

Part 17
VILLAGE MIXED-USE DISTRICT

§ 27-1701. Intent. [Ord. No. 2021-12, 12/2/2021]

1. The primary purpose of the Village Mixed-Use (VMU) District is to permit a mix of various housing types, commercial businesses, and institutional buildings in a pedestrian-oriented neighborhood with a sense of community and place. Specifically, the Village Mixed-Use District is intended to:
 - A. Create a mixed-use, small town character that complements existing town and village development.
 - B. Allow a range of small scale commercial and institutional uses within easy walking distance of adjoining residences.
 - C. Accommodate a variety of housing types and discourage one housing type from dominating the streetscape.
 - D. Promote pedestrian orientation of streets and buildings.
 - E. Develop businesses, institutions, streets, parks, and homes that promote social interaction as well as privacy.
 - F. Alleviate the perceived impact of high-intensity developments by requiring them to be of a pedestrian scale, bulk, and orientation.
 - G. Give priority to pedestrian movement and access to buildings, open spaces, and streets; and discourage design that gives priority to vehicular convenience only.
 - H. Create a street circulation system that provides safe and convenient access but discourages fast or heavy traffic that is incompatible with a residential neighborhood.
 - I. Use scale, building orientation, and landscaping to establish community identity.
 - J. Use open and recreational spaces as a community focal point.
 - K. Provide recreational opportunities.
 - L. Ensure that new development is compatible with existing neighborhoods.

§ 27-1702. Permitted Uses and Tract Size. [Ord. No. 2021-12, 12/2/2021]

1. The following uses are permitted in the VMU District according to existing tract size at the time of adoption or newly consolidated contiguous tracts, where Township-operated sewer and water services are available, and in accordance with the historic building requirements of § 27-1706, Subsection 1B(1):

A. Existing Tracts of Less Than Five Acres.

- (1) The following residential uses:
 - (a) B2 Detached dwelling.
 - (b) B2 Village house.
 - (c) B2 Twins.
 - (d) B2 Duplex.
 - (e) B2 Townhouse.
 - (f) B2 Apartment.
 - (g) B4 Group home.
 - (h) B8 Residential conversion.
 - (i) B9 Accessory home occupation.
 - (j) B10 Residential accessory building, structure, or use.
- (2) Park and open space uses, including central open space, passive open space, and active recreation uses.
 - (a) D1 Recreational facility.
 - (b) D2 Private recreational facility.
 - (c) D3 Private club.
- (3) The following nonresidential uses, individually or combined within a building:
 - (a) A1 General farming.
 - (b) A7 Agricultural retail.
 - (c) B12 Mixed-use multifamily.
 - (d) C1 Place of worship.
 - (e) C2 School.
 - (f) C3 Library or museum.
 - (g) C4 Hospital.
 - (h) C5 Nursing home.
 - (i) C7 Municipal building or use.
 - (j) D4 Community center.

- (k) E1 Medical office.
 - (l) E2 Veterinary office.
 - (m) E3 Office.
 - (n) F1 Commercial school.
 - (o) F2 Day-care center.
 - (p) F3 Retail store.
 - (q) F5 Village shop or business.
 - (r) F6 Service business.
 - (s) F7 Financial establishment, provided no drive-through facilities are included.
 - (t) F9 Eating place, provided no drive-through facilities are included.
 - (u) F11 Tavern.
 - (v) F13 Indoor entertainment.
 - (w) F14 Theater.
 - (x) F15 Indoor athletic club.
 - (y) F22 Motel-hotel.
 - (z) F23 Inn.
 - (aa) F30 Shopping center.
 - (bb) F32 Dwelling in combination.
 - (cc) F33 Nonresidential conversion.
 - (dd) F35 Combined convenience commercial (CCC).
 - (ee) G6 Local post office.
 - (ff) G3 Public transportation terminal.
- (4) Conditional Uses.
- (a) F10 Drive-in and other eating place. Drive-through facilities shall be permitted as a conditional use, provided all dimensional requirements in § 27-1704 of the VMU District are met, as well as the use regulations in § 27-305, conditional use standards in § 27-1708 of this Part, and general conditional use regulations in §§ 27-2508 through 27-2511.
 - (b) F7 Financial establishment. Drive-through facilities shall be

permitted as a conditional use, provided all dimensional requirements in § 27-1704 of the VMU District are met, as well as the use regulations in § 27-305, conditional use standards in § 27-1708 of this Part, and general conditional use regulations in §§ 27-2508 through 27-2511.

- (c) F16 Amusement hall.
- (d) F17 Outdoor entertainment.
- (e) F26 Automobile sales and rental.
- (f) F28 Automobile accessories.
- (g) G5 Cellular communications/telecommunications facility.
- (h) I General accessory uses and structures.

B. Existing Tracts of Five to Less Than 15 Acres.

- (1) Mixed residential development, which includes a mix of residential uses listed above in Subsection 1A(1) and at least 35% open space, provided the development meets the residential mixing requirements in § 27-1703, Subsection 3 and open space requirements in § 27-1707.
- (2) All nonresidential uses permitted in § 27-1702, Subsection 1A(2) and (3), provided the development meets the open space requirements in § 27-1707.

C. Existing Tracts of 15 to 30 Acres.

- (1) Uses Permitted By Right.
 - (a) Mixed residential development, which includes a mix of residential uses listed above in § 27-1702, Subsection 1A(1) and at least 35% open space, provided the development meets the residential mixing requirements in § 27-1703, Subsection 3 and open space requirements in § 27-1707.
 - (b) Mixed-use development, which includes a mix of uses listed above in § 27-1702, Subsection 1A and at least 35% open space, provided the development meets the mixed use requirements in § 27-1703, Subsection 4 and open space requirements in § 27-1707.
- (2) Conditional Uses.
 - (a) Solely nonresidential development on tracts of 15 to 30 acres shall be permitted as a conditional use, provided all dimensional requirements in § 27-1704 of the VMU District are met, as well as the use regulations in § 27-305 and conditional use standards in § 27-1708 of this Part.

D. Existing Tracts of More Than 30 Acres.

(1) Uses Permitted By Right.

- (a) Mixed-use development, which includes a mix of uses listed above in § 27-1702, Subsection 1A and at least 35% open space, provided the development meets the mixed use requirements in § 27-1703, Subsection 4 and open space requirements in § 27-1707.

(2) Conditional Uses.

- (a) Solely nonresidential development on tracts larger than 30 acres, with a sum of at least 1,200 feet fronting on two arterial roads shall be permitted as a conditional use, provided all dimensional requirements in § 27-1704 of the VMU District are met, as well as the use regulations in § 27-305 and conditional use standards in § 27-1708 of this Part.

§ 27-1703. Density and Mix Requirements. [Ord. No. 2021-12, 12/2/2021]

1. Residential Density.

- A. Residential portions of developments shall have a maximum overall density of four dwelling units per acre.
- B. Residential portions used to determine the residential density may include residential lots, lots with mixed-use buildings that contain residential uses in at least 33% of the building, residential portions of mixed-use adjacent lots, and open space lots. The residential portion included in the residential density calculation may not include solely nonresidential use areas and the ultimate right-of-way of existing streets.

2. Mixing Requirements for Mixed Residential Developments. All mixed residential developments on tracts between five and 15 acres shall meet the following mixing requirements:

- A. The development shall include at least two of the following housing types: B2 detached dwelling, B2 village house, B2 twins, B2 duplex, B2 townhouse, B2 apartment. To qualify as one of the two required housing types, a housing type must comprise at least 35% of the total housing units in the development.
- B. At least 35% of the gross tract area shall consist of open space, in accordance with the requirements of § 27-1707.

3. Mixing Requirements for Mixed Residential Developments. All mixed residential developments on tracts between 15 and 30 acres shall meet the following mixing requirements:

- A. The development shall include at least three of the following housing types: B2 detached dwelling, B2 village house, B2 twins, B2 duplex, B2 townhouse, B2 apartment. To qualify as one of the three required housing types, a housing

type must comprise at least 15% of the total housing units in the development. No housing type may exceed 50% of the total housing units in the development.

- B. At least 35% of the gross tract area shall consist of open space, in accordance with the requirements of § 27-1707.
4. **Mixing Requirements for Mixed-Use Developments.** Within mixed-use developments, all land shall be divided into lots and streets, with the tract divided into residential lots, nonresidential lots, open space lots, existing streets, and/or proposed streets.
- A. The development shall include at least three of the following housing types: B2 detached dwelling, B2 village house, B2 twins, B2 duplex, B2 townhouse, B2 apartment. To qualify as one of the three required housing types, a housing type must comprise at least 15% of the total housing units in the development. No housing type may exceed 50% of the total housing units in the development.
 - B. All mixed-use developments shall meet the following mix requirements:

Type of Lot	Minimum Percentage of Gross Tract Area	Maximum Percentage of Gross Tract Area
Residential lot	20%	60%
Nonresidential lot	5%	25%
Open space lot	35%	—

- C. For determining the mix requirements, when residential and nonresidential uses are located on a lot but these uses are in separate buildings, each building with a different use shall be given an equivalent lot area that meets all regulations that would be required for the building and use on a fee-simple lot.
- D. Mixed-use buildings with a mix of nonresidential and multifamily uses shall be considered nonresidential for purposes of calculating the mix requirements.
- E. Areas of tracts within the street ultimate rights-of-way of existing or proposed streets shall not be considered as part of a residential, nonresidential, or open space lot.
- F. When mixed-use developments are first subdivided, each proposed lot within the development shall be designated as a nonresidential, mixed-use, single-family detached, village single, single-family semidetached, single-family attached, multifamily, or open space lot. Any future development on an individual lot shall conform to this initial use designation for that particular lot.

§ 27-1704. Dimensional Requirements. [Ord. No. 2021-12, 12/2/2021]

	Nonresidential buildings, including those with multifamily units	B2 Detached dwelling (one dwelling unit per lot)	B2 Village house (one dwelling unit per lot)	B2 Twin and B2 Duplex (one dwelling unit per lot)	B2 Townhouse (one dwelling unit per lot)	B2 Apartment
Minimum lot area	10,000 square feet	10,000 square feet per dwelling unit	7,000 square feet per dwelling unit	5,000 square feet per dwelling unit	2,400 square feet per dwelling unit	10,000 square feet per building
Minimum lot width	70 feet	80 feet	60 feet	40 feet	45 feet for end units 24 feet for interior units	100 feet
Required front facade location, unless front facade faces collector or higher classification street	Not less than 0 or more than 20 feet from ultimate ROW line additional buildings on a lot do not have to meet this requirement when the additional building is smaller than and behind a building meeting the facade location requirement	Not less than 20 or more than 30 feet from ultimate ROW line	Not less than 15 or more than 25 feet from ultimate ROW line	Not less than 20 or more than 30 feet from ultimate ROW line	Not less than 20 or more than 30 feet from UROW line if a parking space is located in front yard Not less than 10 or more than 20 feet from UROW line if no parking in front yard	Not less than 20 or more than 35 feet from ultimate ROW line additional buildings on a lot do not have to meet this requirement when the additional building is no bigger than and behind a building meeting the facade location requirement
Required front facade location, when building facade faces collector or higher classification street	Not less than 30 or more than 40 feet from ultimate ROW line	Not less than 30 or more than 40 feet from ultimate ROW line	Not less than 30 or more than 40 feet from ultimate ROW line	Not less than 30 or more than 40 feet from ultimate ROW line	Not less than 30 or more than 40 feet from ultimate ROW line	Not less than 30 or more than 40 feet from ultimate ROW line
Minimum side yard	15 feet	15 feet	10 feet	12 feet	12 feet per end unit	15 feet
Minimum rear yard	30 feet	25 feet	25 feet	25 feet	30 feet	30 feet
On tracts of five acres or more, minimum building setback from tract boundary abutting a residential lot	60 feet	35 feet	35 feet	40 feet	40 feet	40 feet
On tracts of five acres or more, minimum parking setback from track boundary abutting a residential lot	30 feet	10 feet	10 feet	10 feet	15 feet	20 feet
Maximum building coverage on a lot	35%	20%	20%	25%	45%	25%

	Nonresidential buildings, including those with multifamily units	B2 Detached dwelling (one dwelling unit per lot)	B2 Village house (one dwelling unit per lot)	B2 Twin and B2 Duplex (one dwelling unit per lot)	B2 Townhouse (one dwelling unit per lot)	B2 Apartment
Maximum impervious coverage on a lot	85%	30%	35%	40%	65%	60%
Minimum percent green space in front yard	0%	70%	65%	55%	45%	60%
Maximum building height	45 feet	35 feet	35 feet	35 feet	35 feet	35 feet
Maximum dwelling units per building	8	Not Applicable	Not Applicable	Not Applicable	4	8
Minimum distance between buildings on same lot	20 feet	N/A	N/A	N/A	N/A	30 feet

§ 27-1705. General Requirements. [Ord. No. 2021-12, 12/2/2021]

1. Utilities.
 - A. All developments shall be served by public sewer and public water.
2. Ownership.
 - A. Any land area proposed for development shall be in one ownership or shall be subject to a joint application filed by every owner of the land area proposed for development, under single direction, using one overall plan and complying with all requirements of the Village Mixed-Use District.
3. Open Space Requirements.
 - A. All developments must provide open space in compliance with § 27-1707, herein.
4. Ownership and Maintenance of Common Open Space and Facilities.
 - A. Ownership and maintenance of common open space and other common facilities shall be provided in accordance with the regulations in § 27-1707. All open space shall be permanently deed restricted from future subdivision and development.

§ 27-1706. Design Standards. [Ord. No. 2021-12, 12/2/2021]

1. All development in the VMU District shall comply with the following design standards:
 - A. General Layout of Mixed-Use Developments and Mixed Residential

Developments.

- (1) In general, mixed-use developments shall be laid out so the nonresidential buildings are located close to an adjoining village center (where one exists), close to major roads, close to train stations, or close to the required primary park.
- (2) Nonresidential uses shall be clustered together into one or two groupings.
- (3) Nonresidential buildings shall be grouped together along streets so it is a short walking distance from one building to the next.
- (4) Nonresidential buildings shall be placed to make walking to the primary park and residential areas a short walking distance.
- (5) Townhouses and multifamily apartments should be located near the nonresidential uses and primary park.
- (6) To create variety along the streetscape, housing types shall be mixed along a street. The following chart lists the maximum number of dwelling units that may be located in a row on the same side of a street without a break. Breaks may be created by at least four dwelling units of a different housing type, a nonresidential lot, a street intersection, or by open space with at least 100 feet of frontage on the street.

Housing Type	Maximum number of dwelling units in a row along one side of a street
B2 Detached dwelling	10 units
B2 Village house	10 units
B2 Twin and B2 Duplex	12 units
B2 Townhouse	16 units
B2 Apartment	24 units

- (7) Streets.
 - (a) Streets within VMU developments shall be interconnected with each other and with streets on abutting properties in a grid or modified grid pattern.
 - (b) Culs-de-sac shall be minimized within a VMU district. Criteria for cul-de-sac streets are contained in § 22-811.
 - (c) On tracts of 15 acres or more, new streets within a VMU development shall have a street connectivity index of 1.40 or more. The street connectivity index shall be computed by dividing the number of new street links (defined as street segments between intersections and/or cul-de-sac heads) by the number of new street

intersections and permanent cul-de-sac heads.

B. Building Design Standards.

- (1) Existing Historic Buildings. Any proposed development in the VMU District, except development of single-family detached homes, shall retain and use any principal buildings on the property that were constructed before 1940. If any such principal buildings are demolished or altered in a manner that is incompatible with the building's historic character, then no use other than single-family detached homes shall be permitted on the property.
- (2) Nonresidential and Mixed-Use Building Design Standards. All nonresidential and mixed-use buildings shall meet the following requirements:
 - (a) Building Footprint. The maximum building footprint of nonresidential and mixed use buildings shall not exceed 25,000 square feet unless the building is an anchor building. The maximum building length is 250 feet.
 - (b) Anchor Building. One nonresidential anchor building with a maximum building footprint of 50,000 square feet may be permitted on tracts larger than 30 acres. The maximum building length for anchor buildings can be increased to 300 feet.
 - (c) Building Orientation and Entrance. Front facades of nonresidential buildings and mixed-use buildings shall be oriented towards commercial/main streets within the mixed-use tract, with an everyday public entrance in this front facade. When buildings are located on corners, the entrance may be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar building feature. The municipal governing body may allow front facades to face existing streets rather than proposed streets, when these facades will extend an existing commercial district located along this existing street.
 - (d) Walls and Windows. Blank walls shall not be permitted along any exterior wall facing a street. Exterior walls in these locations shall meet the following criteria:
 - 1) Such walls shall have architectural treatments that are the same as the front facade, including consistent style, materials, colors, and details.
 - 2) Windows. The ground floor of any wall facing a street shall contain windows in accordance with the following requirements:
 - a) The ground floor front facades of retail commercial uses,

personal service businesses, and restaurants shall consist of at least 35% window area, but not more than 75% window area, with views provided through these windows into the business.

- b) Except for institutional uses, all other ground floor walls facing a street shall contain at least 25% window area but not more than 75% window area, with views provided through these windows into the business.
 - c) For institutional uses, ground floor walls facing a street, parking area, or walking area shall not consist of more than 75% window area.
- 3) Dark tinted glass or reflective glass in windows is prohibited.
 - 4) Walls or portions of walls where windows are not provided shall have architectural treatments designed to break up the bulk of the wall, including at least four of the following treatments: masonry but not flat block; concrete or masonry plinth at the base of the wall; belt courses of a different texture or color; projecting metal canopy; decorative tilework; trellis containing plantings; medallions; opaque or translucent glass; artwork, vertical visual articulation, horizontal visual articulation; lighting fixtures; or a similar architectural element not listed above, as approved by the municipal governing body.
- (e) Roofs.
- 1) All nonresidential buildings and mixed-use buildings with a footprint size of 10,000 square feet or less shall have pitched roofs covering at least 40% of the building with a pitch of at least six vertical inches to every 12 horizontal.
 - 2) All nonresidential buildings and mixed-use buildings with a footprint size of larger than 10,000 square feet may include a flat roof with a parapet wall or projecting cornice included on the front facade. Pitched roofs are encouraged.
 - 3) Pitched roofs shall provide overhanging eaves that extend a minimum of one foot beyond the building wall.
- (f) Nonresidential buildings and mixed-use buildings must have at least a three-foot offset in all facades for every 40 feet of continuous facade. Such offsets may be met through the use of bay windows, porches, porticos, building extensions, towers, bays, gables, dormers, cornices, steeples, and other architectural treatments.
- (g) Nonresidential buildings and mixed-use buildings shall contain materials, windows, doors, architectural details, massing, and roofs

that are compatible with proposed residential buildings within the development and adjoining historic village buildings.

- (3) Residential Building Design Standards.
- (a) All dwelling units must have at least one primary entrance in the front facade. For single-family semidetached units, this requirement may be met if at least one of the units has its primary entrance in the front facade.
 - (b) No more than four single-family attached homes may be attached in a building.
 - (c) Residential buildings shall be designed to be compatible with the appearance of historic buildings found in the community.
 - (d) All residential buildings with a building footprint of 10,000 square feet or less shall have pitched roofs covering at least 40% of the building with a pitch of at least six vertical inches to every 12 horizontal inches.
 - (e) All multifamily buildings must have at least a three-foot offset in all facades for every 40 feet of continuous facade. Such offsets may be met through the use of bay windows, porches, porticos, building extensions, towers, bays, gables, dormers, cornices, steeples, and other architectural treatments.
 - (f) Village houses must meet all of the following criteria:
 - 1) They shall contain a roofed but unenclosed porch extending across at least half of the front of the dwelling and being at least seven feet in depth.
 - 2) Front facing garages must be located at least five feet behind the building's front facade.
 - 3) All village houses shall contain at least one of the following features:
 - a) A front yard raised above sidewalk grade by at least two feet.
 - b) A front yard enclosed by a permanent ornamental wall or decorative fence between two feet and three feet in height or enclosed by a hedge of shrubs planted 18 inches apart across the width of the front yard.
 - c) A first floor level of the house, including the front porch, that is raised at least two feet above ground level at the front facade of the building.

C. Parking Standards.

- (1) Garages, parking lots, and/or driveways should not be the dominant aspect of the building design, as seen from the street.
 - (a) When residential garage doors face a street, the garage shall comprise no more than 30% of the total area of the front facade elevation of a dwelling unit, measured from ground level to the lower edge of the roof. A garage door facing a street shall not exceed a width of 10 feet. No more than two garage doors facing a street may be located in a row, and such rows of garage doors must be separated from any other garage door facing a street by at least 10 feet.
- (2) Nonresidential Parking Design Standards. Off-street parking for nonresidential buildings shall comply with the following requirements.
 - (a) Off street parking areas shall be located to the side and/or rear of nonresidential buildings, unless there is an additional and larger building on the lot between the proposed parking/building and the street.
 - (b) Off-street parking areas may not be located between buildings and streets, unless there is an additional and larger building on the lot between the proposed parking/building and the street.
 - (c) Off-street parking shall be visually screened from existing and proposed streets by hedges, walls, buffer plantings, or similar site elements.
 - (d) Parking areas on abutting nonresidential lots shall be interconnected by access driveways.
 - (e) Each nonresidential lot shall provide easements for its parking areas and access driveways guaranteeing access and use to all other nonresidential lots within the tract.
 - (f) Garage doors in nonresidential buildings shall not face any existing or proposed street.
 - (g) Nonresidential parking lots shall be set back at least 10 feet from residential lots within the mixed-use development and at least 10 feet from street ultimate rights-of-way.
- (3) Single-Family Detached and Single-Family Semi-Detached Parking Design Standards. Garages for single-family detached and single-family semidetached units shall meet one of the following design options:
 - (a) The garage is side entry, so garage doors are perpendicular or radial to the street which the front facade faces.

- (b) The garage is front-entry and set back at least five feet from the front facade of the house.
 - (c) The garage is located behind the rear facade of the house. This garage may be detached from or attached to the house, and the garage doors may face any direction.
 - (d) The garage is rear entry, so garage doors are on the opposite side of the house from the front facade.
- (4) Single-Family Attached Parking Design Standards.
- (a) Interior Units. Single-family attached units located in the interior or middle of single-family attached buildings shall meet the following requirements:
 - 1) Garages may be located behind the unit or may be located in the front, with the garage door facing the street, provided the garage complies with § 27-1706, Subsection 1C(1)(a).
 - 2) Up to two off-street unenclosed parking spaces may be located in the front yard, provided that the front yard complies with the minimum percent green space in front yard requirement in § 27-1704. All other unenclosed off-street parking spaces must be located to the rear of the unit or in common parking to the side of the townhouse building.
 - (b) End Units. Single-family attached units located at the end of single-family attached buildings shall meet the following requirements:
 - 1) Garages may be located behind the rear facade of the dwelling unit or may be side entry so the garage doors are perpendicular or radial to the street which the front facade faces.
 - 2) Off-street unenclosed parking spaces may be located to the side or rear yards. They may not be located in front yard areas.
- (5) Multifamily Parking Design Standards. Parking areas and/or garages for all multifamily buildings may not be located between the front facade of the building and the street, unless an additional and equally-sized or larger building on the lot is between the proposed parking/building and the street; instead, parking areas and/or garages shall meet one of the following requirements:
- (a) The parking, whether consisting of surface spaces or garages, is located behind the rear facade of the building or buildings.
 - (b) The parking is in garages located to the side of multifamily buildings and the garage doors are side-entry, so garage doors are perpendicular or radial to the street which the front facade faces.

- (c) The parking is located to the side of the multifamily buildings and screened by one of the following mechanisms:
 - 1) A low architectural wall, no less than three feet and no more than four feet in height (made of brick, stone, or other materials deemed appropriate by the governing body).
 - 2) Screen planting in the form of one canopy tree, two ornamental trees, two evergreen trees, and five shrubs per 100 linear feet of road frontage.
- (6) Amount of Required Parking. All uses shall comply with the minimum parking requirements required by § 27-1916 of the municipal zoning ordinance, except as adjusted below:
 - (a) For any nonresidential use, the amount of parking that is provided shall not exceed 120% of the minimum parking that is required by § 27-1913.
 - (b) On-street parking along the front property line of a lot may be used to meet the minimum parking requirement for nonresidential or multifamily uses on that lot.
 - (c) Required parking for a nonresidential use may be located in a common parking facility or on an abutting lot, provided such spaces are located within 200 feet of the nonresidential use.
 - (d) In order to prevent the establishment of a greater number of parking spaces than is actually required to serve the needs of nonresidential uses, the Board of Supervisors, after consulting with the Planning Commission and Township Engineer, may permit a conditional reduction of parking space pursuant to § 27-1914. In this case, the reduction of nonresidential parking requirements standards in § 27-1916 shall apply.
- D. Driveway Design Standards.
 - (1) For mixed-use or mixed residential developments on tracts of five acres or more, no lot, nonresidential use, or dwelling unit shall take driveway access from an existing collector or existing higher classification road.
 - (2) On existing tracts of land less than five acres, existing as of the date of adoption of this Part, and on lots created from such tracts of land, each lot shall have not more than one driveway access point per existing street on which the lot fronts.
 - (3) New driveways shall comply with § 22-817.
- E. Off-Street Loading Areas, Outdoor Storage, and Trash Disposal Areas.
 - (1) All off-street loading areas shall comply with § 27-1916.

- (2) All loading areas and loading docks shall be located to the sides and rears of buildings. Loading docks shall not be visible from public streets. All loading areas and loading docks shall be set back at least 25 feet from residential property lines.
- F. Landscaping. Street trees, buffers, parking lot landscaping, detention basin landscaping, and landscaping around nonresidential buildings shall be provided, in accordance with Part 8 of New Hanover's Subdivision and Land Development Ordinance.
- G. Signs. All signs shall comply with the requirements of Part 23 of New Hanover's Zoning Ordinance.

§ 27-1707. Open Space Standards. [Ord. No. 2021-12, 12/2/2021]

- 1. The following quantities of open space shall be provided. Existing tracts less than five acres do not need to include the central open space requirement.

Type of Open Space	Minimum Amount to Be Provided
Total open space	35% of gross tract area. Total open space includes central open space
Central open space	10% of gross tract area.

- 2. Total Open Space.
 - A. Open space may consist of central open space, a primary park, active recreation facilities, passive open space, and other similar types of open space.
 - B. No portion of any building lot or road right-of-way area may be used for meeting the minimum required amount of total open space.
 - C. Approved stormwater management facilities, in accordance with the Pennsylvania BMP Manual and New Hanover Township's Stormwater Management Ordinance may count toward no more than 5% of the gross tract area used toward the total open space requirement.
 - D. All open space and other common facilities shall be maintained by a homeowners' association or similar entity.
- 3. Central Open Space Requirements.
 - A. Primary Park Requirements.
 - (1) A primary park, which meets the village green requirements, shall be located near the middle of the development and shall be easily and conveniently accessible by sidewalk or paved trail from all dwelling units and nonresidential buildings in the development.
 - (2) The primary park shall be improved with either a gazebo, pavilion, pond, or paved patio area with a fountain, along with appropriate seating, to

help identify this park as the central gathering place for the development. These improvements shall be a minimum of 300 square feet in size.

- (3) On existing tracts 30 acres or smaller, the primary park shall be contiguous and at least 15,000 square feet in size.
 - (4) On existing tracts larger than 30 acres, the primary park shall be contiguous and at least 18,000 square feet in size.
 - (5) When streets abut a primary park, the opposite side of the street from the primary park shall have building front facades facing the park rather than parking lots or detention basins.
- B. Central Open Space Design Alternatives. All central open space shall meet one of the following design alternatives and shall include at least one village green meeting the primary park requirements.
- (1) Village Green. Each village green shall:
 - (a) Be contiguous and at least 10,000 square feet in size;
 - (b) Be configured so that a circle with a radius of 30 feet can fit within the confines of the green; and
 - (c) Be surrounded along at least 25% of its perimeter by roads. All sides of village greens shall be surrounded by either roads or the front facades of buildings.
 - (2) Landscaped Median. Each landscaped median shall have a minimum average width of 10 feet and a length of at least 150 feet, and shall be surrounded by streets on all sides. All landscaped medians shall be maintained by a homeowners' association or similar entity.
 - (a) Landscaped Medians with Bioswales. One landscaped median with a bioswale no larger than 10 feet by 150 feet may count toward the 10% central open space requirement as well as the 5% gross maximum of approved stormwater management facilities allowable within the total open space requirement (see § 27-1707, Subsection 2B). More than one landscaped median with a bioswale may be provided, however, any additional landscaped medians with bioswales may only count toward the 5% maximum of approved stormwater management facilities allowable within the total open space requirement.
 - (3) Eyebrow. Each eyebrow shall be surrounded by streets on all sides, generally configured as a semi-circle, located on the side of a through street, and configured so that a circle with a radius of 15 feet can fit within the confines of the eyebrow. All eyebrows medians shall be maintained by a homeowners' association or similar entity.
 - (4) Cul-de-Sac Island. Each cul-de-sac island shall be located in the bulb of

a cul-de-sac, have a radius of at least 15 feet, and be surrounded by streets on all sides. Cul-de-sac islands shall not interfere with emergency vehicle access. All cul-de-sac islands shall be maintained by a homeowners' association or similar entity.

C. Additional Central Open Space Standards.

- (1) All dwelling units within a VMU development shall be located within 800 feet of some type of central open space.
- (2) Detention basins and other stormwater impounding areas, except for permanent wet ponds, may not be located in central open space areas used to meet the minimum amount of required central open space.
- (3) Land included in § 27-2101, Natural Resource Protection Standards may not be located in central open space areas used to meet the minimum amount of required central open space.

§ 27-1708. Conditional Use Standards. [Ord. No. 2021-12, 12/2/2021]

1. F10 Drive in and Other Eating Place and F7 Financial Establishment Uses With Drive-Through Facilities.

A. As stated in § 27-1702, Subsection 1A(4), applicants may develop nonresidential drive-through facilities upon conditional use approval. The applicant shall demonstrate to the municipal governing body's satisfaction that all of the general conditions for conditional uses in §§ 27-2508 through 27-2511 and all of the following additional conditions are met:

- (1) Each applicant shall submit architectural drawings showing concepts for facades, roof design, and materials for buildings and structured parking facilities, and incorporate specific design standards in order to qualify for conditional use approval.
- (2) These design standards shall include, but may not necessarily be limited to, building and streetscape elements such as the type of lighting, sidewalk design, street furniture, street signs, and architectural details and facade materials.
- (3) In addition, the applicant shall incorporate architectural performance standards such as screening of parking facilities, loading areas, and all mechanical equipment; the continuity of store fronts and entrance doorways on specific streets.
- (4) Drive-through facilities must be screened from view from existing and proposed public streets, main access drives, residential uses, and public walkways.
- (5) Drive-through facility lighting must be full cut-off and located directly under a canopy to minimize spillover glare on neighboring uses.

- (6) A queuing study shall be performed to demonstrate that adequate space can be provided on-site and the queue will not spillback off-site onto adjacent accesses and/or public roadways. A plan illustrating the maximum queue is to be included in the study with appropriate documentation as to how the maximum queue was calculated. The plan must also demonstrate that safe pedestrian access can be provided to and from the building and adjacent parking spaces.
2. Solely Nonresidential Development on Existing Tracts 15 to 30 Acres and Existing Tracts Greater Than 30 Acres With a Sum of at Least 1,200 Feet Fronting on Two Arterial Roads.
 - A. As stated in § 27-1702, Subsection 1C(2) and D(2), applicants may pursue solely nonresidential developments on existing tracts of 15 to 30 acres and tracts larger than 30 acres with a sum of at least 1,200 feet fronting on two arterial roads, upon conditional use approval. The nonresidential uses permitted are listed in § 27-1702. The applicant shall demonstrate to the municipal governing body's satisfaction that all of the general conditions for conditional uses in §§ 27-2508 through 27-2511 and all of the following additional conditions are met:
 - (1) Buildings, driveways, parking areas, loading areas, outdoor activity areas, light sources, trash areas, and other potential nuisances shall be located and designed to minimize adverse impacts on abutting residential properties. In order to limit the adverse impact of a proposed general commercial use, the Board of Supervisors may require alternative site layouts, including increased setbacks from residential property lines, different locations of buildings, parking areas, and driveways, the incorporation of loading and trash collection areas as part of the principal building design, and increased screening for light sources and outdoor activity areas.
 - (2) Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections. The Board of Supervisors may require alternative driveway locations and site design in order to alleviate potential congestion or safety problems.
 - (3) Maximum building coverage shall be 25% of the gross site area associated with the applicable use.
 - (4) A public gathering space that meets the following criteria shall be required for conditional use approval:
 - (a) Ownership and maintenance of public gathering space. The public gathering space shall be maintained by the property owner. No portion of the public gathering space may be dedicated to a specific tenant.

- (b) Size of public gathering space. The public gathering space shall be a minimum of 5% of the gross site area.
- (c) Design of Public Gathering Space.
 - 1) A rain garden may be provided. No more than 30% of the public gathering space may be devoted to a rain garden use.
 - 2) A minimum of 30% of the public gathering space shall be landscaped with trees, shrubs, and mixed plantings with year-round interest.
 - 3) The hard surface area of the public gathering space shall be paving materials, such as unit pavers, paving stones, or concrete. No more than 20% of the public gathering space may be concrete. If concrete in a public gathering space is stamped concrete providing the appearance of unit pavers or paving stones, the maximum area of stamped concrete pavers shall be 30%.
 - 4) The public gathering space shall not be used for parking, loading, or vehicular access.
 - 5) The area of the public gathering space shall not be used to demonstrate compliance with the 35% minimum open space requirement. In these developments, the public gathering space shall satisfy the central open space requirement.
 - 6) Public gathering space may include ornamental fountains, stairways, waterfalls, sculptures, arbors, trellises, planted beds, drinking fountains, benches, awnings, canopies, and similar structures.
 - 7) One bicycle rack space shall be provided for every 1,000 square feet of public gathering space.
 - 8) The average width of the public gathering space shall not be greater than three times the average depth of the public gathering space.
 - 9) The public gathering space shall be easily and directly accessible from adjoining buildings and pedestrian ways.
- (d) Location of Public Gathering Space. The public gathering space shall be located where it is visible and accessible from either a public sidewalk or pedestrian connection. The public gathering space shall connect with existing or proposed public gathering spaces on abutting properties, where feasible. Public gathering space may be located along a street and is encouraged to be located between buildings or within an inner or outer court. Location of a public

gathering space adjacent to a parking lot is discouraged.

- (e) The design and size of the public gathering spaces may be modified, subject to conditional use approval from the Board of Supervisors.

3. All Other Conditional Uses Listed in § 27-1702, Subsection 1A(4).

- A. The applicant shall demonstrate to the municipal governing body's satisfaction that all of the general conditions for conditional uses in §§ 27-2508 through 27-2511 are met as well as the general use requirements in § 27-305.

§ 27-1709. Zoning Map. [Ord. No. 2021-12, 12/2/2021]

The Zoning Map of the Township of New Hanover Zoning Ordinance is hereby amended, incorporating the revised and updated Zoning Map of the Township of New Hanover, attached hereto as Exhibit A.¹

1. Editor's Note: The Zoning Map is included as an attachment to this chapter.