

AN ORDINANCE

NO. _____

AN ORDINANCE, Amending The Code Of The Township Of Lower Merion, Chapter 155, Zoning, Article XIII, R 7 Residence Districts, The Regulations Pertaining To Townhouses, shall Be Amended By Increasing The Required Lot Area; By Amending The Buffer Requirements; By Requiring That All Units Front On A Street; By Amending The Maximum Height Regulations; By Limiting Vehicular Access To An Alleyway At The Rear Of The Property; By Prohibiting Parking Between The Front Façade And The Street; And By Amending Article XX, Off-Street Parking Facilities, To Require One Additional Parking Space Dedicated To Guest Parking For Every Two Townhouse Units.

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

Section 1. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XIII, R7 Residence Districts, §155-60, Townhouses, shall be amended to provide as follows:

§ 155-60 Townhouses.

For townhouses, the following requirements shall apply:

A. Area and width regulations.

- (1) Lot area and width. A lot area of not less than ~~2,500~~4,000 square feet per family and a lot width of not less than 125 feet at the street line and extending from the street line to a point 25 feet beyond that point of the proposed building closest to the rear lot line shall be provided for each lot on which a townhouse building or buildings are erected.
- (2) Building area. Not more than 30% of the area of each lot may be occupied by buildings.
- (3) Front yard. There shall be a front yard on each street on which the lot abuts, the depth of which shall be at least 30 feet.
- (4) Side yards. There shall be two side yards, neither of which shall be less than 25 feet wide or 25% of the lot width, whichever is smaller.
- (5) Rear yard. There shall be a rear yard, the depth of which shall be at least 25 feet.
- (6) Buffer area. Along the full length of the side and rear lot lines of the property being developed for townhouses, a buffer area of 20 feet in width, as defined in § ~~155-4B~~ of Article ~~II~~ of this chapter, shall be provided.

OR The Board may consider amending paragraph (6) to provide as follows:

(6) Landscape Buffer.

- (a) Where a townhouse development abuts a single-family or two-family dwelling a green landscaped area 20 feet in width including a vegetated area with a landscape buffer of 10 feet in width, as defined in § 155-4B of Article II of this chapter, shall be provided along the full length of the side and rear lot lines of the property being developed for townhouses.

(b) Where a townhouse development abuts a townhouse development, apartment building, nonresidential, or any use other than a single-family or two-family dwelling, including a railroad right-of-way, a landscape buffer of 10 feet in width, as defined in § 155-4B of Article II of this chapter, shall be provided along the full length of the side and rear lot lines of the property being developed for townhouses.

(c) Where a townhouse development abuts a railroad right-of-way, the Board of Commissioners may by conditional use authorize a further reduction in the buffer area, provided that the following standards are met:

[1] The applicant shall establish by credible evidence that the views from and to adjacent properties, including views of and from the rail line, are visually screened by a lesser buffer area or alternative technique, such as the installation of a vegetative/topiary fence, wall or other appropriate design element located on the applicant's property. The applicant for the conditional use shall have the burden of demonstrating that the buffer reduction will not adversely affect the public health, safety and welfare, specifically with respect to drainage, light, noise, air quality, natural features of the land, and neighborhood aesthetic characteristics.

- (7) The distance between two or more townhouse buildings on the same lot shall be a minimum of 35 feet or no less than the height of the taller building, whichever is greater.
- (8) Impervious surfaces. Not more than 40% of the area of each lot may be covered with impervious surfaces.

(9) All units shall front on a street.

B. Height regulations. The height of any townhouse shall not exceed ~~40~~35 feet. The maximum height for a townhouse with a roof slope of 6/12 or less shall be 30 feet.

C. Building length or depth. The greatest dimension in length or depth of a townhouse building shall not exceed 160 feet. No fewer than three and no more than eight townhouses shall be allowed in a row.

D. Common area.

- (1) If each townhouse is to be on an individually subdivided lot, an area may be set aside for common space. Such area may be counted toward density requirements, but in no case shall individual lots be less than ~~2,000~~3,500 square feet in area.
- (2) There shall be such provision for the ownership and maintenance of the common open space as is reasonable to ensure its continuity and preservation. To this end, the Township may accept the dedication of land or any interest therein for public use and maintenance, but the Board of Commissioners need not require that land proposed to be set aside for common open space be dedicated or made available to public use as a condition for the approval of the subdivision. The Board of Commissioners shall require the landowner to provide for and establish an organization for the ownership and maintenance of the common open space which may be similar to that required by the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq., and that

such organization shall not dispose of the common open space, by sale or otherwise, except to the Township or to an organization conceived and established to own and maintain the common open space. In the event that the common open space is permitted to deteriorate or if, in the judgment of the Board of Commissioners, it is not maintained in reasonable order and condition in accordance with any approved plan or otherwise, the Township of Lower Merion may proceed to remedy any such deficiency by means of any applicable Township ordinance (e.g., the Weed Control Ordinance, the Lower Merion Health Code 18 or the penalty provisions of Article XXIX of the Lower Merion Zoning Ordinance, etc.) or by injunctive relief or otherwise.

E. ~~Street frontage locations.~~ Vehicular access.

(1) ~~Vehicular access~~ to townhouse developments shall be provided by ~~a private road or common driveway, an undedicated rear alley.~~

(2) ~~No garage entrances shall be permitted along the street frontage or along the primary front façade.~~

(3) ~~Parking shall not be provided between the primary front façade of the building and the street.~~

(4) ~~All parking shall be screened from the public right-of-way.~~

F. Townhouse garage. If detached garages are to be built, each garage shall be entirely separated from each townhouse and shall be located at least 10 feet farther back from the rearmost portion of each townhouse, ~~but not within a buffer area.~~ A townhouse garage may project up to 5 feet into a landscape buffer along a railroad right-of-way and ~~Such a garage~~ may have common party walls with adjacent garages.

Section 2. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XX, Off-Street Parking Facilities, §155-95, Facilities required, subsection S thereof, shall be amended to provide as follows:

§ 155-95 Facilities required.

Any of the following buildings hereafter erected, any building hereafter converted into one of the following buildings and any open areas hereafter used for commercial purposes shall be provided with minimum parking spaces as set forth below, which spaces shall be readily accessible to and within a reasonable distance from the buildings served thereby. Such spaces shall be on the same lot as the principal building or open area. In the case of an extension of or addition to an existing building or the extension of a use within an existing building, such requirements of parking spaces shall apply only with respect to such extension or addition.

S. Townhouse building: two off-street parking spaces within the development for each townhouse ~~consisting of not less than 200 square feet each, with adequate access~~ shall be provided. An additional parking space for every two units shall be provided to accommodate guest parking. Guest parking may include compact stalls, which may be reduced in size to 8.5 wide by 16 feet long.

Section 3. Nothing in this Ordinance or in 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 Chapter 155 prior to the adoption of this amendment.

Section 4. 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 4. 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 _____, 2018.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Daniel S. Bernheim, President

ATTEST:

Jody L. Kelley, Secretary