

**ORDINANCE 2024 - 01**

**WESTTOWN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WESTTOWN, CHAPTER 170, ZONING, ARTICLE XVII, OFF-STREET PARKING AND LOADING, BY AMENDING THE FOLLOWING: §170-1702, SIZE; §170-1704, HANDICAPPED PARKING; §170-1705, SCHEDULE OF REQUIRED PARKING; §170-1706, SHARED PARKING; §170-1707, PARKING RESERVE AREA; §170-1708, PARKING STANDARDS FOR SINGLE-FAMILY RESIDENTIAL DWELLINGS; AND §170-1709, SHOPPING CENTER PARKING.**

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

**SECTION 1.** Chapter 170, Zoning, Article XVII, Off-Street Parking and Loading, §170-1702, Size, Subsection A(3), shall be amended to read as follows:

(3) In the case of churches, schools and office parks, where parking is at a ninety-degree angle and a twenty-four-foot aisle is provided, the spaces shall be nine feet by eighteen feet.

**SECTION 2.** Chapter 170, Zoning, Article XVII, Off-Street Parking and Loading, §170-1704, Handicapped parking, Subsection A, shall be amended to read as follows:

A. In any parking area where the total number of parking spaces exceeds five, a minimum of one space for each 25 total spaces or fraction thereof shall be designed and designated for physically handicapped persons. Number of spaces: Any parking lot including four or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a revised regulation is officially established under the Federal Americans with Disabilities Act:

<b>Total number of parking Spaces on Lot</b>	<b>Required Minimum Number/ Percent of handicapped Parking Spaces</b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4

**SECTION 6.** Chapter 170, Zoning, Article XVII, Off-Street Parking and Loading, §170-1706, Shared parking, shall be amended to read as follows:

**§170-1706 Shared parking.**

- A. The parking spaces required by §170-1705 may be reduced when two or more uses on abutting lots share a parking area, subject to the following conditions:
- (1) That some portion of the shared off-street parking area lies within 200 feet of an entrance, regularly used by patrons, into the buildings served by the shared parking facilities.
  - (2) Pedestrian facilities comply with current standards for accessibility and §149-916.
  - (3) Access and parking easements are prepared and recorded for each property affected by the shared parking.
- B. The minimum amount of shared parking required shall be based on the application of the below percentages to the parking required for each land use as per §170-1705.

Use	Weekday			Weekend		
	9 AM to 6 PM	6 PM to 12 AM	12 AM to 9 AM	9 AM to 6 PM	6 PM to 12 AM	12 AM to 9 AM
Offices	100%	10%	5%	10%	5%	5%
Retail and Service Uses	60%	90%	5%	100%	70%	5%
Hotel/Motel	60%	100%	100%	60%	100%	100%
Restaurant	50%	100%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	10%
Other Uses	The Board shall determine with which of the preceding categories any unlisted use shall comply.					

- C. The applicant shall execute a written declaration that provides, in relevant part, that the minimum amount of shared parking required, based on the application of the percentages contained in §170-1706.B, shall be maintained at all times. The Township Solicitor shall review the declaration, as to form, content, and execution, which shall be finally approved by the Board of Supervisors. A draft of the declaration shall be submitted with the application for a building permit, and the final version of the declaration shall be retained by the Township and made a part of the property file.
- D. Shared or common parking lots shall be provided with appropriate signage indicating the buildings and/or uses for which the spaces have been made available.

**SECTION 7.** Chapter 170, Zoning, Article XVII, Off-Street Parking and Loading, §170-1707, Parking reserve area, shall be amended to read as follows:

**§170-1707 Parking reserve area.**

The number of parking spaces to be constructed may be up to 30% less than the number required herein only where the following conditions are met to the satisfaction of the Township:

- A. Evidence is submitted firmly documenting that the special nature of the proposed occupancy or use of the building requires less parking area or fewer spaces than that required by this article.
- B. The land development plan submitted by the applicant indicates that the location and layout of 50% of the required parking area deemed unnecessary at the time of application can and will be constructed on the surface of the site, according to the requirements of this article, in the event that the Township determines at any time that this parking is necessary and in the interest of the public health, safety, and welfare.
- C. In no event shall that authorized portion of the required parking area which is not to be constructed, but reserved for possible future use, be counted as open space or other unpaved area required by other provisions of this chapter.
- D. The parking reserve area shall be designed so that any required minimum area of vegetative cover would be maintained in the event that the parking reserve area is subsequently developed.
- E. The parking reserve area shall be landscaped according to an approved plan and in accordance with §170-1507 of this chapter.
- F. The parking reserve area shall have no building, whether temporary or permanent, erected on it at any time.
- G. Prior to approving a change of use or other modification that results in a requirement for greater total off-street parking, the applicant must demonstrate continued compliance with this article.

**SECTION 8.** Chapter 170, Zoning, Article XVII, Off-Street Parking and Loading, §170-1708, Parking standards for single-family residential dwellings, Subsection C, shall be amended to read as follows:

- C. Areas devoted to surface parking may occupy no more than 50% of any required front, side, or rear yard, and shall comply with §170-1701.D of this chapter.

**SECTION 9.** Chapter 170, Zoning, Article XVII, Off-Street Parking and Loading, §170-1709, Shopping center parking, Subsection A, shall be amended to read as follows:

- A. Except as specified in subsection C below, a minimum of 5 spaces shall be provided for each 1,000 square feet of gross leasable area, or fraction thereof, within the proposed

shopping center.

**SECTION 10.** Chapter 170, Zoning, Article XVII, Off-Street Parking and Loading, §170-1709, Shopping center parking, new Subsection C, shall be added and shall read as follows:

C. The number of parking spaces for an existing shopping center may be reduced to 3.5 for each 1,000 square feet of gross leasable area, or fraction thereof, within the shopping center only when the following conditions are met to the satisfaction of the Township:

(1) The applicant shall submit to the Township for review and approval a Parking Study which includes:

- a) Evidence documenting that the nature of the proposed occupancy or use of the buildings require less parking area or fewer spaces than that required by this article.
- b) Documentation of parking occupancy based on two separate observations completed during peak summer and winter periods, the specific time of which are confirmed with the township traffic engineering prior to collecting data.
- c) A comparison of the observed and proposed parking relative to the 85th percentile parking demand presented in the Institute of Transportation Engineer's Parking Generation, latest edition.

(2) An area equal to 10% of the parking being removed will be landscaped, including full depth removal of the existing paving.

**SECTION 11.** 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.

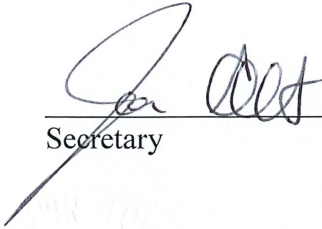
**SECTION 12.** All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

**SECTION 13.** 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 20<sup>th</sup> day of FEBRUARY, 2024.

**Attest:**

  
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Secretary

**Westtown Township  
Board of Supervisors**

  
\_\_\_\_\_  
Tom Foster, Chair

  
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Ed Yost, Vice Chair

  
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Richard Pomerantz, Police Commissioner