

TOWNSHIP OF NEWTOWN
DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2013- 5811 DM/Lease

AN ORDINANCE To Amend The Code Of The Township Of Newtown, Chapter 172, Zoning, Article XIV, AO Apartment Office Districts, To Modify Certain Regulations Pertaining to Use, Frontage, Area and Height Regulations, and Parking

The Board of Supervisors of the Township of Newtown hereby ordains:

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 XIV, AO Apartment Office District, Section 172-58 Permitted Uses, is hereby amended to read as follows:

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- A. Multifamily dwellings
- B. Service office building.
- C. Townhouses
- D. Two family dwellings
- E. Accessory uses on the same lot with and customarily incidental to the foregoing permitted uses. The term "accessory use" does not include a business, but may include a recreational use when authorized as a special exception by the Zoning Hearing Board, when using, as standards and

guides generally, the requirements of this chapter, and specifically, the requirements of this article.

Section 2. The Code of the Township of Newtown, Chapter 172, Zoning, Article XIV, AO Apartment Office District, Section 172-59 Frontage, Area and Height Regulations, is hereby amended to read as follows:

A. Tract area and frontage. The following Tract areas shall be provided:

(1) In locations where there is no access to an operating municipal sewage treatment plant, one or more on-site sewage treatment systems must be provided, subject to the approval of the Board of Supervisors and the requirements of the Sanitary Water Board and/or Department of Health of the Commonwealth of Pennsylvania.

(2) Where a Tract will contain a multifamily dwelling building or a group of multifamily dwelling buildings, there shall be a street frontage of not less than 150 feet on a major highway or a secondary road, having a minimum Tract area of two acres and a maximum of 12 living or family units per gross acre.

(3) Where a Tract will contain townhouses, the overall Tract shall have a minimum lot area of two (2) acres and a maximum density of ten (10) dwelling units per gross acre. Each individual townhouse shall have a minimum front yard of 20 feet from the right of way along which the townhouse fronts. If the townhouse fronts on a major highway, arterial or collector street, then such townhouse shall have a minimum front yard of 40 feet except that all buildings shall be set back a minimum distance of 200 feet from the current right of way of both Route 252 north of Winding Way and along Goshen Road, but in no case shall a building be set back less than 100 feet from any property outside of the Tract zoned R1 or R2. Driveways and parking are permitted in the foregoing setback. If there is no right of way, each townhouse building shall be setback a minimum of 20 feet to the edge of an adjacent sidewalk or, if there is not sidewalk, then to the edge of the adjacent curb.

(4) The height of a townhouse shall not exceed 35 feet, or 3 stories whichever is more. The height of a two-family dwelling building shall not exceed 3 ½ stories or 45 feet, whichever is greater. The height of a multifamily building shall be no more than 5 stories or 65 feet, whichever is greater.

(5) Where a Tract will contain two-family dwellings, the overall Tract shall have a minimum lot area of two (2) acres and a maximum density of twelve (12) units per gross acre. For each individual

two-family dwelling, there shall be a minimum building width of twenty (20) feet.

(6) Where an overall Tract is used for a mixed residential development consisting of townhouses, two family dwellings and/or multifamily dwellings, the maximum density for the overall development shall be twelve (12) dwelling units per gross acre, regardless of other density provisions contained herein.

B. Building Area. Not more than twenty-five percent (25%) of the overall Tract shall be occupied by multifamily dwelling buildings; townhouse buildings in the aggregate may occupy not more than 25% of the overall Tract; and an office building may occupy up to 40% of the overall Tract

C. Impervious Coverage. Maximum impervious coverage shall not exceed fifty percent (50%) of the overall Tract.

D. Side yards. Whether there is one or more separate buildings, there shall be two separate side yards measured from the perimeter of the overall Tract boundary lines, neither of which shall be less than forty (40) feet for multifamily dwelling buildings, twenty (20) feet for townhouse and two-family dwelling buildings or less than thirty (30) feet for office buildings. However, in case of a group of multifamily dwelling buildings, there shall not be less than fifty (50) feet between buildings at any point. When located at the end of a row of townhouses, there shall be a minimum side yard of five (5) feet. Each group or row of attached townhouses and/or two-family dwelling buildings shall have a minimum separation distance of twenty (20) feet from another group or row of attached townhouses and/or two-family dwelling buildings.

E. Rear yards. With respect to the overall Tract, there shall be a rear yard measured from the perimeter of the overall Tract rear boundary line, the depth of which shall be at least thirty (30) feet. Each townhouse and two-family dwelling shall have a minimum rear yard of twenty (20) feet, which may include (i) attached decks or patios having a maximum width of ten (10) feet from the rear wall of the townhouse or two-family dwelling building; (ii) vehicular parking spaces; and/or (iii) retaining walls.

F. Building frontage, depth or length. The greatest dimension in frontage, length or depth of a building erected, altered or used under this article shall not exceed 220 feet, and not more than three such buildings may be attached to each other, and buildings so attached shall be at an angle of 90° under the requirements of this subsection, but may be altered or changed upon application by way of special exception to the Zoning Hearing Board.

G. Buffer area. There shall be a buffer area along each Tract boundary line, the depth of which shall be at least fifteen (15) feet measured from the Tract boundary line. The buffer area may be included in any Tract setback, front, side or rear yard areas required under the provisions of this section. The buffer area shall be planted with trees, shrubbery and ground cover for screening in accordance with an overall landscape plan approved by the Planning Commission and shall be maintained continually in a neat and attractive manner by the property owner. As applied to townhouses and two-family dwelling buildings, the required buffer area shall apply only to the overall Tract boundaries.

H. Total office lot area coverage. Not more than 70% of each Tract shall be used for the construction of service office buildings, office parking facilities and/or other commercial improvements of any nature so that not less than 30% of the Tract area shall remain as open space.

Section 3. The Code of the Township of Newtown, Chapter 172, Zoning, Article XIV, AO Apartment Office District, Section 172-62 Vehicular Circulation, subsection B. Off-street Parking and Loading, subsection (1) is hereby amended to read as follows:

(1) Multifamily dwellings shall have not less than 1.75 garage spaces or paved off-street parking spaces for each unit.

Section 4. 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.

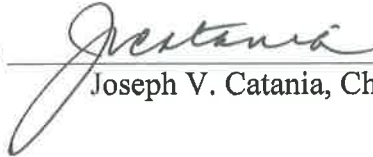
Section 5. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, 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 6. 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 28 day of October, 2013.

BOARD OF SUPERVISORS
THE TOWNSHIP OF NEWTOWN

By:



Joseph V. Catania, Chairman

ATTEST:


Michael T. Trio, Secretary/Township Manager