

This document is a proposed text amendment to the Township Zoning Ordinance, which would affect institutional properties throughout the Township of Upper Dublin including the Saint Mary's/Mattison Estate. This version is proposed by the owners of the Saint Mary's Villa property and will be subjected to extensive review by the Township Planning Commission, the Montgomery County Planning Commission, Township staff, and ultimately the Board of Commissioners. That said it will likely be subject to amendment and significant debate. It is posted on the Township website without endorsement or comment. Please continue to check the Township website for the variety of meeting dates where this proposed amendment will be discussed.

May 9, 2014

AN ORDINANCE

NO. _____

AN ORDINANCE To Amend The Code Of The Township Of Upper Dublin, Chapter 255, Zoning, To Establish Historical Preservation – Mixed Residential Community As A Conditional Use Within The INST Institutional Districts And To Provide Specific Regulations Governing Development Of Same.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of Upper Dublin Township, Chapter 255, Zoning, shall be amended by the addition of a new §255-88D(5), to provide as follows:

- (5) Historical Preservation – Mixed Residential Community, pursuant to the provisions of §255-90.2 herein.

Section 2. The Code of Upper Dublin Township, Chapter 255, Zoning, shall be amended by the addition of a new §255-90.2, to provide as follows:

§255-90.2 Historical Preservation – Mixed Residential Community.

- A. It is the intent of this section to provide for the preservation of meaningful historical buildings and features on property proposed for development by the establishment of reasonable zoning standards to promote the desirable benefits which will follow the development of a residential community which will preserve as part of the community significant historical buildings, structures and features. Design criteria shall include standards governing Dwelling Unit density, parking requirements, roadway widths and future Dwelling Unit setbacks from internal roadways as well as perimeter setbacks, which standards are to ensure that the Residential Community will not exert an adverse impact on surrounding neighborhoods. Such a development shall be entitled “Historic Preservation – Mixed Residential Community” and shall be allowed only by grant of conditional use by the Board of Commissioners.
- B. Definition. A Historic Preservation – Mixed Residential Community is a Planned Development comprised of a mix of residential uses which may include Single Family Detached Dwelling, Twin Dwelling, Townhouse Dwelling, Apartment Building (with

condominium ownership governed by Uniform Condominium Act) and Senior Independent Living Campus. The Senior Independent Living Campus is a residence for persons age 62 and over, which consists of private Dwelling Units and accessory uses, provides supportive social residential services such as dining facilities, housekeeping, medical and support services, security and 24-hour-monitoring, an emergency call system, recreational facilities including a fitness center with indoor pool, wellness promotion, exercise programs, local transportation, educational and special events, laundry services and social and recreational programs, together with accessory uses appropriate for allowing independent older adults to age in place, as well as accessory structures for maintenance services and equipment. If a building with significant historic value is to be preserved as part of the Senior Independent Living Campus, a maximum of 10% of the total residential Dwelling Units may be located within the preserved historic building, which are not subject to the minimum 62 years of age limitation, provided that no occupant of any such Dwelling Unit may be 19 years of age or under, other than a visitor whose occupancy shall not exceed 90 days in any calendar year.

- C. Residence regulations. The requirements set forth at §255-90.1C(1) through (6) shall apply to the Senior Independent Living Campus component.
- D. Development regulations. The following density, area, dimensional, parking and buffer regulations shall apply to a Historical Preservation – Mixed Residential Community:
 - (a) Lot area. A lot area of not less than forty (40) acres with a minimum width at the existing legal right-of-way of at least one bordering roadway of 800 feet.
 - (b) Dwelling Unit mix. A Historical Preservation – Mixed Residential Community shall contain a minimum of three of the permitted residential units identified in subsection B hereinabove, one of which must be the Senior Independent Living Campus containing a maximum of 250 residential units.
 - (c) Density. The Senior Independent Living Campus component shall have a maximum density of 14 units per acre for its portion of lot area within the Community, not more than 60% of which shall be available for double-occupancy. The acreage of the lot area associated therewith shall be subtracted from the Community's overall lot area and the density for the remaining lot area shall not exceed 5 units per acre.
 - (d) Impervious surface coverage. The maximum impervious surface coverage shall be 55%.
 - (e) Perimeter setbacks. The following minimum building setbacks shall be observed from the property perimeter. The applicable setback adjacent to a street shall be provided from the legal right-of-way line.* Accessory structures to the principal

building in the nature of deck, porch, patio, Jacuzzi/spa, sitting wall or fence shall be permitted to extend a maximum of 20 feet into such setback. Roadways, sidewalks, utilities and driveways shall be permitted within the perimeter setbacks, as shall any perimeter fencing.

Perimeter Setback	Abutting Institutional or Non-Residential Use	Abutting Residential Use	Abutting State Road or Arterial Road	Abutting Township Road
Front	100 feet	100 feet	60 feet	50 feet
Side	100 feet	100 feet	60 feet	50 feet
Rear	100 feet	100 feet	60 feet	50 feet

* Existing structures in the nature of perimeter walls, entrance archways and pillars and guard/gatehouses shall be exempt from these perimeter setback requirements.

- (f) The maximum building height, as defined in Chapter 212, Subdivision and Land Development shall be 35 feet for all residential uses other than the Senior Independent Living Campus and multi-family. The maximum height for those uses shall be four stories, not exceeding a maximum height of 55 feet. Provided that any such use closer than 200 feet from any adjoining residential district shall be limited to three stories, not exceeding a maximum height of 45 feet.
- (g) Parking shall be provided in accordance with the following standards:
 - (1) Senior Independent Living Campus – 1.5 spaces per Dwelling Unit, of which 0.25 spaces per unit may be held in reserve, which spaces may include garage and driveway and designated shared or common parking spaces with more than 12 spaces in a row shall provide a landscaped island separation of a minimum of 10 feet between further parking spaces.
 - (2) Multi-family – 2.5 spaces per Dwelling Unit, which may include garage and driveway and designated shared or common parking spaces.
 - (3) Single family detached, semi-detached and attached – 2.5 spaces per Dwelling Unit which may include garage and driveway and designated shared or common parking spaces.
 - (4) Not less than 10 feet of open space shall be provided between the curb line of any parking area and the outside wall of any building.

- (h) Interior road design standards: 26 foot wide minimum cartway, with five foot wide sidewalk, cartway width to be measured from outer edge of rolled curb, which shall be permitted, if utilized, or face of straight curb. Five foot wide sidewalk abutting outer edge of rolled curb, or three foot grass separation from straight curb, one side of street only. The Board of Commissioners may, upon recommendation of the Township Engineer, modify such street width to accommodate existing structural features or to design a portion of interior roadway for one-way only traffic.
- (i) Private drive design standards: Within any Senior Independent Living Campus component or apartment building (with condominium ownership governed by Uniform Condominium Act) component, drive areas shall have a minimum width of 22 feet with perpendicular parking spaces on one or both sides thereof to have a minimum depth of 18 feet.
- (j) Additional interior road design criteria: There shall be a minimum clear sight triangle of 50 feet along the centerline of intersecting internal roads. All internal roads shall have a minimum radii of 20 feet.
- (k) Ownership and maintenance of interior roads and drives: Interior roads and drives within a Historic Preservation – Mixed Residential Community shall not be dedicated, but shall be owned and maintained by an appropriate Homeowners Association, Condominium Association and/or an association of such entities, working in concert for the proper use, maintenance and repair of the private roads and drives servicing the overall Community.

E. Building setback, spacing and bulk requirements for various residential uses:

- (a) Lot area and width. There shall be no minimum lot size or dimension, as the required mix of residential uses may be governed by either or both Pennsylvania's Planned Community Act or Uniform Condominium Act.
- (b) Setback for buildings along private street – 20 feet from back of curb or back of sidewalk.
- (c) Distance between buildings (not including decks, patios and accessory structures) 20 feet regardless of orientation of buildings.
- (d) Buildings within the Senior Independent Living Campus may be interconnected by climate controlled and sprinklered walkways, either at ground level or elevated, appropriate for access between buildings within the Campus. Such

interconnection shall not be deemed to violate the minimum distance between buildings as set forth hereinabove.

- (e) Buffer and screening requirements. These buffer and screening requirements shall apply solely to the perimeter of the development property and do not establish any requirement for screening or buffering internally between the various uses proposed. Where portions of the development property are not proposed for development in proximity to existing adjoining residential development, these buffer and screening requirements shall not apply if the development property has existing woodlands, wetlands and natural features that provide comparable buffer and screening for those areas.
 - (f) Tree replacement. If more than 50% of existing trees eight inches in caliper or more are to be removed or destroyed because of street alignment, building placement, parking area location, grading or otherwise, then each existing tree eight inches of caliper or more to be removed or destroyed in excess of 50% shall be replaced with one or more new shade trees of a type recommended by the Township as found in its recommended plant list, with a trunk diameter of not less than three inches measured at six inches above the ground level. Such replacement trees shall be in addition to trees otherwise required, other than replacement trees, by the Subdivision and Land Development Ordinance of Upper Dublin Township. Replacement trees are to be planted in common areas, rather than as foundation plantings at individual homes. A maximum of 50% of the required trees may be replaced as ornamental/flowering trees or evergreen trees, at a ratio of two flowering or two evergreen trees per required three-inch caliper shade tree, with a maximum of 20% of the required trees to be replaced as shrubs at a ratio of ten shrubs per required tree. If the Board of Commissioners determines that the full complement of replacement trees as required herein cannot be reasonably planted on the development property, the Board may accept a contribution in lieu of the required replacement trees not to be planted on the development property.
- F. Application procedure and imposition of conditions. The conditional use application procedures as set forth at Section 255-91(A), (B) and (C) shall apply to any application for conditional use approval for a Historical Preservation – Mixed Residential Community. As a threshold requirement for a property to qualify for the grant of a conditional use as a Historical Preservation – Mixed Residential Community, the applicant must provide an inventory of buildings and features to be preserved, and the Board of Commissioners must find that the property contains a significant number of buildings, structures, statuary and other elements of a vintage, character and age to warrant the grant of a conditional use approval, with the imposition of conditions designed to assure proper restoration, renovation and maintenance of the buildings and

features identified upon applicant's inventory. Such conditions shall include, at a minimum, the recording of a Declaration of Covenants and Restrictions, in form and substance satisfactory to the Board of Commissioners, setting forth perpetual, binding requirements addressing restoration, preservation and future funding for proper maintenance of the buildings and features set forth on applicant's inventory list. Park and recreation contributions, as mandated by Township Ordinance for residential developments, shall be waived and replaced by a binding requirement, set forth in the Declaration, enforceable by the Township, requiring an amount equal thereto to be paid into a fund for proper maintenance of the aforesaid features warranting historic preservation. Existing structures suitable for and approved by the Board of Commissioners for restoration and/or renovation for residential usage, or structures in the nature of gate houses or guard houses or other similar structures appropriate for retainage or renovation into residential usage, as identified upon applicant's inventory, may be designated in the conditional use approval for preservation and future residential usage with allowance for siting of same on designated fee simple parcels. The Board of Commissioners may provide in the conditional use approval for flexibility regarding strict application of §§D(e), (g), (h), (i), (j) and E if deemed appropriate by the Board to foster better planning and design within the Community.

- G. Internal parcel creation and designation. At the time of approval of a final land development plan for a Historical Preservation – Mixed Residential Community, the Board may approve a parcel plan to be recorded in the Office for the Recording of Deeds in Norristown establishing separate parcels for the Senior Independent Living Campus and/or individual buildings within the Campus, as well as any Multi-Family components to allow for independent conveyance of those parcels separate and apart from the other residential uses, as well as to allow for recording of mortgage liens and financing liens in regard to such components. As a condition to the approval of such a parcel plan, a Declaration shall be approved by Board for recording establishing requisite cross easements servicing those parcels in concert with the parcel or parcels for the development of the other residential uses as well as for requisite participation in the funding of future maintenance and repair of all common areas and shared facilities in the nature of roadways and utilities by and among all residential components within the community.

Section 3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take effect and be in force from and after its approval as required by law.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN

ATTEST:

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