

ORDINANCE NO. 581

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF UPPER PROVIDENCE (MONTGOMERY COUNTY), PA, CHAPTER 182 ENTITLED “ZONING,” TO ADD A NEW ZONING DISTRICT KNOWN AS THE YMU YERKES MIXED USE DISTRICT; BY ADDING A NEW ARTICLE XIIA ENTITLED “YMU YERKES MIXED USE DISTRICT” AND TO PROVIDE FOR USE, AREA AND BULK, AND DEVELOPMENT REQUIREMENTS OF THE YMU YERKES MIXED USE DISTRICT; AND TO IDENTIFY THE MONTGOMERY COUNTY TAX PARCEL NUMBERS LISTED ON ATTACHMENT “A” AS PART OF THE NEW YMU YERKES MIXED USE DISTRICT.

WHEREAS, the Upper Providence Township Comprehensive Plan recommends that the Route 29 corridor in proximity to Colledgeville Borough allow for a mix of uses including transitional residential uses and non-intensive commercial uses; and

WHEREAS, Upper Providence Township desires to encourage the development and redevelopment of transitional residential uses and non-intensive commercial uses in the Route 29 corridor in an environmentally sustainable manner; and

WHEREAS, Upper Providence Township recognizes that in order to incentivize the development of environmentally sustainable communities utilizing environmentally sustainable design techniques in this corridor, certain development bonuses may be appropriate; and

WHEREAS, Upper Providence Township desires to establish a YMU Yerkes Mixed Use District on certain properties in order to encourage the development of said properties in an environmentally sustainable manner while allowing for a mix of transitional uses as described herein.

Be it ordained by the Board of Supervisors of Upper Providence Township, as follows:

Section I: Amendment to the text of Chapter 182, “Zoning” of the Code of the Township of Upper Providence (Montgomery County), Pennsylvania.

1. Add a new Article XIIA to read as follows:

**ARTICLE XIIA
YMU Yerkes Mixed Use District**

§ 182-90.4 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 YMU Yerkes Mixed Use District to establish reasonable controls and standards of performance for transitional residential uses and complimentary non-intensive commercial uses in the Route 29 corridor in proximity to the Township's border with Collegeville Borough. Additionally, it is the intent of this article to encourage the use and application of environmentally sustainable and green building design standards.

§ 182-90.5 Use Regulations.

In the YMU Yerkes Mixed Use District, a building may be erected, altered or used and a tract may be used or occupied for any of the following uses and no others:

- A. Single-family detached dwelling(s) on lots measuring not less than one (1) acre in compliance with the regulations outlined in the R-1 District.
- B. On parcels that, as of the date of enactment of Article XIIIA, have frontage on a road then classified as an arterial road by the Upper Providence Township's Ultimate Right of Way Map, to a maximum depth of 450 feet measured from the center line of said arterial road, the following uses are permitted:
 - (1) Conversion of a single family detached dwelling to a use described in §§ 182-96.2.A.(1) through (5).
 - (2) Personal service shops such as barbers, hairdressers, and repair shops (for jewelry, clocks, and other small household items). Machine laundry (self-service or otherwise) and dry-cleaning plants shall not be permitted within the YMU Yerkes Mixed Use District.
 - (3) Professional office for doctors, dentists, orthodontists, chiropractors, or any other licensed practitioner of the healing arts for humans, lawyers, engineers, architects, urban planners, accountants, economic consultants, business and management consultants and other similar professionals.
 - (4) Multiple business or professional offices, in a single building, with no more than four individual tenants.
- C. On parcels that, as of the date of enactment of Article XIIIA, have at least 400 feet of frontage on a road then classified as an arterial road by the Upper Providence Township's Ultimate Right of Way Map, and with a gross minimum tract area of 7 acres, and to a maximum depth of 600 feet measured from the center line of said arterial road:
 - (1) Multifamily dwellings.
 - (2) Day-care center.

- (3) Mixed-use structures containing a combination of uses permitted in Sections B(2) through B(4) and Section C(2) herein when a multifamily use is present on the second floor and above.
- D. On parcels that, as of the date of enactment of Article XIIA, have at least 400 feet of frontage on a road then classified as a collector or arterial road by the Upper Providence Township's Ultimate Right-of-Way Map, and with a gross minimum tract area of at least 20 acres, as a conditional use, when authorized by the Board of Supervisors, in compliance with § 182-204:
- (1) Semidetached houses (twins).
 - (2) Single-family attached dwellings.
 - (3) A combination of semidetached houses (twins) and single-family attached dwellings.
- E. On parcels that, as of the date of enactment of Article XIIA, have frontage on a road then classified as a collector or arterial road by the Upper Providence Township's Ultimate Right-of-Way Map, and with a gross minimum tract area of at least 5 acres, single family detached homes are permitted using the flexible lot standards as established in § 182-44 when authorized by the Board of Supervisors, in compliance with § 182-204.
- F. Residential uses are permitted as secondary uses to those in Section B herein, with the following provisions:
- (1) All residential uses shall be above the first floor.
 - (2) Parking shall be cumulative.
- G. Subject to compliance with the 100 foot wide setback requirement as set forth in § 182-90.6.B(2)(a) where applicable, parks, playgrounds, tot-lots and open spaces.
- H. Subject to compliance with the 100 foot wide setback requirement as set forth in § 182-90.6.B(2)(a) where applicable, accessory uses on the same lot with and incidental to any permitted use, which may include appropriate accessory uses developed in conjunction with any of the uses in Subsections C, D and E, including but not limited to indoor and outdoor recreational facilities, community centers and other similar uses; provided, however, that none is intended as an independent freestanding use.

§ 182-90.6 District Regulations.

A. The following regulations shall apply in the YMU Yerkes Mixed Use District:

(1) Ownership. The tract of land to be developed shall be in one ownership or shall be subject of an application filed jointly by the owners of the entire tract, and it shall be agreed that the tract shall be developed under a single direction in accordance with an approved plan.

(2) Sewer and water facilities. The tract of land shall be served by public water and sewer facilities deemed acceptable by the Board of Supervisors, upon recommendation of the Township Engineer.

B. Development regulations. The following development regulations shall be followed by all proposed developments within the YMU Yerkes Mixed Use District:

(1) On parcels that, as of the date of enactment of Article XIIA, have frontage on a road then classified as an arterial road by the Upper Providence Township's Ultimate Right-of-Way Map, and to a maximum depth of 450 feet measured from the center line of said arterial road, single-family detached uses developed as a permitted use under § 182-90.5.A shall be in compliance with those regulations outlined with Article V, the R-2 District.

(2) Semidetached houses (twins) and single-family attached uses developed as permitted uses under § 182-90.5.D shall comply with those regulations as follows:

(a) Semidetached houses (twins) and single family attached dwellings shall have a setback of 15 feet from internal development roads, 100 feet from property lines that abut an existing residential use or zone, and 50 feet from public road right of ways. No man-made above ground building or structure, including decks and patios, regardless of whether a permit for same is required, shall be permitted or located within the 100 foot wide setback abutting any existing single-family detached homes or R-1 Zoning except for utility facilities or stormwater management facilities.

(b) Building coverage may not exceed 25% of the total tract area.

(c) Impervious coverage may not exceed 50% of the total tract area.

(d) Single family attached dwellings may not have more than three (3) units attached, and may not have a building length that exceeds 100 feet. Semidetached houses (twins) may not have a building length that exceeds 70 feet.

- (e) Building separation may not be less than 25 feet.
- (f) The minimum open space requirement is 30% of the total site area. All other open space requirements outlined within Article IVA, Open Space and Recreational Facilities, of Chapter 154, Subdivision and Land Development Ordinance shall apply.
- (g) No parking shall be located closer than 50 feet to a tract boundary or external road right of way except where the 100 foot wide setback applies as set forth in § 182-90.6.B(2)(a).
- (h) Semidetached houses (twins) and single family attached dwellings developed under the regulations herein shall not have a density that exceeds 3.25 units per developable acre.

(3) Conversion of a single-family detached dwelling as a permitted use under § 182-90.5.B(1) and freestanding commercial and mixed uses developed as a permitted use under § 182-90.5.B(2) through (4), shall comply with those regulations within Article XIII A the Village Commercial and Office (VCO) District for that specific use.

(4) Multifamily and mixed uses built in multifamily developments as a permitted use under § 182-90.5.C above shall comply with the following:

(a) Minimum tract size: 7 acres, excluding existing rights-of-way of all public roads.

(b) Density: Tract residential density and bonus options:

[1] Base residential density: 20 units per developable acre.

(c) Residential density bonus provisions.

[1] By providing any of the following, developments containing multifamily dwellings within the YMU District may increase their density by 2.0 units per developable acre for each amenity provided, up to three amenities:

[a] Three of the following site amenities:

[i] An internal trail system that connects to existing an existing township or regional trail network.

[ii] Recreational amenity such as a tennis court, bocce court, multipurpose court, or a pool of sufficient

size to serve the projected population at project completion.

- [iii] Outdoor grilling station (gas)/outdoor kitchen.
- [iv] Tot lot or other play structure as approved by the Board of Supervisors to sufficiently serve the population at project completion
- [v] Media center, game room, or other community meeting area.
- [vi] Both an indoor / all weather and outdoor bicycle storage area to serve at least 10% of the projected population at project completion.
- [vii] Other site amenity as presented by the developer and approved by the Board of Supervisors.

[b] Green roofs utilized on one or more multifamily buildings.

[c] Multifamily buildings designed to achieve compliance with a nationally recognized green certification program such as Green Globes or LEED. Given that certification occurs post-construction, the architect for the developer is required to submit a report showing how the proposed buildings comply with the current standards during land development.

[d] A dog park, dog run, or other enclosed pet area.

[e] Electric car charging stations with a minimum of one station provided per building.

(d) Overall building coverage for the entire tract shall not exceed 25%.

(e) Overall impervious coverage for the entire tract shall not exceed 65%.

(f) Perimeter setbacks from streets. Buildings shall have a minimum setback of 25 feet from the right-of-way of each street external to the YMU District development tract.

(g) Setback from property lines. Building shall have a minimum setback of 50 feet from any other YMU District development tract perimeter property line.

(h) Minimum distance between buildings: 40 feet.

(i) No parking area of three or more cars shall be located closer than 15 feet to a side or rear property line or closer than 10 feet to a right-of-way line. Installation of a knee wall, plantings or combination thereof shall be provided between said parking area and the property or right-of-way line. Plantings shall meet the standards outlined for a Buffer Type 4, as detailed in § 154-36.D(1)(f) of Chapter 154, Subdivision and Land Development.

(j) For parking areas containing parking spaces that are not an integral part of the building design or are parallel parking spaces along an access drive and which store 10 or more cars, not less than 10% of the area devoted to parking facilities shall consist of interior parking lot landscaping, unless said parking areas are separated by a landscaped strip of more than 5 feet in width.

(5) Height regulations. The maximum height of buildings or structures erected or enlarged within the YMU Yerkes Mixed Use District shall be:

(a) For buildings containing only multifamily dwellings or a combination of multifamily dwellings and nonresidential uses: 60 feet. If two of the amenities listed in § 182-90.6.B(4)(c)[1] are provided which are different than those that may be provided for any increase in density, building height for one building containing only multifamily dwellings may be increased by 5 feet to a maximum of 65 feet.

(b) For any building containing only nonresidential uses: 40 feet.

(c) For any building accessory to a dwelling or nonresidential building: 15 feet.

(d) For any other dwelling unit: 35 feet.

(6) Utilities. All utility lines (electrical, telephone, etc.) shall be placed underground.

(7) Parking regulations. The following standards shall control required parking spaces in the YMU Yerkes Mixed Use District:

(a) Not less than 1.7 off-street parking spaces shall be required for each multifamily dwelling unit.

(b) All other uses shall comply with the applicable requirements of § 182-179.B; however, shared parking is permitted for those uses permitted under § 182-90.5.B and § 182-90.5.C. 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 shared parking in the YMU District, a conditional use shall be required in lieu of a special exception as stipulated in § 182-181.

[3] The shared parking facilities may be in one ownership or multiple ownerships. If applicable, proper cross easements and liability indemnification shall be provided to the satisfaction of the Township Solicitor.

(8) Signs. Subject to compliance with the 100 foot wide setback requirement as set forth in § 182-90.6.B(2)(a) where applicable, signs shall be permitted subject to the requirements of Article XIX of this chapter.

(9) Common areas and facilities. Subject to compliance with the 100 foot wide setback requirement as set forth in § 182-90.6.B(2)(a) where applicable, the provision of certain facilities serving the entire development, such as parking lots, interior pedestrianways, driveways or alleys, lighting facilities, landscape planting areas, buffers, open space, recreation facilities, etc. are hereby encouraged and may be located either on individual lots or condominium units, or in common areas in any multifamily or multi-unit development. In cases where they are provided in common areas, provisions satisfactory to the Board of Supervisors must be made for their perpetual maintenance and care. The use of these facilities may be restricted for particular residents or users of the facilities, where practical, and may be maintained by the developer, a condominium association or similar instrument.

(10) Lighting facilities. Subject to compliance with the 100 foot wide setback requirement as set forth in § 182-90.6.B(2)(a) where applicable, lighting facilities shall be provided as needed and arranged in a manner which will protect the highway and neighboring properties from unreasonable direct glare or hazardous interference of any kind. Lighting

facilities shall be required for the safety and welfare of the residents of the development, shall be installed by the applicant at its expense and shall be designed in accordance with the provisions of Chapter 154 of this Code, Subdivision and Land Development, § 154-40.

(11) Landscaped planting. Landscaping shall be considered an integral part of any YMU Yerkes Mixed Use Development and shall follow the requirements of Chapter 154 of this Code, Subdivision and Land Development, provided that an applicant may utilize the Pennsylvania Native Species List for plantings within a YMU Yerkes Mixed Use Development including but not limited to plantings in buffer areas.

(12) Buffer area. A multifamily dwellings, single family attached dwellings or semidetached houses (twins) use within YMU Yerkes Mixed Use District development shall provide a permanent landscaped Buffer Type 2A, as described in Section 154-36.D(5) of Chapter 154, Subdivision and Land Development, against any existing single family detached homes or R-1 Zoning. Existing mature trees or woodland areas may be utilized in place of required plantings, as approved by the Township. Tract buffer area requirements may be included within the required tract setbacks.

(13) Recreation and Open Space. Subject to compliance with the 100 foot wide setback requirement as set forth in § 182-90.6.B(2)(a) where applicable, the developer shall provide community areas and other recreational areas for the prospective residents of the multifamily dwellings. In this regard, the developer shall provide a minimum of 15% of the total area as usable open space for the use of residents of the development, unless a greater amount is required herein. Such open space shall be governed by the provisions of Article IVA, Open Space and Recreational Facilities, of Chapter 154, Subdivision and Land Development.

(14) Property maintenance area. A suitable outdoor area shall be provided on site for the storage of landscaping, snow removal, and other property-maintenance related materials for a multifamily dwellings use. Property maintenance areas shall be:

- (a) Clearly separate from any other uses on the site;
- (b) Separate from any required parking spaces; and
- (c) Screened from view from public roads and surrounding properties with a Buffer Type-2 as defined in § 154-36.D, in Chapter 154, Subdivision and Land Development Ordinance. The buffer may be a minimum of 15 feet in width.

(15) Design guidelines for buildings developed under § 182-90.5.C. Any new building or group of new buildings developed under § 182-90.5.C should, through its architectural design, reflect the nature of the setting relative to its size and the transition from one district to another. In addition, the following design guidelines are required:

(a) Building facades.

[1] The exterior building envelope shall be articulated to create interest. Buildings should be designed to be viewed from all sides.

[2] Walls without relief or ornament are not permitted along the main roadway and if visible from a right-of-way or accessway shall be articulated by details in masonry courses, window openings, or other visual devices.

[3] Building facades greater than 50 feet in length, including separate buildings that are attached, shall incorporate one or more architectural features. Architectural features include but are not limited to the following:

[a] Change of setback of building façade: minimum change shall be two feet.

[b] Dormers, spires and/or towers.

[c] Bay windows or similar features.

[d] Change in building material.

[e] Change in wall plane or feature angles.

[f] Change in roof style and/or height.

[g] Change of building height.

(b) Criteria for exterior materials include:

[1] Glass may not exceed 60% of the total exterior wall area of the building.

[2] Stucco and synthetic stucco may not exceed 10% of the total exterior wall area excluding glass areas and openings.

[3] A single dominant material should comprise at least 30% and no more than 80% of the exterior wall area excluding glass areas and openings.

[4] Painted standard CMU and exposed standard CMU shall not be permitted except within 24 inches of the final grade.

[5] Dominant exterior materials may include wood, brick, stone or stone veneer (cultured stone or equivalent), glass, stucco and synthetic stucco, or modular masonry units.

[6] Dominant exterior building materials may not include aluminum siding, vinyl siding, smooth-faced CMU, or highly reflective/mirrored glass.

[7] Dominant façade colors shall be complementary to the architectural style of the building. Detailed elevations with facade treatment examples, complete with color choices, shall be submitted to the Township for review during the land development process. Trim and accent colors should be considered as part of the overall color and material palette. Colors, utilized specifically in the branding of identity of an establishment, such as logos or emblems, will be given special consideration by the Township.

- (c) There shall be no uninterrupted length of façade that exceeds 50 feet.
- (d) In developments with multiple buildings, building designs may not be identical. Buildings should create a cohesive community and diversity by using similar elements while not building the same building multiple times. Diversity can be attained by variation in the building height and use, material and color. Diversity can be attained by variation in the building height and use, material and color.
- (e) Variations and features at the roofline may be used to screen HVAC equipment, and provide interest. Vegetated roofs and roof decks are encouraged.

- (f) All ground-mounted HVAC units or other utility equipment shall be screened. This shall be accomplished using durable walls and landscaping.

(16) Design guidelines for buildings developed under § 182-90.5.D. For any new building or group of new buildings developed under §182-90.5.D, the following design criteria shall apply:

- (a) At least 50% of the front elevation of a residential building shall be a masonry product (stone, stucco, brick, etc.).
- (b) Building materials including siding, masonry products, garage doors, windows, trim, roofing and shutters shall generally be consistent through the build-out of the development.
- (c) Exterior materials shall not include exposed natural or painted concrete (except for basement walls) or aluminum siding.
- (d) Conceptual renderings depicting potential building facades shall be submitted to the Township for review with the conditional use application.

(17) Plan Modifications. The Board of Supervisors may grant modifications from those of Chapter 154 of this Code, Subdivision and Land Development, provided the spirit and intent of this article and the statement of community development objectives contained in § 182-2 are observed.

Section II: Amendment to the Zoning Map of Upper Providence Township: The Upper Providence Zoning Map, which is adopted as part of the Upper Providence Township Zoning Ordinance, as amended, in Section 182-6 is hereby amended establish the YMU Yerkes Mixed Use District on the Tax Parcel Numbers on Attachment “A” hereto in the area identified as “YMU Yerkes Mixed Use District”.

Section III: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section IV: If any provision or part of this ordinance is for any reason held invalid, the remaining provisions and parts of this ordinance shall not be affected thereby. If the application of this ordinance or any of its provisions or parts to any persons, property or circumstances is held invalid, the application of this ordinance to other persons, property or circumstances shall not be affected thereby.

Section V: This ordinance shall become effective five (5) days from date of adoption.

ENACTED AND ORDAINED THIS _____ DAY OF _____, 2019.

UPPER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS

ATTEST:

By: _____
Chairman

Township Secretary

ATTACHMENT "A"

61-00-01207-00-1
61-00-01204-00-4
61-00-01201-00-7
61-00-01198-00-1
61-00-01195-00-4
61-00-01192-00-7
61-00-01190-00-9
61-00-01189-00-1
61-00-01186-00-4
61-00-01183-00-7
61-00-02590-00-4
61-00-01180-00-1
61-00-01177-00-4
61-00-01174-00-7
61-00-02587-00-7
61-00-02584-00-1
61-00-02593-00-1
61-00-02566-00-1
61-00-02565-00-2
61-00-01041-00-5
61-00-01042-00-4
61-00-01045-00-1
61-00-05671-00-1
61-00-05704-00-4
61-00-01039-00-7
61-00-01036-00-1
61-00-05725-00-1
61-00-05722-00-4
61-00-05719-00-7
61-00-05716-00-1
61-00-05713-00-4
61-00-05701-00-7
61-00-05689-00-1
61-00-05692-00-7
61-00-05695-00-4
61-00-01708-00-4
61-00-01711-00-1
61-00-05686-00-4
61-00-05677-00-4
61-00-05674-00-7
61-00-05707-00-1

Also, a parcel that fronts Route 29 opposite Perkiomen Boulevard, between Tax Parcel Nos. 61-00-01201-00-7 and 61-00-01198-00-1, and identified in Montgomery County records as Block 61033, Unit 006 (no tax parcel number).