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BY: MAJ

ORDINANCE NO. 2032

AN ORDINANCE OF THE TOWNSHIP OF ABINGTON, MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE ABINGTON TOWNSHIP ZONING ORDINANCE TO PERMIT CERTAIN USES AS DEFINED UNDER § 706.C OF THE ZONING ORDINANCE, PERMITTING A MOTOR VEHICLE FUELING CENTER USE; FURTHER AMENDING THE SIGN REGULATIONS OF THE ZONING ORDINANCE, SPECIFICALLY § 1008.2.B, REGULATING MOTOR VEHICLE FUELING CENTER SIGNS.

WHEREAS, pursuant to the applicable provisions of the First Class Township Code, the Pennsylvania Municipalities Planning Code, and the Zoning Ordinance of Abington Township, the Board of Commissioners of the Township of Abington is empowered to amend the Zoning Ordinance regulating the use and control of land within the Township; and

WHEREAS, the Board of Commissioners has determined the need to amend the Zoning Ordinance to provide provisions relating to the regulation of uses which combine a motor vehicle fueling station with a retail/convenience market on the same premises, to more currently reflect the present commercial trends related to such uses; and

WHEREAS, the Board of Commissioners finds that there exist sites now or previously occupied by automotive related uses, the redevelopment and revitalization of which will advance the public health, safety, and welfare;

WHEREAS, the Board of Commissioners finds it in the public interest to amend the Zoning Ordinance permitting and regulating motor vehicle fueling centers in selected areas where these facilities can be strategically and appropriately located to provide services to commuters and users of public rail transportation stations.

NOW THEREFORE, it is hereby **ORDAINED** and **ENACTED** by the Board of Commissioners of the Township of Montgomery County, Pennsylvania as follows:

SECTION I.

Section 706.C is hereby **AMENDED** to include the following new provisions:

Use C-34: Motor Vehicle Fueling Center: Motor Vehicle Fueling Centers may include, but not be limited to, sale of the following: takeout coffee, dairy products, delicatessen, dry goods, foodstuffs, grocery items, newspapers, tobacco, legal lottery

sales, motor vehicle fuel, and minor automotive accessories and similar product lines, subject to the limitations and conditions set forth under this section. Food preparation for take-away consumption shall be permitted. The use may provide for indoor automated teller machines and financial services, indoor public phone facilities, indoor vending machines, and electric vehicle charging stations. A Motor Vehicle Fueling Center may include more than one (1) principal use on a single lot or parcel, provided that any additional use is limited to a bank or other permitted financial institution. These facilities must be located near terminals which service public rail transportation facilities, in order to promote the convenient use of public transit, and to provide necessary convenience items, fuel, and food to commuters using the public rail facilities on a park and ride basis. A Motor Vehicle Fueling Center shall not be considered “campus use” or a “group development” for purposes of this ordinance.

a. Dimensional Requirements:

Minimum lot area	2 acres
Minimum lot width	300 feet
Maximum building coverage	60%
Maximum impervious surface	80%
Minimum lot depth	125 feet
Minimum front yard setback	20 feet
Minimum side yard setback	15 feet
Minimum rear yard setback	15 feet
Minimum setback for sign support structure	5 feet
Minimum trash enclosure setback	5 feet
Maximum Driveway Width	40 feet
Maximum access drives per street frontage	3

The resource yard requirements of §801.C.8 shall apply to Use C-34 only when the following natural resources are present: floodplains, wetlands, streams, and/or public rights-of-way.

b. Buffers:

Buffer areas shall be as provided under § 402.4.L of this ordinance, provided, however, that § 402.4.L shall not apply, and no buffers shall be required on any lot line or on any parcel where not less than thirty (30%) percent of the lot area is preserved as green space, and the minimum separation distance between any lot line and the nearest residential dwelling unit is not less than fifty (50) feet.

c. An applicant must demonstrate that any parcel on which a Motor Vehicle Fueling Center is proposed has been used for not less than two (2) of the following three (3) uses, one of which uses must have been present on the proposed parcel within the five (5) years preceding the date of application:

1. Service Station
 2. Automobile sales
 3. Automotive service
- d. This use shall only be permitted on a parcel which contains a minimum of three hundred (300) feet of frontage on an arterial road. Each Motor Vehicle Fueling Center must maintain a minimum separation from any other Motor Vehicle Fueling Center within the Township of not less than Two Thousand (2,000) feet.
 - e. Motor Vehicle Fueling Centers must be located on property which is within eight hundred (800) linear feet of a public rail transportation station.
 - f. All activities, except those performed at fuel pumps or within a drive-thru facility, must be performed completely within an enclosed building.
 - g. Parking spaces shall be provided at a ratio of one (1) space per 200 square feet of gross floor area of any building wherein retail sales are transacted, as well as one space at each fuel pump. Parking spaces shall be not less than 9'x18' in dimension. No additional parking spaces will be required for indoor automated teller machines, financial services, or lottery machines.
 - h. Walls and retaining walls shall be permitted as part of a Motor Vehicle Fueling Center use, without regard to the requirements of § 706.A.6, provided that such walls are erected or maintained to provide support to adjoining or abutting parcel. Solid fencing with a minimum height of 6 feet shall be provided at the top of retaining walls located at the boundary between commercial and residential uses.
 - i. The grade change limitations provided under § 801.I.11, the landscaping standards provided under § 801.U, and the mechanical equipment standards provided under § 801.J shall not apply to any use under this section. All mechanical equipment shall be designed and installed to comply with the noise standards contained in §801.P.1.a.(2). Illumination standards of §801.M.1 shall apply to Motor Vehicle Fueling Centers, provided that carry-over illumination standards shall apply only to adjoining residential properties and further provided that all on-lot public parking areas, aisles, and accessways for any Motor Vehicle Fueling Center use shall be provided with an average minimum of one half (.5) foot candles of light calculated over the on-lot public parking areas, aisles and accessways. All C-34 uses shall be subject to land development review, and must be approved by the Board of Commissioners in accordance with the Abington Township Subdivision and Land Development Ordinance.

- j. Retail and fuel sales may be conducted on a 24 hour basis, notwithstanding any other provision of this Ordinance, provided that all of the following criteria are met:
 - 1. The use meets the requirements of § 801.L.5(a), (b), and (c).
 - 2. No deliveries of inventory, merchandise, foodstuffs, fuel, or other products shall occur between 10:00 PM and 7:00 AM.
 - 3. No trash or rubbish removal shall occur between the hours of 10:00 PM and 7:00 AM.
 - 4. For properties adjoining residential properties, a minimum six (6) foot screen, such as a wall, fence or landscaping, shall be provided to screen adjoining residential properties from light emitting from vehicles traversing onto and off of the site.

- k. No drive-thru windows are permitted for sale of convenience items. Drive-thru windows are permitted as an accessory use to any bank use, without regard to the requirements of §§ 706.C.3.a, 706.C.3.b or 801.L.1, provided that such use shall be subject to land development review and must be approved by the Board of Commissioners in accordance with the Township Subdivision and Land Development Ordinance.

- l. Applicant shall incorporate design elements such as buffer plantings, sidewalks, fencing, ornamental plantings, streetlights, and other similar features to enhance the aesthetics of the street frontage of the Motor Vehicle Fueling Center.

- m. No vehicles may be stored on the premises, and no vehicle may remain on the premises for more than 24 hours.

- n. No trash enclosures may be located within any front yard setback area.

- o. As part of the subdivision and land development application, applicant shall present a plan to demonstrate the methods by which any spills of liquids will be contained and shall also demonstrate that the storm water management system is designed to capture volatile organic compounds, oils, and solids. Applicant shall also provide the Township with a copy of a maintenance agreement setting forth the terms for the management of the facility.

- p. When the development of a lot and the uses therein are in accordance with an approved unified development plan, then a conveyance of a parcel or parcels within the approved plan shall be permitted upon compliance with the following conditions:
 - 1. Irrevocable cross-easements are in effect and recorded in favor of and duly binding on all title owners within the area of the approved plan, their successors and assigns, with respect to use, control and

maintenance of the common areas including access, green area and parking. All easements shall be submitted to the Township solicitor for review prior to recording.

2. Application of zoning regulations including, but not limited to; building coverage, impervious surface coverage, green area, parking, loading, buffers, and landscaping, as well as required area, width and yard regulations, shall apply to an overall site/tract approved as a unified development plan. Individual lots created pursuant to this section need not comply with these zoning requirements.
- q. All buildings shall follow a single architectural theme. Canopies over pump islands shall be constructed with pitched roofs, and canopy columns shall be faced with brick wainscoting. All building facades facing a public right-of-way shall include windows, doors, pent roofs, offsets, variation in materials, or other architectural amenities designed to provide visual interest.
- r. For sites with frontage on Old York Road, sidewalks with a minimum width of 6' and a grass strip of at least 3' in width shall be provided to separate the site from Old York Road, and brick piers and fencing shall be installed between the internal parking area and the sidewalk.
- s. Decorative pedestrian walkways, consistent with the architectural character and materials of the structures, shall connect the sidewalks with and provide direct access to each building occupied by a principal use.

SECTION II.

A. Section 402 PLANNED BUSINESS DISTRICT, § 402.2.A (Uses by Right) is amended to include the following new provision:

33. C-34 Motor Vehicle Fueling Center

SECTION III.

The Sign provisions of § 1008.2.B.2 (Special Commercial and Planned Business Districts) are hereby amended to include the following:

- c. Motor Vehicle Fueling Center Use of Property:
 1. Notwithstanding any other provision of this Ordinance, any Motor Vehicle Fueling and Retail Center use in the Planned Business Zoning District shall be permitted all of the following signs:

Sign Type	Maximum Area	Maximum Height	Illumination
Freestanding (not more than 2)	65 sq. ft. per sign	25 ft.	Changeable text or LED, provided not more than one (1) change every 24 hours and limited to the advertisement of fuel prices
Wall/signs (not more than 8)	Not more than 500 sq. ft. of signs per building	30 ft.	Direct
Canopy (not more than 5)	40 sq. ft. per sign	At canopy height	Direct
Directional signs (with or without advertising)	Not more than 50 sq. ft. in the aggregate and not more than 8 signs.	Not more than four (4) feet	Direct

2. The signs permitted under this section are the aggregate total limit permitted for all uses and structures on a lot containing a Motor Vehicle Fueling Center.
3. Signage shall be permitted on all building facades, provided, however, that no signs may be placed on any facades which front a residential district boundary.
4. No sign or any portion of a sign may overhang a public right-of-way.
5. Signs, including structural components, shall follow the same architectural theme as the buildings, including the use of similar or complimentary materials.

SECTION IV. REPEALER

Any and all Ordinances or parts of Ordinances in conflict with the terms of this Ordinance are repealed, replaced, and rescinded by the adoption of this Ordinance.

SECTION V. SAVINGS CLAUSE

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decisions of the court shall not impair the validity of any of the remaining sections, clauses, sentences, part or provisions of the Ordinance. It is hereby declared to the intent of the Board of Commissioners of the Township of Abington that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

SECTION VI. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after the date hereof.

APPROVED by the Board of Commissioners of Abington Township this _____ day of _____, 20__.

ATTEST:

Secretary

By:

President