

WESTTOWN TOWNSHIP
PLANNING COMMISSION MEETING AGENDA
Wednesday, June 19, 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 June 5, 2024

Announcements

1. Sketch Plan for the funeral home at 1115 Wilmington Pike with an access to E Pleasant Grove Road was presented to the Board on Monday, June 17 at the workshop.
2. Conditional Use Hearing for the proposed Visual Arts Center at 1632 West Chester Pike is scheduled for Monday, June 24, 2024 at 7:00pm

Public Comment – Non-Agenda Items

New Business

1. Rescinding Ordinance Provisions – Visual Arts Center

An ordinance amending Chapter 170, Zoning, Article VIII, R-3 Residence-Office District regulations and Article XVII, Off-street parking and loading regarding a Visual Arts Center use and shared parking has been adopted by the Township in 2013. The Planning Commission's feedback is requested on considering potential changes or rescinding the adopted ordinance in its entirety.

Old Business

1. Official Map – Continued Discussion

The Planning Commission will continue its discussion on considerations for the development of an Official Map and its potential features.

Public Comment

Reports

1. Board of Supervisors Meeting June 17, 2024 – Jack Embick

Adjournment

Next PC Meeting:

- **July 3 2024, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Monday June 1, 2024, 7:30 PM** – Kevin Flynn/Brian Knaub

WESTTOWN TOWNSHIP PLANNING COMMISSION MEETING MINUTES

Stokes Assembly Hall, 1039 Wilmington Pike
Wednesday, June 5, 2024 – 7:00 PM

Present

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

Call to Order and Pledge of Allegiance

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

Adoption of Agenda (RH/BK) 5-0

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

Approval of Minutes (RH/JL) 5-0

Mr. Hatton made a motion to adopt the meeting minutes from May 8, 2024. Mr. Lees seconded. All were in favor of the motion.

Announcements

1. Ms. Carter announced that the applicant for the Stokes estate conditional use application has presented to the Board of Supervisors the settlement proposal. She noted that the proposal has been posted on the township website.
2. Ms. Carter also announced that the Court of Common Pleas affirmed the Zoning Hearing Board's decision to deny the variance request for the installation of an 8-foot fence at 811 E. Sage Road.

Public Comment – Non Agenda Items

There was none.

New Business

1. Zoning Ordinance Considerations

Mr. Embick referred to the memo provided by Ms. Carter with a list of several items have been brought to the Township's attention for the Commission to consider discussing, specifically potential changes to the Outdoor Lighting requirements (§170-1514) and Accessory uses and structures (§170-1603). Mr. Embick recapped that the issue of outdoor lighting has arisen due to the commercial business located in the Westtown Village shopping center that was recently burglarized. Mr. Embick explained that the owner of the business believes the lack of nighttime lighting made his business a desirable target. Mr. Embick believed that the outdoor lighting ordinance was well researched and considered before being put in place. He suggested that other avenues such as motion lights, infrared cameras, and alarms would better serve as a defense against future crime. Mr. Embick also stated that he worries any change to the allowable time for lighting, for example an extension from 7pm to 7am, would impact the natural environment and enjoyment for homeowners and wildlife alike.

Mr. Sennett suggested not to make any changes to the lighting ordinance because of the studies and research considered and incorporated into the ordinance. He felt that change should only be considered if there is additional research or cases where the ordinance would be improved in some way based on data.

Mr. Lees agreed with Mr. Sennett not to change the ordinance at this time because of the

extensive and intense research going into the creation of the ordinance. Mr. Knaub believed a lighting consultant should be brought in on a case by case basis. He suggested for the business owner to bring in a consultant to provide the Township with the proposal.

Mr. Hatton agreed but added that he looked into the proposed updates for the Uwchlan Township outdoor lighting ordinance and noted they were similar to what Westtown already has, which is current and relative. Mr. Hatton asked how the Township monitors who is in compliance with the lighting ordinance. Ms. Carter said that all applicants proposing exterior lighting are given specific instructions about mounting height, luminescence and code compliant fixtures. Ms. Carter also added that if there is a complaint, the lighting study would be required to confirm compliance.

Mr. Knaub asked if there was anything preventing the use of motion detectors in the ordinance. Ms. Carter believed that was nothing specific pertaining to motion detectors for lighting. She stated that if they are to be permitted at the rear of shopping center buildings, there might be complaints from adjacent residential properties. She suggested to consider requirements for mounting height and time limits for such lighting. Mr. Sennett believed it was not an issue with the lighting provisions, but with crime. He suggested to consult with Chief Bernot on the subject matter. Ms. Carter provided that the business owner attended the Police Commission meeting and raised his concerns with lighting provisions to the Chief. She stated that in summary, there is a consensus that lighting deters crimes.

Mr. Embick moved on to the accessory dwelling units (ADUs) discussion. He recapped that the Commission was exploring a possibility to provide for additional opportunities for diverse housing choices in the Township considering the predominance of detached single family homes and the low percentage of developable land in the Township. He asked whether the Commission might consider several enhancements to existing requirements. Mr. Embick recapped suggestions included in Ms. Carter's memo, such as allowing non-related persons to live in the ADUs, creation of two or more dwelling units within an existing single family detached dwelling, and permitting all or some ADUs by right.

Mr. Sennett reinstated his view that the Township lacks the infrastructure for those individuals who need or seek affordable and attainable housing, specifically easy access to public transit. He also pointed out that the ordinance is accommodating to property owners who are seeking an ADU as an affordable housing option for extended family. Mr. Embick asked the Commission's feedback on allowing ADU's proposed as a part of the dwelling to be permitted by right while continue to permit detached ADUs via a special exception process, changing the family relation requirement and eliminating the rental ban. Ms. Carter pointed out that so far all special exception requests for ADUs have been approved by the Zoning Hearing Board. She pointed out that during the resale process, in-law suites that were built without permits are being discovered. She was concerned that buyers were asked to make modifications as a part of conditional use and occupancy approval by removing permanent cooking facilities to comply with the Code.

Mr. Hatton was in support of keeping the approval process for detached ADUs as it is but he was open to potentially permitting other ADUs by right. He expressed concern with how these units to be monitored long-term. Ms. Carter pointed out that the Township becomes aware of ADUs during the permitting process and suggested to consider an implementation of the registration and reporting process for all ADUs. Mr. Embick thought it was a good idea. Mr. Hatton felt that if current regulations are working, there is no need to make any changes. Mr. Sennett and Mr. Lees agreed with Mr. Hatton. Mr. Sennett felt that if ADUs are to be permitted by right, there would be many instances of misuse because there will not be an opportunity for the Commission to weigh in. Mr. Embick noted that there were already instances of that with unpermitted in-law suites. Mr. Sennett pointed out that there might be residents who are in support of ADUs not being permitted by right. The Commission's consensus was not to

make any changes to existing provisions at this time. Mr. Hatton wondered what can be done to require developers to provide for attainable and affordable housing through the land development process. Mr. Lees did not feel that developers will be open to that because it would retract from the value of the rest of the development. Mr. Sennett felt that the issue was more complex than just providing a number of units for a cheaper price. Mr. Lees agreed.

Mr. Embick asked whether the Commission had an interest in addressing ADUs on historic properties as an incentive to entice people to maintain historic buildings. Mr. Hatton asked what the proposed incentive would be. Ms. Carter felt that if there is an opportunity to convert the single family historic dwelling into a multi-family dwelling, it would provide such incentive. Ms. Carter explained that it provides an opportunity for the property owner on how to adaptively reuse historic buildings while providing additional housing units in the Township. Mr. Sennett felt that no changes to the ADU provisions were needed at this time.

2. Brush, Grass and Weeds - Ordinance

Mr. Embick noted that several changes were proposed to Chapter 54, Brush, Grass and Weeds ordinance in conjunction with the draft ordinance amendments for managed meadow provisions under §170-1507 Landscaping and site design to address a potential need for exemption of areas of natural vegetation from those requirements. He stated that Article IV Natural Features Protection standards are intended to afford appropriate levels of protection to those natural features that represent significant resource opportunities for the Township and its surrounding region. Mr. Embick felt that the problem with the ordinance is the lack of definition for natural vegetation. He stated that if there is an exemption, then the terms shall be defined. He was concerned that if the proposed language is adopted as written, anyone who doesn't mow could claim it to be areas of natural vegetation. Ms. Carter revisited the previous discussion of managed meadows and explained that she reviewed existing provisions specific to maintenance of floodplains, wetlands, woodlands and riparian buffers. She provided a summary of maintenance requirements and how it relates to existing brush provisions. Ms. Carter felt there were some inconsistencies and some minor changes that need to be made. Mr. Sennett questioned whether any changes are needed. Mr. Hatton was in favor of abandoning managed meadow provisions altogether. Mr. Sennett stated that he understood the importance of managed meadow provisions, but wanted to hear some feedback from the County on proposed language. Ms. Carter agreed getting such feedback before bringing it back for discussion.

Old Business

1. Conditional Use Application – 1632 Associates LLC for Visual Arts Center

Mr. Embick explained that in 2023, the applicant presented a proposal to construct a Visual Arts Center (VAC) at a 3.8 acre parcel at 1632 West Chester Pike located in the R-3 Zoning District. He recapped that the proposed VAC would be 2,750 square feet with entrances on West Chester Pike and Green Lane. Mr. Embick further recapped that at that time the Commission requested the applicant to incorporate their comments and respond to the Township consultant reviews prior to the Commission's recommendation. He noted that since then, the applicant has granted several extensions, but no revised materials were presented to the Township. Mr. Embick reminded the Commission that the Board of Supervisors would hold a hearing on this application on June 24, 2024. Mr. Embick suggested to recommend denial of the application, because the applicant failed to meet the conditional use standards. Mr. Lees felt that the Planning Commission should make no recommendation, because it has been 15 months of waiting on the applicant to provide a response. Mr. Sennett felt that denial should be recommended because nothing has been presented that addresses how the proposed development meets the requirements. Mr. Embick summarized a list of items that the Commission requested in the past, including but not limited to a lighting study, building design and traffic impact assessment. He reiterated

that none were presented to the Township.

Motion to recommend denial of the conditional use application for the construction of the Visual Arts Center at 1632 West Chester Pike, because the applicant failed to address the Commission's comments, review letters from the Township consultants, and failed to show compliance with the conditional use standards. Mr. Knaub seconded. All were in favor of the motion. JE/BK (6-0)

2. **Official Map – Continued Discussion**

Mr. Embick suggested to table this discussion until the next meeting. The Commission agreed.

Public Comment

There was none.

Reports

1. Mr. Embick made the BOS report from the June 3, 2024 meeting.
2. Mr. Hatton made the EAC report from the May 28, 2024 meeting.

Adjournment (RH/JL) 6-0

The meeting was adjourned at 9:06 PM.

Next PC Meeting:

- **June 19 2024, 7:00 PM**

PC Representative at next Board of Supervisors Meeting:

- **Monday June 17, 2024, 7:30 PM** – Russ Hatton/Jack Embick

Respectfully submitted,
Mila Carter
Planning Commission Secretary

ORDINANCE 2024 - ____

**WESTTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF WESTTOWN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 170, ZONING, ARTICLE VIII, R-3 RESIDENCE-OFFICE DISTRICT REGULATIONS AND ARTICLE XVII, OFF-STREET PARKING AND LOADING, OF THE CODE OF WESTTOWN TOWNSHIP REGARDING A VISUAL ARTS CENTER USE AND SHARED PARKING.

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

SECTION 1. Amends Article II, Definitions, §170-201, Definitions, to delete the following terms and their accompanying definitions: Visual Arts Center (VAC) and Visual Communication Technology (VCT).

SECTION 2. Amends Article VIII, R-3 Residence-Office District, §170-800, Statement of Intent, Subparagraph A, to read as follows:

- A. In addition to the goals presented in the general purpose and the community development objectives sections of this chapter, the purpose of this district is to make specific provisions for appropriate multifamily residential and limited office uses in selected locations, particularly along major highways, which can serve as logical transitional districts between single-family residential development and areas of heavier traffic, and which produce fewer hazards and less interference with highway traffic than conventional commercial areas by:

SECTION 3. Amends Article VIII, R-3 Residence-Office District, §170-800, Statement of Intent, Subparagraph A, to delete Subpart (6) regarding Visual Arts Center (VAC) use.

SECTION 4. Amends Article VIII, R-3 Residence-Office District, §170-801, Use Regulations, Subparagraph B, Conditional Uses, to delete Subpart (10), Visual Arts Center (VAC).

SECTION 5. Amends Article VIII, R-3 Residence-Office District, §170-802, Area and Bulk Regulations, to delete Subparagraph G, Visual Arts Center (VAC).

SECTION 6. Amends Article XVII, Off-Street Parking and Loading, §170-1706, Shared Parking, Subparagraph A, to read as follows:

- A. Up to 50% of the parking spaces required for a theater or other place of primarily evening entertainment, for a church, for multifamily dwelling

units, or for a school may be provided and used jointly by banks, offices, certain retail stores, repair shops, service establishments, and similar uses which are not normally open, used or operated during evening hours (beyond normal business hours of 8:00 a.m. to 5:00 p.m.) if specifically approved by the Board.

SECTION 7. Amends Article XVII, Off-Street Parking and Loading, §170-1706, Shared Parking, Subparagraph D, to read as follows:

- D. Upon approval of the Board, as prescribed in Subsection B above, two or more uses may satisfy their individual parking requirements in a common parking lot, provided that the number of parking spaces in the lot equals the sum of the parking spaces required for each use. Parking spaces shall be located so that no space is greater than 500 feet from the building or use it is intended to serve.

SECTION 8. If any sentence, clause or section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or validity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal, invalid sentence, clause, section or part thereof not been included herein.

SECTION 9. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 10. This ordinance will be effective five (5) days after enactment.

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

Attest:

**Westtown Township
Board of Supervisors**

Secretary

Thomas Foster, Chair

Edward Yost, Vice Chair

Richard Pomerantz,
Police Commissioner

ARTICLE VIII
R-3 Residence-Office District

§ 170-800. Statement of intent.

- A. In addition to the goals presented in the general purpose and the community development objectives sections of this chapter, the purpose of this district is to make specific provisions for appropriate multifamily residential, limited office and visual arts center uses in selected locations, particularly along major highways, which can serve as logical transitional districts between single-family residential development and areas of heavier traffic, and which produce fewer hazards and less interference with highway traffic than conventional commercial areas by: **[Amended 12-16-2013 by Ord. No. 2013-6]**
- (1) Providing for higher density in selected areas capable of accepting the increased density without overburdening services;
 - (2) Accommodating market demand and recognizing the economics of multifamily residential development;
 - (3) Accommodating increased population on smaller tracts of land while preserving open space;
 - (4) Providing for a balance of choice in residential structural types and to provide for adequate traffic, fire, landscaping, and screening controls, so as to present an attractive and safe addition to residential development patterns in the Township; and
 - (5) Providing for office uses that produce fewer hazards and less interference with highway traffic than traditional commercial uses and are thereby compatible with high-density residential development.
 - (6) Providing for a visual arts center (VAC) use that promotes, educates, entertains, informs and advances the visual arts in the community.
- B. The design standards contained in this article are intended to be consistent with zoning purposes regarding appropriate density and intensity of use, avoidance of congestion, and adequacy of light and air.

§ 170-801. Use regulations.

- A. Uses by right. A building may be erected, altered, or used, and a lot or premises may be used or occupied, by right, for any of the following purposes and no other: **[Amended 9-15-1997 by Ord. No. 97-3 ; 3-3-2003 by Ord. No. 2003-2]**
- (1) Multifamily dwellings, except that townhouse dwellings shall be permitted only as a conditional use, as stipulated in § 170-801B, below.
 - (2) Accessory uses. Only the following accessory uses shall be permitted:
 - (a) Swimming pool, in accordance with provisions of § 170-1611 of this chapter.
 - (b) Minor home occupations, in accordance with the terms of § 170-1605 of this

chapter.

- (c) Uses customarily accessory to multifamily residential use, including but not limited to:
 - [1] Parking areas and private garages;
 - [2] Storage buildings, areas, or garages;
 - [3] Laundry, provided that it is for the exclusive use of residents of the site. Any laundry drying area shall be indoors;
 - [4] Community recreation, eating, or medical care facility, provided it is for the exclusive use of residents of the site and their guests; and
 - [5] Patios or terraces.
- (3) Twin dwellings, which shall meet the requirements of § 170-802E.
- (4) Single-family detached dwellings, which shall meet the requirements of § 170-802F.
- B. 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) Conversion of a single-family dwelling, in accordance with the provisions of § 170-1608 of this chapter.
 - (2) Integrated townhouse development, in accordance with the terms of Article X of this chapter.
 - (3) Professional or business office, the normal attributes of which do not involve on-the-premises retailing or the direct sale of merchandise to the general public.
 - (4) Professional or business offices in combination with multifamily residential use, in the form of either apartment or townhouse dwellings, only in accordance with the provisions of this article and of Article X of this chapter pertaining to the uses as proposed.
 - (5) Educational or religious uses. **[Amended 10-20-1997 by Ord. No. 97-5]**
 - (6) Day-care center. **[Amended 10-20-1997 by Ord. No. 97-5]**
 - (7) Institutional uses, excluding hospitals, sanitariums, penal or corrective institutions and related rehabilitative facilities. **[Amended 10-20-1997 by Ord. No. 97-5]**
 - (8) Residential care facilities for senior citizens. **[Amended 10-20-1997 by Ord. No. 97-5]**
 - (9) Banking or financial institution only where in combination with a professional or business office as provided in § 170-801B(3) or (4). **[Added 5-2-2005 by Ord. No. 2005-4]**

- (10) Visual arts center (VAC) meeting § 170-802G. [**Added 12-16-2013 by Ord. No. 2013-6**]
- (11) Medical services. [**Added 4-4-2022 by Ord. No. 2022-03**]
- (12) Veterinary clinic for the treatment of domestic animals, provided that boarding is prohibited. [**Added 4-4-2022 by Ord. No. 2022-03**]

§ 170-802. Area and bulk regulations.

The following regulations shall apply:

- A. The maximum density of use on any tract within the R-3 District shall be as determined by § 170-1519B of this chapter.
- B. Apartment dwellings.
 - (1) Minimum tract area: five acres, as determined by § 170-1519A of this chapter. [**Amended 3-3-2003 by Ord. No. 2003-2**]
 - (2) Maximum density shall be as stipulated in § 170-1519B. [**Amended 3-3-2003 by Ord. No. 2003-2**]
 - (3) Minimum floor area per dwelling unit:
 - (a) One bedroom or less: 700 square feet of floor area.
 - (b) Two bedrooms: 850 square feet of floor area.
 - (c) Three bedrooms or more: 1,100 square feet of floor area.
 - (4) Minimum tract width at building setback line: 280 feet.
 - (5) Minimum tract width at street line: 50 feet.
 - (6) Maximum impervious coverage: 50%. [**Amended 12-5-1994 by Ord. No. 94-6**]
 - (7) Distance between buildings: To encourage flexibility in site design, maintain and protect views for occupants of buildings, ensure privacy, and assure sufficient light and air, the minimum distance between buildings shall be:
 - (a) Two times the height of the taller of two buildings where fenestrated facades face each other, or where one fenestrated facade faces an unfenestrated facade (wall, end, or corner), but in no case less than 60 feet; and
 - (b) Twenty-five feet, where two buildings abut end to end, corner to corner, or end to corner (where corners and ends are unfenestrated).
 - (8) Minimum setback from tract boundaries:
 - (a) All buildings shall be set back from the right-of-way line of any street which the development abuts, and from any boundary line of the tract, a distance of not less than 100 feet. Where proposed apartment buildings will abut tracts containing

other apartment buildings, this distance may be reduced to 50 feet.

- (b) In cases where a multiple dwelling building abuts a tract zoned A/C, R-1, or R-2, this one-hundred-foot distance is to include at least a fifty-foot planted buffer (containing no paving), and a fifty-foot setback which shall not intrude into the buffer.
- (9) Unit width: No unit shall be less than 20 feet in width.
 - (10) Maximum building length: 100 feet.
 - (11) Building height: Building height shall be limited to three stories and shall not exceed 38 feet. **[Amended 5-1-1995 by Ord. No. 95-2]**
 - (12) Minimum common open space: 40% of the gross area of the tract.
- C. 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. Maximum height for accessory buildings shall be 20 feet.
- D. Conditional uses.
- (1) For any integrated townhouse development, the area and bulk standards of Article X applicable to such use shall govern in the R-3 District.
 - (2) For professional or business office use, as permitted under § 170-801B(3) and (4), and for uses in § 170-801B(5), (6), (11), and (12) above, the following standards shall apply: **[Amended 12-5-1994 by Ord. No. 94-6 ; 10-20-1997 by Ord. No. 97-5 ; 3-3-2003 by Ord. No. 2003-2 ; 5-2-2005 by Ord. No. 2005-4 ; 4-4-2022 by Ord. No. 2022-03]**
 - (a) Minimum tract area: two acres, as determined by § 170-1519A of this chapter
 - (b) Minimum setback from tract boundaries:
 - [1] All buildings shall be set back from the right-of-way line of any street which the development abuts, and from the boundary line of the tract, a distance of not less than 100 feet. Where proposed buildings will abut tracts containing similar uses, this distance may be reduced to 50 feet.
 - [2] In cases where a professional or business office use abut a tract zoned A/C, R-1, or R-2, this one-hundred-foot distance is to include at least a fifty-foot planted buffer (containing no paving), and a fifty-foot setback which shall not intrude into the buffer.
 - (c) Maximum floor area ratio: 0.30.
 - (d) Maximum impervious coverage: 60%.
 - (e) Standards for lot width, distance between buildings, building length, building height, and common open space shall be those stipulated in § 170-802B above, except for the following:

- [1] The 100 feet maximum building length shall not apply.
- [2] In place of the 40% common open space requirement, a minimum of 40% of the tract shall be maintained in areas covered with vegetative ground cover with substantial numbers of trees and shrubs.
- (f) The Board of Supervisors may, in its sole discretion, permit the units within the professional or business office buildings to be constructed upon lots which are held in single and separate ownership and which conform in lot area to the footprint of the foundation of each such unit. In lieu of a lot measured by the unit footprint, the developer may elect to provide for condominium ownership.
- (g) Where professional or business office use is to be developed in combination with apartment or townhouse use, as provided in § 170-801B(4), each of the two combined uses shall be required to comply with the standards for development (area and bulk regulations, density and design standards, site conditions, open space and other applicable standards) set forth in this chapter and applicable to each such use, if developed independently of the other. In the case of an integrated townhouse development, combined with the said office use, the Board of Supervisors may, in its sole discretion, permit a lot size which conforms to the footprint of the townhouse foundation. In lieu of either the lot of 1,200 square feet or the lot measured by the unit footprint, the developer may elect to provide for condominium ownership. In the conditional use review process where such a combination of uses is proposed, each area of the lot being developed and devoted to a particular use shall be designated and shall be considered a separate lot for review purposes and for application of the respective development standards of this chapter applicable thereto.
- (h) With respect to areas of common ownership, the developer shall make adequate provision for the maintenance of common areas, giving the Board the authority to enter and maintain the area, together with the right to lien the property as provided for in §§ 170-907 and 170-908 of this chapter.
- (3) Institutional uses. **[Amended 10-20-1997 by Ord. No. 97-5]**
- (a) Minimum tract area:
- [1] Three acres for an institution housing up to four residents/clients and any associated supervisory personnel.
- [2] An additional 1/2 acre of lot area shall be required above the three-acre minimum for every two additional residents/clients and associated supervisory personnel, or any portion of such increment.
- (b) Minimum setback from tract boundaries shall be that stipulated in § 170-802D(2)(b) above.
- (c) Maximum floor area ratio: .40.
- (d) Maximum impervious coverage: 60%.

- (e) Standards for lot width, distance between buildings, building length, and building height shall be that stipulated in § 170-802B above.
 - (f) Minimum requirements for off-street parking shall be those applicable to a single-family dwelling as specified in Article XVII for an institution housing up to four resident/clients and associated supervisory personnel. One additional parking space shall be required for each additional two resident/clients and associated personnel.
 - (g) The applicant shall demonstrate that all necessary approvals and permits from the Pennsylvania Department of Labor and Industry have been obtained or waived, particularly with respect to fire protection, safety measures, construction standards, and design standards to accommodate the handicapped. The Board of Supervisors may authorize approval of the conditional use contingent upon the requisite approvals being obtained.
 - (h) The Board of Supervisors shall consider the proximity of the proposed use to any other similar institution within the Township and/or to similar facilities in adjacent municipalities and shall not approve any such request where resulting proximity might unduly alter the intended character of the neighborhood through the relative concentration and scale of such uses.
- (4) Residential care facilities for senior citizens. Refer to Article XVI, § 170-1613, Standards for residential care facilities for senior citizens. **[Amended 10-20-1997 by Ord. No. 97-5]**
- E. Twin dwellings. **[Added 3-3-2003 by Ord. No. 2003-2]**
- (1) Maximum density: four dwelling units per acre of tract area, based upon § 170-1519. Each dwelling shall be on its own fee-simple or condominium lot. Each dwelling shall be physically placed so that all of the dimensional requirements could be met as if each dwelling was on its own lot. However, such lot lines do not need to be legally established.
 - (2) Maximum building coverage: 30%.
 - (3) Maximum impervious coverage: 60%.
 - (4) Minimum side yard: 10 feet.
 - (5) Minimum building setback line from the right-of-way of a minor street: 25 feet. **[Amended 11-7-2022 by Ord. No. 2022-09]**
 - (6) Minimum rear yard: 30 feet.
 - (7) Minimum building setback from the future right-of-way line of an arterial street: 100 feet.
 - (8) Minimum building setback from the future right-of-way line of a collector street: 50 feet.

- (9) Minimum lot width at minimum building setback line: 50 feet per dwelling unit.
- (10) Maximum building height: three stories or 38 feet, whichever is most restrictive.
- (11) Minimum common open space: 30% of the gross area of the tract.
- (12) Minimum lot area: 4,800 square feet per dwelling unit.

F. Single-family detached dwelling. **[Added 3-3-2003 by Ord. No. 2003-2]**

- (1) Maximum density: four dwelling units per acre of tract area, based upon § 170-1519. Each dwelling shall be on its own fee-simple or condominium lot. Each dwelling shall be physically placed so that all of the dimensional requirements could be met as if each dwelling was on its own lot. However, such lot lines do not need to be legally established.
- (2) Maximum building coverage: 30%.
- (3) Maximum impervious coverage: 65%.
- (4) Minimum side yard: two required, each with a minimum of 10 feet.
- (5) Minimum building setback line from the right-of-way of a minor street: 25 feet. **[Amended 11-7-2022 by Ord. No. 2022-09]**
- (6) Minimum rear yard: 30 feet.
- (7) Minimum building setback from the future right-of-way line of an arterial street: 100 feet.
- (8) Minimum building setback from the exterior boundaries of the tract and any future right-of-way line of a collector street: 50 feet.
- (9) Minimum lot width at the minimum building setback line: 50 feet per dwelling unit.
- (10) Maximum building height: three stories or 38 feet, whichever is most restrictive.
- (11) Minimum common open space: 20% of the gross area of the tract.
- (12) Minimum lot area: 8,000 square feet.

G. Visual Arts Center (VAC). **[Added 12-16-2013 by Ord. No. 2013-6]**

- (1) A visual arts center (VAC) is intended to provide for uses where all aspects of the visual arts discipline are permitted. The VAC use shall be accessible to the public in an effort to promote, educate, entertain, inform and advance the visual arts in the surrounding community as a continuing benefit to the public welfare and culture of Westtown Township. The portions of a building not dedicated to a VAC or related accessory use shall be occupied by any use permitted under the R-3 Residence-Office District regulations without need for any additional conditional use approval, if required, and such uses shall only be governed by the regulations and standards applicable to a VAC under this chapter.

- (2) Tract location, area and frontage. The following shall be provided:
 - (a) The tract shall be located in the R-3 Residence-Office District;
 - (b) The tract shall have a minimum of 300 feet of street frontage along West Chester Pike (Route 3);
 - (c) The tract area shall have a minimum of three acres. Tract area shall be the net area of the tract excluding existing street rights-of-way. Tract area for a VAC shall not be calculated according to § 170-1519.
 - (d) Any building containing a VAC shall be located a minimum of 100 feet from the R-1 or R-2 Residential Zoning Districts.
- (3) Area and bulk regulations. The following shall be provided:
 - (a) Minimum front yard building setback: 25 feet.
 - [1] Front yard setbacks shall be measured from the ultimate right-of-way line.
 - [2] Where the tract is a corner lot having two or more street frontages or where 10% or more of the tract is environmentally constrained and undevelopable, one of the two required front yard building setbacks may be reduced to 10 feet.
 - (b) Minimum side yard building setback: 10 feet.
 - [1] Side yards shall be measured from the corresponding property line.
 - (c) Minimum rear yard building setback: 35 feet.
 - [1] Rear yards shall be measured from the corresponding property line.
 - (d) Maximum building height: four stories.
 - (e) Maximum impervious coverage: 65%.
 - (f) Maximum building coverage: 35%.
 - [1] Building coverage shall be calculated using the gross tract area (including any ultimate right-of-way) with no deductions or exclusions.
- (4) Design standards. The following shall apply:
 - (a) Signage (not applicable to a VCT): in accordance with § 170-1800 et seq.
 - (b) Landscaping: in accordance with § 170-1507.
 - (c) Screening: in accordance with § 170-1508.
 - (d) Off-street parking and loading: Off-street parking spaces required for a VAC use shall be calculated based upon the gross leasable floor area of the building containing the VAC use. Where appropriate, off-street parking for a VAC use may be shared parking under § 170-1706. The off-street parking requirement for a VAC

use may be satisfied off premises provided the off-premises parking is located within 650 feet of the property on which the VAC use is located. A VAC use shall be required to provide a minimum number of off-street parking spaces in accordance with the following:

- [1] One parking space per 300 square feet of gross floor area allocated to a VAC use.
 - [2] One parking space per 350 square feet of gross floor area allocated to uses accessory to a VAC use.
- (e) Off-street loading: in accordance with § 170-1710.
 - (f) Lighting (not applicable to a VCT): In accordance with § 170-1514 et seq.
 - (g) Architecture and facade of VAC building: The architecture and facade of the VAC building shall, in and of itself, be a form of visual art. The VAC building facade shall incorporate unique or distinctive architectural design elements. As part of a conditional use application for a VAC, the applicant shall submit conceptual architectural facade renderings and elevations together with a general list of proposed building materials for review and approval by the Township and Township architect. The relative cost of construction of the VAC building shall be a factor considered in the feasibility of a recommended VAC building design. Based upon comments received from the Township and/or Township architect, the applicant shall be permitted to revise the conceptual VAC building architecture and facade as may be necessary to obtain Township approval. Revisions to a conceptual VAC building architecture and facade shall not be considered a substantial change or amendment to a pending application for approval of a VAC.
- (5) Visual communication technology (VCT). The following shall apply:
- (a) A building containing a VAC use may incorporate a maximum of two VCTs into the exterior building facade. A VCT shall be structurally integrated into the building facade as much as possible and face toward vehicular travelled rights of way. A VCT shall be consistent with the aesthetic and architectural design of the building containing the VAC.
 - (b) A VCT shall have a maximum surface area of 500 square feet.
 - (c) The VCT shall be permitted to display or advertise: on-premises businesses or activity, off-premises businesses or activity, public announcements, civic events, and emergency messages or alerts. The VCT shall not display or advertise any content prohibited by 18 Pa.C.S.A. § 5903.
 - (d) Illumination of the VCT must be internal and can be provided by using light-emitting diodes (LED), fiber optics, projection technology or other similar illumination technologies.
 - (e) The VCT shall not be illuminated between the hours of 12:00 a.m. and 6:00 a.m.
 - (f) The VCT shall not display any moving, flashing, scrolling, or animated text or

video.

- (g) The brightness of the VCT shall not exceed 0.3 footcandle of light above the normal ambient light levels. The VCT luminance shall be determined by a footcandle metering device held at a height of five feet and aimed toward the VCT from a distance of 250 feet from a location perpendicular to the center of the VCT as a white screen as seen in plain view. The VCT shall utilize ambient light sensors to automatically reduce the intensity of illumination during periods of darkness.

§ 170-803. Design standards.

- A. The following design standards, to the extent not modified in § 170-802 above, as applicable, shall govern all uses permitted by right and by conditional use in the R-3 District: **[Amended 12-5-1994 by Ord. No. 94-6 ; 12-16-2013 by Ord. No. 2013-6]**

- (1) Screening: As required by § 170-1508 of this chapter.
- (2) Storage: As required by § 170-1509.
- (3) Landscaping: As required by § 170-1507.
- (4) Access and traffic control: As required by § 170-1510.
- (5) Interior circulation: As required by § 170-1513.
- (6) Lighting: As required by § 170-1514.
- (7) Parking: As required by Article XVII.
- (8) Signs: As required by Article XVIII.
- (9) All utility services are to be installed underground.
- (10) Open space: As required by § 170-907A.

- B. Special site design standards for apartments:

- (1) Whenever a rear entry to an apartment house faces a public street or dwelling, there shall be a continuous vision screening wall, fence, or appropriate landscaping not less than six feet in height between the public street or dwelling and the apartment house.
- (2) Inner courtyards. All such courts shall have a minimum of two openings permitting access from outside the building groups into the courts. These openings shall be at least 12 feet in width between buildings and may be covered by a roof, but not by any other part of the building. At least one opening shall be without cover and accessible to an interior drive or fire lane easement.
- (3) Walls, fences, and appropriately landscaped areas may be placed anywhere on the apartment tract, unless specifically restricted by any section contained in this chapter. All planting required to be six feet in height shall be of such species and size as will produce a substantial visual screen within five years from the date of approval of the plan by the Board.

- (4) Off-street parking space may be provided as an individual garage or carport or a parking area adjacent to or near the apartment it serves, but not closer than 20 feet to the apartment wall, except when located within the apartment house.
- (5) Parking access shall be screened by a masonry wall, fence, or appropriately landscaped area, with a height of not less than six feet. No parking space shall be located within any front yard, except that parking areas may be located within 10 feet of front lot lines, provided that the parking areas are screened by a continuous solid masonry wall, not less than six feet high and interrupted only at entrances and exits.

Memo

To: Westtown Planning Commission

From: Liudmila Carter, Director of Planning & Zoning

Date: April 11, 2024

Re: Official Map – continued discussion

Below is a recap of the discussion with the Planning Commission on April 3, 2024 that includes an overview of the Official Map regulatory provisions, long-term benefits, obstacles, outline of the process, examples of adopted Official Maps, and recommendations for features to include on the Westtown Township Official Map.

Summary

- Authorized by Article IV of the PA Municipalities Planning Code (MPC).
- A planning tool adopted by governing bodies.
- Identifies specific parcels or portions of private property where public rights-of-ways, public easements, or public open spaces are envisioned pursuant to the comprehensive or other plans.
- A declaration of the municipality's intent to reserve private land for future public acquisition and use.
- It is NOT a future land use map but is, unto itself, a type of land use ordinance.
- It does NOT impose eminent domain on property. Land may be acquired through fee simple purchase, easements, or condemnation.
- Inclusion of land on an official map functions like a "right of first refusal" for the Township to purchase private property, and the municipality has up to one year within which acquisition must occur or condemnation must begin.
- Recorded with the County Recorder of Deeds office.
- Building permits shall not be issued for any building proposed within the boundary of any street or public ground laid out on the official map.
- Generally takes 6 months to one year.

Long-term benefits

- Increases the potential for protection of critical resources and easement acquisition that can't be dealt with solely through zoning and subdivision and land development ordinances.
- Informs the developers and residents of long-range municipal goals and intentions before they make development plans.
- Provides opportunities for more comprehensive collaboration and creates opportunities for partnerships.
- Directs development into planned areas, which can be designed to accommodate future open space.
- Establishes pedestrian and bicycle connections between parks, open spaces, other destinations and residential communities.
- Saves time and money and increases the potential for grant funding.

Obstacles

- Perceived use of eminent domain to secure the public lands needed for improvements.
- Use of tool to facilitate improvements on a roadway where federal funds are anticipated to be used for design or construction, thereby triggering National Environmental Policy Act (NEPA).
- Securing funding for official map implementation.
- Additional administrative processes are required that involve time and costs.

General process

1. Establish the purpose and goals of the official map.
2. Review Comprehensive Plan and other planning documents as a guide in designating public improvements to fulfil the established goals.
3. Review recorded subdivision plans to determine communities with pedestrian pathway easements and their ownership and any additional dedicated right-of-ways.
4. Delineate which features are planned to be included, such as existing and proposed public streets, street ultimate rights-of-way, public parks, open space, trails, public facilities, and public easements.
5. Prepare a draft map that includes parcel data, roadway information and other features as needed based on the purpose of the map.

6. Prepare a draft ordinance language that describes the map and its purpose, defines the categories depicted on the map, and how the map is to be applied, and addresses time limitations and effect of the official map.
7. Collect feedback from various stakeholders, including as required by the MPC. Public education should not be overlooked.
8. Make revisions as result of these discussions with the stakeholders.
9. Follow the adoption process articulated in Section 402 of the MPC, which is similar to ordinance amendments.

Examples

- East Fallowfield Township – trails (2018): [Map](#) and [Ordinance](#)
- New Garden Township – trails, open space and road alignments (2019): [Map](#) and [Ordinance](#)
- Willistown Township – trails (2016): [Map](#) and [Ordinance](#)

Features to consider including on a Westtown Official Map

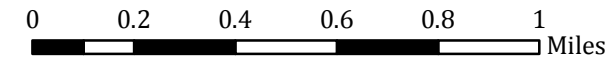
- Properties where open space preservation is desired to protect existing sensitive environmental features, maintain community character or provide opportunities for recreation. Areas identified for open space must be publicly accessible, but there would not need to be a specific plan for future improvements prior to inclusion of those spaces on the official map.
- Pedestrian and bikeway alignments based on the Trails and Bikeways Map and Parks and Open Space Map to connect parks and recreation areas to adjacent neighborhoods and to provide for additional trails within the recreational areas. Recorded land development plans with pedestrian easements shall be included in potential alignments for an Official Map.



West Chester
Borough

Protected & Unprotected Open Space

Westtown Township
Chester County, Pennsylvania

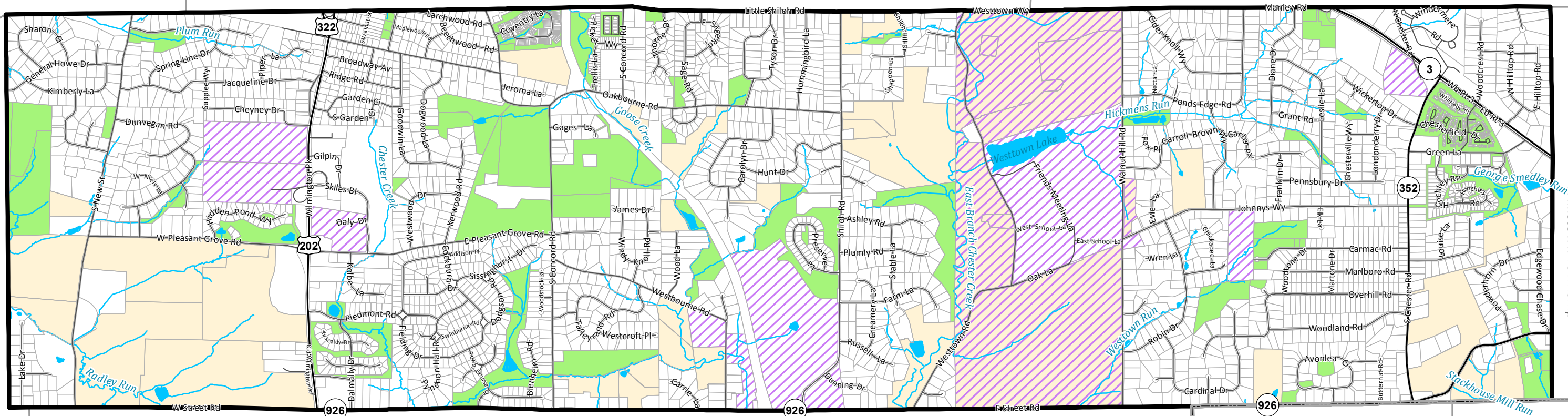


Disclaimer: This map is for illustrative purposes only and does not constitute a valid survey.
Map revised: December 17, 2018

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

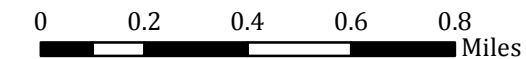
DELAWARE COUNTY
CHESTER COUNTY



West Chester
Borough

Parks and Open Space

Westtown Township
Chester County, Pennsylvania

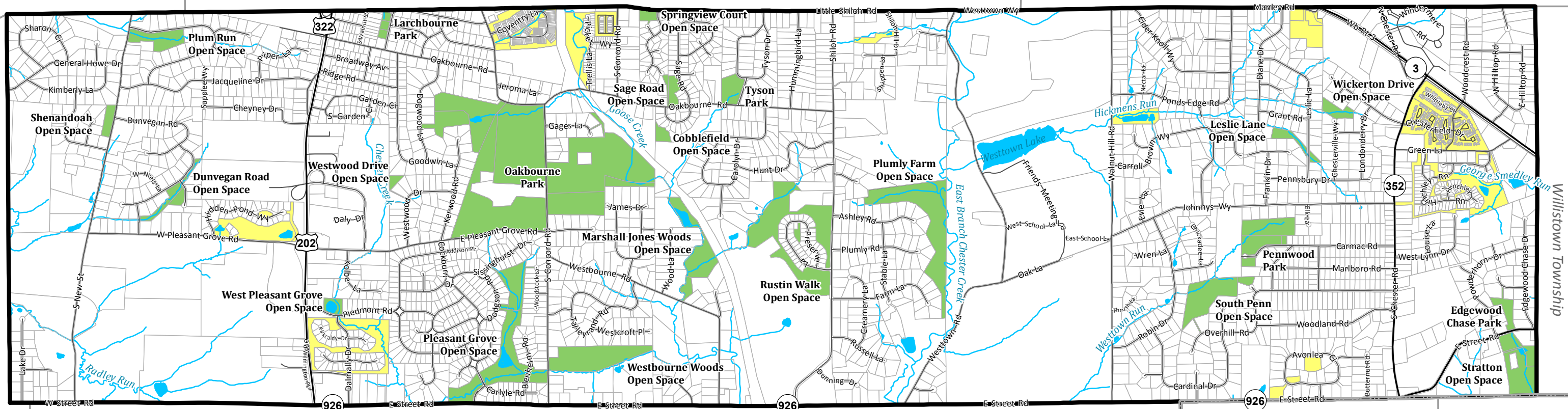


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Map created: December 17, 2018

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Birmingham
Township

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- County boundary
- Township boundary
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- Major roads
- Minor roads
- Tax parcels
- Streams
- Bodies of water
- Protected lands**
- HOA Protected Open Space
- Municipal Open Space

DELAWARE COUNTY
CHESTER COUNTY



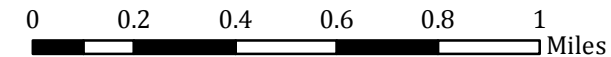
West Chester
Borough

East Bradford
Township

West Goshen
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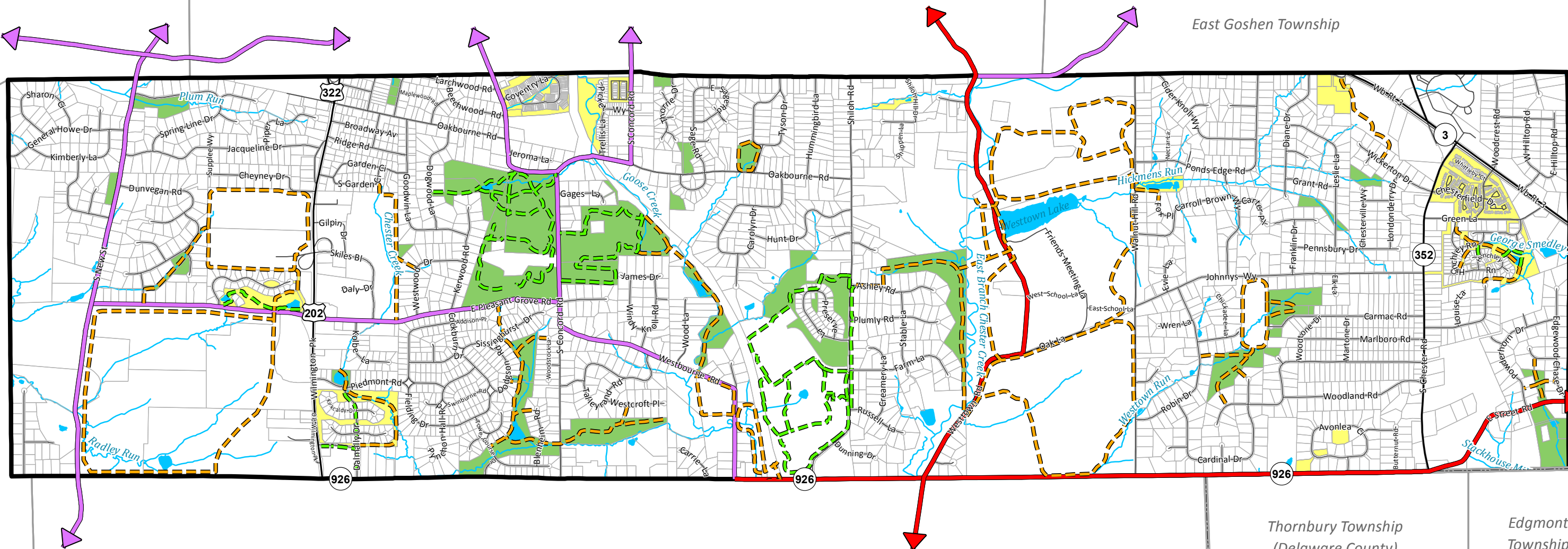
Trails and Bikeways

Westtown Township
Chester County, Pennsylvania



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Map created: December 17, 2018

East Goshen Township



Willistown Township

Thornbury Township
(Delaware County)

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DELAWARE COUNTY
CHESTER COUNTY

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- HOA Protected Open Space
- Municipal Open Space
- Trails**
 - Existing Trails
 - Proposed Trails
- County Recommended Bicycle Routes**
 - Intermediate Recreation
 - Commuter/Connector