

**PATTON TOWNSHIP  
CENTRE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2018 - \_\_\_\_\_**

**MIXED-USE OVERLAY DISTRICT 2**

**AN ORDINANCE OF PATTON TOWNSHIP AMENDING CHAPTER 175 (ZONING) OF THE CODE OF PATTON TOWNSHIP TO ADD A NEW ARTICLE (VIII E), WHICH ESTABLISHES A NEW OVERLAY ZONING DISTRICT; MIXED-USE OVERLAY DISTRICT 2**

**WHEREAS**, the Board of Supervisors of Patton Township, Centre County, Pennsylvania (“Township”) desires to establish a new overlay zoning district within Chapter 175 (Zoning) of the Code of Patton Township known as the Mixed-Use Overlay District 2 (MXD2).

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by Patton Township, Centre County, Pennsylvania, after Public Hearing and in accordance with the general powers permitted by the Second Class Township Code (53 P.S. §65101 et seq.), that the following ordinance be enacted:

**SECTION 1: TITLE**

This ordinance shall officially be known as the “Mixed-Use Overlay District 2” ordinance.

**SECTION 2: INTENT**

The Township intends to establish a new overlay zoning district, the Mixed-Use Overlay District 2, which is designed to promote a diverse mix of land uses on properties located near existing commercial and residential areas, redevelopment of underutilized commercial properties and growth in places that are most conducive to accommodating additional development, opportunities for small-scale or locally-owned businesses, aesthetically pleasing developments with consistent architectural themes, bicycle and pedestrian-oriented buildings and facilities and connections to and from surrounding properties, access to public transit, shared parking facilities to reduce impervious cover and encourage effective management of stormwater runoff, affordable housing, and public gathering places for public celebrations.

**SECTION 3: DEFINITIONS**

Amend **§175-6 Definitions; interpretations of regulations.** to add the following definitions:

**BICYCLE PARKING, LONG TERM**

Bicycle parking that is primarily intended for bicyclists who need parking for 3 hours or more.

**BICYCLE PARKING, SHORT TERM**

Bicycle parking that is primarily intended for bicyclists who need parking for 3 hours or less.

**BICYCLE PARKING SPACE**

A physical space that is a minimum of two and one-half (2.5) feet in width by six (6) feet in length with a vertical clearance of at least seven (7) feet that allows for the parking of one bicycle, and if located outside, is hard surfaced and well drained.

**BICYCLE PARKING SPACE, SHELTERED**

A bicycle parking space in a secure facility which protects the entire bicycle and its components and accessories against theft and inclement weather. This type of facility

includes, but is not limited to bicycle lockers, check-in facilities, monitored bicycle parking, restricted access parking, and personal storage.

**BICYCLE RACK**

A device consistent with industry standards that is capable of supporting a bicycle in a stable position, is made of durable materials, is no less than thirty-six (36) inches tall from the base to the top of the rack and no less than one and one-half (1.5) feet in length, permits the securing of the bicycle frame and one wheel with a U-shaped lock, and is a of a character and color that adds aesthetic value to the immediate environment.

**DRIVE-THROUGH USE**

A use that provides a drive-through lane that permits a person to receive a product or service without leaving their vehicle.

**GREEN ROOF AREA**

The area atop a building roof surface, open to the sky and air, which is surfaced with soil and living plant material for the purpose of retaining rainwater and absorbing heat from sunlight. The depth of soil and planted material shall be a minimum of four (4) inches.

**LANDMARK FEATURE**

A prominent or conspicuous feature, such as a clock tower, cupola, or other uninhabitable portion of a building or a freestanding object that serves as a unique and distinct element marking a site or location.

**LOW OCCUPANCY FACILITY**

A building or use with limited customer or non-employee contact and less than one (1) employee per every ten thousand (10,000) square feet of gross floor area.

**PERVIOUS PAVEMENT SYSTEM**

A low-impact development (LID) stormwater best management practice (BMP) that consists of a pervious pavement layer and an aggregate stone bed storage layer placed on a non-compacted soil subgrade. The pavement layer must be capable of supporting vehicular or pedestrian traffic and have sufficient porosity to allow rainwater to percolate into the storage layer below. A pavement layer is considered pervious if it is one of the following materials: pervious bituminous asphalt, pervious concrete or non-separated pervious paver blocks, all of which must be underlain by a uniformly graded aggregate stone bed on a non-compacted soil subgrade. The storage layer typically consists of gravel or crushed stone with sufficient voids that will store water after a storm until such time as the water can infiltrate into the soil subgrade below. Such systems are an effective method for minimizing the environmental impact of land development. The latest version of the Pennsylvania Department of Environmental Protection (PADEP) BMP Manual provides a detailed description of pervious pavements and their proper construction and maintenance.

**PUBLIC CELEBRATION**

An event or series of events scheduled in observance of state, federal, or religious holiday, or conducting organized activities for a historical, cultural, or a special theme held for a limited period of time and where such events or activities are not being held solely for profit. Public celebrations may include, but are not limited to, farmers markets, seasonal celebrations, craft fairs, or festivals.

**PUBLIC GATHERING PLACE**

Any outdoor place to which the public or a substantial number of the public has access, including but not limited to parks, courtyards, playgrounds, and the outdoor common areas of public and private buildings and facilities.

**SECTION 4: ESTABLISHMENT OF ZONING DISTRICT**

Amend **Chapter 175: Zoning** to add **Article VIII Mixed-Use Overlay District 2** with the following provisions:

**§175-40.9 District regulations.**

**A. Intent.** In addition to the general goals listed in **§175-2, General intent** these regulations may be utilized to develop or redevelop properties in the C2 (Planned Commercial) zoning district and are intended to:

- (1) Permit and encourage a diverse mix of land uses on properties located near existing commercial and residential areas.
- (2) Facilitate the redevelopment of underutilized commercial properties and allow growth in places that are most conducive to accommodating additional development.
- (3) Provide opportunities for small-scale or locally-owned businesses.
- (4) Promote aesthetically pleasing developments with consistent architectural themes.
- (5) Promote communities with bicycle and pedestrian-oriented buildings and facilities, and connections to and from surrounding properties.
- (6) Promote communities with access to public transit.
- (7) Encourage shared parking facilities to reduce impervious cover and encourage effective management of stormwater runoff.
- (8) Provide workforce and/or affordable housing opportunities consistent with the goals and objectives of the Centre Region Comprehensive Plan.
- (9) Provide public gathering places for community events or public celebrations.

**B. Applicability.** These are optional regulations.

- (1) These overlay zoning district regulations, entitled Mixed-Use Overlay District 2 (MXD2), may be applied only within the C2 zoning district of Patton Township.
- (2) All existing zoning, land use, and building regulations of the Code of Patton Township now in place continue to apply except where the regulations contained herein conflict. In such case, these regulations are intended to supersede and apply in order to facilitate development consistent with **§175-40.9(A), Intent**.

**C. Master plan approval.** All development within the MXD2 must be done pursuant to approval of a master plan in accordance with the following procedures:

- (1) Preapplication meeting. A preapplication meeting is recommended but shall not be mandatory, nor shall it be regarded as a formal application for development.

The purpose is to provide for an informational exchange where the major elements of a proposed master plan can be reviewed and evaluated at the municipal staff level. The filing of any report, sketch plan, plat, or map prior to or at such meeting shall not constitute submission of a plan or application for development, nor shall such materials be binding on subsequent submissions by the applicant.

- (2) Sketch plan submission. The applicant is encouraged to submit a sketch plan, in both paper and digital format. The purpose is to discuss the conceptual sketch of the proposed development with the municipal staff, Planning Commission, and Board of Supervisors prior to final submission.
- (3) Master plan application and review. Application for master plan approval of an MXD2 development shall commence upon a complete submission as described below:
  - (a) A master plan submission shall be deemed complete when the applicant has furnished the following to the Township:
    - [1] Twelve copies of a master plan prepared by a registered engineer, surveyor, landscape architect, or similarly qualified person. The plan shall fully comply with the requirements of this Article. One additional copy shall be submitted in a digital format acceptable to Patton Township.
    - [2] Twelve copies of a narrative, which shall fully comply with the requirements of this Article.
    - [3] Three copies of a transportation impact analysis, which shall comply with the requirements of this Article.
    - [4] Developer agreement. All property owners or developers proposing to utilize these MXD2 regulations shall declare their intent to do so in the form of a note on the master plan, or in the form of a separate written developer agreement.
  - (b) Once the submission is complete, the Township Zoning Officer shall forward copies of the documents to the Township Engineer, Centre Regional Planning Commission, Centre County Planning Commission, COG Fire Director, COG Refuse and Recycling Administrator, University Area Joint Authority, State College Borough Water Authority, State College Area School District, and other appropriate agencies.
  - (c) At any time during the review process, the applicant may amend the originally submitted plan solely for the purpose of correcting minor deficiencies in the original plan, to the extent necessary to meet Township requirements.
  - (d) Review by the Township Planning Commission.
    - [1] At its next regular meeting following the receipt of the application for master plan approval, provided that such application was made at least 30 days prior to the meeting, the Planning Commission shall review the plan to determine its conformance with the provisions contained in these regulations.

- [2] The Planning Commission shall notify the Township Board of Supervisors of any recommended action, and any changes or modifications to the plan after such decision is made, provided that the Planning Commission shall make such recommendations within 70 days after the date the application was filed. No recommendation shall be made until reports from the Centre County and Centre Regional Planning Commissions are received, or until expiration of 30 days from the date the plan was forwarded to these agencies; whichever comes first.
  - [3] If review by the Planning Commission results in a recommendation to deny approval, notification to the Township Board of Supervisors shall specify the deficiencies found in the plan, list the requirements that have not been met, and cite the provisions from which such requirements originate.
- (e) Review by the Township Board of Supervisors. Upon receipt of the recommendation from the Planning Commission, or upon failure to receive recommendations within 70 days after submittal, the Board of Supervisors shall review the application for master plan approval.
- [1] The Board of Supervisors shall review the plan and the written reports of the Township Planning Commission and all other reviewing agencies noted above to determine if the plan meets all applicable regulations.
  - [2] Prior to approval of a master plan, the Board of Supervisors shall require a public hearing. The Township shall place a notice of the time and place of the public hearing in a newspaper of general circulation as set forth by the requirements of the Pennsylvania Municipalities Planning Code, and shall also notify all adjoining property owners by mail.
- (f) Approval or denial. The Board of Supervisors, within 50 days following the Planning Commission action or inaction, shall by official written communication to the applicant either:
- [1] Grant approval of the master plan as submitted.
  - [2] Grant approval subject to the applicant meeting specified modifications to the master plan.
  - [3] Deny approval of the plan, including reasons and/or plan deficiencies as noted above.
- (g) When the development may occur over a period of years, the Board of Supervisors may authorize development in phases, subject to requirements or guaranties of improvements in future phases of the development that it finds essential for the protection of any approved phase. A schedule shall be submitted with the application for master plan approval in accordance with **§175-40.9 (C)(4)(e)**. Requests by the landowner or developer to revise the schedule may be granted at the discretion of the Board of Supervisors.

- (h) Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the master plan as presented, unless the applicant has agreed, in writing, to an extension of time or change in the prescribed manner of presentation or communication of the decision, in which case failure to meet the extended time or change in manner of presentation of communication shall have like effect.
  - (i) In the event that approval is granted subject to conditions, the landowner or developer may, within 30 days after receiving a copy of the official written communication of the governing body, notify the Board of Supervisors of his or her refusal to accept all conditions, in which case, the Board of Supervisors shall be deemed to have denied approval of the master plan. In the event that the landowner or developer does not, within said period, notify the Board of Supervisors of his or her acceptance of all conditions, approval of the master plan shall be deemed to have been denied.
  - (j) Approval of a master plan shall not authorize construction or the issuance of any building permit. Such authorization or issuance shall not occur until a land development plan is approved for the applicable area.
  - (k) An approved master plan shall be recorded by the developer in accordance with **§153-15 Recording of final plan.**
    - [1] An applicant may request an extension, in writing, of this deadline for up to an additional 90 days. Approval shall be at the discretion of the Board of Supervisors.
- (4) Required master plan content. Proposed master plans shall be drawn to a scale of one inch equals 100 feet or larger (e.g., one inch equals 30 feet) and shall contain the following information:
- (a) General data.
    - [1] Name of proposed development.
    - [2] Purpose statement.
    - [3] Sheet index.
    - [4] North arrow.
    - [5] Graphic and written scale.
    - [6] Location map showing the proposed development in relation to roadways, waterways, and municipal boundaries.
    - [7] Legend describing all symbols and land use areas shown on the plan (residential, nonresidential, etc.).
    - [8] Date the plan was originally prepared, and the date and description of any revisions after formal submission.

- [9] Name, address, and seal of the individual or firm that prepared the plan.
- [10] Total area of the master plan tract and each lot.
- [11] Boundaries of the tract and each lot, showing bearings to the nearest minute and distances to the nearest hundredth of a foot. If desired, bearings and distances may be provided as a line and curve table.
- [12] Zoning district of master plan area and abutting properties, including any overlay zoning districts.
- [13] Perimeter setback of the tract and interior setbacks for all lots.
- [14] Names and addresses of property owners, and the deed book and page numbers of deeds conveying the property. Name and address of developer (if different).
- [15] Names of owners, tax parcel numbers, and deed book and page numbers for all properties within or abutting the proposed master plan area.
- [16] Signature blocks:
  - [a] Certification of ownership and plan acknowledgment of all property owners within the master plan area.
  - [b] Offer of dedication for land or objects intended for public use.
  - [c] Centre County Recorder of Deeds.
  - [d] Township Planning Commission.
  - [e] Township Board of Supervisors.
- [17] A table with data for the overall development and each phase, including:
  - [a] List of proposed land uses including residential, nonresidential, mixed-use, and open space, and the total acreage and percentage of the overall site of each area.
  - [b] Size, in square feet, of all proposed buildings and the intended use of each.
  - [c] Number of dwelling units in each building containing residential uses.
  - [d] Residential dwelling unit density, in units per acre, and nonresidential floor area ratio (FAR).
  - [e] Area and percentage of impervious coverage including streets, parking areas, sidewalks, bicycle paths, and structures.

- [18] A preliminary stormwater management plan illustrating drainage patterns and detention pond areas. The plan should include preliminary pond sizing calculations.
  - [19] A conceptual landscaping, screening, and buffering plan.
  - [20] A general grading plan indicating any major alterations to the topography of the site.
  - [21] Proposed interior circulation plan for vehicular, pedestrian, and bicycle traffic, including all sidewalks, trails, and bikeways.
- (b) Existing and proposed features. Approximate location of natural or manmade features, existing and proposed, on or within 100 feet of the property:
- [1] Public and private streets, including:
    - [a] Location and width of right-of-way and cartway.
    - [b] Names and ownership (i.e. private, township).
  - [2] Easements and rights-of-way.
  - [3] Utilities
  - [4] Culverts and bridges.
  - [5] Railroads.
  - [6] Buildings and other structures.
  - [7] Public gathering places.
  - [8] Driveways, parking, and loading areas.
  - [9] Drive-through uses.
  - [10] Sidewalks and bicycle paths.
  - [11] Sinkholes.
  - [12] Watercourses and floodplains.
  - [13] Historic sites.
  - [14] Tree masses and unique vegetation.
  - [15] Required buffer yards.
  - [16] Significant topographical and physical features.
  - [17] Steep slopes.
  - [18] Critical groundwater recharge areas.



- [19] Topographic contour lines at vertical intervals of 10 feet or greater (e.g. 5 ft., 2 ft.).
- (c) Narrative statement. The following information should be included in a narrative statement submitted with the master plan:
  - [1] A statement of the ownership of all of the land included within the master plan area.
  - [2] An explanation of the design pattern of the development.
  - [3] The substance of covenants, grants of easements, or other restrictions that will be imposed on the use of land, buildings and structures, including proposed easements or grants for public use or utilities. The covenants should specifically indicate that any land proposed for public gathering places shall be used for such purposes in perpetuity.
  - [4] A description of the form of organization proposed to own and maintain the designated public gathering places or other common facilities.
  - [5] A description of proposals to preserve natural features and existing amenities and a statement of conceptual landscaping designs.
- (d) Development schedule. When it is anticipated that development pursuant to an approved master plan will occur in phases over a period of years, the following shall be included with the application for master plan approval:
  - [1] The approximate date when subdivision and land development plans for each phase will be submitted for approval, and when each phase will be completed. Each phase shall be able to function independently of the undeveloped phases while being compatible with adjacent or neighboring land uses.
- (e) Traffic impact report. A traffic impact (TIR) report meeting all requirements of **§153-42 Study contents** shall be included with all master plan submissions.
  - [1] Major changes (as defined in this article) to the approved master plan require submission of a revised TIR. This shall occur prior to an application to amend the master plan.
  - [2] Subsequent land development plans that deviate from the master plan analysis shall submit a revised TIR.
  - [3] Vehicular access:
    - [a] For tracts that are not subdivided or are subdivided into two or three lots, access point(s) shall be as determined by the TIR and may utilize a shared driveway or internal public road.
    - [b] For tracts subdivided into four or more lots, access to lots shall be from an internal public roadway.

- (f) Architectural renderings. Renderings of representative buildings and landmark features illustrating the view from streetscapes within and adjacent to the site shall be submitted to ensure that the development will meet the architectural standards of **§175-40.9(L) Streetscapes**.
- (5) Master plan amendments. Any major changes to an approved master plan must submit an amended plan that meets the procedural and content requirements presented herein. A major change includes any of the following:
- (a) Any increase in the approved residential or commercial area percentage.
  - (b) Any significant changes in the approved densities for residential areas.
  - (c) Any significant changes in the commercial or industrial floor area ratios.
  - (d) Any decrease in the approved open space area percentage.
  - (e) A change in the location of external vehicular access points or interior roadway locations.
  - (f) Any other change determined by the Township to be significant.

#### **D. Use regulations.**

- (1) Uses by right. In the MXD2, land and structures may be used only for the uses shown in **Table 1, MXD2 Uses**. The uses must be combined with an existing use or, if new construction, combined with a use permitted in the C2 District.
- (2) Conditional uses. Conditional uses are shown in **Table 1, MXD2 Uses**.
  - (a) Drive-through uses.
    - [1] All drive-through uses must be clearly shown on the master plan for the site.
    - [2] To minimize disturbance to residential units located in mixed-use structures, drive-through uses are only permitted to operate between the hours of 6 AM and 11 PM.
    - [3] Drive-through uses shall be sited in a manner that minimizes disturbance to adjacent residential uses and all related buildings, lanes, and drive aisles.
    - [4] Drive-through uses shall not compromise pedestrian convenience, safety, or detract from the overall walkability of the MXD2 development.
    - [5] Drive-through lanes shall be constructed as follows:
      - [a] Vehicles must not overflow into adjacent streets, parking areas, or drive aisles.

- [b] Drive-through lanes shall be shielded in a manner that eliminates vehicle headlight glare into adjoining properties and roadways.
- [c] Each vehicle stacking space shall be a minimum of twenty (20) feet in length.
- [d] Stacking lanes shall not extend onto adjoining property unless the owner of the drive-through site obtains a written easement from the adjoining landowner to construct and use improvements upon the adjoining property, and to maintain, repair, replace, or remove such improvements. The easement shall be recorded prior to approval of any related land development plan.

<b>Table 1 MXD2 Uses §175-40.9(D)(3)</b>				
<b>Permitted Uses</b>	<b>Accessory Uses</b>	<b>Conditional Uses</b>	<b>Special Uses<sup>1</sup></b>	<b>Prohibited Uses<sup>1</sup></b>
Same permitted uses as C2, with the addition of:  Apartments Townhouses	Customary uses accessory to permitted uses	Drive-through uses		
<b>NOTES:</b> <sup>1</sup> There are no special exceptions or specifically prohibited uses in this zoning district.				

**E. Area and bulk regulations.** Area and bulk regulations not specified herein shall be per the underlying C2 zoning district.

- (1) Minimum lot size. All properties shall have a minimum lot size of 20 acres.
- (2) Maximum height.
  - (a) The maximum permitted building height shall be 60 feet.
  - (b) Landmark features.
    - [1] One landmark feature may be included on the site.
    - [2] The maximum height of a landmark feature, measured to the top of the feature, shall be as follows:
      - [a] Freestanding structures: 75 feet.
      - [b] Building-mounted: 20 feet above the mean height between the eaves and ridge of a pitched roof, or the highest point of a flat roof.

- (c) The height of all proposed buildings and landmark features shall be listed in a table on the master plan.
- (3) Maximum building size.
  - (a) No single building within the development may exceed a 60,000 ft<sup>2</sup> footprint for the ground floor area.
  - (b) No single building within the development may exceed a floor area ratio (FAR) of 0.15 for total floor area.
  - (c) Structures used primarily for parking shall be exempt from the maximum building size requirement.
- (4) Residential density.
  - (a) The development must include at least 6.25 dwelling units per acre.
  - (b) The maximum residential density shall be 12.5 dwelling units per acre.
- (5) (Reserved)
- (6) Mix of uses. The amount of ground floor area devoted to nonresidential uses shall be no less than 75% of the total building ground floor area on the site.
- (7) Setbacks.
  - (a) Side and rear yards. The side and rear yard building setbacks adjacent to non-residential zoning districts and undeveloped residential zoning districts shall meet the C2 setbacks for side and rear yards adjacent to commercial and industrial zoning districts as specified in **§175-17D, Table 4 (C2 Area and Bulk Regulations)**. All other side and rear yard setbacks shall be as follows:

Structure Type	Side Yard Setback	Rear Yard Setback
Residential	30 feet	50 feet
Non-Residential or Mixed-Use	75 feet	75 feet

[1] Where required setbacks are 30 feet or greater, a 30-foot wide buffering strip shall be provided along the property line and must include, at a minimum, the following planting ratios:

Required Plantings Per 100 Linear Feet of Buffer	
Type	Amount
Canopy trees	2
Understory trees	5
Evergreen trees	5
Shrubs <sup>1</sup>	15

<sup>1</sup> 50% of required shrubs must be evergreens to ensure an effective all-season buffer.

To allow design flexibility, the following exchange ratios may be utilized:

Substitution	Equal To
2 understory	1 canopy
1 canopy	2 understory
2 evergreen	1 canopy
1 evergreen	5 shrubs
1 understory	3 shrubs

- [2] Plantings must meet the following minimum standards:
  - [a] Canopy trees: minimum 2 ½ to 3 inch caliper measured at breast height (54 inches above grade)
  - [b] Understory and evergreen trees: minimum 8 to 10 feet in height or 2 to 2 ½ inch caliper measured at breast height (54 inches above grade)
  - [c] Shrubs: 24 to 30 inches in diameter
- [3] All plantings shall be selected to be compatible with the environmental conditions they will be exposed to. Any plant material that does not survive must be replaced within one year.
- [4] At least 50% of new plantings shall be native to the region. Native vegetation shall include, but need not be limited to, plant materials set forth in **Chapter 175 Appendix C: Plants Native to Central Pennsylvania.**
- [5] To ensure adequate headlight screening in reduced side and rear yard setback areas, a plan for the use of mounding and/or ornamental grasses to supplement the required tree and shrub plantings must be approved by the Township.
- [6] Parking is permitted in the side or rear yard area as follows:
  - [a] Parking in the side or rear yard areas adjacent to existing residential uses is only permitted in the setback areas established for non-residential or mixed-use structures. If parking is proposed in side or rear yard areas, the parking setback shall be 59 feet from the property lines.
  - [b] If parking is proposed in any side or rear yard areas, the overall site must include two or more enhancements, listed in **Chapter 175 Attachment 10 - Appendix D: Approved Landscaping and Architectural Enhancements.**
  - [c] If parking is proposed in any side or rear yard areas, buffering shall be required along the property lines in accordance with the planting schedule in section **7(a)[1]** of these regulations.

(b) Interior lot lines. No minimum setbacks for internal lot lines are established herein. Such setbacks will be established by the Board of Supervisors for each subdivision or land development plan submitted pursuant to an

approved master plan. This allows the designer flexibility in the placement of structures. However, a proposal using minimal setbacks must clearly establish the sufficiency of the design pattern for which the minimal setbacks are proposed.

- (8) Maximum impervious coverage. The maximum impervious coverage permitted under the MXD2 regulations is 75% of the site. The limit may be increased up to an additional 5% of the site area with the use of green roofs or pervious pavement systems, which shall be included in the master plan and utilized as follows:

- (a) Green Roofs.

- [1] The green roof area may be deducted from the total impervious coverage of the site under the following conditions:

- [a] The roof and building structure shall be designed and sealed by a professional engineer licensed by the Commonwealth of Pennsylvania and having previous experience designing and constructing green roofs. Retrofit roof designs shall be sealed by a structural engineer licensed by the Commonwealth of Pennsylvania.
    - [b] The roof shall be accessible for maintenance purposes and may be available for limited access by building occupants for their enjoyment.
    - [c] Plants selected for the green roof shall be native to Pennsylvania, compatible with the growing region, and generally drought tolerant.
    - [d] The building and/or property owner must submit a signed and recorded maintenance agreement for the green roof with the Township.

- (b) Pervious Pavement Systems.

- [1] Use of pervious pavement systems may be deducted from total impervious coverage of the site under the following conditions:

- [a] The pervious pavement system shall be designed by a competent person or firm with previous experience in design and construction of such systems.
    - [b] The applicant must demonstrate appropriate water table depth and sufficient soil infiltration below pervious pavement systems to the Township Engineer.
    - [c] Pervious pavement systems shall be allowed in parking lots, sidewalks, patios, and bicycle/pedestrian paths, but will not be allowed in pavement areas where heavy truck or bus traffic is expected, or on slopes greater than 5%.
    - [d] The stone storage layer must have sufficient void capacity to accommodate at least twice the two-year storm volume.

- [e] Pervious pavement systems shall be designed with an overflow system in accordance with the latest version of the PA DEP Best Management Practices Manual.
- [f] Seal coating of the pervious pavement system shall not be permitted.
- [g] Pervious pavement systems must be cleaned at least once every two years.
- [h] The property owner must submit a signed and recorded maintenance agreement for the pervious pavement system with the Township.

#### **F. Design and landscaping controls.**

- (1) Properties developed under the MXD2 regulations shall be exempt from Sections 175-44A., C. and D. Sections 175-44B., E., and G. remain applicable with the underlying C2 zoning.
- (2) Community assets.
  - (a) Hedgerows, waterways, historic sites, scenic points, views, and vistas and other community assets and landmarks should be preserved.
- (3) Signage. All signage shall be in accordance with **Chapter 140: Signs**.
  - (a) A signage plan and renderings showing thematic elements shall be submitted with the master plan for the site.
- (4) (Reserved)
- (5) Lighting fixtures for interior streets, sidewalks, and bikeways shall be owned and maintained by the property owner.
- (6) For emergency access, the site must provide a minimum of two vehicular connections to offsite public roadways. Alternatively, site access can be provided by a boulevard-style entrance/exit which contains two cartways separated by a median.

#### **G. Off-street parking requirements.**

- (1) Off-street parking shall be in accordance with **§153-38, Off-street parking regulations** unless a different proposal is specified as part of the required parking study submitted with the master plan.
- (2) Onsite shared parking. If the use of shared parking is proposed, the following method shall be applied. If the site contains existing parking that is intended to remain, this method must be used to verify whether additional parking is required. Shared parking shall be calculated as follows:
  - (a) Step 1: Identify the required base parking for each land use, as specified in **§153-38**. The following alternate base parking minimums are permitted in MXD2 developments:

[1] Residential dwelling units = 1.5 spaces per unit

[a] Affordable housing units with less than 3 bedrooms = 1.0 space per unit

[2] Restaurants = 14.9 spaces per 1000 gross ft<sup>2</sup> floor area

(b) Step 2: Determine peak parking requirements by multiplying the base parking for each land use by the corresponding percentage for each of the time periods shown in the following table:

<b>ON SITE SHARED PARKING DEMAND</b>				
<b>Use</b>	<b>Weekdays</b>			
	0800-1700	1700-2100	2100-2400	0000-0800
Office	100%	10%	5%	2%
Retail	95%	75%	20%	2%
Hotel/Motel	80%	80%	100%	100%
Restaurant	60%	100%	80%	10%
Entertainment/Recreation	40%	100%	80%	5%
Residential	60%	70%	95%	100%
<b>Use</b>	<b>Weekends</b>			
	0800-1700	1700-2100	2100-2400	0000-0800
Office	30%	5%	5%	2%
Retail	100%	70%	30%	2%
Hotel/Motel	60%	80%	100%	100%
Restaurant	45%	100%	30%	2%
Entertainment/Recreation	100%	95%	90%	20%
Residential	60%	70%	100%	100%

(c) Step 3: Total the peak parking requirements for each time period.

(d) Step 4: Identify the highest total peak parking requirement to determine the minimum number of parking spaces for the overall site.

(3) The master plan must include at least 95% of the required parking spaces as calculated, whether based on the standard or shared parking requirements.

(4) Parking analysis. The developer shall conduct parking studies as the phased development of the site occurs in order to refine the required parking ratios and time-based utilization rates for the aggregated uses so that sufficient parking spaces are provided for the future phases.

(a) The first study shall be submitted with the land development plan (LDP) that includes the building(s) that constitute more than 40% of the entire floor area included on the master plan, provided that at least 20% of the floor area included on the master plan has been completed and is occupied. If the initial LDP includes 40% or more of the entire floor area included on the master plan or less than 20% of the floor area is occupied, the first study shall be submitted when the first of the below thresholds are met.



- (b) Studies shall also be submitted with LDPs that meet the 60% and 80% floor area thresholds, provided that at least 30% or 40%, respectively, of the floor area included on the master plan has been completed and is occupied.
- (c) Should a parking study indicate that the required parking ratios and time-based utilization rates for the uses included on the approved master plan will not provide sufficient parking for the future phases of the MXD2 site, the developer shall submit a revised/amended master plan to provide additional parking spaces or reduce the proposed total building floor area to align with the available parking proposed.
- (d) Should a parking study indicate that the required parking ratios and time-based utilization rates for the uses included on the approved master plan have over-estimated the parking needs for the future phases of the MXD2 site, the developer may submit a revised/amended master plan to align the required number of parking spaces with the proposed total building floor area and mix of uses.

**H. Off-street loading regulations.** All loading areas shall be in accordance with **§175-47, Loading Regulations** unless specified herein.

- (1) Loading areas shall be depicted on the master plan. Loading areas should not be located on primary streets or drives. Loading areas may be shared by multiple businesses. Loading areas may be co-located with parking lot drive aisles, provided that they do not impede traffic flow.
- (2) Loading and unloading shall occur only between the hours of 6:00 a.m. and 11:00 p.m.

**I. Bicycle and pedestrian facilities.**

- (1) All mixed-use developments shall provide for bicycle access and pedestrian sidewalks that connect to all suitable adjacent properties and neighborhoods as a means of promoting multimodal connectivity to and from the site. When it is most appropriate to combine bicycle and pedestrian facilities, as determined by the municipality, then the combined shared use path shall meet American Association of State Highway Transportation Officials (AASHTO) guidelines.
- (2) Bicycle racks. Bicycle racks must be securely attached to concrete footings, a concrete sidewalk, or another comparably secure concrete surface, and made to withstand severe weather and permanent exposure to the elements.
- (3) Bicycle parking spaces. All bicycle parking spaces shall be provided in the following manner:
  - (a) Spaces shall be located in a manner that protects bicycles and automobiles from damage.
  - (b) Spaces should be accessible by climbing no more than one step or traversing a slope in excess of 12%, and via a route designed to minimize conflicts with motor vehicles and pedestrians.

- (c) Spaces should be located where sufficiently visible by the public and building users, except in the case of long-term bicycle parking that is located in secured areas. If short-term bicycle parking spaces are not visible from the street, signage shall be used to direct cyclists to them.
  - (d) Spaces shall be well lit if accessible to the public or bicyclists after dark.
- (4) Required bicycle parking.
- (a) All MXD2 developments must include both short term and long term parking spaces for all habitable structures in accordance with the following table:

<b>Structure Type</b>	<b>Required Short Term Bicycle Parking Spaces</b>	<b>Required Long Term (Sheltered) Bicycle Parking Spaces</b>
Residential	1 space per 10 dwelling units	1 space per 50 dwelling units
Non-residential	1 space per 20,000 square feet of gross floor area	1 space per 10,000 square feet of gross floor area

- (a) The master plan must include at least 95% of the required bicycle parking spaces as calculated.
- (b) Bicycle parking analysis. The developer shall conduct bicycle parking studies as the phased development of the site occurs in order to refine the required bicycle parking calculations so that sufficient bicycle parking spaces are provided for the future phases.
  - [1] The first study shall be submitted with the land development plan (LDP) that includes the building(s) that constitute more than 40% of the entire floor area included on the master plan, provided that at least 20% of the floor area included on the master plan has been completed and is occupied. If the initial LDP includes 40% or more of the entire floor area included on the master plan or less than 20% of the floor area is occupied, the first study shall be submitted when the first of the below thresholds are met.
  - [2] Studies shall also be submitted with LDPs that meet the 60% and 80% floor area thresholds, provided that at least 30% or 40%, respectively, of the floor area included on the master plan has been completed and is occupied.
  - [3] Should a parking study indicate that the required bicycle parking calculations for the uses included on the approved master plan will not provide sufficient bicycle parking for the future phases of the MXD2 site, the developer shall submit a revised/amended master plan to provide additional bicycle parking spaces or reduce the proposed total building floor area to align with the available bicycle parking proposed.
  - [4] Should the bicycle parking study indicate that the required bicycle parking calculations for the uses included on the approved master

plan have over-estimated the bicycle parking needs for the future phases of the MXD2 site, the developer may submit a revised/amended master plan to align the required number of bicycle parking spaces with the proposed total building floor area and mix of uses.

**J. Affordable housing.** The following requirements shall be included in the Plan Notes for the Master Plan for the development, or the developer and Township shall execute and record an Affordable Housing Development Agreement.

(1) A minimum of 5% of the residential units in the development shall be designated as affordable housing units for tenants earning less than 65% of the area median income (AMI) for Centre County, as determined annually by the U.S. Department of Housing & Urban Development.

(a) If a tenant search for an affordable unit does not yield a qualified tenant within 45 days, units may be rented to individuals earning less than 80% of the AMI for Centre County.

(2) The following incentives are available for developers electing to provide more than the minimum required affordable housing, up to an additional 5% of the total number of units proposed:

(a) One (1) additional market-rate unit shall be permitted for every one (1) additional affordable housing unit provided.

[1] All additional units, whether market-rate or affordable, shall be exempt from the maximum residential density limit of 12.5 units/acre.

(b) The impervious coverage limit of the site shall be increased by an additional 1,500 square feet for each additional affordable housing unit.

(3) The period for which the units shall remain affordable shall be at least 50 years from the date of initial occupancy of a unit.

(4) The bedroom mix of affordable units shall be generally in the same ratio as the bedroom mix of the market-rate units of the project.

(5) The development phasing plan shall provide that the affordable units are not the last units constructed.

(6) Affordable housing units may differ from market-rate units in a development with regard to interior amenities and gross floor area, provided that:

(a) The differences, excluding differences related to building size differentials, are not apparent in the general exterior appearance of the development;

(b) The differences do not include insulation, windows, heating systems, and other improvements related to the energy efficiency and standard components.

(7) (Reserved)

- (8) The developer/owner shall retain the services of a qualified entity or employee to certify the income eligibility of prospective tenants. Qualifications of the initial entity or employee shall be submitted to the Township for review and approval with the Master Plan for the development or with the Affordable Housing Development Agreement.
- (9) Rent for affordable housing units shall be no more than 30% of qualified tenant’s household gross monthly income. Monthly housing expenses shall be calculated as the sum total of the monthly rent, plus the current utility allowance per the Housing Authority of Centre County.
- (10) Unit/household size pricing calculation. In calculating the rents, the following maximum relationship between unit size and assumed household size shall apply:

<b>Unit Type</b>	<b>Household Size</b>
Efficiency units	1 person household
One bedroom units	2 person household
Two-bedroom units	3 person household
Three-bedroom units	4 person household
Four-bedroom units	5 person household

- (11) Household size numbers used for price calculation will not be used to determine maximum legal occupancy of a dwelling unit. Maximum legal occupancy of a dwelling unit will be based on the Centre Region Building Safety & Property Maintenance Code for multi-family dwellings.
- (12) Annual rent increases shall be limited to the percentage increase in the median household income within the State College Metropolitan Statistical Area (MSA).
- (13) The developer/owner shall annually submit to the township a summary of all activities related to the affordable housing units, including but not limited to:
  - (a) Qualifications of entity or employee certifying the income eligibility of prospective tenants.
  - (b) Units available to rent in previous 12 months.
  - (c) Applicants approved as tenants.
  - (d) Applicants determined to be ineligible as tenants.
  - (e) Rent increases for continuing tenants.
  - (f) Any evictions or other legal actions taken by or against tenants.
- (14) The Township shall review, or engage a qualified entity to review, the developer/owner’s annual submittal of a summary of all activities related to the affordable housing units. If the review determines a tenant was overcharged the developer/owner shall refund the excess to the tenant.
- (15) The Township, or a designated qualified entity, reserves the right to audit the developer/owner’s records of all activities related to the affordable housing units. Such audits shall not occur more frequently than quarterly. If an audit

determines that a tenant was overcharged, the developer/owner shall refund the excess to the tenant.

- (16) Parkland credit for affordable housing. The parkland requirement shall be waived for the number of affordable housing units provided.

**K. Public gathering places.**

- (1) All MXD2 developments shall include a public gathering place that encompasses an area of no less than 2% of the total site area.
- (2) Public gathering places shall be reserved by an easement, in a manner and form acceptable for recording by the Centre County Recorder of Deeds, between the developer(s) and the Township that allows public use of the space for a minimum of 10 years.
- (3) Public gathering places may be used to fulfill a portion of the parkland requirements of **§153-34 Public use and service areas**. The following may receive credit:
  - (a) The land area of the public gathering place.
  - (b) The cost of the construction of the public gathering place.
  - (c) The estimated cost of maintenance and operations of the public gathering place for a 10 year period.
  - (d) The estimated cost of sponsoring public celebrations for a 10 year period.
- (4) Public gathering places shall be located central to the development and not within 250 feet of adjacent properties. Exceptions shall be permitted as follows:
  - (a) 200 feet from adjacent properties with the installation of a sound attenuating fence.
  - (b) 150 feet with the installation of a sound attenuating fence and a minimum ten-foot forested buffer strip along existing residential uses between the public gathering place(s) and adjacent properties.
- (5) If the proposed development includes amenities such as fountains, gardens, courtyards, or others, they should be located within a public gathering place. Renderings of all amenities shall be provided with the master plan.
- (6) Public celebrations. The developer may provide a proposal to sponsor public events to be held on the public gathering place, or elsewhere on the MXD2 site. All such proposals shall be submitted with the master plan and must be approved by the Township Board of Supervisors.
  - (a) If the public gathering place includes private drives or driveways that may be closed for public celebrations, alternative access routes shall be illustrated on the master plan.

(7)

**L. Streetscapes.**

- (1) Building layout and orientation in the MXD2 should provide an atmosphere and environment that is walkable and provides a pedestrian scale. Renderings shall be submitted to the Township illustrating the view of the buildings from the streetscape.
  - (a) Buildings shall be located next to the sidewalk along primary streets to create a town center environment.
  - (b) Building facades are an integral component of the streetscape. Buildings shall be constructed with materials and/or treatments that create a unifying architectural theme. Renderings shall be submitted to the Township illustrating the view of the buildings from the streetscape.
  - (c) The MXD2 shall create an environment that encourages active human engagement and is pedestrian, child, and family friendly. Amenities in the streetscapes will include pedestrian lighting, a central public space where people may gather, street trees, planters, and benches/seating. The amenities shall be included in the streetscape renderings. From the renderings a schedule of amenities will be developed and included upon the master plan.
  - (d) The developer may propose other amenities that are not already noted above if such amenities are consistent in character and purpose with the overall development plan.
- (2) Parking in the town center should be provided in a variety of locations, including on-street and off-street. The overall design should be cohesive and allow for an optimum mix and usability of all the spaces in such a way to promote viable retail interests while maintaining a pedestrian scale and public spaces. Off-street parking is encouraged at the rear of the buildings to minimize large areas for specific uses (such as parking) in the public viewshed.
- (3) Other amenities. The developer is encouraged to incorporate the following features into the MXD2 development:
  - (a) Location(s) for food trucks for regular business and special events.
  - (b) Cellular phone/data facilities as building mounted equipment and/or a distributed antennae system integrated with other street infrastructure.
  - (c) Wireless internet service in businesses and common areas.

**SECTION 5: SEVERABILITY**

In all other respects the Code of Patton Township remains in full force and effect, and is not in any way affected or modified by this amendment.

**SECTION 6: EFFECTIVE DATE**

This ordinance shall become effective immediately upon enactment by the Patton Township Board of Supervisors.

**ENACTED AND ORDAINED** by the Township of Patton this the \_\_\_\_ day of \_\_\_\_, 2018.

Attest:

**PATTON TOWNSHIP BOARD OF SUPERVISORS**

\_\_\_\_\_  
**Secretary**

[Seal]

DRAFT