

ORDINANCE NO. 2014-829
UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

**AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, CHAPTER
145, BY ADDING A NEW ARTICLE ENTITLED "DESIGN STANDARDS
FOR THE KPMU KING OF PRUSSIA MIXED-USE ZONING DISTRICT"**

WHEREAS, pursuant to the Second Class Township Code, 53 P.S. 65101, *et seq.*, Upper Merion Township (the "Township") is authorized to make and adopt Ordinances it deems necessary for the proper management and control of the Township and welfare of the Township and its citizens that are consistent with the Constitution and the laws of the Commonwealth;

WHEREAS, the Township desires to encourage high institutional quality mixed-use developments; promote street level activity with attractive first floor business locations; integrate pedestrian-ways with aesthetically pleasing public spaces; and incorporate high quality sustainable building materials and energy and resource conservation into new development by the creation of the KPMU King of Prussia Mixed-Use Zoning District ("KPMU District");

WHEREAS, the establishment of design standards for the KPMU District will support the intent of the KPMU District as contained in the Upper Merion Zoning Ordinance and will provide a pedestrian-friendly character and atmosphere throughout the district with public gardens, courtyards, plazas, pedestrian/bicycle paths, street trees, seating areas, coordinated street furnishings, ornamental lighting and pedestrian-scale signage and wayfinding;

WHEREAS, the Board of Supervisors of Upper Merion Township has met the procedural requirements of 53 P.S. § 10101, *et seq.*, the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including holding a public hearing; and

WHEREAS, the Township, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents of Upper Merion Township will be served by this amendment of the Upper Merion Township Subdivision and Land Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors for Upper Merion Township, and it is hereby ordained and enacted, by the authority of the same, to wit:

SECTION I. CODE AMENDMENT.

A. THE UPPER MERION TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, CHAPTER 145, IS HEREBY AMENDED BY ADDING A NEW ARTICLE ENTITLED "DESIGN STANDARDS FOR THE KPMU KING OF PRUSSIA MIXED-USE ZONING DISTRICT" AS FOLLOWS:

§ 1. Intent; applicability; compliance.

A. The purpose of this Article is to:

- (1) Support the intent of the KPMU Zoning District as contained in the Upper Merion Zoning Ordinance.
- (2) Promote high quality development by utilizing appropriate building materials to create highly articulated architecture with a fully integrated streetscape.
- (3) Provide for safe convenient, direct pedestrian access to buildings and to and from public sidewalks, transit facilities, crosswalks, pedestrian/bicycle paths and between various buildings in the District.
- (4) Promote the use of alternative modes of transportation such as bicycle and pedestrian paths and public transit and provide and maintain high quality public transportation waiting areas.
- (5) Provide a pedestrian-friendly character and atmosphere throughout the District with public gardens, courtyards, plazas, pedestrian/bicycle paths, street trees, seating areas, coordinated street furnishings, ornamental lighting and pedestrian-scale signage and wayfinding.

B. Applicability.

- (1) These design standards shall apply to any land development application as defined by the Township Ordinances except as provided below.
- (2) These standards shall not apply when the new building or expanded building is located three hundred feet (300') or more from a street ultimate right-of-way.
- (3) Chain Architecture: If a proposed use has standard architectural styles, materials and motifs, the proposed architecture shall be subject to the Architectural Design Standards.
- (4) If there is a conflict between the Design Standards for the KPMU District and other Township Land Development and Subdivision Ordinance Standards, the KPMU standards shall govern as determined by the Board of Supervisors.

C. Compliance.

- (1) A Design Manual shall be submitted in conjunction with a land development to demonstrate how the development will comply with the Design Standards. The Design Manual shall include the following items:
 - (a) Site plan, drawn to scale, showing the plan elements as contained within this ordinance;
 - (b) Photographs of existing buildings that illustrate the design intent of the proposal; or building elevations drawn to scale; or photo-realistic illustrations depicting proposed scale, proportions, design elements, materials and color;
 - (c) Colored rendering of the plan(s);
 - (d) Landscape plan; and
 - (e) Current photographs of site.
 - (f) Once the preliminary styles are reviewed by the Board of Supervisors, and the Township provides the applicant with verbal and/or written comments, additional and more detailed architectural renderings, prepared by a registered architect, shall be submitted for all proposed buildings, together with a list and samples of types of exterior building materials that will be visible from any public street. Similarly, a rendered landscape plan, prepared by a registered landscape architect shall also be submitted for review. An outdoor lighting plan shall also be submitted for review.

§ 2. Site Design Standards.

- A. Overall Site Coordination. The site shall be designed as a unified development, with a coordinated site design, landscape plan, signage, wayfinding, lighting, site amenities, paving and other similar site features that create a high-quality environment.
- B. Location of Parking. The site shall be designed to minimize the negative impact and appearance of the parking lots. The amount of parking shall be minimized between the building(s) and the street. Parking shall be concentrated to the side and rear of the building(s) and behind the front yard setback line.

- C. Vehicle Access. In order to facilitate efficient internal traffic circulation and minimize road traffic for short trips, all parking areas shall connect directly to parking areas on adjacent lots. If a connection is not possible at the time of land development, site design provisions shall be made for a future connection to adjacent properties. Permanent cross-access easements between properties should be enacted whenever possible. Shared or common driveways shall be designed whenever feasible.
 - (1) If a lot is developed or redeveloped, any new vehicular access point shall be located along a side lot line in order to create a shared driveway with the adjacent lot, whenever feasible.
- D. Pedestrian Circulation. A safe and direct pedestrian access shall be provided from the Pedestrian Way and sidewalks to the building entrances and exits.
 - (1) When one hundred fifty feet (150') or more of new building wall is constructed between a pedestrian way and parking at the rear of the building, a pedestrian accessway shall be provided (i.e., through a lobby or via an alley) from the pedestrian way to the parking facilities.

§ 3. Buildings and Streetscape Design Standards.

Treatments between any building and the street edge shall utilize the following design standards:

- A. Building Orientation and Access.
 - (1) Buildings shall be designed with windows, public access points and signage facing streets, sidewalks and pedestrian ways.
 - (2) Grade level exterior doors that swing onto a public walkway are prohibited.
- B. The Primary Building Entrance:
 - (1) A primary pedestrian building entrance shall be located on one or more primary front facades facing the street and pedestrian way, rather than the rear or sides of the building, and shall be well articulated and visible from the street as described herein. Secondary access points may be located along other facades.
 - (a) In multiuse buildings, each building use and street floor tenant space shall have at least one functional entrance directly visible and accessible from the street. Where tenant entrances are via common lobbies, lobby entrances shall create architectural emphasis through design features such as changes in plane, step backs, fenestration patterns, balconies, towers, bays, or similar features.

- (2) If the primary building entrance is not located along the primary front façade then the applicant must demonstrate that the primary building entrance may not feasibly be located along the primary front façade and the primary building entrance shall be located to the side of the building in accordance with the following:
 - (a) Buildings with the primary building entrance on the side shall be visually emphasized to make the entry visible from adjacent and nearby public roadways. Architectural emphasis shall be achieved through design features such as changes in plane, step backs, fenestration patterns, balconies, towers, building entries, bays, or similar features.
 - (b) Buildings with the main entry on the side shall be accessible by a public walkway connecting the sidewalk along the site's street frontage to the parking areas.

§ 4. Building Architectural Design Standards.

The architectural design standards are intended to ensure that the size, proportions and design of new or substantially improved buildings create a pedestrian-friendly environment, that is highly articulated as described herein. The visual mass of all buildings shall be de-emphasized through the use of architectural elements including form, architectural features and materials, in order to reduce their apparent bulk and volume, to enhance visual quality and contribute to human scale development in accordance with the following:

- A. All structures proposed under the same land development application shall consist of a unified and coordinated architectural theme.
- B. Exterior Building Materials. The predominant material of all facades facing public streets shall be brick, stone, highly textured masonry block, curtain wall, metal panel systems with concealed fasteners, glazed panels, cement-board siding or wood. Stucco or dryvit may be utilized provided it is no more than twenty percent (20%) of non-window facades at the street floor level and no more than fifty percent (50%) of non-window facades above the street floor level.
 - (1) All sides of a building shall be architecturally designed to be consistent with regard to style, materials, colors and details. The architectural treatment of the front facade shall be continuous in its major features around all visibly exposed sides of a building with the exception of parking structures or that portion of a building containing a parking structure. Blank wall or service area treatment of side and/or rear elevations visible from public view shall be prohibited.

- (2) If approved by the Board of Supervisors, simulated brick or simulated stone may be used as the predominant material of all facades facing public streets.

C. Vertical Articulation. Buildings are required to provide articulation on the exterior of any wall surface in order to provide architectural interest and variety to the massing of a building and to relieve the effect of a single, long monotonous wall or roof. Blank facades, without windows or architectural elements to create interest, are prohibited.

- (1) The massing of any one building wall shall not exceed fifty feet (50') (horizontal dimension) without a vertical articulation along its entire height. Vertical articulation may include a change of façade plane or material. The depth of change in façade plane for vertical wall articulation shall be a minimum of two feet zero inches (2'-0"). Such articulation may consist of building wall offsets, recesses and projections such as bays, balconies, canopies, awnings, pilasters, columns and other similar features.
- (2) Building corners located at the intersections of public streets shall incorporate the following:
 - (a) Building corners shall be chamfered at least ten feet (10') from the corner setback or a minimum of five feet (5') from both street frontages. The chamfer shall extend from the ground to the top of the building unless the following features are incorporated:
 - (i) Building corner chamfers may be limited to the street level story only if the portion of building corners above the street level story is visually emphasized through design features, such as step backs, fenestration patterns, balconies, towers, building entries, bays, or similar features.

D. Horizontal Articulation. Horizontal articulation of the building facade, including changes to the horizontal building plane and/or materials, shall be used to break up the scale of the building facade. Such horizontal articulation may be provided by roof terraces, setbacks or other devices. Horizontal articulation shall emphasize the building base, body and roof/parapet edge.

- (1) Buildings greater than thirty feet (30') in height shall be designed utilizing a definition of the base, body and roof or parapet edge (or similar designations) as the primary method of defining and relating buildings to one another.

- (2) The base shall generally be considered the first story of the facade facing a public street, but can vary depending on the overall building height and range from ground plane to the floor line of the third floor in buildings of at least four stories in height. The design of the base should be emphasized through the design, quality and durability of its materials to create visual interest. The transition from the base of a building to the body may be expressed either horizontally, through a shift in the horizontal plane and/or through a change in building materials.
- (3) The top of a building greater than thirty feet (30') in height shall be architecturally distinguished by providing a visual termination to the facade and interest at the skyline by incorporation of highly detailed architectural elements that are visible from street level.
- (4) Any building measuring taller than fifty feet (50') in height shall provide an expression line on the wall plane, continuing around all sides of a building above the first or second floor. The expression line may consist of a projecting element, a minimum four inches (4") in depth, such as a belt course or cornice as well as a terrace that sets back the walls of the building above the expression line.

E. Roofs.

- (1) Rooflines shall be articulated vertically with a change in roof line every fifty feet (50'). This requirement does not apply to flat roofs.
- (2) On buildings with flat roofs, all visibly exposed walls shall have an articulated cornice that projects a minimum of four inches (4") horizontally from the top of the vertical building wall.
- (3) Fixed or retractable awnings are permitted at street floor level and on upper levels where appropriate, if they complement a building's architectural features. Metal or internally lit awnings are prohibited. In buildings with multiple storefronts, or on adjacent buildings, compatible awnings should be used as a means of unifying the structures.
- (4) All roof-top mechanical equipment, including antennas, shall be visually and acoustically screened from view of both the public right-of-way and adjacent properties. Screening may be accomplished by using parapets, walls or roof elements. Such screening shall be integral to the architectural design of the building.

F. Proportions of Walls to Openings for Street Level Facades.

- (1) A street level facade is the building wall or walls where there are primary and secondary customer entrances and where they are the prominent facades as viewed from streets or parking areas.

- (2) A wall to clear window/door ratio of between 2:1 and 4:1 is required. For street floor level commercial and retail uses, a wall to clear window ratio between 1:1 and 2:1 is required.
- (3) The maximum length of a blank wall between clear window/door openings shall be fifteen feet (15').
- (4) Elements such as pent eaves, pediments, or sills and lintels above and below windows and doors are required.

G. Windows.

- (1) Smoked, reflective, tinted or black glass in windows at street level is discouraged. Glazing shall have a minimum visible transmittance of 0.75.
- (2) Any street level facades with less than fifty percent (50%) of clear windows shall be articulated by two or more of the following:
 - (a) Articulation of facade plane, and/or changes in materials.
 - (b) If the building is occupied by a commercial use at street level, recessed or projecting display window cases or simulated windows.

H. Parking Structures. The following shall apply to parking structures that are not wrapped at all levels with active uses and visible to public view:

- (1) A minimum fifteen foot (15') wide filtering buffer in accordance with § 145-24.1.G.

I. Requirements for sidewalks and trails.

- (1) *Pedestrian crosswalks*. Pedestrian crosswalks shall be marked with a textured paving treatment. Pedestrian crosswalks shall also be installed where sidewalks intersect driveways and roadways. Design, textures and colors shall be as approved by the Township. Pedestrian crosswalks shall also be installed in parking lots as determined by the Township.
- (2) *Pedestrian level lighting along First Avenue and Moore Road*. Pedestrian lighting shall be installed at sixty feet (60') on center along sidewalks and shall conform to the following standards:
 - (a) Illumination Level. The average foot-candle level of sidewalks shall be 0.5.
 - (b) The maximum height of the light fixtures shall be eighteen feet (18') zero inches (0").

- (c) The lighting fixture shall be the Domus Small Series DOS-LR-DBC with LED fixture and black finish manufactured by Phillips-Lumec or approved equal by the Township.
 - (d) Footings for pedestrian level lighting shall not project above the finished elevation of the adjacent sidewalk.
- (3) *Streetscape Site Amenities along First Avenue and Moore Road.* Additional amenities and design elements shall be added to the streetscape. These include but are not limited to the following:
- (a) Benches shall be provided at a rate of one per lot or one per five hundred (500) linear feet of lot frontage, unless otherwise approved by the Township. The benches shall be model CBF-138, six feet (6') in length, with black finish manufactured by Victor Stanley or approved equal by the township. Benches shall be permanently mounted to a concrete pad or other means acceptable to the Township.
 - (b) Trash receptacles shall be provided at bus stops and roadway intersections as directed by the Township. The trash receptacles shall be model S-42 with a black finish manufactured by Victor Stanley or approved equal by the township. Trash receptacles shall be permanently mounted to a concrete pad, footing or other means acceptable to the Township.
 - (c) Planted areas of flowering perennials, ornamental grasses, flowering and evergreen shrubs, flowering bulbs that provide four seasons of interest and color as required by § 145-24.1.
 - (d) Bus Passenger Accommodations. Existing or proposed bus passenger facilities within or abutting a proposed development shall provide pedestrian connections between the bus passenger facilities, existing sidewalks and the proposed development. Adequate paving shall be provided to accommodate curbside passenger facilities in accordance with the latest version of the SEPTA Bus Stop Design Guidelines with the following minimum requirements:
 - (i) Curbside passenger accommodations shall comply with the minimum dimensional standards in accordance with Table 4: Dimensional Specific Standards, Type 6: Stop with Standard Shelter, except that an eight foot (8') wide multi-purpose path shall be provided outside the passenger waiting area.

- (ii) Developments with internal SEPTA bus circulation or those which propose new or relocated bus stops shall comply with the standards established in Table 5, Development Review Checklist for Consideration of SEPTA Operating and Passenger Needs.
 - (iii) All streetscape site amenities shall be compliant with the Uniform Federal Accessibility Standards (UFAS) and ADA Accessibility Guidelines (ADAAG).
- J. Where a landscaped verge is required by the Zoning Ordinance it shall be designed in accordance with the following:
- (1) The landscaped verge as described in the Zoning Ordinance shall be planted with turf, perennials, or other hardy ground cover plant material as approved by the Township.
 - (2) If a paved hardscaped verge is desired, it shall be designed with consistent materials, textures and colors approved by the Township.
 - (3) Where a paved hardscaped verge is proposed, it shall be designed to accommodate street trees with tree grates in accordance with the requirements of § 145-7-D.2.(a) and as follows:
 - (a) The tree pit shall consist of an area of not less than one hundred fifty (150) square feet and shall be of dimensions of no less than five feet in width and ten feet (10') in length.
 - (b) The tree pit shall be a minimum of twenty four inches (24") in depth or the depth of the root ball, whichever is greater. Structural soil shall not be provided in the tree pit. Street trees are not to be planted directly into structural soil. Exposed or permeable surfaces shall be excavated and replaced with fresh topsoil meeting the minimum tree planting specifications.
 - (c) Structural soil shall be provided underneath impermeable surfaces from the curb line to the edge of the Pedestrian Way where tree pits exist, unless otherwise directed by the Township.

§ 5. Signs.

A. For any proposed use in the KPMU District signs shall be an integral part of the architectural design for the building(s). Sign materials shall utilize the same, similar or complementary materials as utilized for the buildings and is subject to the review and approval of the Board of Supervisors. Sign dimensions and other standards shall be regulated in accordance with use and with Article XXVII, "Signs," of the Upper Merion Township Zoning Ordinance except to the extent specifically modified or limited by the following:

- (1) Directory signs for one or multiple tenants shall be consolidated and located within twenty feet (20') of the driveway entrance.
- (2) An architectural lighting plan, designed to highlight a building, landscape feature, façade or other feature shall be submitted as a part of the required Design Manual submission and shall conform to the requirement of the § 165-125, "Outdoor Lighting."

SECTION II. 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 III. REVISIONS.

The Upper Merion Township Board of Supervisors does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

SECTION IV. 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 V. EFFECTIVE DATE.

This amendment shall become effective five (5) days after date of adoption.

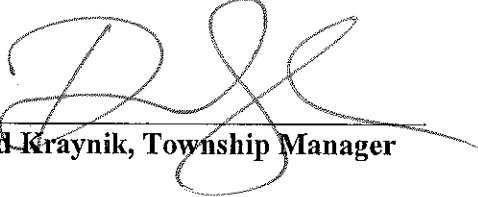
SECTION VI. FAILURE TO ENFORCE NOT A WAIVER.

The failure of Upper Merion Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

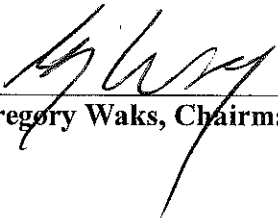
ORDAINED AND ENACTED by the Board of Supervisors for Upper Merion Township, Montgomery County, Pennsylvania, this 18th day of September, 2014.

ATTEST:



David Kraynik, Township Manager

**UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS:**

By: 

Gregory Waks, Chairman

Advertised Proposed Ordinance in Times Herald: August 27, 2014 and September 3, 2014.

Proof of Publication: September 3, 2014.

Hearing Held: September 18, 2014.

Ordinance Adopted: September 18, 2014 as Township Ordinance 2014-829.

Ordinance Entered: September 18, 2014.