

ORDINANCE NO. 11-4

AN ORDINANCE OF LYNN TOWNSHIP, PENNSYLVANIA AMENDING THE LYNN TOWNSHIP ZONING ORDINANCE TO PROVIDE FOR THE CREATION OF A MIXED USE RESIDENTIAL NEIGHBORHOOD OVERLAY ZONING DISTRICT ("MURN-OD") UPON THE GENERAL COMMERCIAL/GENERAL INDUSTRIAL ("GC/GI") ZONING DISTRICT; ESTABLISHING A USE TO BE KNOWN AS A MIXED USE RESIDENTIAL NEIGHBORHOOD ("MURN"); PROVIDING CERTAIN DEFINITIONS; ESTABLISHING CERTAIN USES WITHIN A MURN; ESTABLISHING DWELLING TYPES, DIMENSIONAL REQUIREMENTS AND PERFORMANCE STANDARDS FOR IMPROVEMENTS AND FACILITIES SERVING A MURN; AND ESTABLISHING GUIDELINES FOR FUTURE AMENDMENTS TO THE LYNN TOWNSHIP ZONING MAP TO PERMIT THE DEVELOPMENT OF MIXED USE RESIDENTIAL NEIGHBORHOODS WITHIN THE MURN-OD.

WHEREAS, the Pennsylvania Municipalities Planning Code, as amended, permits the Board of Supervisors ("Board") of Lynn Township ("Township") to amend its Zoning Ordinance ("Ordinance"); and

WHEREAS, the Board is desirous of preserving the generally total and semi-rural character of the Township, but recognizes the desirability of the Township as a place to live and the increasing pressure for growth; and

WHEREAS, the Board wants to encourage a more efficient use of land and public services so that economies secured may be a benefit to all; and

WHEREAS, the Board wishes to foster a sense of place and community by providing a setting that recognizes and encourages the natural intermingling of residential uses and nonresidential commercial and industrial development; and

WHEREAS, the General Commercial/General Industrial ("GC/GI") Zoning District, due to the availability of access and public sewers, already provides an area where commercial and industrial development can occur; and

WHEREAS, the Board believes that the creation of an overlay district within the GC/GI zoning district to permit mixed use residential neighborhoods in accordance with stringent criteria adds flexibility and options with respect to development of compatible mixtures of residential and nonresidential uses; and

WHEREAS, the Board has determined that the health, safety and general welfare of the Township will be promoted and served by establishing mixed use residential neighborhoods within the GC/GI Zoning District.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Lynn Township that the Lynn Township Zoning Ordinance is amended as follows:

1. Section 310 of the Ordinance is amended to add the following new district:

Mixed Use Residential Neighborhood Overlay District
("MURN-OD")

2. The Lynn Township Zoning Map is amended and revised by creation of an overlay district known as the MURN-OD which is superimposed over the GC/GI zoning district.

3. Section 910 of the Ordinance is amended to add the following definitions:

981 MIXED USE RESIDENTIAL NEIGHBORHOOD

An area of land developed for a compatible mixture of residential uses and nonresidential uses which may include buildings used for both residential and nonresidential uses.

982 ZONING OVERLAY DISTRICT

A zoning overlay district is a special purpose zoning district that is superimposed over existing zoning jurisdictions, which is an option to development in accordance with the base zoning district regulations. An overlay district is designated to provide additional land use options, standards and regulations for specific areas of the Township based upon conditions as more specifically described with respect to each overlay district. An overlay district may encompass more than one zoning district or may encompass only portions of a zoning district. Zoning overlay districts are delineated on the Zoning Map.

4. Section 945.4 of the Ordinance is amended to read as follows:

945.4 OPEN SPACE, COMMON

A parcel or parcels of land, or an area of water, or a combination of land and water within a development site designed and intended for the enjoyment of residents of a development, not including streets, off-street parking areas or areas set aside for public facilities.

5. The following Sections are added to the Ordinance:

380 A MIXED USE RESIDENTIAL NEIGHBORHOOD
OVERLAY DISTRICT – MURN-OD

381 A INTENT

The purpose of this district is to provide a combination of residential and nonresidential uses through the creation of a mixed use residential neighborhood.

The development of such areas is intended to take advantage of accessibility to public sewers by harmonizing a combination of uses. Mixed use residential neighborhoods as set forth within this section shall be permitted by right solely within the MURN-OD, in accordance with the minimum requirements set forth hereafter. In the absence of a specific standard for mixed use residential

neighborhoods, the provisions of the base zoning district shall apply.

The following shall be considered in evaluating a proposed mixed use residential neighborhood, in addition to the specific requirements of this Section:

381 A.1 Consistency with the Township and Regional Comprehensive Plans and other development objectives as embodied in Township ordinances, documents and records.

381 A.2 Conduciveness of development to, and impact of development on, all relevant environmental factors.

381 A.3 Compatibility with the character of the neighborhood in which the parcel is located.

381 A.4 Impact of the development on traffic and vehicular circulation both inside and outside the mixed use residential neighborhood.

381 A.5 Whether such development, if approved, would violate established legal principles.

382 A Permitted Uses

These uses are permitted by right in this District.

Upon demonstration to the Zoning Officer that the dimensional and other applicable requirements of this

Ordinance are met, the Zoning Officer shall issue a permit.

- 382 A.1 All of the uses permitted by right in the GC/GI zoning district shall be permitted in the MURN-OD. A mixed use residential neighborhood shall be a use permitted by right in the MURN-OD.
- 382 A.2 Dwelling, multi-family.
- 382 A.3 Dwelling unit-single family attached, provided that no more than five (5) such dwelling units may be attached.
- 382 A.4 Dwelling unit – single family detached.
- 382 A.5 Dwelling unit – single family semi-detached.
- 382 A.6 Dwelling unit with a commercial use permitted in the GC/GI zoning district, provided that the minimum dwelling area conforms to requirements of applicable building codes.
- 382 A.7 Inns, provided:
 - .1 The minimum overnight room space is at least 250 square feet per room.
 - .2 The overnight room is located on the second or third floor.

.3 No overnight room shall be occupied by the same person(s) for more than twelve (12) consecutive weeks.

382 A.8 Civic buildings such as community centers, meeting halls, post offices or places of worship.

382 A.9 Drive-In banks/ATM Sites.

383 A Accessory Uses

These uses occur on the same lot as the permitted uses and are customarily incidental and subordinate to the permitted use. Accessory uses shall meet all yard, and other applicable provisions of this Ordinance.

383 A.1 Accessory uses which are authorized pursuant to Section 383 of this Ordinance.

384 A Dimensional Requirements.

The following dimensional requirements for the MURN-OD shall be in lieu of all other dimensional requirements set forth in this Zoning Ordinance and also in lieu of all other dimensional requirements in other Township Ordinances to the extent such requirements are addressed herein; if the dimensional requirements of this Section conflict with one or more

dimensional requirements otherwise applicable under Township Ordinances, the provisions of this Section shall apply. The following dimensional requirements shall be observed for a mixed use residential neighborhood:

- 384 A.1 The standards set forth in Section 365 of this Ordinance shall apply for single family detached dwellings, single family semi-detached dwellings, single family attached dwellings, multi-family dwellings and conversions of dwelling units.
- 384 A.2 The standards set forth in Section 367 of this Ordinance shall apply for any single family detached dwellings, single family semi-detached dwellings, single family attached dwellings, multi-family dwellings and conversions of dwelling units.
- 384 A.3 The maximum impervious surface ratio for the base site shall not exceed fifty (50%) percent.
- 384 A.4 All development shall provide for stormwater management as set forth in current

Best Management Practices/stormwater management regulations for the area.

385 A Sewer Connection.

All uses allowed in this zoning district shall be connected upon construction to the existing Township sewer system, and where necessary, the developer shall construct facilities, at his/her its sole expense, to connect to the existing Township sewer system. Connection shall be subject to compliance with the provisions of Section 455 of this Ordinance.

386 A Additional Performance Standards for Mixed Use Residential Neighborhoods.

386 A.1 Upon initial creation, all proposed lots shall be laid out and designated as residential, commercial or open space. Residential lots shall be further classified as single family attached, single family detached, single family semi-detached, or multi-family.

386 A.2 Each neighborhood should be designated as a compact, integrated and sustainable development.

386 A.3 Each neighborhood should be designed to provide a combination of residential, civic, recreational, commercial and/or open space in a diversified, but seamless, arrangement. The neighborhood may also be designed with a first floor commercial use permitted in the GC/GI zoning district, and a second floor residential use.

386 A.4 Buildings should be designed to allow for changes in use.

386 A.5 For every proposed development, at least 51% of the tract must be set aside for commercial use.

387 A Parking and Loading Requirements.

387 A.1 All of the off-street parking requirements set forth in Section 461 of this Ordinance, including the overflow parking lot requirement of Section 461.8, shall apply for any proposed use, change in use, proposed building or enlargement of any building within a mixed use residential neighborhood.

387 A.2 All of the off-street truck loading spaces requirements set forth in Section 462 of this Ordinance shall apply for any proposed use, change in use, proposed building or enlargement of any building within a mixed use residential neighborhood.

387 A.3 All of the parking lot design standards set forth in Section 463 of this Ordinance shall apply for any proposed use, change in use, proposed building or enlargement of any building within a mixed use residential neighborhood.

6. If a court of competent jurisdiction declares any provision of these Amendments to be invalid in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provisions of this Zoning Amendment shall continue to be separately and fully effective and shall not be affected by such invalidity.

7. All provisions of Township Ordinances or Resolutions or parts thereof that were adopted prior to these Amendments, and that are in conflict with these Amendments are hereby repealed, including, but not limited to, any conflicting provisions of the Lynn Township Zoning Ordinance of 1982, as amended.

8. These Amendments shall become effective five (5) days after adoption.

ORDAINED AND ENACTED this 11th day of August, 2011, by the Board of Supervisors of Lynn Township.

ATTEST:

LYNN TOWNSHIP BOARD OF SUPERVISORS

Tommy White

By: Brian C. Dietrich
Brian C. Dietrich, Chairperson

By: Kermit E. DeLong, Jr.
Kermit E. DeLong, Jr., Vice Chairperson

By: David C. Najarian
David C. Najarian, Member