



**WEST WHITELAND TOWNSHIP
Planning Commission
Agenda
Tuesday, April 18, 2023
7:00 P.M.**

[Etiquette for
hybrid meetings](#)

Meeting will be held in-person and via Zoom

[Register for Zoom Meeting](#)

Call by Phone: 1-646-558-8656

Meeting ID: 822 8294 3365 Passcode: 002612

Meeting Packets can be found on Township website

Reminder to meeting participants: Please speak clearly into the microphone

CALL TO ORDER

REVIEW OF MEETING MINUTES

Approval of Meeting Minutes: February 28, 2023

PUBLIC COMMENT/CONCERNS/QUESTIONS

PLANS

1. Exton Express Car Wash
Address: 347 N Pottstown Pike
First Review: Sketch Plan
Request: Redevelopment of site to replace existing building with a car wash facility.

NEW BUSINESS

1. Review Proposed Ordinance Revisions

OLD BUSINESS

none

PC CONCERNS

TOWNSHIP ANNOUNCEMENTS

ADJOURNMENT

Next Meeting: May 2, 2023



MEMORANDUM

DATE: April 14, 2023
TO: Planning Commission
FROM: John R. Weller, AICP
Director of Planning and Zoning
SUBJECT: Exton Express Car Wash
Sketch plan

APPLICANT: McHugh Group RE, LP
64 Pottstown Pk., Ste. 3
Chester Springs, PA 19425

SITE ADDRESS: 347 N. Pottstown Pk.
Exton, PA 19341

TAX PARCEL: 41-2-72.1

ZONING: TC, Town Center

DESCRIPTION: Redevelopment of office building site for a car wash.

Background

The subject property is a two-storey, multi-tenant office building and parking lot covering just under 1½ acres at the southeast corner of N. Pottstown Pk. and Rockland Dr., next to the Target store. The lot has driveway access to only the northbound lanes of Pottstown Pk.

The property has a gentle upward slope from the Pottstown Pk. frontage, rising more steeply from the east side of the existing building. There is a small, wooded area at the northeastern corner of the lot and stormwater management facilities at the southwestern corner. A pipeline easement runs the full length of the southern edge of the lot. There are no FEMA-designated flood hazard areas on the property.

The existing office building is set back about 170 feet from the Pottstown Pk. curb line. The immediately surrounding area is commercial in character. The lot abuts the Target property to the south and east, while the north property line is the Rockland Dr. right-of-way with Buckman's Ski and Snowboard shop on the opposite side; the Buckman's building is Township Designated Historic Resource #300. Pottstown Pk. abuts the site to the west and is six lanes wide at this point with a barrier down the middle, limiting access to only the northbound lanes. Several small commercial properties face the site from across Pottstown Pk. The closest residential area is the Whiteland Hills community, about 400 feet to the north, but the view of this property from those homes is screened by dense vegetation and topography.

The Applicant is proposing to demolish the existing building and to replace it with a car wash. The Zoning Officer has determined that this use is permitted here by right as a type of retail service, pursuant to §325-13.B(2)(d) of the West Whiteland Township Zoning Ordinance

(“Zoning”). No conditional use review would be required since the floor area of the proposed building is smaller than the floor area of the existing building.

The Commission will recall that sketch plans are not a required step in the development process and that Applicants have the option of having one or more of our consultants review the plan or proceeding with just a Staff review. This Applicant has requested only Staff review, so there are no consultant comments.

Staff Comment

The subject property is legally non-conforming, being smaller than the 2-acre minimum required in the TC zoning district and with only about 90 feet of frontage along Pottstown Pk. instead of the required minimum of 250 feet. The development of non-conforming lots is permitted by right under §325-107.A of the Zoning, provided that the development complies with all other area and bulk regulations. If the proposed building is less than 30 feet tall (which seems likely), then it complies with the applicable setback requirements. It is less clear whether the design complies with the limit on impervious coverage, particularly since so much of the property is within the rights-of-way for an underground pipeline and Pottstown Pk., and these areas are excluded from the net lot area, which is used to calculate impervious cover. Another factor affecting this issue is whether the *existing* development exceeds the impervious cover limit: new development may have the same (or less) impervious cover as the existing condition, even if the new amount exceeds what is permitted by the Zoning. Staff requires additional information before making a determination on this issue.

Regarding the design, we offer the following observations for your consideration:

- We strongly encourage eliminating the existing access from Pottstown Pk. in favor of a new driveway to Rockland Dr., directly across from the driveway serving Buckman’s. The existing driveway is less than 35 feet from the Rockland Dr. intersection, so relocating it would not only facilitate traffic flow by eliminating a curb cut but would also reduce the amount of impervious cover and mitigate the potential for confusion by emergency service providers and anyone else unfamiliar with the area.
- The Applicant should clarify the impact of the pipeline easement upon the design. The Township is not privy to the terms of the easement agreement, so the Applicant must confirm whether the access drive shown will be allowed as well as how they can provide the 25-foot-wide landscaped perimeter buffer required along the Dayton Hudson Corp. (i.e., Target) property lines by §281-35.A and -35.E of the Township’s Subdivision and Land Development Ordinance (“S/LDO”).
- It appears that the existing stormwater management facilities are connected to the facilities serving the Target property. The Applicant will need to evaluate this aspect of the plan and make appropriate accommodations.
- Sidewalk will be required along the entire Pottstown Pk. frontage with a connection to the existing ramp along the south side of Rockland Dr. Ideally, the sidewalk would extend south to the north driveway for Target; however, the Applicant does not control the Target land, so we cannot require this.
- Staff would not object to a waiver from the sidewalk requirement such that no sidewalk need be provided along Rockland Dr. There is already a sidewalk along the north side of Rockland and a sidewalk along the south side would provide limited additional benefit.
- The lot is within the Township’s Transportation Service Area, so the Applicant will need to provide a traffic impact estimate during the land development review process so that we

can determine if a traffic impact fee is warranted, pursuant to the Township's Transportation Impact Fees Ordinance.

- Since the footprint of the proposed building is smaller than that of the existing building, there is no requirement for dedication of permanent open space or payment of any fee in lieu of such dedication, pursuant to §281-47.C(3) of the S/LDO.
- The project will need to comply with the Exton Town Center Design Standards found in Article VII of the S/LDO.

The Commission does not typically make any sort of motion concerning sketch plans, as they are informal and not official submissions. However, you may wish to summarize your principal concerns and suggestions in the interest of providing useful feedback to the Applicant.

Attachment

1. Sketch Plan prepared by Edward B. Walsh & Associates, Inc., dated February 7, 2023.

Plans\DEF\Exton Exp\PC memo - 230414



West Whiteland
TOWNSHIP

101 Commerce Drive
Exton, Pennsylvania 19341

Tel: (610) 363-9525
www.westwhiteland.org

**APPLICATION FOR REVIEW
SKETCH PLAN**

Applicant's Name: McHugh Group RE LP
 Mailing Address: 64 Pottstown Pike Suite 3
Chester Springs Pa. 19425
 Telephone: 484-883-6072 e-Mail: McHughGroup@icloud.com
 The Applicant is: Owner Agent for Owner Purchaser
 Other: _____
 Project Name: Exton Express Car Wash
 Property Address: 347 N.Pottstown Pike
Exton, Pa. 19341
 Project Description: Redevelopment of the site to replace the existing building
with a car wash facility.

If the Applicant is NOT the Owner, the following information must be provided. Otherwise, this section may be left blank.

Owner's Name: _____
 Mailing Address: _____
 Telephone: _____ e-Mail: _____

If you are being represented by an attorney, you may provide their contact information below. If you provide this information, the Township will assume that we may contact this attorney regarding this application, which is likely to result in charges by the attorney to you. You are therefore *not required* to provide this information.

Name of Firm: n/a
 Name of Attorney: _____
 Mailing Address: _____
 Telephone: _____ e-Mail: _____

Continued on other side >



TYPE OF SKETCH PLAN REVIEW REQUESTED:

- Staff review only.
 Limited consultant review.

PLEASE NOTE: If you are requesting a "limited consultant review", this Application will not be considered complete nor will it be accepted for review unless accompanied by a completed Reimbursement Agreement indicating which consultants are to review the Sketch Plan.

The following section may be filled out by or with the assistance of Township Staff:

Zoning District(s): TC Town Center Mixed Use
Tax Parcel Number(s): 41-2-72.1

This Application, including any and all other documents to be delivered in connection herewith, may be executed by electronic signature (or "/s/"), and shall be considered as an original signature. Any electronic signatures appearing on this Application, or such other documents shall have the same force and effect as an original, handwritten/manual signature for the purposes of validity, enforceability, and admissibility.


Signature of Applicant

3/30/23

Date of Signature

Signature of Owner
(if different from Applicant)

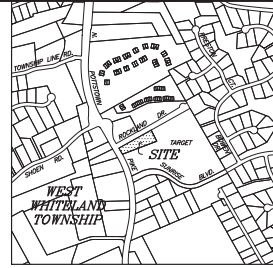
Date of Signature

TO BE COMPLETED BY TOWNSHIP STAFF:

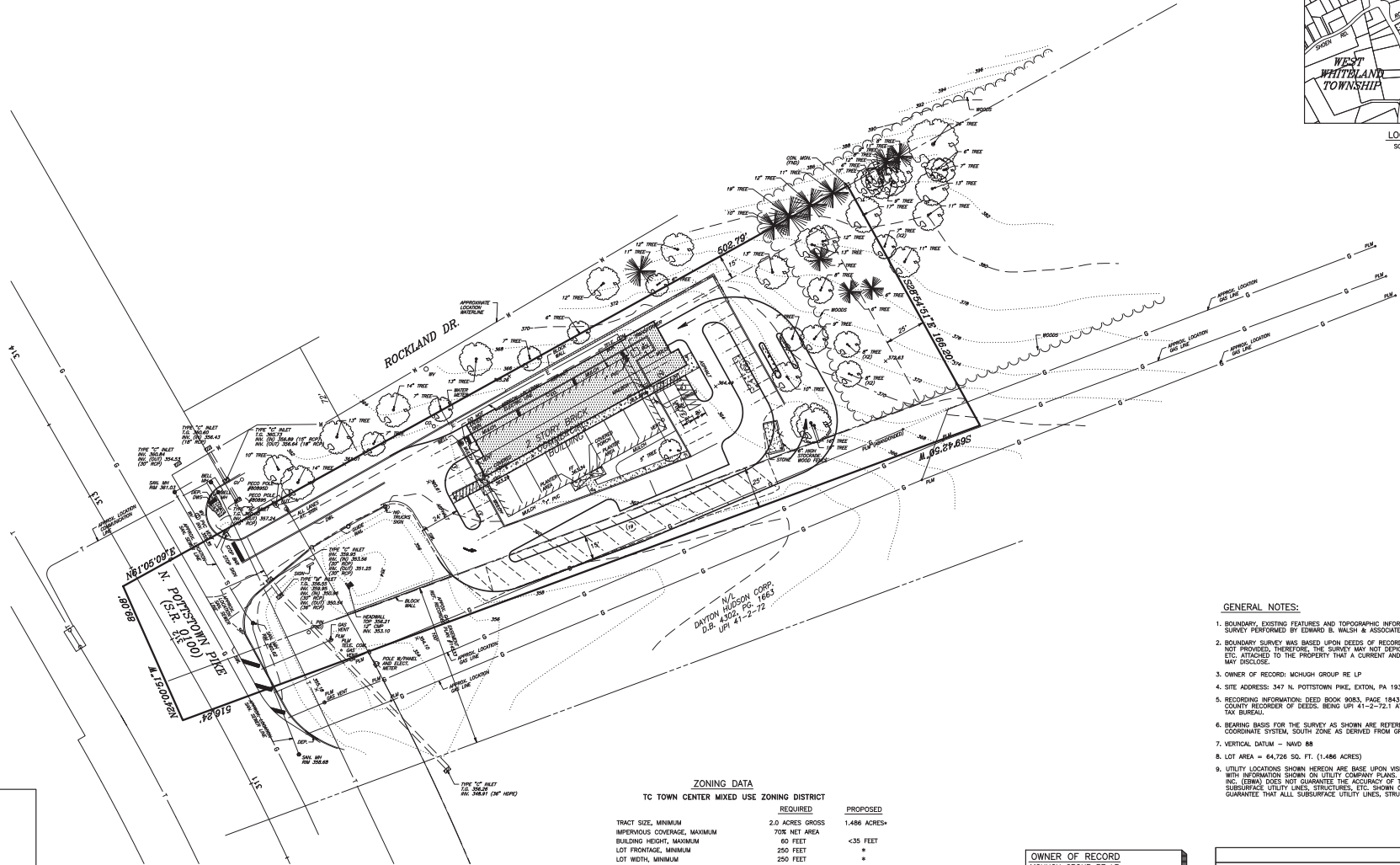
I have reviewed this Application Form and accompanying documents and determined that it is sufficiently complete to be accepted for review.


Name of Staff member accepting Application

March 30, 2023
Date Application deemed complete



LOCATION MAP
SCALE: 1"=800'



- GENERAL NOTES:**
- BOUNDARY, EXISTING FEATURES AND TOPOGRAPHIC INFORMATION IS FROM A FIELD SURVEY PERFORMED BY EDWARD B. WALSH & ASSOCIATES, INC. ON FEB. 01, 2023.
 - BOUNDARY SURVEY WAS BASED UPON DEEDS OF RECORD, A TITLE REPORT WAS NOT PROVIDED, THEREFORE, THE SURVEY MAY NOT DEPICT ALL RIGHTS, EASEMENTS, ETC. ATTACHED TO THE PROPERTY THAT A CURRENT AND COMPLETE TITLE REPORT MAY DISCLOSE.
 - OWNER OF RECORD: MCHUGH GROUP RE LP
 - SITE ADDRESS: 347 N. POTTSTOWN PIKE, EXTON, PA 19341
 - RECORDING INFORMATION: DEED BOOK 8833, PAGE 1843 RECORDED AT THE CHESTER COUNTY RECORDER OF DEEDS; BEING UPI 41-2-72.1 AT THE CHESTER COUNTY TAX BUREAU.
 - BEARING BASIS FOR THE SURVEY AS SHOWN ARE REFERENCED TO NAD 83, PA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE AS DERIVED FROM GPS OBSERVATIONS.
 - VERTICAL DATUM = NAVD 88
 - LOT AREA = 64,726 SQ. FT. (1.486 ACRES)
 - UTILITY LOCATIONS SHOWN HEREON ARE BASE UPON VISIBLE EVIDENCE, SUPPLEMENTED WITH INFORMATION SHOWN ON UTILITY COMPANY PLANS; EDWARD B. WALSH & ASSOCIATES, INC. (EBWA) DOES NOT GUARANTEE THE ACCURACY OF THE LOCATIONS OF EXISTING SUBSURFACE UTILITY LINES, STRUCTURES, ETC. SHOWN ON THESE PLANS, NOR DOES EBWA GUARANTEE THAT ALL SUBSURFACE UTILITY LINES, STRUCTURES, ETC. ARE SHOWN.

ACT 287 as amended SERIAL NUMBER 20230300467
 Edward B. Walsh & Associates, Inc. does not guarantee the accuracy of the locations for existing subsurface utility lines, structures, etc. shown on the plans, nor does E. B. Walsh & Assoc., Inc. guarantee that all subsurface utility lines, structures, etc. are shown.

Contractor shall verify the location and elevations of all subsurface utility lines, structures, etc. before the start of work, by calling the Pennsylvania One Call System at 1-800-242-1776.

- UTILITIES NOTIFIED**
- AQUA PA DESIGN
 - PECO DELCON CO.
 - TRANSOCO GAS FL
 - BUCKEYE PT ALTN
 - CHTRUNK LIX_3
 - WEST WHITELAND TOWNSHIP
 - COMCAST CABLE
 - SUNOCO PIPELINE
 - VERIZON EASTERN

UPI NO. 41-2-72.1



ZONING DATA
 TC TOWN CENTER MIXED USE ZONING DISTRICT

	REQUIRED	PROPOSED
TRACT SIZE, MINIMUM	2.0 ACRES GROSS	1.486 ACRES*
IMPERVIOUS COVERAGE, MAXIMUM	70% NET AREA	
BUILDING HEIGHT, MAXIMUM	60 FEET	<35 FEET
LOT FRONTAGE, MINIMUM	250 FEET	*
LOT WIDTH, MINIMUM	250 FEET	*
LOT DEPTH, MINIMUM	150 FEET	
BUILDING SETBACKS		
FRONT	15 FEET	15 FEET
SIDE	25 FEET	25 FEET
REAR	25 FEET	25 FEET

*EXISTING NON-CONFORMANCE

OWNER OF RECORD
 MCHUGH GROUP RE LP
 64 POTTSTOWN PIKE
 SUITE 3
 CHESTER SPRINGS, PA 19425
 D.B. 9083 PGS. 1843

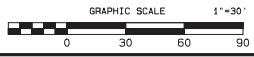
SKETCH PLAN
 FOR
347 N. POTTSTOWN PIKE
 WEST WHITELAND TOWNSHIP CHESTER COUNTY, PA.

Edward B. Walsh & Associates, Inc.
 CIVIL ENGINEERS & SURVEYORS

WhiteLand Business Park
 850 Springdale Drive, Suite 202
 Exton, Pennsylvania 19341
 Phone: 610-903-0960
 Fax: 610-903-0080

EBW

Project-4949
 Date-1/17/23
 Scale-1"=30'
 Drawn-D.B.
 Checked-A.J.B.
 Sheet-1 OF 1





MEMORANDUM

DATE: April 14, 2023

TO: Planning Commission

FROM: John Weller
Director of Planning & Zoning / Zoning
Officer

SUBJECT: Proposed Zoning Ordinance amendments

The Zoning Ordinance is a document that - like the Township itself - changes over time in response to many factors. Staff has been working on several different sets of amendments, and we are now at the point where we would like to begin public discussion with the Planning Commission in anticipation of adoption later this year. The proposed amendments may be grouped as follows:

- **General amendments** - These amendments are provided below and affect sections throughout the Ordinance. Most of them are “clean-up” items (correcting typos and incorrect references, updating definitions, reorganizing confusing sections, etc.), but there are some more substantial items. These include the elimination of two sections that are now obsolete (explained below) and a change to the sign regulations suggested by the Board of Supervisors that would allow non-profit organizations to have LED signs for non-commercial messaging.
- **Update to §325-44.1, Solar Energy Systems** - Our current regulations were adopted more than ten years ago. While they have served us well, changes in solar energy technology, changes to other regulations (especially the Building Code), and our experience since then all indicate the need for an update. Due to the length of the Section, these amendments are provided as an attachment rather than shown below.
- **Accommodating electric vehicle (“EV”) charging stations** - These are still under development and will be provided upon completion. Staff will be prepared to discuss our recommended policy and our research to date.
- **Update to Article XVI, Historic Preservation** - We reviewed an initial draft of this amendment about a year ago. The Historical Commission will be reviewing the newest draft at their May meeting, after which the Planning Commission will review it again. You may recall that this Article needs to be amended to assure compatibility with the 2022 update to the “History of West Whiteland” document. The amended Article is not included here, pending Historical Commission review.

The proposed “general amendments” are provided below in the order that they appear in the Zoning Ordinance. Each item begins with a brief description or explanation, followed by a recommended action, *shown in blue*. Where specific Ordinance language is proposed, the existing language is *also in blue (but a different font, like this)*; proposed changes are in **red**.

The Board of Supervisors has advised Staff that they are generally amenable to these amendments, but they have yet to see the specific language shown here. At this stage, ALL these amendments are only proposed, and everything is open for discussion.

1. **§325-8: Definition and accommodation for “data center”** - In 2022, a property owner submitted a petition to amend the Zoning to add a definition for term “data center” and to allow data centers in the Office/Laboratory zoning district. While the petition was eventually withdrawn, we should discuss whether we still need the definition and which zoning district is most appropriate for that use. The Zoning already has a “catch-all” provision (§325-19.B(11)(i)) whereby any use not specifically accommodated is permitted as a conditional use in the I-2 General Industrial district. If we do not make a specific accommodation for data centers, this is how they would be allowed.

The 2022 petition included the following definition:

DATA CENTER – A facility that houses computer systems and associated components, including but not limited to telecommunication hardware, switches, and routers. A data center may occupy more than one building and may include materials and equipment that may or may not be housed in containers, systems, modular structures, features, and improvements necessary to support the operation of the data center, including redundant power communications services and microwave towers.

2. **§325-8: Definition of “density, gross”**- The definition provided is for net density.

Revise definition: “DENSITY, GROSS – The total number of dwelling units divided by the ~~developable acreage~~ gross lot area, expressed in units per acre.”

There is no definition for “net density,” but the term doesn’t show up in the Ordinance, so none is needed.

3. **§325-8: Under definition of “dwelling or dwelling unit,” consider adding a new definition for “carriage home”** - Essentially townhouse structures with 3 units: we seem to be getting a lot of these.

E. **TOWNHOUSE** – A building containing not more than six dwelling units, each of which is separated by party walls on opposite sides (except end units), and each of which has only one dwelling unit from ground to roof, independent outside access, not more than two walls in common with adjoining units (~~except end units~~), and open space to the front and rear (internal units) or front, rear and one side (end units). Each unit can be referred to as a single-family attached unit, particularly when separately owned. A CARRIAGE HOME is hereby defined as a type of townhouse dwelling where the structure contains three dwelling units.

4. **§325-8: Definition of “family”** - The current definition allows up to three unrelated people maintaining a single household to be deemed a “family.” We have been advised that this limit is not legally enforceable. It’s possible that NO number is legally defensible (and we will have the Solicitor advise on this), but it should at least be raised to five unrelated individuals to be consistent with the Building Code.

Revise definition: “FAMILY – Any number of persons related by blood, marriage or adoption, including foster children under the care of foster parent(s), and maintaining a single household, or not more than ~~three~~ five individuals, unrelated to each other maintaining a single household.”

5. **§325-8: Definition of “seasonal merchandise”** - The current definition is limited to things “...typically bought and sold during the Christmas and Easter holidays...”. **Section 325-28** limits the sale of such items to the Town Center district and repeats the reference to Christmas and Easter. The obvious target is the sale of Christmas trees (and chocolate bunnies?) - which is a legitimate concern and should be addressed - but the language is

problematic, and the issue is not limited to these times. To address this matter fully, a new title and language for §325-28 is proposed farther below along with a reference in §325-35.B(4) in addition to the revised definition shown here.

Delete definition of “Seasonal Merchandise” from §325-8 add definition for “Temporary Outdoor Retail Sales” to the same section:

TEMPORARY OUTDOOR RETAIL SALES – The sale of goods to the public, typically but not necessarily related to a holiday or season, where the operation is largely or entirely out of doors or in a temporary structure, such as a tent.

6. **§325-8: Definition of “short-term rental”** - Currently, there isn’t one. This would be for things like AirBNB and VRBO - which I’m not sure is a real problem here: searches for Exton on AirBNB reveal few if any Township properties. So maybe this isn’t needed, but if we don’t say anything, (1) that should be intentional and not accidental, and (2) we should at least have some sort of *policy*.
7. **§325-10.B:** Replace the word “not” with “no” in the opening portion of the use regulations for the R-2 district. The current language is a typographic error.
 - B. **Use Regulations.** Subject to §325-124.A below, a lot may be used or occupied for any one of the following purposes and ~~no~~ other:
8. **§325-12.C through F:** Some things got twisted around in the R-4 district regs. And there’s an incorrect reference to §325-11.B. Replace C thru F with the following:

C. Area and bulk regulations. The maximum permitted gross density for residential development of any kind in the R-4 district is four (4.00) dwelling units per acre.

- (1) For manufactured home parks. Public sewerage and public water supply are required for manufactured home parks.
 - (a) Minimum tract size: 5.00 developable acres.
 - (b) Minimum setback from tract boundary: 100 feet.
 - (c) Minimum distance between structures: 25 feet.
 - (d) Minimum lot size: 5,000 square feet.
 - (e) Minimum lot width at building line: 50 feet.
 - (f) Maximum total impervious coverage: 35% of the developable acreage of the tract.
 - (g) Maximum building coverage: 25% of the developable acreage of the tract.
 - (h) Minimum front yard: 25 feet.
 - (i) Minimum rear yard: 25 feet.
 - (j) Minimum side yard: 15 feet.
 - (k) Maximum structure height: 15 feet.
 - (l) Minimum open space: 30% of the gross lot area of the tract.
- (2) For agricultural land uses, the area and bulk regulations of §325-21 shall apply.
- (3) For recreational land uses, the area and bulk regulations of §325-22 shall apply.

(4) For a group home for handicapped persons as may be permitted by conditional use, the area and bulk regulations of §325-11.C(1) through §325-11.C(9) shall apply.

(5) For all uses not cited above, the area and bulk regulations of the R-3 District shall apply.

D. For other provisions applicable in this district, see Article IX, “Common Regulations,” and Article XVII, “Signs.”

9. **§325-18.B:** There are various prohibitions against outdoor storage in the I-1 Limited Industrial district, but §325-18.D provides performance standards for such storage in the same zoning district, resulting in a conflict. Recommend that outdoor storage be allowed, subject to compliance with the performance standards already provided.

(3) Warehouses for wholesale sales, distribution, or storage, ~~provided no materials are stored outside.~~ The outdoor storage of raw materials and/or finished products is permitted, subject to compliance with §325-18.D(19), below.

(4) Any light machining or manufacturing, testing, repair, storage, or distribution of materials, goods, foodstuffs, or products. The outdoor storage of raw materials and/or finished products is permitted, subject to compliance with §325-18.D(19), below.

(5) Public utility installations ~~providing no materials are stored outside.~~ Outdoor storage is permitted, subject to compliance with §325-18.D(19), below.

10. **§325-18.F and §325-15.1.E:** Requires that industrial parks approved prior to December 8, 1998 be reviewed in accordance with the 1986 Zoning Ordinance. It appears that this was to benefit Oaklands, which had been approved right around the time that the 1998 Zoning Ordinance was adopted. While this might have made sense then (debatable), it makes NO sense now, and it has internal references to two other sections of the Zoning that no longer exist.

Delete §325-15.1.E and §325-18.F in their entirety.

11. **§325-27.A:** Day-care facilities are allowed in the O/R and O/C zoning districts. This section should be amended to include those districts in the list provided in this section.

Revise §325-27.A:

A. The minimum lot area for a family day-care home or group day-care home permitted as a home occupation pursuant to §325-23.B shall be 30,000 square feet. The area, bulk, and dimensional regulations applicable to a day-care center permitted in a non-residential or mixed-use zoning district including, without limitation, the TC Town Center, O/L Office/Laboratory, O/R Office/Residential, O/C Office Commercial, or I-1 Limited Industrial Zoning District shall be those applicable to principal uses in the said district.

12. **§325-28:** Regulations for sale of seasonal merchandise to be replaced with Temporary Outdoor Retail Sales, as described above. Some of the existing provisions - like limiting vendors to “West Whiteland Township based nonprofit organizations” - may not be legally enforceable.

Delete the existing §325-28 and replace with the following:

§325-28: Temporary Outdoor Retail Sales

Temporary outdoor retail sales are permitted by right wherever retail sales are permitted, subject to the following standards.

- A. Temporary outdoor retail sales as defined in §325-8 of this Chapter shall require a valid Use & Occupancy Permit, pursuant to the provisions of §325-121 of this Chapter.
- B. A permit for temporary outdoor retail sales shall clearly indicate the dates for which such sales are allowed. In no case shall such permit be valid for longer than forty-five (45) consecutive days.
- C. A property may have up to three (3) temporary outdoor retail sales events within a calendar year; however, there must be a period of at least thirty (30) days between each such event.
- D. The permit application shall include a list or description of all the items to be offered for sale as part of the temporary operation. The sale of motor vehicles that may be licensed for use on public roads shall not be permitted as a type of temporary outdoor retail sales.
- E. The permit application shall include a plan drawing or other documentation satisfactory to the Township demonstrating that the area to be occupied by the temporary outdoor retail sales event has safe ingress and egress from a street, that the sales area and activity will not create any public safety hazard, that there is adequate off-street parking for employees and customers, and that the area dedicated to the event will not restrict the conduct of any permanent use of the property or any adjacent property.
- F. Where permitted, temporary outdoor lighting shall comply with the provisions of §281-48.C(3), “Control of nuisance and disabling glare,” of the Township Subdivision and Land Development Ordinance.
- G. All signage related to temporary outdoor retail sales shall comply with the provisions of §325-95.L of this Chapter.

13. **§325-35.B(1):** Outdated reference to landscaping requirements needs to be changed to cite the S/LDO.

- (1) All storage shall be buffered in accordance with ~~§325-33.D~~ §281-35 of the Township Subdivision and Land Development Ordinance.

14. **§325-35.B(4):** Revise to change reference to “seasonal merchandise” to “temporary outdoor retail sales.”

- (4) In the Town Center district and Neighborhood Commercial District, no products and/or materials shall be stored, displayed, or sold on the exterior of any building except for ~~the sale of seasonal merchandise~~ temporary outdoor retail sales when in accordance with §325-28.

15. **§325-44.1:** The provisions regulating solar energy systems are now more than ten years old. Then as now, our intent was to promote the use of these systems while protecting the public health, safety, and welfare. We’ve learned some things in the intervening years, technology has advanced, and our Building Code now addresses the safety concerns that were the basis for some of the original regulations. Due to the size of the section, the proposed revisions are provided as an attachment.

See attached.

16. **Article XI (§325-46 thru §325-50):** It appears that the “Unified Development Area” overlay district was created for the Church Farm School lands prior to their being acquired for Exton Park. The regulations are confusing and, since a tract must be at least 400 acres to be eligible (as per §325-48.B), they no longer have any application.

Delete Article XI in its entirety; retain the Article number as “Reserved” to avoid the need to re-number subsequent articles and sections.

17. **§325-86.B(6)**: Section 325-86 establishes uses allowed in historic structures that are not otherwise allowed by the district regulations. Sub-section B(6) references sections in §325-23 (regulating home occupations) that no longer exist: these sections addressed parking, outdoor storage, and plan requirements. The intent was to treat the additional uses as home occupations when located in a residential zoning district, which seems like a good idea, so I would like to preserve some regulation here, but it’s not as simple as swapping in new section numbers.

As stated at the beginning of this memo, I am drafting a comprehensive revision to Article XVI, “Historic Preservation,” based upon the new historic resources inventory. The Planning Commission saw an initial version of this update last spring, but the Historical Commission needs to be involved here too. That Commission will review the draft amendment to Article XVI at their May 8 meeting. I will provide the revised text for Planning Commission review after the HC has made their comments.

18. **§325-95.E(7)**: The Board of Supervisors would like to allow non-profit organizations to have VCT signs (i.e., LED screens with changing messages) on their property, provided that there are no commercial messages.

Amend §325-95.E(7)(a) as shown:

(7) VCT signs.

(a) VCT signs shall ~~not only~~ be permitted ~~except~~ as follows:

[1] as a billboard in compliance with § 325-95.I; or

[2] as an element of a pylon sign in compliance with § 325-98.A below; or

[3] when owned and operated by a non-profit organization on property owned or leased by the same organization and used solely for the display of non-commercial messaging related to the functions and operations of the said organization, or other non-commercial messaging in the public interest. Such signs may be wall signs or freestanding signs and shall comply with all regulations applicable to wall or freestanding signs, as appropriate, for the zoning district wherein the sign is located.

19. **§325-113.A**: Zoning Hearing Board applications are filed with the Zoning Officer, not the Township Secretary.

A. ~~Applications for hearings before the Hearing Board shall be filed with the Township Secretary~~ Zoning Officer together with the proper fee.

Attachment:

1. Draft amendment of §325-44, Solar Energy Systems, dated April 14, 2023.

Administrative\Ordinance Revisions\Zoning - 5th batch\Draft fm memo

A. ~~Classification of use. Purpose.~~

~~(1) — A solar energy system shall be deemed to be the principal use of a lot when the peak output of the system as designed exceeds one hundred twenty five (125) percent of the estimated aggregated peak electrical demand of all consumptive equipment on that lot. Where there are multiple solar energy systems on a lot, this calculation shall be based upon the total peak design output of the aggregated systems. Solar energy systems as a principal use are permitted only where allowed by the district regulations.~~

~~(2) — All solar energy systems that are not a principal use of a lot as defined above shall be deemed an accessory use.~~

~~To provide a regulatory framework for the construction of Solar Energy Systems in the Township, subject to reasonable restrictions intended to preserve the public health, safety, and welfare and to be consistent with the character of the Township.~~

B. Township review and approval.

(1) ~~The following types of Solar Energy Systems are permitted as an accessory use by right in all zoning districts.~~

~~(a) — all roof mounted systems;~~

~~(b) — solar heating and cooling systems;~~

~~(c) — solar hot water systems; and~~

~~(d) — ground-mounted photovoltaic systems where the area of the photovoltaic panels is not more than one thousand (1,000) square feet.~~

(2) ~~The following types of solar energy systems are permitted as an accessory use by conditional use in all zoning districts:~~

~~(a) — ground-mounted photovoltaic systems where the area of the photovoltaic panels exceeds one thousand (1,000) square feet.~~

~~A Solar Energy System shall be permitted as the principal use of a property when allowed by the Zoning District wherein the site is located. A Solar Energy System shall be deemed the principal use of a property when the System is intended to produce power principally for sale or when there is no other use of the property.~~

- (3) ~~The following types of solar energy systems are permitted as a principal use by conditional use in the I-1 and I-2 zoning districts only:~~
- ~~(a) ground-mounted photovoltaic systems of any size;~~
 - ~~(b) concentrated solar power systems; and~~
 - ~~(c) any other type of solar energy system intended to produce power for sale rather than for consumption on the subject property.~~
- (4) The installation of a solar energy system shall be deemed a land development under any one of the following conditions and shall therefore be subject to the review and approval process established by the Township Subdivision and Land Development Ordinance.¹ Land development review and approval shall be in addition to any requirement for conditional use approval.
- (a) where the installation of the solar energy system requires grading of the property, pursuant to the definition of “land development” in §325-8, above, regardless of whether it is the principal use of the property;
 - (b) where the installation of the solar energy system will result in additional impervious cover of two thousand (2,000) square feet or more, pursuant to the definition of “land development” in §325-8, above, and pursuant to the standard enumerated in §324-44-1.E(1), below, regardless of whether it is the principal use of the property. ~~;~~ ~~and~~
 - ~~(c) where the solar energy system will be the principal use of the property.~~

C. General regulations.

- (1) The design, construction, and installation of solar energy systems shall comply with all applicable requirements of the West Whiteland Township Building Code (including the electrical and plumbing codes)² in addition to the requirements of this Section and applicable industry standards. In the event of a conflict among the provisions of this Section, industry standards, and the Building Code, the Building Code shall control.
- (2) Solar energy systems shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, and all other applica-

¹ Editor’s Note: See Ch. 281, Subdivision and Land Development.

² Editor’s Note: See Ch. 129, Construction Codes, Uniform.

ble statutes or Acts promulgated by the Commonwealth of Pennsylvania.

- (3) A Building Permit shall be required for the installation of all solar energy systems. Where the installation of a solar energy system has been deemed to require review and approval as a conditional use and/or a land development, such approval(s) shall be received prior to the issuance of a Building Permit.
- (4) In addition to other Township requirements, the individual or company responsible for installing the Solar Energy System shall be approved as ~~a solar system~~ an installer of such systems by the Pennsylvania Department of Environmental Protection.
- (5) Solar energy systems shall be sited to assure solar access without reliance upon adjacent properties.
- (6) Solar Energy Systems may be roof-mounted in compliance with §325-44.D, below; ground-mounted in compliance with §325-44.E, below; or incorporated into the structure of a building. ~~No component of a solar energy system shall be mounted upon another structure such that it extends beyond the footprint of that structure.~~
- (7) Solar Energy Systems shall comply with the performance standards in §325-41, above, and shall be sited such that they will not cause any glare beyond the property line of the lot whereupon they are located. In the event that any element of a solar energy system shall be found to cause such impermissible glare, the Township shall have the authority to compel the property owner (and/or the owner of the system if they are not the property owner) to eliminate such glare by a means acceptable to the Township, up to and including the removal of the glare-causing elements.

~~(8) Requirement of glare analysis.~~

~~Under any one of the following conditions, the applicant for a solar energy system that includes photovoltaic panels shall provide with the application a glare analysis prepared and sealed by an engineer licensed in the Commonwealth of Pennsylvania. Such analysis shall document the areas subject to glare from the proposed system. No approval shall be granted nor any building permit issued for a system where such analysis shows that glare will be projected onto any public street or any building on any property other than the one whereupon the system is located.~~

- ~~(a) Where the installation of photovoltaic panels is subject to review as a conditional use or land development as provided for above.~~

~~(b) — Where photovoltaic panels are to be mounted such that the reflective surface directly faces or is angled toward a public street or any building (other than a building on the same lot as the said panels) without any intervening structure or permanent screen.~~

(8) — When a Solar Energy System is proposed for a property subject to additional regulation by an agency other than the Township, including but not limited to a homeowners' association or a business park manager, it shall be the responsibility of the Applicant to determine whether the proposed System complies with the regulations of the said agency and to secure whatever approvals or permits may be required from said agency. The issuance of a Building Permit by the Township for the construction of a Solar Energy System shall not compel any such agency to approve the System, nor shall such issuance prevent such agency from enforcing their own regulations or imposing penalties pursuant to their own regulations.

(9) No Solar Energy System shall be used to display advertising, signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners, or similar materials.

(10) Solar Energy Systems shall be promptly removed and properly disposed of when damaged or no longer in use.

D. Roof-mounted Solar Energy System.

(1) For the purposes of determining compliance with building height limits, a roof-mounted system shall be deemed a type of “mechanical equipment,” as that term is used in the definition of “building height” in §325-8, above.

~~(2) — Roof mounted systems shall be set back a minimum of three (3) feet from the edge of the roof. In addition, when mounted upon a roof with a slope of ten (10) percent or more, the system shall be set back a minimum of three (3) feet from the ridgeline or highest point of the roof.~~

~~(3) — Electrical conduits serving the roof mounted system shall be mounted a minimum of ten (10) inches below the decking of the roof.~~

(4 2) When mounted upon a roof with a slope of thirty (30) percent or more, no part of a roof-mounted system shall extend more than one (1) foot above the highest point of the roof upon which it is mounted.

(5 3) When mounted upon a roof with a slope of less than thirty (30) percent, a roof-mounted system shall be surrounded by a visual screen having a minimum height equal to the tallest point of the system.

~~(6) — No part of any roof mounted system shall extend beyond the edge of the roof upon which it is mounted.~~

E. Ground-mounted solar energy system.

- (1) For the purposes of determining compliance with area and bulk regulations, a ground-mounted system shall be deemed a type of “building,” and shall be subject to the limitations on height and building coverage as well as the setback requirements established for buildings by the applicable district regulations. The impervious cover calculation shall include only the areas that are paved or otherwise sealed against infiltration; where the system consists of panels elevated above the ground such that stormwater may infiltrate below such panels, the panels shall not be deemed to create impervious cover, although they shall be included in the calculation of building coverage.
- (2) When the installation of a ground-mounted system will result in an increase in building coverage (as described in §325-44.E(1), above) of two thousand (2,000) square feet or more, the Applicant for such installation shall provide a stormwater impact analysis describing the impact of the project upon stormwater and providing for appropriate stormwater management facilities as part of the installation. No Building Permit shall be issued until the analysis and recommendations are found satisfactory to the Township, as advised by the Township Engineer.
- (3) When installed as an accessory to a residential use, a ground-mounted system shall not be placed ~~within the front yard~~ between the residence and any street abutting the property.
- (4) All electrical and plumbing lines serving a ground-mounted solar energy system shall be in compliance with the applicable Township codes and shall be within a conduit and buried below ground.
- (5) If a ground-mounted solar energy system has been abandoned (hereby defined as not having been in operation for a continuous period of six [6] consecutive months), is defective, or is deemed unsafe by the Township’s Code Enforcement Officer, the Township may direct the owner to repair the system to meet all applicable safety and code standards or to remove they system within a period of time to be established by the Code Enforcement Officer. If the owner fails to comply with the order of the Code Enforcement Officer, the Township may pursue a legal action to have the system removed at the owner’s expense.