

**UPPER DUBLIN TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 25-1400

**AN ORDINANCE AMENDING CHAPTER 255 (ZONING) OF
THE UPPER DUBLIN TOWNSHIP CODE OF ORDINANCES
TO ADD A NEW STACKED TOWNHOUSE USE AND
TO AMEND THE REGULATIONS FOR A MIXED USE
DEVELOPMENT 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 public 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 add a stacked townhouse use and to amend certain regulations of the 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 1, **Section 255-7**, Definitions, shall be amended to create the following new definitions under the definition of **DWELLING – C. MULTIPLE DWELLING**:

- (8) **STACKED TOWNHOUSE DWELLING** – Two (2) single-family attached dwellings that are arranged vertically, typically two (2) stories for each dwelling unit, with each dwelling unit having independent outside access. Such unit may be independently owned or may be rented as in an apartment development. In addition,

appurtenant areas may or may not be owned, rented or held in some form of community ownership.

SECTION 2. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, **Section 255-61.1.B**, shall be amended by adding certain permitted uses in a Mixed Use Development in the OC Office Center District, as follows:

A. **Retail and Commercial Uses.** Section 255-61.1.B(1) setting forth the permitted retail and commercial uses permitted shall be amended by adding a new subsection (h), as follows:

(h) Hotel.

B. **Residential Uses.** Section 255-61.1.B(2) setting forth the permitted residential uses shall be amended by adding a new subsection (c), as follows:

(c) Stacked Townhouse Dwellings.

C. **Accessory Uses.** Sections 255-61.1.B(3)(c) and (d) setting forth the permitted accessory uses shall be deleted in their entirety and restated, as follows:

(c) Drive-thru service, as an accessory use to any permitted use, provided (i) the drive-thru is internal to the site with no direct access onto a public street, (ii) is intended for vehicular access only and does not include walk-up and/or order pick-up areas; and (iii) no more than three (3) drive-thru facilities shall be permitted within a Mixed-Use Development.

(d) Outdoor seating and/or dining areas, provided that no outdoor seating or dining shall occur after 11:00 p.m. each day.

D. **Institutional Uses.** A new Section 255-61.1.B(4) setting forth the institutional uses permitted shall be added, as follows:

(4) Institutional Uses:

(a) Senior Assisted Living Residence.

E. **Municipal Uses.** A new Section 255-61.1.B(5) allowing municipal uses as a permitted uses shall be added, as follows:

(5) Municipal Uses.

SECTION 3. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, **Section 255-61.1.C**, shall be amended by amending certain development requirements in a Mixed Use Development in the OC Office Center District, as follows:

A. **Road Frontage.** Section 255-61.1.C(2) setting forth the road frontage requirements in a Mixed Use Development shall be deleted in its entirety and restated as follows:

- (2) Road frontages. The site, which may include adjacent parcels under common control, shall have frontage on and road access to at least two (2) public roads. The grant of an irrevocable access easement over and across an adjacent property to a public road, shall constitute frontage and road access.

B. Mix Requirements. Section 255-61.1.C(3) setting forth the mix requirements for Mixed Use Development shall be deleted in its entirety and restated as follows

- (3) Mix Requirements. Every Mixed Use Development shall provide a mix of three (3) or more uses, including office, commercial, residential, institutional and/or municipal uses, and no one use may utilize more than eighty percent (80%) of the building 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.

C. Neighborhood Open Space. Section 255-61.1C(5) setting forth the Neighborhood Open Space requirements shall be amended to include a new subsection (b) as follows:

- (b) A Mixed Use Development which includes Stacked Townhouse Dwellings, shall provide a minimum of 200 square feet per Stacked Townhouse Dwelling (i.e., 400 square feet per stack of 2 dwellings) of outdoor courtyard space between the buildings containing such Stacked Townhouse Dwellings, which shall be improved with a minimum of one (1) bench for every five (5) Stacked Townhouse Dwellings with additional landscaping. Such space is separate from, and in addition to, the overall Mixed Use Neighborhood Open Space otherwise required in subsection C.5(a) above and shall be improved and arranged in a manner to encourage outdoor recreation among the residents whether passive or active in nature.

SECTION 4. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, **Section 255-61.1.D**, shall be amended by amending certain area and bulk requirements in a Mixed Use Development in the OC Office Center District, as follows:

A. Building Height. Section 255-61.1.D(3) setting forth the building height requirements in a Mixed Use Development shall be deleted in its entirety and restated as follows:

- (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. Notwithstanding the foregoing, the

maximum height of any mixed use building containing a commercial use on the first floor and residential uses above and/or an apartment building may be increased to seventy-five (75) feet if the building is located at least 500 feet from the boundary of a residential zoning district. The maximum building height for a single-story commercial use shall be thirty-five (35) feet.

B. Parking. Section 255-61.1.D(6)(b) setting forth the parking requirements for residential uses in a Mixed Use Development shall be deleted in its entirety and restated as follows:

(b) Residential Uses:

(i) Townhouses and Stacked Townhouses: Two (2) parking spaces per dwelling unit, provided that (i) a garage shall be considered one (1) parking space and (ii) overflow parking shall be provided at a ratio of 0.5 parking spaces per dwelling unit.

(ii) Apartment Buildings (including the residential component of a mixed use building): One (1) parking space per bedroom.

SECTION 5. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, Section 255-61.1.E(1)(b) and (c), regarding certain design standards in a Mixed Use Development in the OC Office Center District, are hereby deleted in their entirety and restated as follows:

(b) Primary Façade. Any building façade with a customer or visitor entrance shall be treated as a primary façade. On non-residential or mixed use buildings 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. On secondary facades visible from a public or private street, or drive aisle blank walls are prohibited.

SECTION 6. The Code of Upper Dublin Township, Chapter 255, Zoning, Article IX, OC Office Center District, **Section 255-61.1** is hereby amended by adding a new subsection (F), as follows:

F. **Special Conveyancing.** When a parcel or parcels are developed as a mixed-use development pursuant to this Section 255-61.1, then the creation of and conveyance of a lot or parcel(s) within such mixed-use development shall be permitted upon compliance with the following conditions:

- (a) Irrevocable cross-easements in favor of, and duly binding on, all title owners within the area of the mixed-use development, their successors and assigns, with respect to use, control and maintenance of the common areas including access, green space, and parking areas are in effect and recorded. All easements shall be submitted to the Township Solicitor for review prior to recording of same.
- (b) The application of zoning regulations including, but not limited to, building coverage, impervious coverage, parking, loading and landscaping, as well as required area, width and yard regulations, shall apply to the overall approved mixed-use development and the individual lots or parcels created pursuant to this section need not comply with such zoning requirements.

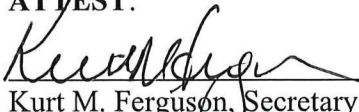
SECTION 7. To the extent that the provisions of this Ordinance Amendment are inconsistent or conflict with any other provision of Chapter 255, the Upper Dublin Township Zoning Ordinance, the specific regulations contained in this Ordinance Amendment shall control and take precedence over such other regulations.

SECTION 8. The provisions of this Ordinance Amendment 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 Amendment would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or parts thereof had not been included herein.

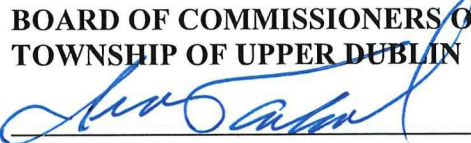
SECTION 9. This Ordinance Amendment shall take effect and be in force from and after its approval as required by law.

ENACTED by the Board of Commissioners of Upper Dublin Township, this 11th day of March, 2025.

ATTEST:


Kurt M. Ferguson, Secretary and
Township Manager

**BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN**


Ira S. Tackel, President