

WESTTOWN TOWNSHIP
PLANNING COMMISSION MEETING AGENDA
Wednesday, March 6, 2024 – 7:00 pm

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

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

Call to Order and Pledge of Allegiance

Adoption of Agenda

Approval of Minutes

Planning Commission Meeting February 21, 2024

Announcements

1. The ZHB request for 1001 S Walnut Street for special exception to permit major home occupation for a deck building business has been granted with conditions.
2. The ZHB request for 109 Piper Lane for a variance to permit proposed swimming pool to encroach 9 feet into the mandated setback has been granted.

Public Comment – Non-Agenda Items

New Business

1. Review of the Comprehensive Plan (2019)

The Comprehensive Plan was completed in 2019 with a minor amendment in 2022 to update open space goals and the future land use map related to the protection and acquisition of Crebilly Farm. The Planning Commission will revisit the plan to review recommendations and discuss implementation activities.

2. Ordinance Amendments – Flexible Development Procedure

The draft amendments to Article IX, Flexible Development Procedure, and other relevant provisions were proposed and recommended for approval by the Planning Commission in 2021. The Planning Commission will revisit the draft language to discuss its applicability and potential changes to address concerns raised during completed land developments.

Old Business

Public Comment

Reports

1. Board of Supervisors Meeting February 20, 2024 – Brian Knaub/Joe Frisco
2. Environmental Advisory Council February 27, 2024 – Russ Hatton

Adjournment

Next PC Meeting:

- **March 20, 2024, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Monday March 18, 2024, 7:30 PM** – Kevin Flynn/Brian Knaub

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall, 1039 Wilmington Pike
Wednesday, February 21, 2024 – 7:00 PM

Present

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

Call to Order and Pledge of Allegiance

Mr. Embick called the meeting to order at 7:03 PM.

Adoption of Agenda (RH/JF) 6-0

Mr. Hatton made a motion to adopt the agenda. Mr. Frisco seconded. All were in favor of the motion.

Approval of Minutes (RH/BK) 6-0

Mr. Hatton made a motion to adopt the meeting minutes from February 7, 2024. Mr. Knaub seconded. Mr. Flynn suggested one correction to the motion pertaining to the ZHB application for 109 Piper Lane. Mr. Embick suggested an additional stylistic correction. All were in favor of the motion with revisions as noted.

Announcements

1. Ms. Carter announced that the Zoning Hearing Board (ZHB) hearing for 1115 S. Concord Road has been rescheduled for March 28, 2024. She added that the applicant has retained legal counsel and intends on coming back for the Planning Commission's recommendations at a later date.

Public Comment – Non Agenda Items

None

New Business

1. Debriefing on Joint Meeting

Mr. Embick asked for the members' feedback on the joint meeting with the Board. Mr. Frisco felt that it was a good introduction to better understand the roles and responsibilities of the Planning Commission and the Board. However, he also felt that the Planning Commission could have been better prepared to answer the Board's questions. Mr. Knaub agreed it was a good experience which provided a better insight in the Board's expectations. He recapped the subject of attainable housing that was raised by the Board, which he felt that the Board wanted the Planning Commission to look into. Mr. Knaub questioned how this concern could be addressed. Mr. Hatton recapped that only two subject matters were brought up: environmental rights amendment and attainable housing. He felt that due to their complexity, the Planning Commission was not ready to address them at the joint meeting. He expressed that the Board did not provide any substantial feedback on the priority list, and wished there was a more clear direction from the Board. Mr. Knaub wondered whether the priority list was too long. Mr. Lees agreed that most of the discussion was spent on subject of affordable housing, which was not on the Commission's priority list. He expressed his disappointment at not receiving any feedback on the Commission's priorities, and opined that affordable housing was a dead issue in Westtown. Mr. Flynn also expressed his disappointment. Mr. Embick suggested that the Board did not discuss the Planning Commission's report in order to reach some consensus. He felt that the Planning Commission was not given any direction,

but believed that they could proceed with their work as proposed. Mr. Embick suggested keeping the Board updated on the progress, and asked whether attainable housing shall be included on the priority list.

Mr. Hatton stated that some time ago, the Westminster Presbyterian Church had plans for affordable housing on its property, and suggested looking into how to support that. Mr. Embick wondered whether the church would be interested in discussing it with the Planning Commission to determine if any amendments might be needed to accommodate the project. Mr. Flynn was not supportive of approaching the church, and questioned changing ordinances for one purpose which he believed could have unintended consequences. Mr. Hatton suggested learning more about the project and overall subject of attainable housing to be ready when such proposal comes forward. Mr. Knaub asked when the church bought the property. Mr. Hatton thought it was fairly recently. Mr. Embick believed there was a land swap between the church and the owners of Crebilly tract. He was in support on exploring attainable housing, and felt that not addressing it was a silent discrimination against community diversity. Mr. Embick further suggested to acquire information and expertise on the subject. He also felt that the proposal was attractive, because the church already owned the property, thus there was no need for land acquisition. However, he pointed out that there was a plan for apartments several years ago, which was met with substantial public resistance, because people felt that such housing would diminish their own property values.

Mr. Lees pointed out that several years back, the County had explored this subject in great detail. He couldn't recall the outcomes, but suggested it might be a good place to start. Mr. Embick suggested to reach out to the County, the Council of Governments, and other groups to see what has been done. Ms. Carter was aware of several efforts in drafting ordinance provisions supportive of affordable and attainable housing, but did not know whether any municipalities were successful in implementing those. She promised to reach out to the County to find out more and report back. She also pointed out that the Brandywine Conservancy develops community built-out assessments that calculate potential yield of housing units based on current base zoning. Ms. Carter felt that it might be helpful to determine how many housing units might be possible in Westtown. Mr. Embick pointed out that two supervisors did not feel that the subject was a top priority, but he was supportive of potentially inviting someone to present for further discussion. The PC agreed. Mr. Embick thought that the Board did not approve or disapprove the proposed priorities, and suggested proceeding with working on those in addition to attainable/affordable housing. The PC agreed.

2. Planning Commission Function and Responsibilities

Mr. Embick referred to the Department of Community and Economic Development (DCED) booklet on the duties and functions of the planning commission authorized by the Pennsylvania Municipalities Planning Code. He pointed out that the DCED publishes series on various topics that might be helpful for the Commission members. Mr. Embick referred to the list of activities that the Planning Commission is empowered to do and asked if anyone had any questions. There was no discussion. Mr. Flynn asked whether there were any significant changes. Ms. Carter did not believe so.

3. Update on Pending Projects

Ms. Carter provided an update on pending and approved land development and conditional use applications. She listed the sketch plans, including a proposal for a Chase bank at 1502 West Chester Pike and warehouse/distribution center at 1036 Wilmington Pike. She also noted that the applicant is working with the engineer to provide more detailed plans for proposed funeral home at 1115 Wilmington Pike, for which an access easement will be needed to cross the adjacent Township-owned property. Ms. Carter also summarized the

status of approved land developments, such as completion of the Westtown School Lane House addition, ongoing construction of the Westtown School Arts Center, final landscaping at Westtown-Thornbury Elementary School, and continued construction of twin homes at Sawmill Court subdivision.

Among pending land developments, she noted that the Westtown School Oak Lane project was awaiting the execution of agreements, and the assisted living facility and self-storage land development plan at 943 S. High Street in West Goshen has been approved. She reported that the parcel located in Westtown, which provides an access to the site and additional parking, would be modified with reduction in parking spaces and improved access. Mr. Flynn asked about the access from Route 202. Ms. Carter clarified that the access to the site is from Stanton Ave. Ms. Carter provided an update that the applicant for the Stokes Estate 2023 conditional use application has filed an appeal and that the application which was filed in 2021 has not been withdrawn. She also updated that the stormwater management for the solar panel facility had been approved and was pending the execution of agreements. Ms. Carter reminded the Commission that the conditional use application for the Visual Arts Center at 1632 West Chester Pike was still pending, with the applicant granting an extension until the end of June 2024. She also noted that there was no movement on the proposed entryway modifications at Amish Market.

Mr. Embick brought up that some parking lots have pedestrian walkways between the fronts of cars and wondered whether it was something to consider for Westtown. Ms. Carter thought it would impact the required parking calculations and suggested discussing it with the Township traffic consultant. Mr. Frisco asked about the status of former Pete's Produce. Ms. Carter explained that FarmerJawn is a current tenant with Christa Barfield as the owner, who attended the Board meeting last year to provide details on her plans. She noted that the Township expected to see an application for special exception, but no such application was received. Mr. Embick r stated that Ms. Barfield was planning to convert the fields to organic farming, which takes several years to complete.

4. Update on the Environmental Rights Amendment to the Pennsylvania Constitution

Mr. Embick gave a presentation on the history of Article I, Section 27 of the Pennsylvania Constitution, which was enacted in 1972 and where it stands now. He provided an explanation of what the Article means according to the decisions by the Pennsylvania Supreme Court. Mr. Embick pointed out that one of the concerns raised by Mr. Foster was the meaning of the Constitution. He explained that it is common for terms not to be defined as many constitutional provisions are written in general language with a hope that the three branches of government would figure out the meanings based on court cases and controversy. He summarized several court cases and outcomes of each case as they relate to the protection of enumerated rights (i.e., right to clean air, pure water and the preservation of the natural, scenic, historic and esthetic values of the environment) and the protection of the common property of all the people (i.e., the public natural resources) for future generations. Mr. Embick argued that these cases established that the government shall not do anything that violates these rights and that it applies to all levels of government, including municipalities and Planning Commissions,. Mr. Embick suggested the meaning of "public natural resources" includes all commonly owned natural resources, including forests, gas deposits, state lands, air, and water. He also explored the meaning of Article 1, Section 1 pertaining to property rights suggesting that zoning and subdivision and land development are fundamental controls over these rights limiting these rights to use one's property.

Mr. Embick summarized a court case, known as the Payne Test, which provided a foundation for over 40 years for whether a government activity is constitutional in respect to the environmental rights amendment. He noted that this test leaned more towards proposed

activities than the protection of the environment. In 2017, the outcome of another court case determined that the Payne test allowed for significant degradation of protected values and violated public trust and that every level of government must comply and it was self-executing, but no new test was created. Mr. Embick detailed the outcomes of other cases and explained that the main takeaway is that determining how to comply remains ambiguous and suggested his own test. He proposed analyzing the impacts of proposed use through a three step process:

- 1) Conduct a study, which identifies the adverse environmental impacts of all activities associated with the proposed use;
- 2) Demonstrate to what degree the impacts will infringe unreasonably the protected rights and values; and
- 3) Unless the impact of all activities can be eliminated or reduced, then the use cannot be permitted.

Mr. Flynn stated that the terms could be interpreted in many different ways. Mr. Embick agreed, but referred to court cases, which established interpretation of terms.

Old Business

None.

Reports

1. Mr. Knaub made the BOS report from the February 20 meeting.

Adjournment (RH/JF) 6-0

The meeting was adjourned at 8:34 PM.

Respectfully submitted,
Mila Carter
Planning Commission Secretary

CHAPTER ELEVEN: FUTURE LAND USE AND HOUSING

A key component of the Comprehensive Plan is to develop Future Land Use and Housing Plans that reflect the Township's goals and objectives, and respond to existing land use conditions as well as zoning. Because Westtown is largely developed in a residential context, and available land for both development and redevelopment is limited, these two issues have been combined into one Plan element.

One key to this Plan element is the development of a Future Land Use Plan, included and described herein. Of further importance is the provision of guidance for updating Township land development regulations, most notably in this case, the Zoning Ordinance and Zoning Districts Map. Understanding current land uses and zoning is the first step to this update.

Maps pertaining to this chapter are found after page 11-12.



Jefferson at Westtown Apartments, 2018.



Walking Trails at Oakbourne Park, 2018

Westtown Township Comprehensive Plan

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Key Issues

Westtown Township is primarily a bedroom community characterized by low density and mostly single-family housing, which is largely supported, if not encouraged, by existing zoning. Based on the extensive assessment in the background discussion below, several key issues emerge for future planning.

Consider Specific Regulation of Institutional Uses

Why Is This Important?

Westtown Township has a remarkably high percentage of large institutional uses. Most of these are located in low-density residential areas and zoning districts, where they are non-conforming uses. While these uses have traditionally been good neighbors to the residential areas surrounding them, many of these institutions will continue to grow and evolve.

Current residential zoning districts may not be able to adequately address these needs. A new institutional zoning district could better accommodate the future needs of these institutions as well as afford additional protections to the surrounding areas.

Provide for Housing Diversity

Why Is This Important?

There are limited opportunities for diverse housing choices remaining in the Township, in the face of the predominance of the single-family detached homes and the nearly fully developed nature of the Township. More diverse housing choices

are anticipated to be in demand over the planning period of this document, particularly in regard to accommodating growing populations both aging-in-place and millennials, as also discussed in Chapter Four.

Notably, the aging population will require new and increasing services if they are to stay in their homes and communities as long as possible. Additionally, the Township will need to ensure that necessary building renovations and retrofits, such as ADA accessible ramps are reasonably accommodated within its Ordinances without undue burden.

Promote Access to Open Spaces and Walkable Places

Why Is This Important?

The majority of Westtown streets and neighborhoods do not have sidewalks or trails, making it difficult to access anywhere in the Township without the use of a car. The demand for more opportunities to walk, whether for recreation and exercise, or for daily tasks, is increasing across the County, state, and nation.

In the Township, the results of the online survey and community forums, demonstrate a strong desire by many (but not all) to create these opportunities going forward. How the Township chooses to develop and redevelop in the near future will determine its ability to address these needs.

Access to and permanency of, nearby open spaces are key to maintaining a high quality of life in a largely suburban landscape. Proximity to open space also contributes to property values.

Provide for New Mixed-Use Development in Aging Commercial Areas

Why Is This Important?

A diverse and vibrant commercial base is important to the Township's tax base, as well as its ability to serve residents' daily needs close to home. Because Westtown's limited commercial spaces along Route 202 and Route 3 are mostly built-out, it is even more important that they be healthy and attractive.

As the shopping and business centers along these corridors age, they become candidates for redevelopment (the complete or partial demolition of existing buildings and other features, in order to construct something new and potentially different). Through zoning, redevelopment can simply repeat the designs and patterns of the past or it can represent an opportunity to more effectively use land to meet the community's goals, whether to be more energy efficient, more walkable, offer more uses, expand infrastructure, reduce nuisances, etc.

Consideration of what redevelopment in Westtown should look like as well as how to keep these centers vibrant in the future is a key land use issue.



Amish Market, 2018

Future Action and Policy Considerations

Revise local regulation to provide for the following:

- **Consider a new Institutional Zoning District(s)** to better tailor regulations to the needs of the Township’s many institutions.
- **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.
- **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.
- **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.
- **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.
- **Consider establishment of incentive provisions** to provide for a reasonable percentage of affordable housing in appropriate locations.
- **Adjust non-residential parking standards** to reflect opportunities to reduce impervious coverage where mixed-use development may have complimentary or shared parking needs.
- **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.

Background Discussion

Existing Land Use & Zoning at a Glance

The Existing Land Use Map depicts the extent of various existing land uses in the Township, while the pie chart below illustrates the relative percentages of each use category (Figure 1). As shown, the Township's land use can be characterized as follows:

Housing (55%)

The 2010 Census states that 72.4% of Township homes are single family detached, with the remaining 27.6% made up of multi-family units. There are no mobile homes within the Township. The single-family units typically exist on lots between 0.10 and 1.0 acres, with a few larger single-family parcels scattered throughout the Township.

Agriculture (14%)

Farmland under active cultivation is a key defining characteristic of the Westtown landscape. Open fields and crops are visible from many roadsides, as well as the farmsteads and agricultural related businesses that support them. This rural character is threatened as development pressure continues to increase in the region. It has the potential to permanently impact the character of Westtown and alter the quality of life for residents. The preservation of agricultural open space is a top priority of this comprehensive plan as discussed elsewhere.

Wooded (16%)

Natural resources such as woodlands and the stream corridors these woodlands are often concentrated around, make up a large, but declining percentage of the Township's land use. They are predominantly found on privately owned

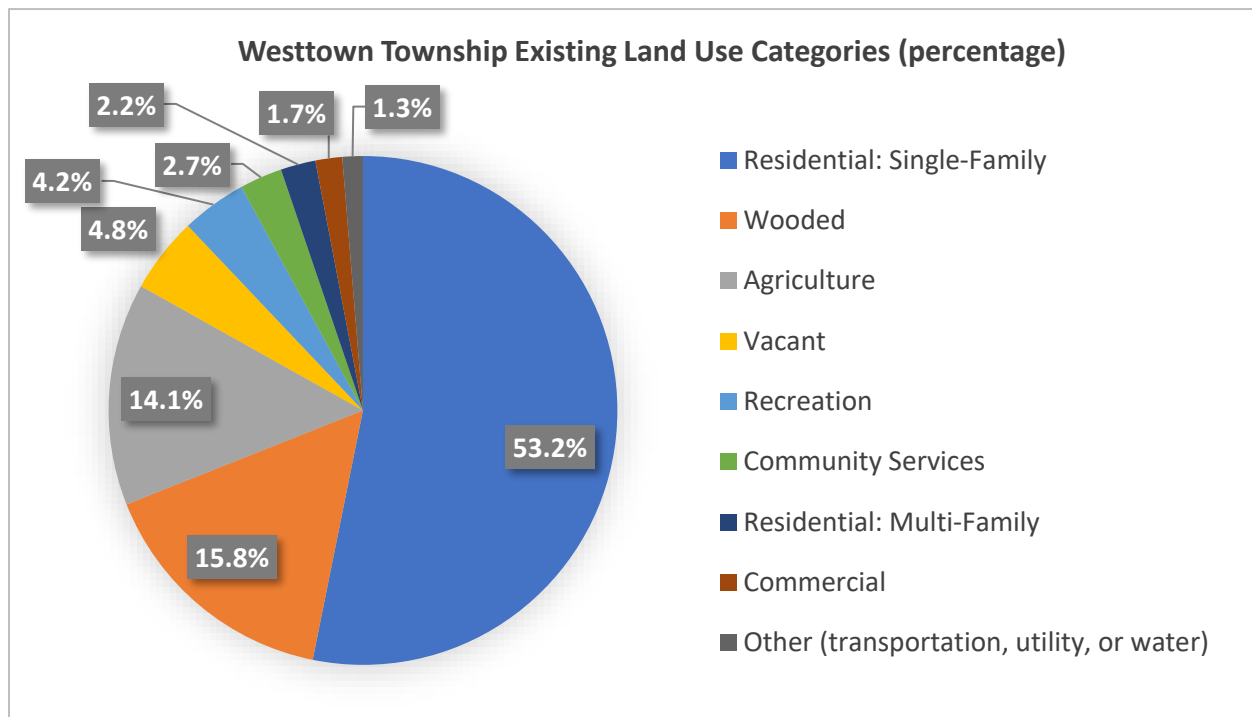


Figure 1: Percentage of existing land use categories in the Township

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lands but contribute considerably to the Township's overall character as well as to the health of its air and water resources as discussed more fully in Chapter 5: "Natural Resources".

Recreation (4%)

Westtown Township owns and maintains multiple park and open space properties, containing approximately 318 acres, although not all categorized as "recreation." These include Oakbourne Park, Tyson Park, and Larchbourne Park. The Open Space, Recreation, and Environmental Resources Plan (2014) fully explored the goals and objectives for making the best use of these spaces. This Plan and its role in the Comprehensive Plan update are fully discussed under "Open Space, Parks, Recreation and Trails."

Commercial Uses (2%)

Commercial uses are concentrated along Route 3 and portions of Route 202. These include a small office park, shopping centers, and stand-alone establishments. Commercial development is important in terms of the services available to residents, but also for the tax base. Due to the relatively small amount of commercial space in Westtown, its tax base is heavily reliant on residential real estate taxes.

Community Services (Institutional) Uses (3%)

The Township has an unusually high percentage of institutional uses and community service institutions within its boundaries. The actual acreage in institutional ownership is significantly higher than 3% of the Township's land area, but

the land use categories are measured on the basis of the surface use of the land, not ownership. The largest institutional property in the Township is Westtown School, encompassing approximately 600 acres in the center of the Township. As an example of land use measurement, only the core school campus is measured as Community Services while significant acreage is counted as woodland and agriculture.

West Chester Area School District maintains another 213 acres of land that includes the high school, middle school, and three elementary schools. There are also numerous churches, parochial schools, and nonprofits groups with properties across the Township. It is clear that these institutions provide invaluable services to the Township. However, they do not add to the tax base and are often located in established residential neighborhoods with little room for growth.

Vacant land (5%)

With less than 5% of the Township land undeveloped, the Township considers itself built-out. This means that there is additional pressure on the vacant and agricultural lands to be developed.

Other lands (1%)

This includes lands categorized as "transportation," "utility," or "water" (mainly Westtown Lake and several ponds). Neither transportation nor utilities are mapped to infer their true impact. For example, all roads could arguably be mapped as "transportation," but are not.

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Existing Zoning

As shown on the Westtown Township Zoning Districts Map, the Township is divided into nine (9) distinct zoning districts. The pie chart below illustrates the relative percentage of land in each district (Figure 2).

Not surprisingly, the map largely reflects and maintains the predominant land use patterns discussed above, with the largest zoning district being the R-1 Rural Suburban Residential District, followed by the Agricultural/Cluster Residential, and R-2 Suburban Residential. With the exception of the R-3 Residence-Office District (3.1%) and M-U Multi-Use Districts (1.6% of Township land), all other zoning districts are single use districts meaning they only allow one type of use (commercial, residential, industrial, or office) per lot.

What is not reflected on the Zoning Districts Map is the large amount of institutional uses

in the Township. This is because these uses are permitted and regulated under other existing districts, notably existing residential zoning districts. Typically, however, they are not uses permitted-by-right in those districts but subject to special exception or conditional use approval. This is a common practice, as many churches, elementary schools, and other uses were originally intended to blend into the development patterns of a neighborhood.

However, as institutions grow to reflect changing and growing demands, it becomes increasingly important to more carefully consider their impacts on the surrounding community.

Development Potential under Existing Zoning

Assuming that existing zoning regulations remained the same, an analysis of what could feasibly be built in the Township was

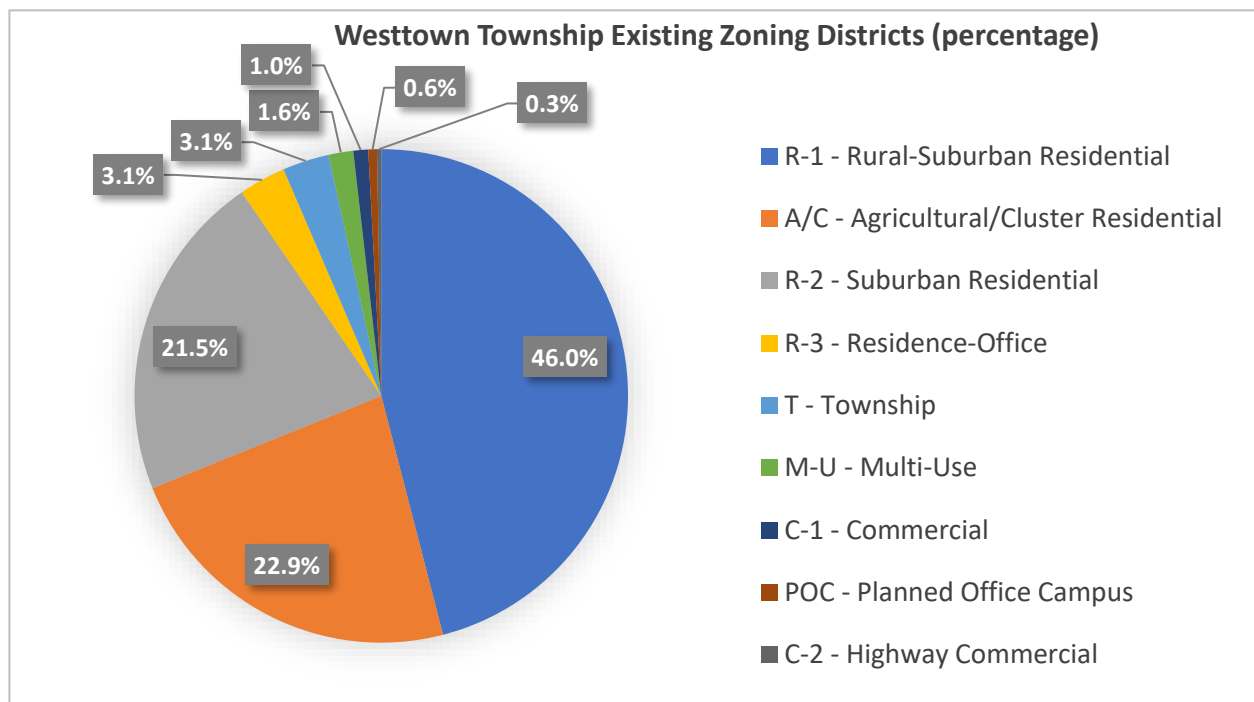


Figure 2: Percentage of Existing Zoning Districts in the Township

Westtown Township Comprehensive Plan

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conducted. The results of this analysis conclude:

- There are nearly 1,200 potentially developable acres or 21% of the Township land area. This includes vacant, other undeveloped lands (including agricultural lands and Westtown School lands outside the core campus), and large residential parcels (over five acres) with one dwelling, not constrained by floodplains, wetlands, or stream buffers.
- This land is located primarily in residential zoning districts, where a variety of unit types is permitted.
- There is the potential to build approximately 1,000 housing units under current zoning, however, given the character of the Westtown School lands and large residential properties, not more than 500 units should be expected during the 10-20 year planning horizon of this Plan. Depending on the zoning options chosen, these houses could be a range of single family, two-family, townhouse or apartments.

Future Land Use Map

The Future Land Use Map groups the Township into the following general categories:

- Neighborhood Conservation;
- Mixed Use Areas;
- Open Space; and
- Greenway Corridors.

These categories reflect the intended future character of the areas as generally mapped, including existing and future development over the 10-20 year planning horizon of this

Plan. They are not specifically mapped on the basis of ownership or current zoning. Future zoning amendments will likely further clarify future development and/or redevelopment potential.

Neighborhood Conservation

The concept of Neighborhood Conservation applies to protection and enhancement of economic viability and the quality of life in established and potential future residential neighborhoods throughout the Township. It does not apply to areas mapped for Mixed Use.

As noted above, Westtown's neighborhoods are sprinkled with institutional uses, which, today, are often inconsistent with residential character and even non-conforming to residential zoning, particularly concerning area and bulk and parking requirements. They raise a number of issues in terms of preservation of neighborhood character. Yet to the extent that they qualify as "non-conforming," they are "protected" in a sense, and privy to special consideration for non-conforming uses, including expansion. A separate zoning classification would enable the Township to regulate them more appropriately. Existing institutional properties are indicated with red property boundaries on the Future Land Use Map.

A key to Neighborhood Conservation is to encourage long-term economic viability through opportunities for reinvestment, and/or enhancement of existing neighborhoods and their quality of life.

While this is dependent on many factors, mostly market related, some can be influenced by Township policy and action. Such issues, some of which are discussed

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further in other sections of this Plan, include but are not limited to:

- **Property maintenance standards and enforcement**

Existing regulation and enforcement policies should be reviewed periodically to ensure that inadequate property maintenance is not creating unsafe conditions or harming neighboring property values.

- **Provisions for “elder cottages” or accessory dwellings**

Potential to erect accessory dwelling forms should be considered as a means to permit “aging in place;” while accessory dwellings are permanent, “elder cottages” are often required to be removed when the intended residency ceases.

In all cases, accessory dwellings should comply with design standards to ensure neighborhood compatibility and adequate wastewater disposal; imposition of the special exception approval process is a logical means to ensure appropriate design and placement.

- **Provision for “in-fill” residential development**

Appropriate zoning and land development standards should be considered to provide for residential development that fills in vacant or underdeveloped parcels in keeping with neighborhood character. This would not include non-residential or most multi-family in-fill, or any significant density increase, where not otherwise considered appropriate.

- **Provision for pedestrian and bicycle interconnections**

Provision for non-motor-vehicle connections should be encouraged between residential neighborhoods and nearby parks, open spaces, schools and commercial/mixed use areas.

- **Open space access**

Efforts should be continued to promote the permanent protection of open space in locations both proximate and easily accessible to residential neighborhoods.

- **Historic preservation**

Preservation of historic structures and landscapes is an important part of conservation of neighborhood character, even where requiring additional use opportunities to support economic viability of historic structures.

- **Traffic-calming**

It is important to consider installation of “traffic-calming” measures in residential neighborhoods confronted by significant through traffic, which otherwise subverts efforts to promote conservation of neighborhood character; this has recently been accomplished along Jacqueline Drive, for example.

- **Sewer and water service**

Especially in areas where lots of one-acre or less predominate, existing programs to promote on-going viability of on-lot systems, as well as the potential availability of public water and public sewer service, are particularly important to long-term economic viability.

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As discussed elsewhere in this Plan, public water service is generally available throughout the Township but not all homes are connected; public sewer service is not available in some areas of the Township, but is unnecessary given the success of the SMP.



Oakbourne Park, 2018

Mixed Use Areas

Mixed Use Areas have been mapped in areas that include existing hubs of commercial development along major corridors, notably Routes 3 and 202. These include shopping centers and office parks and/or under-developed commercial areas.

The key future land use issue is promotion of in-fill development and redevelopment that provides for a mix of uses and design standards that are complementary to overall community development objectives. Key issues to provide for such complementary development include:

- **Redevelopment Opportunities**

Redevelopment and in-fill development can be used to enhance a sense of place, property values and community

amenities. Redevelopment and new in-fill development also might be incentivized with higher intensity and greater mixed-use provisions, subject to meeting a variety of community objectives.

- **Mixed Uses**

The Township should carefully consider a broad range of diverse commercial, office, service, multi-family residential and even institutional uses that may be compatible, subject to appropriate design standards, and sharing infrastructure and stormwater management needs, including the incorporation of residential uses on upper floors above non-residential uses. Zoning and land development provisions which may hamper mixed-use development should be amended.

- **Parking Requirements**

Parking requirements tend to disproportionately influence land use, impervious cover and stormwater requirements, forcing even compatible uses farther apart and deterring non-motor vehicular interconnection. Shared parking among compatible uses and structured parking, where development intensity makes it economically viable, should be incorporated into redevelopment opportunities.

- **Interconnections**

Establish design standards, including proximity of new structures to others and to existing developed properties, placement of parking areas and infrastructure, etc., to facilitate pedestrian and bicycle interconnections

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throughout the mixed-use areas. Provide incentives and/or require connections where practicable to adjacent neighborhoods and open spaces.

Open Spaces

Open Spaces are indicated on the Future Land Use Map as a land use category. They also are studied in greater detail as a separate component of this Plan, “Open Space, Parks, Recreation and Trails,” with specific discussion of key issues and recommendations.

As a land use, the Township has included as open spaces remnant and historically significant agricultural lands, municipal parks and open spaces, homeowners’ association open spaces, and schools. While schools also include a significant building footprint, they often may be available for recreational or other community purposes. Key issues for open space as a land use include:

- **Permanency of Open Space**

The Township should regularly evaluate the conservation status of open spaces and promote the establishment of conservation easements to formalize long-term protection of open spaces. The Township should consider an open space referendum to enable specific generation of revenue earmarked toward open space conservation. The Township also should consider establishing conservation easements to guarantee permanence of Township-owned parks, trails and open spaces.

- **Economic Viability of Private Open Space**

Long-term economic viability of significant privately-owned open spaces should be promoted, especially agricultural and institutional lands, potentially including land use incentives linked to conservation requirements.

- **Sustainable Use of Open Space**

Open space designated through subdivision plans and Township-owned open spaces are vulnerable to inappropriate use or unsustainable land management practices. Management of such open spaces should be periodically reviewed and sustainable practices promoted.

- **Interconnection of Open Spaces**

Trail connections between open spaces and adjoining neighborhoods should be extended where feasible.



Trail at Bayard Rustin High School, 2018

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Greenway Corridors

“Greenway” Corridors are relatively narrow linear corridors of natural resources largely following stream courses throughout the Township. As a land use category, they are not necessarily related to designated open space, but are defined by the presence of constraining natural resources such as wetlands, floodplains, riparian buffers, and adjoining steep slopes concentrated in a linear corridor. All of these resources are discussed in greater detail in the Plan component “Natural Resources.”

Greenway Corridors are largely envisioned for a conservation focus, but because of their linear nature may also be the logical setting for trail interconnections where such access may be negotiated.

A significant percentage of the lands within Greenway Corridors is privately owned. The Greenway Corridor designation does not presuppose ultimate public ownership nor undue regulation of private lands. The designation is intended to draw attention and planning focus to the value of these areas of concentrated natural resources as well as the environmental and recreational value of their linear nature.

Most of the natural resource areas that comprise Greenway Corridors are regulated to constrain or reasonably limit development potential, regardless of ownership; however, some natural resource conservation provisions are limited in their applicability today. Natural resource regulation is discussed further under “Natural Resources.”



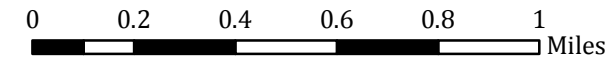
Walk in the woods at Oakbourne Park, 2018



West Chester
Borough

Protected & Unprotected Open Space

Westtown Township
Chester County, Pennsylvania

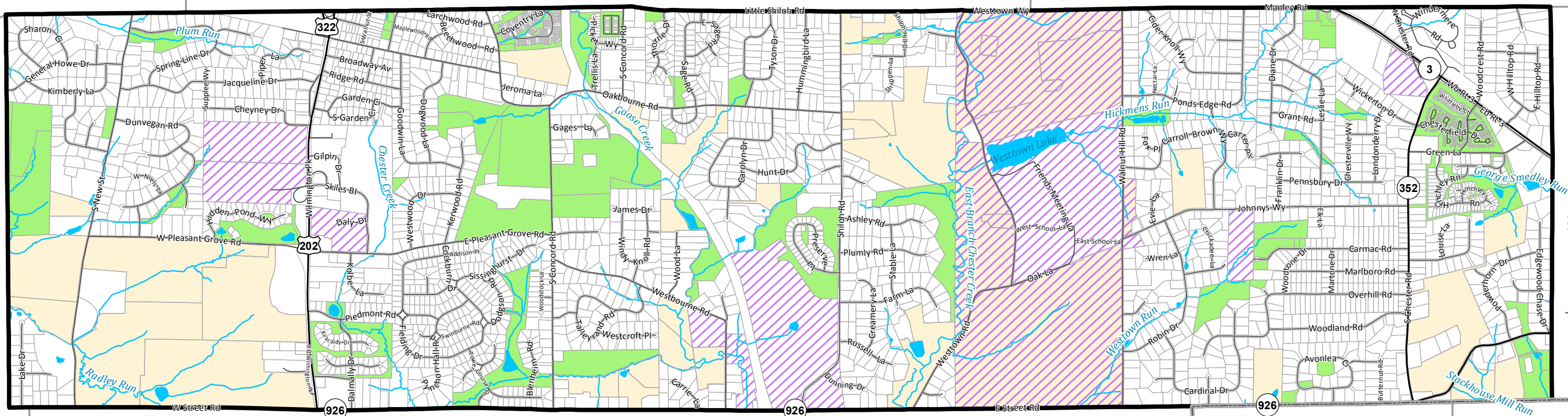


Disclaimer: This map is for illustrative purposes only and does not constitute a valid survey.
Map revised: December 17, 2018

East Bradford
Township

West Goshen
Township

East Goshen Township



Willistown Township

Thornbury Township
(Delaware County)

Edgmont
Township

Thornbury Township
(Chester County)

Birmingham
Township

Thornbury Township
(Delaware County)

Legend

- County boundary
- Township boundary
- Adjacent municipalities
- Major roads
- Minor roads
- Tax parcels
- Streams
- Bodies of water
- Protected Lands
- School Properties
- Unprotected and potentially developable parcels

DELAWARE COUNTY
CHESTER COUNTY



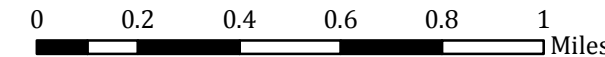
West Chester
Borough

East Bradford
Township

West Goshen
Township

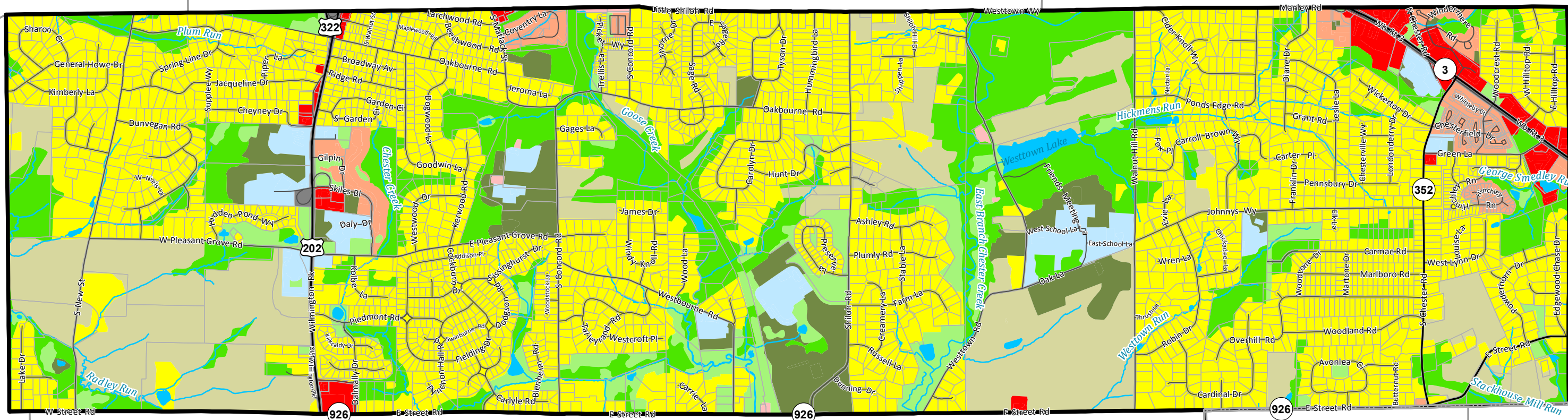
Existing Land Use

Westtown Township
Chester County, Pennsylvania



Disclaimer: This map is for illustrative purposes only and does not constitute a valid survey.
Map created: December 17, 2018

East Goshen Township



Willistown Township

Thornbury Township
(Chester County)

Thornbury Township
(Delaware County)

Birmingham
Township

DELAWARE COUNTY
CHESTER COUNTY

Legend

- | | |
|----------------------------|-------------------------|
| Agriculture | County boundary |
| Commercial | Township boundary |
| Community Services | Adjacent municipalities |
| Residential: Multi-Family | Major roads |
| Residential: Single-Family | Minor roads |
| Recreation | Tax parcels |
| Transportation | Streams |
| Utility | Bodies of water |
| Vacant | |
| Water | |
| Wooded | |



West Chester
Borough

East Bradford
Township

West Goshen
Township

Future Land Use with Township and Institutional Properties

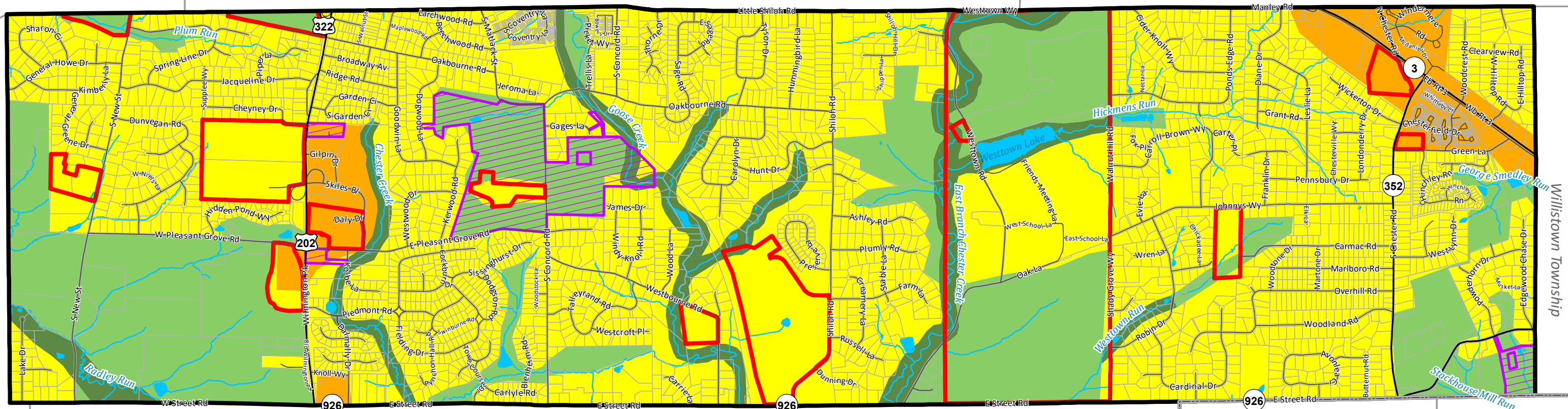
Westtown Township Chester County, Pennsylvania

0 0.2 0.4 0.6 0.8
Miles



Disclaimer: This map is for illustrative purposes only and does not constitute a valid survey.
Map created: December 17, 2018
Last revised: April 8, 2022

East Goshen Township



Thornbury Township
(Delaware County)

Edgmont
Township

Thornbury Township
(Chester County)

Thornbury Township
(Delaware County)

Birmingham
Township

DELAWARE COUNTY
CHESTER COUNTY

Legend

- County boundary
- Township boundary
- Adjacent municipalities
- Major roads
- Minor roads
- Tax parcels
- Streams
- Bodies of water
- Institutional properties
- T-District (Township Facilities)
- Foci: Greenway
- Foci: Open Space
- Foci: Neighborhood Conservation
- Foci: Mixed Use

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
Seek means to address unique demographic challenges			
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
Adopt zoning and SALDO ordinances to protect natural resources			
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"> ○ Specify submission requirement for Forest Management and Timber Harvesting Plan(s), including provisions for site restoration and/or natural regeneration ○ Consider more specific limitations to canopy tree removal and retention ○ Require compliance with Township grading, stormwater management, and erosion control standards as applicable, and any other applicable Township, county, state or federal regulations. 	Low	Long-term	Township Staff
Undertake non-regulatory action and policy to support protection of natural resources			
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
Promote preservation of historic resources			
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
Promote conservation of scenic landscapes			
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
Preserve and enhance open space and recreational resources			
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
Promote value-centered management of community facilities			
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
Improve pedestrian and bicycle interconnections			
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
Seek to improve public transit service			
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
Continue to maintain roads and promote safety			
<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"> ○ Minimize the intrusion of regional traffic into adjacent neighborhoods, and ○ Support non-vehicular and alternative travel modes. 	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
Promote traffic capacity enhancements			
<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"> ○ 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 ○ 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. 	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"> ○ Improvements to the intersection of US Route 202 and PA Route 926; ○ Improvements to the intersection of Pa Route 926 and PA Route 352; ○ Traffic Signal Enhancements along the US Route 202, PA Route 3 and PA Route 352 Corridors. 	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
Enact regulatory provisions to promote energy conservation			
<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"> ○ A minimum percentage of solar-oriented lots or buildings in new development (solar siting), ○ That new construction has solar ready roofs, ○ Incentives, such as reduced permit fees for renewable energy systems, ○ Incentives, such as density bonus or reduced permit fees, for buildings with Energy Star, LEED, or Passive House certification, ○ That new development or redevelopment meet certain standards for energy efficiency, ○ The installation of electric vehicle charging stations. 	Low	Long-term	Township Staff
Pursue other policy and action to promote energy conservation			
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"> ○ Demonstration projects on Township properties; ○ Conducting an audit of its own energy use in buildings, vehicles and operations; ○ Evaluate the feasibility of requiring new Township facilities and vehicles to meet certain energy efficiency standards. 	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
Revise local regulation to provide for the following:			
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

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

Article II Definitions

§170-201, **Definitions.**

Commented [MC1]: As proposed in 2021.

BRANDYWINE BATTLEFIELD SWATH

That area of the September 11, 1777 Brandywine Battlefield troop movements and battlefield skirmishes so designated and mapped by the Chester County Planning Commission attached as Appendix A. The Brandywine Battlefield Swath also shall be considered an historical landscape and a scenic landscape or scenic view.

DENSITY, NET RESIDENTIAL

~~Within a flexible development, the area of that portion of the tract to be utilized for a particular dwelling type, divided by the total number of dwelling units of that type permitted, expressed in units per acre.~~

Within a flexible development, the number of residential dwelling units of a single particular type and no others, divided by the area of that portion or portions of the tract to be utilized for that specific dwelling unit type, expressed in units per acre. Calculation of the area of the tract so utilized shall comply with the standards set forth in §170-904.E.

HISTORIC RESOURCE(S)

~~Within the context of this chapter, all buildings, sites, structures, objects and districts identified on the Westtown Township Historic Resources Map. [Added 3-7-2016 by Ord. No. 2016-2]~~Any site, structure, ruin, landscape feature or other object included in the Westtown Township Inventory of Historic Resources or listed in the National Register of Historic Places or determined eligible for such listing by the Pennsylvania Historic and Museum Commission.

HISTORICAL LANDSCAPE

The landscape area surrounding any historic resource(s) that contributes to or is visually consistent with the historical character of the designated resource(s) as may be determined by the Township.

SCENIC LANDSCAPE(S)

Those landscapes visible from public rights-of-way at any time of year which are characteristic of the natural heritage and historical settlement of Westtown Township as further described in the Westtown Township Comprehensive Plan.

SCENIC VIEW(S)

Views of Scenic Landscapes as defined herein.

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

Article V
A/C Agricultural/Cluster Residential District

§ 170-500 **Statement of intent.**

In addition to the general goals in the preamble, the purpose, and the community development objectives, it is the purpose of this article to preserve the traditional agricultural and rural residential character of appropriate areas of the Township including scenic views and historical landscapes, notably the area involved in the Battle of Brandywine, September 11, 1777, especially that area denoted as the "Brandywine Battlefield Swath," and provide housing opportunities for residential development at low densities consistent with such character, and provide for clustering of housing as an option to preserve and enhance the natural, scenic, and historic character of the landscape.

Commented [MC2]: As proposed in 2021.

§ 170-501 **Use regulations.**

[Amended 9-15-1997 by Ord. No. 97-3; 5-3-1999 by Ord. No. 99-2; 3-3-2003 by Ord. No. 2003-2]

- A. Uses by right. A building may be erected, altered, or used, and a lot may be used or occupied, by right, for any one of the following principal purposes and no other:
- (1) Single-family detached dwelling.
 - (2) Agricultural use, in accordance with the provisions § **170-1609** of this chapter. A principal dwelling may be permitted as a use by right on the same premises as a principal agricultural use.
 - (3) Buildings, structures, and/or uses owned and operated by Westtown Township.
 - (4) Accessory uses. Only the following accessory uses shall be permitted, in addition to a permitted principal use:
 - (a) Uses customarily accessory to agricultural or residential uses, including but not limited to those uses described in § **170-1603B** and **C** of this chapter.
 - (b) Minor home occupation, in accordance with the terms of § **170-1605** of this chapter.
 - (c) Swimming pool, in accordance with the provisions of § **170-1611** of this chapter.
 - (d) Display and sale of farm products meeting the requirements of § **170-1603B**.
- B. Uses by special exception. The following uses shall be permitted when authorized by the Zoning Hearing Board as a special exception, in accordance with the terms of this article and the standards and criteria contained in § **170-2108** of this chapter. The design standards for uses permitted by special exception, as contained in § **170-503** of this article, shall apply to all uses permitted by special exception in the A/C District.
- (1) Bed-and-breakfast facility, in accordance with the provisions of § **170-1607** of this chapter.
 - (2) Day camp, riding academy, swimming club, athletic field, golf course (excluding golf driving range and miniature golf course), provided the Board concludes there is sufficient acreage available for such uses. The area and bulk regulations contained in § **170-702E(2)** through **E(10)** shall apply.
 - (3) Religious use or primary or secondary school, which shall comply with § **170-702E** of this chapter.
 - (4) Major home occupation, in accordance with the terms of § **170-1605** of this chapter.
 - (5) Accessory dwelling unit, in accordance with the provisions of § **170-1603A** of this chapter.

- (6) Conversion of a single-family dwelling, in accordance with the provisions of § **170-1608** of this chapter.
- (7) Farm-related business meeting the requirements of § **170-1616**.
- (8) Conversion of an accessory dwelling unit into a rental, in accordance with the provisions of § **170-1619**.
[Added 5-6-2019 by Ord. No. 2019-02]
- C. Conditional uses. The following uses shall be permitted only upon approval as a conditional use by the Board of Supervisors in accordance with the terms of this article and § **170-2009** of this chapter.
 - (1) Adult community development meeting the requirements of § **170-503**, § **170-1615**, and all other applicable provisions of this chapter, but which shall not be required to meet the provisions of § **170-502**.
 - (2) Residential development, in accordance with the provisions of the flexible development procedure as set forth in Article **IX** of this chapter.
 - (3) Solar energy system as a principal use subject to § **170-1618C**. [Added 2-17-2015 by Ord. No. 2015-3]
 - (4) Wind energy system as a principal use subject to § **170-1618D**. [Added 2-17-2015 by Ord. No. 2015-3]

§ 170-502 **Area and bulk regulations.**

The following regulations shall apply:

- A. The maximum density of use on any tract within the A/C District shall be as determined by § **170-1519B** of this chapter.
- B. Single-family detached dwelling: [Amended 5-1-1995 by Ord. No. 95-2; 3-3-2003 by Ord. No. 2003-2]
 - (1) Lot size: two acre minimum.
 - (2) Lot width at minimum building setback line: 200 feet minimum.
 - (3) Lot width at street line: 100 feet minimum (cul-de-sac: 50 feet).
 - (4) Impervious coverage: 15% maximum.
 - (5) Minimum building setback line: 50 feet minimum, except no structure shall be located within 100 feet of the future right-of-way line of Route 202 or Route 3, regardless of lot lines.
 - (a) An undeveloped area within this required setback shall not be subdivided from the remainder of the tract.
 - (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 and Land Development, and may be deed restricted or conveyed in accordance with such.
 - (6) Side yards: 50 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. 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.
- F. Uses permitted by special exception: As required by § **170-501B** of this chapter.
- G. Conditional uses: Residential conditional uses, as applicable, shall conform to the standards for single-family detached dwellings in § **170-502B** above. Nonresidential conditional uses shall conform to the standards for nonresidential uses in Article **VII**, § **170-702E** of this chapter.

§ 170-503 **Design standards.**

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

- A. The following standards, as applicable, shall govern all uses permitted by right, special exception and conditional use in the A/C District:
 - (1) Parking: as required by Article **XVII**.
 - (2) Lighting: as required by § **170-1514**.
 - (3) Screening: as required by § **170-1508**.
 - (4) Storage: as required by § **170-1509**.
 - (5) Signs: as required by Article **XVIII**.
 - (6) Landscaping: as required by § **170-1507**.
 - (7) Access and traffic control: as required by §§ **170-503C** and **170-1510**. **[Amended 9-15-2008 by Ord. No. 2008-1]**
 - (8) Interior circulation: as required by § **170-1513**.
- B. Residential development as per flexible development procedure: As required by the design standards in Article **IX**, where those standards exceed, or address matters not covered by, the requirements of Subsection **A** above.
- C. Any applicant shall, as a condition of any applicable zoning, subdivision or land development approval, prove to the satisfaction of the Board of Supervisors that the proposed use or development will provide safe and efficient vehicular and pedestrian traffic access, circulation and control, consistent with the following: **[Added 9-15-2008 by Ord. No. 2008-1]**
 - (1) Traffic access shall be fully coordinated with adjacent existing and future development, including but not limited to providing and promoting appropriate traffic access to/from adjacent properties.
 - (2) Traffic access to use(s) within any development site shall be provided by a fully developed internal network of local roads or private drives, paths and trails which also shall link any proposed use or development to existing or proposed intersections or other points of controlled and/or signalized access to collector and/or arterial highway(s).
 - (3) Continuous collector street(s) and trail(s) shall be developed as part of the subject use or development to provide internal through connection(s) between existing collector and/or arterial streets and trail(s), as applicable, and as required by the Board of Supervisors to provide reasonable access to the subject use

~~or development.~~ enhance community connectivity and improve local mobility. (Examples ~~may include~~ but are not limited to: ~~a~~ through collector streets connecting:

- Skiles Boulevard and West Pleasant Grove Road;
- West Pleasant Grove Road and PA Route 926 at the intersection of Bridlewood Boulevard in Thornbury Township, Chester County;
- Walnut Hill/Shady Grove Roads to PA Route 926 opposite Cheyney Road in Thornbury Township.
- ~~the intersection of Skiles Boulevard and U.S. Route 202 with West Pleasant Grove Road and PA Route 926); a through collector street connecting Walnut Hill/Shady Grove Roads to Westtown Road; and a through collector street connection to PA Routes 352 and 926.)~~

At the discretion of the Board of Supervisors in the context of any conditional use application, as a condition of approval, the Board may require that collector road(s) be developed, in whole or in part, through the subject property. The design of such road(s) shall support the goal of providing through collector road(s) functioning independently of other streets or roads, existing or proposed. The Board may require that no dwellings have individual driveway access onto a collector road.

Commented [MC3]: As proposed in 2021.

- (4) The number of access points onto existing perimeter public roads shall be kept to the minimum number necessary for safe and efficient traffic access, circulation and control. Vehicular accesses to public roads shall:
 - (a) Incorporate traffic control and auxiliary lanes designed to accommodate the full build out of the proposed use or development to the extent permitted by PennDOT, as well as cross traffic from adjacent properties.
 - (b) Be provided in accordance with the standards set forth in §§ **170-1511** and **170-1512**.
 - (5) Vehicular access to the internal network from proposed uses or development shall be provided in accordance with the standards set forth in §§ **170-1501** and **170-1510**.
 - (6) Interior streets, interconnected parking lots, shared driveways, access easements and/or stubbed streets shall be used as necessary to maximize efficiency and safety of internal circulation and minimize the number of access points onto existing perimeter public roads.

Article IX
Flexible Development Procedure

§ 170-900 **Statement of intent.**

- A. In addition to the general goals listed in the preamble and the community development objectives, the Board acknowledges that the technology of land development and the demand for housing is undergoing substantial and rapid change, and recognizes the applicability of the objectives set forth in Article VII of Act 247, the Pennsylvania Municipalities Planning Code (53 P.S. § 10701 et seq).
- B. Therefore, the specific intent of this article is to:
- (1) Encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design, and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings;
 - (2) Provide greater opportunities for better housing and recreation for all who are or will be residents of the Township;
 - (3) Encourage a more efficient use of land and public service and to reflect changes in the technology of land development so that the economies so secured may ~~ensure-ensure~~ to the benefit of those who need homes;
 - (4) Encourage more flexible land development which will respect and conserve natural resources such as streams, lakes, floodplains, groundwater, wooded areas, steeply sloped areas, and areas of unusual beauty or importance to the natural ecosystem; and conserve cultural resources including scenic views and historical landscapes, notably the area involved in the Battle of Brandywine, September 11, 1777, especially that area denoted as the "Brandywine Battlefield Swath."
 - (5) Encourage innovations in residential developments that are designed to minimize energy consumption and maximize recycling of materials in their layout, transportation, climate control, energy sources, and solid and liquid waste treatment systems; and
 - (6) Provide a procedure which can relate the type, design, and layout of residential development to the particular site and the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas, and to assure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious, and fair administrative standards and procedures.

§ 170-901 **Applicability of flexible development procedure.**
[Amended 3-3-2003 by Ord. No. 2003-2]

For purposes of this article, the flexible development procedure is defined as applying to:

- A. Land under single ownership, planned and developed as a whole;
- B. In a single development operation or a programmed series of development operations including all lands and buildings;
- C. Dwellings and related subordinate facilities;
- D. Comprehensive and detailed plans which include not only streets, utilities, lots or building sites, and the like, but also site plans, site analyses, floor plans and elevations for all buildings as intended to be located, constructed, used and related to each other, detailed plans for other uses and improvements on the land as related to the buildings, lighting, landscaping; and

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- E. A program for provision, operation and maintenance of such areas, improvements, and facilities as will be for common use by some or all of the occupants of the development, but will not be provided, operated or maintained at general public expense unless acceptable to or found necessary by the Board of Supervisors.

§ 170-902 Applicability to base zoning districts.

- A. Where approved by the Board of Supervisors as a conditional use, the flexible development procedure may be applied in the A/C Agricultural/Cluster Residential District and the R-1 Residential District where tracts suitable in location and character for the proposed development are to be developed under a unified plan, in accordance with the requirements and procedures set forth herein. In consideration of conditional use approval, the Board of Supervisors shall determine the reasonableness of the increase in density potentially authorized under this section, in the context of the physical characteristics of the site, and in the context of justification of increased density through provision for additional public and/or private amenities and/or through increased efficiency in public services. **[Amended 3-3-2003 by Ord. No. 2003-2]**
- B. Unified tract(s) of land for flexible development ~~may be of any size. Flexible development on tract(s) containing less than 10 acres shall be permitted to include only residential uses consisting of single-family detached dwellings and shall not be eligible for bonus density as otherwise provided in § 170-904A(2) herein. [Amended 3-3-2003 by Ord. No. 2003-2]~~ shall be often (10) acres in size or greater.
- C. Flexible development shall be appropriately located with respect to the general pattern of community development, existing or proposed, and to public and private facilities and services, existing or clearly to be available by the time development reaches the stage where they will be required. The following specific requirements shall be met:
 - (1) Flexible development shall be so located with respect to major streets and highways or other transportation facilities as to provide direct access to such developments without creating traffic along minor streets in residential neighborhoods outside such developments.
 - (2) The site shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site, from probability of flooding, erosion, subsidence or slipping of the soil, or other dangers, annoyances, or inconveniences. Condition of soil, groundwater level, drainage and topography shall be appropriate to both kind and pattern of use intended.
 - (3) Each area of land to be developed pursuant to this article shall be in one ownership, except that an area made up of two or more parcels in separate ownership may be so developed provided that all applications made under this article with respect to any portion of the area shall be the joint application of all of the landowners. If an area is developed with two or more parcels, all parcels shall be contiguous to each other. In the event of development of two or more parcels under one application, the owners shall present a written agreement which agreement shall have been recorded and shall run with the land, that the development will be in accordance with a single plan with common authority and common responsibility.
- D. The location and conformity of the area shall be such that the flexible development thereof pursuant to this article would be consistent with the Westtown Township Comprehensive Plan.

§ 170-903 Permitted uses.

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

The uses permitted in a flexible development shall be subject to conditional use approval and shall be limited to:

- A. Single-family detached dwellings.

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- B. Twin dwellings.
- C. Multifamily dwellings, including four-family dwellings and townhouse or single-family attached dwellings, but excluding apartment dwellings in the R-1 District. In the A/C District, apartment dwellings shall be permitted where located not less than 200 feet from any existing public road or highway bordering the tract subject to flexible development and not less than 100 feet from the boundary of any adjacent lot or tract whereupon any single-family detached dwelling exists. **[Amended 9-15-2008 by Ord. No. 2008-1]**
- D. Agricultural use, in accordance with the provisions of § 170-1609 of this chapter. A principal dwelling may be permitted on the same premises as a principal agricultural use.
- E. Farm-related business meeting the requirements of § 170-1616.
- F. Open space and/or noncommercial recreational uses deemed appropriate by the Board of Supervisors for incorporation into the design of the development.
- G. Building, structures, and/or uses owned or operated by Westtown Township.
- H. If a flexible development meets the age restrictions for residents that apply to an adult community development, the flexible development also may include the following uses:
 - (1) Community center facility.
 - (2) Swimming club.
 - (3) Uses or facilities customarily accessory to an age-restricted adult community and primarily intended to serve residents of the development and their occasional invited guests.
- I. Uses customarily accessory to permitted residential, agricultural and open space uses. As a condition of approval, the Board may specifically limit accessory uses potentially available to dwellings other than single-family detached dwellings and may require the applicant for flexible development to establish appropriate restrictions and/or covenants.

§ 170-904 Density standards.

[Amended 12-5-1994 by Ord. No. 94-6; 5-1-1995 by Ord. No. 95-2; 3-3-2003 by Ord. No. 2003-2]

The following standards shall govern the density of dwelling units on the land in flexible development:

- A. Permitted base density and potential bonus density.
 - (1) Base density. In a flexible development, subject to compliance with all applicable standards, criteria and requirements herein, and as a condition of conditional use approval, the Board of Supervisors may approve a plan that provides for a greater number of dwelling units per acre than would be permitted by the Township zoning regulations otherwise applicable to the subject tract(s). ~~Except where bonus density is permitted subject to the provisions of § 170-904A(2) below, the maximum density computed over the entire flexible development shall not exceed 1.1 dwelling units per acre of tract area, calculated in accordance with the provisions of § 170-1519B of this chapter. In calculating density, including bonus density where applicable, fractions shall be rounded to the next lower whole number, as provided in §170-1519.B of this chapter.~~
 - (2) Bonus density. The maximum density established in accordance with § 170-904A(1) above may be further increased, where approved by the Board of Supervisors subject to conditional use approval, and in accordance with the standards ~~herein. Bonus density for any purpose shall be added to the base~~

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~~density, calculated in dwelling units per acre. Bonus density shall not be construed as a multiplier to be applied to the base density calculation. Any use of bonus density shall be subject to compliance with the performance standards of § 170-904A(3). In no case shall the maximum total density exceed 1.5 dwelling units per acre of tract area, notwithstanding the ability of the applicant to potentially justify further density increase based on provisions in § 170-904A(2)(a) and/or (b) below: set forth in §170-1519.B(5).~~

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- (a) For every 5% of the gross area of the tract that is permanently preserved as common open space above the minimum established under § 170-904C below and meeting the criteria of § 170-904A(3), the maximum density may be increased by 0.075 dwelling units per acre. For example, if 50% of the gross area of a tract in the R-1 District proposed to be developed for single-family detached dwellings is provided as common open space, representing an addition of two increments of 5% each (40 + 5 + 5), then the maximum density may be increased to 1.25 dwelling units per acre (1.1 + 0.075 + 0.075).
- (b) In addition, a maximum density bonus of up to 0.3 dwelling units per acre above the density that would otherwise be permitted shall be approved if the applicant proves to the satisfaction of the Board of Supervisors that the applicant will complete or fund substantial public improvements to mitigate one or more significant off-site impacts of the development.
 - [1] Substantial public improvements shall be limited to improvements to public streets, public recreation and open space, public water supply systems, public sanitary sewage systems, and public stormwater management systems which are identified by the Township at the time of the conditional use approval process and which will significantly reduce the need for public expenditures to resolve a clear public need. In consideration of potential substantial public improvements, the Township shall give preference to such improvements as clearly benefit the neighborhood(s) most immediately affected by the proposed flexible development. Provision of additional open space resulting in the approval of bonus density under § 170-904A(2)(a) above shall not also be considered a substantial public improvement.
 - [2] No density bonus shall be granted for any improvement(s) that an applicant for a development would otherwise be required to complete or fund under a Township, Township Authority, state or federal requirement. For example, in the case of public street improvements, no density bonus shall be granted for improvements to a segment of an existing street immediately adjacent to the applicant's property where such improvements would otherwise be required by the Township and/or the Pennsylvania Department of Transportation.
 - [3] At the time of conditional use application, the applicant shall identify the specific proposed substantial public improvement(s) for which bonus density is requested and shall indicate the anticipated cost(s) of completing proposed substantial public improvement(s). [Amended 9-15-2008 by Ord. No. 2008-1]
 - [4] The amount of density bonus granted for any substantial public improvement(s) shall not exceed the maximum incremental density increase calculated as set forth in § 170-904A(2)(b) above and shall be established by the Board of Supervisors as a condition of approval based on a preponderance of evidence as follows: Bonus density, measured in an incremental increase in dwelling units, shall be determined by roughly equating the incremental cost to the developer of providing substantial public improvement(s), with a reasonable value to the developer for the increase in unit count. [Amended 9-15-2008 by Ord. No. 2008-1]
 - [5] Commitment to complete or fund any substantial public improvement(s) shall be in a legally binding form acceptable to the Township Solicitor.
- (c) Special bonus density for historic preservation. In addition to the maximum total permitted density, including bonus density as provided in § 170-904A(2)(a) and (b) above, and not subject to the overall density cap of 1.5 dwelling units per acre, additional dwelling units may be approved as follows: [Added 9-15-2008 by Ord. No. 2008-1]

- [1] Bonus dwelling units for preservation of historic sites and landscapes. One additional dwelling unit may be provided for each two acres comprising a lot (or open space parcel) which contains any Township-, state- or federally designated historic site or historic building or any historic site or building included or eligible for inclusion in the Chester County Historic Sites Survey and where such acreage otherwise meets all applicable criteria for open space. The use of this bonus shall be limited to no more than four bonus dwelling units for each distinct historic landscape preserved and shall be subject to the following criteria:
- [a] The Township shall approve the configuration of the lot and/or restricted open space created to accommodate preservation of the historic landscape, which shall include, at a minimum, those portions of the property that contain outbuildings or ruins associated with the historical use of the principal historic building(s) and/or those areas of greatest public visibility.
 - [b] In order to be eligible for this bonus, the historical setting, including all acreage used to calculate bonus dwelling units, and the principal facades of any historical structures shall be preserved through establishment of a conservation easement acceptable to the Township. Such easement shall be recorded prior to or simultaneously with the recording of approved land development plans and prior to issuance of building permits, as applicable, for any situation where this bonus shall be utilized.
 - [c] Land(s) utilized for calculation of this bonus also may be counted toward the calculation of required or bonus open space, where applicable open space, criteria are met.
- [2] Additional bonus dwelling units for historic restoration/rehabilitation. Where preservation of historic sites, as provided in § 170-904A(2)(c)[1] above, includes restoration or rehabilitation of historic structures approved by the Township, one additional dwelling unit may be provided for each 2,000 square feet, or portion thereof exceeding 1,000 square feet, of habitable floor area on all floor levels in the historic sections of such structures, subject to the following requirements:
- [a] Eligible structures shall have been used historically as principal residential or agricultural structures or structures accessory to a principal residential use and shall be included or be eligible for inclusion as part of a Township-, state- or federally designated historic site or shall be included in the Chester County Historic Sites Survey;
 - [b] For the purposes of this section, measurement of habitable floor area may include previously nonhabitable space converted or to be converted to habitable floor area as a result of rehabilitation (e.g., barn space converted into habitable floor area);
 - [c] The applicant shall demonstrate to the satisfaction of the Township, submitting copies of appropriate plans and other documentation as necessary, that such structures have been or shall be restored and/or rehabilitated in accordance with plans prepared by a qualified restoration architect and in general compliance with the Secretary of the Interior's Standards for Rehabilitation of Historic Structures;
 - [d] All principal facades of eligible historic structures shall be preserved through establishment of conservation easement(s) acceptable to the Township;
 - [e] This bonus shall not apply if the integrity and scale of eligible historic structures have been or will be altered by additions that overwhelm their historic integrity due to the size of such addition(s) or to the use of modern or inappropriately scaled or proportioned materials, including exterior skins, windows, doors, chimneys, porches, and other features.
- [3] Limitation to use of historic preservation bonus. No historic preservation bonus shall be applicable if the owner or developer of the subject property shall, or has within three years of the development application period or during actual development, and without the express approval of the Township, destroyed or demolished any historic site or historic building identified on the Chester County Historic

Sites Survey or other relevant study on file with the Township.

- (3) Performance standards for use of bonus density. In addition to all other applicable standards of this chapter, conditional use approval for any flexible development utilizing bonus density in accordance with § 170-904A(2) shall be subject to compliance with the following standards and criteria unless modified at the discretion of the Board of Supervisors; the applicant shall submit plan(s), narrative and graphic material(s) as necessary to adequately demonstrate compliance with these standards:
 - (a) Open space. In addition to compliance with all other applicable criteria herein, and in particular the standards of § 170-907, the following additional standards shall be applied to open space within any flexible development utilizing bonus density:
 - [1] All open space used toward calculation of compliance with minimum open space requirements shall comply with all applicable standards separately from any additional open space that is utilized toward calculation of bonus density.
 - [2] All open space used incrementally toward calculation of bonus density as provided in § 170-904A(2)(a) shall, in addition to full compliance with all other applicable standards herein, fully exclude from calculation of open space area any existing or proposed impervious surfaces, stormwater management facilities, wetlands, water bodies, watercourses, prohibitive slope (including created slopes exceeding 25%), and any lands subject to floodplain regulations. **[Amended 9-5-2017 by Ord. No. 2017-3]**
 - (b) Scenic views.
 - [1] Historical landscapes and scenic views within or across any tract subject to flexible development shall be protected to the greatest extent practicable.
 - [2] Introduced landscaping, utilizing predominantly native vegetation and replicating landscape features characteristic to Westtown and its environs, shall be used to mitigate scenic impacts of development from public roads and neighboring residential properties where such views shall be altered by proposed development, grading, or other improvements necessary to accommodate proposed development. For purposes of this subsection, mitigation shall not require a complete visual screen, where the Township agrees that a filtered or diffuse screen is augmented by other landscaping or site conditions to deflect prominent lines of sight from development impacts or otherwise minimize the visual impacts of development.
 - (c) Stormwater management.
 - [1] Stormwater management facilities shall be designed to optimize the capture of stormwater at the sources of generation, maximize recharge to the subsurface groundwater system and minimize discharge to surface water flow. Guidance for stormwater management shall use the most current best management practices such as those promulgated by the Pennsylvania Department of Environmental Protection.
 - [2] Collectively, in addition to compliance with the design criteria for stormwater management set forth in Chapter 149 of the Code of the Township of Westtown, the design of stormwater management facilities across the tract subject to flexible development shall result in groundwater infiltration of stormwater equal in volume to the incremental increase of the two-year storm, predevelopment to postdevelopment. For purposes of calculating the predevelopment volume of the two-year storm, predevelopment land cover conditions shall be assumed to be woodland-good for any area predominantly under cover of trees and meadow-good for any other area, regardless of actual cover conditions. The applicant shall be required to submit soil percolation test results and other credible evidence including a maintenance program satisfactory to demonstrate long-term feasibility of required groundwater infiltration. Where groundwater infiltration of the full incremental volume of the two-year storm is not practicable, the Township may require employment of other means to mitigate potential groundwater impacts.

B. The amount of acreage contained within the tract area, for purposes of calculating maximum density within a flexible development, shall be determined in accordance with the provisions of § 170-1519A of this chapter.

C. The following percentages of the gross area of the tract shall be set aside as ~~common open space for the use and benefit of the residents of the development and/or Township~~ minimum required open space for the use and benefit of the residents of the development and/or Township, subject to the standards for measurement of minimum required open space set forth in §170-907.A. Additional open space may be provided:

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(1) A/C Agricultural/Cluster Residential District: 60%. Where applicable, the minimum required open space shall include at least 85% of any area on the subject property that comprises the Brandywine Battlefield Swath or a portion thereof. [Amended 9-15-2008 by Ord. No. 2008-1]

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(2) R-1 ~~Rural Suburban~~ Residential District, where single-family detached dwellings are provided: 40%.

(3) R-1 ~~Rural Suburban~~ Residential District, where twin dwellings are provided: 50%.

(4) R-1 ~~Rural Suburban~~ Residential District, where permitted multifamily dwellings are provided: 60%. Where more than one dwelling unit type is provided in the R-1 District, the minimum open space shall be calculated proportionally to the relative proportion of each unit type, as provided in Subsection C(32), (43) and/or (54) ~~above~~ herein. Additional open space also may be required as a condition of approval of applicable bonus densities.

D. A developer may construct flexible development in stages if the following criteria are met:

- (1) The application for conditional use approval covers the entire flexible development and shows the location and approximate time of construction for each stage, in addition to other information required by this chapter.
- (2) At least 15% of the dwelling units in the plan given conditional use approval are included in each stage, unless otherwise approved by the Board of Supervisors.
- (3) The second and subsequent stages are completed consistent with the plans accompanying conditional use application and are of such size and location, including a sufficient degree of completion of the road network and other infrastructure, that they constitute economically sound units of development.
- (4) Each stage shall include common open space in amounts and at locations deemed acceptable by the Board to meet, at minimum, the open space needs generated by that stage and to assure protection of the sensitive features of the tract.
- (5) In the case of a flexible development proposed to be developed over a period of years, a variation in each stage to be developed from the density of use established for the entire flexible development may be permitted. A greater concentration of density of land use within one or more stages of development may be allowed, whether it be earlier or later in the development than others, provided that final approval shall not be given to any stage if the residential density of the area which includes stages already finally approved and the stage for which final approval is being sought exceeds by more than 20% the residential density allowed for the entire flexible development in the tentatively approved plan. In no case shall a flexible development be developed over a period greater than three years, unless an extension is approved by the Board of Supervisors.

E. The following standards apply to the housing sites within the flexible development:

- (1) Single-family detached dwellings, twin dwellings and permitted multifamily dwellings may be arranged

so as to provide for individual lots for each unit, or may be arranged as rental units or condominiums. Sufficient yard areas shall be set aside and designated on the plan for each type of housing, so that on an average throughout the development:

- (a) The maximum net residential density for permitted multifamily areas shall not exceed 10 dwelling units per acre of tract area designated for such use.
- (b) The maximum net residential density for twin dwelling units shall not exceed six dwelling units per acre of tract area designated for such use.
- (c) The maximum net residential density for single-family detached housing areas shall not exceed four units per acre of tract area designated for such use.
- (d) The acreage set aside for common open space, ~~wastewater management facilities, and rights-of-way of public or private streets shall not be used for computation of net residential density for any residential use. No area used to comply with net density requirements for any particular residential dwelling unit type shall also be used to comply with net density requirements for any other residential dwelling unit type or toward area and bulk requirements for any other permitted use.~~ ~~rights of way of public streets shall not be used for computation of net residential density for any residential use.~~
- (2) Permitted multifamily dwellings shall be designed and constructed in accordance with the following standards:
 - (a) Maximum dimensions. No row of townhouses or single structure containing single-family attached dwellings shall exceed 120 feet in any dimension, nor shall exceed five dwellings in a single structure or continuous row. No other structure containing permitted multifamily dwellings shall exceed 100 feet in any dimension.
 - (b) All buildings within an integrated townhouse development shall be set back from the right-of-way line of any street the development abuts a distance of not less than 100 feet.

~~(e) Maximum impervious coverage. Not more than 45% of the gross area of the tract shall be covered by impervious surfaces.~~

~~(d) Design standards:~~

~~[1] Streets within an integrated townhouse development shall be designed in accordance with the terms of Chapter 149, Subdivision and Land Development; provisions for the maintenance of any private streets shall be an essential part of the plan for development. The Township may, but is not required to, accept dedication of the streets within the integrated townhouse development for public use. It may require the posting of security in an amount and form satisfactory to it for the construction of such streets, as set forth in Chapter 149, Subdivision and Land Development.~~

~~[2] Parking requirements:~~

~~[a] Except where part of a shared parking arrangement authorized under the terms of Article XVII, all required off-street parking shall be developed within the boundaries of the townhouse development tract.~~

~~[b] Parking for each dwelling unit shall be provided either at the rear of the unit or shall be grouped into one or more parking areas serving a number of dwelling units. Individual curb cuts shall be permitted only for access to garages contained in units. Other front yard parking and individual curb cuts at the street line for access to parking shall be discouraged.~~

~~[c] Provisions for pedestrian circulation paths from the parking lot(s) to the buildings shall be provided.~~

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~~These paths shall be constructed of an all-weather surface.~~

~~[d] No parking space shall be more than 250 feet from an entrance to the building it serves.~~

~~[3] Screening: As required by § 170-1508 of this chapter.~~

~~[4] Storage: As required by § 170-1509 of this chapter.~~

~~[5] Landscaping: As required by § 170-1507 of this chapter.~~

~~[6] Access and traffic control. Routes for vehicular and pedestrian access and parking shall be designed and situated so as to create no nuisances or detractions from privacy. Design of the site shall comply further with the standards in §§ 170-1510, 170-1511, 170-1512, and 170-1513 of this chapter. Townhouse structures shall be arranged so as to reduce the amount of roads required to serve the development and to provide for an adequate open space design.~~

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(3) Standards for all flexible development:

(a) Maximum impervious coverage. Not more than 25% of the gross area of the tract shall be covered by impervious surfaces. At the time of Conditional Use application, the applicant shall demonstrate that compliance with 25% maximum impervious coverage is feasible, including all residential buildings, common area buildings, roads, parking and access means and any other facilities or impervious surfaces, and in addition demonstrating that included within the 25% tract maximum, are allowances for future accessory structures or other impervious surfaces (patios, pools, etc.) which may be permitted on any individual residential building lot. As a condition of Conditional Use approval, the Board of Supervisors may require that the subdivision/land development plan include allocation of specific square footage of available impervious cover to each lot and/or parcel, to be recorded on the final plan and each deed.

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(b) The developer shall make adequate provision for the maintenance of buildings and land within yard areas set aside for condominium development by the organization of a condominium corporation with the responsibility for collection of sufficient levies or fees to pay the cost of such maintenance. Such maintenance may be conducted in conjunction with the requirements of § 170-908, where a condominium corporation owns and maintains common open space. Any such terms and provisions shall be consistent with the requirements of the Uniform Condominium Act of 1980.

~~(4)(c)~~ (c) All housing shall be designed with regard to topography and natural features of the site in conjunction with the requirements of § 170-905A. The effects of prevailing winds, seasonal temperatures, and hours of sunlight on the physical layout and form of the proposed land use and buildings shall be taken into account to maximize energy efficiency and sustainable development.

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~~(5)(d)~~ (d) To create architectural interest in the layout and character of housing fronting streets, variations in building line shall be encouraged.

~~(6)(e)~~ (e) All housing should be sited so as to provide privacy and to ensure natural light in all principal rooms.

~~(7)(f)~~ (f) Building height shall be limited to three stories not to exceed 38 feet.

~~(8)(g)~~ (g) Routes for vehicular and pedestrian access and parking areas shall be convenient without creating nuisances or detracting from privacy.

~~(9)(h)~~ (h) The approximate location and arrangement of buildings and open spaces must be shown on

tentative plans so that the Board may review the intensity of land use and serve the public interest by protecting neighboring land uses.

~~(10)(i)~~ The following requirements shall apply:

[1] ~~As a condition of Conditional Use approval, the Board of Supervisors may require that the subdivision/land development plan include allocation of specific lot lines for individual residences and, including where individual lot lines beyond the footprint of the principal residential structures are not provided, specific designation of a permitted building envelope for each residence consistent with the standards herein, including for allocation of planned or potential building additions or accessory structures, to be recorded on the final plan and each deed.~~

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[2] ~~(a)~~ No structure shall be within 30 feet of the curb of access roads.

[3] ~~(b)~~ No single-family detached dwelling or twin dwelling may be erected within 30 feet of any other principal structure, nor within five feet of any side lot line within the development, except where attached along a common lot line.

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[4] ~~(c)~~ The distance between buildings containing multi-family dwellings shall be determined in accordance with the requirements of § 170-802B(7).

[2] ~~(d)~~ At its sole discretion, and for purposes of promoting innovative and preferred design of dwellings and structures, the Board may vary the terms of this § 170-904E(10) where deemed appropriate.

~~(11)(i)~~ Single-family detached dwellings, and uses accessory thereto, shall be a minimum of 50 feet, and all other structures shall be a minimum of 100 feet, from the property lines of the tract. Where proposed structures other than single-family detached dwellings will abut tracts containing similar uses, this distance may be reduced to 50 feet. Landscaping shall be required in these boundaries, regardless of the use being proposed. In cases where a one-hundred-foot setback from the tract boundary is required, including where twin dwellings are provided, at least 50 feet shall be a planted buffer conforming to the requirements of § 170-1508 and containing no paving.

~~(12)(k)~~ Where permitted, apartment dwellings shall comply with the minimum floor area provisions set forth in § 170-802B(3). [Added 9-15-2008 by Ord. No. 2008-1]

§ 170-905 Design standards.

A. Conservation design. Any flexible development shall comply with the provisions of § 170-1617. In addition, the natural features protection standards contained in Article IV of this chapter shall be applicable to any flexible development and to any lot created within a flexible development. [Amended 3-3-2003 by Ord. No. 2003-2]

(1) Site analysis. As part of application for conditional use approval of any flexible development, the applicant shall prepare and submit to the Township a site analysis which identifies the items listed below and which complies with applicable requirements of § 170-1617, Conservation design.

(a) Degree of slope, in the following ranges: less than 15%, as measured at two-foot contour intervals; 15%-25% and greater than 25%, as measured at five-foot contour intervals.

(b) Areas subject to floodplain regulations, including floodway, flood-fringe, and approximated floodplain

areas, as delineated by the Flood Insurance Study for Westtown Township prepared by the U.S. Department of Housing and Urban Development and the Federal Insurance Administration. **[Amended 9-5-2017 by Ord. No. 2017-3]**

- (c) Water bodies and watercourses, both perennial and seasonal.
 - (d) Drainage basin and subbasins.
 - (e) Wetlands, as defined by this chapter.
 - (f) Generalized soil types as designated in the Soil Survey of Chester and Delaware Counties (USDA, 1963).
 - (g) Generalized geological characteristics, including rock formation type(s).
 - (h) Existing vegetation, denoted as to type, including tree masses, treelines, and hedgerows; individual freestanding trees over six inches dbh; wetland vegetation; meadow, pasture, or cropland; orchard; cultivated and ornamental garden areas; etc.
 - (i) Existing structures and other improvements.
 - (j) Historic resources, including structures, ruins, sites, traces, and relationship to the bounds of any National Register historic district.
 - (k) Existing paths and trails.
 - (l) Scenic views.
 - (m) All lands visible from any adjacent public road. Visibility shall be measured as viewed from a height of four feet above the surface of the road looking in any direction or angle across the subject property, and shall be based on winter conditions (whether actual or estimated at the time of inventory) when existing vegetation offers the least obstruction of view. Areas predominantly obscured from view may be excluded from inventory of visible lands subject to Township approval.
 - (2) Finished topography: The finished topography of the site shall adequately facilitate the proposed development without excessive earthmoving, tree clearance, or destruction of natural amenities. Natural features such as lakes, streams, and wooded slopes shall be preserved and incorporated into the final landscaping of the development wherever possible and desirable. The applicant shall demonstrate the means whereby trees and other natural features shall be protected during construction.
 - (3) Stormwater management: The applicant shall submit a proposed stormwater management plan, to be approved by the Township Engineer in accordance with Chapter 149, Subdivision and Land Development. In addition, the Board may require the submission of a study of the off-site and overall groundwater impacts of the proposed stormwater management system.
 - (4) Site stabilization: Seeding, sodding, and other planting shall be applied to stabilize the topsoil on disturbed or created slopes in excess of 15%, and to enhance the appearance of open areas as required by Chapter 149, Subdivision and Land Development.
 - (5) Erosion and sedimentation control: An erosion and sedimentation control plan shall be filed and implemented in accordance with the regulations of the Pennsylvania Department of Environmental Protection and the requirements of Chapter 149, Subdivision and Land Development.
- B. Streets and parking.

(1) Streets: Streets within a flexible development shall be related to land use and to adjacent street systems, and shall be designated as secondary traffic street (arterial), collector street, or local street depending upon its function. Streets shall be designed in accordance with the terms of Chapter 149, Subdivision and Land Development; provision for the maintenance of such streets, including private streets, shall be an essential part of the plan for the development. The Township may, but is not required to, accept dedication of the streets within the flexible development for public use. It may require the posting of security in an amount and form satisfactory to it for the construction of such streets, as set forth in Chapter 149, Subdivision and Land Development.

Commented [MC16]: As proposed in 2021.

(2) Parking: Parking for all uses within the flexible development shall be in accordance with the requirements of Article XVII of this chapter.

(a) Except where part of a shared parking arrangement authorized under the terms of Article XVII, all required off-street parking shall be developed within the boundaries of the flexible development tract.

(b) Except where individual garages are provided, parking for each dwelling unit shall be provided either at the rear of the unit or shall be grouped into one or more parking areas serving a number of dwelling units. Individual curb cuts shall be permitted only for access to garages attached to individual dwelling units. Other front yard parking and individual curb cuts at the street line for access to parking shall not be permitted except where approved as a condition of Conditional Use approval at the discretion of the Board of Supervisors.

(c) Provisions for pedestrian circulation paths from parking areas to the residential dwellings and other buildings they serve shall be provided. These paths shall be constructed of an all-weather surface.

~~(d)~~ No parking space shall be more than 250 feet from an entrance to the residential dwelling or other building it serves.

Commented [MC17]: As proposed in 2021.

C. Access and traffic control: Routes for vehicular and pedestrian access and parking shall be designed and situated so as to create no nuisances or detractions from privacy. Design of the site shall comply further with the standards in §170-1510, §170-1511, §170-1512, and §170-1513 of this chapter. Townhouse structures shall be arranged so as to reduce the amount of roads required to serve the development and to provide for an adequate open space design. ~~As required by § 170-1510.~~

Commented [MC18]: As proposed in 2021.

D. Signs: As required by Article XVIII.

E. Lighting: As required by § 170-1514. In particular, adequate lighting must be provided to the outdoor areas used by residents after dark. Appropriate lighting fixtures must be provided for walkways and to identify streets, steps, ramps, directional changes, and signs. Lighting shall be located to avoid shining directly into habitable room windows of dwelling units within the development, or into private yard areas associated with dwelling units. The requirements for lighting may be waived by the Board where density of development may not justify its use.

F. Landscaping: Landscaping shall be regarded as an essential feature of every flexible development. In addition to maximum preservation of the existing vegetation of the site, careful attention shall be given to landscaping of parking areas and provisions of street trees as required by this chapter, specifically § 170-1507, and Chapter 149, Subdivision and Land Development.

G. Screening: As required by § 170-1508.

H. All utility lines shall be placed underground. As-built plans for all utilities shall be submitted to the

Township.

I. Supplementary project facilities:

- (1) Swimming pools, ~~skating rinks,~~ and other recreational areas shall be located so as not to interfere with the residential character of adjacent dwelling units.
- (2) Refuse stations must be designed with suitable screening, must be surrounded by a masonry enclosure on three sides, placed in locations convenient for collection and removal, and not be offensive to the occupants of adjacent dwelling units.

J. Historical Landscapes and Scenic Views.

- (1) Historical landscapes and scenic views within or across any tract subject to flexible development shall be protected to the greatest extent practicable. As a condition of conditional use approval, the Board may reduce or waive landscape buffering requirements in order to minimize impacts to scenic views and historic resources otherwise visually accessible to the public.
- (2) Introduced landscaping, utilizing predominantly native vegetation and replicating landscape features characteristic to Westtown and its environs, shall be used to mitigate scenic impacts of development from public roads and neighboring residential properties where such views shall be altered by proposed development, grading, or other improvements necessary to accommodate proposed development. For purposes of this subsection, mitigation shall not require a complete visual screen, where the Township agrees that a filtered or diffuse screen is augmented by other landscaping or site conditions to deflect prominent lines of sight from development impacts or otherwise minimize the visual impacts of development.

K. Stormwater management.

- (1) Stormwater management facilities shall be designed to optimize the capture of stormwater at the sources of generation, maximize recharge to the subsurface groundwater system and minimize discharge to surface water flow. Guidance for stormwater management shall use the most current Best Management Practices (BMPs) such as those promulgated by the Pennsylvania Department of Environmental Protection.
- (2) Collectively, in addition to compliance with the design criteria for stormwater management set forth in Chapter 144 and 149 of the Code of the Township of Westtown, the design of stormwater management facilities across the tract subject to flexible development shall result in groundwater infiltration of stormwater equal in volume to the incremental increase of the two-year storm, pre-development to post-development. For purposes of calculating the pre-development volume of the two-year storm, pre-development land cover conditions shall be assumed to be woodland-good for any area predominantly under cover of trees and meadow-good for any other area, regardless of actual cover conditions. The applicant shall be required to submit soil percolation test results and other credible evidence including a maintenance program satisfactory to demonstrate long-term feasibility of required groundwater infiltration. Where groundwater infiltration of the full incremental volume of the two-year storm is not practicable, the Township may require employment of other means to mitigate potential groundwater impacts.

L. Storage: As required by §170-1509 of this chapter.

Commented [MC19]: A

§ 170-906 **Administration.**

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

- A. The flexible development procedure may be applied where approved by the Board of Supervisors as a conditional use. The prospective developer is strongly encouraged to submit a sketch plan to the Township for informal discussion prior to the submission of tentative and final development plans. The Board of Supervisors shall refer all plans for such developments to the Township Planning Commission and the Chester County Planning Commission for review and comment.
- B. The Planning Commission shall act as the principal agent for the Board in reviewing and commenting on proposals for flexible development. As such, it shall receive and review the plans and documents, particularly with reference to the criteria for location and design as contained in §§ **170-902, 170-904, and 170-905** of this chapter. In addition, the Planning Commission shall evaluate the consistency of the proposed development with the Westtown Township Comprehensive Plan, and other matters required for consideration by the Board in § **170-2009** of this chapter.
- C. The Planning Commission may, in reviewing a flexible development, meet with the prospective developer and advise him/her of changes required to comply with the terms and spirit of this chapter. The Planning Commission shall report to the Board, in writing, regarding its findings and recommendations not less than five days prior to the public hearing scheduled for consideration of the conditional use application.
- D. In consideration of conditional use approval, the Township may require the applicant to submit a development impact study which considers the impact of the proposed flexible development on:
 - (1) Natural and cultural resources, including all items identified in the site analysis submitted in accordance with § **170-905A(1)**;
 - (2) Traffic volume and safety; and
 - (3) The provision of municipal services and the burden on taxpayers in making provision thereof, including, but not limited to, sewers, water, fire safety and police. [Amended 9-15-2008 by Ord. No. 2008-1]

§ 170-907 **Open space standards.**

A. Use and design standards. [Amended 3-3-2003 by Ord. No. 2003-2]

- (1) The open space shall be laid out to the satisfaction of the Board in accordance with the best principles of site design, and shall be consistent with the intent of the Township's Comprehensive Plan and Parks, Recreation and Open Space Plan.
- (2) Within the required acreage of open space, or elsewhere on the tract, an area equivalent to at least 10% of the net tract acreage shall be suitable and available to serve the particular recreational needs of the residents of the development. The Board may require that all, or a portion of, this recreational area be suitable for active recreation, and may further require that such area be prepared and developed for such purposes.
- (3) Where applicable or deemed appropriate or contained in the Township's Comprehensive Plan or Parks, Recreation and Open Space Plan, provision for pedestrian trails for public and/or private use shall be provided. This provision need not be in addition to the 10% requirement of Subsection **A(2)** above unless the Board determines that the entire 10% minimum must be designated for active recreation.
- (4) Where ownership of portions of the required open space is retained by the original owner of the tract or by the developer, use of the area may be consistent with the uses described in Subsection **A(5)** below and may include the following:

- (a) Crop land or pasture;
 - (b) Cultivation of nursery stock or orchard trees;
 - (c) Public park or outdoor recreation area operated by a governmental agency, nonprofit organization, watershed association, or similar entity; and
 - (d) Woodland, game preserve, or similar conservation-oriented activity.
- (5) The plan shall designate the use of common open space, the type of maintenance to be provided, and a planting plan or schedule. In designating use and maintenance, the following classes may be used:
- (a) Lawn. A grass area with or without trees which may be used by the residents for a variety of purposes and which shall be mowed regularly to insure a neat and tidy appearance.
 - (b) Natural area. An area of natural vegetation undisturbed during construction, or replanting. Meadows shall be maintained as such. Maintenance may be minimal but shall prevent the proliferation of undesirable plants. Litter, dead trees, and brush shall be removed and streams kept in free-flowing condition.
 - (c) Recreation area. An area designated for a specific recreational use, including by way of example tennis, swimming, playfields, and totlots. Such areas shall be located and maintained in such manner as not to create a hazard or nuisance and shall perpetuate the proposed use.
 - (d) Crop land or pasture; cultivation of nursery stock or orchard trees. Under the flexible development procedure, existing dwellings and farm-related buildings shall be permitted in the open space set-aside provided the open space is retained for agricultural purposes.
 - (e) Areas used for subsurface infiltration or land application (irrigation) of stormwater and/or treated wastewater, ~~including open storage or settling ponds accessory to infiltration facilities. Open storage or settling ponds may be included where accessory to infiltration facilities.~~ All other such stormwater and wastewater facilities may be physically located in open space areas but shall be excluded from measurement of the minimum required open space. ~~as provided in §170-907.A(6) below.~~
 - (6) ~~All open space used incrementally toward calculation of minimum required open space, as set forth in §170-904.C shall, in addition to full compliance with all other applicable standards herein, fully exclude any existing or proposed impervious surfaces, stormwater management facilities, wastewater treatment and disposal facilities, wetlands, water bodies, watercourses, 50% of any area of prohibitive slope (including created slopes exceeding 25%), and 50% of any lands subject to floodplain regulations. At least 50% of the minimum required common open space area shall be located outside floodplain areas, wetland areas, and areas of greater than twenty five percent slope. [Amended 9-15-2008 by Ord. No. 2008-1]~~
- (7) The following design standards, as deemed appropriate by the Board, shall apply to areas of common open space. Such areas shall be:
- (a) Not less than 75 feet in width at any point and not less than 1/2 acre of contiguous area. ~~where used toward calculation of minimum required open space. These dimensional standards may be modified by the Board of Supervisors as a condition of Conditional Use approval where the Board is satisfied that the result of such modification is preferable open space design.~~
 - (b) Interconnected with common open space areas on abutting parcels wherever possible, including provisions for pedestrian pathways for general public use to create linked pathway systems within the Township;

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- (c) Provided with sufficient perimeter parking when necessary, and with safe and convenient access from adjoining public road frontage or other rights-of-way or easements capable of accommodating pedestrian, bicycle, and maintenance and vehicle traffic, and containing appropriate access improvements. Areas required for parking may be included in calculating the minimum acreage required for open space;
- (d) Undivided by any crossings of public or private roads, except where necessary for proper traffic circulation, and then only upon recommendation of the Township Engineer and Planning Commission;
- (e) Free of all structures, except those related to outdoor recreational use or as otherwise provided herein;
- (f) Suitably landscaped by retaining existing natural cover and wooded areas and/or by a landscaping plan which is consistent with the purposes of this article and which minimizes maintenance costs; and
- (g) Made subject to such agreement with the Township and such deed restrictions, duly recorded in the office of the Chester County Recorder of Deeds, as may be required by the Board of Supervisors for the purpose of preserving the common open space for such use.

B. Ownership and maintenance standards.

- (1) Ownership of a portion of the open space may be retained by the developer and/or the original owner of the development tract, provided that the open space and recreational needs of the residents are adequately met by that portion not retained. The developer and/or original owner of the tract shall make this determination; however, the Board, at its discretion, may require that the developer and/or original owner of the tract put aside more open space for the use of the residents if, in its opinion, the amount set aside by the developer and/or original landowner is not sufficient.
- (2) The following standards shall apply to that portion of open space (common open space) not retained by the developer and/or original owner:
 - (a) Ownership. Any of the following methods may be used, either individually or together, to preserve, own, and maintain common open space: condominium, homeowners' association, dedication in fee simple, dedication of easements, and transfer of fee simple title and easements to a private conservation organization. Such land shall not be eligible for transfer to another party except for transfer to another method of ownership permitted under this section, and then only where there is no change in the open space ratio. The following specific requirements are associated with each of the various methods:
 - [1] Homeowners' association. The common open space may be held in common ownership by a homeowners' association. This method shall be subject to all of the provisions for homeowners' associations set forth in Subsection **B(2)(b)** below, and the homeowners' association agreement shall be recorded.
 - [2] Fee simple dedication. The Township may, but shall not be required to, accept any portion or portions of the common open space, provided such land is accessible to the residents of the Township, there is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance), and the Township agrees to and has access to maintain such lands. As a condition of approval of any flexible development, the Board of Supervisors may require that a maximum of 20% of the required common open space be dedicated to the Township for recreational purposes. **[Amended 3-3-2003 by Ord. No. 2003-2]**
 - [3] Transfer to a private conservation organization. With permission of the Township, an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Township, or a conservation easement to a private nonprofit organization, among whose purposes is to conserve open space land and/or natural resources, provided the organization is acceptable to the Township is a

bona fide conservation organization with perpetual existence; the conveyance contains appropriate provision for proper reverter or retransfer in event that the organization becomes unwilling or unable to continue carrying out its functions; and a maintenance agreement acceptable to the Township is reached.

- [4] Dedication of easements. The Township may, but shall not be required to, accept easements for public use of any portion or portions of open space land, title to which is to remain in ownership by condominium or homeowners' association, provided that such land is accessible to the residents of the Township; there is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance); and a maintenance agreement acceptable to the Township is reached.
 - [5] Condominium. The common open space may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the Uniform Condominium Act of 1980 (68 Pa.C.S.A. § 3107 et seq.). All such common open space land shall be held as "common element."
- (b) Maintenance.
- [1] In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents and owners of the development, setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said 30 days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the development and to prevent the common open space from becoming a public nuisance, may, in its discretion, enter upon said common open space and maintain the same for a period of one year. Said entry and maintenance shall not constitute a taking of said common open space, and shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners and such dedication is acceptable to the Township. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents and owners of the development, to be held by the Township, at which hearing such organization or the residents and owners of the development shall show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year. If the Township shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain said common open space at the end of said year. If the Township shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The decision of the Township in any case shall constitute a final administrative decision subject to judicial review.
 - [2] The cost of such maintenance and enforcement proceedings by the Township shall be assessed ratably against the properties within the development that have a right of enjoyment of the common open space and shall become a lien on said properties. Said assessments or charges shall be subordinate in lien to the lien of any prior mortgage or mortgages on the property which is subject to such assessments or charges. The Township, at the time of entering upon such said common open space for the purpose of maintenance, shall file notice of such lien, in the office of the Prothonotary of Chester County, upon the properties affected by such lien within the development.
 - [3] Included in any terms of ownership shall be protection of the open space against development in

perpetuity by means of a conservation easement prohibiting development. The required easement shall be conveyed either to the Township directly (in which case the development's property owners shall be named as third party beneficiary) or to a conservation organization acceptable to the Board (in which case the Township and property owners of the development shall be named as third party beneficiaries).
[Amended 12-5-1994 by Ord. No. 94-6]

§ 170-908 **Specific requirements for homeowners' association.**

If a homeowners' association is formed, it shall be governed according to the following regulations:

- A. The developer shall provide to the Township a description of the organization, including its bylaws and documents governing common open space maintenance and use restrictions.
- B. The organization shall be established by the developers and shall be operating (with financial subsidization by the developers, if necessary) before the sale of any lots within the development.
- C. Membership in the organization is mandatory for all purchasers of homes therein and their successors.
- D. The organization shall be responsible for maintenance of and insurance on common open space. The organization shall be responsible for real estate taxes on common open space only where the following preferred alternative is not utilized: The developer of any cluster development proposed to contain any area(s) of common open space may arrange with the County Board of Assessment a method of assessment of the open space which will allocate to each tax parcel in the cluster development a share of the total assessment for such open space. Where this alternative is to be utilized, the method of allocation shall be approved by the Board of Supervisors.
- E. The members of the organization shall share equitably the costs of maintaining and developing common open space, in accordance with the procedures established by them.
- F. In the event of any proposed transfer of common open space land by the homeowners' association or of the assumption of maintenance of common open space land by the Township as hereinafter provided, notice of such action shall be given to all property owners within the cluster development by the homeowners' association.
- G. The organization shall have or hire adequate staff, as necessary, to administer common facilities and maintain common open space.
- H. Lease agreement.
 - (1) The homeowners' association may lease back open space lands to the developer, his heirs or assigns, or to any other person or corporation qualified to manage open space for operation and maintenance of open space lands, but such a lease agreement shall provide:
 - (a) That the residents of the cluster development shall at all times have access to the open space lands contained herein;
 - (b) That the common open space to be leased shall be maintained only for the purposes set forth in this chapter; and
 - (c) That the operation of open space facilities may be for the benefit of the residents of the cluster development only or may be open to the residents of the Township.
 - (2) The lease shall be subject to the approval of the Township, as shall any transfer or assignment of the lease. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Chester County within 30 days of their execution and a copy of the recorded lease shall be filed with the

Township.

§ 170-909 through § 170-915. (Reserved)

Article XV
General Regulations

§ 170-1519 Standards for minimum tract and lot area; maximum density of tract usage.
[Amended 5-3-1999 by Ord. No. 99-2; 3-3-2003 by Ord. No. 2003-2]

A. For purposes of calculating the maximum density or intensity of use on any tract of land proposed for subdivision or land development subsequent to the effective date of this chapter, the following standards shall be applied to determine the minimum tract area:

- (1) Tract area shall be determined by excluding from the gross area of the tract any or all of the following, as applicable:
 - (a) Any area used for gas, oil, natural gas, electric, or communications transmission facilities, railroad fee-simple interest, right-of-way or easement whether below or above ground, that do not serve the tract.
 - (b) Any area within an existing street right-of-way.
 - (c) An area measured in acres equal to 75% of the total area comprising any of the following: [Amended 5-2-2005 by Ord. No. 2005-4]
 - [1] Any area subject to floodplain regulations; [Amended 9-5-2017 by Ord. No. 2017-3]
 - [2] Any area where the slope gradient is 25% or greater;
 - [3] Any area designated as a wetland.
 - (d) An area measured in acres equal to 25% of the total area comprising any area containing seasonally high water table soils. [Added 5-2-2005 by Ord. No. 2005-4]
- (2) In the event two or more of the above-named features overlap, the overlapped area with the most severe reduction shall be counted, and the overlapped areas shall be counted only once. [Amended 5-2-2005 by Ord. No. 2005-4]

B. The maximum density of use on any tract within a particular zoning district shall be as follows:

- (1) The tract area shall be established according to the procedures of § 170-1519A(1) above.
- (2) For a proposed residential use, the maximum number of dwelling units on the tract shall be calculated by multiplying the tract areas by the appropriate multiplier set forth below. Calculations resulting in fractions shall be rounded to the next lower whole number.
 - (a) A/C District.
 - [1] Standard single-family detached dwelling subdivision: tract area ~~x-multiplied by~~ 0.5.
 - [2] Flexible development: tract area x 1.1, except where bonus density up to a maximum multiplier of 1.5 is permitted as provided in § 170-904A(2).
 - [3] Adult community development: tract area multiplied by 1.5, except as provided below. As part of a conditional use application, as a density bonus, the Board of Supervisors shall approve an increase in the

maximum density above 1.5 dwelling units per acre where the Board is satisfied that all applicable conditions set forth herein are met. In no case shall the maximum density be increased to result in a maximum total greater than 2.25 dwelling units per acre. Such bonus shall be approved if the applicant proves to the satisfaction of the Board of Supervisors that the applicant will complete or fund substantial public improvements to mitigate one or more significant off-site impacts of the development or achieve other significant community planning objectives, consistent with the provisions of Subsection B(2)(a)[3][a] below. **[Amended 9-15-2008 by Ord. No. 2008-1]**

- [a] Substantial public improvements or design approaches potentially eligible for bonus density consideration include, but are not necessarily limited to significant transportation, water supply or sanitary sewer improvements; provision of substantial open space in addition to the minimum otherwise required; protection and/or renovation/reuse of identified historic resources as part of the development; provision of land suitable for active recreation, public or community facilities; or other substantial public improvement identified by the Township at the time of the conditional use approval process and which significantly reduces the need for public expenditures to achieve clear public need(s).
- [b] At the time of conditional use application, the applicant shall identify the specific proposed substantial public improvement(s) for which bonus density is requested, shall indicate the anticipated cost(s) of completing such improvement(s) and shall submit plans and/or other documentation sufficient to demonstrate the applicant's ability to achieve the proposed improvements. The amount of density bonus granted for any substantial public improvement(s) shall be established by the Board of Supervisors as a condition of approval based on a preponderance of evidence as follows: bonus density, measured in an incremental increase in dwelling units, shall be determined by roughly equating the incremental cost to the developer of providing substantial public improvement(s), with a reasonable value to the developer for the increase in unit count.
- [c] Subject to approval by the Board of Supervisors as provided herein, incremental bonus density shall be provided in, but shall not be limited to, the following situations:
- [d] Bonus dwelling units for preservation of historic sites and landscapes. One additional dwelling unit may be provided for each two acres comprising a lot (or open space parcel) which contains any Township-, state- or federally designated historic site or historic building or any historic site or building included or eligible for inclusion in the Chester County Historic Sites Survey and where such acreage otherwise meets all applicable criteria for open space. The use of this bonus shall be limited to no more than four bonus dwelling units for each distinct historic landscape preserved and shall be subject to the criteria set forth in § 170-904A(2)(c)[1][a], [b] and [c].
- [e] Bonus dwelling units for historic restoration/rehabilitation. Where preservation of historic sites, as provided in § 170-1519B(2)(a)[3][c][i] above, includes restoration or rehabilitation of historic structures approved by the Township, one additional dwelling unit may be provided for each 2,000 square feet, or portion thereof exceeding 1,000 square feet, of habitable floor area on all floor levels in the historic sections of such structures, subject to the criteria set forth in § 170-904A(2)(c)[2][a], [b], [c], [d] and [e].
- [f] Bonus density for provision for additional open space. Two additional dwelling units may be provided for each acre, exclusive of floodplain areas, wetland areas and areas of greater than twenty-five-percent slope, of common open space that is provided in excess of applicable minimum open space requirements and where such open space is permanently restricted from future development for other than approved open space purposes, subject to establishment of conservation easement(s) or other restrictive covenant(s) acceptable to the Township.
- [g] Bonus density for provision for recreational facilities. Two additional dwelling units may be provided for each acre of common open space, regardless of any other open space requirement or bonus, where such open space is developed and made available to the public for active recreational use, upon the recommendation of the Township Park Advisory Group.

- [h] Bonus density for provision for infrastructure improvements. Additional dwelling units may be provided where the applicant constructs or funds the construction of significant public infrastructure improvements clearly in excess of that which is required to serve the proposed development, including but not limited to public sewer and/or water facilities, public road or highway improvements, public trails, and structures devoted to public recreational use. The number of bonus dwelling units shall be commensurate with the cost of the substantial public improvements as provided above.
- [i] Where the applicant demonstrates partial achievement of the substantial public improvements identified by the Township, the Board of Supervisors, at its sole discretion, may approve density bonus in increments reasonably related to the public improvement or design mitigation to be achieved. No density bonus shall be granted for any improvements that an applicant for a development would be required to complete or fund under a Township, Township Authority, state or federal requirement. For example, in the case of public street improvements, no density bonus shall be granted for improvements to a segment of an existing street immediately adjacent to the applicant's property and improvements that would otherwise be required by the Township and/or the Pennsylvania Department of Transportation.
- [j] Commitment on the part of the applicant to complete or fund substantial public improvements shall be in a legally binding form acceptable to the Township Solicitor.
- [4] (Reserved)
- (b) R-1 District:
 - [1] Standard single-family detached dwelling subdivision: tract area x 1.0.
 - [2] Flexible development: tract area x 1.1, except where bonus density up to a maximum multiplier of 1.5 is permitted as provided in § 170-904A(2).
- (c) R-2 District:
 - [1] Standard single-family detached dwelling subdivision, served by:
 - [a] On-site sewage and on-site water: tract area x 1.0.
 - [b] On-site sewage and off-site water, or public off-site sewage and on-site water: tract area x 1.45.
 - [c] Public off-site sewage and off-site water: tract area x 1.98.
 - [2] Single-family semidetached or two-family detached dwellings: tract area x 2.9.
- (d) R-3 District:
 - [1] Apartment dwellings.
 - [a] For areas occupied by dwelling units having one or less bedrooms: 10 dwelling units per acre of tract area.
 - [b] For areas occupied by dwelling units having two bedrooms: eight dwelling units per acre of tract area.
 - [c] For areas occupied by dwelling units having three or more bedrooms: four dwelling units per acre of tract area.
 - [d] If there is a mix of dwelling units having different numbers of bedrooms, then the density shall be calculated in proportion with the acreage attributable to each type of dwelling unit.

- [2] Townhouse dwellings: 6.0 dwelling units per acre of tract area.
- (e) M-U District.
- [1] Residential uses authorized in the R-1, R-2, or R-3 Districts: as specified in Subsections B(2)(d)[1][b], [c], and [d] above.
- [2] Mobile home park: tract area x four.
- (3) For a proposed nonresidential use, the maximum density of use on the tract shall be as follows:
 - (a) R-3 District.
 - [1] Professional or business office: tract area ~~x~~multiplied by 0.40 (square feet of floor area)
 - (b) M-U District.
 - [1] Nonresidential uses authorized in the R-3 or C-1 Districts as specified in Subsection **B(3)(a)** above, or B(3)(c) below, respectively.
 - (c) C-1 District.
 - [1] Total number of permitted, special exception, or conditional uses: tract area ~~x~~multiplied by 0.5.
 - [2] Total amount of square feet of floor area per use: lot area (as determined by § 170-1519C, below) ~~x~~multiplied by 0.40.
- (4) The maximum density for any other use permitted by right, special exception, or conditional use shall be as stipulated by the relevant terms of this chapter.

(5) Bonus Density for Historic Preservation, subject to conditional use approval:

- (a) Bonus dwelling units for preservation of historic resources and landscapes. One additional dwelling unit may be provided for each two acres comprising a lot (or open space parcel) which contains any Township-, state- or federally designated Historic Resource and where such acreage otherwise meets all applicable criteria for open space. The use of this bonus shall be limited to no more than four bonus dwelling units for each distinct historic resource and/or landscape preserved and shall be subject to the following criteria:
 - [1] The Township shall approve the configuration of the lot and/or restricted open space created to accommodate preservation of the historic landscape, which shall include, at a minimum, those portions of the property that contain outbuildings or ruins associated with the historical use of the principal historic building(s) and/or those areas of greatest public visibility.
 - [2] In order to be eligible for this bonus, the historical setting, including all acreage used to calculate bonus dwelling units, and the principal facades of any historical structures shall be preserved through establishment of a conservation easement acceptable to the Township. Such easement shall be recorded prior to or simultaneously with the recording of approved land development plans and prior to issuance of building permits, as applicable, for any situation where this bonus shall be utilized.

- [3] Land(s) utilized for calculation of this bonus also may be counted toward the calculation of required or bonus open space, where applicable open space, criteria are met.
- (b) Additional bonus dwelling units for historic restoration/rehabilitation. Where preservation of historic sites, as provided in §170-1519.B(5)(a) above, includes restoration or rehabilitation of historic structures approved by the Township, one additional dwelling unit may be provided for each 2,000 square feet, or portion thereof exceeding 1,000 square feet, of floor area on all floor levels in the historic sections of such structures which are restored or rehabilitated, subject to the following requirements:
- [1] Eligible structures shall have been used historically as principal residential or agricultural structures or structures accessory to a principal residential use and shall be included or be eligible for inclusion as part of a Township-, state- or federally designated Historic Resource or historic district;
- [2] The applicant shall demonstrate to the satisfaction of the Township, submitting copies of appropriate plans and other documentation as necessary, that such structures have been or shall be restored and/or rehabilitated in accordance with plans prepared by a qualified restoration architect and in general compliance with the U.S Department of the Interior Standards for Rehabilitation of Historic Structures;
- [3] All principal facades of eligible historic structures shall be preserved through establishment of conservation easement(s) acceptable to the Township;
- [4] This bonus shall not apply if the integrity and scale of eligible historic structures have been or will be altered by additions that overwhelm their historic integrity due to the size of such addition(s) or to the use of modern or inappropriately scaled or proportioned materials, including exterior skins, windows, doors, chimneys, porches, and other features.
- (c) Limitation to use of historic preservation bonus. An historic preservation bonus shall not be applicable if the owner, subdivision/land development applicant, or developer of the subject property shall or has, within three years of the development application period or during actual development, destroyed or demolished any Historic Resource as defined herein without the express approval of the Township.

Commented [MC23]: As proposed in 2021.

Article XX
Administration

§ 170-2009 **Conditional uses.**

- A. Statement of intent. This chapter provides for certain uses to be permitted within the Township as conditional uses. In so providing, the Board of Supervisors recognizes that these uses may or may not be appropriate at every location within any specific district and, accordingly, has established standards and criteria by which it can evaluate and decide upon applications for such uses. It is intended that these uses, constituting major uses having the potential for substantial impact upon the community, shall comply with the standards for conditional uses hereinafter set forth, in addition to the relevant stipulations of the district in which the conditional use is authorized. In the sole discretion of the Board of Supervisors, failure to comply with these standards may be deemed a basis for the imposition of appropriate conditions to a grant of approval. Where there is a conflict between the standards set forth in this section and other standards elsewhere established by this or other applicable chapters, it is intended that the more stringent standards shall apply, and it is not the intent of this section to abrogate or impair any other such standards or requirements. 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.
- B. Submission and content of conditional use applications.
- (1) It shall be the burden of the applicant to demonstrate compliance with the standards for conditional use contained in this section and with any other relevant stipulations of this chapter, and to indicate means by which potential impacts from the proposed use will be mitigated.
 - (2) An application for conditional use approval shall be submitted on a form provided by or otherwise acceptable to the Township and shall be accompanied by an application fee, the amount of which shall be established by resolution of the Board of Supervisors.
 - (3) An accurate site plan prepared by a qualified professional shall be submitted. Such site plan shall accurately show topography and existing and proposed development.
 - (a) Detailed grading plans, stormwater calculations, profiles and similar engineering details are not required to be submitted until a preliminary or final plan application is made under Chapter 149, Subdivision and Land Development.
 - (b) If a traffic study is required by this chapter or Chapter 149, Subdivision and Land Development, it shall be submitted with the conditional use application.
 - (c) The approximate location of stormwater basins and swales shall be shown.
 - (d) The application shall include sufficient information, e.g., preliminary site grading and road profiles, preliminary stormwater management analysis, etc., to preliminarily determine compliance with the Township natural feature, site analysis, conservation design process (if applicable) and density requirements.
 - (4) The scale of the site plan shall be one inch equals 50 feet. If the site plan is on more than one sheet, then

the overall layout shall also be submitted on a single sheet. If only a portion of a tract is proposed for development, the submittal shall show how this portion will be fully coordinated with the development of future portions of the tract.

- (5) Where specific conditional use submission requirements are contained within another article of this chapter and are applicable to a particular conditional use authorized by that article, those requirements shall be adhered to and shall prevail in any instance of conflict or overlap.
 - (6) In addition to demonstrating compliance with all standards applicable to the conditional use being requested, the site plan shall show the applicant's intentions with regard to the following:
 - (a) Site access, interior circulation, and parking.
 - (b) Location, approximate dimension, and arrangement of all areas devoted to ground cover, trees, screen planting, open space, recreation, and similar purposes, as applicable.
 - (c) Adequate handling of stormwater, in the form of a preliminary written analysis and conclusions as to anticipated methods, prepared by a registered professional engineer.
 - (d) Location, planned uses, approximate overall dimensions, gross floor area, coverage, and height of each building or structure.
 - (e) Strong consideration shall be given to incorporation of LEED (Leadership in Energy and Environmental Design) certified building design principals recommended by the US Green Building Council. **[Added 9-15-2008 by Ord. No. 2008-1]**
 - (7) Site analysis and the conservation design process.
- C. Application review procedures.
- (1) The application shall be reviewed by the Zoning Officer. If it is deficient with regard to any required components, procedures, or fees, the Zoning Officer shall so notify the applicant. This review and notification shall occur prior to the scheduling of a public hearing on the application. If such identified deficiencies are not remedied in the form of a resubmitted application, such deficiencies shall constitute grounds for denial of the application by the Board of Supervisors subsequent to public hearing.
 - (2) The Board of Supervisors shall schedule and hold a public hearing on the application pursuant to public notice within 60 days of filing unless the applicant, in writing, waives or extends the time limitation.
 - (3) Prior to the date of the hearing, one copy of the application shall be furnished to the Township Planning Commission, together with a request that it submit recommendations to the Board for consideration at the hearing. The Planning Commission, in its review of the conditional use application, shall evaluate in particular the generalized site plan in relation to the Township Comprehensive Plan and the physical development of the Township. **[Amended 10-4-2021 by Ord. No. 2021-08]**
 - (4) A stenographic record of the hearing proceedings shall be made by a court reporter. The appearance fee for the court reporter shall be shared equally by the applicant and the Board. Any party requesting the original transcript or a copy of the transcript shall bear the cost of same.
 - (5) The plan presented at the public hearing shall be essentially the same as that reviewed by the Planning Commission. Changes deemed by the Planning Commission to be substantial may result in rescheduling the public hearing where the Planning Commission finds that such changes necessitate a greater period of time for review and comment.
 - (6) Upon review of the application in terms of the standards and criteria of this chapter, the Board of

Supervisors shall render a decision within 45 days of completion of the public hearing process.

- (7) In approving a conditional use application, where such use is authorized under this chapter, the Board of Supervisors may, at its sole discretion, attach such conditions to its approval as it deems necessary to further the purposes of this chapter. Such conditions may include, but need not be limited to:
 - (a) Specific modifications to area and bulk requirements as might otherwise be applicable;
 - (b) Provisions for additional utility or traffic safety facilities;
 - (c) Securing of additional easements or property to assure proper site design; or
 - (d) Modification to the applicable design standards.
 - (8) If the Board of Supervisors approves the application and accompanying generalized site plan, such approved plan shall accompany any application for subdivision or land development as prescribed by Chapter 149, Subdivision and Land Development, in addition to the detailed working drawings normally required, and any application for a building permit. The issuance or rejection of a building permit shall take place in the regularly prescribed manner herein pertaining to building permits, but shall be preceded by compliance with Chapter 149, Subdivision and Land Development.
 - (9) Any grant of conditional use approval shall be deemed null and void six months from the date of such approval if, within that period, no application is made for a building permit, a use and occupancy permit, or subdivision or land development approval, as appropriate, unless the Board of Supervisors shall grant an extension.
- D. Standards for conditional use approval. **[Amended 5-3-1999 by Ord. No. 99-2]**
- (1) In reviewing and acting upon an application for conditional use, the Board of Supervisors shall evaluate the degree of compliance with the following standards:
 - (a) The uses proposed shall be limited to those authorized as conditional uses within the district in which the lot or parcel is situated.
 - (b) The proposal shall be consistent with the Township Comprehensive Plan and with the purpose of this chapter to promote the public health, safety, and general welfare.
 - (c) The appropriate use, and the value, of adjacent property will be safeguarded.
 - (d) The development, if more than one building, will consist of a harmonious grouping of buildings or other structures.
 - (e) If the development is to be carried out in progressive stages, each stage shall be so planned that the conditions and intent of this chapter shall be fully complied with at the completion of any stage.
 - (f) The demand created by the proposed use upon public services and facilities such as water supply, sewage disposal, police and fire protection, emergency services, open space and recreation facilities, and the public school system has been considered and, where necessary, adequate arrangements for expansion or improvement are assured.
 - (g) The design and use of any new construction and the proposed change of design (if any) and proposed change in use of existing buildings will be compatible with the existing designs and uses in the immediate vicinity and that the proposed design or use shall be compatible with the character of the neighborhood.

- (h) The burden of proof shall be upon the applicant to prove to the satisfaction of the Board of Supervisors, by credible evidence, including a Traffic Impact Study addressing the requirements of §149-804.A(1) through (11) and the Pennsylvania Department of Transportation, prepared by a licensed Professional Engineer, that the use will not result in a traffic hazard or traffic congestion within or along existing roads and road intersections adjacent to the tract proposed to be developed, or magnify any existing traffic hazard or traffic congestion within or along existing roads and road intersections adjacent to the tract proposed to be developed. The traffic generated by the development shall be accommodated in a safe and efficient manner on all roads and road intersections internal to the development site, and on all adjacent roads, accesses and road intersections external to the development site. This may include pedestrian and other travel modes as determined appropriate by the Board. The Traffic Impact Study shall identify any and all traffic capacity and traffic safety improvements within or along existing roads and road intersections adjacent to the tract proposed to be developed, and on all roads and road intersections internal to the development site, that are necessary to accommodate the traffic generated by the development. This includes vehicular and non-vehicular connections, as well as facilities to encourage and support non-automotive traffic. As a condition of approval, the Board shall require the applicant to complete and/or fund these traffic improvements, or provide surety for required improvements which may be completed by others. ~~that the use will not result in or substantially add to a significant traffic hazard or significant traffic congestion. The peak traffic generated by the development shall be accommodated in a safe and efficient manner. Such analysis shall consider any improvements to streets that the applicant is committed to complete or fund. [Added 5-3-1999 by Ord. No. 99-2]~~
- (2) The Board of Supervisors shall weigh each case on its own merits, separately, based upon pertinent information presented or known to it, and without regard to any previous case.

Commented [MC24]: As proposed in 2021.