

**ORDINANCE NO. \_\_\_\_\_**  
**UPPER MERION TOWNSHIP**  
**MONTGOMERY COUNTY, PENNSYLVANIA**

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**AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP ZONING ORDINANCE, ARTICLE III, § 165-5, “WORD USAGE; DEFINITIONS,” BY ADDING DEFINITIONS FOR THE TERMS “EXTENDED STAY HOTEL,” “HOME IMPROVEMENT CENTER,” “KENNEL,” “LEED,” “VETERINARY CLINIC OR HOSPITAL” AND “WHOLESALE” PURSUANT TO THE CREATION OF THE NEW “KPMU KING OF PRUSSIA MIXED-USE ZONING DISTRICT”**

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**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 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, ARTICLE III, § 165-5, “WORD USAGE; DEFINITIONS,” IS HEREBY AMENDED BY ADDING, IN ALPHABETICAL ORDER, DEFINITIONS FOR NEW TERMS AS FOLLOWS:**

EXTENDED STAY HOTEL – a Hotel or Motel in which the guest room(s) or suite(s) contain kitchen facilities for the storage and cooking of food, including but not limited to such facilities as refrigerators, stoves and ovens.

HOME IMPROVEMENT CENTER – a facility of more than 75,000 square feet gross floor area, engaged in the retail sale of household goods, tools, building materials, durable household goods (e.g., major appliances, lawn care), electronic equipment, cleaning and maintenance supplies, and garden and nursery supplies. All outdoor storage of materials with the exception of nursery stock shall be screened.

KENNEL – an establishment for the boarding or training of domestic animals.

LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN) – a set of rating systems for the design, construction, operation and maintenance of green buildings, homes and neighborhoods.

VETERINARY CLINIC OR HOSPITAL – an establishment operated by a licensed veterinarian for the care, treatment and prevention of diseases and injuries of domestic animals and where animals may be boarded as part their care.

WHOLESALE – selling or distributing merchandise primarily to retailers, contractors, industrial, commercial, institutional or other business users, to other wholesalers, re-sellers or persons or entities acting as agents or brokers and buying merchandise for or selling merchandise to other parties. Showrooms or other display areas set up primarily for such purposes shall also be included within the definition of the term.

## **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**