

ORDINANCE NO. 2014-822
Upper Merion Township
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP ZONING ORDINANCE, ARTICLE XXIII, SECTION 165-127 BY ADDING NEW SUBSECTION "O" REGULATING LOT SIZE, FRONTAGE REQUIREMENTS, OPEN SPACE AND PARKING FOR MULTIFAMILY RESIDENTIAL PROPERTIES

WHEREAS, the Board of Supervisors has met the procedural requirements of the Second Class Township Code, 53 P.S. § 65101, *et seq.*, including holding a public hearing, for the adoption of the proposed ordinance; and

WHEREAS, the Board of Supervisors of Upper Merion Township desires to facilitate and encourage economic and residential development within the Township; and

WHEREAS, allowing certain multi-family residential developments within the SM zoning district will facilitate and encourage economic and residential development; and

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

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:

CODE AMENDMENT. ARTICLE XXIII, SECTION 165-127 OF THE UPPER MERION TOWNSHIP ZONING ORDINANCE IS HEREBY AMENDED AS FOLLOWS:

Article XXIII, Section 165-127 of the Upper Merion Township Zoning Ordinance is hereby amended by the addition of the following section:

165-127 O. Multifamily residential, subject to the bulk and area requirements of this Article, except the following conditions shall also apply:

1. Minimum Lot Size: 5 acres
2. The development must front on at least two Township roadways.
3. There must be a minimum of 20% open space.

4. Parking shall be a minimum of 1.35 spaces per unit.

SECTION 1. 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any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.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 2. 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 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. EFFECTIVE DATE.

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


SECTION 5. 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 27th day of March, 2014.

ATTEST:

**UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS:**


David Kraynik, Township Manager

By: 
Greg Waks, Chairperson

Advertised Proposed Ordinance in Times Herald on March 13, 2014

Proof of Publication Dated: March 17, 2014

Hearing Held: March 27, 2014

Ordinance Adopted: March 27, 2014

Ordinance Entered: March 27, 2014 as Township Ordinance 2014-822