

ALLEN TOWNSHIP

NORTHAMPTON COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

**AMENDMENTS TO THE CODE OF ORDINANCES OF THE
TOWNSHIP OF ALLEN**

AN ORDINANCE OF THE TOWNSHIP OF ALLEN, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING AND REVISING CHAPTER 27 (ZONING) OF THE CODE OF ORDINANCES OF ALLEN TOWNSHIP BY: AMENDING PART 6, SECTION 27-601 TO A NEW USE ENTITLED “MIXED-USE VILLAGE” IN THE LOW DENSITY RESIDENTIAL (R1) ZONING DISTRICT; AMENDING PART 15, SECTION 27-1502 TO ADD SUBSECTION 9 (MIXED-USE VILLAGE REGULATIONS) INCLUDING REGULATIONS REGARDING; PERMITTED SUB-USES AND ACCESSORY USES IN A MIXED USE VILLAGE, A MINIMUM TRACT AND LOT SIZES, DENSITY PROVISIONS, OPEN SPACE REQUIREMENTS, AREA, YARD AND HEIGHT REGULATIONS, MAXIMUM LOT COVERAGES, FLAG LOT RESTRICTIONS, PUBLIC WATER AND SEWER REQUIREMENTS, AND PARKING REQUIREMENTS; AND BY REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS CONTAINED HEREIN. THIS ORDINANCE CONTAINS SIGNIFICANT, SUBSTANTIVE CHANGES TO THE ALLEN TOWNSHIP ZONING REGULATIONS REGARDING THE ADDITION OF A NEW MIXED-USE VILLAGE USE IN THE R1 ZONING DISTRICT ALONG WITH EXTENSIVE REGULATIONS AND STANDARDS FOR THE NEW USE THAT IS PROPOSED TO BE PERMITTED IN THE TOWNSHIP, AND SHOULD BE REVIEWED IN ITS ENTIRETY FOR A COMPREHENSIVE UNDERSTANDING OF ITS PROVISIONS.

WHEREAS, Allen Township is a Township of the Second Class, located in Northampton County, Commonwealth of Pennsylvania; and

WHEREAS, the Township of Allen has previously adopted Ordinance 2007-04 on November 8, 2007, as amended, which codified all Township Ordinances and includes the Zoning Ordinance as Chapter 27 of the Code of the Township of Allen (hereinafter referred to as the “Zoning Code”); and

WHEREAS, the adoption of this Ordinance is in response to an application for the adoption of a curative amendment filed by a “Property Owner”; and

WHEREAS, the Board of Supervisors of Allen Township has determined that the existing zoning of land located adjacent to Willowbrook Road and West Bullshead Road has become inappropriate because of the large industrial facilities recently constructed near and adjacent to the

Willowbrook Road, but does not agree with the “Curative Amendment” proposed by the Property Owner and has instead determined that the contents of this Ordinance is more in the interest of Allen Township than the Curative Amendment proposed by the Applicant; and

WHEREAS, the Board of Supervisors of Allen Township desires to amend the provisions of the Zoning Code to add a new “Mixed-Use Village” use to the uses permitted in the R1 zoning district and to create regulations and dimensional specifications governing the Mixed Use Village use as further described herein; and

WHEREAS, the Board of Supervisors of Allen Township recognizes that there are large, topographically diverse tracts of land within the Township that are uniquely situated between existing residential uses and higher intensity uses and that such tracts require unique development considerations. It is the intent of the Mixed-Use Village use to provide for such unique development considerations and to allow residential, commercial, and recreational uses within a single tract and in close proximity to one another to provide an appropriate transition between otherwise juxtaposed land uses.

WHEREAS, the Board of Supervisors of Allen Township has determined that the adoption of this Ordinance containing the described amendments to the Zoning Code is in the best interest of the public health, safety, and welfare of the citizens of Allen Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Allen, Northampton County, Commonwealth of Pennsylvania, that the provisions of the Zoning Code of the Township of Allen are hereby amended as follows:

Section 1. Amendment to Chapter 27, Part 6 of the Zoning Code governing the Low Density Residential (R1) zoning district, Section 601 – Uses Permitted By Right to add a new Use (11) Mixed-Use Village as follows:

11. Mixed-Use Village. A development containing a mix of residential dwelling types in close proximity to recreational and open space uses, and complimentary small-scale retail, dining and service uses. A Mixed-Use Village shall not contain more than 700 new dwelling units.

Section 2. Amendment to Chapter 27, Part 6 of the Zoning Code governing the Low Density Residential (R1) zoning district, to add a new Section 1502 (9) setting forth the regulations governing the Mixed Use Village use, which will read as follows:

Section 27-1502 (9) Regulations Governing Mixed-Use Village developments

A. Definitions. The following words and phrases shall have, for the purpose of this section, the meanings given in the following clauses.

1. **Development Site.** A subdivision and/or Land Development of the Tract containing a parcel or parcels of land intended to have one or more buildings of a specific use, such as multifamily, single-family detached dwellings, single-family semi-detached dwellings (twins), single-family attached

dwellings (townhouses), or intended to be subdivided into one or more lots.

2. **Village Center.** A Development Site containing existing and new buildings which generally contains one or more of the following: recreation uses, small-scale retail, restaurant, and service uses, multifamily dwellings, dwellings in combination, and other residential uses, and open space, to serve the overall Tract.
3. **Multifamily Neighborhood.** A Development Site containing only multifamily dwellings, generally located near or adjacent to lands zoned I/A Industrial Airport.
4. **Residential Neighborhood.** A development site containing Multifamily dwellings, single-family detached dwellings, single-family semi-detached (twins), single-family attached dwellings (townhouses).
5. **Shared or co-working space.** A facilitated work-share environment for business, executive, professional and administrative purposes, which may contain dedicated, floating, or shared desks, individual offices, on-demand rooms and meeting rooms, or other shared workspaces and facilities who share the common infrastructure and resources in order to network, interact, and collaborate with each other as part of a community. Such environment is used by a recognized membership available to the public on an hourly, daily, monthly, or annual basis.
6. **Art Studio.** A place of work for an artist, artisan, or craftsperson, including persons engaged in the application, teaching or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.
7. **Art Gallery.** An establishment that displays and sells objects of art.
8. **Makerspace.** A studio, or workspace or businesses where individuals utilize resources and equipment which may be shared, to work on projects, network and create objects of art or merchandise, and shall be less than 5,000 square feet in total size.
9. **Community Center.** A building, part of a building, park, playground, swimming pool, or athletic field operated by a local

community organization or association.

B. Uses Permitted By Right.

1. Single-family detached dwellings.
2. Single-family semi-detached dwellings (twins).
3. Single-family attached dwellings (townhouses).
4. Multifamily dwellings.
5. Dwelling in combination.
6. Public conservation areas and associated structures for the conservation of open space, recreation, water, soil, forest, and wildlife resources.
7. Adaptive re-use of existing buildings and structures for any one or combination of the following uses:
 - (a) Restaurant, standard.
 - (b) Retail store.
 - (c) Farmer's market.
 - (d) Tavern.
 - (e) Microbrewery.
 - (f) Microdistillery.
 - (g) Nanobrewery.
 - (h) Vineyard.
 - (i) Winery.
 - (j) Banquet facility.
 - (k) Fitness center or exercise center.
 - (l) Indoor entertainment.
 - (m) Service business.
 - (n) Art gallery, art studio and makerspace.
 - (o) Office, including co-working or shared space.
 - (p) Bed and breakfast.
 - (q) Day Care: a day nursery, nursery school, kindergarten, or other agency giving day care to children or adults or elderly persons.
 - (r) Kennel or stable.
 - (s) Storage units and/or detached garages serving owners or tenants of the development.
 - (t) Golf course.
 - (u) Outdoor entertainment.
 - (v) Outdoor recreational facility.
 - (w) Horse riding academy.
 - (x) Public conservation area.

- (y) Community center.
 - (z) Special event center.
 - (aa) No-impact home-based business.
 - (bb) Dwelling in combination.
 - (cc) Multiple-family dwellings.
8. Any use of the same general character as any of the above uses, when authorized as a conditional use by the Board of Supervisors of Allen Township, provided that such use shall be permitted subject to such reasonable restrictions as the Board of Supervisors may determine.
9. Due to the nature of a Mixed-Use Village development containing a mix of different uses in proximity to and in combination with each other, the specific regulations of the above permitted uses contained in any other section of Part 15 Specific Regulations of this chapter shall not apply. Any non-residential uses proposed in the Village Center in addition to those specifically set forth above will be permitted by conditional use only.

C. Permitted Accessory Uses.

Accessory uses which are customary and incidental to any of the above permitted uses, including, but not limited to the following:

1. Private clubhouse or common amenity area as an accessory to a Residential Neighborhood or Multi-Family Neighborhood, including, but not limited to: a fitness center; wellness center; swimming pool; leasing office; entertainment center; multi-purpose rooms; meeting rooms; business center; and co-working space. Said building(s) or use shall be open only to the residents of the Mixed-Use Village development (or a portion thereof) and their guests and shall not be open to the public at large.
2. Private community swimming pools, tennis courts, basketball courts, racquetball courts, sports court, tot lots, or similar recreational uses. Said accessory uses shall be open only to the residents of the Mixed-Use Village development (or a portion thereof) and their guests and shall not be open to the public at large.
3. Driveways, parking lots, carports, detached garages and attached garages.
4. Detached garages or storage units serving owners or tenants within the Mixed-Use Village development.
5. Wireless telecommunications antenna or dish for individual use,

located within an existing building or on the roof or side of a building.

6. Home occupations and home professional offices.

D. Conflicts with Provisions of Chapter 27 – Zoning Ordinance – A Mixed-Use Village Development is intended to provide unique opportunities to develop large, topographically diverse tracts of land. Many of the otherwise applicable General Performance Standards set forth in Chapter 27 will hinder or preclude the ability to develop a Mixed-Use Village development in a manner consistent with the intent of the Mixed-Use Village. Therefore, the General Performance Standards set forth in Article A of Chapter 27 Section 27-1402 through and including Section 27-1406 shall not apply to a Mixed-Use Village development. Rather, the regulations set forth in this Section 27-1502(9) shall provide the applicable performance standards for a Mixed-Use Village development.

E. Tract Regulations.

1. Minimum Tract Size. A Mixed-Use Village development shall only be permitted on tracts within the R1 zoning district with a Tract size of 200 acres or more and that are located adjacent to land zoned I/A Industrial Airport.

2. Water and Sewer. All new buildings within a Mixed-Use Village development shall be served by public water and public sewer service. Any existing septic systems associated with existing buildings shall be permitted to remain. Similarly, any existing septic systems that serve multiple buildings and or multiple uses shall be permitted to remain where existing septic systems are proposed to be expanded, or repaired, such shall be approved by the Department of Environmental Protection. No new individual septic systems shall be permitted. All septic systems shall be located on a lot owned and maintained by the user of the septic system.

3. Density. A Mixed-Use Village development shall contain no more than 700 new dwelling units, constructed in new structures, of which no more than forty-two Percent (42%) shall be permitted to be multifamily dwelling units. Within the Village Center, existing buildings may be used as dwelling units or a dwelling in combination, or converted or partially converted into dwellings units, which shall not count towards the maximum density permitted by this paragraph.

4. Multifamily dwellings. All multifamily dwelling units within a Mixed-Use Village development shall be located in a Multifamily Neighborhood or in the Village Center.

5. Open Space. A minimum of 50% of the gross area of the Tract shall be open space. Such open space shall be permitted to include passive and/or active recreation including, but not limited to, equestrian and golf uses and structures, tot lots, pocket parks, equestrian and golf pathways and bike and horse

trails. Such open space shall also be permitted to contain utilities, steep slopes, and stormwater management facilities (including above-ground or below-ground detention basin areas). No more than 25% of the Open Space shall be covered by detention basins. Such Open Space shall not be required to be, but may be, accessible to the public including trail easements. As each phase of the Village is developed and the boundaries of the Open Space contained in each phase are determined, as a condition of final approval of each such phase the Open Space in such section shall be permanently encumbered with a conservation easement which shall prohibit the said Open Space from being further developed for any use other than a Golf Course or passive or active Open Space. The beneficiary of the conservation easement shall be the Township. Notwithstanding the foregoing, the Open Space shall be maintained by the Developer of each phase until such time as the maintenance is assumed by a home owners association, homeowners' associations, or a Master Association created in accordance with the Pennsylvania Planned Community Act.

6. Phasing. A Mixed-Use Village development shall be permitted to be developed in phases. Any individual phase may include all or portions of a Residential Neighborhood, Multifamily Neighborhood, the Village Center and/or a recreational or open space use. No more than 150 of the Multi-family dwelling units approved for construction in a Mixed - Use Village Development shall be constructed until at least 100 of the combined total of the single family detached dwellings, single-family semi-detached dwelling units (twins), single family attached dwelling units (townhouses) approved for construction in the Mixed -Use Village Development have received final subdivision and land development approval and required financial security for the public and quasi-public improvements associated with such dwelling units has been posted with the Township. Thereafter, the remaining Multi-Family dwelling units approved for the Mixed-Use Village Development may be constructed.

7. Master Association. A Master Association pursuant to the Planned Community Act, shall be established to manage common areas, Open Space, private streets, maintenance, landscaping including street trees, on-street parking regulations, off-street parking requirements, etc. All proposed association documents, covenants, conditions, restrictions, etc. shall be submitted to the Township for review and approval.

8. Clear Sight Triangle. Existing buildings and existing roadways shall be exempt from this provision. Trees that are planted within the sight triangle that are trimmed 10 feet underneath, sign posts, street lights, utility poles, etc. shall be allowed within a clear sight triangle. Obstructions that are less than 2 feet tall shall be allowed such as shrubs and landscaping that are at least 50% open.

F. Area, Yard and Height Regulations.

Use: Single-Family Detached Dwellings

Minimum Lot Area (square feet)	4,000
Minimum Lot Width	40 feet
Maximum Lot Coverage	75%
Minimum Front Yard	10 feet
Minimum Side One Side	5 feet
Minimum Yard (both sides)	10 feet
Minimum Rear Yard	15 feet
Maximum Building Height	35 feet

Use: Single-Family Semi-Detached Dwellings (Twins)

Minimum Lot Area (square feet)	3,000
Minimum Lot Width	30 feet
Maximum Lot Coverage	85%
Minimum Front Yard	10 feet
Minimum Side One Side	0 feet (common lot line)
Minimum Yard (both sides)	5 feet (opposite common lot line)
Minimum Spacing between Principal Buildings	15 feet
Minimum Rear Yard	10 feet
Maximum Building Height	35 feet

Use: Single-Family Attached Dwellings (Townhouses)

Minimum Lot Area (square feet)	1,000
Minimum Lot Width	20 feet
Maximum Lot Coverage	85%
Minimum Front Yard	10 feet
Minimum Side (common lot line)	0 feet
Minimum Side Yard (end unit)	5 feet
Rear Yard Setback	5 feet
Minimum Setback from Alleyway Cartway	5 feet
Minimum Setback from Curblines of Parking Lot	15 feet
Maximum Building Height	35 feet
Minimum Spacing between Principal Buildings	10 feet
Maximum Number of Dwelling Units in a Building	8

Use: Multifamily Dwellings

Maximum Coverage of Development Site	75%
Minimum Setback from Road Cartway	25 feet
Minimum Setback from Curblines of Parking Lot	15 feet
Maximum Building Height	2 stories and 35 feet
Minimum Spacing between Principal Buildings	15 feet
Maximum Number of Dwelling Units in a Building	24

Use: Dwelling in Combination and Non-Residential Uses Maximum

Coverage of Development Site	Not applicable to existing barns and other existing buildings and structures.
Minimum Setback from Road Cartway	Existing barns and other existing buildings and structures will maintain existing setbacks from edge of paving.
Minimum Setback from Curblineline of Parking Lot	Existing barns and other existing buildings and structures will maintain existing setbacks from edge of paving.
Maximum Building Height	35 feet, with the exception of existing barns and other existing buildings and structures, and there shall be no routine human occupancy in any areas above 35 feet.
Minimum Spacing between Principal Buildings	Existing barns and other existing buildings and structures will maintain existing minimum spacing between existing principal buildings.

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G. Additional Regulations.

1. A maximum of 10% of the total number of lots within a Mixed-Use Village development developed for single-family detached dwellings may be flag lots. Such flag lots shall be subject to the following regulations:

(a) Lot frontage provisions as contained in Section 22-411 shall not apply. Access shall be provided through a pole or panhandle portion of the lot, or through an access easement or common driveway across an adjacent lot to a street. No more than three (3) dwelling units may gain access through a pole, or panhandle, or an access easement or common driveway across an adjacent lot to a street.

(b) The width of the pole or panhandle portion of the lot or access easement across an adjacent lot shall be of sufficient width to accommodate a driveway and landscaping.

(c) The shared pole or panhandle portion of the lot shall be excluded from the calculation of minimum lot area, and shall be owned and maintained by the home owners association, homeowners' associations, or a Master Association created in accordance with the Pennsylvania Planned Community Act.

(d) The minimum setback in the flag portion of the lot shall be 10 feet.

2. Permitted projections.

(a) Non-enclosed structures, with or without a roof, including one-story porches, porticos, stoops, and entrance platforms leading to the front entrance shall be permitted to project not more than eight (8) feet into a front yard setback or cartway setback. Such porch, stoop and entrance platform may have an uncovered balcony directly above.

(b) Non-enclosed structures, with or without a roof, including, porticoes, stoops, entrance platforms, basement entrances shall be permitted to project not more than three (3) feet into a side or rear yard setback.

(c) Uncovered decks shall not encroach within a front yard setback, and shall not be closer than three (3) feet to a rear or side property line, except on single-family attached dwelling (townhouse) lots where decks can abut the common lot line and they contain a solid or opaque privacy fence at least 6 feet tall in height that runs the length of

the common boundary line of uncovered deck.

(d) Cornices, eaves, chimneys, gutters, downspouts, awnings, canopies, cantilevered roofs, uncovered balconies, and bay windows shall be permitted to project not more than eighteen (18) inches into any yard setback, cartway setback or building separation distance.

(e) Belt courses, sills and other similar ornamental features may project not more than nine (9) inches into any yard setback, cartway setback or building separation distance.

(f) Window wells may project not more than three (3) feet into any yard setback, cartway setback or building separation distance.

(g) With the exception of uncovered decks on the common boundary line between Single-Family Attached Dwellings (Townhouses) no permitted projection attached to any principal structure be less than 10 feet from a cartway or less than five (5) feet from a lot line.

(h) Accessory structures including but not limited to sheds, storage facilities, private clubhouse, and detached or semi-detached garages, shall have a minimum setback of three (3) feet from all lot lines, edge of paving and cartways, with no side yard setback requirement for accessory structures along a common lot line for single-family semi-detached dwellings (twins), and single-family attached dwellings (townhouses). Existing accessory structures will maintain existing setbacks from edge of existing paving and other existing buildings and structures.

3. Definition of height and height exemptions.

(a) Building height shall be defined as the vertical distance from the floor of the first occupied level to the mean height of the roof or structure. Building Height shall not include areas below the first habitable floor dedicated solely to vehicle parking and/or storage, any areas where the floor to ceiling height is six (6) feet or less, nor any areas not intended for human habitation.

(b) In addition to the provisions contained in Section 27-1408 (Waiver of Height Requirements), the maximum height requirements of Section 27-606 F. shall not apply to mechanical equipment, and/or architectural enhancements and appurtenances.

4. Minimum off-street parking required as follows:

- (a) Single-family detached dwellings 3 per dwelling unit.
- (b) Single-family semi-detached dwellings (twins) 2 per dwelling unit.
- (c) Single-Family Attached Dwellings (townhouses) 2 per dwelling unit.
- (d) Multifamily dwellings 1 per bedroom
- (e) Dwelling in combination 1 per dwelling unit & 1 per 500 square feet of gross floor area of non-residential use.
- (f) Non-residential uses 1 per 500 square feet of gross floor area.

5. Additional off-street parking and loading requirements:

(a) Parking for all uses may be provided in garages, carports, driveways including spaces in tandem to garages or carports, and/or off-street surface parking areas.

(b) Parking spaces for Single-Family Attached Dwellings (Townhouses) and multifamily dwellings shall not have direct accessibility from a street and shall only be accessed from alleyways and common drive aisles.

(c) All Village Center non-residential uses shall provide for and require all employees to park off-street.

(d) Provisions requiring all residents to park in their assigned off-street parking spaces and prohibiting any resident from parking in an on-street space on a regular basis shall be governed by the controlling documents of the master association, homeowner associations, or condominium associations within the community, and contained in the leases for tenants of multi-family dwellings.

(e) Loading spaces, docks, refuse areas, and outdoor storage shall be provided to the side, rear, or below the building and shall be shielded from view of any adjacent residential use or structure through the use of screening materials, fencing, landscaping, and/or berming.

(f) Refuse and recycling facilities shall be provided and located to adequately accommodate each use. Such facilities may be consolidated and be shared to serve multiple uses or buildings on the site, provided such are sized appropriately.

6. Minimum Guest Parking requirements for all residential uses are as follows:

- (a) Single-family detached dwellings .5 per dwelling unit either Off-street or on-street
- (b) Single-family semi-detached dwellings (twins) .5 per dwelling unit either Off-street or on-street
- (c) Single-family attached dwellings (townhouses) .25 per dwelling unit

- (d) Multi-family dwellings .25 per dwelling unit either off-street or on-street, except that for townhouse with three bedrooms the guest parking requirement shall be .50 per dwelling unit. except that for Multi-Family units with three bedrooms the guest parking requirement shall be .50 per dwelling unit.

H Access Study.

1. Any Land Development application for the development of the first phase of a Mixed-Use Village shall be accompanied by a Traffic Access Study prepared by a qualified traffic engineer which will examine the multiple accesses to any proposed Mixed-Use Village from roadways that the project proposes to access, based on the projected complete build-out of the Mixed-Use Village. If the Traffic Access Study determines that any improvements are recommended or deemed necessary to provide safe access to the Mixed-Use Village, the Study will identify when such additional construction will be required, and the construction of such improvements shall be completed at the time designated by the Traffic Access study.

Section 5. Violations and Penalties

The Violation and Penalty provisions of the Code, where not revised herein, shall remain unchanged.

Section 6. Severability

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional, illegal, or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Board of Supervisors of Allen Township hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional, illegal, or otherwise invalid.

Section 7. Repealer

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 8. Effective Date

The provisions of this Ordinance shall become effective five (5) days after adoption.

ENACTED and ORDAINED this _____ day of _____, 2022.

ATTEST:

ALLEN TOWNSHIP

Township Manager

Chairman, Allen Township Board of Supervisors

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