

**ARTICLE 11 - C-3 PLANNED COMMERCIAL/LIGHT INDUSTRIAL DISTRICT****SECTION 1100     PURPOSE**

The C-3 District is designed primarily for planned commercial/light industrial development with a view toward: serving the general convenience shopping or service needs of the residents of the Township and the region, and providing additional local and regional services consisting of light industry, warehousing and support facilities for offices; and establishing regulations to help ensure compatibility between uses within the district and with adjacent uses and properties.

**SECTION 1101     USE REGULATIONS**

A building may be erected, altered or used, and land may be used or occupied, subject to the provisions of Article 15 and Article 16, for any of the following uses and no other:

**A.     Permitted Principal Uses**

1.     Planned Commercial/Light Industrial and Office development where common elements are planned, designed, developed, built and maintained in a uniform and unified manner, subject to Section 1103 with the following uses:
  - a.     Shopping center or shopping mart less than 100,000 square feet in gross floor area.
  - b.     Garden center.
  - c.     Indoor theater.
  - d.     Business or professional offices, excluding offices with on-site facilities for diagnosis, treatment or care.
  - e.     New automobile sales agency.
  - f.     Bank, including drive-in bank.

- g. Restaurant and an On Premises Outside Service Restaurant, provided however, that no Restaurant or On Premises Outside Service Restaurant shall be conducted wholly or partially as a drive-in or drive-thru service establishment, providing service to customers in automobiles or service of food and/or drinks for immediate consumption off the premises on which the business is conducted. A Restaurant On Premises Outside Service, in addition to all other restrictions imposed by terms of this Ordinance shall be subject to the following restrictions:
- (1) The Outside Service Area, other than the wall of the building in which the Restaurant is located, shall be entirely enclosed by a wall of not less than three (3) feet in height, which wall must be set back from a minimum of 25 feet from a property line or curb line of a street.
  - (2) Access to the Outside Service Area, except for an emergency entrance and exit, shall be limited to entrances and exits through the building to which the Outside Premises Area is adjacent.
  - (3) No speaker, amplifier or any other sound systems of any kind shall be permitted in the Outside Service Area and/or to deliver sound to the Outside Service Area.
  - (4) The Outside Service Area shall be closed at 1:00 a.m.
- h. All permitted principal uses set forth in Article 10, Section 1001.A., pertaining to the Neighborhood Commercial District, except as limited herein.

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- i. All permitted principal uses set forth in Article 13, Section 1301.A., pertaining to the Light Industrial District, except as limited herein, with the addition of the following:
  - (1) Multiple tenant occupancy shall be permitted on a single lot of the minimum acreage as set forth in Section 1104.
- j. Open space for recreational and conservation purposes, subject to the provisions of Article 20.
- k. Municipal Use.
- l. Indoor recreational use, including, but not limited to: tennis or squash courts, swimming pools, skating rinks and health clubs, including those offering a full range of amenities.
- m. Commercial laundry or dry cleaning plant, including counter-service.
- n. Physical and arts education such as: facilities/studios for dance, art, drama, music, martial arts and similar uses, including health clubs with limited amenities (no pools, saunas, tennis/squash courts, basketball courts or racquetball courts or similar facilities).

**B. Permitted Accessory Uses**

- 1. Accessory uses on the same lot and customarily incidental to the principal uses permitted in Section 1101.A. herein.
- 2. Parking in accordance with Article 17.
- 3. Signs in accordance with Article 18.
- 4. Used automotive sales and service accessory to

and on the same lot as new automotive sales agency.

**C. Conditional Uses (Refer to Article 21, Section 2112)**

1. The following uses and their related accessory uses, provided a satisfactory Environmental Impact Assessment Report is prepared, as set forth in Article 19, Section 1915.
  - a. Professional offices with on-site facilities for diagnosis, treatment or care.
  - b. Cellular Tower
  - c. Shopping center or shopping mart of 100,000 square feet or more.
  - d. School, in accordance with Section 1927.
  - e. Child day care center.
  - f. Adult daily living center.

**SECTION 1102 HEIGHT REGULATIONS**

The maximum height of buildings or other structures erected, enlarged or used in this district shall be thirty-five (35) feet, except that such height may be increased to a maximum of forty-five (45) feet, if for every one (1) foot of height in excess of thirty-five (35) feet, there shall be added to each yard setback requirement two (2) additional feet; and except as provided in Section 1920 relative to Cellular Towers.

**SECTION 1103     OPEN SPACE AND USE COMPOSITION**

- A. Not less than ten (10) percent of the total tract area shall be designated as and devoted to open space, subject to Section 1111 and Article 20.
- B. Not less than sixty percent (60%) of the total area of the tract shall be devoted to commercial use; and, no more than thirty percent (30%) shall be devoted to light industrial use, provided however, that no light industrial use shall be permitted within four hundred fifty (450) feet of the right-of-way line of West Chester Pike.

**SECTION 1104     AREA, BULK AND SETBACK REGULATIONS**

- A. Tract Area - a tract area of not less than twenty-five (25) acres shall be provided.
- B. Lot Area and Distance Between Buildings - a minimum lot area of two (2) acres shall be provided for every principal use. The minimum distance between principal buildings on a lot shall be fifty (50) feet.
- C. Lot Width at the Street Line - a lot width of not less than one hundred and fifty (150) feet at the street line shall be provided.
- D. Lot Width at the Building Line - a lot width of not less than one hundred and fifty (150) feet at the building line shall be provided.
- E. Impervious Surface and Building Coverage - Not more than sixty percent (60%) of the tract shall be covered by impervious surfaces, and not more than seventy-five percent (75%) of the area of any individual lot shall be covered by impervious surfaces; and, not more than forty percent (40%) of the total area of any lot shall be occupied by buildings.
- F. Depth of Front and Rear Yards - There shall be a front yard and a rear yard on each lot, neither having a depth of less than sixty (60) feet except that a front

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and rear yard may be reduced to twenty-five (25) feet, where fronting on a private street, provided however, no buildings shall be placed in any such yard, or in a second front yard on a corner lot, except for areas of ingress and egress.

- G.** Width of Side Yards - On each lot there shall be two (2) side yards having a minimum aggregate width of one hundred (100) feet except for corner lots as provided below; and neither side yard shall have a width of less than forty-five (45) feet; provided however, that in the case of lots having access to a private street, the minimum aggregate width of the side yards shall be no less than fifty (50) feet. On each corner lot there shall be two (2) front yards, the front yard abutting a primary street shall have a width of not less than sixty (60) feet; provided however, that in the case of lots having access to a private street, the second front yard on a corner lot shall be no less than twenty-five (25) feet.
- H.** Setbacks for Accessory Use Structures - No accessory use structure shall be located within fifteen (15) feet of any side or rear property line, except for:
1. Driveways, which shall not be located closer than five (5) feet from such property line.
  2. Fencing or landscaping, which define property lines or serve as a required continuous visual buffer, or landscaped planting strip.
  3. Approved common driveways which may straddle property lines.
  4. Structures for which no other viable location exists as approved by the Board of Supervisors.

**SECTION 1105     SCREENING AND LANDSCAPING REQUIREMENTS**

- A.** Wherever the tract abuts a residential district, screen planting shall be provided of sufficient height and density to constitute a continuous visual buffer at least twenty (20) feet in width, except along West

Chester Pike where a landscaped planting strip of twenty (20) feet with selected plant groupings shall be provided in accordance with Section 1105.C. below. If natural vegetation already exists, it may be retained and utilized to partially satisfy this requirement.

- B. If fencing is employed, the effective height of the continuous visual buffer shall be no less than six (6) feet, subject to the provisions of Article 19, Section 1902.
- C. A landscaped planting strip of ten (10) feet in width shall be provided along the street lines of all private streets within a planned commercial/light industrial development and a landscaped planting strip of twenty (20) feet in width shall be provided along the street line of any lot abutting West Chester Pike.
- D. All required screening and landscaping shall be shown on a preliminary and final landscaping plan which shall be submitted to and evaluated by the Board of Supervisors.
- E. All required screening and landscaping shall be in accordance with Section 1917 and the Edgmont Township Subdivision and Land Development Ordinance.

**SECTION 1106     ENVIRONMENTAL CONTROLS**

The provisions of Article 19, Section 1914, shall apply.

**SECTION 1107     VEHICULAR CONTROLS**

The provisions of Article 17 shall apply.

**SECTION 1108     OUTDOOR STORAGE AND DISPLAY**

The provisions of Article 19, Section 1910, shall apply.

**SECTION 1109     OPEN SPACE PROVISIONS**

The provisions of Article 20 shall apply, except that all of the open space may be set aside for conservation or maintained in its natural state.

**SECTION 1110     APPROVAL PROCEDURE**

- A. Development pursuant to this Article shall be considered to be a land development and shall be subject to the regulations of the Edgmont Township Subdivision and Land Development Ordinance, as amended. Proposed amendments to an approved plan shall be acted upon in the same manner as the original plan.
- B. Whenever development is by stages, plans for each successive stage shall require preliminary and final plan review pursuant to the Edgmont Township Subdivision and Land Development Ordinance, as amended, and shall comply with the original plan and Developer's Agreement.
- C. Completion and maintenance of improvements:
  - 1. All improvements within a particular stage shall be completed contemporaneously with the completion of the construction of the buildings in such stage, together with all site improvements essential to the function of the improvements in the said stage.
  - 2. Provisions for the completion and maintenance of all private streets, parking lots, sidewalks, curbs, street trees, storm sewers, sanitary sewers and all other improvements pursuant to the approved plan in forms satisfactory to the Township shall be a condition precedent to approval by the Township.
  - 3. Within ninety (90) days of the completion of any stage or phase of development, an As Built Plan of the buildings, structures and other improvements, related to the stage or phase,

shall be submitted to the Township. Such plan shall be prepared at a scale of at least 1 inch equals 50 feet.

- D. To insure that the development will continue in a unified and harmonious manner, the Applicant shall submit to the Board of Supervisors for approval plan or plans at all stages and phases with a view toward the compatibility of the character of buildings, signs, lighting and other site structures and improvements.

**SECTION 1111 SPECIFIC DESIGN AND DEVELOPMENT REQUIREMENTS**

The following specific design and development requirements shall be met for any and all development in the C-3 Planned Commercial/Light Industrial District:

- A. The Applicant shall prepare a coordinated plan of the development for the tract, which shall be in accordance with the Edgmont Township Subdivision and Land Development Ordinance. This coordinated plan shall be in accordance with the provisions set forth in this Section and all other regulations and ordinances and shall contain the following elements:
1. A plan for land use including the distribution of the various permitted uses, open space and circulation.
  2. A plan for traffic and circulation within the site, with estimates of traffic flows, turning movements and capacity, including connections to the existing road network. Such a plan shall include related appurtenant structures such as curbs, crosswalks, traffic signals, driveways and the like.
  3. A Landscape Plan for landscape elements such as the principal circulation elements of the tract, including street trees, buffer planting strips and the landscaping, as required.

4. A plan for sewage disposal, water supply, erosion and sedimentation control, storm water management, solid waste disposal, electrical and power supply, fire protection, and any other common elements.
5. An overall plan for street lighting of the major circulation elements.
6. An overall plan for any other common elements such as: benches, trash receptacles, bus stops, signs, parking and line stripping, fencing, storage areas, refuse collection areas, and the like.
7. A plan or plans depicting basic site data, such as topography, soils, steep and very steep slopes, flood hazard and flood prone areas, woodland resources, surface water resources and other related features.
8. An illustrative site plan depicting all buildings, parking, plantings, signs and other proposed improvements.

**B. Ownership**

1. Any tract of land proposed for development shall be in one (1) ownership and shall be operated under unified control and management.
2. In the event of multiple ownership and/or several parcels, each individual lot/parcel on which each permitted principal use is conducted shall be held in a single entity responsible for the operation of the individual lot/parcel and evidence shall be presented of a written agreement between the parties and owners involved that development and management will be in accordance with a single plan with common authority and common responsibility.
3. In order to insure that the open space and common elements shall be properly maintained and in the event that individual parcels are conveyed to

third parties, the developer shall provide the Township with a description of a property owner's organization, including its by-laws and method for maintaining open space and common elements which shall be acceptable to the Township Solicitor. Said organization is to be organized by the landowner or developer and operated with financial subsidization by the landowner or developer, if necessary, before the sale of any lots or parcels of ground within the development. Membership in the organization shall be mandatory for all purchasers of lots or parcels of ground therein and their successors. Members of the organization shall be responsible for maintenance of and insurance and taxes on all open space and common elements and shall share equitably the cost of said maintenance in accordance with procedures established by them. In the event a member fails to pay his pro rata share, then a lien against an individual property may be made in accordance with provisions for the same in the by-laws of the organization.

4. In the event that the organization established to own and maintain the open space and common elements or any successor organization shall at any time after designation fail to maintain the open space and common elements in reasonable order and condition in accordance with any and all approved plans, the Township may serve written notice upon such organization or upon the residents and owners, setting forth the manner in which the organization has failed to maintain the open space and common elements in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice.
  - a. At such hearing the Township may modify the terms of the original notice as to the deficiencies and may give an extension of

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the time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the Township, in order to preserve the taxable values of the properties and to prevent the open space and common elements from becoming a public nuisance, may enter upon said open space and common elements and maintain the same for a period of one (1) year, at the expense of the organization. The cost of any such maintenance shall be borne by the owners of lots within the development from which the open space and common elements was derived. Said entry and maintenance shall not vest in the common elements except when the same is voluntarily dedicated to the public by the residents and owners.

- b. Before the expiration of said year, the Township shall upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the open space and common elements, call a public hearing upon notice to such organization, or to the residents and owners of the project, to show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year. If the Township shall determine that such organization is ready and able to maintain said open space and common elements in reasonable condition, the Township shall cease to maintain said open space and common elements at the end of said year. If the Township shall determine such organization is not ready and able to maintain said open space and common elements in reasonable condition, the Township may, in its discretion, continue to maintain said open space during the next succeeding year and

subject to a similar hearing and determination in each year thereafter. The decision of the Township in any such case shall constitute a full administrative decision subject to judicial review at the expense of the property owners organization or association.

- c. The cost of such maintenance by the Township shall be assessed ratably against the properties within the project that have a right of enjoyment of the open space and common elements and shall become a municipal lien on said properties. The Township, at the time of entering upon said open space or common elements for the purpose of maintenance, shall file a notice of such lien in the Office of Judicial Support of Delaware County, upon the properties affected.

**C. General Design Guidelines**

1. All utility lines servicing any commercial or light industrial use shall be placed underground.
2. All materials, including trash, supplies, rubbish, refuse, and the like, shall be stored either inside the building or in specially constructed buildings or screened enclosures. They shall not be handled so as to give rise to smoke, odor or litter.
3. The development shall consist of well designed and integrated uses and groupings of buildings, service and parking areas, circulation and open spaces, planned and designed as an integrated unit, in such a manner as to constitute a safe, efficient and convenient Planned Commercial/Light Industrial Development.

**D. Lighting**

1. All streets, off-street parking areas, and areas

of intensive pedestrian use shall be adequately lighted. All such lighting shall be designed and located so as to direct light away from any adjoining residential development, areas zoned for residential development, and to West Chester Pike, so as to preclude trespass glare.

2. Appropriate lighting fixtures shall be provided for walkways, sitting areas, bus stops and the like, and to identify steps, ramps and directional signs. Such lighting shall be designed and located so as to direct light away from any adjoining residential development, areas zoned for residential development, and to West Chester Pike, so as to preclude trespass glare.
3. All lighting shall be in accordance with Section 1921.

**E. Circulation and Traffic**

1. The overall layout of commercial and light industrial facilities shall reflect a hierarchy of streets and service roads in order to develop a major through road system from various ingress/egress points along West Chester Pike, collector roads and/or drives and aisles within parking areas. Such a system of streets and roads shall be designed, built and maintained at the owner's expense to provide for safe and convenient traffic flow.
2. Traffic signals and signs, acceleration and deceleration lanes, and traffic islands, curbing, striping and the like shall be designed, built and maintained in accordance with the requirements of the PA DOT, the Township Engineer, and the Edgmont Township Subdivision and Land Development Ordinance.
3. Vehicular circulation systems shall be designed, built and maintained to minimize any conflict with pedestrian circulation. All cross-walks shall be located and striped to promote safe and convenient crossings of streets and access

drives.

4. All requirements for traffic controls set forth in Section 1914.H. shall apply.

**F.** Off-Street Parking and Loading

1. All off-street parking and loading standards in the Edgmont Township Subdivision and Land Development Ordinance and in Article 17 of the Edgmont Township Zoning Ordinance, and in particularly Section 1700.E., Retail Commercial and other Business uses, and 1700.F., Industrial and other related uses, shall apply.
2. Any establishment which furnished carts or mobile baskets as an adjunct to shopping shall provide designated areas within off-street parking areas for storage of such carts.
3. Adequate areas at each individual light industrial or commercial building shall be provided for: loading and unloading of delivery trucks and other vehicles; servicing of (buildings) by refuse collection, fuel, fire and other service vehicles; automobile accessways; and pedestrian walks, all of which shall be constructed in accordance with Township standards. Loading areas shall be screened from view from any abutting public high-ways or defined parking area. No loading area shall be located closer than thirty-five (35) feet to a property line.
4. Loading areas shall not be located forward of the front building line, shall not be located in the public right-of-way or defined parking areas, and shall occupy a minimum space of not less than twelve (12) by fifty (50) feet by fourteen (14) feet high. The use of said loading areas should not block or interfere with the use of the buildings, accessory buildings or parking areas.

**G. Curbs and Sidewalks**

1. All curbs and sidewalks shall be designed, built and maintained in accordance with the Design Standards in the Edgmont Township Subdivision and Land Development Ordinance.
2. All curbs shall be designed to promote handicapped access through curb cuts and ramps.
3. Sidewalks shall be planned, designed, built and maintained to promote pedestrian circulation within any shopping center. All such sidewalks shall have a minimum width of eight (8) feet.

**H. Landscaping and Screening**

Notwithstanding the provisions referenced in Section 1105, the following shall apply:

1. Any and all storage areas and/or refuse collection areas shall be fenced and landscaped in accordance with Section 1910.E. Such areas shall be located in areas of least visibility on the tract.
2. All buildings shall be enhanced through the use of landscaping such as foundation plantings, planting beds or other landscaping erected for various functional and aesthetic purposes.
3. All areas of high visibility and pedestrian access shall be landscaped subject to the approval of the Township.

**I. Public Sewerage and Public Water**

1. In addition to the standards and provisions of the Edgmont Township Subdivision and Land Development Ordinance, the following shall apply:
  - a. A public water supply system shall be constructed and operational at the time of occupancy of any principal permitted uses.

b. A system of public sewerage shall be deemed to be planned for extension to development in a C-3 Planned Commercial/Light Industrial District. If a Public Sanitary Sewer System is not available at the time of Final Land Development Plan Approval and an alternate system is approved by the Board of Supervisors, the Landowner, as a condition of such approval, shall agree to connect to the Public Sanitary Sewer System, at Landowner's sole cost and expense, when the Public Sanitary Sewer System is extended to the C-3 Planned Commercial/Light Industrial District of which the Land Development is a part.

2. All sewage disposal systems and/or sewage treatment facilities for the initial and subsequent phases or stages of development shall be approved by the Board of Supervisors and the PA DEP. If a Public Sanitary Sewer System is not available at the time of Final Land Development Plan Approval and an in ground primary system is approved by the Board of Supervisors, then a Replacement Area in accordance with Article 19, Section 1914.J., or a Holding Tank and piping with a minimum of three (3) days capacity, the discretion of the Board of Supervisors after consultation with the Township Engineer, shall be provided as part of a C-3 Planned Commercial/Light Industrial Sewage Disposal System.

**J. Fire Protection**

In addition to the standards and provisions of the Edgmont Township Subdivision and Land Development Ordinance, the Edgmont Township adaptation of the BOCA Fire Prevention Code, the following shall apply:

1. Fire protection measures and devices shall be provided and installed, as approved by the County and Township Fire Marshals for such items as:
  - a. Fire lanes and/or no parking zones.

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- b. Accessibility to the rear of all buildings.
- c. Early detection systems.
- d. Hydrants.
- e. Sprinkler systems.

**K.** Signage

In addition to the provisions of Article 18, the following shall apply:

- 1. Shopping cart storage areas shall be designated and clearly marked with signs.