

ORDINANCE NO. _____
UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

**AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP
ZONING ORDINANCE, CHAPTER 165, BY ADDING A NEW ARTICLE
ENTITLED “KPMU KING OF PRUSSIA MIXED-USE ZONING
DISTRICT”**

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 institutional quality mixed-use developments; promote street level activity with attractive first floor business locations; integrate pedestrian-ways with aesthetically pleasing public spaces; and incorporate high quality sustainable building materials and energy and resource conservation into new development;

WHEREAS, the creation of the KPMU King of Prussia Mixed-Use Zoning District will facilitate and encourage economic and residential development and will further the Township’s vision with respect to the establishment of high institutional quality mixed-use developments;

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 I. CODE AMENDMENT.

A. THE UPPER MERION TOWNSHIP ZONING ORDINANCE, CHAPTER 165, IS HEREBY AMENDED BY ADDING A NEW ARTICLE ENTITLED “KPMU KING OF PRUSSIA MIXED-USE ZONING DISTRICT” AS FOLLOWS:

§ 1. Intent; definitions.

1. It is the specific intent of this article to:
 - a. Encourage high institutional quality class ‘A’ mixed-use developments and multi-story buildings that offer site amenities to world-class tenants.
 - b. Retain and attract commercial businesses, light industry, multi-family residences and other compatible uses that will help to create a vital mixed-use district.
 - c. Promote street level activity with attractive first floor retail, dining and personal service and other compatible uses along main roads to support the needs of local employees and residents.
 - d. Integrate pedestrian-ways with aesthetically pleasing public spaces and landscaping along roadway corridors.
 - e. Allow height increases with the incorporation of LEED standards.
 - f. Encourage a high level of architectural detail, aesthetically pleasing signage and functional site design through the utilization of design guidelines.
 - g. Encourage cross access easements, shared driveways and the creation of service roads between parcels to minimize the number of driveways onto existing roadways in order to enhance safety and provide more efficient and economical access and parking.
 - h. Encourage shared parking between compatible uses on the same lot or on adjacent lots.
 - i. Encourage the development of existing roadways as complete streets that safely accommodates bus, automobile, bicycle and pedestrian transportation modes.
 - j. Incorporate high quality sustainable building materials and energy and resource conservation into new development.

2. Definitions.

COMMON USE AREA – For this district only, “common use area” shall be defined as the usable area which is set aside for public use and enjoyment as part of a planned commercial center or mixed use office and commercial, industrial or multi-family residential developments, where required by this chapter. Unless required by conditional use, the common use area may include plazas, bus stops, landscaping, lighting, green areas, recreation areas, outdoor seating for food and drink establishments and pedestrian-oriented accessory uses and other appropriate street furniture, including sales display for flowers, and food or drink stands, provided the required minimum unobstructed bicycle/pedestrian pathway width is maintained. Buffer yards and parking islands are excluded from common use areas.

SOLAR REFLECTANCE INDEX (SRI): A measure of a surface’s ability to reflect solar heat, as shown by a small temperature rise. Standard black (reflectance 0.05, emittance 0.90) is 0 and standard white (reflectance 0.80, emittance 0.90) is 100.

§ 2. Use regulations.

In KPMU King of Prussia Mixed-Use Districts, the following uses shall be permitted and no others, however a use not specifically listed that is shown to be similar to permitted use may be permitted as a special exception.

The King of Prussia Mixed-Use District (KPMU) shall be considered a mixed-use district. More than one use per lot is permitted in the KPMU district in accordance with the requirements in this article.

TABLE KPMU.1 - PERMITTED USES	
Mining	
Mining, quarrying and processing of stone and similar building materials	NP
Utilities	
Substations	NP
Sewage treatment facilities	NP
Water treatment & distribution	NP
Construction & Trades	
Residential building & remodeling	NP
Commercial construction	NP
Specialty trades (glazing, roofing, siding, electrical, plumbing, heating, air conditioning, carpentry and finishing.	NP
Manufacturing, Processing and Assembly	
Food , beverage and tobacco	P ²
Clothing and apparel	P ²
Leather products	P ²
Wood and paper products	P ²
Printing	P ²
Chemical (organic & inorganic)	P ²

Asphalt paving	NP
Pharmaceuticals	P ²
Plastic and rubber	P ²
Fabricated metal	P ²
Machinery	P ²
Computer and electronic products	P ²
Electronic equipment, appliances and components	P ²
Medical and scientific	P ²
Manufacturing or processing of raw materials producing excessive, inordinate or bothersome odor, dust, fumes, smoke, gas, vibration, illumination or noise or constituting a public hazard by means of fire, explosion or exposure to hazardous materials.	NP
Warehousing	
Truck terminal	NP
Household and office goods moving	P
General warehousing, storage, distribution and/or wholesaling of durable and nondurable goods	P ^{2,3}
Mini storage	NP
Post office	P ⁷
Retail Trade¹	
New car dealers	NP
Used car dealers	NP
Recreational vehicles, Motorcycles and boats	NP
Automotive parts and accessories	NP
Home Center	NP
Building supplies and materials	NP
Nursery and garden center	P ⁷
Convenience Stores	NP
Convenience Stores without accessory gasoline	P ⁷
Beer, wine and liquor stores	P ⁷
Pharmacies and drug stores	P ⁷
Gasoline sales and automotive service	NP
Auction operators	NP
Heating oil and fuel distribution	NP
Fine art gallery and sales	P ⁷
Pets and pet supplies	P ⁷
Resale stores	P ⁷
Gift and novelty stores	P ⁷
Office supply stores	P ⁷
Florist	P ⁷
Department Store	P ⁷
Sporting goods, hobby, book and music stores	P ⁷
Clothing and accessories store	P ⁷
Specialty food stores	P ⁷
Supermarkets and grocery stores	P ⁷
Paint and wallpaper store	P ⁷
Hardware store	P ^{6,7}
Consumer electronics, computers, photography equipment	P ⁷
Household appliances and fixtures	P ⁷
Furniture / home furnishing	P ⁷

Carpeting, flooring and countertop store	P ⁷
Transportation	
Public Transportation Station	P
Structured Parking	C ⁴
Helistop	S
Passenger car rental and leasing	P
Information	
Publishers	P
Motion picture and video production and distribution	P
Sound recording studios	P
Radio and television broadcasting	P
Internet publishing and broadcasting	P
Wireless communications	P
Cable communication and distribution	P
Internet service providers	P
Communication towers	NP
Finance and Insurance	
Banks, savings institutions and credit unions	P ¹
Consumer lending and financing	P ⁷
Securities, commodities and other financial investment activity	P ⁷
Insurance activity	P ⁷
Real estate agents and brokers	P ⁷
Property management	P ⁷
Professional, Scientific and Professional Services	
Professional Offices	P
Offices for the management of companies and enterprises	P
Research and development in the physical, engineering, life sciences, social sciences and humanities	P
Administrative and support offices	P
Educational Services	
Colleges, universities and professional schools	P
Business schools	P
Technical and trade schools	P
Health Care and Social Services	
Medical/dental office	P
Medical and dental laboratory	P
Home health care services	P
Veterinary office or clinic	P
Kennel	NP
Nursing care and rehabilitation	P
Continuing care retirement community	NP
Child day-care center	P
Adult day-care center	P
Services for the elderly and disabled	NP
Arts, Entertainment and Recreation	
Performing arts facilities	P
Indoor sports and recreation facilities	P
Museums	P
Casinos	P

Fitness and recreation centers	P
Venue for corporate meetings, conventions and/or events	P
Accommodation and Food Services	
Hotels and motels	P
Extended stay hotels	P
Restaurants (full service)	P ⁷
Restaurants (carry out)	P ⁷
Restaurants (drive through)	NP
Banquet facilities	P ⁷
Catering for off-site consumption	P ⁷
Snack and beverage bars (nonalcoholic)	P ⁷
Drinking places (alcoholic)	P ⁷
Services, Repair and Maintenance	
General automotive repair	NP
Auto body, paint and interior repair	NP
Automotive glass replacement	NP
Oil change and lubrication	NP
Car Wash	NP
Appliance repair	P ^{3,7}
Consumer electronic repair	P ^{3,7}
Furniture and upholstery	P ^{3,7}
Watch, clock and jewelry	P ⁷
Personal Services	
Barber shop	P ⁷
Beauty and nail salons	P ⁷
Diet and weight reducing centers	P ⁷
Funeral homes and crematories	NP
Laundries and drycleaners (drop off)	P ⁷
Laundries and drycleaners (full service)	P ⁷
Linen supplies	P ⁷
Shoe repair	P ⁷
Music and art instruction studios	P ⁷
Photographic studios	P ⁷
Religious, Grant Making, Civic and Professional Organizations	
Places of worship and assembly	P
Offices	P
Public Administration	
Government offices and services	P
Courts	P
Police, fire and EMS	P
Residential Uses	
Accessory housing (watchman)	NP
Multi-Family Dwelling	C ⁵
Accessory Uses	
	P
P = Permitted Use S = Special Exception C = Conditional Use NP = Not Permitted	

Table KPMU.1 Footnotes

1. If a drive-through window is located within 300 feet from the ultimate right-of-way of a First Avenue, Moore Avenue, Allendale Road or Valley Forge Road and located in the KPMU district, then all drive through windows shall be located on a side and/or rear building wall that does not face any of these roads.
2. Maximum front yard setback provisions established herein shall not apply to these uses. New buildings or additions to the building façade shall provide architectural parapets or other opaque screens to screen from view of public roadways all industrial appurtenances such as pipes, stacks, telecommunications, exhaust, satellite dishes, tanks, air handling or HVAC units, and the like.
3. Use must be totally contained within building. Outdoor storage is prohibited.
4. Structured Parking with Street Frontage. If structured parking is within 300' of the street, it shall be constructed in accordance with the conditions below. These requirements do not apply to street frontage facing and within 300' of the Pennsylvania Turnpike.
 - a. Architectural elevations shall be provided to demonstrate that front facades of parking structures sufficiently screen vehicles in the parking garage from view of the street and shall demonstrate that parking structures are architecturally compatible with the character of surrounding buildings and meet the architectural design guidelines of this article.
 - b. The front façade of the parking structure must be wrapped with a minimum of 75% of the façade covered by a building with a primary permitted use complying with the Architectural Design Standards. Such primary uses may be either directly attached to the garage structure, or separated by an interior court or service lane.
 - c. If the parking structure is not wrapped at all levels with active uses then the following shall apply:
 - (1) Vertical façade articulation of the parking structure, including changes in building plane and materials, shall be used. The depth of such articulation shall be a minimum of 2'-0", and occur at a maximum 50' interval.
 - (2) Horizontal architectural features of the parking structure façade, including changes in building materials, shall be used. The change in building material shall occur at a maximum 20' interval.

- (3) The façade of the parking structure facing the street (or streets in the case of a corner lot) shall be pedestrian oriented and scaled. Pedestrian-oriented active uses, such as retail or commercial shall occupy eighty percent (80%) of the ground floor facade. Such active uses may be either directly attached to the garage structure, or separated by an interior court or service lane.
- (4) The façade treatment of walls facing residential uses or residential zoning districts shall be similar to the Primary Front Facade with active uses.
- (5) The visual impact of sloping floors from any public access way shall be minimized through design treatment of the parking structure's facade.

5. All multi-family buildings shall meet the following requirements:

- a. The maximum residential density shall be 30 dwelling units per net developable acre.
- b. One and two bedroom units must comprise at least 80% of the total residential units.
- c. 50% of all units must provide outdoor balconies.
- d. Long term indoor bicycle parking / storage in the building or in the parking structure shall be provided 1 storage space for at least 15% of the total dwelling units.
- e. Short term outdoor bicycle parking shall be provided for at least 10% of the total dwelling units.
- f. Laundry facilities shall be provided in each dwelling unit
- g. Multi-family buildings with less than 30 dwelling units shall incorporate at least one or more of the below common amenities. Multi-family buildings with 30 or more dwelling units shall incorporate at least two or more of the below common amenities: landscaped common open space (at ground floor level or on rooftop), fitness center, swimming pool, business center, lounge, and/or community room.

6. These uses shall not exceed 30,000 square feet.

7. These uses shall be developed as an integral part of a larger structure containing other permitted uses. These uses, either individually or in combination, shall occupy no more than twenty-five percent (25%) of the gross floor area of the structure.

§ 3. Dimensional requirements.

TABLE KPMU.2 - DIMENSIONAL REQUIREMENTS			
Minimum Lot Area ¹⁰	2 Acres	4 Acres	6 Acres
Minimum Lot Width	100 ft	200 ft	300 ft
Building Setbacks			
Front (minimum)	50 ft ⁹	50 ft ⁹	50 ft ⁹
Front (First Ave. or Moore Ave.) (maximum)	75 ft ^{3,4}	75 ft ^{3,4}	75 ft ^{3,4}
Side (minimum)	15 ft	15 ft	15 ft
Side Abutting Street (minimum)	50 ft ⁹	50 ft ⁹	50 ft ⁹
Side Abutting (First Ave. or Moore Ave.) (maximum)	75 ft ^{3,4}	75 ft ^{3,4}	75 ft ^{3,4}
Rear	20 ft	20 ft	20 ft
Rear Abutting Street	25 ft	25 ft	25 ft
Accessory Use (side or rear)	15 ft	15 ft	15 ft
Abutting Residential or Open Space Districts	150 ft ¹	150 ft ¹	150 ft ¹
Distance between buildings (minimum)	25 ft	25 ft	25 ft
Off Street Parking Setbacks (minimum)			
From front lot line, side lot line abutting street and rear lot line abutting street	25 ft ¹	25 ft ¹	25 ft ¹
From side or rear lot line	10 ft ¹	10 ft ¹	10 ft ¹
From building	10 ft ¹	10 ft ¹	10 ft ¹
Abutting Residential or Open Space Districts	50 ft	50 ft	50 ft
Maximum Building Coverage	65%	60%	55%
Minimum Green Area	35% ¹¹	40% ¹¹	45% ¹¹
Maximum Building Height	50 ft ²	65 ft ^{5,6,8}	80 ft ^{5,7,8}
Screening			
Side	10 ft	10 ft	10 ft
Rear	10 ft	10 ft	10 ft
Abutting Residential or Open Space Districts	50 ft	50 ft	50 ft

Table KPMU.2 Footnotes

1. Unless authorized as a special exception, no building or structure shall be located closer than 150 feet to any residential or park & open space district. In no case shall any building or structure or any parking be closer than 50 ft to any residential or park and open space district. The 50 ft. open space shall remain green and planted with a buffer as determined in § 145-24.1-Landscaping.
2. The height of any building or structure may be increased to a maximum height of 65 ft. by conditional use in accordance with the following condition:
 - a. Minimum side and rear yard building setbacks established in this section shall be increased 2 feet for each foot of building height exceeding 50 feet. This requirement shall not apply to side yard building setbacks abutting street, rear yard building setbacks abutting street and any yards abutting limited access highways.

3. This requirement shall not apply if one or more building(s) frontage comprise at least 50% of the lot's collector roadway frontage on First Ave or Moore Ave and is located between the minimum and maximum front yard setbacks and side yard setbacks abutting street, or as otherwise stated for the permitted uses stated in Table KPMU.2. This requirement shall not apply to portions of a property where there is a change in elevation of more than 6 feet between the road right of way of First Ave or Moore Ave and the maximum front yard setback.
4. Maximum front yard and side yard abutting street may encroach by an additional 20' (feet) along a maximum 50% of the building frontage if the additional area is used for outdoor dining or a common use area is provided between the front façade building entrance and the street. The setback extension only applies to building facades directly abutting the outdoor dining or common use area.
5. A one-story penthouse shall not be included in measuring the height of a building if it is setback a minimum of 20 feet from the exterior building walls and occupies less than 50% of the floor area of the story below.
6. Professional, Scientific and Professional Services, Hotels, Educational Services, Finance and Insurance, Health Care Services, Multi-family and Residential Condominium uses in buildings exceeding 65 feet but no more than 80 feet in height are permitted by conditional use in accordance with the following conditions:
 - a. One or more of these uses must comprise at least 80% of the gross floor area.
 - b. The minimum lot size is 4 acres.
 - c. Minimum side and rear yard building setbacks established in this section shall be increased 2 feet for each foot of building height exceeding 65 feet. This requirement shall not apply to side yard building setbacks abutting street, rear yard building setbacks abutting street and any yards abutting limited access highways.
 - d. Implementation and compliance with LEED Silver standards for the appropriate development type.
7. Professional, Scientific and Professional Services, Hotels, Educational Services, Finance and Insurance, Health Care Services, Multi-family and Residential Condominium uses in buildings exceeding 80 feet but no more than 120 feet in height are permitted by conditional use in accordance with the following conditions:
 - a. One or more of these uses must comprise at least 80% of the gross floor area.

- b. The minimum lot size is 6 acres.
 - c. Minimum side and rear yard building setbacks established in this section shall be increased 2 feet for each foot of building height exceeding 65 feet. This requirement shall not apply to side yard building setbacks abutting street, rear yard building setbacks abutting street and any yards abutting limited access highways.
 - d. A shadow analysis shall be provided for any proposed buildings over 80' tall to measure the impact of shadows cast on adjacent parcels. Based on the results of the analysis, the applicant shall consider alternate locations for the proposed building(s) if required by the Township.
 - e. Implementation and compliance with LEED Gold standards for the appropriate development type.
 - f. Buildings over 80' height and located between the minimum and maximum front yard setback of a primary arterial, arterial or primary collector roads shall be subject to an additional 20' of front yard setback for the portion of building frontage over 65' high. The additional 20' front yard setback for the portion of the building over 65' high shall not be required to be located within the maximum front yard setback.
 - g. 200 square feet of common use area shall be provided for each foot of building height over 80 feet in accordance with the following:
 - (1) The common use area shall not overlap the required buffer area except to connect to open space on contiguous parcels.
 - (2) The common use area shall be accessible from the building and consist of a contiguous area of at least 2,500 square feet. The perimeter of the common use area shall not have a dimension less than 50' on any one side.
 - (3) The common use area shall connect to adjacent open space parcels.
8. The utilization of sustainable building practices is encouraged in the KPMU District. Utilization of sustainable building practices is optional, and will be used as incentives to allow for increased maximum building height as outlined in Table KPMU.3 and in accordance with the following:

TABLE KPMU.3 - SUSTAINABLE BUILDING INCENTIVES			
	Maximum allowed without the implementation of sustainable practices	Maximum allowed with LEED Silver	Maximum allowed with LEED Gold
Maximum Building Height (feet) allowed by conditional use	65'	80'	120'

- a. It shall be the responsibility of the applicant to submit all necessary information to the Township to verify compliance with the most recent standards for either LEED Silver compliance or LEED Gold (as applicable) for the appropriate LEED development type. Compliance will be determined solely by the Township. The applicant shall not be required to obtain Certification from the U.S. Green Building Council.
 - b. Failure to continue and maintain sustainable building incentives in perpetuity shall result in a zoning violation.
9. Along First Avenue and Moore Road the minimum front yard setbacks and side yard abutting street setbacks may be reduced to 25' by a conditional use in accordance with the following conditions:
- a. The applicant shall file with the township a 25' wide easement adjacent to the property roadway frontage for the benefit of the public. The easement area shall include public improvements such as pedestrian/bicycle ways, plazas, bus stops, landscaping, lighting, green areas, seating areas, other bicycle or pedestrian related amenities. The easement may exclude the property's driveway access.
10. In the Mixed-Use District the minimum lot size is two (2) acres.
11. The minimum green area shall be 25% for manufacturing, processing and assembly uses, and uses involving general warehousing, storage, distribution and / or wholesaling of durable and non-durable goods.

§ 4. Building projections.

No part of any building shall encroach into any setback, except as described below:

1. Overhanging eaves and bay windows may project up to two feet into any required setback
2. Awnings and balconies may extend up to 8 feet into any required setback

§ 5. Requirements for common use areas.

Along First Avenue and Moore Road: A minimum 25' wide common use area shall be reserved along the entire parcel frontage of abovementioned roadways.

§ 6. Requirements for pedestrian ways.

1. Pedestrian/bicycle ways shall be located within the common use area and create a completely linked network of walkways connecting transit stops, commercial centers, institutional facilities and residential buildings including common open space areas, and parking.
2. Along First Avenue and Moore Road: A pedestrian / bicycle way shall begin at the curb line and consist of a landscaped verge suitable for street trees measuring a minimum of six feet in width and a public, multi-purpose path measuring a minimum unobstructed width of eight feet, designed in such a manner to minimize damage or to avoid the removal of existing trees. These dimensions may be modified as approved by the Township Engineer to minimize damage or to preserve the existing mature trees in these areas.
3. On all other streets: A Pedestrian Way shall begin at the curb line and consist of a landscaped verge strip measuring a minimum of three feet in width, and a public walkway with a minimum unobstructed width of six feet.
4. Street trees shall be provided in the landscape verge in accordance with the following:
 - a. Street trees shall be placed an average of 40 feet on center in uniform or in naturalized groupings.
 - b. If a hardscaped verge is required, street trees shall be placed in tree pits with tree grates in uniform arrangements at 40 feet on center.
5. The pedestrian / bicycle way may be linear or meandering provided it is located within the common use area and other minimum requirements established herein are met.
6. The Board of Supervisors may, by conditional use, approve the variations to the sidewalk and landscaped verge set forth above, if the applicant demonstrates to the satisfaction of the Board that such variations are in furtherance of the legislative intent of this article.

§ 7. Design standards.

Any new or expanded building located on lots within the KPMU district shall comply with design standards as outlined in Chapter 145 (SALDO).

§ 8. Emergency access.

1. KPMU developments with more than 15 residential units shall provide a secondary vehicle access way able to accommodate emergency vehicles.
2. Any commercial or residential building over 35' in height and located in the KPMU district shall be required to provide a secondary vehicle access way able to accommodate emergency vehicles.
3. Any KPMU development where a building is located greater than 600' from the primary vehicle access point shall be required to provide a secondary vehicle access way able to accommodate emergency vehicles.

§ 9. Shared Parking.

At the discretion of the Board of Supervisors, an applicant may provide shared parking among one or more uses or properties under the following conditions:

1. The applicant(s) shall submit a parking study using standards set forth by either the Institute of Traffic Engineers or the Urban Land Institute.
2. The parking study shall include the following:
 - a. The required parking for the individual uses as set forth in the Upper Merion Code.
 - b. The parking demand of the uses over the course of the day including weekend and holidays.
 - c. The proximity of the parking field to the entrances of the various uses.
 - d. A circulation plan for the safe and efficient distribution of vehicles through the site including delivery and special service vehicles.
 - e. A pedestrian plan showing a safe network of pathways and crosswalks for visitors to the site.
 - f. A determination of the minimum number of parking spaces that would be generally required for the safe and efficient operation of the facilities.
 - g. The applicant(s) shall enter into a shared parking agreement containing the following:

- (1) Documentary evidence identify cross access and parking easements for the site.
- (2) A safety and security plan the address provisions for maintenance, lighting snow removal of the shared parking lot(s)
- (3) Provisions for the ongoing maintenance of the parking field and drive aisles.
- (4) Provisions for monitoring and relief if not adequate: valet, parking lot attendants, review of leases, additional off-site parking, on-site expansion, parking deck
- (5) Provisions for a time frame for the property owner to comply

SECTION II. 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 III. 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 IV. 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 V. EFFECTIVE DATE.

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

SECTION VI. 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 _____, 2014.

ATTEST:

**UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS:**

David Kraynik, Township Manager

By: _____
Gregory Waks, Chairman