

ORDINANCE NO. 2012- 809  
UPPER MERION TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA

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**AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP ZONING ORDINANCE, CHAPTER 165, ARTICLE II, DEFINITIONS AND WORD USAGE, SECTION 165-5.B TO PROVIDE NEW DEFINITIONS IN ALPHABETICAL ORDER; AND AMENDING USE REGULATIONS TO PERMIT MEDICAL OFFICE AND MEDICAL OFFICE BUILDING IN THE AR ADMINISTRATIVE AND RESEARCH DISTRICTS, THE C-O COMMERCIAL OFFICE DISTRICTS, THE C-1 COMMERCIAL DISTRICTS AND THE SM AND SM-1 SUBURBAN METROPOLITAN DISTRICTS; AND AMENDING USE REGULATIONS TO PERMIT MEDICAL OFFICE IN THE AR-1 ADMINISTRATIVE AND RESEARCH DISTRICTS; AND AMENDING USE REGULATIONS TO PERMIT MEDICAL CLINIC IN THE C-1 COMMERCIAL DISTRICTS AND THE AR ADMINISTRATIVE AND RESEARCH DISTRICTS; AND AMENDING ARTICLE XXVIII, OFF-STREET PARKING AND LOADING, SECTION 165-191.B., MINIMUM REQUIREMENTS FOR PARKING FOR NONRESIDENTIAL USES.**

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The Board of Supervisors of the Township of Upper Merion hereby ordains:

Section 1. Article II, Definitions and Word Usage, §165-5, Word Usage; definitions, shall be amended to provide the following new definitions in alphabetical order as follows:

**HOSPITAL** – An institution having an organized medical staff, and licensed by the State Department of Health providing primarily health services and medical or surgical care to persons primarily inpatients, but also including outpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions and including as an integral part of the institution related facilities such as laboratories, outpatient facilities, training facilities, medical offices, and rehabilitation facilities.

**MEDICAL CLINIC**– A facility not located upon the premises of a hospital which provides specialty or multispecialty outpatient surgical treatment which does not require hospitalization but does require constant medical supervision following the surgical procedure performed. The surgical treatment and supervision shall require less than a 24 hour stay at the facility. A facility shall be considered a medical clinic if it has all of the following:

- 1) A transfer agreement with a hospital to provide prompt, routine emergency services;

- 2) Specialized equipment for surgical treatment; and a
- 3) Recovery room.

**MEDICAL OFFICE-** An office where a licensed medical professional or a licensed health care professional receives and treats patients on an outpatient basis, including performing minor surgical procedures where the treatment and supervision of the patient requires less than a 24 hour stay.

**MEDICAL OFFICE BUILDING --** A building for the use of physicians and other health personnel to provide patients with medical, ambulatory/outpatient procedures, urgent care, diagnostic and health care services on an outpatient basis. The treatment and supervision of the patient shall require less than a 24 hour stay. A medical office building may include ambulatory surgical center, 23 hour stay unit, x-rays and other diagnostic imaging, laboratory and pathology testing and services, the sale and dispensing of prescription drugs, immunizations and home care. A medical office building may include ancillary services for office workers such as a restaurant, coffee shop, newsstand and child care facilities as well as administrative offices, storage, attached or detached oxygen filling station and accessory uses thereto.

**NURSING HOME --** A facility providing nursing care and related medical or other health services, but excluding surgical or emergency medical services, for a period exceeding 24 hours, for two or more individuals, who are not relatives of the operators, who are not acutely ill and not in need of hospitalization, but who, because of age, illness, disease, injury, convalescence or physical or mental infirmity need such care. A nursing home shall exclude a facility for providing care for alcoholism, drug addiction and mental disease.

Section 2. Article XVI, AR Administrative and Research Districts, §165-82, Use Regulations, subsection A. shall be amended to renumber the present subsections A.(2) through A.(9) as A.(4) through A.(11) and a new subsection A.(2) and A.(3) shall be added as follows:

- (2). Medical Office and Medical Office Building.
- (3). Medical Clinic.

Section 3. Article XVII, AR-1Administrative and Research Districts, §165-87, Use Regulations, shall be amended to reletter the present subsection B. through K. as C. through L. and a new subsection B shall be added as follows:

- B. Medical Office.

Section 4. Article XVIII, C-O Commercial Office Districts, §165-97, Use Regulations, shall be amended to add a new subsection A.(1)(d) as follows:

- A.(1) (d) Medical Office.

and shall be amended to reletter the present subsections A.(3)(d) through (f) as A.(3)(e) through A.(3)(g) and add a new A.3(d) as follows:

A.(3)(d) Medical Office Building.

Section 5. Article XIX, C-1 Commercial Districts, §165-106, Use Regulations, shall be amended to reletter the present subsections C. through L. as E. through N. and a new subsection C. and D. shall be added as follows:

- C. Medical Office and Medical Office Building.
- D. Medical Clinic.

Section 6. Article XXIII, SM Suburban Metropolitan Districts, §165-127, Use Regulations, shall be amended to reletter the present subsection B. through M. as C. through N. and a new subsection B. shall be added as follows:

- B. Medical Office and Medical Office Building.

Section 7. Article XXIV, SM-1 Suburban Metropolitan Districts, §165-135, Use Regulations, shall be amended to reletter the present subsection B. through M. as C. through N. and a new subsection B shall be added as follows:

- B. Medical Office and Medical Office Building.

Section 8. Article XXVIII, Off-Street Parking and Loading, §165-191, Minimum Requirements, B. Nonresidential uses, (2) Offices/banks shall be amended to revise (d) to read as follows:

(d) Medical Office, Medical Office Building and Medical Clinic: The greater of seven spaces per doctor, dentist or other practitioner or four spaces per examining or treatment room plus one space for each employee or staff.

Section 9. 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 10. REVISIONS. The Upper Merion Township Board of Supervisors hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its ordinance, including this provision.

Section 11. 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 12. EFFECTIVE DATE. This amendment shall become effective five (5) days after date of adoption.

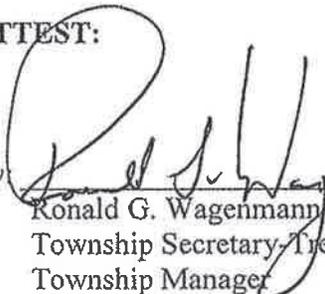
Section 13. FAILURE TO ENFORCE NOT A WAIVER. The failure of Upper Merion Township to enforce any provision of this Ordinance shall not constitute a waiver by Upper Merion Township of its rights of future enforcement hereunder.

ENACTED and ORDAINED by the Board of Supervisors of Upper Merion Township, Montgomery County, Pennsylvania, this 15th day of November, 2012.

**UPPER MERION TOWNSHIP  
BOARD OF SUPERVISORS**

ATTEST:

By:

  
Ronald G. Wagenmann  
Township Secretary-Treasurer  
Township Manager

By:

  
Erika Spott, Chairperson

Advertised Proposed Ordinance in Times Herald: October 26, 2012  
Proof of Publication Dated: November 2, 2012  
Hearing Held: November 6, 2012  
Ordinance Adopted: November 15, 2012  
Ordinance Entered: November 15, 2012 as Township Ordinance No. 2012-809