

**Town Meeting at YWCA
Discussion of Height Overlay Districts
October 25, 2006
AGENDA**

- 1) Introduction
- 2) Review of HO-180 and HO-90 District Boundaries
- 3) History of Height Regulation in West Chester
- 4) Review of Conditional Use Standards for HO-180 and HO-90 Overlay Districts
- 5) Review Existing Building Heights in Town
- 6) Height Demonstration
- 7) Questions/Comments by Residents
- 8) Questionnaires

HEIGHT REGULATION IN WEST CHESTER

1966 Zoning Code -C7 Primary Business District – The maximum height allowed was 100'. A building over 100' with no height limitation was allowed by seeking a Special Exception from the Zoning Hearing Board. There were no buildings that even approached the height limit built in the business district from 1966 to 1988 when a new zoning code was adopted.

1988 Zoning Code - Town Center TC District – A maximum height of 80' was allowed by Conditional Use in the Height Option HO Overlay zone. The code required that between 45' & 80' there be a 15 percent reduction in perimeter dimensions. The height limit was set at 35' in the Commercial Service CS District.

4-19-95 An ordinance was proposed by a 6-1 vote deleting the height restriction in the TC District due to concern over allowing County to build a new facility.

7-19-95 A public hearing was held regarding the ordinance to delete the height restriction and the ordinance failed by a 0 - 6 vote. A motion was made to propose an ordinance with 2 height zones - one unrestricted, one 225' and that motion was approved by a 4-3 vote.

8-19-95 A motion was made to revise the proposed zoning amendment and instead create a Government Zone around the Courthouse, unlimited for government offices but with a limit for all other to be 120' and that motion failed by a 1-6 vote. A motion to hire a consultant to study and advise on the height question failed also failed by a 3-4 vote. Finally a motion to allow use of the height option only by conditional use was approved by a 7-0 vote.

9-20-95 At the public hearing Borough Council adopted an ordinance creating an unrestricted height zone in the current HO-180 district and a 225' zone in the current HO-90 zone to be effective upon adoption of pending design criteria or within 9 months whichever occurs first. Subsequently Council retained the services of Thomas Comitta Associates to assist with preparing design criteria for the height option zones.

4-17-96 A motion to propose a zoning amendment as prepared by Thomas Comitta Associates establishing rules & criteria for the HO districts but also revising them to 180' & 90' respectively was approved by a 5-2 vote.

6-19-96 At the public hearing Ordinance #14 – 1996 creating the HO-180 + HO-90 zones and establishing design criteria was approved by a 5-2 vote. At that same meeting Council again by 5-2 vote proposed ordinance for additional height design criteria and to eliminate the fee in lieu of parking for HO districts.

9-18-96 At a public hearing Ordinance #17 – 1996 again approved the HO 180 / HO 90 zones plus adopted additional design criteria by a 5-2 vote.

3-18-98 An ordinance was proposed to revise the HO-180 and HO-90 height zones to HO-Unlimited and HO-180 respectively.

5-27-98 At the public hearing on the proposed ordinance to create an HO-unlimited and HO-180 height option zones the matter was tabled indefinitely by a 4-3 vote.

7-17-02 Ordinance # 6 of 2002 was adopted creating a Governmental Use Overlay zone in the 200 block of West Market Street exempting such uses in that zone from various height option design criteria.

1996 – 2006 Borough Council on numerous occasions has revisited the question of whether the height regulations should be further revised but other than listed above there has not been agreement to move a proposal out of committee due to an inability to define the “right” height. The matter has appeared on numerous committee agenda.

From 1996 to 2006 there have only been four projects that have gone through the conditional use hearing process to be allowed to use the height option and they are the following:

1999 West Chester Borough Bicentennial Garage S. High Street

2003 Chester County Government for the Justice Center 200 block W. Market Street in the Government Overlay District.

2003 Eli Kahn for the 121 N. Walnut Street five story office structure.

2004 Darlington Commons Gay St. & Darlington St. for the four story office building.

§ 112-33. Design standards.

- A. All green areas shall be in accordance with the special regulations for landscaping set forth in Article XVI.
- B. All lighting, signage, fencing, pavements, storage, traffic and other environmental controls shall be in accordance with the provisions of Articles XIV, XV and XVI and § 112-33.1 or 112-38.1. **[Amended 9-18-1996 by Ord. No. 17-1996]**
- C. All construction in the Historic (overlay) District shall be in accordance with Article XI.
- D. Additional design standards within the Retail Overlay District shall be as follows: **[Added 11-28-2001 by Ord. No. 15-2001]**
 - (1) No more than 32 feet of continuous street wall shall be created for any new building. Any building which is wider than 32 feet shall have a recess of up to four feet at intervals of 24 feet.
 - (2) A continuous street wall shall be created along the sidewalk frontage, except for a first floor break in the street wall that may be created for a deck parking structure, where such break in the street wall does not exceed 24 feet in width.
 - (3) No open air parking areas shall be permitted, except for on-street, curbside, parallel parking.
 - (4) Parking shall be placed to the rear of buildings and accessed off an alley or from an existing curb cut.
 - (5) No new curb cuts shall be permitted.
 - (6) No building shall be a windowless box. Building openings and windows shall constitute no less than 30% of all exterior walls.
 - (7) No building shall have opaque windows.
 - (8) All offices, banks and financial institutions, community facilities, and governmental uses in the ROD shall provide a pedestrian-oriented frontage in the form of a landscaped plaza, landscaped courtyard, landscaped entrance court, sculpture garden, window display area which serves as an art gallery or other like display space, or other civic-like space accessible to pedestrians.

§ 112-33.1. Conditional use standards for HO-180 and HO-90 Overlay Districts. [Added 9-18-1996 by Ord. No. 17-1996]

- A. Any proposed building, structure or part thereof in excess of 45 feet and up to 180 feet within the HO-180 Overlay District as shown on the Zoning Map or any proposed building, structure or part thereof in excess of 45 feet and up to 90 feet within the HO-90 Overlay District shall be built in accordance with the regulations set forth in this § 112-33.1.

- B. The increase in height of a building or other structure from 45 feet up to 180 feet or any portion thereof or 45 feet up to 90 feet or any portion thereof shall be in accordance with the following:
- (1) Fenestration (windows).
 - (a) Except for first floor/ground floor use, the window treatment for all buildings shall be all vertical in orientation, or all horizontal in orientation. Window treatments shall not be such that vertical and horizontal orientation is mixed.
 - (b) In order to minimize reflections and glare, not more than 40% of any side of a building shall be constructed with windows.
 - (2) First floor/ground floor use. The first floor/ground floor of all buildings shall be used to promote a continuation and continuity of shop fronts and stores, such as retail, restaurant, personal service shops, lobbies, reception and informational areas, spaces accessible to the public and indoor motion picture theaters. The first floor/ground floor shall not be used for funeral homes. Offices and parking shall not be the exclusive use of the ground floor.
 - (3) Lighting.
 - (a) All lighting shall be shielded to prevent glare.
 - (b) No light shall have any blinking, flashing, pulsing or other moving lights or other illuminating device or beacon which has a changing light intensity, brightness or color.
 - (c) All lighting shall be in accordance with the latest standards of the Illuminating Engineering Society (IES).
 - (4) Parking. [Amended 7-17-2002 by Ord. No. 6-2002]
 - (a) If all off-street parking for the use is located within 100 feet of the principle permitted building, then no parking shall be required to be located on the lot. Otherwise, at least 10% of all required parking shall be located on the lot and all other required off-street parking spaces shall be located within 1,000 feet of the lot.
 - (b) All parking, including deck parking, shall be otherwise in accordance with Article XIII.
 - (5) Street wall.
 - (a) The street wall is the line at which the wall of a building is located relative to the sidewalk and shall be considered that portion of the building up to 45 feet.
 - (b) The street wall of any building shall be similar in character to the adjoining buildings on the block in order to promote a continuation of the streetscape's character and pedestrian accessway system. Characters to be considered in

making such assessment shall include, but not limited to, style, location, materials, scale and window/door placement.

- (c) Variations to the vertical expression of a building at the street wall shall be made at intervals of at least 24 to 32 feet so that the typical shop front width of the TC District is repeated in any building. If any offsets are used, such as recesses or projections, such offsets shall not exceed four feet. [Amended 7-17-2002 by Ord. No. 6-2002]
- (6) Setbacks. [Amended 7-17-2002 by Ord. No. 6-2002]
- (a) Except in the Government Use Overlay District, a building setback of 15 feet from the street wall shall be made whenever a building increases in height from 45 feet. Such setback shall occur between 35 feet and 50 feet at a point that maintains the streetscape.
- (b) Additional setbacks to prevent adverse shadowing may be required as necessary to protect the health, safety and welfare of the Borough and its citizens. An example of such setbacks is shown but not limited to a recession plane as shown on Exhibit 1.²⁸
- (7) Light, air and visual relief. Except in the Government Use Overlay District, in order to provide light, air and visual relief in terms of vertical exposure, a minimum of 75 feet in horizontal setback or separations shall be maintained between buildings which exceed 90 feet in height, unless the buildings are located on the same lot, in which case, the total aggregate building width shall not exceed 250 feet.
- (8) Signage. The sign regulations for all buildings up to 45 feet in height shall be in accordance with Article XIV, except that: [Amended 7-17-2002 by Ord. No. 6-2002]
- (a) For buildings from 45 feet up to 180 feet in height, the size of a wall sign or projecting sign shall not exceed 15% of the total wall area of the building, or 10% of the total wall area of the building for illuminated signs, provided that in either case, no wall sign shall exceed 64 square feet.
- (b) If a ground sign or a pole sign is erected, such sign shall not exceed 40 square feet.²⁹
- (9) Pedestrian amenities.
- (a) No existing sidewalk along a named street or alley shall be discontinued or blocked.

28. Editor's Note: Exhibit 1 is on file in the Borough offices.

29. Editor's Note: Former Subsection B(9), Fine art requirement, which immediately followed this section, was repealed 7-17-2002 by Ord. No. 6-2002, which ordinance provided for the renumbering of Subsection B(10), Pedestrian amenities, to become Subsection B(9).

- (b) Pedestrian plazas, courtyards, entrance courts and the like are encouraged in order to promote a human scale to proposed development or redevelopment. Such features may be computed as part of the minimum green area requirement set forth in §§ 112-32A and 112-99A and H.
- (c) All applications for conditional use approval shall be in accordance with § 112-113 and the following:
- [1] All applications for conditional use shall be accompanied by a shadow analysis, whereby the applicant demonstrates, through the submission of plans, the effect of shadows from a forty-five-foot building and from the height of the building which is proposed on the streets, sidewalks and buildings surrounding the proposed construction or development for at least three times of the day (8:00 a.m., 12:00 noon and 4:00 p.m.) and on at least two days of the year, June 22 and December 22.
- [2] All applications for conditional use shall be accompanied by plans, diagrams and other data sufficient to demonstrate compliance with the conditional use standards set forth in § 112 -33.1.

ARTICLE VIII
CS Commercial Service District

§ 112-34. Purpose.

The Commercial Service District is designed to accommodate commercial uses which are highway oriented and are located on the outskirts of the Town Center District along Strasburg Road, Downingtown Pike, Hannum Avenue and Market and Gay Streets east of the Historic (overlay) District. The CS District is designed to provide uses which are readily accessible by and directly related to vehicular traffic, such as automotive service stations, automotive parts stores, automotive sales and service facilities, fast-food restaurants and the like. As such, the district regulations require off-street parking to accommodate the users of this highway-oriented environment. The district is also designed to provide safeguards to protect the character of adjoining residential zoning districts.

§ 112-35. Use regulations.

A. Permitted principal uses. A building may be erected, altered or used and land may be used or occupied, subject to the provisions of Articles XI, XII and XXI, for one or more of the following uses and for no other: [Amended 11-28-2001 by Ord. No. 15-2001]

- (1) Retail stores and shops.
- (2) Wholesale stores and distributorships.
- (3) Restaurants and fast-food restaurants.
- (4) Personal service shops.
- (5) Offices and governmental offices.

BUILDING HEIGHT WORKSHOP

West Chester Borough – Chester County, Pennsylvania

September 27, 2006 (6:00 to 10:00 PM)

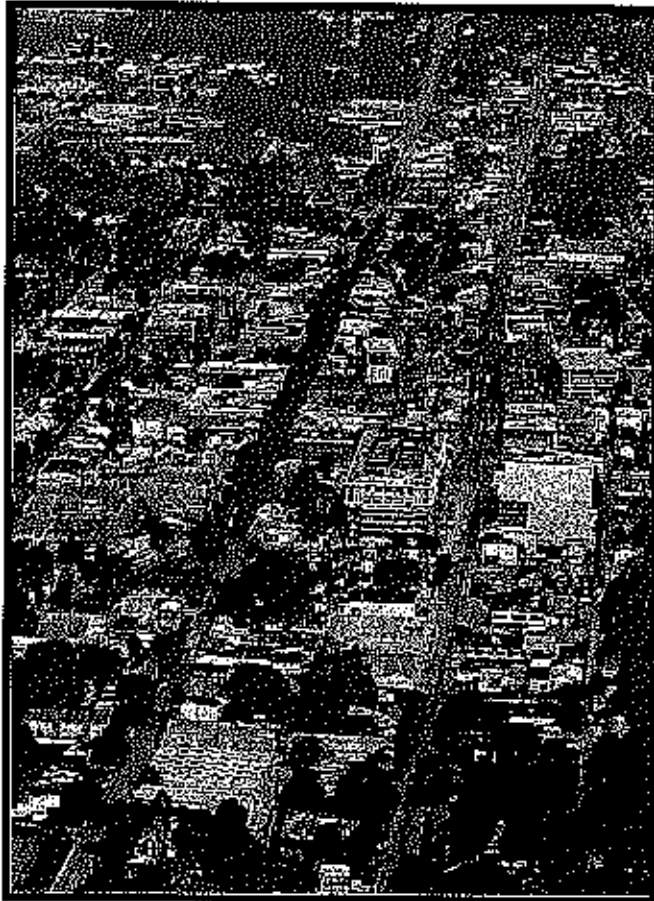
West Chester Borough: Existing Building Heights

<u>Height in Feet</u>	<u>Building</u>
125'	Chester County Justice Center
95'	Chester County Justice Center Garage
89'	Farmers & Mechanics (F&M) Building
73' (121')	Chester County Courthouse Courthouse Weathervane
70'	121 N. Walnut Street (Walnut & Chestnut Streets)
67'	Bicentennial Garage
66'	Chester County Courthouse – North Wing
60' (75')	Greentree Building Elevator Tower
60'	McElree-Harvey (Wilmot Mews)
55'	158 W. Gay Street (Gay & Darlington Streets)

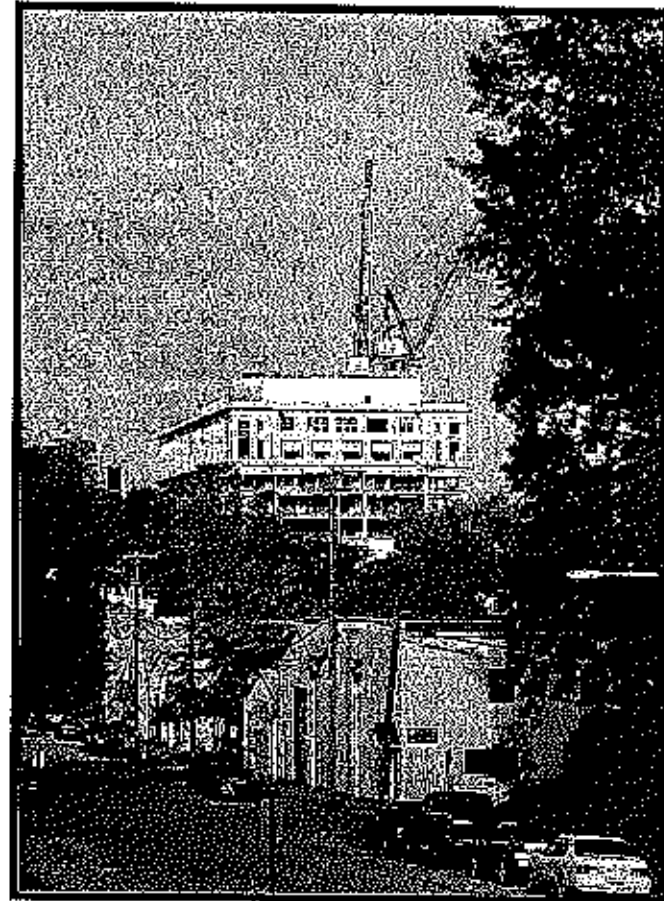
BUILDING HEIGHT WORKSHOP

Borough of West Chester - Chester County, PA

Overview



The new Streetscape of downtown West Chester

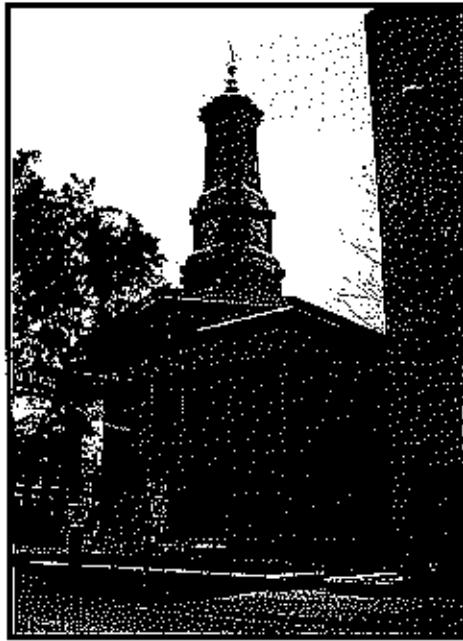


The new Justice Center at 125 feet

BUILDING HEIGHT WORKSHOP
Borough of West Chester - Chester County, PA
Overview



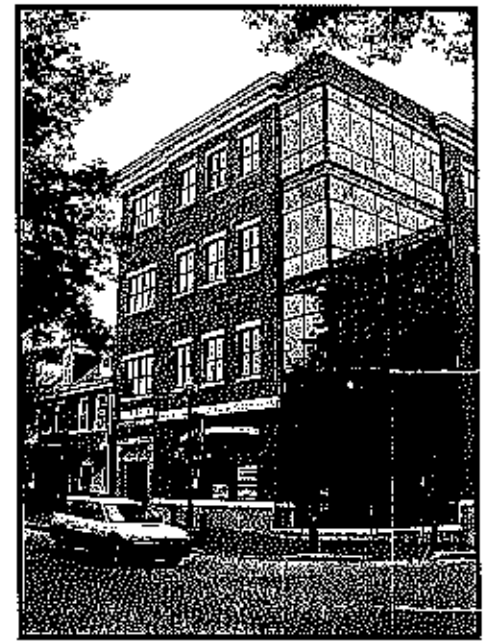
F & M Building at 89 feet



Court House at 73 feet
(121 feet to weathervane)



New Office Building at 70 feet



New Restaurant & Office at 55 feet

Heights in West Chester's Historic District

