

FRANCONIA TOWNSHIP
Montgomery County, Pennsylvania

ORDINANCE #376

AN ORDINANCE (1) REPLACING CHAPTER 145, ARTICLE XII (C-COMMERCIAL DISTRICT) OF THE FRANCONIA TOWNSHIP CODE AND (2) AMENDING THE FRANCONIA TOWNSHIP ZONING MAP TO REZONE TO C-COMMERCIAL CERTAIN LAND IDENTIFIED AS 455 HARLEYSVILLE PIKE, 471 HARLEYSVILLE PIKE, AND 567 ALLENTOWN ROAD, TAX PARCEL NOS. 34-00-02239-00-4, 34-00-02242-00-1, AND 34-00-00148-00-7, RESPECTIVELY.

ENACTED: *July 2, 2014*

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NOW, THEREFORE, it is hereby **ENACTED** and **ORDAINED** by the Franconia Township Board of Supervisors that the Franconia Township Zoning Ordinance and Map shall be amended as follows:

SECTION 1. **Amendment to Zoning Ordinance**

Chapter 145, Article XII [C-Commercial District] of the Franconia Township Code is replaced in its entirety with the following:

Article XII: C Commercial District

§ 145-63. Applicability.

In a C-Commercial District, the following regulations shall apply.

§ 145-63.1 Legislative intent.

- A. The C-Commercial District regulations are designed to provide for appropriate development of a modern, well designed, integrated retail hub at the major crossroads of the Township. This is established as one in which the principal use of the land is for commercial and services uses for both the surrounding residential areas and the pass-thru traffic. The regulations are designed to require reasonable standards for individual development, to provide for the public's convenience, and to avoid undue congestion on the roads and to provide for an attractive streetscape.

- B. Consistent with the general purpose of this chapter and in expansion of the legislative intent expressed in S 145-2 of this chapter, it is hereby declared to be the intent of this article with respect to the Commercial District to establish reasonable standards for the height and size of the buildings, the areas of dimensions of yards and open spaces and the provision of facilities for commercial uses; and, further to prohibit

noncompatible uses that would interfere with the growth and establishment of a viable commercial hub.

- C. It is further the intent of the Board of Supervisors of Franconia Township to assure a harmonious and beneficial relationship between the commercial hub and the contiguous land and adjacent neighbors.
- D. Attention is also directed to maintaining current service levels of the intersection and roads.

§ 145-64. Use regulations.

A building may be erected, altered or used and a lot or premises may be used or occupied for any of the following purposes and no other:

- A. Retail sale of dry goods, variety and general merchandise, clothing, food, flowers, beverages, drugs, household supplies or furnishings, sale or repair of jewelry, watches and clocks, optical goods, computers, communication devices or musical, professional or scientific instruments.
- B. Barbershops, hairdressers, nail salon, cleaning and pressing pickup station only and such other shops for personal service.
- C. Restaurant, coffeehouse, café, taproom, confectionery or similar establishment serving food or beverage.
- D. Business or professional office, studio, bank and financial institution, telephone exchange or other public utility office, passenger station for public transportation.
- E. Non-residential club, fraternal organization, lodge.
- F. Greenhouse, nursery-sales yard.
- G. Indoor theater, bowling alley or billiard room.
- H. Municipal use.
- I. Motor vehicle dealership whether containing one or more than one dealership, as regulated by the provisions of § 145-67.
- J. Medical facility.
- K. Day-care center, as defined in § 145-5, pursuant to the standards of Article XXXI.
- L. The following uses when authorized as a special exception, subject to the provisions of § 145-65 of this chapter:

- (1) Outdoor display, when approved as a part of a land development application.
 - (2) Gasoline service stations, used car lot or automobile repair shop.
 - (3) Undertaking establishment.
 - (4) Hand or automatic self-service laundry.
 - (5) Motel, hotel or bed and breakfast.
- M. Group day-care home, as defined in § 145-5, as a conditional use, pursuant to the standards of §145-223.
- N. Combination convenience store and fuel dispensing, as regulated by the provisions of § 145-68 and as a conditional use, pursuant to the standards of § 145-223.

§ 145-65. Dimensional regulations for by-right uses.

- A. Lot area. A lot area of not less than thirty, thousand (30,000) square feet shall be provided for every principal building erected or used.
- B. Lot width. A lot width of not less than one hundred and twenty-five (125) feet shall be provided at the building setback line for every building erected thereon.
- C. Front yard. There shall be a front yard on every lot which shall not be less than ten (10) feet and not more than twenty (20) feet in depth. Relief from the maximum front yard setback may be obtained via the Conditional Use process.
- D. Side yards. There shall be two (2) side yards on every lot, one on each side of the principal building, neither of which shall be less than ten (10) feet wide.
- E. Rear yard. There shall be a rear yard on every lot which shall not be less than twenty (20) feet in depth.
- F. Corner lots. The front yard setback shall only apply to street frontage on the major street, as determined by the Township, and all remaining yards shall be treated as side yards.
- G. Building coverage. The maximum building coverage on a lot shall be twenty-five (25%) percent of the lot area.
- H. Impervious coverage. The maximum lot coverage on a lot shall be seventy-five (75%) percent of the lot area.
- I. Height restrictions. The maximum height for a building or structure shall be forty-five (45) feet, not exceeding three (3) stories.

§ 145-66. Additional regulations for by-right uses.

- A. Lighting. Exterior lighting shall be limited to a height of fourteen (14) feet. The source of illumination shall not be visible from off-site and there shall be no spillage onto adjacent properties or streets. All lighting shall be color corrected.
- B. Outdoor display. The outdoor display of merchandise shall be prohibited except for such display area as may be specifically approved as part of a land development review and approval process. The use of trailers, pods or similar movable storage devices shall be prohibited.
- C. Drive-thru windows. The use of drive-thru windows shall be subject to the conditional use process and the provisions of § 145-28.2. The circulation pattern, stacking provisions and overall design shall be subject to the Township Engineer's and/or Township Traffic Engineer's approval.
- D. Utilities. Public sewer and public water shall be provided.
- E. Off street parking and loading. The requirements of Article XIX shall apply and all parking shall be to the side or rear of the building. All parking shall be set back from the property line a minimum of five (5) feet.
- F. Signs. The requirements of Article XX shall apply.
- G. General Provisions. The requirements of Article IV shall apply.
- H. Flood plains. The requirements of Article XXIII shall apply.
- I. Steep slopes. The requirements of Article XXVI shall apply.
- J. Riparian buffers. The requirements of § 145-28.5 shall apply.
- K. Landscaping. The regulations in Chapter 122, Subdivision and Land Development Ordinance shall apply.
- L. Detention basins. The requirements in Chapter 122, Subdivision and Land Development Ordinance and § 145-28.3 of the Zoning Ordinance shall apply.

§ 145-67. Motor vehicle dealership regulations.

- A. Dimensional regulations.
 - (1) Lot area. A lot area of not less than five (5) acres shall be provided for every motor vehicle dealership.
 - (2) Lot width. A lot width of not less than one hundred and seventy-five (175) feet shall be provided at the building setback line for every building erected thereon.

- (3) Front yard. There shall be a front yard on every lot which shall be not less than thirty-five (35) feet in depth.
- (4) Side yards. There shall be two (2) side yards neither of which shall be less than ten (10) feet in width.
- (5) Rear yard. There shall be a rear yard on every lot which shall not be less than twenty (20) feet in depth.
- (6) District yards. All yards adjacent to a residential zoning district or a residential use shall be increased by ten (10) feet in order to provide an evergreen buffer. The buffer shall be subject to Township approval.
- (7) Corner lots. The front yard setback shall apply to every street frontage and all remaining yards shall be treated as side yards.
- (8) Building coverage. The maximum building coverage on a lot shall be twenty-five (25%) percent of the lot area.
- (9) Impervious coverage. The maximum lot coverage on a lot shall be eighty-five (85%) percent of the lot area.
- (10) Height restrictions. The maximum height for a building or structure shall be thirty-five (35) feet, not exceeding two (2) stories.

B. Additional regulations.

- (1) Lighting. Exterior lighting shall be limited to a height of twenty (20) feet. The source of illumination shall not be visible from off-site and there shall be no spillage onto adjacent properties or streets. All lighting shall be color corrected.
- (2) Outdoor display. The outdoor display of motor vehicles shall be permitted, but only in their normal on-ground position.
- (3) Drive-thru windows. The use of drive-thru windows shall not be permitted, such as those at fast food restaurants or banks.
- (4) Utilities. Public sewer and public water shall be provided.
- (5) Off street parking and loading. A comprehensive plan showing display parking, customer parking, service parking, employee parking and vehicle delivery parking must be provided to the Township for review and approval. If necessary a traffic study performed by a Traffic Engineer shall be required. The necessity shall be determined by the Township in their sole discretion. All paving shall be set back from the property line a minimum of five (5) feet.
- (6) Signs. The requirements of Article XX shall apply.
- (7) General provisions. The requirements of Article IV shall apply.
- (8) Flood plains. The requirements of Article XXIII shall apply.
- (9) Steep slopes. The requirements of Article XXVI shall apply.
- (10) Riparian buffers. The requirements of § 145-28.5 shall apply.
- (11) Landscaping. The regulations in Chapter 122, Subdivision and Land Development Ordinance shall apply, whereas the landscaping requirements in the Zoning Ordinance § 145-125 shall not apply.

- (12) Detention basins. The requirements in Chapter 122, Subdivision and Land Development Ordinance and § 145-28.3 of the Zoning Ordinance shall apply.

§ 145-68. Combination convenience store and fuel dispensing station regulations.

- A. The use of a property for the combination of take-out food, sales, convenience item sales and fuel dispensing shall be subject to the conditional use procedure and the provisions of § 145-28.2.
- B. The dimensional requirements of § 145-65 shall apply except that the front yard may exceed twenty (20) feet.
- C. The additional requirements of § 145-66 shall apply.
- D. Traffic. A comprehensive study prepared by a Professional Traffic Engineer, shall be submitted for Township review and approval. The study shall address all traffic movements into and out of the site, internal circulation, parking, stacking at the pumps and loading. Improvements shall be made to offset any degradation in traffic services.
- E. District yards. All yards adjacent to a residential zoning district or a residential use shall be increased by ten (10) feet in order to provide an evergreen buffer. The buffer shall be subject to Township approval.

SECTION 2. Amendment to Zoning Map.

The zoning classification of the following properties property shall be changed from its present zoning classification to the new classification of C-Commercial:

- 455 Harleysville Pike (tax parcel no. 34-00-02239-00-4, tax map 34, block 15, unit 4, also referenced on Montgomery County property records as tax map 34, block 15, unit 5),
- 471 Harleysville Pike (tax parcel no. 34-00-02242-00-1, tax map 34, block 15, unit 1), and
- 567 Allentown Road (tax parcel no. 34-00-00148-00-7, tax map 34, block 14, unit 15).

These properties are further identified in the tax map attached as Exhibit "A".

The Township Engineer is directed to revise the Zoning Map, as last revised, to reflect these changes in zoning classification

SECTION 3. Repeal and Ratification.

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. This Ordinance shall in no other way alter or modify Chapter 145 of the Franconia Township Code except as specifically stated herein. Any other terms and provisions of the Chapter 145 that are unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 4. Severability.

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

SECTION 5. Disclaimer.

Nothing in this Ordinance shall be construed to effect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued, or any cause or causes of action existing under the ordinances of the Township of Franconia prior to enactment of this Ordinance.

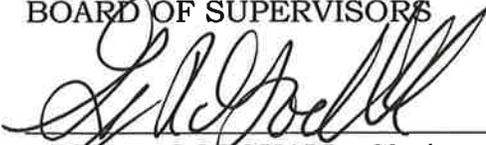
SECTION 6. Effective Date.

This Ordinance shall become effective five (5) days after enactment.

[SIGNATURE PAGE TO FOLLOW]

DULY ENACTED AND ORDAINED this 2nd day of July, 2014, by the Board of Supervisors of Franconia Township, Montgomery County, Pennsylvania, in lawful session duly assembled.

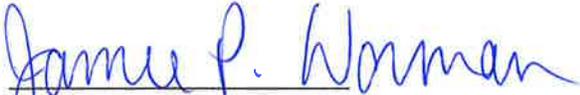
FRANCONIA TOWNSHIP
BOARD OF SUPERVISORS



GREY R. GODSHALL, *Chairman*

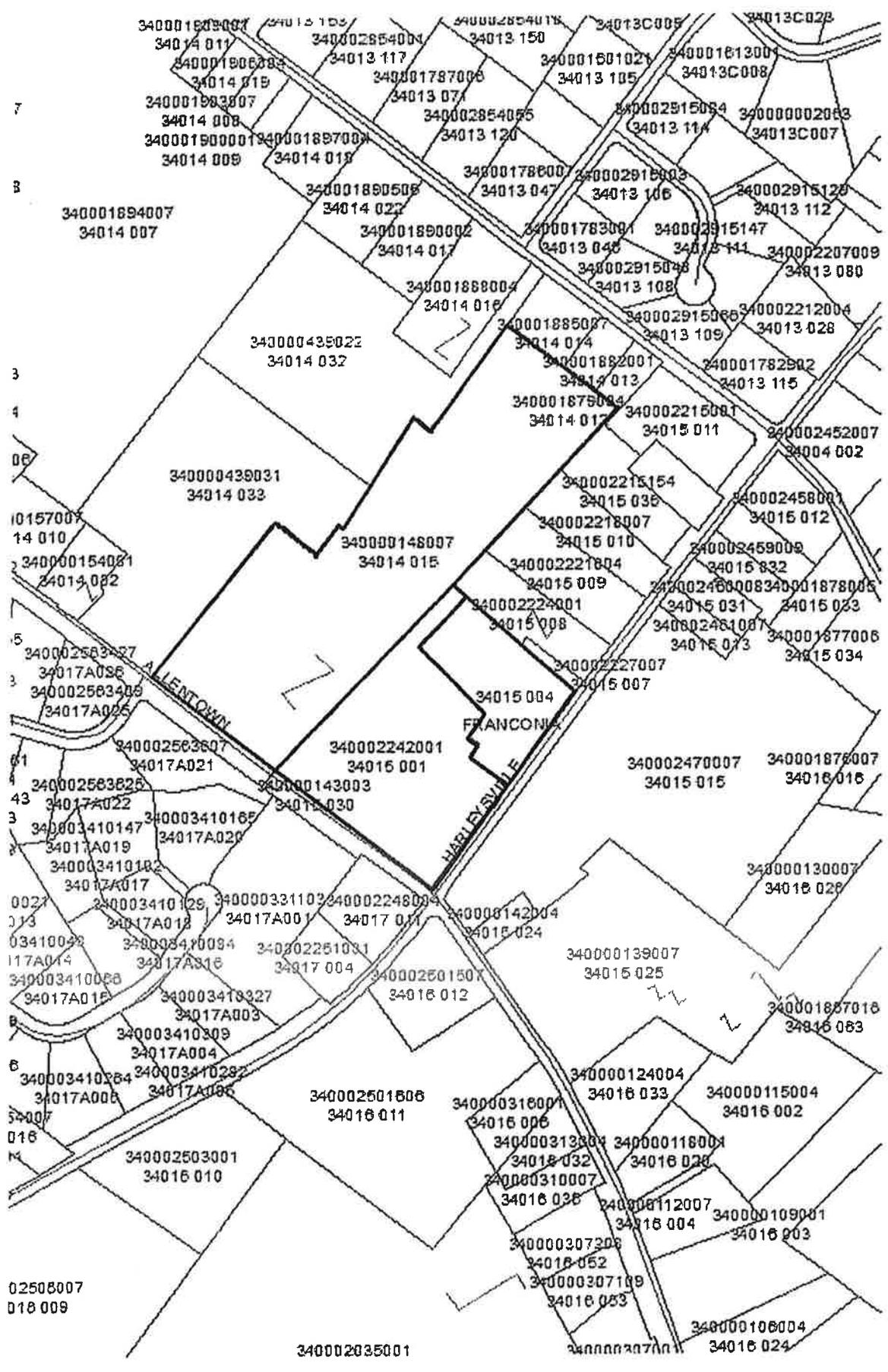
(Township Seal)

Attest:



JAMIE WORMAN, *Secretary*

EXHIBIT "A"
TAX MAP



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