

ARTICLE XIII  
VCO – VILLAGE COMMERCIAL and OFFICE DISTRICT

**§182-96.1 Legislative Intent**

In expansion of the statement of community development objectives contained in §182-2 of this chapter, it is hereby declared to be the intent of this article with respect to Village Commercial and Office District to encourage the development or redevelopment of limited commercial and office uses while preserving the neighborhood character and residential nature to areas of Upper Providence Township. The permitted uses will meet personal service needs of the village areas within the Township and will reflect the magnitude of development needed to support the surrounding residential village areas.

**§ 182-96.2 Permitted Uses.**

- A. Any one (1) of the following uses is permitted on a lot within the Village Commercial and Office Zoning District:
- (1) Antique Store without outside storage or display
  - (2) Bed-and-Breakfast
    - (a) Must conducted out of an existing single family detached dwelling
    - (b) Two parking spaces shall be provided for the resident innkeeper, on additional space shall be provided for each guest room, and one additional space for each employee during the highest staffing period.
    - (c) Guest stays are limited to one continuous seven (7) day period.
  - (3) Business or Professional Office, sole practitioner with ancillary staff
  - (4) Music, dance, art, or martial arts studio, or studio of similar use.
  - (5) Live/work units for artisans, professionals, and personal service providers.
  - (6) Personal Service shops such as barbers, hairdressers, dry cleaners/laundries (limited to pick up only-no on site facilities), and self-service/coin operated laundry operations (without a dry cleaning component).
  - (7) Restaurant, café or similar establishment without curbside pickup, drive in/thru facilities or outdoor eating space.
  - (8) Repair shop for jewelry, watches and clocks, optical goods, household electronics, and musical, professional, or scientific instruments.
    - (a) Retail sales are permitted at these establishments, but limited to that good which is repaired on site.
  - (9) Single Family detached homes within existing structures**
  - (10) An accessory use on the same lot with and customarily incidental to any of the above uses.
  - (10) Residential uses, as a secondary use to the above uses, with the following provisions:

- (a) All residential use shall be above street level on a commercial establishment
  - (b) Parking shall be the cumulative of all parking requirements outlined in Article XXII, Off-Street Parking and Loading.
  - (c) No more than two residential units shall be permitted per structure.
- (11) As a Conditional Use and subject to the standards outlined in **Section 182-204 and as listed** below, any use of the same general character, but not specifically named, as those uses set forth in Subsection A.(1) through (10), herein:
- (a) In the judgment of the Township Board of Supervisors, the proposed use will not generate a significantly greater amount of traffic volume than those uses specifically named, based upon recommendation of Township staff or professionals.
  - (b) The use will not generate noise, noxious odors, air pollution or glare, nor result in pedestrian-vehicular conflict or **create any other conditions hazardous to the health, safety and welfare of the village area.** ~~safety hazards.~~
  - (c) Any necessary loading and unloading operations shall be carried on within or contiguous to the façade of any conditional use structure.
- (12) No-impact home based business in accordance with the standards set forth in §182.21.3 herein.
- B. On any lot greater than one-half (1/2) of one acre (greater than 21,780 square feet), any one (1) of the following uses is permitted on a lot within the Village Commercial and Office Zoning District:
- (1) Business or professional office, studio, or public utility office.
  - (2) Doctor, dentist, orthodontist or other similar professional medical office with four or fewer practitioners, with ancillary staff
  - (3) Restaurant, café, or similar establishment with outdoor eating facilities and/or curbside pickup and without drive in/thru facilities
    - (a) Outdoor eating space shall show that the eating space will not impede pedestrian flow, parking, or other traffic.
    - (b) **A restaurant use may have either curbside pickup or a walk up window, but not both facilities.**
    - (c) **Walk up windows must be at least 15 feet from the end of pavement for any parking space or drive aisle.**
    - (d) Curbside pickup facilities shall be labeled “curbside pickup” and shall not be included as part of the required number of parking spaces under Article XXII, Off-Street Parking and Loading.
  - (4) Retail Sale of goods in an individual store with less than 10,000 square feet of gross floor area. Retail sales cannot include prescription drug stores, household supplies and furnishings, or general merchandise stores.

- (5) An accessory use on the same lot with and customarily incidental to any of the above uses.
  - (6) Residential uses, as a secondary use to the above uses, with provisions as outlined in Subsection A.
  - (7) As a Conditional Use any combination of two (2) uses listed within Subsection A, herein, and subject to **the requirements of Section 182-204 and the following:**
    - (a) All uses must be contained within a single structure
    - (b) Parking facilities between the two uses shall be shared to the greatest extent possible.
    - (c) Both uses shall have individual entrances, and if feasible those entrances shall be on the front (street side) of the building.
  - ~~(8)~~ (9) As a Conditional Use any use of the same general character, but not specifically named, as those uses set forth in Subsection B(1) through (6), and subject to the requirements listed within Subsection A.(10) **and Section 182-204.**
- C. On any lot greater than one-acre (greater than 43,560 square feet), any one (1) of the following uses is permitted on a lot within the Village Commercial and Office Zoning District:
- (1) Automotive garage, with all repairs or other work completed indoors. **Sales of gasoline are strictly prohibited.**
  - (2) Banks or other financial institutions without drive thru facilities.
  - (3) Business or professional office, in a single building, with no more than four individual tenants.
  - (4) Club, fraternal organization or lodge.
  - (5) Retail Sale of goods in an individual store with a maximum of 10,000 square feet gross floor area. Retail sales can include prescription drug stores without drive thru facilities, household supplies and furnishings, and general merchandise
  - (6) An accessory use on the same lot with and customarily incidental to any of the above uses.
  - (7) Residential uses, as a secondary use to the above uses, with provisions as outlined in Subsection A.
  - (8) As a Conditional Use any combination of uses listed within Subsection A, B, and C herein, and subject to **the requirements of Section 182-204 and the following requirements:**
    - (a) All uses must be contained within a single structure
    - (b) Parking requirements shall be cumulative for all uses and shared to the greatest extent possible.
    - (c) All uses shall have individual entrances, and if feasible those entrances shall be on the front (street side) of the building.

- (9) As a Conditional Use any use of the same general character, but not specifically named, as those uses set forth in Subsection C.(1) through (8), and subject to the requirements listed within Subsection A.(10) **and Section 182-204.**
- D. On any lot greater than three acres (greater than 130,860 square feet), any the following uses are permitted on a lot within the Village Commercial and Office Zoning District:
- (1) Day-care facility
  - (2) A retail store, food market, or garden shop
    - (a) **Outdoor eating space may be provided in conjunction with a food market as a conditional use subject to the requirements of Section 182-204, and compliance with the following:**
      - [1] **Pedestrian flow, parking, or other traffic is not impeded**
      - [2] **Is not within 150 feet of a residential zoning district or directly visible from a residential use**
      - [3] **No outdoor speakers are permitted**
      - [4] **Is not larger than 20% of the gross floor area of the food market.**
  - (3) Indoor fitness, recreation, or entertainment use, provided the gross floor area devoted to said use does not exceed 20,000 square feet.
  - (4) Theater for the performing arts, excluding a movie theater.
  - (5) Any combination of those uses outlined within Subsection A, B, C, and D herein, and subject to the following requirements:
    - (a) The uses may be in separate buildings; however, the design and overall appearance of buildings must be harmonious and fit within the context of the surrounding neighborhood and comply with the design requirements contained within Subsection X, herein and the Design Guidelines for NC Development, §154-36.3, of Chapter 154, Subdivision and Land Development.
  - (6) **As a Conditional Use a Bank or other financial institution with drive thru facilities, subject to the requirements of Section 182-204 and the following:**
    - (a) ~~Drive thru facilities must be at least 150 feet from any residential zoning district.~~ **Banks or other financial institution must abut one of the following:**
      - [1] **Two collector or higher classification streets as shown on the Township's Ultimate Right-of-Way Map on file in the Township Offices**
      - [2] **A collector or higher classification street (as shown on the Ultimate Right-of-Way Map) and a public private road with Average Annual Daily Trips in excess of 6,500. (Applicant shall show Average Annual Daily Trips as part of the required Traffic Study, reference Section 182-96.3.(A).(5))**

- (b) **Drive thru facilities must have direct access to a private road or collector or higher road as classified by the Upper Providence Township Ultimate Right-of-Way Map on file at the Township Offices.**
  - (c) **Drive thru facilities are limited to one lane with a drive-up window, one additional lane served by a teller, and one free standing ATM lane.**
  - (d) **Drive thru facilities are limited to the hours of operation between nine a.m. and seven p.m.**
- (7) **As a Conditional Use a restaurant, café, or similar establishment may include drive-thru facilities subject to the requirements of §182-204 and the following:**
- (a) ~~Drive thru facilities must be at least 200 feet from any residential zoning district.~~ **The proposed restaurant or similar establishment must abut one of the following:**
    - [1] **Two collector or higher classification streets as shown on the Township's Ultimate Right-of-Way Map on file in the Township Offices.**
    - [2] **A collector or higher classification street (as shown on the Ultimate Right-of-Way Map) and two public or private roads with Average Annual Daily Trips in excess of 7,500, individually. (Applicant shall show Average Annual Daily Trips as part of the required Traffic Study, reference Section 182-96.3.(A).(5))**
  - (b) **Drive thru facilities must have direct access to a private road or collector or higher road as classified by the Upper Providence Township Ultimate Right-of-Way Map on file at the Township offices.**
  - (c) **Drive thru facilities should be screened from adjacent uses through the use of landscaping material or other acceptable material at the discretion of the Township Board of Supervisors as recommended by the Township Professionals**
  - (d) **Drive thru facilities shall not be in any front yard areas.**
  - (e) **The Board of Supervisors may limit the hours of operation for drive thru facilities at their discretion.**
- E. The following uses are strictly prohibited on any parcel within the Village Commercial and Office Zoning District:
- (1) Automotive sales
  - (2) Outdoor storage. The use of outdoor areas, parking areas, or areas abutting a residential zone or use for any type of storage is prohibited. The use of semitrailers, metal storage or shipping containers or temporary storage buildings for temporary storage or during a loading or unloading procedure is permitted

only in designated loading areas.

Retail uses may use front yard areas for the purpose of seasonal displays. Seasonal displays are considered those displays that are in place for less than sixty (60) days.

### § 182-96.3 District Regulations.

#### A. General Requirements:

- (1) **The tract of land to be developed shall be in one ownership or shall be the subject of an application filed jointly by each of the owners of the property for which the application is submitted. The tract shall be developed under single direction in accordance with the approved plan.** ~~The tract of land to be developed shall be in one ownership or shall be the subject of an application filed jointly by the owners of the entire tract, and it shall be agreed that the tract will be developed under single direction in accordance with an approved plan. The tract of ground proposed for development shall not be divided by a public or private road or other major physical feature which prevents unity of the development. The transfer of ownership prior to the commencement of construction shall render the development agreement required in Subsection A.(4) herein void. Said agreement shall then be renegotiable between the new owners and the Board of Supervisors.~~
- (2) Sewer and water facilities. The tract of land shall be served by public water facilities and public sewer facilities deemed acceptable by the Board of Supervisors, upon the recommendation of the Township Engineer.
- (3) Development Plan. The application for development shall be accompanied by a plan or plans showing the detailed use of the entire tract, which plan or plans shall also comply with all requirements of Chapter 154, Subdivision and Land Development, and other applicable ordinances. The plan shall clearly designate the proposed uses(s) of each area of the tract.
- (4) Neighborhood Impact Analysis. Any proposed development of greater than three (3) acres shall be accompanied by a neighborhood impact analysis prepared by qualified professional(s), to the standards outlined within §182-89, in addition to the following.
  - (a) A review of the impact(s) that the proposed development will have on the existing character of the village or neighborhood.
  - (b) An action plan ~~or~~ **and** timeline to ensure that any impact on residential properties adjacent to the proposed development will be addressed prior to project completion. This ~~shall should~~ also include a discussion of potential impact or those residential properties during the construction process.
- (5) Traffic Impact Analysis. Any proposed development of greater than three (3) acres shall be accompanied by a traffic impact analysis prepared by a qualified professional traffic engineer or transportation planner. The analysis will be done in accordance with the requirements of §182-120.E of this chapter, **and shall**

**include a specific analysis of weekend average daily trips. In addition, ~~provided, however, that for developments that which~~ are proposed to contain less than 10,000 square feet of gross floor area and ~~that which are projected to~~ generate less than 100 peak-hour trips in either the morning or afternoon peak hour, the Township may permit the applicant to limit ~~the its~~ traffic impact study to an analysis of the proposed driveway(s), which shall consider, at a minimum the location, configuration and traffic expected to use the driveway(s) at the time of highest peak-hour demand. Additional information may be required at the discretion of the Township Board of Supervisors, upon the recommendation of the Township Engineer or Traffic Consultant.**

B. Site development requirements:

(1) Building Setback Requirements.

(a) For parcels with less than one acre of net tract area:

- [1] Front yard: 20 feet
- [2] Side yard: minimum of 10 feet per side, with a combined total of 20 feet. Any side yard abutting a residential zone shall be, at a minimum, 15 feet, with the aggregate increased to 25 feet.
- [3] Rear yard: 25 feet. Any rear yard abutting a residentially zoned tract shall be 40 feet.

(b) Parcels with more than one acre, but less than three acres of net tract area

- [1] Front yard: 20 feet
- [2] Side yard: minimum of 15 feet per side, with a combined total of 30 feet. Any side yard abutting a residential zone shall be, at a minimum, 20 feet, with the aggregate increased to 35 feet.
- [3] Rear yard: 30 feet. Any rear yard abutting a residentially zoned tract shall be 40 feet.

(c) Parcels with more than three acres of net tract area

- [1] Front yard: 75 feet
- [2] Side yard: minimum of 25 feet per side, with a combined total of 50 feet. Any side yard abutting a residential zone shall be, at a minimum, 50 feet, with the aggregate increased to 75 feet.
- [3] Rear yard: 60 feet.

(2) Parking Area Setbacks.

(a) For parcels with less than one acre of net tract area:

- [1] Front: 15 feet
- [2] Side: minimum of five (5) feet per side. Parking shall not be permitted in any side yard abutting a residential zone.
- [3] Rear: 25 feet.

- (b) Parcels with more than one acre, but less than three acres of net tract area
  - [1] Front: 20 feet
  - [2] Side yard: minimum of 10 feet per side. Parking shall not be permitted in any side yard abutting a residential zone.
  - [3] Rear: 25 feet.
- (c) Parcels with more than three acres of net tract area
  - [1] Front: 25 feet. Setback may be lowered to 20 feet, provided a knee wall separating the parking spaces from the street is installed.
    - [a] Installation of a knee wall shall include the installation of plantings along both the street and development side to buffer and soften the wall. Plantings shall meet the standards outlined for a Buffer Type 4, as detailed in §154-36.D.(f) of Chapter 154, Subdivision and Land Development.
    - [b] On the parking lot side of the wall, bumper stops shall be installed.
    - [c] Knee walls shall follow the design guidelines outlined within §154-36.3 of Chapter 154, Subdivision and Land Development.
  - [2] Side: 25 feet; when abutting a residential zone, 50 feet.
  - [3] Rear: 25 feet. When abutting a residential zone, the minimum rear parking setback shall be 50 feet. The rear parking setback abutting a residential zone may be reduced to 35 feet with the installation of an opaque wall or fence six feet in height.
    - [a] Any fence installed shall follow the design guidelines outlined within §154-36.3 of Chapter 154, Subdivision and Land Development and the requirements of Article XX, Fences, within this chapter. If there is conflict between requirements within those sections, the most stringent requirements shall apply.
    - [b] Installation of a fence shall include the installation plantings similar to a Buffer Type 4, as detailed in §154-36.D.(f) of Chapter 154, Subdivision and Land Development. Plantings shall be facing the residential property and shall soften the appearance of the wall. The developer/landowner must ensure that access to the landscaping for maintenance purposes is provided, and it shall be the responsibility of the landowner of the VCO zoned property to maintain the buffer.
- (3) Minimum Frontage.

- (a) For parcels with less than one acre of net tract area: 100 feet
- (b) Parcels with more than one acre, but less than three acres of net tract area: 150 feet
- (c) Parcels with more than three acres of net tract area: 200 feet
- (4) Maximum Building Coverage.
  - (a) For parcels with less than one acre of net tract area: 25%
  - (b) Parcels with more than one acre, but less than three acres of net tract area: 25%
  - (c) Parcels with more than three acres of net tract area: 20%
- (5) Maximum Impervious Coverage.
  - (a) For parcels with less than one acre of net tract area: ~~85%~~ 75%
  - (b) Parcels with more than one acre, but less than three acres of net tract area: ~~75%~~ 65%
  - (c) Parcels with more than three acres of net tract area: ~~70%~~ 60%
- (6) **Maximum Building Height: 35 feet.**
- (7) **When multiple buildings are proposed, building spacing shall be no less than 25 feet at the closest points.**
- (8) **Access points:**
  - (a) **Access points may not be located within 100 feet of any residential zoning district.**
  - (b) **Access points shall be limited to no more than two curb cuts per site from any public street or highway. If bordered by a private road the Board of Supervisors may require that access be taken from that private road; all easements and other required documentation shall be filed with the Township.**
- C. Other development regulations:
  - (1) Utilities. All utility lines shall be placed underground
  - (2) Signs. All signs in the VCO District shall be subject to the requirements of Article XIX of this chapter **and the following:**
    - (a) **Any sign with internal illumination may not be within 50 feet of a residential zone. Any sign with external lighting, within 50 feet of a residential zoning district, shall have direct spot lighting. At the Board of Supervisor's discretion, lighting of the sign may be limited to certain hours.**
    - (b) **Signs with scrolling marquees, neon or other similar lighting shall not be visible from a residential zoning district.**

- (3) Lighting facilities. Lighting facilities shall be provided as needed and arranged in a manner which will protect the neighboring properties from unreasonable glare or hazardous interference of any kind and shall be installed in accordance with the provisions of §154-40 of Chapter 154, Subdivision and Land Development Ordinance, of the Code of the Township.
- (a) Light fixtures within 250 feet of any residentially used or zoned property shall not exceed sixteen (16) feet in height.
- ~~(4) Drive thru windows and drive in facilities are prohibited for all uses in the VCO zoning district.~~
- (4 5) Landscape Planting. Shade trees in accordance with §154-36.C of Chapter 154, Subdivision and Land Development, and other plantings shall be provided along any street frontage occupied by a VCO Development
- (a) Buffer Requirements.
- [1] Any side or rear yard abutting a residentially zoned property or use, and proposing less than 10,000 square feet of gross floor area a Buffer Type 2 shall be required. At the discretion of the Board of Supervisors, upon the recommendation of the Township Engineer or Planning Consultant, a Buffer Type 2A may be required.
- [2] Any side or rear yard abutting a residentially zoned property or use, and proposing greater than 10,000 square feet of gross floor area a Buffer Type 3 shall be required.
- [3] Any side yard, when not abutting a residentially zoned property, a Buffer Type 2 is required.
- [4] Any shared parking between one acre and smaller tracts shall not be required to install a Buffer Type 1 in the side yard with the shared parking; however, the shade tree requirement and other parking lot landscaping as required by §154-36.E, of Chapter 154, Subdivision and Land Development are still required.
- [5] When the front yard of a tract is on a street frontage opposite a residential zone, front yard parking shall be prohibited and a Buffer Type 3 shall be installed.
- (5 6) Trash and Refuse areas. The design of buildings in the VCO District shall include either a provision for the storage of trash, refuse, and garbage inside the building(s) or within a masonry-walled area outside the building(s). The wall of such a trash and refuse area must shield the trash and refuse from the direct view of any adjacent property, must be at least six-feet high, and at no time be located within one-hundred feet of a residentially zoned or used property.
- (6 7) Off-street parking and loading facilities. All off-street parking and loading facilities shall comply with the requirements of Article XXII of this Chapter.

- (a) For any development with more than three acres of net tract area, parking shall be provided at a minimum ratio of 5.5 spaces per 1,000 square feet of gross floor area; provided, however, at the discretion of the Board of Supervisors, upon recommendation by Township professionals, and if certain proposed uses are known to generate higher parking needs, a greater ratio can be imposed.
- (b) Shared Parking. For individual developments with one acre or less of net tract area, shared parking is encouraged. In addition to the requirements of §182-181 the following shall apply:
  - [1] Adequate documentation to substantiate a reduction in parking requirements shall be submitted with an applicant's subdivision and/or land development application. At the discretion of the Board of Supervisors and based upon the recommendation of the Township professionals, a reduction in required parking may be granted.
  - [2] For proposed share parking in the VCO District, a special exception need not be secured, as is stipulated in §182-181.
  - [3] Proper cross easements and liability indemnification shall be provided to the satisfaction of the Township Solicitor.
  - [4] For those successful applications for shared parking, the individual lots may increase their impervious coverage an additional 5% above the maximum permitted in §182-XX.X, herein. In addition, adjoining lots may aggregate the impervious coverage as though there were no lot lines. Impervious coverage may be exceeded for an individual lot as long as the maximum allowable is not exceeded for the aggregated lots.
- (c) Front yard parking. No more than 25% of the parking spaces required within Article XXII are permitted in the front yard of any VCO development in a parcel with less than three acres of net tract area. If an existing building prevents a land development from meeting the parking requirements in the side and rear yards, the Board of Supervisors may grant a conditional use to allow 50% of the parking spaces to be located within the front yard area, if the following requirements are met:
  - [1] Adequate evidence is presented that no other parking configuration is feasible on the individual lot.
  - [2] Adequate evidence is presented that shared parking is not feasible with the adjacent lots.
  - [3] A Buffer Type 4 must be installed between the front yard parking area and the ultimate right-of-way.
- (d) Parking reduction. The Board of Supervisors may reduce the total amount of parking required, provided that the applicant demonstrates that the number of required spaces exceeds the demands of the actual

development. The amount of reduction permitted by the Board of Supervisors shall be based upon a recommendation by the Township Engineer or Traffic Consultant from information provided to the Township by the applicant. Information should, at a minimum include appropriate information from the latest edition of “Parking Generation” published by the Institute of Transportation Engineers and other material prepared by a qualified professional.

- (7 ~~8~~) Design Guidelines. In addition to Design Guidelines for NC Development, §154-36.3, of Chapter 154, Subdivision and Land Development, any proposed development within the VCO District must meet the following:
- (a) Facades:
    - [1] Multistory buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.
    - [2] Blank walls are not permitted along the main roadway and if visible from a right-of-way or access-way shall be articulated by details in masonry courses, window openings, recessed or projecting window display cases, or other visual device.
    - [3] The facade treatment of walls facing residential uses districts shall be similar to the primary front facade.
  - (b) For buildings with a footprint greater than 15,000 square feet, the building must be designed to appear as multiple buildings.
  - (c) Existing buildings built before 1940 can be restored to their original conditions or surfaced with brick or stone with wood trim and details.
- (8 ~~9~~) Amenities. The developer shall be required to provide public amenity areas for community or client use, such as sidewalk benches, sitting areas, monument area with seating, and other services necessary for the comfort and convenience of the prospective users of the VCO District.

#### § 182-96.4 Preservation of existing buildings.

The retention of existing residential buildings in the VCO District for reuse in accordance with the provisions of the district is encouraged. In instances where this is done, the applicable building coverage requirement in §182-96.3.(B).(4) may be increased up to 10% and the applicable **impervious** coverage in ~~§182-96.3.(B).(5) that section~~ may be increased up to an additional 5%; provided that the following conditions are met:

- A. A minimum of 80% of the building exterior structure is retained; any façade paralleling a public right-of-way shall be included in the percentage of the building that is retained.
- B. Any building which faces a public street shall not be expanded toward that street, except for the addition of a front porch consistent with the architectural style of the original building. All applicable setbacks for the porch shall be met.

- C. Expansion may be permitted to the side or rear of the building, if it does not parallel a public road right-of-way and provided that any expansion to the side begins a minimum of 10 feet back from the front of the building and further provided that all applicable setback requirements shall be met.
- D. The design of any building expansion and the proposed roofline shall be architecturally compatible with the existing building.

DRAFT