

**UPPER DUBLIN TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

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

WHEREAS, Chapter 255, 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 of Upper Dublin Township has determined that it is in the best interests of the municipality to adopt this ordinance amending the Upper Dublin Township Zoning Ordinance included herein,

WHEREAS, the Board of Commissioners of Upper Dublin Township 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 of Upper Dublin Township, 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 in the OC Office Center District, subject to certain requirements, and that such modifications are in accordance with the spirit and the intent of the Upper Dublin Township Zoning Ordinance and Comprehensive Plan.

NOW, THEREFORE, it is hereby **ORDAINED** by the Board of Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION 1. § 255-60 of the Zoning Ordinance is hereby amended to allow a Mixed Use Development, consisting of a mix of nonresidential and residential uses, in the OC Office Center District, as follows:

H. Mixed Use Development. A Mixed Use Development, as defined in § 255-7, in accordance with the requirements of § 255-61a herein.

SECTION 2. New § 255-61a, Development requirements for Mixed Use Developments in the OC Office Center District, is as follows:

§255-61a. Development requirements for Mixed Use Developments in the OC Office Center District.

The Mixed Use Development shall be executed in accordance with the following 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 in the OC Office Center District 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, taproom, confectionary or similar establishment serving food or beverage. This use in the OC Office Center District is not subject to the restaurant hour restrictions set forth in Section 255-7 of the Zoning Ordinance as to indoor dining.
 - f) Bank or financial institution.
 - g) Business, medical or professional office.
- (2) Residential uses:
 - a) Apartment Buildings.
 - b) Other Multiple 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, provided that no more than one (1) drive-thru facility shall be permitted within a Mixed Use Development.
 - d) Outdoor seating and/or dining areas.

C. Development Requirements. The general plan for a Mixed Use Development in the OC Office Center District shall be executed in accordance with the following criteria and requirements:

- (1) Lot area. The minimum gross lot area shall be twenty (20) acres.
- (2) Road frontages. The site shall have frontage (with road access) on at least two (2) public roads.
- (3) Mix requirements. Every Mixed Use Development, as defined in § 255-7, shall provide a mix of at least two land use categories and no one use may utilize more than eighty percent (80%) of the total 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 under § 255-7. Apartment leasing area and apartment amenity space are included as residential space in calculating the mix requirements.
- (4) Master Plan. A master plan shall be required for proposed development and shall include a unified architectural theme 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. Trail and sidewalk connections shall also 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) Naturalized stormwater facilities may occupy up to thirty percent (30%) of the neighborhood open space if such facilities are designed and landscaped using Best Management Practices (BMPs) 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. There shall be no required buffer area along any street frontages in a Mixed Use Development when Neighborhood Open Space equaling greater than fifteen percent (15%) of the net developable area is provided.
- (8) **Permitted Density.** A Mixed Use Development may contain up to fifteen (15) dwelling units per gross acre of the lot. 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 20 dwelling units per gross acre of the lot.

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. The green roof shall conform to the best available technology standards, such as those published by LEED.	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.
Sustainable stormwater management	Qualifying techniques: a) Permeable surfaces b) Roof rainwater collection systems c) Bioretention/rain gardens	For each qualifying technique, density may be increased by 1.0 dwelling units per gross acre.

Alternative transportation	Qualifying features: a) Provide electric plug-in charging stations for electric/hybrid vehicles for 1% of total required parking. b) Provide bike racks throughout development. c) Implement a bike-share program within the development. d) Provide a public transit stop.	For each qualifying feature, density may be increased by 0.5 dwelling units per gross acre.
Alternative energy sources	Install a solar, wind or geothermal 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 be forty percent (40%) of the net developable area of the lot.
- (2) Impervious coverage. The maximum impervious coverage shall be seventy-five percent (75%) of the net developable area 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 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-five (75) feet to any existing public highway or public right-of-way, 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 existing public highway or public right-of-way, 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.

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) 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. Where a building has more than one primary façade, the requirement for transparent building surfaces may be reduced to ten percent (10%) on one of the primary façades. 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 consistent with and complementary to the primary façade.
- d) All building entrances on primary facades shall be accentuated. Permitted entrance accents include: recessed, protruding, canopy, portico, overhang and/or similar feature.
- e) Buildings shall use parapets, mansards, or other architectural treatment along all roof edges to conceal large vents, HVAC and other rooftop equipment and structures.
- f) 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.

- g) 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.
 - h) Balconies or Juliette style balconies shall be provided for every residential unit.
- (2) Signage. Signage shall meet the requirements for signage within a Mixed Use Development in the OC Office Center District as provided in § 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 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.
- (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 constructed where appropriate, in accordance with the design standards established by SEPTA.

SECTION 3. § 255-155.2 of the Zoning Ordinance is hereby amended to provide for signage related to a Mixed Use Development in the OC District as defined in § 255-61a, as follows:

New § 255-152.2.H In conjunction with a Mixed Use Development in the OC District any combination of the following types of signs shall be permitted:

1. One freestanding sign shall be permitted for every four hundred feet (400') of property frontage along a Primary Street. Such freestanding signs shall be of a complimentary

architectural style to the buildings of the Mixed Use Development, shall not exceed thirty-five feet (35') in Sign Height, nor contain more than three hundred square feet (300 sf) of Sign Area.

2. 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.
3. 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 sf) per façade.
4. Directional signage within the Mixed Use Development shall be permitted freestanding or building mounted. Such signage may contain the names of specific tenants as well as other public information to direct both pedestrians and motorist 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 sf) in area.
5. Project identification signage containing the project name or other identifying feature, but no other tenant advertising shall be permitted within the development which may also be visible outside the development. Such signage shall be of a complimentary style to the development and shall be no larger than three hundred square feet (200 sf) in area.

SECTION 4. Conflict. To the extent that the provisions of § 255-61a of this Ordinance are inconsistent or conflict with other provisions of the Upper Dublin Township Zoning Ordinance or Subdivision and Land Development Ordinance otherwise applicable to Mixed Use Developments in the OC Office Center District, the specific regulations contained in § 255-61a shall control and take precedence over such other regulations.

SECTION 5. Severability. 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. Repealer. All Resolutions, Ordinances or parts of Ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 7. Effective Date. This Zoning Ordinance Amendment shall become effective five (5) days after adoption by the Board of Commissioners of Upper Dublin Township, Montgomery County, Pennsylvania.

ENACTED and ORDAINED by the Board of Commissioners of Upper Dublin Township,
Montgomery County, Pennsylvania this _____ day of _____, 2016.

UPPER DUBLIN TOWNSHIP BOARD OF COMMISSIONERS

ATTEST:

Paul Leonard
Township Manager

Ira S. Tackel, President

Ronald P. Feldman, Vice President

Gary Scarpello, Commissioner

Sharon L. Damsker, Commissioner

Liz Ferry, Commissioner

Robert H. McGuckin, Commissioner

Rebecca A. Gushue, Commissioner