

**UPPER DUBLIN TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 17-1330

**AN ORDINANCE AMENDING CHAPTER 255 (ZONING) OF THE
UPPER DUBLIN TOWNSHIP CODE OF ORDINANCES TO ALLOW
A MIXED USE DEVELOPMENT AS A CONDITIONAL USE IN THE OC OFFICE
CENTER DISTRICT AND ADDING SIGNAGE STANDARDS FOR MIXED USE
DEVELOPMENTS IN THE OC OFFICE CENTER DISTRICT**

WHEREAS, the Code of Upper Dublin Township, Chapter 255, Zoning Article XXVII, Section 255-200 of the Upper Dublin Township Zoning Ordinance and Section 609 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10609, authorize the Board of Commissioners of Upper Dublin Township to enact amendments to the Upper Dublin Township Zoning Ordinance;

WHEREAS, the Board of Commissioners has determined that it is in the best interests of the municipality to adopt this ordinance amending the Upper Dublin Township Zoning Ordinance;

WHEREAS, the Board of Commissioners has determined that this Ordinance is generally consistent with the Upper Dublin Township Comprehensive Plan;

WHEREAS, a public hearing was held, following notice, for the purpose of considering this amendment to the Upper Dublin Township Zoning Ordinance; and;

WHEREAS, the Board of Commissioners after the public hearing held pursuant to public notice, and after receipt of recommendations from the Upper Dublin Township Planning Commission and the Montgomery County Planning Commission, deems it appropriate and proper that the Zoning Ordinance be amended to allow a Mixed Use Development as a conditional use in the OC Office Center District, subject to certain conditions and requirements, and that such amendment is in accordance with the spirit and the intent of the Upper Dublin Township Zoning Ordinance and Comprehensive Plan.

NOW, THEREFORE, the Board of Commissioners of the Township of Upper Dublin Township hereby ordains:

SECTION 1. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, § 255-60, Use Regulations, shall be amended to allow a Mixed Use Development, consisting of a mix of nonresidential and residential uses, as a conditional use in the OC Office Center District, by the addition of Subsection D, as follows:

Section 255-60. Use Regulations

D. Mixed Use Development. A Mixed Use Development, as defined in § 255-7, when approved by the Board of Commissioners as a conditional use, subject to the requirements and criteria of § 255.61.1.

SECTION 2. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, shall be amended by adding a new Section § 255-61.1, setting forth the development requirements for Mixed Use Developments in the OC Office Center District, as follows:

§255-61.1. Use and Development Requirements for Mixed Use Developments.

A Mixed Use Development shall comply with the following requirements and criteria:

A. The development shall consist of a harmonious selection of uses and groupings of buildings, service and parking areas, circulation and green areas, planned and designed as an integrated unit, in such a manner as to constitute a safe, efficient and convenient center and encourage the use of green building technologies and sustainable design features.

B. Permitted Uses. Any of the following uses may be permitted when included in a Mixed Use Development:

(1) Retail and commercial establishments to include the following:

- (a) Retail sale of household merchandise, food and beverage products, and personal effects, such as dry goods, variety and general merchandise, clothing, prepared and packaged food, grocery items, deli products, flowers, beverages, pharmaceuticals and medical supplies, household supplies and furnishings, jewelry, optical goods, musical items, and antiques.
- (b) Personal care, to include barber shop, hairdresser, clothes cleaning, tailoring, nail care and spa.
- (c) Personal fitness center.
- (d) Child and/or adult daycare facility.
- (e) Restaurant, coffeehouse, tea room, café, confectionary or similar establishment serving food or beverage, provided that the establishment shall not be open for business between the hours of 1:00 a.m. and 6:00 a.m. daily and on weekends.
- (f) Bank or financial institution.
- (g) Business, medical or professional office.

- (2) Residential uses:
 - (a) Apartment Buildings.
 - (b) Townhouse Dwellings.
- (3) Accessory uses:
 - (a) Parking garage.
 - (b) Clubhouse, pool or other amenity uses, as an accessory use to a permitted residential use.
 - (c) Drive-thru service, as an accessory use to a coffeehouse/tea room, bank or financial institution, provided the drive-thru is internal to the site with no direct access onto a public street or highway and, provided further, that that no more than two (2) drive-thru facilities shall be permitted within a Mixed Use Development.
 - (d) Outdoor seating and/or dining areas, limited to at grade or ground floor, provided that no outdoor seating or dining shall occur after 11:00 p.m., daily and on weekends.

C. Development Requirements. The general plan for a Mixed Use Development shall comply with the following requirements and criteria:

- (1) Lot area. The minimum gross lot area shall be twenty (20) acres.
- (2) Road frontages. The site shall have frontage on and road access to at least two (2) public roads.
- (3) Mix requirements. Every Mixed Use Development shall provide a mix of office, commercial and residential uses and no one use may utilize more than eighty percent (80%) of the gross building floor area. Accessory parking, including any parking garage, shall not be included as a separate use and its square footage shall not be counted in the calculation of the mix requirements. Apartment leasing area and multi-family common space may be included as residential space in calculating the mix requirements.
- (4) Site Plan. A site plan shall be required and shall include a unified architectural theme, preliminary stormwater management design and conceptual landscaping.
- (5) Neighborhood Open Space. A minimum of ten percent (10%) of the net developable area of the lot shall be developed as Neighborhood Open Space. Neighborhood Open Space shall consist of parks, plazas, gardens, water features and other similarly improved common areas and amenities

provided for the benefit of the residents, tenants and/or customers of the Mixed Use Development, and the general public. Trail and sidewalk connections also shall be provided to connect Neighborhood Open Spaces. A public access easement shall be granted in favor of the Township to provide public access to the trails and to certain portions of the Neighborhood Open Space within a Mixed Use Development that are appropriate for public access.

- (6) **Stormwater Facilities.** Naturalized stormwater facilities may occupy up to twenty-five percent (25%) of the Neighborhood Open Space if such facilities are designed and landscaped using Best Management Practices (BMPs), as published from time to time by the Pennsylvania Department of Environmental Protection and incorporated into the landscaped area. There shall be no limit on the area of underground stormwater facilities.
- (7) **Buffers.** There shall be a buffer area along the property line of a residential zoned district of at least fifty (50) feet, which buffer area shall include planting and landscaping. There shall be a buffer area of at least twenty-five (25) feet where parking is located along a street frontage, which buffer area may include a low wall, fencing and/or landscaping.
- (8) **Permitted Density.** A Mixed Use Development may contain up to fifteen (15) dwelling units per gross acre of the lot area. To encourage the use of green building technology and sustainable design features, increases in the base density are permitted in accordance with the following table. These increases are cumulative and can be combined up to a maximum density of twenty (20) dwelling units per gross acre of the lot area.

| Bonus Feature | Bonus Feature Standard | Density Bonus |
|-------------------------|---|--|
| Neighborhood Open Space | Preserve additional land as Neighborhood Open Space in excess of the required 10%. | For each additional 5% of net developable area preserved, permitted density may be increased by 0.5 dwelling units per gross acre. |
| Structured parking | A minimum of 35% of the total required number of parking spaces is provided in structured parking. | 2.0 dwelling unit per gross acre |
| Green Roof | The green roof shall cover at least 70% of the net roof area (the total gross area minus areas covered by mechanical equipment) of a building with a footprint of at least 20,000 square feet. Green roofs shall be designed and installed under the direction of a professional with demonstrated expertise in green roof design and construction. Vegetation must be maintained for the life of the building. | 2.0 dwelling unit per gross acre for the first building with a qualifying green roof and another 0.5 dwelling unit per acre for each additional building with a qualifying green roof. |

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| | The green roof shall conform to the best available technology standards, such as those published by LEED. | |
| Alternative transportation | <p>Qualifying features:</p> <p>a) Provide electric plug-in charging stations for electric/hybrid vehicles for 1% of total required parking.</p> <p>b) Provide bike racks throughout development.</p> <p>c) Implement a bike-share program within the development.</p> <p>d) Provide a public transit stop.</p> | For each qualifying feature, density may be increased by 1.0 dwelling units per gross acre. |
| Alternative energy sources | Install a solar, geothermal or other renewable energy power-generation facility that is designed to provide at least 10% of the expected annual energy use for the building. The facility shall be designed and installed under the direction of a professional with demonstrated expertise in the design and construction of such facilities. | 1.0 dwelling unit per gross acre |

D. Area and Bulk Requirements.

- (1) Building coverage. The maximum building coverage shall not exceed forty percent (40%) of the net developable area of the lot.
- (2) Impervious coverage. The maximum impervious coverage shall not exceed seventy percent (70%) of the developable acreage of the lot.
- (3) Building Height. The maximum building height of any residential or mixed use building or structure within a Mixed Use Development shall be sixty-five (65) feet, in accordance with the requirements under § 255-61.F. except that the maximum height for portions of a building comprised of ground floor retail, without residential above, shall be thirty-five (35) feet.
- (4) Building setbacks. No building may be located closer than:
 - (a) Seventy (70) feet to any public highway or ultimate public right-of-way, or to any toll or controlled public highway right-of-way.
 - (b) Fifty (50) feet to any other property line or the center line of any existing private road.

- (5) Parking setbacks. No parking area may be located closer than twenty-five (25) feet to any public highway or ultimate public right-of-way, or to any toll or controlled public highway right-of-way, or any other property line.
- (6) Parking requirements.
 - (a) Nonresidential uses: 4 spaces per 1,000 square feet of gross building floor area.
 - (b) Residential uses: 2.0 spaces per dwelling unit, provided that the applicant may place in reserve up to twenty-five percent (25%) of the required parking, subject to the approval of the Board of Commissioners.

E. Design Standards. The intent of these standards is to ensure development contributes to a high-quality, mixed-use environment without limiting design flexibility and innovation. The applicant shall submit plans, elevations, renderings, reports, documents and samples as necessary in the form of proposed design guidelines to demonstrate compliance with the following standards:

- (1) Building Design.
 - (a) Coherent Architectural Theme. Mixed Use Developments shall have a common and coherent architectural theme throughout the development.
 - (b) Primary Façade. Any building façade with a customer or visitor entrance shall be treated as a primary façade. At least fifty percent (50%) of the length of the ground floor of primary façades shall consist of windows, glass doors, or other transparent or semi-transparent building surfaces. Mirrored glass is prohibited. Walls or portions of walls where windows are not provided shall have architectural treatments and details, such as a change in building material or color, lighting fixtures, decorative tiles, hanging planters, awnings and/or similar features.
 - (c) Secondary façade. All other building façades shall be treated as a secondary façade. Secondary façades must have architectural treatments and building materials that are complimentary to the primary façade.
 - (d) Building entrances. All building entrances on primary facades shall be accentuated. Permitted entrance accents include: recessed, protruding, canopy, portico, overhang and/or similar feature.
 - (e) Parapets, etc. Buildings shall be designed with parapets, mansards, or other architectural treatment along all roof edges to conceal large vents, HVAC and other rooftop equipment and structures.

(f) Building breaks.

[1] Buildings must have at least a three (3) foot break in depth, for the full height of the building, every 150 feet of continuous primary façade.

[2] For buildings greater than four (4) stories tall, the façade of the building shall step back a minimum of three (3) feet above the first floor of the building.

(g) Balconies. Balconies or Juliette style balconies shall be provided for every residential unit.

(2) Signage. The applicant for a Mixed Use Development shall submit a sign plan meeting the requirements of § 255-152.2.H.

(3) Landscape and Streetscape Standards.

a) Sidewalks or multi-use trails shall be provided along all street frontages. Sidewalks along public and private street frontages shall be a minimum of six (6) feet wide. Trails shall be a minimum of ten (10) feet wide.

b) A landscape plan prepared by a licensed landscape architect is required for all Mixed Use Developments. Landscaped areas include green areas, streetscapes, the interior and perimeter of surface parking areas, greenways, verges, stormwater basins, and natural areas.

c) Within 100 feet of a residential zoning district the landscape plan shall include plantings, decorative fencing or a wall to shield headlights and soften the view of cars from the street and from adjacent residential areas.

(4) Standards for Neighborhood Open Space.

(a) The minimum width of any land area to be counted as Neighborhood Open Space shall be fifteen (15) feet.

(b) Neighborhood Open Space shall be landscaped and/or hardscaped with a mix of trees, shrubs, groundcover decorative paving or walls in accordance with the overall landscape plan prepared for the development by a registered landscape architect.

(c) Neighborhood Open Space shall be provided with benches, trash containers and/or lighting fixtures.

- (5) Public Transit. Transit facilities and shelters shall be provided in mutually agreeable location(s) and in accordance with the design standards established by the Southeastern Pennsylvania Transit Authority (SEPTA).

SECTION 3. The Code of the Township of Upper Dublin, Chapter 255, Zoning, Article XXI, Signs, shall be amended by the addition of a new subsection H to § 255-155.2 to provide for signage related to a Mixed Use Development, as follows:

§ 255-155.2. OC Office Center District.

H. In conjunction with a Mixed Use Development any combination of the following types of signs shall be permitted:

- (1) Freestanding Signs. One freestanding sign shall be permitted for every four hundred and fifty feet (450') of property frontage along Welsh Road. Such freestanding signs shall be of a complimentary architectural style to the buildings of the Mixed Use Development, shall not exceed twenty-five feet (25') in height, nor contain more than two hundred square feet (200 sq. ft.) of sign area per side (maximum two (2) sides).
- (2) Monument Signs. One monument sign shall be permitted for every five hundred feet (500') of property frontage along Dreshertown Road. Such monument signs shall be of a complimentary architectural style to the buildings of the Mixed Use Development, shall not exceed six feet (6') in height, nor contain more than one hundred twenty square feet (120 sq.ft.) of sign area per side (maximum two (2) sides).
- (3) Wall Signs.
 - (a) Individual retail or commercial establishments within a Mixed Use Development shall be permitted signs on each exterior wall facing a public street or a private street or driveway. Such signs shall not exceed ten percent (10%) of the façade on which the signs are located or two hundred square feet (200 sq. ft.), whichever is less.
 - (b) Residential identification signage shall be permitted on each exterior wall facing a public street or private street or driveway. Such identification signage shall not exceed two hundred square feet (200 sq.ft.) per façade.
- (4) Directional Signs. Directional signs within the Mixed Use Development shall be permitted, either freestanding or building mounted. Such signs may contain the names of specific tenants as well as other public information to direct both pedestrians and motorists through the site to the location of various uses including but not limited to general tenant parking areas, residential parking structures, parks, exits and entrances to the development. Signs shall be sized appropriately to be visible to pedestrians, motorist or both depending on location, but in no event shall

any one sign be larger than thirty-two square feet (32 sq.ft.) in area. The total number of directional signs and their location shall be determined by the Board of Commissioners.

- (5) Project Identification Signs. Project identification signs containing the project name or other identifying feature, but no other tenant advertising shall be permitted within the development which also may be visible outside the development. Such signage shall be of a complimentary style to the development and shall be no larger than two hundred square feet (200 sq.ft.) in area. The total number of project identification signs and their location shall be determined by the Board of Commissioners.

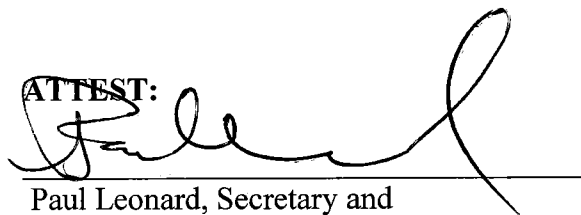
SECTION 4. To the extent that the provisions of this Ordinance are inconsistent or conflict with any other provision of Chapter 255, the Upper Dublin Township Zoning Ordinance, the specific regulations contained in § 255-61.1 shall control and take precedence over such other regulations.

SECTION 5. The provisions of this Ordinance are severable, and if any sentence, clause, section or part of the ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, or invalidity shall not affect or impair any of the remaining provisions, sentences, or parts of this ordinance. It is hereby declared to be the express intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or parts thereof had not been included herein.

SECTION 6. This Ordinance repeals and replaces Ordinance 16-1326.

SECTION 7. This Ordinance shall take effect and be in force from and after its approval as required by law. ENACTED by the Board of Commissioners of Upper Dublin Township, this 28th day of March, 2017.

ATTEST:


 Paul Leonard, Secretary and
 Township Manager

BOARD OF COMMISSIONERS OF THE
 TOWNSHIP OF UPPER DUBLIN


 Ira S. Tackel, President