

**ORDINANCE NO. \_\_\_\_\_**  
**UPPER MERION TOWNSHIP**  
**MONTGOMERY COUNTY, PENNSYLVANIA**

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**AN ORDINANCE OF THE TOWNSHIP OF UPPER MERION,  
MONTGOMERY COUNTY, PENNSYLVANIA AMENDING CHAPTER 165,  
ZONING, SECTION 165-5, WORD USAGE, DEFINITIONS, TO ADD  
DEFINITIONS RELATED TO SPECTATOR SPORT FACILITIES;  
AMENDING CHAPTER 165, XXVIII, OFF-STREET PARKING AND  
LOADING, TO ADD A NEW MINIMUM PARKING REQUIREMENT;  
AMENDING USE REGULATIONS IN CHAPTER 165 FOR KPMU, SM-1,  
GENERAL COMMERCIAL, AND HEAVY INDUSTRIAL ZONING  
DISTRICTS TO PERMIT SPECTATOR SPORT FACILITIES**

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**WHEREAS**, the Pennsylvania Second Class Township Code and the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, authorizes the Board of Supervisors of Upper Merion Township (“Board”) to make, amend, and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of Upper Merion Township (“Township”) and the maintenance of peace, good government, health and welfare of the Township and its citizens;

**WHEREAS**, the Board desires to expand the family-friendly, entertainment economic corridor that is being expanded within the Township, the goal is to enhance the area's appeal and functionality as a premier destination for both local families and visitors.

**WHEREAS**, the Board desires to create walkable, mixed-use developments to support a vibrant economy and decrease car trips between different uses, the intent is to foster an environment that enhances suburban livability by integrating residential, commercial, and recreational spaces within close proximity.

**WHEREAS**, by broadening the scope of amenities, activities, and venues dedicated to entertainment and leisure, the Board aims to stimulate local economic growth, increase tourism, and provide a dynamic space that enriches community life and attracts diverse groups of people.

**WHEREAS**, the Board has met the procedural requirements of the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including advertising, submission to the planning commissions, and holding a public hearing; and

**WHEREAS**, the Board, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents and guests of the Township will be served by this amendment of the Upper Merion Township Zoning Code as set forth below:

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors of Upper Merion Township, Montgomery County, Pennsylvania, as follows:

**SECTION I: CODE AMENDMENTS.** The Upper Merion Township Code is hereby amended as follows:

**A. Chapter 165, Section 165-5, Word usage, Definitions, shall be amended to add the following definitions:**

**SPECTATOR SPORT FACILITIES**

An outdoor, partially-indoor, or indoor structure designed and constructed for the primary purpose of hosting organized sporting events and are equipped with structured seating for spectators to observe the events. Structures are used or intended to be used primarily for spectator sports, but may also include accessory uses such as entertainment events, expositions, and other public gatherings as uses within the facility.

**B. Chapter 165, Article XXVIII, Off-Street Parking and Loading, shall be amended to provide for a requirement for a new definition as follows:**

§165-191.B.4 (h) **Recreation**

[15] Spectator Sport Facility: one space for every four spectator seats

**C. Chapter 165, Article XXIV, SM-1 Suburban Metropolitan, shall be amended to provide for a new Section 165-141, to provide as follows:**

§165-141 **SM-1 Shared Parking**

An applicant may provide shared parking among two or more uses under the following conditions:

- A. The applicant(s) shall submit a parking study using standards set forth by either the Institute of Traffic Engineers or the Urban Land Institute.
- B. The parking study shall include the following:
  - 1. The required parking for the individual uses as set forth in the Upper Merion Code.
  - 2. The parking demand of the uses over the course of the day, including weekend and holidays.
  - 3. The proximity of the parking field to the entrances of the various uses.
  - 4. A circulation plan for the safe and efficient distribution of vehicles through the site, including delivery and special service vehicles.
  - 5. A pedestrian plan showing a safe network of pathways and crosswalks for visitors to the site.
  - 6. A determination of the minimum number of parking spaces that would be generally required for the safe and efficient operation of the facilities.
  - 7. The applicant(s) shall enter into a shared parking agreement containing the following:

- a. Documentary evidence to identify cross access and parking easements for the site.
- b. A safety and security plan to address provisions for maintenance, lighting, and snow removal of the shared parking lot(s).
- c. Provisions for the ongoing maintenance of the parking field and drive aisles.
- d. Provisions for monitoring and relief if not adequate: valet, parking lot attendants, review of leases, additional off-site parking, on-site expansion, parking deck.
- e. Provisions for a time frame for the property owner to comply.

**D. Chapter 165, Article XIX, Commercial Districts, shall be amended to provide for a new Section 165-109, to provide as follows:**

**§165-109. CG Shared Parking**

An applicant may provide shared parking among two or more uses in the General Commercial Zoning District under the following conditions:

- A. The applicant(s) shall submit a parking study using standards set forth by either the Institute of Traffic Engineers or the Urban Land Institute.
- B. The parking study shall include the following:
  - 1. The required parking for the individual uses as set forth in the Upper Merion Code.
  - 2. The parking demand of the uses over the course of the day, including weekend and holidays.
  - 3. The proximity of the parking field to the entrances of the various uses.
  - 4. A circulation plan for the safe and efficient distribution of vehicles through the site, including delivery and special service vehicles.
  - 5. A pedestrian plan showing a safe network of pathways and crosswalks for visitors to the site.
  - 6. A determination of the minimum number of parking spaces that would be generally required for the safe and efficient operation of the facilities.
  - 7. The applicant(s) shall enter into a shared parking agreement containing the following:
    - f. Documentary evidence to identify cross access and parking easements for the site.
    - g. A safety and security plan to address provisions for maintenance, lighting, and snow removal of the shared parking lot(s).
    - h. Provisions for the ongoing maintenance of the parking field and drive aisles.
    - i. Provisions for monitoring and relief if not adequate: valet, parking lot attendants, review of leases, additional off-site parking, on-site expansion, parking deck.
    - j. Provisions for a time frame for the property owner to comply.

**E. Section 165-135, Use regulations, related to the uses permitted in the SM-1 zoning district is hereby amended, permitting the use of “Spectator Sport Facility” by providing:**

A building may be erected, altered or used and a lot may be used or occupied for any of the following purposes and no other:

D. Bank; hotel; private indoor athletic facility; Spectator sport facility; sit-down restaurant; carry-out restaurant other than drive-in restaurant.

**F. Section 165-160.2, Use regulations, Table KPMU 1 Permitted Uses, related to the uses permitted in the KPMU-King of Prussia Mixed Use District, is hereby amended to add “Spectator Sport Facilities” indicated as “p” (Permitted Use) under the subcategory of Arts, Entertainment and Recreation**

**G. Section 165-105, Use regulations, Attachment 2 - Table CD.1, Use Regulations for Commercial Districts, related to the uses permitted in Commercial Districts, is hereby amended to add “Spectator Sport Facilities” indicated as “P” (Permitted Use) in the General Commercial district under the subcategory of Arts, Entertainment and Recreation**

**H. Section 165-153, Use regulations, related to the uses permitted in the Heavy Industrial zoning district is hereby amended, permitting the use of “Spectator Sport Facility” by providing:**

A building may be erected, altered or used and a lot may be used or occupied for any lawful purpose not elsewhere in this article prohibited, except that:

H. Spectator Sport Facilities. Notwithstanding any provision contained herein to the contrary, spectator sport facilities shall be permitted in the HI Zoning District as a by-right use.

**SECTION II: 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 III: 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 IV: SEVERABILITY.** If 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 V: EFFECTIVE DATE.** This amendment shall become effective five (5) days after date of adoption.

**SECTION VI: 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 \_\_\_\_\_, 2024.

UPPER MERION TOWNSHIP  
BOARD OF SUPERVISORS:

ATTEST:

— By:

Anthony Hamaday, Township Secretary

Tina Garzillo, Chairperson

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