

TOWNSHIP OF NETHER PROVIDENCE
DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2019-_____

AN ORDINANCE AMENDING CHAPTER 300 (ZONING), OF THE CODE OF THE TOWNSHIP OF NETHER PROVIDENCE BY ADDING A NEW ARTICLE VIIA ENTITLED “RP RESIDENTIAL-PROFESSIONAL OFFICE DISTRICTS,” WHICH ESTABLISHES PERMITTED USES AND BULK AND AREA REQUIREMENTS FOR PROPERTIES LOCATED WITHIN THE RP RESIDENTIAL-PROFESSIONAL OFFICE DISTRICTS, AMENDING THE ZONING MAP OF THE TOWNSHIP TO ESTABLISH AN RP-RESIDENTIAL-PROFESSIONAL OFFICE DISTRICT CONSISTING OF THE TWO PARCELS KNOWN AS 116 E. BALTIMORE PIKE AND 120 E. BALTIMORE PIKE, REPEALING INCONSISTENT ORDINANCES, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE UPON ENACTMENT

The Board of Commissioners of the Township of Nether Providence does hereby **ENACT** and **ORDAIN** as follows:

Section 1. Amendment of Zoning Code to Establish an R-P Residential-Professional Office District. Chapter 300 of the Code of the Township of Nether Providence is hereby amended by adding the following new Article VIIA, entitled “RP Residential-Professional Office Districts:”

Article VIIA. RP Residential-Professional Office District

1. Permitted Uses.

Residential-Professional Office Districts are designed primarily to provide for a combined professional office with a residential dwelling unit on one parcel in transition areas between commercial districts and residential districts, where the professional office use is smaller in scale than that permitted in the PO Professional Office Districts and more sympathetic to adjoining residential districts. Therefore, a building may be erected, altered or used and a lot or premises may be used for any of the following purposes, and no other, in accordance with the area and special provisions of this article:

- A. Any use permitted in R-1 Residence Districts.
- B. A building or portion of a building where a member of a recognized profession sells services to the general public, including a physician, attorney, dentist, accountant, architect, professional engineer, or similar profession who customarily has an office in the home (“Professional Offices”), provided however, that the following conditions are met:

(1) Professional services shall be offered only between the hours of 7:00 a.m. and 7:00 p.m. prevailing local time, excepting that hours may be extended beyond the 7:00 p.m. end time for true medical emergencies.

(2) No commercial lighting shall be located on the property. Any exterior lighting fixtures shall be residential in character. Any light posts may be located in the front yard only and shall not exceed seven (7) feet in height above grade.

(3) Any building in which professional services are provided shall have a residential appearance and character.

(4) A professional office shall not be interpreted to include a real estate office and offices for any real estate related services, or other commercial office, shop or use such as a barber shop, beauty shop, hair stylist, funeral home, bank, financial institution, or a research center (whether medical, dental or scientific).

C. A combination of any use permitted in R-1 Residence Districts and a Professional Office, provided, however, that any one parcel shall have no more than two (2) professional office units and one owner-occupied residential dwelling unit.

D. Signs, when erected and maintained in accordance with the following:

(1) Permitted signs shall be of freestanding ground- type.

(2) All signs shall relate solely to a professional office use permitted in the district.

(3) Ordinary traffic and parking control signs and temporary "for sale" or "for lease" signs.

(4) Not more than one freestanding ground sign may be permitted on each street frontage relating to and directing persons to the building. Any such sign shall not be in excess of 12 square feet in area nor more than a total height of five feet above grade. If two (2) separate professional businesses occupy one lot, then both businesses shall integrate their signage into one freestanding ground sign with an area not in excess of 25 square feet nor more than a total height of five feet above grade. No temporary signs be used at any such property, such as feather blade signs, inflatable or blow-up signs, windsock signs and similar such temporary commercial sign forms.

(5) No sign shall be erected upon, project from or be suspended from the roof of any building.

2. Area and frontage requirements.

Each property in any RP Residential-Professional Office District shall have a minimum lot area or tract size of not less than 25,000 square feet, and shall have a frontage on a public street of not less than 250 feet.

3. Building placement requirements.

No building shall be located less than 40 feet from the line of the nearest front street nor less than 40 feet from a side property line or less than 40 feet from the rear property line.

4. Coverage.

Not more than twenty percent (20%) of of the area of each lot may be occupied by buildings.

5. Height.

The maximum height of any building shall be 40 feet.

6. Impervious cover.

The maximum impervious cover for any lot shall be thirty-five percent (35%).

7. Special regulations.

In addition to the applicable provisions of the other regulations of this chapter, the special regulations for professional offices set forth at Section 300-99 of this zoning ordinance shall apply as to any proposed partial or whole professional office use of any parcel in a RP Residential-Professional District, provided, however that the following requirements shall supersede any similar requirements set forth in Section 300-99:

(1) Along each side or rear property line which directly abuts a residence district in the township or a similar district in an adjoining municipality, a buffer planting strip of not less than 25 feet in width shall be provided on which shall be placed evergreen planting sufficient to constitute an effective screen and give maximum protection to the abutting district. Along each street line, a buffer area of not less than 10 feet in width shall be provided which shall be suitably landscaped and may include necessary sidewalks and accessways.

(2) Parking shall not be permitted in the required rear yard setback.

(3) Only one principal building per lot shall be permitted, and no accessory buildings shall be permitted.

(4) If there is a residential dwelling unit on the property, parking spaces shall be provided in proportion to the number of bedrooms in the dwelling as follows:

Number of bedrooms	Required parking spaces per dwelling unit
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1
2
3

2
2
3

(5) All containers used for waste and recyclable materials must be kept within the rear yard setback, must be equipped with proper fitting lids, and must be kept within an enclosure screened from view from adjacent properties.

Section 2. Amendment of Zoning Map. The official Zoning Map of the Township of Nether Providence is hereby amended to create an R-P Residential-Professional Office District consisting of the real estate parcels known as 116 E. Baltimore Pike (Folio No. 34-00-00097-00.) and 120 E. Baltimore Pike (Folio No. 34-00-00096-00). The Township Engineer is hereby directed to create an updated Zoning Map accordingly.

Section 3. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any inconsistency.

Section 4. Severability. If any clause, sentence, paragraph or part of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance nor the application of such clause, sentence, paragraph or part to other persons or circumstances, directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such provisions not been included or such persons or circumstances been expressly excluded from their coverage.

Section 5. Effective Date. This ordinance shall be effective immediately.

ENACTED and **ORDAINED** this ____ day of _____, 2019.

Matthew Sullivan, President
Board of Commissioners

Attest: _____
Gary Cummings,
Township Manager