

**WEST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 6 – 2024

AN ORDINANCE OF THE TOWNSHIP OF WEST GOSHEN, CHESTER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 84 OF THE WEST GOSHEN CODE, TITLED "ZONING," SPECIFICALLY TO AMEND SECTION 84-7 BY REPLACING THE DEFINITION OF CONVENIENCE STORE WITH DEFINITIONS FOR CONVENIENCE STORE WITHOUT RETAIL SALE OF AUTOMOTIVE FUEL AND CONVENIENCE STORE WITH RETAIL SALE OF AUTOMOTIVE FUEL; TO AMEND SECTION 84-18(I)(4) TO ONLY ALLOW A CONVENIENCE STORE WITHOUT RETAIL SALE OF AUTOMOTIVE FUEL BY CONDITIONAL USE IN THE C-1 NEIGHBORHOOD COMMERCIAL DISTRICT; TO AMEND SECTION 84-32.N(9) TO ALLOW CONVENIENCE STORE WITH RETAIL SALE OF AUTOMOTIVE FUEL AND CONVENIENCE STORE WITHOUT RETAIL SALE OF AUTOMOTIVE FUEL BY CONDITIONAL USE IN THE C-5 GENERAL HIGHWAY COMMERCIAL DISTRICT; AND TO AMEND THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES IN SECTION 84-55.I(2) FOR A CONVENIENCE STORE WITHOUT RETAIL SALE OF AUTOMOTIVE FUEL AND CONVENIENCE STORE WITH RETAIL SALE OF AUTOMOTIVE FUEL.

BE IT ENACTED AND ORDAINED, and it is hereby enacted by the authority of the Board of Supervisors of West Goshen Township that Chapter 84 of the West Goshen Township Code, titled "Zoning," is hereby amended as follows:

SECTION 1. The definition of "convenience store" in Section 84-7 shall be deleted and the following two definitions shall be added:

"CONVENIENCE STORE WITHOUT RETAIL SALE OF AUTOMOTIVE FUEL- A retail store of not less than 3,000 square feet and not more than 5,500 square feet of gross floor area for the sale of food and beverages for primarily off-premises consumption, personal care items and other similar items. This use may include ATM machines but does not permit the retail sale of automotive fuel. A convenience store without retail sale of automotive fuel must meet all applicable criteria in § 84-57.12 of this chapter."

"CONVENIENCE STORE WITH RETAIL SALE OF AUTOMOTIVE FUEL- A retail store of not less than 3,000 square feet and not more than 5,500 square feet of gross floor area for the sale of food and beverages for primarily off-premises consumption, personal care items and other similar items. This use may include ATM machines and the retail sale of

automotive fuel under canopy. A convenience store with retail sale of automotive fuel must meet all relevant criteria in § 84-57.12 of this chapter.”

SECTION 2. Section 84-18, subparagraph (l)(4) shall be deleted and replaced with the following:

“§84-18.l(4). Convenience store without retail sale of automotive fuel.”

SECTION 3. Section 84-32.N(9) shall be AMENDED to state as follows:

“§84-32.N(9). Convenience store without retail sale of automotive fuel and convenience store with retail sale of automotive fuel.”

SECTION 4. Section 84-57.12 titled “Convenience store” shall be retitled and revised to state as follows:

§84-57.12. Regulations for convenience stores without the retail sale of automotive fuel and convenience stores with the retail sale of automotive fuel.

A. Convenience stores without the retail sale of automotive fuel. In addition to the general conditional use standards in § 84-75 of this chapter, the following additional standards must be met in order for the Board of Supervisors to grant conditional use approval for the use of a lot as a convenience store without the retail sale of automotive fuel:

- (1) Unless otherwise set forth in this section, the regulations of the district in which the lot is located shall govern.
- (2) No building on a lot upon which there is proposed to be located a convenience store shall contain more than 5,500 square feet of gross floor area.
- (3) All ingress and egress from any lot upon which there is proposed to be located a convenience store without the retail sale of automotive fuel shall be designed to promote safe and convenient travel.
- (4) No outdoor display, storage or sale of products shall be permitted.
- (5) All trash shall be stored in a completely fenced-in or screened enclosure for periods not to exceed seven days. Trash bins shall be subject to setback regulations for the district where the lot is located.
- (6) Parking shall be provided as required by § 84-55 of this chapter.
- (7) Landscaping and screening shall be provided as required by this chapter and the applicable sections of the Subdivision and Land Development Ordinance.

- (8) The Board of Supervisors may request that the applicant submit a traffic study illustrating the adequacy of existing or proposed roadways to accommodate any increase in traffic from the proposed convenience store without the retail sale of automotive fuel. Any such traffic study shall be prepared in sufficient detail to determine peak traffic volumes and roadway capacity and provide reasonable solutions to traffic congestion.
- (9) No direct or sky-reflected glare, whether from spotlights, floodlights, searchlights or other sources, shall be visible from adjoining streets or adjacent lots when viewed by a person standing on ground level or from floor level on an adjacent property.
- (10) Exterior lighting on any lot used as a convenience store without the retail sale of automotive fuel shall be properly shielded so as to not be directed towards, or shine onto, other lots.
- (11) Except as provided herein, the use shall conform to all requirements of the Zoning Ordinance and Subdivision and Land Development Ordinance.

B. Convenience stores with the retail sale of automotive fuel. In addition to the general conditional use standards in § 84-75 of this chapter, the following additional standards must be met in order for the Board of Supervisors to grant conditional use approval for the use of a lot as a convenience store with the retail sale of automotive fuel:

- (1) Unless otherwise set forth in this section, the regulations of the district in which the lot is located shall govern.
- (2) All gasoline pump dispensers and automobile window washing materials shall be covered by a canopy and shall be illuminated by overhead lighting during non- daylight hours.
- (3) All gasoline pump dispensers and the canopy covering such dispensers shall be set back at least 50 feet from the legal right-of-way line of all streets abutting the lot upon which the convenience store is located.
- (4) Equipment intended to be utilized for the washing of windows of motor vehicles, as well as places for the storage of such equipment, shall be permitted.
- (5) The internal circulation pattern of any lot upon which there is proposed to be located a convenience store which will support the retail sale of automotive fuel shall be designed so as to prevent vehicles waiting for such automotive fuel service from stacking onto public streets.
- (6) No building on a lot upon which there is proposed to be located a convenience store with the retail sale of automotive fuel shall contain more than 5,500 square

feet of gross floor area, exclusive of any area of such lot being used for gasoline pump dispensers or a canopy over such dispensers.

- (7) A convenience store with the retail sale of automotive fuel shall have two means of access points from a public roadway. All ingress and egress from any lot upon which there is proposed to be located a convenience store with the retail sale of automotive fuel shall be designed to promote safe and convenient travel.
- (8) No outdoor display, storage or sale of products shall be permitted.
- (9) All trash shall be stored in a completely fenced-in or screened enclosure for periods not to exceed seven days. Trash bins shall be subject to setback regulations for the district where the lot is located.
- (10) Parking shall be provided as required by § 84-55 of this chapter.
- (11) Landscaping and screening shall be provided as required by this chapter and the applicable sections of the Subdivision and Land Development Ordinance, provided that, so as to allow for the safe and efficient circulation of vehicles utilizing gasoline dispensing pumps, parking lot landscaping shall not be required on a lot used as a convenience store with the retail sale of automotive fuel, but such landscaping shall be located around the perimeter of such a lot.
- (12) The Board of Supervisors may request that the applicant submit a traffic study illustrating the adequacy of existing or proposed roadways to accommodate any increase in traffic from the proposed convenience store. Any such traffic study shall be prepared in sufficient detail to determine peak traffic volumes and roadway capacity and provide reasonable solutions to traffic congestion.
- (13) No direct or sky-reflected glare, whether from spotlights, floodlights, searchlights or other sources, shall be visible from adjoining streets or adjacent lots when viewed by a person standing on ground level or from floor level on an adjacent property.
- (14) Exterior lighting on any lot used as a convenience store shall be properly shielded so as to not be directed towards, or shine onto, other lots.
- (15) Except as provided herein, the use shall conform to all requirements of the Zoning Ordinance and Subdivision and Land Development Ordinance.

SECTION 5. The parking requirement for convenience store without the retail sale of automotive fuel and a convenience store with the retail sale of automotive fuel in Section 84-55.1(2) shall be revised to provide as follows:

Use	Number of Parking Spaces
Convenience store without the retail sale of automotive fuel	12 spaces per 1,000 GFA
Convenience store with the retail sale of automotive fuel	12 spaces per 1,000 GFA plus 1 space per fueling position

SECTION 6. SEVERABILITY. If any provision, 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 that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision, sentence, clause, section, or part thereof not been included herein.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective five days after enactment.

SECTION 8. REPEALER. All ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

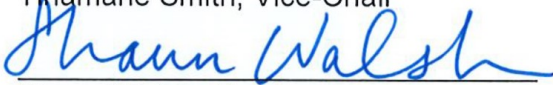
ENACTED AND ORDAINED THIS 4 DAY OF June, 2024.

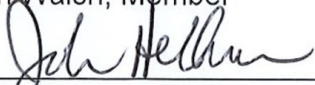
ATTEST:


 Christopher Bashore, Secretary

**BOARD OF SUPERVISORS
 WEST GOSHEN TOWNSHIP**

BY: 
 Ashley Gagné, Chair

 Tinamarie Smith, Vice-Chair

 Shaun Walsh, Member


 John Hellmann, Member


 Nate Wolman, Member