

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

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**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**

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**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:

<b>Dimensional Requirements</b>	<b>Communit y Commertia l</b>
Yards	
Front (from curb)	
Minimum (feet)	15 <sup>1</sup>
Maximum (feet)	25 <sup>2</sup>
Side (minimum) (feet)	15
Rear (minimum) (feet)	35
Building coverage % (maximum)	35%
Impervious coverage % (maximum)	75%
Green area % (minimum)	25%
Building height (maximum)	35

(feet)	
Residential buffer (feet)	35
Residential density	NA

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**SECTION 3. REZONING OF CERTAIN PARCELS TO CC COMMUNITY COMMERCIAL DISTRICT. THE ZONING MAP OF UPPER MERION TOWNSHIP IS HEREBY AMENDED AS FOLLOWS:**

- A. The following parcels, identified by their parcel identification number as issued by the County of Montgomery, are hereby REZONED from the R-A Recreational Area District TO THE CC COMMUNITY COMMERCIAL DISTRICT:**

<b>Parcel</b>	<b>Location (for Reference Only)</b>
58-00-05467-00-1 (19.11 Acres)	Bob White Park
58-00-16027-00-7 (1.102 Acres)	Betzwood Bridge
58-00-18967-62-2 (4.24 Acres) 58-00-06190-00-7 (20.94 Acres) 58-00-00337-00-1 (1.138 Acres) 58-00-00331-00-7 (4.59 Acres) 58-00-00334-00-4 (1.212 Acres)	Walker Field Complex
58-00-01048-00-1 (111.32 Acres)	Heuser Park

- 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.**

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**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: \_\_\_\_\_  
Township Secretary

By: \_\_\_\_\_  
William Jenaway, Ph.D., Chairperson

By: \_\_\_\_\_  
Carole Kenney, Vice Chairperson

By: \_\_\_\_\_  
Tina Garzillo, Supervisor

By: \_\_\_\_\_  
Greg Philips, Supervisor

By: \_\_\_\_\_  
Greg Waks, Supervisor