

**BOROUGH OF NEWTOWN**

**ORDINANCE NO. 714**

**AN ORDINANCE OF NEWTOWN BOROUGH, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE NEWTOWN BOROUGH ZONING ORDINANCE BY ESTABLISHING A USE DESCRIPTION FOR PARKING STRUCTURES IN THE BOROUGH.**

**WHEREAS**, by Ordinance No. 653, as amended, the Council of Newtown Borough, Bucks County, Pennsylvania (“Council”) enacted a zoning ordinance (“Zoning Ordinance”) pursuant to its statutory authority, the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended (“MPC”);

**WHEREAS**, through careful study and consideration, Council has determined that certain provisions of the Zoning Ordinance should be amended to establish and regulate parking structures as a nonresidential use in certain Zoning Districts located in the Borough;

**NOW, THEREFORE**, the Council of Newtown Borough, Bucks County, Pennsylvania does hereby enact and ordain the following:

**SECTION 1.** Article 4, Section 401 of the Zoning Ordinance is hereby amended by the addition of the following language in Section 401.B(26.1) “Parking Structure”:

**Parking Structure** - A parking structure shall meet the following requirements.

- a. Location and Access
  1. Entrances and exits shall be located to minimize pedestrian/vehicle conflicts.
  2. Vehicle staging areas shall accommodate the required queuing within the parking structure or within the property line, and shall not interfere with through-traffic or pedestrian circulation on the sidewalk.
  3. Sidewalks shall take priority over entrance and exit driveways. Driveways shall ramp up from the curb to meet the sidewalk. The sidewalk shall not ramp down to meet a driveway.

4. A well-defined primary pedestrian entrance shall be located along the periphery of the parking structure adjacent to and oriented toward the elevators, if provided, and at least one stair.
5. ADA accessible parking spaces shall be located close to stair and elevator cores, and shall have safe access to pedestrian movement patterns within the parking structure and to its exits and entrances.
6. Pedestrian and vehicular conflicts within the parking structure at the points of intersection and interior common routes shall be minimized. Pedestrian walkways shall be clearly indicated.
7. Bicycle entry into the parking structure shall be separated from the vehicle entrance to minimize conflicts with vehicles and entrance control equipment. Bicycle parking shall be located in a visible location near the entrance within the parking structure and should minimize conflicts between bicycle and vehicle movement. Informational graphics, signs and/or other deterrents shall be provided to caution against bicycle riding into and within the parking structure.

b. Functional and Design Requirements

1. A parking structure shall incorporate similar scale, massing, setback and height consistent with existing buildings located adjacent to or within the same block.
2. A parking structure shall have a distinct base, middle and top. Each level shall be delineated through the use of belt courses, cornice lines, wall openings, or other forms of architectural detailing.
3. Blank surface planes and walls without openings shall not be permitted along parking structure frontages visible to the public. Where solid walls are required by building codes, they shall be articulated by providing minor recesses or projections in building surfaces (i.e., to emulate window rhythm of nearby existing buildings).
4. Building materials shall be similar to those of surrounding structures or possess other characteristics such as scale, form, color and architectural detailing to establish compatibility. These features shall be continued on all elevations visible to the public.
5. The facade of a parking structure shall be divided into distinct "sections" consistent with the modulation of nearby existing buildings, but no longer than seventy-five (75) feet per section. Vertical divisions may be achieved through the use of pilasters, piers, panels, or other recesses and projections.

6. Horizontal and vertical architectural detailing and articulation shall be an integral part of the structure based on the intended design. Superficially-applied construction elements or miscellaneous decorative trim on exterior surfaces shall not be permitted.
7. The street/ground level perimeter of a parking structure shall be pedestrian-oriented and include elements that encourage public activity and interest, such as retail shops, public alcoves, streetscape amenities, public art and landscaping. Retail spaces may incorporate display windows, awnings, canopies and recessed entrance doors to enhance public use.
8. Parking space sizes and configurations, drive aisle widths, parking deck and ramp properties and other interior features and functions shall be in accordance with National Parking Association (NPA) design guidelines and recommendations. Any Newtown Borough Ordinance establishing dimensional requirements for surface lot spaces shall not apply to parking spaces within a parking structure.
9. On parking levels, the exterior facade shall maintain a horizontal line throughout. If parking decks are sloped, the incline shall not transmit visually to the facade. If parking decks are horizontal, level-to-level ramping shall be internal and configured as a straight run or spiral, and shall not be visible along the exterior of the parking structure.
10. Passive daylighting and ventilation shall be provided to the extent possible. Light and fresh-air openings in the parking structure facade shall be proportioned to reflect similar features of nearby existing buildings.
11. Interior lighting shall meet guidelines set forth by the Illuminating Engineering Society of North America (IESNA) and be designed so that drivers, bicyclists and pedestrians are not startled by significant and distracting contrasts in light levels between the inside and outside of the parking structure.
12. A single bicycle parking space shall be provided for every ten (10) vehicle parking spaces.
13. Exterior wall openings at each intermediate parking level shall adequately shield rights-of-way and neighboring properties from view of parked and moving vehicles within the parking structure. The sill and head height of wall openings shall minimize light being cast by interior light fixtures and vehicle lighting through the exterior wall openings of the parking structure.

14. The upper parking level shall be surrounded by a solid parapet wall designed and constructed of materials to complement the floor levels below and the tops of nearby existing buildings. Metal railing assemblies with solid, perforated, cable, or mesh panels shall not be permitted.
15. Exterior lighting shall meet guidelines set forth by the Illuminating Engineering Society of North America (IESNA). Glare and visibility of pole-mounted light fixtures on the upper parking level shall be minimized by specifying cut-off fixtures and pole heights. Fixtures shall be located between internal parking rows rather than at the exterior to minimize light trespass beyond the parking structure's perimeter.
16. In addition to signs required by governing codes and standards, directional and informational signs shall be provided for drivers, bicyclists and pedestrians throughout the parking structure.

c. Design Guidelines

1. Pedestrians and bicycles may share a common entrance into the parking structure.
2. Dedicated parking spaces for a membership- or rental-based shared vehicle program should be considered in planning the parking structure.
3. Dedicated parking spaces for electric vehicle charging stations should be considered in planning the parking structure.
4. Loading areas within the parking structure may be provided for vanpools/carpools for picking up or discharging passengers who have parked vehicles in the parking structure.
5. Exterior wall openings may be furnished with metal grillwork or ventilation louvers having mullion/muntin patterning that simulates the existing window detailing of adjacent structures.
6. Parapet wall capping and elevator and stair enclosure roof lines may be pitched or otherwise styled to complement the roof lines of nearby existing buildings. A shaft wall on the same exterior plane as a parapet wall may extend its full height along a single section of exterior wall, as described in Item b.5. above.

d. Height of Parking Structure Elements

1. The maximum height from mean grade level to the upper parking level driving surface shall be thirty-three (33) feet.

2. Parapet wall height measured from mean grade level to its top shall range from thirty-seven (37) feet to a maximum of forty (40) feet. Parapet wall height may extend to the height of elevator and stair shaft walls in compliance with Item c.6. above.
  3. The maximum roof height of elevator and stair enclosures shall be forty-eight (48) feet, when measured from mean grade level to the highest point of a roof.
  4. Total roof area of elevator and stair enclosures shall not exceed five percent (5%) of the area of the upper parking level.
- e. General Security Considerations
1. All parking levels, elevators and stairs shall be illuminated by both natural light and lighting fixtures. If interior walls are provided, openings in these walls shall be maximized to reduce blind spots and increase visibility throughout the parking structure.
  2. Visibility of pedestrian movement in elevator and stair enclosures should be considered as a method of passive security and to provide pedestrians a sense of safety.
  3. Lighting shall be designed as required for sufficient security. Lighting shall be uniform throughout the parking structure so that dark hiding places are not created. Light colored ceilings and walls are recommended to increase overall light levels.
  4. Active security measures, such as sound detection equipment and/or video surveillance systems, should be considered in planning the overall security aspects of the parking structure.

**SECTION 2.** Article 5, Section 500 of the Zoning Ordinance is hereby amended by the renumbering and existing Section 500(C)(3) to Section 500(C)(4).

**SECTION 3.** Article 5, Section 500 of the Zoning Ordinance is hereby amended by the insertion of the following Section 500(C)(3):

The height limitations specified for each district in this Ordinance shall not apply to parking structures, which shall meet the regulations for this use as set forth in Article 4 of this Ordinance.

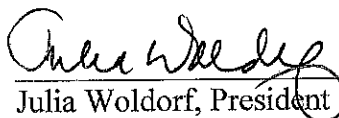
**SECTION 4.** Article 6, Section 605 of the Zoning Ordinance is hereby amended by the addition of "Parking Structure" to Section 605(A)(3) as a Conditional Use.

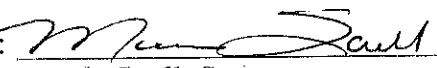
**SECTION 5.** Whenever the requirements of this Ordinance are in conflict with other requirements of the Ordinances of the Borough of Newtown, the most restrictive, or those imposing the higher standards shall govern.

**SECTION 6.** The provisions of this Ordinance are severable. If any court of competent jurisdiction thereof shall hold any section, clause, sentence, part or provision illegal, invalid or unconstitutional, such decisions of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Council of the Borough of Newtown that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

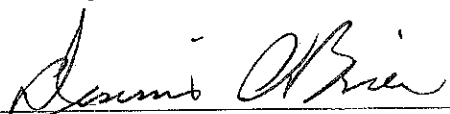
**SECTION 7.** This Ordinance shall become effective upon adoption by the Council of Newtown Borough.

NEWTOWN BOROUGH COUNCIL

By:   
Julia Woldorf, President

Attest:   
Marcia Scull, Secretary

Approved by Dennis O'Brien, Mayor

  
Dennis O'Brien, Mayor

Dated: 7-12-11

