

**ORDINANCE NO. 2023-891
UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP ZONING
CODE, CHAPTER 165, SECTION 165-160.2, TO REQUIRE THAT BUILDINGS IN
THE KPMU DISTRICT CONTAINING DWELLING UNITS SHALL NOT EXCEED
THIRTY PERCENT OF THE NET DEVELOPABLE AREA OF A PARCEL AND
AMENDING SECTION 165-168, BUSINESS SIGNS, TO PROVIDE FOR
KPMU SIGNAGE REQUIREMENTS**

WHEREAS, the Pennsylvania Second Class Township Code and the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, authorizes the Board of Supervisors of Upper Merion Township (“Board”) to make, amend, and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of Upper Merion Township (“Township”) and the maintenance of peace, good government, health and welfare of the Township and its citizens;

WHEREAS, the Board desires to amend the Township Zoning Code, Chapter 165, to provide maximum allowances of buildings containing residential dwelling units per developable area on parcels in the KPMU Zoning District;

WHEREAS, the Board has met the procedural requirements of the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including advertising, submission to the planning commissions, and holding a public hearing; and

WHEREAS, the Board, 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 and guests of the Township will be served by this amendment of the Upper Merion Township Zoning Code as set forth below;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Upper Merion Township, Montgomery County, Pennsylvania, as follows:

Section I. Code Amendment. Chapter 165, Zoning, of the Upper Merion Township Code, is hereby amended as follows:

- A. Section 165-160.2, Use regulations, Table KPMU 1 Permitted Uses, related to the uses permitted in the KPMU-King of Prussia Mixed Use District, Footnote 5 (related to Multifamily building requirements) is amended to provide as follows:**

5. All buildings containing residential dwelling units shall meet the following requirements:

- a. The maximum residential density shall be 30 dwelling units per net developable acre.
- b. The building(s) containing dwelling units shall not exceed thirty percent (30%) of the net developable area of the parcel.
- c. One- and two-bedroom units must comprise at least 80% of the total residential units.
- d. Fifty percent of all dwelling units must provide outdoor balconies.
- e. Long-term indoor bicycle parking/storage in the building or in a parking structure shall be provided one storage space for at least 15% of the total dwelling units.
- f. Short-term outdoor bicycle parking shall be provided for at least 10% of the total dwelling units.
- g. Laundry facilities shall be provided in each dwelling unit.
- h. Buildings with fewer than 30 dwelling units shall incorporate at least one (1) or more of the below common amenities and buildings with 30 or more dwelling units shall incorporate at least two (2) 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.

B. Section 165-168, Business Signs, is hereby amended as follows:

- I. Subsection A is amended to add the KPMU District to the list of Zoning Districts where Business Signs are permitted, subject to the regulation set forth therein, as amended herein.**
- II. Subsection K is amended to permit “ground or freestanding signs” in the KPMU District subject to the regulations currently established therein.**
- III. Subsection L is amended to permit “Multiple directory signs” in the KPMU District subject to the regulations currently established therein.**
- IV. Subsection R(1) is amended to permit “Light bands” in the KPMU District subject to the regulations currently established therein.**

Section II. Repealer. In addition to the above, all other ordinances or parts of ordinances that are inconsistent herewith, are hereby repealed. Further, it is understood and intended that all other sections, parts, provisions, and ordinances that are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

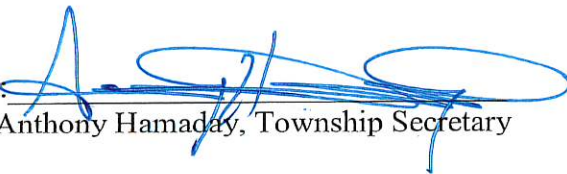
Section III. Severability. In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

Section IV. Effective Date. This Ordinance shall take effect immediately upon its legal enactment.

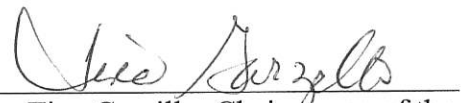
Section V. Failure to Enforce Not a Waiver. The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

Section VI. Enactment. The Board of Supervisors of Upper Merion Township, in the County of Montgomery, Commonwealth of Pennsylvania does hereby approve and ordain and this Ordinance for the Township of Upper Merion, this 14th day of September, 2023.

ATTEST:

By: 
Anthony Hamaday, Township Secretary

**UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS**

By: 
Tina Garzillo, Chairperson of the
Upper Merion Township
Board of Supervisors

Advertised Ordinance in Times Herald: 8/30/23 & 9/6/23
Proof of Publication Dated: 9/6/23
Hearing Held: 9/14/23
Ordinance Adopted 9/14/23 as Ordinance No. 2023-891
Ordinance Entered: 9/19/23