

**BEFORE THE  
LOWER MAKEFIELD TOWNSHIP BOARD OF SUPERVISORS**

**AMENDED  
PETITION FOR AMENDMENT TO THE ZONING ORDINANCE AND MAP**

AND NOW, come **SHADYBROOK INVESTORS, L.P. and ELU DELUCA YARDLEY, L.L.C.**, c/o 485 Devon Park Drive, Suite 106, Devon, PA 19087 (the “Petitioners”), and avers as follows:

1. The Petitioner, Shadybrook Investors, L.P. is the owner of Tax Map Parcel Nos. 20-016-039, 20-012-002-002 and 20-012-001-003 and Petitioner, ELU Deluca Yardley L.L.C. is the equitable owners of Tax Map Parcel Nos. 20-016-040 and 20-016-040-001, collectively totaling 37.72 gross acres (the “Prickett Preserve of Edgewood Parcels”) located in Lower Makefield Township, Bucks County, Pennsylvania. They are represented by Stephen B. Harris, Esquire, Harris and Harris, 1760 Bristol Road, P.O. Box 160, Warrington, PA 18976-0160

2. The Prickett Preserve of Edgewood Parcels are bordered by Stoney Hill Road, I-295 (formerly I-95), and the North Campus, Lower Makefield Corporate Center and are zoned Office Research (OR) District.

3. Pursuant to Article XXIV, Section 200-110, et seq. of the Lower Makefield Township Zoning Ordinance, Petitioners request the Board of Supervisors to amend the Zoning Ordinance by adopting a Mixed-Use (MU) Overlay District in the form attached hereto as Exhibit “A” and incorporated herein by reference and amend the Zoning Map

contained within the Lower Makefield Township Zoning Ordinance to designate the area within one-quarter (1/4) of a mile (1,320 feet) of the Historic Commercial (HC) District as the Mixed-Use (MU) Overlay District as shown on Exhibit "B" attached hereto and incorporated herein by reference.

4. Pursuant to Section 609 of the Municipalities Planning Code, 53 P.S. §10609, Petitioners request that this Petition be forwarded to the Lower Makefield Township Planning Commission and the Bucks County Planning Commission, so that they may provide their review of this proposed amendment to the Zoning Ordinance and Zoning Map and upon receipt of their review to schedule a public hearing on this Petition before the Board of Supervisors.

5. The Petitioners propose adoption of the Mixed-Use Overlay District:

- A) To provide a mixed-use development option that promotes a harmonious combination of uses incorporating efficient use of land, historic preservation, improved community spaces and increased pedestrian access.
- B) To promote economic development within the Township.
- C) To allow a combination of commercial and residential uses in the Office Research District, in close proximity to the Corporate Centers and Edgewood Village, which will create increased live-work-play opportunities to support these vital economic centers.
- D) To encourage smart development in close proximity to existing infrastructure.
- E) To create incentives that will encourage the preservation and reuse of historically significant structures.
- F) To encourage the use of green building technologies and sustainable buildings.

- G) To encourage pedestrian and vehicular inter-connections with adjacent developments to reduce congestion on area roadways.
- H) To promote walking and biking as transportation alternatives and encourage a healthy lifestyle.
- I) To recognize that mixed use developments are unique and require distinct zoning and subdivision standards.

6. The Petitioners propose to designate the area within one-quarter (1/4) mile (1,320 feet) of the Historic Commercial (HC) District to encourage preservation of historic properties within the Mixed-Use Overlay District, such as the Prickett Farm, in a manner that supports the objectives of the Historic Commercial (HC) District.

7. The proposed uses in the Mixed-Use Overlay District are similar traffic generators to the uses that are permitted in the underlying Office Research (OR) Zoning District. No significant increase in traffic is anticipated as a result of the adoption of the Mixed-Use District.

WHEREFORE, the Petitioners respectfully request a public hearing on this Petition for Amendment to Zoning Map be scheduled before the Board of Supervisors.

SHADYBROOK INVESTORS, L.P. and  
ELU DELUCA YARDLEY, L.L.C.

By: 

Name: Stephen B. Harris

Title: Legal Counsel

**EXHIBIT "A"**

**Proposed Zoning Ordinance Amendment**

**EXHIBIT "B"**

**Proposed Zoning Map Amendment**

**EXHIBIT "A"**

**Proposed Zoning Ordinance Amendment**

ARTICLE XIIIIE  
**Mixed-Use (MU) Overlay District**

**§200-50.5 Purposes and intent.**

The purpose and intent of this district is:

- A) To provide a mixed-use development option that promotes a harmonious combination of uses incorporating efficient use of land, historic preservation, improved community spaces and increased pedestrian access.
- B) To promote economic development within the Township.
- C) To allow a combination of commercial and residential uses in the Office Research District, in close proximity to the Corporate Centers and Edgewood Village, which will create increased live-work-play opportunities to support these vital economic centers.
- D) To encourage smart development in close proximity to existing infrastructure.
- E) To create incentives that will encourage the preservation and reuse of historically significant structures.
- F) To encourage the use of green building technologies and sustainable buildings.
- G) To encourage pedestrian and vehicular inter-connections with adjacent developments to reduce congestion on area roadways.
- H) To promote walking and biking as transportation alternatives and encourage a healthy lifestyle.
- I) To recognize that mixed use developments are unique and require distinct zoning and subdivision standards.

**§200-50.6 Establishment of overlay district.**

The Mixed-Use (MU) Overlay District is established as overlay zoning on specific Office Research (OR) zoned properties as designated on the Township Zoning Map. The provision of the underlying OR District shall govern, unless the Mixed Use (MU) development option is chosen, then in such instance, all of the provisions of the overlay district must be met and shall supersede the provisions of the underlying district. In the event of a conflict between this Article and other Sections of the Zoning Ordinance, the provisions of this Article shall apply.

- A) In order to qualify for the mixed-use option eligible properties must meet the following criteria:
  - (1) The Tract shall be located in the Office Research (OR) District;
  - (2) Minimum Tract area. The minimum Gross Tract Area for a Mixed Use development shall be thirty (30) acres.
  - (3) The Tract shall have a minimum of one thousand (1,000) feet of frontage on an arterial road and any portion of which shall be within 1/4 of a mile (1,320) feet of the H/C-Historic Commercial District.

**§200-50.7 Permitted uses.**

A) The following uses shall be permitted by right, provided that the mix requirement, herein, is met:

- (1) Non-residential uses to include the following:
  - (a) Bed and Breakfast
  - (b) Commercial Recreation
  - (c) Community Center
  - (d) Day Care center, group day care facility, nursery school, kindergarten.
  - (e) Financial Services and banks, including drive thru
  - (f) General Business, professional or government office.
  - (g) Health/fitness club.
  - (h) Hotel.
  - (i) Large Retail Store.
  - (j) Library or museum.
  - (k) Medical office
  - (l) Restaurant, including drive thru.
  - (m) Retail or personal services shop.
  - (n) Seasonal/occasional retail or artisan booths.
  - (o) Shopping center.
- (2) Residential uses to include the following:
  - (a) Single-family attached dwellings
  - (b) Multiple-family dwellings
- (3) Accessory uses:
  - (a) Clubhouse, pool or other recreational amenities.
  - (b) Outdoor seating and/or dining area.
  - (c) Any other uses customarily associated with a permitted use.



**§200-50.8 Development Requirements.**

- A) Tract area. A minimum Gross Tract size of thirty (30) acres is required at the time of submission of an application for land development plan approval. Subsequently, the Tract may be subdivided in accordance with §200-50.8 E below and/or held in separate ownership provided the overall plan for the mixed use development conforms to the requirements and standards of the Mixed Use Overlay District.
- B) Land use mix requirements. Every Mixed Use development shall provide a mix of residential and non-residential uses. All land within the Mixed Use development Tract shall be designated as either residential land or non-residential land. Any use(s) or land area(s) accessory to a residential community, such as parking, access, stormwater management areas, green space, clubhouse or other amenities, shall be considered residential land for the purpose of calculating the land use mix requirements
  - (1) No less than fifty percent (50%) of the Base Site Area of the Tract shall be dedicated to non-residential use.
  - (2) No less than ten percent (10%) and no more than forty percent (40%) of the Base Site Area of the Tract shall be dedicated to residential use.
- C) Neighborhood Open Space. A minimum of ten percent (10%) of the Net Buildable Area shall be developed as Neighborhood Open Space. Neighborhood Open Space shall consist of green areas, natural areas, parks, pocket parks, plazas, gardens, water features, or other similarly improved common areas and include amenities such as seating areas, decorative lighting or fountains for the benefit of the residents, tenants, customers and the general public. Trail and sidewalk connections shall be provided to connect Neighborhood Open Spaces and shall count towards the minimum Neighborhood Open Space requirement.
- D) Permitted Density. A Mixed Use Development may contain up to twelve (12) dwelling units per acre on the portion of the Base Site Area of the Tract designated as residential land. Density may be further increased as provided in §200-50.10.
- E) Special Conveyancing. When the development of a lot and the uses therein are in accordance with the initial unified development plan of the Mixed Use Overlay, then a conveyance of a parcel within the development plan shall be permitted upon compliance with the following conditions:
  - (1) A Master Declaration and irrevocable cross-easements addressing, the control and maintenance of the common elements including, but not limited to, common access & accessways, common green space, landscaping and stormwater facilities . The Master Declaration and all easements shall be submitted to the township solicitor for review and approval prior to recording.
  - (2) Except as otherwise noted herein, the application of zoning regulations including, but not limited to, building coverage, impervious coverage, parking, loading and landscaping, as well as required area, width and yard regulations, shall apply to the overall Mixed-Use Tract .

**§200-50.9 Area, dimensional and design standards.**

The following requirements shall be met unless otherwise specified for the uses in Article XV, in which case the provisions of Article XV shall apply.

<b>Area and Dimensional Requirements: MU</b>	<b>Requirements for Tract</b>
Maximum building coverage	35% of the Net Buildable Site Area of the Tract
Maximum impervious surface ratio <sup>1</sup>	65% of the Base Site Area of the Tract
Maximum floor area ratio	0.30
Perimeter Building Setback From the Tract Boundary and Existing Road Rights of Ways <sup>2</sup>	50 ft.
Building setbacks from internal streets and major driveways:	15 ft.
Maximum building height. The maximum building height shall not apply to existing historic buildings to be preserved and decorative cupolas, spires, or clock towers.	50 ft.

<sup>1</sup> Impervious surface ratio may be increased per §200-50.10

<sup>2</sup> The provisions of §200-63 do not apply.

**A) Requirements for Multiple family dwellings.**

- (1) Maximum building dimensions: 175 feet
- (2) Minimum building separation: 35 feet.

**B) Requirements for Single family attached dwellings.**

- (1) Single-family attached dwellings shall be arranged in groups or clusters and not in long rows parallel to street lines. No more than seven such dwellings may be so attached in any one group and the total length of the group shall not exceed 175 feet.
- (2) Minimum width per dwelling unit: 20 feet.
- (3) Minimum building separation: 25 feet.

**§200-50.10 Bonus Provisions**

- A) To encourage the preservation of historically significant buildings, increased pedestrian and vehicular connections, higher quality environments, green technology and sustainable design features, increases in the base density and impervious coverage and woodlands disturbance are permitted in accordance with the following table. Increases are cumulative and may be combined for a maximum of 70% of impervious surface ratio, a maximum of 60% woodland disturbance, and a maximum density increase of three and one half dwelling units per acre (3.5 DU/AC).

<b>Bonus Feature</b>	<b>Bonus Feature Standard</b>	<b>Bonuses</b>
Historic building preservation	The preservation and reuse of historically significant building(s) present on the Tract as determined by the Board of Supervisors.	2.5% additional impervious cover and 10% additional woodland disturbance, or an additional 1.5 DU/AC, per structure preserved and reused.
Significant off-site pedestrian connections	The installation of significant off-site pedestrian connections as noted in the Township Comprehensive Plan as determined by the Board of Supervisors.	2.5% additional impervious cover and 10% additional woodland disturbance, or an additional 3.0 DU/AC.
Energy efficient buildings & construction	Building designs, materials, system and construction techniques that produce an Energy Star score of at least 75% for at least 30% of the total buildings on the Tract. The applicant shall provide a monitoring plan to track compliance.	2.5% additional impervious cover and 10% additional woodland disturbance and an additional 0.5 DU/AC..
Alternative Energy Sources	Install a solar, geo-thermal or other renewable power-generation facility that is designed to provide at least 10% of the expected annual energy use for at least 25% of the building area on the total Tract. The facilities shall be designed and installed under the direction of a professional with demonstrated expertise in the design and construction of such facilities. The applicant shall provide a monitoring plan to track compliance.	2.5% additional impervious cover and 10% additional woodland disturbance and an additional 0.5 DU/AC..
Green Roof	Install a green roof or roofs covering at least 80,000 s.f. of the total roof area of all building on the Tract. The facility shall be designed and installed under the direction of a professional with demonstrated expertise in the design and construction of such facilities.	2.5% additional impervious cover and 10% additional woodland disturbance and an additional 1.5 DU/AC..
Storm water Infrastructure	Provide stormwater management facilities that will reduce the overall rate of runoff 10% more than the minimum required by State and local regulations as determined by the Township Engineer.	10% additional woodland disturbance and an additional 0.5 DU/AC..

Alternative Transportation Infrastructure	Provide at least 5 charging stations for electric automobiles and one of the following: 5 parking spaces designated for car-sharing pickup and drop-off, or bicycle racks designed to accommodate 10 bicycles.	2.5% additional impervious cover and 10% additional woodland disturbance and an additional 0.5 DU/AC..
Inter-connected pedestrian and vehicular driveway(s)	Construction of vehicular driveway and/or pedestrian facilities to connect directly with an adjacent existing or proposed development.	2.5% additional impervious cover and 10% additional woodland disturbance and an additional 0.5 DU/AC..

**§200-50.11 Parking standards.**

- A) Non-residential. Parking for non-residential uses within the Mixed Use Overlay District shall be provided at a rate of not less than 5 spaces per 1000 square feet of floor space.
- B) Residential.
  - (1) Multiple family dwellings: 1.5 spaces per dwelling unit.
  - (2) Single family attached dwellings: 2 spaces per dwelling unit.
- C) Shared parking. The overall required number of spaces may be reduced by the Board of Supervisors during the process of reviewing a Mixed Use Development provided a shared parking analysis is submitted by the applicant.
- D) Reserved parking. At the request of the applicant up to fifteen (15%) percent of the required parking may be placed in reserve in accordance with §200-78 K.
- D) Perpendicular parking spaces shall be a minimum of nine (9) feet wide by eighteen (18) feet long. Parallel parking spaces shall be eight (8) feet wide by twenty two (22) feet long. Driveway aisles and internal cartways shall be twenty four (24) feet wide for two-way traffic and twelve (12) feet wide for one-way traffic.
- E) All Parking areas shall be set back twenty (20) feet from the Tract boundaries and existing road rights of ways.

**§200-50.12 Signage.**

- A) Non-residential signage in the Mixed Use Overlay District shall comply with §200-85.A. and B.
- B) Residential signage in the Mixed Use Overlay District shall comply with §200-84.

**Additions to Site Capacity Calculations:**

**§200-52.C.**

(3) For a mixed-use development the following calculations shall apply:

(a) Find net buildable site area

_____ Acres Base site area	-	_____ Acres Resource protection land	=	_____ Acres Net Buildable Site Area
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(b) Find required Neighborhood Open Space:

_____ Acres Net buildable site area	x	_____ % Minimum Neighborhood Open Space Percentage <sup>1</sup>	=	_____ Acres Neighborhood Open Space
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(c) Find maximum permitted building coverage:

_____ Acres Net buildable site area	x	_____ % Maximum building coverage ratio <sup>2</sup>	=	_____ Acres Maximum building coverage
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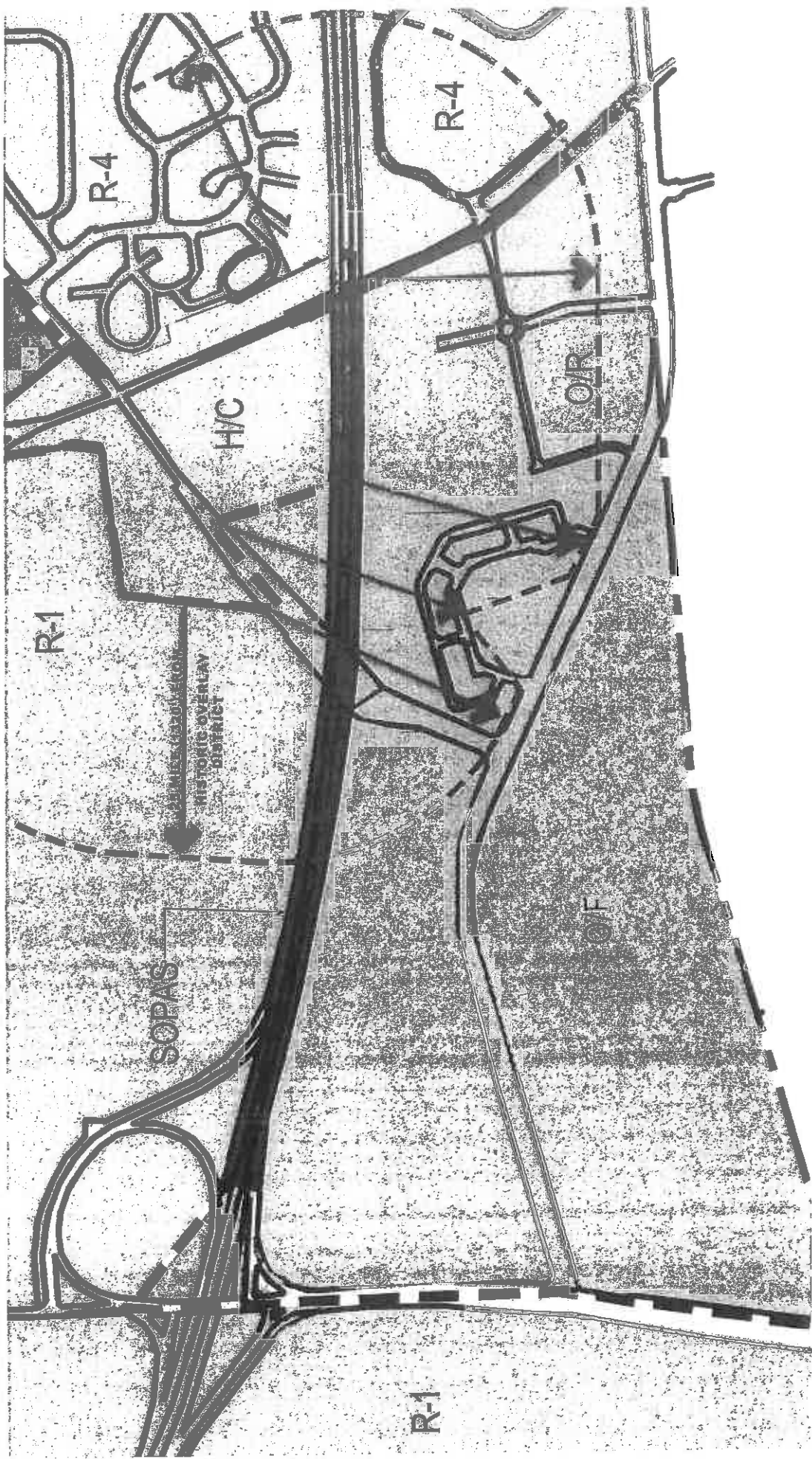
**NOTES:**

<sup>1</sup> The minimum neighborhood open space percentage is established for mixed use developments in the regulations of the Mixed Use Overlay District.

<sup>2</sup> The maximum building coverage ratio is established in the regulations of the Mixed Use Overlay District.

**EXHIBIT "B"**

**Proposed Zoning Map Amendment**



R-1

R-4

R-4

H/C

O/P

SOPAS

O/F

R-1

2.1 MILES (3.3 KM) FROM  
HISTORIC OVERLAY  
DISTRICT