

§ 182-85. Legislative intent.

In expansion of the statement of community development objectives contained in § 182-2 of this chapter, it is hereby declared to be the intent of this article with respect to NC Neighborhood-Convenience Commercial Districts to provide for the orderly and planned establishment of retail-commercial and professional office uses needed to meet the convenience shopping and personal service needs of the neighborhoods of the Township and to assure that the type and magnitude of commercial development is compatible with the needs of the Township's growing population and the commercial facilities in adjacent municipalities and to:

- A. Provide attractive and well-designed retail-commercial, professional office and highway-business uses in planned districts, incorporating unified design controls.
- B. Minimize conflicts between said uses and adjacent residential development.
- C. Provide for sufficient and well-related parking facilities, loading areas, signing, illumination, planting areas and buffers to enhance the function and design of Neighborhood-Convenience Commercial Districts in furtherance of the general welfare of the residents of Upper Providence Township.

§ 182-86. Permitted uses.

In an NC Neighborhood-Convenience Commercial District, a building or group of buildings may be erected, altered or used and a lot may be used or occupied for any of the following uses and no other:

- A. One of the following uses are permitted on parcels with a minimum lot area of 1/2 acre (21,780 square feet):
 - (1) Personal service shops such as barbers, hairdressers, dry cleaners/laundries, and self-service/coin-operated laundry operations. Machine laundry and dry-cleaning plants shall not be permitted within this district; dry-cleaning/laundry establishments are limited to pickup stations only.
 - (2) Doctor, dentist, orthodontist or other similar professional office, limited to a sole practitioner, with ancillary staff.
 - (3) Business office, limited to a sole practitioner, with ancillary staff.
 - (4) Communication antennas.
 - (5) An accessory use on the same lot with and customarily incidental to any of the above permitted uses.
 - (6) Conditional uses permitted on parcels with a minimum lot area of 1/2 an acre (21,780 square feet) and subject to the standards outlined within § 182-86G, herein:
 - (a) Any use of the same general character, but not specifically named, as those uses set forth in Subsection A(1) through (5), herein.

- B. Uses permitted on parcels with a minimum lot area of one acre (43,560 square feet):
- (1) Any use or any combination of two of the uses listed within Subsection A of this section. The combination of uses must be within a single building; or
 - (2) Any one of the following uses:
 - (a) Retail sale of goods in an individual store, including variety and general merchandise, including clothing, food, prescription drugs, household supplies or furnishings, repair or sale of jewelry, watches and clocks, optical goods, repair or sale of household electronics, or the sale and repair of musical, professional or scientific instruments.
 - (b) A business or professional office, studio, bank or other financial institution, or public utility office. As regulated by § 182-90.1, uses within rehabilitated buildings will earn a bonus of 10% additional building coverage and 5% additional impervious coverage.
 - (c) Doctor, dentist, orthodontist or other similar professional office with four or fewer practitioners, with ancillary staff.
 - (d) Restaurant, cafe or similar establishment.
 - [1] Restaurant shall not contain drive-in facilities.
 - [2] Curbside pickup facilities are permitted, and any parking spaces associated with or labeled as "curbside" shall not be included as part of the required number of parking spaces under Article XXII.
 - [3] Any parking spaces for curbside pickup facilities must be installed a minimum of 65 feet from the main entry to the restaurant and be contiguous to the building.
 - (3) An accessory use on the same lot with and customarily incidental to any of the above permitted uses.
 - (4) Conditional uses permitted on parcels with a minimum lot area of one acre (43,560 square feet) and subject to the standards outlined within § 182-86G, herein:
 - (a) Any use of the same general character, but not specifically named, as those uses set forth in Subsection B(1) through (3) herein.
 - (5) Conditional uses, per the requirements in § 182-86G, permitted on parcels with a minimum lot area of one acre and with a minimum two-hundred-foot frontage on a road classified as collector or higher by the Upper Providence Township Rights-of-Way Map.¹
 - (a) Drive-in/fast-food restaurants.

1. Editor's Note: Said map is on file in the Township offices.

- [1] Drive-in/fast-food restaurant hours will be limited to between 6:00 a.m. and 12:00 midnight on any day during the week.
 - [2] The drive-in portion of any drive-in/fast-food restaurant shall not be permitted within 100 feet of any lot that is residentially used or zoned.
 - [3] Drive-in/fast-food restaurant uses do not include portable food carts, temporary food stands, temporary barbeque stands, outdoor sales of food or any other temporary food vending operation, all of which are prohibited.
- (b) Outdoor eating facilities (i.e., sidewalk cafes). Applicants for this conditional use shall show that the outdoor eating space will not impede pedestrian flow, parking or other traffic.
 - (c) Any combination of the uses contained within Subsection B herein.
 - [1] The design and overall appearance of buildings must be harmonious and fit within the context of the surrounding neighborhood and comply with the requirements of the design guidelines in § 154-36.3 of Chapter 154, Subdivision and Land Development.
 - (d) Banks or other financial institutions, with drive-through facilities.
 - (e) Office buildings or office campus complexes with no more than two buildings.
 - (f) Gas stations or other automotive repair facilities, but not including any use which includes vehicle painting and/or vehicular body repair. Except for incidental emergency repair work, vehicle repairs and service are to be conducted indoors.
 - (g) An accessory use on the same lot with and customarily incidental to any of the above uses.
- C. Uses permitted on parcels with a minimum lot area of three acres (130,680 square feet):
- (1) Any combination of the uses listed within Subsection A or B herein.
 - (a) The uses may be in separate buildings; however, the design and overall appearance of buildings must be harmonious and fit within the context of the surrounding neighborhood and comply with the requirements of the design guidelines in § 154-36.3 of Chapter 154, Subdivision and Land Development.
 - (b) If existing buildings are retained and rehabilitated for the uses contained herein, the same coverage bonuses regulated by § 182-90.1 shall apply; or

- (2) Any of the following uses:
 - (a) Funeral parlor.
 - (b) Motel or motor court.
 - (c) An auction establishment, flea market or outdoor sale of a similar nature.
 - (d) Post office.
 - (e) Day-care facility.
- (3) An accessory use on the same lot with and customarily incidental to any of the above permitted uses.
- (4) Conditional uses permitted on parcels with a minimum lot area of three acres (130,680 square feet) and subject to the standards outlined within § 182-86G herein:
 - (a) Any use of the same general character, but not specifically named, as those uses set forth in Subsection C(1) through (4) herein.
 - (b) Vehicular sales facilities, which may include vehicle repair, but not vehicular body work, and must meet the following conditions:
 - [1] The tract must have at least 200 feet of frontage on a street designated as a collector.
 - [2] The tract must be within 1,500 feet of an arterial street.
 - [3] Vehicular sales facilities may not be located on any parcel that abuts a tract with residential zoning or use.
 - [4] Vehicle delivery shall be conducted on site, or through off-site contract arrangements, but not on public streets or rights-of-way.
 - [5] Customer and employee parking areas are clearly identified and not used for vehicle display purposes.
 - [6] Except for incidental emergency repair work, vehicle repairs and service are to be conducted indoors.
 - [7] Display vehicles shall not be displayed on elevated stands or located within five feet of any property line.
 - [8] Accessory uses such as repair facilities or other uses incidental to the primary use of vehicular sales, may not occupy more than 50% of the premises and must be conducted in direct relationship to the principal use.
 - [9] Vehicle display space may be reduced to eight feet by 16 feet, and vehicles may be stacked three cars deep without side aiseways. In the first row of a front yard display, vehicles adjacent to the public

right-of-way may not be parked or displayed any tighter than achieved with ten-foot wide parking spaces.

- (c) Wholesale sales which may have an associated storage facility or self-service storage facility.

[1] Deliveries and general servicing cannot typically require tractor-trailer trucks of WB-40 classification or larger.

[2] The facility does not require a loading dock, forklift, or similar mechanical device for loading/unloading.

[3] All nonvehicular storage shall be contained within a building or collection of buildings with a similar design and appearance.

[4] Any building face seen from abutting public streets shall have a generally retail appearance.

[5] Any storage or sales facilities that have residential uses or zoning immediately adjacent must include a Type 3 buffer² on the shared property line.

[6] Recreational vehicle and automobile storage is permitted outside on no more than 5% of the net lot area; provided, however, that all vehicles stored on site have a current registration with the Commonwealth of Pennsylvania.

[7] The area set aside for outdoor storage of recreational vehicles or automobiles shall be at least 100 feet from any residentially zoned or used property and shall not be visible from any roadway.

[8] Maximum building coverage may be increased by 5% if there is no outside storage of recreational vehicles or automobiles, and an additional 5% if maximum impervious coverage is reduced to 65% or less. **[Added 7-20-2015 by Ord. No. 548]**

- D. As a secondary use to those listed above, residential units are permitted only above street level on a commercial establishment, with the following restrictions:

(1) Sufficient parking for all uses is provided in accordance with the requirements of this district and with Article XXII, Off-Street Parking and Loading.

(2) In parcels less than one acre (43,560 square feet), two residential units are permitted.

(3) In parcels larger than one acre (43,560 square feet), no more than three residential units are permitted.

(4) An accessory use on the same lot with and customarily incidental to any of the

2. Editor's Note: See § 154-36D(5).

above permitted uses is permitted as a conditional use.

- E. Bed-and-breakfast establishments are permitted on any size lot, provided that:
 - (1) It is conducted out of an existing single-family building;
 - (2) All guest stays are limited to one week or less;
 - (3) All parking is provided on the side or in the rear of the building, with none located further forward than the front of the building;
 - (4) Two parking spaces shall be provided for the resident innkeeper, one additional space shall be provided for each guest room, and one additional space for each employee during the highest staffing period.
 - (5) No more than one sign identifying the facility may be provided, which shall conform to the requirements of § 182-145C if it is freestanding, or be a maximum of 20 square feet if attached to the building. Any sign may be illuminated only through indirect lighting.

- F. Outdoor storage. The use of outdoor areas for any type of storage is prohibited. The use of semitrailers, metal storage or shipping containers or temporary storage buildings for temporary storage or during a loading or unloading procedure is permitted only in designated loading areas.

- G. Standards for consideration of conditional uses. The Board of Supervisors shall determine that the following standards are met prior to granting approval of a conditional use application:
 - (1) The use will not generate a significantly greater amount of traffic volume than those uses permitted within the NC Neighborhood-Convenience Commercial Zoning District herein in the judgment of the Township Board of Supervisors, upon recommendation of the Township Engineer and Traffic Consultant, based upon the submission of a traffic impact study, as per the requirements of § 182-89B herein.
 - (2) The use shall not generate noise, noxious odors, air pollution or glare nor result in pedestrian-vehicular conflict or other safety hazards.
 - (3) Any necessary loading and unloading operations shall be carried on within or contiguous to the facade of any conditional use structure.

§ 182-87. District regulations.

The following regulations shall apply in the NC Neighborhood-Convenience Commercial District:

- A. General regulations. The following general regulations shall apply for any development proposal within the NC Neighborhood-Convenience Commercial District:

- (1) The tract of land to be developed shall be in one ownership or shall be the subject of an application filed jointly by the owners of the entire tract, and it shall be agreed that the tract will be developed under single direction in accordance with an approved plan. The tract of ground proposed for development shall not be divided by a public or private road or other major physical feature which prevents unity of the development. The transfer of ownership prior to the commencement of construction shall render the development agreement required in Subsection A(4) herein void. Said agreement shall then be renegotiable between the new owners and the Board of Supervisors.
- (2) Sewer and water facilities. The tract of land shall be served by public water facilities and public sewer facilities deemed acceptable by the Board of Supervisors, upon recommendation of the Township Engineer.
- (3) Development plan. The application for development shall be accompanied by a plan or plans showing the detailed use of the entire tract, which plan or plans shall also comply with all requirements of Chapter 154, Subdivision and Land Development, and other applicable ordinances. The plan shall clearly designate the proposed use(s) of each area of the tract.
- (4) Development stages and permits. The development of a tract, carried out in either a single phase or in stages, shall be executed in accordance with a development agreement. The owner, developer and Township shall enter into said agreement embodying all details regarding compliance with this article to assure the binding nature thereof on the overall tract and its development, which agreement shall be recorded with the final development plan.
- (5) Market area study and neighborhood impact analysis. Any request for a rezoning to this district shall be accompanied by a market area study and neighborhood impact analysis (See § 182-89 herein.) prepared by a qualified professional(s). The purposes of these studies are to:
 - (a) Ensure that the proposed development will be supported by the existing and expected population growth in the neighborhood in question.
 - (b) Ensure that the proposed development will not be in conflict with existing and planned commercial facilities in the immediate neighborhood, the Township and in adjacent municipalities, if applicable.
 - (c) Ensure that the proposed development will be compatible with the existing and planned character of the neighborhood in question.
- (6) Any application for development in the NC Commercial District or for any request for rezoning to this district shall be accompanied by a traffic impact study prepared by a qualified professional traffic engineer or transportation planner and shall be prepared in accordance with the requirements outlined in § 182-120E of this chapter; provided, however, that for uses which are proposed to contain less than 10,000 square feet of gross floor area and which

are projected to generate less than 100 peak-hour trips in either the morning or afternoon peak hour, the Township may permit the applicant to limit its traffic impact study to an analysis of the proposed driveway(s), which shall consider, at a minimum, the location, configuration and traffic expected to use the driveway(s) at the time of highest peak-hour demand. Additional information may be required at the discretion of the Township.

B. Site development requirements. The development of sites for the permitted uses in this district in § 182-86 shall comply with the development requirements set forth below:

(1) Building setback requirements.

(a) On parcels with a minimum lot area of 1/2 acre (21,780 square feet):

[1] Front yard: 25 feet.

[2] Side yard: a minimum of 10 feet per side, with a combined total of 20 feet. Any side yard abutting a residentially zoned tract shall be, at a minimum, 15 feet, with the aggregate increased to 30 feet.

[3] Rear yard: 25 feet. Any rear yard abutting a residentially zoned tract shall be, at a minimum, 40 feet.

(b) On parcels with a minimum lot area of one acre (43,560 square feet):

[1] Front yard: 35 feet.

[2] Side yard: a minimum of 10 feet per side, with a combined total of 20 feet. Any side yard abutting a residentially zoned tract shall be, at a minimum, 20 feet, with the aggregate increased to 40 feet.

[3] Rear yard: 35 feet. Any rear yard abutting a residentially zoned tract shall be, at a minimum, 40 feet.

(c) On parcels with a minimum lot area of three acres (130,680 square feet):

[1] Front yard: 75 feet.

[2] Side yard: a minimum of 25 feet per side, with a combined total of 50 feet.

[3] Rear yard: 60 feet.

(2) Parking area setbacks.

(a) On parcels with a minimum lot area of 1/2 acre (21,780 square feet):

[1] Front: 15 feet

[2] Side: five feet per side. Parking will not be permitted in any side yard abutting a residentially zoned tract.

- [3] Rear: five feet.
- (b) On parcels with a minimum lot area of one acre (43,560 square feet):
 - [1] Front: 20 feet.
 - [2] Side: 10 feet per side. Parking will not be permitted in any side yard abutting a residentially zoned tract.
 - [3] Rear: 10 feet.
- (c) On parcels with a minimum lot area of three acres (130,680 square feet):
 - [1] Front: 25 feet. Setback may be lowered to 20 feet, provided a knee wall separating the parking spaces from the street is installed.
 - [a] Installation of a knee wall shall include the installation of plantings along the street side of the wall to buffer and soften the wall appearance.
 - [b] On the parking lot side of the knee wall, bumper stops shall be installed.
 - [c] Knee walls shall follow the design guidelines outlined within § 154-36.3 of the Upper Providence Township Subdivision and Land Development Ordinance.
 - [2] Side: 15 feet per side. Buffer Type 1 regulations shall apply. **[Amended 2-16-2016 by Ord. No. 551]**
 - [3] Rear: 20 feet. On any lot abutting a residentially zoned tract, the minimum rear parking setback shall be 35 feet, unless the applicant installs an opaque fence or wall six feet in height.
 - [a] Any fence installed shall follow the design guidelines outlined within § 154-36.3 of the Upper Providence Township Subdivision and Land Development Ordinance and the requirements of Article XX, Fences, within this chapter.
 - [b] Installation of a fence shall include the installation of plantings facing the residential property to buffer and soften the fence's appearance; the developer/land owner must ensure that access to the landscaping for maintenance purposes is provided, and it shall be the responsibility of the landowner of the development within the NC District's to maintain the buffer.
 - [c] Buffer Type 3 regulations shall apply, with the exception of the width requirement and the requirement for berms. [See § 154-36D(5), Chapter 154, Subdivision and Land Development, for specific planting requirements.]
- (3) Minimum frontage.

- (a) On parcels with a minimum lot area of 1/2 acre (21,780 square feet): 100 feet.
 - (b) On parcels with a minimum lot area of one acre (43,560 square feet): 150 feet.
 - (c) On parcels with a minimum lot area of three acres (130,680 square feet): 200 feet.
- (4) Maximum building coverage.
- (a) On parcels with a minimum lot area of 1/2 acre (21,780 square feet): 25%.
 - (b) On parcels with a minimum lot area of one acre (43,560 square feet): 25%.
 - (c) On parcels with a minimum lot area of three acres (130,680 square feet): 20%.
- (5) Maximum impervious coverage.
- (a) On parcels with a minimum lot area of 1/2 acre (21,780 square feet): 85%.
 - (b) On parcels with a minimum lot area of one acre (43,560 square feet): 75%.
 - (c) On parcels with a minimum lot area of three acres (130,680 square feet): 70%.
- (6) Maximum building height (any parcel size): 35 feet.
- (7) When multiple buildings are proposed, building spacing shall be no less than 25 feet at the closest points.
- C. Other development regulations. The following development regulations shall be followed for all proposed development within the NC District:
- (1) Utilities. All utility lines (electrical, telephone, etc.) shall be placed underground.
 - (2) Signs. All signs in the NC District shall be subject to the requirements of Article XIX of this chapter.
 - (3) Access. Provisions shall be made for safe and efficient ingress and egress to and from public streets and highways serving the NC district development without causing undue confusion or interference with the normal traffic flow. The Planning Commission shall satisfy itself concerning the adequacy of the thoroughfares and access points intended to accommodate the traffic generated by the proposed NC District development, as well as the street frontage of the proposed development.

- (4) Lighting facilities. Lighting facilities shall be provided as needed and arranged in a manner which will protect the highway and neighboring properties from unreasonable glare or hazardous interference of any kind and shall be installed in accordance with the provisions of § 154-40 of Chapter 154, Subdivision and Land Development, of the Code of the Township.
- (a) Light fixtures within 250 feet of any residentially zoned or used property may not exceed 16 feet in height.
- (5) Landscaped planting. Shade trees in accordance with § 154-36C of Chapter 154, Subdivision and Land Development, and other plantings shall be provided along any street frontage occupied by an NC District development.
- (a) Buffer requirements.
- [1] When abutting a residentially zoned property, a Buffer Type 3 is required. [See § 154-36D(5), Chapter 154, Subdivision and Land Development, for specific planting requirements]
- [2] In any side yard or rear yard, when not abutting a residentially zoned property, a Buffer Type 1 is required.
- [3] If the development is proposing shared parking, as detailed in Subsection C(9), herein, any intervening islands or green areas are not required to have the Buffer Type 1; however, the shade tree requirement and other parking lot landscaping detailed in § 154-36E of Chapter 154, Subdivision and Land Development, are still required.
- (6) Trash and refuse areas. The design of buildings in the NC District shall include either a provision for the storage of trash, refuse and garbage inside the building(s) or within a masonry-walled area outside the building(s). The walls of such a trash and refuse area must shield the trash and refuse from the direct view of any adjacent property and must be at least six feet high.
- (7) Amenity areas. The developer shall be encouraged to provide amenity areas for community or client use, such as tot lots, playgrounds, benches, sitting areas and other services necessary for the comfort and convenience of the prospective users of the NC District development.
- (8) Off-street parking and loading facilities. All off-street parking and loading facilities shall comply with the requirements of Article XXII of this chapter except as stated in this section. For any development in this zoning district with more than three acres of net tract area, parking may be provided at a ratio of 4.5 spaces per 1,000 square feet of gross floor area; provided, however, the Township reserves the right to require additional parking if certain uses known to generate higher parking needs are proposed in the center. In no case shall the parking required exceed the aggregate number of spaces which would otherwise be required by applying the individual standards in Article XXII to each of the uses in the center. **[Amended 2-16-2016 by Ord. No. 551]**

- (9) Shared parking. To lessen impervious coverage and improve traffic flow, shared parking is encouraged in all NC developments.
- (a) Applications for use of shared parking are encouraged in the NC District. In those instances wherein shared parking is proposed, the requirements of § 182-181 of this chapter shall apply; provided, however, that a special exception need not be secured. Adequate documentation to substantiate a reduction in the parking shall be submitted with an applicant's subdivision and/or land development application for review and approval by the Township based upon the recommendation of the Township Engineer and Traffic Consultant. In addition, proper cross easement agreements and liability indemnification shall be provided to the satisfaction of the Township Solicitor.
 - (b) For those applications for shared parking, the individual lots may increase their impervious coverage an additional 5% above the maximum permitted in § 182-87B(5), herein. In addition, adjoining lots may aggregate the impervious coverage as though there were no lot lines. Impervious coverage may be exceeded for an individual lot as long as the maximum allowable is not exceeded for the aggregated lots.
- (10) Any building or groups of buildings shall reflect the existing character of the residential nature of this area and shall follow the design guidelines in § 154-36.3 of Chapter 154, Subdivision and Land Development.
- (11) Parcels which provide lot area and construct an internal accessway, independent of parking, for public use within the parcel may increase impervious coverage by 5% above that which is permitted herein. **[Added 2-16-2016 by Ord. No. 551]**