

**MONTGOMERY TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 23-336Z**

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**AN ORDINANCE AMENDING THE MONTGOMERY TOWNSHIP CODE  
CHAPTER 230 ENTITLED "ZONING" ARTICLE II DEFINITIONS,  
ATTACHMENT 2 – TABLE 230-A, ARTICLE XV S SHOPPING CENTER  
DISTRICT, ARTICLE XIX OFF-STREET PARKING AND LOADING**

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**WHEREAS**, the Board of Supervisors has met the procedural requirements of 53 P.S. §10101, et. seq. of the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including holding a public hearing;

**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, care and control of the Township and the maintenance of peace, good government, health and welfare of the Township and its citizens;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors for the Township of Montgomery, and it is hereby ordained and enacted by the authority of the same as follows:

**§ 1. CODE AMENDMENTS.**

**A. CHAPTER 230 ENTITLED "ZONING" ARTICLE II DEFINITIONS  
SECTION 230-5 WORD USAGE; DEFINITIONS, PARAGRAPH B IS  
AMENDED AS FOLLOWS:**

**1. TO ADD:**

**MIXED USE COMPLEX**

The development of a tract of land or building or structure with two or more different uses such as, but not limited to, residential, office, retail, public or entertainment. Such uses include:

1. The following nonresidential uses are permitted as part of a mixed use complex:
  - Art, music, photographer, dance studio
  - Bakery, confectionery or ice cream parlor
  - Business or professional office
  - Copy center

Custom shop for production of articles sold on the premises  
Dry cleaner  
Financial institution, bank  
Fitness center, health club  
Personal service shop, consisting of tailor, barber, beauty salon,  
shoe repair, or dressmaking  
Restaurant, sit-down with no substantial carryout or delivery  
service  
Retail sales of dry goods, general merchandise food, drugs,  
household supplies, jewelry or books  
Day-care facility  
Day-care, senior citizen  
Indoor recreation/entertainment such as bowling alley, billiard  
rooms, skating rink, indoor tennis, or other similar places of indoor  
amusement  
Indoor theater, radio or TV studio  
Outdoor dining area as an accessory to permitted restaurant use  
Pet store without a commercial kennel  
Post office  
Restaurant or other place serving food or beverages with outdoor  
counter, drive-through or curbside service  
Taproom, tavern  
Trade or vocational school, learning center

2. Residential dwelling units, at a minimum of 25% and a maximum 60% of the total floor area on the site. No residential dwelling unit shall be located on the first floor.

**2. TO AMEND THE NAME AND DEFINITION OF  
“MEDICAL, DENTAL CLINIC” TO INSTEAD READ  
“MEDICAL, DENTAL OFFICE**

A building that contains one or more medical professionals/personnel who dispense health services and provide testing where patients are admitted for examination and treatment on an outpatient basis.”

**B. CHAPTER 230 ENTITLED “ZONING” ATTACHMENT 2 – TABLE 230-A  
IS AMENDED AS FOLLOWS:**

“Medical and dental office” shall be listed as “P” in the “S” District.  
“Mixed Use Complex” shall be added and listed as “C” in the “S” District and as  
“N” in all other Districts

**C. CHAPTER 230 ENTITLED "ZONING" ARTICLE XV S SHOPPING CENTER DISTRICT, SECTION 230-91.1 SATELLITE USES IS AMENDED TO BEGIN WITH THE FOLLOWING:**

The following provisions shall apply to lots that measure 8 acres or more in size:

**D. CHAPTER 230 ENTITLED "ZONING" ARTICLE XIX OFF-STREET PARKING AND LOADING IS AMENDED TO ADD:**

(16) Mixed Use Complex. 4.4 parking spaces per 1,000 square feet of total nonresidential floor area and 1.5 parking spaces for each dwelling unit. Eating places in excess of 4,500 square feet and indoor theaters shall provide parking at the ratios provided in 230-134.

**§2. REVISIONS.**

The Montgomery 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.

**§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.

**§4. EFFECTIVE DATE.**

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

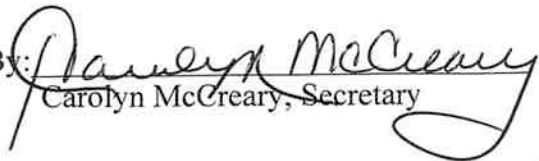
**§6. FAILURE TO ENFORCE NOT A WAIVER.**

The failure of Montgomery Township to enforce any provision of this ordinance shall not constitute a waiver by Montgomery Township of its rights of future enforcement hereunder.

**ENACTED and ORDAINED** by the Board of Supervisors of Montgomery Township, Montgomery County, Pennsylvania, 11th of September, 2023.

**ATTEST:**

**TOWNSHIP OF MONTGOMERY:**

By:   
Carolyn McCreary, Secretary

By:   
Candace Fluehr-Chimera, Chairperson