ORDINANCE NO. _______
UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE SUPERVISORS OF THE TOWNSHIP OF
UPPER MERION TO AMEND THE TOWNSHIP’S ZONING
ORDINANCE AND SUBDIVISION OF LAND ORDINANCE IN ORDER
TO PERMIT AND ENCOURAGE THE INNOVATIVE COMMERCIAL
USE OF CERTAIN LANDS WITHIN THE TOWNSHIP

WHEREAS, the Board of Supervisors, pursuant to the Municipalities Planning Code
(“MPC”), 53 P.S. §§ 10101, et seq., has heretofore enacted a Zoning Ordinance, codified at
Chapter 165, and a Subdivision of Land Ordinance, codified at Chapter 145, of the Code of
Ordinances of the Township of Upper Merion (“Township”); and

WHEREAS, the Board of Supervisors have met the procedural requirements of the MPC
and the Pennsylvania Second Class Township Code, 53 P.S. §65101, et seq., for the adoption of
this proposed Ordinance, including advertising and holding a public hearing; and

WHEREAS, the Second Class Township Code authorizes the Board of Supervisors to
make, amend, and adopt Ordinances that are consistent with the Constitution and Laws of the
Commonwealth that it deems necessary for the proper management and control of the Township
and the health, safety, and welfare of its citizens; and

WHEREAS, pursuant to Article III of the MPC, the Board of Supervisors has heretofore
adopted a comprehensive plan, to wit, that certain Land Use Plan adopted October 6, 2005 (the
“Comprehensive Plan”); and

WHEREAS, the Federal Bureau of Economic Activity has found that the outdoor
recreation economy accounted for $412 Billion in 2016 (the most recent year for which data is
available) or 2.2% of the total United States Gross Domestic Product; and

WHEREAS, the Outdoor Industry Association estimates that the outdoor recreation
economy generates approximately $59.2 Billion annually in state and local tax revenue; and

WHEREAS, the Board of Supervisors, in accordance with the object of the
Comprehensive Plan to encourage mixed-use development instead of single types of
nonresidential uses, finds that a broader range of commercial uses should be permitted within
some of the land currently zoned within the R-A – Recreational Area zoning district in order to
facilitate the development of innovative commercial opportunities and recreational amenities and
to improve the utility and economic productivity of such lands for the public; and
WHEREAS, the Board of Supervisors finds that the establishment of a new, commercial “CC – Community Commercial” zoning district is an appropriate way to permit such uses and reserve the land subject to this new zoning district primarily for commercial use;

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

SECTION 1. ESTABLISHMENT OF CC – COMMUNITY COMMERCIAL ZONING DISTRICTS. CHAPTER 165 OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF UPPER MERION IS HEREBY AMENDED AS FOLLOWS:

A. ENUMERATION OF DISTRICT. Subsection A. of Section 165-6 (Enumeration of districts) is hereby AMENDED by INSERTING the text “CC Community Commercial District” as a new line between the lines which read “LC Limited Commercial District” and “GC General Commercial District”.

B. Section 165-105 (Use regulations) is hereby AMENDED by DELETING the existing table describing “Use Regulations for Commercial Districts” and REPLACING the same with the “Use Regulations for Commercial Districts” table attached hereto as Appendix “A” and incorporated here as if set forth at length.

C. Subsection A. of Section 165-106 (Dimensional requirements) is hereby AMNEDED by INSERTING the following “Community Commercial” column into the existing table therein between the columns titled “Limited Commercial” and “General Commercial” (the “Dimensional Requirements” column below is provided for reference only), and by APPENDING the additional notes as indicated below:

<table>
<thead>
<tr>
<th>Dimensional Requirements</th>
<th>Community Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yards</td>
<td></td>
</tr>
<tr>
<td>Front (from curb)</td>
<td></td>
</tr>
<tr>
<td>Minimum (feet)</td>
<td>15(^1)</td>
</tr>
<tr>
<td>Maximum (feet)</td>
<td>25(^2)</td>
</tr>
<tr>
<td>Side (minimum) (feet)</td>
<td>15</td>
</tr>
<tr>
<td>Rear (minimum) (feet)</td>
<td>35</td>
</tr>
<tr>
<td>Building coverage %</td>
<td>35%</td>
</tr>
<tr>
<td>(maximum)</td>
<td></td>
</tr>
<tr>
<td>Impervious coverage %</td>
<td>75%</td>
</tr>
<tr>
<td>(maximum)</td>
<td></td>
</tr>
<tr>
<td>Green area % (minimum)</td>
<td>25%</td>
</tr>
<tr>
<td>Building height (maximum)</td>
<td>35</td>
</tr>
<tr>
<td>Parcel</td>
<td>Location (for Reference Only)</td>
</tr>
<tr>
<td>------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>58-00-05467-00-1 (19.11 Acres)</td>
<td>Bob White Park</td>
</tr>
<tr>
<td>58-00-16027-00-7 (1.102 Acres)</td>
<td>Betzwood Bridge</td>
</tr>
<tr>
<td>58-00-18967-62-2 (4.24 Acres)</td>
<td>Walker Field Complex</td>
</tr>
<tr>
<td>58-00-06190-00-7 (20.94 Acres)</td>
<td></td>
</tr>
<tr>
<td>58-00-00337-00-1 (1.138 Acres)</td>
<td></td>
</tr>
<tr>
<td>58-00-00331-00-7 (4.59 Acres)</td>
<td></td>
</tr>
<tr>
<td>58-00-00334-00-4 (1.212 Acres)</td>
<td></td>
</tr>
<tr>
<td>58-00-01048-00-1 (111.32 Acres)</td>
<td>Heuser Park</td>
</tr>
</tbody>
</table>

B. The Township Manager, Township Engineer, and Township Solicitor are hereby authorized and directed to take any and all steps as may be required, advisable, or expedient to republish the Township’s Zoning Map and/or to provide any and all necessary notices or other documents to appropriate authorities advising such authorities of the foregoing rezoning.

SECTION 4. REPEALER. All Ordinances or parts 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 5. 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 6. SEVERABILITY. To the extent that any provision of this ordinance is deemed to be unlawful, such provision shall be severable from the remainder of provisions which are not deemed to be unlawful, which lawful provisions shall continue in full force and effect.

SECTION 7. EFFECTIVE DATE. This ordinance shall be effective immediately.

SECTION 8. 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.

ENACTED AND ORDAINED this 15th day of October, 2020 by the Board of Supervisors of Upper Merion Township.

BOARD OF SUPERVISORS
UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ATTEST:

By: ___________________________  By: ___________________________
  Township Secretary                William Jenaway, Ph.D., Chairperson

By: ___________________________
  Carole Kenney, Vice Chairperson

By: ___________________________
  Tina Garzillo, Supervisor

By: ___________________________
  Greg Philips, Supervisor

By: ___________________________
  Greg Waks, Supervisor