

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.

8-19-05 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.