for preservation of historic structures and their landscape settings, including additional use and adaptive re-use opportunities, density and other design and area and bulk incentives.	Low	Long-term	Historical Commission

Policy or Action	Priority Level	Timing	Primary Responsibility
<b>Promote conservation of scenic landscapes</b>			
Identify and map scenic roads and scenic landscapes throughout Westtown, including working landscapes, woodlands, stream valleys, and historic settlement patterns.	Low	Long-term	Township Staff
Establish provisions to promote development patterns consistent with scenic preservation objectives, linking existing requirements for identification of scenic landscapes. Include related requirements for management of roadside vegetation, provision of options for use of characteristic architectural treatment for new development and, where not utilized, provision for increased setbacks and landscape buffers.	Medium	Short-term	Planning Commission
<b>Preserve and enhance open space and recreational resources</b>			
Consider initiation of a referendum allowing Township residents to vote on whether to establish a dedicated tax for open space protection.	High	Short-term	Board of Supervisors
Maintain strong relationship with large landowners including Westtown School, the Stratton Family, and the Stokes Family in order to actively assist in keeping those open spaces undeveloped and actively farmed.	High	Long-term	Board of Supervisors
Evaluate the Township zoning ordinance for potential barriers versus incentives for viable agricultural related businesses.	High	Short-term	Board of Supervisors
Seek and support collaborative efforts with other agencies, conservation organizations, and owners of valuable open spaces to achieve permanent land conservation.	High	Short-term	Board of Supervisors
Evaluate ability to allocate a greater percentage of the Township budget for parks and recreation and leverage this base amount with other funding sources (fees, grants, gifts, sponsorships, etc.).	High	Long-term	Board of Supervisors

Policy or Action	Priority Level	Timing	Primary Responsibility
Evaluate the ability of existing Township staffing and appointed Commissions and Committees to support the goals and objectives of the OSRER Plan.	High	Long-term	Board of Supervisors
Develop best management practices for land stewardship of Township-owned open spaces, to improve the ecological performance of these resources and to educate and inspire private landowners.	High	Long-term	Township Staff
Complete master park plans for all Township parks, including maintenance and management plans for all structures and facilities.	Low	Long-term	Township Staff
Evaluate opportunities to expand park, recreation and trail facilities in the underserved areas of the Township (west of Route 202 and east of Route 352). At such point as development may occur at Crebilly Farm, ensure that the plan includes trails and unconstrained lands suitable for active recreation/play fields.	Low	Long-term	Park and Recreation Commission
<b>Promote value-centered management of community facilities</b>			
Continue to foster a strong relationship with all public and private schools based on open and regular communications, shared goals, and mutual respect.	High	Long-term	Board of Supervisors
Continue to require inspection and maintenance of all private on-lot sewage disposal systems, as per the Township's Sewage Management Program and Act 537 Plan.	High	Long-term	Township Staff
Encourage developers to connect to public sewer and water lines.	High	Long-term	Township Staff
Consider regional partnerships for stormwater management projects that address state and federal-mandated pollution reduction requirements.	Low	Long-term	Board of Supervisors
Continue to explore options for cost sharing with adjoining municipalities.	Low	Long-term	Township Staff



Policy or Action	Priority Level	Timing	Primary Responsibility
<b>Improve pedestrian and bicycle interconnections</b>			
Consider developing measures to promote walking and biking options, in coordination with the WCASD, including implementing a School Routes to School Plan for each school within the Township.	Low	Long-term	Township Staff
Identify and pursue possible state and county funding options for implementation of trail enhancements. Consideration should be given to connecting to Township open space and recreation lands.	Low	Long-term	Township Staff
Consider promoting enhancements to controlled pedestrian crossings of Arterial Roadways (US Route 202, PA Route 3, PA Route 352 and PA Route 926) to accommodate non-vehicular connectivity throughout the Township. Priority actions should include providing access to and the enhancement of signalized crossings of US Route 202 at PA Route 926 and Skiles Boulevard/ Stetson Middle School Drive.	Low	Long-term	Township Staff
<b>Seek to improve public transit service</b>			
Consider advocating for the reestablishment of regional rail service to West Chester, supporting regional efforts and including use of the Cheney and Westtown Stations.	Low	Long-term	Board of Supervisors
Evaluate options for improving other transit services. Identify specific areas of population and/or employment density suitable for Transit Use. Work with SEPTA, TMACC and DART (as appropriate) to evaluate options for providing service and to develop new transit options, including for the US Route 202 corridor.	Low	Long-term	Board of Supervisors
Support efforts to provide Enhanced Bus Service (EBS), notably along the PA Route 3 Corridor, coordinating with SEPTA and Chester and Delaware Counties.	Low	Long-term	Board of Supervisors

Policy or Action	Priority Level	Timing	Primary Responsibility
<b>Continue to maintain roads and promote safety</b>			
<p>Coordinate with Chester County and PennDOT as part of the subdivision and land development project development and implementation process, to ensure that to the greatest extent feasible improvements:</p> <ul style="list-style-type: none"> <li>○ Minimize the intrusion of regional traffic into adjacent neighborhoods, and</li> <li>○ Support non-vehicular and alternative travel modes.</li> </ul>	High	Long-term	Township Staff
<p>Assess traffic related collisions. At high accident locations, identify predominant crash types and causes. Work with appropriate stakeholders (i.e. WEGO, WCASD, Chester County, PennDOT and adjacent municipalities) to develop accident prevention and pursue funding options for implementing road and intersection improvements.</p>	High	Long-term	Township Staff
<p>Identify measures to minimize the use of local and neighborhood streets by regional through traffic, including but not limited to enhancements to regional transportation facilities, implementation of appropriate traffic calming measures to local and neighborhood streets (such as raised crosswalks, speed humps, and curb bump outs) and promotion of multimodal options.</p>	High	Short-term	Township Engineer
<p>Continue evaluating travel speeds for all roadways within the Township. Work with Township staff, WEGO, PennDOT and adjacent municipalities as applicable to identify and implement appropriate design elements to achieve desirable speeds as part of maintenance and capital projects.</p>	Low	Long-term	Township Staff
<p>Assess annual Township and PennDOT road maintenance activities to identify opportunities to modify vehicle cartways to provide enhanced shoulders and/or dedicated bicycle lanes, and to implement pedestrian crossing enhancements.</p>	Low	Long-term	Township Engineer

Policy or Action	Priority Level	Timing	Primary Responsibility
<b>Promote traffic capacity enhancements</b>			
<p>Continue efforts to provide new collector roads as shown on the Road Functional Classification Map that provide:</p> <ul style="list-style-type: none"> <li>○ A new route for local north-south travel between PA Route 926 and the Stetson Jug Handle and adjacent driveways for Starkweather Elementary School and Stetson Middle School as an alternative to US Route 202; and</li> <li>○ A realignment of Shady Grove Way directly across from Cheyney Road at PA Route 926. Ensure that these routes provide connectivity to adjacent uses and accommodate multimodal alternatives.</li> </ul>	High	Short-term	Board of Supervisors
<p>Promote long term improvements to the US Route 202 corridor that significantly reduce the current congested conditions, including consideration of significant capacity enhancements such as the formerly proposed grade-separated intersection at Routes 202 and 926, working with Chester County, DVRPC and PennDOT</p>	High	Short-term	Board of Supervisors
<p>Support road and intersection capacity enhancements by PennDOT along significant State Routes throughout the township, including:</p> <ul style="list-style-type: none"> <li>○ Improvements to the intersection of US Route 202 and PA Route 926;</li> <li>○ Improvements to the intersection of Pa Route 926 and PA Route 352;</li> <li>○ Traffic Signal Enhancements along the US Route 202, PA Route 3 and PA Route 352 Corridors.</li> </ul>	High	Long-term	Township Staff
<p>Review current access management provisions of the Township Zoning and Subdivision and Land Development Codes regarding traffic control measures and update codes as appropriate.</p>	Low	Long-term	Planning Commission
<b>Enact regulatory provisions to promote energy conservation</b>			
<p>Encourage a greater mix of uses and redevelopment (See Future Land Use discussion).</p>	High	Short-term	Planning Commission

Policy or Action	Priority Level	Timing	Primary Responsibility
Consider zoning and SALDO amendments to promote or provide: <ul style="list-style-type: none"> <li>○ A minimum percentage of solar-oriented lots or buildings in new development (solar siting),</li> <li>○ That new construction has solar ready roofs,</li> <li>○ Incentives, such as reduced permit fees for renewable energy systems,</li> <li>○ Incentives, such as density bonus or reduced permit fees, for buildings with Energy Star, LEED, or Passive House certification,</li> <li>○ That new development or redevelopment meet certain standards for energy efficiency,</li> <li>○ The installation of electric vehicle charging stations.</li> </ul>	Low	Long-term	Township Staff
<b>Pursue other policy and action to promote energy conservation</b>			
Increase opportunities for walking and biking in the Township (See Community Facilities and Open Space discussion).	Low	Long-term	Board of Supervisors
Be a Role Model. The Township can plan a key role in promoting energy conservation through: <ul style="list-style-type: none"> <li>○ Demonstration projects on Township properties;</li> <li>○ Conducting an audit of its own energy use in buildings, vehicles and operations;</li> <li>○ Evaluate the feasibility of requiring new Township facilities and vehicles to meet certain energy efficiency standards.</li> </ul>	Low	Long-term	Board of Supervisors
Promote energy conservation at the individual and household level through residential education and outreach. Such education could focus on providing information on programs such as Solar City or PECO Smart House Call.	Low	Long-term	Board of Supervisors
<b>Revise local regulation to provide for the following:</b>			
Consider a new Institutional Zoning District(s) to better tailor regulations to the needs of the Township's many institutions.	High	Short-term	Board of Supervisors

Policy or Action	Priority Level	Timing	Primary Responsibility
Expand commercial/mixed use zoning along Route 202 to encompass existing residential properties where current residences are oriented towards the highway, providing for such properties to be combined and converted to commercial or mixed-uses, especially where redevelopment can be located beyond the ultimate right-of-way of Route 202 and with alternative access rather than direct access to Route 202.	High	Short-term	Board of Supervisors
Enable a greater mix of uses in all existing commercial and office park areas, to provide for in-fill or redevelopment with a greater degree of mixed uses, sharing infrastructure and stormwater management needs, including the incorporation of residential uses, notably on upper floors.	High	Short-term	Board of Supervisors
Incorporate requirements into zoning ordinances to encourage that new development and redevelopment create pedestrian connections (trails and/or sidewalks) to surrounding neighborhoods, and incorporate open spaces and protection of natural resources.	High	Long-term	Planning Commission
Review zoning and other ordinances to ensure that home renovations and/or possibilities to add “elder cottages” as accessory dwellings on existing residential properties, can be reasonably accommodated to help residents age in place.	High	Short-term	Planning Commission
Adjust non-residential parking standards to reflect opportunities to reduce impervious coverage where mixed use development may have complimentary or shared parking needs.	High	Short-term	Planning Commission
Review regulatory provisions to ensure that home renovations or retrofits intended to help residents age in place in their own homes can be reasonably accommodated.	High	Short-term	Township Staff
Consider establishment of incentive provisions to provide for a reasonable percentage of affordable housing in appropriate locations.	Low	Long-term	Board of Supervisors

# List of Planned Activities 2024

Revised: February 2, 2024

Potential Ordinance Amendments								
No. (Origination year-month)	Chapter	Section/Name	Description of Changes/Status	Source	Priority	Status (PC)	Status (BOS)	
1	2017-05	170 Zoning	<b>Article IX Flexible Development</b>	1. 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). 2. 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.	
2	2024-01	170 Zoning	<b>907 Open space standards</b>	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	PC	1		
3	2024-02	170 Zoning	<b>1617 Conservation Design</b>	Concern that these requirements are nt being followed. Consider potential revisions.	PC	1		
4	2024-02	149 SLDO	<b>TBD</b>	Consider requiring environmental impact assesments based on the magnitude of development. JE has draft language.	PC	1		
5	2024-02	149 SLDO	<b>TBD</b>	Consider revisions to assessment criteria (i.e., traffic impacts).	PC	1		
6	2023-12.1	170 Zoning	<b>2400 Historic Preservation</b>	Proposed changes to require review by the HC of all incoming applications,	HC	1	TWP SOLICITOR	
7	2017-08.4	170 Zoning	<b>1509 Storage</b>	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	
8	2023-12.5	170 Zoning	<b>1618 Renewable energy systems</b>	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		
9	2023-09	149 SLDO	<b>500 Sketch Plan</b>	Sketch plan requirements and process can be imporved	MC	1		
10	2017-09.1	149 SLDO	<b>910 Street Construction</b>	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	
11	2023-08	170 Zoning	<b>1505 Fences</b>	Considerations for deer fences and other changes (height of fences?); MC to draft proposed ordinance langauge for review.	MC	1	PENDING	
12	2023-01	170 Zoning	<b>1507 Landscaping and site design</b>	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; Add. Chnages discussed 01/17/24	
13	unk.	149 SLDO	<b>300 Application Procedures</b>	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			
14	2023-10	170 Zoning	<b>1511 Establishment of future right-of-way widths for streets</b>	Consider changing the language to only regulate dedicated ROWs	ZHB Solicitor			
15	2017-09.12	170 Zoning	<b>1600 Supplemental Regulations</b>	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)			
16	2023-03	170 Zoning	<b>1603 Accessory uses and structures</b>	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			

17	2023-05	170 Zoning	<b>1605 Home occupations</b>	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			
18	2023-10	170 Zoning	<b>1614 Bus shelters</b>	Connection to existing sidewalk, pedestrian facility req.	MC			
19	2019-03	170 Zoning	<b>1700 Off-street parking</b>	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			
20	2017-08.5	170 Zoning	<b>1513.B Interior circulation and streets minimum widths</b>	Consider reducing the minimum paved width of streets on low traffic volume streets.	PC (EA)			
21	2021-01	170 Zoning	<b>1800 Signs</b>	1. 1806.F.4.a - Specify which "right-of-way" (existing, legal or future)	JS			
22	2019 -1	170 Zoning	<b>201 Definitions</b>	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. Commerical 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			
23	2023-08	149 SLDO	<b>201 Definitions</b>	1. Definition of land development; minor land development (?); 2. Add definition for specimen trees	MC			
24	2023-04.1	170 Zoning	<b>2103 Hearings (ZHB)</b>	Notice to multi-family dwellings, condos process (multiple units)	ZHB Solicitor			
25	unk.	170 Zoning	<b>401 Floodplain Regulations</b>	Based on comments received during review in 2017, PC members indicated a desire to make some changes with Beth Uhler' assistance				
26	2019-04	149 SLDO	<b>405 Commencement of development</b>	Add times and days of the week, 149-404?	PC			
27	2001-08.2	149 SLDO	<b>915 Driveways</b>	PC has suggested on several occasions that the Board adopt a freestanding driveway ordinance.	MT (KM)			
28	unk.	149 SLDO	<b>924 Existing trees</b>	§149-924.D which would require a separate tree protection plan.	MT (KM)			
29	unk.	149 SLDO	<b>925 Landscaping requirements and standards</b>	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: §149-925-1.5 – Street Trees within 10 feet of side lot lines. (1.5)	MT			
30	2017-09.5	149 SLDO	<b>Administrative Preliminary or Final Waivers</b>	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)			
31	2001-08.1	170 Zoning	<b>Buffers &amp; Screening - MU and R-3 Districts</b>	Present regulations generally require buffers between districts rather than between uses. (Except for commercial vs residential).	PC (EA)			
32	2017-09.11	149 SLDO	<b>Design standards</b>	Consider adding a Belgian Block Section of Code with detail.	MT (KM)			
33	unk.	170 Zoning	<b>Uses - M-U District</b>	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.	unk.			
34	2024-02	144 Stormwater Management	<b>TBD</b>	More restrictive to houses constructed after 2013 due to their impervious coverage being added to cumulative regulated impervious which requires PCSW (engineered) plan and review.	MC			

	No. (Origination year-month)	Source	Name	Description of Changes/Status	Responsibility	Priority	Status (PC)	Status (BOS)
1	2024-01	Comprehensive Plan	<b>Trail Connections</b>	Discuss opportunities for development of trail connections to parks and open spaces.	PC	1		