

AN ORDINANCE

NO. 1138

AN ORDINANCE To Amend The Code of the Township of Upper Dublin Chapter 255, Zoning To Revise The Definition Of Impervious Surface, To Establish A Required Setback for Stormwater Management Structures, To Impose Maximum Impervious Surface Coverages In All Zoning Districts, To Provide Limited Relief From Such Provisions Where A Property Is Within 5% Of The Maximum Impervious Surface Coverages Imposed By This Ordinance, To Provide For The Allocation Of Impervious Surface Coverage Among Those Lots Served By A Common Driveway, To Increase The Maximum Building Coverage Permitted In The OC Office Center District, And To Provide That Any Expansion Or Extension Of A Non-Conforming Building Must Comply With The Impervious Surface Limitations The Upper Dublin Township Code.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article I, General Provisions, § 255-7, Definitions, shall be amended by adding a definition of Average Slope and amending the definition of Impervious Surface to provide as follows:

§255-7 Definitions.

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AVERAGE SLOPE -- The slope of land determined according to the formula:

$$S = \frac{.0023}{A} \times I \times L$$

Where:

- S is the average slope in percent.
- I is the contour interval in feet.
- L is the combined length in contour lines in feet.
- A is the area in acres of the parcel being considered.

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IMPERVIOUS SURFACE -- Any material placed on or above the earth which substantially reduces or prevents the natural infiltration of water. Examples include but are not limited to structures, including eaves, roofs and roof overhangs; roads; parking areas; driveways; sidewalks; walkways; patios and decks; sport courts; pools; and the horizontal surface area of above ground stormwater management structures, including retention and detention basins.

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STRUCTURE – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, pursuant to 53 P.S. § 10107; including above ground stormwater management structures as defined by Chapter 206.

Section 2. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article III, General Regulations, shall be amended by adding § 255-24.1, Stormwater Management Structures, as follows:

§ 255-24.1. Stormwater Management Structures.

- A. No aboveground stormwater management structure as defined by Chapter 206, shall be located within twenty (20) feet of any front, side, or rear property line, with the exception of stormwater discharge or conveyance swales.
- B. No aboveground stormwater management structure, as defined by Chapter 206, shall be located within twenty (20) feet of any existing or proposed building or structure.

Section 3. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article VII, Residence Districts, § 255-43, § 255-43.1, § 255-44 and § 255-45, shall be amended to provide as follows:

§ 255-43. A Residential District.

In an A Residential District, the following regulations shall apply:

- B. Lot, yard and bulk requirements.

Regulation	Requirement
Lot area (minimum)	26,000 square feet
Width at building line	120 feet

(minimum)	
Front yard (minimum)	50 feet
Side yard, each (minimum)	25 feet
Rear yard (minimum)	50 feet
Height (maximum)	
Principal building	35 feet
Accessory building	20 feet
Building coverage (maximum)	15% of the total lot area
Impervious surface (maximum)	25% of the total lot area

§ 255-43.1. A-1 and A-2 Residential Districts.

A. In an A-1 Residential District, the following regulations shall apply:

- (1) With a public water supply and sanitary sewers installed and capped for future use, as approved by the township as a condition of approval of a subdivision plan, as follows:

Regulation	Requirement
Lot area (minimum)	26,000 square feet
Width at building line (minimum)	120 feet
Front yard (minimum)	50 feet
Side yard, each (minimum)	25 feet
Rear yard (minimum)	50 feet
Height (maximum)	
Principal building	35 feet
Accessory building	20 feet
Building coverage (maximum)	15% of total lot area
Impervious surface (maximum)	25% of total lot area

- (2) With sanitary sewers and a public water supply, as follows:

Regulation	Requirement
Lot area (minimum)	22,000 square feet
Width at building line (minimum)	110 feet
Front yard (minimum)	50 feet
Side yard, each (minimum)	25 feet

Rear yard (minimum)	50 feet
Height (maximum)	
Principal building	35 feet
Accessory building	20 feet and not exceeding one story
Building coverage (maximum)	15% of total lot area
Impervious surface (maximum)	25% of total lot area

- B. In an A-2 Residential District, a residential development plan is required in accordance with Article VI, Planned Residential Areas, of this Code. Public water and sanitary sewers are required. The following regulations shall apply:

Regulation	Requirement
Lot area (minimum)	15,000 square feet, however, at least 40% of the lots in the development must be 18,000 square feet or larger
Width at building line (minimum)	100 feet
Front yard (minimum)	40 feet
Side yard, each (minimum)	An aggregate of 40 feet, minimum of 15 feet for either side. A side yard may be further reduced to 10 feet, provided that the adjacent lot is not already 10 feet on the side facing thereto.
Rear yard (minimum)	40 feet
Height (maximum)	
Principal building	35 feet
Accessory building	20 feet and not exceeding one story
Building coverage (maximum)	15% of total lot area
Impervious surface (maximum)	25% of total lot area

§ 255-44. B Residential Districts.

In a B Residential District the following regulations shall apply:

- A. Lot, yard and bulk requirements.

Regulation	Requirement
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Lot area (minimum)	12,000 square feet
Width at building line (minimum)	80 feet
Front yard (minimum)	35 feet
Side yard (minimum)	10 feet each, aggregate of 25 feet
Rear yard (minimum)	30 feet
Height (maximum)	
Principal building	35 feet
Accessory building	20 feet
Building coverage (maximum)	20% of total lot area
Impervious surface (maximum)	30% of total lot area

§ 255-45. C Residential District.

In a C Residential District, the following regulations shall apply:

- A. A building may be erected, altered or used and a lot or premises may be used for any one use permitted in § 255-39B.
- B. Lot, yard and bulk requirements.

Regulation	Requirement
Lot area (minimum)	9,000 square feet
Width at building line (minimum)	60 feet
Front yard (minimum)	30 feet
Side yard, each (minimum)	10 feet
Rear yard (minimum)	25 feet
Height (maximum)	
Principal building	35 feet
Accessory building	20 feet
Building coverage (maximum)	20% of total lot area
Impervious surface (maximum)	30% of total lot area

Section 4. The Code of the Township of Upper Dublin Chapter 255, entitled Zoning, Article IX, OC Office Center District, § 255-61, Development requirements; plan., subsection E, shall be amended to provide as follows:

§ 255-61. Development requirements; plan.

The general plan for an office center shall be executed in accordance with the following essential conditions:

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- E. The maximum building coverage shall be 20% of the square foot area of the lot, plus 2.5% per acre multiplied by the lot area in acres, not to exceed 40%. For example: Lot area of two acres: 20% plus 5% (2 times 2.5) equals 25 %. Impervious surface. The maximum impervious surface of a lot shall not exceed 60%.

Section 5. The Code of the Township of Upper Dublin Chapter 255, entitled Zoning, Article X, M Motel – Motor Inn – Motor Lodge District, § 255-68. Development requirements; plan., subsection E, shall be amended to provide as follows:

§ 255-68. Development requirements; plan.

The general plan for a Motel - Motor Inn - Motor Lodge District shall be executed in accordance with the following essential conditions:

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- E. The maximum building coverage shall be 20% of the square foot area of the lot. The maximum impervious surface of a lot shall not exceed 60%.

Section 6. The Code of the Township of Upper Dublin Chapter 255, entitled Zoning, Article XI, RE Recreation Districts, § 255-72. Accessory uses, subsection B, shall be amended to provide as follows:

§ 255-72. Accessory uses.

- A. Accessory uses for RE Recreational Districts shall be as follows:
- (1) A clubhouse, provided that such is planned and used as an integral part of the principal recreational facility.
 - (2) Dwellings occupied or intended for occupancy by the employees and/or guests of the principal facility.
- B. The accessory uses permitted above shall not occupy more than 9% of land area nor shall the impervious surface of a lot exceed 15%.

Section 7. The Code of the Township of Upper Dublin Chapter 255, entitled Zoning, Article XII, AHS Apartment House Special District, § 255-81. Lot, yard and bulk requirements, subsection C, shall be amended to provide as follows:

§ 255-81. Lot, yard and bulk regulations.

In case of each lot or tract of land developed for an Apartment House Special District, the following area and height regulations shall apply:

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C. Surface area.

- (1) Building area. Not more than 15% of the area of the lot or tract may be occupied by buildings, exclusive of terraces, walkways and parking facilities.
- (2) Impervious surface. The impervious surface of a lot or tract may not exceed 60%.

Section 8. The Code of the Township of Upper Dublin Chapter 255, entitled Zoning, Article XIII, INST Institutional Districts, § 255-89. Lot, yard and bulk requirements, subsection B, shall be amended to provide as follows:

§ 255-89. Lot, yard and bulk requirements.

The regulations for INST Institutional Districts pertaining to lot area, density and the arrangement of buildings on subject lots shall be specified below:

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B. Surface area.

- (1) Building area. Not more than 20% of the area of each lot may be occupied by buildings.
- (2) Impervious surface. The impervious surface of a lot may not exceed 60%.

Section 9. The Code of the Township of Upper Dublin Chapter 255, entitled Zoning, Article XIV, CR Commercial Retail District, § 255-95. Lot, yard and bulk requirements, subsection D, shall be amended to provide as follows:

§ 255-95. Lot, yard and bulk requirements.

D. Surface area.

- (1) Building coverage: shall not exceed 25% of total lot area.
- (2) Impervious surface: shall not exceed 75% of total lot area.

Section 10. The Code of the Township of Upper Dublin Chapter 255, entitled Zoning, Article XV, SC Shopping Center District, § 255-99. Development requirements, subsection L, shall be amended to provide as follows:

§ 255-99. Development requirements.

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L. Required minimum area and yards and maximum building and impervious coverage regulations shall be as follows:

- (1) Lot area: six acres.
- (2) Front yard: 40 feet.
- (3) Side yard (each): 50 feet.
- (4) Rear yard: 50 feet.
- (5) Building coverage: 15% of total lot area.
- (6) Impervious surface: 75% of total lot area.

Section 11. The Code of the Township of Upper Dublin Chapter 255, entitled Zoning, Article XVII, MHD Mobile Home Development District, § 255-122. Lot, yard and bulk requirements, subsection L, shall be amended to provide as follows:

§ 255-122. Lot, yard and bulk requirements.

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L. Surface area.

- (1) Building coverage. The maximum coverage of any individual mobile home lot by all primary and accessory buildings and structures shall be no greater than 35%.

- (2) **Impervious surface.** The maximum impervious surface of any individual mobile home lot or any lot improved with a mobile home park shall not exceed 60%.

Section 12. The Code of the Township of Upper Dublin Chapter 255, entitled Zoning, Article V, Steep Slopes, shall be amended by revising the title of the Article and amending § 255-31, § 255-32, § 255-33, and § 255-34 to provide as follows:

ARTICLE V
Steep Slopes and Impervious Surfaces

§ 255-31. Intent.

In the interest of the public health, safety and welfare, the provisions of this chapter and this article in particular are intended:

- A. To minimize stormwater runoff, street flooding, stream bank and soil erosion caused by inappropriate development of steep slope land areas and/or the conversion of undeveloped, porous surfaces to impervious ground cover
- B. To protect the township from development which may flooding and a subsequent expenditure for public works and disaster relief affecting the economic well-being of the township and its residents.
- C. To protect residents from property damage and personal injury due to runoff, flooding, erosion and landslides attributable to nearby development, particularly on steeply sloping land.
- D. To relate the intensity of development to the ability of the natural and man-made environment to support it, including the steepness of terrain, in order to minimize grading, the removal of vegetation, the construction of non-absorbent surfaces, runoff and erosion and to help ensure the utilization of land in accordance with its natural capabilities to support development.
- E. To restrict the impact of erosion and sedimentation and the alteration of natural drainage patterns which may aggravate flooding both in the immediate area and in downstream areas.
- F. To maximize groundwater recharge and maintain the base flow of streams and watercourses, thereby ensuring both the quantity and quality of groundwater and surface waters.

§ 255-32. Regulations pertaining to impervious surfaces.

A. The limitations of this Chapter pertaining to impervious surfaces shall be strictly adhered to except as set forth herein.

- (1) A lot legally in existence on September 9, 2003, which was then legally covered with an impervious surface within 1% of the maximum impervious cover permitted by this chapter, or which then became nonconforming to such impervious cover provisions, may expand the impervious cover on such lot by a maximum of 1% of the lot area, unless the expansion qualifies under paragraph (2) below. The benefits of this expansion shall not be available with respect to any lot created or modified after September 9, 2003.
- (2) A lot legally in existence on September 9, 2003, which was then legally covered with an impervious surface within 5% of the maximum impervious cover permitted by this chapter, or which then became nonconforming to such impervious cover provisions, may expand the impervious cover on such lot by a maximum of 5% of the lot area for the purpose of constructing a pool and/or wooden deck over a porous surface, provided that 100% of the volume of stormwater generated by the new construction is recharged for a one-hundred-year storm event. The benefits of this expansion shall not be available with respect to any lot created or modified after September 9, 2003 and will further be subject to the following requirements:
 - (a) The area of impervious surface expansion for a pool shall not include the area of water surface and shall apply to coping and/or patio areas. Expansion of coping and/or patio areas may be permitted by conditional use.
 - (b) The area of impervious surface expansion for a wooden deck shall apply only if the deck is constructed with a space between each plank and if the deck is constructed over a porous surface.
 - (c) The design and location of the recharge system must be approved by the Township Engineer. The Township Engineer may require that a percolation test be submitted with the permit application showing rates sufficient to empty the system within 24 hours. Construction may not disturb steep slopes, woodlands or trees eight (8) inches in caliper or larger.

- (d) If site conditions prohibit on-site recharge, the expansion shall not be permitted.
- (e) A covenant running with the land shall be recorded requiring the property owner to maintain the recharge basin at all times so that it will operate as designed.

B. Common driveways; impervious surface allocation.

For the purpose of determining the amount of impervious surface on a lot served by a common driveway, the total impervious surface of that common driveway shall be allocated evenly among the lots served, unless it is otherwise allocated in a recorded covenant approved by the township and binding on the properties affected, in which case such recorded allocation shall control.

C. Where no impervious surface limitations are imposed within an overlay district, such limitations shall be the same as those applicable in the underlying district.

§ 255-33. RESERVED

§ 255-34. Regulations pertaining to steep slopes.

The following regulations shall apply on all land having a slope of 10% or more as delineated on a plan which meets the requirements of a preliminary plan as specified in Chapter 212, Subdivision and Land Development:

- A. Every lot hereafter created by subdivision having an average slope of at least 10%, but not more than 15%, shall have the minimum lot area increased by a factor of 1.3 and shall not have impervious surfaces exceeding 30% of the lot area as increased.
- B. Every lot hereafter created by subdivision having an average slope of at least 15%, but not more than 25%, shall have the minimum lot area increased by a factor of 1.5 and shall not have impervious surfaces exceeding 20% of the lot area as increased.
- C. Every lot hereafter created by subdivision having an average slope of at least 25% shall have the minimum lot area increased by a factor of two and shall not have impervious surfaces exceeding 10% of the lot area as increased.
- D. All freestanding structures, buildings and substantial improvements (with the exception of driveways and utilities when no other location is feasible) are

prohibited on slopes of 35% or greater and are prohibited on slopes where the soil type is classified as "stony land, steep" by that document entitled "Soil Survey Montgomery County Pennsylvania," prepared by the United States Department of Agriculture, Soil Conservation Service, dated April 1967, copies of which are on file in the office of the township Manager, Upper Dublin Township Building, 801 Loch Alsh Avenue, Fort Washington, Pennsylvania.

Section 13. The Code of the Township of Upper Dublin, Chapter 255, entitled Zoning, Article XX, Nonconforming Uses, § 255-147, Extension and expansion, subsection C, shall be amended to provide as follows:

§ 255-147. Extension and expansion.

A lawful nonconforming use may be expanded or extended when authorized as a special exception, subject to the following limitations:

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- C. Any such extension or expansion shall conform to the requirements of this chapter as they exist at the time of the proposed extension or expansion and with the height, yard, setback, buffer, impervious surface, floor and building area requirements of the zoning district in which the extension or expansion will be located.


Section 14. Nothing in this Ordinance or in Chapter 255 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 255 prior to the adoption of this amendment.

Section 15. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 16. This Ordinance shall take affect and be in force from and after its approval as required by law.

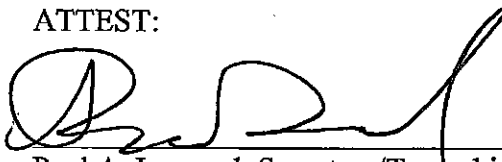
Enacted by the Board of Commissioners of Upper Dublin Township this 14th day of September, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Secretary/Township Manager