

TOWNSHIP OF UPPER CHICHESTER, PENNSYLVANIA

ORDINANCE NO. 747

AN ORDINANCE AMENDING THE UPPER CHICHESTER TOWNSHIP ZONING ORDINANCE to establish the "TLC-Township Line Commercial District"; and identify appropriate uses and regulations for the District.

WHEREAS, the Board of COMMISSIONERS have met the procedural requirements of 53 P.S. § 10101, et seq., of the Pennsylvania Municipalities Planning Code, which authorizes Township of Upper Chichester to regulate zoning and land use in the Township; for the adoption of the proposed Ordinance, including advertising and the holding of a public hearing;

WHEREAS, the Board of COMMISSIONERS will amend, and adopt Ordinances that are consistent with the Constitution and the laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the health, safety, and welfare of its citizens;

WHEREAS, the Board of COMMISSIONERS has determined that amending the Township Zoning Ordinance is necessary for the property management and control of the Township and supports the health, safety and welfare of its citizens;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of COMMISSIONERS for UPPER CHICHESTER Township, and it is hereby ordained and enacted, by the authority of the same:

SECTION 1: CODE AMENDMENTS. Article XV pertaining to the CCRC District shall be repealed its entirety and replaced with the following:

**Article XV Township Line Commercial District**

**600-115 Purpose & Designation**

A. The purpose of the Township Line Commercial District is to:

- (1) Provide regulations to ensure compatibility of commercial, industrial, & surrounding residential uses in a unified planned arrangement;
- (2) Provide opportunities for interconnection of vehicular & pedestrian traffic between parcels containing similar uses;
- (3) Provide vehicular circulation patterns respectful of residential uses while providing access to I-95;
- (4) Provide opportunities for vehicular oriented commercial uses along existing roadways;
- (5) Provide appropriate landscape buffer regulations to provide adequate screening from residential, commercial, & industrial uses;
- (6) Provide safe pedestrian connections by implementing streetscape standards for existing & proposed roadways;
- (7) Provide consistent design & development standards for a variety of uses;
- (8) Encourage commercial, manufacturing, & industrial uses to facilitate job creation.

B. The Township Line Commercial District shall include lands generally surrounding the MH Mobile Home District, bounded by Keystone Road to the east, Interstate-95 to the north, Market Street to the west, and Township Line Road and Laughead Avenue to the south, as identified on the Upper Chichester Township Zoning Map.

**600-116 Use Regulations**

A. Uses Permitted By Right

(1) Land, buildings or premises shall be used by right for one or more of the following uses:

- i. Retail store, excluding outdoor storage or display of goods
- ii. Food store, including grocery, delicatessen, convenience store or supermarket, liquor store, caterer, bakery sales or ice cream shop
- iii. Eating or drinking establishment, including, microbrewery, brew pub, taverns, and sit-down or fast-food restaurant
- iv. Personal service shop
- v. Professional, medical, or business office including banks and financial institutions
- vi. Health club or spa
- vii. Government or Municipal uses including Parks, Outdoor Recreation, & Open Space
- viii. Automobile and/ or truck sales or rentals, provided all vehicles are parked on an approved paved surface
- ix. Flex space building not to exceed 25,000 SF in total floor area, designed for one or more of the following uses and no others: office, assembly, warehousing/storage or light manufacturing. Each flex space building shall have no less than thirty percent (30%) of the building used for office space. Warehousing, assembly or light manufacturing shall be a use which shall occupy no more than seventy percent (70%) of the building area
- x. Warehouse, subject to the Area and Bulk Regulations of Section 600-116.B(2)

(2) Uses permitted by right shall be subject to the following Area and Bulk Regulations, unless otherwise specified:

- i. Minimum Lot Area: 30,000 SF
- ii. Minimum Lot Width: 125 feet at the building setback line  
50 feet at the street right-of-way line
- iii. Minimum Front Yard: 25 feet
- iv. Minimum Side Yard: 25 feet (each side)
- v. Minimum Rear Yard: 50 feet
- vi. Maximum Building Coverage: 40%
- vii. Maximum Impervious Surface: 70%
- viii. Maximum Building Height: 40 feet

B. Conditional Uses

(1) The following uses shall be subject to conditional use approval from the Upper Chichester Township Board of Commissioners and the provisions of Article XXII, Standards and Procedures for Conditional Uses:

- i. General service or repair, including furniture, and electronic and appliance repair
- ii. Medical clinic
- iii. Hotel or motel, with related facilities such as restaurants or banquet room
- iv. Continuing Care Retirement Community (CCRC)
- v. Medical marijuana dispensary, as authorized by Act 16 of 2016, and as further regulated by 28 Pa. Code Chapter 1161, Dispensaries, and in accordance with applicable State or Federal regulations
- vi. Tradesman's shop, including carpenter, electrician, plumber, cabinetmaker or similar establishment
- vii. Wholesale sales, excluding junkyards
- viii. Manufacturing, processing, assembly, service testing, repair of goods, products or materials, and where applicable, service distribution of the following types of items, provided that such facilities, processes or operations are demonstrated by the applicant not to be materially injurious or offensive to the occupant and the Township as a whole by the emission or creation of noise, vibration, smoke, dust or other particulates, toxic or noxious materials, odors, fire, explosive hazards, heat or glare:
  - 1. Products such as candy, drugs and food products, including prep or catering kitchens (excluding meat and fish and processing of beverages but permitting the distribution of beverages)
  - 2. Electrical or electronic equipment, such as appliances and equipment not in excess of 50 cubic feet
  - 3. Measuring and scientific precision instruments and equipment, clocks, watches, jewelry, cameras and business machines
  - 4. Light metal processing, including metal finishing, grinding, polishing and heat treatment, metal cutting and extrusion of small products such as costume jewelry and pins
  - 5. Articles or merchandise from previously prepared materials
- ix. Cold storage plant, frozen food plant and lockers
- x. Indoor commercial recreation uses including basketball, gymnastics, handball, squash, tennis or other similar sport, provided that any proposed building will be constructed in such a manner that will allow the structure to be readily converted to a use permitted in this section should the recreational use of the building be discontinued
- xi. Laboratory
- xii. Indoor automobile and/ or truck service and repair including body repair, painting, towing, varnishing, undercoating and detailing, provided all vehicles are parked on an approved paved surface. Vehicles requiring repair shall be located at the rear or side of the principal building and not within the front yard(s)
- xiii. Wireless communications facility subject to the requirements of Section 600-187
- xiv. Medical marijuana grower/processor, as authorized by Act 16 of 2016 and in accordance with applicable State or Federal regulations
- xv. Cemetery

xvi. Other uses of a similar nature to other permitted uses, when approved by the Board of Commissioners

(2) Conditional uses shall be subject to the following Area and Bulk Regulations, unless otherwise specified:

- i. Minimum Lot Area: 60,000 SF
- ii. Minimum Lot Width: 225 feet at the building setback line  
50 feet at the street right-of-way line
- iii. Minimum Front Yard: 75 feet
- iv. Minimum Side Yard: 75 feet (each side)
- v. Minimum Rear Yard: 75 feet
- vi. Maximum Building Coverage: 40%
- vii. Maximum Impervious Surface: 65%
- viii. Maximum Building Height: 40 feet

### **600-117 General Requirements**

All uses within the Township Line Commercial District shall comply with the following general requirements:

- A. Environmental Impacts: No use shall emit any obnoxious, toxic or corrosive fumes, gases or other impacts in excess of the standards in Article XXIII.
- B. Public Utilities: All uses shall be served by public water and sewer facilities.
- C. Traffic: A Traffic Impact Study shall be provided for all uses permitted by conditional use. The Board of Commissioners may require a Traffic Impact Study for other permitted uses to assure potential impacts to adjacent properties will be mitigated.
- D. Exterior Lighting: All exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways shall be clearly marked and well lit. Lighting should be sufficient for security and identification without allowing light to shine or reflect onto adjacent sites. The height of fixtures shall be a maximum of twenty (20) feet for parking lots and fourteen (14) feet for pedestrian walkways.
- E. Building Height: Permitted building height may be increased to a maximum height of 70 feet provided the required building setbacks from all property lines are increased by an additional (2) two-feet for every (1) one-foot of increased building height in excess of 40 feet. The increased building setback(s) shall be applicable to the building(s)/ structures(s), or portion(s) of a building/ structure exceeding the 40-foot building height.
- F. Lands Adjacent to I-95:
  - (1) For the purpose of this article, lands adjacent to Interstate 95 (I-95) and the associated entry and exit ramps to or from this roadway, shall be considered rear yards.
  - (2) Building Design Standards provided in Sections 600-118.C(2) through 600-118.C(5) of this Article shall not be applicable to building(s) proposed within 400-feet of the right-of-way of I-95, provided the building(s) are setback a minimum of 450-feet from the right-of-way of Township Line Road, Market Street, and Laughead Avenue.
  - (3) Buffering & Screening Design Standards provided in Section 600-118.D of this Article shall not be applicable to areas adjacent to I-95 and/ or the associated entry and exit ramps to, or from this roadway.

(4) Permitted building height may be increased to a maximum height of 70 feet without providing additional building setbacks identified in Section 600-117.E, provided:

- i. The building(s), or portion(s) of the building exceeding the maximum building height regulations, will be located within 400-feet of the right-of-way of I-95;
- ii. The building(s), or portion(s) of the building exceeding the maximum building height regulations, will be setback a minimum of 450-feet from the right-of-way of Township Line Road, Market Street, and Laughead Avenue;
- iii. A minimum building setback of 75-feet will be provided from all property lines;
- iv. The proposed building(s) and associated site improvements provide adequate accessibility for emergency vehicles & service personnel, subject to the review of the Upper Chichester Township Engineer and Fire Marshal.

G. Deviation of Standards: The Upper Chichester Township Board of Commissioners may approve a deviation of design standards identified within the Township Line Commercial District, provided it is demonstrated the deviation will advance the purpose of the District without detriment to public health, safety, or welfare.

### **600-118 Design Standards**

All uses within the Township Line Commercial District shall comply with the following design standards:

#### **A. Parking & Circulation Design Standards**

- (1) Parking shall be provided according to the requirements of Article XVIII of the Upper Chichester Township Zoning Ordinance, except as modified by this section.
- (2) Shared parking is permitted for two or more properties to provide the parking spaces required when two or more establishments share the same parking area, whether on the same lot or abutting lots, if specifically approved by the Board of Commissioners subject to the following conditions:
  - i. A shared parking agreement, which involves a contractual agreement between users, shall be approved by the Board of Commissioners Upper Chichester Township and recorded.
  - ii. A portion of the shared parking area shall be located within seven hundred and fifty (750) feet from a regularly used entrance into the building served by the shared parking arrangement.
  - iii. Parking areas shall be interconnected by access driveways logically placed and easily identifiable to ensure convenient traffic flow.
- (3) Design of Interior Driveways and Access Aisles:
  - i. Interior drives shall be designed to prevent blockage of vehicles entering or leaving the site and shall be clearly marked by signs, curbing, or lines. Drives may be one-way or two-way. Areas designed for loading and unloading, refuse collection, fuel delivery and other service vehicles, shall be separate and arranged so as to prevent blocking or interfering with accessways, the use of automobile parking facilities or pedestrian ways, and shall have adequate turnaround surface so egress to the street is in a forward direction.
  - ii. Accessways, parking areas, and loading areas shall have clearly defined parking bays and traffic circulation lanes designated by markings, curbs, barriers and/or landscaped

islands, so that operators of vehicles intending to patronize such parking areas shall not impede traffic as a result of any confusion as to location of entrances and exits and manner of reaching them.

- iii. All interior drives and accessways shall be paved with an approved all-weather surface, and shall be graded, properly drained, and maintained in a good condition. Interior drives shall have a maximum grade of 4%, measured along the center line, for a distance of not less than 25 feet from the street right-of-way line. Beyond that point, interior roads and drives shall have a maximum grade of 10%.

(4) Design of Parking Areas:

- i. Vehicular access to surface parking shall be from a side street or adjacent parking lot where possible.
- ii. Pedestrian connections between adjacent public streets or access driveways and building entrances shall be provided through safe provisions to and through a parking lot. Surface parking areas and associated pedestrian walkways connecting to them shall be appropriately illuminated.

iii. Location of Surface Parking:

- 1. Surface parking is encouraged to be located on the side or rear of the principal building. All parking shall be set back a minimum of fifteen (15) feet from the ultimate right-of-way of a public roadway, and a minimum of fifteen (15) feet from internal access driveways.
- 2. Off-street surface parking is limited to two (2) rows of parking spaces and one (1), two-way maneuvering aisle between the principal building and the street(s) providing access, or access driveway(s). The remaining parking shall be located at the side or rear of the property.
- 3. Surface parking for properties exceeding five hundred (500) feet of frontage on a public street, or a lot size exceeding five (5) acres shall have no more than thirty percent (30%) of the required parking on the side and front of the building, unless the parking is setback a minimum of 300-feet from the right-of-way of Township Line Road, Market Street, and Laughead Avenue.

(5) Fire Lane Easements:

- i. No multifamily residential or institutional building shall be located more than 150 feet from a duly dedicated, improved or accessible fire lane easement as defined herein, nor more than 600 feet from a duly dedicated, accessible and improved public or private street. Fire lane easements shall be located adjacent to commercial and industrial building(s).
- ii. Fire lane easements shall have a minimum unobstructed right-of-way width of 40 feet; and there shall be constructed within this right-of-way an all-weather and well-drained surfaced cartway with a minimum width of 20 feet. The extension of fire lane easements shall begin from one or more existing and improved public streets.
- iii. Fire lane easements which curve, turn, or change directions shall have a minimum radius of 55 feet of pavement. Fire lane easements containing reverse curves shall have a minimum center line tangent length of 50 feet between curves.

- iv. Dead-end fire lane easements shall not exceed 400 feet in length and shall be terminated with an unobstructed vehicular turnaround or cul-de-sac with a minimum surface radius of 35 feet.

(6) Landscaping in Parking Areas:

- i. Off-street parking areas and parking lots shall be landscaped to: Reduce wind and air turbulence, heat, noise, and the glare of automobile lights; Provide shade; Ameliorate stormwater drainage problems; Replenish the groundwater table; and Provide for a more attractive setting.
- ii. Landscaping shall be provided to ensure a good appearance of vehicular parking areas and to protect and preserve the appearance, character, and value of surrounding properties.
- iii. Parking lots should be screened from the street and non-compatible neighboring uses. Surface parking shall be provided with a minimum fifteen (15) foot-wide buffer from the ultimate right-of-way line of adjacent streets, a minimum of fifteen (15) feet from internal access driveways, and a minimum five (5) foot-wide buffer from all other property lines to allow for screening. Parking lots visible from a street shall be continuously screened by a three (3)-foot-high wall/ fence or plantings. Parking lots adjacent to non-compatible neighboring uses as determined by the Board of Commissioners shall be continuously screened by a six (6)-foot-high wall/fence or plantings. Screening shall meet these height requirements by including any combination of:
  1. Hedges, installed at thirty-six (36) inches in height but growing to required height; or
  2. Mixed planting (trees and shrubs); or
  3. Wall sections, with no wall break of more than 9 feet, and landscaping to provide a continuous screen; or
  4. Berms that have a slope no greater than three to one (3:1) with a rounded slope top planted with permanent ground cover (turf or other plants) to prevent and stabilize erosion. Berms shall not have a negative impact on stormwater management for a development or the surrounding area.
- iv. The landscaping and planting areas shall be reasonably dispersed throughout the parking lot. Where there are twenty (20) or more parking spaces, the following shall apply:
  1. Landscaped islands shall be provided at the end of each parking bay of no more than twenty (20) contiguous spaces accessed from a single aisle. Such islands shall be a minimum of nine (9) feet in width and eighteen (18) feet in length. Such islands shall be provided to enhance the appearance of the parking area and to control access and movement within the parking area.
  2. All planting islands and planting beds within a parking lot shall be planted with ground covers and/or small shrubs and shall not be provided as lawn or grass. Stone or mulch may be used in conjunction with ground covers and shrubs.
  3. Landscape islands shall be designed for the purpose of stormwater infiltration, where appropriate.

- v. Loading areas shall be screened with an initial minimum height of eight (8) feet and shall be a complete and effective visual barrier at the time of installation. Screening may be provided by plantings, fencing, walls, berms, or combinations thereof. Where loading areas adjoin residential uses or a residential zoning district, additional screening and buffering measures, including nighttime and weekend restrictions, may be imposed by the Board of Commissioners to mitigate negative impacts to residential properties.

## **B. Pedestrian & Streetscape Design Standards**

- (1) Curb cuts shall be minimized to avoid traffic congestion along adjacent roadways and internal driveways.
- (2) Streetscape enhancements shall include such features including: street trees, streetlights, sidewalks, curbs, curb-cut limitations, site furnishings, and decorative paving or grass strip adjacent to curb.
- (3) All provided site furnishings (benches, waste receptacles, flagpoles, lighting, etc) to be secured to the ground, and black in color.
- (4) Pedestrian-scale streetlights shall be provided along roadways and where pedestrian sidewalks are provided. Streetlights shall be black in color and in accordance with the Township design standards.
- (5) Streetscape enhancements shall be consistent with all applicable standards and requirements of the Pennsylvania Department of Transportation with respect to street widths, rights-of-way, drainage, crosswalks, signage, and the like.
- (6) Sidewalk Design Standards:
  - i. Sidewalks with a minimum width of five (5) feet are required along all street frontages.
  - ii. Sidewalks are required to connect the street frontage to all front building entrances, parking areas, central open spaces, and any other destination that generates pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points and transit stops.
  - iii. The sidewalk pattern shall continue across driveways.
  - iv. Utility poles and lighting fixtures should be placed outside of the sidewalk.
  - v. At locations within the site where the sidewalk is adjacent to an existing bus stop, the sidewalk shall be widened on one side by forty-eight (48) inches and for a length of sixty (60) inches in order to provide bus patrons an area to stand and not obstruct pedestrians traversing said sidewalk. For instances where a grass reserve strip is present, a paved pedestrian connection shall be required to connect the sidewalk/waiting area and the curb/street edge or pedestrian loading area.
  - vi. Sidewalks shall be made of concrete and provided with a broom-finished center with smooth troweled edges. The smooth troweled edges shall be two inches in width.
  - vii. A concrete-stamped pattern located between the sidewalk and the adjacent curb is encouraged. The concrete stamp shall reflect the image of a brick paving pattern and be provided with a red color in accordance with the Township design standards.
- (7) Street Tree Standards:
  - i. Street trees shall be located adjacent to, and outside of any public right-of-way.



- ii. Existing street trees shall be retained where feasible and incorporated into the street tree design.
- iii. Street trees shall not be spaced less than twenty (20) feet apart with a maximum spacing of thirty (30) feet. Consideration shall be made for driveways, street lights, utility poles, underground utilities, traffic light poles and other obstructions, which may cause a spacing of greater than thirty (30) feet in certain instances.
- iv. Each street tree shall be deciduous, a minimum of three (3) inch caliper in size, and a species determined to be appropriate by the Board of Commissioners.

### **C. Building Design Standards**

#### **(1) Building Orientation and Entrances:**

- i. The front façade of buildings shall be oriented toward the principal street or thoroughfare with an everyday public entrance in this front façade.
- ii. When buildings are located on corners, the entrance shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar building feature. The Board of Commissioners may allow front façades to face existing side streets, when these façades will extend an existing commercial district along this existing side street.
- iii. All primary building entrances shall be accentuated. Entrances permitted include: recessed, protruding, canopy, portico, or overhang.

#### **(2) Screening of Equipment:**

- i. All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, landscaping, or other approved means.
- ii. All rooftop mechanical equipment and other appurtenances shall be concealed by or integrated within the roof form or screened from view at ground level of nearby streets. The following, when above the roofline, requires screening: stair wells, elevator shafts, air conditioning units, large vents, heat pumps, and mechanical equipment.

#### **(3) Walls:**

- i. Blank walls shall not be permitted along any exterior wall facing a street, parking area, or walking area. Walls or portions of walls where windows are not provided shall have architectural treatments that are similar to the front façade, including materials, colors, and details. At least four of the following architectural treatments shall be provided:
  1. Masonry (but not flat concrete block)
  2. Concrete or masonry plinth at the base of the wall
  3. Belt courses of a different texture or color
  4. Projecting cornice
  5. Projecting metal canopy
  6. Decorative tilework
  7. Trellis containing planting
  8. Medallions
  9. Opaque or translucent glass

10. Artwork
11. Vertical/horizontal articulation
12. Lighting fixtures
13. An architectural element not listed above, as approved by the governing body, that meets the intent

(4) Windows:

- i. The ground floor front façades of buildings visible from pedestrian view shall consist of a minimum of forty percent (40%) percent window area, with views provided through these windows into the business. Ground floor windows shall be a maximum of twenty-four (24) inches above the ground.
- ii. Upper story windows of front façades shall not be boarded or covered and shall comprise a minimum of thirty-five percent (35%) window area in the façade above the ground floor.
- iii. Exterior security gates or roll-down security doors shall be prohibited from public view. Link or grill type security devices shall be permitted only if installed on the interior of the building, within the window or door frames. Such security equipment shall be recessed and completely concealed during regular business hours, and shall be predominantly transparent to allow maximum visibility of the interior. Nonconforming gates shall not be rebuilt, replaced, enlarged, or altered unless made to conform to regulations.

(5) Massing:

- i. The overall dimension of buildings shall not exceed 360 feet in a single direction. Buildings must have at least a three (3) to five (5) foot variation in depth on all street façades for every fifty (50) feet of continuous façade. Such breaks may be met through the use of bay windows, porches, porticos, building extensions, recessed doorways, and other architectural treatments.
- ii. Distance between buildings. All principal buildings shall be set back at least 20 feet from other principal buildings, or a greater distance as required by applicable building codes. Notwithstanding the foregoing, all buildings may be connected by covered/enclosed walkways within the areas separating principal buildings.

**D. Buffering & Screening Design Standards**

(1) Buffers & screening shall be provided to:

- i. Provide a separation between incompatible uses;
- ii. Reduce the impacts of noise generated by commercial or industrial activities on adjacent roadways, internal driveways, pedestrian ways, and adjacent properties regardless if the noise is generated from within a building, or outside a building;
- iii. Reduce the potential negative visual impacts of commercial or industrial activities on adjacent roadways, internal driveways, pedestrian ways, and adjacent properties, including but not limited to the visual impacts associated with the outdoor storage of materials and equipment, the outdoor processing or manufacturing of materials and products, loading docks and loading areas, and circulation of commercial vehicles.

- (2) A buffer with a minimum width of thirty (30) feet from property lines shall be provided:
- i. Where a proposed commercial, industrial, or institutional use adjoins an existing residential use or residential district;
  - ii. Where any manufacturing, processing, assembly, or production of materials within a building will generate ambient noise outside the walls of the building;
  - iii. Where the outdoor storage of materials, commercial vehicles, and/ or equipment will be provided;
  - iv. Where loading docks, loading areas, and circulation of commercial vehicles will be provided;
  - v. In any other instance where buffering is required by this chapter or where determined to be appropriate by the Board of Commissioners.
- (3) A buffer with a minimum width of fifty (50) feet from property lines shall be provided:
- i. Where the outdoor processing, fabrication, or manufacturing of materials and/ or products will be provided;
  - ii. In any other instance where buffering is required by this chapter or where determined to be appropriate by the Board of Commissioners.
- (4) Buffer Requirements:
- i. The storage of refuse shall be provided inside the building(s) or within an outdoor area enclosed by walls or opaque fencing. Any refuse area outside of the building(s) shall be designed to be architecturally compatible with the building(s), shall not be located in the front of the building(s), and be entirely screened by a fence or enclosure which is at least eight (8) feet high.
  - ii. Service and loading areas must be visually screened from driveways, pedestrian ways, and adjacent streets. Loading docks, loading areas, and service areas shall not be on the street frontage but located at the rear of the building.
  - iii. The outdoor storage of materials equipment, commercial vehicles and/ or products shall not be on the street frontage but located at the rear of the building.
  - iv. The outdoor processing, fabrication, or manufacturing of materials and/ or products shall not be on the street frontage but located at the rear of the building.
  - v. Vegetative screens shall be perpetually maintained during the period the principal use causing the need for screening is in operation. Any plant material which does not survive shall be replaced within six months.
  - vi. Buffers shall be maintained as vegetated areas. Buffers may be included in required yard areas and shall meet the following criteria:
    1. Vegetative screening shall include a variety of evergreen species which are indigenous to the area so as to provide a year-round visual barrier.
    2. Vegetative screening shall incorporate earthen mounds or berms, wherever possible, to improve sound as well as visual buffering.
    3. Plant materials used in the vegetative buffer shall be at least six feet in height when planted and be of a species which will produce a complete visual screen of at least eight feet in height within two years of planting.

4. No plantings shall be placed with their center closer than five feet from the property line.
5. All existing trees above three inches in caliper and/or eight feet in height within the buffer area shall be preserved wherever possible.
6. Screening shall be designed so as not to obstruct sight distances at intersections.
7. Screening design, including the type and spacing of plant materials, and incorporation of fencing and or walls to ensure an immediate effective screen, shall be subject to review and approval by the Board of Commissioners.

#### **E. Sign Regulations & Design Standards**

(1) All signs located within the Township Line Commercial District shall comply with the standards of Article XIX of the Upper Chichester Township Zoning Ordinance, except as modified by this section.

(2) Permitted Signs:

i. Wall Signs:

1. Shall project no more than twelve (12) inches beyond the building and not exceed an area equivalent to ten percent (10%) of the building façade or 100 square feet, whichever is smaller.

ii. Projecting Signs:

1. No lower than ten (10) feet above grade and not exceeding five (5) square feet. Projecting signs shall not exceed the eave line or top of parapet wall of the principal building, whichever is lower.

iii. Window Signs:

1. Not exceeding fifteen percent (15%) of the total glass area of the window.

iv. Awning Signs:

1. Awning signs shall be traditional fabric foldout awning and not permanently affixed backlit awnings.
2. The sign lettering and/or logo shall not exceed thirty percent (30%) of the exterior surface of the awning or canopy.
3. A minimum height of eight (8) feet from the lowest point to the sidewalk is required.

v. Ground Signs:

1. The top edge shall be a maximum of five (5) feet above ground level and shall have an area of not more than forty-five (36) square feet.
2. Shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.

vi. Freestanding Signs:

1. The lowest edge of any free-standing pole sign shall be either less than four (4) feet or greater than seven (7) feet above the ground.
2. The top edge shall be a maximum of twenty-five (25) feet above ground level and shall have an area of not more than forty-five (45) square feet.

3. Shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner as to incorporate it into the landscape or architectural design scheme.
4. Spaced not closer than one hundred (100) feet to any other free-standing identification sign.
5. Shall be set back five (5) feet from the right-of-way, except for official traffic signs and government/regulatory signs.
6. Shall not occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to remain unobstructed.

(3) Sign Illumination:

- vii. The use of flashing, pulsating, or moving lights shall be prohibited.
- viii. Backlit, halo-lit illumination, or reverse channel letter with halo illumination are recommended.
- ix. External illumination should be unobtrusive, such as goose neck lighting.
- x. External sign lighting should be shielded to avoid glare.

**F. Continuing Care Retirement Community (CCRC) Use & Design Standards**

The following requirements shall be applicable to any proposed Continuing Care Retirement Community:

- (1) The Continuing Care Retirement Community (CCRC) shall promote a campus-type setting whereby housing for senior citizens which provide a continuum of services developed in a configuration which preserves open space for the community as a whole.
- (2) Buildings and lots may be used or occupied for the following uses:
  - i. Continuing care retirement community (CCRC)
  - ii. CCRC independent-living units
  - iii. CCRC assisted-living facilities
  - iv. CCRC skilled care nursing facilities
  - v. Senior housing, provided that no more than 25% of the total units on the tract are detached from the CCRC building
  - vi. Accessory uses and services, such as common dining facilities, gift shop, physical therapy facilities, personal services such as a barbershop or beauty shop, library, administrative offices
- (3) Yard, area, and density requirements:
  - i. Minimum gross tract sizes: 24 acres
  - ii. Dwelling unit density: The maximum permitted density in a CCRC shall be 50 CCRC independent-living units per gross acre of gross tract size.
  - iii. In addition to and in conjunction with the CCRC independent-living units, the CCRC may also contain up to 0.25 units or beds in the CCRC assisted-living facilities and the CCRC skilled nursing facilities for each approved CCRC independent-living unit in the CCRC.

- iv. Open Space Design Standards: A minimum of 20% of the gross tract area shall be retained as permanent open space and recreational area.
- (4) The building(s) of the CCRC shall achieve at least a "silver" level of certification rating as defined by the United States Green Building Council (USGBC) under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System for new building design and construction.
  - (5) Parking and loading requirements: The total required minimum number of parking spaces shall be 0.85 parking space per CCRC independent-living unit, which requirement shall be inclusive of all staff, resident and visitor parking and inclusive of CCRC assisted-living facilities and CCRC skilled care nursing facilities within the CCRC. The required number of loading spaces shall be one per 500 dwelling units.
  - (6) Any CCRC shall provide all three levels of care including independent-living, assisted-living, and skilled nursing care.
  - (7) Any tract of land on which a CCRC is located shall be held in single ownership or shall be the subject of an application filed jointly by the owners of the tract. The tract shall be developed according to a single plan under single direction.
  - (8) All independent-living, assisted-living and personal care units in a CCRC shall provide a minimum habitable floor area of 450 feet per person residing in the dwelling.

SECTION 2: CODE AMENDMENTS. Article VIII MH Mobile Home District, Section 600-46 Uses permitted by right, shall be amended to be identified as Section 600-46A:

600-46A Uses permitted by right.

Land, buildings or premises shall be used by right only for the following uses:

- A. Mobile homes on individual lots.
- B. Mobile home parks.

SECTION 3: CODE AMENDMENTS. Article VIII MH Mobile Home District, shall be amended to include a new section, identified as Section 600-46B:

600-46B Conditional use.

Land or buildings within 400-feet of the right-of-way of Township Line Road may be developed or used in accordance with the requirements of Article XV Township Line Commercial District. Development or use of this limited area, utilizing the standards of Article XV Township Line Commercial District, shall be subject to conditional use approval from the Upper Chichester Township Board of Commissioners and the provisions of Article XXII, Standards and Procedures for Conditional Uses.

SECTION 4. REPEALER. All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION 5. REVISIONS. The UPPER CHICHESTER Township Board of COMMISSIONERS does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

SECTION 6. SEVERABILITY. In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

SECTION 7. EFFECTIVE DATE. This amendment shall become effective five (5) days after date of adoption.


SECTION 8. INTENT. It is the intent of this ordinance to establish the "TLC-Township Line Commercial District"; and identify appropriate uses and regulations for the District.

SECTION 9. FAILURE TO ENFORCE NOT A WAIVER. The failure of UPPER CHICHESTER TOWNSHIP to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

TOWNSHIP of UPPER CHICHESTER

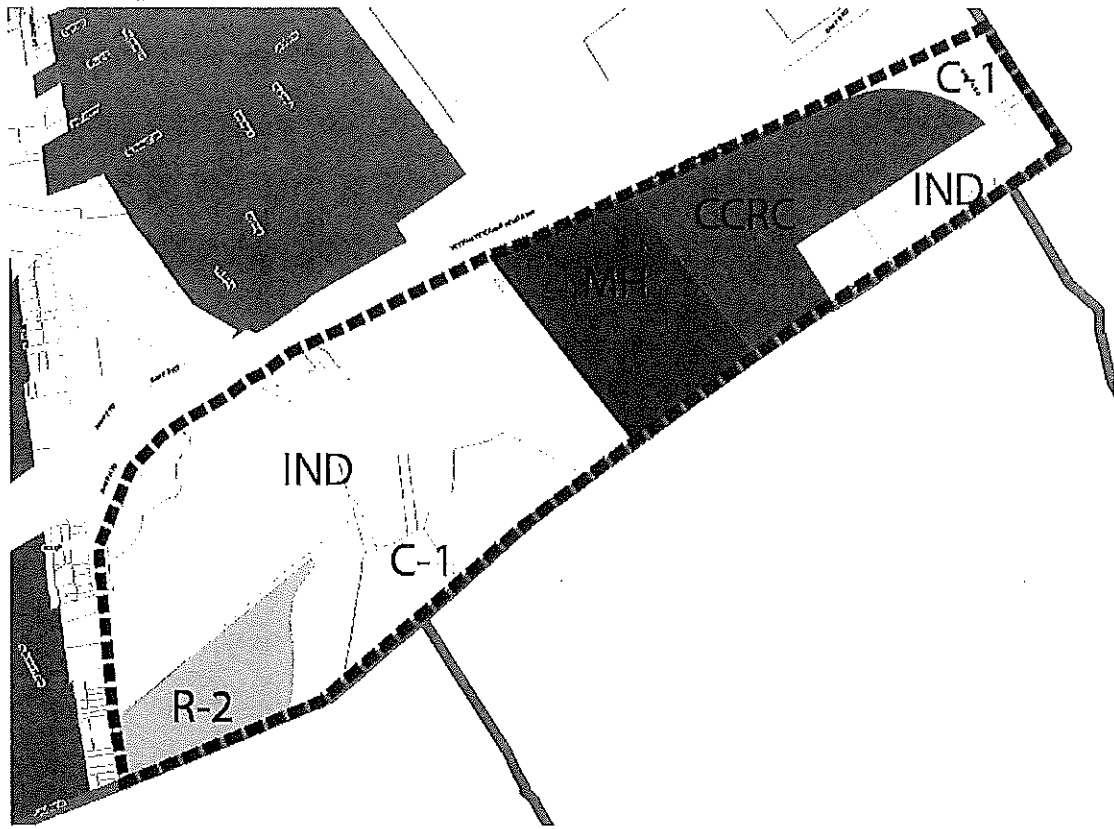
  
By: Michael Gaudioso, President

ATTEST:

  
By: George Needles, Township Manager/Secretary

TLC-Township Line Commercial District

Existing Zoning Map:



Proposed Zoning Changes:

