

ORDINANCE NO. 372

AN ORDINANCE OF THE TOWNSHIP OF LOWER MAKEFIELD, BUCKS COUNTY, PENNSYLVANIA, AMENDING CERTAIN PROVISIONS OF THE CODIFIED ZONING ORDINANCE RELATING TO ARTICLE IX - A TRADITIONAL NEIGHBORHOOD DEVELOPMENT WHICH IS AN AMENDMENT TO THE LOWER MAKEFIELD CODIFIED ZONING ORDINANCE OF 1966, AS AMENDED, ALL OF WHICH SAID AMENDMENTS ARE RELATED TO THE HISTORIC DISTRICT.

WHEREAS, the Pennsylvania Municipalities Planning Code, as amended, confers upon the Board of Supervisors of the Township the authority to amend, change and modify its zoning ordinance; and

WHEREAS, the Board of Supervisors of the Township of Lower Makefield, after a public hearing, has determined that an amendment to the Ordinance related to the changes associated to the Historic District and the Commercial Historic Zoning District, a rezoning of certain parcels to Commercial Historic Zoning, and establishing a new Traditional Neighborhood Development overlay district to the Commercial Historic District, are in the best interest of the Township and its residents so as to maintain, preserve and enhance the integrity of Historic Edgewood Village.

NOW, THEREFORE, be it ORDAINED and ENACTED that the Township of Lower Makefield codified Zoning Ordinance of 1966, as amended, is further amended as provided hereafter.

SECTION ONE: Amend ARTICLE I Section 200-7 Definitions to include the following:

ACCESSWAY – A vehicular travel lane, such as a driveway, shared driveway, or aisle in an off-street parking area, which is interconnected to adjoining streets and/or alleys.

DWELLING – Within the subsection the definition “Dwelling” add the following.

- E. MULTI – FAMILY MANOR HOUSE – A freestanding residential structure that is intended to look like one dwelling unit but has four dwellings attached, each with two party walls from basement to roof.
- F. TOWN HOUSE - An attached dwelling unit from ground to roof, having individual outside access. A row of attached townhouses shall not exceed five (5) dwelling units and the number of units in a row or group of attached townhouses shall average no more than four (4) in any townhouse development.

GREEN SPACE – The open space in a Traditional Neighborhood Development, consisting of Open Space to be used for active or passive recreation, community gardens, or resource protection, all of which shall be deed restricted against future development, and subject to

landscaping acceptable to Lower Makefield Township. Green Space areas shall be useable, easily identifiable and freely accessible to all residents and inhabitants of a Traditional Neighborhood.

INFILL BUILDING – New building construction within the TND overlay district, which shall be regulated as to the size and scale in keeping with the size and scale of the historic structures located within the historic district.

INN – A business that may include a restaurant with a minimum of four hotel rooms for over night guests provided that the rooms cannot be used for extended stays that are greater than three months duration.

STREETSCAPE – The space formed by buildings located close to the street, which is embellished with street trees and sidewalks; and accentuated with front porches, low fences, hedges and other appointments that are emblematic of a Traditional Neighborhood such as street lamps, curbs, and on-street parking. The streetscape is framed by buildings which help create the “outdoor room” typical of a Traditional Neighborhood setting.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT -- an area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

SECTION TWO: Amend ARTICLE II Section 200-8 Classification of Districts to include the following:

Between Commercial - Historic Commercial (H-C) District and Commercial – Neighborhood (C-1) District insert the following:

Traditional Neighborhood Development (TND) Overlay District

SECTION THREE: Amend ARTICLE II Section 200-9 Zoning Map to include the following:

1. Whereas the following lots zoned R-4 will have underlying zoning changed to HC and the TND overlay as an overlay option for these parcels.
20-014-001, 20-014-002, 20-014-003, 20-014-004, 20-014-005

2. Whereas the following lots zoned R-1 will have underlying zoning changed to HC and the TND overlay as an overlay option for these parcels.
20-013-004, 20-016-036, 20-016-036-001

3. Whereas the following lots zoned R-1 will remain R-1 with an addition of the TND overlay as an option for these parcels.
20-013-002, 20-013-002-001, 20-012-003 , 20-012-003-001

4. Whereas the following parcels within the HC district shall have the TND overlay ordinance as an overlay option for these parcels.
20-012-004-001, 20-012-004, 20-012-005, 20-012-011-006, 20-013-003, 20-014-001, 20-014-002, 20-014-003, 20-014-004, 20-014-005, 20-014-006, 20-014-007, 20-014-008, 20-014-009, 20-016-048, 20-016-047, 20-016-047-001, 20-016-062 partial see map, 20-016-064, 20-016-065, 20-016-067, 20-021-001, 20-021-002, 20-021-003, 20-021-004

5. Whereas lots that are currently C-1 that will remain C-1 with the addition of the TND overlay as an option for these lots.
20-016-068-001, 20-021-005, 20-021-006

SECTION FOUR: After ARTICLE IX Commercial – Historic Commercial (H-C) District and before ARTICLE X Commercial – Neighborhood District (C-1) insert the following new Article:

ARTICLE IX – A: Traditional Neighborhood Development (TND) Overlay District

§ 200-38-A.1 Statement of Purposes and Intent for the District.

The purpose and intent of this district is:

- A. To provide for a Traditional Neighborhood with a diversity of uses, block sizes, dwelling-unit types, commercial units and green spaces in a compact arrangement that promotes internal and external walkability.

- B. To encourage new development, which emulates the character, found in places such as historic Edgewood Village and Newtown Borough.

- C. To promote a streetscape quality to neighborhoods that furthers the identity of the village of Edgewood as a destination neighborhood in the Township.
- D. To encourage a combination of business and residential uses in the Historic Commercial district, which enables jobs and employment opportunities close to, home.
- E. To create economic incentives that will further the preservation and renovation of the existing historic structures within the existing Edgewood Village Historic District as delineated within the Zoning Map, herein.
- F. To develop design standards that will encourage infill development that will not be detrimental to the integrity of the historic district.

§ 200-38-A.2 Overlay District

The Traditional Neighborhood Development (TND) shall remain as an overlay district to the underlying Districts. The provisions of the underlying Districts shall govern, unless the provisions of the Traditional Neighborhood Development (TND) are chosen, then in such instance, all of the provisions of the overlay district must be met and shall supercede the provisions of the underlying District, unless otherwise provided by this Section.

§ 200-38-A.3 Permitted Uses

- A. The following uses shall be permitted by right, provided that all of the conditional standards within this overlay district are met:
 - (1) All permitted uses per § 200-36 Permitted Uses A- (1) single-family detached dwelling, (2) retail uses, (4) teaching of cooking or crafts, (5) restaurant, and (6.a, b, d, and e) a residence or apartment in combination with a commercial use, except that for the purposes of this district there is no requirement for any private yard area, as amended;
 - (2) All permitted office uses per § 200-36 Permitted Uses A-(3) office use, provided
 - (a) All such uses located within thirty (30) feet of the right-of-way to an arterial road, except for a bank, shall not occupy the first floor of a building.
 - (3) Banks and financial institutions provided that, if there are drive in windows the maximum number of drive in windows shall be two, unless additional drive in windows are permitted by conditional use. Outdoor kiosks separate from the principal bank building are permitted. Drive-in access shall be internal from the parking lot of the bank facility. Egress may be permitted from a drive-in window to an arterial road. Outdoor automatic teller machines shall be walk up only. The Board of Supervisors shall have the right to regulate the hours of operation of drive-in windows and automatic teller machines.

- (4) Two-family dwelling, provided:
 - (a) There shall be one party wall that separates the two dwellings from basement to roof,
 - (b) Each such dwelling shall have one front, side, and rear yard.
- (5) Town house dwelling, provided
 - (a) There shall be one or two party wall(s) that separates each dwellings from basement to roof,
 - (b) All such dwellings shall have one front and rear yard. All dwelling units with only one party wall shall also have one side yard.
 - (c) A maximum of five (5) town house dwellings shall be attached.
 - (d) The width of town house dwelling shall vary as follows:
 - 3 – 4 attached units: minimum of two varying widths
 - 5 attached units: minimum of three varying widths
- (6) Multi-family manor house dwelling, provided
 - (a) There shall be a maximum of four (4) such manor dwellings to a building,
 - (b) There shall be two party walls that separate each dwelling from basement to roof,
 - (b) All such manor buildings shall have two side yards, and one front and rear yard.
- (7) Apartment over a business, provided
 - (a) The minimum dwelling area shall be as follows:
 - Efficiency: 300 sq. ft.
 - 1 bedroom: 400 sq. ft
 - 2 bedrooms: 550 sq. ft.
 - 3 bedrooms: 700 sq. ft.
- (8) Inn, provided
 - (a) The minimum over night room size shall be 250 sq. ft.
 - (b) All over night rooms shall be located on the second or third floor, which may not be all in one building, but may be located over commercial establishments.
 - (c) No over night room shall be occupied by the same occupant for longer than twelve weeks duration.
- (9) Civic buildings such as a community center, meeting hall, post office, library or place of worship.
- (10) Signs in accordance with ARTICLE XIX except as additionally provided below:
 - (a) All signs shall be of natural materials. Plastic signs or movable letters are prohibited.
 - (b) Back lit signs are prohibited. Signs shall be lit externally with only low lumens to minimize glare.
 - (c) Freestanding signs are prohibited, unless the total gross floor area is greater than 10,000 square feet. In such an instance the maximum height shall be (8) eight feet and the maximum sign area shall be (4) four square feet per side.
 - (d) Wall mounted signs are allowed under the conditions set forth in ordinance 200-83. 200-83 E. (2) parallel signs as long as the parallel sign does not project more than 3” from the building façade to which it is connected. The face of a proposed

wall mounted sign(s) shall not exceed (4) four square feet per building where there is a single business in the building. Where there are 2 or more businesses the total area of the sign shall be (6) six square feet. More than one sign is allowed per façade of building but the aggregate total square footage of signs per façade shall not exceed the allowable square footage per façade.

- (e) Projecting signs shall be permitted per 200-83 E. (3). The maximum sign size for a projecting sign is (4) four square feet. The sign shall not project more than (6) six feet from the front façade of the building. More than one sign is allowed per façade of building but the aggregate total square footage of signs per façade shall not exceed the allowable square footage per façade.
- (f) All signage shall require a certificate of appropriateness as recommended by the Lower Makefield Township Historic and Architectural Review Board.
- (g) Roof mounted signs are prohibited.
- (h) Where a property has more than one frontage onto public streets or parking lots, a sign per each public frontage is allowed, one per façade. Signs facing streets shall not exceed the sizes seen herein 200-38-A.3 (10) (d) & (e), herein. Signs facing parking lots shall be one half the size of the allowable sign area facing streets as seen herein 200-38-A.3 (10) (d) & (e), herein. At no time shall the aggregate sizes of multiple signs be incorporated into a single sign on one side of a structure.
- (i) The sign shall not cover moldings, windows, doorways, decorative banding or other ornamentation. The applicant is required to provide a photograph of the building with the sign location shown on the photograph for approval by the Lower Makefield Township Historic and Architectural Review Board.
- (j) Directional signs are allowed, one per façade to public ways or parking and each directional sign shall be no larger than (1) one square foot per each side.

B. Accessory Uses

- (1) Home occupation, provided only Class #1 and Class #2 are permitted in accordance with ordinance section 200-69 #7 (a) through (g) and ordinance section 200-69 #8 (a) through (e).
- (2) Accessory uses that are clearly incidental to the uses permitted by right, such as parking, residential accessory structures, or non-residential accessory structures, provided that storage sheds are not permitted, and further provided that all accessory structures except garages, as per 200-38-A.1d.B (2) and 200-38-A.1f.F (4) herein shall meet all setback requirements of principal buildings and structures.

C. Conditional Uses

- (1) Uses other than those set forth above may be permitted in the Traditional Neighborhood Development (TND) District by conditional use under the authority of the Board of Supervisors. Conditional uses may be granted provided that the use for which approval is sought complies with §200-36.B (1) (a) through (e) and all of the detailed Design Standards of § 200-38-A.1d, e, & f herein, are met.

- (2) Banks with more than two drive-in windows may be permitted by conditional use provided:
 - (a) The layout and design does not negatively impact the historic district.
 - (b) The layout does not impact internal vehicular parking or pedestrian circulation in a manner in keeping with the purpose of the TND district.

D. Prohibited Uses

The following uses shall not be permitted within this overlay district:

- (1) Drive in windows for all uses except banks.
- (2) All uses listed within §200-36.C (2) through (5).

§ 200-38-A.4 Lot area and design standards

A. Area Requirements shall be as follows:

- (1) Commercial Uses*:
 - (a) Minimum net lot area: 10,000 sq. ft.
 - (b) Minimum lot width at the building setback line: seventy (70) feet.
 - (c) Maximum building height: 35 feet

*Includes any building with all or a partial commercial use.

(2) Residential Uses

- (a) Single-family detached
 - (i) Minimum net lot area: 3,600 sq. ft.
 - (ii) Minimum lot width at building setback line: forty (40) feet.
 - (iii) Maximum building height: 35 feet.
- (b) Two-family dwelling
 - (i) Minimum net lot area: 2,500 sq. ft. per dwelling.
 - (ii) Minimum lot width at building setback line: twenty-seven (27) feet.
 - (iii) Maximum building height: 35 feet
- (c) Town house dwelling
 - (i) Minimum net lot area: 2,000 sq. ft. per dwelling.
 - (ii) Minimum lot width at building setback line: twenty (20) feet.
 - (iii) Maximum building height: 35 feet.
- (d) Multi-family manor house
 - (i) Minimum net lot area per building: 5,400 sq. ft.
 - (ii) Minimum lot width at building setback line: eighty (80) feet.
 - (iii) Maximum building height: 35 feet.

B. Building Setbacks shall be as follows:

(1) Commercial Uses*:

- (a) Boundary setback: Setbacks from the side yard boundaries of the overlay district: thirty (30) feet.
- (b) Minimum front yard:
 - (ii) Twelve (12) feet from the curb of an arterial road, or five feet from the existing right-of-way, which ever is more restrictive.
 - (iii) Twelve feet (12) from the closest edge of a sidewalk of any internal street.
- (c) Minimum side yard: Five (5) feet.
- (d) Minimum rear yard: Five (5) feet.

*Includes any building with all or a partial commercial use.

(2) Residential Uses (For front yards as measured from the nearest edge of the sidewalk)

(a) Single-family detached

- (i) Minimum front yard: Principal building: 12 feet, Unenclosed porch: 6 feet
- (ii) Minimum side yard: Principal building: 6 feet, Accessory garage: 0 feet.
- (iii) Minimum rear yard: Principal building: 40 feet, Accessory garage: 6 feet.

(b) Two-family dwelling

- (i) Minimum front yard: Principal building: 12 feet, Unenclosed porch: 6 feet
- (ii) Minimum side yard: Principal building: 6 feet, Accessory garage: 0 feet.
- (iii) Minimum rear yard: Principal building: 35 feet, Accessory garage: 6 feet.

(c) Town house dwelling

- (i) Minimum front yard: Principal building: 12 feet, Unenclosed porch: 6 feet
- (ii) Minimum side yard – end unit: Principal building: 6 feet, Accessory garage: 0 feet.
- (iii) Minimum rear yard: Principal building: 40 feet, Accessory garage: 6 feet.

(d) Multi-family manor house

- (i) Minimum front yard: Principal building: 12 feet, Unenclosed porch: 6 feet
- (ii) Minimum side yard: Principal building: 6 feet, Unenclosed porch: 6 feet, Accessory garage: 0 feet.
- (iii) Minimum rear yard: Principal building: 10 feet, Accessory garage: 6 feet.

C. Maximum Impervious Surfaces shall be as follows:

- (a) The maximum impervious surface ratio for the base site shall not exceed seventy (70%).

§ 200-38-A.5 Supplemental Regulations

- A. Conditional Regulation: Since it is the principal intent of the TND to promote the preservation of the existing historic structures within the existing Edgewood Village Historic District, none of these provisions of this TND Overlay District shall apply and only the underlying zoning shall apply if the resulting development plan would impose the demolition or improper renovation of any historic structure within the proposed development where this TND Overlay District is intended to be applied.

This conditional regulation may still apply under the following conditions, as viewed on an individual case basis:

- (1) Upon the recommendations of the Lower Makefield Township Historic and Architectural Review Board, when it has been shown that the current location of the historic structure creates extreme hardship, the LMT Board of Supervisors may grant a Certificate of Appropriateness for the relocation of an historic structure within the Edgewood Village National Historic District to a location subject to the approval of the LMT Board of Supervisors; or
- (2) Upon the recommendations of the Lower Makefield Township Historic and Architectural Review Board, when there has been demonstrated that a building can not be renovated for structural reasons, the LMT Board of Supervisors may grant a Certificate of Appropriateness for the demolition of the structure provided there will be an accurate replication of the historic structure; and
- (3) The relocated or replicated structures must remain within the Edgewood Village National Historic District; and
- (4) There is proof that the relocated or replicated structure will not remain empty and will have an adaptive reuse that is approved by the LMT Board of Supervisors.

- B. General Regulations: Unlike conventional suburban development patterns (with separated land uses, deep setbacks, no on-street parking, cul-de-sacs, and no sidewalks), Traditional Neighborhood Development shall promote within the overlay district a more compact, integrated, and sustainable development pattern, and shall have the following Key Design Elements:

- (1) Civic Anchor in the Neighborhood – such as a Park, Meeting Hall, Corner Store, Post Office, Library, Church, or Community Center to provide a place for gathering and special events.
- (2) Mix of Uses – combines Residential, Civic, Recreational, Commercial, office and open space uses in a diversified but seamless arrangement; also combines first floor retail with second floor dwellings and/or offices.

- (3) Building Types – focuses on buildings designed by type, not solely by function, to allow for adaptations and changes in use (e.g. from dwelling, to shop, to work place, to civic); most appropriate when an expression of regional/local style.
- (4) Park and Open Space Land – creates the green, square or park to help “anchor” the Neighborhood; a system of “green spaces” ecologically balanced with the built environment and distributed within the neighborhood; includes a “green edge” of open space to help shape the neighborhoods.
- (5) Network System of Interconnecting Streets – organizes a block and pattern of lots; integrates with lanes, alleys, neighborhood streets; links to pedestrian and other transportation systems; streets and street walls create outdoor rooms.
- (6) On-Street/Parallel Parking – provides a separator between vehicular and pedestrian traffic; utilizes cartway as an “aisle”; (with “overflow” parking to the rear or side of buildings); promotes effective “traffic calming” by slowing down the speed of vehicles, especially along narrower streets.
- (7) Alleys – allows for preservation of frontage streetscape; moves vehicular access to detached garages in the rear; provides access for deliveries, utilities, and staging construction.
- (8) Shallow Setbacks – helps to create an “outdoor room” sense of space, with 2 to 3 story buildings, typically from 60 to 85 feet across from one another on both sides of the street; promotes a human scale relationship for the pedestrian as part of the public realm; buildings placed at a “build-to” line create a street wall.
- (9) Front Porch/Portico/Colonnade – serves as transition element from the private realm of the building to public realm of the sidewalk and street; provides shade; promotes a finer, more ornamental “texture” of the building; creates a cozy space to sit, read, relax; provides outdoor room to greet and socialize with neighbors.
- (10) Sidewalks/Crosswalks/Pedestrian Paths/Walkways – serves to link uses, buildings and lots together; accommodates a healthy pedestrian circulation network; provides close to home opportunities for exercise; enhances wayfinding and an appreciation of the neighborhood/place.
- (11) Shade Trees – provide (as street trees) the canopy/overhead plane to help create an “outdoor room”; and as shade trees, provide an “old shade” character.

- (12) Other Vertical Infrastructure – includes fences, hedges, walls, pedestrian scaled ornamental street lamps, benches, gazebo, pavilion, pergola, monuments, or like features.
- (13) Regardless whether fee-simple lots or some form of common ownership is to be used, when Traditional Neighborhood Developments are first created, the proposed lots shall be laid out and designated as either residential, commercial, or Green Space. Residential lots shall be further categorized as Single-Family Detached, Two-Family Dwellings, Town House Dwelling, or Multi-family manor house. All lots shall be laid out so that the dimensional, coverage and all other requirements specified in this Ordinance shall be satisfied. However, the actual lot lines do not need to be legally established. Any future development on an individual lot, regardless whether or not it has been legally established, shall conform to this initial use designation for that particular lot.

§ 200-38-A.6 Detailed Design Standards.

- A. Use Composition – For all developments greater than two and one half (2-1/2) acres in area the following additional standards shall apply: (Note: This provision shall not apply to a “place of worship”).
 - (1) Non-Residential development shall comprise of at least fifteen percent (15%) of the total tract area, and may comprise up to fifty percent (50 %) of the total tract area, not including all related streets and on-street parking or the area of perimeter street rights-of-way.
- B. Dwelling Unit Composition – For all developments greater than two and one half (2-1/2) acres the following additional standards shall apply: (Note: This provision shall not apply to a “place of worship”).
 - (1) There shall be a diversity of dwelling-unit types and lot sizes, with variations in lot widths to promote additional diversity of dwelling-unit sizes.
 - (2) A mix of dwelling unit types shall be achieved, using the following minimum or maximum percentages, whereby the mix of unit types shall be provided the maximum extent possible:
 - (a) Single-family detached: 3 % minimum to 15 % maximum.
 - (b) Two-family dwelling: 10 % minimum to 40 % maximum.
 - (c) Town house dwelling: 10 % minimum to 50% maximum.
 - (d) Multi-family manor house, which either share outside access, or are designed to have independent outside access: 0 % minimum to 45 % maximum.
 - (e) Apartments: 10% minimum to 35% maximum.

For all parcels within the overlay district the following standards shall apply, regardless of lot size:

C. Density/Intensity –

- (1) The density for residential dwelling units shall not exceed twelve (12) dwelling units per gross acre, calculated over the entire tract acreage exclusive of the area of existing perimeter street rights-of-way.
- (2) The intensity of non-residential development, including retail, office and civic buildings shall not exceed 10,000 square feet of building space per gross site acre, calculated over the entire tract acreage exclusive of the area of existing perimeter street rights-of-way. To reduce the amount of building coverage, non-residential buildings shall be two (2) to two and one half (2 ½) stories in height to maximize green space.

D. Green Space Requirements –

- (1) A Green Space of at least ten feet (10') in width shall be designated and maintained along any property line, which directly abuts lots with existing single-family detached dwellings. Such Green Space shall be free of any structures, except for boundary fences, walls, curbing, pathways or sidewalks perpendicular to the green space and property line connecting adjacent neighborhoods, and existing buildings or structures. Such Green Space shall be landscaped in accordance with a Buffer Landscape Plan that complies with Edgewood Village Design Guidelines pertaining to Landscaping Design Standards and is approved by Board of Supervisors.
- (2) Within the Traditional Neighborhood, a variety of Green Spaces shall be designed to complement residential and non-residential development. A minimum of eight (8%) of the total Gross Site Area shall be designated, landscaped and maintained as Green Space, exclusive of any stormwater management facilities or areas. Green Space shall take on the form of a park, parklet, green, playfield, playground, buffer, or approved landscaped area, subject to the approval of any Landscape Plan by Township.
- (3) Green Spaces shall be at least 2,500 square feet in area in order to count toward the eight (8%) percent minimum requirement. Green Space shall be calculated as a percentage of the Gross Site Area exclusive of the area of existing perimeter street rights-of-way.
- (4) Green Space shall be owned and maintained in a form that is acceptable to Board of Supervisors. All Green Space shall be subject to a Declaration of Covenants, Easements and Restrictions in a form that is acceptable to the Township Solicitor.

E. Streets, Alleys and Accessways –

- (1) Streets, alleys and accessways shall form an interconnected vehicular circulation network to the maximum extent possible as determined by Board of Supervisors.
- (2) All streets shall be sufficient in width to provide for on-street parking on at least one side. An on-street parking space shall measure at least eight (8) feet wide by twenty-four (24) feet long when parallel to the curbline.
- (3) Streets with on-street parking on one side shall be twenty-eight feet (28') in width (with two – 10 foot travel lanes, and one – 8 foot parking bay).
- (4) Street with on-street parking on both sides shall be thirty-six feet (36') in width (with two 10 foot travel lanes, and two 8 foot parking bays).
- (5) Alleys shall be provided to enable buildings to be placed closer to the street and thereby enhance the “curb appeal” of the traditional neighborhood. Alleys shall be provided to move vehicular access to the rear of buildings to the maximum extent possible, and thereby to move garage doors and curb cuts away from the frontage streetscape.
- (6) Alleys that are two-way shall be at least sixteen feet (16') in width.
- (7) Alleys that are one-way shall be at least twelve feet (12') in width.
- (8) All one-way accessways and driveways shall be at least ten feet (10') in width.

F. Curb Cuts, Driveways and Garages –

- (1) Garages, driveways, and/or parking lots shall not be the dominant aspect of the building design and/or the streetscape as viewed from the street.
- (2) To the maximum extent possible as determined by Board of Supervisors, garages shall be accessed from an alley. In those places where alleys are not possible to service development as determined by Board of Supervisors, curb cuts may be permitted provided that the garage door is recessed at least 18 feet from the front façade, and further provided that no more than ten percent (10%) of the total number of dwelling units are accessed by such curb cuts. Where garages are loaded from the side or front of house, the garage setback from edge of sidewalk shall be no greater than 13 feet unless the garage is located greater than 18 feet from the façade of the dwelling that faces the street.

- (3) Where garages are accessed from an alley and a parking apron is provided perpendicular to an alley, such garage shall be eighteen feet (18') from the edge of the alley.
- (4) Where garages are accessed from an alley and an apron is provided parallel to an alley, such garage shall be six feet (6') from the edge of the alley.
- (5) Garages for residential dwelling units shall meet one of the following design options, listed in the order of preference for the traditional neighborhood:
 - (a) The garage is rear entry, such that garage doors are on the opposite side of the house from the front facade, preferable accessed from an alley.
 - (b) The garage is located behind the rear façade of the house. Such garage may be detached from or attached to the dwelling, and the garage doors may face any direction.
 - (c) The garage is front-entry and recessed at least eighteen (18) feet from the front façade (excluding any porches or decks) of the building. When residential garages face a street, the garage shall comprise no more than twenty-five percent (25%) of the total area of the front facade elevation of a dwelling unit, measured from ground level to the lower edge of the roof. A garage door facing a street shall not exceed a width of twelve (12) feet.
 - (d) The garage is side entry, such that garage doors are perpendicular or radial to the street, which the front facade faces.

G. Sidewalks and Pathways –

- (1) Sidewalks of at least seven (7)' feet in width shall be constructed and maintained along all arterial streets and at least five (5') feet in width for all other streets.
- (2) Pathways of at least 4' in width shall be constructed and maintained to link to existing off-site pathways, and to enhance the use of Green Areas as required by Board of Supervisors.

H. Street Trees and Other Landscaping –

- (1) All Street Trees, landscaping and plantings shall comply with the Edgewood Village Design Guidelines pertaining to Landscaping Design Standards.
- (2) Other landscaping in the form of perimeter buffers, screens, foundation plantings, fencing, walls, and pergolas, gazebos, monuments, or other civic art as deemed appropriate, shall be essential to a Traditional Neighborhood and shall be subject to approval by the Township.

- (3) Parks within the proposed community shall provide the following plantings. 25% of parks shall be planted with native shrubs, perennials and groundcover. Tree coverage in each park shall be a minimum of 20% of park area. Tree area shall be quantified by finding the area of each species proposed at $\frac{3}{4}$ of mature plant.
- (4) Non-residential parking areas shall be buffered from residential areas by landscaping and/or compatible small-scale residential buildings and/or structures. Vegetative buffer in these areas must be evergreen and a minimum of 5 feet tall when installed. A minimum of 3 native species of plant material shall be used in the creation of every buffer.

I. Buildings and Neighborhood Design –

- (1) The buildings in the Traditional Neighborhood shall relate to the context and fabric of existing places in the Township typically found within the Historic Commercial (HC) District with respect to residential buildings. The commercial buildings shall provide breaks in façade line at forty (40') foot maximum. These breaks shall be a minimum of five (5') in depth and shall be a minimum of 12 feet in width and a maximum of 18 feet in width. There shall be no blank walls except where a traditionally scaled fireplace and chimney dominate a majority of a wall. The size, mix proportion and form of buildings shall emulate the character of the Edgewood Village buildings and the buildings within Newtown Borough and shall follow principles of appropriateness, as documented in the "Edgewood Village Design Guidelines" of the Township of Lower Makefield, and to the examples included in the Edgewood Village Design Guidelines.
- (2) A minimum of sixty percent (60%) of the principal residential buildings shall include a front door accessing onto an unenclosed front porch with a minimum floor area of one hundred and twenty (120) square feet. Such porch shall be covered by a permanent roof and shall not be enclosed in the future.
- (3) New Infill Buildings: Any lot within the TND overlay district can be developed with carefully scaled buildings with setbacks and landscaping similar to historic properties within the historic district. New infill buildings shall be consistent with the size and scale of adjacent historic structures. New individual buildings shall be no greater than 10% larger in all dimensions to an adjacent historic structure. Exception: a new infill building may include multiple attached individual buildings, provided that each separate and attached building is individually consistent with the scale of the adjacent historic structure and has been architectural detailed or with the use of color or building materials, to differentiate it from the attached building. (Note: By constructing visually and architecturally separate attached building masses, each in the scale of the adjacent historic building, the total square footage of the attached buildings may be larger than the

individual adjacent historic structure.) New infill buildings shall be sensitive to neighborhood forms and materials. No building shall be designed to enhance an individual merchant brand, such as with awning treatment, special windows, or unique color or as frequently seen with franchise establishments.

- (4) **Appropriate Materials:** Building materials shall be vernacular to the historic buildings in the area, and conform to the colors and textures of the district. Common materials include stone, stucco, and horizontal wood clapboards for walls, and slate, wood or metal roofing. Images demonstrating examples of appropriate and inappropriate infill development are found in the Edgewood Village Design Guidelines.
- (5) First floor elevations of all structures shall be constructed within thirty (30) inches of the natural grade level. The mounding up of the grade around in order to raise the elevation of a structure or allow for a walk out basement is not permitted. However, basement access via large window wells or exterior enclosed cellar stairs is permitted.
- (6) To reduce the storm water run off from a development, flat “green” roofs are allowed. For all flat “green” roofs historically accurate design shall be visible from all exterior roadways. This shall include historically correct materials including parapets, medallions, dentals, and the like shall be in the exterior public view shed. Modern materials that are historically accurate are appropriate and must be reviewed and accepted by LOWER MAKEFIELD TOWNSHIP HISTORIC AND ARCHITECTURAL REVIEW BOARD. For all other buildings significant roof pitches and variations in rooflines are specifically encouraged.
- (7) With respect to non-residential buildings, blank walls shall not be permitted along any exterior wall facing a street, parking area, or walking area. Exterior walls in these locations shall have architectural treatments that are the same as the front façade, including consistent style, materials, fenestration, and details.

J. **Parking and Parking Lots –**

- (1) Parking shall be located on-street to the maximum extent possible to provide the streetscape appearance that is traditional in the Township, and to serve as an insulator between moving vehicles and pedestrians walking along the adjoining sidewalks.
- (2) Parking lots shall be located to the rear or sides of buildings.
- (3) Parking lots and/or garages shall not be the dominant aspect of the building design and/or the streetscape as viewed from the street.

- (4) All non-residential parking areas shall be visually screened from existing and proposed streets by hedges, buffer plantings or similar elements.
- (5) Shared Parking Standards

Shared parking as defined by the Institute of Transportation Engineers and incorporated herein may to be approved by conditional use by the Board of Supervisors. The reduction of unnecessary parking is seen as a Best Management Process for the reduction of impervious surfaces. This ordinance is for use only within the Traditional Neighborhood Development overlay district.

a. Intermittent or Seasonal Non-conflicting Uses

(i.) When parking reductions are predicted as a result of sharing between intermittent or seasonal uses with non-conflicting parking demands (e.g. a church and a bank), then the reduction can be considered for approval by the Board of Supervisors without demand calculations or a parking study. Individual spaces identified on a site plan for shared users shall not be shared by more than one user at the same time.

(ii.) If a privately owned parking facility is to serve two or more separate properties, then a "Shared Parking Agreement" shall be filed with Lower Makefield Township (LMT) for consideration by the Board of Supervisors. Unless explicitly stated to the contrary, the property owner of the parking facility accepts responsibility for operating, maintaining and accepting liability for personal injury and property damage.

b. Parking Occupancy Rate Table

When the parking reduction has been shown to be feasible by using the demand calculations as determined by Table 3, Parking Occupancy Rates, the applicant shall submit a parking demand summary sheet showing the process for calculating the reduction as outlined in this section.

(i.) The minimum number of parking spaces that are to be provided and maintained for each use shall be determined based on §200-79. Standards for off-street parking according to use.

(ii.) The gross minimum number of parking spaces shall be multiplied by the "occupancy rate" as determined by a study of local conditions (or as found in Table 3), for each use for the weekday night, daytime and evening periods, and weekend night, daytime and evening periods respectively.

(iii.) The gross minimum numbers of parking spaces for each of the purposes referred to for each time period shall be added to produce the aggregate gross minimum numbers of parking spaces for each time period.

(iv.) The greatest of the aggregative gross minimum numbers of parking spaces for each period shall be determined. The greatest aggregate is the required amount of parking spaces required.

Table 3 Parking Occupancy Rates

Uses	M-F	M-F	M-F	Sat. & Sun.	Sat. & Sun.	Sat. & Sun.
	8am-5pm	6pm-12am	12am-6am	8am-5pm	6pm-12am	12am-6am
Residential	60%	100%	100%	80%	100%	100%
Commercial	90%	80%	5%	100%	70%	5%
Inn	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Institutional (church)	10%	5%	5%	100%	50%	5%

This table defines the percent of the basic minimum needed during each time period for shared parking.

c. Local Parking Study

When the parking reduction has been shown to be feasible by using a local parking demand analysis, the following three items must be submitted:

(i.) A parking demand analysis prepared by a qualified parking or traffic consultant, a licensed architect, city planner, urban planner, civil engineer or a traffic engineer, which substantiates the basis for granting a reduced number of spaces. A local parking study shall be subject to the approval of the Board of Supervisors. The Board of Supervisors have the right to disallow any parking demand analysis and require that Table 3 above, the Parking Occupancy Rates be the sole option on a development by development basis. The local parking study shall take into account the following three factors:

(ii.) Existing parking surveys. Parking surveys shall determine parking occupancy rates of morning, afternoon and evening peaks on the seven different days of the week. The seven days of observation may take place over the span of two consecutive, typical weeks. In the case of new construction or addition of new uses, the surveys shall observe another circumstance with similar mixed uses. A combination of similar circumstances may be necessary to cover all the proposed land uses. The approximate square footages

of the various land uses of the specimen projects shall be compared to the proposed project to allow the ratios of uses to be rated accordingly. In the case of an enlargement, or substitution of existing uses, the surveys shall document the occupancy rates of the existing parking facility.

(iii.) Proximity and convenience factors. The following factors may influence the Boards approval of the parking reduction figures:

- Distance between sharing uses and the parking facility
- Pedestrian connections among sharing uses and the parking facility
- Vehicular connections
- Special trip reduction programs, such as subsidized vanpooling, transit, shuttle or telecommuting
- Need for any reserved parking spaces. (Parking spaces to be shared cannot be reserved for specific uses or individuals except during off-peak hours.)

(iv.) Captive market parking requirements. Parking requirements for retail, restaurant and hotel uses may be reduced where it can be determined that some portion of the patronage of these businesses comes from other uses (e.g., employees of area offices patronizing restaurants) located within a maximum walking distance of 500 feet. Parking requirements may be reduced up to 10 percent as appropriate. Whenever practical, such a reduction should be supported by surveys at similar establishments.

(v.) A covenant must be executed guaranteeing that the owner will provide the additional spaces directly or by payment of in-lieu fees if the Township, upon thorough investigation of the actual use of parking spaces at the building within two years of initial occupancy, recommends to the Board of Supervisors that the approved reduction be modified or revoked. The Township must document insufficient parking supply by showing occupancy rates over 98 percent for a least two consecutive hours on at least five separate days within a single month.

(vi.) Fee of guarantee. The owner shall pay a fee which will be applied towards the cost of a parking study of actual parking accumulation to be carried out within two years of occupancy.

(vii.) Exception: The covenant guaranteeing either additional spaces or payment of in-lieu fees (2. above) and the fee for follow-up parking study (3. above) may be waived

when the Board of Supervisors will certify that previous experience of similar shared parking projects indicates it is unlikely a serious deficiency would result.

d. Covenants.

When a covenant between parties is required by this Ordinance, the following standards shall apply:

(i.) Be executed by the owner of said lot or parcel of land the parties having beneficial use thereof.

(ii.) Be enforceable by any of the parties having beneficial use thereof, or all.

(iii.) Be enforceable against the owner, the parties having beneficial use and their heirs, successors and assigns, or both.

(iv.) Be first duly recorded in the Office of the Recorder of Deeds.

e. Parking Locations Standards.

All required residential parking for single-family units must self park in on lot off street spaces. Apartments and multi family units may have designated 24 hour parking spaces in off street parking lots. Commercial and office uses may fulfill parking requirements using on lot parking lots and on street parking subject to the following conditions. All on street parking must be constructed as part of the proposed development that will use said parking. The location of on street parking may be located on perimeter roads if built by the developer and subject to reviewing agencies approvals. On street parking may be located on interior private streets within the development.

The location of all parking lots shall meet the location requirements below. All conditional uses hereunder shall be granted by the Board of Supervisors in accordance with Chapter regulations governing applications of conditional uses; procedures.

(i.) Permitted Locations by Right. Parking lots shall be located within the same zoning district as the use they serve. Required parking lots for uses allowed by right within a zoning district are allowed as a use by right in the same zoning district.

(ii.) Permitted Locations as a Conditional Use. Required parking lots in a different zoning district than the primary use. All buffering requirements of these parking lots shall be based upon 200-73 (C) 8 with a multiplier of 1.5 in width and initial height of buffer plantings.

(iii.) Off-Site Locations. If off-street parking cannot be provided on the same lot as the principal use due to existing buildings or the shape of the parcel, parking lots may be located on other property not more than 500 feet distant from the principal use, subject to conditional use approval by the Board of Supervisors. Parking spaces serving multi family residential units must be located within 250 feet of the dwelling unit entrances they will serve whether they are off or on the site. Clear, safe pedestrian connections must be provided, requiring no crossing of an arterial street except at a signalized intersection or at mid block crosswalks with traffic calming devices prior to the crosswalks in each direction along the pedestrian pathway.

When Parking Requirements Must be Met

Parking requirements shall be met at the time any building or structure is erected, enlarged, or increased in capacity, changed in use, or an applicable outdoor use is established or enlarged. In mixed-use developments, or developments affected by cooperative agreements between different uses on neighboring properties, changes in use will require a parking demand analysis using Table 3 or a Local Parking Study to demonstrate the change in parking demand patterns. A forecast deficiency must be met by the construction of additional parking spaces, payment of in-lieu fees, or support of shuttle service or other trip reduction program satisfactory to the Township.

The Township retains the rights to include new updated parking standards and reports in addition to this ordinance when an applicant submits a sketch plan. The applicant is responsible to contact the Townships Traffic Engineer to determine if there is updated materials.

(6) Residential Apartment Parking Standards

The following parking requirements shall apply for all apartments:

- Efficiency: 1 parking space
- One Bedroom: 2 parking spaces
- Two Bedrooms: 2 parking spaces
- Three bedrooms: 2.5 parking spaces

K. Off-Street Loading Areas, Outdoor Storage and Trash Disposal Areas –

(1) Non-residential uses shall meet the following requirements:

- (a) There shall be a minimum of one loading area per each 10,000 square feet of non-residential space. Loading areas shall be a minimum of eight feet wide and forty feet long. They must be located within 400 feet of all non-residential uses. They may be specially marked along a public street or within a parking area designed to serve non-residential development. All loading areas and loading shall be set back at least forty (40) feet from residential buildings.

- (b) Outdoor storage or display of materials shall not be permitted.
- (c) Trash disposal areas shall be located within buildings in a ventilated, dedicated room or within an opaque screened area that completely hides the trash and is located to the side or rear of the building. When a trash enclosure is located on the side of a building there shall be a minimum ten (10) foot setback from the front façade of any building. The trash enclosure shall fit with the Edgewood Village Design Guidelines materials and scale. All outdoor trash disposal areas shall be set back at least twenty-five (25) feet from residential property lines.

L. Storm Water Management

All development within the TND overlay district shall provide for storm water management on site that shall handle at a minimum the ten (10)-year storm. All on-site storm water management shall be located either underground using best management practices or on green roofs intended for storm water management. All larger storms shall be addressed by a regional storm water management system approved by the Township. Each developer or applicant for a storm water management permit shall pay a prorated fair share toward the regional storm water management system per the recommendations of the Township Engineer and by the Township Board of Supervisors.

M. Historic and Architectural Review Board (HARB)

All historic buildings and signs within the TND Overlay district that front onto a State highway or Township road, or historic structures that have been relocated so that they no longer front onto a State highway or Township Road must be reviewed on an individual basis by the Lower Makefield Township Historic and Architectural Review Board in accordance with the Historic District Review Board enabling legislation per the Historic District Act (1961). For all remaining infill buildings that are part of a land development and are not visible from a state highway, the Lower Makefield Township Historic and Architectural Review Board may elect to review the buildings as a group on a block-by-block basis or as the whole development for consistency for building scale and materials.

After the development is complete, all applications for a building permit for any building or sign fronting onto a State highway or Township road, or any historic structure, whether or not it can be seen from a State highway, must come before the Lower Makefield Township Historic and Architectural Review Board on an individual basis in accordance with the Historic District Review Board enabling legislation.

SECTION FIVE: Article XV, section 200-68, Primary Uses shall be amended as follows:

B. 200-68 (19) Hotel/Motel to read (19) Hotel/Motel/Inn and add a new sub-section (c) to read:

C. INN – A business that may provide a minimum of four rooms for over night guests provided that the rooms cannot be used for extended stays that are greater than twelve weeks duration. An Inn may also include a Restaurant.

SECTION SIX: The provisions of §19, Severability, shall be amended by deleting the list of tax parcels and street addresses noted therein.

SECTION SEVEN: In all other respects, the Lower Makefield Township Codified Zoning Ordinance of 1996, as amended, is reaffirmed and ratified subject to the amendments to same as set forth in this Ordinance.

SECTION EIGHT: Should any Section or provision of this Ordinance be declared invalid by any court of competent jurisdiction, such decisions shall not affect the validity of the Ordinance as a whole or any part thereof not declared invalid.

SECTION NINE: This Ordinance shall become effective five (5) days after enacted.

ORDAINED and ENACTED this 3RD day of October, 2007.

LOWER MAKEFIELD TOWNSHIP
BOARD OF SUPERVISORS

By: _____

By: _____

By: _____

By: _____

By: _____