JMZO ORDINANCE #2020-02
Township Ordinance _____

AN ORDINANCE OF THE TOWNSHIP OF NEWTOWN, THE TOWNSHIP OF UPPER MAKEFIELD AND THE TOWNSHIP OF WRIGHTSTOWN, BUCKS COUNTY, COMMONWEALTH OF PENNSYLVANIA, TO AMEND THE PROVISIONS OF THE JOINT MUNICIPAL ZONING ORDINANCE TO DEFINE AND PROVIDE FOR A MOTOR VEHICLE FUELING STATION AND CONVENIENCE STORE USE; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Townships of Newtown, Upper Makefield and Wrightstown have enacted the Newtown Area Joint Municipal Zoning Ordinance, as amended ("JMZO"); and

WHEREAS, the Townships have determined that it is necessary and appropriate to amend the JMZO to provide a new use, a combined motor vehicle fueling center/convenience store, a use that has become increasingly popular and widespread throughout Pennsylvania and the United States, and is not identified as a permitted use within the Jointure; and

WHEREAS, the Townships have determined that it is appropriate to create a new use entitled "Motor Vehicle Fueling and Convenience Store" and to permit that use, subject to conditions, in the OR Office Research, certain areas of the VC-1 Village Commercial 1, VC-2 Village Commercial 2, LI Light Industrial and O-LI Office-Light Industrial zoning districts.

NOW THEREFORE, it is **ORDAINED** by the Boards of Supervisors of Newtown, Upper Makefield and Wrightstown Townships and it is **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION 1.

Section 501.A.3. of the JMZO (OR District) is AMENDED by the addition of the following provision:

"g. Motor Vehicle Fueling and Convenience Store, use E-30"

SECTION 2.

Section 600.A.3. of the JMZO (VC-1 District) is AMENDED by the addition of the following provision:

"j. Motor Vehicle Fueling and Convenience Store, use E-30" provided that Use E-30 shall be permitted only on properties fronting on Taylorsville Road or Pennsylvania Route 532."

SECTION 3.

Section 600.1.A.3. of the JMZO (VC-2 District) is AMENDED by the addition of the following provision:

"k. Motor Vehicle Fueling and Convenience Store, use E-30"

SECTION 4.

Section 702.A.4. of the JMZO (LI District) is AMENDED by the addition of the following provision:

"e. Motor Vehicle Fueling and Convenience Store, use E-30"

SECTION 5.

Section 705.A.4. of the JMZO (O-LI District) is AMENDED by the addition of the following provision:

"e. Motor Vehicle Fueling and Convenience Store, use E-30"

SECTION 6.

Subsection 2 of Section 501.B. is amended to read as follows:

B. Table of Area and Dimensional Regulations.

1. All Residential Uses. All residential uses shall comply with the performance and dimensional regulations in the CM Conservation Management District §§401.B and 401.C.

2. Nonresidential Uses except Public Utility Operating Facility. Nonresidential uses except Public Utility Operating Facility shall comply with the following area and dimensional regulations:

Use	Minimum Lot Area	Minimum Lot Width at Building Setback Line	Maximum Impervious Surface Ratio	Maximum Building Height (feet)(1)	Minimum Yards (feet)		
					Front (2)(3)	Side (both) (2)	Rear (2)
Nonresidential Uses except Uses F-1 and E-30	15 acres	400 feet	0.50	50	150 feet	120	150
Use E-30	2 acres	150 feet	0.50	35	100/***50***	100	100

Footnotes:

(1) Towers, including enclosed equipment towers and chimneys shall be no greater than 75 feet.
(2) The minimum yard requirements shall apply to towers and chimneys in addition to buildings.
(3) For Motor Vehicle Fueling and Convenience Store: As to a principal building – 100 feet; as to accessory structures – 50 feet."

2. Accessory Buildings. All accessory buildings shall be located in conformance with the front, side, and rear yard requirements as delineated above.

3. Agricultural. As required by standards in Article VIII, use A-1 of this Ordinance.

4. Public Utility Operating Facility. No facility nor projected area thereof as viewed on the plan view shall occupy more than 10% of the property on which it is located.

SECTION 7.

Section 600.B of the JMZO is AMENDED to read as follows: B. Table of Area and Dimensional Requirements. The following area and dimensional regulations shall apply:

Use	**Minimum Lot Area (1)**	**Minimum Lot Width at Building Setback Line**	**Maximum Impervious Surface Ratio (2)**	**Maximum Building Height (feet)**	**Minimum Yards (feet)(3,5)**		
					Front (4)	**Side (both)**	**Rear (2)**
All Uses except Use E-30	1 acre	150 feet	0.50	35	50	30	50
Use E-30	1 acre	150 feet	0.50	35	***50/25***	30	50

Footnotes:

(1) For any lot occupied by a building with a dwelling, the minimum lot size shall apply to each dwelling unit.
(2) Not more than 50% of the lot area may be occupied by buildings, unless by special exception.
(3) Buildings existing as of the effective date of this Ordinance which can be lawfully extended or altered under the provisions of this Ordinance may be so altered or extended provided that no portion of such a building shall be built closer than 20 feet to a municipal parking facility. No part of any new building erected on land abutting the said lot shall be built closer than 20 feet to any municipal parking facility. When applicable, the governing body may, in its discretion, require a cyclone fence (or other suitable barrier) having a height of not more than five feet with gates across the rights-of-way and driveways entering the said parking facility.
(4) For corner lots, one of the front yards may be reduced to a depth of not less than 30 feet.
(5) As to a principal building - 50 feet; as to accessory structures - 25 feet.

SECTION 8.

Section 600.1.B. of the JMZO is repealed and replaced by the following:

"600.1.B. Table of Area and Dimensional Regulations. The following area and dimensional regulations shall apply:

	Minimum Lot Area	**Minimum Lot Width at Building Setback Line**	**Maximum Impervious Surface Ratio**	**Maximum Building Height (feet)**	**Minimum Yards (feet) (3)**		
					Front	**Side (both)**	**Rear**
All uses, except Use E-30, with sewer facility	3,000 sf (1)	60 feet	0.75 (2)	35	20 (4)	6	20
All uses, except Use E-30, with on-lot sewage disposal	43,560 sf (1)	150 feet	0.75 (2)	35	50 (4)	30	50
Use E-30	43,560 sf	150 feet	0.50	35	***50/25*** (5)	30	50

(1) For any lot occupied by a building with a dwelling, the minimum lot size shall apply to each dwelling unit.

(2) Not more than 50% of the lot area may be occupied by buildings, unless authorized by a special exception.

(3) Buildings existing as of the effective date of this Ordinance which can be lawfully extended or altered provided that no portion of such a building shall be built closer than 20 feet to a municipal parking facility. No part of any new building erected on land abutting the said lot shall be built closer than 20 feet to any municipal parking facility. When applicable, the governing body may order in its discretion a cyclone fence (or other suitable barrier) having a height of not more than five feet with gates across the rights-of-way and driveways entering the said parking facility.

(4) For corner lots, one of the front yards may be reduced to a depth of not less than 10 feet. The front yard of a proposed building may be decreased in depth to the average alignment of the existing buildings within 300 feet on either side of the proposed building, provided that the building shall extend no closer than five feet to the ultimate right-of-way.

(5) As to a principal building - 50 feet; as to accessory structures - 25 feet."

SECTION 9.

Section 702.B. of the JMZO is repealed and replaced by the following:

"702.B. Table of Area and Dimensional Regulations. The following area and dimensional regulations shall apply:

	Minimum Lot Area	**Minimum Lot Width at Building Setback Line**	**Maximum Impervious Surface Ratio**	**Maximum Building Height (feet)**	**Minimum Yards (feet)**		
					Front	**Side (both)**	**Rear**
All uses, except Use E-30	80,000 sf	200 feet	0.65	50	75 (2)	30	75
Use E-30	2 acres	150 feet	0.50	35	100/***50*** (3)	100	100

(1) A tower or chimney shall be located a minimum of 50 feet from any lot line.
(2) Public Utility Operating Facility: No facility nor projected area thereof as viewed in the plan view shall occupy more than 10% of the property upon which it is located.
(3) As to a principal building - 100 feet; as to accessory structures - 50 feet."

SECTION 10.

Section 705.B. of the JMZO is repealed and replaced by the following:

"705.B. Table of Area and Dimensional Regulations. The following area and dimensional regulations shall apply:

	Minimum Lot Area	**Minimum Lot Width at Building Setback Line**	**Maximum Impervious Surface Ratio**	**Maximum Building Height (feet)**	**Minimum Yards (feet)**		
					Front	**Side (both)**	**Rear**
All uses, except Use E-30	80,000 sf	200 feet	0.65	50	75 (2)	30	75
Use E-30	2 acres	150 feet	0.50	35	100/***50*** (3)	100	100

(1) A tower or chimney shall be located a minimum of 50 feet from any lot line.

(2) Public Utility Operating Facility: No facility nor projected area thereof as viewed in the plan view shall occupy more than 10% of the property upon which it is located.

(3) As to a principal building - 100 feet; as to accessory structures - 50 feet."

SECTION 11.

Section 803.E. Use Regulations is amended to include the following provision:

"E-30 Motor Vehicle Fueling and Convenience Store: A Motor Vehicle Fueling and Convenience Store is a retail and consumer service use that sells a limited range of basic items, household goods, groceries and motor vehicle fuels. It may include the sale of the following: food preparation for take-out consumption, coffee, dairy products, delicatessen, dry goods, food stuffs, grocery items, newspapers, tobacco, legal lottery sales, over-the-counter medication, and minor automotive accessories, subject to the limitations and conditions set forth under this section. The following accessory facilities shall be permitted but not required: indoor automated teller machines, indoor vending machines, electric vehicle charging stations, prefilled propane exchange tanks and air pumps for the inflation of tires. The following accessory uses and the sale of the following items shall not be permitted: Indoor seating, Use E-9 Entertainment, car wash, outdoor seating, outdoor display and/or sale of items, the sale of alcoholic beverages, vehicle service station, above-ground tanks for the sale of petroleum products or other inflammable liquids or gases.

A Motor Vehicle Fueling and Convenience Store shall meet the following criteria, which criteria shall apply in lieu of any inconsistent criteria of this Ordinance.

1. Use E-30 shall be permitted only on properties located at the intersection of two public streets, one of which shall be an expressway, arterial or major arterial street. There shall be no direct access to an expressway.

2. All activities, except electric car charging stations, and those activities performed at fuel pumps and air pumps, must be performed completely within an enclosed building.

3. There shall be no more than four (4) fuel pumps with two fueling positions at each pump, for a maximum of eight (8) fueling positions. Fuel pumps shall be arranged in a rectangular fashion (two across and two deep), not in a straight line. There shall be sufficient room between pumps for vehicles to pass between pumps with vehicles parking at each fueling station.

4. There shall be one (1) on-site parking space per two hundred and fifty (250) square feet of gross floor area, plus an additional parking space for every electric vehicle charging station. Vehicular fueling positions shall not be counted toward the minimum parking space requirements of this section.

5. Electric vehicle charging stations are encouraged. If proposed, such parking spaces shall be located in those areas of the parking lot most remote from the principal building so as to discourage use of the spaces by customers not

having electric vehicles. Electric vehicle charging stations shall not be located between the street line and the primary building. The equipment associated with electric vehicle charging stations shall not be mounted on light posts or bollards.

6. No drive-in windows for the sale of convenience items shall be permitted.

7. The applicant shall incorporate design elements such as buffer plantings, sidewalks, fencing, ornamental plantings and other similar features to enhance the aesthetics of the street frontage of the Motor Vehicle Fueling and Convenience Store.

8. No vehicle may be stored on the site, and no vehicle may remain on the premises for more than 24 hours.

9. The design and materials of trash and dumpster enclosures shall be substantially similar to the design and materials used in the construction of the convenience store. No trash enclosure may be located within any front yard setback area or within two hundred (200) linear feet from any principal structure occupied as a single-family detached dwelling.

10. Fossil fuel filters and shut-off valves, or other devices to safeguard the stormwater system, acceptable to the governing body, shall be installed in all stormwater inlets that will accept discharge from the site. As part of the land development application, the applicant shall present a plan that demonstrates the methods by which any spills of liquids will be contained and shall also demonstrate that the storm water management system is designed to capture volatile organic compounds, oils and solids. The spill containment and prevention systems utilized by a Motor Vehicle Fueling and Convenience Store shall, at a minimum meet or exceed all Federal and state requirements.

11. Canopies shall be constructed over pump islands, and canopies shall conform to the following:

    a. Canopies shall be of a shape and have materials generally consistent with the building's architecture and shall be consistent with and reflective of the historical character of the community, as determined by the governing body. If required by the governing body at time of land development review, the roof of the canopy shall be shingled.
    b. Canopy columns shall be faced with brick wainscoting or similar materials up to a height of at least eight (8) feet.
    c. Canopies shall be no more than 60 feet in length, and shall have a maximum permitted size of 3000 square feet.
    d. Lighting shall be fully-recessed into the canopy and shall not extend downward beyond the ceiling of the canopy. Under canopy lighting shall be in accordance with the Illuminating Engineering Society

standards. Lighting shall be pointed downward to avoid glare leaving the canopy area.

e. Canopies shall not be internally illuminated, and lights shall not be mounted on the fascia or on top of the canopies.

f. Fascia of the canopy shall extend 12 inches below any light fixture to block direct view of the light source from the property line.

g. The maximum height of the canopy shall be 22 feet, as measured from the finished grade to the highest point on the roof.

h. Canopies shall have peaked roofs or roofs designed as to not appear as one plane.

i. Striping or color accent banding on the canopies and the canopy supports is prohibited.

j. All signage, including logos and trademarks, are prohibited on the canopies and canopy supports.

k. Canopy and roof signs shall be prohibited.

12. The convenience store building shall be constructed primarily of brick or stone, and glass and shall reflect the historical character of the community. All building facades must include two additional features among this list: windows, pent roofs, offsets, variations in materials, or other architectural amenities designed to enhance the building's appearance. Design of the building shall be subject to the review and approval of the governing body at the time of the land development review.

13. No deliveries or pick-up of inventory, merchandise, foodstuffs, trash or other product shall occur between the hours of 11:00PM and 6:00AM. These restrictions shall not apply to fuel deliveries.

14. Buffering and screening shall conform to the provisions of Section 1003.B.3., Section 1003.C.2. and Section 1001.F.6.b., in addition to any other landscape requirements. The following standards shall apply to all E-30 uses:

    a. A complete visual screen of at least 60 inches in height at the time of planting shall be installed around the perimeter of the dumpster enclosure, provided that no screening will be required at the vehicle access to the dumpster.
    b. In addition to any other landscape requirements, including the street tree requirements, of the Townships' Subdivision and Land Development Ordinances, a 3 to 3-1/2-inch-caliper shade tree shall be provided for each fueling station unit. The trees shall be planted between the right-of-way and the fueling station canopy.
    c. The buffering requirements of the JMZO and the municipal host's Subdivision and Land Development Ordinance shall be met.
    d. Softening buffers and knee walls shall be included if deemed appropriate by the governing body at the time of land development review.

15. In addition to the requirements in the Townships' Subdivision and Land Development Ordinances, a minimum of two (2) separate trash receptacles and two (2) recycling receptacles shall be provided and maintained outdoors for customer use. One (1) trash receptacle and one (1) recycling receptacle shall be provided and maintained outdoors for each fueling island.

16. The area of the convenience store building shall not exceed:

    a. OR Zoning District-6,000 square feet
    b. VC-1 Zoning District-4,000 square feet
    c. VC-2 Zoning District-4,000 square feet
    d. LI Zoning District-6,000 square feet
    e. O-LI Zoning District- 6,000 square feet

17. Pedestrian routes between the building and fueling area shall be depicted on the plan and be distinguished by varied paving treatments or striping.

18. Only one (1) loading zone shall be required. The minimum dimensions of the loading zone shall be 15 feet in width and 50 feet in length. No dedicated loading berth shall be required for refueling vehicles or refuse collection vehicles. The loading zone may be located within the required setback for accessory structures, but must adhere to the parking area setback requirements. These provisions shall apply in lieu of the requirements of Section 1002.I.

19. A sidewalk (5-foot minimum width) or a trail (8-foot minimum width) shall be provided along all street frontages, except frontages along an expressway. The sidewalk/trail shall meet the standards in the Newtown Township Comprehensive Trail Plan, or meet the safety and/or aesthetic needs of Upper Makefield and Wrightstown Township's Governing Bodies.

20. Street access and driveways shall be designed in accordance with the individual municipalities' requirements and PennDOT requirements.

21. Lighting shall conform to the following:

    a. All canopy lighting shall conform to provisions in all applicable municipal ordinances.
    b. The maximum height of all parking lot and street lighting shall be 15 feet.
    c. All lighting shall be a full-cutoff design and shall meet the Illuminating Engineering Society standards, except where those standards are in conflict with this ordinance.
    d. A lighting plan shall be submitted with the conditional use plan and the land development plan.
    e. All luminaires shall be shielded, controlled and appropriately oriented so that the light levels shall not exceed 0.2 foot-candles as measured at grade at the common property line of a nonresidential property, and the

intensity illumination projected onto a residential property or use shall not exceed 0.1 foot-candles, measured at grade at the common property line. The intensity of illumination onto adjoining public roadways shall not exceed 0.5 foot-candles.

f. Lighting shall be dimmed to 50% no later than one hour past the close of business unless the use is a 24-hour per day operation."

22. Except as required by law, there shall be no musical, audio or video advertising used exterior to the principal building, including at the pumps.

23. There shall be no high-speed diesel fueling stations as part of the Motor Vehicle Fueling and Convenience Store Use.

24. A Traffic Impact Study, in the form required by the host Township's Subdivision and Land Development Ordinance, shall be submitted with the land development application. Each submission shall not be deemed complete without the traffic impact study.

25. An Environmental Impact Statement, in the form required by the host Township's Subdivision and Land Development Ordinance, shall be submitted with the land development application.

26. Architectural drawings for the subject property shall be submitted and reviewed as part of the special exception review.

27. Information regarding the proposed frequency of deliveries to the property, the type of vehicles that would be making deliveries to the property and the nature of the material to be delivered shall be provided with the special exception application.

28. The number of shifts and the maximum number of employees expected per shift for the use shall be provided with the special exception application.

29. The lot or property on which a Motor Vehicle Fueling and Convenience Store use is proposed shall not abut a zoning district that permits residential uses or a lot or property that contains a residential use.

30. The Board of Supervisors may limit the hours of operation if a residential use is located within 750 feet of the subject property line.

31. A plan showing all proposed signs, in conformance with Article XI of the JMZO, shall be submitted with the special exception application.

32. Indoor and outdoor security cameras which can be accessed by the township police shall be installed on the convenience store building, the fueling area, and the dumpster shelter.

SECTION 12. Table of Use Regulations

Table C100 in Appendix C will be amended to:

1. Add “E30 - Motor Vehicle Fueling and Convenience Store” as a Special Exception “SE” in zoning districts “ OR, VC-1*, VC-2, LI, and O-LI, provided that the * shall reflect that in the VC-1 Zoning District, Use E30 shall be permitted only on properties fronting on Pennsylvania Route 532 or Taylorsville Road;” and

2. Add Use E-30 as not permitted “N” in the remaining zoning districts.

SECTION 13. Repealer.

Any provisions of the Newtown Area Joint Municipal Zoning Ordinance, as amended, inconsistent herewith are hereby repealed.

SECTION 14. Severability.

If any provision of this Ordinance is declared by a Court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Newtown Area Joint Municipal Zoning Ordinance, as amended.

SECTION 15. Effective Date.

This Ordinance shall go into effect immediately upon all three municipalities enacting it.

ENACTED AND **ORDAINED** this _____ day of _____, 2020.

NEWTOWN TOWNSHIP

Attest:

_____ By:_____
Micah Lewis, Manager Phillip Calabro, Chairperson

Date:_____

UPPER MAKEFIELD TOWNSHIP

Attest:

_____ By:_____
David R. Nyman, Manager Thomas F. Cino, Chairperson

Date:_____

WRIGHTSTOWN TOWNSHIP

Attest:

_____ By:_____

Joseph F. Pantano, Manager Chester S. Pogonowski, Chairperson

Date:_____