



ZONING DIAGNOSIS MEMO

08.21.24 Final

OVERVIEW

Project Objectives

Michael Baker International has been selected by New Garden Township to provide them with professional and technical services to develop a comprehensive update to the Township's Zoning Ordinance.

As of the 2020 Census, the population of New Garden Township was 11,363 with a total of 3,934 households. New Garden Township is 16.29 square miles in size, with a population density of 698 people per square mile. While the Township has grown significantly (109% population, 121% households) since the 1990 Census from a largely agricultural community to a suburban development pattern, the Township has been declining in population since the 2010 Census, from 11,984 to 11,363 residents (-5.2%). New residential growth has also slowed since 2010, with a 6.5% increase in the number of housing units in the Township (3,694 to 3,934).

The objective is to make the Township's Zoning Ordinance and Map compatible with the 2018 Comprehensive Plan, the Village of Toughkenamon Streetscape and Transportation Investment Plan (2020), and the Official Map (2019), and the changing needs of the Township since its last comprehensive zoning ordinance and map update in 1997.

Vision Statement

The goal of this Zoning Ordinance rewrite is to develop a set of rules and regulations that allows the Township to continue to develop in a way that that meets the objectives of the 2018 Comprehensive Plan, incorporates planning best practices to address the issues within the existing zoning ordinance, and is in compliance with the Pennsylvania Municipalities Planning Code (MPC). The update should focus on development and redevelopment opportunities along the Route 41 and Baltimore Pike corridors, incorporating "missing middle" housing standards, the implementation of mixed-use districts, and other common planning issues that can be found throughout the Township.

Diagnosis Report Purpose

The update process begins with a thorough review of the Township's relevant planning documents and policies. This analysis will serve as the foundation for the Zoning Ordinance



rewrite and help to guide decision making throughout the remainder of the update process. The following documents were reviewed:

- Existing and past plans/maps: Comprehensive Plan (2018), Village of Toughkenamon Streetscape and Transportation Improvement Plan (2020), Official Map (2019), New Garden Township Greenways Plan (2008), and Chester County Landscapes3 Plan (2018).
- Recent cases that have been before the Township Zoning Hearing Board and Board of Supervisors for planning related project and proposal.
- The Township's entire Zoning Ordinance.
- Summary of findings from a site tour and initial conversations with staff and Task Force (note: additional content will be added after we meet with the Task Force and receive their comments).

From the review of the literature and data, initial high-level recommendations regarding the direction of zoning ordinance and map updates are presented. These are intended as a starting point for future discussion and will be revised and tailored based on feedback.

PLAN REVIEW

Comprehensive Plan

The Comprehensive Plan outlined six different priority focus areas for New Garden Township from 2018 to 2028:

- Open Space and Natural Resources
- Greenways and Trails
- The Route 41 corridor
- Historic Resources
- Toughkenamon Village
- Economic Development

Many of the recommendations in the Comprehensive Plan related to zoning highlight the zoning ordinance's unspecific definitions and need to utilize a form-based approach. The Comprehensive Plan suggests that a form-based code approach could benefit the Township since form-based codes are more oriented toward the relationship between the buildings, streetscape, and street than conventional zoning. It also is typically more flexible on the types of uses permitted, and thus is more conducive to mixed-use zoning. Toughkenamon Village was a priority area for form-based zoning.



There are a few outlined priority projects and recommendations from the Comprehensive Plan that have zoning implications. General land use guidance from the plan, as well as specific land use regulation recommendations, are noted below.

General Land Use Guidance

- Overall Land Use
 - Focus on the infill and redevelopment of areas with infrastructure to fulfill the future needs for residential and economic development.
 - Baltimore Pike, Toughkenamon, Business Park adjoining the New Garden Flying Field, and the Kaolin Site at Route 41/Limestone Road were highlighted as areas for infill and redevelopment.
 - Medium density housing in Toughkenamon Village and end of Route 41.
 - Flexible design standards that promote innovative housing and mixed-use.
- Route 41 Corridor
 - Improve the overall appearance, function, and safety of the Route 41 Corridor.
 - Promote redevelopment of the PREIT site/former Kaolin Mushroom facility.
- Historic Resources
 - Improve the Townships effectiveness in the protection of historic resources.
 - Encourage adaptive reuse of historic structures and incorporation of resources into new development and redevelopment.
- Open Space and Trails
 - Direct growth and development away from areas with sensitive environmental resources and into designated growth areas.
 - Provide residents with an integrated network of greenways and trails that promote health and wellness and provide for safe, bike and pedestrian connections between neighborhoods, natural areas, schools.
 - Work in conjunction with the goals for open space by acquiring property or trail easements connecting the existing isolated trail systems throughout the Township.
- Residential/Quality of Life
 - Promote strategies that attempt to reduce or avoid conflicts between new residential development and existing farm operations.



- Permit a greater variety of housing options in a village-type setting on the parcels adjoining the village core, in accordance with the Future Land Use Map. Ensure these adjoining neighborhoods offer a variety of housing options, as well as pedestrian and trail connections with the village core and surrounding area. This proposed Village Residential area should be created through a new zoning district that includes design standards.
- Economic Development
 - Ensure land is zoned and available to attract and retain innovative, high-tech medical, research, and similarly high-paying industries to New Garden Township.
- Toughkenamon Village
 - Reenergize Toughkenamon into a village with a variety of restaurants and shops that serve the local community, a diversity of housing options for all ages, and attractive open spaces and streetscapes that welcome visitors and residents to the heart of New Garden Township.
 - Promote infill development and redevelopment that will promote efficient use of land and a mix of commercial, residential, and recreational uses.
 - Encourage a diversity of housing opportunities in the village.
 - Promote the village as a hub for economic development opportunities using innovative tools.

Specific Land Use Regulation Changes

- Residential
 - Adjust by-right minimum lot sizes for different residential uses to reflect existing conditions.
 - Maintain the existing building setback with a build-to-line or maximum front yard setback that is consistent with other buildings on the block.
 - Evaluate housing options permitted in the village to ensure that there is opportunity for small-scale retirement or congregate housing or conversions.
 - Permit accessory apartments in the R-2 and R-4 Zoning Districts.
 - Increase opportunities for congregate living sites for seniors and people with special needs along Baltimore Pike.
 - Consider permitting multifamily housing along Baltimore Pike in close proximity to Toughkenamon Village.
 - Consider specific ordinance requirements for on-site farm worker housing.



- **Mixed-Use**
 - Allow retail-oriented commercial uses as by right along portions of Newark Road focused at Main Street, particularly on the first floor, with office and residential permitted above.
 - Consider permitting upwards of 3 stories within the village core for mixed-use buildings.
 - Amend the R-3 to permit the Toughkenamon Mixed-Use Village and Village Residential Districts in accordance with the Future Land Use Plan.
- **Adaptive Reuse**
 - Examine the adaptive reuse standards to better promote the continued vitality of existing historic buildings in the Village.
 - Consider adding additional adaptive re-use opportunities, such as: Antique Shop or similar low-turnover retail, Artist's Studio/Crafts Workshop/Cultural Studio, Child or Adult Day Care.
 - Consider making certain actions or re-use opportunities subject to Conditional Use approval and include recommended design standards as conditions of approval.
- **Parking**
 - Examine off-street parking requirements and consider requirements based upon number of bedrooms per unit rather than by unit type.
 - Encourage on-street parking within the village to address parking shortages and create a buffer for pedestrians.
 - The current Zoning Ordinance (Chapter 200, Article XVI, Section 109) specifies minimum off-street parking requirements by land use categories. In order to encourage alternatives to driving, plan for future transportation options, and decrease impervious surfaces, the Township may consider revising parking requirements.
- **Administration and Definitions**
 - Clearly define "demolition" and "demolition by neglect," as applicable under the Township ordinance.
 - Bring the timeline for Historical Commission review and Zoning Officer action into conformity for all applications.
 - Day Care, Personal Service or Repair Service, or Catering or Food Preparation (no on-site consumption).
 - Consider adding a formal requirement for submission of an Historic Resource Impact Study for any subdivision or land development including or within a set distance of any inventoried historic resource(s).



- Promote Township policy to allow reasonable accommodations, which may include zoning variances and/or SALDO waivers, for housing for individuals with disabilities and those who wish to age in place.
- Design Standards (Note: Some of these may be best suited for integration into a Subdivision and Land Development Ordinance, rather than a Zoning Ordinance)
 - Ensure the Township's regulatory ordinances promote trail connectivity between existing and proposed land uses as part of any new development/redevelopment or road construction projects and specify trail design standards.
 - Require sidewalks along both sides of all streets within the Village.
 - Develop Design guidelines for infill development and redevelopment as part of amendments to the Zoning Ordinance.
 - Review and update the Township's Zoning Ordinance, Subdivision and Land Development Ordinance (SALDO), and other Township policies related to the planning and design of roadways, sidewalks, trails, public transit, and parking facilities.
 - Develop ordinance language to establish requirements and design guidelines for pick-up/drop-off areas for new developments that reflect the increased use of ridesharing and other technological advances for transportation.



Village of Toughkenamon Streetscape and Transportation Improvement Plan

Adopted in 2020, this plan re-imagines Toughkenamon as a village with a variety of restaurants and shops that serve the local community, a diversity of housing options for all ages, and attractive open spaces and streetscapes that welcome visitors and residents to the heart of New Garden Township.

The plan expands upon the recommendations and objectives for the village from the comprehensive plan, many of which seek to make updates to the existing zoning ordinance and SALDO.

Key issues identified in the village include:

- Traffic congestion;
- Speeding and cut-through traffic;
- Limited pedestrian and bicycle connectivity;
- Insufficient parking availability;
- Lack of consistent community identity; and
- Enhancing village character

Figure 1: Community Feedback from Toughkenamon Plan Meeting

I want...

- Sidewalks
- Street lighting
- Marked bus stops
- Mixed use
- Small businesses
- Train station
- Affordable housing
- Aesthetically pleasing housing

I don't want...

- Tractor Trailers
- More parking lots
- Chain stores

Challenges with Existing Zoning in Village

Much of this area was built before the existing zoning regulations. When the existing zoning ordinance was adopted, it was not well calibrated to support development that is compatible with the village and its orientation. This results in many of the lots, buildings, and uses that exist within the village being nonconforming.

The Residential (R-3) and Commercial Industrial (C/I) districts make up the village's core. Within the R-3 district, there are several development options. However, required lot sizes for most uses are larger than those typically found in the village and leave many parcels with little to no residential development option.

Figure 2: Village Study Area Zoning Districts

Zoning District	Summary of Uses
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Residential (R-3)	Residential Uses; Conditional Uses: retail, restaurant, office and similar commercial uses.
Commercial/Industrial (C/I)	Research and development, offices, warehousing, distribution, equipment sales, contractors, all similar uses, not otherwise specified.
Highway Commercial (H/C)	Auto-oriented uses, office, retail, restaurant.
Low Density Residential (R-1)	Single-family detached dwellings and agricultural uses.
Airport Development Zone (ADZ)	Airport-related and airport-supportive businesses; auto sales, light industrial uses.

Figure 3: Village Parcels Constrained by Zoning



Other zoning issues highlighted from community engagement meetings during the Toughkenamon planning process included:

- Public perception that R-3 is solely residential and doesn't allow for mixed-use.
- Some regulations do not reflect the character of existing dwellings and development types; new development may not be consistent.
- C/I District along Willow Street takes a "kitchen sink" approach to permitted uses, allowing junkyards and other uses that are not compatible in close proximity to residential uses. This has contributed to an appearance of disrepair.
- Existing regulations provide little to no opportunity for parcels within a certain size range to develop or subdivide.
- The varied districts discourage the development of a unified village.
- There are no guidelines to help ensure that new development is compatible with the existing character of the village.

Land Use Guidance



The majority of the recommendations and policies in this study are directly related to zoning and require a zoning update to be carried out. Key recommendations are included below. For an entire listing of all recommendations and sub-bullets can be found on page 69 of the plan. An existing character area map for Toughkenamon Village is included as an appendix to the plan.

The following land use guidance emerged from the Toughkenmon Village plan that can be integrated into this zoning update:

- Overall
 - Develop and adopt Zoning Ordinance amendments that reflect the Character Areas of the Land Use Plan.
 - The plan includes Toughkenamon Village Design Guidelines.
- Consider a New Commercial Core Overlay District that:
 - Allows more than one use on a lot or within a single building.
 - Allows retail uses on the ground floor of buildings along Newark Road with new office and residential uses on the upper stories of a building as of right; with more than 2 apartments being a Conditional Use (existing residences would be grandfathered)
 - Reduces minimum lot size to 10,000 -12,000 SF (from 20,000 SF) for nonresidential uses, including mixed-use buildings
 - Considers the following uses as-of-right with a maximum of 2,500 SF:
 - personal service establishment;
 - general office (excluding medical office) on upper floors or to the rear of retail/restaurant;
 - retail (including hardware store);
 - restaurant (without drive through);
 - fitness studio (dance, karate, etc.);
 - museum/historic society; and
 - temporary sales (e.g. farmers market and pop-up stores)
 - Consider the following as Conditional Uses:
 - daycare
 - school
 - apartment building with a maximum of four units;
 - makerspace/small-scale manufacturing; and
 - all uses listed above if larger than 2,500 SF on the ground floor
 - Maximum building height: Allow up to 3 stories and 45 feet
- Consider amending the R3/Village Zoning District



- Expand the current R-3 district to match the village core on the Land Use and Character Areas Plan
- Consider renaming the R-3 district to a name that better reflects the mixed-use nature of the village.
- Consider reducing the minimum lot size for detached and semi-detached dwellings as a permitted use.
- Consider expanding the R-3 district to encompass the Newark Road South area and the Small-Scale Mixed-Use Areas as a potential Phase II Ordinance Amendment.
- Consider amending the Town Development Option to:
 - Reduce the minimum required tract size to $\frac{3}{4}$ acre and also reduce minimum lot sizes for semi-detached dwellings and townhouses within the option.
 - Allow apartments in mixed-use buildings.
 - Permit additional housing types, such as stacked twins/quadruplex, small multifamily (max of 6 units)
 - Add additional design requirements for parcels to the east of Union Street and west of Reese Street to ensure that new development is oriented toward the village.
- Consider amending the accessory apartment regulations in §200-110 to allow the apartment within an existing single-family house or detached garage.
- Consider rezoning the Village Mixed Use (Willow Street) Area to R-2 Residential.
 - The Willow Street area is intended to be a future growth area of the village core. The R-2 District designation would permit existing nonconforming businesses to continue, but also provide incentive for the redevelopment of a variety of housing types, in a manner that creates a logical transition from the core to the adjoining low-density, R-1 areas.

Official Map

The Township's Official Map was adopted in 2019 and outlines land identified by the Township for future public purposes. In terms of future development, the map includes both proposed trail easements and land proposed for future conservation easements. The proposed trails fall within the northwestern part of the Township and would add to the already existing trail network at Laurel Woods Trail and Mill Race Trail.

The proposed land for future conservation easements primarily surrounds the existing Township building and the Loch Nair Golf Club.



Chester County Landscapes3 Plan

The Chester County Comprehensive Plan, Landscapes3, designates New Garden Township as a primarily suburban area with Toughkenamon Village as the suburban center. In addition to the predominate suburban makeup, there are identified pockets of rural resources areas in the southwestern part of the Township.

The suburban makeup in the Landscape3 map is defined as predominantly residential communities with locally oriented commercial uses and community facilities. It is this area that, in the opinion of the County, can best accommodate future growth, are planned for a full range of infrastructure, and are highly suitable for redevelopment.

The rural resource areas differ in that they are not appropriate for significant growth, strongly reflect the agricultural and rural character of the County and serve as a focus for preservation efforts.



EXISTING ZONING

As provided for on the Township’s Official Zoning Map, New Garden Township is divided into 10 distinct Zoning Districts, each with their own classification, development regulations, permitted uses, and design standards.

District Intent

Each Zoning District in New Garden Township has a distinct district intent that seeks to align the regulation within each district with an overarching message and series of goals. These are used to guide all regulations within a Zoning District and are critical in the decisions making process for the process of rezoning or making amendments to each district.

Figure 4: Existing Zoning Districts' Intents

Zoning District	Intent
R-1 Low Density Residential	Intended to maintain the rural and open nature of the Township while allowing for flexibility in design through lot averaging, clustering provisions, and a variety of housing choices.
R-2 High Density Residential	Provides for a variety of housing types and higher density while maintain compatibility with existing development and encouraging the preservation of open space through cluster design.
R-3 Toughkenamon Residential	Preserves and expands the traditional Toughkenamon pattern through residential development in a village setting with higher densities and a mix of neighborhood-type commercial uses.
C/I Commercial/Industrial	Designates an area in the Township for well-planned commercial and industrial uses while promoting compatibility with existing development.
C/2 Commercial /Industrial Limited	Encourages uses that are compatible with existing commercial and industrial uses while promoting unified development and ensuring safety through the proper regulation of uses.
H/C Highway Commercial	Allows for an opportunity for the development of convenient and well-organized office and retail centers within the Township.
U/D Unified Development	Looks to enhance the Route 41 and Route 7 corridors through mixed-use, attractive, function, and creative development to serve as a gateway to the Township with enhanced streetscapes and multimodal transportation connections.



B/P Business Park	Creates an opportunity for campus-like business centers and corporate headquarter sites
ADZ Airport Development Zone	Located around the New Garden Airport, this district encourages economic development and employment opportunities around the airport while also striving to preserve the character and natural features of the Township.



Summary of Uses

Below is summary table of the principal uses provided for in the Township’s zoning ordinance. The total number of principal uses is likely larger than it needs to be as there are either nearly identical or similar uses that could easily be consolidated into a single use or a group of uses.

Principal Uses	Districts									
	ADZ	BP	C/I	C/I-2	H/C	R-1	R-2	R-3	R-4	UD
Adult Entertainment			P							
Agricultural						P	P			
Air Transport Package Handling Facility	P									
Aircraft Sales	P									
Airport	P									
Airport Integrated Commerce Center	P									
Antenna, when not directly associated with the airport	S									
Any Lawful Use not Otherwise Permitted in the Township			C							
Any Other Use in the Same Character Deemed Appropriate			C							
Apartment or Multifamily Development							C			P
Assembly of Products wholly within a Building				P						
Automobile Sales and Services	C			S						
Automotive and Farm Equipment Sales and Service			P							
Beacon, when not directly associated with the airport	S									
Bed-and-Breakfast					P	S		C		



Principal Uses	Districts									
	ADZ	BP	C/I	C/I-2	H/C	R-1	R-2	R-3	R-4	UD
Business Office for Public Utility and Administrative Offices			P							
Business Park		C								
Campground						C				
Church or School						C	S	C		
Commercial Composting						C				
Commercial Recreational Facility					S					
Community Facilities									C	
Conference facility > 10,000 GFA										C
Conservation						P				
Convenience Store > 8000 GFA										C
Convenience Store under 8,000 GFA										P
Corporate Center										C
Corporate or Administrative Headquarters										P
Country Club/Golf Course									C	
Courier Package Handling and Delivery Distribution Facility	P									
Cultural Facility	C									
Day-care Facility			P		P					
Distribution Facility			P							
Educational Instruction and Commercial School			P							
Family Day-care							S	P		
Financial Institution			P		P			C		P
Flea Market					P					



Principal Uses	Districts									
	ADZ	BP	C/I	C/I-2	H/C	R-1	R-2	R-3	R-4	UD
Grocery Store under 70,000 GFA										P
Group Day-Care Home or Facilities							C	C		
Hardware Store								C		
Hospital										C
Hospital, Convalescent Home or Group Home			P		S					
Hotel			P							
Hotel										C
Hotel or Motel	P				S					
Individual Offices								C		
Indoor Storage and Warehousing				P						
Intermediate Care Facility										C
Junkyards			C							
Kennel					S					
Library										P
Licensed Educational Use										P
Light Industrial Park										C
Light Industrial Uses	C									
Live Performance Theater										C
Lot Averaging						C				
Major Home Occupation						C	C	C	C	
Manufactured or Mobile Home Park							C			
Manufacturing and/or Fabrication of Products Wholly within a Building				S						



Principal Uses	Districts									
	ADZ	BP	C/I	C/I-2	H/C	R-1	R-2	R-3	R-4	UD
Manufacturing, Processing, Or Assembling Plants			C							
Marijuana Dispensary										P
Medical Clinic			P							
Medical Facility										P
Minor Home Occupation									P	
Mixed-Use Development										P
Motels			P							
Movie Theater > 20,000 GFA										C
Movie Theater under 20,000 GFA										P
Museum	P				P					P
New Garden Twp. Municipal Use	P	P	P	P	P	P	P	P	P	p
Noncommercial Recreational Facility							P	P		
Nonprofit Church or Synagogue										P
Office Building					P					
Office for Commercial and Industrial Establishment			P		P					
Office for Professional Business			P		P					
Office of Nonprofit Organization			P							
Office, Administrative, and Professional Building			P	P						P
Personal Service Shop								C		P
Planned Commercial Development			C		C					
Planned Office Park										C



Principal Uses	Districts									
	ADZ	BP	C/I	C/I-2	H/C	R-1	R-2	R-3	R-4	UD
Public and Private Recreational Use			P							
Public and Private Recreational Use	C									
Public and Private School							C			
Public or Private Park						P				
Public or Private School								C		
Public Recreation										P
Public Utility Facility			C							
Radio tower, when not directly associated with the airport	S									
Recreational Use and Fitness Centers										P
Research and Development Facility										P
Research and Laboratory Facility			P	P						
Residential Cluster Development						P	P			
Residential Through-the-fence Use	C									
Restaurant with Drive-Through					S					P
Restaurant: Take-Out Only with Drive Through			P							
Restaurants without Drive-Through			P					C		
Retail Store					P					
Retail Store < 2000 sq. ft.					P			C		
Retail Store and Personal Service Shop			P							



Principal Uses	Districts									
	ADZ	BP	C/I	C/I-2	H/C	R-1	R-2	R-3	R-4	UD
Retail Store and Services > 70,000 GFA										P
Sanitary Landfill						C				
Self-Storage Facility			P							
Single Family Attached Dwelling or Townhouse								C		
Single-Family Attached Dwelling							C			P
Single-Family Detached						P	P	P	P	P
Single-Family Semidetached							P	P		P
Sit-down restaurant, café, brew pub										p
Skilled-nursing Facility										C
Solid Waste Transfer Station or Incinerator			C							
Solar Energy Facility < 1000 sq. ft.									P	
Solar Energy Facility > 1000 sq. ft.		S	P	S	S	S	S		S	C
Special Trade Contractor and Building Material Wholesale			P							
Temporary Carnival or Fair						S				
Town Development Option								C		
Transmission Tower						C				
USPS Mail Processing and Distribution Facility	P									
Veterinary Facilities					P					
Weather station or data collection facility, when not	S									



Principal Uses	Districts									
	ADZ	BP	C/I	C/I-2	H/C	R-1	R-2	R-3	R-4	UD
directly associated with the airport										
Wholesale Sales			P	P						
Wireless communications facility, when not directly associated with the airport	S									

Zoning Ordinance Analysis

Article I – General Provisions

This section includes typical introductory language to the zoning ordinance that is consistent with other ordinances throughout Pennsylvania. As we continue to work through the ordinances rewrite process, this section will likely stay in its current location, but the purpose and community development objectives may change, or be enhanced, to further state the needs of the Township.

Article II – Definitions and Word Usage

It is a good practice to have the definitions towards the beginning of the zoning ordinance to make referencing it easier for residents and staff. During the development of the district regulations, it is important to ensure that permitted uses, important terminology, and key standards are defined for continuity and ease of enforcement. This may include the removal and addition of definitions throughout this section.

Article III – Establishment of District

The inclusion of the “single use restriction” and the “mandatory residential cluster design” make this section somewhat unique in its structure and regulations. The “single use restriction” may prove challenging to accomplish some of the goals of the zoning ordinance rewrite, so its merit should be discussed as we continue through this process.

Article IV – R-1 Low Density Residential District

The provisions in this section are largely consistent with a standard residential district intended to have development spread out, with occasional clustering to preserve critical open space and to develop property that is otherwise challenging, especially when



combined with the overarching “mandatory residential cluster design”. It also appears that many of the lots in this district do not meet the minimum lot size requirement of 1 acre. While some of those lots were likely developed using the “mandatory residential cluster design” this still creates both nonconformities within the district and misunderstanding as to which regulation is applicable to a parcel. We should further examine the lots within this district to see how the requirements for these areas need to be refined, or if an entirely new district needs to be created to better suit the needs of the Township.

Article V – R-2 High Density Residential District

The R-2 district allows for smaller lots and increased density when compared to the R-1 district. The inclusion of semidetached housing, with the opportunity to develop townhomes, opens the housing options even further in this district. Although, per the analysis of the R-1 district, there may be an opportunity to expand the boundaries of the R-2 district (or a similarly created district that comes out of this process) to areas of the Township that are better suited for it based on their existing conditions, development potential, and goals of the Township.

Article VI – R-3 Toughkenamon Residential District

The Toughkenamon district allows for a mixture of uses and development options, promoting a sense of creativity and opportunity that is missing in the other residential zoning districts. However, due to the small size of the district itself, this development opportunity feels like a missed opportunity for a key area of the Township. We make look to harness the existing regulations for this district, refine them further, and potentially expand the district to promote additional opportunity around that part of New Garden.

Article VII – H/C Highway Commercial District

While the Highway Commercial district allows for a variety of uses, it still may be either too specific or restrictive to promote the kind of activity that best suits the needs of the Township. Like other districts, there is likely an opportunity through this ordinance rewrite process to modernize the standards in this district to bring them more in-line with current market trends and better development patterns.

Article VIII – C/I-2 Limited Commercial/Industrial District

This district is relatively light on regulations when compared to the previous district in the zoning ordinance. There may not be many significant changes proposed specifically within this district throughout this process, but there may be an opportunity to make targeted



changes elsewhere in the zoning ordinance (such as landscaping and parking) that will better align future developments in this district with the Township's goals.

Article IX - C/I Commercial-Industrial District

The Commercial-Industrial District allows for a broader spectrum of uses when compared to the limited commercial/industrial district, but they are still largely similar. This rewrite process may serve as a chance to see if these districts can be refined and potentially consolidated to reduce confusion and promote high-quality projects.

Article X - BU Business Park District

Allowing for only a single permitted principal use (New Garden Township municipal use), with just 6 permitted conditional uses, makes the Business Park District a highly restrictive district when compared with those elsewhere in the Township. There is certainly an opportunity to reassess this district and work with the Township to come up with reasonable standards that still promote new project and development while staying within the Township's vision.

Article XI - UD Unified Development District

The requirements within the Unified Development District are some of the more thorough regulations found within the Township's zoning ordinance. The enhanced design standards and requirements for development plan make the district a near hybrid between traditional Euclidian zoning and a form-based code. It may be prudent to take the effort that went into crafting the language in this district and apply it to other districts around the Township to develop a consistent development and design process. There is also an opportunity to improve on what has already been done for this district to further promote a next-level approach to development.

Article XII - FH Flood Hazard District

The Flood Hazard District regulations replace what is commonly just Floodplain administration or floodplain controls. It may be better to refine the language in this article to rely more on identified floodplains (100-year, 500-year, or otherwise) and rely on those to establish boundaries – rather than setting a district boundary. The specific requirements within the flood hazard district are largely consistent with best practices but may need some further adjustments.



Article XIII – ADZ Airport Development Zone

The Airport Development Zone is unique in its combination of permitted uses and regulations, combined with its highly specific location in the Township around the airport only. Therefore, there may not be as much of a need to make changes within this district as there are in others throughout the Township.

Article XIV – R-4 Residential District

It appears that the requirements within the R-4 district were created to specifically allow or account for the Hartefield development while still providing regulations for future housing. This inherently could create confusion, especially when trying to understand which “schedule” a particular lot falls within as part of the area and bulk regulations. In an effort to promote additional housing options throughout the Township, there may be an opportunity to take some of the standards in the R-4 district and apply them elsewhere or make the R-4 regulations more concise and rezone other areas of the Township to R-4.

Article XV – Residential Cluster Design Option

While it is stated in the intent that the Residential Cluster Design Option is intended to allow for a variety of housing options and an alternative to large lot development, the dimensional requirements, and specifically the density bonus standard, don’t appear to be significant enough incentive for development to be utilized in lieu of traditional development patterns. This article is similar to what could be referred to as “conservation subdivision” regulation, wherein increased density is permitted, with smaller lots, with a trade-off of additional open space required. It may be better to revise this article to a series of creative design options that promotes attractive development that preserves the important natural areas of the township.

Article XVI – Design Standards

The Design Standards article is comprised of various section that may be best served as their own standalone article for ease of review, enforcement, and future modification. Sections such as screening and landscaping, or traffic controls and loading area could be consolidated into standalone articles. The signs section in particular needs an overhaul to maintain compliance with the content-neutral requirements the 2015 supreme court decision in *Reed v. Town of Gilbert, AZ*.

Article XVIII – Nonconforming Uses, Structures, Building and Lots



This article includes the standard language that one would expect to see in any other nonconforming section of a zoning ordinance. This article might be moved in the overall structure of the ordinance, but it will likely remain largely unchanged.

Article XVII – Supplemental Regulations

This article will need to be more thoroughly reviewed throughout the ordinance rewrite process to ensure that the final principal and accessory uses are provided the appropriate supplemental regulations based on best practices and the needs of the Township. It appears that the Wireless Communications Facilities regulations are consistent with the broadly accepted FCC regulations that many municipalities have adopted.

Article XIX – Administration

The administration article includes the descriptions of processes and enforcement that are nearly identical to other municipalities throughout the commonwealth. This article may be moved around in the structure of the new zoning ordinance, but it will likely remain generally the same.

Article XX – Zoning Hearing Board

This article is well organized and includes all the necessary components to maintain compliance with the Municipalities Planning Code. The only specific language that may be of question is the 500-foot notification requirement. That is a larger radius than is typically seen, but if it has not been an issue it may be a moot point.

Article XXI – Historic Preservation

The historic preservation regulations established the ability for the creation of a historic resources map and associated regulation for development and projects on, or around, identified historic resources. The processes provided for in this article do introduce another layer in the approval process for projects, but they appear to be reasonable enough to protect and maintain the historical character of the Township. Depending on how the remainder of the zoning ordinance is developed, it may be better to incorporate a reference to this section elsewhere in the overall ordinance or move it toward the beginning of the chapter to give it more visibility. Improvements to the existing historic resources map could also be useful to both enforce and promote the requirements of this article. Additionally, the project team should discuss the potential of creating a historic preservation overlay district.

Article XXII – Natural Resource Protection



This article reflects the Township’s desire to preserve and protect its critical natural areas that remain undeveloped. With that in mind, this section being near the end of the overall zoning ordinance may make it feel like an afterthought in the review and approval process. Therefore, it may be best to retain or revise the existing requirements and move this article towards the beginning of the ordinance. Combined with the considerations of the flood hazard and historic preservation district, we should consider creating an “approval process” article that clearly provides the approval process for development, including special considerations such as those found in this article.

Zoning Ordinance Structure

The overall structure of the Township’s zoning ordinance is largely consistent with other ordinances throughout Pennsylvania, with some minor variations. There are some challenges within the ordinance’s structure that can be resolved during the rewrite process, which are described below, including our recommendations to address them.

Challenges

1. The lack of a composite land use table, which provides a comprehensive list of the principal uses and in which district they are allowed, as either permitted by-right or otherwise. This can make it unnecessarily cumbersome for applicants and staff to make quick determinations as to where a use is permitted.
2. The Historic Resource Protection and Natural Resource Protection articles being located near the end of the ordinance could cause them to be easily overlooked during the review of the ordinance by either an applicant or Township staff.
3. The zoning ordinance is missing an overarching review process/approval section that could prove helpful for applicants and staff and would provide a place for a concise series of charts or a table to plainly outline the different approval process for the various types of uses prescribed in the ordinance.
4. The Design Standards article contains sections such as parking, loading, landscaping, and signs that would be better served as standalone sections.

Initial Recommendations

1. Once the new list of principal uses is established, we would recommend creating a composite land use chart that is situated towards the beginning of the zoning ordinance that allows for a quick reference as to where any of the provided uses is permitted, by-right or otherwise.
2. It may be best to relocate the Historic Resource Protection and Natural Resource Protection articles toward the front of the zoning ordinance to give them more



visibility, especially considering their impact on proposed projects and developments.

3. Towards the beginning of the ordinance an overarching review and approval process article can be created that clearly and plainly describes the approval process for permitted uses, conditional uses, special exceptions, and others.
4. The Design Standards article can be separated into individual articles for regulations related to Parking and Loading, Landscaping, Signs, and others. This will allow for easier reference and review by applicants and will simplify future amendments.

The table below shows a suggested reorganization of the zoning ordinance structure:

New Zoning/Best Practices	Existing Zoning Sections
Article I – Administration	<ul style="list-style-type: none"> • Article I – General Provisions • Article XIX – Administration • Article XX – Zoning Hearing Board • [Planning Commission]
Article II – Definitions	<ul style="list-style-type: none"> • Article II – Definitions and Word Usage
Article III – Districts	<ul style="list-style-type: none"> • Article III – Establishment of Districts • Article IV – R-1 Low Density Residential District • Article V – R-2 High Density Residential District • Article VI – R-3 Toughkenamon Residential District • Article VII – H/C Highway Commercial District • Article VIII – C/I-2 Limited Commercial/Industrial District • Article IX – C/I Commercial-Industrial District • Article X – BU Business Park District • Article XI – UD Unified Development District • Article XII – FH Flood Hazard District • Article XIII – ADZ Airport Development Zone • Article XIV – R-4 Residential District
Article IV – Uses	<ul style="list-style-type: none"> • Use regulations from District Articles • Article XV – Residential Cluster Design Option • Article XVII – Supplemental Regulations • Article XXII – Natural Resource Protection • Article XVI – Design Standards (Residential Lot Average Design Option)
Article V – Historic Preservation	<p>Note: Option to move Historic Preservation into Article III if a Historic Preservation Overlay is created.</p> <ul style="list-style-type: none"> • Article XXI – Historic Preservation



Article VI – General Regulations	<ul style="list-style-type: none"> • Article XVI – Design Standards (General Regulations) • Article XVI – Design Standards (Performance Standards)
Article VII – Parking and Circulation	<ul style="list-style-type: none"> • Article XVI – Design Standards (Vehicular access and traffic controls) • Article XVI – Design Standards (Interior circulation) • Article XVI – Design Standards (Loading and storage areas) • Article XVI – Design Standards (Pedestrian access) • Article XVI – Design Standards (Off-street loading regulations) • Article XVI – Design Standards (Off-street parking regulations)
Article VIII – Screening and Landscaping	<ul style="list-style-type: none"> • Article XVI – Design Standards (Screening) • Article XVI – Design Standards (Landscaping) • Article XVI – Design Standards (Tree Conservation and replacement)
Article IX – Lighting	<ul style="list-style-type: none"> • Article XVI – Design Standards (Lighting)
Article X – Signs	<ul style="list-style-type: none"> • Article XVI – Design Standards (Signs)
Article XI – Natural Resource Protection	<ul style="list-style-type: none"> • Article XXII – Natural Resource Protection
Article XII – Nonconformities	<ul style="list-style-type: none"> • Article XVIII – Nonconforming Uses, Structures, Buildings, and Lots

What's Happening Outside New Garden?

New Garden Township is directly adjacent to seven (7) other municipalities, Kennet Township, East Marlborough, West Marlborough, London Grove Township, Avondale Borough, Franklin Township, and London Britian Township.

Of those municipalities, all but London Britian have adopted Zoning Ordinance that guide and regulate development within their boundaries. Throughout the Zoning Ordinance update process for New Garden Township, it will be important to understand what is happening around the outside of the Township within these other communities.



Kennett Township

At nearly 5 miles in length, the New Garden Township border with Kennett Township is not only the most physically significant, but also the most economically significant as it shares portions of the Baltimore Pike corridor, the Gap-Newport Pike corridor, and the Kennett Oxford Bypass.

On the other side of the New Garden Township border, the zoning in Kennett Township is predominately larger-lot Residential Agriculture, with a portion of Residential Suburban along the Gap-Newport Pike corridor. The zoning in Kennet along the Baltimore-Pike corridor generally mimics that of New Garde, with a combination of Commercial and Light Industrial zoning. The Residential Medium to High Density zoning district near the Kennett Oxford Bypass is similar in terms of lot size and character to the R-2 district found in New Garden.

East Marlborough

The East Marlborough Township border with New Garden is somewhat limited, and the zoning within East Marlborough along the border is comprised of Educational and Institutional around the University of Pennsylvania School of Veterinary Medicine New Bolton swine unit, Agricultural Preservation, and a larger-lot residential.

West Marlborough

Due to the proximity to the New Garden airport, the few parcels that line the limited border between East Marlborough Township and New Garden Township are zoned either Agriculture - Conservation or Agriculture – Rural Development but are all under the Airport Safety overlay.

London Grove Township

Like Kennett Township, London Grove Township, shares a significant border with New Garden Township, including properties along the Baltimore Pike and Kennett Oxford Bypass corridors. All of properties in London Grove that are adjacent to New Garden between the Kennett Oxford Bypass and Avondale, near the Gap Newport Pike, are comprised of the Glen Willow Orchards and its surrounds. However, properties are currently zoned Residential, High, which allows for clustered residential development of high density that includes a mixture of housing types. The other properties in London Grove that abut New Garden, south of Avondale along Ellicott Road, and north of the Kennett Oxford Bypass, are either zoned Residential Rural or Agricultural Preservation, respectively.



Avondale Borough

The border between New Garden Township and Avondale Borough has a combination of differently zoned properties from Medium to High-density residential zoning, to Commercial, and Flexible Use zoned properties along the Baltimore Pike and Gap-Newport Pike corridors.

Franklin Township

All the properties in Franklin Township that are directly adjacent to New Garden Township are located near the intersection of Auburn Road and Chandler Drive and are generally large residential lots within their Agricultural Residential zoning district.

London Britian Township

It does not appear that London Britian Township has adopted a Zoning Ordinance, but they do operate under a Land Development Ordinance that provide relatively few regulations around the actual development of property.

Kennett Square

While not directly adjacent to New Garden Township, the Borough of Kennett Square lies just over a quarter mile away from the eastern boundary of New Garden along the Baltimore Pike corridor. The parcels in Kennett Square that are nearest to New Garden are zoned Secondary Commercial along the Baltimore Pike and Cypress Street corridors, with R-2 (7,500 sq. ft. lots) and R-1 (low-density residential) zoning to the north and OI-1 (Office & Industrial) and R-2 to the south. There is a new multi-family project under construction at the intersection of Baltimore Pike/State Street and S Mill Road that could be used as an example of a potential future development option along the same corridor in New Garden.

New Castle County, Delaware

Across the southern border of New Garden Township lies New Castle County, Delaware with its various cities, towns, villages, census-designated places, and unincorporated areas. Housing nearly 60% of the overall state population, New Castle County is the most populous county in Delaware with over 570,000 people. The areas of New Castle County that are directly adjacent to New Garden Township have been largely developed with a low-density residential development pattern, with an approximately 200+ acre undeveloped farm property situated between Little Baltimore Road and Limestone Road.



NEXT STEPS

The following diagram outlines the next steps in the zoning update process:

