



THOMAS COMITTA ASSOCIATES, INC.
Town Planners & Landscape Architects

Zoning Ordinance Amendments
and
Subdivision & Land Development Ordinance Amendments

Malvern Borough – Chester County, PA

AGENDA: Task Force Meeting #2 – February 29, 2024 at 2:30PM

The items listed below are suggested for discussion at Task Force Meeting #2.

1. Step 1. Planning Process Announcements

- 1.1. Task Force Meetings #3 & #4
- 1.2. Public Workshop: 1 (need to select a date in March)
- 1.3. Borough Council Meeting: April 2024
- 1.4. 10 Purposes in Section 222-01 of Zoning Ordinance
- 1.5. 8 Purposes in Section 181-102 of SALDO

2. Round-Table Discussion

- 2.1. 17 Initiatives from 2022 Comprehensive Plan (and Priorities voiced on 2-15-2024)
- 2.2. Purpose statements in 222-01 of ZO: What's missing? (Also see MPC excerpts)
- 2.3. Purpose statements in 181-102 of SALDO: What's missing? (Also see MPC excerpts)
- 2.4. Discuss Comprehensive Plan "Mission Statement"
- 2.5. Zoning Map changes (to be further discussed)

3. Next Steps

- 3.1. Task Force Meeting #3: select a date (March 14, 2024?)
- 3.2. Public Workshop #1: select a date (3-28-2024?); discuss Agenda

4. Other

- 4.1. Questions; Comments; Concerns



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SYNOPSIS OF STAFF LEVEL DISCUSSIONS ON JANUARY 8TH AND 18TH, 2024
AND AT TASK FORCE MEETING ON FEBRUARY 15, 2024

1. 17 Initiatives from 2022 Comprehensive Plan

A. **High Priority Initiatives in Zoning Ordinance (Highest Priorities Highlighted in bold type)**

1. **ADUs: yes (“Supplemental Dwelling Units” already permitted; edits needed)**
2. Cluster: yes, **but needs to be reevaluated**
3. **Multi-Family in LI District: yes**
5. **Downtown Malvern regulations in C-1, C-2, C-3, C-4: yes, and need to address Parking**
6. **Flexible regulations in C-1, C-2, C-3, C-4: yes**
8. **Historic resource regulations in all C Districts: yes**
10. Riparian woodland: yes
11. Woodland disturbance regulations: yes
13. Climate resilient landscaping species (Appendix A: Plant Materials List): yes
14. **Similar Open Space requirements for I1 and I2: yes (also review I-3 and I-4)**
16. Definitions and consistency for Streets, Sidewalks, Trails: yes

B. **High Priority Initiatives in Subdivision & Land Development Ordinance**

9. Design Guidelines Manual: not a Manual, but Design Guidelines in the form of text provisions in the SALDO
11. Woodland disturbance regulations: yes
12. Dark Sky regulations: yes (especially commercial standards)
16. Definitions and consistency for Streets, Sidewalks, Trails: yes
17. Codify Multi-modal transportation requirements: yes

C. **Medium Priority Initiatives in Zoning Ordinance**

4. Live/Work Uses In C-1, C-2, C-3, C-4: already permitted (Upper Floor Dwelling Unit); minor edits needed to provide more flexibility
7. Infill development regulations: minor edits needed

D. **Medium Priority Initiatives in Subdivision & Land Development Ordinance**

15. Green Stormwater Infrastructure: yes (per the County BMPs already in place, and in conjunction with the Borough Engineer)

2. Zoning Map Changes

A. **High Priority Changes**

1. Change “narrow lot” in R-7 District to be C-1 District **(yes)**
2. Consider consolidating C-1, C-2, C-3 and C-4 Districts to be one Commercial District. **(to be further discussed)**
3. Evaluate POSC-1 & POSC-2 Districts and needed modifications (to enable Active Recreation: ballfields, tennis courts, etc. on the Memorial Ground parcel) **(yes)**

§ 220-101. Purposes. (Zoning)

- A. This chapter is enacted in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, to promote, protect and facilitate the general health, safety, and welfare through:
- (1) Coordinated and efficient community development.
 - (2) Provision of appropriate density of population, a diversity of housing types and in suitable areas of the Borough, and prevention from the overcrowding of land.
 - (3) Provisions of adequate light and air, open spaces, and recreational opportunities.
 - (4) Provision of safe and efficient travel for all modes of transportation.
 - (5) Provision of adequate vehicle parking and loading space.
 - (6) Provisions for appropriate water and sewer facilities and capacity.
 - (7) Provisions of police and fire protection, civil defense, disaster evacuation and national defense facilities.
 - (8) Provisions for schools, public grounds and other public requirements.
 - (9) Provisions for the protection of natural resources.
 - (10) Prevention of blight, danger, and loss of health, life or property from fire, flood, panic or other dangers.
- B. This chapter is made in accordance with an overall Borough planning program, and with consideration for the character of the Borough, its various parts and the suitability of the various parts for particular uses and structures.

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require a municipality to adopt a zoning ordinance that violates or exceeds the provisions of the act of May 20, 1993 (P.L.12, No.6), known as the "Nutrient Management Act," the act of June 30, 1981 (P.L.128, No.43), known as the "Agricultural Area Security Law," or the act of June 10, 1982 (P.L.454, No.133), entitled "An Act Protecting Agricultural Operations from Nuisance Suits and Ordinances Under Certain Circumstances."

- (i) Zoning ordinances shall provide for the reasonable development of minerals in each municipality.
- (j) Zoning ordinances adopted by municipalities shall be generally consistent with the municipal or multimunicipal comprehensive plan or, where none exists, with the municipal statement of community development objectives and the county comprehensive plan. If a municipality amends its zoning ordinance in a manner not generally consistent with its comprehensive plan, it shall concurrently amend its comprehensive plan in accordance with Article III.
- (k) A municipality may amend its comprehensive plan at any time, provided that the comprehensive plan remains generally consistent with the county comprehensive plan and compatible with the comprehensive plans of abutting municipalities.
- (l) Zoning ordinances shall permit no-impact home-based businesses in all residential zones of the municipality as a use permitted by right, except that such permission shall not supersede any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw or other document applicable to a common interest ownership community.

Section 603.1. Interpretation of Ordinance Provisions. In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

Section 604. Zoning Purposes. The provisions of zoning ordinances shall be designed:

- (1) To promote, protect and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- (2) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- (3) To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- (4) To provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.
- (5) To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

§ 181-102. Purpose. (SALDO)

This chapter is adopted for the following purposes:

- A. To further the goals and policies of the 1999 Malvern Borough Comprehensive Plan.
- B. To promote the health, safety, and general welfare of the residents of the municipality.
- C. To promote the conservation and enhancement of community character and facilitate the redevelopment of the central business district.
- D. To ensure the development of land will be conducted with due regard to topography, geologic conditions, and natural and cultural resources, so that the highest quality environment is obtained.
- E. To ensure that proper provision shall be made for pedestrian and vehicular access and circulation, stormwater management, water supply, wastewater treatment and disposal, public utilities and other community services and facilities, and to provide for adequate coordination of existing and new facilities.
- F. To provide for adequate light, air, open space, recreation, street trees, and landscape quality.
- G. To encourage and promote flexibility, economy and ingenuity in the layout and design of subdivisions and land developments to facilitate realization of these purposes.
- H. To establish procedures and standards for observance by applicants, the Planning Commission and Borough Council.

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- (ii) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
- (iii) the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

- (2) Provisions for insuring that:
 - (i) the layout or arrangement of the subdivision or land development shall conform to the comprehensive plan and to any regulations or maps adopted in furtherance thereof;
 - (ii) streets in and bordering a subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection;
 - (iii) adequate easements or rights-of-way shall be provided for drainage and utilities;
 - (iv) reservations if any by the developer of any area designed for use as public grounds shall be suitable size and location for their designated uses; and
 - (v) land which is subject to flooding, subsidence or underground fires either shall be made safe for the purpose for which such land is proposed to be used, or that such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.
- (3) Provisions governing the standards by which streets shall be designed, graded and improved, and walkways, curbs, gutters, street lights, fire hydrants, water and sewage facilities and other improvements shall be installed as a condition precedent to final approval of plats in accordance with the requirements of section 509. The standards shall insure that the streets be improved to such a condition that the streets are passable for vehicles which are intended to use that street: Provided, however, That no municipality shall be required to accept such streets for public dedication until the streets meet such additional standards and specifications as the municipality may require for public dedication.
- (4) Provisions which take into account phased land development not intended for the immediate erection of buildings where streets, curbs, gutters, street lights, fire hydrants, water and sewage facilities and other improvements may not be possible to install as a condition precedent to final approval of plats, but will be a condition precedent to the erection of buildings on lands included in the approved plat.
- (4.1) Provisions which apply uniformly throughout the municipality regulating minimum setback lines and minimum lot sizes which are based upon the availability of water and sewage, in the event the municipality has not enacted a zoning ordinance.
- (5) Provisions for encouraging and promoting flexibility, economy and ingenuity in the layout and design of subdivisions and land developments, including provisions authorizing alterations in site requirements and for encouraging other practices which are in accordance with modern and evolving principles of site planning and development.
- (6) Provisions for encouraging the use of renewable energy systems and energy-conserving building design.
- (7) Provisions for soliciting reviews and reports from adjacent municipalities and other governmental agencies affected by the plans.
- (8) Provisions for administering waivers or modifications to the minimum standards of the ordinance in accordance with section 512.1, when the literal compliance with mandatory provisions is shown to the satisfaction of the governing body or planning agency, where applicable, to be unreasonable, to cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results.

§ 181-102. Purpose. (SALDO)

This chapter is adopted for the following purposes:

- A. To further the goals and policies of the 1999 Malvern Borough Comprehensive Plan.
- B. To promote the health, safety, and general welfare of the residents of the municipality.
- C. To promote the conservation and enhancement of community character and facilitate the redevelopment of the central business district.
- D. To ensure the development of land will be conducted with due regard to topography, geologic conditions, and natural and cultural resources, so that the highest quality environment is obtained.
- E. To ensure that proper provision shall be made for pedestrian and vehicular access and circulation, stormwater management, water supply, wastewater treatment and disposal, public utilities and other community services and facilities, and to provide for adequate coordination of existing and new facilities.
- F. To provide for adequate light, air, open space, recreation, street trees, and landscape quality.
- G. To encourage and promote flexibility, economy and ingenuity in the layout and design of subdivisions and land developments to facilitate realization of these purposes.
- H. To establish procedures and standards for observance by applicants, the Planning Commission and Borough Council.

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- (9) Provisions for the approval of a plat, whether preliminary or final, subject to conditions acceptable to the applicant and a procedure for the applicant's acceptance or rejection of any conditions which may be imposed, including a provision that approval of a plat shall be rescinded automatically upon the applicant's failure to accept or reject such conditions within such time limit as may be established by the governing ordinance.
- (10) Provisions and standards for insuring that new developments incorporate adequate provisions for a reliable, safe and adequate water supply to support intended uses within the capacity of available resources.
- (11) Provisions requiring the public dedication of land suitable for the use intended; and, upon agreement with the applicant or developer, the construction of recreational facilities, the payment of fees in lieu thereof, the private reservation of the land, or a combination, for park or recreation purposes as a condition precedent to final plan approval, provided that:
 - (i) The provisions of this paragraph shall not apply to any plan application, whether preliminary or final, pending at the time of enactment of such provisions.
 - (ii) The ordinance includes definite standards for determining the proportion of a development to be dedicated and the amount of any fee to be paid in lieu thereof.
 - (iii) The land or fees, or combination thereof, are to be used only for the purpose of providing, acquiring, operating or maintaining park or recreational facilities reasonably accessible to the development.
 - (iv) The governing body has a formally adopted recreation plan, and the park and recreational facilities are in accordance with definite principles and standards contained in the subdivision and land development ordinance.
 - (v) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants of the development or subdivision.
 - (vi) A fee authorized under this subsection shall, upon its receipt by a municipality, be deposited in an interest-bearing account, clearly identified as reserved for providing, acquiring, operating or maintaining park or recreational facilities. Interest earned on such accounts shall become funds of that account.
 - (vii) Upon request of any person who paid any fee under this subsection, the municipality shall refund such fee, plus interest accumulated thereon from the date of payment, if the municipality had used the fee paid for a purpose other than the purposes set forth in this section.
 - (viii) No municipality shall have the power to require the construction of recreational facilities or the dedication of land, or fees in lieu thereof, or private reservation except as may be provided by statute.

Section 503.1. Water Supply. Every ordinance adopted pursuant to this article shall include a provision that, if water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the governing body or planning agency, as the case may be, that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.




















Zoning Map

Adopted: May 21, 2003
Borough of Malvern
 Chester County, PA

Legend

-  Municipality Boundary
-  Parcel Boundary
-  Surface Water

Zoning Districts

-  R1 - Residential (24.5 ac.)
-  R2 - Residential (39.6 ac.)
-  R3a - Residential (55.3 ac.)
-  R3b - Residential (120.8 ac.)
-  R4 - Residential (33.0 ac.)
-  R5 - Residential (19.9 ac.)
-  R6 - Residential (14.5 ac.)
-  R7 - Residential (58.2 ac.)
-  C1 - Commercial (4.0 ac.)
-  C2 - Commercial (4.8 ac.)
-  C3 - Commercial (9.0 ac.)
-  C4 - Commercial Residential (10.2 ac.)
-  I1 - Institutional (112.4 ac.)
-  I2 - Institutional (106.2 ac.)
-  I3 - Institutional (11.2 ac.)
-  I4 - Institutional (12.5 ac.)
-  LI - Limited Industrial (41.7 ac.)
-  LI1 - Limited Industrial (35.7 ac.)
-  POSC - Public Open Space and Conservation (97.5 ac.)

Zoning Map Amendments

Date	Ordinance No.	Item
10/2/2018	2018-7	131-133 Channing Avenue (UPI No. 2-4-238) and 130 Woodland Avenue (UPI No. 2-4-244.1) located in the R-4, Residential Zoning District to the I-4, Institutional Zoning District

Data Sources: Zoning Districts, Municipal Borders, Parcels, Roads, Railroads, Streams - Chester County Bureau of Land Records & DCIS/GIS Department, 2018.

This map was digitally compiled for internal maintenance and developmental use by the County of Chester, Pennsylvania to provide an index to parcels and for other reference purposes. Parcel lines do not represent actual field surveys of premises. County of Chester, Pennsylvania makes no claims as to the completeness, accuracy or content of any data contained herein, and makes no representation of any kind, including, but not limited to, the warranties of merchantability or fitness for a particular use, nor are any such warranties to be implied or inferred, with respect to the information or data furnished herein.

IMPORTANT NOTICE: The Official Zoning Map in the municipal building shall be the final authority regarding the current zoning status of land, buildings, and other structures.

Prepared By: Chester County Planning Commission, October 2018.

