

ORDINANCE NO. HR-___

Tredyffrin Township
Chester County, Pennsylvania

AN ORDINANCE AMENDING CHAPTER 208, ZONING TO ADD A NEW ARTICLE XXX TROUT CREEK STORMWATER OVERLAY DISTRICT (TCS), AND CREATING PERMITTED USES, AREA, BULK, HEIGHT AND BUFFER REQUIREMENTS, AND SPECIAL DEVELOPMENT REGULATIONS; AMENDING ARTICLE II, DEFINITIONS; AND AMENDING ARTICLE XXVII CONDITIONAL USES.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Tredyffrin Township as follows:

SECTION 1: Article II, Section 208-6 is hereby amended by adding the following definition:

GREEN ROOF (ALSO KNOWN AS VEGETATED ROOF OR ECO ROOF) - Alternative roof surfaces that typically consist of waterproofing and drainage materials and an engineered growth media that is designed to support plant growth. Green roofs capture and temporarily store stormwater runoff in the engineered growth media before it is conveyed to the storm system. A portion of the captured stormwater evaporates or it is taken up by plants, which helps reduce runoff volumes, peak runoff rates, and pollutant loads on development sites.

POROUS PAVING – Permeable or perforated paving materials or pavers with spaces that allow transmission of water to a stormwater management storage and infiltration system that underlies the porous paving.

PUBLIC STORMWATER IMPROVEMENT(S) – Major or significant additions or changes to the land not provided to comply with Chapter 174, Stormwater Management as part of, or in support of, a land development or subdivision plan, and which have a clear benefit to residents in the Township in managing stormwater runoff, including watershed, drainage or flooding issues. Examples of such improvements include, but are not limited to retention or detention basins, underground infiltration/storage beds, green roofs, and other stormwater management facilities; improvements to the natural stream or watershed conditions; or the provision of land for stormwater management facilities that address a regional public need distinct from the private development or use of the land.

SECTION 2: The Code of Tredyffrin Township is amended by adding a new Article XXX to Chapter 208, Zoning, to read as follows:

ARTICLE XXX: TROUT CREEK STORMWATER OVERLAY DISTRICT

§208-160. Purpose.

The Trout Creek Stormwater Overlay District (TCS) is intended to provide for Public Stormwater Improvements in the Trout Creek watershed in a manner consistent with the 2010 Trout Creek Watershed Study and Stormwater Best Management Practice Analysis, as amended, and consistent with the 2009 Tredyffrin Township Comprehensive Plan, as amended. Such improvements may be stormwater management facilities, stream or watershed improvements, or other related improvements deemed to be of public benefit to the community by the Board of Supervisors. Flexibility in granting waivers from Chapter 181, Subdivision and Land Development, to reduce impervious coverage and improve stormwater management will be encouraged.

§208-161. Overlay District concept.

The following provisions shall apply to the TCS:

- A. The provisions of §208-162 and §208-163 in the TCS District are applicable only to parcels within the Trout Creek Watershed, as delineated in Appendix A, that:
 - (1) Provide the following Minimum Acreage:
 - (a) Non-residential parcels have a minimum lot area of 5 acres;
 - (b) Residential parcels have a minimum lot area of 15 acres;
 - (2) Provide access only to collector or arterial roads, as identified in the Tredyffrin Township Comprehensive Plan of 2009, Figure 2.7.1, Roadway Functional Classification, as amended.
 - (3) Provide Stormwater Improvements that recharge the total volume of stormwater generated by the proposed development during the 2-year/24-hour storm AND exceed the baseline peak rate control requirement in Chapter 174, Stormwater Management, by 25% for all design storms.
- B. For sites that were developed prior to adoption of this ordinance and do not meet current stormwater requirements, impervious coverage may be increased 10% above the by-right limit of the underlying zoning district or the site's level of impervious coverage as of January 1, 2012, provided at least 25% of the site's existing impervious coverage is brought into compliance with current stormwater requirements of Chapter 174. All additional proposed impervious coverage, such as but not limited to, parking lot expansion, building additions, etc., must also comply with the requirements of Chapter 174. If the site does not also comply with §208-161A, then the provisions of §208-162 and §208-163 do not apply.
- C. The TCS may be utilized as an overlay in all zoning districts, subject to meeting the requirements of this Article.

- D. In the case of conflict between the provisions of requirements of the Article and any other Township ordinance, the provisions of this Article shall prevail.
- E. The requirements of this Article for Public Stormwater Improvements must be met on a project-wide or tract-wide basis, as part of the conditional use application.

§208-162. Use Regulations.

For sites that comply with §208-161A, the following uses are permitted when authorized as a conditional use pursuant to §208-117, provided that the applicant demonstrates to the reasonable satisfaction of the Board of Supervisors, following a review and submission of a recommendation or comments by the Planning Commission to the Board of Supervisors for its consideration, that the authorization will provide Public Stormwater Improvements as required in this Article.

A. For portions of the tract where the underlying zoning district is nonresidential:

- (1) Any use permitted in the underlying district.
- (2) Accessory retail and restaurant uses within a permitted office building, medical office building or structured parking facility, so long as the uses are clearly incidental and subordinate to the primary use and do not exceed 10% of the gross floor area of the building.
- (3) In a freestanding building not exceeding 8,000 gross square feet and no more than 2 stories in height, the following shall be permitted: retail stores including those with accessory gas; fitness centers; personal service stores; second story offices; and restaurants, but excluding drive-in/drive-through facilities. If outdoor consumption of food is proposed, it shall meet all of the following requirements:
 - a. Outdoor seating must be contiguous to the establishment preparing the food being served and shall not extend beyond the limits of the frontage.
 - b. If any outdoor seating extends into any public right of way, an unobstructed walkway at least six feet wide shall be maintained for pedestrian circulation.
- (4) Hotel, including such accessory uses as recreation facilities for use only by registered hotel guests, restaurants, lounges, meeting rooms and other common areas;
- (5) Multi-family dwellings or apartment houses at a density not to exceed 40 units per acre.
- (6) Structured parking facilities designed to serve the uses on the site. Such parking facilities need not meet the requirements of Section 208-103 C(1), (2) and (3).

B. For portions of the tract where the underlying zoning district is residential:

- (1) Any use permitted in the underlying zoning district.
- (2) Single family detached, single-family semidetached, single family attached (townhouses), two-family detached, two-family semidetached, and two-family attached dwelling units.

C. For any portion of the tract:

- (1) Public Stormwater Improvements required by this section.
- (2) Accessory uses as permitted in §208-12.G, subject to the requirements thereof, provided that in the TCS, such use may include storage within a completely enclosed building in conjunction with a permitted use.
- (3) Signs when erected and maintained in accordance with the provisions of Article XXV, and the signage requirements of the underlying zoning district.

§208-163. Tract, area, bulk, height and buffer requirements.

For sites that comply with §208-161A, every building or use shall comply with the following requirements, in addition to the requirements of §208-117 for conditional use approval. In the case of a group or combination of buildings erected on a lot or lots in accordance with a unified plan, the group as a unit shall comply.

A. Tract Setback Requirements.

- (1) Non-residential buildings and structures must be set back from any property line a distance of at least 50 feet or a distance at least equal to the height of the building, whichever is greater.
- (2) Residential buildings must be set back at least 50 feet from any property line.

B. Building and Impervious Coverage.

- (1) The coverage ratios of the underlying zoning district shall apply. However, when a property covers more than one underlying zoning district, the applicant may determine permitted impervious and building coverage on a tract-wide basis by combining the allowable building and impervious coverage ratios of the underlying zoning districts.
- (2) For the purpose of calculating allowable building and impervious coverage, areas with Public Stormwater Improvements may be included in lot area.
- (3) For single-family attached dwellings, 200 square feet of additional impervious coverage per dwelling unit for residential decks, patios, or other outside paving shall

be planned for and accommodated in the initial stormwater management system and may be added after the initial occupancy of the home.

- (4) Impervious coverage may be increased up to 10% above the by-right limit provided at least two (2) times the amount of additional impervious sought is converted to Porous Paving that complies with current stormwater management requirements. A secondary, conventional inlet/piping system or other drainage element will be required to ensure transmission of surface water into the underground storage and infiltration bed. An operations and maintenance plan for long-term maintenance of the porous paving system will also be required to be submitted and approved by the Township Engineer, and recorded along with the Stormwater Management Plan at the Recorder of Deeds Office in Chester County.

C. Non-Residential Zoning Districts

(1) Height

- a. The height permitted in the underlying zoning district may be increased by one story (not to exceed 14 feet). Building height may be increased by an additional story (not to exceed an additional 14 feet, for a total of 28 feet) provided the Public Stormwater Improvements, meet the requirements of Section 208-161.A.(3) , and exceed the baseline peak rate control requirements in Chapter 174 by a total of 50% for all design storms.
 - b. The height of any Parking Structure shall not exceed 75% of the height of the tallest principle building on the subject property.
- (2) Buffer. Along each existing property line which directly abuts a residential district or use, a buffer area of not less than 20 feet in width shall be provided, subject to the provisions of §208-102 B. The buffer area may be within any required yard or setback.

D. Residential Zoning Districts:

- (1) Density. Density may be increased up to three times the rate permitted in the underlying zoning district. Density may be increased up to six times the rate permitted in the underlying zoning district provided the Public Stormwater Improvements, meet the requirements of Section 208-161.A.(3), and exceed the baseline peak rate control requirements in Chapter 174 by 50% for all design storms.
- (2) Building size and placement. At least 70% of the proposed units shall be a minimum of 24 feet in width and no unit shall be less than 22 feet in width. A minimum building separation distance of at least 10 feet for 2-unit buildings and at least 20 feet for all other buildings shall be provided. No more than 6 units may be attached in any single building.

- (3) Height. The height of any residential building or structure shall not exceed three stories or 45 feet.
- (4) Buffer. Along each Tract property line adjacent to an existing residential use, a buffer area of not less than 20 feet in width shall be provided, subject to the provisions of §208-102B. The Board of Supervisors may reduce this requirement if it is determined that a buffer of less than 20 feet in width will provide adequate protection to an abutting property or district, or if the Public Stormwater Improvement is located within the buffer area.

E. Special Development Regulations.

- (1) Due to the Purpose of this overlay district, §3 (Interpretation) of Chapter 181, Subdivision and Land Development shall not apply.
- (2) Due to the Public Stormwater Improvements required in this overlay district, the requirements of §51 (recreational facilities and open space land) of Chapter 181, Subdivision and Land Development, shall not apply.

F. Parking. The parking regulations of §208-103 shall apply, with the following exceptions.

(1) Office and Personal Service Uses:

- (a) There shall be at least one parking space for each 250 square feet of gross floor area or fraction thereof.

(b) Shared parking is permitted subject to the following requirements:

- (1) Provide a parking demand analysis for each use that exceeds 2,400 square feet of gross floor area for approval by the Township Engineer that demonstrates adequate parking will be provided for the uses on-site during peak hours. The analysis should generally be consistent with the published recommendations of the Institute of Traffic Engineers (ITE). Data collected from similar or comparable uses to the proposed use may also be submitted for review. For any change of use involving shared parking, a new parking demand analysis shall be submitted as determined necessary by the Zoning Officer.
- (2) Demonstrate that the shared parking shall be located no further than 500 feet from the entrance to the buildings and uses they are intended to serve.
- (3) Provide a written, legally-binding agreement among the owners of record, their tenants, and those with which parking facilities are shared for review and approval by the township.

- (2) Multi-Family Dwelling Uses: Overall, there shall be at least 1.75 parking spaces or garage spaces for every dwelling unit therein.

- (3) The required parking shall be a minimum of 9 feet wide and a minimum of 18 feet in length, except that required parking for non-residential buildings not exceeding 8,000 gross square feet shall be a minimum of 10 feet wide and a minimum of 20 feet in length. On-street parallel parking spaces shall be a minimum of 7 feet wide and a minimum of 22 feet in length.
- (4) Off-street surface parking for non-residential uses may be located in any required yard, except that such parking areas shall not be located closer than 20 feet to any street line for retail, personal service or second story office uses; nor closer than 50 feet to any street line for office uses. The area between such parking areas and street lines may be used for sidewalks and landscaping, as required by Chapter 181, Subdivision and Land Development.

SECTION 3. Article XXVII, §208-150 A. of the Tredyffrin Township Zoning Ordinance are hereby amended by adding the following subsection (11), to read as follows:

- (11) In the Trout Creek Stormwater Overlay District (TCS), and as part of a conditional use application, the Applicant shall identify the specific Public Stormwater Improvements being proposed. Plans and/or documentation shall be submitted in sufficient detail to:
 - a. Present the proposed general layout for the Tract, including the project-specific and Public Stormwater Improvements, buildings, streets, landscaping or screening, vehicular and pedestrian circulation, and parking; Explain the proposed land use(s), with a table listing the amount of total non-residential square footage and/or the total number of dwelling units;
 - b. Demonstrate how the Public Stormwater Improvements are consistent with the recommendations contained in the 2010 Trout Creek Watershed Study and Stormwater Best Management Practice Analysis, as amended, referenced in §208-160;
 - c. Demonstrate how the Public Stormwater Improvements are consistent with the Purpose and meet the standards of the this Article, and Chapter 174 the existing Stormwater Management Ordinance, as amended;
 - d. Demonstrate the applicant's ability to achieve the proposed Public Stormwater Improvements; and
 - e. Provide other information and supporting documentation necessary to reasonably inform the Board of Supervisors and public as to how the Improvements serve the best interests of the Township and provide any other information requested by the Board of Supervisors.

SECTION 4. Article XXIV, §208-117 F. of the Tredyffrin Township Zoning Ordinance is hereby deleted and replaced by the following:

F. Expiration of conditional use. Unless otherwise specified by the Board of Supervisors a conditional use shall expire if the applicant fails to obtain a building permit or apply for subdivision or land development approval, as applicable, within 12 months from the date of authorization thereof, or if, having obtained said building permit, the applicant fails to commence work there under within six months from the date of issuance of said permit. A conditional use approval for a development in the Trout Creek Stormwater Overlay District (TCS) shall not expire for either (i) a period of five (5) years, or (ii) for a period of ten (10) years, if the TCS improvements, including public, quasi-public and private, have been completed to allow use of fifty percent (50%) of the proposed use, fifty percent (50%) of the proposed Public Stormwater Improvements are completed and operational, and the balance of the work has been financially guaranteed in a format satisfactory to the Board of Supervisors.

SECTION 5. All other sections, parts or provisions of the Code of Tredyffrin shall remain unchanged.

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

SECTION 7. This ordinance shall become effective on the 31st day following enactment.

ENACTED and ORDAINED by the Board of Supervisors this ____ day of _____, 2012.

BOARD OF SUPERVISORS
TREDYFFRIN TOWNSHIP

ATTEST:

Chair

Manager