

WEST GOSHEN TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 6 - 2019

AN ORDINANCE OF THE TOWNSHIP OF WEST GOSHEN, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE WEST GOSHEN TOWNSHIP CODE OF ORDINANCES, CHAPTER 84, TITLED, "ZONING" TO AMEND SECTION 84-18 TITLED, "USE REGULATIONS" TO AMEND THE USES PERMITTED WITHIN THE C-1 NEIGHBORHOOD COMMERCIAL DISTRICT; TO AMEND SECTION 84-21 TITLED, "USE REGULATIONS" TO AMEND THE USES PERMITTED WITHIN THE C-2 COMMERCIAL SHOPPING CENTER DISTRICT; TO AMEND SECTION 84-24 TITLED, "USE REGULATIONS" TO AMEND THE USES PERMITTED WITHIN THE C-3 LIMITED HIGHWAY COMMERCIAL DISTRICT; TO AMEND SECTION 84-28 TITLED, "USE REGULATIONS" TO AMEND THE USES PERMITTED WITHIN THE C-4 SPECIAL LIMITED BUSINESS APARTMENT DISTRICT; TO AMEND SECTION 84-32 TITLED, "USE REGULATIONS" TO AMEND THE USES PERMITTED WITHIN THE C-5 GENERAL HIGHWAY COMMERCIAL DISTRICT; AND SECTION 84-55 TITLED, DESIGN STANDARDS TO AMEND THE OFF-STREET PARKING PROVISIONS TO PERMIT OFF-SITE PARKING SUBJECT TO CERTAIN STANDARDS AND CONDITIONS ESTABLISHED HEREIN.

WHEREAS, the Board of Supervisors of West Goshen Township, Chester County, Pennsylvania has enacted the West Goshen Township Revised Zoning Ordinance of 1990, which is codified in Chapter 84 of the West Goshen Township Code; and

WHEREAS, in the Zoning Ordinance there are five commercial zoning districts that permit various uses which are permitted by right, by special exception and by conditional use; and

WHEREAS, the Board of Supervisors desires to provide additional permitted uses within the C-5 General Highway Commercial District including athletic club, public place of amusement or recreation and medical clinic to permit better utilization of the existing properties within the C-5 District; and

WHEREAS, the Board of Supervisors has determined that the additional permitted uses within the C-5 District is in the best interests of the health, safety, and welfare of the residents of West Goshen Township;

WHEREAS, the West Goshen Township Zoning Ordinance contains provisions relating to off-street parking which require all off-street parking spaces for a permitted use to be located on the same lot as the use served and do not permit use of parking spaces on adjacent properties; and

WHEREAS, the Board of Supervisors desires to amend the off-street parking provisions of the West Goshen Township Zoning Ordinance to permit off-site parking subject to certain standards and conditions relating to shared parking on separate lots in order to provide more flexibility in meeting the parking requirements of Section 84-55, Subsection I; and

WHEREAS, the Board of Supervisors has determined that the proposed amendments to the off-street parking provisions in the West Goshen Township Zoning Ordinance are in the best interests of the health, safety, and general welfare of the residents of West Goshen Township.

NOW, THEREFORE, be it, and it is hereby ORDAINED by the Board of Supervisors of West Goshen Township, Chester County, Pennsylvania, and it is hereby ENACTED and ORDAINED by authority of same as follows:

SECTION 1. Section 84-18 of the West Goshen Township Zoning Ordinance shall be amended as follows:

“§84-18. **Use regulations.** A building may be erected, altered or used, and a lot or premises may be used for any of the following purposes and for no other:

- A. Retail sales.
- B. Personal service establishment.
- C. Office building, medical clinics, municipal, county, state and federal use.
- D. Banks.
- E. Forestry, subject to the standards in §84-57.8.
- F. Mini-warehouse or self-storage facility.
- G. Accessory uses to the aforementioned permitted uses, including a home-related business as an accessory use to an existing nonconforming single-family detached dwelling.
- H. Learning center.
- I. The following uses shall be permitted as a conditional use when authorized by the Board of Supervisors subject to Article XVIII of this chapter. The area and bulk regulations, §84-19 of this article, and design standards, §84-20

of this article, shall apply to all uses permitted by conditional use in the C-1 Neighborhood Commercial District.

- (1) Church.
- (2) Funeral parlor.
- (3) Single-family detached dwelling which conforms to R-3 regulations.
- (4) Convenience store.
- (5) Pharmacy/drug store and medical marijuana dispensary.”

SECTION 2. Section 84-21 of the West Goshen Township Zoning Ordinance shall be amended as follows:

“§84-21. **Use regulations.** A building may be erected, altered or used and a lot or premises may be used for any of the following purposes and for no other:

- A. Retail sales.
- B. Personal service establishment.
- C. Office building, bank, radio studio, municipal, county, state and federal use.
- D. Restaurant and uses similar to a restaurant where food is prepared and served, including a catering business, a microbrewery and a brewery pub, provided that there shall be no drive-up or walk-up windows permitted for the sale or dispensing of food or food products.
- E. Greenhouse, nursery.
- F. Public place of amusement or recreation.
- G. Athletic club; private club, provided that it does not offer entertainment that would constitute a sexually oriented business.
- H. Shopping center.
- I. Accessory uses to the aforementioned permitted uses, including outdoor dining as an accessory use to a restaurant subject to the conditions in § 84-57.11 and a home-related business as an accessory use to an existing lawful nonconforming single-family detached dwelling.
- J. Hotel/motel.
- K. Forestry, subject to the standards in §84-57.8.

- L. Women's temporary residential care center.
- O. Learning center.
- P. The following use shall be permitted as a conditional use when authorized by the Board of Supervisors subject to Article XVIII of this chapter. The area and bulk regulations, §84-22.1 of this article, and design standards, §84-23 of this article, shall apply to all uses permitted by conditional use in the C-1 Neighborhood Commercial District.
 - (1) Pharmacy/drug store and medical marijuana dispensary.”

SECTION 3. Section 84-24 of the West Goshen Township Zoning Ordinance shall be amended as follows:

“§ 84-24. **Use regulations.** A building may be erected, altered or used and a lot or premises may be used for any of the following purposes and for no other:

- A. Retail sales.
- B. Personal service establishment.
- C. Office building.
- D. Laboratory facilities, medical clinics.
- E. Wholesale sales, storage or distribution.
- F. Forestry, subject to the standards in §84-57.8.
- G. Accessory uses to the aforementioned permitted uses, including a home-related business as an accessory use to an existing lawful nonconforming single-family detached dwelling.
- H. Learning center.”

SECTION 4. Section 84-28 of the West Goshen Township Zoning Ordinance shall be amended as follows:

“§ 84-28. **Use regulations.** A building may be erected, altered or used and a lot or premises may be used for any of the following purposes and for no other:

- A. Office building, banks.
- B. Laboratory or research facilities.
- C. Wholesale sales, storage or distribution.

- D. Church.
- E. Learning center.
- F. Nursing homes.
- G. Hospitals, medical clinics.
- H. Athletic club; private club, provided that it does not offer entertainment that would constitute a sexually oriented business.
- I. Apartment buildings.
- J. Restaurant and uses similar to a restaurant where food is prepared and served, including a catering business, a microbrewery and a brewery pub, provided that there shall be no drive-up or walk-up windows permitted for the sale or dispensing of food or food products.
- K. Motel.
- L. Multifamily dwellings, exclusive of apartments, in accordance with the area and bulk regulations and design standards of §84-16C and the design standards of §84-17C.
- M. Forestry, subject to the standards in §84-57.8.
- N. Accessory uses to the aforementioned permitted uses, including outdoor dining as an accessory use to a restaurant subject to the conditions in § 84-57.11 and a home-related business as an accessory use to an existing lawful nonconforming single-family detached dwelling.
- O. Photographic studio.
- P. (Reserved)
- Q. The following uses shall be permitted as a conditional use when authorized by the Board of Supervisors. In allowing a conditional use, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Chapter, as it may deem necessary to implement the purposes of the MPC and this Zoning Chapter.
 - (1) Child day-care center, subject to the regulations of §§84-29, 84-30, 84-31 and 84-31.1.
 - (2) The educational uses specified in §84-57.10 of this chapter, subject to the regulations specified in §84-57.10 of this chapter.”

SECTION 5. Section 84-32 of the West Goshen Township Zoning Ordinance shall be amended as follows:

“§84-32. **Use Regulations.** A building may be erected, altered or used and a lot or premises may be used for any of the following purposes and for no other:

- A. Retail sales.
- B. Personal service establishment.
- C. Office building.
- D. Restaurant and uses similar to a restaurant where food is prepared and served (including a catering business), provided that there shall be no drive-up or walk-up windows permitted for the sale or dispensing of food or food products.
- E. Funeral home.
- F. Automobile and/or a truck leasing agency involving no sales activity on site, provided truck leasing shall not exceed trucks larger than two-axle van-type trucks or two-axle box-type trucks.
- G. Forestry, subject to the standards in §84-57.8.
- H. Learning center.
- I. Athletic club.
- J. Public place of amusement or recreation.
- K. Medical clinic.
- L. Accessory uses to the aforementioned permitted uses, including outdoor dining as an accessory use to a restaurant subject to the conditions in §84-57.11 and a home-related business as an accessory use to an existing lawful nonconforming single-family detached dwelling.
- M. The following use shall be permitted as a special exception when authorized by the Zoning Hearing Board, subject to Article XVII of this chapter.
 - (1) Dog day-care facility subject to the standards in §84-57.14.

N. The following uses shall be permitted as a conditional use when authorized by the Board of Supervisors subject to Article XVIII of this chapter. The area and bulk regulations, §84-33 of this article, and design standards, §84-34 of this article, shall apply to all uses permitted by conditional use in the C-5 General Highway Commercial District.

- (1) Wholesale sales, storage or distribution.
- (2) Gasoline service station.
- (3) Car wash.
- (4) Monument sales.
- (5) Banks and financial institutions.
- (6) Vehicular sales and service agency limited to the sale and/or leasing of new and/or used automobiles, two-axle van-type or two-axle box-type trucks and the operation of an automobile repair shop for such vehicles as an accessory use thereto.
- (7) Motorcycle sales and the operation of a repair shop for the motorcycles as an accessory use thereto.
- (8) Travel center with the accessory use of an automobile repair shop.
- (9) Convenience store, subject to the standards of §84-57.12.
- (10) Pharmacy/drug store, subject to the standards of §84-57.13, and medical marijuana dispensary.”

SECTION 6. Section 84-55, Subsection I, Subsection (1) of the West Goshen Township Zoning Ordinance is amended as follows:

“(1) Off-street parking spaces shall be located on the same lot as the use served, except as provided by §84-55I(5) below. For each land use proposed, the applicant shall provide the minimum number of off-street parking spaces that are set forth in §84-55I(2) below. If the calculation to determine the required number of spaces results in a fractional space, the number of spaces required shall be the next highest whole number. Proposed parking areas which are greatly in excess of those requirements hereunder shall be discouraged.”

SECTION 7. Section 84-55, Subsection I of the West Goshen Township Zoning Ordinance is amended by adding a new Subsection (5) as follows:

“(5) The parking spaces for nonresidential uses required in §84-551(2) may be located elsewhere than on the same lot as the use served (“off-site parking”) when authorized by the Board of Supervisors, subject to the following conditions:

- (a) The owners of two or more lots shall submit with their application a site plan which depicts the location of the off-site parking and a calculation of the number of spaces required for each use on the lots.
- (b) The owners shall submit an agreement in a form satisfactory to the Solicitor signed by the owners of the lots which guarantees that the parking spaces shall be available for the uses proposed. The agreement shall be recorded and must remain in effect for as long as the uses require the off-site parking.
- (c) Some portion of the off-site parking area designated for a particular use shall lie within 300 feet of a building entrance regularly used by patrons of the use.
- (d) The lot(s) used for off-site parking must have cross access easements such that the off-site parking spaces must be accessible from inside of the lot or lots without the need to exit onto a public street to gain access.”

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

SECTION 9. Repealer. All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 10. Effective Date. This Ordinance shall be effective five (5) days following enactment as by law provided.

ENACTED AND ORDAINED this 18th day of June, 2019.

ATTEST:

**BOARD OF SUPERVISORS
WEST GOSHEN TOWNSHIP**

Casey LaLonde, Secretary

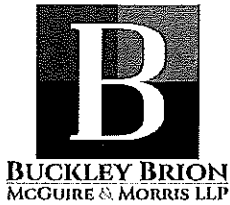
BY: _____
Robin Stuntebeck, Chair

Hugh J. Purnell, Jr., Vice-Chair

Edward G. Meakim, Jr., Member

Christopher Pielli, Esq., Member

Shaun Walsh, Member



KRISTIN S. CAMP
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118 W. Market Street, Suite 300
West Chester, PA 19382-2928

May 29, 2019

VIA EMAIL: lawlibrary@chesco.org

Chester County Law Library
201 W. Market Street
Suite 2400
West Chester, Pennsylvania 19380

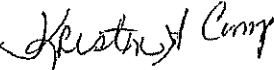
Re: Proposed Ordinance amending Chapter 84 of the West Goshen Township Code, entitled,
"Zoning" – Use regulations in Commercial Zoning Districts

Dear Sir/Madam:

Enclosed for filing in the Chester County Law Library is a true and correct copy of the above-captioned Ordinance amendment which must be filed with your offices and be made available for public inspection prior to its adoption by the West Goshen Township Board of Supervisors on Tuesday, June 18, 2019.

Please execute a copy of this letter and email it back to my assistant, Ali Fidanza, at afidanza@buckleyllp.com.

Should you have any questions, please do not hesitate to contact me. Thank you.

Very truly yours,

Kristin S. Camp

KSC/akf
Enclosure

cc: Casey LaLonde, Township Manager (*w/encl.; via email*)

Received by Chester County Law Library on _____, 2019.

(signature)

Please Print Name _____



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May 29, 2019

VIA EMAIL: legals@dailylocal.com

Daily Local News
307 Derstine Ave.
Lansdale, PA 19446

Re: Proposed Ordinance amending Chapter 84 of the West Goshen Township Code, entitled,
"Zoning" – Use regulations in Commercial Zoning Districts

Dear Sir/Madam:

Enclosed for filing in the offices of the Daily Local News is a true and correct copy of the above-captioned Ordinance amendment which must be filed with your offices and be made available for public inspection prior to its adoption by the West Goshen Township Board of Supervisors on Tuesday, June 18, 2019.

Please execute a copy of this letter and email it back to my assistant, Ali Fidanza, at afidanza@buckleyllp.com.

Should you have any questions, please do not hesitate to contact me. Thank you.

Very truly yours,

Kristin S. Camp

KSC/akf
Enclosure - NOT FOR ADVERTISEMENT

cc: Casey LaLonde, Township Manager (*w/ encl.*)

Received by Daily Local News on _____, 2019.

_____ (signature)

Please Print Name _____

CERTIFICATION

Kristin S. Camp, Esquire, hereby certifies and attests that the attached is a true and correct copy of the complete verbatim text of an Ordinance amending Chapter 84 of the West Goshen Township Code, entitled, "Zoning", which is proposed for enactment and adoption by the West Goshen Township Board of Supervisors at a public hearing which will be held on Tuesday, June 18, 2019 at 7:00 p.m., prevailing time, at 1025 Paoli Pike, West Chester, Pennsylvania 19380.

DATE: May 29, 2019



KRISTIN S. CAMP, ESQUIRE
Solicitor for West Goshen Township