

**MONTGOMERY TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2020-_____

AN ORDINANCE OF MONTGOMERY TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE MONTGOMERY TOWNSHIP ZONING CODE TO CREATE A DEFINITION FOR “LIFESTYLE APARTMENTS”; TO ALLOW LIFESTYLE APARTMENTS BY CONDITIONAL USE IN THE LI – LIMITED INDUSTRIAL DISTRICT; TO ADD AREA AND BULK REQUIREMENTS FOR LIFESTYLE APARTMENTS; AND PROVIDING A SEVERABILITY CLAUSE, A REPEALER CLAUSE AND AN EFFECTIVE DATE;

WHEREAS, Section 230-187 of the Montgomery Township Zoning Code and Section 609 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10609, authorize the Board of Supervisors of Montgomery Township to enact amendments to the Montgomery Township Zoning Code; and

WHEREAS, the Board of Supervisors of Montgomery Township has determined that it is in the best interests of the residents of Montgomery Township to define and provide standards for a new use entitled “Lifestyle Apartments”, as such use is becoming more popular in the housing industry and provides positive economic, health and social benefits of the Township; and

WHEREAS, certain portions of the Montgomery Township LI-Limited Industrial District, being adjacent to the Township’s residential districts are vacant and suitable for the development of Lifestyle Apartments to transition the uses along arterial corridors from single family communities to commercial uses; and

WHEREAS, Lifestyle Apartments encourage the development of underutilized land within certain portions of the LI-Limited Industrial District; and

WHEREAS, a public hearing was held, following public notice, for the purpose of considering this amendment to the Montgomery Township Zoning Code; and,

WHEREAS, the Board of Supervisors of Montgomery Township, after public hearing, pursuant to public notice, and after receipt of recommendations from the Montgomery Township Planning Commission and the Montgomery County Planning Commission, deems it appropriate and proper that the Zoning Code be amended as set forth herein and that such amendment is in accordance with the spirit and the intent of the Montgomery Township Zoning Code.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Montgomery Township Board of Supervisors, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION 1. The Zoning Code of Montgomery Township, Section 230-5.B, shall be amended by adding a new definition for Lifestyle Apartments as subsection (2)(b) under the definition of “Dwelling”, as follows:

(2)(b) **LIFESTYLE APARTMENTS** – A multifamily dwelling offering communal amenities to its residents, such as, but not limited to, an outdoor pool, a fitness center, a business center, a recreation area, a dog washing station and/or a dog run area.

SECTION 2. The Zoning Code of Montgomery Township, Section 230-103 shall be amended by adding a new subsection C(4) to allow Lifestyle Apartments in the LI zoning district by conditional use:

- (4) Lifestyle Apartments, provided that:
 - (a) The property to be developed as Lifestyle Apartments shall have a minimum gross site area of ten (10) acres.
 - (b) The use is located on a lot that is immediately adjacent to an existing residential zoning district.
 - (c) The use is located on a lot that has two points of access to arterial streets. Such access may be permitted via a permanent easement over adjacent properties, with the terms of such easement to be reasonably approved by the Township. If such an easement is utilized, the lot shall not be considered a flag lot and shall not be subject to the regulations contained within Section 230-156.5.
 - (d) If the proposed project does not provide recreation land in accordance with the requirements of the Township Ordinances, the applicant shall pay a fee in lieu of providing such recreation land in an amount equal to \$0.50 per square foot of the gross floor area of the

building containing the dwelling units, up to 10,000 square feet, and \$0.25 per square foot over 10,000 square feet.

SECTION 3. The Zoning Code of Montgomery Township, Section 230-115 shall be amended by designating the existing paragraph as subsection A and adding a new subsection B, as follows:

B. The maximum height of a building used for Lifestyle Apartments shall be 30 feet; provided, however, the height of such building shall be permitted to increase by one (1) foot for each additional foot the building is setback beyond the required minimum side yard setback line, but in no event shall the building height exceed 65 feet.

SECTION 4. The Zoning Code of Montgomery Township, Section 230-117 shall be amended by designating the existing paragraph as subsection A and adding a new subsection B, as follows:

B. For Lifestyle Apartments, there shall be 1 parking space per dwelling unit, plus 0.33 parking spaces per bedroom. Parking may be permitted in the front yard of the subject property if the property does not have frontage immediately adjacent to a public right of way and/or in front of the proposed building; provided, however, parking shall be setback at least fifteen (15) feet from any property boundary line. In the event of a conflict between the requirements contained in this section and other requirements contained in this Chapter, the requirements of this §230-117.B shall supersede any requirements contained elsewhere in this Chapter.

SECTION 5. The Zoning Code of Montgomery Township, Section 230-118(B) is amended and restated to read as follows:

B. Upon receipt of plans for any proposed use in the LI-Limited Industrial District, and recommendations thereon by the Board of Supervisors, the Board shall have the power of approval or disapproval of these plans. The Secretary of the Board of Supervisors shall notify, in writing, the Zoning Officer of its final decision and any special conditions agreed upon regarding any limited industrial use.

SECTION 6. The Zoning Code of Montgomery Township, Section 230-118 is amended by adding a new subsection C, as follow:

C. Plans for Lifestyle Apartments shall be submitted to the Board of Supervisors prior to the issuance of any zoning permit or certificate of occupancy as provided in Article XXII and such plans shall include, among other things, the following:

(1) An accurate plot plan, drawn to scale, of the lot, showing the location of all present and proposed buildings, driveways, parking areas, abutting streets, alleys, highways, grass areas and areas of plantings, and other constructional features on the lot and streams and other topographical features of the lot.

(2) Architectural plans for any proposed buildings.

SECTION 8. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality or invalidity shall not affect or impair any of the remaining provisions, sentences, or parts of this Ordinance. It is hereby declared to be the express intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or parts thereof not been included herein.

SECTION 9. Repealer. All Resolutions, Ordinances, or parts of Ordinances conflicting or inconsistent herewith are hereby repealed to the extent of the conflict or inconsistency.

SECTION 10. Effective Date. This Ordinance shall become effective immediately after adoption by the Board of Supervisors for Montgomery Township, Montgomery County, Pennsylvania.

Enacted and ordained by the Board of Supervisors for Montgomery Township, Montgomery County, Pennsylvania this _____ day of _____, 2021.

MONTGOMERY TOWNSHIP
BOARD OF SUPERVISORS

Attest: _____