

BOROUGH OF MILLERSVILLE

Lancaster County, Pennsylvania

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF MILLERSVILLE, LANCASTER COUNTY, PENNSYLVANIA, TO AMEND THE MILLERSVILLE BOROUGH CODE OF ORDINANCES, CHAPTER 380, ZONING, TO MODIFY CERTAIN SPECIFIC CRITERIA AND AREA AND BULK REQUIREMENTS FOR A TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND).

WHEREAS, the Borough wishes to provide for certain additional or revised specific requirements that apply to TNDs within the TN Traditional Neighborhood District; and

WHEREAS, the Borough desires to provide for additional flexibility, incentives, uses, and building types within TNDs to further facilitate this type of development within the Borough.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of the Borough of Millersville, Lancaster County, Pennsylvania, as follows:

Section 1. The Millersville Borough Code of Ordinances, Chapter 380, Zoning, §380-29, subsection D., “Overall requirements”, shall be amended and restated as follows:

D. Overall requirements. Conditional use approval shall be granted for a TND only if the applicant proves that the following minimum requirements will be met, in addition to other applicable Borough requirements:

- (1) The Borough Council shall have the authority to determine whether any pre-existing stub streets will be extended into the new development, or whether they will be limited to emergency vehicles, pedestrians and bicyclists. Streets shall be interconnected within the development.
 - (a) The development shall include a park that is open to the public during at least daylight hours (a “Commons”), and that has at least one allowed non-residential use or, subject to §380-29.F.(4), three (3) or more residential dwellings facing onto the Commons. See subsection F(2) below regarding the Commons.
 - (b) A cul-de-sac shall be permitted only where the applicant proves that there are no feasible alternatives. Street linkages shall be provided to allow connections with future phases of development or adjacent undeveloped tracts. Where direct street access is not practical between two areas, then the Borough Council may require the provision of bicycle and pedestrian access using an easement.

- (2) A minimum of 60% of the single-family detached, twin or townhouse buildings shall include a front door accessing onto an unenclosed front porch with a minimum area of 40 square feet. Such porch shall be covered by a permanent roof. Such porch shall not be enclosed along the front or sides that are not abutting the walls of the dwelling, but may include screening to keep out insects and movable blinds.
- (3) As a condition of conditional use approval, the applicant shall prove that proper site planning and architectural design will be used to minimize visual impact of garages and garage doors as viewed from the front of the lot. The placement of garages along rear or side alleys or to the rear of the lot with a side driveway is encouraged. See Subsection G(10) for density bonuses related to this Section. A vehicle garage shall not be located with a setback from the front lot line that is more than five feet closer than the living quarters of the dwelling are located from the front lot line. On-street parallel parking may be approved along an alley under other provisions of this § 380-29. In order to achieve compliance with this Section, the applicant shall demonstrate the following:
 - (a) Garage doors shall not make up more than 50% of the front street level of the primary facade of a dwelling. A garage door exceeding this percentage that enters onto the side of a dwelling shall be allowed, even if it faces a street.
 - (b) If the Zoning Hearing Board should grant a variance to this Subsection D(3), then the minimum lot width should be required to be increased as a condition of the variance, to prevent the majority of the front yard from being covered by paving.
 - (c) All streets and alleys shall have a right-of-way, whether public or private.
 - (d) See also Subsection I of this section, which allows on-street parking to be counted towards off-street parking requirements.
 - (e) Where rear access to an alley is not feasible, applicant is encouraged to explore alternative methods of providing parking that would reduce visual impacts from the front of the lot, including the following options:
 - [1] A rear landscaped shared parking court or shared carport structure;
 - [2] Detached rear garages or rear individual parking pads or side-entry garages accessed from side driveways, with such driveways being of minimal width within the front yard. Shared driveways between residential uses may be considered by Borough Council;
 - [3] Decks built extending over attached garage driveways;
 - [4] A landscaped shared parking court connected to a street, provided that parked vehicles do not need to back out onto a through street, and provided that all paving is set back a minimum of 25 feet from any dwelling (other than a front porch); or
 - [5] Front load attached garages that are recessed behind the front building façade, including the front porch, so that the primary living quarters is the focal point on the streetscape. The recess to the garage door shall be a minimum of 5 feet behind the point of closest encroachment to the street. The driveway shall be a minimum of 20 feet in length measured from the building-side back edge of sidewalk to the front of the garage.

- (f) If driveways pass through the front of the lot (such as to reach detached rear garages), then it is encouraged to place driveways of adjacent dwellings immediately adjacent to each other. This would allow the driveway on each lot to be more narrow than would otherwise be possible. However, each property owner shall still be responsible for their own half of the driveway, and each half shall be wide enough to allow a passenger car to travel on each lot.:
- (4) No principal building shall have the appearance of a flat roof or butterfly roof, as viewed from the street, except that a flat roof may be approved as part of a conditional use approval for townhouses or connected commercial buildings if the buildings have a decorative cornice. Significant roof pitches and variations in rooflines are specifically encouraged.
- (5) Sidewalks shall be provided along both sides of each street. An asphalt trail may be provided in-lieu of a concrete sidewalk on the sides of an internal street to the TND where no dwellings are proposed, or along existing perimeter street frontages to the TND property.
- (6) See Subsection F. of this section concerning common open space.
- (7) Commercial. Allowed commercial uses and their parking areas shall occupy a maximum of 12 percent of the total land area of the TND. If a parking area serves a mix of uses, the portion of the parking area that is required to serve the commercial uses shall be counted within the maximum commercial land area.
- (8) Perimeter Setback. The only principal buildings that shall be located within 150 feet from the lot line of a single-family detached dwelling that existed as of January 1, 2022 shall be new single-family detached dwellings. Any proposed new principal commercial building and its parking area shall be setback a minimum of 250 feet from the lot line of any single family detached dwelling that existed as of January 1, 2022.
- (9) Any alleys shall be designed to discourage through traffic. All streets and alleys, whether public or private, shall be constructed to the same roadbed construction standards as would apply to a public street within the Borough.
 - (a) Alleys shall have a minimum paved width of 10 feet if serving one-way traffic and 14 feet if serving two-way traffic. Additional width shall be required if any parallel parking is provided. The right-of-way for an alley shall be at least four feet wider than the cartway.
 - (b) If the Borough does not agree in advance to accept dedication of alleys, they shall be maintained by a legally-binding homeowners' association.
- (10) New streets shall be sufficient in width to allow on-street parking along at least one side of each street and to provide room for bicycle riding, unless a separate bicycle pathway is provided.
- (11) Any commercial uses that are developed should be located adjacent to the central Commons. The Borough Council may consider adjacency around another community focal point, such as open-air pedestrian plazas or courtyards and outdoor seating areas in lieu of the Commons. If it is not feasible or practical for a commercial use to front directly on the central Commons, then pedestrian connections between the Commons and other community focal point(s) shall be maximized. The conditional use approval for the TND may list a range of allowed business uses within the designated commercial use buildings or areas, to allow a developer with reasonable flexibility to attract different uses.

- (12) Public transit. An applicant for a TND shall provide evidence that he/she has contacted the provider of public transit services and requested the provision of service to the development once it is significantly complete. If public transit service is intended to eventually be provided, the applicant shall show that provisions have been made for convenient public transit stops and shelters. Any shelters should also be designed to be suitable for use as school bus stops.
- (13) Streetlights. The applicant shall install streetlights meeting minimum requirements of the Borough and the electric provider. Such streetlights shall be of sturdy construction, decorative design, be dark in color (such as black, dark gray or dark green), and have a maximum total height of 25 feet.
- (14) The applicant shall establish legally enforceable provisions controlling the styles of architecture, rooflines and the exterior materials in such a manner as to replicate the best features of pre-1946 architecture. Such provisions shall be prepared by a registered architect and be provided to the Borough in writing. At a minimum, such provisions shall address front porches, roof pitches, restrictions on flat roofs unless there is a decorative cornice, variations in rooflines, locations of vehicle garages, and prohibitions on blank walls along a street. Such provisions shall not be designed to require excessive uniformity in design nor to restrict home purchasers to a single design, but instead to encourage high-quality design with a consistent character. A process shall be established by the applicant to enforce such provisions, to approve reasonable modifications, and for the review of proposed exterior architectural plans, such as by establishing a Design Committee.
- (15) The TND shall include a pedestrian and bicycle pathway system. The pathway system shall connect common open spaces and other major destinations.
- (16) The applicant shall provide evidence that there is sufficient room for fire apparatus to negotiate the streets within the development. This shall include showing that there is sufficient turning radii for fire apparatus in locations where the trucks are likely to need to turn. This requirement shall not apply to approved alleys.

Section 2. The Millersville Borough Code of Ordinances, Chapter 380, Zoning, §380-29, subsection E., “Allowed uses”, shall be amended and restated as follows:

E. Allowed uses.

- (1) The following uses shall be allowed within an approved TND, provided that all the uses are consistent with the overall Master Plan that was granted conditional use:
 - (a) Single-family detached dwellings.
 - (b) Twin dwellings, side by side, with each dwelling on its own fee-simple or condominium lot.
 - (c) Townhouses, with each dwelling on its own fee-simple or condominium lot.
 - (d) Apartment dwelling, provided that no more than thirty percent (30%) of the total dwelling units permitted within the TND may be apartment dwelling units.
 - (e) Places of worship.
 - (f) Public transit or school passenger shelters.
 - (g) Libraries and museums.

- (h) Child or adult day-care as a principal use meeting § 380-34, or as an accessory use meeting § 380-35.
 - (i) Nursing home or assisted-living/personal-care center, which shall not exceed 20% of the total tract area of the development.
 - (j) Offices.
 - (k) Meeting facility for a membership club.
 - (l) Retail store with a maximum floor area per establishment of 5,000 square feet. Restaurant, brewpub, micro-distillery, urban winery, meadery, art gallery, retail bakery, crafts or artisan's studio, financial institution or personal service use, with each establishment limited to a maximum floor area of 6,500 square feet. Storage areas that are not accessible to customers shall not count towards the maximum floor area. Drive-through facilities being prohibited in all cases.
 - (m) Exercise club or bed-and-breakfast inn with a maximum of 20 guest rooms.
 - (n) Mixed-Use buildings with apartment dwellings above an approved commercial use, within the same building. The number of apartment dwellings shall be regulated within the total allowed density of the tract; however, the apartments in a mixed-use building shall not be included in the calculated Apartment area under Subsection E(1)(d) above.
 - (o) Public recreation areas and facilities, a community center for residents or the general public, or non-commercial recreation facilities for the residents and their invited guests.
 - (p) Live-Work Units meeting the requirements of Section 380-34, provided that the locations of the Live-Work Units shall be designated on the approved Master Plan.
 - (q) An approved dwelling unit may be used as a Group Home, under the same regulations as would apply within the R-1 district.
 - (r) Model homes for sales, which shall be designed to be eventually used as regular dwellings, and a rental and management office.
- (2) The allowed business uses shall be clustered together in an arrangement that is similar to a historic main street or neighborhood commercial center. Shared off-street parking shall be provided and screened from existing perimeter street frontages. The screening shall be achieved either by placement of the parking behind the buildings containing the business uses, or by providing a combination of evergreen and deciduous landscaping, hedgerows, decorative masonry walls, and/or fencing. Screening and conceptual building designs shall be part of the architectural manual and approvals required by §380-29.D(14). On-street parking may be provided where feasible and where sufficient parking dimensions can comply with this Ordinance. No outdoor business storage shall be permitted.

Section 3. The Millersville Borough Code of Ordinances, Chapter 380, Zoning, §380-29, subsection F., "Common open space", shall be amended to add a new sub-subsection (4), as follows:

- (4) Where at least three (3) dwellings are proposed to face onto the Commons and no non-residential use will face onto the Commons as permitted by §380-29.D.(1)(a), or in any TND that includes apartment dwellings as a standalone use, then the

Commons must also include two (2) or more unique or special environmental features to provide additional recreational opportunities for visitors, including but not limited to wetland preservation, scenic vistas, nature trails and/or boardwalks, steep slopes, preserved forest areas, and/or a stream or tributary.

Section 4. The Millersville Borough Code of Ordinances, Chapter 380, Zoning, §380-29, subsection G., “Dimensional requirements”, is hereby amended and restated as follows:

G. Dimensional Requirements. See bonuses permitted under Subsection G(10) below.

- (1) Single family detached dwellings:**
 - (a) Minimum lot area: 6,000 square feet.
 - (b) Minimum lot width at the minimum building setback line: 40 feet.
- (2) Twin dwelling unit:**
 - (a) Minimum lot area: 5,000 square feet.
 - (b) Minimum lot width at the minimum building setback line: 30 feet.
- (3) Townhouse dwelling unit:**
 - (a) Minimum lot area: 2,000 square feet.
 - (b) Minimum dwelling unit width at the front of the enclosed dwelling unit: 20 feet.
- (4) Apartment dwellings:**
 - (a) Minimum lot area: 2,000 square feet per dwelling unit
 - (b) Maximum building length: 250 feet.
 - (c) Minimum lot width at minimum building setback line: 60 feet
- (5) Principal nonresidential use (a lot may include more than one allowed nonresidential use):
 - (a) Minimum lot area: 12,000 square feet.
 - (b) Minimum lot width at the minimum building setback line: 70 feet.
- (6) Maximum impervious coverage on the development tract shall not exceed 70%. The Borough Council may require the applicant to provide a maximum coverage calculation for each lot at the time of a land development plan submittal to ensure all improvements proposed at time of application, and that would be allowable in the future, do not exceed the total impervious coverage permitted by this Section. Maximum building coverage per lot: 55%, except 80% for a townhouse lot and any apartment lot.
- (7) Building setbacks for principal buildings** (along a street, minimum yards shall be measured from the proposed right-of-way):
 - (a) Front or side yard from a local street: minimum 10 feet; maximum 25 feet. The front yard of units fronting on a central green and/or common open space shall instead be measured from the lot line adjacent to the central green and/or common open space and the dwelling must be provided access and parking off a rear alley.
 - (b) Front yard or side yard from a collector street: minimum 10 feet; maximum 30 feet.
 - (c) Any yard from an arterial street: minimum 50 feet, except in the case of a roundabout on an arterial road, in which case the minimum yard from such roundabout shall be 10 feet.

- (d) The minimum setback shall apply to the front of an unenclosed front porch. The maximum setback shall apply to the front of the actual enclosed principal building.
- (e) Unenclosed patio dining and accessory structures such as railings, tables and chairs, umbrellas, and awnings provided for a commercial use may encroach in front yards provided all structures remain outside of public sidewalks and rights-of-way.
- (f) Side yards: minimum five feet each. Each twin dwelling unit shall have one side yard, while a side yard shall be required for each end townhouse unit. For a detached building, it is encouraged to make one side yard wider than the other to allow wider use by the residents of the larger side yard and/or to provide for a side driveway to rear parking.
- (g) Rear yards: minimum 35 feet. However, any lot containing access off a rear alley that is shown as part of the approved subdivision plan creating the lot and contains an attached garage may have a rear yard of 20 feet; this arrangement may include a raised, unenclosed deck located above the driveway which shall maintain a rear setback of 10 feet measured from any part of the deck including stairs or railing. Any lot containing access off a rear alley that is shown as part of the approved subdivision plan, and that contains a detached garage may have a rear yard of 5 feet from an alley; this arrangement may include a garage adjacent to an alley, with a breezeway or similar structure connecting the dwelling to the garage, and with an outdoor area between the dwelling and the garage.
- (h) See exceptions for setbacks in § 380-57.
- (i) For accessory structures: the provisions of the R-2 district shall apply.
- (j) Principal buildings fronting on the same block shall line up to form a consistent setback. Variations in setbacks may be approved by Borough Council where common greens are provided to enhance streetscape and increase amenity space scattered throughout the development.
- (k) Apartment setbacks. Separation between apartment buildings shall comply with the following:
 - [1] All setbacks from streets shall comply with Subsection 7(a)-(d) above.
 - [2] Setbacks from common parking areas shall be 10 feet from the edge of pavement used for parking.
 - [3] A minimum of 20 feet separation shall be maintained for side to side or front to side walls of apartment buildings.
 - [4] A minimum of 60 feet separation shall be maintained for front to front or front to rear facing walls of apartment buildings.

** NOTE: In place of individual fee-simple lots meeting these dimensional requirements, an applicant may choose to utilize a condominium or planned community form of ownership. In such case, the lots shall be laid out so that the dimensional and coverage requirements would be met. However, the actual lot lines do not need to be legally established.

- (8) Parking setback. No parking area of five or more spaces shall be located within 30 feet from a contiguous lot line of an existing dwelling on another lot that is outside

of the TND.

- (9) Maximum overall density based upon “buildable area”. The maximum overall density of the TND shall be determined as follows, as calculated in acres (and decimals):
- (a) Start with the total land area of the development tract, after deleting existing rights-of-way of existing streets.
 - (b) Delete land area within lots of non-residential principal uses from Subsection G(9)(a).
 - (c) Delete 50% of the area of lands with a natural slope over 25% from Subsection G(9)(b).
 - (d) Delete 25% of the area of lands with a natural slope of 15 to 24.9% slope from Subsection G(9)(b).
 - (e) Delete 50% of the area of lands within the one-hundred-year floodplain from Subsection G(9)(c).
 - (f) Multiply the resulting acreage by four dwelling units per acre to result in the maximum number of permitted dwelling units within the development. See bonuses in Subsection G(10) below.

NOTE: This method of calculating density does not require the deletion of stormwater detention basins, shared parking areas, new streets, new common recreation areas, new alleys or similar features. Therefore, the actual density that could be achieved on a net piece of land would be higher than four dwelling units per acre.

(10) Density bonuses.

- (a) As an option to the applicant, the Borough Council, as part of the conditional use approval, may approve the following increases in the maximum density provided in Subsection G(9) above.
 - [1] The maximum density may be increased by a maximum of one additional dwelling unit per acre if the applicant agrees to restrict occupancy of 100 percent of the dwelling units to at least one person age 55 and older, and with no person under age 18 residing in the dwelling unit for more than 30 total days in any calendar year.
 - [2] The maximum density may be increased by a maximum of one additional dwelling unit per acre if the applicant proves to the satisfaction of the Borough Council that the architectural standards required by subsection D(14) above will result in an exceptional level of building, design and that additional standards will result in an exceptional level of community and streetscape design.
 - [3] The maximum density may be increased by a maximum of one additional dwelling unit per acre if the applicant commits to construct substantial non-commercial recreation facility improvements, an indoor community center and/or landscaping beyond the amounts of landscaping and improvements that would otherwise be required. The market value of the additional recreational improvements, community center and/or

landscaping improvements shall exceed a minimum of \$20,000 per each additional dwelling unit that is allowed. The recreation facilities and community center shall at a minimum be available to all residents of the TND.

- [4] The maximum density may be increased by a maximum of one additional dwelling unit per acre if the applicant agrees to commit to build a new collector road as shown on the Comprehensive Plan that provides an alternative route to Millersville University, as shown on the Borough Comprehensive Plan Map. The exact alignment of the road may differ from the Comprehensive Plan Map, provided that it serves the intended purpose. The new road shall also be accompanied by a pedestrian and bicycle trail that provides the same access.
- [5] The maximum density may be increased by a maximum of one additional dwelling unit per acre if the applicant provides rear access off alleys meeting the requirements of this Section, or an alternative method of parking as outlined in Subsection D(3)(e) to a minimum 60% of all dwelling units proposed in the development. Of this ratio, at least 30% of the dwelling units must contain rear access off alleys to qualify for the density bonus. All other dwellings in the development shall meet Subsection D(3)(a). Dwellings that are provided access by a common parking facility shall not be included in this calculation unless the parking facility is located in a manner that complies with D(3)(e)[1] or D(3)(e)[4].
- [6] In no case shall the density bonuses provided in this Section result in a maximum density exceeding seven (7) dwelling units per acre of buildable area, based upon the calculation provided in subsection G(9) above. If any of the density bonuses in this subsection G(10) are approved, then the following reductions in minimum lot areas shall be permitted:
 - [a] From 6,000 to 4,800 square feet for each single-family detached dwelling not containing rear access off an alley. If rear access off an alley is provided, the lot area for a single-family detached dwelling may be reduced further from 4,800 to 3,400 square feet.
 - [b] From 5,000 to 4,000 square feet for each twin dwelling unit not containing rear access off an alley. If rear access off an alley is provided, the lot area for a twin dwelling may be reduced further from 4,000 to 2,500 square feet.
 - [c] From 2,000 to 1,800 square feet for each townhouse dwelling unit not containing rear access off an alley. If rear access off an alley is provided, the lot area for a townhouse dwelling may be reduced further from 1,800 square feet to 1,400 square feet. Additionally, the minimum dwelling unit width at the front of the enclosed dwelling unit may be decreased from 20 feet to 16 feet for townhouses containing rear access off an alley.

- (11) Maximum building height: 45 feet or three stories, whichever is more restrictive. See exceptions in § 380-56 and definition in § 380-21.

Section 5. The Millersville Borough Code of Ordinances, Chapter 380, Zoning, Section 380-45, subsection B., “Size and Marking of Parking Spaces”, sub-subsection (1) is hereby amended and restated as follows:

- (1) Each parking space shall be a rectangle with a minimum width of 9 feet and a minimum length of 18 feet, except the minimum width shall be 7 feet and minimum length shall be 22 feet for parallel parking.

Section 6. The Millersville Borough Code of Ordinances, Chapter 380, Zoning, Section 380-21, “Terms defined”, is hereby amended to amend and restate the definition of “Open space, common”, as follows:

OPEN SPACE, COMMON

A parcel, or parcels, of land within a tract which meets the following standards:

- A. Is designed, intended and suitable for active or passive recreation by residents of a development or the general public;
- B. Is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned;
- C. Will be deeded to the Borough and/or deed restricted to permanently prevent uses of land other than common open spaces and noncommercial recreation; and
- D. Does not use any of the following areas to meet minimum open space requirements:
 - a. Existing street rights-of-way
 - b. Vehicle streets or driveways provided access to other lots.
 - c. Land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Borough for agricultural preservation and other than land within 20 feet of a building that is outside a unit and/or lot within a TND).
 - d. Off-street parking (other than that clearly intended for noncommercial recreation).
 - e. Area(s) needed to meet a requirement for an individual lot
 - f. For land intended to be open to the public, that does not have provisions for entry with a twenty-foot minimum width by pedestrians from a street open to the public or from an adjacent common open space area that has access to such a street.
 - g. Land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Borough Council would be reasonably safe and useful for active and passive recreation during the vast majority of weather conditions.
 - h. Portions of land that has a width of less than 20 feet, except such areas of less than 20 feet in width that provide or contain a pedestrian path connection within a TND.

Section 7. All other sections, parts and provision of the Code of Ordinances of Millersville Borough shall remain in full force and effect and previously enacted and amended.

Section 8. The provisions of this Ordinance are declared to be severable. 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 other sections of the Code of Ordinances that were not declared to be invalid or unconstitutional.

Section 9. This Ordinance is hereby adopted and ordained by the Borough Council of the Borough of Millersville, and shall become effective immediately after adoption.

DULY ORDAINED AND ENACTED this _____ day of _____, 2024, by Borough Council of the Borough of Millersville, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF MILLERSVILLE
Lancaster County, Pennsylvania

Attest: _____
(Assistant) Secretary

By: _____
(Vice) President
Borough Council

[BOROUGH SEAL]

Examined and approved as an Ordinance this _____ day of _____, 2024.

Mayor