

AN ORDINANCE

NO. 14-1292

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, Chapter 255, Zoning, By The Addition Of A New Zoning District To Be Titled MRH – Mixed Use Residential - Historic District And To Set Forth The Regulations Governing Development In Such District.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of Upper Dublin Township, Chapter 255, Zoning, shall be amended by the addition of a new Article XXXVII, MRH – Mixed Use Residential - Historic District, to provide as follows:

ARTICLE XXXVII

MRH – Mixed Use Residential - Historic District

§255-281. Legislative Intent.

It is the intent of this Article to provide for the preservation of meaningful historical buildings, structures and features on property proposed for mixed use residential – development by the establishment of reasonable zoning standards to promote the desirable benefits which will follow the development of a mixed use residential community which will preserve as part of the community significant historical buildings, structures and features. Design criteria shall include standards governing use type and mix, dwelling unit density, parking requirements, dwelling unit setbacks from internal roadways and from historic buildings as well as perimeter setbacks, which standards are to ensure that the community will not exert an adverse impact on the historical buildings, structures and features nor on surrounding neighborhoods.

§255-282. Use Regulations and Definitions.

Within the MRH – Mixed Use Residential – Historic District, one or more buildings may be erected or used, and a lot may be used or occupied, for any of the following purposes:

- A. The uses permitted by right, by special exception and by conditional use in Article XIII, INST - Institutional District, § 255-88, § 255-90 (Life Care Complexes) and § 255-90.1 (Senior Assisted Living Residence), subject to the regulations set forth at § 255-87 through § 255-91, as applicable to such use.
- B. Historic Preservation Mixed Residential Community, by conditional use, subject to the provisions set forth in this article.

- C. "Historic Preservation Mixed Residential Community," as used in this section, shall mean a planned development comprised of a mix of uses, which mix of uses may include:
1. Single Family Detached Dwelling.
 2. Twin Dwelling.
 3. Townhouse Dwelling.
 4. Apartment Building (with condominium ownership governed by Uniform Condominium Act).
 5. Senior Independent Living Campus.
 6. Office.
- D. "Senior Independent Living Campus," as used in this section, shall mean a residential facility which consists of private Dwelling Units to be occupied by persons at least one of which is age 55 or over, with accessory uses, supportive social residential services such as dining facilities, housekeeping, medical and support services, security and 24-hour-monitoring, an emergency call system, recreational facilities including a fitness center with indoor pool, wellness promotion, exercise programs, local transportation, educational and special events, laundry services and social and recreational programs, together with accessory uses appropriate for allowing independent older adults to age in place, as well as accessory structures for maintenance services and equipment. If a building with historic value is to be preserved as part of the Senior Independent Living Campus, a maximum of 10% of the total residential Dwelling Units may be located within the preserved historic building, which are not subject to the minimum 55 years of age limitation, provided that no occupant of any such Dwelling Unit may be 19 years of age or under, other than a visitor whose occupancy shall not exceed 90 days in any calendar year.

§255-283. Senior Independent Living Campus Residence Regulations.

The following requirements shall apply to the Senior Independent Living Campus component of a Historic Preservation Mixed Residential Community:

- A. The minimum unit size for each dwelling unit occupied by one resident shall be 500 SF. The minimum unit size for each dwelling unit occupied by two residents shall be 700 SF.
- B. No more than two residents shall be permitted to reside in any dwelling unit plus a caregiver

- C. Each dwelling unit shall contain a fully private bathroom (including toilet, bathtub and/or shower and vanity/sink), personal closet space, emergency call systems, lockable entry doors accessible by master key or similar system available at all times in the senior independent living campus residence and for designated staff, and pre-wiring for private telephone, internet and television reception.
- D. No less than 80 square feet of floor area per dwelling unit shall be provided for community common areas for dining, active and passive recreation, circulation and socialization, exclusive of hallways and passageways and inclusive of common areas designated in the historic structures.
- E. A dining area or areas shall be provided, together with a private dining room available for use by residents and their families and guests for private visitation and entertaining.
- F. All residential units shall be part of a complex, similar to multifamily housing. No stand-alone units or townhouses shall be permitted.

§255-284. Development regulations.

The following area, bulk, density, area, dimensional, building height, parking and buffer regulations shall apply to the Historic Preservation Mixed Residential Community use:

- A. Lot area. A lot area of not less than forty (40) acres with a minimum width of 800 feet at the existing legal right-of-way of at least one bordering roadway.
- B. Use and Dwelling Unit mix.
 - 1. The community shall contain a minimum of three of the permitted residential uses identified in § 255-282 C. hereinabove, one of which shall be the Senior Independent Living Campus.
 - 2. A minimum of 50% and a maximum of 80% of the units within the community shall be Senior Independent Living Campus units. For each other residential use to be included within the community, there shall be a minimum of 5% of the total units within the community comprised of each such use.
 - 3. Office use accessory to the Senior Independent Living Campus.
- C. Density.
 - 1. The Senior Independent Living Campus component shall have a maximum density of 14 units per acre for its portion of the overall lot area within the community, not more than 60% of the units

shall be available for double occupancy. The acreage of the lot area associated therewith shall be subtracted from the community's overall lot area and the density for the remaining lot area shall not exceed 5 units per acre.

- 2. Where townhouses are part of the community, the maximum number of units in each building shall be five (5) and the maximum building length shall be 160 feet.
- D. Impervious surface coverage. A maximum impervious surface coverage of 40% of total lot area shall be permitted. The definition of Impervious Surface contained at §255-7 shall apply except that the horizontal surface area of a water feature such as a lake or pond, whether or not the water feature serves as part of the stormwater management system, shall not be considered an impervious surface.
- E. Perimeter setbacks.
- 1. The following minimum setbacks shall be observed from the property line, unless the applicable setback is adjacent to a street in which case the setback shall be provided from the legal right-of-way line.

Perimeter Setback	Abutting Institutional or Non-Residential Use	Abutting Residential Use	Abutting State Road or Arterial Road	Abutting Township Road
Front	100 feet	100 feet	60 feet	60 feet
Side	100 feet	100 feet	60 feet	50 feet
Rear	100 feet	100 feet	60 feet	50 feet

- 2. Existing historic structures and features in the nature of perimeter walls, entrance archways and pillars and guard/gatehouses shall be exempt from these perimeter setback requirements.
- 3. Accessory structures to the principal building in the nature of a deck, porch, patio, Jacuzzi/spa, sitting wall or fence shall be permitted to extend a maximum of 20 feet into the applicable perimeter setback.
- 4. Nothing shall be placed within the 100 foot setback between existing residential property lines and apartment buildings and/or Senior Independent Living Campus buildings with the exception of an emergency driveway.

5. Internal roadways designed for single family detached, twin and/or townhouse dwelling units shall be set back a minimum of 40 feet from existing residential property lines, excepting existing internal roads which are part of historic sight lines.
 6. An internal roadway may be placed within the perimeter setback along an existing State right-of-way, provided the edge of roadway is set back a minimum of 50 feet from the right-of-way and is buffered and/or bermed as viewed from the existing street.
 7. An internal roadway may be placed within the perimeter setback along an existing Township right-of-way, provided the edge of roadway is set back a minimum of 20 feet from the right-of-way and is buffered and/or bermed as viewed from the existing street.
 8. The minimum internal roadway setbacks specified in subsections 6 and 7 shall not apply to entrances from or exits to a State or Township road.
- F. **Building Height.** The maximum building height, as defined in Chapter 212, the Subdivision and Land Development Ordinance, shall be 35 feet for all residential uses other than the Senior Independent Living Campus and Apartment Building. The maximum height for those uses shall be four stories, provided that any such use closer than 200 feet from any adjoining residential district shall be limited to three stories. The height of such buildings shall be compatible with the historic buildings to be preserved adjacent to or in close proximity thereto, so as to be compatible with design features of existing roof lines, inclusive of turrets, spires or similar architectural features. Otherwise, the maximum height for three stories shall be 45 feet and for four stories shall be 55 feet. Parking areas beneath a building shall not be considered a story; provided, however, the aforesaid maximum height limitations shall apply to buildings with or without such parking areas.
- G. **Parking** shall be provided in accordance with the following standards:
1. Senior Independent Living Campus – 1.5 spaces per dwelling unit, of which 0.25 spaces per unit may be held in reserve, which spaces may include garage and driveway and designated shared or common parking spaces.
 2. Townhouse– 2.5 spaces per dwelling unit, which may include garage and driveway and designated shared or common parking spaces

3. Apartment Building – 2 spaces per Dwelling Unit, which may include garage and driveway and designated shared or common parking spaces.
 4. Single-Family detached and twin dwellings - 2.5 spaces per dwelling unit which may include garage and driveway.
 5. Not less than 10 feet of open space shall be provided between the curb line of any common or shared parking area and the outside wall of any building. Shared or common parking with more than 12 spaces in a row shall provide a landscaped island separation of a minimum of 10 feet between further parking spaces.
- H. Ownership and maintenance of interior roads and drives: Interior roads and drives shall not be dedicated, but shall be owned and maintained by an appropriate Homeowners Association, Condominium Association and/or an association of such entities working in concert for the proper use, maintenance and repair of the private roads and drives servicing the overall community.

§255-285. Building setback, spacing, buffering and screening and open space requirements.

The following building setback, spacing, buffering and screening and open space requirements shall apply to the Historic Preservation Mixed Residential Community use:

- A. Lot area and width. There shall be no minimum lot size or dimension, as the required mix of residential uses will be governed by either or both Pennsylvania's Planned Community Act and/or Uniform Condominium Act.
- B. The minimum setback for buildings along a private street shall be 20 feet from back of curb or back of sidewalk.
- C. The minimum distance between buildings (not including decks, patios and accessory structures) shall be 20 feet regardless of the orientation of the buildings.
- D. Buildings within the Senior Independent Living Campus may be interconnected by climate controlled and sprinklered walkways, either at ground level or elevated, appropriate for access between buildings within the campus. Such interconnection shall not be deemed to violate the minimum distance between buildings as set forth hereinabove.
- E. Buffer and screening requirements. The buffer and screening provisions of § 255-90 G. shall apply; provided, these buffer and screening

requirements shall apply solely to the perimeter of the development property and do not establish any requirement for screening or buffering internally between the various uses proposed. Where portions of the development property are not proposed for development in proximity to existing adjoining residential development, these buffer and screening requirements shall not apply if the development property has existing woodlands, wetlands and natural features that provide comparable buffer and screening for those areas.

- F. **Open Space.** At least 20% of the tract area shall be preserved as open space to allow for the protection of sensitive natural features, scenic views and other unique features. Portions of the open space shall allow for public access by trails or other means, while other areas may be restricted to the residents of the development. The definition of Open Space contained at §212-5 of the Subdivision and Land Development Ordinance shall apply.

§255-286. Application and review requirements.

- A. **Application requirements.** Before a Historic Preservation Mixed Residential Community can be permitted in this District, it will be necessary for the applicant to submit an application for conditional use approval to the Upper Dublin Board of Commissioners establishing:
1. The conformance of the proposed development with this chapter and compatibility with existing and proposed land uses adjacent to the site.
 2. The impact on existing floodplains, waterways, heavily wooded areas, steep slopes and other sensitive natural features, if any.
 3. The impact on the Township and regional transportation system and the ability of adjacent streets and intersections to efficiently and safely handle the traffic generated by the proposed development.
 4. The impact on public utilities, including but not limited to sewage disposal, water supply and storm drainage.
 5. The impact upon provisions of police and fire protection.
 6. The impact on the open space and recreation facilities of Upper Dublin Township.
 7. The impact upon the character of the surrounding neighborhood. The applicant must show how the proposed development will address the impact upon the surrounding neighborhoods.

- B. Required documentation shall include the following:
1. The location and size of the site, with evidence supporting the general adequacy for development.
 2. The proposed residential density of the development and the percentage mix of permitted uses.
 3. Conceptual plans of proposed utility and drainage systems.
 4. Plans and renderings indicating the design, utility and aesthetic relationship of building and landscaping within the proposed development.
 5. Historic Resource inventory.
 6. Historic Preservation Plan, which identifies at a minimum:
 - (a) Exterior architectural and building elements to be renovated and preserved for each building, structure or feature consistent with the historic period represented by each building, structure or feature.
 - (b) Landscape elements (e.g. mature tree groves and specimen trees) consistent with the historic period represented by the historic buildings, structures and features and the extent to which each element will be preserved and maintained.
 - (c) Interior architectural and building elements to be renovated and preserved consistent with the historical period represented by each structure.
 - (d) Sight lines for visibility of historic buildings and structures on-site and off-site.
 - (e) Setbacks from historic buildings, structures and features.
 - (f) Declaration of Covenants and Restrictions setting forth perpetual, binding requirements addressing restoration, preservation and future funding for proper maintenance of the buildings, structures and features set forth in applicant's Historic Preservation Plan.
 7. Traffic Impact Statement.
 8. Fiscal Impact Statement.
 9. Preliminary Grading Plan.

10. Preliminary Stormwater Management Plan.
 11. Tree Removal and Preservation Plan.
 12. Preliminary Landscaping Plan.
 13. Sketch Plans and Architectural Renderings showing at a minimum elevations and material samples for each building type.
 14. Open Space Plan with walkways and provisions for public access.
 15. Common areas/shared facility plan including roads, parking areas, walkways, utilities, all historic structures and natural features, including proposed cross easements.
 16. The text of covenants, easements and existing restrictions or those to be imposed upon the land or structures, including provisions for public utilities and trails for such activities as hiking or bicycling, if applicable.
- C. Application review. The Upper Dublin Township Planning Commission shall review the conditional use application for compliance with the terms of this chapter, and shall submit its recommendations thereon to the Upper Dublin Township Board of Commissioners, after review by the Montgomery County Planning Commission
- D. Criteria for the grant of conditional use approval. An application for conditional use shall not be granted unless the following requirements have been satisfied in addition to those set forth at § 255-194. The applicant shall have the burden of demonstrating:
1. That the property contains a significant number of historic buildings, structures, statuary and other elements of vintage, character and age to warrant the grant of conditional use approval.
 2. That the proposed improvements to the historic buildings, structures, statuary and other features will preserve the distinguishing qualities and character of the historic resources and cultural landscape.
 3. That the dwelling unit site layout, design and implementation of buffering, landscaping, lighting, interior circulation, access and traffic management, parking, fencing and other land development features will preserve the integrity of the historic resources.
 4. That the proposed development will not have a significant adverse effect upon the surrounding neighborhoods.

- E. The conditions which shall be imposed by the Board of Commissioners shall include, at a minimum, the recording of a Declaration of Covenants and Restrictions, in form and substance satisfactory to the Board of Commissioners, setting forth perpetual, binding requirements addressing restoration, preservation and future funding for proper maintenance of the buildings and features set forth in applicant's Historic Preservation Plan. Park and recreation contributions, as mandated by Township Ordinance for residential developments, shall be waived and replaced by a binding requirement, set forth in the Declaration, enforceable by the Township, requiring an amount equal thereto to be paid into a fund for proper maintenance of the aforesaid features warranting historic preservation. Existing structures suitable for and approved by the Board of Commissioners for restoration and/or renovation for residential usage, or structures in the nature of gate houses or guard houses or other similar structures appropriate for retainage or renovation into residential usage, as identified in applicant's Historic Preservation Plan, may be designated in the conditional use approval for preservation and future residential usage with allowance for siting of same on designated fee simple parcels.
- F. An applicant may elect to submit a complete preliminary land development/subdivision application meeting the requirements of the Subdivision and Land Development Ordinance for processing contemporaneously with a conditional use application, provided the applicant waives, in writing, mandatory time limitations imposed upon Upper Dublin Township for action upon both the conditional use application and the preliminary land development/subdivision application to afford the Upper Dublin Township Board of Commissioners adequate time to render their decision upon both applications.
- G. Internal parcel creation and designation. At the time of approval of a final land development plan for a Historic Preservation Mixed Residential Community, the Board may approve a parcel plan to be recorded in the Office for the Recording of Deeds of Montgomery County establishing separate parcels for the Senior Independent Living Campus and/or individual buildings within the campus, as well as any multi-family components to allow for independent conveyance of those parcels separate and apart from the other residential uses, as well as to allow for recording of mortgage liens and financing liens in regard to such components. As a condition to the approval of such a parcel plan, a Declaration shall be approved by Board for recording establishing requisite cross easements servicing those parcels in concert with the parcel or parcels for the development of the other residential uses as well as for requisite participation in the funding of future maintenance and repair of all common areas and shared facilities in the nature of roadways and utilities by and among all residential components within the community.

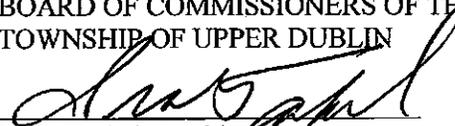
Section 2. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 3. The provisions as set forth herein shall supersede any conflicting provision of this Chapter 255-Zoning.

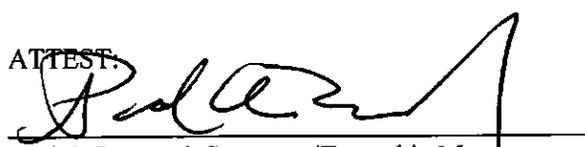
Section 4. This Ordinance shall take effect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of Upper Dublin Township this 11th day of November, 2014.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Ira S. Tackel, President

ATTEST:


Paul A. Leonard, Secretary/Township Manager