

**TOWNSHIP OF NEWTOWN  
DELAWARE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2013-** *2006 JMW/Case*

**AN ORDINANCE To Amend The Code Of The Township Of Newtown, Chapter 172, Zoning, Article XIX, SU-1 Special Use District, To Modify Certain Regulations Pertaining to Minimum Office Tenant Square Footage, Building Coverage, Setbacks, Height and Parking**

**BE IT HEREBY ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Newtown, as follows:

**Section 1.** The Code of the Township of Newtown, Chapter 172, Zoning, Article I, Terminology, Section 172-2, Definitions, is hereby amended to add the following definition:

**Tract**

An area of land comprised of a single parcel or multiple parcels which are either in single ownership or, in the case of multiple ownership, subject to an agreement of all owners that development will be governed by and will be completed in accordance with a unified land development plan. A tract may contain parcels that are separated by public or private street rights-of-way.

**Section 2.** The Code of the Township of Newtown, Chapter 172, Zoning, Article XIX, SU-1 Special Use District, Section 172-88 Use Regulations, subsection B.(2)(a) is hereby amended to read as follows:

(a) Offices for administrative, executive, governmental, professional, sales and/or similar uses and/or for the provision of medical and health care services on an outpatient basis only, provided that no commercial storage, exchange, sales or delivery of merchandise is conducted in or from such offices, and provided that:

[1] Any building used or to be used for the purposes permitted by Subsection B(1) and (2) hereof which contains 4,000 net square feet or less of floor space shall be constructed solely for the use of or shall be used or occupied solely by a single business entity and/or affiliates of such single business entity.

[2] Any building used or to be used for the purposes permitted by Subsection B(1) and (2) hereof which contain more than 4,000 net square feet of floor space may be constructed for the use and occupancy by and may be used or occupied by more than one business entity.

[3] Any offices which are used for the provision of outpatient medical and health care services shall not provide beds for recipients of such services except in connection with sleep study sessions.

**Section 3.** The Code of the Township of Newtown, Chapter 172, Zoning, Article XIX, SU-1 Special Use District, Section 172-91 Area Regulations, subsection B, Building Area, is hereby amended to read as follows:

B. Building area. No more than 30% of the total square footage of each Tract for which a conditional use is proposed shall be occupied by buildings, and not more than 60% of the total square footage of each Tract shall be occupied by a combination of buildings and parking areas. Where a lot held in single and separate ownership at the time this Ordinance is enacted is proposed to be subdivided into two lots, the buildings area and impervious area requirements contained herein shall apply to the Tract as a whole and not to the individual lots hereinafter created, provided that:

1. No more than two office buildings shall be located on a Tract which contains fifty (50) acres or less and is located adjacent to West Chester Pike and west of Medical Drive;

2. No more than a total of 400,000 square feet of office space (exclusive of structured parking facilities) shall be located on a Tract which contains fifty (50) acres or less and is located adjacent to West Chester Pike and west of Medical Drive.

3. Existing buildings may be demolished, reconstructed, expanded and/or adaptively reused for any of the uses permitted in the SU-1 Zoning District, provided that the new building or buildings shall not be permitted to exceed the total square footage of the demolished building or buildings. Impervious surface shall not be increased by more than 1%. Conditional use shall not be required for the demolition, reconstruction, expansion and/or or adaptive reuse of existing buildings.

**Section 4.** The Code of the Township of Newtown, Chapter 172, Zoning, Article XIX, SU-1 Special Use District, Section 172-91 Area Regulations, subsection C, Setbacks, is hereby amended to read as follows:

C. Setback. All buildings shall be set back no less than 200 feet from all street rights-of-way against which the lot which is the site of the proposed conditional use abuts and no less than 100 feet from all other property lines or other buildings located on the lot, except that the Board

of Supervisors may, upon individual application, reduce the setback to not less than 75 feet from all right-of-way lines against which the lot abuts where it is shown by the applicant that such reduction in setback is necessary due to the unusual slope, size or topography of the lot, except as follows:

[1] All buildings located adjacent to West Chester Pike and west of Medical Drive shall be set back a minimum distance of two hundred (200) feet from existing or proposed curb lines of West Chester Pike. Required building setback areas from West Chester Pike shall be devoted to walkways, street trees, off-street parking, green areas, stormwater management, or a combination thereof. Limited driveway and road access through such setbacks shall be permitted. All buildings shall be set back a minimum distance of ten (10) feet from curb lines of all other existing or proposed streets. Such setback areas shall be devoted to walkways, street trees, green areas, stormwater management facilities nor a combination thereof. Limited driveway and road access through such setbacks shall be permitted. No off-street parking shall be permitted within 100 feet of West Chester Pike. No setbacks shall be required from interior lot lines abutting other lots within the SU-1 District.

[2] All one- or two-story buildings located between Winding Way and Medical Office Drive shall be set back a minimum distance of 35 feet from existing or proposed curblines of West Chester Pike. All buildings greater than two stories located between Winding Way and Medical Office Drive shall be set back a minimum distance of 75 feet from existing or proposed curblines of West Chester Pike. Required building setback areas from West Chester Pike shall be devoted to walkways, street trees, off-street parking, green areas, stormwater management, or a combination thereof. Limited driveway and road access through such setbacks shall be permitted. All buildings shall be set back a minimum distance of ten (10) feet from curb lines of all other existing or proposed streets. Such setback areas shall be devoted to walkways, street trees, green areas, stormwater management facilities or a combination thereof. Limited driveway and road access through such setbacks shall be permitted. No off-street parking shall be permitted within 100 feet of West Chester Pike. No setbacks shall be required from interior lot lines abutting other lots within the SU-1 District.

[3] Existing buildings which are demolished and reconstructed, expanded and/or adaptively reused shall be setback a minimum distance of fifty (50) feet from adjacent properties, three hundred (300) feet from Goshen Road, and ten (10) feet from curb lines of all other existing or proposed streets.

[4] Where, in conjunction with special use district development plan approval, an applicant donates land to abutting property owners, the

applicant may, with the agreement of the Board of Supervisors, include some or all of the donated land as part of the setback from property lines other than street rights-of-way.

Section 4. The Code of the Township of Newtown, Chapter 172, Zoning, Article XIX, SU-1 Special Use District, Section 172-92 Height Regulations, is hereby amended to read as follows:

No building shall have more than three stories, exclusive of basement, nor shall it exceed 45 feet in height, subject, however, to the following provisions:

A. The height of a principal building may be increased from 45 feet in height to 50 feet in height, provided that the following conditions are satisfied:

1. The building shall have no more than three stories, exclusive of basement;
2. Every additional foot of height above 45 feet, but not to exceed 50 feet, shall require an additional ten-foot setback from all street rights-of-way; and
3. The principal building shall be located at least 300 feet from any residential zoning district boundary.

B. Buildings located adjacent to West Chester Pike and west of Winding Way shall be permitted to be 5 stories or 70 feet in height.

Section 5. The Code of the Township of Newtown, Chapter 172, Zoning, Article XIX, SU-1 Special Use District, is hereby amended to add a new Section 172-97.1. Off Street Parking to read as follows:

§ 172-97.1. Off Street Parking.

A. There shall be three and one-half (3.5) parking spaces for every one thousand (1000) square feet of gross floor area for all office uses permitted in the SU-1 District. The parking for all other permitted uses shall be in accordance with Section 172-132 of this Zoning Ordinance.

B. Off-street parking spaces shall be a minimum of nine (9) feet by eighteen (18) feet. However, a minimum of 2% of the minimum number of parking spaces on the Tract shall be a minimum of ten (10) feet by eighteen (18) feet.

C. Required parking lot green area. Where parking areas, loading and unloading facilities and accompanying access from a street or driveway exceeds 3,000 square feet, a minimum of 10% percent of all paved areas shall be devoted

to green areas, or 5% may be provided if the parking is substantially located to the rear of the buildings and it can be demonstrated that views of the parking lot from the public right of way are shielded by a combination of landscaping and/or berming. In such a case, there shall not be a requirement for green areas between rows of parking spaces. Green area requirements shall not be applicable in structured parking or multi-level parking facilities.

**Section 6.** Nothing in this Ordinance or in Chapter 172 of the Code of the Township of Newtown, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 172 prior to the adoption of this amendment.

**Section 7.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

**Section 8.** This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED and ORDAINED by the Board of Supervisors of the Township of Newtown, Delaware County, Pennsylvania, this 12 day of Aug, 2013.

BOARD OF SUPERVISORS  
THE TOWNSHIP OF NEWTOWN

By:   
Joseph V. Catania, Chairman

ATTEST:   
Michael R. Trio, Secretary/Township Manager