

UPPER PROVIDENCE TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UPPER PROVIDENCE AT PART II [GENERAL LEGISLATION], CHAPTER 300 [ZONING], BY AMENDING AND RESTATING ARTICLE XVII [OSR-2 OPEN SPACE RESIDENTIAL COMMUNITY-2] TO REVISE REGULATIONS FOR THE DEVELOPMENT OF AN OPEN SPACE RESIDENTIAL COMMUNITY

CERTIFICATION

I, TIMOTHY J. TIEPERMAN, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT I AM THE TOWNSHIP MANAGER IN UPPER PROVIDENCE TOWNSHIP, MONTGOMERY COUNTY, PA AND THAT ATTACHED HERETO IS A TRUE AND COMPLETE CORRECT COPY OF ORDINANCE NO. _____.

Timothy J. Tieperman, Township Manager
_____, 2024

ENACTED: _____

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WHEREAS, the Board of Supervisors of Upper Providence Township is duly empowered by the Second Class Township Code, 53 P.S. § 65101, *et seq.*, to enact certain regulations relating to the public health, safety welfare of the residents of Upper Providence Township;

WHEREAS, the Board of Supervisors of Upper Providence Township has adopted a comprehensive zoning ordinance, known as the Upper Providence Township Zoning Ordinance, as amended, in accordance with the provisions of Article VI of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, which is intended to provide for the orderly development and redevelopment of Upper Providence Township;

WHEREAS, the Second Class Township Code and Pennsylvania Municipalities Planning Code, *supra*, authorize the Board of Supervisors to make, amend and adopt amendments to the Upper Providence Township Zoning Ordinance, as amended, that are consistent with the Constitution and laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the best interests of its residents;

WHEREAS, the Board of Supervisors of Upper Providence Township have determined that certain amendments to the Upper Providence Township Zoning Ordinance, as amended, are required to provide for clarity in the administration of the laws of Upper Providence Township; and

WHEREAS, the Board of Supervisors of Upper Providence Township have determined that certain amendments to the Upper Providence Township Zoning Ordinance, as amended, are required to provide for the development of large parcels within Upper Providence Township.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Upper Providence Township Board of Supervisors that the Township's Code is amended as follows:

SECTION 1. **Amendment to Chapter 300 [Zoning], Article XVII [OSR-2 Open Space Residential Community-2] to revise regulations for open space residential community development.**

The Code of the Township of Upper Providence, Part II [General Legislation], Chapter 300 [Zoning], Article XVII [OSR-2 Open Space Residential Community-2] is hereby restated and amended to delete Article XVII in its entirety and replaced with the following:

§ 300-308 Legislative intent.

In expansion of the community development objectives contained in Article I, § 300-2 of this chapter, it is hereby declared to be the intent of this article with respect to an open space residential community to establish reasonable standards and criteria to permit such a community in appropriate locations within the Township, based upon a specialized set of development regulations appropriate for such a development.

- A. To allow for the donation of residentially zoned and developable land from a larger parcel in exchange for no benefit or consideration for the sole purpose of maintaining permanent open space for use by the Township community.
- B. To provide for such development in areas consistent with the goals of the Township's Comprehensive Plan, which would be compatible with and protect the existing community character.
- C. To protect the existing vistas into and rural character of large tracts of undeveloped land in the Township.
- D. To provide for and to preserve open space, stream valleys, agricultural land heritage, tree cover, historic buildings and other natural and man-made amenities.
- E. To allow for the preservation of extensive areas of open space and/or parkland in portions of the Township where mixed-use development is appropriate.
- F. To permanently protect areas of open space and parkland from future development and, in so doing, implement the goals and recommendations of the Township's adopted Open Space and Recreation Plan.

§ 300-309 Use regulations.

An open space residential community is permitted in any zoning district except IO, IO-2, IO-3, M-1, and M-2, provided that the tract proposed for such development meets the criteria specified in § 300-310 of this article. An open space residential community shall be construed to mean a planned development consisting of single-family and mixed-density single-family attached residential use(s) combined with the preservation of extensive areas of open space and/or parkland, along with any appropriate recreational uses and uses incidental to such a development, as hereinafter provided. Uses specifically permitted in an open space residential community shall be the following:

- A. Single-family detached dwellings.
- B. Single-family attached dwellings.
- C. Stacked townhouse – a residential structure contained in one building envelope, containing two dwelling units attached to each other, vertically separated by floor/ceiling assembly and/or horizontally separated by a wall assembly, with either shared or separate ingress points.
- D. Neighborhood or community park.
- E. Common open space available to all Township residents.
- F. Accessory uses on the same lot or premises with and incidental to the other uses permitted in this article. In addition to accessory uses customarily incidental to a dwelling unit, appropriate accessory uses may be permitted in an active use park, including but not limited to uses such as rest rooms, parking for park users and other similar uses, subject to approval by the Township.
- G. Communications antennas, in accordance with the provisions of § 300-25 of this chapter, mounted on an existing public utility transmission tower, existing building or other existing structure, and communications equipment buildings. Communications towers are permitted only as a conditional use pursuant to § 300-157 herein.
- H. No-impact home-based businesses in accordance with the standards set forth in § 300-26 herein.

- I. Home occupations, provided that all of the requirements of § 300-27 shall be met.

§ 300-310 Additional Prerequisites.

The following prerequisites shall be met for each open space residential community:

- A. Any tract of ground or contiguous group of tracts (tracts may be separated by a street but not by a parcel that is not part of the application) which are the subject of an application for approval as an Open Space Residential Community-2, pursuant to this article, must in the aggregate total 50 acres or greater.
- B. Any tract of ground or contiguous group of tracts which are the subject of an application as an open space residential community pursuant to this article shall in the aggregate provide a minimum of 250 feet of frontage, measured along the ultimate rights-of-way, on a roadway at the level of “feeder” or higher.
- C. All proposals for development within this district shall include a fiscal impact statement which must detail the immediate post-construction financial benefit or loss to the Township, School District, and County, that can be expected from the proposed development.
- D. All proposals shall be accompanied by a traffic impact study prepared in accordance with § 300-438.E of this Chapter.

§ 300-311 District Regulations.

Any development proposed under the OSR-2 Open Space Residential Community District-2 shall follow the district regulations under the OSR Open Space Residential Community District, § 300-293 and the specific Master Plan requirements as detailed in § 300-296.

§ 300-312 Development regulations; Area and Bulk Standards.

- A. Density. The maximum density for development pursuant to this Article shall be 5.0 units per gross acre. In computing density, the number of units shall be rounded down to the nearest whole number. The applicant’s ability to develop the maximum number may be reduced as a result of the choice of dwelling types, lot sizes, physical constraints, or other factors.
- B. Active adult. At least 25% of the number of dwelling units proposed shall be active adult units occupied by persons 55 years of age or older, and married couples with at least one person over the age of 55.

C. Development Regulations

GENERAL PROVISIONS

Min. Gross Tract Area : 50 Acres

Permitted Residential Uses:

- Single Family Detached
- Twins
- Townhouses
- Stacked Townhouses

Min. Primary Open Space: 25% of Tract Area

Min. Contiguous Primary Open Space:
30% of minimum Primary Open Space

Min. Perimeter Building Setbacks:

- Existing Perimeter Roads: 60 feet
- Other Property Lines: 50 feet

Min. Parking Ratio:

- 2.0 Spaces per DU On-Lot
- + 0.25 Spaces Common Guest On-Street Parking

Max. Tract Wide Impervious Coverage: 60%

Max Tract Wide Building Coverage: 40%

AREA & BULK STANDARDS

| | Single-Family Dwelling | Single-Family Dwelling | Townhouse | Townhouse | Stacked Townhouse |
|---|-------------------------------|-------------------------------|----------------------|----------------------|--------------------------|
| | Front Access | Rear Access | Front Access | Rear Access | |
| Min. Lot Size | 5,000 SF | 4,500 SF | 1,600 SF | 1,200 SF | 1,800 SF |
| Min. Lot Width | 50 ft | 50 ft | 20 ft | 20 ft | 22 ft |
| Min. Front Yard | 20 ft | 15 ft | 20 ft | 10 ft | 10 ft |
| Min. Front Yard facing Side of Building | 15 ft | 15 ft | 15 ft | 10 ft | 10 ft |
| Min. Side Yard | 5 ft | 5 ft | 5 ft | 5 ft | 5 ft |
| Min. Aggregate Side Yard | 15 ft | 15 ft | 15 ft | 15 ft | 15 ft |
| Min. Rear Yard | 20 ft | 10 ft | 20 ft | 10 ft | 10 ft |
| Min. Building Separations | 15 ft | 15 ft | 15 ft | 15 ft | 15 ft |
| Max. Building Height | 2.5 stories 35 ft | 2.5 stories 35 ft | 3.5 stories 48 ft | 3.5 stories 48 ft | 4.0 stories 50 ft |
| Max. Building Length | 1 DU | 1 DU | 6 DU | 6 DU | 6 Modules* |
| Max. Building Coverage | 50% | 50% | 60% | 60% | |

*Each module equals 2 DU

D. Additional development regulations. The following additional regulation(s) shall be applicable to an open space residential community, in recognition of the unique type of development which it represents.

- (1) Belgian block curb may be installed on private interior roads, in lieu of the concrete curbing required in Chapter 270 of the Township Code, Subdivision and Land Development, subject to specifications approved by the Township Engineer.
- (2) Secured or "gated" road entrances to the development are permitted.
- (3) Private cul-de-sac or courtyards may be permitted which exceed the maximum permitted length as stipulated in Chapter 270 of this Code as long as emergency access, as may be required by the Township, is provided.
- (4) Sidewalks, as normally installed in conformance with the requirements of Chapter 270 of the Township Code, may be eliminated in portions of the community when they are replaced with a pedestrian walkway system, based upon approval by the Township.
- (5) Minimum street centerline radius is fifty feet.
- (6) Cartways shall be 34-feet wide.
- (7) Rights-of-way shall be 50-feet wide.
- (8) Residential rear access lanes are permitted and must have a minimum 18-foot wide cartway and a minimum 20-foot-wide right-of-way.

§ 300-313 General landscaping requirements.

Landscaping throughout the community shall be planned in accordance with the following guidelines:

- A. Shade trees shall be installed along all public and private streets, in accordance with the requirements of Chapter 270, Subdivision and Land Development, of the Code of the Township, § 270-69.C. However, if it is more appropriate, based upon the site design proposed, some or all of these trees may be redistributed elsewhere throughout the community, with the approval of the Township.
- B. Based upon review of the submitted landscape plan, the Township may require landscaping in addition to those minimal requirements herein where unusual field conditions exist or if circumstances arise which were not contemplated by this article.

Further, credit shall be given for existing trees and shrubbery which will remain as part of a development.

C. General buffering requirements. General buffer requirements shall be followed, as stipulated in this section; specifications for the various buffer types listed herein shall be as stipulated in Chapter 270, Subdivision and Land Development, § 270-68.D In those instances in which berms are not required, they may be used as a substitute for some of the plant material in a specific buffer situation, if the Township concurs in its review of the landscape plan that the beans equal or exceed the buffering qualities necessary in that specific buffer situation. Buffers shall be installed in those situations as prescribed herein unless berms are permitted by the Township as substitutions.

(1) Buffers for dwelling units:

- (a) Between a dwelling unit and an existing frontage roadway: Buffer Type 3 required.
- (b) Between a dwelling unit and an abutting, off-site residential use or district: Buffer Type 2 required.
- (c) Between a dwelling unit and an abutting, off-site nonresidential use or district: Buffer Type 3 required.
- (d) Between a dwelling unit and parking areas for residential units: Buffer Type 1 required.
- (e) Between a dwelling unit and parking area serving a nonresidential use: Buffer Type 2A required.
- (f) Between a dwelling unit and any other permitted building within the age-restricted development: Buffer Type 2 required.
- (g) Between a dwelling unit and an outdoor recreational facility associated with the development, but not housed in a building: Buffer Type I required.
- (h) Between two dwelling unit groupings of single-family attached units within the OSR-2 residential community: Buffer Type I required.

- (i) Between a grouping of single-family attached and single-family detached dwelling lots within the OSR-2 residential community: Buffer Type 2 required.

SECTION 2. **Repeal and Ratification.**

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 3. **Severability.**

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

SECTION 4. **Effective Date.**

This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED this _____ day of _____ 2024, by the Upper Providence Township Board of Supervisors.

**UPPER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS**

[Seal]

Attested by:

Timothy J. Tieperman, *Secretary & Manager*