

ORDINANCE NO. ~~2016-845~~
UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

**AN ORDINANCE AMENDING UPPER MERION TOWNSHIP ZONING
ORDINANCE 2015-837 TO PROVIDE FOR ADDITIONAL PERMITTED
USES WHERE THE GROSS FLOOR AREA IS LIMITED TO 20,000
SQUARE FEET AND AMENDING REAR YARD DIMENSIONAL
REQUIREMENTS IN THE COMMERCIAL DISTRICTS**

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, on March 26, 2015 the Township adopted Ordinance 2015-837 which, in part, created new Commercial Districts and provided for permitted uses and dimensional requirements within the Commercial Districts.

WHEREAS, the Township desires to provide for additional permitted uses within the LC Limited Commercial District when the gross floor area of the space utilized is limited to 20,000 square feet, and to correct the rear yard dimensional requirements to provide for minimum, rather than maximum, rear yard dimensional requirements.

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. ORDINANCE AMENDMENT.

A. UPPER MERION TOWNSHIP ZONING ORDINANCE 2015-837, SECTION 1.B §1, USE REGULATIONS, AND SECTION 1.B §2, DIMENSIONAL REQUIREMENTS FOR ZONING DISTRICTS, ARE HEREBY DELETED AND REPLACED AS FOLLOWS:

§1. Use Regulations.

In the Commercial Districts specified below, buildings may be erected, altered or used, and a lot may be used or occupied, for any of the following purposes and no other; however a use not specifically listed that is shown to be similar to permitted use may be permitted as a special exception.

- Key:
 P=Permitted Use
 NP = Not Permitted Use
 S = Permitted only by Special Exception

Table CD.1 Permitted Uses				
USE	DISTRICT			
	Neighborhood Commercial	Limited Commercial	General Commercial	Shopping Center
Retail Trade				
New car dealers	NP	NP	P	S
Used car dealers	NP	NP	NP	NP
Recreational vehicles. Motorcycles and boats	NP	NP	P	NP
Automotive parts and accessories	NP	P	P	P
Home Center	NP	P ³	P	P
Building supplies and materials	NP	P ³	P	P
Nursery and garden center	NP	P ³	P	P
Convenience Stores	P	P	P	P
Convenience Store w/ gasoline sales	NP	NP	P	NP
Beer, wine and liquor stores	P	P	P	P
Pharmacies and drug stores	P	P	P	P
Gasoline sales and automotive service	NP	NP	P	P
Furniture, home furnishing	NP	P ³	P	P
Household appliances	NP	P ³	P	P
Consumer electronic, computers, photography equipment	P	P	P	P
Hardware stores	P	P	P	P
Jewelry stores	P	P	P	P
Paint and wallpaper stores	P	P	P	P
Pawn Shop	NP	NP	P	NP
Supermarkets and grocery stores	P ¹	P ³	P	P
Specialty food stores	P	P	P	P
Clothing and accessories store	NP	P	P	P
Sporting goods, hobby, book and music stores	P	P	P	P
Department Stores	NP	NP	P	P
Warehouse clubs	NP	NP	P	P
Florists	P	P	P	P
Office supply stores	NP	NP	P	P
Interior Design Studio	P	P	P	P
Gift and novelty stores	P	P	P	P
Resale/Consignment stores	P	P	P	P
Pets and pet supplies	P	P	P	P
Transportation				
Post office	P	P	P	P

Mail Services	P	P	P	P
Information				
Publishers	NP	NP	P	NP
Motion picture and video production and distribution	NP	NP	P	NP
Sound recording, radio and television studios	NP	NP	P	NP
Internet publishing and broadcasting	P	P	P	NP
Cable communication and distribution	NP	P	P	NP
Internet service providers	NP	P	P	NP
Video and digital rentals	P	P	P	P
Finance and Insurance				
Banks, savings institutions and credit unions	P	P	P	P
Banks with drive thru	S	P	P	P
Automatic teller machines (free standing)	P	P	P	P
Consumer lending and financing	P	P	P	P
Securities, commodities and other financial investment activity	P	P	P	P
Insurance activity	P	P	P	P
Real estate agents and brokers	P	P	P	P
Property management	P	P	P	P
Passenger car rental and leasing	NP	P	P	NP
Professional, Scientific and Technical Services				
Professional Offices	P	P	P	P
Offices for the management of companies and enterprises	P	P	P	NP
Research and development in the physical, engineering, life sciences, social sciences and humanities	NP	NP	P	NP
Administrative and support offices	P	P	P	NP
Waste management and remediation	NP	NP	P	NP
Educational Services				
Colleges, universities and professional schools	NP	P	P	P
Business schools	NP	P	P	P
Technical and trade schools	NP	P	P	P
Health Care and Social Services				
Medical/dental office	P	P	P	P
Medical Clinic	NP	NP	P	NP
Medical and dental laboratory	NP	NP	P	NP
Home health care services	NP	NP	P	NP
Veterinary office or clinic	P	P	P	NP
Continuing care retirement community	NP	NP	P	NP
Child day care center services	S	S	S	S
Urgent Care	P	P	P	P
Arts, Entertainment and Recreation				
Performing arts facilities and movie theaters	NP	NP	P	NP
Indoor sports and recreation facilities	NP	NP	P	P
Museums	NP	NP	P	NP
Health and fitness centers	S	P	P	P
Accommodation and Food Service				

Hotels and motels	NP	NP	P	P
Restaurants (full service)	P	P	P	P
Restaurants (carry out)	P	P	P	P
Restaurant (w/ drive thru)	NP	P	P	P
Banquet facilities	NP	NP	P	P
Catering for off-site consumption	P	P	P	P
Snack and beverage bars (nonalcoholic)	P	P	P	P
Tavern/Bar Drinking Establishment (alcoholic)	P	P	P	P
Beverage Shop	P	P	P	P
Beverage Shop (w/ drive thru)	P	P	P	P
Retail Bakery	P	P	P	P
Services, Repair and Maintenance				
General automotive repair(excluding body work)	NP	NP	P	S
Automotive glass replacement	NP	NP	P	NP
Oil change and lubrication	NP	NP	P	NP
Car Wash	NP	NP	P	P
Appliance repair	NP	NP	P	NP
Consumer electronics repair		NP	P	P
Watch, clock and jewelry	P	NP	P	P
Furniture and upholstery	P	NP	P	NP
Personal Services				
Barber shop	P	P	P	P
Beauty and nail salons	P	P	P	P
Diet and weight reducing centers	P	P	P	P
Funeral homes and crematories	NP	NP	P	P
Laundries and drycleaners (drop off)	P	P	P	P
Laundries and drycleaners (full service)	NP	NP	P	P
Photographic studios	P	P	P	P
Music, art, dance, yoga & martial arts instruction studios	P	P	P	P
Shoe Repair, Dress Maker, Tailor	P	P	P	P
Public Administration & Institutional Uses				
Places of worship and assembly	P	P	P	P
Government offices and services	NP	P	P	P
Courts	NP	P	P	NP
Police, fire and EMS	P	P	P	P
Accessory Uses				
Normal & customary	P	P	P	P
Residential				
Multi Family Dwelling	NP	NP	P ²	NP

Table CD.1 Notes:

1. Grocery stores and supermarkets less than 10,000 sq. ft.
2. All multifamily buildings in the GC General Commercial District shall meet the following requirements:
 - a. One and two bedroom units must comprise at least 80% of the total residential units.

- b. 50% of all units must provide outdoor balconies.
 - c. 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.
 - d. Short term outdoor bicycle parking shall be provided for at least 10% of the total dwelling units.
 - e. Laundry facilities shall be provided in each dwelling unit
 - f. Multifamily buildings with less than 30 dwelling units shall incorporate at least one or more of the below common amenities. Multifamily 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.
3. Gross floor area is limited to 20,000 sq. ft.

§2. Dimensional Requirements for Commercial Districts.

Table CD.2 Dimensional Requirements				
	Neighborhood Commercial	Limited Commercial	General Commercial	Shopping Center
Dimensional Requirements				
Yards				
Front (from curb)				Per Approved Plan
Minimum	15 ft ¹	15 ft ¹	15 ft ¹	
Maximum	25 ft ²	25 ft ²	25 ft	
Side (minimum)	10 ft	10 ft	15 ft	
Rear (minimum)	25 ft	25 ft	35 ft	
Building Coverage % (maximum)	30%	35%	50%	
Impervious Coverage % (maximum)	75 %	75%	80%	
Green Area % (minimum)	25%	25%	20%	
Building Height (maximum)	35 ft	35 ft	50 ft ³	
Residential Buffer ²	15 ft	15 ft	35 ft	NA
Residential Density	NA	NA	15 DU/Acre ³	

Table CD.2 Notes:

- 1- The front setback from the curb shall include a minimum 4 ft. wide verge, 6ft. wide sidewalk and 5 ft. wide planting area.
- 2- The maximum front setback may be increased to 35 ft. for corner lots.
- 3- The utilization of sustainable building practices is encouraged in the General Commercial District. Utilization of sustainable building practices is optional, and will be used as incentives to allow for increased maximum building height and a reduction in minimum green area percentage as outlined in Table GC.1 and in accordance with the following:

TABLE GC.1 - SUSTAINABLE BUILDING INCENTIVES			
	Maximum allowed without the implementation of sustainable practices	Maximum allowed with LEED Silver	Maximum allowed with LEED Gold
Minimum Green Area (percentage of lot area)	20%	15%	15%
Maximum Building Height (feet) allowed by conditional use	50 ft	65 ft	80 ft
Maximum Residential Density	15 DU/AC	20 DU/AC	30 U/AC

Table GC.1 Notes:

- 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.

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.

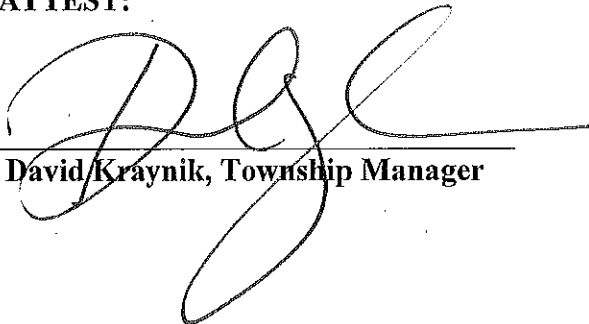
SECTION V. EFFECTIVE DATE. This amendment shall become effective five (5) days after the date of adoption.

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.

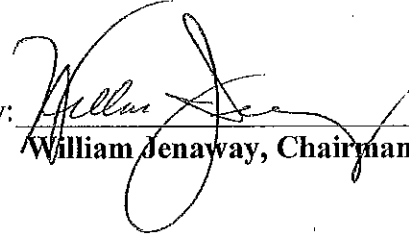
ORDAINED AND ENACTED by the Board of Supervisors for Upper Merion Township, Montgomery County, Pennsylvania, this 31st day of March, 2016.

ATTEST:

**UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS:**



David Kraynik, Township Manager

By: 

William Jenaway, Chairman

Ordinance advertised in the Times Herald on: 03/09/16
Proof of Publication dated: 3/22/16
Hearing Held: 3/31/16
Ordinance adopted as Ordinance 2016-845 on 03/31/16
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