

LOWER MORELAND TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE LOWER MORELAND TOWNSHIP CODE OF ORDINANCES, ZONING, CHAPTER 208, ARTICLE 4 “OVERLAY ZONING DISTRICTS”, SECTION 208-404 “TRANSIT ORIENTED DEVELOPMENT OVERLAY ZONING DISTRICT/O-TOD” SUBSECTION E.(6) “MULTI-MODAL DEVELOPMENT” TO PROVIDE ADDITIONAL STANDARDS AND REGULATIONS FOR A MULTI-MODAL DEVELOPMENT CONSISTENT WITH THE LEGISLATIVE PURPOSE AND INTENT OF THE TRANSIT ORIENTED DEVELOPMENT OVERLAY ZONING DISTRICT/O-TOD; REPEALING INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the Board of Commissioners of the Township of Lower Moreland has the authority pursuant to section 1502.1 of The First-Class Township Code, 53 P.S. § 56502.1, and section 601 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601, to enact and amend land use ordinances as the Township shall deem beneficial to the Township; and

Whereas, the Transit Oriented Development Overlay/O-TOD District was enacted in 2016 to encourage development and redevelopment of land within a quarter mile to SEPTA’s Philmont and Bethayres Stations in the MU-REV District for a variety of retail, commercial, office and personal services in either an individual or mixed use configuration, including higher density residential, to promote increased public transit ridership, and, to provide a range of housing options for people of different income levels and at different stages of life; and

Whereas, a Multi-Modal Development, permitted by conditional use as identified in 208-404.B, Table 4-4.1, furthers the purpose and intent of the Transit Oriented Development Overlay District; and

Whereas, key components of the Multi-Modal Development use include: providing a commuter parking garage to facilitate SEPTA’s redevelopment of the Philmont Station and to accommodate commuters utilizing the SEPTA rail line, and, providing two or more complementary and integrated uses, consisting of one or more non-residential use and one or more residential use; and

Whereas, since the enactment of the Multi-Modal Development use in 2016, SEPTA has not re-developed the Philmont Station, and the evolving retail industry and present commercial trends have negatively affected the ability to incorporate complementary and integrated components of non-residential and residential uses to the extent provided for by the Multi-Modal Development use; and

Whereas, due to the various factors set forth herein, frustrating the purpose and intent of the Multi-Modal Development use, the Board of Commissioners of Lower Moreland Township has determined that certain amendments to the Multi-Modal Development are warranted to further the Transit Oriented Development Overlay District’s purpose and intent of promoting the revitalization of the Philmont Avenue Corridor and to advance and encourage development and redevelopment of distressed properties;

and

Whereas, the Board of Commissioners of Lower Moreland Township has determined that it is in the best interests of the municipality and the public welfare to adopt this Ordinance amending the Lower Moreland Township Zoning Ordinance; and

Whereas, a public hearing was held, following notice, for the purpose of considering this Ordinance amendment to the Lower Moreland Township Zoning Ordinance; and

Whereas, the Board of Commissioners of Lower Moreland Township, after the public hearing held pursuant to public notice, and after receipt of recommendations from the Lower Moreland Township Planning Commission and the Montgomery County Planning Commission, deems it appropriate and proper that the Zoning Ordinance be amended to permit modifications to the Multi-Modal Development, and that such amendment is in accordance with the spirit and the intent of the Lower Moreland Township Zoning Ordinance.

NOW, THEREFORE, the Township Board of Commissioners does hereby enact and ordain as follows:

Section 1: Chapter 208, “Zoning”, Article 4 “Overlay Zoning Districts”, §208-404.E(6), “Multi-Modal Development”, is amended as follows:

- (c) In addition to the maximum net density allowable under Section 208-404(D) of the Zoning Ordinance for Mixed Use Development, a Multi-Modal Development shall be eligible for the following net density bonuses:
 - [1] Net Density Bonus for Transportation Improvements, as defined and permitted in Section 208-303(D)(4)(e) of the Zoning Ordinance or by providing a fee-in-lieu of the installation of the transportation improvements based on the proposed number of dwelling units and the traffic impact of the Development on the functioning of adjacent road and intersections as determined by the Lower Moreland Township Board of Commissioners during the Conditional Use hearing process.
 - [3] An additional net density bonus of ten (10) units per acre where a residential parking garage is provided in lieu of surface parking, and which results in a 25% reduction from the maximum allowable lot coverage and where electric charging stations are installed on site and solar energy is incorporated into the garage design and construction.
 - [4] An additional net density bonus of five (5) units per acre provided that; a) the proposed stormwater system assumes that the site is forty percent (40%) meadow condition; (b) stormwater improvements including stream restoration, basin construction or retrofit and green rooftops are made either on or off site within the Huntingdon Valley Creek Watershed, or a fee in lieu of stormwater management is made as determined by the Board of Commissioners.
- (g) The percentage requirements of the gross floor area for Multi-Modal Development in the O-TOD shall be as set forth in Section 208-404(E)(1) of the Zoning Ordinance. The gross floor area of any Commuter Parking Garage shall count toward the non-residential total gross floor area under Section 208-404(E)(1). The gross floor area of any proposed residential garage servicing the residential uses within the Multi-Modal Development shall not be counted toward the residential or non-residential total gross floor area under Section

208-404(E)(1). The gross floor area maximum and minimum requirements of Section 208-404(E)(1) shall not apply to a residential garage servicing the residential use within the Multi-Modal Development if the residential garage provides the required number of parking spaces for the residential component of the Multi-Modal Development use. The gross floor area percentage requirements shall be calculated by including the building gross floor areas of the uses on land in the Transit Oriented Development (O-TOD) overlay zoning district up to 1400 feet from the subject site's boundaries so long as a minimum 3,000 square feet retail establishment is part of the approved development.

Section 2: All other sections, parts, and provisions of Article 4 "Overlay Zoning Districts" shall remain in full force and effect as previously enacted.

Section 3: Severability. The provisions of this Ordinance are severable. If any section, clause, sentence, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decisions of the court shall not impair the validity of any of the remaining sections, clauses, sentences, part, or provisions of the Ordinance. It is hereby declared the intent of the Board of Commissioners of Lower Moreland Township that this Ordinance would have been enacted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.

Section 4: Repealer. Any specific provisions of the Lower Moreland Township Zoning Ordinance, Subdivision and Land Development Ordinance or any other Township ordinance or resolution that is in direct conflict within this Ordinance are hereby repealed to the extent of such conflict.

Section 5: Effective Date. This Zoning Ordinance Amendment shall become effective in accordance with the applicable provisions of the First-Class Township Code (53 P.S. §55101 et. seq.)

ORDAINED AND ENACTED by Board of Commissioners of Lower Moreland Township this ___ day of _____, 2021.

(Township Seal)

BOARD OF COMMISSIONERS OF LOWER MORELAND TOWNSHIP

By: _____
Dr. David H. Sirken, President

Attest:

Christopher R. Hoffman
Township Manager