

AN ORDINANCE

NO. _____

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 135, Entitled Subdivision and Land Development, Article V, General Standards, §135-41.4. Greening Standards by Adding the City Avenue District To Table 1, Required Greening Standards; And To Amend Chapter 155, Entitled Zoning, Article XXXV, City Avenue District, §155-217, City Avenue District: Regional Center Area, §155-217C(5), To Clarify The Lot Width Requirements; And To Amend §155-217C(6) Impervious Surface To Provide That If The Height Of A New Mixed-Use Building Or Any New Building On a Lot With A Multiple-Use Development Is 20% Lower Than The Maximum Height Permitted, The Following Improvements Will Not Be Counted As Impervious Surface: Improvements Constructed Within The Right-Of-Way For New Streets Required Under §155-217C(5); Public Gathering Space Authorized Under §155-217E(1); And Public, Multipurpose Paths Authorized Under §155-217E(9); And To Establish That In No Event The Impervious Surface Exceed 85% Of The Net Lot Area.

The Board of Commissioners of the Township of Lower Merion hereby ordains:

Section 1. The Code of the Township of Lower Merion, Chapter 135, entitled Subdivision and Land Development, Article V, General Standards, §135-41.4 Greening Standards is hereby amended to provide as follows:

Table 1
Required Greening Standards¹

Building Additions	New Buildings in the BMV2, BMV3 and BMV4 Districts	New Buildings in the BMV1 District <u>and the</u> <u>City Avenue District</u>
3 points from Categories A, B or C for each 25 linear feet of frontage	6 points from Categories A, B or C for each 25 linear feet of frontage	6 points from Categories A or B for each 25 linear feet of frontage; and 4 points from Category C for each 50 linear feet of frontage
Shade trees, in accordance with § 135-30 of the Lower Merion Subdivision and Land Development Code	Shade trees, in accordance with § 135-30 of the Lower Merion Subdivision and Land Development Code	Shade trees, in accordance with § 135-30 of the Lower Merion Subdivision and Land Development Code

NOTES:

¹ Editor's Note: See Table 2 for description of categories and assignment of point value.

Section 2. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XXXV, City Avenue District, § 155-217, City Avenue District: Regional Center Area (RCA), §155 -217 C (5), Lot Width, is hereby amended to provide as follows:

(5) Lot width.

- (a) There is no minimum lot width.
- (b) The maximum width of a lot between street intersections is 600 feet.
- (c) Where additional development is proposed on an existing lot ~~wider than 600 feet~~ that exceeds the maximum lot width, new minor street(s) shall be constructed to reduce the lot width to within the maximum permitted. conform to the requirements for a maximum frontage of 600 feet between intersections with public or private access streets. This requirement shall only apply to ~~all new buildings and additions to an existing building~~ additional development that exceeds the greater of 10,000 square feet in ~~total building area~~ or the addition of exceed 10% or more of to the floor area of an existing building, whichever is greater determined cumulatively after the effective date of the Article.
- (d) This requirement shall not apply when the applicant can demonstrate that the creation of a new street would result in an unsafe traffic condition, subject to confirmation by the Township Engineer or Traffic Safety Division of the Lower Merion Township Police. In this instance, the lot width requirement may be extended and the roadway may be moved to a location where a new street can comply with all current safety standards.
- (e) Where lots front on more than one street, the maximum lot dimension of 600 feet applies to all street frontages.
- (f) The land area required to provide new ~~public or private~~ street(s) to comply with the lot width provisions may continue to be counted as lot area for purposes of compliance with this Article, provided that the new street(s) include public on-street parking on both sides of the street.

Section 3. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XXXV, City Avenue District, Regional Center Area §155 -217 C (6) Impervious Surface is hereby amended to provide as follows:

(6) Impervious surface. The impervious surface shall be limited as follows:

(a) Single-use buildings. The impervious surface is limited to 60% of the net lot area.

(b) Mixed-use buildings or multiple-use developments. The impervious surface is limited to 70% of the net lot area. The following improvements shall not be counted against the maximum impervious surface limits of any new mixed use buildings or multiple-use developments, provided the height of any building on the lot is at least 20% less than the maximum height allowed:

[1] The impervious surface within the right-of-way of a street constructed to comply with the maximum lot width limitation under §155 -217C (5).

[2] The public gathering space authorized under § 155-217E (1).

[3] Public, multipurpose paths authorized under § 155-217E (9).

[42] In no event may the impervious surface on a lot improved with mixed-use buildings or multiple-use developments exceed 85% of the net lot area.

(c) A lot or lots nonconforming to the impervious surface provisions in this Article shall be subject to the following:

[1] Any building, more than 75% of the floor area of which has been damaged or destroyed by fire or other natural cause, may be replaced. When the floor area of the new building exceeds the floor area which existed prior to the damage by more than 10%, the lot shall comply with the impervious surface requirements in this Article.

[2] Any land development application to expand the floor area of an existing building on a lot(s) by more than 10% above the floor area that existed as of the effective date of this zoning-districtArticle shall be required to bring the lot into compliance with the impervious surface requirements in this Article.

- (d) Pervious areas created by this section shall be consolidated whenever possible and shall connect to areas developed for public multipurpose trails, pedestrianways, public gathering spaces and plazas.

Section 4. Nothing in this Ordinance or in Chapter 135 or Chapter 155 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapters 135 or 155 prior to the adoption of this amendment.

Section 5. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 6. This Ordinance shall take affect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of the Township of Lower Merion this _____ day of _____, 2017.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Daniel S. Bernheim, President

ATTEST:

Jody L. Kelley, Secretary