



MEMORANDUM

TO: Board of Supervisors
FROM: John R. Weller, AICP
Director of Planning and Zoning

SUBJECT: Public hearing pursuant to amendment of the West Whiteland Township Zoning Ordinance

Amending the Town Center district regulations to limit residential development to apartment buildings with a maximum density of 6 dwelling units per gross acre

DATE: February 7, 2025

Recommended Motion

To approve Ordinance No. 484 to amend Chapter 325, "Zoning," of the West Whiteland Township Code of Ordinances by revising the provisions for residential development in the Town Center zoning district.

Background

The Town Center (TC) zoning district covers 643 acres around the intersection of Lincoln Hwy. and Pottstown Pk., the area historically known as the Exton Crossroads. It is a mixed-use district that allows a wide variety of uses, including retail sales and services, restaurants, office buildings, institutional uses, hotels, and a variety of residential uses, including townhouses and apartment buildings. Since 1998, residential development in the TC district has been controlled only by limits on building height and impervious coverage: the regulations never specified a maximum number of dwelling units allowed per acre.

There was relatively little residential development in the TC district until the mid-2010's, when we approved nearly 1,000 apartment units over a two-year period in the TC district alone. While these projects are well-maintained, attractive, and nearly fully occupied, Township residents have grown more concerned about the impact of more residential development around the Crossroads, especially in light of the uncertain future of Exton Square.

Earlier this year the Board of Supervisors directed Staff to develop a recommendation for a limit on residential density appropriate for the TC district. They were clear that residential development – and apartment buildings specifically – should still be allowed, but they no longer favored the strict reliance on building sizes to control the number of units.

The attached draft Ordinance addresses the Board's concern, establishing a limit on residential density while remaining consistent with the policy of accommodating the Township's highest density of development. The principal changes are:

- Apartments¹ will be the only type of dwelling allowed in the TC district.
- Life care facilities and personal care facilities will still be permitted.
- Residential density will be capped at six dwelling units per gross acre; life care and personal care facilities are exempted from this limit. This is the highest residential density allowed in the Township, although residential development in the Office/Residential district continues to rely upon a form-based approach with no stated density limit.

Note that this arrangement creates an incentive for mixed-use development. While a developer would have the right to develop a property only for residential use, additional non-residential uses would be permitted to the extent that they could be accommodated within the limits on building height and impervious cover.

The Township Planning Commission reviewed this draft at their public meeting on January 28, 2025. In the course of discussion, they indicated their interest in including provisions that would promote affordable/attainable housing. Since this is a complex issue that warrants more careful consideration, they agreed that including such provisions in this amendment would unacceptably delay action. At the conclusion of their discussion, the Commission unanimously passed a motion recommending that the Board adopt the amending ordinance as presented.

Chester County Planning Commission Review

The County advises that the proposed amendment is “not inconsistent” with the County Comprehensive Plan, but they would prefer that we continue to allow a wider range of housing types. Staff notes that limiting residential development to apartment buildings is consistent with the stated purpose² of the TC district, as this allows for the largest number of dwelling units within the smallest footprint. The density cap will enable high-density residential development that still accommodates non-residential uses along with permanent green space.

Staff Comment

Staff supports the amendment as written and endorsed by the Township Planning Commission; we have no objection to Board action on the recommended motion, above.

Attachments

1. Final draft of Ordinance No. 484.
2. Redline version of Zoning Ordinance text, showing the changes that Ordinance 484 will execute.
3. Chester County Planning Commission review dated February 3, 2025.

BOS MMO's - Miscellaneous\2025\250207 - ZO amd - TC

¹ The draft text uses the term “apartment” rather than “multifamily dwelling” as the definition for the latter in §325-8 includes townhouses, which we wish to prohibit in the TC district. The same section includes a definition for “apartment” which is consistent with our intent.

² §325-13.A of the Zoning Ordinance.

**BOARD OF SUPERVISORS
WEST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 484

**AN ORDINANCE AMENDING SECTION 325-13, "TOWN CENTER MIXED
USE DISTRICT," OF CHAPTER 325, "ZONING," OF THE WEST
WHITELAND TOWNSHIP CODE OF ORDINANCES TO ESTABLISH A LIMIT
ON THE DENSITY OF RESIDENTIAL DEVELOPMENT**

BE IT HEREBY ENACTED AND ORDAINED by the Board of Supervisors of West Whiteland Township, Chester County, Commonwealth of Pennsylvania as follows:

Section 1. Sub-paragraph B(1)(a) of Section 325-13 of Chapter 325, "Zoning," of the West Whiteland Township Code of Ordinances is hereby deleted and replaced with the following:

- (a) Apartment dwellings, as defined in §325-8, above, including apartment units accessory to a non-residential use. Single-family detached dwellings, two-family dwellings, fourplexes, and townhouses are all hereby prohibited in the TC Town Center district.

Section 2. Sub-paragraph B(2)(m)[2] of Section 325-13 of Chapter 325, "Zoning," of the West Whiteland Township Code of Ordinances is hereby amended to read as follows:

- [2] A mixed-use building may contain apartment dwellings in combination with any uses permitted in Group II above, except as noted herein, provided that no such dwelling units shall be permitted on the ground level of the building.

Section 3. Paragraph C(6) of Section 325-13 of Chapter 325 "Zoning," of the West Whiteland Township Code of Ordinances is hereby deleted and replaced with the following:

- (6) Residential buildings, including life care facilities and personal care facilities, shall be separated from all other buildings by at least thirty (30) feet.

Section 4. Sub-section C, "Area and bulk regulations," of Section 325-13 of Chapter 325, "Zoning," of the West Whiteland Township Code of Ordinances is hereby amended to add a new paragraph (9), as follows:

- (9) The number of dwelling units permitted on a tract shall not exceed six (6.0) dwelling units per acre of the gross lot area of the tract, regardless of whether the tract accommodates a mix of uses or is developed solely for residential use. This limit shall not apply to life care facilities and personal care facilities, as provided for under §325-13.B(1)(b), above.

Section 5. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court

of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance.

Section 6. This Ordinance shall take effect and be in force five (5) days from the date of enactment.

ENACTED AND ORDAINED this _____ day of February 2025.

**BOARD of SUPERVISORS
WEST WHITELAND TOWNSHIP**

Rajesh Kumbhardare, Chair

Brian Dunn, Vice-Chair

Jo Ann Kelton, Supervisor

ATTEST:

Pam Gural-Bear, Township Manager

Article IV
TOWN CENTER DISTRICT

[Amended 3-12-2014 by Ord. No.410]

§325-13: TC Town Center Mixed Use District

A. Purpose.

[NO CHANGE]

B. Use regulations. A lot may be used or occupied for one or more of the following purposes. Conditional use review shall be required only where specifically stated or when the project exceeds one or more of the thresholds specified in §325-124.A of this Chapter. [Amended 9-9-2015 by Ord. No. 426]

(1) Group I - Residential.

(a) ~~Multifamily dwellings and townhouses.~~ Apartment dwellings, as defined in §325-8, above, including apartment units accessory to a non-residential use. Single-family detached dwellings, two-family dwellings, fourplexes, and townhouses are all hereby prohibited in the TC Town Center district.

(b) Life-care facility or personal care facility when authorized as a conditional use by the Board of Supervisors subject to §325-124 of this chapter, and the following conditions:

[1] The property upon which the facility is located must be contiguous and adjacent to a major arterial street and primary access must be located within the frontage of the property along and upon a major arterial street.

[2] The Township shall not issue any Use and Occupancy Permit for such a facility until the Applicant for such permit has documented to the satisfaction of the Township receipt of all pertinent approvals and licenses from the appropriate State agencies.

[3] Life-care facilities are further subject to the requirements of §325-45.D of this chapter.

(2) Group II - Non-residential and mixed use.

(a) Office buildings.

(b) Hotels and motels. Permitted accessory uses include but are not necessarily limited to eating and drinking establishments, fitness

facilities, personal services, retail stores, retail services, and meeting rooms and areas suitable for hosting conferences, conventions, receptions, and similar events. Access to accessory uses may be restricted to guests of the hotel or motel at the discretion of the owner. [Amended 4-22-2020 by Ord. No. 453]

- (c) Personal services.
- (d) Retail stores and retail services. [Amended 4-22-2020 by Ord. No. 453]
- (e) Eating and drinking establishment.
- (f) Banks and other financial institutions and services.
- (g) Fitness facility.
- (h) Medical services.
- (i) Continuing education facility.
- (j) Place of public amusement and motion-picture theater when authorized as a conditional use by the Board of Supervisors subject to §325-124 of this chapter, excepting that when such use is a sexually oriented business it shall be prohibited in the Town Center district.
- (k) Vehicle fueling stations, when authorized as a conditional use by the Board of Supervisors, subject to §325-124 of this chapter and further subject to the provisions of §325-28.2 of this chapter.
- (l) Adult or child day care center, when authorized as a conditional use by the Board of Supervisors subject to §325-124 of this chapter and further subject to the provisions of §325-27 of this chapter.
- (m) Mixed-use buildings, subject to the following conditions:
 - [1] A mixed-use building may contain any combination of uses permitted in Group II above, except a vehicle fueling station.
 - [2] A mixed-use building may contain ~~multifamily residential~~ apartment dwellings in combination with any uses permitted in Group II above, except as noted herein, provided that no such ~~residential~~ dwelling units shall be permitted on the ground level of the building.
- (n) Governmental facility.
- (o) Recreational use as provided for in §325-22.

- C. Area and bulk regulations. The area and bulk regulations shall be based upon developable acreage unless stated otherwise. Where a project consists of a tract with multiple contiguous lots in common ownership or under common control or is being developed according to a Master Plan in accordance with §325-13.E, below, the provisions of this Section shall be applied as if those lots were a single lot and without regard to the lot lines separating them. Furthermore, the term “perimeter” in such cases shall be interpreted to mean the perimeter of the entire project tract as if the constituent lots of said tract were a single lot.

The provisions of this section are subject to modification in accordance with the terms of Exhibit 4, “Bonus Menu,” of this Chapter. Where bonuses are employed, the Township shall determine whether they have been properly calculated and applied in the course of conditional use review; in the event conditional use review is not required, such determination shall be made during the land development review. [Amended 9-9-2015 by Ord. No. 426; amended 4-22-2020 by Ord. No. 453]

- (1) Tract size (minimum): two acres (gross acreage).
- (2) Total impervious coverage (maximum): 70% of net lot area.
- (3) Building height (maximum): 60 feet.
- (4) Minimum lot geometry requirements shall be as follows, except as may be modified for conditional uses:
 - (a) Frontage: 250 feet.
 - (b) Width: 250 feet.
 - (c) Depth: 150 feet.
- (5) Setbacks [Amended 4-22-2020 by Ord. No. 453]:
 - (a) Principal buildings, including parking structures.
 - (i) Buildings and portions of buildings with a building height of thirty (30) feet or less shall be set back at least twenty-five (25) feet from the right-of-way of PA Route 100 and US Business Route 30. Where the building height is greater than thirty (30) feet, the portion above thirty (30) feet shall be set back at least sixty (60) feet from the right-of-way of PA Route 100 and US Business Route 30.
 - (ii) For all public streets except PA Route 100 and US Business Route 30, buildings and portions of buildings with a building height of thirty (30) feet or less shall be set back at least fifteen (15) feet from the right-of-way. Where the building height is greater than thirty (30) feet, the portion above thirty (30) feet shall be set back an additional ten (10) feet for each ten (10) feet of building

height. Therefore, buildings and portions of buildings with a building height more than thirty (30) feet up to forty (40) feet shall be set back at least twenty-five (25) feet; more than forty (40) feet up to fifty (50) feet shall be set back at least thirty-five (35) feet; and more than fifty (50) feet shall be set back at least forty-five (45) feet.

- (iii) Buildings shall be set back at least twenty-five (25) feet from all other property lines (or from the perimeter of the tract where the project involves contiguous lots) if the adjoining property is in the Town Center zoning district; if the adjoining property is not in the Town Center zoning district, the said setback shall be at least fifty (50) feet.
- (b) Setbacks for accessory buildings and other structures shall be as provided for in §325-31 of this Ordinance.
- (c) Surface parking areas.
 - (i) Surface parking areas shall be set back at least twenty-five (25) feet from the right-of-way of PA Route 100 and US Business Route 30. A site element screen shall be provided within the setback and shall be continuous, except for driveway and road crossings and permitted signage. The site element screen may include a sidewalk, but such inclusion shall not reduce the amount of required landscaping.
 - (ii) For all public streets except PA Route 100 and US Business Route 30, surface parking areas shall be set back at least fifteen (15) feet from the right-of-way. A site element screen shall be provided within the setback and shall be continuous, except for driveway and road crossings and permitted signage. The site element screen may include a sidewalk, but such inclusion shall not reduce the amount of required landscaping.
 - (iii) Surface parking areas shall be set back at least ten (10) feet from all other property lines (or from the perimeter of the tract where the project involves contiguous lots) if the adjoining property is in the Town Center zoning district; if the adjoining property is not in the Town Center zoning district, the setback shall be at least twenty-five (25) feet.
- (6) ~~The following building separation distances shall apply to all Group I (residential) buildings within a development tract:~~
 - ~~(a) Attached buildings: none required.~~

- ~~(b)~~ Residential buildings, including life care facilities and personal care facilities, shall be separated from all other buildings by at least thirty (30) feet. [Amended 4-22-2020 by Ord. No. 453]
- (7) The following building separation distances shall apply to all Group II (non-residential and mixed-use) buildings within a development tract:
 - (a) Attached buildings: none required.
 - (b) Buildings with Group II uses shall be separated from other buildings with Group II uses at least twenty (20) feet. [Amended 4-22-2020 by Ord. No. 453]
 - (c) Buildings with Group II uses shall be separated from other buildings with Group I uses at least thirty (30) feet. [Amended 4-22-2020 by Ord. No. 453]
- (8) Buildings shall be set back not less than fifteen (15) feet from all private cartways, drive aisles, and parking areas. No building setback is required from a dedicated loading area. [Amended 4-22-2020 by Ord. No. 453]
- (9) The number of dwelling units permitted on a tract shall not exceed six (6.0) dwelling units per acre of the gross lot area of the tract, regardless of whether the tract accommodates a mix of uses or is developed solely for residential use. This limit shall not apply to life care facilities and personal care facilities, as provided for under §325-13.B(1)(b), above.
- D. Architectural design standards.
[NO CHANGE]
- E. Master Plan requirement.
[NO CHANGE]



THE COUNTY OF CHESTER



COMMISSIONERS
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February 3, 2025

John R. Weller, AICP, Director of Planning & Zoning
West Whiteland Township
101 Commerce Drive
Exton, PA 19341

Re: Zoning Ordinance Amendment - TC Town Center Mixed Use District
West Whiteland Township – ZA-01-25-18379

Dear Mr. Weller:

The Chester County Planning Commission has reviewed the proposed Zoning Ordinance Amendment as submitted pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Section 609(e). The referral for review was received by this office on January 13, 2025. We offer the following comments to assist in your review of the proposed amendment.

DESCRIPTION:

1. The Township proposes the following amendments to the TC Town Center Mixed Use District standards set forth in Section 325-13 of the Township Zoning Ordinance:
 - A. Amend the use regulation standards set forth in Section 325-13.B(1)(a) by replacing “multifamily dwellings and townhouses” with the following language: “Apartment dwellings, as defined in §325-8, above, including apartment units accessory to a non-residential use. Single-family detached dwellings, two-family dwellings, fourplexes, and townhouses are all hereby prohibited in the TC Town Center district;”
 - B. Amend subsection [2] of Section 325-13.B(2)(m), the standards for mixed-use buildings, by replacing the term “multifamily residential” with “apartment,” along with the removing “residential” from the second part of this section;
 - C. Amend the building separation distance standards for residential buildings set forth in Section 325-13.C(6); and
 - D. Add subsection (9) to the area and bulk regulations set forth in Section 325-13.C. This section states the following: “The number of dwelling units permitted on a tract shall not exceed six (6.0) dwelling units per acre of the gross lot area of the tract, regardless of whether the tract accommodates a mix of uses or is developed solely for residential use. This limit shall not apply to life care facilities and personal care facilities, as provided for under §325–13.B(1)(b), above.”

LANDSCAPES:

2. The Township’s TC Town Center Mixed Use District, which is generally situated along the Route 100 and Business Route 30 corridors in the Exton area, is located within the **Suburban Center Landscape** and **Natural Landscape** designations of Landscapes3, the 2018 County Comprehensive Plan. The vision for the **Suburban Center Landscape** is regional economic, population and transportation centers with varying land uses, accommodating substantial future growth of medium to high intensity. Repurposing obsolete structures and sites and encouraging sustainable development will be critical as suburban centers grow, and transportation infrastructure and amenities will need to expand to create an integrated multimodal network. As an overlay of all other landscapes, the county’s **Natural Landscapes** consist of a network of streams, wetlands, floodplains, and forests that are protected by regulations or should be subject to limited disturbance. Conservation practices should protect and restore these natural resources.

While not inconsistent with the objectives of the **Suburban Center Landscape**, the proposed standards would be more consistent if the Township continued to allow a wider range of residential housing types in the Town Center Mixed Use district in addition to non-residential uses at appropriate densities.

COMMENTS:

3. Prior to taking action on this submission, the Township should consider whether this proposed amendment is generally consistent with the Township Comprehensive Plan, as set forth in Section 603(j) of the Pennsylvania Municipalities Planning Code. We note that a revised Land Use Plan map, and a revised version of Chapter Three – Section 3: Land Use Plan of the Township’s Comprehensive Plan, were adopted by the Township on March 23, 2022. The Town Center Zoning District is located within the TCMU Town Center Mixed Use and Naturally Constrained Land categories on the Land Use Plan map. The Comprehensive Plan indicates that the intent of the Town Center Mixed Use category, which “illustrates the continuation of the Township’s long-standing policy of accommodating our highest intensity of development,” is to allow a mixed of residential, commercial, institutional, recreational, and office uses designed to facilitate pedestrian and bicycle travel.
4. The Township should identify their rationale for the proposed six (6) dwelling unit per gross acre maximum permitted density for apartment development. The Township’s Comprehensive Plan states that, while the Township does not specify a maximum density for the Town Center Mixed Use category, the Township anticipates that residential density will exceed the 8 dwelling units per developable acre allowed in the High Density Residential category.
5. We note that the proposed density is significantly lower than the existing apartment development in this district. The Township should determine how many existing residential uses would become non-conforming if this amendment is adopted as currently written.
6. Rather than adding a maximum permitted density standard to the Town Center district, the Township could consider lowering the maximum building height of 60 feet currently set forth in Section 325-13.C(3). Consideration should also be provided for incorporating upper story step back standards into its zoning ordinance. *Landscapes3* recommends that developments in the Suburban Center Landscape include variations in building facades, rooflines and shape to reduce the visual impact of large-scale buildings. Additional information on this topic is provided in the County Planning Commission’s Suburban Center Landscapes Design Guide, which is available online at: <https://www.chescoplanning.org/municorner/pdf/suburbancenterdesignguide.pdf>.

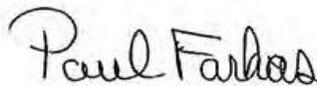
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Re: Zoning Ordinance Amendment - TC Town Center Mixed Use District
West Whiteland Township – ZA-01-25-18379

7. We recommend that the Township consider maintaining townhouse development as a permitted use in the Town Center district. Townhouse development is an appropriate use in the **Suburban Center Landscape**, and the Suburban Center Land Use guidance in the Planning Principles section supports new housing inclusive of a broad range of housing types and income levels (page 36).
8. While Section 325-13.C(9) indicates that residential density will be calculated by dwelling units per gross lot area, the recommended densities identified in the Township’s Comprehensive Plan are based upon dwelling unit per developable acreage. This should be clarified by the Township.
9. We note that West Whiteland Township is currently undertaking an update to its existing Comprehensive Plan, which is being prepared under the Chester County Vision Partnership Program (VPP). We recommend that, going forward, the Township delay additional major amendments to the Township Zoning Ordinance until after the Comprehensive Plan Update has been completed and new land uses policies have been established.

RECOMMENDATION: The Township should consider the comments in this letter before acting on the proposed zoning ordinance amendment.

We request an official copy of the decision made by the Township Supervisors, as required by Section 609(g) of the Pennsylvania Municipalities Planning Code. This will allow us to maintain a current file copy of your ordinance.

Sincerely,



Paul Farkas
Senior Review Planner

AFFIDAVIT OF PUBLICATION
390 Eagleview Boulevard • Exton, PA 19341

WEST WHITELAND TOWNSHIP
101 COMMERCE DRIVE
EXTON, PA 19341
Attention:

STATE OF PENNSYLVANIA,

The undersigned Richard L. Crowe, being duly sworn the he/she is the principal clerk of Daily Local News, Daily Local News Digital, published in Chester County for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

WEST WHITELAND TOWNSHIP
CHESTER COUNTY,
PENNSYLVANIA

PUBLIC NOTICE

NOTICE IS GIVEN pursuant to §609(b)(1) of the Pennsylvania Municipalities Planning Code that the Board of Supervisors of West Whiteland Township will hold a public hearing at 6:30 p.m. on Wednesday, February 12, 2025 at the West Whiteland Township Municipal Building, 101 Commerce Dr., Exton, Pennsylvania to consider the passage of the following ordinances:

AN ORDINANCE AMENDING SECTION 325-13, "TOWN CENTER MIXED USE DISTRICT," OF CHAPTER 325, "ZONING," OF THE WEST WHITELAND TOWNSHIP CODE OF ORDINANCES TO ESTABLISH A LIMIT ON THE DENSITY OF RESIDENTIAL DEVELOPMENT

Section 1. Replaces Sub-paragraph B(1)(a) of Section 325-13 to establish use regulations for apartment dwellings and prohibit single family detached dwellings, two-family dwellings, two family, fourplexes, and townhouses in the Town Center district.

Section 2. Amends the use regulations in sub-paragraph B(2)(m)(2) of Section 325-13 to clarify the conditions for mixed-use buildings.

Section 3. Replaces Paragraph C(6) of Section 325-13 to eliminate references to dwelling types prohibited by amendment described in Section 1, above.

Section 4. Adds a new Paragraph 9 to Sub-section C, "Area and bulk regulations," to establish six dwelling units per acre as the maximum permitted residential density for residential and mixed-use tracts and to exempt life care facilities and personal care facilities from that limit.

Section 5. The provisions of this Ordinance are severable.

Section 6. This Ordinance shall be effective five days from the date of enactment.

Immediately following the public hearing, the Board will consider passage of the Ordinance. Copies of the full text of the Ordinance are available on the Township website or at the West Whiteland Township Building located at 101 Commerce Dr., Exton, Pennsylvania during regular business hours Monday through Friday, DLN 1/15, 1/22; 1a

WEST WHITELAND TOWNSHIP

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Commonwealth of Pennsylvania - Notary Seal
Maureen Schmid, Notary Public
Montgomery County
My Commission Expires March 31, 2029
Commission Number 1248132

Sworn to the subscribed before me this 1/22/25.

Maureen Schmid

Notary Public, State of Pennsylvania
Acting in County of Montgomery

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