
WHITEMARSH TOWNSHIP

TO: PLANNING COMMISSION
FROM: **Charles L. Guttenplan, AICP, Director of Planning and Zoning**
SUBJECT: MATERIAL FOR JULY 27, 2021 MEETING
DATE: JULY 22, 2021
CC: Vincent Manuele, BOS Liaison
Richard L. Mellor, Jr., Township Manager
Krista Heinrich, PE, Township Engineer
Dave Sander, Esq., Township Solicitor's Office
John Walko, Esq., Township Solicitor's Office



In addition to the minutes from the July 13, 2021 meeting, we will be devoting the July 27th meeting to one agenda item.

The entire meeting will be a workshop session for review and discussion of the initial products of the first phase of the Zoning Ordinance Update. The Steering Committee has had three meetings with our consultant, *Bergmann*, represented by Project Manager Kimberly Baptiste. (You will recall that Ms. Baptiste was the project manager for the Selective Comprehensive Plan Update, adopted last year.) Ms. Baptiste has developed the enclosed documents. These would update the minimum parking requirements for all land uses (including some new ones not previously included), as well as adding provisions for reserve parking and for electric vehicle charging stations. Our goal will be to recommend any refinements to these documents so that they can become the substance of an ordinance to amend the Zoning Ordinance text. While we continue to work on other issues, we would process this ordinance so that it may be adopted by the Board of Supervisors this fall. Time permitting, Ms. Baptiste will provide the Commission with background discussions the Steering Committee has had pertaining to the Conservation Design Overlay District and the Zoning Ordinance's environmental overlay districts (Floodplain Conservation, Steep Slope, and Riparian Corridor Conservation Overlay Districts).

If you have any questions prior to the meeting, please feel free to get in touch with me (cguttenplan@whitemarshwp.org or 484-594-2625). If any member is unable to attend the meeting, please send an e-mail to Patrick Doran (patrick.doran@bipc.com) and copy me. I look forward to seeing you all at the meeting.

Enclosures

**WHITEMARSH TOWNSHIP
PLANNING COMMISSION MEETING AGENDA
JULY 27, 2021
7:00 PM**

DAMBMAN ___ DORAN ___ GLANTZ PATCHEN ___ KOSTYK ___ QUITEL ___ SHAW-FINK ___ SHULA ___
MANUELE (BOS) ___ GUTTENPLAN ___ HEINRICH ___ WALKO ___ (TWP. SOLICITOR'S OFFICE)

1. CALL TO ORDER

2. ANNOUNCEMENTS & CORRESPONDENCE

3. APPROVAL OF MINUTES

- July 13, 2021

4. ZONING HEARING BOARD APPEALS (None)

5. CONDITIONAL USE APPLICATIONS: (None)

6. SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS (None)

7. OLD BUSINESS

8. NEW BUSINESS

- Zoning Ordinance Update
 - Overview of Update Process (10 minutes)
 - Proposed Parking Regulation Revisions (60 minutes)
 - Parking Minimums
 - Reserve Parking Provisions
 - Electric Vehicle Charging Provisions
 - Review of Environmental Overlay & Conservation Design Overlay Issues (20 minutes)
 - Next Steps (10 minutes)

9. PLANNING COMMISSION MEMBER COMMENTS

10. PUBLIC COMMENT FOR NON-AGENDA ITEMS

11. ADJOURNMENT

TENTATIVE AGENDA NEXT MEETING

August 10, 2021 at 7:00 P.M.

- Review SLD# 03-21 The Highlands – 7001 Sheaff Lane, Fort Washington, PA
Preliminary/Final Minor Subdivision; Separating Developed Lot from Open Space Lot
- Review SLD #04-21 Jeffrey Cowley/3 Evergreen Lane, Lafayette Hill, PA
Preliminary/Final Minor Subdivision; Lot Line Change
- Review SLD #05-21 Borkowski Homes/354 Roberts Avenue, Conshohocken, PA
Preliminary/Final Plan; 2-Single Family Dwellings

PUBLIC PARTICIPATION INFORMATION

1. Public meetings of the Commission shall follow a prescribed agenda, which will be available to the general public no later than the Friday preceding the meeting.
2. If members of the public wish the Commission to address a specific item at a public meeting, a written request to the Staff Liaison shall be submitted at least one week before the meeting. The written request shall specify the item or items the individual desires to be addressed.
3. The Commission may consider other matters for the agenda as they see fit.
4. The Commission will entertain Public Comment at the conclusion of the discussion of the item and prior to specific action on the item during the meeting, at the discretion of the Chair. Individuals must advise the Chair of their desire to offer such comment.
5. A Public Comment period will be provided at the conclusion of a meeting for input on any new subject.
6. The Commission Chair shall preside over Public Comments and may within their discretion:
 - a. Recognize individuals wishing to offer comment.
 - b. Require identification of such persons.
 - c. Allocate total available Public Comment time among all individuals wishing to comment.
 - d. Allocate up to a five (5) minute maximum for each individual to offer Public Comment at a meeting, Township Staff shall time comments and shall announce, "one minute remaining" and "time expired" to the Chair.
 - e. Rule out of order scandalous, impertinent and redundant comment or any comment the discernible purpose of which is to disrupt or prevent the conduct of the business of the meeting including the questioning of, or polling of, or debating with, individual members of the Commission.

**MINUTES
PLANNING COMMISSION
JULY 13, 2021**

Attendees/Participants: Dave Shula, Sherri Glantz Patchen, Bob Dambman, Patrick Doran, Aaron Kostyk, Scott Quitel, Charlie Guttenplan, AICP, Director of Planning & Zoning, Krista Heinrich (Township Engineer), Vince Manuele (BOS Liaison), and John Walko (Township Solicitor's office)

1. CALL TO ORDER: 7:03 PM by Chair Doran

2. ANNOUNCEMENTS & CORRESPONDENCE

- An update was given on the Ridge Pike meeting. The section from Plymouth to Crescent Avenue is in preliminary engineering and is moving along. The section from Crescent Avenue to the City Line, if staying on target, will be put out to bid late this year and construction would start next spring and would span two construction seasons. The next meeting is scheduled for September.
- The Miracle Nature Trail walk was rescheduled to July 20, 2021; registration is required.

3. APPROVAL OF MINUTES

- On a motion by Mr. Shula seconded by Ms. Patchen, the Planning Commission moved to approve the June 22, 2021 meeting minutes. Vote 4-0-2 (Mr. Dambman & Mr. Doran abstained, not present at that meeting)

4. ZONING HEARING BOARD APPEALS:

- Review ZHB #2021-31 Brixmor Property Group/10 Ridge Pike Special Exception; Restaurant (Use)

Mr. Guttenplan briefly explained the applicant is proposing to add a 1600-square foot restaurant at the Whitmarsh Shopping Center (10 Ridge Pike). The restaurant would fill the last remaining space in the three-tenant building constructed last year. The Shopping Center is in the CR-H Commercial Retail District which allows restaurants by special exception under Section 116-104.A.(6)(a).

Marc Kaplin, Esquire, the applicant's attorney, explained that this proposal is consistent with the most recent land development plan when this building was added, as well as the Zoning Hearing Board decision associated with that land development. Mr. Kaplin stated this is a Mediterranean Grill with over 30 restaurants in several different states and one just opening in King of Prussia.

Planning Commission members asked several questions about hours of operation (unknown), number of proposed seats (unknown), parking requirements (accounted for during the land development process), and discussed conditions associated with the special exception granted in April 2020 for the urgent care facility in the same building. Mr. Kaplin indicated that they will comply with general hours for deliveries, etc. for the overall shopping center but couldn't agree to any conditions that differ from those of other restaurants in the shopping center. Outdoor seating was questioned and it was confirmed that this is not permitted in the CR-H District. Question about the electric charging stations raised; the manufacturer pulled out; waiting for new one. Question also asked if employees parking in the rear as previously agreed upon; Mr. Kaplin indicated what he had observed that day with some cars in the rear but not knowing whose they were. Correspondence was received by Sydelle Zove and summarized by Chair Doran. The issues were related to the shopping center but not relevant to the special exception (sums in escrow for tree replacement, traffic circulation and curb cuts in the narrow islands between parallel and perpendicular parking).

Motion: Mr. Dambman made a motion to recommend that the Zoning Hearing Board grant the special exception subject to any conditions that the Zoning Hearing Board determines to be appropriate; seconded by Mr. Kotsyk. Vote: 6-0

5. CONDITIONAL USE APPLICATIONS:

- Review CU #02-21 Osaka Hibachi Japanese, LLC/551 Germantown Pike (Store #2)
Conditional Use; Restaurant in VC-1 Village Commercial District, Sub-district 1

Sharon Harvey, Esquire, the applicant's representative, stated the subject property is located in the "New World Shopping Center". The applicant proposes to have an authentic hibachi restaurant, mainly takeout service with a maximum of 21 seats available but no table service. The proposed hours of operation are Monday through Thursday 11:00 AM - 9:30 PM; Friday and Saturday 11:00 AM – 10:00 PM; and Sunday 12:00 PM – 9:00 PM. The restaurant shares the parking lot with the other tenants in the shopping center; all of the parking conforms with the Fire Marshal requirements. The shopping center provides ample space for short term parking for take-out service, and deliveries will be in the rear. Ms. Harvey walked through the layout of the floor plan. Ms. Harvey mentioned the lease in the packet and letter of permission from the owner to allow the application. Ms. Harvey indicated that the restaurant will be good for the Township's tax base and will have local employees.

Planning Commission members asked if the restaurant is a chain or independent (independent no affiliation with Osaka on Germantown Avenue); they suggested looking into the history of why that restaurant closed and may want to re-think the name; thinks this is a great addition to the shopping center and would like to see them succeed.

Motion: Mr. Quitel made a motion to recommend that the Board of Supervisors approve the Conditional Use application; seconded by Ms. Patchen. Vote: 6-0

6. SUBDIVISION &/OR LAND DEVELOPMENT APPLICATIONS:

- Continued Review SLD #01-21 Robbins Gulph Holdings, LLC/27 E. Germantown Pike
Preliminary/Final Plan – Building Expansion; Parking Improvements

Attendees: Ed Hughes, Esquire, applicant's attorney; Tom Robbins, applicant and property owner; and Joshua Castillo, P.E. with Wilkinson & Associates, Inc.

The Planning Commission reviewed this application at the May 11th meeting at which time action was only taken on several of the requested waivers. There were others that dealt with landscaping for which the Commission wanted the input from the Shade Tree Commission. The applicant met with the STC on June 1st and on July 6th. At the June 1st meeting, the STC requested some additional species, the inclusion of some columnar trees in the buffer and understory trees in at the back of the site. At the July 6th meeting, the STC recommended approval of the most recent landscape plan. The STC believes this is the best that the applicant is able to do, given the various constraints. The applicant is back in front of the Planning to discuss the changes made to the landscape plan and to get a recommendation on additional waiver requests and on the plan. Mr. Hughes confirmed that waivers 1-3 were recommended for approval at the May 11th meeting and 4-8 were tabled (these had to do with landscaping issues). Waivers 9, 10 & 11 are new waivers (9 is redundant of what was discussed before regarding driveway width and width at the street line and 10 & 11 are waivers from the park and recreational fee and traffic impact fee). The Planning Commission did not want to make a recommendation on 10 & 11; they will defer them to the Board of Supervisors.

Mr. Castillo spoke about the updated landscaping plan. The previous plan showed a total of 9 trees, now the plan shows 24 columnar trees, 2 canopy trees and 40 shrubs which are equivalent to 1 tree; these items were found to meet the request of the STC and the ordinance requirements. In addition to the trees and shrubs, they included 5 rain barrels on the site which will help irrigate the landscaping. The STC was happy with all the species that were chosen.

Planning Commission members asked about the landscaping buffer on the property line (the neighbor will need to agree on installation of the columnar trees along the property line or they will need to go back to the STC; the neighbor needs to see the space once it is cleared; he does not want an encroachment or to have to provide an easement).

Mr. Guttenplan stated that based on the STC's recommendation for approval of this plan and the comment that this is the best that can be done on the site, he suggested the Planning Commission consider recommending waivers on any of the landscaping provisions because there is nothing else they can do.

Motion: Mr. Shula made a motion to recommend granting the requested waivers 4-9; seconded by Mr. Dambman. Vote 5-1

Public Comment: Roy Wilson, 4006 Butler Pike, objects to the stormwater treatment. They are putting way more on the site than can fit. He stated what is important to him is that all the stormwater from this property will dump onto his property; it is not about how stormwater is being managed, it is about how the volume is being managed. He has no objection to the applicant or the use, but he does object to letting the applicant dump all his water onto his property. Mr. Hughes stated they comply with the code for stormwater management.

Ms. Heinrich commented that a formal review of this current plan has not been done. She stated it appears they have added a level spreader instead of the point discharge that was there at the prior submission and if they can't meet all the requirements and comments from the review letter, it will not get approved. The numbers have not been presented to them yet and once they are, they will be reviewed against the code. The applicant was asked to look at this in a more conservation manner which they did and they found that all the rates still work perfectly. Mr. Doran asked if any of the stormwater gets evaporated or is it all discharged elsewhere (there is some evaporation but they account for none of it, it cannot be considered; there is no way to account for evaporation). They will look at reducing the volume via evapotranspiration now that they have a landscape plan. Mr. Quitel doesn't see the herbaceous aspects of the landscape plan; does not understand the selection of the dry and wet species; stated plugs are better for slowing down water especially on this site; suggested a rich array on the ground will make a difference in stormwater and will make a difference with habitat and still look good and be less to mow.

Mr. Manuele wanted to know if this project is constructed as designed with the rate of runoff leaving the site being equal, the same or less than is currently leaving the site. (Ms. Heinrich commented the volume will increase because they can not infiltrate due to the geology, but the rate will be no greater). Ms. Heinrich stated there are two ways stormwater runoff is evaluated, runoff rate and volume.

Ms. Heinrich explained the capture/reuse option and stated that available options for managing stormwater volume (besides infiltration) include rain barrels and reuse as irrigation.

Motion: Mr. Dambman made a motion that no position be taken on waivers 10 & 11; seconded by Mr. Kostyk. Vote 5-1

Motion: Mr. Kostyk made a motion to recommend approval of the preliminary/final plan; no second. Motion failed.

Mr. Quitel made a motion not to approve the preliminary/final plan; no second. Motion failed.

Mr. Dambman made a motion to take no position on the preliminary/final plan; seconded by Mr. Kostyk. Vote 3-3. Based on the tie vote, the Planning Commission took no position.

Mr. Doran commented that he would have preferred being able to recommend approval of the preliminary/final plan as the applicant has gotten as far as they need to be at this stage and the stormwater details diverge between compliance with the code and our aspirations on trying to reduce or minimize the increasing volume. They can only hold them to a legal standard.

Mr. Walko stated if there are issues that the Planning Commission is hung up on, this should be communicated to the Board of Supervisors so they know why there was not a position taken. Mr. Doran commented that at this stage there remain open questions about specifics (rate & volume) on stormwater management. There are concerns on volume and there will be additional calculations and additional communication with the Township Engineer. That was a chief concern on why they were not able to make a recommendation.

7. OLD BUSINESS: None

8. NEW BUSINESS: None

9. PLANNING COMMISSION MEMBERS COMMENTS:

Ms. Patchen commented that she prefers to hear the public comments before motions are made. Other members agreed. The consensus is to revert as before; to have public comment and Planning Commission comment before making a motion. Dave Sander has previously said this is acceptable.

10. PUBLIC COMMENT FOR NON AGENDA ITEMS:

Tom Robbins thanked the Chair for reminding the public that comments have to have some degree of civility. He has attended two ZOOM meetings where his Engineer and his professional credentials and integrity were questioned. He stated as a member of this community and as a landowner and hopefully a businessowner occupying space, this process has been extremely difficult for him. He wanted to stress the damage and the personal anguish that has been caused by this process.

Mr. Shula commented that he works in land development and when he hears negative comments, it is very unsettling. He works with professionals daily and they take their work very seriously day in and day out as Ms. Heinrich does. Mr. Doran commented someone can certainly be angry, frustrated, concerned and upset about something, but the ad hominem clouds the message and hurts everybody and he will make sure this does not happen again.

11. ADJOURNMENT

- On a motion made by Mr. Kostyk; seconded by Mr. Shula, the meeting was adjourned at 9:36 PM.

Respectfully submitted,

Charles L. Guttenplan, AICP, Director of Planning & Zoning

The Planning Commission is appointed as an advisory group to the Board of Supervisors and the Zoning Hearing Board with respect to comprehensive land use planning, existing land use, and various land use and zoning applications in Whitemarsh Township. No formal decisions are rendered by the Planning Commission. Formal decisions are rendered by the Board of Supervisors or Zoning Hearing Board, as prescribed by law, based on the type of application.

Whitemarsh, PA - Proposed Off-Street Parking Requirements

Permitted Use	Existing Minimum Requirements	Proposed Minimum Requirements	Notes
Animal Boarding / Dog Day Care		1 / 200 SF	Added to parking minimum table
Auto Service		1 / per service bay + 1 / per 200 SF of office space	Added to parking minimum table
Cemetery	1 / employee + 1 / four visitors in total capacity	1 / 250 SF of office space; 1 / employee if no office building exists	Modified to tie to employees / office space only
Clinic	1 / two patients and employees	1 / 300 SF	
College / Junior College	1 / faculty member + 1 / 10 classroom seats or 1 / 10 auditorium seats (whichever is greater)		
Commercial School	1 / faculty member + 1 / three students	1 / 250 SF	
Conference Center	1 / guest room + 1 / employee	1 / guest room + 1 / 250 SF of space allocated for conference rooms	Modified to address transient usage
Continuing Care Retirement Community	2 / single-family detached, semidetached and attached dwellings + 1 / multi-family unit + 1 / two assisted living facility beds + 1 / three skilled nursing care facility beds + 1 / employee	1 / single-family detached, semidetached and attached dwellings + 1 / multi-family unit + 1 / three assisted living facility beds + 1 / three skilled nursing care facility beds + 1 / employee	Changed 1 / 2 assisted living facility beds to 1 / 3
Country Club	1 / four people of total capacity + 1 / employee		
Day Nursery / Kindergarten	1 / faculty member + 2 / classroom	1 / faculty member + 1 / two classrooms and offices	
Department Store / Supermarket	1 / 50 SF of floor area	1 / 250 SF	Could be reduced in mixed use zoning districts: to be discussed when mixed use zoning is reviewed
Dwelling	2 / family	2 / dwelling unit (single family, townhome, attached SF) 1.5 / dwelling unit in apartment and multi-family dwellings	Changed from 1 / dwelling unit per apartment to 1.5 / dwelling unit per apartment
Elementary School	1 / faculty member + 1 / two classrooms and offices		
Emergency Services	3 / four employees on the two major shifts at max employment or 4 / each emergency vehicle where no community room is part of the building (whichever is greater); where a community room is provided, 2 / each emergency vehicle + 1 / 100 SF		
Farmers/Flea Market, Indoor + Outdoor		1 / 1,000 SF + 1 space per vendor	Added to parking minimum table
Funeral Home		1 / 100 SF of assembly room	Added to parking minimum table
Home Occupation Uses	1 / per home occupation		Deleted home occupations for doctor and dentist offices
Hospital	1 / patient bed + 1 / every two employees		
Hotel / Tourist Home / Automobile Court	1 / rental unit		
Indoor Theatre	1 / four seats		
Industrial Building (Warehouses, Manufacturing, Storage, Distribution)	NA	1 / 1,000 SF	Created new category to differentiate between labs / R & D and warehouse/manufacturing
Junior High School	1 / faculty member + 1 / two classrooms and offices		
Laboratories, Research and Development Facilities	1 / employee	1 / 500 SF of industrial use + 1 / 350 SF of office use	Created new category to differentiate between labs / R & D and warehouse/manufacturing
Library	1 / 5 seats or 1 / 250 SF of floor area where no seats are provided	1 / 200 SF	Separated library / museum into distinct uses
Medical Office		1 / 200 SF	Added medical office as a new parking regulated use
Micro-brewery / Micro-distillery		1 / 300 SF	Added to parking minimum table
Mini / Self Storage		1 / 4,000 SF + 1 / 250 SF of office space	Added to parking minimum table
Monastery or Covent	1 / two residents		
Museum	1 / 5 seats or 1 / 250 SF of floor area where no seats are provided	1 / 400 SF	Separated library / museum into distinct uses
Nursing Home	1 / two patient beds + 1 / every two employees		
Office	1 / 200 SF gross floor area (may be reduced to 1 / 250 SF if within 0.25 miles of a regional rail station)	1 / 250 SF	May be further reduced in future mixed use zoning district
Other Commercial Buildings / Uses	1 / 1,000 SF except authorized as a special exemptions		Retained general catch all category
Park / Recreational Facility / Community Center	1 / 5 persons of total capacity or at least 1 / 50 SF of floor for services (whichever is greater) + 1 / employee	1 / employee + 1 / 200 SF of floor area	
Place of Worship	1 / four seats or 1 / 40 SF used for services + 1 for each full time employee	1 / four seats + 1 for each full time employee	
Restaurant / café / tavern / bar / cabaret	1 / 50 SF devoted to patron use or 1 / 3 persons of design capacity (based on building code or fire prevention code, whichever is greater)	1 / 100 SF up to 2,000 SF, and 1 space for every 200 SF thereafter	Added cabaret to this category
Retail store or shop	1 / 100 SF of floor area	1 / 200 SF	Could be reduced in mixed use zoning districts: to be discussed when mixed use zoning is reviewed
Rooming House	1 / each room for rent		
Senior High School	1 / faculty member + 1 / 10 students of projected building capacity		
Shopping Center		1 / 250 SF (under 100,000 SF) 1 / 300 SF (over 100,000 SF)	Added to parking minimum table

Reserve Parking

Definition (To be added to Article II Section 116-11 – Definitions)

PARKING, RESERVED — Required parking spaces that are shown on a recorded development plan in dashed lines and that are not installed when the development is initially constructed, but which must be installed if required by the Township at some future date.

Regulation (To be added to Article XXVI Off-Street Parking and Loading)

- A. Reserve parking. Required parking may be held in reserve if the applicant can show, to the satisfaction of the Board of Supervisors and Planning Commission, that the additional parking will not be needed. Regardless of the number of spaces actually developed, a parking area to accommodate the aggregate number of parking spaces normally required shall be fully designed and the area which is proposed to be eliminated shall be shown on the site plan application as "parking reserve area."
- B. The applicant will submit a site plan application to the Planning Commission for review. The Planning Commission will provide a recommendation to the Board of Supervisors on the necessity of requested reserve parking. Where the Board of Supervisors determines that the required number of parking spaces are not currently needed it may authorize up to **25%** of the required parking spaces be reserved as part of a site plan application, provided the following criteria are met:
 - a. The applicant must document that 100% of the required parking spaces can be paved without violating any applicable provisions of this chapter. When constructed, the reserve parking must meet all applicable provisions of this chapter as of the date the construction permit is sought.
 - b. The Township Engineer recommends the reduction and the applicant then demonstrates, to the satisfaction of the Board of Supervisors, based on recommendation from the Planning Commission, that the number of code required parking spaces are not currently needed for the proposed use's daily operations.
 - c. The applicant shall install stormwater management facilities, as required by the Township, for the total number of required parking spaces, including those parking spaces held in reserve, unless the applicant demonstrates to the Board's satisfaction that postponing the installation of the stormwater management facilities required for the reserve parking allows natural features on the site to be maintained until such time, if ever, that the construction of the reserved parking is deemed necessary.
 - d. The reserved parking area shall be fully designed, and clearly designated on the site development plan. The total surface area of required parking spaces and reserve parking spaces must be utilized to calculate the proposed impervious ground cover ratio. .
 - e. The reserved parking area shall be planted with vegetative cover and integrated into the applicant's landscaping plans, until the reserve parking is constructed. The landscaping shall not be part of any landscaping otherwise required by the Zoning Ordinance or any other chapter of the Township Code.

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- f. The landscaping shall be distributed in a manner to provide appropriate screening of the parking facilities and shall not be concentrated on only one portion of the site.
- g. The reserved parking, or a limited portion thereof, must be constructed when the Township Engineer and/or Township Zoning Officer determines that such spaces are needed to accommodate daily operations.
- h. Parking capacity can be reevaluated. If there is any change in the use, ownership, building size or number of occupants/employees using the property that affect the number of paved parking spaces required, then a written determination concerning the requirements for parking shall be prepared by the applicant and submitted to the Township Zoning Officer.
- i. The Township Zoning Officer may deny or revoke a use and occupancy permit for failure to construct the previously reserved parking spaces when directed to do so under subparagraph [e] above.

Electric Vehicle Charging Stations

Definitions (To be added to Article II Section 116-11 – Definitions)

CHARGING — When an electric vehicle is parked at an electric vehicle charging station, connected to the functioning electric vehicle supply equipment port and actively being charged

ELECTRIC VEHICLE — Any vehicle that operates, either partially or exclusively, on electrical energy that is stored on board for motive purposes. This may include a battery-operated vehicle or a plug-in hybrid vehicle.

ELECTRIC VEHICLE (EV) CHARGING STATION — A public or private parking space that is served by battery charging station equipment that has, as its primary purpose, the transfer of electric energy to a battery or other energy storage device in a vehicle. For the purpose of this Code, an EV charging station shall be considered an accessory use and is encouraged in all districts.

ELECTRIC VEHICLE PARKING SPACE — Any marked space that identifies the use to be exclusively for the parking of an electric vehicle.

Regulation (To be added to Article XXVI Off-Street Parking and Loading)

- A. Size and Location. A standard size parking space shall be used for electric vehicle charging stations where such a station is required or planned.
 - a. Placement of electric vehicle parking spaces is preferred at the beginning or end of a series of parking stalls.
- B. Design. The following requirements shall be enforced with respect to the design of electric vehicle charging stations.
 - a. Charging station equipment mounted on pedestals, bollards or other devices shall be a minimum of 24 inches clear from the face of the curb.
 - b. Charging station outlets shall be no less than 36 inches or no higher than 48 inches from the top of surface where mounted and shall contain a retraction device and / or place to hang permanent cords and connectors sufficiently above the ground or pavement surface.
- C. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of charging equipment. A phone number or contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning, or other problems are encountered.

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- D. Number of spaces. EV charging stations are to be included in addition to the minimum number of parking spaces required, as provided in Article XXVI Off-Street Parking and Loading.
 - a. Minimum EV charging stations shall be required for all new, expanded or reconstructed parking areas. Number of spaces shall be counted as total spaces associated within a development parcel, even if parking areas are broken into smaller facilities within the larger development parcel
 - i. Electric vehicle charging stations are not required for parking facilities with less than 20 off-street parking spaces.
 - ii. Two electric vehicle charging spaces are required for within any parking facilities between 20 and 50 spaces.
 - iii. Five EV charging stations are required for parking facilities containing between 51 and 100 spaces.
 - iv. One additional EV charging station shall be provided for every 50 spaces over 100 spaces.
 - b. Publicly accessible EV charging stations are required, per the guidelines above, within residential developments even when charging stations are provided for individual dwelling units.
 - c. A minimum of 50% of all required EV charging stations shall be ADA-accessible.
- E. Access. All EV charging stations should have a barrier-free route of travel.
- F. Fees. The property owner is not restricted from collecting a service fee for the use of electric vehicle charging station made available to residents, employees and visitors to the property on which it is located.
- G. Signage. Each electric vehicle charging station should include signage identifying spaces as restricted, except for electric vehicle charging. Days and hours of operation shall be included if time limits or tow away provisions are to be enforced.