

CALN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF CALN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CALN TOWNSHIP ZONING ORDINANCE OF 2005, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 155 OF THE CALN TOWNSHIP CODE, SPECIFICALLY TO REZONE A PORTION OF CHESTER COUNTY TAX PARCEL 39-4-115 FROM R-4 MEDIUM TO HIGH DENSITY RESIDENTIAL TO TV-1 THORNDALE VILLAGE AND TO AMEND ARTICLE VII "RESIDENTIAL LAND USE AND DEVELOPMENT REQUIREMENTS", SECTION 155-54.B AND C TO ADOPT NEW AREA AND BULK REQUIREMENTS FOR MULTIFAMILY TOWNHOUSE USES AND DEVELOPMENT IN THE TV-1 ZONING DISTRICT.

BE IT ENACTED AND ORDAINED, and it is hereby enacted by authority of the Board of Commissioners of Caln Township that the Caln Township Zoning Ordinance of 2005, as amended, which is codified in Chapter 155 of the Caln Code is hereby amended as follows:

SECTION 1. The Caln Township Zoning Map which is adopted in Article III of the Ordinance titled, "Zoning Map and Zoning Districts", Section 155-15, titled, "Official Zoning Map", shall be revised to rezone a portion of the following parcel of property from R-4 Medium to High Density Residential District to TV-1 Thorndale Village District as depicted on the revised Zoning Map which is attached hereto as Exhibit "A" and is incorporated herein by reference:

<u>Parcel No.</u>	<u>Legal Owner</u>	<u>Property Address</u>
39-4-115	Allan I. Cohen Michael H. Cohen et al	4109 Lincoln Highway

SECTION 2. Section 155-54.B entitled "Multifamily townhouse uses and developments" is amended as follows:

"B. All multifamily townhouse unit developments shall be designed in accordance with the following general design requirements:

- (1) The minimum amount of land in the development shall be 25 contiguous acres. "Contiguous land area" shall be defined as a parcel of land that is owned under a single deed or parcels of land that are owned under multiple deeds, provided that the parcels of land are contiguous to each other having common deed boundaries and are not physically separated by parcels of land owned by other individuals or parties. The Board of Commissioners shall consider contiguous

parcels of land that are physically separated by existing public roads, utility easements or rights-of way, streams and/or other natural features, provided that the applicant demonstrate that the multifamily townhouse unit development can be harmoniously designed.

- (2) All of the uses contained within the development shall be served by public sanitary sewage disposal facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient capacities to service the development in accordance with the terms specified on all pertinent municipal agreements.
- (3) All of the uses contained within the development shall be served by public water supply facilities. As part of the conditional use application, the applicant shall provide evidence that there are sufficient capacities to service the development in accordance with the terms specified on all pertinent municipal agreements.
- (4) The maximum permitted residential density (townhouse units per gross acre) for multifamily townhouse unit developments in the R-4 District shall not exceed 4.0 townhouse units per gross acre. The maximum permitted residential density (townhouse units per gross acre) for multifamily townhouse unit developments in the TV-1 District shall not exceed 4.0 townhouse units per gross acre.
- (5) A minimum of 50% of the gross area of the multifamily townhouse unit development shall be set aside as common open space.

SECTION 3. Section 155-54.C entitled "Multifamily townhouse uses and developments" is amended as follows:

"C.(1) A multifamily townhouse unit development in the R-4 District shall be designed to comply with the following minimum and maximum dimensional requirements:

- (1) The minimum width of a townhouse unit shall be 24 feet per unit.
- (2) The building setback line should be established 30 feet from the right-of-way line or 40 feet from the curblane.
- (3) The minimum building separation from other groups of townhouse units within the development shall be as follows:
 - (a) The separation shall be 40 feet when the townhouse unit groups are side to side.
 - (b) The separation shall be 50 feet when the townhouse unit groups are side to rear.
 - (c) The separation shall be 60 feet when the townhouse unit groups are rear to rear.

- (4) All townhouse units within the development shall be located at least 50 feet from any property line or property which is not owned by the applicant in predevelopment conditions.
- (5) The number of townhouse units, attached in a common row, shall not exceed eight attached townhouse units.
- (6) The maximum height of a townhouse unit shall be 35 feet.
- (7) No more than 25% of the total area of the development shall be covered by buildings.
- (8) No more than 40% of the total area of the development shall be covered by impervious surfaces."

C.(2). A multifamily townhouse unit development in the TV-1 District shall be designed to comply with the following minimum and maximum dimensional requirements:

- (1) The minimum width of a townhouse unit shall be 20 feet per unit.
- (2) The building setback line should be established 20 feet from the curblineline.
- (3) The minimum building separation from other groups of townhouse units within the development shall be as follows:
 - (a) The separation shall be 20 feet when the townhouse unit groups are side to side.
 - (b) The separation shall be 40 feet when the townhouse unit groups are side to rear.
 - (c) The separation shall be 40 feet when the townhouse unit groups are rear to rear.
- (4) All townhouse units within the development shall be located at least 25 feet from any property line or property which is not owned by the applicant in predevelopment conditions.
- (5) The number of townhouse units, attached in a common row, shall not exceed eight attached townhouse units.
- (6) The maximum height of a townhouse unit shall be 35 feet.
- (7) No more than 25% of the total area of the development shall be covered by buildings.
- (8) No more than 40% of the total area of the development shall be covered by impervious surfaces.

- (9) Notwithstanding any other provision in this Chapter to the contrary, where more than 50% of the tract is comprised of lands within the one-hundred-year floodplain, areas delineated as wetlands and/or areas with a slope of 20% or greater, more than 50% of the common open space may be located within these constrained lands provided that a minimum of 10% of the required common open space is suitable for active recreation."

SECTION 4. Severability. The provisions of this Ordinance are severable, and if any article, section, subsection, clause, sentence or part thereof shall be held or declared illegal, invalid or unconstitutional by any court of competent jurisdiction, the decision shall not affect or impair any of the remaining articles, sections, subsections, clauses, sentences or parts thereof of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been adopted if such illegal, invalid or unconstitutional article, section, subsection, clause, sentence or part thereof had not been included herein.

SECTION 5. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 6. Effective Date. This Ordinance shall become effective upon enactment as by law provided.

ENACTED AND ORDAINED this _____ day of _____, 2023.

ATTEST:

**CALN TOWNSHIP
BOARD OF COMMISSIONERS**

Township Secretary

Paul Mullin, President

Jane Kennedy, Vice President

Joshua B. Young, Commissioner

Lorraine M. Tindaro, Commissioner

Mark Evans, Commissioner