

TOWNSHIP OF LOWER MERION

Building & Planning Department

Memorandum

Topic: Zoning Code – Draft 4.0

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Date: November 22, 2019

Background

On December 4th the Building & Planning Committee (B&P) will be asked to make a recommendation to the Board of Commissioners (“the Board”) to authorize advertisement of a public hearing for the adoption of the new Zoning Code and Zoning Map.

On September 18, 2019 the Board held a public hearing to consider the adoption of the Draft Zoning Code. At the public hearing it was determined there was the need for additional time to edit and test the Zoning Code. As a result, the adoption of the Zoning Code was postponed. The delay provided the following opportunities:

- The B&P held two additional public meetings to provide policy direction on various sections of the Code, including the widely discussed Institutional District;
- The Township Solicitor, Zoning Hearing Board Solicitor, and staff further reviewed and refined the Draft Zoning Code and Draft Zoning Map; and
- The Montgomery County Planning Commission (MCPC) with outside planning, design and engineering professionals conducted a test of the Draft Zoning Code.

The accompanying Draft Zoning Code 4.0 dated November 22, 2019 shows all edits made since September 18th in tracked changes. Additionally, a spreadsheet lists the edits for ease of use. The edits approved by the B&P on October 30th and November 6th are grayed out on the spreadsheet to make it easier to focus on the edits that have not yet been publicly reviewed. These new edits largely include points of clarification identified by the Township Solicitor or staff.

On Wednesday, November 27th the MCPC Zoning Code test results report will be distributed. It is anticipated that additional edits will be recommended as a result of the testing. Staff will work with the MCPC to identify which edits may be easily incorporated into the Zoning Code and will draft language for the B&P to consider on December 4th. The draft language will be distributed with the Final B&P Agenda on December 3rd.

Key edits made to the Draft Zoning Code since September 18th are summarized below:

1. Form Standards

- A. Predominant Setback: The Code now includes predominant setback requirements in more walkable districts to ensure that infill development is consistent with the established pattern – as was recommended in the Comprehensive Plan.
- B. Residential LDR3 Impervious Surface: The maximum impervious surface level of the LDR3 District was reduced from 30% to 28% to better reflect and be in line with existing zoning district standards.
- C. Residential MDR1 Lot Width: The minimum lot width for single-family dwellings and duplexes in the MDR1 District were increased from 50 feet to 60 feet and the minimum lot width for twins in the MDR1 District were increased from 30 feet to 35 feet to discourage inappropriate subdivisions.

2. Institutional Zoning

- A. Sub-Categories Established: The draft Zoning Code establishes an Institutional District comprised of four sub-districts: Institutional Nature Preserve (IN), Institutional Civic (IC), Institutional Education (IE) and Institutional Housing (IH). In the earlier draft many of the setbacks and the impervious surface limits were tied to the abutting Zoning District's standards with the intent that new development would complement the surrounding residential neighborhood. However, during the adoption process various institutions raised questions how the form standards based on the abutting district standards would apply to extremely large lots that abut commercial areas/multifamily properties on one side and low density, single-family properties on the other side. Another question raised was how these standards would apply to a lot completely surrounded by other institutionally zoned lots. There was also a concern that it was difficult to determine what the standards were because you would have to first determine reference what the most restrictive abutting zoning district was and then go to another zoning district regulations to determine what the standards are that apply to the institution. The Township Solicitor suggested that a property owner should be able to look up their zoning district and have the ability to go to the district regulations to understand what regulations apply to their property. The creation of the sub-districts addresses this concern.

It was determined that creating sub-categories with specific standards was a more straight-forward approach. The IC, IE and IH districts each have three sub-categories with a specific set of standards which are in keeping with the surrounding residential neighborhoods.

- B. Impervious Surface Cap Clarified: The Code language has been clarified regarding the 47% impervious surface cap. The cap applies to all bonuses, except for the Historic Resource Overlay District bulk incentive. An institution with a historic resource may

exceed the 47% cap, subject to obtaining conditional use approval from the Board of Commissioners.

- C. Uses Clarified: The term “Residential Religious” was replaced with “Institutional Residential” and the term “Skilled Nursing Facility” was replaced with “Long-Term Care Facility”. A maximum number of beds was set at 200 for a Long-Term Care Facility.
- D. Campus Plan Provisions Reserved: The Campus Plan concept will be reintroduced as a future code amendment. In the meantime, these provisions have been reserved.

3. Historic Resource Overlay District: Calibrate Incentives

The Historic Resource Overlay District incentives have been revised as follows:

- A. Conversion Incentives Limited to One Incentive Use Per Lot: This follows current practice. It allows the applicant to take advantage of just one additional use incentive, an existing permitted underlying use is still permitted, and eliminates the concern that a developer could convert a single property into multiple higher intensity or non-residential uses.
- B. Clarify Density Standards: Establishing minimum Lot Area standards in the Institutional District resolved the ambiguity surrounding historic resource conversions.
- C. Disallow Conversion of Non-Historic Accessory Building: This revision addresses the concern that someone could purchase a property with a historic resource and build a large accessory structure with the intention of applying for a conversion.
- D. Limit Office Use: A converted office use is now limited to 100,000 square feet of the existing gross habitable floor area.

4. Open Space Overlay District: Clarify Applicability

- A. Expand Applicability: The Open Space Overlay District has been expanded to include institutional properties over five acres that are developed residentially, which includes Continuing care Facilities and Long-term Care Facilities.
- B. Establish Minimum Open Space Standards: The minimum size requirements and covenant standards have been added back into the Open Space Overlay District Standards.

Edits Incorporated into Zoning Code Draft 4.0

The following list of edits includes the revisions to the Draft Zoning Code 3.1 approved by the Building & Planning Committee at the public meetings on October 30, 2019 and November 6, 2019 as well as edits suggested by staff and the Township Solicitor. The edits that have been publicly vetted and approved are grayed out. New edits are shown in the white cells. All edits shown on this document are incorporated into the new Draft Zoning Code 4.0. Edits are listed by page and Section number in the order they appear in the Zoning Code.

Page	Section	Change Description	Change Type	Completion Schedule Notes
		Change the zoning district for St. Charles Borromeo Seminary at 100 E. Wynnewood Rd. (Parcel #400067932005 - located at the intersection of City Avenue and E. Wynnewood Road) zoned IE to IH.	Zoning Map	Approved by B&P 10/30/19
		Change the zoning district for Society of the Holy Child Jesus at 1341 W. Montgomery Ave. (Parcel #400040416008) zoned IC to IH.	Zoning Map	Approved by B&P 10/30/19
		Change the zoning district for Jesuit Community at SJU at 261 City Ave. (Parcel #400011116004) zoned IE to IH.	Zoning Map	Approved by B&P 10/30/19
		Change the zoning district for the front portion of the lot at 321 Caversham Rd. (Parcel #400009396005) zoned IE to LDR3 to reflect the recent Lot Line Change with the Bryn Mawr College property at 719 New Gulph Rd. (Parcel #400042636002).	Zoning Map	Approved by B&P 10/30/19
		Change the zoning district for 705-713 Conshohocken State Road (Parcel # 400058232003, 400058236008, 400058240004, 400058244009, 400058248005) zoned MDR1 to LDR4.	Zoning Map	Approved by B&P 11/06/19
		Create sub-categories for IE District: IE1, IE2, IE3	Zoning Map	Approved by B&P 11/06/19
		Create sub-categories for IH District: IH1, IH2, IH3	Zoning Map	Approved by B&P 11/06/19
		Create sub-categories for IC District: IC1, IC2, IC3	Zoning Map	Approved by B&P 11/06/19
ALL	---	Global Edit: Replace “Skilled Nursing” Facility term with “Long-Term Care” Pgs. 15, 16, 40, 42, 103, 120, 122, 124, 136, 224, 226, 234, 236, 277	Clarification	Approved by B&P 11/06/19
ALL	---	Global Edit: Build-to Line (Use just one hyphen) Pgs. 171, 176, 175, 191, 193, 195, 203	Clarification	Staff Edit
ALL	---	Global Edit: Replace “Apartment” (form of ownership) with “Dwelling Unit” Pgs. 113, 127, 128, 131, 132, 274, 275, 276	Clarification	Twp. Solicitor
ALL	---	Global Edit: Curblne (One word, not two or hyphen) Pgs. 159, 160, 164, 171, 173, 176, 181, 182, 190, 191, 192, 194, 195, 203	Clarification	Staff Edit
ALL	---	Global Edit: “Residential Religious” to “Institutional Residential” Pgs. 39, 121, 122, 123, 124, 235, 237, 298, 307	Clarification	Approved by B&P 11/06/19
ALL	---	Global Edit: Replace “Natural Preserve” with “Nature Preserve” Pgs. 30, 100	Clarification	Staff Edit

ALL	---	Global Edit: Use consistent cross reference formatting (i.e. "Section 155-XX Section Description".	Clarification	Staff Edit
ALL	---	Global Edit: Update/Correct all Cross References.	Clarification	Staff Edit
9	1.1.3.a	The Zoning Code is organized in a series of Articles that are interrelated and apply to different aspects of development. <u>Each Article contains text, Tables and Figures all three of which comprise the regulatory provisions of the Zoning Code.</u> The Figures are intended to be illustrative of the manner in which the provisions of the text and the Tables are to be applied. Where there is a conflict between the Figures and the text or the Tables, the regulations set forth in the text and Tables shall prevail. <u>Where there is a conflict between the Tables and the text, the text shall prevail.</u>	Clarification	Twp. Solicitor
14	2.1	Abutting: To be adjacent to or joined at a border, <u>property line, or zoning district boundary.</u> Abutting properties include properties across a street or alley, or a railroad right of way.	Clarification	Approved by B&P 10/30/19
ADDITI ON	2.1	<u>Adjacent: To be joined at a property line. Adjacent properties do not include properties across a street or alley, or a railroad right of way.</u>	Clarification	Approved by B&P 10/30/19
16	2.1	Attium: An indoor, roofed space whose height exceeds one story that is utilized primarily as a circulation or gathering space serving all occupants of the building.	Clarification	Approved by B&P 10/30/19
16	2.1	Auto Related Services: A place of business serving minor auto-related needs including, but not limited to: motor vehicle sales, car rental, minor repairs, retail sales such as auto parts, tire store, gas station, <u>electric vehicle charging station and car wash.</u>	Content	Approved by B&P 10/30/19
16	2.1	Bed and Breakfast: A group of lodging units, not to exceed five units within the residence of the proprietor living onsite, or within a building accessory thereto, wherein services limited to lodging and meal(s) are provided by the proprietor to transient tenants. that may provide space and services for dining, meeting, and recreation.	Clarification	Twp. Solicitor
20	2.1	Council: A board of natural individuals of the number stated in the code of regulations who are residents of the Commonwealth of Pennsylvania, who need not be unit owners and who shall manage the business, operation and affairs of the property on behalf of the unit owners and in compliance with this chapter and the Unit Property Act.	Clarification	Approved by B&P 10/30/19
21	2.1	Cul-de-sac: A street with one end open for public vehicular, bicycle, and pedestrian access and the other end terminating in a vehicular turnaround.	Clarification	Approved by B&P 10/30/19
ADDITI ON	2.1	<u>Cornice: The molded and projecting horizontal member that crowns an architectural composition</u>	Clarification	Approved by B&P 10/30/19
23	2.1	Effective Date: The effective date of this Chapter the Lower Merion Zoning Code is April 26, 1927, except that as to amendments, the <u>The effective date of any amendments shall be the date when the particular amendment became or becomes effective.</u>	Clarification	Twp. Solicitor
ADDITI ON	2.1	<u>Electric vehicle (EV)–A vehicle that operates either partially or exclusively on electrical energy, provided by a rechargeable battery or other energy storage source, which can be charged by connection to the electric power grid. This term includes a Battery Electric Vehicle, or Plug-In Hybrid Vehicle).</u>	Content/ Sustainability	Approved by B&P 10/30/19

		<p><u>Battery Electric Vehicle (BEV)</u>—An electric vehicle that is powered solely by rechargeable electric battery, without any internal combustion engine.</p> <p><u>Plug-In Hybrid Electric Vehicle (PHEV)</u>—An electric vehicle that is powered by a rechargeable electric battery, as well as an internal combustion engine which delivers power directly to the vehicle, and/or powers an on-board generator which can recharge an electric battery.</p> <p><u>Electric Vehicle Charging Station (EVCS)</u>—A public or private parking space that is served by and accessible to EV battery charging equipment which is supported by appropriate EVCS infrastructure.</p> <p><u>Level 1 EVCS</u>—An EVCS utilizing an electric voltage up to 120 volts;</p> <p><u>Level 2 EVCS</u>—An EVCS utilizing an electric voltage of up to 240 volts</p> <p><u>Level 3 EVCS</u>—An EVCS utilizing electric voltage of 480-600 volts.</p> <p><u>Electric Vehicle Parking Space</u>—A marked parking space which is part of a Level 2 or Level 3 Electric Vehicle Charging Station and identifies the use of the space to be exclusively for an Electric Vehicle while charging an onboard vehicle battery.</p> <p><u>Electric Vehicle Charging Station Infrastructure</u>—Structures and equipment, including necessary electric power usage-related infrastructure, to support the operation of an Electric Vehicle Charging Station, including distribution of electric power from the grid, and metering of delivered power.</p>		
23	2.1	<p>Expanded Use: The enlargement of the use of property evidenced, <u>for example</u>, by any of the following: (continue text of definition)</p>	Clarification	Twp. Solicitor
24	2.1	<p>Flag Sign: A sign printed or painted on a cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners, including “feather-flags” and “flutter-flags”.</p>	Clarification	Twp. Solicitor
ADDITI ON	2.1	<u>Frieze:</u> A sculptured or richly ornamented band (as on a building).	Clarification	Approved by B&P 10/30/19
ADDITI ON	2.1	<u>Landowner:</u> See Owner	Clarification	Twp. Solicitor
ADDITI ON	2.1	<u>Native Plant:</u> Any plant that is living or growing naturally in a particular region and has existed for many years in a region without direct or indirect human intervention.	Clarification	Approved by B&P 10/30/19

ADDITI ON	2.1	<u>Outdoor Accessory Temporary Use:</u> An outdoor use intended for a limited period of time, which does not involve the construction or alteration of any permanent structure and which is subordinate to the principal use of land or of a building on a lot and customarily incidental thereto.	Clarification	Approved by B&P 10/30/19
ADDITI ON	2.1	<u>Parallel Space:</u> A parking space parallel to the roadside.	Clarification	Approved by B&P 10/30/19
ADDITI ON	2.1	<u>Parapet:</u> A low wall extending above the edge of a roof, also called parapet wall.	Clarification	Approved by B&P 10/30/19
ADDITI ON	2.1	<u>Patient Hostel:</u> A residential facility for the sole use of patients being admitted or discharged from the hospital and their immediate families. The facility may include a shared dining facility which is restricted to the use of the hostel occupants.	Clarification	Twp. Solicitor
37	2.1	Porch: A Porch or walkway with a roof supported by columns, leading to the entrance of a Building.	Clarification	Approved by B&P 10/30/19
39	2.1	<u>Institutional Residential Religious:</u> A building or site containing living arrangements owned or leased occupied by a religious institution and operated as part of that religious institution for the use of its members.	Clarification	Approved by B&P 11/06/19 The B&P decided to replace "Residential Religious" with "Institutional Residential".
41	2.1	Setback: The distance from the Boundary Lot Line to the point where a Building may be constructed. This area must be maintained clear of permanent structures with the exception of encroachments described in each District.	Clarification	Twp. Solicitor
41	2.1	Setback, Front: A setback extending the full width of the lot along the street line and not less in depth, measured from the street line edge of the <u>public right-of-way</u> , than the minimum required in each district unless otherwise specified in this chapter.	Clarification	Approved by B&P 10/30/19
ADDITI ON	2.1	Setback, Perimeter: A setback along the perimeter of a Lot measured from the edge of the <u>right-of-way</u> , the side Lot line, and/or the rear Lot line.	Clarification	Approved by B&P 10/30/19
41	2.1	Setback, Predominant: The setback of existing buildings that may be allowed to supersede the setback required by the District for new buildings. A front setback equal to the median front setback of the existing principal buildings along a common street frontage.	Clarification	Approved by B&P 11/06/19
42	2.1	Specimen Tree: A unique, rare or otherwise specifically selected plant or tree which most typically represents a whole class or group, specifically in shape, form, historical importance or any other	Clarification	Approved by B&P 10/30/19

		characteristic which may be designated as a specimen tree by the Shade Tree Commission of the Township-		
ADDITI ON	2.1	<u>Storage Garage:</u> A building, not a private or public garage, used solely for the storage of motor vehicles (not trucks) but not for the sale, service or repair of motor vehicles.	Clarification	Approved by B&P 10/30/19
43	2.1	<u>Storm Drainage Area:</u> The area of land surface, expressed in acres or a percentage thereof, which slopes in such a manner so as to carry the precipitation which flows over the land surface, during and for a short time after a storm, to a common low point.	Clarification	Approved by B&P 10/30/19
ADDITI ON	2.1	<u>Tandem parking:</u> Two automobiles parked on a driveway or in any other location on a lot, lined up behind one another.	Clarification	Approved by B&P 10/30/19
ADDITI ON	2.1	<u>Temporary Use:</u> A use of property intended for a limited period of time and does not involve the construction or alteration of any permanent structure.	Clarification	Approved by B&P 10/30/19
45	2.1	<u>Terminated Vista:</u> A location at the axial conclusion of a Street or other public space-	Clarification	Approved by B&P 10/30/19
46	2.1	<u>Transition Line:</u> A horizontal line spanning the full width of a facade, expressed by a material change or by a continuous horizontal articulation such as a cornice or a balcony.	Clarification	Approved by B&P 10/30/19
46	2.1	<u>Urban Form:</u> The spatial arrangement of a particular environment, as defined by built form, mass and space, the natural environment, and the movement of persons, goods and information.	Clarification	Approved by B&P 10/30/19
ADDITI ON	2.1	<u>Vehicular Sign:</u> A sign affixed to a truck, van, automobile, trailer, or other vehicle which is parked on, or adjacent to any property and used primarily as a stationary advertisement to attract attention to a product sold, or an activity or business located on or off the property.	Clarification	Twp. Solicitor
ADDITI ON	2.1	<u>Vestibule:</u> a passage, hall, or room between the outer door and the interior of a building: lobby.	Clarification	Approved by B&P 10/30/19
47	2.1	<u>Walking Radius:</u> The distance a person is willing to walk, from a given point. This distance varies depending on existing barriers, the walking environment and the availability of destinations.	Clarification	Approved by B&P 10/30/19
48	2.1	<u>Yard:</u> The distance from the Property line to the point where a Building may be constructed. This area must be maintained clear of permanent structures with the exception of Encroachments described in each District. See Setback.	Clarification	Approved by B&P 10/30/19
48	2.1	<u>Yard, Front:</u> A yard extending the full width of the lot along the street line and not less in depth, measured from the street line, than the minimum required in each district.	Clarification	Approved by B&P 10/30/19
48	2.1	<u>Yard, Rear:</u> A yard extending the full width of the lot along the rear lot line and not less in depth, measured from the rear lot line, than the minimum required in each district.	Clarification	Approved by B&P 10/30/19
48	2.1	<u>Yard, Side:</u> A yard extending along the same lot line from the front yard to the rear yard and not less in width, measured from the side lot line, than the minimum required in each district.	Clarification	Approved by B&P 10/30/19
52	3.4.4	Where a maximum setback is specified, it pertains only to the amount of building facade required to meet the minimum <u>primary</u> frontage <u>lot</u> occupation requirements of the underlying district.	Clarification	Approved by B&P 10/30/19
52	3.4.5.a	Rowhouses shall have a primary front facade facing onto a public or private street or pedestrian way .	Clarification	Staff Edit

52		<p>Predominant Setback: RESERVED <u>The minimum front setback for new buildings and frontage yard additions to existing buildings shall be equal to the predominant setback, as illustrated in "[FIGURE TO BE ADDED]" and subject to the following standards:</u></p> <p>a. <u>Applicability. The predominant setback standard shall apply to new buildings and frontage yard additions to existing buildings in the following zoning districts:</u></p> <p>i. <u>LDR4</u> ii. <u>MDR1</u> iii. <u>MDR2</u> iv. <u>MDR3</u> v. <u>VC</u> vi. <u>TC1</u></p> <p>b. <u>The predominant setback is determined by calculating the median front setback of existing principal buildings on the same side of the street as the subject property, and within 200 feet on either side of the subject property's Lot Line as measured along the street line.</u></p> <p>i. <u>The following shall be excluded from the calculation of predominant setback:</u></p> <p>i. <u>Buildings located in a non-residential zoning district.</u> ii. <u>Rear lots</u> ii. <u>If there are fewer than three qualifying principal buildings, the predominant setback shall not be used, and the front setback shall be that specified in the lot's underlying district.</u> c. <u>If the calculated predominant setback is less than the minimum front setback specified in the lot's underlying district, the predominant setback shall not be used, and the front setback shall be that specified in the lot's underlying district.</u></p>	New Standard	Approved by B&P 11/06/19
	3.4.9			
53	NEW <u>3.5.6.a.viii</u>	3.5.6.a. The following structures and equipment are prohibited in frontage yards: <u>3.5.6.a.viii. Vehicular fuelling device (gas pump, Electric Vehicle Charging Station)</u>	Content	Approved by B&P 10/30/19
56	TABLE 3.5.1.E	Surface: Minimum 80% paving. Pervious paving is recommended and shall not count towards maximum impervious surface.	Content	Approved by B&P 10/30/19
56	TABLE 3.5.1.F	Surface: Driveway shall be paved at sidewalk grade. The remainder of front setback may be paved or landscaped. Pervious paving is recommended and shall not count towards maximum impervious surface.	Content	Approved by B&P 10/30/19
57	TABLE 3.5.1	<p>FRONTAGE YARD TYPES</p> <p>G. FRONTAGE YARD TYPE SUMMARY</p> <p>COMMON YARD - Add a Superscript note (1) to "P" for MDR</p> <p>FENCED YARD – Add a Superscript note (1) to "P" for MDR</p> <p>URBAN YARD – Change Superscript note (1) to (2) to "P" for MDR</p> <p>PEDESTRIAN FORECOURT – Change Superscript not (1) to (2) to "P" MDR</p>	Clarification	Approved by B&P 10/30/19

		ADD Note (1) <u>MDR1 and MDR2 Only</u>			
		Rename Note (1) to Note (2) MDR3 Only			
57	3.5.7	Any portion of a <u>primary</u> frontage in MDR3, VC, <u>RHR</u> and TC not occupied by buildings, driveways, forecourts or walkways shall be lined with a streetscreen as follows:	Clarification	Approved by B&P 10/30/19	
57	3.5.8	Building entries in MDR, VC, <u>RHR</u> and TC shall be provided at frontages as follows:	Clarification	Staff Edit	
60	3.6.3.a.	On dwellings and multi-family buildings, an open, roofed porch may project into the required front setback, according to "Table 3.5.2 Facade Types" and the following requirements:	Clarification	Approved by B&P 10/30/19	
63	3.7.1.a.iii.	At corner lots, fences shall follow the <u>sight</u> site distance requirements.		Approved by B&P 10/30/19	
64	3.7.6	Should a sequence of retaining walls be required, they shall be spaced at minimum intervals as specified in their underlying districts. Retaining walls be shall be spaced at minimum intervals of 10 feet, except in LDR districts.		Approved by B&P 10/30/19	
67	3.8.1.a	A maximum of eight individual rowhouses can be attached <u>or the length of the rowhouse building shall not exceed 160 feet</u> before a minimum 1020 -foot separation is provided.	Content	Approved by B&P 10/30/19	
67	3.8.2.a	If detached garages are built, each garage shall be entirely separated from the principal building and shall be located according to "155-8- 34 Parking Location".	Clarification	Approved by B&P 10/30/19	
67	NEW <u>3.8.2.c</u>	<u>Storage Garages on a multi-family lot may be authorized as a Special Exception, subject to the following regulations:</u> <u>3.8.2.c.i. The garages shall not be visible from any street frontages.</u>	Clarification	Approved by B&P 10/30/19	
69	3.9.6	Adjustments to the architecture requirements of the district may be sought by process of Conditional Use- Variation in the architecture standards required in each district may be granted by the Board of Commissioners by Conditional Use where it is demonstrated that: a. <u>The structural integrity of an existing building will be compromised by adherence to those standards.</u> b. <u>Application of the standards to an existing building would be so at variance to the design of the structure as to defeat the intent of this section or would not be economically feasible.</u>	Clarification	Twp. Solicitor	
69	3.10.3	Landscape buffers shall in the opinion of the Director of Building & Planning, provide a sustainable filtered visual screen that will mature up to a height of <u>at least</u> six feet. Pedestrian access through buffer shall not be limited. Buffers shall be as established in the Township Code, Chapter 101.		Approved by B&P 10/30/19	
70	3.12.2.a.	They shall not be constructed in any required setbacks except an artificial turf field may <u>be</u> permitted in a front setback of a primary road.		Approved by B&P 10/30/19	
71	3.13.2.c.iii	The design and location of the recharge system shall be approved by the Township Engineer. The Township Engineer may require that a percolation test be submitted with the permit application showing rates sufficient to empty the system within 24 hours. Construction may not disturb steep slopes, woodlands or any area within the dripline of trees greater than 15 inches dbh. Disturbance of trees between six inches and 15 inches dbh is prohibited if an alternative location	Clarification	Approved by B&P 10/30/19	

		for the recharge system is feasible. Every tree between <u>greater than six inches and 15 inches</u> dbh that is removed shall be replaced on the lot <u>in accordance with "Table 7.5.1 Tree Replacement"</u> and the <u>replacement trees shall be with one three-inch minimum-caliper tree</u> selected from the list of recommended trees set forth in section A177-1, or comparable tree approved by the Township Arborist. If the lot cannot accommodate all of the additional trees, the excess trees shall be planted on publicly owned land after receiving approval from the public entity having ownership.		
72	3.13.2.d.	The impervious surface on any lot within the Historic Resource Overlay District may exceed the maximum permitted, subject to the regulations in section 7.1.98 and "155-4.4 Institutional Districts".	Clarification	Approved by B&P 10/30/19
72	3.14	SERVICES AND TRASH AREA STANDARDS		Approved by B&P 10/30/19
75	4.1.2.b	A Building shall be located in relation to the property line except when abutting a street. 7. The setback shall be measured from the edge of public right-of-way	Clarification	Approved by B&P 10/30/19
76	TABLE 4.1.1	LDR1 DIMENSIONAL STANDARDS Note 1: Garage location shall be according to section "155-8.34 Parking Location"	Clarification	Approved by B&P 10/30/19
80	TABLE 4.1.3	LDR3 DIMENSIONAL STANDARDS Lot Occupation (see section "155-3.4 Lot Occupation") Impervious Surface 30% <u>28%</u> max.	Content	Approved by B&P 10/30/19
80	TABLE 4.1.3	LDR3 DIMENSIONAL STANDARDS Façade Types (see section "155-3.5 Frontages") Porch Permitted Steep Permitted Common Entry Not Permitted Arcade / Colonnade Not Permitted Gallery Not Permitted Storefront Not Permitted	Clarification	Approved by B&P 10/30/19
80	TABLE 4.1.3	LDR3 DIMENSIONAL STANDARDS Note 1: Garage location shall be according to section "155-8.34 Parking Location"	Clarification	Approved by B&P 10/30/19
82	Table 4.1.4	LDR4 Dimensional Standards Setbacks (see section "155-3.5 Frontages")⁽¹⁾ Principal Building (feet) B Front 25 ft. min. <u>Predominant Setback⁽⁴⁾</u> Notes 4 See section "155-3.4.9 Predominant Setback". Where the Predominant Setback does not apply, the front setback shall be a minimum of 25 ft.	New Standard	Approved by B&P 11/06/19 MCPC Recommendation

82	TABLE 4.1.4	LDR4 DIMENSIONAL STANDARDS Note 1: Garage location shall be according to section “155-8- 3 4 Parking Location”	Clarification	Approved by B&P 10/30/19
84	4.2.2.b	A Building shall be located in relation to the property line except when abutting a street 7 ± The setback shall be measured from the edge of public right-of-way....	Clarification	Approved by B&P 10/30/19
86	TABLE 4.2.1	MDR1 DIMENSIONAL STANDARDS Lot Occupation (see section “155-3.4 Lot Occupation”) A Lot Width 50 60 ft. min. (SF, DU) 30 35 ft. min. per unit (TW)	Content	Approved by B&P 10/30/19
86	TABLE 4.2.1	Note 3: Zero-foot side setback only applies <u>where there is a shared party wall.</u>	Clarification	Approved by B&P 10/30/19
86		MDR1 Dimensional Standards <u>Setbacks (see section “155-3.5 Frontages”)(1)(2)</u> Principal Building (feet) B Front 10 ft. min./20 ft. max. <u>Predominant Setback</u> ⁽³⁾ Notes <u>3 See section “155-3.4.9 Predominant Setback”. Where the Predominant Setback does not apply, the front setback shall be a minimum of 10 ft. and a maximum of 20 ft.</u>	New Standard	Approved by B&P 11/06/19 MCPC Recommendation
88		<u>Renumber subsequent notes.</u>		
88		MDR2 Dimensional Standards <u>Setbacks (see section “155-3.5 Frontages”)(1)(2)</u> Principal Building (feet) B Front 10 ft. min./20 ft. max. <u>Predominant Setback</u> ⁽³⁾ Notes <u>3 See section “155-3.4.9 Predominant Setback”. Where the Predominant Setback does not apply, the front setback shall be a minimum of 10 ft. and a maximum of 20 ft.</u>	New Standard	Approved by B&P 11/06/19 MCPC Recommendation
	Table 4.2.2	<u>Renumber subsequent notes.</u>		
88	TABLE 4.2.2	MDR2 DIMENSIONAL STANDARDS Note 2: Garage location shall be according to section “155-8- 3 4 Parking Location”	Clarification	Approved by B&P 10/30/19
90	Table 4.2.3	MDR3 Dimensional Standards <u>Setbacks (see section “155-3.5 Frontages”)(1)(2)</u> Principal Building (feet)	New Standard	Approved by B&P 11/06/19 MCPC

		<p>B Front 10 ft. min./20 ft. max. <u>Predominant Setback⁽³⁾</u></p> <p>Notes</p> <p>3 See section “155-3.4.9 Predominant Setback”. Where the Predominant Setback does not apply, the front setback shall be a minimum of 10 ft and a maximum of 20 ft.</p>		Recommendation
		Renumber subsequent notes.		
92	4.3.2.d.iv	When parking is at the rear of the lot, pedestrian access to parking shall be spaced at a minimum 300 feet apart. Pedestrian access ways to rear lot parking areas shall be spaced not more than 300 feet apart. Same edit on Section 6.3.2.d (p.159) & 6.8.2.d (p.195)	Clarification	Twp. Solicitor
93	4.3.3.d	The height of a mixed-use building with a residential component in TC1 may be increased to a maximum of up to four stories provided the development complies with either 4.3.3.d.i. or 4.3.3.d.ii.	Clarification	Approved by B&P 10/30/19
93	4.3.3.e	The height of a non-residential building in TC1 may be increased to a maximum of up to four stories provided the development complies with 4.3.3.e.1.	Clarification	Approved by B&P 10/30/19
93	4.3.5.a	Outdoor accessory <u>temporary</u> uses such as seating for food and drink, sales displays for small scale retail such as flower shops, antiques, hardware, may be allowed as a temporary use provided a sidewalk pedestrian passage of six feet is unobstructed.	Clarification	Approved by B&P 10/30/19
93	4.3.7.b	Parking Structures shall demonstrate compliance with the architectural standards in section “155-3.9 Architecture Standards” and the following:	Clarification	Approved by B&P 10/30/19
		VC DIMENSIONAL STANDARDS Note 1: Where a Lot Abuts a property in an LDR, MDR1, or MDR2 district, the side and rear setback for the lot shall be that required of the abutting lot's district. <u>The setback shall be adjusted to provide a 20 feet wide buffer, where required.</u>		Approved by B&P 10/30/19
94	TABLE 4.3.1	Where a Lot Abuts a property zoned LDR, MDR1, or MDR2, there shall be a Buffer of 20 feet in width along the rear property line and side property line extending to the front yard setback.	Clarification	
94	TABLE 4.3.1	Where a Lot Abuts a railroad right-of-way at the side or rear with a LDR district on the opposite side of the railroad, the portion of the VC or TC Lot abutting the railroad shall include a Buffer of 15 feet in width.		
96	TABLE 4.3.2	Note 4: Or equal to the abutting zone, whichever is greater per 3.4. 910 Zero-foot side yard setback only applies where there is a shared party wall.	Clarification	Approved by B&P 10/30/19
98	TABLE 4.3.3	Note 4: Or equal to the abutting zone, whichever is greater per 3.4. 910 Zero-foot side yard setback only applies where there is a shared party wall.	Clarification	Approved by B&P 10/30/19
		TC2 DIMENSIONAL STANDARDS		

		<p>Note 1: Where a Lot Abuts a property zoned LDR, MDR1 or MDR2, the side and rear setback for the lot shall be that required of the abutting lot's district. <u>The setback shall be adjusted to provide a 20 feet wide buffer, where required.</u></p> <p>Where a Lot Abuts a property zoned LDR, MDR1, or MDR2, there shall be a Buffer of 20 feet in width along the rear property line and side property line extending to the front yard setback.</p> <p>Where a Lot Abuts a railroad right-of-way at the side or rear with a LDR district on the opposite side of the railroad, the VC or TC Lot abutting the railroad shall include a Buffer of 15 feet in width.</p>		
98	TABLE 4.3.3	<p>Note 3: Or equal to the abutting zone, whichever is greater per 3.4.910.</p> <p>The intent of the Institutional Districts is to provide a regulatory context for institutional uses, with two main goals: to support the sustainability of institutions, and to protect <u>render them compatible with</u> the residential neighborhoods in which they may be located. These regulations recognize a diversity of institutional locations and goals, the institutional need to adapt to changing circumstances (including functions and growth), and neighborhood desires to minimize incompatibilities (including activities and expansion).</p>	Clarification	Approved by B&P 10/30/19 Twp. Solicitor
100	4.4.1			
100	4.4.2	<p>There are four <u>principal</u> Institutional Districts: Institutional Nature Preserve (IN), Institutional Civic (IC), Institutional Education (IE), and Institutional Housing (IH). These categories correspond to the variety of activities and range of impacts that might be expected of each. <u>The Institutional Civic (IC), Institutional Education (IE), and Institutional Housing (IH) Districts are divided into sub-districts with varying development standards designed to assure compatibility with adjacent residential development. See Table 5.2 "Uses for Institutions" for specific uses permitted in each district.</u></p>	New Standard	Approved by B&P 11/06/19
100	4.4.3.a	<p>Property zoned Institutional shall be developed according to the applicable requirements of <u>the each individual Institutional District.</u></p> <p><u>RESERVED. Under the following circumstances a Campus Plan in accordance with Chapter 135 shall be required:</u></p> <p><u>4.4.3-d.i: An applicant seeks to exceed the allowable base impervious surface as set forth on Table 4.4 "Institution Form Standards" by up to a maximum of 5-15% impervious surface (the actual percentage shall be determined by the Board of Commissioners prior to the time of adoption). The additional impervious surface may only be achieved through the submission and approval of a Campus Plan.</u></p> <p><u>4.4.3-d.ii: An applicant seeks to expand the impervious surface on a lot legally in existence on July 31, 2019, which became nonconforming to such impervious surface provisions by up to 5%. The additional impervious surface may only be used once and is achieved through the submission and approval of a Campus Plan.</u></p>	Clarification	Twp. Solicitor
100	4.4.3.d.	<p><u>4.4.3-d.i: An applicant seeks to exceed the allowable base impervious surface as set forth on Table 4.4 "Institution Form Standards" by up to a maximum of 5-15% impervious surface (the actual percentage shall be determined by the Board of Commissioners prior to the time of adoption). The additional impervious surface may only be achieved through the submission and approval of a Campus Plan.</u></p> <p><u>4.4.3-d.ii: An applicant seeks to expand the impervious surface on a lot legally in existence on July 31, 2019, which became nonconforming to such impervious surface provisions by up to 5%. The additional impervious surface may only be used once and is achieved through the submission and approval of a Campus Plan.</u></p>	Campus Plan	Approved by B&P 10/30/19

100	4.4.3.f.	Changes to the Institutional Primary Use of a property located within an existing Institutional District shall conform to the requirements of this Article and shall require a Campus Plan in accordance with Chapter 135. This only applies to a public school use when a public school is changed to another permitted use.	Campus Plan	Approved by B&P 10/30/19
101	4.4.3.g	All previous conditions imposed by the Zoning Hearing Board on the approval of Institutional uses by special exception and all imposed <u>conditions</u> by the Board of Commissioners by Conditional Use shall remain in force but may be modified by Conditional Use. All previous conditions imposed by the Board of Commissioners on the grant of land development approval for institutional uses shall remain in force but may be modified by the Board of Commissioners, <u>by amendment of the land development approval.</u>	Clarification	Twp. Solicitor
101	4.4.3.h	Public schools may be located in every zoning district. In LDR and MDR districts, Institutional Civic (IC), Institutional Education (IE) and Institutional Housing (IH) zoning districts public schools shall be developed according to the requirements of the Institutional Educational District- <u>IE2, Table 4.4.3.B.</u> In all other zoning districts, public schools shall be subject to the regulations of that district.	Clarification	Twp. Solicitor Check
101	4.4.4.a.i.	RESERVED. Impervious Surface may be modified up to the limits in "Table 4.4 Institution Form Standards" by process of Campus Plan on properties within the Institutional District.	Campus Plan	Approved by B&P 10/30/19
101	4.4.4.a.ii.	The following shall be exempt from the <u>I total</u> Impervious S <u>surface</u> C calculations <u>up to except when determining compliance with the maximum cap as listed in "Table 4.4 Institutional Form Standards"</u> .	Impervious Surface Cap	Approved by B&P 10/30/19
102	4.4.6.b.i.	Institutional Primary Use and Accessory Use functions shall be listed and described with limits in the Campus Plan where required.	Campus Plan	Approved by B&P 10/30/19
102	4.4.6.b.ii.	Adjustments to the Use requirements of the approved Campus Plan require a revised Campus Plan approval from the Board of Commissioners.	Campus Plan	Approved by B&P 10/30/19
102	4.4.6.c.i.	The minimum lot area of 25 acres is required. <u>The development shall comply with Section 7.2: Open Space Overlay District.</u>	Clarification	Staff
102	4.4.6.c.iii	The maximum gross density is limited as follows. Where a property abuts more than one zoning district, the more restrictive standard shall apply: 4.4.6.c.iii.(1). Four dwellings units/per acre. abutting LDR1, LDR2 or LDR3. Where a property abuts multiple districts, the most restrictive district shall apply. 4.4.6.c.iii.(2). Six dwellings/acre abutting LDR4. 4.4.6.c.iii.(3). Eight dwellings/acre abutting MDR, VC, TC or Special Districts Regulated by Article 6. Where a property abuts multiple districts, the most restrictive district shall apply. 4.4.6.c.iii.(24). Assisted-living units and memory care/nursing units are permitted in addition to the maximum gross density for dwelling units as provided in 4.4.7.c.iii(1) above. Assisted living, and/or memory care/nursing units shall not comprise more than 45% and not less than 25% of the number of residential living units in a Continuing Care Facility.	Clarification	Twp. Solicitor

102	4.4.6.c.v.	ADD NEW & RENUMBER SUBSEQUENT SECTIONS: <u>A lot legally in existence on "the effective date of this Code", which became nonconforming or within 5% of the maximum impervious surface permitted, to such impervious surface provisions may expand the impervious surface on such lot by up to 5%.</u>	CCF Impervious	Approved by B&P 10/30/19
103	4.4.6.c.v.(1)	150 feet minimum where the perimeter of the lot <u>at any point</u> abuts a LDR, MDR1 or MDR2 zoning district.	Clarification	Twp. Solicitor
103	4.4.6.c.vi	The perimeter setback requirement in Section 4.4.6.c.v above may be reduced to 50 feet when <u>where</u> the lot abuts a parcel developed under the provisions of the Open Space Overlay District provided the following conditions are met: 4.4.6.c.vi.(1). The proposed structures <u>building(s)</u> are for independent residential living purposes only.	Clarification	Twp. Solicitor
103	4.4.6.c.vi.(3)	The proposed structure <u>building</u> is a maximum of 2.5 stories or 35 feet in height.	Clarification	Twp. Solicitor
103	4.4.6.c.vii	Screening buffers are provided of at least 20 feet in width and shall comply <u>in compliance</u> with the Landscape Standards of "Section 155-3.10 Landscape Standards" 155-3.11 .	Clarification	Twp. Solicitor
103	4.4.6.d.i.	A skilled nursing long-term <u>skilled nursing long-term</u> Care Facility in IC District shall be limited to <u>shall be located in a building existing as of July 31, 2019 "the effective date of this Code" and</u> the <u>the</u> building may be expanded by up to 25% <u>50%</u> to accommodate the skilled nursing facility.	Skilled nursing	Approved by B&P 10/30/19
103	4.4.6.d.ii.	A minimum lot area of 1,200 square feet shall be provided for each bed, <u>up to a maximum of 200 beds.</u>	Skilled nursing	Approved by B&P 10/30/19
103	NEW/ 4.4.6.d.iv.	<u>The property shall have frontage on and be accessed from a Primary, Secondary, or Tertiary Street.</u>	Skilled nursing	Approved by B&P 10/30/19
103	NEW 4.4.6.d.v.	<u>The provision of "Section 7.2: Open Space Overlay District" shall comply if the development is five acres or greater.</u>	Clarification	Twp. Solicitor
103	NEW 4.4.6.g	<u>If Institutional Residential has frontage and access on a Primary, Secondary or Tertiary Road, a minimum lot area of 1 unit per 30,000 square feet shall be provided. Where an Institutional Residential does not have access to a Primary, Secondary or Tertiary Road, the minimum lot area shall be that of the underlying district.</u>	New Standard	B&P
103	4.4.7.a.	Access and Parking shall be according to "Article 8: Parking Standards" and where applicable, to the Campus Plan.	Campus Plan	Approved by B&P 10/30/19
103	4.4.7.d	Loading shall be located beyond the outside of any setback and shall be as required in "Article 8: Parking Standards".	Clarification	Twp. Solicitor
104	4.4.8.c	Parking Structures shall demonstrate compliance with the architectural standards in section "155-3.9 Architecture Standards" and the following:	Clarification	Approved by B&P 10/30/19
104	4.4.10.a.	Landscape buffers shall comply with "Section "155-3.14 <u>Section "155-3.10</u> Landscape Standards".	Cross Reference	Staff
104	4.4.11.a.	Noise and lighting regulations shall be according to section "155-3.12 <u>11</u> Ambience Standards".	Clarification	Approved by B&P 10/30/19

106-108	TABLES 4.4	All Tables will be DELETED and Replaced with Ten New Tables	New Standard	B&P Direction 11/06/19
109	4.5.3.e.	Impervious Surface: 4.5.3.e.i. When a public access along the Schuylkill River is provided as a dedicated easement or public space in accordance with 4.5.8, the following improvements shall not be counted against the maximum impervious surface limits: 4.5.3.e.ii. The multipurpose trail constructed within the river easement area and the public trail parking. 4.5.3.e.iii. Paved emergency access roads/driveways required by Lower Merion Township.	Clarification	Approved by B&P 10/30/19
109	4.5.4.a.i.	Industrial uses shall be screened with a 20' foot <u>wide</u> landscape buffer when abutting any non-industrial use adjacent to or within LI, according to Section...	Clarification	Approved by B&P 10/30/19
110	4.5.5.b	If any portion of a lot is in a Floodplain District, permission to develop within the floodway fringe of the Schuylkill River shall be permitted by conditional use <u>special exception</u> subject to compliance with the provisions of Section "7.3.8 Schuylkill River floodway fringe".	Clarification	Twp. Solicitor
110	4.5.5.c.	Outdoor accessory <u>temporary</u> uses such as seating for food and drink, sales displays for small scale retail such as flower shops, antiques, hardware, may be allowed as a temporary use provided a sidewalk pedestrian passage of six feet is unobstructed.	Clarification	Twp. Solicitor
110	4.5.8.a	4.5.8.a. Buildings shall demonstrate compliance with the architectural standards in "Section 155-3.9 Architecture Standards". and the following:	Clarification	Staff
110	4.5.8.b	Parking Structures shall demonstrate compliance with the architectural standards in section "155-3.9 Architecture Standards" and the following: <u>Architecture Standards</u>	Clarification	Approved by B&P 10/30/19
111	TABLE 4.5.1	LI DIMENSIONAL STANDARDS Lot Occupation (see section "155-3.4 Lot Occupation") Lot Area 2,000 sq. ft. per unit <u>or non-residential Lot</u>	Clarification	Approved by B&P 10/30/19
111	TABLE 4.5.1	LI DIMENSIONAL STANDARDS Note 4: All <u>buildings with more than two-stories above 2</u> require compliance with " <u>Section 4.5.12.a.</u> " For buildings five-stories and above, a maximum of two stories may be devoted to residential uses.	Clarification	Approved by B&P 10/30/19
116	5.1.2	Uses permitted in a building or <u>on</u> a lot are limited by the zoning district, according to the Table 4.1-4.6 and shall be in compliance with "Table 5.1 Uses".	Clarification	Approved by B&P 10/30/19
116	5.1.4.b	A regulated use is subject to administrative approval by the issuance of a use <u>zoning</u> permit by the zoning officer <u>pursuant to the provisions of Section 11.1.5 hereof.</u>	Clarification	Twp. Solicitor
116	5.1.5.b.	Compliance with the approval criteria requirements of "Article 11: Process & Procedures".		
117	5.2.2	Any use of the same general character as any of the uses specifically permitted <u>by right</u> in the zoning district shall be permitted, subject to compliance with Section 11.2.7	Clarification	Twp. Solicitor
117	5.2.3	Any use permitted by special exception or conditional use can only be expanded in like manner <u>and upon issuance of a zoning permit.</u>	Clarification	Twp. Solicitor
117	5.2.6	An Accessory Use shall be permitted, subject to the following conditions:	Clarification	Twp. Solicitor

		<p>5.2.6.a. The Accessory Use is on the same lot with a principal use.</p> <p>5.2.6.b. The Accessory Use is secondary in scale and intensity to the principal use.</p> <p>5.2.6.c. The Accessory Use may be located inside the building occupied by the principal use or in an accessory structure. The area occupied by the Accessory Use may not exceed 50% of the area occupied by the principal use.</p> <p>5.2.6.d. The floor area of the Accessory Use within a building shall not exceed 50% percent of the total floor area of the area occupied by a principal use.</p> <p>5.2.6.e. Accessory Structures are permitted as follows:</p> <p>5.2.6.e.i Storage Garages on a multi-family lot may be authorized as a Special Exception, subject to the following regulations:</p> <p>5.2.6.e.i.(1). The garages shall not be visible from any street frontages.</p>		
117	5.3.1	<p>5.3.1 Interpretation of uses falls under the zoning officer's authority, and is limited to: <u>authority of the zoning officer who shall administer this zoning code in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to the provisions hereof.</u></p> <p>5.3.1.a The functional and locational requirements of the use;</p> <p>5.3.1.b Whether the interpretation is consistent with the intent of its zoning district; and</p> <p>5.3.1.c Whether the use is compatible with the permitted uses in the zoning district.</p>	Clarification	Twp. Solicitor
118	5.5.1	<p>Temporary Structures such as tents, mobile homes, construction trailers, travel trailers, recreational vehicles, and other temporary structures shall only be allowed as per Township Code, Chapter 62 <u>and/or Chapter 92.</u></p>	Clarification	Approved by B&P 10/30/19
118	5.7	<p>155-5.7 USE <u>ZONING PERMITS</u></p> <p>5.7.1 No use permit shall be required for municipal or municipal authority offices. <u>Zoning permits shall be required and issued pursuant to the provisions of Section 11.1.5.</u></p> <p>5.7.2 Use permits are required for:</p> <p>5.7.2.a Any new or changed use;</p> <p>5.7.2.b Any regulated use listed in "Table 5.1.1 Uses";</p> <p>5.7.2.c Conversion of commercial space;</p> <p>5.7.2.d Removal of existing off-street parking;</p> <p>5.7.3. A use permit shall expire if construction activity is involved and has ceased and if a certificate of occupancy is not issued within 90 days. The 90-day deadline shall be automatically extended if the application requires land development approval or a construction, grading, or runoff & erosion control permit.</p>	Clarification	Twp. Solicitor

120-141	TABLE 5.1, 5.2 & 5.3	Add “ Uses ” to all TABLES in the blank space at top. Split TC into TC1 and TC2.	Clarification	Staff
120	TABLE 5.1	USES Skilled Nursing <u>Long-Term Care</u> Facility: MDR Column: Change the note from (2) – Allowed in MDR3) to (1) – Allowed in MDR2 and MDR3	Typo	Staff
122	TABLE 5.2	ADD Institutional Residential Religious as a regulated use in IH. CHANGE Institutional Residential Religious use to a regulated use in IC and IN.	Institution: Use	Approved by B&P 10/30/19
122	TABLE 5.2	USES FOR INSTITUTIONS RESIDENTIAL USE REGULATION Single-Family Housing (detached) Change “R” to “P” Max-2 Dwelling Units <u>Shall be located</u> in an existing residential structure only.	Clarification	Approved by B&P 10/30/19
122	TABLE 5.2	USES FOR INSTITUTIONS RESIDENTIAL USE REGULATION Alternative Housing for the Elderly Shall be in compliance with <u>“Section 155-10.2 Alternative Housing Options for the Elderly”</u> or <u>“Section 155-10.3 Shared Residences for the Elderly or the Disabled”</u>	Clarification	Approved by B&P 10/30/19
122	TABLE 5.2	ADD reference in Institutional Housing: <u>See additional use requirements in “Section 155.4.4.6.g”</u>	New Standard	11/06/19 B&P
122	TABLE 5.2	CHANGE Skilled Nursing <u>Long-Term Care</u> Facility to R (Regulated) in IH.	Institution: Use	Approved by B&P 10/30/19
122	TABLE 5.2	USES FOR INSTITUTIONS: RESIDENTIAL USE REGULATION Multi-Family (small) <u>The property shall be listed on the local Historic Resource Inventory and shall be in compliance with “Section 155-7.1 Historic Resources Overlay District”.</u>	Clarification	Approved by B&P 10/30/19
122	TABLE 5.2	USES FOR INSTITUTIONS: RESIDENTIAL USE REGULATION Multi-Family (large) <u>The property shall be listed on the local Historic Resource Inventory and shall be in compliance with “Section 155-7.1 Historic Resources Overlay District”.</u>	Clarification	Approved by B&P 10/30/19
124	TABLE 5.3	USE REGULATIONS (Continued): MDR1, MDR2, MDR3 Alternative Housing for the Elderly (Allowed by Special Exception in MDR1, MDR2 & MDR3) Shall only be authorized as a Special Exception subject to the following regulations: • Shall be in compliance with supplemental regulations in <u>“Section 155-10.2 Alternative Housing Options For The Elderly”</u> . • In a Class 1 Historic Resource, shall only be authorized as a Conditional Use, subject to the requirements of “7.1.3 Permitted Uses for Class 1 Historic Resources”	Clarification	Staff. This edit was inadvertently missed in earlier draft.

		<p>Skilled Nursing Facility Regulations (Allowed by Special Exception in MDR2 & MDR3)</p> <p>Shall only be authorized as a Special Exception subject to the following regulations:</p> <ul style="list-style-type: none"> • A minimum lot area of 1,200 square feet shall be provided for each bed. • In a Class I Historic Resource, shall only be authorized as a Conditional Use, subject to the requirements of "7.1.3 Permitted Uses for Class I Historic Resources" 		
125	TABLE 5.3	<p>USE REGULATIONS</p> <p>VC & TC</p> <p>Auto Related Services</p> <p>Auto-Repair Services are subject to the following regulations:</p> <ul style="list-style-type: none"> • Repairs shall be conducted wholly within the building at the rear of the building or • <u>Where repairs occur</u> in an accessory building, <u>the building shall be located at least not more than</u> 40 feet from the rear <u>and side property line</u>. 	Clarification	Approved by B&P 10/30/19
126	TABLE 5.3: Food and Beverage	<p>Food and service <u>beverage</u> uses shall be permitted subject to the following provisions:</p>	Clarification	Approved by B&P 10/30/19
127	TABLE 5.3	<p>USE REGULATIONS (IN): Environmental</p> <p>Environmental (Nature Preserve) or Estate Preservation Lots are permitted subject to the following:</p> <p>*****</p> <ul style="list-style-type: none"> • Absent an approved Campus Plan that complies with section "155-5.1 Permitted Uses" and "Table 5.2 Uses for Institution", <u>P</u> Permitted uses are further regulated as follows: 	Campus Plan	Approved by B&P 10/30/19
128	TABLE 5.3	<p>USE REGULATIONS (IC): Environmental</p> <p>Environmental (Nature Preserve) or Estate Preservation Lots are permitted subject to the following:</p> <p>*****</p> <ul style="list-style-type: none"> • Absent an approved Campus Plan that complies with section "155-5.1 Permitted Uses" and "Table 5.2 Uses for Institution", <u>P</u> Permitted uses are further regulated as follows: 	Campus Plan	Approved by B&P 10/30/19
129	TABLE 5.3	<p>INSERT: IC PERMITTED USES TABLE</p> <p>Recreational Establishments as "R" with the following regulations:</p> <p><u>Club or Lodge Community Center / Senior Center Museum or Community Art Center</u></p> <ul style="list-style-type: none"> • Shall be in compliance with section "155-4.4 Institutional Districts". • <u>Expansions of permitted uses may be authorized, subject to the following regulations:</u> • <u>Additions are not permitted to exceed 50% of the total existing building area.</u> • <u>Shall have direct access onto a primary, secondary or tertiary street. This requirement shall not apply to properties with a minimum of 10 acres.</u> <p><u>Cultural & Recreational Institutional Accessory Use as "R" with the following regulations:</u></p>	Clarification	Approved by B&P 10/30/19
				Uses originally allowed in IC & inadvertently removed from revised drafts 3.0 and 3.1.

		<p><u>Permitted subject to the following regulations:</u></p> <ul style="list-style-type: none"> • <u>Secondary and subordinate to the primary use.</u> • <u>Does not alter the character of the property as established by the primary use.</u> • <u>If a site contains on-site parking facilities, parking and vehicle loading shall be provided on-site</u> • <u>Outdoor recreational hours are limited to between 8:00 a.m. and 8:00 p.m.</u> <p><u>Institutions shall designate a staff member responsible for oversight of cultural and recreational institutional accessory uses.</u></p>		
131	TABLE 5.3	<p>USE REGULATIONS (IE)</p> <p>Environmental</p> <p>Environmental (Nature Preserve) or Estate Preservation Lots are permitted subject to the following:</p> <p>*****</p> <p>• Absent an approved Campus Plan that complies with section “155-5.1 Permitted Uses” and “Table 5.2 Uses for Institution”, p Permitted uses are further regulated as follows:</p>	Campus Plan	Approved by B&P 10/30/19
132	TABLE 5.3	<p>USE REGULATIONS (IH)</p> <p>Environmental</p> <p>Environmental (Nature Preserve) or Estate Preservation Lots are permitted subject to the following:</p> <p>*****</p> <p>• Absent an approved Campus Plan that complies with section “155-5.1 Permitted Uses” and “Table 5.2 Uses for Institution”, p Permitted uses are further regulated as follows:</p>	Campus Plan	Approved by B&P 10/30/19
133	TABLE 5.3: Food and Beverage	<p>Food and service <u>beverage</u> uses shall be permitted subject to the following provisions:</p>	Clarification	Approved by B&P 10/30/19
135	TABLE 5.3	<p>USE REGULATIONS</p> <p>RHR</p> <p>Auto Related Services</p> <p>Auto-Repair Services are subject to the following regulations:</p> <ul style="list-style-type: none"> • Repairs shall be conducted wholly within the building at the rear of the building or • <u>Where repairs occur in an accessory building, the building shall be located at least not more than 40 feet from the rear and side property line.</u> 	Clarification	Approved by B&P 10/30/19
141	TABLE 5.3	<p>No entertainment use permitted under Subsection B(2)(c) or (d) above shall be permitted if any other use listed in those subsections is located within 500 feet, measured by the shortest distance between the lot on which the proposed use will be located and the lot or lots which contain the existing use. <i>(Same edit Twice- Third Bullet Under Indoor Family Entertainment Center and Second Bullet Under Athletic fields, skating rinks, and bowling alleys)</i></p>	Clarification	Staff
Multiple	TABLE 5.2 & 5.3	Public Schools – Change Table reference from 4.2.4.A to <u>Table 4.4.3.B</u> . (Pgs. 122, 123, 124, 134, 135, 139)	Clarification	Staff

153	6.2.5.a.iii.	Preliminary plan application shall comply with all applicable design standards contained in this article and the Township's Subdivision and Land Development Code, 11 except as provided below. If the provisions of this section are inconsistent with other provisions of this article, the provisions of this section shall control. Editor's Note: See Ch. 135, Subdivision and Land Development. <u>6.2.7 Covenant</u>	Clarification	Staff
		<u>6.2.7.a</u> In the event an applicant seeks a building permit to develop a lot subject to the provisions of this Article and the lot does not meet the minimum area requirements set forth herein, the applicant shall first record a covenant in a form approved by the Township Solicitor and executed by the lot owners seeking to join such lots together for common use and development, the terms of which shall include the following: <u>6.2.7.a.i</u> A description of the area to be subjected to the covenant, which area shall not be less than the minimum lot area as required in this district and shall be entirely within the BMMD Bryn Mawr Medical District. <u>6.2.7.a.ii</u> A covenant that the properties may not be separately transferred so as to reduce the District below the minimum area requirements set forth herein or otherwise render any lot nonconforming to the provisions of this code or in violation of an provision of the Township Code. <u>6.2.7.a.iii</u> A covenant that the properties within the area subject thereto shall be used, developed and occupied only in conformance with the provisions of this chapter, as the same may from time to time be amended.	Clarification	Twp. Solicitor
156	NEW (6.2.7)			
157	TABLE 6.2 Note 2&3	Change reference from Section 6.1.6 to Section 6.2.7.	Typo	Staff
159	6.3.2.d	Building Frontage shall be according to Table 6.3 RHR Rock Hill Road District Standards. When parking is at the rear of the lot, pedestrian access to parking shall be spaced at a minimum 300 feet apart. Pedestrian access ways to rear lot parking areas shall be spaced not more than 300 feet apart.	Clarification	Twp. Solicitor
160	6.3.5.a.	Outdoor accessory <u>temporary</u> uses such as seating for food and drink, sales displays for small scale retail such as flower shops, antiques, hardware, may be allowed as a temporary use provided a sidewalk pedestrian passage of six feet is unobstructed.	Clarification	Twp. Solicitor
160	6.3.7.a	Buildings shall demonstrate compliance with the architectural standards in Section "155-3.9 Architecture Standards" and, <u>with regard to Parking Structures</u> , the following: 6.3.7.a.i <u>Parking Structures</u> : Shall have a separate pedestrian entrance. (i-v remain)	Clarification	Twp. Solicitor
160	6.3.7.a.ii.	Shall be designed with ramping between level parking decks to allow for	Clarification	Approved by B&P 10/30/19

		potential adaptive re-use. <u>The visual impact of sloping floors from any public accessway shall be minimized through design treatment of the parking structure's facade.</u>		
161	6.3.9.a.	Where a parcel abuts a residential use in a residential zoning district, there shall be a 20 ft. buffer area, along the district boundary line in compliance with " <u>Section 155-3.10 Landscape Standards</u> ".	Clarification	Twp. Solicitor
161	6.3.9.b	Views into any lot which becomes vacant through the removal of a structure shall be screened by planting street trees and providing a 6-ft. <u>six-foot</u> wide landscaped area with a continuous row of shrubs with a height of at least 2 <u>two</u> -feet. The greening standards set forth in " <u>Section 155-3.10 Landscape Standards</u> " and Chapter 135, Subdivision and Land Development §- " <u>Section 135-41.4 Greening Standards</u> " shall apply. Greening Standard.		Twp. Solicitor
		RHR ROCK HILL ROAD DISTRICT (RHR) DIMENSIONAL STANDARDS Lot Occupation (see section " <u>155-34-3.4 Lot Occupation</u> ") <u>Lot Area</u> <u>none</u>		Approved by B&P 10/30/19
162	TABLE 6.3	Building Height (stories) <u>(max.)</u> See section " <u>155-3.3 Building Height</u> " Principal <u>Building</u> ⁽³⁾ Facade-Type <u>Frontage Yard Type</u> (see section " <u>155-3.5 Frontages</u> ")	Clarification	
165	6.4.4.a.i	Parking (see "Article 8: Parking Standards" and " <u>Section 155-6.3.6</u> ") Reserved for affordable housing or workforce housing	Clarification	Twp. Solicitor
176	6.6.3.c	When conditional use is sought from Section 6.6.2.d Pedestrianways to provide variations to the sidewalk and landscaped verge set forth in Section 6.6.2.d Pedestrianways and 6.6.11.c Landscape Verge Requirements the applicant shall demonstrate to the satisfaction of the Board that such variations are in furtherance of the legislative intent of this article- <u>compliance with "Section 155-6.6.1 Goals and Objectives"</u> .		
		6.6.7.a Multiple-use development. A multiple-use development for purposes of this district shall be defined as an integrated, complementary development consisting of 6-6-7.a.i- <u>two</u> or more buildings on one or more lots, provided that the lots <u>that</u> are adjacent to and abut one another.	Clarification	Twp. Solicitor
181	6.6.7.a	6.6.7.a.i Shall <u>Includes</u> non-residential uses on any story and residential uses on upper stories only, as listed under " <u>Table 5.3 Use Regulations.</u> " 6.6.7.a.ii No single use may occupy more than 80% of the total gross floor area of the buildings on the subject lot(s). 6.6.7.a.iii The <u>Multiple-use</u> development may be phased.		

181	6.6.7.c.	Outdoor accessory <u>temporary</u> uses such as seating for food and drink, sales displays for small scale retail such as flower shops, antiques, hardware, may be allowed as a temporary use provided a sidewalk pedestrian passage of six feet is unobstructed.	Clarification	Twp. Solicitor
184	6.6.9.e.i.(3))[a]	The permitted frontage yard types from "Table 3.5.1 Frontage Yard Types" include D. Urban Yard, E. Pedestrian Forecourt, and F. Vehicular Forecourt.	Clarification	Approved by B&P 10/30/19
184	6.6.9.e.i.(3))[b]	The permitted façade types from "Table 3.5.2 Façade Types" include B. Steep (Rowhouse Only), D. Arcade & Colonnade, E. Gallery, F. Storefront.	Clarification	Approved by B&P 10/30/19
	6.6.9.e.i.(4)).	Parking structures, not wrapped at all levels with active uses. [a]. Pedestrian-oriented active uses, such as retail or commercial, shall occupy 80% of the ground floor <u>of the Primary Front Façade</u> , as shown on Figure 8.5.2 Ground Floor Liner.	Clarification	Approved by B&P 10/30/19
184		[e]. Shall be designed with ramping between level parking decks to allow for potential adaptive reuse. <u>The visual impact of sloping floors from any public accessway shall be minimized through design treatment of the parking structure's facade.</u>		
		[h]. A ten-foot minimum landscaped buffer consistent with <u>Article "Section 3.10 Landscape Standards"</u> shall be installed where the parking structure is visible from the visible to public <u>wayview</u> .		
190	6.7.2.e.iii	When conditional use is sought from Section 6.7.2.d Pedestrianways to provide variations to the sidewalk and landscaped verge set forth in Section 6.7.2.d Pedestrianways and 6.6.11.c Landscape Verge Requirements the applicant shall demonstrate to the satisfaction of the Board that such variations are in furtherance of the legislative intent of this article <u>compliance with "Section 155-6.7.1 Goals and Objectives"</u> .	Clarification	Twp. Solicitor
195	6.8.2.c.v.	Trees shall be provided <u>Provide trees</u> in tree wells at 25 foot intervals, provided the sidewalk retains a six foot clear passage.	Clarification	Twp. Solicitor
195	6.8.2.d	Building Frontage shall be according to Table 6.8.3 Bala Village (BV) District Standards. When parking is at the rear of the lot, pedestrian access to parking shall be spaced at a minimum 300 feet apart. Pedestrian access ways to rear lot parking areas shall be spaced not more than 300 feet apart.	Clarification	Twp. Solicitor
197	6.8.7.b	6.8.7.a.i Expanded Building or Structure : <u>An expanded mixed-use building in this district in districts where public parking spaces may be counted in satisfaction of required parking spaces, an "expanded" building or structure</u> is one where at least 75% of the floor area remains undisturbed and no more than 75% of the floor area existing on <u>February 21, 2018</u> is added.	Clarification	Twp. Solicitor
199	6.8.9.e.iv.	The Board of Commissioners may, by conditional use, approve the use of architectural concepts, designs and materials which differ from those set forth above, if the applicant demonstrates to the satisfaction of the Board that such concepts and designs are in <u>compliance with</u>	Clarification	Twp. Solicitor

		<u>"Section 155-6.8.1 Goals and Objectives" furtherance of the legislative intent of this article and of this subsection.</u>		
199	6.8.9.f.ii.	Shall be designed with ramping between level parking decks to allow for potential adaptive re-use. The visual impact of sloping floors from any public accessway shall be minimized through design treatment of the parking structure's facade.	Clarification	Approved by B&P 10/30/19
199	6.8.9.f.iii	That part of a parking structure that is not concealed behind a liner's Shall have a facade that conceals all internal elements, such as plumbing pipes, fans, and ducts, that are not concealed behind a liner.	Clarification	Twp. Solicitor
199	6.8.9.f.iv.	Exposed concrete spandrel panels shall be prohibited when visible from a public way. Shall not have exposed concrete spandrel panels visible from a public way.	Clarification	Twp. Solicitor
200-201	TABLE 6.8.1 & 6.8.2	Rewording these tables: Tables combined for ease of use. Renumber all tables.	Clarification	Staff
188 & 202	TABLE 6.6.5 & 6.8.2	<ul style="list-style-type: none"> Construction cost estimates demonstrating compliance with Subsection E(6)(c) 6.f.iii. below shall be provided by the applicant and approved by the Township Engineer. <u>The cost of the improvements shall be calculated as noted below:</u> <ul style="list-style-type: none"> The off-site traffic improvements or payment in-lieu shall equal \$20 per sq. ft. generated by the total additional floor area constructed under "Section 6.8.13". When a fee in lieu of the improvements is made, the funds shall be administered in accordance with the provisions established in § 135-66 of the Subdivision and Land Development chapter. The cost of the improvements shall be calculated as noted below: <ul style="list-style-type: none"> The off-site traffic improvements or payment in-lieu shall equal \$20 per square foot generated by the total additional floor area constructed under "Section 6.6.10". 	Clarification	Staff
204 & 205	TABLE 6.9	Rename Table: <u>SPECIAL DISTRICT RESIDENTIAL BUILDING TYPES</u>	Clarification	Staff
208	7.1.1.b.	The provisions of this Chapter <u>Section</u> are intended to:	Clarification	Approved by B&P 10/30/19
208	7.1.1.b.viii	For conversions, retains <u>ing</u> the visual character of the building and the grounds surrounding it as they were designed and/or as they have traditionally been maintained.	Typo	Approved by B&P 10/30/19
208	7.1.2.g	REMOVE this section (See revisions below for 7.1.3) Additional uses listed in the "Table 7.1.1 Historic Resource Uses" are permitted on properties designated as a Class I and Class II Historic Resource, with further provisions noted in Section 7.1.3 and "Table 7.1.2 Historic Resource Use Regulations".	Clarification	Twp. Solicitor
209	7.1.3.b	Uses according to "Table 7.1.1 Historic Resource Uses" Any one of the uses permitted in "Table 7.1.1 Historic Resource Uses", as further regulated by "Table 7.1.2 Historic Resource Use Regulations". Only one additional use is permitted on properties designated as a Class I and Class II Historic Resource.	Clarification	Twp. Solicitor
209	7.1.4.	A use identified by the letter "R" means the use is permitted subject to the <u>additional</u> regulations in <u>"Table 7.1.2 Historic Resource Use Regulations"</u> and the following conditions :	Clarification	Twp. Solicitor

		<p>7.1.4. a Compliance with the supplemental us regulations in "Table 7.1.2 Historic Resource Use Regulations". Where multiple uses are permitted for an historic resource, the habitable floor area required or occupied (whichever is larger) by one use cannot be used in calculating the allowed intensity of another use. Where intensity of use is measured by lot area, the lot area required for one use cannot be used in calculating the allowed intensity of another use.</p> <p>7.1.4.b A regulated use is subject to administrative approval by the issuance of a use zoning permit by the Zoning Officer.</p> <p>7.1.4.c Where a proposed use is permitted by in "Table 7.1.1 Historic Resource Uses" by conditional use and is also permitted in the underlying zoning district by special exception, conditional use application to the Board of Commissioners shall be made in accordance with this section in lieu of a special exception application to the Zoning hearing Board unless explicitly noted otherwise.</p>		
209	7.1.5.a	Application procedures and requirements for conditional use approval for a historic resource shall conform to the requirements of are located at "Article 11: Process & Procedures" Section 11.1.8.	Clarification	Twp. Solicitor
209	7.1.7.a.	For all uses permitted in "Table 7.1.1 Historic Resource Uses" above , located in LDR and MDR districts, the following regulations shall apply:	Typo	Approved by B&P 10/30/19
210	7.1.8.d	The additional building area and impervious surface coverages permitted by this section may each not exceed 50% of the building area of the historic resource(s) subject to a guarantee that provides the permanent protection of the integrity of the historic resource in a form acceptable to the Township Solicitor, unless further limited by Table 7.1.2.	Clarification	Twp. Solicitor
210	7.1.10.a	The historic resource impact study, required by Section 11.1.8.d for certain conditional use applications, shall be prepared by a qualified historic preservation or land planner with professional expertise in historic preservation, historical architecture or related disciplines as provided for in 36 CFR 61.	Clarification	Twp. Solicitor
210	7.1.10.b.i. (3)	Statement of the significance of each Class I or Class II, both relative to relative to both Township and region in general.	Clarification	Approved by B&P 10/30/19
211	TABLE 7.1.1 & TABLE 7.1.2	Add HISTORIC Home Occupation.	Clarification	Approved by B&P 10/30/19
213	TABLE 7.1.2	<p>HISTORIC RESOURCE USE REGULATIONS</p> <p>Non-Residential to Multi-Family Conversion: USE REGULATION</p> <p>Where a non-historic accessory building also exists on the lot, the non-historic building may also be converted.</p>	HROD: Uses	Approved by B&P 10/30/19
215	TABLE 7.1.2	HISTORIC RESOURCE USE REGULATIONS	HROD: Uses	Approved by B&P 10/30/19

		<p>Shall only be authorized as a conditional use subject to the following regulations:</p> <ul style="list-style-type: none"> • The property shall be accessed from a primary, secondary and/or tertiary street and not located in a local historic district. • Limited to one employee per 500 square feet of gross habitable floor area <u>dedicated to the office use.</u> • <u>The office use shall be limited to 100,000 square feet of the existing gross habitable floor area.</u> 		
216	7.2.2.a	<p>The Open Space Overlay District is defined and established to include and be an overlay upon all parcels five acres or larger within any LDR or MDR zoning districts and upon all parcels five acres or larger within any I district developed for an Institutional Residential use or a residential use, which includes, Continuing Care Facility and Long-Term Care Facility.</p>	Content	10/30/19 B&P Direction
216	7.2.2.b	<p>All properties within an LDR, or MDR, district or an I District used or intended to be developed <u>residentially</u> shall comply with the provisions of this article.</p> <p>NEW SUBSECTIONS ADDED:</p> <p><u>7.2.4.f. Preservation areas shall preserve and protect the tract's significant natural features, cultural landscapes and historic sites.</u></p>	Clarification	10/30/19 B&P Direction
218	NEW 7.2.4.f-h	<p><u>7.2.4.g. Any area designated as a preservation area shall be no less than one acre or less than 75 feet in width or have a ratio of the longest to shortest dimension exceeding 4 to 1, except areas which serve as public pedestrian or equestrian links and/or preserve a viewshed or scenic corridor. There shall be no more than three noncontiguous preservation areas.</u></p> <p><u>7.2.4.h. No structures or impervious surface shall be counted towards the preservation area requirements, except as permitted in Section 7.2.3.c.iv.</u></p>	Clarification	Twp. Solicitor
217	NEW 7.2.3.c	<p><u>Preservation Area. Development in the OSOD Open Space Overlay District shall require that a Preservation Area be set aside and permanently restricted by a recorded document for the common enjoyment and passive recreational use by residents in the development or by the general public.</u></p> <p><u>Renumber subsequent Sections (View 7.2.3.d below)</u></p>	Clarification	Twp. Solicitor
217	7.2.3.d	<p>The Preservation Area shall be free of structures of any kind, including, but not limited to play houses, tree houses, netting, sheds or similar appurtenances, with the exception of historic buildings and their associated paved areas not used for vehicular purposes. The Preservation Area shall be permanently restricted for the common enjoyment and passive recreational use by residents in the development or by the general public. Fences, regardless of their purpose, size, age, type or design, shall not be permitted to intrude into or cut across/through the Preservation Area.</p> <p>Preservation Area Uses: <u>Uses permitted in a Preservation Area are limited as follows:</u></p>	Clarification	Twp. Solicitor

		<p>7.2.3.d.i Conservation of <u>waterways, woodlands</u> and open land in its natural state.</p> <p>7.2.3.d.ii Pedestrian or equestrian trails <u>if constructed of pervious material</u>. —Trails constructed of pervious material may be counted toward the required Preservation Area.</p> <p>7.2.3.d.iii Pasture land, open field or meadow.</p> <p>7.2.3.d.iv Class I and Class II Historic Resources. The footprint of these resources, <u>together with associated paved areas not used for vehicular purposes</u>, may count towards a maximum of 20% of the required preservation area subject to such requirements as the Township shall determine necessary to preserve and maintain the historic resource, including the exemption of the area occupied by the historic resource from the common access requirements of this article.</p> <p><u>7.2.3.d.v. Fences, regardless of their purpose, size, age, type or design, shall not be permitted to intrude into or cut across/through a Preservation Area.</u></p> <p><u>7.2.3.d.vi The Preservation Area shall be free of structures of any kind, including, but not limited to: playhouses, tree houses, netting, sheds or similar appurtenances, except as noted above in 7.2.3.d.iv.</u></p>		
223	7.3.4.i.	Public, private or commercial recreational uses, including parks, picnic areas, open space, golf courses and fishing; piers, docks and floats; not to include enclosed structures except toilet facilities that shall be connected to public water and sewerage systems, not to include fences or regrading of areas, except as permitted as a special exception under 7.3.9.	Clarification	Twp. Solicitor
		<p>REMOVE Entire Section.</p> <p>Procedures for Special Exceptions and Variances</p> <p>7.3.9.a. All applications for special exceptions and variances in this article shall be submitted by the applicant and processed, adjudicated and issued or not issued by the Zoning Hearing Board of Lower Merion Township pursuant to the provisions and requirements of this article</p> <p>and pursuant to all provisions and requirements of "Article 11: Process & Procedures" of this chapter which are not in conflict with this article.</p> <p>7.3.9.b. All applicants shall provide the Zoning Hearing Board with the site plan submission requirements specified in "Article 11: Process & Procedures".</p>	Clarification	Twp. Solicitor
227	7.4.2.b-c	<u>7.4.2.b. The following steep slope regulations shall apply to all zoning districts for lots hereafter created by subdivision and shall be regulated according to Table 7.4.1 Steep Slope Development Restrictions.</u>	Clarification	Twp. Solicitor

		<p><i>For residential development of single-family units, twins, and quads, the following conditions apply:</i></p> <p><i>7.4.2.b.i. Lots within the Steep Slopes Overlay District proposed for land development or created by subdivision shall comply with “Table 7.4.1 Steep Slope Development Restrictions”:</i></p> <p><i>7.4.2.c. For development of rowhouses, multifamily buildings and non-residential development, the following conditions apply:</i></p> <p><i>7.4.2.c.i. Lots within the Steep Slopes Overlay District proposed for land development or created by subdivision shall comply with “Table 7.4.1 Steep Slope Development Restrictions”:</i></p>		
228	7.4.3	<p>Steep-slope regulations</p> <p>The following steep-slope regulations shall apply to all zoning districts for lots proposed for land development or hereafter created by subdivision and shall be regulated according to “Table 7.4.1 Steep Slope Development Restrictions”. (Delete duplicative section. This is already stated in 7.4.2.b.)</p>	Clarification	Twp. Solicitor.
234	TABLE 8.1	MINIMUM PARKING REQUIREMENTS- VC/TC RHR/ BMU: LODGING Bed and Breakfast parking calculation 1/ room-unit	Clarification	Approved by B&P 10/30/19
235	TABLE 8.1	MINIMUM PARKING REQUIREMENTS Residential Religious 1/ room unit	Clarification	Approved by B&P 10/30/19
236	TABLE 8.1.1	MINIMUM PARKING REQUIREMENTS – SPECIAL DISTRICTS LODGING HHH	Clarification	Approved by B&P 10/30/19
237	TABLE 8.1.1	MINIMUM PARKING REQUIREMENTS - SPECIAL DISTRICTS (CONTINUED) Replace BMU with <u>BMV</u> Add the following footnote below the chart and make a note in BMV: <u>For BMV parking requirements refer to 6.4.6.</u>	Clarification	Staff
239	8.2.2.a.iii(1)	The shared parking facility shall be located within 900 feet, <u>measured from lot line to the center of the parking facility</u> of the associated use.	Clarification	Twp. Solicitor
241	8.4.1.d.iii(2)	NEW: <u>Garage entrances shall be located on the side or rear of the building.</u>	Content	Approved by B&P 10/30/19
243	NEW <u>8.6.1.d.</u>	8.6.1. All off-street parking stalls and aisles shall be dimensioned according to “Table 8.5.1 Off-Street Parking Minimum Dimensions” and the following: ***** <u>8.6.1.d. Electric Vehicle Parking Spaces (RESERVED)</u>	Content/ Sustainability	Approved by B&P 10/30/19

		(When the B&P comes back with sustainability amendments for the Code, adding in a minimum requirement can be studied and included at an appropriate level.)		
245	8.7.3.b	<u>Shall</u> not <u>be</u> visible from primary frontage.	Clarification	Approved by B&P 10/30/19
245	8.7.3.c	<u>Shall</u> be separated from any other drive-through by a minimum 1,000 feet.	Clarification	Approved by B&P 10/30/19
249	9.3.2	A permit is required for the erection, relocation, reconstruction or re-fabrication of all signs according to “Table 9.1 Permitted Sign Locations and Permit Types”, except for those which are specifically exempted, provided they are otherwise in compliance with this Article. the following: 9.3.2.a. Signs specified in “155-9.5 Exempt Signs” do not require permits, but require compliance with this article.		Twp. Solicitor
250	9.3.4.b	No sign may occupy a vehicular sight triangle, as determined by <u>the Township’s</u> Traffic Safety Department.	Clarification	Twp. Solicitor
250	9.3.4.e.iii	Renumber. This should be section 9.3.4.f.	Typo	Staff
250	9.3.7.d	Signs shall be constructed only from wood, metal, stone or other similar composite material with painted, engraved or raised messages, with the exception of temporary signs, manual changeable copy signs, channel letters, <u>and awnings and canopy signs.</u>	Clarification	Twp. Solicitor
251	9.5	<u>The paragraph under 9.5 should be 9.5.1:</u> The following signs shall be allowed without a sign permit and shall not be included in the determination of the type, number or area of permanent signs allowed on a property, provided such signs comply with all applicable regulations in this Article 9: Signs, as well as the general regulations in “155-9.3 General Regulations”. <u>However, no exempt signs may project into the right-of-way of any public or private road, except for a governmental sign, and except for temporary signs authorized by Chapter 133 Streets and Sidewalks, Section 133-2.1 Temporary signs with the public right-of-way.</u> (Current 9.5.1 should be 9.5.2 now)	Clarification	Twp. Solicitor
252	9.6.1.0:	Permanent strings and streamers- Renumber subsequent sections.	Clarification	Twp. Solicitor
252	9.7.3	NEW Language (to replace the existing) ... <u>Any sign in existence at the time this article becomes effective which is not in conformance with the provisions as set forth herein may be repainted or re-lettered. If a nonconforming sign is removed, replaced, resized, or if more than 25% of the sign frame or support structure is removed or replaced, it must be made to conform with the provisions of this article.</u>	Clarification	Twp. Solicitor
263	TABLE 9.2 J	3. Separation a. The minimum distance between a Off-Premises Signs signs and <u>any</u> LDR, MDR, VC, and CAD district boundary is 500 feet. b. The minimum distance between <u>one</u> Off-Premises Sign signs is 1,500 feet from any other Off-Premises Sign.	Clarification	Twp. Solicitor

267	9.8.1.c.v	No sign-makers' labels or other identification will be permitted on the expose surface of signs, except those required by local ordinance, which shall be located inconspicuously.	Clarification	Twp. Solicitor
269	9.8.2.a-b	9.8.2 Signs in the Medical Center District (MCD) and the Bryn Mawr Medical District (BMMD). 9.8.2.a. Permitted signage. <u>In the MC District and the BMMD, the regulations of Article 9 shall apply except where otherwise specifically provided for in this section. The following types of signs, and no others, shall be permitted within the Bryn Mawr Medical Center (BMMD) and the Medical Center District (MCD).</u> 9.8.2.b. Wherein provisions within Article 9 conflict with, except as provided for otherwise within this chapter: Renumber subsequent sections	Clarification	Twp. Solicitor
271	9.8.3.c	<u>Sign specifications.</u> <u>9.8.3.c.i</u> Signs shall not exceed 20 square feet in sign area. <u>9.8.3.c.ii</u> Signs shall not exceed a height of 15 feet from existing grade, with the exception of flag signs. <u>9.8.3.c.iii All such Signs over eight square feet shall be set back a minimum of 10 feet from the right-of-way. A sign permit must be obtained prior to the installation of any sign permitted in the district.</u>	Clarification	Twp. Solicitor
275	10.1.2.a.vi i.	Minimum distance requirement shall be 500 feet from another such facility, <u>measured by the shortest distance between the lot on which the proposed use will be located and the lot or lots which contain the existing use</u>	Clarification	Approved by B&P 10/30/19
275	10.2.2	Specialized Conversions. In LDR, and MDR, IC, and IH zoning districts, a single-family dwelling <u>or an existing institutional building</u> may be converted into no more than three apartments for the elderly, provided that the following criteria are met:	Clarification	Approved by B&P 10/30/19
275	10.2.2.h	If the facility is not owner occupied, its use shall be sponsored by an nonprofit organization, a purpose of which is to provide housing for the elderly and to assume responsibility for overseeing the care and welfare of the residents. Such organization shall have a designated agent resident or offices in Pennsylvania.	Clarification	Approved by B&P 10/30/19
275	10.2.3	Restricted Accessory Dwelling Unit Apartment . In LDR, and MDR, IC, and IH zoning districts, a single-family dwelling <u>or an existing institutional building</u> may be converted into two dwelling units, each with its own cooking facilities, provided that the following criteria are met:	Clarification	Approved by B&P 10/30/19
276	10.3.1	In LDR, or MDR, IC, and IH zoning districts, the construction, alteration or use of a principal building on a lot for a shared residence for up to six elderly or disabled persons who are capable of self-preservation and desirous of living together as a family unit with up to two caregivers is permitted, provided that the following criteria are met:	Clarification	Approved by B&P 10/30/19
279	10.6.1.o.	Rowhouses and multifamily buildings are permitted subject to compliance with the following: 10.6.1.o.i. Form standards for MDR-3. 10.6.1.o.ii. Provisions of "155-10.1 Supplemental Use Regulations":	Clarification	Approved by B&P 10/30/19

280	10.7.1.k	Land-based sirens shall not be operated in LDR or MDR zoning districts. The Board of Commissioners may impose further <u>conditions</u> regulations to eliminate noise from the facility or associated emergency vehicles to prevent them from becoming a public nuisance.	Clarification	Twp. Solicitor
281-2	10.9.1.d & 10.9.2.a	Roof-mounted antennas are permitted by right, subject to the provisions set forth under <u>Section 10.9.4. subsection 10.9.2.d below</u>	Clarification	Twp. Solicitor
282-3	10.9.5	Move entire section to 10.9.1 as legislative Intent under Antennas (Renumbr section 1-4 respectively)	Clarification	Twp. Solicitor
283	10.10.2	Definitions: For the purposes of this section, the definitions in "Article 2: Definitions" shall apply. Renumbr subsequent sections.	Clarification	Twp. Solicitor
283	10.10.3.a	A wireless communications facility with support structure shall be a permitted use of land in all commercial zoning districts in VC, TC, RHR, BMV, CAD and the LI Districts , except for land within 500 feet of a daycare, preschool, primary and secondary school facility. In residence zoning districts, a wireless communication facility with support structure is permitted only if the property is owned by the Township of Lower Merion and used for municipal purposes or if the property is a cemetery use conducted on a lot of at least 10 acres in size.	Clarification	Twp. Solicitor
284	10.10.4.b.i	In Commercial and Manufacturing Zoning VC, TC, RHR, BMV, CAD and LI Districts, all wireless communication facilities with support structure shall be set back a minimum distance	Clarification	Twp. Solicitor
284	10.10.4.a.i.(3)	... approved by the Township Zoning Officer . Setback requirements shall not apply to a wireless communication facility which is mounted on the exterior of an attachment structure below the primary roof, and which does not protrude more than 18 inches from the side of such attachment structure.	Clarification	Twp. Solicitor
287	10.12.2.e.	Restoration of a <u>building occupied by a nonconforming non-residential use</u> . non-residential nonconforming use within a building : The nonconforming non-residential use in a building which has been damaged or destroyed by purpose, neglect or accidental cause may not be continued or transferred to any reconstructed portion of the building unless such damage or destruction occurred to an extent of not more than 75% of the habitable floor area, and:	Clarification	Twp. Solicitor
289	10.12.6.a.	Where nonconforming site improvements <u>not including buildings</u> exist, such as walls, <u>off-street parking</u> , or similar site improvements, such nonconformities may continue and the nonconforming site condition may be altered only as provided below.	Clarification	Twp. Solicitor
292	11.1.4.a.ix	Keep a record of all plans and applications for permits and all permits issued, with notations as to special conditions attached thereto. All records <u>such documents</u> shall be open for public inspection <u>a public record</u> .	Clarification	Twp. Solicitor
293	11.1.5	<u>Permits required Zoning permits and preliminary opinions</u> 11.1.5.a. A building and/or zoning permit shall be required as designated below. If any of the improvements listed below are located in the Floodplain District, they are also subject to compliance with the provisions of Article <u>"Section 155-7.3, Floodplain Overlay District"</u> . 11.1.5.b. No land use may be established or changed; no structure or building may be erected, constructed, reconstructed, structurally altered, razed or removed ; and no building or structure may	Clarification	Twp. Solicitor

		<p>be used or occupied or the use <u>classification</u> changed until a building <u>zoning</u> permit has been obtained. (<u>See "Table 5.1 Uses" for a list of use classifications.</u>)</p> <p>11.1.5.c. In the instances where a building permit is required and applied for, zoning approval shall be prerequisite to the approval of the building permit. In those instances where no building permit is required, an application for a certificate of occupancy for a new or changed use of land or structure shall include an application for a zoning/change of use permit. No zoning permit shall be required for municipal or municipal authority offices.</p> <p>11.1.5.d. A zoning permit shall <u>also</u> be required prior to performing any of the following improvements:</p> <p>11.1.5.d.i. Temporary uses of land or structures.</p> <p>11.1.5.d.ii. Grading within the floodplain.</p> <p>11.1.5.d.iii. Any fence or wall within the floodplain.</p> <p>11.1.5.d.iv. The storage of any materials within the floodplain.</p> <p>11.1.5.d.v. Dredging of any waterway.</p> <p>11.1.5.d.vi. Ground mounted array of solar panel.</p> <p>11.1.5.d.v. Play structures or other recreational equipment located within the floodplain.</p> <p>11.1.5.d.vi. Revision of flood map amendment to floodplain.</p>		
294	11.1.5.g	<p>11.1.5.g. Certificates of Occupancy—Delete this entire section and renumber subsequent sections.</p> <p>Application for <u>zoning</u> permits</p> <p>11.1.5.g.i. Applications for <u>a zoning</u> permits shall be made in writing to the Director of Building and Planning <u>Zoning Officer</u> on forms furnished by the Township together with the payment of a fee. The Director of Building and Planning <u>Zoning Officer</u> shall require that the application for a building zoning permit and the accompanying plot plan, prepared by a registered engineer or land surveyor, shall contain all information necessary to enable him/her to ascertain whether the proposed building complies with the provisions of this chapter, and any information required by conditions on <u>land development</u> a preliminary plan approval, <u>and conditions</u> attached to any conditional use or <u>Zoning Hearing Board</u> approval.</p>	Clarification	Twp. Solicitor
295	NEW 11.1.5.k	<p><u>Expiration of Zoning Permits</u></p> <p>11.1.5.k.i. A zoning permit shall expire if the use authorized by the permit has not commenced within 90 days of issuance. Commencement of the 90 day deadline shall be automatically extended if the application requires land development approval and/or work pursuant to a construction or runoff & erosion control permit until completion thereof, provided the work has been continuously pursued. Notice of the permit expiration shall be given by the <u>Zoning Officer</u>.</p>	Clarification	Twp. Solicitor
295	11.1.6.c.	<p>Subject to 11.1.6.d below, the <u>the</u> applicant shall have the <u>initial</u> burden of <u>proving</u> <u>persuasion</u> that the application complies with <u>all</u> the <u>specific</u> requirements and objectives <u>for the proposed use</u> of this Chapter, including those specifically set forth in Article 5 Uses.</p>	Clarification	Twp. Solicitor

295	11.1.6.d.	Opponents shall have the <u>initial duty</u> burden of proving <u>presenting substantial evidence</u> that the application does not comply with the general criteria of this Chapter, <u>but the applicant shall retain the ultimate burden of persuasion concerning those criteria.</u>	Clarification	Twp. Solicitor
297	11.1.6.i.vi.	Criteria for Conditional Use Approval. The Board of Commissioners shall grant a conditional use only if it finds adequate <u>substantial</u> evidence that any proposed use and development plan submitted <u>comply</u> complies with all of the following: <u>general requirements as well as any specific requirements and standards listed herein for the proposed use. The Board shall require that any proposed use, and its location among other things:</u>	Clarification	Twp. Solicitor
298	11.1.6.i.vi. (7).	In all cases, the applicant's burden of proof shall include the burden of persuading the Board by credible evidence that the applicant has satisfied the criteria set forth in v.(1) of this subsection. In any case where the Board requests that the applicant produce evidence relating to the criteria set forth in v.(6) of this subsection or where any other party opposing the application shall claim that an allowance of the application will have any of the effects listed in v.(6) of this subsection, the applicant's burden of proof shall include the burden of persuading the Board by credible evidence that allowance of a conditional use will not be contrary to the public interest with respect to the criteria so placed in issue. Loading/queuing requirements. Loading/queuing requirements shall be provided on site in compliance with the following standards, unless otherwise provided for with reference to specific uses:	Clarification	Twp. Solicitor
298	11.1.7.e.	Loading/queuing requirements. Loading/queuing requirements shall be provided on site in compliance with the following standards, <u>unless otherwise provided for with reference to specific uses:</u>	Clarification	Twp. Solicitor
299	11.1.8.c.	It a traffic impact study (TIS). The Director of Building and Planning shall require a traffic impact study if needed to assure compliance with this subsection. If required, the Township Engineer shall determine the scope of the study and the assumptions utilized. Renumber subsequent sections.	Clarification	Twp. Solicitor
302	Renumber	11.1.8.c. 11.1.11 Fees. 11.1.8.c.i The Board of Commissioners shall establish and revise, from time to time, <u>by resolution or ordinance</u> , a schedule of fees by resolution or ordinance , as well as a collection procedure, for all applications submitted under the provisions of this chapter. The schedule of fees shall be available to the public from the Zoning Officer or Township Secretary.	Clarification	Twp. Solicitor
308	11.2.5.f.v.	Loading/queuing requirements. Loading/queuing requirements shall be provided on site in compliance with the following standards, <u>unless otherwise provided for with reference to specific uses:</u>	Clarification	Twp. Solicitor
309	11.2.7.a.	Uses of the same general character as any of the uses authorized as permitted uses by right, conditional uses, or uses by special exception in the zoning district in which the property is located shall <u>may</u> be allowed <u>by the Zoning Officer</u> if it can be determined that the impact of the proposed use on the environment and adjacent streets and properties is equal to or less than any use specifically listed in the zoning district and if the use meets those characteristics set forth below.	Clarification	Twp. Solicitor
310	11.2.8	Burden of Proof – Zoning Hearing Board 11.2.8.a. <u>Special Exception Applications. The burden of persuasion and the duty of presenting evidence before the Zoning Hearing Board with respect to applications for special exceptions shall be the same</u>	Clarification	Twp. Solicitor

		<p><u>as for conditional use applications before the Board of Commissioners set forth at subsections 11.1.6.c and 11.1.6.d above. In all cases, the applicant's burden of proof shall include the duty of presenting credible evidence sufficient to persuade the Board that the applicant has satisfied the criteria set forth in Subsections 11.2.4 through 11.2.6 of this section. In any case where the Board requests that the applicant produce evidence relating to the criteria set forth in Subsections 11.2.4 through 11.2.6 or where any other party opposing the application shall claim that an allowance of the application will have any of the effects listed in Subsections 11.2.4 through 11.2.6, the applicant's burden of proof shall include the burden of presenting credible evidence sufficient to persuade the Board that allowance of a special exception or variance will not be contrary to the public interest with respect to the criteria so placed in issue.</u></p> <p><u>11.2.8.b. Variance Applications. The burden of persuasion and the duty of presenting evidence before the Zoning Hearing Board with respect to applications for a variance lies with the applicant as to all criteria set forth in this Article.</u></p>		
311	11.2.10.a.	<p>Appeals to the Board may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Officer or the Township Engineer. Such appeal shall be taken within a reasonable time, as specified by the Pennsylvania Municipalities Planning Code by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof.</p>	Clarification	Twp. Solicitor
312	11.2.12.a.	<p>The Board shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing on the application before the Board. Such decision shall be noted in the minutes of the next meeting of the Zoning Hearing Board. Notice of such decision shall be given to all parties of record immediately after its announcement. For the purposes of this section, parties in interest shall be limited to the applicant and any person who shall indicate by completing an appropriate form provided by the Board his/her desire to receive notice of the Board's decision.</p>	Clarification	Twp. Solicitor