

ORDINANCE NO. 2012-800

AN ORDINANCE, AMENDING ARTICLES VI, VII, VIII AND IX OF THE ZONING CODE OF UPPER MERION TOWNSHIP, AS AMENDED, BEING A PART OF CHAPTER 165 OF THE CODE OF THE TOWNSHIP OF UPPER MERION, SAID ARTICLES CONTAIN REGULATIONS PERTAINING TO SINGLE FAMILY RESIDENTIAL DISTRICTS.

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

Section 1. Articles VI, VII, VIII and IX of the Upper Merion Code shall be deleted in their entirety and replaced as follows:

SINGLE FAMILY RESIDENTIAL DISTRICTS

The following regulations shall apply to the Single Family Residential Districts (R-1A, R-1, R-2, R-2A)

- 1. 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:**

Table of Permitted Uses				
Use	District			
	R-1A	R-1	R-2	R-2A
Residential				
Single Family Detached Dwelling	P	P	P	P
Flag Lot in accordance with § 165-219.6	C	C	N	N
Institutional				
Child Day Care Home	S	S	S	S
Child Day Care Center	S	S	S	S
Group Home (6 Residents max.)	P	P	P	P
Group Home (6+ Residents)	S	S	S	S
Adult Day Care Facility	S	S	S	S
Places of Worship	S	S	S	S
Cemeteries	S	S	S	S
Community Services				
Educational Facilities limited to Primary and Secondary Schools	S	S	S	S
Governmental Administrative Building	P	P	P	P
Community Center	N	N	S	S
Libraries	S	S	S	S
Recreation				
Public Parks & Playgrounds	P	P	P	P
Private Parks & Playgrounds	C	C	C	C
Transportation, Communication & Utilities				
Bus Stops	P	P	P	P
Wireless Communication Towers	S	S	S	S

	R-1A	R-1	R-2	R-2A
Radio & Television transmitting stations and towers used by federally licensed amateur operators ancillary to their private residence.	C	C	C	C
Utility Use related to and necessary for services within the township	S	S	S	S
No impact home based business in accordance with § 165-219-2	P	P	P	P
Other				
Accessory Use	P	P	P	P
Cluster Development	C	C	C	C

P = Permitted Use

N = Use not permitted

C = Use permitted as a Conditional Use by the Board of Supervisors

S = Use permitted as a Special Exception by the Zoning Hearing Board

2. Lots, buildings and structures may be created and/or constructed in the Single Family Districts in accordance with the following dimensional criteria:

A. Dimensional regulations for all single-family detached dwellings and permitted uses not specifically listed in 2.B. below.

	District				
	R-1A	R-1	R-2	R-2A w/o sanitary	R-2A w/ sanitary
Minimum Lot Area	1 acre	20,000 sq. ft.	10,000 sq. ft.	15,000 sq. ft.	12,500 sq. ft.
Minimum Lot Width (At Building Line)	175 ft.	100 ft.	70 ft.	85 ft.	80 ft.
Yards					
Front	50 ft.	40 ft.	30 ft.	35 ft.	35 ft.
Side (minimum)	20 ft.	15 ft.	10 ft.	12 ft.	12 ft.
Side (aggregate)	50 ft.	40 ft.	25 ft.	30 ft.	30 ft.
Side (abutting a street)	50 ft.	40 ft.	30 ft.	35 ft.	35 ft.
Side (accessory use) ¹	10 ft.	10 ft.	4 ft.	7 ft.	7 ft.
Rear	40 ft.	40 ft.	30 ft.	35 ft.	35 ft.
Rear (accessory use)	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Building Height (maximum)					
Dwelling	35 ft., not exceeding two and one-half (2½) stories.	35 ft., not exceeding two and one-half (2½) stories.	35 ft., not exceeding two and one-half (2½) stories.	35 ft., not exceeding two and one-half (2½) stories.	35 ft., not exceeding two and one-half (2½) stories.

¹ Accessory use must be located within the rear quarter of the lot.

	R-1A	R-1	R-2	R-2A w/o sanitary	R-2A w/ sanitary
Accessory Building(s)	14 ft., not exceeding one (1) story.	14 ft., not exceeding one (1) story.	14 ft., not exceeding one (1) story.	14 ft., not exceeding one (1) story.	14 ft., not exceeding one (1) story.
Non-dwelling building or structure	35 ft. ²	35 ft. ²	35 ft. ²	35 ft. ²	35 ft. ²
Building Coverage (maximum)	15%	20%	30%	25%	25%
Impervious Coverage (Maximum)	30%	25%	40%	30%	30%

B. Dimensional Requirements. In the R-1A, R-1, R-2 and R-2A the following uses shall be subject to dimensional criteria in 2.A (above) except as specifically listed below:

	Minimum Lot Area	Yards (Front, Side & Rear)	Parking Setback From Property Line
Places of Worship	4.0 Ac.	100 Ft.	50 Ft.
Educational Facilities	10.0 Ac.	100 Ft.	100 Ft.

C. Off-Street Parking. Off-Street Parking must be in accordance with the provisions of Article XXVIII.

D. Lot Averaging. In order to permit a more varied, efficient and economical development pattern in a specific location, to preserve stream valleys and other natural features and to provide for a better and more attractive arrangement of homes and open space than is possible under the usual district zoning requirements as applied to an individual lot, the dimensional requirements may be modified, when approved by the Township, in accordance with the provisions of this section:

1. Modification of building lots. A subdivision plan may be modified with respect to the requirements of Section 2.A. upon the following conditions:

- (a) The plan shall not involve a tract of land less than five (5) acres in size.
- (b) The Board of Supervisors of Upper Merion Township shall determine that the plan clearly conforms to the intent, standards and requirements of this section, is in the general public interest and is required because of topographical difficulties existing on the premises.
- (c) The area of the individual lots may be reduced by not more than twenty-five percent (25%) of the lot area requirements, provided that the average of the area of the individual lots for the entire tract shall not be less than the minimum required by this district.
- (d) The yard, lot width and other requirements of the district relating to an individual lot may be modified, provided that in no case shall a building be located less than thirty (30) feet from a street right-of-way line

² For any non dwelling building or structure the height may be increased to a maximum of sixty-five (65) feet, provided that for every foot of height in excess of thirty-five (35) feet, there shall be added to each yard requirement one (1) corresponding foot of width or depth.

nor less than twenty (20) feet from another property line and the minimum lot width at the building line shall be one hundred (100) feet.

2. The design and layout of buildings on the tract shall take account of the physical characteristics of the particular site and shall, to the maximum extent consistent with reasonable and sound development practices, permit the preservation of natural features which the Planning Commission and the Supervisors deem worthy of protection.
3. In any case where a plan for development is approved in accordance with the requirements of this section, the application shall be filed by the owner or owners of the entire tract, and it shall be agreed that the tract shall be developed within a reasonable time under single direction in the manner approved.
4. No lot of such size as to be capable of further subdivision under the district regulations shall be included in determining the average lot area unless the possibility of such further subdivision is eliminated either by a deed restriction or by agreement in form acceptable to the Township Solicitor and duly recorded in the office of the Recorder of Deeds.
5. In the case of areas set aside to be reserved for open space purposes to comply with the average lot area requirements for the tract:
 - (a) The areas designated shall be those which will serve to preserve woodlands, stream valleys, unusual topography or other natural features of the tract or which are appropriate for park, recreation or some other open space purpose.
 - (b) Such areas shall be consistent with the land use plan for the Township and shall contain no structure other than a structure related to outdoor recreational use.
 - (c) Areas for common open space use may be reserved for private use or they may be dedicated to the Township. Areas which are subsequently to be dedicated to the Township shall be acceptable to the Township in shape and location, and satisfactory written agreements or other arrangements acceptable to the Township shall be made for the perpetual preservation and maintenance of all common areas to be set aside and reserved for private use.
6. Prior to the approval by the Board of Supervisors of any subdivision plan requiring the modification of building lots, the Board shall first hold a public hearing thereon, giving notice thereof by publishing the same in a newspaper of general circulation at least ten (10) days prior to the date fixed for the hearing.

Section 2. 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 3. 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.

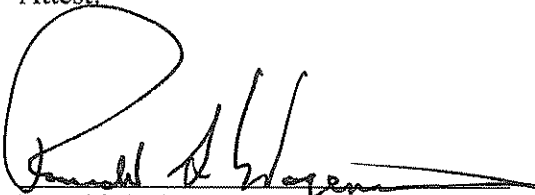
Section 4. This Ordinance shall take effect and shall be enforced from and after its approval as required by law.

ENACTED AND ORDAINED by the Board of Supervisors of the Township of Upper Merion on this 26th day of January, 2012.

BOARD OF SUPERVISORS
Upper Merion Township

By: Erika Spott
Erika Spott, Chairperson

Attest:


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. 2012-800