

ORDINANCE NO. 2020 – _____
UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP ZONING ORDINANCE, CHAPTER 165, ARTICLE XXIV, SM-1 SUBURBAN METROPOLITAN DISTRICTS, SECTION 165-135, TO ADD SUBSECTION 165-135.P., PROVIDING RESIDENTIAL-ORIENTED DEVELOPMENT ALLOWANCES, COMPRISED OF PERMITTED ROW HOUSE DWELLINGS, SUBJECT TO CONDITIONAL USE

The Board of Supervisors of the Township of Upper Merion hereby ordains that Chapter 165, Zoning, shall be amended as follows:

Section 1. Article XXIV, SM-1 Suburban Metropolitan Districts, § 165-135, Use regulations, shall be amended to provide the following use:

P. Residential-Oriented Development (ROD). Row House Dwellings shall be permitted in the SM-1 Zoning District pursuant to conditional use in accordance with § 165-219.1.

- (1) Notwithstanding any requirement of this Chapter 165 or Article XXIV, the Residential-Oriented Development and the Row House Dwelling uses provided for in this Subsection P shall comply with the following requirements:
 - (a) Minimum lot area for the ROD: 10 acres
 - (b) Minimum ROD tract perimeter setback: 25 feet
 - (c) Maximum building height : 40 feet.
 - (d) Minimum width of individual Row House Dwellings: 24 feet
 - (e) Minimum garage size for each Row House Dwelling: 2-car garage
 - (f) Lots near residential districts. No building or structure shall be erected closer than 25 feet to any residential district or residential structure.
 - (g) Buildings and structures separation. Buildings and structures shall not be separated from one another by less than 25 feet measured side to side and shall not be separated from one another by less than 50 feet measured rear to rear. For

purposes of minimum separation, a building shall be the structure containing two or more Row House Dwellings.

- (h) Landscape buffer: minimum buffer of 20 feet adjacent to residential zones which may be located in the perimeter setback.
- (i) Parking requirement: in accordance with § 165-191.A(1) provided however:
 - (i) Floor area designated as lofts and bonus rooms shall not be counted as bedrooms.
 - (ii) Visitor parking may be provided by off-street spaces perpendicular to internal roadways dispersed throughout the development.
- (j) Maximum units:
 - [1] shall not exceed 8 units per developable acre.
 - [2] shall not exceed 4 units per building.
- (k) Open Space; Park Land:
 - (i) Except as provided in Section 165-135.P(1)(k)(ii) hereinbelow, the ROD shall comply with Section 145-15, Common open space, and Section 145-38 through 145-40, Requirements for park land.
 - (ii) If at least one boundary of the ROD is located within 250 feet of a public trail system, comprised of pedestrian walkways, sidewalks, bike paths, and/or trails; and at least one boundary of the ROD is located within 500 feet of a river, the following open space and park land requirements shall apply:
 - (a) The ROD shall include a centrally-located piazza improved with landscaping, hardscaping and pedestrian-oriented amenities such as benches, gazebos and pavilions.
 - (b) In addition to the piazza, a minimum of ten percent (10%) of the gross tract area of the ROD shall be passive open space. The passive open space may include storm sewer easements and stormwater management basins, provided the basins

comprise no more than fifty percent (50%) of the passive open space.

- (2) Standards for conditional use. In addition to the general standards for conditional use provided in § 165-251.B.(1), conditional uses permitted, as provided for in this Subsection P, shall additionally comply with the following standards:
- (a) at least one boundary of the property shall be located within 250 feet of a public trail system, comprised of pedestrian walkways, sidewalks, bike paths, and/or trails.
 - (b) at least one boundary of the property shall be located within 500 feet of a river.

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 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 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 October, 2020.

**UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:

Anthony Hamaday
Township Manager

William Jenaway, Ph.D.
Chairperson