

ORDINANCE NO. 2012- 799

**AN ORDINANCE AMENDING THE ZONING CODE OF UPPER MERION TOWNSHIP,
TO AMEND ARTICLE II, DEFINITIONS AND WORD USAGE, SECTION 165-5.B TO
PROVIDE A NEW DEFINITION IN ALPHABETICAL ORDER, ARTICLE XXXI,
GENERAL REGULATIONS TO PROVIDE A NEW SECTION 165-219.6, AND
REPEALING ANY INCONSISTENT PROVISIONS THEREWITH**

The Board of Supervisors of the Township of Upper Merion hereby ordains:

Section 1. Article II, Definitions and Word Usage, §165-5, Word Usage; definitions, shall be amended to provide a new definition in alphabetical order as follows:

LOT, FLAG (REAR LOT) — A lot not meeting minimum lot frontage requirements and where access to a public or private street is provided by means of a long, narrow driveway between abutting lots.

Section 2. Article XXXI, General Regulations, shall be amended to add a new §165-219.6 to read as follows:

§165-219.6 Flag lot (rear lot) as defined in Article II §165-5 shall be permitted in the R-1 and R-1A Residential Districts as a Conditional Use as set forth in § 165-219.1 and subject to the following requirements:

- A. Access. Each flag lot shall have an access to a public street having a width of not less than fifteen (15) feet and no more than twenty-five (25) feet.
- B. Minimum flag lot (rear lot) size. The lot area of a flag lot shall be one and one-half (1½) times the minimum lot area required for the zoning district in which located and shall not include the area located in the access strip.
- C. Depth of flag lot (rear lot). No flag lot shall contain an access strip which extends through or beyond more than one (1) tier of lots.
- D. Stack lot provisions. A maximum of two (2) lots may be stacked, provided at least one (1) lot shall have frontage to a public street equal to the minimum required lot width for the district. The remaining lot may share a common driveway, provided reciprocal cross-easements and maintenance agreements.
- E. If the lots do not share a common driveway, the minimum distance between the edge of the driveways shall be twenty (20) feet.

- F. The front yard of the flag lot (rear lot) shall be the rear lot line of the front lot.
- G. The front yard of the flag lot (rear lot) shall be increased ten (10) feet from the minimum front yard in the underlying district.
- H. The applicant shall demonstrate that the proposed driveway meets the requirements for a minimum use driveway as established by PaDOT.

Section 3. 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 4. 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 5. This Ordinance shall take effect and shall be enforced from and after its approval, as required by law.

ENACTED AND ORDAINED the Board of Supervisors of the Township of Upper Merion

this 26th day of January, 2012.

BOARD OF SUPERVISORS
Upper Merion Township

ATTEST:

Erika Spott, Chairman

Ronald G. Wagenmann
Township Manager, Secretary/Treasurer

Advertised Proposed Ordinance in Times Herald: 1/12/12 & 1/18/12
Proof of Publication Dated: 1/26/12
Hearing Held: 1/26/12
Ordinance Adopted: 1/26/12
Ordinance Entered: 1/27/12 as Township Ordinance No. 2012-799