

**TOWNSHIP OF EAST CALN  
CHESTER COUNTY, PENNSYLVANIA  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF EAST CALN, AS AMENDED, BY RETITLING AND AMENDING SECTION 225-7. R-4 LOW DENSITY CLUSTER RESIDENTIAL DISTRICT TO ALLOW MULTI-FAMILY DWELLINGS AS A CONDITIONAL USE IN THE R-4 ZONING DISTRICT AND ESTABLISHING REGULATIONS THEREFOR; BY AMENDING SECTION 225-35. CONDITIONAL USE REGULATIONS TO ADD ADDITIONAL STANDARDS RELATING TO ENVIRONMENTAL PROTECTION AND REMEDIATION, WALKWAYS AND TRAILS, AND RECREATIONAL AMENITIES; BY AMENDING SECTION 225-3. DEFINITIONS TO REPLACE THE DEFINITION OF "OPEN SPACE AREA" WITH A DEFINITION OF "OPEN SPACE"; AND BY AMENDING SECTION 225-19. OFF STREET PARKING TO ADD MULTI-FAMILY PARKING REQUIREMENTS.**

**IT IS HEREBY ENACTED AND ORDAINED** by the Board of Supervisors of the Township of East Caln, Chester County, Pennsylvania, as follows:

**Section 1:** Chapter 225-Zoning, Section 225-7 of the Code of the Township of East Caln, as amended, is hereby retitled and amended to read in its entirety as follows:

§ 225-7. R-4 Cluster Residential District. [Amended 9-16-1998 by Ord. No. 1998-5]

- A. Specific intent. It is the purpose of this district to provide for residential development at various densities while preserving environmentally sensitive natural features and scenic landscapes. The cluster development provisions permit increased density when public water and public sewer facilities are provided and open space is preserved.
- B. Use regulations. A building may be erected, altered or used and a lot may be used or occupied for any one of the following purposes and no other:
- (1) Permitted principal uses.
    - (a) Single-family detached dwelling.
    - (b) Open space recreation. (See § 225-22.)
    - (c) Agriculture. (See § 225-21.)
    - (d) Open space parcels in cluster development. (See § 225-7E.)
  - (2) Permitted accessory uses.
    - (a) Accessory use on the same lot with and customarily incidental to any permitted principal, conditional or special exception uses. (See § 225-20.)
    - (b) Home occupation. [See § 225-20B(5).]
    - (c) Parking. (See § 225-19.)
    - (d) Signs. (See § 225-26.)
  - (3) Conditional uses. (Subject to the provisions of §225-35.)
    - (a) Group day care home. (See § 225-14D.)

- (b) Family day care home. (See § 225-14D.)
  - (c) Bed and breakfast. (See § 225-14C.)
  - (d) Multi-Family Dwellings (See § 225-7F.)
- (4) Special exception uses. (Subject to Article VIII and § 225-7C and D.)
- (a) Institution.
  - (b) School. (See § 225-14J.)
  - (c) Church. (See § 225-14K.)

C. Height, area and bulk regulations.

- (1) The following regulations shall be observed for single-family detached dwellings which are not a part of a cluster development pursuant to § 225-7E:
- (a) Maximum height.
    - [1] For any dwelling building or structure: 35 feet, but not exceeding three stories.
    - [2] Accessory buildings or structures shall not exceed one story.
  - (b) Minimum lot area and width.
    - [1] Where a single-family detached dwelling is situated on a lot, a lot area of not less than one acre shall be provided.
    - [2] A lot width at the building line of not less than 150 feet and a lot width at the street line of not less than 50 feet for the depth (perpendicular to the street line) of 50 feet shall be provided. Further, no lot shall have a width of less than 25 feet at any point.
  - (c) Yard regulations.
    - [1] Front yards. There shall be a front yard on each lot, the depth of which shall be not less than 50 feet.
    - [2] Side yard. On each lot there shall be two side yards, each having a width of not less than 20 feet, provided that the sum of the widths of both yards shall be not less than 50 feet.
    - [3] Rear yards. There shall be a rear yard on each lot, the depth of which shall be not less than 40 feet.
  - (d) Lot coverage. The maximum building coverage shall be 10% of the lot area and the maximum total impervious coverage shall be 15% of the lot area.
- (2) The following regulations shall be observed for uses by special exception:
- (a) The height, area and bulk regulations contained in § 225-4C(2) applicable to the uses by special exception in the R-1 District shall apply to all uses permitted by special exception in the R-4 District.
- (3) The following regulations shall be observed for multifamily dwellings as permitted by conditional use:
- (a) The height, area and bulk regulations contained in § 225-7 F shall apply to

multifamily dwellings in the R-4 district.

D. Standards. The following regulations shall be observed:

- (1) For all uses, off-street parking regulations as contained in § 225-19.
- (2) Where uses are granted by special exception and for recreational use, design standards as contained in §§ 225-17 and 225-18.
- (3) The minimum habitable area of a dwelling unit shall be as follows:

<b>Dwelling Type</b>	<b>Area</b>
One bedroom unit	800 square feet
Two bedroom unit	1,000 square feet
Three or more bedroom unit	1,140 square feet

E. Cluster development. When the following standards are complied with, a tract of not less than 50 acres, located within the R-4 District may be developed as a cluster development and each of the lots created in such development may be used for a single detached dwelling, except for open space parcels.

(1) Height, area and bulk regulations.

- (a) The maximum height of any dwelling building or structure shall not exceed 35 feet nor three stories. Accessory buildings or structures shall not exceed one story.
- (b) The minimum lot area shall be 20,000 square feet for each lot, provided that open space parcels shall contain at least one acre. For purposes of cluster development, the lot area reduction formulas set forth in § 225-15G shall, as specified in § 225-7E(1)(c), to the tract as a whole and shall not apply to the individual lots.
- (c) The total number of lots shall not exceed the lesser of:
  - [1] 0.8 lots per each 1.0 gross acres of land in the tract.
  - [2] 1.25 lots per each 1.0 net acres of land, applying the reduction formulas set forth in § 225-15G to the tract as a whole.
- (d) The minimum lot width at the building line shall be 100 feet. The minimum lot width at the street line shall be 50 feet for the depth (perpendicular to the street line) of 50 feet. No lot shall have a width of less than 25 feet at any point.
- (e) There shall be a front yard on each lot, the depth of which shall not be less than 40 feet. Corner lots shall have two front yards of at least 40 feet each.
- (f) On each lot there shall be two side yards. The minimum width of any side yard shall be 15 feet. Both side yards shall have a minimum total width of 35 feet. A corner lot shall be considered to have two front yards and two side yards (each being opposite a front yard) and no rear yard.
- (g) There shall be rear yard on each lot other than a corner lot, the depth of which shall be not less than 40 feet.
- (h) No more than 17.5% of any lot shall be covered by structures and not more than 25% thereof shall be covered by total impervious surfaces.

(2) Common open space.

- (a) A minimum of 40% of the tract to be developed as a cluster development shall be designed, restricted and used as common open space ("open space").
- (b) Areas counted for the open space requirements of a cluster development may be used in whole or in part for active and/or passive recreational uses, and for natural resource preservation, or in any manner similar thereto; provided, however, that the type of recreation uses permitted within open space areas shall be limited to those which are appropriate based upon the prevailing environmental conditions and as approved by the Township. Under no circumstances are motorized vehicles authorized within any common open space areas, except for the performance of public safety services or maintenance of the open space area and the governing document restricting the use of open space areas shall so specify.
- (c) Open space shall be arranged and located to take advantage of physical characteristics of the site and to place open spaces within easy access and view of dwelling units, at the same time preserving, and where applicable enhancing natural features and environmentally sensitive areas such as woodland, lakes, stream valleys and steep slopes areas.
- (d) Areas set aside for open space shall be significant in size and character. Strips of land less than 100 feet in width shall not be counted towards open space. Areas set aside for open space shall be suitable for the designated purpose and shall be consistent with the comprehensive plan policy for future land use in the Township. An open space parcel shall contain no structure other than a structure related to permitted open space uses, stormwater management or utilities.
- (e) Any land counted toward the open space requirements of a cluster development must be made subject to a declaration of covenants, restrictions and easements in form acceptable to the Township Solicitor and duly recorded in the Chester County Office of the Recorder of Deeds. Such covenants, restrictions and easements shall prohibit development of open spaces, except as to permitted recreational uses.
- (f) Open space may be dedicated to the Township for community recreational use.
- (g) In the event that the open space is not accepted by the Township, the landowner shall provide for and establish an organization for the ownership and maintenance of the open space. Such organization shall not be dissolved nor shall it dispose of the open space by sale or otherwise (except to an organization conceived and established to own and maintain open space, subject to Township approval), except by dedication to the Township. The legal documents creating the organization shall be subject to Township approval and shall allow the organization to lien property and property owners within the cluster development for open space maintenance costs. All property owners within the cluster development shall be members of said organization. The organization may lease open space lands to the developer or other qualified person or corporation for operation and maintenance of open space lands, provided that:
  - [1] The residents of the cluster development shall at all times have access to the open space.
  - [2] The open space shall be properly maintained for the purposes set forth in this

chapter and as allowed by the Township.

- [3] The operation of the open space may be for the benefit of the residents of the cluster development only or open to the general public.
- (h) The documents provided for the ownership and maintenance of the open space shall include:
- [1] A complete description of the organization to be established for the ownership of the open space including its means of establishment, maintenance and financing. A method for assessing mandatory fees on all property owners in the cluster development for maintenance of the open space shall be provided. The obligation of each property owner relative to open space ownership, maintenance and mandatory membership in said organization shall be evidenced by documents in the chain of title for each lot.
  - [2] A method to give adequate notice to property owners within the cluster development in the event of the sale or other disposition of any part of the open space and in the event of assumption of the maintenance of open space lands by the Township as hereinafter provided.
  - [3] That in the event the organization established to own and maintain the open space, or any successor thereto, shall at any time after establishment of the cluster development fail to maintain the open space in reasonable order and condition in accordance with the development plan in the opinion of the Township, the Township may proceed to demand that the maintenance deficiencies be corrected and may enter upon and maintain the open space if proper maintenance is not achieved. The cost of such maintenance by the Township shall be assessed ratably against the properties within the cluster development and shall become a lien on said properties. The Township, at the time of entering upon said open space for the purpose of maintenance, shall file a notice of lien in the Chester County Office of the Prothonotary upon the properties within the cluster development.

F. The following regulations shall be observed for multifamily dwellings permitted by conditional use per § 225-7B (3) (d).

(1) Height, Area, and Bulk

(a) Maximum height.

[1] For any dwelling building or structure: 35 feet, subject to modifications described below and not exceeding three stories, (except that living area in the attic space is permitted if the building or structure is architecturally consistent with a three story building). In the case of a building consisting of separate and distinct architectural "sections" as defined below, the building height of the highest section or sections may exceed 35 feet but not 38 feet, so long as the following conditions are met:

[a] The weighted average of all building heights in the building shall not exceed 35 feet. In computing the weighted average, the building height of each section shall be multiplied by the horizontal length of building height of that section and the sum shall be divided by the total horizontal length of the building. The attached illustration provides a hypothetical example of the calculation of weighted average building height.

[b] At least 50% of the combined horizontal lengths of sections' building heights in the building must be at or below 35 feet.

[c]

A "section" is defined as a distinct, vertical architectural element within a building caused by one or more of the following:

[i] a break in the roof line at a vertical, common structural wall

[ii] a vertical change in the exterior materials and/or colors used in the front façade,

[iii] a vertical break in the roof line at a non-common wall

An illustration of a building containing architectural sections may be found in the example attached.

[2] Accessory buildings or structures shall not exceed one story.

(b) Minimum tract area and tract width.

[1] A minimum gross tract area of 20 acres within East Caln Township shall be required.

[2] A tract width at the building and street line of not less than 200 feet shall be provided. Further, no tract shall have a width of less than 100 feet at any point.

(c) Setback regulations.

[1] Perimeter setback. There shall be a setback of not less than 50 feet from any building within the development to any perimeter boundary or any

perimeter public road right-of-way.

- [2] All buildings shall be setback a minimum of 10 feet from the curb of internal roads and either 20.5 feet from the face of curb of internal roads on which driveways are located or 20 feet from the edge of internal roads on which driveways are located where such roads do not have curbs but where the edge of the road shall be delineated in a visually clear and obvious manner.
  - [3] Building Separation. No exterior structural wall of a building may be located within 15 feet of an exterior structural wall of another building (subject to the provisions of the Unified Building Code), no front facades of facing buildings may be within 50 feet, and no rear façades of rear facing buildings shall be within 60 feet.
  - [4] The parking lot setback from the street line of 30 feet (per § 225-19 B. (1)) may be reduced to 20 feet with the approval of the Board of Supervisors during the Conditional Use process in the event that such reduction will minimize disturbance of wetlands.
  - [5] The required 25 foot setback from parking lots to abutting lot lines in a residential district (per § 225-19 B. (4)) may be reduced to 12 feet with the approval of the Board of Supervisors during the Conditional Use process provided fencing or other opaque barrier is provided between the parking lot and the residential district with the use of a low maintenance barrier of between 4 and 6 feet in height and landscaping to screen the appearance of this barrier from the residential district.
- (d) Tract coverage. The maximum building coverage shall be 25% of the tract area and the maximum total impervious coverage shall be 35% of the tract area.
  - (e) Building Width. A minimum building width of 24 feet shall be provided for residential buildings.
  - (f) Open Space: A minimum of 40% of the tract area shall consist of open space, complying with the provisions of § 225-7 F (4).
- (2) Overall density regulation. The maximum density for multifamily dwellings shall be 6.5 dwelling units for each acre computed under the regulations of § 225-15G of this chapter. Provided that man made steep slopes shall not be required to be netted out if graded to a non-steep slope condition as part of required site environmental remediation.

- (3) General regulations. The following requirements shall apply to any multi-family development proposed for development pursuant to this chapter:
- (a) Ownership. The tract of land to be developed shall be in one ownership, or shall be the subject of one application filed jointly by the owners of the entire tract, and shall be under unified development control. If ownership of the entire tract is held by more than one person entity, the application shall identify, be signed by and be filed on behalf of all the said owners. Approval of the application and accompanying plan shall be conditioned upon written agreement by the applicant or applicants that the tract shall be developed under a single management entity with the power and obligation pursuant to recorded covenants in a form acceptable to the Township Solicitor to comply with any conditions to approval of the application and in accordance with the approved plan. If ownership of all or any portion of the tract changes following approval of the application and plan, no site preparation or construction by such new owner or owners shall be permitted unless and until such owner or owners shall review the terms and obligations of approval and agree in writing to be bound thereby with respect to development of the tract.
  - (b) Sewer and water facilities. The tract of land shall be served by water and sanitary sewer facilities acceptable to the Board of Supervisors, upon the recommendation of the Township Engineer. Such facilities shall be designed and constructed in compliance with the East Caln Township Subdivision and Land Development Ordinance [Chapter 185] and the regulations and standards of the supplier of the said services including any revisions thereto promulgated by the said supplier to conform to the requirements of the development.
  - (c) Architecture
    - [1] Architectural components shall be distinctive yet harmonious with the character of the Township and of unified character throughout the development.
    - [2] At the discretion of the Board, building facades and roof-lines shall be varied and/or staggered to create a visual diverse appearance.
    - [3] When requested by the Board, rendered architectural elevation and perspective drawings, providing a clear perspective of the relationship of the proposed development to the site and its visual impact on adjacent properties, shall be submitted as part of the conditional use application.
  - (d) Development plan. Any multi-family development shall be the subject of an application for conditional use approval which shall be accompanied by a plan or plans ("development plan") showing the size and location of all proposed structure(s) and/or use(s), location of the required landscaped areas, all proposed facilities including access driveways and parking areas and any other areas and uses of the tract. The development plan shall cover the entire tract, regardless of any intended phasing of development. Accompanying the development plan shall be rendered architectural elevations and perspective drawings, providing a clear perspective of the relationship of the proposed development to the site and its visual impact on adjacent properties, and a written site concept design standards document in which the applicant shall present proposals for:



- [1] Adherence to the development plan including, but not necessarily limited to:
  - [a] Building alignment.
  - [b] Location of parking areas.
  - [c] Driveways areas.
  - [d] Shared amenities.
- [2] Design guidelines for buildings including, but not necessarily limited to:
  - [a] Exterior facing material.
  - [b] Roof lines and roofing material.
- [3] Design guidelines for site improvements including, but not necessarily limited to:
  - [a] Open space system, including:
    - [i] Pedestrian spaces.
    - [ii] Linkage of open space areas.
  - [b] Walkway systems, including:
    - [i] Circulation concept.
    - [ii] Pavement types.
  - [c] Internal traffic circulation.
- (e) Development agreement. The development of a tract carried out in either a single phase or in stages shall be executed in accordance with a development agreement. The owner(s), developer, Township and, where applicable, lender, shall enter into said agreement embodying all details regarding compliance with this chapter to assure the binding nature thereof on the overall tract and its development, which agreement shall be recorded with and be a condition of approval of the final land development plan.
- (f) Stormwater management plan. The control of erosion and sediment during construction, and the ongoing management of stormwater on the tract, shall be accomplished in accordance with the East Caln Township Subdivision and Land Development Ordinance [Chapter 185]; provided that a waiver of the stormwater reduction requirements of Section 185-39 (B) (5) (a) of the Subdivision and Land Development Ordinance shall be granted if relief from such provisions is also granted by the Chester County Conservation District.
- (g) Covenant and restrictions. The language, terms and conditions of any proposed covenants or restrictions proposed by the developer shall be subject to the approval of the Board of Supervisors upon recommendation of the Township Solicitor. The Township shall have the right of enforcement of any covenants or restrictions. No amendments to the covenants and restrictions affecting Township rights and interests may be enacted without Township approval. Additional covenants and restrictions may be required by the Board of Supervisors.

(4) Open space regulations.

- (a) A minimum of 40% of the tract to be developed shall be designed, restricted and used as open space ("open space").
- (b) Areas counted for the open space requirement may be used in whole or in part for passive recreational uses and for natural resource preservation; provided, however, that the type and design of passive recreation uses permitted within open space areas shall be limited to those which are appropriate based upon the prevailing environmental conditions and as approved by the Township. Under no circumstances are motorized vehicles authorized within any open space areas, except for the performance of public safety services or maintenance of the open space area and the governing document restricting the use of open space areas shall so specify.
- (c) Open space shall be arranged and located to take advantage of physical characteristics of the site and to place open spaces within easy access and view of dwelling units, at the same time preserving, and where applicable enhancing natural features and environmentally sensitive areas such as woodland, lakes, stream valleys and steep slopes areas.
- (d) Areas set aside for open space shall be significant in size and character. Strips of land less than 100 feet in width shall not be counted towards open space. Areas set aside for open space shall be suitable for the designated purpose and shall be consistent with the comprehensive plan policy for future land use in the Township. Areas designated as open space shall contain no structure other than a structure related to permitted open space uses, stormwater management or utilities.
- (e) Any land counted toward the open space requirements must be made subject to a declaration of covenants, restrictions and easements acceptable to the Township Solicitor and duly recorded in the Chester County Office of the Recorder of Deeds. Such covenants, restrictions and easements shall prohibit development of open spaces, except as to permitted passive recreational uses.
- (f) Open space may be dedicated to the Township if accepted by the Township or to the Borough of Downingtown if not accepted by the Township. Proposed open space already owned by the Borough may be retained in the Borough's ownership.
- (g) In the event that the open space is not accepted by the Township or the Borough of Downingtown, the landowner shall provide for and establish an organization for the ownership and maintenance of the open space. Such organization shall not be dissolved nor shall it, or the Borough, dispose of the open space by sale or otherwise (except to an organization conceived and established to own and maintain open space, subject to Township approval), except by dedication to the Township. The legal documents creating the organization shall be subject to Township approval and shall allow the organization to lien property and property owners within the multi-family development for open space maintenance costs. All property owners within the multi-family development shall be members of said organization. The organization may lease open space lands to the developer or other qualified person or corporation for operation and maintenance of open

space lands, provided that:

- [1] The residents of the multi-family development shall not be excluded from access to the open space.
  - [2] The open space shall be properly maintained for the purposes set forth in this chapter and as allowed by the Township.
  - [3] The operation and use of the open space shall be subject to the approval of the Township.
- (h) The documents provided for the ownership and maintenance of the open space shall include:
- [1] A complete description of the mechanism to be established for the ownership of the open space including its means of establishment, maintenance and financing. A method for assessing mandatory fees on all property owners in the multi-family development for maintenance of the open space shall be provided. The obligation of each property owner relative to open space ownership, maintenance and mandatory membership in any organization established for ownership of the open space shall be evidenced by documents in the chain of title for each unit.
  - [2] A method to give adequate notice to property owners within the multi-family development in the event of the sale or other disposition of any part of the open space and in the event of assumption of the maintenance of open space lands by the Township as hereinafter provided.
  - [3] That in the event the Borough of Downingtown or the organization established to own and maintain the open space, or any successor thereto, shall at any time after establishment of the multi-family development fail to maintain the open space in reasonable order and condition in accordance with the development plan in the opinion of the Township, the Township may demand that the maintenance deficiencies be corrected and may enter upon and maintain the open space if proper maintenance is not achieved. The cost of such maintenance by the Township shall be assessed ratably against the properties within the multi-family development and shall become a lien on said properties. The Township, at the time of entering upon said open space for the purpose of maintenance, shall file a notice of lien in the Chester County Office of the Prothonotary upon the properties within the multi-family development.
- (i) The Township shall attempt to coordinate with the Borough of Downingtown to ensure that use of the open space shall be regulated uniformly with open space associated with the multi-family development situate in the Borough.

**Section 2:** Chapter 225-Zoning, Section 225-35 of the Code of the Township of East Caln, as amended, is hereby amended by the addition of new subsections (q), (r) and (s) to read as follows:

- (q) The proposed use will meet all applicable standards of all local, state, and federal laws relating to environmental protection and environmental remediation. Unless otherwise

prescribed by approved state and/or federal remediation plans, the Township may impose necessary conditions to assure that any site clean-up, remediation, and construction is sequenced in the most logical and efficient manner.

- (r) The proposed use will incorporate walkways and trails and related facilities as determined by the Board of Supervisors and will connect such walkways and trails to and/or extend existing or planned public trails (and related facilities) on adjacent parcels or in the vicinity of the proposed use.
- (s) The proposed use will provide recreational amenities consistent with and responsive to the Comprehensive Plan, the applicable zoning, and the character and intensity of the proposed use.

**Section 3:** Chapter 225-Zoning, Section 225-3 of the Code of the Township of East Caln, as amended, is hereby amended by the deletion of the existing definition of "Open Space Area" and the addition of a definition of "Open Space" to read as follows:

OPEN SPACE: an area to remain in a substantially undeveloped condition in perpetuity providing for natural resource preservation and/or passive recreational uses including public access to same.

**Section 4:** Chapter 225-Zoning, Section 225-19.D.(2) of the Code of the Township of East Caln, as amended, is hereby amended to read in its entirety as follows:

- (2) Townhouse, multi-family, and apartment dwelling units: 2 ½ off-street parking spaces per unit.

**Section 5:** All other provisions of the Code of the Township of East Caln, as amended, shall remain in full force and effect.

**Section 6:** If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not otherwise render this Ordinance or its remaining provisions invalid.

**Section 7:** This Ordinance shall take effect and be in force five (5) days following its enactment.

**ENACTED and ORDAINED** by the Board of Supervisors of the Township of East Caln this  
\_\_\_\_\_ day of \_\_\_\_\_, 2009.

**TOWNSHIP OF EAST CALN  
BOARD OF SUPERVISORS**

**Attest:**

\_\_\_\_\_  
Barbara Kelly, Township Secretary

**By:**

\_\_\_\_\_  
Donald D. Maheu, Chairman

\_\_\_\_\_  
Edward J. Dymek, Vice Chairman

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Joel F. Swisher, Member