

**UPPER DUBLIN TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 17-1330

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

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

WHEREAS, the Board of Commissioners 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 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 as a conditional use in the OC Office Center District, subject to certain conditions and requirements, and that such amendment is in accordance with the spirit and the intent of the Upper Dublin Township Zoning Ordinance and Comprehensive Plan.

NOW, THEREFORE, the Board of Commissioners of the Township of Upper Dublin Township hereby ordains:

SECTION 1. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, § 255-60, Use Regulations, shall be amended to allow a Mixed Use Development, consisting of a mix of nonresidential and residential uses, as a conditional use in the OC Office Center District, by the addition of Subsection D, as follows:

Section 255-60. Use Regulations

D. Mixed Use Development. A Mixed Use Development, as defined in § 255-7, when approved by the Board of Commissioners as a conditional use, subject to the requirements and criteria of § 255.61.1.

SECTION 2. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, shall be amended by adding a new Section § 255-61.1, setting forth the development requirements for Mixed Use Developments in the OC Office Center District, as follows:

§255-61.1. Use and Development Requirements for Mixed Use Developments.

A Mixed Use Development shall comply with the following requirements and 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 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, confectionary or similar establishment serving food or beverage, provided that the establishment shall not be open for business between the hours of 1:00 a.m. and 6:00 a.m. daily and on weekends.
- (f) Bank or financial institution.
- (g) Business, medical or professional office.

- (2) Residential uses:
 - (a) Apartment Buildings.
 - (b) Townhouse 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, bank or financial institution, provided the drive-thru is internal to the site with no direct access onto a public street or highway and, provided further, that no more than two (2) drive-thru facilities shall be permitted within a Mixed Use Development.
 - (d) Outdoor seating and/or dining areas, limited to at grade or ground floor, provided that no outdoor seating or dining shall occur after 11:00 p.m., daily and on weekends.

C. Development Requirements. The general plan for a Mixed Use Development shall comply with the following requirements and criteria:

- (1) Lot area. The minimum gross lot area shall be twenty (20) acres.
- (2) Road frontages. The site shall have frontage on and road access to at least two (2) public roads.
- (3) Mix requirements. Every Mixed Use Development shall provide a mix of office, commercial and residential uses and no one use may utilize more than eighty percent (80%) of the gross 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. Apartment leasing area and multi-family common space may be included as residential space in calculating the mix requirements.
- (4) Site Plan. A site plan shall be required and shall include a unified architectural theme, preliminary stormwater management design 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, and the general public. Trail and sidewalk connections also shall 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) **Stormwater Facilities.** Naturalized stormwater facilities may occupy up to twenty-five percent (25%) of the Neighborhood Open Space if such facilities are designed and landscaped using Best Management Practices (BMPs), as published from time to time by the Pennsylvania Department of Environmental Protection 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.
- (8) **Permitted Density.** A Mixed Use Development may contain up to fifteen (15) dwelling units per gross acre of the lot area. 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 twenty (20) dwelling units per gross acre of the lot area.

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.	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.

	The green roof shall conform to the best available technology standards, such as those published by LEED.	
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 1.0 dwelling units per gross acre.
Alternative energy sources	Install a solar, geothermal or other renewable energy 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 not exceed forty percent (40%) of the net developable area of the lot.
- (2) Impervious coverage. The maximum impervious coverage shall not exceed seventy percent (70%) of the developable acreage 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 sixty-five (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 (70) feet to any public highway or ultimate public right-of-way, or to any 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 public highway or ultimate public right-of-way, or to any 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, provided that the applicant may place in reserve up to twenty-five percent (25%) of the required parking, subject to the approval of the Board of Commissioners.

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) Coherent Architectural Theme. 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. 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 complimentary to the primary façade.
 - (d) Building entrances. All building entrances on primary facades shall be accentuated. Permitted entrance accents include: recessed, protruding, canopy, portico, overhang and/or similar feature.
 - (e) Parapets, etc. Buildings shall be designed with parapets, mansards, or other architectural treatment along all roof edges to conceal large vents, HVAC and other rooftop equipment and structures.

(f) Building breaks.

[1] 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.

[2] 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.

(g) Balconies. Balconies or Juliette style balconies shall be provided for every residential unit.

(2) Signage. The applicant for a Mixed Use Development shall submit a sign plan meeting the requirements of § 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 and private 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.

c) Within 100 feet of a residential zoning district the landscape plan shall include plantings, decorative fencing or a wall to shield headlights and soften the view of cars from the street and from adjacent residential 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 provided in mutually agreeable location(s) and in accordance with the design standards established by the Southeastern Pennsylvania Transit Authority (SEPTA).

SECTION 3. The Code of the Township of Upper Dublin, Chapter 255, Zoning, Article XXI, Signs, shall be amended by the addition of a new subsection H to § 255-155.2 to provide for signage related to a Mixed Use Development, as follows:

§ 255-155.2. OC Office Center District.

H. In conjunction with a Mixed Use Development any combination of the following types of signs shall be permitted:

- (1) Freestanding Signs. One freestanding sign shall be permitted for every four hundred and fifty feet (450') of property frontage along Welsh Road. Such freestanding signs shall be of a complimentary architectural style to the buildings of the Mixed Use Development, shall not exceed twenty-five feet (25') in height, nor contain more than two hundred square feet (200 sq. ft.) of sign area per side (maximum two (2) sides).
- (2) Monument Signs. One monument sign shall be permitted for every five hundred feet (500') of property frontage along Dreshertown Road. Such monument signs shall be of a complimentary architectural style to the buildings of the Mixed Use Development, shall not exceed six feet (6') in height, nor contain more than one hundred twenty square feet (120 sq.ft.) of sign area per side (maximum two (2) sides).
- (3) Wall Signs.
 - (a) 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 or two hundred square feet (200 sq. ft.), whichever is less.
 - (b) 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 sq.ft.) per façade.
- (4) Directional Signs. Directional signs within the Mixed Use Development shall be permitted, either freestanding or building mounted. Such signs may contain the names of specific tenants as well as other public information to direct both pedestrians and motorists 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 sq.ft.) in area. The total number of directional signs and their location shall be determined by the Board of Commissioners.

- (5) Project Identification Signs. Project identification signs containing the project name or other identifying feature, but no other tenant advertising shall be permitted within the development which also may be visible outside the development. Such signage shall be of a complimentary style to the development and shall be no larger than two hundred square feet (200 sq.ft.) in area. The total number of project identification signs and their location shall be determined by the Board of Commissioners.

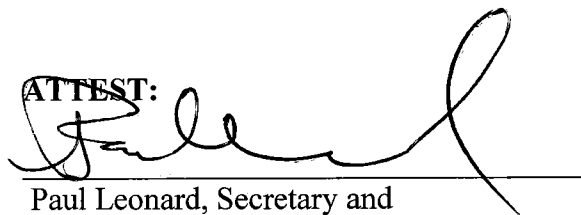
SECTION 4. To the extent that the provisions of this Ordinance are inconsistent or conflict with any other provision of Chapter 255, the Upper Dublin Township Zoning Ordinance, the specific regulations contained in § 255-61.1 shall control and take precedence over such other regulations.

SECTION 5. The provisions of this Ordinance are severable, and 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. This Ordinance repeals and replaces Ordinance 16-1326.

SECTION 7. 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 28th day of March, 2017.

ATTEST:


 Paul Leonard, Secretary and
 Township Manager

BOARD OF COMMISSIONERS OF THE
 TOWNSHIP OF UPPER DUBLIN


 Ira S. Tackel, President

Proof of Publication of Notice
THE AMBLER GAZETTE

State of Pennsylvania,
County of Montgomery ss:

Elizabeth Douglas, Designated Agent of MONTGOMERY NEWSPAPERS LLC, a corporation of the County and State aforesaid, being duly sworn, deposes and says that THE AMBLER GAZETTE is a weekly newspaper published at Ambler, County and State aforesaid, which was established in the year 1879, since which date said newspaper has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said weekly newspaper on the following dates, viz:

12th and
the 19th day of March, A.D 2017

Affiant further deposes she is duly authorized by Montgomery Newspapers LLC, a corporation publisher of The Ambler Gazette, a weekly newspaper, to verify the foregoing statement under oath and also declares the affiant is not interested in the subject matter of the aforesaid notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

Agent, Montgomery Newspapers
LLC, a Corporation

Sworn to and subscribed by me this
22nd day of March, 2017

Maureen Schmid
Notary Public
My Commission Expires: 3/31/2021

HEARING NOTICE
The Board of Commissioners of Upper Dublin Township held a public hearing on November 22, 2016, pursuant to public notice, which was published in the Ambler Gazette on November 6, 2016, and on November 13, 2016, to review, discuss, inform, and receive public comment on the proposed zoning ordinance amendment detailed below. On December 6, 2016, the Board of Commissioners adopted Ordinance No. 16-1326 at a publicly advertised meeting.
On January 3, 2017, a procedural appeal was filed by several citizens of Upper Dublin Township, alleging procedural defects relating the passage and enactment of Ordinance No. 16-1326. While the Township does not believe that the claims contained in the procedural appeal have any merit, the Township will hold a public hearing pursuant to this hearing notice, at which the Board of Commissioners will reopen the hearing on Ordinance No. 16-1326 and, after a public hearing, will consider Ordinance No. 16-1326 for reenactment.
The Board of Commissioners of Upper Dublin Township announces that on Tuesday, March 28, 2017, at 6:30 P.M., a public hearing will be held at the Upper Dublin Township Municipal Building, 801 Loch Alsh Avenue, Fort Washington, PA 19034, to review, discuss, inform, receive public comment on, and consider passage and enactment of the following proposed ordinance, previously enacted as Ordinance No. 16-1326:
AN ORDINANCE Amending Chapter 255 (Zoning) of the Upper Dublin Township Code of Ordinances to Allow a Mixed Use Development as a Conditional Use in the OC Office Center District and Adding Signage Standards for Mixed Use Developments in the OC Office Center District.
The Ordinance would amend the Upper Dublin Township Zoning Code to permit a Mixed Use Development as a conditional use within the OC Office Center District, and provide specific development requirements for Mixed Use Developments in the OC Office Center District. A summary of the Ordinance follows.
The Ordinance contains several background paragraphs which set forth, among other things, the Township's authority to amend its Zoning Ordinance, the Township's conclusions as to the best interests of the Township with respect to the passage of the Ordinance; the consistency of the Ordinance with the Township's Comprehensive Plan; and the public hearing and notice procedures followed in connection with the hearing on the Ordinance.
The Ordinance would amend §255-60 (Use Regulations for the OC Office Center District), by creating a new subsection D thereunder. This new subsection D authorizes a Mixed Use Development in the OC Office Center District, when approved by the Board of Commissioners as a conditional use, subject to the requirements and criteria of §255.61.1.
The Ordinance adds a new Section 255.61.1 to the Zoning Code titled "Use and Development Requirements for Mixed Use Developments." This new Section 255-61.1 contains several subsections which set forth the requirements and criteria for Mixed Use Developments in the OC Office Center District including: (A) a general summary of the concept of a Mixed Use Development; (B) a list of permitted uses within a Mixed Use Development comprised of multiple types of retail and commercial establishments (including retail sales of various products, personal care shops, personal fitness centers, child and adult daycare facilities, restaurants and other types of eating places, banks, and various types of professional offices);

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
MAUREEN SCHMID, Notary Public
Lansdale Boro., Montgomery County
My Commission Expires March 31, 2021

AN ORDINANCE Amending Chapter 255 (Zoning) of the Upper Dublin Township Code of Ordinances to Allow a Mixed Use Development as a Conditional Use in the OC Office Center District and Adding Signage Standards for Mixed Use Developments in the OC Office Center District.

The Ordinance would amend the Upper Dublin Township Zoning Code to permit a Mixed Use Development as a conditional use within the OC Office Center District, and provide specific development requirements for Mixed Use Developments in the OC Office Center District. A summary of the Ordinance follows.

The Ordinance contains several background paragraphs which set forth, among other things, the Township's authority to amend its Zoning Ordinance, the Township's conclusions as to the best interests of the Township with respect to the passage of the Ordinance; the consistency of the Ordinance with the Township's Comprehensive Plan; and the public hearing and notice procedures followed in connection with the hearing on the Ordinance.

The Ordinance would amend §255-60 (Use Regulations for the OC Office Center District), by creating a new subsection D thereunder. This new subsection D authorizes a Mixed Use Development in the OC Office Center District, when approved by the Board of Commissioners as a conditional use, subject to the requirements and criteria of §255.61.1.

The Ordinance adds a new Section 255.61.1 to the Zoning Code titled "Use and Development Requirements for Mixed Use Developments." This new Section 255-61.1 contains several subsections which set forth the requirements and criteria for Mixed Use Developments in the OC Office Center District including: (A) a general summary of the concept of a Mixed Use Development; (B) a list of permitted uses within a Mixed Use Development comprised of multiple types of retail and commercial establishments (including retail sales of various products, personal care shops, personal fitness centers, child and adult daycare facilities, restaurants and other types of eating places, banks, and various types of professional offices), residential uses (such as apartments and townhouses) and accessory uses (such as a parking garage, amenities, drive-thru service and outdoor seating and dining); (C) dimensional requirements and criteria (including requirements related to lot area, road frontage, use mix, site plan and architectural design, open space, stormwater facilities, buffers, density, and increases to density in return for green building technologies and sustainable design features (which starts at 15 dwelling units per gross acre and increases up to 20 dwelling units per gross acre depending on the green building and sustainable design features)); (D) area and bulk requirements (including requirements for building coverage, impervious surface, building height, building setbacks, parking setbacks, and number of parking spaces); (E) design standards (including building design guidelines as to architectural scheme, primary façade, secondary façade, building entrances, parapets, building breaks and balconies; a reference to a new section containing signage requirements; landscape and streetscape design standards relative to sidewalks, landscape plans, residential shielding elements and shrubs; open space design standards such as minimum width requirements, open space landscaping and other open space features; and, requirements as to the provision of public transit shelters).

The Ordinance also adds a new Subsection to the Zoning Code, Article XXI (Signs), proposed Subsection H to Sections 255-155.2, which contains regulations for permitted signage related to a Mixed Use Development within the OC Office Center District. This section provides for the following signs as part of a Mixed Use Development within the OC Office Center District, subject to certain design requirements, including size and height limitations, all as set forth in more detail in the Ordinance; freestanding signs, monument signs, wall signs, directional signs, and project identification signs. The Ordinance contains provisions in the event of a conflict with other sections of the Zoning Code; a severability provision in the event any part of the Ordinance is deemed invalid and unenforceable; and, a repealer provision. The Ordinance would become effective immediately following adoption by the Board of Commissioners.

A copy of the full text of the proposed ordinance may be examined free of charge at the information desk in the Township Building during regular business hours from 8:30 a.m. to 5:00 p.m. Monday through Friday. Copies of the full Ordinances are also available for inspection by any interested party at the Montgomery County Law Library, Montgomery County Courthouse, 2 East Airy Street, Norristown, PA 19404, and at The Ambler Gazette, 290 Commerce Drive, Fort Washington, PA 19034, where a copy of the proposed Ordinance may be obtained for a charge not greater than the cost of copying during normal business hours.

The public hearing will be held in the Upper Dublin Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania. All interested parties are invited to attend the hearing. If any person who wishes to attend the public hearing has a disability and/or requires auxiliary aid, service or other accommodations to observe and/or participate in the proceedings, please contact, Deb Ritter (215) 643-1600, Ext. 3220 to discuss how the Township can accommodate your needs.

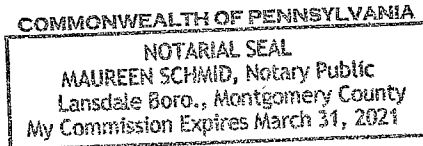
Gaz-Mar 12, 19-1a

Agent, Montgomery Newspapers
LLC, a Corporation

Sworn to and subscribed by me this
22nd day of March, 2017

Maureen Schmid
Notary Public

My Commission Expires: 3/31/2021



**AFFIDAVIT AS TO PUBLIC NOTICE
UPPER DUBLIN TOWNSHIP**

To: Upper Dublin Township Board of Commissioners
FROM: Deb Ritter, Manager's Office Administrator
DATE: March 28, 2017
RE: Tax Parcel No. 54-00-05242-005, Welsh and Dreshertown Roads,
Upper Dublin Township

The Board of Commissioners of Upper Dublin Township held a public hearing on November 22, 2016, pursuant to public notice, which was published in the Ambler Gazette on November 6, 2016, and on November 13, 2016, to review, discuss, inform, and receive public comment on the proposed zoning ordinance amendment detailed below. On December 6, 2016, the Board of Commissioners adopted Ordinance No. 16-1326, at a publicly advertised meeting.

On January 3, 2017, an appeal was filed by several citizens of Upper Dublin Township, alleging procedural defects relating the passage and enactment of Ordinance No. 16-1326. While the Township does not believe that the claims contained in the procedural appeal have merit, the Township Board of Commissioners voted to hold a second public hearing on March 28, 2017, beginning at 6:30 PM, at which the Board of Commissioners will accept additional testimony on Ordinance No. 16-1326 and, after the public hearing, will consider Ordinance No. 16-1326 for reenactment.

This Affidavit confirms the satisfaction of all applicable legal requirements to provide public notice of the March 28, 2017 hearing and proposed zoning ordinance amendment, as follows:

1. BT Dreshertown, LP filed a petition proposing to amend the Township Zoning Ordinance to allow a Mixed Use Development as a Conditional Use within the OC — Officer Center Zoning District. The ordinance amendment (the "Ordinance Amendment") was the subject of a public hearing held November 22, 2016.
2. The Ordinance Amendment was provided to the Montgomery County Planning Commission ("MCPC") on October 20, 2016, for their review. The MCPC issued its review letter of the Ordinance Amendment on November 16, 2016, a copy of which is attached hereto as Exhibit "A".
3. At its hearing on October 13, 2016, the Township Planning Commission reviewed the Ordinance Amendment and voted to send the Ordinance Amendment to the Board of Commissioners without recommendation. A copy of the October 13, 2016 Meeting Minutes are attached hereto as Exhibit "B".
4. Ordinance 16-1326, adopted December 6, 2016, attached hereto as Exhibit "C".
5. Notice to the Montgomery County Law Library of the hearing scheduled for March 28, 2017, for reconsideration of ordinance 16-1326. A copy of the notice, ordinance 16-1326, the legal advertisement, and the proposed ordinance, is attached hereto as Exhibit "D".


6. Notice of the Ordinance Amendment was published in the Ambler Gazette on March 12 and March 19, 2017. Proof of publication is attached hereto as Exhibit "E".

7. Notice of the March 28, 2017, hearing was provided to Prudential Insurance Co. of America, who owns property in the OC — Office Center Zoning District. A copy of the February 28, 2017, Notice Letter sent to Prudential is attached hereto as Exhibit "F".

8. Notice of the March 28, 2017, hearing was sent to a list of interested neighbors, along with any neighbors within 500 feet of the subject property. A copy of the neighbor list, along with a copy of the March 9, 2017, notice provided to the neighbors, is attached hereto as Exhibit "G".

9. Notice of the March 28, 2017, hearing was posted on the property on March 15, 2017, at 15 locations along Dreshertown and Welsh Roads. Copies of daily photographs of the postings, along with a copy of the posted notice, are attached hereto as Exhibit "H".

Affirmed this 28th day of March, 2017

By: 
Debra Ritter, Upper Dublin Township,
Manager's Office Administrator

cc: David Brooman, Esquire, Township Solicitor (via email, with enclosures)
Robert W. Gundlach, Jr., Esquire (via email, with enclosures)
Jennifer L. Wunder, Esquire (via email, with enclosures)
Michael Markman (via email, with enclosures)

Exhibit A

MONTGOMERY COUNTY
BOARD OF COMMISSIONERS
JOSH SHAPIRO, CHAIR
VALERIE A. ARKOOSH, MD, MPH, VICE CHAIR
JOSEPH C. GALE



MONTGOMERY COUNTY
PLANNING COMMISSION
MONTGOMERY COUNTY COURTHOUSE • PO Box 311
NORRISTOWN, PA 19404-0311
610-278-3722
FAX: 610-278-3941 • TDD: 610-631-1211
WWW.MONTCOPA.ORG

JODY L. HOLTON, AICP
EXECUTIVE DIRECTOR

November 16, 2016

Mr. Richard D. Barton, AICP
Community Planner and Zoning Officer
Upper Dublin Township
801 Loch Alsh Avenue
Fort Washington, PA 19034

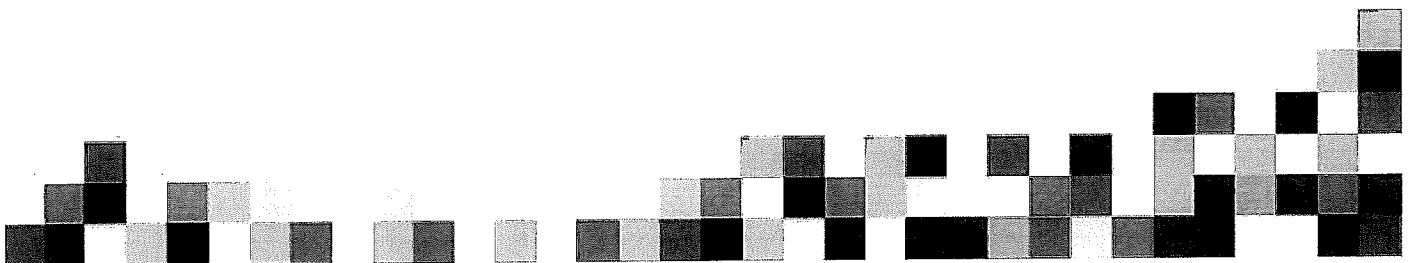
Re: MCPC 16-0208-004
Mixed Use Development/OC Office Center District
Upper Dublin Township

Dear Mr. Barton:

We have reviewed the above-referenced zoning text amendment in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on October 20, 2016. We forward this letter as a report of our review.

BACKGROUND

The applicant, BT Dreshertown, LP, has resubmitted a zoning text amendment to Upper Dublin's OC (Office Center) District. This is the third submission of this zoning text amendment. The purpose of this submission is to add a Mixed Use Development option to the OC District. This submission has made revisions to signage and parking standards. Please see previous review letters (attached) for further background and recommendations. The applicant has made great effort to incorporate the recommendations made throughout the review process into its multiple submissions. We commend the applicant for making strides to incorporate our comments and feel it will strengthen any mixed-use development that is approved in the future.



RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified one issue that we believe should be considered prior to zoning amendment adoption. We have also included our previous recommendations that have been incorporated by the applicant in this submission. Please see the following comments.

REVIEW COMMENTS

COUNTY RECOMMENDATIONS

- A. The applicant made several changes to the ordinance based on the County's previous recommendations. We wish to point out these revisions in relation to the comments made by the County in September of this year. These changes are outlined below:
1. Parking—We recommended that two parking spaces be required per dwelling unit, provided that 25% of the requirement is held in reserve until it is deemed necessary. We commend the applicant for incorporating this recommendation into this submission.
 2. Signage—We recommended a reduction in the size of freestanding signs. The total permitted square footage of freestanding signs was reduced from 300 to 200 square feet and the height was reduced from 35 to 25 feet. We feel that this reduction will help to ensure that the size of signage remains consistent with a mixed-use development.

DRIVE-THRUS

- A. We recommended at the first submission of this amendment that drive-thrus be removed as an accessory use. The applicant has increased the maximum permitted number of drive-thrus to a total of 2. Drive-thrus can detract from the more walkable and upscale appearance of the site, as well as detract from internal pedestrian circulation. The applicant should consider this when determining if the number and placement of drive-thrus should be limited any further. This should be determined by the applicant and the Township.

CONCLUSION

We wish to reiterate that MCPC generally supports the applicant's proposal, but we believe that our suggested revision will better achieve Upper Dublin's planning objectives for development. We wish to once again commend the applicant on incorporating nearly all of the County's recommendations into this submission of the zoning amendment. These recommendations will contribute to the construction of high-quality mixed-use developments in Upper Dublin Township.

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**
JOSH SHAPIRO, CHAIR
VALERIE A. ARKOOSH, MD, MPH, VICE CHAIR
JOSEPH C. GALE



**MONTGOMERY COUNTY
PLANNING COMMISSION**
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JODY L. HOLTON, AICP
EXECUTIVE DIRECTOR

May 2, 2016

Mr. Richard D. Barton, AICP
Community Planner and Zoning Officer
Upper Dublin Township
801 Loch Alsh Avenue
Fort Washington, PA 19034

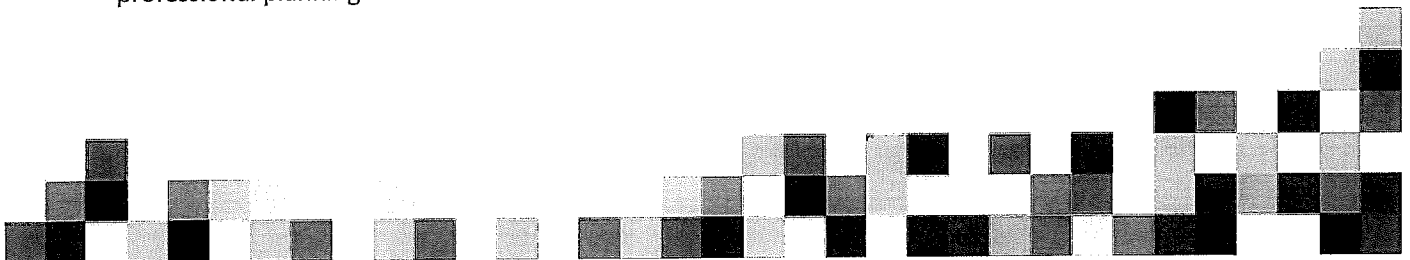
Re: MCPC 16-0208-002 Amended (ref. 08-0244-005)
Plan Name: BT Dreshertown, LP – Zoning Amendment
Situate: Dreshertown Road (E)/Welsh Road (S)
Upper Dublin Township

Dear Mr. Barton:

We have reviewed the above-referenced zoning text amendment in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on April 7, 2016. We forward this letter as a report of our review.

BACKGROUND

The applicant, BT Dreshertown, LP, proposes a zoning text amendment to Upper Dublin's OC (Office Center) District. This amendment would add a Mixed Use Development option to the district as a permitted use. This amendment is being proposed to apply to a 25 acre tract located on the southeast corner of Dreshertown and Welsh Roads. The option requires a mix of at least two use types, with no one use taking up greater than 80% of total building floor area. A minimum of 5% of the gross area of the lot is required to be reserved or developed as green space, parks, and plazas. The Mixed Use Development may have a maximum permitted density of 25 dwelling units per gross acre of the lot. Overall, this amendment would increase permitted density, decrease required open space, and decrease front, side, rear, and parking setbacks. In addition to the zoning amendment, the applicant provided a potential site plan for the Promenade at Upper Dublin, a development rendering from the perspective of the corner of Dreshertown Road and Welsh Road, a transportation impact study, a fiscal impact study, and letter of opinion from a professional planning consultant.



RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified a number of key issues that we believe should be resolved prior to zoning amendment adoption. Our comments are as follows:

REVIEW COMMENTS

CONDITIONAL USE

- A. Because of the increase in permitted maximum impervious cover and density, we recommend that this Mixed Use Development option be permitted via conditional use in the OC District with the following condition:
 - 1. Cross County Trail Connection – Linkages to the county trail system be provided on the property and be 12 feet wide, with 2-4 feet of buffers on each side of the trail. These should be accessible to the public and maintained by the county.

COMMON AREA SPACE (§255-61A.C.(5))

- A. Public Access – Public access to the site could provide an amenity to the Township and its residents. We recommend that common area space be made accessible to the public. This change could be included in §255-61a.C.(5): Common Area Space.
- B. Minimum Area – We recommend that common area space be a minimum of 15% of the gross area of the lot. This is an increase from the proposed 5% gross lot area. This change could also be included in §255-61a.C.(5): Common Area Space.

PARKING

- A. Parking Setbacks – In §255-61a.D, we recommend that parking setbacks be increased from the proposed 20 feet to 50 feet. This will ensure that the character and layout of the Mixed Use Development is consistent with adjacent parcels and the surrounding area.
- B. Buffers – We recommend that where parking is located along a street frontage, a buffer be required. This may be done through the use of a low wall, fencing, and/or landscaping. This requirement may be added to §255-61a.C.(7).

ACCESSORY USES (§255-61A.B.(3)(C))

- A. Drive-thru Service – We recommend the removal of drive-thru service as an accessory use. Drive-thrus are not consistent with the character of the development, which seeks to provide for a variety of uses while maintaining a pedestrian-friendly environment.

DESIGN STANDARDS

A. Building Design (§255-61a.E.(1))

1. **Walls and Windows:** The requirements for the proposed Mixed Use Development option should include additional regulations for walls and windows under (b) and (c) (Primary and Secondary Façade). In order to develop under this option, the site must be located on two public road frontages with access on both. Because of this, all sides of a building must be treated and no walls may be blank. Requirements regarding appropriate ratios for windows and walls should also be included. This addition may read as follows: Blank walls shall not be permitted along any exterior wall facing a street. Walls in these locations shall comprise a minimum 35% window area and 75% maximum window area, with windows interspersed across the façade. Walls or portions of walls where windows are not provided shall have architectural treatments designed to break up the bulk of the wall.
2. **Horizontal Articulation:** We recommend that an additional subsection in §255-61a.E.(1) be added that specifies that for all buildings greater than 4 stories tall, the façade of the building must step back a minimum of 3 feet after the first floor.
3. **Balconies:** To prepare for various forms of development that may be proposed, we recommend that minimum requirements for balconies be included as an additional subsection in §255-61a.E.(1).

LANDSCAPE AND STREETSCAPE STANDARDS (§255-61A.E.(2))

- A. Sidewalks We recommend that the construction of sidewalks along all street frontages be a requirement under the Mixed Development option to a minimum width of 5 feet. This could be added into the Landscape and Streetscape Standards section within the proposed amendment.

TRANSIT FACILITIES

- A. We recommend that the potential for SEPTA bus service to the site be explored. Transit facilities and shelters should be constructed based on design standards established by SEPTA.

CONCLUSION

We wish to reiterate that MCPC generally supports the applicant's proposal, but we believe that our suggested revisions will better achieve Upper Dublin's planning objectives for development.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body adopt this proposed zoning ordinance amendment, Section 602 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,

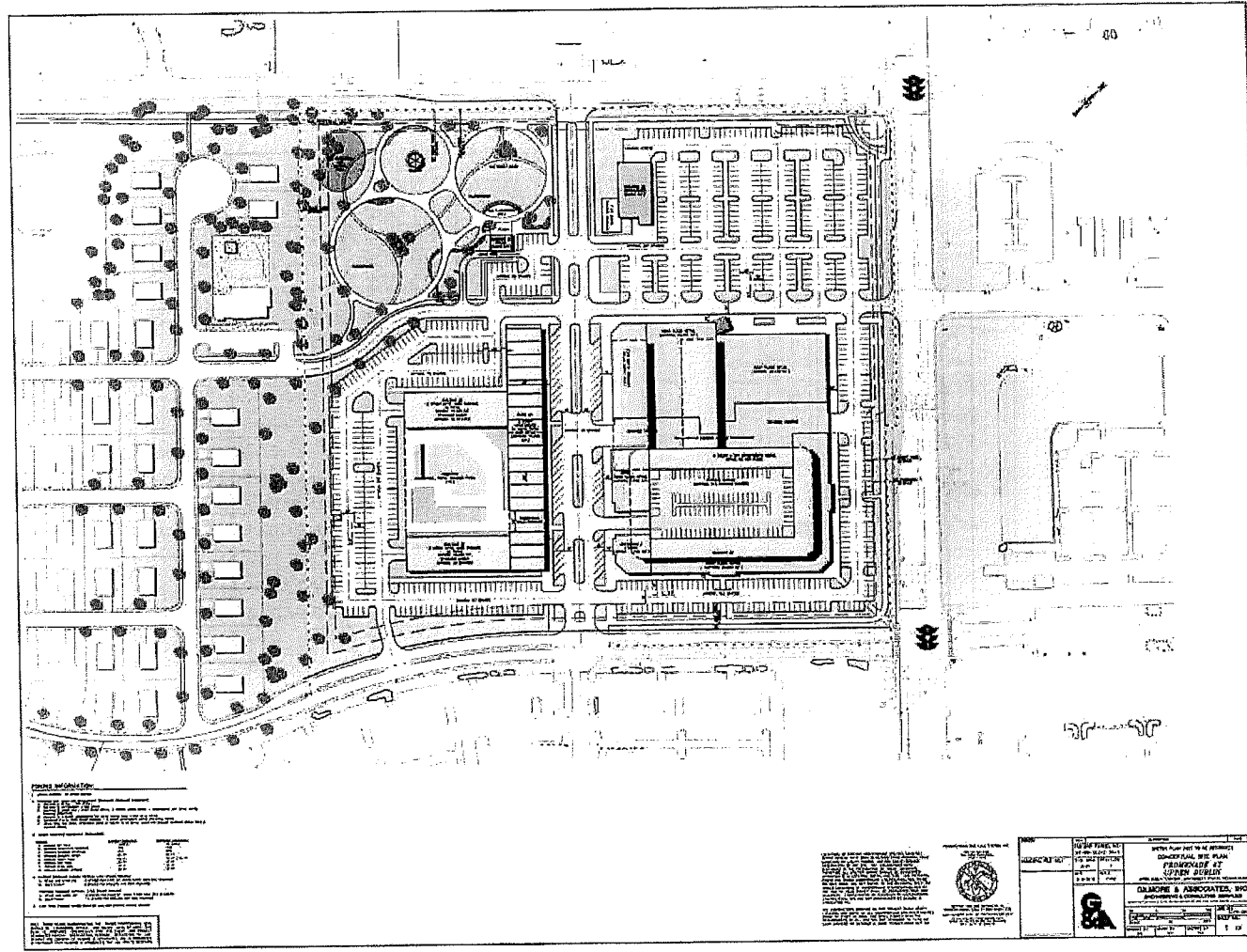


Jamie Magaziner, Community Planner
JMagazin@montcopa.org
610-278-3738

c: BET Investments, Inc., Applicant
Gilmore & Associates, Inc., Applicant's Representative
Paul A. Leonard, Township Manager
Jeffrey Albert, Co-Chairman, Township Planning Commission
Michael Cover, Co-Chairman, Township Planning Commission
Jeffrey A. Wert, PE, PLS, Township Engineer

Attachments: 1. Aerial View of Potential Development Site
 2. Reduced Copy of Potential Development Site Plan





RECEIVED
APR 07 2016
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PLANNING COMMISSION

**MONTGOMERY COUNTY
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JOSEPH C. GALE



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JODY L. HOLTON, AICP
EXECUTIVE DIRECTOR

September 29, 2016

Mr. Richard D. Barton, AICP
Community Planner and Zoning Officer
Upper Dublin Township
801 Loch Alsh Avenue
Fort Washington, PA 19034

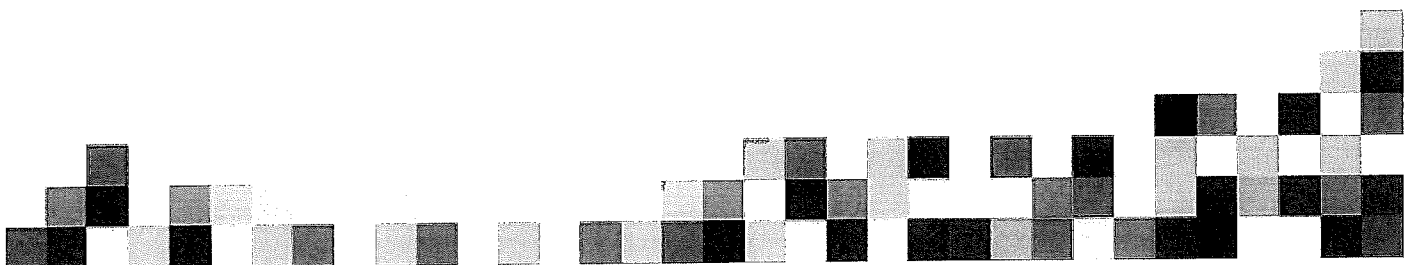
Re: MCPC 16-0208-003 Amended (ref. 08-0244-007)
Plan Name: Zoning Map Amendment Promenade at Upper Dublin – Prudential Tract
Situate: Dreshertown Road (E)/Dryden Road (N & S)
Upper Dublin Township

Dear Mr. Barton:

We have reviewed the above-referenced zoning text amendment in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on September 12, 2016. We forward this letter as a report of our review.

BACKGROUND

The applicant, BT Dreshertown, LP, has resubmitted a zoning text amendment to Upper Dublin's OC (Office Center) District. This amendment would add a Mixed-Use Development option to the OC District. This amendment is being proposed to apply to a 25-acre tract located on the southeast corner of Dreshertown and Welsh Roads. The option requires a mix of at least two use types, with no one use taking up greater than 80% of total building floor area. The County reviewed the first submission of this amendment in April of 2016. The applicant made great effort to incorporate the recommendations made at that time into this submission. We commend the applicant for making strides to incorporate our comments and feel it will strengthen any mixed-use development that is approved in the future.



RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the applicant's proposal, however, in the course of our review we have identified a number of comments that we believe should be resolved prior to zoning amendment adoption. While we do have a few additional recommendations, the applicant should be praised for the changes made to the proposed ordinance. Our comments are as follows:

REVIEW COMMENTS

COUNTY RECOMMENDATIONS

- A. The applicant made several changes to the ordinance based on the County's recommendations. We wish to highlight these revisions in relation to the comments made by the County in April of this year. These changes are outlined below:
- (1) Sidewalks and Trails – We recommended that a Cross County Trail Connection be required as a condition of permitting a Mixed-Use Development in the OC District. This was because the Township identified the site the amendment would apply to in the District as a future trail connection and existing missing link in the network. The applicant has amended the ordinance to include a requirement for sidewalks on all street frontages in a mixed-use development, as well as adding trails or walkway connections to Neighborhood Open Space areas. As a component of the 'Neighborhood Open Space' requirement, a public easement will be granted to the Township for the purposes of providing public access to trails and open space within the development. The applicant also added a minimum width requirement for all sidewalks and trails. The minimum width for sidewalks is 6 feet and the minimum width for trails is 10 feet. These numbers are consistent with guidelines set out by the County in the Walk Montco study.
 - (2) Parking – The County recommended that the parking buffer be increased from the proposed 20 feet. The applicant has increased the buffer from 20 to 25 feet. We also recommended an increase in parking setbacks from the street. The applicant also increased this from 20 to 25 feet.
 - (3) Residential Density – The applicant reduced the permitted residential density from 25 units per gross acre to 15. A developer may increase up to 20 units per gross acre if green building techniques are implemented based on the table provided in the ordinance under §255-61a.C.(8) Permitted Density. These bonus-qualified techniques include: preserving excess Neighborhood Open Space, using structured parking, and the installation of a green roof.
 - (4) Building Design – We recommended that horizontal articulation be required in all buildings in a mixed-use development. The applicant added that for buildings greater than 4 stories, the façade must step back a minimum of 3 feet above the first floor. We also recommended that requirements for balconies be added for all apartment units. The applicant has now required that balconies or Juliette-style balconies be provided for all units.

- (5) Transit Facilities – We recommended that the potential for SEPTA bus service to the mixed-use development site be explored. The applicant added a requirement to the proposed ordinance that transit facilities and shelters shall be constructed where appropriate, in accordance with SEPTA design standards.

PARKING

- A. The applicant has proposed an increase in the required parking for residential units. We recommend two potential options to use in the place of increasing the required parking per unit from 1.5 to 2 spaces:
- (1) Require 1.5 spaces for 1 bedroom units and require 2 spaces per unit for 2 bedroom units and hold 10% of the total parking in reserve until it is deemed necessary.
 - (2) Require 2 parking spaces per dwelling unit, but hold 25% of the total parking in reserve until additional parking is deemed necessary.

SIGNAGE

- B. Freestanding Signs – The proposed signage regulations for freestanding signs are over 3 times the size of existing signage regulations in Upper Dublin's Shopping Center and Commercial/Retail Districts. We understand that a mixed-use development will have signs of greater proportion due to increases in building height and density, but feel it is important that the scale is consistent with the style and form of a mixed-use development as well as the style of development surrounding the OC District.
- C. Residential Identification and Project Identification Signs – It is our understanding that neither of these sign types is defined within any Township ordinance. These should be defined in order to determine whether the proposed sizes are appropriate for the mixed-use development option in the OC District.

CONCLUSION

We wish to reiterate that MCPC generally supports the applicant's proposal, but we believe that our suggested revisions will better achieve Upper Dublin's planning objectives for development. We wish to commend the applicant on incorporating nearly all of the County's recommendations into this submission of the zoning amendment. These recommendations will contribute to the construction of high-quality mixed-use developments in Upper Dublin Township.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body adopt this proposed zoning ordinance amendment, Section 602 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,

A handwritten signature in cursive script that reads "Jamie Magaziner".

Jamie Magaziner, Community Planner
JMagazin@montcopa.org
610-278-3738

c: BT Dreshertown, LP c/o BET Investments, Inc., Applicant
Paul A. Leonard, Township Manager
Jeffrey Albert, Co-Chairman, Township Planning Commission
Michael Cover, Co-Chairman, Township Planning Commission
Thomas Fountain, PE, Township Engineer

Exhibit B

AGENDA

Upper Dublin Township Planning Commission
Thursday, October 13, 2016
7:00 PM

- A. Review/approve minutes from the September 20 and 27 meetings.
- B. Recommendation:
- Land development plan for Nak Won Presbyterian Church, UD #14-10
- C. Zoning text amendment:
- Amendment to allow mixed-use development in OC Office Center District (the Promenade), UD #16-04
- D. Land development review:
- North Hills Manor redevelopment, preliminary plan, UD #16-07

Next meeting – Tuesday, November 15 at 7:00 PM

A meeting of the Planning Commission (PC) of Upper Dublin Township (UDT) was held on Thursday, October 13, 2016 and at 7:00 p.m., in the UDT Building, Michael Cover and Jeff Albert presiding.

In attendance were members of the PC: Jeff Albert, Michael Cover, and Rob Winegrad. Dr. Paul Halpern arrived later in the meeting. Also present were Richard Barton, Community Planner and Zoning Officer; Tom Fountain, UDT Engineer; and David Brooman, Township Solicitor.

LAND DEVELOPMENT REVIEW:

North Hills Manor Redevelopment, Preliminary Plan, UD #16-07:

NEM Housing LP has filed a Preliminary Plan for the redevelopment of 50 dwellings at North Hills Manor, owned by the Montgomery County Housing Authority. The 3-acre site consists of two lots bounded by Logan, Walnut, Chelsea, and Linden Avenues in North Hills. The site is designed according to the regulations for multi-family development in the NH Residential zoning district (Ordinance No. 16-1319, adopted 5/10/16).

While the total number of dwellings remains the same, the layout replaces the existing linear townhouse design with groups of 1, 2, 3, and 4 bedroom homes constructed as townhomes and twins. The parking is distributed between spaces at the units and a central parking area for 24 vehicles. A tot lot and an administrative/maintenance building is included.

Joel Johnson, Executive Director of the Montgomery County Housing Authority; Mark Buchvalt with T&M Associates; Kyle Speece with Pennrose Properties; and Jackie Camp with WRT Architects were present to discuss the redevelopment of North Hills Manor.

Mr. Johnson commented as follows:

- The Housing Authority owns and operates North Hills Manor.
- The Housing Authority is an independent authority, therefore it does not receive any county or state funding.
- The Housing Authority operates two programs that serve low income households. One is the housing voucher program which supports rental subsidies and privately owned homes, and the second is public housing which are rental units that the Housing Authority owns. North Hills Manor is part of that portfolio.
- North Hills Manor was built in the early 1950s and the buildings are antiquated.
- The site is divided into two parcels primarily along Walnut Avenue and bordered by Logan and Chelsea with Linden splitting the site.
- Over the past years, the Housing Authority has had a difficult time finding replacement parts for many of the components in the heating systems, electrical systems, etc.
- Several years ago, the Housing Authority went through a competitive process to partner with a private-sector developer that specializes in the affordable housing development arena, and that is how Pennrose Properties became involved with the project.
- Over the past few years, the Housing Authority went through an extensive community engagement process involving both the residents of North Hills Manor and the neighbors in the community.
- The plan before the PC this evening involves replacement of the 50 units there today with the same bedroom mix.

DR. HALPERN ARRIVED AT THIS POINT IN TIME.

Mr. Buchvalt discussed a PowerPoint presentation, and walked the PC through the basic site plan.

Mr. Cover noted the following comments from the Fire Marshal:

Utility Sheet 8 of 24 and 9 of 24 noted under "New Utility Service Size." The fire service line for each unit is indicated as being 3". This size water service seems excessive for this type of construction and use. This item should be revisited for re-calculation to determine what size water service would best service the fire protection for this development.

Mr. Buchvalt agreed to re-calculate the size of the water service.

Mr. Cover went through the list of items in the Township Engineer's review letter as follows:

1. All parking requirements appear to be met with off-street spaces. We note further along in this letter that some of the spaces may not comply, but the intent is to move the required spaces off-street and onto each lot. We recommend the applicant also depict the quantity of on street spaces should questions about overflow parking spaces become an issue. The Applicants will comply.
2. Demolition permits for the removal of all items will be required. Applicant should provide evidence of Phase I Environmental Assessment and clearance prior to start of demolition. Applicants will comply.
3. Street Trees should be re-located to inside lot lines, and at least 8 feet from proposed sidewalk. Applicants will comply.
4. The Ordinance and Improvement Standards require a 15' width of paving from the existing centerline of the road. This is applicable to all road frontages, and Linden Avenue would need to be 30' wide to comply with the Ordinance. Township Standard Detail RD-100, widening for residential streets, is applicable for this site. Mr. Brooman will determine if there is enough room to widen the streets, otherwise they may ask for a waiver.
5. All utilities shall be provided underground. Existing street lights which had been located on utility poles will now need to be installed on the proposed street light poles included in the drawings. Applicants will comply.
6. The "parking pads" include areas which will extend into the right-of-way and allow vehicles to overhang the sidewalk areas. We recommend lengthening the pad areas to provide for vehicle parking completely on-lot. Applicants will discuss matter with Mr. Fountain and comply.

7. Applicant shall provide evidence of service capacity from the prevailing Water & Sanitary providers. Applicants will comply.
8. The extent of the project will require an NPDES permit from the DEP and County Conservation District. Applicants have submitted to the DEP.
9. The applicant and contractors will need to coordinate contractor parking, material storage and security, staging, and road closure issues prior to plan approval. A plan for these items should be submitted for review and approval. Applicants will comply.
10. When Mr. Fountain asked how the Applicants are going to relocate with the residents on site during construction, the Applicants explained that the Housing Authority has been stockpiling vacancies during the past years.
11. Landscape Review Comments will be issued separately to the applicant. The Applicants will respond to the landscape review upon receipt.
12. Sewage Planning approval (Act 537) from DEP shall be provided prior to final subdivision plan approval. Applicants will comply.
13. All driveways must comply with the provisions and standards of PennDOT Chapter 441. Applicants will comply.
14. Plans need to depict a minimum of 20 feet open space between curbed parking areas and the outside walls of buildings. This occurs in several areas and needs correction. Applicants will be asking for a waiver.
15. Applicant should confirm that ADA requirements are in conformance for the proposed sidewalks, walkways to buildings, and access from parking areas to buildings. Applicants will comply.
16. The following note should be added to the record plan: Water originating from other than natural sources, such as air-conditioning units, sump pumps or other dry weather flow, wherever practicable, shall be connected to the storm drainage system of the township or discharged into watercourses on the property, at the direction of the Township Engineer. These facilities may not be used for pollution matter. Applicants will comply.
17. A permanent access easement to stormwater management facilities for maintenance purposes shall be clearly depicted on the plans. This easement will include most areas of both parcels since drainage features are included on or under most of the interior parking and playground/grass areas. Accessways shall be cleared and stabilized to a minimum of 20 feet wide, with an all-weather surface suitable for access for maintenance equipment and personnel. The ownership and maintenance of all BMP's should be noted on the plans. The Township shall further have rights to said easements. Applicants will comply.
18. A Stormwater Maintenance and O&M Agreement is required. Applicants will comply.

19. Drafting, details, and minor technical revisions will be communicated directly with the applicant's engineer. Applicants will comply.
20. Notes on the plan indicate only 4" topsoil will be re-spread on disturbed areas; this should be revised to indicate a minimum of 8" topsoil. Applicants will confer with Mr. Fountain.
21. Plans should include a note indicating "All work is to be in accordance with PADOT 408 or Upper Dublin Township standards, whichever is greater." Applicants will comply.

Mr. Fountain noted that the Township's Lighting Consultant's comments are correctable.

Answering a concern of Mr. Winegrad, Mr. Buchvalt said the entrance driveway will be posted with "No Parking" signs.

Mr. Winegrad motioned, with Dr. Halpern seconding, to recommend to the BOC the North Hills Manor Redevelopment Preliminary Plan subject to the comments of the review letters from the Township Engineer, Fire Marshal and Lighting Consultant.

VOTE ON MOTION

ALL YES

MOTION CARRIED

ZONING TEXT AMENDMENT:

Amendment to Allow Mixed-Use Development in "OC" Office Center District (the Promenade), UD No. 16-04:

The PC was provided with a Township version prepared on 10/7/16 and a version from the applicant, BET Investments.

The Township is working with BET to arrive at a final version of the ordinance, which will then be posted and advertised for a public hearing. The original hearing date of November 9 will be changed.

Michael Markman, President of BET Investments, Eric Garton, P.E., Pete Clelland, P.E., and Ken O'Brien from McMahon Associates appeared before the PC to discuss the ordinance.

Mr. Brooman said the second version containing comments from BET can be worked through satisfactorily. He outlined the major changes as follows:

- Two drive-throughs vs. one. As long as the drive throughs are internal with no access to a public street, they are acceptable.
- Percent of impervious surfaces.
- Extent to which there will be additional screening from residences and streets.

The following discussion took place:

Mr. Winegrad: Asked for consideration of a bus shelter if public transportation is

anticipated.

- Mr. Brooman: The PC should have some say in mixed requirements - the built-in incentives for increased density in the form of green spaces, landscape features, traffic and a sign plan.
- Mr. Albert: How would traffic be considered in the hearing process before the BOC?
- Mr. Markman: Traffic is a big issue. The traffic consultant has provided his opinion that it would be designed and reviewed as part of the conditional use in addition to the SALDO process. All of the foregoing is subject to PennDOT.
- Mr. Albert: No trucks will be permitted to use the Dreshertown Road access. Will the foregoing be addressed before the PC or at a conditional use hearing?
- Mr. Brooman: That could be addressed at conditional use if the Applicant is agreeable to it. It could also be incorporated into a Declaration of Covenants.
- Mr. Albert: Assuming if a Declaration of Covenants is entered into, is that a public document?
- Mr. Brooman: Yes. It will be recorded.
- Mr. Albert: Would that be entered prior to the conditional use process or as a result of the conditional use process?
- Mr. Brooman: The Declaration will be recorded before the zoning hearing.
- Mr. Albert: When will the zoning hearing take place?
- Mr. Brooman: Based on the timeline, it would likely be before the BOC in December.
- Mr. Albert:
- The way the ordinance is drafted, it establishes various kinds of uses within this district and it has a laundry list of uses.
 - Is there anything in this ordinance that would bar one large use?
 - How do we establish that this will be a mixed use project?
- Mr. Markman: The only way the plan would be changed is if they are required to make changes by either staff or the BOC.

- Mr. Cover: Is it normal for a developer to control the type and size of the individual stores?
- Mr. Brooman: No more than "x" percent of the same type of store.
- Mr. Albert:
- The ordinance permits a mixed use development wherever there are frontages on two streets. Should we specify in the ordinance something about the nature of the two roads? Asked the Solicitor to take a look at this type of situation overall rather than any development specifically.
 - Asked the Solicitor to look at the wording regarding buffering because he feels the verbiage should be clarified.
- Paul Patitucci, 757 Eastwind Circle, Dresher:
- Concerned that signs will not keep trucks out of Dreshertown Road.
 - Will he hear music and/or other noise from the proposed restaurant at 2:00 a.m.?
- Mr. Fountain: The Noise Ordinance calls for no dining or other activities after 11:00 p.m.
- Mr. Patitucci: Worried about traffic on Dreshertown Road and the sobriety of drivers.
- Jonathan Holtzman, 841 Redgate Rd.
- Do we need a village in UDT? UDT in itself is a village.
 - What percent of the business for the restaurants will be generated from the apartments? Of the opinion that most traffic will be coming from outside the community.
 - Suggested traffic engineers spend three hours a day for a week during rush hour traffic in the mornings before rendering an opinion.
- Kevin Kelley, 1 Stonington Court:
- The Township's Traffic Engineer stated last month that Dreshertown Road is not adequate for what is there today let alone with a new development.
 - The PC should plan for the future. The road should be fixed first and then the development considered.
- Mr. Cover: UDT traffic is a regional situation not just Dreshertown Road.
- Chris Duerr, 302 Summit Avenue:
- Has been involved with this specific piece of property for a while as a member of the PC, part of the UD Comprehensive Steering

Committee, and knows this property because it is the last significant piece of property in UDT.

- The Comprehensive Plan looked at many of these issues, and the big issue in the Township at that time was the looming intersection of lack of revenue and increased costs.
- One of the issues looked at was how to get more ratables for UDT.
- Of the opinion that this is a reasonable use of the property.
- Addressing the neighbors, he extolled the boards and commissions of UDT for spending so much time trying to do what is best for UDT.
- Every property has its traffic issues, but the PC is looking at a property which is on the outskirts of UDT.
- The foregoing does not mean that there are not and will not be issues that must be addressed.
- As a concept, he supports this development.

Mr. Markman:

- The development will produce for the School District \$1,842,000 per year. It is also a net for UDT of \$230,000. Therefore, this development alone will bring in \$2,000,000 every year to UDT.
- They have tried to push everything back on the property as far as they could.
- The property will be extensively buffered, so that anyone coming into the development will see a park first.
- A berm and landscaping will be provided.
- They own the Dublin Terrace Apartments. They had to go through a similar type situation there. Invited anyone interested to visit the site.
- They maintain the property very well.
- They are committed to do a first class development.
- Will spend close to \$3,000,000 dealing with the traffic.
- Will improve the Welsh Road intersection dramatically.

Jennifer Kuznits,
704 Spring Avenue:

- Concerned about the apartments going in.
- People who can't buy will rent to get into the School District.
- The schools are overcrowded, old and there is not enough money to fix them. There are not enough resources for the influx of students.
- Taxes are almost the highest in Montgomery County.
- The traffic situation is a disaster.
- Is watching her property value decrease because of rising taxes.
- Test scores and profiles are going down.
- As a realtor in UDT, it is getting harder to sell properties.

Neil McCarthy,
1406 Comly Court:

- Is a retired school principal in Abington School District.
- What is the benefit of this development to the larger group of residents who have lived in this community for many years?
- Feels the quality of life for many people will be severely impacted.
- It doesn't make sense to him to have a developer come in with a development that doesn't benefit the community as a whole.
- To him, the benefit is to the developer.
- The ratables will be eaten up very quickly.

Mr. Zheng, 1712
Devonshire Road:

- What kind of benefit will this project have for UDT?
- What impact will this project have on the community?
- Many residents of UDT are opposed to this proposal.
- The traffic will increase and impact the community.

David Schachter,
1717 Somerset
Street:

- With the development in question and the project across the street on the Zieger Tract, more than 1,000 vehicle trips could be made per day on roads that are already congested.
- Would like the PC to consider Township residents first before needs of BET.

Annemarie Cutler,
1721 Bantry Drive:

- The quality of her existence as a longtime resident will be exacerbated immensely if this project goes in.
- What happens in terms of Township services such as police, fire, etc.?

Mr. Cover:

- Private trash, private snow removal, etc.
- Due to the nature of a 55 and over community, there are not a lot of police complaints.
- Taxes obtained from the new property owners will pay for the increase in School District costs.

Maple Glen man:

Concerned about a short term loss for BET and a long term loss for UDT.

Mark Luttman,
1353 Wentz Drive:

Asked the PC to consider School District revenues/expenses when deliberating over a recommendation.

Alan Kober, 1716
Aidenn Lair Road:

- Reiterated the traffic concerns as set forth above.
- The development should not go forward until traffic issues are resolved.

- Concerned about the number of new children who will be entering the School District.

Mr. Markman:

Estimating only 27 students generated from the apartments.

Ginny Vitella, 701
Lake Drive:

- Seems like the same problems and issues as the St. Marys' property.
- Transient apartment dwellers do not have a commitment to a community that long term residents have.
- Feels bringing in apartment dwellers and the cost of same when the School District's budget is already \$96,000,000 is not worth it.

Kevin Turgot,
Dresher:

- Reiterated concerns about traffic and the School District.
- Wants to preserve open space.

Nicole Lombardo
Ganz, 1740 Bantry
Drive:

- Felt that residents should have been apprised of the meetings so that they would not feel overwhelmed by the number of people present this evening.
- Concerned about the influx of students.
- Complained about the traffic now and what it will be like when this development is built.

Lynne Fox, 1709
Devonshire Road:

- There comes a time when enough is enough, and this is the time for the developer.
- Concerned about her family's quality of life.
- It took her 17 minutes to go from St. George's to make a left turn.
- The road is not wide enough and is an accident waiting to happen.
- The concerns set forth this evening need to be figured out before the PC makes any recommendations to the BOC.

Dr. William Horn,
1752 Dreshertown
Road:

- The PC needs to hear over and over again how the vast majority of residents feel about this issue.
- This development will forever more change the dynamics of this section of the Township along Dreshertown Road.
- Traffic will be increased not only in the daytime, but all through the evenings not just on weekdays but every weekend as well.
- There will be no relief for the residents who live in the quiet neighborhoods along Dreshertown Road.
- The Redstone Grill is particularly onerous to the residents because of its proposed outdoor dining and music.
- A new traffic light on Dreshertown Road will draw even more traffic.
- The neighbors are not opposed to the development of open land. They

are opposed to the inappropriate development of open land.

- The Montgomery County Planning Commission does not know what is right for the neighborhood.
- The Zieger Tract will complement the neighborhood.
- The residents of the communities along Dreshertown Road do not want shops, large and small, restaurants and apartments.

Mark Jones, 1725
St. George's Road:

- Are there traffic impact fees in UDT? The answer is no.
- Asked Mr. Markman if he has leases for Redstone Grille and REI? Mr. Markman would not answer at this time.
- Has a petition signed by 294 of his neighbors opposing this development.

Mr. Albert spent a bit of time assuring the residents that this proposed development is "as good as the neighbors are going to get."

- Developers all over the United States are moving away from office buildings and planning mixed use developments.
- The Commonwealth of Pennsylvania will be involved because both Dreshertown Road and Welsh Road are state roads.
- UDT's population mix is really important.
- BET is a growing thriving company.

Dr. Halpern motioned, with Mr. Winegrad seconding, to send the proposed amendment to allow mixed use development in the "OC" Office Center District to the BOC without recommendation from the PC.

ROLL CALL VOTE ON MOTION	YES	MESSRS. COVER, WINEGRAD, AND HALPERN
	NO	MR. ALBERT
		MOTION CARRIED

APPROVAL OF MINUTES FROM THE SEPTEMBER 20 AND 27 MEETINGS:

Mr. Cover motioned, with Dr. Halpern seconding, to approve the Minutes from the September 20, 2016 and September 27, 2016 meetings.

VOTE ON MOTION	ALL YES	MOTION CARRIED
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ADJOURNMENT:

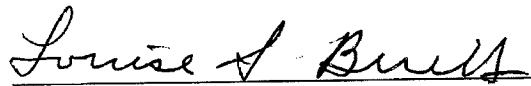
Dr. Halpern motioned, with Mr. Cover seconding, to adjourn the meeting.

VOTE ON MOTION

ALL YES

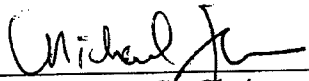
MOTION CARRIED

Respectfully submitted,



Louise S. Birett, Recording Secretary

Attest:



Michael Cover, Co-Chairperson



Jeffrey Albert, Co-Chairperson

Exhibit C

**UPPER DUBLIN TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 16-1326

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

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

WHEREAS, the Board of Commissioners 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 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 as a conditional use in the OC Office Center District, subject to certain conditions and requirements, and that such amendment is in accordance with the spirit and the intent of the Upper Dublin Township Zoning Ordinance and Comprehensive Plan.

NOW, THEREFORE, the Board of Commissioners of the Township of Upper Dublin Township hereby ordains:

SECTION 1. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, § 255-60, Use Regulations, shall be amended to allow a Mixed Use Development, consisting of a mix of nonresidential and residential uses, as a conditional use in the OC Office Center District, by the addition of Subsection D, as follows:

Section 255-60. Use Regulations

D. Mixed Use Development. A Mixed Use Development, as defined in § 255-7, when approved by the Board of Commissioners as a conditional use, subject to the requirements and criteria of § 255.61.1.

SECTION 2. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, shall be amended by adding a new Section § 255-61.1, setting forth the development requirements for Mixed Use Developments in the OC Office Center District, as follows:

§255-61.1. Use and Development Requirements for Mixed Use Developments.

A Mixed Use Development shall comply with the following requirements and 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 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, confectionary or similar establishment serving food or beverage, provided that the establishment shall not be open for business between the hours of 1:00 a.m. and 6:00 a.m. daily and on weekends.
 - (f) Bank or financial institution.
 - (g) Business, medical or professional office.

- (2) Residential uses:
 - (a) Apartment Buildings.
 - (b) Townhouse 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, bank or financial institution, provided the drive-thru is internal to the site with no direct access onto a public street or highway and, provided further, that that no more than two (2) drive-thru facilities shall be permitted within a Mixed Use Development.
 - (d) Outdoor seating and/or dining areas, limited to at grade or ground floor, provided that no outdoor seating or dining shall occur after 11:00 p.m., daily and on weekends.

C. Development Requirements. The general plan for a Mixed Use Development shall comply with the following requirements and criteria:

- (1) Lot area. The minimum gross lot area shall be twenty (20) acres.
- (2) Road frontages. The site shall have frontage on and road access to at least two (2) public roads.
- (3) Mix requirements. Every Mixed Use Development shall provide a mix of office, commercial and residential uses and no one use may utilize more than eighty percent (80%) of the gross 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. Apartment leasing area and multi-family common space may be included as residential space in calculating the mix requirements.
- (4) Site Plan. A site plan shall be required and shall include a unified architectural theme, preliminary stormwater management design 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, and the general public. Trail and sidewalk connections also shall 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) **Stormwater Facilities.** Naturalized stormwater facilities may occupy up to twenty-five percent (25%) of the Neighborhood Open Space if such facilities are designed and landscaped using Best Management Practices (BMPs), as published from time to time by the Pennsylvania Department of Environmental Protection 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.
- (8) **Permitted Density.** A Mixed Use Development may contain up to fifteen (15) dwelling units per gross acre of the lot area. 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 twenty (20) dwelling units per gross acre of the lot area.

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.	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.

	The green roof shall conform to the best available technology standards, such as those published by LEED.	
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 1.0 dwelling units per gross acre.
Alternative energy sources	Install a solar, geothermal or other renewable energy 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 not exceed forty percent (40%) of the net developable area of the lot.
- (2) Impervious coverage. The maximum impervious coverage shall not exceed seventy percent (70%) of the developable acreage 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 sixty-five (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 (70) feet to any public highway or ultimate public right-of-way, or to any 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 public highway or ultimate public right-of-way, or to any 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, provided that the applicant may place in reserve up to twenty-five percent (25%) of the required parking, subject to the approval of the Board of Commissioners.

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) Coherent Architectural Theme. 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. 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 complimentary to the primary façade.
 - (d) Building entrances. All building entrances on primary facades shall be accentuated. Permitted entrance accents include: recessed, protruding, canopy, portico, overhang and/or similar feature.
 - (e) Parapets, etc. Buildings shall be designed with parapets, mansards, or other architectural treatment along all roof edges to conceal large vents, HVAC and other rooftop equipment and structures.

- (f) Building breaks.
- [1] 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.
 - [2] 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.
- (g) Balconies. Balconies or Juliette style balconies shall be provided for every residential unit.
- (2) Signage. The applicant for a Mixed Use Development shall submit a sign plan meeting the requirements of § 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 and private 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.
 - c) Within 100 feet of a residential zoning district the landscape plan shall include plantings, decorative fencing or a wall to shield headlights and soften the view of cars from the street and from adjacent residential 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 provided in mutually agreeable location(s) and in accordance with the design standards established by the Southeastern Pennsylvania Transit Authority (SEPTA).

SECTION 3. The Code of the Township of Upper Dublin, Chapter 255, Zoning, Article XXI, Signs, shall be amended by the addition of a new subsection H to § 255-155.2 to provide for signage related to a Mixed Use Development, as follows:

§ 255-155.2. OC Office Center District.

H. In conjunction with a Mixed Use Development any combination of the following types of signs shall be permitted:

- (1) Freestanding Signs. One freestanding sign shall be permitted for every four hundred and fifty feet (450') of property frontage along Welsh Road. Such freestanding signs shall be of a complimentary architectural style to the buildings of the Mixed Use Development, shall not exceed twenty-five feet (25') in height, nor contain more than two hundred square feet (200 sq. ft.) of sign area per side (maximum two (2) sides).
- (2) Monument Signs. One monument sign shall be permitted for every five hundred feet (500') of property frontage along Dreshertown Road. Such monument signs shall be of a complimentary architectural style to the buildings of the Mixed Use Development, shall not exceed six feet (6') in height, nor contain more than one hundred twenty square feet (120 sq.ft.) of sign area per side (maximum two (2) sides).
- (3) Wall Signs.
 - (a) 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 or two hundred square feet (200 sq. ft.), whichever is less.
 - (b) 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 sq.ft.) per façade.
- (4) Directional Signs. Directional signs within the Mixed Use Development shall be permitted, either freestanding or building mounted. Such signs may contain the names of specific tenants as well as other public information to direct both pedestrians and motorists 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 sq.ft.) in area. The total number of directional signs and their location shall be determined by the Board of Commissioners.

- (5) Project Identification Signs. Project identification signs containing the project name or other identifying feature, but no other tenant advertising shall be permitted within the development which also may be visible outside the development. Such signage shall be of a complimentary style to the development and shall be no larger than two hundred square feet (200 sq.ft.) in area. The total number of project identification signs and their location shall be determined by the Board of Commissioners.

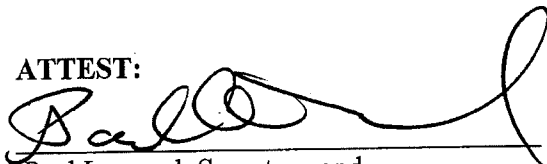
SECTION 4. To the extent that the provisions of this Ordinance are inconsistent or conflict with any other provision of Chapter 255, the Upper Dublin Township Zoning Ordinance, the specific regulations contained in § 255-61.1 shall control and take precedence over such other regulations.

SECTION 5. The provisions of this Ordinance are severable, and 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. All Resolutions, Ordinances or parts of Ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 7. 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 6th day of December, 2016.

ATTEST:


Paul Leonard, Secretary and
Township Manager

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

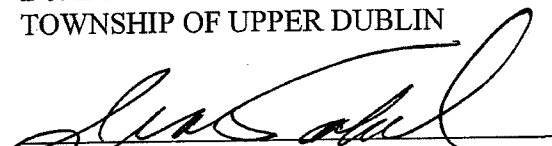
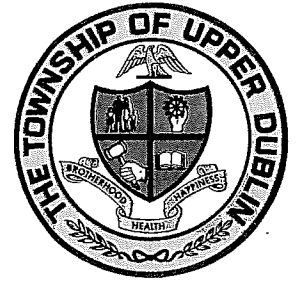

Ira S. Tackel, President

Exhibit D

Upper Dublin

801 LOCH ALSH AVENUE
FORT WASHINGTON, PA 19034-1697
Phone: (215) 643-1600
Fax: (215) 542-0797
www.upperdublin.net



IRA S. TACKEL
President

RONALD P. FELDMAN
Vice President

March 3, 2017

SHARON L. DAMSKER

REBECCA A. GUSHUE

LIZ FERRY

ROBERT H. MCGUCKIN

Montgomery County Law Library
Court House
P. O. Box 311
Norristown, PA 19404-0311

GARY SCARPELLO

PAUL A. LEONARD
Township Manager

Re: Legal Notice of Zoning Ordinance Amendment, Public Hearing
and Proposed Zoning Ordinance Amendment

GILBERT P. HIGH, JR.
Solicitor

Enclosed please find:

1. A copy of Ordinance 16-1326.
2. Legal notice of a zoning hearing scheduled for March 28, 2017 at which point ordinance 16-1326 will be reconsidered and the proposed ordinance will be considered for adoption.
3. Proposed zoning ordinance amendment.
4. Certification of Ordinance 16-1326 and proposed ordinance.

A check in the amount of \$25.00 is enclosed for filing of this proposed ordinance.

Please contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul A. Leonard", is written over a large, stylized flourish that extends to the right.

Paul A. Leonard
Township Manager

Enclosures

**UPPER DUBLIN TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 16-1326

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

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

WHEREAS, the Board of Commissioners 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 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 as a conditional use in the OC Office Center District, subject to certain conditions and requirements, and that such amendment is in accordance with the spirit and the intent of the Upper Dublin Township Zoning Ordinance and Comprehensive Plan.

NOW, THEREFORE, the Board of Commissioners of the Township of Upper Dublin Township hereby ordains:

SECTION 1. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, § 255-60, Use Regulations, shall be amended to allow a Mixed Use Development, consisting of a mix of nonresidential and residential uses, as a conditional use in the OC Office Center District, by the addition of Subsection D, as follows:

Section 255-60. Use Regulations

D. Mixed Use Development. A Mixed Use Development, as defined in § 255-7, when approved by the Board of Commissioners as a conditional use, subject to the requirements and criteria of § 255.61.1.

SECTION 2. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, shall be amended by adding a new Section § 255-61.1, setting forth the development requirements for Mixed Use Developments in the OC Office Center District, as follows:

§255-61.1. Use and Development Requirements for Mixed Use Developments.

A Mixed Use Development shall comply with the following requirements and 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 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, confectionary or similar establishment serving food or beverage, provided that the establishment shall not be open for business between the hours of 1:00 a.m. and 6:00 a.m. daily and on weekends.
 - (f) Bank or financial institution.
 - (g) Business, medical or professional office.

- (2) Residential uses:
 - (a) Apartment Buildings.
 - (b) Townhouse 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, bank or financial institution, provided the drive-thru is internal to the site with no direct access onto a public street or highway and, provided further, that that no more than two (2) drive-thru facilities shall be permitted within a Mixed Use Development.
 - (d) Outdoor seating and/or dining areas, limited to at grade or ground floor, provided that no outdoor seating or dining shall occur after 11:00 p.m., daily and on weekends.

C. Development Requirements. The general plan for a Mixed Use Development shall comply with the following requirements and criteria:

- (1) Lot area. The minimum gross lot area shall be twenty (20) acres.
- (2) Road frontages. The site shall have frontage on and road access to at least two (2) public roads.
- (3) Mix requirements. Every Mixed Use Development shall provide a mix of office, commercial and residential uses and no one use may utilize more than eighty percent (80%) of the gross 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. Apartment leasing area and multi-family common space may be included as residential space in calculating the mix requirements.
- (4) Site Plan. A site plan shall be required and shall include a unified architectural theme, preliminary stormwater management design 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, and the general public. Trail and sidewalk connections also shall 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) **Stormwater Facilities.** Naturalized stormwater facilities may occupy up to twenty-five percent (25%) of the Neighborhood Open Space if such facilities are designed and landscaped using Best Management Practices (BMPs), as published from time to time by the Pennsylvania Department of Environmental Protection 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.
- (8) **Permitted Density.** A Mixed Use Development may contain up to fifteen (15) dwelling units per gross acre of the lot area. 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 twenty (20) dwelling units per gross acre of the lot area.

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.	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.

	The green roof shall conform to the best available technology standards, such as those published by LEED.	
Alternative transportation	<p>Qualifying features:</p> <p>a) Provide electric plug-in charging stations for electric/hybrid vehicles for 1% of total required parking.</p> <p>b) Provide bike racks throughout development.</p> <p>c) Implement a bike-share program within the development.</p> <p>d) Provide a public transit stop.</p>	For each qualifying feature, density may be increased by 1.0 dwelling units per gross acre.
Alternative energy sources	Install a solar, geothermal or other renewable energy 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 not exceed forty percent (40%) of the net developable area of the lot.
- (2) Impervious coverage. The maximum impervious coverage shall not exceed seventy percent (70%) of the developable acreage 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 sixty-five (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 (70) feet to any public highway or ultimate public right-of-way, or to any 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 public highway or ultimate public right-of-way, or to any 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, provided that the applicant may place in reserve up to twenty-five percent (25%) of the required parking, subject to the approval of the Board of Commissioners.

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) Coherent Architectural Theme. 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. 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 complimentary to the primary façade.
 - (d) Building entrances. All building entrances on primary facades shall be accentuated. Permitted entrance accents include: recessed, protruding, canopy, portico, overhang and/or similar feature.
 - (e) Parapets, etc. Buildings shall be designed with parapets, mansards, or other architectural treatment along all roof edges to conceal large vents, HVAC and other rooftop equipment and structures.

(f) Building breaks.

- [1] 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.
- [2] 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.

(g) Balconies. Balconies or Juliette style balconies shall be provided for every residential unit.

(2) Signage. The applicant for a Mixed Use Development shall submit a sign plan meeting the requirements of § 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 and private 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.
- c) Within 100 feet of a residential zoning district the landscape plan shall include plantings, decorative fencing or a wall to shield headlights and soften the view of cars from the street and from adjacent residential 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 provided in mutually agreeable location(s) and in accordance with the design standards established by the Southeastern Pennsylvania Transit Authority (SEPTA).

SECTION 3. The Code of the Township of Upper Dublin, Chapter 255, Zoning, Article XXI, Signs, shall be amended by the addition of a new subsection H to § 255-155.2 to provide for signage related to a Mixed Use Development, as follows:

§ 255-155.2. OC Office Center District.

H. In conjunction with a Mixed Use Development any combination of the following types of signs shall be permitted:

- (1) Freestanding Signs. One freestanding sign shall be permitted for every four hundred and fifty feet (450') of property frontage along Welsh Road. Such freestanding signs shall be of a complimentary architectural style to the buildings of the Mixed Use Development, shall not exceed twenty-five feet (25') in height, nor contain more than two hundred square feet (200 sq. ft.) of sign area per side (maximum two (2) sides).
- (2) Monument Signs. One monument sign shall be permitted for every five hundred feet (500') of property frontage along Dreshertown Road. Such monument signs shall be of a complimentary architectural style to the buildings of the Mixed Use Development, shall not exceed six feet (6') in height, nor contain more than one hundred twenty square feet (120 sq.ft.) of sign area per side (maximum two (2) sides).
- (3) Wall Signs.
 - (a) 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 or two hundred square feet (200 sq. ft.), whichever is less.
 - (b) 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 sq.ft.) per façade.
- (4) Directional Signs. Directional signs within the Mixed Use Development shall be permitted, either freestanding or building mounted. Such signs may contain the names of specific tenants as well as other public information to direct both pedestrians and motorists 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 sq.ft.) in area. The total number of directional signs and their location shall be determined by the Board of Commissioners.

- (5) Project Identification Signs. Project identification signs containing the project name or other identifying feature, but no other tenant advertising shall be permitted within the development which also may be visible outside the development. Such signage shall be of a complimentary style to the development and shall be no larger than two hundred square feet (200 sq.ft.) in area. The total number of project identification signs and their location shall be determined by the Board of Commissioners.

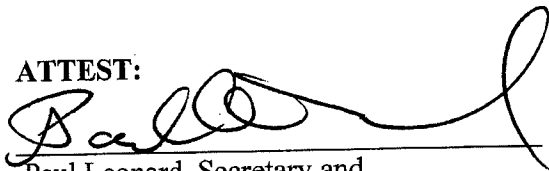
SECTION 4. To the extent that the provisions of this Ordinance are inconsistent or conflict with any other provision of Chapter 255, the Upper Dublin Township Zoning Ordinance, the specific regulations contained in § 255-61.1 shall control and take precedence over such other regulations.

SECTION 5. The provisions of this Ordinance are severable, and 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. All Resolutions, Ordinances or parts of Ordinances conflicting or inconsistent herewith are hereby repealed.

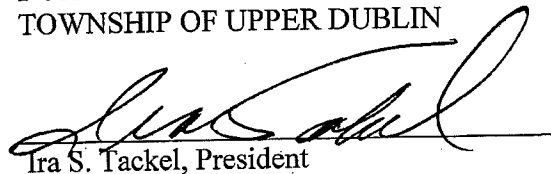
SECTION 7. This Ordinance shall take effect and be in force from and after its approval as required by law. ENACTED by the Board of Commissioners of Upper Dublin Township, this 6th day of December, 2016.

ATTEST:



Paul Leonard, Secretary and
Township Manager

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Ira S. Tackel, President

HEARING NOTICE

The Board of Commissioners of Upper Dublin Township held a public hearing on November 22, 2016, pursuant to public notice, which was published in the Ambler Gazette on November 6, 2016, and on November 13, 2016, to review, discuss, inform, and receive public comment on the proposed zoning ordinance amendment detailed below. On December 6, 2016, the Board of Commissioners adopted Ordinance No. 16-1326 at a publicly advertised meeting.

On January 3, 2017, a procedural appeal was filed by several citizens of Upper Dublin Township, alleging procedural defects relating the passage and enactment of Ordinance No. 16-1326. While the Township does not believe that the claims contained in the procedural appeal have any merit, the Township will hold a public hearing pursuant to this hearing notice, at which the Board of Commissioners will reopen the hearing on Ordinance No. 16-1326 and, after a public hearing, will consider Ordinance No. 16-1326 for reenactment.

The Board of Commissioners of Upper Dublin Township announces that on Tuesday, March 28, 2017, at 6:30 P.M., a public hearing will be held at the Upper Dublin Township Municipal Building, 801 Loch Alsh Avenue, Fort Washington, PA 19034, to review, discuss, inform, receive public comment on, and consider passage and enactment of the following proposed ordinance, previously enacted as Ordinance No. 16-1326:

AN ORDINANCE Amending Chapter 255 (Zoning) of the Upper Dublin Township Code of Ordinances to Allow a Mixed Use Development as a Conditional Use in the OC Office Center District and Adding Signage Standards for Mixed Use Developments in the OC Office Center District.

The Ordinance would amend the Upper Dublin Township Zoning Code to permit a Mixed Use Development as a conditional use within the OC Office Center District, and provide specific development requirements for Mixed Use Developments in the OC Office Center District. A summary of the Ordinance follows.

The Ordinance contains several background paragraphs which set forth, among other things, the Township's authority to amend its Zoning Ordinance, the Township's conclusions as to the best interests of the Township with respect to the passage of the Ordinance; the consistency of the Ordinance with the Township's Comprehensive Plan; and the public hearing and notice procedures followed in connection with the hearing on the Ordinance.

The Ordinance would amend §255-60 (Use Regulations for the OC Office Center District), by creating a new subsection D thereunder. This new subsection D authorizes a Mixed Use Development in the OC Office Center District, when approved by the Board of Commissioners as a conditional use, subject to the requirements and criteria of §255.61.1.

The Ordinance adds a new Section 255.61.1 to the Zoning Code titled "Use and Development Requirements for Mixed Use Developments." This new Section 255-61.1 contains several subsections which set forth the requirements and criteria for Mixed Use Developments in the OC Office Center District including: (A) a general summary of the concept of a Mixed Use Development; (B) a list of permitted uses within a Mixed Use Development comprised of multiple types of retail and commercial establishments (including retail sales of various products, personal care shops, personal fitness centers, child and adult daycare facilities, restaurants and other types of eating places, banks, and various types of professional offices), residential uses (such as apartments and townhouses) and accessory uses (such as a parking garage, amenities, drive-thru service and outdoor seating and dining); (C) dimensional requirements and criteria (including requirements related to lot area, road frontage, use mix, site plan and architectural design, open space, stormwater facilities, buffers, density, and increases to density in return for green building technologies and sustainable design features (which starts at 15 dwelling units per gross acre and increases up to 20 dwelling units per gross acre depending on the green building and sustainable design features)); (D) area and bulk requirements (including requirements for building coverage, impervious surface, building height, building setbacks, parking setbacks, and number of parking spaces); (E) design standards (including building design guidelines as to architectural scheme, primary façade, secondary façade, building entrances, parapets, building breaks and balconies; a reference to a new section containing signage requirements; landscape and streetscape design standards relative to sidewalks, landscape plans, residential shielding elements and shrubs; open space design standards such as minimum width requirements, open space landscaping and other open space features; and, requirements as to the provision of public transit shelters).

The Ordinance also adds a new Subsection to the Zoning Code, Article XXI (Signs), proposed Subsection H to Sections 255-155.2, which contains regulations for permitted signage related to a Mixed Use Development within the OC Office Center District. This section provides for the following signs as part of a Mixed Use Development within the OC Office Center District, subject to certain design requirements, including size and height limitations, all as set forth in more detail in the Ordinance; freestanding signs, monument signs, wall signs, directional signs, and project identification signs.

The Ordinance contains provisions in the event of a conflict with other sections of the Zoning Code; a severability provision in the event any part of the Ordinance is deemed invalid and unenforceable; and, a repealer provision. The Ordinance would become effective immediately following adoption by the Board of Commissioners.

A copy of the full text of the proposed ordinance may be examined free of charge at the information desk in the Township Building during regular business hours from 8:30 a.m. to 5:00 p.m. Monday through Friday. Copies of the full Ordinances are also available for inspection by any interested party at the Montgomery County Law Library, Montgomery County Courthouse, 2 East Airy Street, Norristown, PA 19404, and at The Ambler Gazette, 290 Commerce Drive,

Fort Washington, PA 19034, where a copy of the proposed Ordinance may be obtained for a charge not greater than the cost of copying during normal business hours.

The public hearing will be held in the Upper Dublin Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania. All interested parties are invited to attend the hearing. If any person who wishes to attend the public hearing has a disability and/or requires auxiliary aid, service or other accommodations to observe and/or participate in the proceedings, please contact, Deb Ritter (215) 643-1600, Ext. 3220 to discuss how the Township can accommodate your needs.

Advertisement Dates: March 12 and 19, 2017 – The Ambler Gazette

**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 AS A CONDITIONAL USE IN THE OC OFFICE
CENTER DISTRICT AND ADDING SIGNAGE STANDARDS FOR MIXED USE
DEVELOPMENTS IN THE OC OFFICE CENTER DISTRICT**

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

WHEREAS, the Board of Commissioners 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 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 as a conditional use in the OC Office Center District, subject to certain conditions and requirements, and that such amendment is in accordance with the spirit and the intent of the Upper Dublin Township Zoning Ordinance and Comprehensive Plan.

NOW, THEREFORE, the Board of Commissioners of the Township of Upper Dublin Township hereby ordains:

SECTION 1. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, § 255-60, Use Regulations, shall be amended to allow a Mixed Use Development, consisting of a mix of nonresidential and residential uses, as a conditional use in the OC Office Center District, by the addition of Subsection D, as follows:

Section 255-60. Use Regulations

D. Mixed Use Development. A Mixed Use Development, as defined in § 255-7, when approved by the Board of Commissioners as a conditional use, subject to the requirements and criteria of § 255.61.1.

SECTION 2. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, shall be amended by adding a new Section § 255-61.1, setting forth the development requirements for Mixed Use Developments in the OC Office Center District, as follows:

§255-61.1. Use and Development Requirements for Mixed Use Developments.

A Mixed Use Development shall comply with the following requirements and 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 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, confectionary or similar establishment serving food or beverage, provided that the establishment shall not be open for business between the hours of 1:00 a.m. and 6:00 a.m. daily and on weekends.
 - (f) Bank or financial institution.
 - (g) Business, medical or professional office.

- (2) Residential uses:
 - (a) Apartment Buildings.
 - (b) Townhouse 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, bank or financial institution, provided the drive-thru is internal to the site with no direct access onto a public street or highway and, provided further, that that no more than two (2) drive-thru facilities shall be permitted within a Mixed Use Development.
 - (d) Outdoor seating and/or dining areas, limited to at grade or ground floor, provided that no outdoor seating or dining shall occur after 11:00 p.m., daily and on weekends.

C. Development Requirements. The general plan for a Mixed Use Development shall comply with the following requirements and criteria:

- (1) Lot area. The minimum gross lot area shall be twenty (20) acres.
- (2) Road frontages. The site shall have frontage on and road access to at least two (2) public roads.
- (3) Mix requirements. Every Mixed Use Development shall provide a mix of office, commercial and residential uses and no one use may utilize more than eighty percent (80%) of the gross 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. Apartment leasing area and multi-family common space may be included as residential space in calculating the mix requirements.
- (4) Site Plan. A site plan shall be required and shall include a unified architectural theme, preliminary stormwater management design 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, and the general public. Trail and sidewalk connections also shall 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) **Stormwater Facilities.** Naturalized stormwater facilities may occupy up to twenty-five percent (25%) of the Neighborhood Open Space if such facilities are designed and landscaped using Best Management Practices (BMPs), as published from time to time by the Pennsylvania Department of Environmental Protection 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.
- (8) **Permitted Density.** A Mixed Use Development may contain up to fifteen (15) dwelling units per gross acre of the lot area. 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 twenty (20) dwelling units per gross acre of the lot area.

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.	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.

	The green roof shall conform to the best available technology standards, such as those published by LEED.	
Alternative transportation	<p>Qualifying features:</p> <p>a) Provide electric plug-in charging stations for electric/hybrid vehicles for 1% of total required parking.</p> <p>b) Provide bike racks throughout development.</p> <p>c) Implement a bike-share program within the development.</p> <p>d) Provide a public transit stop.</p>	For each qualifying feature, density may be increased by 1.0 dwelling units per gross acre.
Alternative energy sources	Install a solar, geothermal or other renewable energy 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 not exceed forty percent (40%) of the net developable area of the lot.
- (2) Impervious coverage. The maximum impervious coverage shall not exceed seventy percent (70%) of the developable acreage 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 sixty-five (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 (70) feet to any public highway or ultimate public right-of-way, or to any 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 public highway or ultimate public right-of-way, or to any 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, provided that the applicant may place in reserve up to twenty-five percent (25%) of the required parking, subject to the approval of the Board of Commissioners.

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) Coherent Architectural Theme. 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. 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 complimentary to the primary façade.
 - (d) Building entrances. All building entrances on primary facades shall be accentuated. Permitted entrance accents include: recessed, protruding, canopy, portico, overhang and/or similar feature.
 - (e) Parapets, etc. Buildings shall be designed with parapets, mansards, or other architectural treatment along all roof edges to conceal large vents, HVAC and other rooftop equipment and structures.

- (f) Building breaks.
 - [1] 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.
 - [2] 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.
 - (g) Balconies. Balconies or Juliette style balconies shall be provided for every residential unit.
- (2) Signage. The applicant for a Mixed Use Development shall submit a sign plan meeting the requirements of § 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 and private 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.
 - c) Within 100 feet of a residential zoning district the landscape plan shall include plantings, decorative fencing or a wall to shield headlights and soften the view of cars from the street and from adjacent residential 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 provided in mutually agreeable location(s) and in accordance with the design standards established by the Southeastern Pennsylvania Transit Authority (SEPTA).

SECTION 3. The Code of the Township of Upper Dublin, Chapter 255, Zoning, Article XXI, Signs, shall be amended by the addition of a new subsection H to § 255-155.2 to provide for signage related to a Mixed Use Development, as follows:

§ 255-155.2. OC Office Center District.

H. In conjunction with a Mixed Use Development any combination of the following types of signs shall be permitted:

- (1) Freestanding Signs. One freestanding sign shall be permitted for every four hundred and fifty feet (450') of property frontage along Welsh Road. Such freestanding signs shall be of a complimentary architectural style to the buildings of the Mixed Use Development, shall not exceed twenty-five feet (25') in height, nor contain more than two hundred square feet (200 sq. ft.) of sign area per side (maximum two (2) sides).
- (2) Monument Signs. One monument sign shall be permitted for every five hundred feet (500') of property frontage along Dreshertown Road. Such monument signs shall be of a complimentary architectural style to the buildings of the Mixed Use Development, shall not exceed six feet (6') in height, nor contain more than one hundred twenty square feet (120 sq.ft.) of sign area per side (maximum two (2) sides).
- (3) Wall Signs.
 - (a) 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 or two hundred square feet (200 sq. ft.), whichever is less.
 - (b) 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 sq.ft.) per façade.
- (4) Directional Signs. Directional signs within the Mixed Use Development shall be permitted, either freestanding or building mounted. Such signs may contain the names of specific tenants as well as other public information to direct both pedestrians and motorists 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 sq.ft.) in area. The total number of directional signs and their location shall be determined by the Board of Commissioners.

- (5) Project Identification Signs. Project identification signs containing the project name or other identifying feature, but no other tenant advertising shall be permitted within the development which also may be visible outside the development. Such signage shall be of a complimentary style to the development and shall be no larger than two hundred square feet (200 sq.ft.) in area. The total number of project identification signs and their location shall be determined by the Board of Commissioners.

SECTION 4. To the extent that the provisions of this Ordinance are inconsistent or conflict with any other provision of Chapter 255, the Upper Dublin Township Zoning Ordinance, the specific regulations contained in § 255-61.1 shall control and take precedence over such other regulations.

SECTION 5. The provisions of this Ordinance are severable, and 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. This Ordinance repeals and replaces Ordinance 16-1326.

SECTION 7. 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 ____ day of _____, 2017.

ATTEST:

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

Paul Leonard, Secretary and
Township Manager

Ira S. Tackel, President

Exhibit E

Proof of Publication of Notice
THE AMBLER GAZETTE

State of Pennsylvania,
County of Montgomery ss:

Elizabeth Douglas, Designated Agent of MONTGOMERY NEWSPAPERS LLC, a corporation of the County and State aforesaid, being duly sworn, deposes and says that THE AMBLER GAZETTE is a weekly newspaper published at Ambler, County and State aforesaid, which was established in the year 1879, since which date said newspaper has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said weekly newspaper on the following dates, viz:

12th and
the 19th day of March, A.D 2017

Affiant further deposes she is duly authorized by Montgomery Newspapers LLC, a corporation publisher of The Ambler Gazette, a weekly newspaper, to verify the foregoing statement under oath and also declares the affiant is not interested in the subject matter of the aforesaid notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

Agent, Montgomery Newspapers
LLC, a Corporation

Sworn to and subscribed by me this
22nd day of March, 2017

Maureen Schmid
Notary Public
My Commission Expires: 3/31/2021

HEARING NOTICE
The Board of Commissioners of Upper Dublin Township held a public hearing on November 22, 2016, pursuant to public notice, which was published in the Ambler Gazette on November 6, 2016, and on November 13, 2016, to review, discuss, inform, and receive public comment on the proposed zoning ordinance amendment detailed below. On December 6, 2016, the Board of Commissioners adopted Ordinance No. 16-1326 at a publicly advertised meeting.
On January 3, 2017, a procedural appeal was filed by several citizens of Upper Dublin Township, alleging procedural defects relating the passage and enactment of Ordinance No. 16-1326. While the Township does not believe that the claims contained in the procedural appeal have any merit, the Township will hold a public hearing pursuant to this hearing notice, at which the Board of Commissioners will reopen the hearing on Ordinance No. 16-1326 and, after a public hearing, will consider Ordinance No. 16-1326 for reenactment.
The Board of Commissioners of Upper Dublin Township announces that on Tuesday, March 28, 2017, at 6:30 P.M., a public hearing will be held at the Upper Dublin Township Municipal Building, 801 Loch Alsh Avenue, Fort Washington, PA 19034, to review, discuss, inform, receive public comment on, and consider passage and enactment of the following proposed ordinance, previously enacted as Ordinance No. 16-1326:
AN ORDINANCE Amending Chapter 255 (Zoning) of the Upper Dublin Township Code of Ordinances to Allow a Mixed Use Development as a Conditional Use in the OC Office Center District and Adding Signage Standards for Mixed Use Developments in the OC Office Center District.
The Ordinance would amend the Upper Dublin Township Zoning Code to permit a Mixed Use Development as a conditional use within the OC Office Center District, and provide specific development requirements for Mixed Use Developments in the OC Office Center District. A summary of the Ordinance follows.
The Ordinance contains several background paragraphs which set forth, among other things, the Township's authority to amend its Zoning Ordinance, the Township's conclusions as to the best interests of the Township with respect to the passage of the Ordinance; the consistency of the Ordinance with the Township's Comprehensive Plan; and the public hearing and notice procedures followed in connection with the hearing on the Ordinance.
The Ordinance would amend §255-60 (Use Regulations for the OC Office Center District), by creating a new subsection D thereunder. This new subsection D authorizes a Mixed Use Development in the OC Office Center District, when approved by the Board of Commissioners as a conditional use, subject to the requirements and criteria of §255.61.1.
The Ordinance adds a new Section 255.61.1 to the Zoning Code titled "Use and Development Requirements for Mixed Use Developments." This new Section 255-61.1 contains several subsections which set forth the requirements and criteria for Mixed Use Developments in the OC Office Center District including: (A) a general summary of the concept of a Mixed Use Development; (B) a list of permitted uses within a Mixed Use Development comprised of multiple types of retail and commercial establishments (including retail sales of various products, personal care shops, personal fitness centers, child and adult daycare facilities, restaurants and other types of eating places, banks, and various types of professional offices);

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
MAUREEN SCHMID, Notary Public
Lansdale Boro., Montgomery County
My Commission Expires March 31, 2021

AN ORDINANCE Amending Chapter 255 (Zoning) of the Upper Dublin Township Code of Ordinances to Allow a Mixed Use Development as a Conditional Use in the OC Office Center District and Adding Signage Standards for Mixed Use Developments in the OC Office Center District.

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The Ordinance would amend §255-60 (Use Regulations for the OC Office Center District), by creating a new subsection D thereunder. This new subsection D authorizes a Mixed Use Development in the OC Office Center District, when approved by the Board of Commissioners as a conditional use, subject to the requirements and criteria of §255.61.1.

The Ordinance adds a new Section 255.61.1 to the Zoning Code titled "Use and Development Requirements for Mixed Use Developments." This new Section 255-61.1 contains several subsections which set forth the requirements and criteria for Mixed Use Developments in the OC Office Center District including: (A) a general summary of the concept of a Mixed Use Development; (B) a list of permitted uses within a Mixed Use Development comprised of multiple types of retail and commercial establishments (including retail sales of various products, personal care shops, personal fitness centers, child and adult daycare facilities, restaurants and other types of eating places, banks, and various types of professional offices), residential uses (such as apartments and townhouses) and accessory uses (such as a parking garage, amenities, drive-thru service and outdoor seating and dining); (C) dimensional requirements and criteria (including requirements related to lot area, road frontage, use mix, site plan and architectural design, open space, stormwater facilities, buffers, density, and increases to density in return for green building technologies and sustainable design features (which starts at 15 dwelling units per gross acre and increases up to 20 dwelling units per gross acre depending on the green building and sustainable design features)); (D) area and bulk requirements (including requirements for building coverage, impervious surface, building height, building setbacks, parking setbacks, and number of parking spaces); (E) design standards (including building design guidelines as to architectural scheme, primary façade, secondary façade, building entrances, parapets, building breaks and balconies; a reference to a new section containing signage requirements; landscape and streetscape design standards relative to sidewalks, landscape plans, residential shielding elements and shrubs; open space design standards such as minimum width requirements, open space landscaping and other open space features; and, requirements as to the provision of public transit shelters).

The Ordinance also adds a new Subsection to the Zoning Code, Article XXI (Signs), proposed Subsection H to Sections 255-155.2, which contains regulations for permitted signage related to a Mixed Use Development within the OC Office Center District. This section provides for the following signs as part of a Mixed Use Development within the OC Office Center District, subject to certain design requirements, including size and height limitations, all as set forth in more detail in the Ordinance; freestanding signs, monument signs, wall signs, directional signs, and project identification signs. The Ordinance contains provisions in the event of a conflict with other sections of the Zoning Code; a severability provision in the event any part of the Ordinance is deemed invalid and unenforceable; and, a repealer provision. The Ordinance would become effective immediately following adoption by the Board of Commissioners.

A copy of the full text of the proposed ordinance may be examined free of charge at the information desk in the Township Building during regular business hours from 8:30 a.m. to 5:00 p.m. Monday through Friday. Copies of the full Ordinances are also available for inspection by any interested party at the Montgomery County Law Library, Montgomery County Courthouse, 2 East Airy Street, Norristown, PA 19404, and at The Ambler Gazette, 290 Commerce Drive, Fort Washington, PA 19034, where a copy of the proposed Ordinance may be obtained for a charge not greater than the cost of copying during normal business hours.

The public hearing will be held in the Upper Dublin Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania. All interested parties are invited to attend the hearing. If any person who wishes to attend the public hearing has a disability and/or requires auxiliary aid, service or other accommodations to observe and/or participate in the proceedings, please contact, Deb Ritter (215) 643-1600, Ext. 3220 to discuss how the Township can accommodate your needs.

Gaz-Mar 12, 19-1a

Agent, Montgomery Newspapers
LLC, a Corporation

Sworn to and subscribed by me this
22nd day of March, 2017

Maureen Schmid
Notary Public

My Commission Expires: 3/31/2021

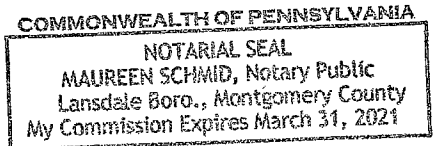
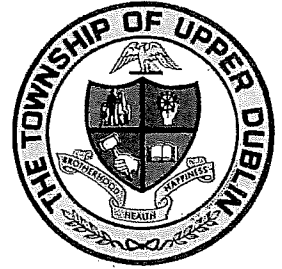


Exhibit F

Upper Dublin

801 LOCH ALSH AVENUE
FORT WASHINGTON, PA 19034-1697
Phone: (215) 643-1600
Fax: (215) 542-0797
www.upperdublin.net



IRA S. TACKEL
President

RONALD P. FELDMAN
Vice President

SHARON L. DAMSKER

REBECCA A. GUSHUE

LIZ FERRY

ROBERT H. MCGUCKIN

GARY SCARPELLO

PAUL A. LEONARD
Township Manager

GILBERT P. HIGH, JR.
Solicitor

VIA FEDERAL EXPRESS AND EMAIL

February 28, 2017

Greg Gauthier
Prudential Insurance Co. of America
213 Washington St.
Newark, NJ 07102

RE: Upper Dublin Township Public Hearing to Consider a Zoning Ordinance Text Amendment

Dear Mr. Gauthier,

The Board of Commissioners of Upper Dublin Township held a public hearing on November 22, 2016, pursuant to public notice, to discuss, inform, and receive public comment on a zoning ordinance amendment to the Office Center District, proposed by BT Dreshertown, L.P. On December 6, 2016, the Board of Commissioners adopted Ordinance No. 16-1326 at a publicly advertised meeting.

On January 3, 2017, an appeal was filed by several citizens of Upper Dublin Township, alleging procedural defects relating to the passage and enactment of Ordinance No. 16-1326. While the Township does not believe that the claims contained in the procedural appeal have any merit, the Board of Commissioners will again hold a public hearing to review, discuss, inform, and receive public comment on the zoning ordinance amendment to the Office Center District, proposed by BT Dreshertown, L.P. At the conclusion of the public hearing, the Board of Commissioners will consider Ordinance No. 16-1326 for reenactment, through the adoption of the proposed ordinance described below.

This notice is provided pursuant to Section 609 of the Pennsylvania Municipalities Planning Code (the "MPC"). You own property within the OC Office Center district known as Parcel #540016672005 (Block 12, Unit 2). Enclosed is a copy of Ordinance No. 16-1326, a legal notice describing the proposed ordinance, and the proposed ordinance which is the subject of the public hearing.

The hearing in front of the Board of Commissioners is scheduled for March 28, 2017, beginning at 6:30 PM. Under Section 609 of the MPC, you are entitled to receive notice of the hearing thirty (30) days prior to the hearing.

If you have any questions, please feel free to contact me at 215-643-1600, (ext. 3213). Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Richard D. Barton". The signature is written in black ink and is positioned above the printed name and title.

Richard D. Barton
Community Planner and Zoning Officer

Enclosures

C: David Brooman, Esq.

UPPER DUBLIN TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 16-1326

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

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

WHEREAS, the Board of Commissioners 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 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 as a conditional use in the OC Office Center District, subject to certain conditions and requirements, and that such amendment is in accordance with the spirit and the intent of the Upper Dublin Township Zoning Ordinance and Comprehensive Plan.

NOW, THEREFORE, the Board of Commissioners of the Township of Upper Dublin Township hereby ordains:

SECTION 1. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, § 255-60, Use Regulations, shall be amended to allow a Mixed Use Development, consisting of a mix of nonresidential and residential uses, as a conditional use in the OC Office Center District, by the addition of Subsection D, as follows:

Section 255-60. Use Regulations

D. Mixed Use Development. A Mixed Use Development, as defined in § 255-7, when approved by the Board of Commissioners as a conditional use, subject to the requirements and criteria of § 255.61.1.

SECTION 2. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, shall be amended by adding a new Section § 255-61.1, setting forth the development requirements for Mixed Use Developments in the OC Office Center District, as follows:

§255-61.1. Use and Development Requirements for Mixed Use Developments.

A Mixed Use Development shall comply with the following requirements and 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 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, confectionary or similar establishment serving food or beverage, provided that the establishment shall not be open for business between the hours of 1:00 a.m. and 6:00 a.m. daily and on weekends.
 - (f) Bank or financial institution.
 - (g) Business, medical or professional office.

- (2) Residential uses:
 - (a) Apartment Buildings.
 - (b) Townhouse 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, bank or financial institution, provided the drive-thru is internal to the site with no direct access onto a public street or highway and, provided further, that that no more than two (2) drive-thru facilities shall be permitted within a Mixed Use Development.
 - (d) Outdoor seating and/or dining areas, limited to at grade or ground floor, provided that no outdoor seating or dining shall occur after 11:00 p.m., daily and on weekends.

C. Development Requirements. The general plan for a Mixed Use Development shall comply with the following requirements and criteria:

- (1) Lot area. The minimum gross lot area shall be twenty (20) acres.
- (2) Road frontages. The site shall have frontage on and road access to at least two (2) public roads.
- (3) Mix requirements. Every Mixed Use Development shall provide a mix of office, commercial and residential uses and no one use may utilize more than eighty percent (80%) of the gross 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. Apartment leasing area and multi-family common space may be included as residential space in calculating the mix requirements.
- (4) Site Plan. A site plan shall be required and shall include a unified architectural theme, preliminary stormwater management design 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, and the general public. Trail and sidewalk connections also shall 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) Stormwater Facilities. Naturalized stormwater facilities may occupy up to twenty-five percent (25%) of the Neighborhood Open Space if such facilities are designed and landscaped using Best Management Practices (BMPs), as published from time to time by the Pennsylvania Department of Environmental Protection 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.
- (8) Permitted Density. A Mixed Use Development may contain up to fifteen (15) dwelling units per gross acre of the lot area. 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 twenty (20) dwelling units per gross acre of the lot area.

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.	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.

	The green roof shall conform to the best available technology standards, such as those published by LEED.	
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 1.0 dwelling units per gross acre.
Alternative energy sources	Install a solar, geothermal or other renewable energy 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 not exceed forty percent (40%) of the net developable area of the lot.
- (2) Impervious coverage. The maximum impervious coverage shall not exceed seventy percent (70%) of the developable acreage 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 sixty-five (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 (70) feet to any public highway or ultimate public right-of-way, or to any 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 public highway or ultimate public right-of-way, or to any 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, provided that the applicant may place in reserve up to twenty-five percent (25%) of the required parking, subject to the approval of the Board of Commissioners.

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) Coherent Architectural Theme. 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. 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 complimentary to the primary façade.
 - (d) Building entrances. All building entrances on primary facades shall be accentuated. Permitted entrance accents include: recessed, protruding, canopy, portico, overhang and/or similar feature.
 - (e) Parapets, etc. Buildings shall be designed with parapets, mansards, or other architectural treatment along all roof edges to conceal large vents, HVAC and other rooftop equipment and structures.

(f) Building breaks.

- [1] 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.
- [2] 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.

(g) Balconies. Balconies or Juliette style balconies shall be provided for every residential unit.(2) Signage. The applicant for a Mixed Use Development shall submit a sign plan meeting the requirements of § 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 and private 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.
- c) Within 100 feet of a residential zoning district the landscape plan shall include plantings, decorative fencing or a wall to shield headlights and soften the view of cars from the street and from adjacent residential 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 provided in mutually agreeable location(s) and in accordance with the design standards established by the Southeastern Pennsylvania Transit Authority (SEPTA).

SECTION 3. The Code of the Township of Upper Dublin, Chapter 255, Zoning, Article XXI, Signs, shall be amended by the addition of a new subsection H to § 255-155.2 to provide for signage related to a Mixed Use Development, as follows:

§ 255-155.2. OC Office Center District.

H. In conjunction with a Mixed Use Development any combination of the following types of signs shall be permitted:

- (1) Freestanding Signs. One freestanding sign shall be permitted for every four hundred and fifty feet (450') of property frontage along Welsh Road. Such freestanding signs shall be of a complimentary architectural style to the buildings of the Mixed Use Development, shall not exceed twenty-five feet (25') in height, nor contain more than two hundred square feet (200 sq. ft.) of sign area per side (maximum two (2) sides).
- (2) Monument Signs. One monument sign shall be permitted for every five hundred feet (500') of property frontage along Dreshertown Road. Such monument signs shall be of a complimentary architectural style to the buildings of the Mixed Use Development, shall not exceed six feet (6') in height, nor contain more than one hundred twenty square feet (120 sq.ft.) of sign area per side (maximum two (2) sides).
- (3) Wall Signs.
 - (a) 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 or two hundred square feet (200 sq. ft.), whichever is less.
 - (b) 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 sq.ft.) per façade.
- (4) Directional Signs. Directional signs within the Mixed Use Development shall be permitted, either freestanding or building mounted. Such signs may contain the names of specific tenants as well as other public information to direct both pedestrians and motorists 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 sq.ft.) in area. The total number of directional signs and their location shall be determined by the Board of Commissioners.

- (5) Project Identification Signs. Project identification signs containing the project name or other identifying feature, but no other tenant advertising shall be permitted within the development which also may be visible outside the development. Such signage shall be of a complimentary style to the development and shall be no larger than two hundred square feet (200 sq.ft.) in area. The total number of project identification signs and their location shall be determined by the Board of Commissioners.

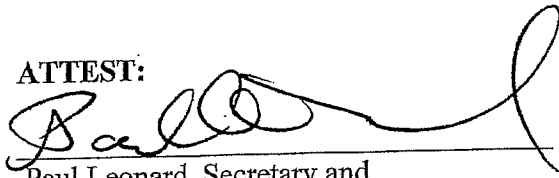
SECTION 4. To the extent that the provisions of this Ordinance are inconsistent or conflict with any other provision of Chapter 255, the Upper Dublin Township Zoning Ordinance, the specific regulations contained in § 255-61.1 shall control and take precedence over such other regulations.

SECTION 5. The provisions of this Ordinance are severable, and 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. All Resolutions, Ordinances or parts of Ordinances conflicting or inconsistent herewith are hereby repealed.

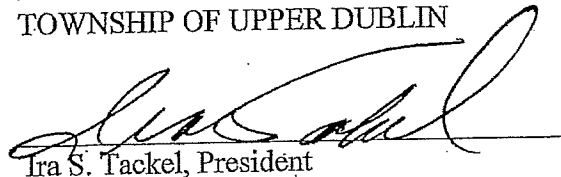
SECTION 7. This Ordinance shall take effect and be in force from and after its approval as required by law. ENACTED by the Board of Commissioners of Upper Dublin Township; this 6th day of December, 2016.

ATTEST:



Paul Leonard, Secretary and Township Manager

BOARD OF COMMISSIONERS OF THE TOWNSHIP OF UPPER DUBLIN



Ira S. Tackel, President

HEARING NOTICE

The Board of Commissioners of Upper Dublin Township held a public hearing on November 22, 2016, pursuant to public notice, which was published in the Ambler Gazette on November 6, 2016, and on November 13, 2016, to review, discuss, inform, and receive public comment on the proposed zoning ordinance amendment detailed below. On December 6, 2016, the Board of Commissioners adopted Ordinance No. 16-1326 at a publicly advertised meeting.

On January 3, 2017, a procedural appeal was filed by several citizens of Upper Dublin Township, alleging procedural defects relating the passage and enactment of Ordinance No. 16-1326. While the Township does not believe that the claims contained in the procedural appeal have any merit, the Township will hold a public hearing pursuant to this hearing notice, at which the Board of Commissioners will reopen the hearing on Ordinance No. 16-1326 and, after a public hearing, will consider Ordinance No. 16-1326 for reenactment.

The Board of Commissioners of Upper Dublin Township announces that on Tuesday, March 28, 2017, at 6:30 P.M., a public hearing will be held at the Upper Dublin Township Municipal Building, 801 Loch Alsh Avenue, Fort Washington, PA 19034, to review, discuss, inform, receive public comment on, and consider passage and enactment of the following proposed ordinance, previously enacted as Ordinance No. 16-1326:

AN ORDINANCE Amending Chapter 255 (Zoning) of the Upper Dublin Township Code of Ordinances to Allow a Mixed Use Development as a Conditional Use in the OC Office Center District and Adding Signage Standards for Mixed Use Developments in the OC Office Center District.

The Ordinance would amend the Upper Dublin Township Zoning Code to permit a Mixed Use Development as a conditional use within the OC Office Center District, and provide specific development requirements for Mixed Use Developments in the OC Office Center District. A summary of the Ordinance follows.

The Ordinance contains several background paragraphs which set forth, among other things, the Township's authority to amend its Zoning Ordinance, the Township's conclusions as to the best interests of the Township with respect to the passage of the Ordinance; the consistency of the Ordinance with the Township's Comprehensive Plan; and the public hearing and notice procedures followed in connection with the hearing on the Ordinance.

The Ordinance would amend §255-60 (Use Regulations for the OC Office Center District), by creating a new subsection D thereunder. This new subsection D authorizes a Mixed Use Development in the OC Office Center District, when approved by the Board of Commissioners as a conditional use, subject to the requirements and criteria of §255.61.1.

The Ordinance adds a new Section 255.61.1 to the Zoning Code titled “Use and Development Requirements for Mixed Use Developments.” This new Section 255-61.1 contains several subsections which set forth the requirements and criteria for Mixed Use Developments in the OC Office Center District including: (A) a general summary of the concept of a Mixed Use Development; (B) a list of permitted uses within a Mixed Use Development comprised of multiple types of retail and commercial establishments (including retail sales of various products, personal care shops, personal fitness centers, child and adult daycare facilities, restaurants and other types of eating places, banks, and various types of professional offices), residential uses (such as apartments and townhouses) and accessory uses (such as a parking garage, amenities, drive-thru service and outdoor seating and dining); (C) dimensional requirements and criteria (including requirements related to lot area, road frontage, use mix, site plan and architectural design, open space, stormwater facilities, buffers, density, and increases to density in return for green building technologies and sustainable design features (which starts at 15 dwelling units per gross acre and increases up to 20 dwelling units per gross acre depending on the green building and sustainable design features)); (D) area and bulk requirements (including requirements for building coverage, impervious surface, building height, building setbacks, parking setbacks, and number of parking spaces); (E) design standards (including building design guidelines as to architectural scheme, primary façade, secondary façade, building entrances, parapets, building breaks and balconies; a reference to a new section containing signage requirements; landscape and streetscape design standards relative to sidewalks, landscape plans, residential shielding elements and shrubs; open space design standards such as minimum width requirements, open space landscaping and other open space features; and, requirements as to the provision of public transit shelters).

The Ordinance also adds a new Subsection to the Zoning Code, Article XXI (Signs), proposed Subsection H to Sections 255-155.2, which contains regulations for permitted signage related to a Mixed Use Development within the OC Office Center District. This section provides for the following signs as part of a Mixed Use Development within the OC Office Center District, subject to certain design requirements, including size and height limitations, all as set forth in more detail in the Ordinance; freestanding signs, monument signs, wall signs, directional signs, and project identification signs.

The Ordinance contains provisions in the event of a conflict with other sections of the Zoning Code; a severability provision in the event any part of the Ordinance is deemed invalid and unenforceable; and, a repealer provision. The Ordinance would become effective immediately following adoption by the Board of Commissioners.

A copy of the full text of the proposed ordinance may be examined free of charge at the information desk in the Township Building during regular business hours from 8:30 a.m. to 5:00 p.m. Monday through Friday. Copies of the full Ordinances are also available for inspection by any interested party at the Montgomery County Law Library, Montgomery County Courthouse, 2 East Airy Street, Norristown, PA 19404, and at The Ambler Gazette, 290 Commerce Drive,

Fort Washington, PA 19034, where a copy of the proposed Ordinance may be obtained for a charge not greater than the cost of copying during normal business hours.

The public hearing will be held in the Upper Dublin Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania. All interested parties are invited to attend the hearing. If any person who wishes to attend the public hearing has a disability and/or requires auxiliary aid, service or other accommodations to observe and/or participate in the proceedings, please contact, Deb Ritter (215) 643-1600, Ext. 3220 to discuss how the Township can accommodate your needs.

Advertisement Dates: March 12 and 19, 2017 – The Ambler Gazette

**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 AS A CONDITIONAL USE IN THE OC OFFICE
CENTER DISTRICT AND ADDING SIGNAGE STANDARDS FOR MIXED USE
DEVELOPMENTS IN THE OC OFFICE CENTER DISTRICT**

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

WHEREAS, the Board of Commissioners 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 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 as a conditional use in the OC Office Center District, subject to certain conditions and requirements, and that such amendment is in accordance with the spirit and the intent of the Upper Dublin Township Zoning Ordinance and Comprehensive Plan.

NOW, THEREFORE, the Board of Commissioners of the Township of Upper Dublin Township hereby ordains:

SECTION 1. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, § 255-60, Use Regulations, shall be amended to allow a Mixed Use Development, consisting of a mix of nonresidential and residential uses, as a conditional use in the OC Office Center District, by the addition of Subsection D, as follows:

Section 255-60. Use Regulations

D. Mixed Use Development. A Mixed Use Development, as defined in § 255-7, when approved by the Board of Commissioners as a conditional use, subject to the requirements and criteria of § 255.61.1.

SECTION 2. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, shall be amended by adding a new Section § 255-61.1, setting forth the development requirements for Mixed Use Developments in the OC Office Center District, as follows:

§255-61.1. Use and Development Requirements for Mixed Use Developments.

A Mixed Use Development shall comply with the following requirements and 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 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, confectionary or similar establishment serving food or beverage, provided that the establishment shall not be open for business between the hours of 1:00 a.m. and 6:00 a.m. daily and on weekends.
 - (f) Bank or financial institution.
 - (g) Business, medical or professional office.

- (2) Residential uses:
 - (a) Apartment Buildings.
 - (b) Townhouse 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 coffeeshouse/tea room, bank or financial institution, provided the drive-thru is internal to the site with no direct access onto a public street or highway and, provided further, that that no more than two (2) drive-thru facilities shall be permitted within a Mixed Use Development.
 - (d) Outdoor seating and/or dining areas, limited to at grade or ground floor, provided that no outdoor seating or dining shall occur after 11:00 p.m., daily and on weekends.

C. Development Requirements. The general plan for a Mixed Use Development shall comply with the following requirements and criteria:

- (1) Lot area. The minimum gross lot area shall be twenty (20) acres.
- (2) Road frontages. The site shall have frontage on and road access to at least two (2) public roads.
- (3) Mix requirements. Every Mixed Use Development shall provide a mix of office, commercial and residential uses and no one use may utilize more than eighty percent (80%) of the gross 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. Apartment leasing area and multi-family common space may be included as residential space in calculating the mix requirements.
- (4) Site Plan. A site plan shall be required and shall include a unified architectural theme, preliminary stormwater management design 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, and the general public. Trail and sidewalk connections also shall 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) Stormwater Facilities. Naturalized stormwater facilities may occupy up to twenty-five percent (25%) of the Neighborhood Open Space if such facilities are designed and landscaped using Best Management Practices (BMPs), as published from time to time by the Pennsylvania Department of Environmental Protection 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.
- (8) Permitted Density. A Mixed Use Development may contain up to fifteen (15) dwelling units per gross acre of the lot area. 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 twenty (20) dwelling units per gross acre of the lot area.

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.	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.

	The green roof shall conform to the best available technology standards, such as those published by LEED.	
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 1.0 dwelling units per gross acre.
Alternative energy sources	Install a solar, geothermal or other renewable energy 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 not exceed forty percent (40%) of the net developable area of the lot.
- (2) Impervious coverage. The maximum impervious coverage shall not exceed seventy percent (70%) of the developable acreage 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 sixty-five (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 (70) feet to any public highway or ultimate public right-of-way, or to any 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 public highway or ultimate public right-of-way, or to any 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, provided that the applicant may place in reserve up to twenty-five percent (25%) of the required parking, subject to the approval of the Board of Commissioners.

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) Coherent Architectural Theme. 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. 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 complimentary to the primary façade.
 - (d) Building entrances. All building entrances on primary facades shall be accentuated. Permitted entrance accents include: recessed, protruding, canopy, portico, overhang and/or similar feature.
 - (e) Parapets, etc. Buildings shall be designed with parapets, mansards, or other architectural treatment along all roof edges to conceal large vents, HVAC and other rooftop equipment and structures.

- (f) Building breaks.
 - [1] 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.
 - [2] 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.
 - (g) Balconies. Balconies or Juliette style balconies shall be provided for every residential unit.
- (2) Signage. The applicant for a Mixed Use Development shall submit a sign plan meeting the requirements of § 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 and private 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.
 - c) Within 100 feet of a residential zoning district the landscape plan shall include plantings, decorative fencing or a wall to shield headlights and soften the view of cars from the street and from adjacent residential 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 provided in mutually agreeable location(s) and in accordance with the design standards established by the Southeastern Pennsylvania Transit Authority (SEPTA).

SECTION 3. The Code of the Township of Upper Dublin, Chapter 255, Zoning, Article XXI, Signs, shall be amended by the addition of a new subsection H to § 255-155.2 to provide for signage related to a Mixed Use Development, as follows:

§ 255-155.2. OC Office Center District.

H. In conjunction with a Mixed Use Development any combination of the following types of signs shall be permitted:

- (1) Freestanding Signs. One freestanding sign shall be permitted for every four hundred and fifty feet (450') of property frontage along Welsh Road. Such freestanding signs shall be of a complimentary architectural style to the buildings of the Mixed Use Development, shall not exceed twenty-five feet (25') in height, nor contain more than two hundred square feet (200 sq. ft.) of sign area per side (maximum two (2) sides).
- (2) Monument Signs. One monument sign shall be permitted for every five hundred feet (500') of property frontage along Dreshertown Road. Such monument signs shall be of a complimentary architectural style to the buildings of the Mixed Use Development, shall not exceed six feet (6') in height, nor contain more than one hundred twenty square feet (120 sq.ft.) of sign area per side (maximum two (2) sides).
- (3) Wall Signs.
 - (a) 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 or two hundred square feet (200 sq. ft.), whichever is less.
 - (b) 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 sq.ft.) per façade.
- (4) Directional Signs. Directional signs within the Mixed Use Development shall be permitted, either freestanding or building mounted. Such signs may contain the names of specific tenants as well as other public information to direct both pedestrians and motorists 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 sq.ft.) in area. The total number of directional signs and their location shall be determined by the Board of Commissioners.

- (5) Project Identification Signs. Project identification signs containing the project name or other identifying feature, but no other tenant advertising shall be permitted within the development which also may be visible outside the development. Such signage shall be of a complimentary style to the development and shall be no larger than two hundred square feet (200 sq.ft.) in area. The total number of project identification signs and their location shall be determined by the Board of Commissioners.

SECTION 4. To the extent that the provisions of this Ordinance are inconsistent or conflict with any other provision of Chapter 255, the Upper Dublin Township Zoning Ordinance, the specific regulations contained in § 255-61.1 shall control and take precedence over such other regulations.

SECTION 5. The provisions of this Ordinance are severable, and 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. This Ordinance repeals and replaces Ordinance 16-1326.

SECTION 7. 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 _____ day of _____, 2017.

ATTEST:


BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

Paul Leonard, Secretary and
Township Manager

Ira S. Tackel, President

Exhibit G

**COMMISSIONERS OF UPPER DUBLIN TOWNSHIP
COMMUNITY PLANNING AND ZONING**

To: Board of Commissioners, Paul Leonard, David Brooman, Nearby property owners
From: Richard D. Barton, Community Planner and Zoning Officer 
Date: March 9, 2017
Subject: Zoning text amendment
OC – Office Center district, mixed use
UD #16-04

In advance of the public hearing scheduled for Tuesday, March 28, 2017 at 6:30 pm, the Township is forwarding you the enclosed documents:

- Ordinance No. 16-1326, adopted on December 6, 2016 by the Board of Commissioners
- The official Hearing Notice
- The proposed ordinance, previously enacted as Ordinance No. 16-1326, which would amend the Upper Dublin Township Zoning Code to permit a Mixed Use Development as a conditional use within the OC Office Center District, and provide specific development requirements for Mixed Use Developments in the OC Office Center District

The hearing will take place at the Township Building, 801 Loch Alsh Avenue, Fort Washington.

Glen S Garry and Melissa R Gibson
825 Firethorn Circle,
Dresher, PA 19025

Michael D and Donna A Binder
1712 Salt Kettle Circle,
Dresher, PA 19025

Un Sok Chae and Sook Kyung
1711 Saint Georges Road,
Dresher, PA 19025

Jack S Chernow and Groves Claudia
1709 Saint Georges Road,
Dresher, PA 19025

Thomas Cuce
2950 Rich Hill Road,
Quakertown, PA 18951

Anthony L and Susan J Delfiner
1716 Devonshire Road,
Dresher, PA 19025

Emer C and Janina Flounders
1800 Saint Georges Road,
Dresher, PA 19025

Kevin A Friedman
1716 Saint Georges Road,
Dresher, PA 19025

Jerald M and Jill M Goodman
1720 Somerset Street,
Dresher, PA 19025

Allen N and Ruth E Heffler
1720 Saint Georges Road,
Dresher, PA 19025

Jack S Chernow and Claudia Groves
1709 Saint Georges Road,
Dresher, PA 19025

Sanford J and Amy R Blitzer
737 Castlewood Drive,
Dresher, PA 19025

Gil and Candy Beyda
605 Creek Ln,
Flourtown, PA 19031

Siu Fung Chang and Hung Lin Leung
6 Sarah Court,
Dresher, PA 19025

Steven and Deborah Channick
1705 Tuckerstown Road,
Dresher, PA 19025

Ori and Robin Cohen
811 Firethorn Circle,
Dresher, PA 19025

Danny D Cruice and Susan M Egler-
Cruice
729 Castlewood Drive,
Dresher, PA 19025

Vincent Dandrea
3 Sarah Court,
Dresher, PA 19025

Dennis L and Patricia H Decktor
1729 Saint Georges Road,
Dresher, PA 19025

Wanda Lorraine Diggs-Manning and
Robert Lewis Manning
1802 Saint Georges Road,
Dresher, PA 19025

Gary M and Debra L Fechter
813 Firethorn Circle,
Dresher, PA 19025

Lynne P Fox
1709 Devonshire Road,
Dresher, PA 19025

Scott H and Stefanie J Fredd
1728 Devonshire Road,
Dresher, PA 19025

Barry L and Karen E Getzoff
1708 Saint Georges Road,
Dresher, PA 19025

Mitchell and Julie Goldstein
1724 Devonshire Road,
Dresher, PA 19025

Jason and Stella G Han
8 Sarah Court,
Dresher, PA 19025

Peter A and Ellen Harper
833 Firethorn Circle,
Dresher, PA 19025

Charles P and Laurie P Hoffmann
1720 Salt Kettle Circle,
Dresher, PA 19025

Kab S and Connie K Hong
1720 Devonshire Road,
Dresher, PA 19025

William A Horn
1750 Dreshertown Road,
Dresher, PA 19025

Hornng-Wen S Hsiung
1728 Somerset Street,
Dresher, PA 19025

Mark and Sheri Jones
1725 Saint Georges Road,
Dresher, PA 19025

Sally S. Jones
725 Castlewood Drive,
Dresher, PA 19025

Richard S. and Staci L Julie
1717 Saint Georges Road,
Dresher, PA 19025

Mark W and Judy B Katz
724 Castlewood Drive
Dresher, PA 19025

Robert and GERALYN S. Kerprich
9 Sarah Court,
Dresher, PA 19025

Nak Youl and Sung Sil Kim
1713 Tuckerstown Road,
Dresher, PA 19025

Alan B. and Chantal Levin
1709 Somerset Street,
Dresher, PA 19025

Ellen S. Levy
1708 Salt Kettle Circle,
Dresher, PA 19025

Yajuan Lin
471 Arcadia Way,
Wilmington, DE 19808

Ronald Bruce and Robin R. Lincow
1705 Somerset Street,
Dresher, PA 19025

Robert M. Mabel and Michelle B.
Beidner
829 Firethorn Circle,
Dresher, PA 19025

John L. Manning Sr.
1721 Somerset Street,
Dresher, PA 19025

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1724 Somerset Street,
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Joseph F. Jr and Patricia McNulty
728 Castlewood Drive,
Dresher, PA 19025

Lixing Min and Lingzhen Dong
741 Castlewood Drive,
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William P. and Rosine Paul
1804 Saint Georges,
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Stephen S. and Donna M. Pennington
1712 Saint Georges Road,
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Dodd and Erin Pfeffer
824 Firethorn Circle,
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Louis R. and Marie Pichini
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Dresher, PA 19025

Gregory D. Saul and Susan K. Buehler
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Dresher, PA 19025

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Dresher, PA 19025

Robert J. and Ellen S. Schlackman
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Joel P. and Carla C. Shafer
1732 Somerset Street,
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Sokunthveary Shah
4 Sarah Court,
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John and Nancy Stortz
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Dresher, PA 19025

Gary J. and Ann E. Spiegel
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Dresher, PA 19025

Chris and Vicki Takimoto
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Michel J. C. and Ellen B. Taupin
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1713 Devonshire Road,
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Shira and Eric Grunfeld
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Dresher, PA 19025

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William and Gayl Tompkins
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UPPER DUBLIN TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 16-1326

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

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

WHEREAS, the Board of Commissioners 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 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 as a conditional use in the OC Office Center District, subject to certain conditions and requirements, and that such amendment is in accordance with the spirit and the intent of the Upper Dublin Township Zoning Ordinance and Comprehensive Plan.

NOW, THEREFORE, the Board of Commissioners of the Township of Upper Dublin Township hereby ordains:

SECTION 1. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, § 255-60, Use Regulations, shall be amended to allow a Mixed Use Development, consisting of a mix of nonresidential and residential uses, as a conditional use in the OC Office Center District, by the addition of Subsection D, as follows:

Section 255-60. Use Regulations

D. Mixed Use Development. A Mixed Use Development, as defined in § 255-7, when approved by the Board of Commissioners as a conditional use, subject to the requirements and criteria of § 255.61.1.

SECTION 2. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, shall be amended by adding a new Section § 255-61.1, setting forth the development requirements for Mixed Use Developments in the OC Office Center District, as follows:

§255-61.1. Use and Development Requirements for Mixed Use Developments.

A Mixed Use Development shall comply with the following requirements and 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 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, confectionary or similar establishment serving food or beverage, provided that the establishment shall not be open for business between the hours of 1:00 a.m. and 6:00 a.m. daily and on weekends.
 - (f) Bank or financial institution.
 - (g) Business, medical or professional office.

- (2) Residential uses:
 - (a) Apartment Buildings.
 - (b) Townhouse 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, bank or financial institution, provided the drive-thru is internal to the site with no direct access onto a public street or highway and, provided further, that that no more than two (2) drive-thru facilities shall be permitted within a Mixed Use Development.
 - (d) Outdoor seating and/or dining areas, limited to at grade or ground floor, provided that no outdoor seating or dining shall occur after 11:00 p.m., daily and on weekends.

C. Development Requirements. The general plan for a Mixed Use Development shall comply with the following requirements and criteria:

- (1) Lot area. The minimum gross lot area shall be twenty (20) acres.
- (2) Road frontages. The site shall have frontage on and road access to at least two (2) public roads.
- (3) Mix requirements. Every Mixed Use Development shall provide a mix of office, commercial and residential uses and no one use may utilize more than eighty percent (80%) of the gross 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. Apartment leasing area and multi-family common space may be included as residential space in calculating the mix requirements.
- (4) Site Plan. A site plan shall be required and shall include a unified architectural theme, preliminary stormwater management design 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, and the general public. Trail and sidewalk connections also shall 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) Stormwater Facilities. Naturalized stormwater facilities may occupy up to twenty-five percent (25%) of the Neighborhood Open Space if such facilities are designed and landscaped using Best Management Practices (BMPs), as published from time to time by the Pennsylvania Department of Environmental Protection 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.
- (8) Permitted Density. A Mixed Use Development may contain up to fifteen (15) dwelling units per gross acre of the lot area. 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 twenty (20) dwelling units per gross acre of the lot area.

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.	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.

	The green roof shall conform to the best available technology standards, such as those published by LEED.	
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 1.0 dwelling units per gross acre.
Alternative energy sources	Install a solar, geothermal or other renewable energy 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 not exceed forty percent (40%) of the net developable area of the lot.
- (2) Impervious coverage. The maximum impervious coverage shall not exceed seventy percent (70%) of the developable acreage 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 sixty-five (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 (70) feet to any public highway or ultimate public right-of-way, or to any 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 public highway or ultimate public right-of-way, or to any 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, provided that the applicant may place in reserve up to twenty-five percent (25%) of the required parking, subject to the approval of the Board of Commissioners.

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) Coherent Architectural Theme. 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. 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 complimentary to the primary façade.
 - (d) Building entrances. All building entrances on primary facades shall be accentuated. Permitted entrance accents include: recessed, protruding, canopy, portico, overhang and/or similar feature.
 - (e) Parapets, etc. Buildings shall be designed with parapets, mansards, or other architectural treatment along all roof edges to conceal large vents, HVAC and other rooftop equipment and structures.

- (f) Building breaks.
- [1] 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.
 - [2] 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.
- (g) Balconies. Balconies or Juliette style balconies shall be provided for every residential unit.
- (2) Signage. The applicant for a Mixed Use Development shall submit a sign plan meeting the requirements of § 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 and private 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.
 - c) Within 100 feet of a residential zoning district the landscape plan shall include plantings, decorative fencing or a wall to shield headlights and soften the view of cars from the street and from adjacent residential 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 provided in mutually agreeable location(s) and in accordance with the design standards established by the Southeastern Pennsylvania Transit Authority (SEPTA).

SECTION 3. The Code of the Township of Upper Dublin, Chapter 255, Zoning, Article XXI, Signs, shall be amended by the addition of a new subsection H to § 255-155.2 to provide for signage related to a Mixed Use Development, as follows:

§ 255-155.2. OC Office Center District.

H. In conjunction with a Mixed Use Development any combination of the following types of signs shall be permitted:

- (1) Freestanding Signs. One freestanding sign shall be permitted for every four hundred and fifty feet (450') of property frontage along Welsh Road. Such freestanding signs shall be of a complimentary architectural style to the buildings of the Mixed Use Development, shall not exceed twenty-five feet (25') in height, nor contain more than two hundred square feet (200 sq. ft.) of sign area per side (maximum two (2) sides).
- (2) Monument Signs. One monument sign shall be permitted for every five hundred feet (500') of property frontage along Dreshertown Road. Such monument signs shall be of a complimentary architectural style to the buildings of the Mixed Use Development, shall not exceed six feet (6') in height, nor contain more than one hundred twenty square feet (120 sq.ft.) of sign area per side (maximum two (2) sides).
- (3) Wall Signs.
 - (a) 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 or two hundred square feet (200 sq. ft.), whichever is less.
 - (b) 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 sq.ft.) per façade.
- (4) Directional Signs. Directional signs within the Mixed Use Development shall be permitted, either freestanding or building mounted. Such signs may contain the names of specific tenants as well as other public information to direct both pedestrians and motorists 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 sq.ft.) in area. The total number of directional signs and their location shall be determined by the Board of Commissioners.

- (5) Project Identification Signs. Project identification signs containing the project name or other identifying feature, but no other tenant advertising shall be permitted within the development which also may be visible outside the development. Such signage shall be of a complimentary style to the development and shall be no larger than two hundred square feet (200 sq.ft.) in area. The total number of project identification signs and their location shall be determined by the Board of Commissioners.

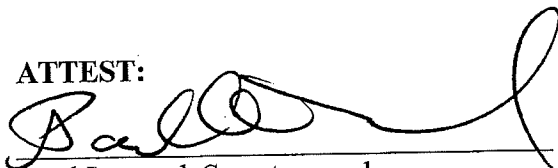
SECTION 4. To the extent that the provisions of this Ordinance are inconsistent or conflict with any other provision of Chapter 255, the Upper Dublin Township Zoning Ordinance, the specific regulations contained in § 255-61.1 shall control and take precedence over such other regulations.

SECTION 5. The provisions of this Ordinance are severable, and 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.

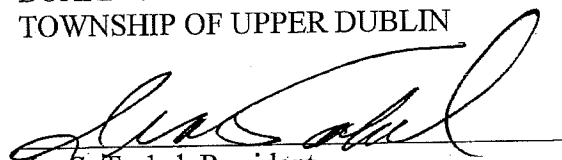
SECTION 6. All Resolutions, Ordinances or parts of Ordinances conflicting or inconsistent herewith are hereby repealed.

SECTION 7. 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 6th day of December, 2016.

ATTEST:


Paul Leonard, Secretary and
Township Manager

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN


Ira S. Tackel, President

HEARING NOTICE

The Board of Commissioners of Upper Dublin Township held a public hearing on November 22, 2016, pursuant to public notice, which was published in the Ambler Gazette on November 6, 2016, and on November 13, 2016, to review, discuss, inform, and receive public comment on the proposed zoning ordinance amendment detailed below. On December 6, 2016, the Board of Commissioners adopted Ordinance No. 16-1326 at a publicly advertised meeting.

On January 3, 2017, a procedural appeal was filed by several citizens of Upper Dublin Township, alleging procedural defects relating the passage and enactment of Ordinance No. 16-1326. While the Township does not believe that the claims contained in the procedural appeal have any merit, the Township will hold a public hearing pursuant to this hearing notice, at which the Board of Commissioners will reopen the hearing on Ordinance No. 16-1326 and, after a public hearing, will consider Ordinance No. 16-1326 for reenactment.

The Board of Commissioners of Upper Dublin Township announces that on Tuesday, March 28, 2017, at 6:30 P.M., a public hearing will be held at the Upper Dublin Township Municipal Building, 801 Loch Alsh Avenue, Fort Washington, PA 19034, to review, discuss, inform, receive public comment on, and consider passage and enactment of the following proposed ordinance, previously enacted as Ordinance No. 16-1326:

AN ORDINANCE Amending Chapter 255 (Zoning) of the Upper Dublin Township Code of Ordinances to Allow a Mixed Use Development as a Conditional Use in the OC Office Center District and Adding Signage Standards for Mixed Use Developments in the OC Office Center District.

The Ordinance would amend the Upper Dublin Township Zoning Code to permit a Mixed Use Development as a conditional use within the OC Office Center District, and provide specific development requirements for Mixed Use Developments in the OC Office Center District. A summary of the Ordinance follows.

The Ordinance contains several background paragraphs which set forth, among other things, the Township's authority to amend its Zoning Ordinance, the Township's conclusions as to the best interests of the Township with respect to the passage of the Ordinance; the consistency of the Ordinance with the Township's Comprehensive Plan; and the public hearing and notice procedures followed in connection with the hearing on the Ordinance.

The Ordinance would amend §255-60 (Use Regulations for the OC Office Center District), by creating a new subsection D thereunder. This new subsection D authorizes a Mixed Use Development in the OC Office Center District, when approved by the Board of Commissioners as a conditional use, subject to the requirements and criteria of §255.61.1.

The Ordinance adds a new Section 255.61.1 to the Zoning Code titled "Use and Development Requirements for Mixed Use Developments." This new Section 255-61.1 contains several subsections which set forth the requirements and criteria for Mixed Use Developments in the OC Office Center District including: (A) a general summary of the concept of a Mixed Use Development; (B) a list of permitted uses within a Mixed Use Development comprised of multiple types of retail and commercial establishments (including retail sales of various products, personal care shops, personal fitness centers, child and adult daycare facilities, restaurants and other types of eating places, banks, and various types of professional offices), residential uses (such as apartments and townhouses) and accessory uses (such as a parking garage, amenities, drive-thru service and outdoor seating and dining); (C) dimensional requirements and criteria (including requirements related to lot area, road frontage, use mix, site plan and architectural design, open space, stormwater facilities, buffers, density, and increases to density in return for green building technologies and sustainable design features (which starts at 15 dwelling units per gross acre and increases up to 20 dwelling units per gross acre depending on the green building and sustainable design features)); (D) area and bulk requirements (including requirements for building coverage, impervious surface, building height, building setbacks, parking setbacks, and number of parking spaces); (E) design standards (including building design guidelines as to architectural scheme, primary façade, secondary façade, building entrances, parapets, building breaks and balconies; a reference to a new section containing signage requirements; landscape and streetscape design standards relative to sidewalks, landscape plans, residential shielding elements and shrubs; open space design standards such as minimum width requirements, open space landscaping and other open space features; and, requirements as to the provision of public transit shelters).

The Ordinance also adds a new Subsection to the Zoning Code, Article XXI (Signs), proposed Subsection H to Sections 255-155.2, which contains regulations for permitted signage related to a Mixed Use Development within the OC Office Center District. This section provides for the following signs as part of a Mixed Use Development within the OC Office Center District, subject to certain design requirements, including size and height limitations, all as set forth in more detail in the Ordinance; freestanding signs, monument signs, wall signs, directional signs, and project identification signs.

The Ordinance contains provisions in the event of a conflict with other sections of the Zoning Code; a severability provision in the event any part of the Ordinance is deemed invalid and unenforceable; and, a repealer provision. The Ordinance would become effective immediately following adoption by the Board of Commissioners.

A copy of the full text of the proposed ordinance may be examined free of charge at the information desk in the Township Building during regular business hours from 8:30 a.m. to 5:00 p.m. Monday through Friday. Copies of the full Ordinances are also available for inspection by any interested party at the Montgomery County Law Library, Montgomery County Courthouse, 2 East Airy Street, Norristown, PA 19404, and at The Ambler Gazette, 290 Commerce Drive,

Fort Washington, PA 19034, where a copy of the proposed Ordinance may be obtained for a charge not greater than the cost of copying during normal business hours.

The public hearing will be held in the Upper Dublin Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania. All interested parties are invited to attend the hearing. If any person who wishes to attend the public hearing has a disability and/or requires auxiliary aid, service or other accommodations to observe and/or participate in the proceedings, please contact, Deb Ritter (215) 643-1600, Ext. 3220 to discuss how the Township can accommodate your needs.

Advertisement Dates: March 12 and 19, 2017 – The Ambler Gazette

**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 AS A CONDITIONAL USE IN THE OC OFFICE
CENTER DISTRICT AND ADDING SIGNAGE STANDARDS FOR MIXED USE
DEVELOPMENTS IN THE OC OFFICE CENTER DISTRICT**

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

WHEREAS, the Board of Commissioners 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 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 as a conditional use in the OC Office Center District, subject to certain conditions and requirements, and that such amendment is in accordance with the spirit and the intent of the Upper Dublin Township Zoning Ordinance and Comprehensive Plan.

NOW, THEREFORE, the Board of Commissioners of the Township of Upper Dublin Township hereby ordains:

SECTION 1. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, § 255-60, Use Regulations, shall be amended to allow a Mixed Use Development, consisting of a mix of nonresidential and residential uses, as a conditional use in the OC Office Center District, by the addition of Subsection D, as follows:

Section 255-60. Use Regulations

D. Mixed Use Development. A Mixed Use Development, as defined in § 255-7, when approved by the Board of Commissioners as a conditional use, subject to the requirements and criteria of § 255.61.1.

SECTION 2. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, shall be amended by adding a new Section § 255-61.1, setting forth the development requirements for Mixed Use Developments in the OC Office Center District, as follows:

§255-61.1. Use and Development Requirements for Mixed Use Developments.

A Mixed Use Development shall comply with the following requirements and 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 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, confectionary or similar establishment serving food or beverage, provided that the establishment shall not be open for business between the hours of 1:00 a.m. and 6:00 a.m. daily and on weekends.
 - (f) Bank or financial institution.
 - (g) Business, medical or professional office.

- (2) Residential uses:
 - (a) Apartment Buildings.
 - (b) Townhouse 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, bank or financial institution, provided the drive-thru is internal to the site with no direct access onto a public street or highway and, provided further, that no more than two (2) drive-thru facilities shall be permitted within a Mixed Use Development.
 - (d) Outdoor seating and/or dining areas, limited to at grade or ground floor, provided that no outdoor seating or dining shall occur after 11:00 p.m., daily and on weekends.

C. Development Requirements. The general plan for a Mixed Use Development shall comply with the following requirements and criteria:

- (1) Lot area. The minimum gross lot area shall be twenty (20) acres.
- (2) Road frontages. The site shall have frontage on and road access to at least two (2) public roads.
- (3) Mix requirements. Every Mixed Use Development shall provide a mix of office, commercial and residential uses and no one use may utilize more than eighty percent (80%) of the gross 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. Apartment leasing area and multi-family common space may be included as residential space in calculating the mix requirements.
- (4) Site Plan. A site plan shall be required and shall include a unified architectural theme, preliminary stormwater management design 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, and the general public. Trail and sidewalk connections also shall 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) Stormwater Facilities. Naturalized stormwater facilities may occupy up to twenty-five percent (25%) of the Neighborhood Open Space if such facilities are designed and landscaped using Best Management Practices (BMPs), as published from time to time by the Pennsylvania Department of Environmental Protection 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.
- (8) Permitted Density. A Mixed Use Development may contain up to fifteen (15) dwelling units per gross acre of the lot area. 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 twenty (20) dwelling units per gross acre of the lot area.

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.	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.

	The green roof shall conform to the best available technology standards, such as those published by LEED.	
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 1.0 dwelling units per gross acre.
Alternative energy sources	Install a solar, geothermal or other renewable energy 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 not exceed forty percent (40%) of the net developable area of the lot.
- (2) Impervious coverage. The maximum impervious coverage shall not exceed seventy percent (70%) of the developable acreage 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 sixty-five (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 (70) feet to any public highway or ultimate public right-of-way, or to any 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 public highway or ultimate public right-of-way, or to any 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, provided that the applicant may place in reserve up to twenty-five percent (25%) of the required parking, subject to the approval of the Board of Commissioners.

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) Coherent Architectural Theme. 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. 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 complimentary to the primary façade.
 - (d) Building entrances. All building entrances on primary facades shall be accentuated. Permitted entrance accents include: recessed, protruding, canopy, portico, overhang and/or similar feature.
 - (e) Parapets, etc. Buildings shall be designed with parapets, mansards, or other architectural treatment along all roof edges to conceal large vents, HVAC and other rooftop equipment and structures.

- (f) Building breaks.
- [1] 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.
- [2] 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.
- (g) Balconies. Balconies or Juliette style balconies shall be provided for every residential unit.
- (2) Signage. The applicant for a Mixed Use Development shall submit a sign plan meeting the requirements of § 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 and private 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.
- c) Within 100 feet of a residential zoning district the landscape plan shall include plantings, decorative fencing or a wall to shield headlights and soften the view of cars from the street and from adjacent residential 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 provided in mutually agreeable location(s) and in accordance with the design standards established by the Southeastern Pennsylvania Transit Authority (SEPTA).

SECTION 3. The Code of the Township of Upper Dublin, Chapter 255, Zoning, Article XXI, Signs, shall be amended by the addition of a new subsection H to § 255-155.2 to provide for signage related to a Mixed Use Development, as follows:

§ 255-155.2. OC Office Center District.

H. In conjunction with a Mixed Use Development any combination of the following types of signs shall be permitted:

- (1) Freestanding Signs. One freestanding sign shall be permitted for every four hundred and fifty feet (450') of property frontage along Welsh Road. Such freestanding signs shall be of a complimentary architectural style to the buildings of the Mixed Use Development, shall not exceed twenty-five feet (25') in height, nor contain more than two hundred square feet (200 sq. ft.) of sign area per side (maximum two (2) sides).
- (2) Monument Signs. One monument sign shall be permitted for every five hundred feet (500') of property frontage along Dreshertown Road. Such monument signs shall be of a complimentary architectural style to the buildings of the Mixed Use Development, shall not exceed six feet (6') in height, nor contain more than one hundred twenty square feet (120 sq.ft.) of sign area per side (maximum two (2) sides).
- (3) Wall Signs.
 - (a) 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 or two hundred square feet (200 sq. ft.), whichever is less.
 - (b) 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 sq.ft.) per façade.
- (4) Directional Signs. Directional signs within the Mixed Use Development shall be permitted, either freestanding or building mounted. Such signs may contain the names of specific tenants as well as other public information to direct both pedestrians and motorists 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 sq.ft.) in area. The total number of directional signs and their location shall be determined by the Board of Commissioners.

- (5) Project Identification Signs. Project identification signs containing the project name or other identifying feature, but no other tenant advertising shall be permitted within the development which also may be visible outside the development. Such signage shall be of a complimentary style to the development and shall be no larger than two hundred square feet (200 sq.ft.) in area. The total number of project identification signs and their location shall be determined by the Board of Commissioners.

SECTION 4. To the extent that the provisions of this Ordinance are inconsistent or conflict with any other provision of Chapter 255, the Upper Dublin Township Zoning Ordinance, the specific regulations contained in § 255-61.1 shall control and take precedence over such other regulations.

SECTION 5. The provisions of this Ordinance are severable, and 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. This Ordinance repeals and replaces Ordinance 16-1326.

SECTION 7. 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 ____ day of _____, 2017.

ATTEST:

Paul Leonard, Secretary and
Township Manager

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

Ira S. Tackel, President

Exhibit H



2017-03-15 11:45

Yellow informational sign on a wooden post, partially obscured by bare tree branches. The sign contains text, including the heading "SPECIES STATUS" and "SPECIES STATUS" at the bottom.

2019-03-16 11:45



NOTICE TO THE PUBLIC
The following information is provided for your information and is not intended to constitute an offer of insurance or any other financial product. Please contact your insurance agent for more information.

POSTED
PRIVATE PROPERTY
NO TRESPASSING
NO UNLAWFUL DISPOSAL
NO UNLAWFUL USE

2017-03-15 11:47



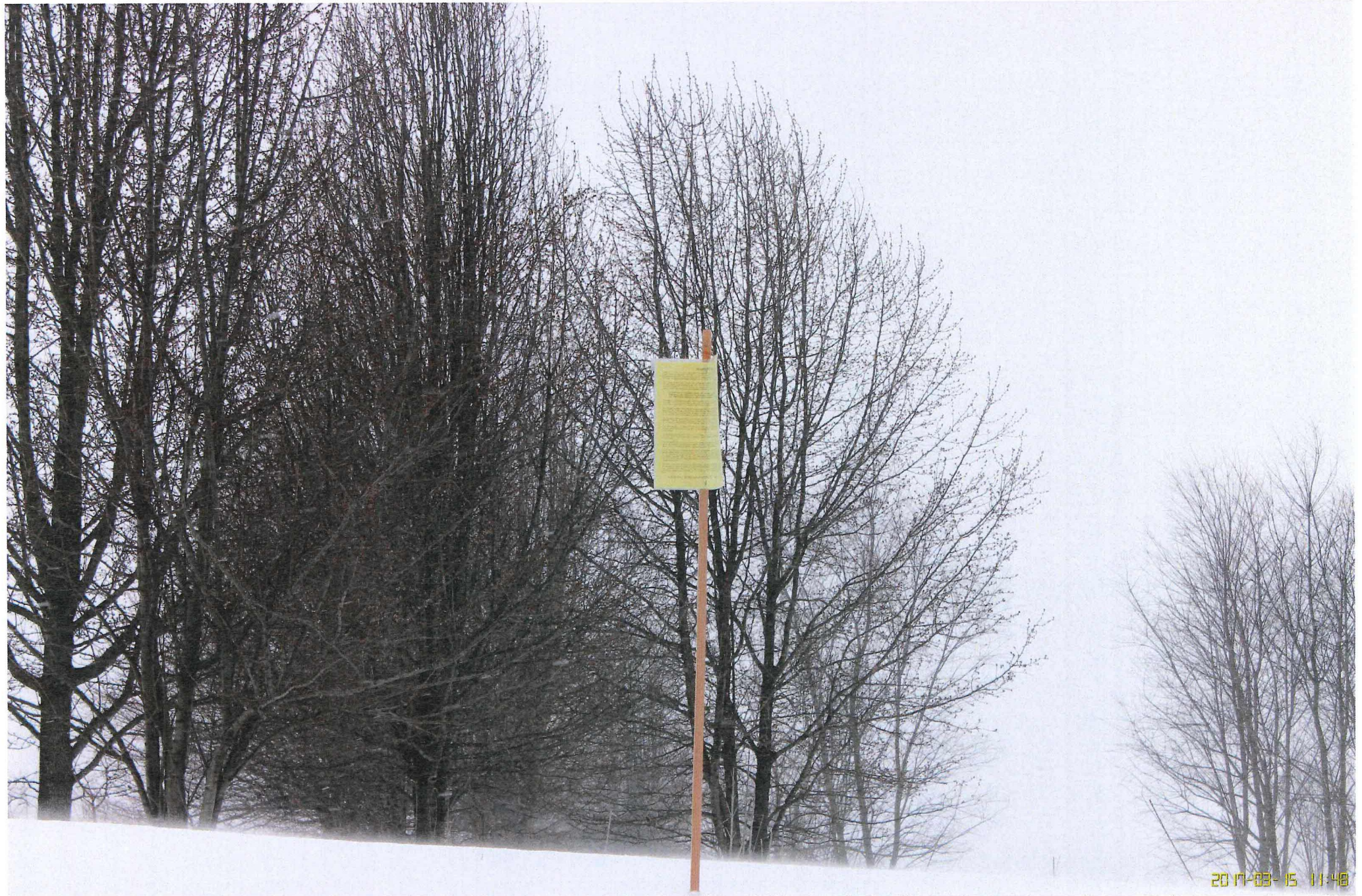
2017-03-15 11:47



2017-03-15 11:48



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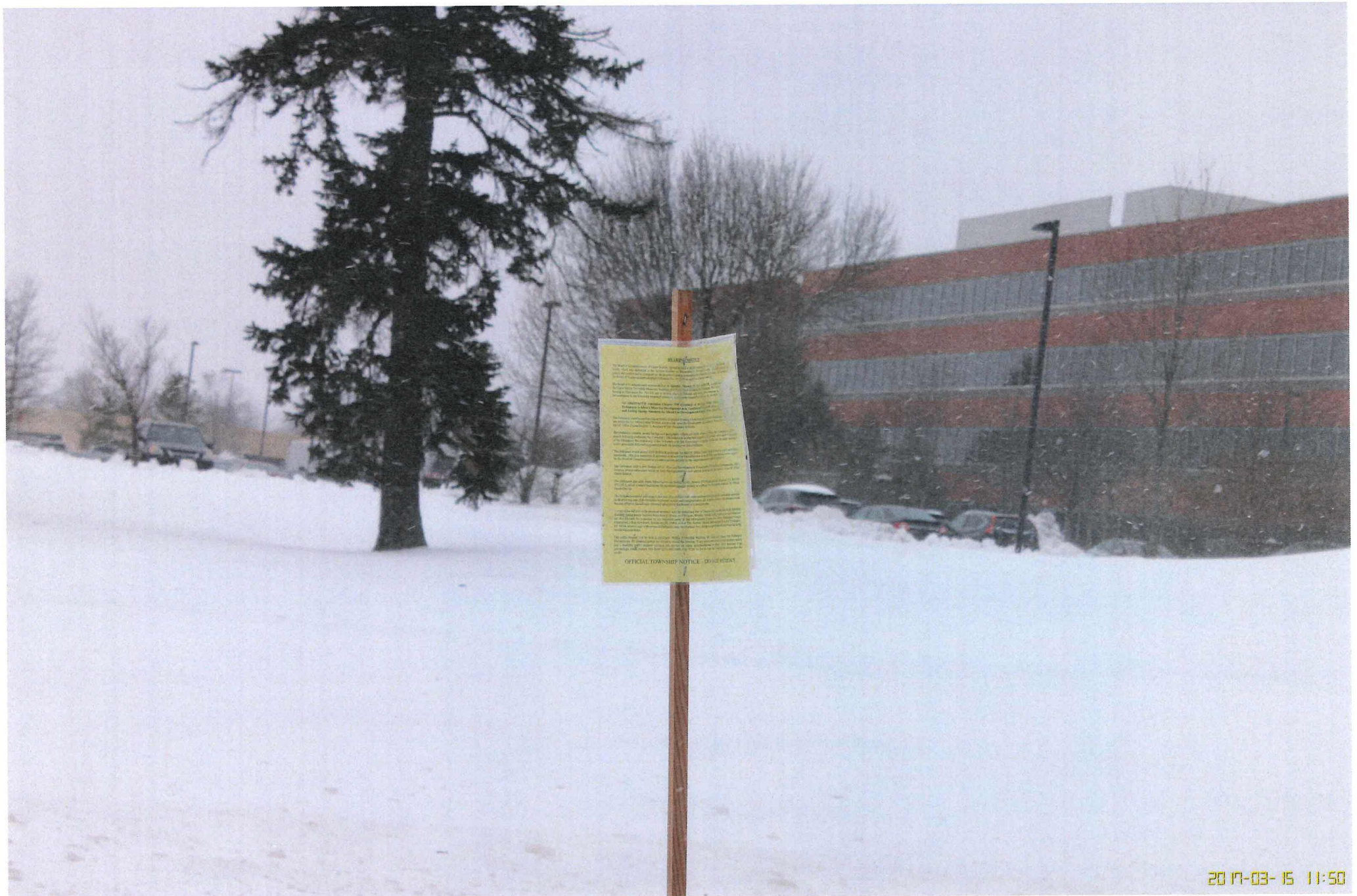
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2017-03-15 11:49



2017-03-15 11:49



BLANKET NOTICE

The Board of Directors of the Township of ... has adopted the following resolution:

Resolved, that the Township of ... hereby grants a blanket license to ... for the purpose of ...

The license shall be valid for a period of ... months, commencing on the date of this resolution.

The license shall be subject to the following conditions:

- 1. The licensee shall maintain the premises in a safe and sanitary condition.
- 2. The licensee shall comply with all applicable laws and regulations.
- 3. The licensee shall be liable for any damages caused by the licensee or its employees.

The license shall be subject to the following terms:

- 1. The licensee shall pay a fee of ... to the Township of ...
- 2. The licensee shall be responsible for the payment of all taxes and fees.
- 3. The licensee shall be responsible for the payment of all insurance premiums.

The license shall be subject to the following provisions:

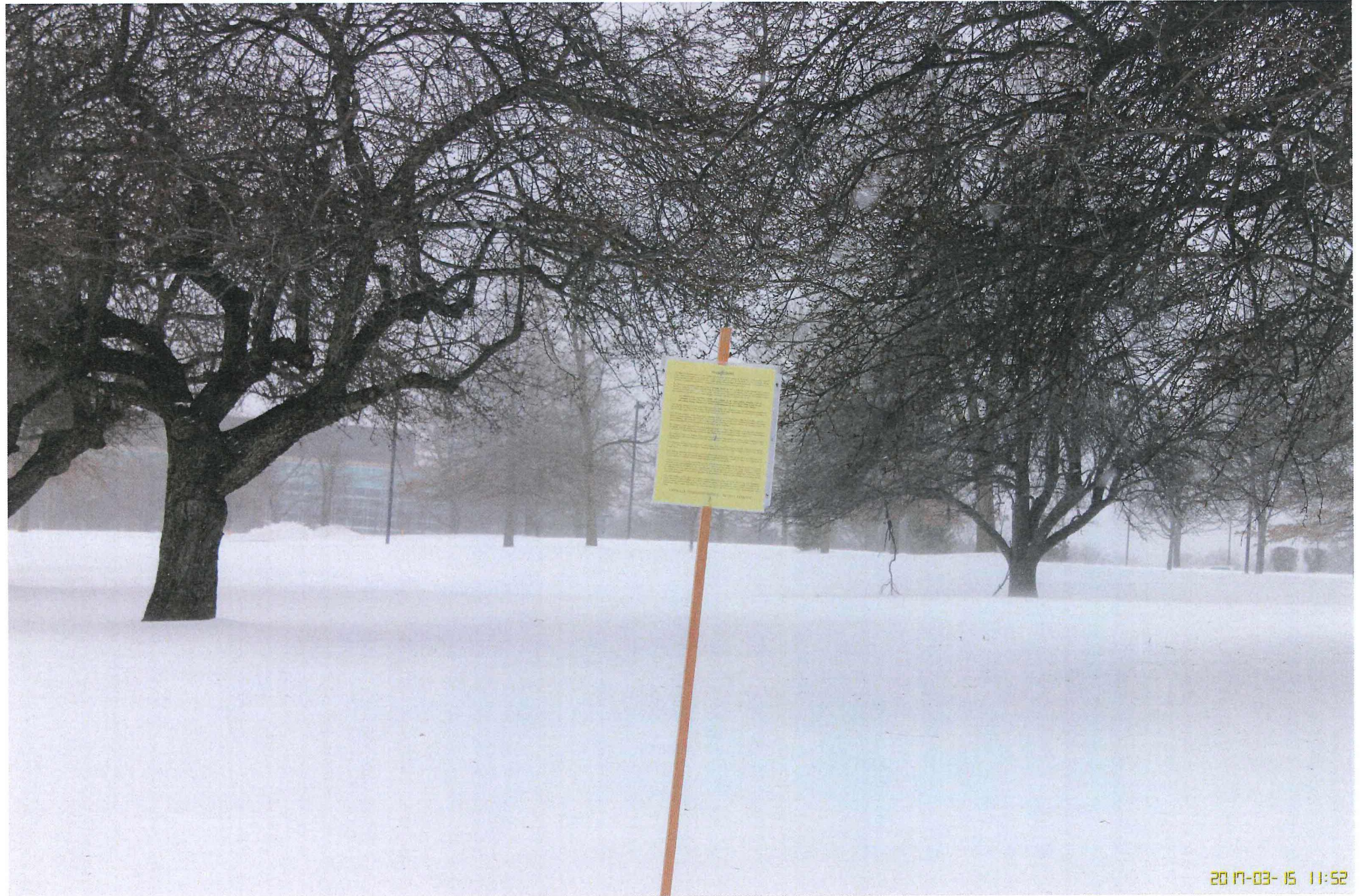
- 1. The license shall be subject to the terms and conditions of the license agreement.
- 2. The license shall be subject to the terms and conditions of the license agreement.
- 3. The license shall be subject to the terms and conditions of the license agreement.

OFFICIAL TOWNSHIP NOTICE DOCUMENT

2017-03-15 11:50



2017-03-15 11:50



2017-03-15 11:52



2017-03-15 11:52



2017-03-15 11:52

WARNING SIGN

CRITICAL TOWNSHIP PROPERTY - DO NOT REMOVE

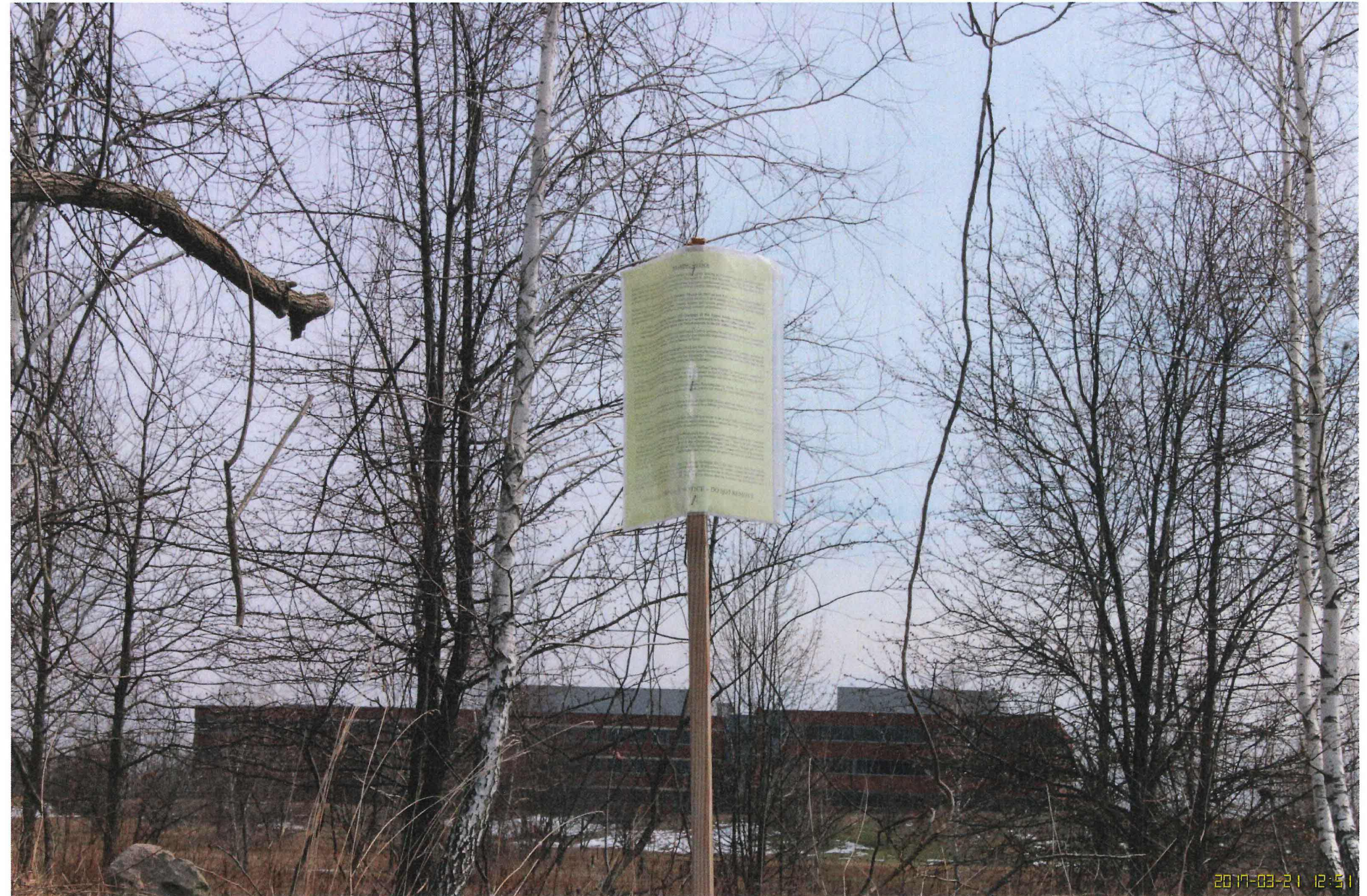
2017-03-15 11:53

Informational sign in a snowy forest.

Informational sign on a wooden post, partially obscured by snow. The sign contains text, likely a historical or informational plaque, but the text is illegible due to the image quality and distance. The sign is mounted on a wooden post that is partially buried in the snow.

OFFICIAL TOWNSHIP SIGN - DO NOT REMOVE

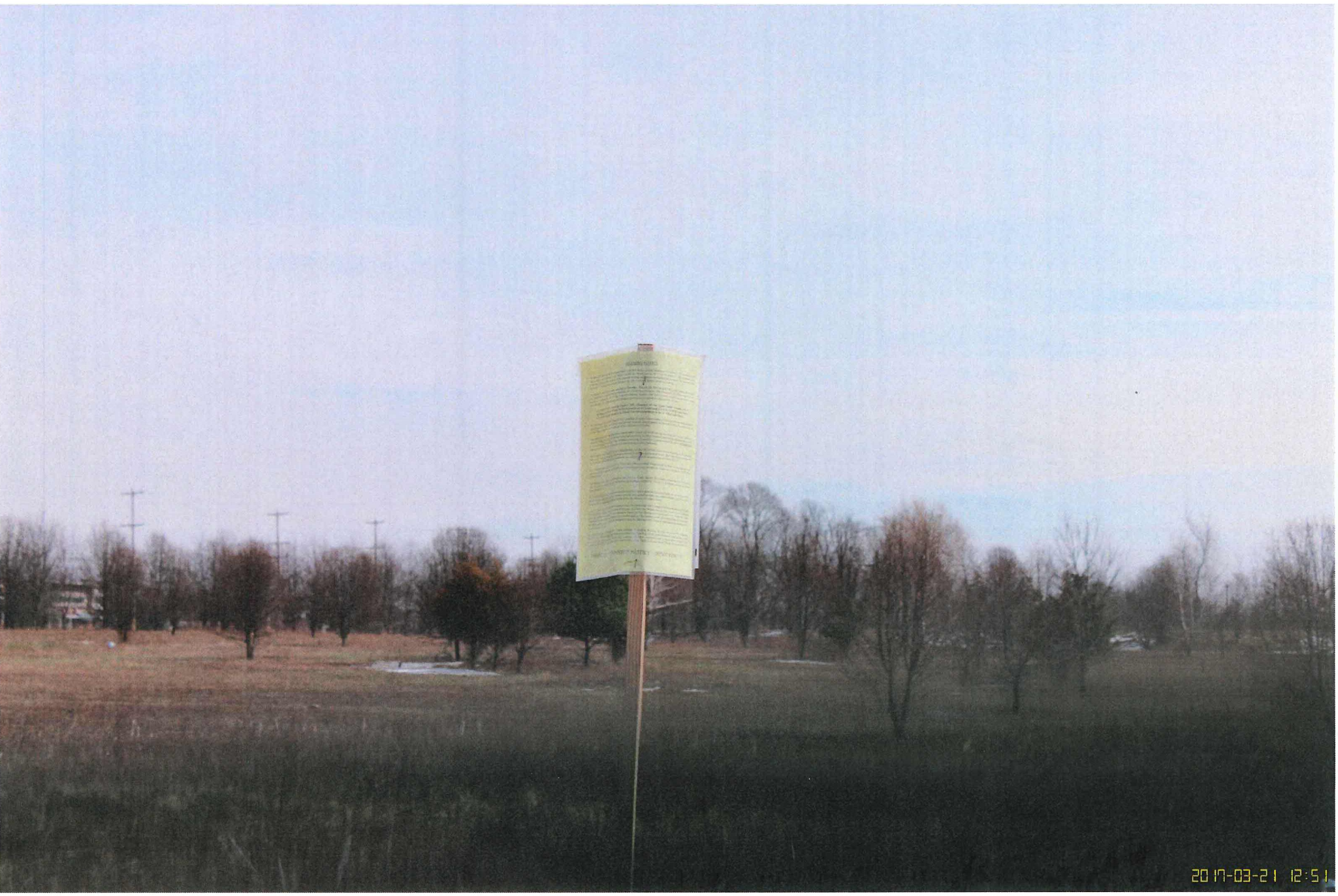
2017-03-15 11:54



2017-03-21 12:51



2019-03-21 12:54



MEMBER STATES

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2017-03-21 12:53

STATE OF OHIO
DEPARTMENT OF AGRICULTURE
DIVISION OF PLANT INDUSTRY
OFFICE OF PLANT QUARANTINE
COLUMBUS, OHIO 43260-1199
TEL: 614-393-3800 FAX: 614-393-3801
WWW.OHIOAGRI.DOHIO.GOV
PLANT QUARANTINE
1000 EAST 17TH AVENUE
COLUMBUS, OHIO 43260-1199
TEL: 614-393-3800 FAX: 614-393-3801
WWW.OHIOAGRI.DOHIO.GOV

2017-03-21 12:53



2017-03-21 12:53



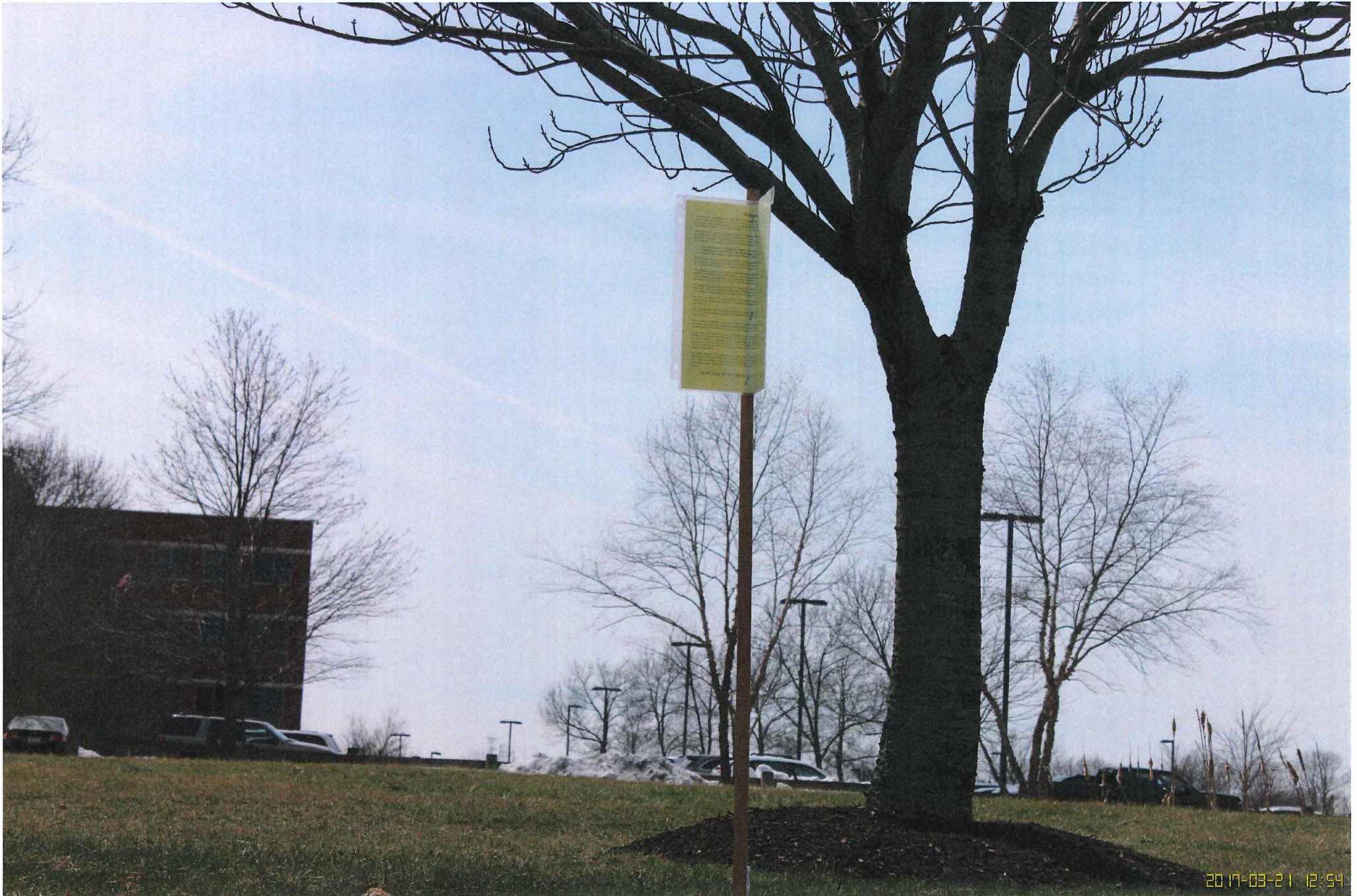
2017-03-21 12:54



2017-03-21 12:54

NOTICE
The following information is provided for your information and is not intended to constitute an offer or recommendation of any investment product or service. It is intended to provide general information only and should not be relied upon as a basis for investment decisions. For more information, please contact your financial advisor.

2017-03-21 12:54



2017-03-21 12:54





20 17-03-21 12:55



REARVIEW MIRROR
The rearview mirror is a device that allows the driver to see the traffic behind the vehicle. It is located on the interior of the vehicle, typically on the windshield. The driver can adjust the mirror to see the traffic behind the vehicle. The rearview mirror is an important safety device that helps the driver avoid collisions with vehicles behind them.

OFFICIAL DOCUMENT



2017-03-21 12:55



2017-03-21 12:56



2019-03-21 12:56

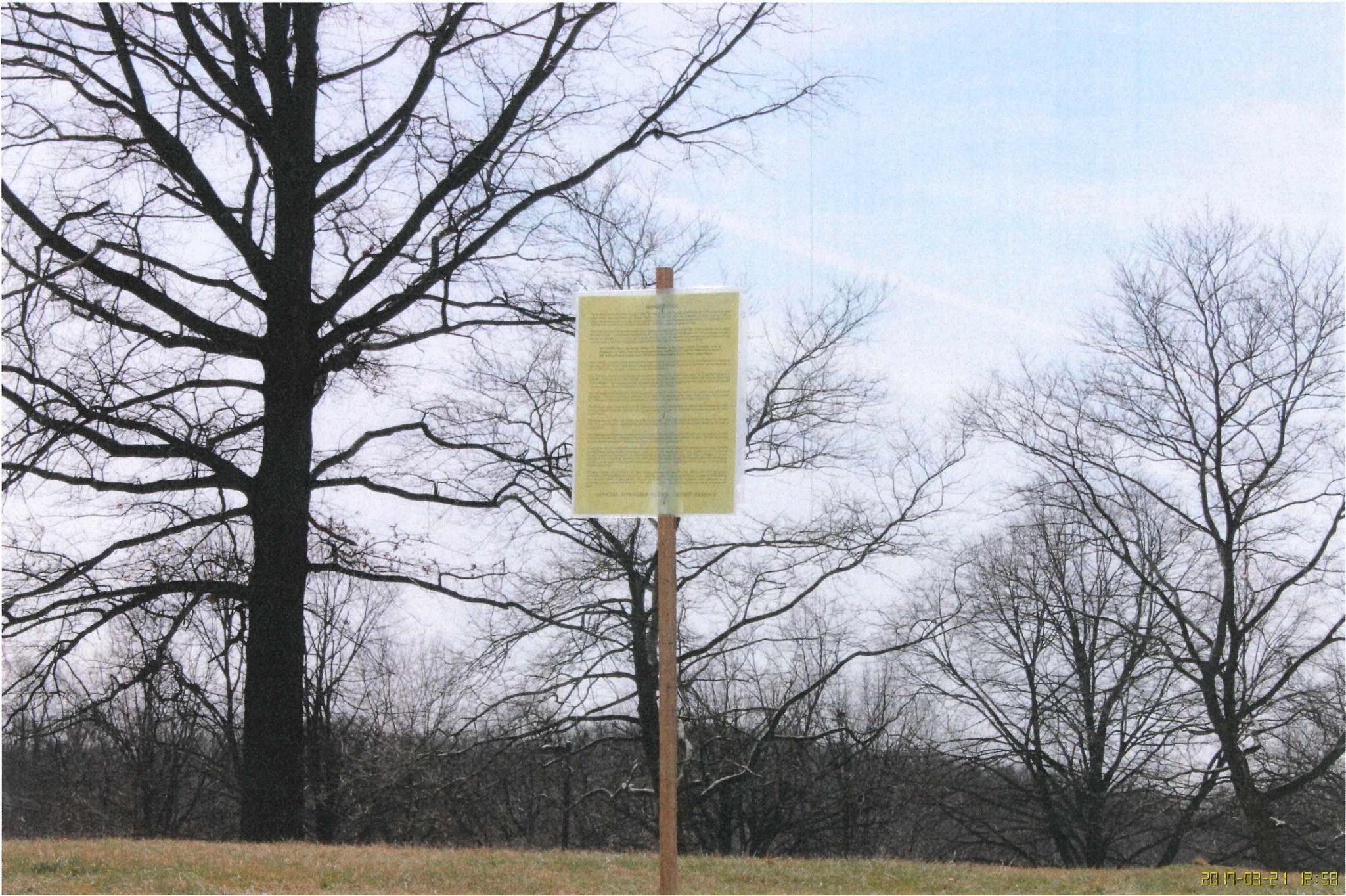
OFFICIAL TOWNSHIP OFFICE - DEMMO KEMPTON

Informational sign on a wooden post in a wooded area. The sign is yellowish and contains several paragraphs of text, likely providing details about the location or the trees. The text is too small to read clearly.

WALTON COUNTY
OFFICIAL RECORDS DEPARTMENT
2017-03-21 12:57



2017-03-21 12:57



2017-03-21 12:58