

CALN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2019 -

AN ORDINANCE OF THE TOWNSHIP OF CALN, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CALN TOWNSHIP ZONING ORDINANCE OF 2005, AS AMENDED, WHICH IS CODIFIED IN CHAPTER 155 OF THE CODE OF THE TOWNSHIP OF CALN, SPECIFICALLY TO ADD DEFINITIONS FOR "AGE QUALIFIED RESIDENTIAL DEVELOPMENT" AND "TRACT AREA" IN SECTION 155-12; SECTION 155-14 TO ADOPT A NEW OVERLAY DISTRICT KNOWN AS AQ-AGE QUALIFIED OVERLAY DISTRICT; TO IDENTIFY CHESTER COUNTY TAX PARCEL NO. 39-2-87 AS PART OF THE NEW AQ-AGE QUALIFIED OVERLAY DISTRICT; SECTION 155-42.B TO CLARIFY THE APPLICABILITY OF SPECIAL OVERLAY DISTRICTS; BY ADDING A NEW SECTION 155-48 ENTITLED "AQ-AGE QUALIFIED OVERLAY DISTRICT ("AQ DISTRICT")" TO PROVIDE FOR USE, AREA AND BULK, AND DESIGN REQUIREMENTS OF THE AQ-AGE QUALIFIED OVERLAY DISTRICT; AND BY AMENDING SECTION 155-70.D, SECTION 155-70.E, SECTION 155-82.A, SECTION 155-91.A AND SECTION 155-94.A TO ADD REFERENCE TO THE AQ-AGE QUALIFIED OVERLAY DISTRICT.

WHEREAS, the Caln Township Comprehensive Plan of 2017 and the Land Use & Housing Plan adopted as part of the Comprehensive Plan provide that the Township may consider an option to develop a community designed for active older adults on land east of Lloyd Avenue and south of Route 322; and

WHEREAS, the Comprehensive Plan recognized that a density incentive and flexibility in dimensional standards should be offered if housing is limited to at least one resident age 55 or older, with no permanent residents under the age of 18; and

WHEREAS, the Board recognizes that there is a growing need for residential developments that cater to older populations and meet the requirements for "Housing for Older Persons" as defined in the Fair Housing Act, 42 U.S.C.A. Section 3601 *et seq.* as amended by the Housing for Older Persons Act of 1995; and

WHEREAS, the property located on the east side of Lloyd Avenue and south of Route 322 (Manor Avenue) (the "Property") has been undeveloped and on the market for several years; and

WHEREAS, various developers have expressed interest in developing the Property for residential development catered to an older population at a density that is

higher than that which would be permitted in the R-2 District Low to Medium Density Residential District; and

WHEREAS, the Board finds it appropriate to allow denser development for residential development that caters to older persons and to allow other amenities to be developed in close proximity to such age qualified residential development; and

WHEREAS, the Board also finds it desirable to allow limited commercial uses along the portion of the Property which fronts on Manor Avenue to be consistent with the commercial uses on the north side of Manor Avenue; and

WHEREAS, the Board desires to create an overlay zoning district that will offer more flexibility in the design of an age qualified residential development and to allow commercial uses along Manor Avenue near the Route 30 Bypass interchange; and

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of Caln Township that the Caln Township Zoning Ordinance of 2005, as amended, shall be further amended as follows:

SECTION 1. The following new definitions shall be added to Section 155-12:

“Age-Qualified Residential Development - A primarily residential development which meets the requirements to be considered “Housing for Older Persons” in the United States Fair Housing Act (42 U.S.C.A. Section 3601 et seq.), as amended by the Housing for Older Persons Act of 1995, and which also meets the requirements of this Ordinance for the use, and which may also include certain support and commercial uses as specifically allowed by the applicable provisions of this Ordinance.”

“Tract Area” – The space contained within the lot lines of one or more lots assembled for the purposes of subdivision or land development, including all land areas within all existing and future/ultimate street rights-of-way, delineated wetlands, common open space and easements established for all utility, municipal and stormwater purposes.”

SECTION 2. Section 155-14.C shall be amended to add a new subparagraph (6) which provides as follows:

“(6) AQ- Age Qualified Overlay District.”

SECTION 3. The Official Zoning Map of Caln Township, which is adopted and referenced in Section 155-15.A of this chapter, shall be amended to include a new Overlay District known as the “AQ- Age Qualified Overlay District” on a property identified as UPI No. 39-2-87 owned by Wild Meadows, LLC. The boundaries of such Overlay District are depicted on the excerpt of the Zoning Map dated October 22, 2018,

titled Zoning Map Changes, which is attached to this Ordinance as Exhibit "A" and which shall be incorporated as part of the Appendix of this Chapter.

SECTION 4. Section 155-42.A shall be amended to add a new subparagraph (6) which provides as follows:

"(6) AQ- Age Qualified Overlay District."

SECTION 5. Section 155-42.B shall be revised as follows:

"B. The Special Overlay Districts incorporated under this article include provisions to supplement and enhance the existing underlying district regulations for certain land areas and zoning districts. These supplemental regulations should not replace the existing underlying zoning district regulations. The provisions of the underlying zoning district regulations shall apply if the land area is developed in accordance with the underlying zoning district. The provisions of the Special Overlay District shall apply if the land area is developed in accordance with the Special Overlay District. In cases where Special Overlay Districts overlap each other, the more restrictive standards shall apply."

SECTION 6. A new Section 155-48, titled "AQ-Age Qualified Overlay District" shall be adopted which shall provide as follows:

"§ 155-48. AQ-Age Qualified Overlay District.

A. The AQ-Age Qualified Overlay District shall be a special overlay district, the boundaries of which are depicted on the AQ-Age Qualified Overlay District Map which is attached to this chapter as part of the Appendix.

B. All land uses permitted within the underlying zoning districts shall be permitted in the AQ-Age Qualified Overlay District. In addition, an Age Qualified Residential Development shall be permitted by right in the AQ-Age Qualified Overlay District. The following uses shall also be permitted by right in the AQ-Age Qualified Overlay District provided they are located within an Age-Qualified Residential Development:

- (1) Community Center, which also may include a rental, sales or management office for the development.
- (2) Single family semi-detached dwelling.
- (3) Single family detached dwelling.
- (4) Townhouse dwellings.

- (5) Home Occupations: Category 1 or Category 2, provided that exterior signs shall not be allowed.
- (6) Recreation or dining facilities that primarily serve residents of the development and their occasional invited guests.
- (7) Parks, public recreation facilities, trails and common open space.
- (8) Utility facilities needed to serve uses in the Age Qualified Residential Development and in the vicinity.
- (9) A maintenance/storage building that is used to support the maintenance of commonly owned lands and private streets in the Age Qualified Residential Development.

C. The following uses shall be permitted in the AQ-Age Qualified Overlay District in the area located 95 feet east of the centerline of the right-of-way of Lloyd Avenue existing on the date of enactment of this section and then extending due north 320 feet to the right-of-way of Lloyd Avenue existing on the date of enactment of this section, and extending from the rights-of-way of Lloyd Avenue and Manor Avenue existing on the date of enactment of this section to a depth of 320 feet, identified as "Commercial Use Area of the AQ-Age Qualified Overlay District" on the Zoning Map:

- (1) Retail business establishments with 7,500 square feet or less of gross floor area.
- (2) Business and professional offices with 7,500 square feet or less of gross floor area.
- (3) Medical or dental clinic with 7,500 square feet or less of gross floor area.
- (4) Restaurants with 7,500 square feet or less of gross floor area and without drive-through service lanes.
- (5) Personal service establishments with 7,500 square feet or less of gross floor area.
- (6) Banks and financial establishments with 7,500 square feet or less of gross floor area.
- (7) Municipal uses, subject to § 155-94 of the Code.

D. The following uses shall be permitted by conditional use in the AQ-Age Qualified Overlay District in the area located 95 feet east of the centerline of the

right-of-way of Lloyd Avenue existing on the date of enactment of this section and then extending due north 320 feet to the right-of-way of Lloyd Avenue existing on the date of enactment of this section, and extending from the rights-of-way of Lloyd Avenue and Manor Avenue existing on the date of enactment of this section to a depth of 320 feet, identified as "Commercial Use Area of the AQ-Age Qualified Overlay District" on the Zoning Map:

- (1) Child day-care center, subject to § 155-70 of the Code.
- (2) Veterinary hospital or animal clinic, subject to § 155- 82 of the Code.
- (3) Educational uses, subject to § 155-91 of the Code.
- (4) Retail business establishments consisting of gross floor area between 7,500 square feet and 20,000 square feet.
- (5) Business and professional offices consisting of gross floor area of between 7,500 square feet and 20,000 square feet.
- (6) Medical or dental clinic consisting of gross floor area of between 7,500 square feet and 20,000 square feet.
- (7) Restaurants consisting of gross floor area of between 7,500 square feet and 20,000 square feet, and without drive-through service lanes.
- (8) Personal service establishments consisting of gross floor area of between 7,500 square feet and 20,000 square feet.
- (9) Banks and financial establishments consisting of gross floor area of between 7,500 square feet and 20,000 square feet.
- (10) The use of a building for a combination of any of the uses permitted in the Commercial Use Area of the AQ-Age Qualified Overlay District consisting of gross floor area of 20,000 square feet or less shall be permitted by conditional use and shall not be considered a mini mall use.

E. The following uses shall be permitted in the AQ-Age Qualified Overlay District by special exception in the area located 95 feet east of the centerline of the right-of-way of Lloyd Avenue existing on the date of enactment of this section and then extending due north 320 feet to the right-of-way of Lloyd Avenue existing on the date of enactment of this section, and extending from the rights-of-way of Lloyd Avenue and Manor Avenue existing on the date of enactment of this section to a depth of 320

feet, identified as "Commercial Use Area of the AQ-Age Qualified Overlay District" on the Zoning Map:

- (1) Adult training or adult day-care, subject to § 155-70 of the Code.

F. The following area and bulk requirements shall apply to the AQ-Age Qualified Overlay District:

- (1) If a condominium method of ownership is used, or a similar form of ownership with commonly owned and maintained yard areas under the Uniform Planned Community Act, individual fee simple subdivided lots are not required to be created for individual dwelling units. Instead, the applicant shall show that the dwelling units are spaced so that the area and bulk requirements of this Section could be met as if individual fee simple lots would be created.
- (2) Minimum Tract Area for an Age-Qualified Residential Development: 25 acres.
- (3) Minimum Common Open Space for an Age-Qualified Residential Development: 20 percent of the Tract Area.
- (4) Maximum Building Coverage for an Age-Qualified Residential Development: 50 percent of the Tract Area.
- (5) Maximum Impervious Coverage for an Age-Qualified Residential Development: 70 percent of the Tract Area.
- (6) Maximum Density: 5 dwellings per acre of the Tract Area.
 - (a) A minimum of 25 percent of the total dwelling units shall be single family detached dwellings.
 - (b) Maximum density pursuant to this Section shall be calculated based on the Tract Area. When a subdivision is proposed, the subdivision plan shall designate the number of allowed dwelling units that are allocated to each lot.
- (7) Dimensional Requirements for Single Family Detached Dwellings. The following minimum requirements shall apply:
 - (a) Net Lot Area: 5,000 square feet.

- (b) Front Yard: 22 feet from edge of sidewalk or edge of curb if there is no sidewalk for a private street. 20 feet from the edge of the right-of-way of a public street.
 - (c) Rear Yard: 10 feet.
 - (d) Side Yard: 7 feet each side, aggregate total of 15 feet.
 - (e) Building Setback to abutting residential districts outside of the Tract: 30 feet.
 - (f) Dwelling Width: 35 feet.
 - (g) Lot Width: 55 feet, measured at the minimum front yard building setback line.
- (8) Dimensional Requirements for Townhouses and Single Family Semi-Detached Dwellings. The following minimum requirements shall apply:
- (a) Net Lot Area: 2,000 square feet for a townhouse and 3,000 square feet for a single family semi-detached dwelling.
 - (b) Front Yard: 22 feet from edge of sidewalk or edge of curb if there is no sidewalk for a private street; 20 feet from the edge of the right-of-way of a public street.
 - (c) Rear Yard: 10 feet.
 - (d) Side Yard: 7 feet each side of a single family semi-detached dwelling or the end unit of townhouses. Minimum separation of 15 feet between townhouse buildings.
 - (e) Building Setback to abutting residential district outside of the Tract: 30 feet.
 - (f) Lot width: 20 feet for a townhouse and 30 feet for a single family semi-detached dwelling.
- (9) Maximum Building Height.
- (a) 50 feet for an educational use.

- (b) 35 feet for all other buildings allowed in the AQ-Age Qualified Overlay District.
- (10) Bay windows, bump outs, basement daylight steps, fireplaces, air conditioning and heating units, roof overhangs, pitches and eaves, patios, and decks may encroach up to 5 feet into a required yard.
- (11) Dimensional Requirements for commercial uses permitted in the area designated as the "Commercial Use Area of the AQ-Age Qualified Overlay District" on the Zoning Map shall comply with the requirements set forth on Matrix Chart 14. *[Matrix Chart 14 is attached to this Ordinance as Exhibit "B".]*

G. Additional Requirements in the AQ District.

- (1) An Age-Qualified Residential Development shall include a Community Center, which shall comply with the following requirements:
 - (a) Minimum building floor area: 3,000 square feet.
 - (b) Maximum building floor area: 12,000 square feet.
 - (c) Up to 25 percent of the Community Center floor area may include a rental, sales, recreation staff and/or management office for the development.
- (2) An Age-Qualified Residential Development and all uses contained therein shall be served by public water and sewer.
- (3) Sidewalks in an Age-Qualified Residential Development shall be required on one side of streets (not alleys), except where an alternative plan provides a sufficient system of pedestrian access using paved trails or pathways. Where a pathway runs parallel to a pre-existing public street and is intended to serve the same purpose as a sidewalk, that pathway shall include a public pedestrian easement, shall have a paved surface such as bituminous asphalt, and shall be continuously maintained by the unit owners or property owner association.
- (4) Parking.
 - (a) A minimum of two off-street parking spaces shall be required for every dwelling unit in an Age Qualified Residential Development.

- (b) A minimum of 1 off-street parking space per 8 dwelling units shall be provided for guest and visitor parking in an Age-Qualified Residential Development. Such overflow parking may be provided at the Community Center or by on-street parking spaces in selected areas as approved by the Board of Commissioners on the land development plan.
- (c) For commercial uses permitted in the area designated as the "Commercial Use Area of the AQ-Age Qualified Overlay District" on the Zoning Map, the minimum number of off-street parking spaces required by this chapter for the commercial use shall apply to the commercial use.

(5) Landscaping.

- (a) Perimeter planting areas. A minimum 30 foot wide planting buffer shall be provided along any perimeter abutting a residential district or across the street from a residential district.
 - [1] This planting area shall be outside of any required future/ ultimate street right-of-way, but may overlap a required setback.
 - [2] No buildings shall be permitted in the planting area.
 - [3] The planting area shall include a minimum average of one tree for every 10 feet of planting area length, where such planting is feasible considering utility restrictions.
 - [4] Trees are not required to be evenly spaced apart, in order to allow for a naturalistic arrangement.
 - [5] Two-thirds of the required trees shall be evergreens, while the other third shall be deciduous trees.

- (b) There shall be one new tree planted for every new dwelling unit, as measured across the Tract Area.
 - (c) The quality, type, size and spacing of the plantings shall be shown on a Landscaping Plan.
- (6) Driveway Access. All driveways from dwellings shall enter onto an internal street or parking court system within the development. No new driveway for an individual dwelling shall enter directly onto a pre-existing public street.
- (7) Any exterior common storage areas for trash and rubbish shall be completely screened from view on three sides by fencing or landscaping. All trash and rubbish shall be contained in vermin-proof containers.”

SECTION 9. Section 155-70.D shall be revised as follows:

“D. Child day-care centers are a permitted use by conditional use within the TV-1, C-1 and C-2 Zoning Districts and the AQ-Age Qualified Overlay Zoning District, subject to the following requirements:”

SECTION 10. Section 155-70.E shall be revised as follows:

“E. Adult training centers or adult day-care facilities are a permitted use by special exception within the TV-1, C-1 and C-2 Zoning Districts and the AQ-Age Qualified Overlay Zoning District, subject to the following requirements:”

SECTION 11. Section 155-82.A shall be revised as follows:

“A. Veterinary hospitals and animal clinics, as further defined under Article II of this chapter, shall be permitted by conditional use in the TV-1, C-1 C-2, I-1 and I-2 Zoning Districts and the AQ-Age Qualified Overlay Zoning District, subject to the appropriate provisions specified within the Code.”

SECTION 12. Section 155-91.A shall be revised as follows:

“A. Educational uses, as further defined under Article II of this chapter, shall be permitted by conditional use within the R-1, R-3, R-4, TV-1, C-1, C-2 and I-1 Zoning Districts and the AQ-Age Qualified Overlay Zoning District, subject to the provisions of the Caln Township Code as well as the following design standards and specifications:”

SECTION 13. Section 155-94.A shall be revised as follows:

"A. Municipal uses, as defined under Article II of this chapter, shall be permitted by right within the R-1, R-2, R-3, R-4, R-5, TV-1, C-1, C-2, I-1 and I-2 Zoning Districts and the AQ-Age Qualified Overlay Zoning District."

SECTION 14. 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 15. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 16. Effective Date. This Ordinance shall become effective upon enactment as by law provided.

ENACTED AND ORDAINED THIS _____ DAY OF _____, 2019.

ATTEST:

**CALN TOWNSHIP
BOARD OF COMMISSIONERS**

Kristen Denne, Secretary

Jennifer Breton, President

George Chambers, Vice-President

Joshua B. Young, Member

Lorraine Tindaro, Member

Charles Kramer, Member

EXHIBIT "A"

Zoning Map Changes

Caln Township Exhibit A - Zoning Map Changes

Prepared October 22, 2018

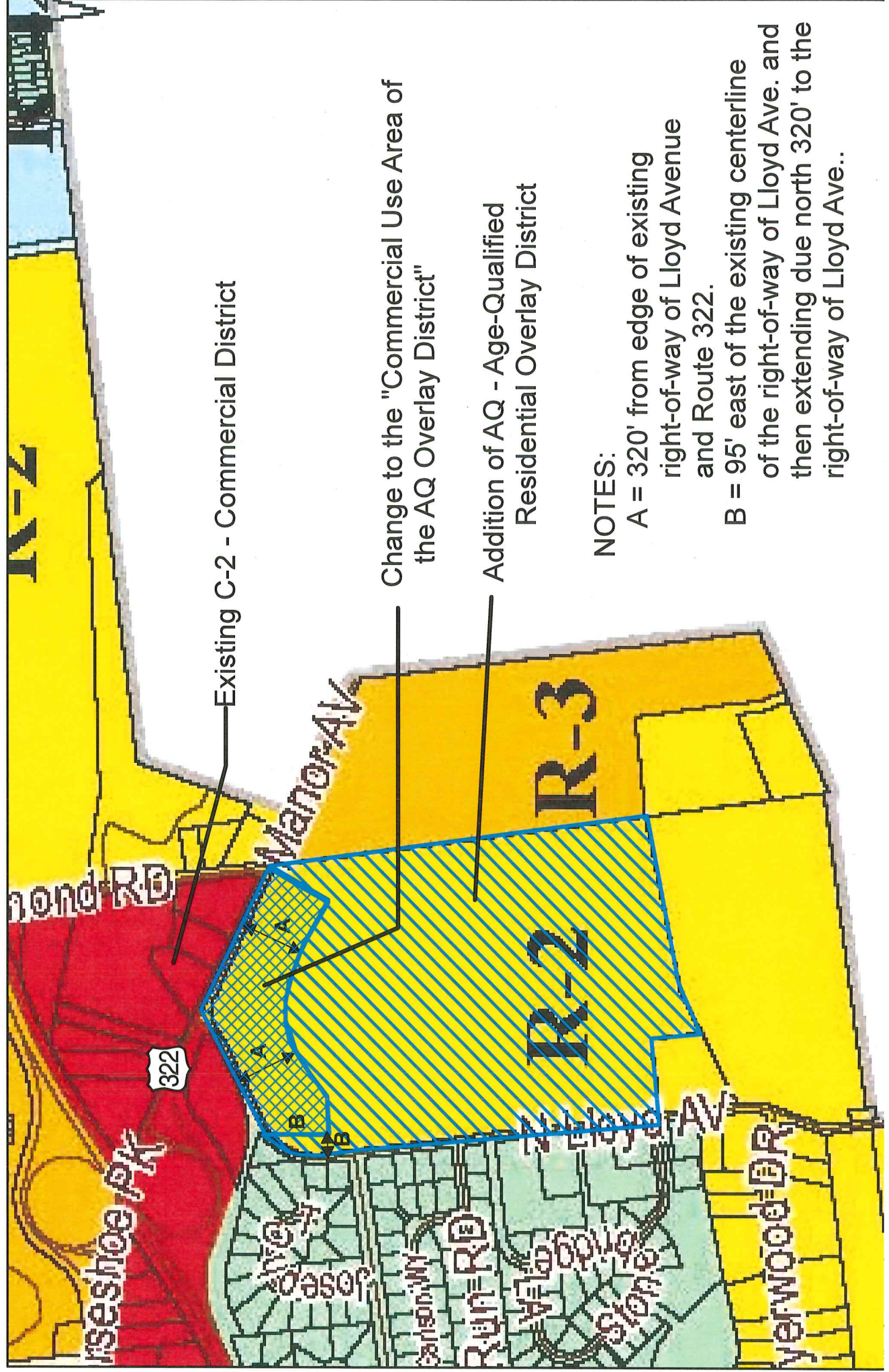


EXHIBIT "B"

Matrix Chart 14

ZONING

155 Attachment 14

Township of Caln

Matrix Chart 14

Use	Procedural Requirement	Minimum Net Lot Area	Minimum Lot Width (feet)	Minimum Yard Requirement (feet)			Maximum Height (feet)	Maximum Coverage (percentage)	
				Front ¹	Side (each)	Rear		Building	Lot
Municipal use	By right	Variable	Refer to § 155-94 for additional requirements						
Retail business establishment 7,500 square feet or less	By right	30,000 square feet	150	40	10	20	35	40%	70%
Business and professional office 7,500 square feet or less	By right	30,000 square feet	150	40	10	20	35	40%	70%
Medical/dental clinic 7,500 square feet or less	By right	30,000 square feet	150	40	10	20	35	40%	70%
Restaurant 7,500 square feet or less	By right	30,000 square feet	150	40	10	20	35	40%	70%
Personal service establishment 7,500 square feet or less	By right	30,000 square feet	150	40	10	20	35	40%	70%
Banks/financial institution 7,500 square feet or less	By right	30,000 square feet	150	40	10	20	35	40%	70%
Child day-care center	Conditional use	2 acres	150	50	30	50	35	30%	50%
Veterinary hospital or animal clinic	Conditional use	50,000 square feet	200	40	20	40	35	40%	60%
Educational use	Conditional use	3 acres	250	60	25	50	50	25%	50%
Retail business establishment between 7,500 square feet and 20,000 square feet	Conditional use	30,000 square feet	150	40	10	20	35	40%	60%
Business and professional office between 7,500 square feet and 20,000 square feet	Conditional use	30,000 square feet	150	40	10	20	35	40%	60%
Medical/dental clinic between 7,500 square feet and 20,000 square feet	Conditional use	30,000 square feet	150	40	10	20	35	40%	60%
Restaurant between 7,500 square feet and 20,000 square feet	Conditional use	30,000 square feet	150	40	10	20	35	40%	60%

155 Attachment 14:1

Use	Procedural Requirement	Minimum Net Lot Area	Minimum Lot Width (feet)	Minimum Yard Requirement (feet)			Maximum Height (feet)	Maximum Coverage (percentage)	
				Front ¹	Side (each)	Rear		Building	Lot
Personal service establishment between 7,500 square feet and 20,000 square feet	Conditional use	30,000 square feet	150	40	10	20	35	40%	60%
Banks/financial institution between 7,500 square feet and 20,000 square feet	Conditional use	30,000 square feet	150	40	10	20	35	40%	60%
Use of a building for a combination of any of the uses permitted in the Commercial Use Area of the AQ Overlay District of less than 20,000 square feet	Conditional use	5 acres	300	100	50	100	35	40%	70%
Adult training or adult day-care use	Special exception	1 acre	150	40	20	50	35	40%	60%

¹In locations where there is no vehicle parking between a principal building and the street right-of-way line, the minimum front yard setback shall be reduced to 20 feet.