

ORDINANCE NO. 2014-832
UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP ZONING ORDINANCE, ARTICLE XXIV, "SM-1 SUBURBAN METROPOLITAN DISTRICTS," TO PERMIT TRANSPORTATION ORIENTED DEVELOPMENT

WHEREAS, pursuant to the Second Class Township Code, 53 P.S. 65101, *et seq.*, Upper Merion Township (the "Township") is authorized to make and adopt Ordinances it deems necessary for the proper management and control of the Township and welfare of the Township and its citizens that are consistent with the Constitution and the laws of the Commonwealth; and

WHEREAS, the Upper Merion Township Board of Supervisors desires to facilitate and encourage economic and residential development within Township; and

WHEREAS, allowing certain additional uses when located within close proximity of train stations will facilitate and encourage economic and residential development; and

WHEREAS, the Board of Supervisors of Upper Merion Township has met the procedural requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, for the adoption of the proposed ordinance, including holding a public hearing; and

WHEREAS, the Township, after due consideration of the proposed ordinance at a duly advertised public meeting and public hearing, has determined that the health, safety and general welfare of the residents of Upper Merion Township will be served by this amendment of the Upper Merion Township Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Upper Merion Township Board of Supervisors, and it is hereby ordained and enacted, by the authority of the same, to wit:

SECTION 1. CODE AMENDMENT.

A. The Upper Merion Township Zoning Ordinance, Article XXIV, "SM-1 Suburban Metropolitan Districts," § 165-135, "Use Regulations," is hereby Amended by Adding New Subsection "O" as follows:

O. Transportation Oriented Development ("TOD"). The following uses shall be permitted in the SM-1 Zoning District pursuant to conditional use in accordance with § 165-219.1:

1. Multi-family residential;

2. Nursing homes, skilled-care residential facilities, continuing care retirement communities or other similar, medical offices, convalescent home, residential and physical rehabilitation facilities, expressly excluding drug and alcohol facilities and mental health facilities.
3. The uses provided for in this Subsection "O" shall comply with the requirements of this Article except as follows:
 - a. Building Height shall be a maximum of seventy five feet (75').
 - i. The building must contain a sloped roof with a minimum pitch of 4'/12'; and
 - ii. For every foot of additional building height over sixty five feet (65'), the building must be set back a minimum of ten feet (10') from an existing residential dwelling.
 - b. Maximum building coverage shall be sixty five percent (65%).
 - c. Parking Set Back: minimum of twenty feet (20') from Front Yard and Residential Zones.
 - d. Landscape Buffer: minimum buffer of twenty feet (20') on Front Yard and along Residential Zones.
 - e. Multifamily residential shall require a minimum of 1.2 parking spaces per unit.
 - f. Multifamily residential units shall not exceed thirty (30) units per acre.
4. Standards for conditional use. In addition to the general standards for conditional use provided in § 165-219.1, conditional uses permitted in a TOD shall comply with the following standards:
 - a. At least one boundary of the property proposed for the TOD shall be located within 1,250 feet of a train station.
 - b. There shall be adequate pedestrian walkways, sidewalks or trails to provide access to and from the TOD and the train station.
 - c. Parking shall be made available to the public for access to the train station.

SECTION 2. 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 3. REVISIONS.

The Upper Merion Township Board of Supervisors does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

SECTION 4. 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 5. EFFECTIVE DATE.

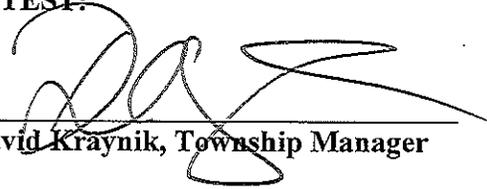
This amendment shall become effective five (5) days after date of adoption.

SECTION 6. 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 the Township of its rights of future enforcement hereunder.

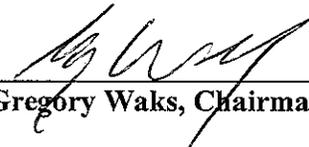
ORDAINED AND ENACTED by the Board of Supervisors for Upper Merion Township, Montgomery County, Pennsylvania, this 16th day of October, 2014.

ATTEST:



David Kraynik, Township Manager

UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS:

By: 

Gregory Waks, Chairman

Proposed advertised Ordinance in Times Herald: October 8, 2014.

Proof of Publication: October 14, 2014.

Hearing held: October 16, 2014.

Ordinance adopted: October 16, 2014.

Ordinance entered: October 16, 2014, as Township Ordinance No. 2014- 832