

## ARTICLE 1

### GENERAL AND LEGAL PROVISIONS

#### **§ 208-101. Authority.**

This Chapter is enacted and ordained under the grant of powers contained in the Pennsylvania Municipalities Planning Code (MPC).

#### **§ 208-102. Title.**

This Chapter shall be known as and may be cited as the “Zoning Ordinance of the Township of Lower Moreland, Montgomery County, PA”, “this Chapter”, “Chapter 208”, “The Lower Moreland Township Zoning Ordinance”, or “Zoning Ordinance”.

#### **§ 208-103. Purpose of Enactment.**

The purpose of this Chapter is to:

- A. Promote, protect, and facilitate one (1) or more of the following: the public health, safety, morals, or general welfare; the provision of adequate light and air; and other public requirements.
- B. Prevent one (1) or more of the following: overcrowding; blight; or loss of health, life or property from fire, flood, or other dangers.
- C. Establish an Official Zoning Map dividing Lower Moreland Township into zoning districts with varying regulations.
- D. Permit, prohibit, regulate and determine the uses of land, watercourses, and other bodies of water; the size, height, bulk, location, erection, construction, repair, expansion, razing, removal, and use of buildings and structures, as well as yards and other open areas to be left unoccupied.
- E. Establish the requirements for density and intensity of uses.
- F. Promote innovative design to preserve and enhance the established and important sense of community neighborhoods, and areas.
- G. Serve as a tool that is part of an overall strategy for the orderly, appropriate and compatible preservation, growth and development in Lower Moreland Township, by implementing the most recent version of the:

- (1) Community development objectives set forth below:

- (a) Continue to promote the revitalization of the Philmont Avenue Corridor through the application and fine-tuning as necessary of the Mixed Use Revitalization Zoning District/MU-REV regulations.
  - (b) Maintain the stability and livability of Lower Moreland Township's residential neighborhoods.
  - (c) Promote the enjoyment of pedestrian walkways or bicycle/pedestrian pathways and open space along the Philmont Avenue Corridor and Huntingdon Valley Creek through the execution of the Township of Lower Moreland's Redevelopment Plan of the Philmont Avenue Corridor and partnerships with the Pennypack Ecological Restoration Trust.
  - (d) Provide a range of housing choices to those who live or wish to live in Lower Moreland Township through the application of a variety of allowable residential densities.
  - (e) Support Lower Moreland Township's Mixed Use Village Center Zoning District/MU-VC (central business district) along Huntingdon Pike and Welsh Road with flexible use and site design provisions.
  - (f) Enable efficient provision of community services and facilities.
  - (g) Promote neighborhood commercial uses where deemed appropriate; and,
- (2) Any applicable plan adopted by the LMT BOC including but not limited to:
  - (a) Open Space Plan;
  - (b) Greenway and Redevelopment Plan of the Philmont Avenue Corridor; and,
  - (c) Montgomery County Comprehensive Plan.
- H. Affect any additional purposes provided for in Articles I, VI, VII-A, and elsewhere in the Pennsylvania Municipalities Planning Code (MPC).

**§ 208-104. Interpretation and Uses Otherwise Not Provided For.**

- A. Interpretation.
  - (1) In interpreting and applying this Chapter, its provisions shall be held to be the minimum requirements for promotion of health, safety, morals and general welfare of Lower Moreland Township.
  - (2) Any use permitted subject to the regulations prescribed by the provisions of this Chapter shall conform with all regulations of the zoning district in which it is located and elsewhere

in this Chapter, as well as with all other applicable regulations of this and other related chapters, ordinances, standards, or rules.

- (3) This Chapter is not intended to interfere with, abrogate, annul, supersede, or cancel any easements, covenants, restrictions or reservations contained in deeds or other agreements, but if this Chapter imposes more stringent restrictions upon the use of buildings, structures, land (which also includes water bodies/courses) than are elsewhere established, the provisions of this Chapter shall prevail.
  - (4) Unless otherwise specified elsewhere in this Chapter, wherever and whenever:
    - (a) A general requirement of this Chapter is not consistent or conflicts with a specific requirement, the specific requirement shall govern; and
    - (b) A requirement of this Chapter is not consistent or conflicts with a requirement of any other legally adopted laws, rules, regulations, chapters, or ordinances, the most restrictive, or that imposing the higher standard shall govern.
  - (5) In interpreting the language of this Chapter to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the adopted language, in favor of the property owner and against any implied extension of the restriction.
  - (6) Where the provisions of a private agreement impose a greater restriction than this Chapter, the provisions of the private agreement may be enforced between private parties notwithstanding the provisions of this Chapter. The existence of a private agreement shall not excuse any failure to comply with this Chapter. The Township of Lower Moreland shall not be responsible for monitoring or enforcing private agreements.
- B. Uses Not Otherwise Provided For. Any use which clearly is not permitted by right, by special exception use, nor by conditional use by this Chapter within any zoning district within Lower Moreland Township, then such use shall be prohibited, except that the LMT ZHB may permit such use by special exception pursuant to Article 9 of this Chapter relating to *Special Exceptions in Zoning Hearing Board's Functions (§ 208-905.B.)* in accordance with the following standards:
- (1) The proposed use is:
    - (a) In general conformity with the most recent version of the Lower Moreland Township community development objectives or other applicable plans adopted by the LMT BOC.
    - (b) In harmony with the zoning district, neighborhood, and area in which it is proposed.
    - (c) Similar to and compatible with uses permitted in the zoning district in which the subject property is located.
    - (d) Not permitted in any other zoning district within Lower Moreland Township under the terms of this Chapter; and

- (e) In no way conflicting with the general purposes and intent of this Chapter or the zoning district in which the subject property is located.
- (2) The external impacts associated with the proposed use are equal to or less intensive than external impacts associated with other uses permitted in the zoning district in which the subject property is located.
- (3) The location of the proposed use does not endanger the public health and safety.
- (4) The proposed use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
- (5) The proposed use complies with the standards set forth in Article 5 of this Chapter relating to *Compliance with Applicable Laws, Regulations, Codes, and Licensing Requirements* (§ 208-503.).
- (6) The proposed use meets the applicable standards in Article 9 of this Chapter relating to *Special Exceptions in Zoning Hearing Board's Functions* (§ 208-905.B.).
- (7) The applicant shall provide:
  - (a) An hours of operation and management plan in accordance with Article 5 of this Chapter relating to *Hours of Operation* (§ 208-506.). This information is required for both residential and non-residential uses.
  - (b) A detailed description of how the proposed use and development complies with standards in the subsections above (§ 208-104.B.(1) through (6)).
  - (c) Plot/site plans required in Article 10 of this Chapter relating to *Application for All Zoning Permits in Zoning Permits* (§ 208-1002.B.).
  - (d) A schematic architectural drawing of the principal building's façade.

**§ 208-105. Applicability.**

Within Lower Moreland Township, Montgomery County, PA, no land, body of water, or structure shall hereafter be used or occupied and no structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all regulations and procedures specified for in the zoning district in which such land, body of water, or structure is located, as well as with all other applicable provisions of this Chapter and other applicable Chapters of the Codified Ordinances of the Township of Lower Moreland.

**§ 208-106. Zoning Districts and Official Zoning Map.**

- A. Establishment of Zoning Districts. For the purpose of this Chapter, Lower Moreland Township is hereby divided into specific base zoning districts and overlay zoning districts which shall be designated in Table 1-1.1 in this subsection below. When this Chapter refers to a general grouping of zoning districts (e.g., “Residential Zoning Districts” or “Mixed Use Zoning Districts”), it is referring to all of the specific zoning districts within the applicable general grouping of zoning districts; otherwise, when this Chapter refers to specific zoning districts’ Official Zoning Map and text symbols (e.g., “RSD-1” or “MU-VC”), it is referring to the applicable specific zoning district.

**TABLE 1-1.1  
ZONING DISTRICTS**

ZONING DISTRICT NAME	OFFICIAL ZONING MAP & TEXT SYMBOL
<b>BASE ZONING DISTRICTS</b>	
<b>RESIDENTIAL ZONING DISTRICTS</b>	
<b>Residential Single Detached-1 Zoning District</b> (formerly LL Residence District)	<b>RSD-1</b> (formerly LL)
<b>Residential Single Detached-2 Zoning District</b> (formerly L Residence District)	<b>RSD-2</b> (formerly L)
<b>Residential Single Detached-3 Zoning District</b> (formerly portion of L Residence District)	<b>RSD-3</b> (formerly L)
<b>Residential Single Detached-4 Zoning District</b> (formerly M Residence District)	<b>RSD-4</b> (formerly M)
<b>Residential Mixed-1 Zoning District</b> (formerly T Residence District)	<b>RM-1</b> (formerly T)
<b>Residential Mixed-2 Zoning District</b> (formerly portions of SFA Single-Family Attached Residence District and L Residence District)	<b>RM-2</b> (formerly SFA/L)
<b>Residential Mixed-3 Zoning District</b> (formerly portion of A Apartment District)	<b>RM-3</b> (formerly A)
<b>MIXED USE ZONING DISTRICTS</b>	
<b>Mixed Use Residential Office Zoning District</b> (new)	<b>MU-RO</b> (new)
<b>Mixed Use Village Center Zoning District</b> (formerly DR Restricted Commercial District and L Residence District)	<b>MU-VC</b> (formerly DR/L)
<b>Mixed Use Revitalization Zoning District</b> (formerly REV Revitalization District and portion of various other districts)	<b>MU-REV</b> (formerly REV)
<b>Mixed Use Manufactured Home Park Community Zoning District</b> (formerly MHP Mobile Home Park District)	<b>MU-MHPC</b> (formerly MHP)
<b>BUSINESS ZONING DISTRICTS</b>	
<b>Business Office Institutional Zoning District</b> (formerly O Office Building District)	<b>B-OI</b> (formerly O)
<b>Business Industrial Zoning District</b> (formerly I Industrial District)	<b>B-IND</b> (formerly I)
<b>SPECIAL PURPOSE ZONING DISTRICTS</b>	

ZONING DISTRICT NAME	OFFICIAL ZONING MAP & TEXT SYMBOL
<b>Special Purpose Parks, Recreation, and Open Space Zoning District</b> (formerly PR Park Recreation District and portions of various other districts)	<b>SP-PRO</b> (formerly PR)
<b>Special Purpose Education Zoning District</b> (new)	<b>SP-EDUC</b> (new)
<b>OVERLAY ZONING DISTRICTS</b>	
<b>Floodplain Conservation Overlay Zoning District</b> (formerly Floodplain Conservation District)	<b>O-FC</b> (formerly FCD)
<b>Historic District Overlay Zoning District</b> (new)	<b>O-HD</b> (new)
<b>Transit Oriented Development Overlay Zoning District</b> (new)	<b>O-TOD</b> (new)
<b>Airport Overlay Zoning District</b> (new)	<b>O-AP</b> (new)

- B. Official Zoning Map. Unless otherwise noted, the locations and boundaries of the specific base zoning districts and overlay zoning districts are shown upon the Official Zoning Map that is attached to and made a part of this Chapter. The Official Zoning Map and all notations, references and other data shown thereon are hereby incorporated by reference into this Chapter as if all were fully described herein. The Official Zoning Map shall be designated the “Township of Lower Moreland, Montgomery County, PA: Official Zoning Map” and referred to as the “Official Zoning Map.” The Official Zoning Map includes the following:
- (1) “Township of Lower Moreland, Montgomery County, PA: Official Zoning Map – Part A: Base Zoning Districts”; and
  - (2) “Township of Lower Moreland, Montgomery County, PA: Official Zoning Map – Part B: Overlay Zoning Districts”.
- C. Zoning District Boundaries. The boundaries between zoning districts are shown by zoning district boundary lines on the Official Zoning Map. Where uncertainty exists as to the location of boundaries of any zoning districts shown on the Official Zoning Map, the following rules shall apply:
- (1) Where zoning district boundaries are so indicated as approximately coinciding with the centerlines of streets, highways, railroad lines, other rights-of-way lines, streams, or ridge lines, such centerlines shall be construed to be the zoning district boundaries.
  - (2) Where zoning district boundaries are so indicated as approximately coinciding with lot lines, such lot lines shall be construed to be the zoning district boundaries.
  - (3) Where zoning district boundaries are so indicated as approximately parallel to centerlines of streets, highways, railroad lines, and other rights-of-way, the zoning district boundaries shall be construed as parallel thereto and at such distances from the centerline as indicated on the Official Zoning Map.

- (4) Where figures are shown on the Official Zoning Map between a street and a zoning district boundary, they indicate that the zoning district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated on the Official Zoning Map.
- (5) Where a zoning district boundary divides an un-subdivided lot held in single and separate ownership as of August 13, 1973, the regulations applicable to the less restricted zoning district (e.g., Business Zoning Districts are less restrictive than Residential Zoning Districts) shall extend over the portion of the lot in the more restricted zoning district a maximum distance of fifty (50) feet beyond the zoning district boundary, provided that the regulations applicable to the lot in a less restricted zoning district may extend beyond the maximum distance of fifty (50) foot beyond the zoning district boundary when authorized as a special exception by the LMT ZHB in accordance with Article 9 of this Chapter relating to *Special Exceptions in Zoning Hearing Board's Functions (§ 208-905.B.)*.
- (6) Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use is located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.
- (7) In the case of any uncertainty as to zoning district boundaries on the Official Zoning Map, the Township Zoning Officer shall determine the zoning district boundaries; however, the Township Zoning Officer's determination may be appealed to the LMT ZHB in accordance with Article 9 of this Chapter relating to *Appeals from the Determination of the Township Zoning Officer in Zoning Hearing Board's Functions (§ 208-905.D.)*.

**§ 208-107. Municipality Liability.**

The granting approval pursuant to this Chapter for the erection or use of a structure, building, or lot shall not constitute a representation, guarantee or warranty of any kind or nature by the Township of Lower Moreland, or an official or employee, thereof, of the safety of any structure, building, use, or other proposed plan from cause whatsoever, and shall create no liability upon or a course of action against the Township of Lower Moreland or such public official or employee for any damage that may be pursuant thereto.

**§ 208-108. Limitations and Requirements for Use Regulations.**

- A. In addition to the requirements for uses recognized in Section 603 of the Pennsylvania Municipalities Planning Code, 53 P.S. 10603, and the requirement for zoning purposes at Section 604 of the Pennsylvania Municipalities Planning Code, 53 P.S. 10604, it is the intent of the Township of Lower Moreland through its use regulations, policies and procedures to recognize the requirements of Federal laws and statutes, in particular, the Fair Housing Amendments Act of 1988 (the "FHAA"), 42 U.S.C. 3601, et seq., and the Religious Land Use and Institutionalized Persons Act of 2000 (the "RLUIPA"), 42 U.S.C., Chapter 21.C., in interpreting and enforcing this Ordinance.

- B. The requirements of this Chapter shall not apply to municipal uses, land, facilities or structures owned or leased by the Township of Lower Moreland, nor to uses, land, facilities or structures owned or leased by a municipal authority created by the Township of Lower Moreland. This exemption for municipal uses of the Township of Lower Moreland shall permit the minimum relief necessary to otherwise applicable zoning regulations but for this municipal use exemption.

**§ 208-109. Severability.**

It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Chapter shall continue to be separately and fully effective.

**§ 208-110. Repealer.**

All ordinances or resolutions, or parts of ordinances or resolutions, which are inconsistent herewith are hereby repealed.

**§ 208-111. Effective Date.**

The provisions of this Chapter shall become effective on the date of adoption.

**Ordained and Enacted** by the Board of Commissioners of Lower Moreland Township this 9<sup>th</sup> day of April, 2014.

(Township Seal)

**LOWER MORELAND TOWNSHIP  
BOARD OF COMMISSIONERS**

Attest: \_\_\_\_\_  
Christopher R. Hoffman, Secretary

By: \_\_\_\_\_  
Robert DeMartinis, President