

**UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
JANUARY 7, 2019 ZONING WORKSHOP MEETING ~ 6:30 PM**

AGENDA

1. Meeting Called to Order.
2. Pledge of Allegiance.
3. Roll Call.
4. Chairman's Comments:
5. Discussions:
 - A. Simon: Continued SC District Discussion
6. Adjournment.

ORDINANCE NO. _____
UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE ZONING CODE OF UPPER MERION TOWNSHIP, TO AMEND ARTICLE XXII, SC – SHOPPING CENTER DISTRICTS, BY AMENDING THE PERMITTED USES, HEIGHTS OF BUILDINGS, AND OTHER REGULATIONS FOR REGIONAL SHOPPING CENTERS AND REPEALING ANY INCONSISTENT PROVISIONS THEREWITH.

WHEREAS, pursuant to the Second Class Township Code, 53 P.S. 65101, et seq., Upper Merion Township (the “Township”) is authorized to make and adopt Ordinances it deems necessary for the proper management and control of the Township and welfare of the Township and its citizens that are consistent with the Constitution and the laws of the Commonwealth;

WHEREAS, the Township desires to encourage high-quality mixed-use development in consideration of the changing nature of regional shopping centers, the demand for a diversity of uses in a singular location, including entertainment, lodging, housing, hospitality, and gathering space, and the unique position of the King of Prussia Mall as a regional shopping center;

WHEREAS, the Board of Supervisors of Upper Merion Township has met the procedural requirements of 53 P.S. § 10101, et seq., the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including holding a public hearing; and

WHEREAS, the Township, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents of Upper Merion Township will be served by this amendment of the Upper Merion Township Zoning Ordinance.

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

Section 1. INTENT

Article XXII, § 165-124(D) shall be amended to include a statement of intent for the regulation of and requirements pertaining to regional shopping centers by replacing the existing provision as follows:

Design standards for regional shopping centers. The design standards for a regional shopping center are reflective of the Township’s desire to encourage high-quality, mixed-

use development in consideration of the changing nature of regional shopping centers, the demand for a diversity of uses in a singular location, including entertainment, lodging, housing, hospitality, and gathering space, and the unique position of the King of Prussia Mall as a regional shopping center. For a regional shopping center, the following design standards apply:

Section 2. HEIGHT

Article XXII, § 165-124(D)(5) shall be amended to change the permitted height of the following uses and add the following provision as follows:

Where the primary use of the building is:

Hotel & Office (as permitted on Table CD.1): 190 feet

Multifamily Residential: 90 feet

A multifamily residential building or the portion of any building containing multifamily residential shall not exceed five (5) stories of multifamily residential dwellings exclusive of any other use, including parking, within the same building.

Retail (if building is exclusively retail use) & All Other Uses: 70 feet

Section 3. ADDITIONAL USES

Article XIX, Commercial Districts, shall be amended by revising § 165-105 (Use Regulations), including 165 Attachment 2 – Table CD.1, to include “**Multifamily dwelling,**” “**Museum**”, “**Performing arts facilities and movie theaters**” and all **Office uses** as Permitted uses in the regional shopping centers use in the Shopping Center District. [Revised Attachment 2 attached hereto.]

Section 4. PARKING

Article XXII, SC – Shopping Center Districts, shall be amended by adding § 165-124(D)(7):

Subject to the provisions of § 165-191.B.7, parking for hotel uses shall be calculated according to the applicable provisions of § 165-191(B)(3) and shall not be counted in the otherwise required regional shopping center parking required by § 165-125(D)(1).

Parking for multifamily dwellings shall be gated, secured and exclusive from parking provided for other uses within the regional shopping center and calculated at a rate of one

(1) off-street parking space for each bedroom unit and shall not be counted in the otherwise required regional shopping center parking required by § 165-125(D)(1).

Section 5. SETBACKS

Article XXII, SC – Shopping Center Districts, shall be amended by adding § 165-124(D)(8):

Setback regulations. Along Route 202/Dekalb Pike, where buildings or portions of buildings exceed 70 feet in height, the setback for such buildings or portions of buildings shall be a minimum of 380 feet from the right-of-way. Along Allendale Road and North Gulph Road, where buildings or portions of buildings exceed 70 feet in height, the setback for such buildings or portions of buildings shall be a minimum of 50 feet from the right-of-way.

Section 6. MULTIFAMILY DENSITY & LOCATION

Article XXII, SC – Shopping Center Districts, shall be amended by adding § 165-124(D)(9):

Multifamily residential shall not exceed a total of 650 units within a regional shopping center.

Section 7. 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 8. 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 9. 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 10. EFFECTIVE DATE.

This amendment shall become effective five (5) days after date of adoption.

Section 11. 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.

ORDAINED AND ENACTED by the Board of Supervisors for Upper Merion Township, Montgomery County, Pennsylvania, this ____ day of _____, 201__.

**BOARD OF SUPERVISORS
UPPER MERION TOWNSHIP**

Greg Philips, Chair

ATTEST:

Sally A. Slook
Acting Township Manager/Secretary-Treasurer