

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:

POROUS PAVING – Permeable or perforated paving materials or pavers with spaces that allow transmission of water to aggregate base and subsoils. Runoff is temporarily stored in the base for infiltration into the subsoils and/or slow release to the storm drain system.

SUBSTANTIAL PUBLIC STORMWATER IMPROVEMENT(S) – Major or significant additions or changes to the land not normally provided 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 storage 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 Substantial Public Stormwater Improvements in the Trout Creek watershed on a parcel or parcels in areas identified in 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 substantial public benefit to the community by the Board of Supervisors.

§208-161 Overlay District concept.

The following provisions shall apply to the TCS:

- A. As part of the conditional use application, an applicant must provide credible evidence to the Board of Supervisors that the Purpose of the TCS can be achieved.
- B. The property shall have road frontage along and have direct access in two locations to a Major Arterial, Minor Arterial or Major Collector Roadway as identified in the Tredyffrin Township Comprehensive Plan of 2009, Figure 2.7.1, Roadway Functional Classification, as amended. Emergency access driveways may serve as the second means of access, subject to Township approval.
- C. The improvement being proposed by the applicant shall be substantially equivalent to or exceed the recommendations contained in the Township studies referenced in §208-160, as required by the criteria and standards in §208-150.
- D. The provisions of the TCS shall only be permitted on a Tract of land of 10 acres or more in the Trout Creek watershed.
- E. In the case of conflict between the provisions of requirements of the TCS and those of any underlying district, the provisions of the TCS shall prevail.
- F. The TCS may be utilized as an overlay in all zoning districts, subject to meeting the requirements of this Article.

§208-162. Use Regulations

The following uses are permitted when authorized as a conditional use pursuant to §208-105, §208-117 and §208-150, provided that the applicant demonstrates to the reasonable satisfaction of the Board of Supervisors, following review and recommendation by the Planning Commission, that the authorization thereof will provide Substantial Public Stormwater Improvements as required in §208-161 and in the criteria and standards of §208-150.

- 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, retail stores, fitness center, personal service stores, second story offices, and restaurants, (but excluding

drive-in/drive-through facilities) shall be permitted. 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 establishment's 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) Structured parking facilities designed to serve the uses on the site.

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) Substantial 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

Every building or use shall comply with the following requirements, in addition to the requirements of §208-150 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) Buildings and structures must be located at least 100 feet from any existing street, adjacent residential district or residential use. If there is existing landscaping that screens new residential buildings and structures from an existing residential district or residential use, the tract setback may be reduced by the Board from 50 to 75 feet depending on surrounding site conditions.

- (2) Buildings and structures must be located at least 50 feet from any existing non-residential district or non-residential use.
- (3) For a freestanding building for non-residential uses not exceeding 8,000 gross square feet, the tract setback shall be a minimum of 25 feet or the height of the building, whichever is greater.

B. Building and Impervious Coverage.

- (1) The coverage ratios of the underlying zoning district shall apply. However, when a property is “split zoned”, 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 Substantial Public Stormwater Improvements may be included. Such areas, however, shall not include lands encumbered by steep slopes, floodplain, wetlands, or existing easements or rights-of-way need.
- (3) 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) Within nonresidential use areas, Porous Paving, or an approved equal, may be utilized within parking areas in excess of the impervious coverage limit. In such a case, the amount of Porous Paving used shall be twice the amount of additional paving sought, up to a maximum of 10% more paving. By way of example, 10% more paving would require a total of 20% Porous Paving. If utilized, the Porous Paving shall be subject to an approved maintenance program, approved by the Township Solicitor and Township Engineer. However, in no case shall the area covered with lawn, woodlands, water bodies, landscaped areas, buffers or other similar unpaved areas be reduced to less than 35% of the Lot Area.

C. Non-residential Uses

- (1) Lot area and width. A Lot Area of not less than 5 acres and a minimum lot width of 200 feet shall be provided.
- (2) Front Yard. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least 100 feet.
- (3) Side Yards. There shall be two side yards, neither of which shall be less than 100 feet in width. In the case of a corner lot, only one side yard is required.
- (4) Rear Yard. There shall be a rear yard, the depth of which shall be at least 100 feet.

- (5) Height. The height of any building or structure shall not exceed five stories or 70 feet. Buildings may be increased to 6 stories or 78 feet in height, not including the parapet and HVAC equipment, if the building contains a “green roof” on no less than 75% of its roof surface.
- (6) 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.
- (7) For a freestanding building not exceeding 8,000 gross square feet, the area, bulk and buffer requirements for office uses shall apply, except the height of any such building or structure shall not exceed two stories or 38 feet.

D. Structured Parking

- (1) Height. The height of any parking structure shall not exceed 45 feet or 60% of the height of the tallest building, whichever is less.
- (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 the setback.
- (3) Structured parking need not meet the requirements of §208-103 C. (1) and (3).

E. Residential Dwelling Units: The following regulations shall apply for any residential use within a TCS.

- (1) Creative design consistent with traditional neighborhood development is encouraged, including development features such as frontage on a common green or square with rear alley access, on-street parking on internal streets and neighborhood open space.
- (2) At least 40% of garages for the residential units shall be behind the front façade of the dwelling and accessed either from an alley or from the side of the unit.
- (3) The Board of Supervisors, as part of a conditional use application, and after review and recommendation by the Planning Commission, may authorize modification of the provisions and requirements of §181-44, Lots, and §181-46, Streets, of the Subdivision and Land Development Ordinance. Such modification shall be available if the development is deemed to be in compliance with furthering the design goals of 208-163 E.(1). If modifications are requested, they shall be identified by the applicant to the greatest extent feasible as part of the conditional use process as future waiver requests.

(4) Lot area per dwelling unit and width. The density of the residential Lot Area shall not exceed 6 dwelling units per acre. Each lot or dwelling unit shall have a minimum width of 24 feet.

(5) Building placement. Each building shall be not less than the following distance from one another.

Front-to-Front	65'
Side-to-Side	15'
Rear-to-Rear	30'
Side to Front	35'
Side to Rear	20'
Front Yard to outside edge of sidewalk	10'

(6) Front Yard. There shall be a front yard to the cartway on each street on which the lot abuts, the depth of which shall be at least 20 feet.

(7) Height. The height of any building or structure shall not exceed three stories or 45 feet.

(8) 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 Substantial Public Stormwater Improvement is located within the buffer area.

(9) Special Development Regulations. In addition to the other regulations of the district, each use shall comply with the applicable provisions of §208-102 and §208-102.1, unless in conflict with the provisions of this Article, in which case this Article shall prevail. Due to the Purpose of this overlay district, §181-3 (Interpretation) shall not apply; should there be a conflict between the provisions of this Article and any other Township ordinance, the provisions of this Article shall prevail. Due to the Substantial Public Stormwater Improvements required in this overlay district, §181-51 (recreational facilities and open space land) shall not apply.

10. Parking. The following parking regulations shall apply to developments within the TCS. When not in conflict, all other requirements of §208-103 shall apply.

a. Office and Personal Service Uses: at least one parking space for each 250 square feet of gross floor area or fraction thereof. Shared parking is permitted subject to meeting the requirements of §208-72D(3).

b. Restaurants: at least one parking space for each 75 square feet of gross floor area or fraction thereof. Shared parking is permitted subject to meeting the requirements of §208-72D(3).

- c. Residential Uses: Overall, there shall be at least 2.5 parking spaces or garage spaces for every dwelling unit therein, new or converted. At least two (2) parking spaces for each unit shall be provided on the lot or premises of the residence.

The driveway connecting the garage to the street or alley, if sufficient in length and width to accommodate a vehicle, may be counted as an off-street parking space. In addition, visitor parking shall be provided at a rate of .25 spaces per dwelling unit. Such parking may be provided on-street or in a separate designated parking area.

- d. 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.
- e. 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 shall 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 Substantial 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 Substantial Public Stormwater Improvements, buildings, streets, landscaping or screening, vehicular and pedestrian circulation, and parking;
 - b. 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.
 - c. Demonstrate how the Improvements are substantially equivalent to or exceed the recommendations contained in the 2010 Trout Creek Watershed Study and Stormwater Best Management Practice Analysis, as amended, referenced in §208-160;
 - d. Demonstrate how the Improvements are consistent with the Purpose of the TCS;

- e. Demonstrate the applicant's ability to achieve the proposed Improvements; and
- f. Provide other information necessary to reasonably inform the Board of Supervisors and public as to how the Improvements serve the best interests of the Township.

SECTION 4. Article XXVII, §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 thereunder 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) if the TCS improvements, including public, quasi-public and private, have been completed to allow use of fifty percent (50%) of the proposed use or financially guaranteed.

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 __ 2011.

BOARD OF SUPERVISORS
TREDYFFRIN TOWNSHIP

ATTEST:

Chair

Manager