

ORDINANCE NO.

AN ORDINANCE OF THE TOWNSHIP OF UPPER MERION, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 165, ZONING, SUBSECTION 165-199, CONTINUATION; EXTENSION; RESTORATION; ABANDONMENT, TO PROVIDE REGULATIONS FOR DIMENSIONALLY NONCONFORMING LOTS WITH RESPECT TO AREA, WIDTH AND YARD REGULATIONS.

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Upper Merion Township as follows:

SECTION I: That Chapter 165, Section 165-99, Continuation; Extension; restoration; abandonment, be renamed as follows:

§ Chapter 165, Section 165-99, Continuation; Extension; Restoration; Abandonment; Lots nonconforming as to area and width regulations.

SECTION II: That Chapter 165, Section 165-99, Continuation; Extension; Restoration; Abandonment; Lots nonconforming as to area and width regulations be amended to add the following subsection:

D. Lots nonconforming as to area, width and yard regulations. No structure may be erected on any dimensionally nonconforming lot unless it was held on the date it became nonconforming in single and separate ownership and provided:

1. All other requirements of the district in which the lot is situated are complied with.; and
2. If the lot is not served by public water and sewer, the applicant shall demonstrate compliance with all requirements of the Montgomery County Board of Health; and
3. Streets and other improvements shown on the plan which created the lot have been completed and approved by the Township, whether or not said improvements have been accepted in dedication by the Township; and
4. Applicants shall comply with the stormwater management requirements outline in Chapters 140 A and 140B of the Township Code.

SECTION III: 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any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.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 IV: 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 V: 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 VI: EFFECTIVE DATE. This amendment shall become effective five (5) days after date of adoption.

SECTION VII: 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 _____ day of _____, 2021.

ATTEST:

**UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS:**

Anthony Hamaday, Township Secretary

By: _____
William Jenaway, Chairman