

UPPER HANOVER TOWNSHIP, MONTGOMERY COUNTY, PA

ORDINANCE NUMBER 2024-01

AN ORDINANCE OF UPPER HANOVER TOWNSHIP AMENDING ORDINANCES 500-1800, DECLARATION OF LEGISLATIVE INTENT; 500-1701, PERMITTED USES IN THE LIC-1 AND LIC-2 ZONING DISTRICTS; AND ORDINANCE 500-1801, PERMITTED USES IN THE LI LIGHT INDUSTRIAL ZONING DISTRICT, REQUIRING WAREHOUSES GREATER THAN 100,000 SQUARE FEET TO OBTAIN CONDITIONAL USE APPROVAL; ADDING CONDITIONAL USE CRITERIA FOR WAREHOUSES TO EACH OF THE AFORESAID ZONING DISTRICTS; ESTABLISHING ROAD FRONTAGE REQUIREMENTS FOR WAREHOUSES BASED UPON THEIR SIZE; ESTABLISHING AN EFFECTIVE DATE; INCLUDING SEVERANCE AND REPEALER CLAUSES

WHEREAS, the Upper Hanover Township Board of Supervisors, recognizing an increase in applications for the development of warehouses, and sensitive to the specific needs and limitations of the infrastructure within the Township and surrounding community, has determined that the health, safety and welfare of the community is best served by making large warehouses subject to conditional use approval, hereby ORDAINS as follows:

1. In the declaration of legislative intent, 500-1800.C., the existing language is deleted and replaced with the following: "Confine traffic impacts by taking vehicular access only from roads that are capable of responsibly handling the additional traffic generated thereby, as further established hererin."
2. Ordinance 500-1701, the chart entry "Warehousing, storage or wholesale business located within a building as a principal use, and/or distribution of products or materials, including transportation depot and truck terminals" is modified by deleting the words "Permitted by right" in the LIC-1 and LIC-2 columns and replacing those words in both columns with "Permitted by Right Under 100,000 square feet; conditional use over 100,000 square feet." This language shall be marked with a footnote to appear beneath the chart, the language of which is: "A warehouse use with aggregate square footage of all buildings on site of greater than 100,000 square feet must front an arterial road as defined by the Township ordinances. Where the aggregate square footage is less than 100,000 square feet, the site must front an arterial road or a major collector road as defined elsewhere in these ordinances."
3. There shall be added to chapter 1700 a new section 500-1710, "Conditional Use Criteria for Warehouses over 100,000 square feet", the contents of which are as follows:

1710. This section sets forth the conditional use criteria for warehouses and related uses set forth in the chart in section in section 500-1701. Each plan must also comply with the other applicable provisions of Chapter 1700.

- A. The parcel(s) must front a minor or principal arterial road.
- B. Interior vehicular driveways shall be improved at least to the level of collector roads.
- C. Notwithstanding any other dimensional criteria elsewhere in this ordinance, a warehouse over 100,000 square feet can only be situated on a parcel of ten acres or

larger. Immediately contiguous parcels (not separated by any roadway) may be combined for this purpose.

- D. Where the tenant and nature of use is known at the time of land development, plan approval will be based upon a traffic impact study using the ITE Trip Generation Manual then in effect and using the land use code and classification applicable to the plan.
 - E. When the plan is developed without a tenant or details of intended use at the time of land development, the traffic impact study shall be developed assuming the highest and most intense use that the submitted plan could reasonably support.
 - F. Except where the highest and most intense level of traffic has been assumed, an applicant must demonstrate upon obtaining a tenant that the tenant's use matches the level of use upon which approval was granted, and this is a prerequisite to obtaining a certificate of occupancy. The determination of compliance shall be made by the Township traffic consultant.
 - G. Any change in tenant after initial occupancy requires an application for a change in use. A new occupancy permit will be issued if the Township traffic consultant determines that the new occupancy will be of equal or lesser intensity than the prior occupancy. If the Township traffic consultant determines that the new use is of greater intensity, the owner will be required to obtain amended final land development approval showing such improvements as are necessitated by the additional intensity of use.
 - H. Plans shall demonstrate available on-site queuing areas for trucks to avoid any queuing on public roads.
 - I. Plans shall include electric hookups to minimize truck idling of temperature-controlled loads, where applicable.
 - J. All plans shall be accompanied by a community and economic impact study.
 - K. The site must include a truck snow/ice scraper system.
4. Ordinance 500-1801 is amended by deleting 500-1801.A(4), "Warehousing, storage or wholesale business located within a building as a principal use and/or distribution of products or materials, including transportation depot and truck terminals", and replacing it with: "Warehousing, storage or wholesale business located within a building as a principal use and/or distribution of products or materials, including transportation depot and truck terminals where the building is less than 100,000 square feet in size"
5. Ordinance 500-1801 is amended by adding a new subparagraph 1801.E, which reads: "Warehousing, storage or wholesale business located within a building as a principal use and/or distribution of products or materials, including transportation depot and truck terminals where the building is greater than 100,000 square feet in size are permitted by conditional use. In addition to any other applicable provisions of this chapter 1800, such use must satisfy the conditional use requirements set forth in ordinance 500-1710.
- 6 This ordinance is effective five days after adoption.
7. Should any existing ordinance include language inconsistent with the foregoing, then to the extent of such inconsistency the prior ordinance is repealed.
8. Should any provision of this ordinance be found invalid by a court of competent jurisdiction, then to the extent possible such invalid portion shall be severed from the remainder of the ordinance, which shall continue in full force and effect.

SO ORDAINED this 12th day of March, 2024.



Steven R. Rothenberger, Chairman, Board of Supervisors

Attest: Anne W. Klepfer

Anne Klepfer, Board Secretary