

# L M T

## Zoning Code

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**DRAFT 4.0**

NOVEMBER 22, 2019

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# ARTICLE 1: INTRODUCTION

## 155-1.1 INTRODUCTION

### 1.1.1 Purpose and Goals

- 1.1.1.a. The Lower Merion Township Zoning Code is Chapter 155 in the Code of the Township of Lower Merion. The purpose of the Zoning Code is to promote the public health, safety, convenience, comfort, amenities, prosperity, and general welfare of the Township, and to provide a wholesome, serviceable, and attractive community, including without limitation protection of the environment; conservation of land, energy and natural resources; improved mobility; more efficient use of public funds; greater health benefits of a pedestrian environment; preservation of historic and cultural resources; provision of recreational and open spaces; and improvement of the built environment and human habitat by furthering the goals of the January 2016 Comprehensive Plan for the Preservation, Infill and Redevelopment of Lower Merion Township.
- 1.1.1.b. The Zoning Code integrates the Township's general goals to retain its character and beauty, and preserve the unique beauty of its natural and built environment, while allowing the continuing evolution of its institutions, and commercial centers and corridors. Intended to advance the interests of both conservation and development, the Code responds to the existing conditions of the Township, including its regional context, natural features, historical development, infrastructure and buildings, and supports the Vision, Guiding Principles and Community Development Objectives in the January 2016 Comprehensive Plan for the Preservation, Infill and Redevelopment of Lower Merion Township, summarized as follows:
  - 1.1.1.b.i. Preserve and enhance the Township's unique character and high quality of life for all residents.
  - 1.1.1.b.ii. Guide future land development to ensure compatibility in mass, scale, intensity and use, with appropriate transitions between different uses.
  - 1.1.1.b.iii. Provide high quality and accessible community facilities and public space for civic purposes.
  - 1.1.1.b.iv. Maintain vitality and diversity of institutions, recognizing their value as community resources and balancing their needs with those of surrounding neighborhoods.
  - 1.1.1.b.v. Continue to provide a safe, convenient and efficient multi-modal transportation system.
  - 1.1.1.b.vi. Achieve a sound economic base that preserves property values, and a high standard of municipal services and infrastructure maintenance, without undue tax burden.
  - 1.1.1.b.vii. Enhance commercial activities in core areas to increase employment and serve resident needs.
  - 1.1.1.b.viii. Preserve natural, cultural and historical resources.
  - 1.1.1.b.ix. Preserve and enhance environmental areas.
  - 1.1.1.b.x. Maintain a diverse population with equal opportunity for quality housing.
  - 1.1.1.b.xi. Promote public participation in civic engagement.
  - 1.1.1.b.xii. Strengthen regional services and conservation.

### 1.1.2 Applicability and Interpretation

- 1.1.2.a. The provisions of this chapter apply to all property, structures and uses located with the Township, unless noted otherwise in this section. No property, building, structure or part thereof shall be developed except in conformance with the district in which it is located and with all applicable regulations included in this chapter.
- 1.1.2.b. In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare of the Township.



### 1.1.3 Chapter Organization

- 1.1.3.a. The Zoning Code is organized in a series of Articles that are interrelated and apply to different aspects of development. Each Article contains text, Tables and Figures all three of which comprise the regulatory provisions of the Zoning Code. 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. Where there is a conflict between the Tables and the text, the text shall prevail.
- 1.1.3.b. The Articles are organized as follows:
- 1.1.3.b.i. **"Article 1: Introduction"** Provides information on the framework of the code including its purpose, intent and goals, as well as applicability, district descriptions and relation to the Zoning Map.
  - 1.1.3.b.ii. **"Article 2: Definitions"** Defines key terms in the code.
  - 1.1.3.b.iii. **"Article 3: General to Districts"** Contains the information that applies across zoning districts, such as terminology, lot occupation, frontage types, building height, and architecture controls, which have been aggregated here to reduce repetition in subsequent Articles.
  - 1.1.3.b.iv. **"Article 4: District Specific Standards"** Contains the information specific to each zoning district including lots and building placement and building configuration.
  - 1.1.3.b.v. **"Article 5: Uses"** Establishes uses allowed in each zoning district and additional use provisions for conditional uses, special exceptions, and regulated uses.
  - 1.1.3.b.vi. **"Article 6: Special Districts"** Includes special districts that are geographically defined and mapped. Each district has regulations specific to its area that have been established through public planning processes. These include: Bryn Mawr Village (BMV 1,2,3,4), Medical Center (MC), Bryn Mawr Medical District (BMMD1,2,3), Rock Hill Road District (RHR), City Avenue District (CAD) which includes: Regional Center Area (CAD-RCA), Bala Cynwyd Retail District (CAD-BCR), and Bala Village (CAD-BV).
  - 1.1.3.b.vii. **"Article 7: Conservation & Preservation Overlays"** Includes additional regulations within overlay districts that apply across the Township including: Historic Resource Overlay District, Open Space Preservation Overlay District, Floodplain Overlay District, Steep Slopes Overlay District and Wooded Lot Overlay District.
  - 1.1.3.b.viii. **"Article 8: Parking Standards"** Includes the standards and the distribution of parking quantity in relation to zoning district uses, and access and loading regulations.
  - 1.1.3.b.ix. **"Article 9: Sign Standards"** Sets forth the regulations that apply to signs.
  - 1.1.3.b.x. **"Article 10: Supplemental Use & Nonconforming Regulations"** Includes additional regulations that apply to certain uses as identified in Article 5.
  - 1.1.3.b.xi. **"Article 11: Process & Procedures"** Sets out processes for zoning administration and amendments.

### 1.1.4 Classes of Districts

- 1.1.4.a. For the purposes of this chapter, the Township is hereby divided into 27 districts, designated as follows:
- 1.1.4.a.i. Lower Density Residential Districts: LDR1, LDR2, LDR3 and LDR4
  - 1.1.4.a.ii. Medium Density Residential Districts: MDR1, MDR2 and MDR3
  - 1.1.4.a.iii. Village Center District: VC
  - 1.1.4.a.iv. Town Center Districts: TC1 and TC2
  - 1.1.4.a.v. RESERVED.
  - 1.1.4.a.vi. Institutional Districts: IN, IC, IE and IH
  - 1.1.4.a.vii. Light Industrial District: LI
  - 1.1.4.a.viii. Special Districts:
    - 1.1.4.a.viii.(1). Medical Center District (MC)
    - 1.1.4.a.viii.(2). Bryn Mawr Medical District (BMMD): BMMD1, BMMD2, and BMMD3;
    - 1.1.4.a.viii.(3). Rock Hill Road District (RHR);
    - 1.1.4.a.viii.(4). Bryn Mawr Village District (BMV~~Θ~~): BMV1, BMV2, BMV3, and BMV4;
    - 1.1.4.a.viii.(5). City Avenue District (CAD) : RCA (Regional Center Area), BCR (Bala Cynwyd Retail District), and BV (Bala Village District).
- 1.1.4.b. In addition, one or more of these districts may by subject to additional regulations of an overlay district. The overlay districts in the Township~~7~~ are designated as follows:
- 1.1.4.b.i. Historic Resource Overlay District
  - 1.1.4.b.ii. Open Space Preservation Overlay District
  - 1.1.4.b.iii. Floodplain Overlay District
  - 1.1.4.b.iv. Steep Slopes Overlay District
  - 1.1.4.b.v. Wooded Lot Overlay District

### 1.1.5 Districts, Described

- 1.1.5.a. Low Density Residential: LDR is a low density and single-family residential district, intended to preserve the existing character of its open spaces and architecture. LDR includes the following districts:
- 1.1.5.a.i. LDR1: Low Density Residential: LDR1 is a low intensity district intended for detached single-family residential homes and the preservation of the existing estate character.
  - 1.1.5.a.ii. LDR2: Low Density Residential: LDR2 is a low intensity district intended for detached single-family residential homes and the preservation of the existing neighborhood character.
  - 1.1.5.a.iii. LDR3: Low Density Residential: LDR3 is a low intensity district intended for detached single-family residential homes and the preservation of the existing neighborhood character.
  - 1.1.5.a.iv. LDR4: Low Density Residential: LDR4 is a low intensity district intended for detached single-family residential homes and the preservation of the existing neighborhood character.
- 1.1.5.b. Medium Density Residential: MDR is a walkable medium density residential district containing a variety of housing types oriented around multimodal transit. MDR includes the following districts:
- 1.1.5.b.i. MDR1: Medium Density Residential: MDR1 is a medium intensity residential district including single-family residential homes (detached), twins, and duplexes.
  - 1.1.5.b.ii. MDR2: Medium Density Residential: MDR2 is a medium intensity residential district including single-family residential homes (detached), twins, duplexes, quads, rowhouses, and small multi-family buildings.
  - 1.1.5.b.iii. MDR3: Medium Density Residential: MDR3 is a medium to high intensity residential district including single-family residential homes (detached), twins, duplexes, quads, rowhouses, small multi-family buildings, and large multi-family buildings.

- 1.1.5.c. Village Center: VC is a compact, mixed-use, low intensity, walkable area that serves the immediate residential neighborhood. The zone is characterized by small scale mixed-use buildings, local retail and services.
- 1.1.5.d. Town Center: TC is a medium intensity, principally walkable area that serves the entire Township along corridors and main streets. The zone is characterized by low to mid-rise, free-standing and attached commercial buildings, mixed-use buildings, multi-family, as well as grocery stores, retailers, service providers, and food service establishments. TC includes the following districts:
  - 1.1.5.d.i. TC1: Town Center: TC1 is a medium intensity, walkable area that serves the entire Township along commercial corridors and between traditional and neighborhood main streets.
  - 1.1.5.d.ii. TC2: Town Center: TC2 is a medium intensity, walkable area located along commercial corridors that serves the entire Township and accommodates larger scale commercial and multiple use shopping center.
- 1.1.5.e. RESERVED.
- 1.1.5.f. Light Industrial District: LI is a light industrial area located along the Schuylkill River, that permits light industrial uses, commercial uses, and multi-family buildings. The intent of the LI District is to allow development which preserves and enhances sensitive natural features, historic industrial heritage, connection to the regional trail network and public transportation access.
- 1.1.5.g. Institutional Districts are intended for institutions and large natural and open space preserves. There are four categories that correspond to the variety of activities and range of impacts that might be expected of each.
  - 1.1.5.g.i. Institutional Nature Preserve (IN): IN is intended to collectively define sites and buildings for types of Uses including but not limited to cemeteries, environmental and open space preserves, golf clubs, and Institutional Residential ~~religious~~.
  - 1.1.5.g.ii. Institutional Civic (IC): IC is intended to collectively define communally beneficial land uses, such as organizations dedicated to the arts and culture, active recreation, social and religious use, senior housing, wellness and recreation.
  - 1.1.5.g.iii. Institutional Education (IE): IE is intended to collectively define sites or buildings operated for the provision of full-time or part-time educational services for students of all ages.
  - 1.1.5.g.iv. Institutional Housing (IH): IH is intended to collectively define sites or buildings operated for the provision of housing and health and long-term care for the elderly and people with disabilities.
- 1.1.5.h. Special Districts are intended to accommodate development with unique requirements related to specific uses or goals of those districts that have been deemed in the interest of the public health, safety and welfare of the Township's residents. Special districts include:
  - 1.1.5.h.i. Medical Center District (MC): MC is a limited service area around the existing regional hospital, dedicated to primary health services and the supporting uses associated with it.
  - 1.1.5.h.ii. Bryn Mawr Medical District (BMMD): BMMD is a limited area around the Bryn Mawr hospital, dedicated to primary health services and the supporting uses associated with it. A limited range of residential buildings and commercial uses are permitted.
  - 1.1.5.h.iii. Rock Hill Road District (RHR): RHR is a limited area designated to encourage medium intensity, mixed-use development that can act as an economically dynamic, attractive gateway to Lower Merion Township.
  - 1.1.5.h.iv. Bryn Mawr Village District (BMV): BMV is a limited area intended to provide pedestrian-oriented, low to medium mixed use development in an established commercial area.
  - 1.1.5.h.v. City Avenue District (CAD): CAD is a limited area intended to provide pedestrian-oriented, medium to high mixed use development along City Avenue and Bala Avenue functionally integrated with multi-modal transportation.

- 1.1.6 Zoning Maps
  - 1.1.6.a. The boundaries of districts shall be shown upon the maps attached to and made a part of this chapter, which shall be designated "Zoning Maps." The maps and all the notations, references and other data shown thereon are incorporated by reference in this chapter and shall be as much a part of this chapter as if all were fully described herein.
  - 1.1.6.b. The current zoning maps are available by:
    - 1.1.6.b.i. Visiting the Township's website; [[www.lowermerion.org](http://www.lowermerion.org)]
    - 1.1.6.b.ii. Visiting the Building and Planning Department or the Township Secretary at the Township Administration Building, 75 E. Lancaster Avenue, Ardmore; and
    - 1.1.6.b.iii. Visiting any of the Lower Merion Library Branches.
- 1.1.7 District Boundaries
  - 1.1.7.a. The boundaries between districts are, unless otherwise indicated, either the property line, center lines of streets or railroad rights-of-way or such lines extended or lines parallel thereto. Where figures are shown on the Zoning Maps between a street and a district boundary line, they indicate that the district boundary line runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated.
  - 1.1.7.b. Where boundaries occur within a parcel of land comprising more than one lot, the lots shall be developed separately according to the assigned District.
- 1.1.8 Conflicts
  - 1.1.8.a. It is not intended by this chapter to interfere with or abrogate or annul any Building Code in effect or any rules, regulations or permits previously adopted or issued thereunder, or the rules and regulations of the Board of Health of the Township of Lower Merion or any rules, regulations or permits previously adopted or issued thereunder and not in conflict with any of the provisions of this chapter, provided that where this chapter imposes a greater regulation upon the use of buildings or premises or upon the height of a building or requires larger open spaces than are imposed or required by such code, rules, regulations or permits, the provisions of this chapter shall control.
  - 1.1.8.b. In the event conflicts arise between a definition in this chapter and definitions in existing local or county codes, the definitions in this chapter shall prevail.
- 1.1.9 Exemptions
  - 1.1.9.a. Whenever federal- or state-owned property is included in one or more zoning districts, it shall be subject to the provisions of this chapter only insofar as permitted by the Constitution and laws of the United States of America and of the Commonwealth of Pennsylvania.
  - 1.1.9.b. The provisions of this chapter shall not apply to land and buildings or portion thereof owned by Lower Merion Township and used for its governmental purposes.
  - 1.1.9.c. Public utility corporations. This chapter shall not apply to any existing or proposed building or extensions used or to be used by public utility corporations if, upon petition of the corporation, the Public Utility Commission shall after a public hearing decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.
- 1.1.10 Liability
  - 1.1.10.a. Neither the approval of any proposed subdivision by any officer, employee or agency of the Township of Lower Merion, nor the grant of any subdivision approval by the Board of Commissioners of the Township of Lower Merion, shall constitute a representation, guaranty or warranty of any kind by the Township of Lower Merion or by any of its officers, employees, agencies or members of its agencies of the safety or practicality of the proposed subdivision and use, and such approval or grant of approval shall create no liability on the part of the Township of Lower Merion or its officers, employees, agencies or members of its agencies.

## ARTICLE 2: DEFINITIONS

## 155-2.1 DEFINITION OF TERMS

**A-Frame sign:** A type of freestanding, portable sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (also known as an sandwich board sign).

**Abandoned Sign:** A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 6 months.

**Abutting:** To be ~~adjacent to or~~ joined at a border, **property line**, or **zoning district** boundary. Abutting properties include properties across a street or alley, or a railroad right of way.

**Academic Clinical Research Facility:** An accredited medical school within this commonwealth that operates or partners with an acute care hospital licensed within this commonwealth.

**Accessory Building:** A habitable building separate from and subordinate to the principal building on a lot and used for purposes incidental to those of the principal building, including the storage of vehicles.

**Accessory Dwelling Unit:** A Dwelling Unit sharing a Lot with a Principal Building, that may or may not be in a separate structure, excluding a mobile home.

**Accessory Structure:** A non-habitable structure separate from and subordinate to the principal building on a lot and used for purposes incidental to those of the principal building.

**Accessory Use:** A use subordinate to the principal use of land or of a building on a lot and customarily incidental thereto.

**Accessway:** A formalized path, walkway or other physical connection that allows pedestrians and cyclists to directly reach destinations.

**Adaptive Use:** Rehabilitation or renovation of existing building(s) for a Use other than the originally intended use.

**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.

**Adult Daycare Center:** Interactive, supervised environment for adults with organic brain syndromes or other ailments, for a portion of a 24-hour day, and licensed by the Commonwealth of Pennsylvania.

**Adult Entertainment:** Any adult bookstore, adult dancing establishment, adult motion picture theater, or commercial physical contact establishment where procedures are conducted on specified anatomical areas and are viewed by persons other than the artist and one other person with the consent of the client.

**Affordable Housing:** Housing which is deemed affordable to those with a median household income, as rated by the national government or a local government according to a recognized housing affordability index, often specifying that the gross housing cost, including utilities, does not exceed 30% of the occupant's income.

**Air Quality:** A measure of the levels of pollution in the air and the potential for any adverse effects on public health in the environment.

**Alcoholic Beverage Sales:** An establishment in which the primary use shall include the sale of alcoholic beverages, with or without meals; may include but is not construed to be a private club. Also, Taproom.

**Allée:** A regularly spaced and aligned row of trees usually planted along a street or pedestrian passage.

**Alley:** A strip of land over which there is a municipal or privately owned easement, on which no dwellings or stores front, serving as the secondary means of access to two or more lots. An alley shall not be utilized for frontage purposes.

**Alternative Housing for the Elderly:** A residence for a maximum three unrelated elderly individuals or couples that may include household services and assistance with daily activities, but not including ~~skilled nursing~~ Long-Term Care, clinical or medical treatment; with or without shared kitchen and dining.

**Ambulance Service:** A facility housing ambulances or medical emergency vehicles and attendant staff, including offices and supply storage.

**Animal Hospital:** A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

**Animated Sign:** A sign depicting action, motion, or light or color changes through electrical or mechanical means.

**Antenna:** Apparatus capable of transmitting or receiving telecommunications information or use in operating conventional television sets. This definition shall include conventional television antennas and satellite earth stations, more commonly known as "satellite dishes," but only if such satellite earth stations are more than 24 inches in diameter.

**Antenna Array:** One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc).

**Antenna Miscellaneous:** Structure intended for the transmission or reception of radar, radio, television, or telephone communications, excluding traditional single-family residential television antennas, amateur radio antennas, satellite earth stations and microwave antennas.

**Applicant:** The legal or equitable owner of the real property being submitted for development approval. Equitable owner may include a contract purchaser or lessee.

**Arcade:** A covered walkway within a building or attached to a building and supported on at least one side by columns with enclosed building space above.

**Architectural Style:** The characteristic form and detail of buildings from a particular historical period or school of architecture.

**Area Devoted to the Use:** The total of the floor area and, for any portions of the use not conducted in a building, the lot area actually utilized in connection with the use.

**Articulation:** The visible expression of architectural or landscape elements through form, structure or materials that break up the scale of buildings and spaces to achieve human scale.

**Artisan Sign:** Signs of workmen performing services at or alterations to a building which shall be removed upon the completion of the work.

**Assisted-Living Unit:** A personal care unit within a continuing care facility for the elderly, as licensed by the Commonwealth of Pennsylvania, in which food, shelter and personal assistance or supervision is provided for a person exceeding 24 consecutive hours and who requires assistance or supervision in activities of daily living, but do not require hospitalization or care in a ~~skilled nursing~~ Long-Term Care or intermediate care facility.

~~Atrium: 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.~~

**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, **electric vehicle charging station**, and car wash.

**Auto-Related Industrial Establishment:** A place of business serving major auto-related needs including: car wash, gas station, and mechanical repairs.

**Average Slope:** The slope of land determined according to a formula based on the contour lines on a topography map.

**Awning:** A cloth, canvas, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window, with or without signage. An awning can be fixed in place or can be raised or retracted to a position against the building when not in use. Awnings, to be an effective adjunct to a shopfront, must thoroughly overlap the sidewalk.

**Awning Sign:** A sign painted on, printed on, or applied to an awning.

**Background Sound Level:** The measured sound level in the area, exclusive of spontaneous extraneous sounds, and related to the sound contribution of the specific source in question.

**Balcony:** A platform that projects from the wall of the building and is surrounded by a railing, wall or balustrade.

**Balloon Sign:** A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertising message on its surface or attached to the balloon in any manner.

**Banner:** A sign consisting of cloth, bunting, plastic, paper, or similar non-rigid material attached to a structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

**Base Flood:** The flood having a one-percent chance of being equaled or exceeded in any given year; the one-hundred-year flood.

**Base Flood Elevation:** The one-hundred-year-flood elevation.

**Basement:** Any area of the building having the greater part of its floor below ground level on all sides.



**Battery Electric Vehicle (BEV):** An electric vehicle that is powered solely by rechargeable electric battery, without any internal combustion engine.

**Bed & 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.~~

**Block:** A unit of land bounded by streets or combination of streets, railroad right-of-way, waterway, or any other barrier to the continuity of development.

**Board:** The Board of Commissioners of the Township of Lower Merion.

**Box Sign:** A sign fastened to a wall, constructed as a box with enough internal depth to accommodate internal lighting.

**Buffer, Landscape or Buffer Area:** A designated area at the perimeter of a Lot, densely landscaped its full width with trees and shrubs, as a visual and ambient screen to protect residential property from impacts of other Uses.

**Buildable Area:** The portion of a Lot remaining after required Setbacks have been provided. Buildings may be placed in any part of the Buildable Area, but other requirements such as impervious surface requirements or Lot Occupation may limit use of Buildable Area.

**Building:** Any Structure having a solid roof intended for shelter or enclosing of persons, animals, personal property, vehicles or equipment, excluding freestanding tents and awnings.

**Building Area:** The building footprint measured by the horizontal cross section of a building at its greatest outside dimensions at or above the ground level, excluding cornices, eaves, gutters or chimneys projecting not more than 18 inches, bay windows not extending through more than one story and not projecting more than three feet, one-story open porches projecting not more than 10 feet, steps and balconies.

**Building Configuration:** The form of a building, based on its massing, frontage, and height.

**Building Frontage:** The linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting public street(s) or parking lot(s).

**Building Height:** The vertical distance from the mean grade to the highest part of the building excluding permitted appurtenances (e.g. chimneys) authorized elsewhere in this chapter.

**Building Line:** The line which establishes the minimum depth of the front yard measured from the right-of-way line.

**Building Mass:** The three-dimensional bulk of a structure: its height, width and depth.

**Building Scale:** The relationship between the mass of a building and its surroundings, including the width of street, nearby open space, and the mass of buildings on adjacent properties.

**Build-to Line:** A line established within a given Lot indicating where the Front Façade of a Structure must be located. (Also Frontage Line).

**Caliper:** The diameter of a tree measured by the American or U.S.A. Standard for Nursery Stock (ANSI) or U.S.A.S Z60.1 of the American Association of Nurserymen, as amended.

**Canopy:** A multi-sided overhead structure architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building supported by columns at additional points, or freestanding, with or without signage.

**Canopy Sign:** A sign that is part of, or attached to, a canopy.

**Car Share:** A short-term car rental service whereby customers can pick up and return the car at a designated place.

**Cartway:** The portion of a street or right-of-way, paved or not paved, which is used or intended for use by vehicular traffic.

**Caregiver (Medical Marijuana):** The individual designated by a patient to deliver medical marijuana.

**Cemetery:** A burial ground that may include buildings, such as a mausoleum or a chapel.

**Certified Medical Marijuana Use:** The acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized by certification by the commonwealth.

**Changeable Copy Sign:** A sign, or portion thereof, on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable copy signs are Manual Changeable Copy Signs and Electronic Message Signs.

**Channel Letter Sign:** A sign consisting of three-dimensional letters and/or logo, applied to a wall, each letter of which may or may not accommodate a light source.

**Civic:** see Definition of Uses, Institution.

**Class I Historic Resource:** All historic resources, including buildings, structures, sites and objects individually listed as Class I Resources on the Lower Merion Township Historic Resource Inventory.

**Class II Historic Resource:** All historic resources, including buildings, structures, sites and objects individually listed as Class II Resources on the Lower Merion Township Historic Resource Inventory.

**Clear Window:** The glass surface of a window that allows visual permeability without tinting or screening.

**Clearance:** The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal clear distance between two objects.

**Code of Regulations:** Such governing regulations as are adopted pursuant to Chapter 155, Zoning, and Chapter 135, Subdivision, and Land Development, and the Unit Property Act for the regulation and management of condominium properties including amendments thereof and may be adopted from time to time.

**College / University:** A facility for post-secondary education that grants associate, bachelor, master, or doctoral degrees and may include research functions and professional schools; with a dedicated site that may include several buildings; or occupying several locations throughout the community. See "Table 5.4 Use Consolidation".

**Commercial Traffic Visit:** Any visit or delivery, except regular residential delivery, by a vehicle to a property on which a home occupation is conducted, such being made in connection with that home occupation.

**Commercial Use:** See Definition of Uses, Commercial.

**Common Driveway:** Any portion of the driveway on a lot (or lots) not specifically for the exclusive use of that lot.

**Common Entry:** A single collective primary building entrance to a multi-tenant lobby.

**Community Art Center:** A Community Center whose purpose is limited to serving artists and arts organizations by, for example, providing them with exhibition, workshop, classroom and office space, and to serving the public.

**Community Center:** A facility maintained principally as a multiple-purpose gathering place for members of the general public, or a limited portion thereof. The community center may include a management office comprising no more than 15% of the habitable floor area as an accessory use to manage the center and related facilities.

**Common Open Space:** A parcel or parcels of land, an area of water or a combination of land and water, within a subdivision or land development, designed or intended for use or enjoyment of residents of the subdivision or land development, including streets, off-street parking areas or areas set aside for public facilities. Common Open Space shall be substantially free of Structures except as permitted in Open Space Preservation Districts, but may contain such improvements as are appropriate for the recreation of residents and which are set forth in the subdivision or land development plan as finally approved by the Board of Commissioners.

**Communications:** A facility or structure related to the movement of data and information.

**Community Residential Facility/Program:** An establishment, sometimes referred to as a "community living arrangement" or a "group home," licensed by the Commonwealth of Pennsylvania, that provides a home for not more than eight handicapped or elderly individuals, excluding staff who do not reside on the property, who live and cook together as a single housekeeping unit. This definition shall not include a facility housing persons released from or under the jurisdiction of a government bureau of corrections or similar institution. "Handicapped", with respect to a person, a physical or mental impairment which substantially limits one or more of such person's major life activities, a record of having such an impairment or being regarded as having such an impairment; but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. § 802).

**Composite:** Two or more materials, typically wood fiber and plastic combined to create a stronger material.

**Comprehensive Plan:** The plan, consisting of maps, charts and textual matter, including recommendations for the continuing development of the Township and adopted by the Board of Commissioners of the Township.

**Condominium:** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions and organized in accordance with the [Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq.](#)

**Configuration:** The form of a Building based on its massing, Frontage and Height.

**Conservation:** The planned management of a natural feature to preserve, protect or restore it.

**Conservation Easement:** A legal agreement between a property owner and an appropriate conservation organization or governmental entity, through which the property owner establishes certain use regulations over all or portions of the property to carry out the purposes of this chapter.

**Context:** Surroundings with particular elements that create specific character of an area.

**Contiguous:** Sharing part of a common property or boundary line; not separated by a street.

**Continuing Care Facility:** A development consisting of independent residential living units exclusively for persons who are 62 years of age or older and for married couples with one spouse or both spouses being 62 years of age or older. Such developments shall provide nursing facilities containing assisted living and/or memory care/nursing units, health care services and meals for residents (with or without common dining facilities). Such developments may also provide the following facilities and services for the exclusive use of the residents and nonresidents occupying assisted-living and/or memory care/nursing units: physical therapy facilities; auditoriums; recreation facilities; on-site service shops; and other ancillary services.

**Contributing Element:** A building, structure, site, landscape, or object within the confines of a Historic Resource that contributes to its historical significance or to the integrity of the resource. Alterations to such an element are reviewable by the Historical Commission.

**Contributing Resource:** A building, structure, site, landscape, or object Located within a Historic District which has been determined to support the district's historical significance through location, age, design, setting, materials and workmanship.

**Corner Lot:** A lot abutting on at least two sides streets connected at an intersection, or two parts of the same curvilinear street.

**Cornice:** ~~An ornamental molding that finishes or crowns the top of a building, wall, arch, etcetera.~~ The molded and projecting horizontal member that crowns an architectural composition

**Corridor:** A lineal geographic system incorporating transportation or greenways.

~~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.~~

**County:** Montgomery County, Pennsylvania.

**Court, Inner:** An open space substantially enclosed on all sides by the walls of a building.

**Craft Production:** The manufacturing by hand with or without the aid of tools. Crafting may include model making, rug weaving, furniture making and similar small crafts.

**Court, Outer:** An open space partly enclosed by the walls of a building.

~~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.~~

**Cultural / Museums:** A facility / structure that houses and cares for art, sculptors, and objects of cultural importance, provides information and interpretation of cultural heritage assets and makes them available for the public to view and experience.

**Cultural Landscape:** The minimum essential setting or context in which an identified historic resource retains its historic integrity; "resource" being constituted by either individual object, site or structure or by multiple objects, sites or structures (historic district); "historic setting" including both natural (trees, streams, slopes, etc.) and man-made (bridges and walls, outbuildings, such as spring houses, barns, corn cribs, railroad tracks, cemetery markers, etc.) features; "historic integrity" being the unimpaired state which allows the viewer of the resource to have a better understanding of the materials and culture of the past.

**Cultural Studio:** A facility used for providing to the public instruction in the performing arts, limited to dance, music and theater, and the fine arts, including drawing, painting, photography and sculpture.

**Curb:** The edge of the vehicular pavement that may be detailed as a raised concrete or stone element.

**Curbline:** The edge of the curb furthest from the street.

**Daycare:** A facility where children are cared for, including after-school care as regulated by the Commonwealth of Pennsylvania.

**DBH:** The diameter of a tree at breast height, measured 4.5 feet from the ground surface.

**Declaration:** The instrument by which the owner of property submits it to the provisions of the Unit Property Act.

**Deed of Dedication:** With respect to transferable development rights, the legal instrument used by a landowner to transfer ownership of a cleared and stabilized sending parcel, without its associated development credits, to Lower Merion Township or its designated agent.

**Deed of Development Credits:** The legal instrument necessary to sever and transfer development credits currently or previously appurtenant to a sending parcel.

**Demolition, Historic:** The destruction, dismantling or removal, whether deliberately or by neglect, of the exterior of a building, structure, object, or site listed on the Historic Resource Inventory, in whole or in significant part for any purpose, including additions, alterations, reconstruction and/or new construction. Demolition regulated by this provision includes the removal, stripping, concealing or destruction of the facade, exterior surfaces, or any significant exterior architectural feature(s) and/or material(s), which contribute to the historic character of the resource.

**Density:** The number of Dwelling Units within a standard measure of land area, usually given as units per acre.

**Developer:** Any person, firm or corporation which performs or undertakes to perform development.

**Development:** Any man-made change to improved or unimproved real estate, including the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavation; mining; dredging or drilling operations; storage of equipment or materials; and the subdivision of land.

**Development Sign:** A sign indicating that the premises on which the sign is located is in the process of subdivision or land development for residential and/or nonresidential uses.

**Development Standards:** The standards set forth in this article, Chapter 155, Zoning, and Chapter 135, Subdivision, and Land Development.

**Directional Sign:** A sign designed to provide direction to pedestrian and vehicular traffic into and out of, or within a site.

**Disposition:** The placement of a building on its lot.

**District:** A Zoning category that prescribes intended Use and Form regulations for a given area.

**Drainage Right-of-way:** The land required for the installation and/or maintenance of storm sewers, drainage ditches or retention basins.

**Dripline:** A generally circular line, the circumference of which is determined by the outer reaches of a tree's widest branching points.

**Drive-through Facility:** A place of business allowing transactions for goods or services without leaving a motor vehicle, including service, retail, and restaurant uses, but excluding car washes.

**Duplex:** A building designed for and occupied exclusively as a permanent residence for two Families, with one Family living wholly or partly over the other, and having no party wall in common with an adjacent building.

**Dwelling Unit:** Any structure or part thereof designed for and occupied exclusively as a residence for a single Family to be occupied as living quarters as a single house-keeping unit.

**Earthmoving:** Any act by which soil or rock is cut into, quarried, displaced or relocated.

**Easement:** A right to make use of the land of another for a specific and limited purpose such as right of passage, or placement and maintenance of a utility.

**Edge of Public Right of Way:** Boundary of the right of way as determined by Township Ordinance for the means of vehicular and or pedestrian travel and utilities.

**Effective Date:** The effective date of ~~this Chapter~~ the Lower Merion Zoning Code is April 26, 1927, ~~except that as to amendments,~~ The effective date of any amendments shall be the date when the particular amendment became or becomes effective.

**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).

**Electric Vehicle Charging Station (EVCS):** A public or private parking space that is served by and accessible to EV battery charging equipment which is supported by appropriate EVCS infrastructure.

Level 1 EVCS –An EVCS utilizing an electric voltage up to 120 volts;  
Level 2 EVCS–An EVCS utilizing an electric voltage of up to 240 volts  
Level 3 EVCS–An EVCS utilizing electric voltage of 480-600 volts.

**Electric Vehicle Charging Station Infrastructure:** 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.

**Electric Vehicle Parking Space:** 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.

**Electronic Message Sign:** A type of illuminated, changeable copy sign that consists of electronically changeable alphanumeric text.

**Emergency Facilities (Ambulance Services and Fire Stations).** The ambulance services and fire stations that provide a mandated service on behalf of the Township and maintain a tax-exempt status under Section 501(C)(3) or (4) of the Internal Revenue Code, as amended.

**Employee Daycare:** A facility for the care of infants and preschool children of employees of the principal or accessory uses.

**Encroachment:** An extension of a Building or Building component into the area of the required Setback, or any physical action which may jeopardize the health and longevity of a natural feature.

**Engineer:** A person licensed by the Commonwealth of Pennsylvania to engage in the practice of engineering and/or land surveying.

**Environmental:** A site set aside for the creation, retention and permanent protection of natural or historic resources, including floodplains, wetlands, streams, valleys, woodlands and other natural and scenic features, historic sites and other historic resources.

**Environmentally Sensitive Area:** an area with one or more of the following characteristics: slopes in excess of 15%; floodplains,; soils classified as having a high water



table; soils classified as highly erodible, subject to erosion, or having a shallow depth to bedrock; wetlands or other sensitive estuaries; stream corridors; aquifer recharge areas, springs or other surface and groundwater resource areas; prime wildlife habitat; significant geologic formations; land incapable of meeting percolation requirements; mature stands of native vegetation.

**Entrance, Primary:** The main point of access of pedestrians into a building.

**Erect:** To build, construct, attach, hang, place, suspend or affix, including the painting of wall signs, window signs or other graphics.

**Estate Preservation Lot:** See "Environmental."

**Expanded Use:** The enlargement of the use of property evidenced, *for example*, by any of the following: the construction of or addition to a building, a parking lot or outdoor recreation structure or equipment; the construction of a new athletic field, a new playground or a new hard-surfaced area designed or intended to be used for sporting or other physical recreation activities; the extension of the use of property beyond the permitted parameters established by the Zoning Hearing Board, or beyond those parameters established in the record of testimony presented to the Zoning Hearing Board in support of an approved application; an increase of five persons or 10%, whichever is greater, in the student and faculty or participant population associated with the use as it was authorized by a previously granted special exception or, if not so authorized, as it had been historically used; an increase of five persons or 10%, whichever is greater, in the student and faculty or participant population of driving age associated with the use as it was authorized or, if unauthorized, as it historically experienced; or a change in the days or hours of normal operation.

**Facade:** The exterior wall of a building that is set along a frontage line, at or behind the Setback line that faces a public or private street or pedestrian way. (See Primary Front Facade.)

**Facade Type:** The architectural element at the front of a building that serves as the interface between the private and the public realm, and determines the character of the public space it faces. Includes: Porch, Stoop, Common Entry, Arcade and Colonnade, Gallery, and Storefront.

**Family:** Any number of individuals living and cooking together as a single housekeeping unit, including not more than three unrelated individuals. The term "unrelated individual" shall include any individual who is unrelated by blood, marriage or legal adoption to any other individual in the unit, but it excludes domestic servants and minor foster children. The term "family" shall include a community residential program for not more than three unrelated individuals, but shall not include a student home.

**Family Daycare:** Daycare provided by a resident of a single-family detached dwelling for up to six nonresident children (excluding the caretaker's children).

**Farmers Market:** A producer-only farmers' market where only locally produced food and agricultural products are sold.

- 2.1.0.a. Food and Agricultural Products: Vegetables, fruits, eggs, dairy products (milk, cheeses, yogurt, ice cream), meats, grains, baked goods, juices, other edible food stuffs (such as chocolates, honey, jams, salsa and candies), flowers and other fresh or dried plant materials.
- 2.1.0.b. Locally Produced food and agricultural products: Food and agricultural products raised, grown and/or produced no more than 150 miles from the site of the farmers' market.



2.1.0.c. **Producer-Only Farmers' Market:** That the entity or person selling the food and agricultural products must raise, grow and/or produce the locally produced food and agricultural products that they are selling.

**Fence:** A barrier for the purpose of enclosing or defining a space.

**Fitness Center:** See Definition of Uses, Institution, Recreational Establishments.

**First Floor Elevation:** Height of floor level used to measure Building Height, as established in the Form Standards of each District.

**Flag:** A piece of fabric or other material of distinctive design that is used as the symbol of a nation, state, city, agency or corporation and which is usually displayed hanging free from a staff or halyard.

**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".~~

**Flashing Sign:** A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message signs or digital displays that meet the requirements set forth herein.

**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas by water.

**Flood Insurance Rate Map (FIRM):** The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS):** The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**Floodplain:** The land area susceptible to being inundated by water from any source and as designated on the Lower Merion Township Floodplain District Map prepared by the Township of Lower Merion. The Lower Merion Township Floodplain District Map is based on the Flood Insurance Study for the Township of Lower Merion, Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency (FEMA), dated March 2, 2016, or the most recent revision thereof, and a floodplain area as shown on the Lower Merion Township Topographic Map, last revised to October 1973. The floodplain includes the floodway fringe area. Where a conflict in the designation of the floodplain, floodway and floodway fringe exists between the Federal Flood Insurance Study and as shown on the Lower Merion Township Topographic Map, that designation of the floodplain, floodway and floodway fringe which is more restrictive or prohibitive of development shall be the Floodplain District.

**Floodproofing:** Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to carry and discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Floodway Area:** The areas identified as “floodway” in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or source of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

**Floodway Fringe Area:** The remaining portions of the one-hundred-year floodplain in those areas identified as an AE Zone in the Flood Insurance Study, where a floodway has been delineated. The flood fringe is also referred to as the floodplain in this article. The basis for the outermost boundary of this area shall be the one-hundred-year-flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

**Floor Area:** The horizontal floor area within the inside perimeter of the outside walls of the building including, but not limited to hallways, stairs, closets, thickness of walls, columns and other features.

**Floor Area Ratio:** The floor area of the Building or Buildings on any Lot divided by the area of such Lot. For the purpose of determining floor area ratio, any space devoted to required off-street parking, loading, or vehicular access thereto shall not be included in calculating floor area.

**Food & Beverage:** A retail business operated primarily for the sale of prepared hot and cold food and drinks, for immediate consumption either on the premises or to take away, including cafes, restaurants, and fast food establishments.

**Food & Beverage, Takeout:** A building or an area within a building with less than four indoor tables (less than 12 chairs), used primarily for the purpose of furnishing to the public food to be consumption off premises.

**Foot-Candle:** A unit of incident light (on a surface) stated in lumens per square foot and measurable with an illuminance meter (also known as a foot-candle or light meter). One (1) foot-candle is equal to one (1) lumen per square foot.

**Forecourt:** A courtyard at the Building Frontage. a private frontage where a portion of the building is close to the frontage line and the central portion is set back.

**Freestanding Sign:** A single- or double-faced sign, that is placed on or anchored in the ground; and that is independent and detached from any building or other structure. The following are sub-types of freestanding signs:

- 2.1.0.a. Ground/Monument Sign – A freestanding sign that is permanently supported by an internal structural framework or integrated into landscaping or other solid structural features.
- 2.1.0.b. Pole Sign – A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground; and is not supported by a building or a base structure.

**Freeway Arterial:** See Street, Freeway Arterial.

**Frieze:** A sculptured or richly ornamented band (as on a building).

**Frontage Line:** See Build-to Line.

**Frontage Yard:** The area between a building facade and the cartway.

**Frontage Yard Type:** The physical element that characterizes the space between the building and the street or pedestrianway. Includes: Common Yard, Fenced Yard, Shallow Yard, Urban Yard, Pedestrian Forecourt, and Vehicular Forecourt.

**Frontage Yard Types, Common Yard:** A frontage yard type with a deep setback, remaining unfenced and visually continuous with abutting yards, supporting a common landscape that may be densely planted to buffer from high speed streets.

**Frontage Yard Types, Fenced Yard:** A frontage yard type wherein the facade is set back from the lot line. Fences are required and the setbacks are visually continuous with adjacent yards.

**Frontage Yard Types, Pedestrian Forecourt:** A frontage yard type where the primary facade is located near the lot line with an area setback to accommodate open space and the primary entrance of the building.

**Frontage Yard Types, Shallow Yard:** A frontage yard type where the facade is slightly setback from the lot line.

**Frontage Yard Types, Urban Yard:** A frontage yard type where the facade is at or near the lot line and the surface is paved.

**Frontage Yard Types, Vehicular Forecourt:** A frontage yard type where the primary facade is located near the lot line with an area setback to accommodate a driveway meant for passenger loading and unloading.

**Gallery:** A covered walkway attached to a building and supported on at least one side by columns with no enclosed building space above.

**Garage, Private:** A Building accessory to a single-family or two-family dwelling, for the storage of motor vehicles owned and used by the owner or tenant of the Lot.

**Garage, Commercial:** A Building used solely for the storage, sale, service or repair of motor vehicles.

**Garage, Public:** See Parking Structure.

**General Agriculture:** an enterprise that is actively engaged in the commercial production and preparation for markets of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities.

**Glazing:** Glass in doors and windows or other glass incorporated into a building façade.

**Golf Club (Country Club):** A golf course and associated uses and buildings, including, but not limited to club house, dining, banquet, practice, and other sport and recreation facilities, located on a tract of land containing a minimum of 150 acres and at a minimum of 18 holes of golf.

**Government/Regulatory Sign:** Any sign for the control of traffic or for identification purposes, *i.e.* street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction, which are erected by or at the order of a public agency officer, employee, or agent thereof, in the discharge of official duties.

**Governmental Purposes:** Those actions, objectives, or goals of which the Township of Lower Merion has been vested with statutory authority to accomplish, fulfill or oversee.

**Green Roof:** An engineered, multi-layered roofing system sustaining the growth of plants on a rooftop while protecting the integrity of the underlying structure. The components of a green roof consist of a waterproofing membrane, root barrier, drainage layer, retention layer, filter fabric, growing medium and plants.

**Greens:** Open space areas within a development which are designed or intended for the use and enjoyment of the residents of the development.

**Grocery Store:** A retail sales business operated as a food market with more than 7,500 square feet of floor area.

**Groundwater Recharge:** The replenishment of geologic structures and rock or soil interstices which have the capacity to store water.

**Habitable Space:** Non-residential building space with a Use that involves human presence with a direct view through windows and doors of the facing Street or public or private open space, excluding parking garages, self-service storage facilities, warehouses, buildings with display windows separated from retail activity.

**Hardscape:** The man-made features of a Lot's landscaping, such as roads, sidewalks, courtyards, walls, and parking lots.

**Health and Medical:** A facility involving the treatment and examination of patients and the furnishing of medical, surgical or other services to individual. This may include a medical clinic, health clinic, or special medical treatment facility.

**Height:** See Building Height.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Building:** Any complex physical construction and its appurtenances with historic, and/or cultural, and/or archaeological, and/or scientific significance, as listed on the Historic Resource Inventory, which is a combination of materials assembled in an "enclosed" configuration, created in whole or in part to shelter primary forms of human activity, and which is permanently affixed to the land. Examples of Historic Buildings include, but are not limited to, those listed under "Building" in the current version of the National Park Service's National Register Bulletin 15, Section IV: "How to Define Categories of Historic Properties".

**Historic District:** An area that possesses a group of buildings, structures, objects, sites, or other constructed or naturally occurring features that have been recognized for their local historical or cultural significance by the Board of Commissioners having determined that it conforms with an established set of criteria and having received certification from the Pennsylvania Historical and Museum Commission.

**Historic Neighborhood:** An area researched, documented, reviewed by the Pennsylvania Historic and Museum Commission and determined eligible by that Commission for inclusion on the National Register. An historic neighborhood includes all buildings, structures and sites located within it, whether or not they contribute to the character of the area.

**Historic Object:** Any simple physical construction or composition, typically small in scale, with historic, and/or cultural, and/or archaeological, and/or scientific significance, as listed on the Historic Resource Inventory, which is typically singular in material

combination, created primarily for informational, functional, or aesthetic purposes, and which is related to a specific setting or environment, often affixed to the land, yet may be movable by nature or design. Examples of historic objects include, but are not limited to, those listed under "Object" in the current version of the National Park Service's National Register Bulletin 15, Section IV: "How to Define Categories of Historic Properties".

**Historic Resource:** All historic buildings, structures, sites, and objects which are designated on the Historic Resource Inventory, Chapter A180, including Class I and Class II Resources, and contributing resources within Historic Districts. Unless otherwise specified, the boundaries of a Historic District are that of the parcel, which must contain at least one Contributing Element and may contain Non-contributing Elements.

**Historic Site:** Any location, with or without a building, structure, and/or object, whether standing, ruined, or vanished, which has historic, and/or cultural, and/or archaeological significance, as listed on the Historic Resource Inventory. Examples of historic sites include, but are not limited to, those listed under "Site" in the current version of the National Park Service's National Register Bulletin 15, Section IV: "How to Define Categories of Historic Properties".

**Historic Structure:** Any complex or simple physical construction, with historic, and/or cultural, and/or archaeological, and/or scientific significance, as listed on the Historic Resource Inventory, which is a combination of materials assembled in an "open" configuration of interdependent and interrelated parts in a definite pattern of organization, created in whole or in part to facilitate secondary or indirect forms of human activity, and which is affixed to the land. Examples of historic structures include, but are not limited to, those listed under "Structure" in the current version of the National Park Service's National Register Bulletin 15, Section IV: "How to Define Categories of Historic Properties".

**Home Occupation:** Any lawful use conducted entirely within a Dwelling Unit or Accessory Dwelling Unit or accessory building by a resident of the dwelling. The use shall not change the character of the property. Two people sharing a Dwelling Unit shall each be permitted a Home Occupation, provided that it is their principal dwelling. This includes historic, non-traffic, and minor home occupations.

**Hospital:** A facility providing primary physical or mental health services and medical or surgical care of the sick, handicapped or injured including facilities for overnight accommodation of patients. Hospitals may include various ancillary activities which are customarily incidental to and in direct support of the primary health care mission of the hospital, including: emergency and intensive care, clinics, medical offices, hospital administrative offices, laboratories, pharmacies, gift shops, teaching facilities, research facilities, rehabilitation facilities, patient hostels, academic clinical research center, hospital cafeteria or dining facilities, conference facilities, hospital staff dormitory, employee daycare, vehicular ambulance service, and diagnostic or treatment facilities which are integrated with the hospital facilities.

**Hotel:** A group of Lodging units that may provide space and services for dining, meeting, and recreation.

**Identification Card:** A document issued by the Pennsylvania Department of Health that permits access to medical marijuana.

**Illuminated Sign:** A sign that is either internally illuminated through its sign face by a light source contained within the sign, or externally illuminated by a light source aimed at its surface.

**Illumination:** A source of artificial or reflected light. The following are sub-types of illumination:

- 2.1.0.a. External Illumination: Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible.
- 2.1.0.b. Halo Illumination: A sign using a three-dimensional message, logo, etc., which is lit in such a way as to produce a halo effect (also known as back-lit illumination).
- 2.1.0.c. Internal Illumination: A light source that is concealed or contained within the sign visible through a translucent surface. Message signs, digital displays, and signs incorporating neon lighting shall not be considered internal illumination for the purposes of this Article.

**Impervious Surface:** Any material which prevents or impedes the natural absorption of stormwater directly into the ground.

**Improvement:** Elements of the physical environment, including: buildings, grading, paving, restoration of existing paving damaged by construction, walkways, curbs, gutters, street signs, fire hydrants, water mains, gas mains, sanitary sewers, on-site sewage disposal facilities, storm drainage facilities, retention basins, bridges, sidewalks, crosswalks, monuments, street shade trees, buffer planting and streetlights.

**Inflatable Sign:** A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

**Infrastructure:** A facility or structure related to the provision of transportation such as roads and railroads, water and sewer lines, electrical power, telephone and cable transmission, and all other utilities and communication systems necessary for the functioning of a community.

**Inn:** A group of Lodging units not to exceed twenty-five units that may provide space and services for dining, meeting, and recreation.

**Institutional Accessory Use:** A use that: is secondary to, subordinate to, customarily incidental to, or dependent on the existence of the Primary Institutional Use; does not alter the character of the property in respect to its primary use; inhabits the structures and facilities of the primary use or its own facility; and conforms to all regulations applicable to the Primary Use. This may include, for example, occasional or seasonal events such as: vacation-time camps; programming; fairs; conferences; off-campus user sports events; and multi-school competitive sports and play-offs.

**Institutional Civic:** Collectively includes communally beneficial land uses, including but not limited to organizations dedicated to the arts and culture, active recreation, social and religious use, senior housing, wellness and recreation.

**Institutional Education:** Collectively includes sites or buildings operated for the provision of full-time or part-time educational services for students of all ages.

**Institutional Housing:** Collectively includes sites or buildings operated for the provision of housing and health and long-term care for the elderly and people with disabilities.

**Institutional Nature Preserve:** Collectively includes sites and buildings operated for types of uses including, but not limited to cemeteries, environmental and open space preserves, golf clubs, and institutional residential ~~religious~~.

**Institutional Primary Use:** A use that: inhabits the structures and facilities of the property; customarily consumes the greater part of the institution's resources of time and funds in its management; and, conforms to Institutional District regulations. This includes related services that support the primary use, such as residential facilities for faculty, students, and staff; exhibition, worship, performance, recreational and competitive sports facilities; food preparation and dining facilities; continuing care and assisted living for the elderly; daycare; and parking.

**Institutional Residential:** ~~Residential Religious~~ 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.

**Institutional Use:** All public, private or not-for-profit organizations that serve public benefit and community use including: continuing care facility; museum; community art, education, health, and recreation; club, lodge, country club; daycare (for more than six children); public school; private school; college; university; religious institution. Also included are sites dedicated to open space and historic preservation that serve community use, including cemeteries. Excluded are properties in municipal ownership.

**Interactive Sign:** An electronic or animated sign that reacts to the behavior or electronic signals of passersby.

**Land Development:** Improvements involving: two or more residential buildings, or one or more nonresidential structure(s), regardless of number of occupants; subdivision of land for the use of two or more existing or prospective occupants with streets, building groups, common areas, leaseholds, condominiums, or other features. Excluded from land development are: the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium; the additions of an accessory building, including farm buildings, on a lot with an existing principal building.

**Land Development Committee:** The Committee composed of the heads of departments of the Township or their designee and such other Township employees as appointed by the Township Manager.

**Land Subdivision Agreement:** An agreement between the Township and the then owner(s) of a property, executed during the subdivision or land development approval process, which describes conditions of approval. These conditions shall remain in effect regardless of any transfer of ownership.

**Landowner:** See "Owner."

**Letter Height:** The height of a letter from its bottom to its top, including any shadow lines which are constructed as part of the sign.

**Light Industrial:** A place of business involving craft, light fabrication, assembly, processing, repair, distribution, warehousing, or bulk storage, such that, if located close to residential or other sensitive areas, will not have a detrimental impact on the quality of life of residents in terms of air pollution, noise, odor, or traffic generation.

**Light Trespass:** Light emitted by a light source, which extends beyond the boundaries of the property on which the light source is located.

**Liner:** A Building or part of a Building with habitable space, conforming to its District, specifically designed to face a public space, masking an inactive use, such as, but not limited to, a parking lot, parking garage or storage facility.



**Live-Work:** A dwelling unit that contains ground floor retail, office, or light industrial use that is limited to a maximum fifty percent (50%) of the total floor area.

**Loading Area or Space:** An area in which goods and products are moved on and off a vehicle, including the stall or berth and the apron or maneuvering room incidental thereto.

**Lodging:** Temporary residential accommodation for tourism and business purposes, which typically include a furnished room that includes temporary sleeping arrangements, sanitary facilities, and may include limited kitchen facilities.

**Loggia:** A roofed, but open arcade along the front or side of a building on an upper story.

**Skilled Nursing Long-Term Care Facility:** A resident care facility for more than six individuals involving extended stays, including but not limited to: skilled nursing, rehabilitation, continuing care, and assisted living; with household services and shared kitchen and dining.

**Lot:** A tract or parcel of land as defined by the description set forth in the deed or other instrument vesting title in the owner of record, or other instrument dividing or allocating land, air rights or subsurface rights below the surface of the land.

**Lot Area:** The land area within the Lot property lines and between the rear property line and the nearest street line.

**Lot Development:** Any construction for which a building permit is required under Chapter 62 of this Code, or any other activity affecting land or modifying land from its natural condition.

**Lot Line:** The boundary that legally and geometrically demarcates a lot.

**Lot Occupation:** The area of the lot occupied by all buildings, excluding structures such as decks, pools, and trellises.

**Lot Width:** The measure of a Lot taken on a straight line between two points on the side Lot lines equidistant from the Street line.

**Lowest Floor:** The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant partially enclosed area, used solely for parking of vehicles, building access and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this chapter.

**Low Sloped Roof:** A roof with a pitch of 5:12 or less

**Luminance:** An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candelas per square meter (cd/m<sup>2</sup>), or "nits"

**Maintenance Guaranty:** Any security which may be required of a developer by the Township after the final acceptance by the Township of improvements installed by the developer. Such security may include but is not limited to maintenance bonds, surety agreements or other collateral.



**Major Recreational Equipment:** Vehicles including travel trailers, pickup campers, converted trucks or buses, motorized homes, tent campers, tents, or other short-term housing or shelter arrangements and devices, boats and boat trailers, combinations thereof, and other similar equipment, and trailers, cases, and boxes for transporting recreational equipment, whether occupied by such equipment or not.

**Manual Changeable Copy Sign:** A sign, or portion thereof, on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

**Manufactured Home:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

**Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Marquee:** A permanent roof-like structure supported by a wall of a structure but having no relationship to the roof structure, generally designed and constructed for protection against weather. which fully or partially covers an entrance, sidewalk, or other pedestrian way.

**Marquee Sign:** A sign attached to a marquee.

**Massing:** The three dimensional form of a building or structure.

**Mechanical Movement Sign:** A sign having parts which physically move with such movement being activated electronically or by other means, but shall not include wind-activated movement of banners or flags.

**Medical Laboratory:** A facility providing services to physicians to analyze and test physical samples and specimens for the diagnosis and treatment of patients.

**Medical Marijuana:** Marijuana for certified medical use as legally permitted by the Commonwealth of Pennsylvania under the Medical Marijuana Act.

**Medical Marijuana Act:** The Act of April 17, 2016, P.L. 84, No. 16, as amended from time to time ([53 P.S. § 10231.101 et seq.](#)).

**Medical Marijuana Dispensary:** A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana; the term includes the facility from which medical marijuana is dispensed.

**Medical Marijuana Grower/Processor:** A person, including a natural person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health to grow and process medical marijuana.

**Medical Marijuana Registry:** The registry established by the Pennsylvania Department of Health for all medical marijuana organizations and practitioners.

**Medical Office:** A facility involving the treatment and examination of patients and the furnishing of medical, surgical or other services to individual. This may include a medical clinic, health clinic, or special medical treatment facility.

**Message Sequencing:** The spreading of a single message or advertisement across more than one successive display phases of a sign, or across more than one individual sign.

**Micro Facility:** A wireless communication facility consisting of an equipment facility capable of being mounted onto the attachment or support structure and antenna that is either:

- 2.1.0.a. No more than five feet in height with a face area of not more than 580 square inches; or
- 2.1.0.b. If a tubular antenna, no more than four inches in diameter and no more than seven feet in length.

**Minor Streets:** See Street, Minor.

**Mitigation:** Any action taken to lessen/minimize the specified undesirable impacts of a proposed land use or land disturbance activity, including those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict or otherwise be deemed incompatible with surrounding properties and uses.

**Mixed-use:** A multiple-use building with nonresidential uses occupying the floor level directly accessible from a public street or pedestrianway.

**Mobile Home:** A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one unit or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

**Multi-Family Housing, Small:** A building containing a minimum of three residential dwelling units and a maximum of six units, where each unit has direct access to the outside or to a common hall, and each unit is designed for and occupied exclusively as a permanent residence for a single family.

**Multi-Family Housing, Large:** A building containing more than six dwelling units, where each unit has direct access to the outside or to a common hall, and each unit is designed for and occupied exclusively as a permanent residence for a single family. Multi-family housing where dwelling units are available for lease or rent for less than one month shall be considered lodging.

**Multiple-use Development:** An integrated, complementary development of two or more buildings on one or more abutting lots that includes both residential and non-residential uses, and that may be phased.

**Municipal Service:** Any use conducted by the Township of Lower Merion, or any local agency of the Township, including administrative offices, equipment or material storage, public parks, recreational centers, public sewage and/or water, collection, treatment, storage, transmission and/or distribution facilities, stormwater management facilities, public parking facilities, public libraries, firehouses, emergency services, or any similar civic use owned or operated by the Township, or a local agency of the Township. The definition of "municipal service" expressly excludes any use conducted by a school district.

**Mural:** Artwork applied to the wall of a building, which covers all or most of the wall. Where a mural contains a commercial message, it shall be considered a wall sign.

**Narrow Lot:** Any lot Abutting a Street which has less than the required width at the Street line or at any point between the Street Line and a point 25 feet beyond the proposed Building.

**Native Plant:** 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.

**Natural Feature:** A component of a landscape existing or maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wildlife, human recreation, reduction of climatic stress and energy costs. Such features include those which, if disturbed, may cause hazards or stress to life, property and the natural environment. See Chapter 101-3.

**Neighborhood Conservation District:** An area researched and documented as having a unified architectural character, style, era of construction, or other factor which contributes to the neighborhood's unique character.

**Neon Sign:** A sign illuminated by a neon tube, or other visible light-emanating gas tube, that is bent to form letter, symbols, or other graphics.

**New Construction:** Structures for which the start of construction commenced on or after November 19, 1975, and includes any subsequent improvements thereto.

**New Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**Nits:** A unit of measurement of brightness, or luminance. One (1) nit is equal to one (1) candela per square meter (cd/m<sup>2</sup>)

**Nonconforming Lot:** A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance code, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**Nonconforming Sign:** Any sign that was legally erected and maintained prior to the effective date of this Code or any subsequent amendment hereto that does not comply with the provisions.

**Nonconforming Site Improvement:** Any Site Improvement which has a valid permit or was completed prior to the effective date of this Code or any subsequent amendment hereto, to the provisions of which such Site Improvement does not conform.

**Nonconforming Building or Structure:** A Building or Structure or part thereof not designed to comply with the applicable provisions in the Zoning Code or amendment heretofore or hereafter enacted, where such Building or Structure was lawfully in existence prior to the enactment of such Code or amendment.

**Nonconforming Use:** A use, whether of land or of structure, which does not comply with the applicable use provisions in the Zoning Code or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such Code or amendment.

**Noncontributing Element:** A building, structure, site, or object within the confines of a Historic Resource that does not contribute to its historical significance or to the integrity of the resource. Alterations to such an element are not reviewed by the Historical Commission, unless deemed impactful to any Contributing Element.

**Noncontributing Resource:** A building, structure, site, or object located within a Historic District, which has been determined to not support the district's historical significance through location, age, design, setting, materials, workmanship, feeling, and/or association.

**Nurseries:** Land and buildings where the breeding, sale, storage, and display of seedlings, plants, and flowers takes place, including the production, wholesaling, and distribution of plant materials grown or cultivated on site; and where mechanical equipment for landscaping, maintenance of parks and garden, and farming is displayed and sold.

**Office:** An establishment in which administrative, clerical, service, professional, government or other business is conducted. This excludes manufacturing activities.

**Official Highway Map:** A map depicting the routes of vehicular travel within the Township, which is part of the Township of Lower Merion Comprehensive Plan, adopted by the Board of Commissioners in 2016, which depiction of such routes only is hereby incorporated by reference in this chapter and shall be as much a part of this chapter as if fully described herein; provided, however, that said depiction may be amended from time to time in accordance with the terms of Chapter 107.

**Official Map:** The maps designated in Chapter 107 hereof as the Official Map of the Township of Lower Merion.

**Off-Premises Sign:** A sign which directs attention to a business, product, commodity, service, event, facility, or other commercial or non-commercial activity not located, conducted, sold or offered upon the premises where such sign is located. Also referred to as a billboard.

**Open Air Retail:** A retail sales business operated substantially in the open air including, but not limited to: flea markets, and the like, and excluding car sales, equipment sales, boat sales, and home and garden supplies and equipment. See "Table 5.4 Use Consolidation".

**Open Space:** Any parcel or area of land or water essentially unimproved by permanent buildings.

**Outdoor Accessory Temporary Use:** 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.

**Outdoor Dining Area:** An open-air space related to a food and beverage service facility that accommodates dining but not food preparation, and is furnished to preclude wind-blown trash.

**Owner:** The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he/she is authorized under the lease to exercise the rights of the owner, or other person having a proprietary interest in land.

**Parallel Space:** A parking space parallel to the roadside.

**Parapet:** A low wall extending above the edge of a roof, also called parapet wall.

**Park:** A tract of land owned by the Township or its designee, designated for and used by the public for active or passive recreation. A natural preserve available for unstructured or structured recreations programs.

**Parking Facility:** A facility providing either off-street parking and/or parking in a Structure.

**Parking, Off-Site:** Spaces provided for vehicles and located outside of the boundaries of the Lot to be served.

**Parking, Off-street:** Marked or unmarked parking located within a Lot and outside a private or public right-of-way.

**Parking, On-street:** Marked or unmarked parking located outside of a Lot and within a private or public right-of-way.

**Parking Structure:** Parking located above ground and/or underground consisting of one or more levels; not surface parking.

**Parking Structure, Public:** A single or multistory parking structure owned, leased or rented by a federal, state, or local government agency, which is used for short-term parking of vehicles by the general public.

**Parking, Tandem:** The placement of vehicles one behind the other as opposed to side by side.

**Parking, Underground:** Parking structure in which the roof or ceiling of the top level does not rise above the first floor elevation of the building, and does not rise more than three (3) feet above any adjoining sidewalk.

**Patient Hostel:** 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.

**Pedestrian-oriented Design:** The design of communities, neighborhoods, streets-capes, sites and buildings that emphasizes pedestrian access, walking comfort and visual interest.

**Pedestrian-oriented Street:** A street where adjacent uses generate and encourage foot traffic.

**Pedestrian Passage:** A public open space restricted to pedestrians, bicycles, and limited vehicular access that connects, streets, plazas, alleys, garages, and other public use spaces.

**Pedestrian Scale:** The size and proportion of physical environmental elements that closely relate to the human body.

**Pedestrian Shed:** An area, approximately circular, of a quarter (1/4) mile radius, about the distance of a five-minute walk, that is centered on a common destination. The Pedestrian Shed determines the approximate size of a Neighborhood. A Linear Pedestrian Shed is elongated to follow a commercial corridor, and may measure a half (1/2) mile out from the center.

**Pedestrianway:** A public or private linear space or an area where the primary users are pedestrians and that may also accommodate bicyclists.

**Pennant Sign:** A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles, intended to flap in wind.

**Pennsylvania Uniform Condominium Act:** 68 Pa.C.S.A. § 3101 et seq., Pennsylvania Act of July 2, 1980, P.L. 286, No. 82, and any amendments or successor legislation thereto.

**Performance Guaranty:** Any security which may be required of a developer by the Township in lieu of a requirement that certain improvements be made before the Township approves the developer's subdivision plan or land development plan. Such security may include but is not limited to performance bonds, escrow agreements, surety agreements or other collateral.

**Pergola:** An arbor or passageway with a roof or trellis work on which climbing plants can be trained to grow.

**Personal Expression Sign:** An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

**Pervious Pavement System:** A porous surface system with a stabilized base that allows water from precipitation and other sources to pass directly through, thereby reducing the runoff from a site, allowing groundwater recharge, and naturally cooling the surface through evaporation of water from pavement voids or from beneath.

**Place of Assembly:** A facility for public assembly including, but not limited to: conference facilities, convention centers, exhibition halls, major sports facilities, theaters, cinemas, performing arts centers, and the like, excluding adult entertainment.

**Planning Agency:** The Lower Merion Township Planning Commission and the Building and Planning Department of Lower Merion Township. Each planning agency shall have those duties assigned to such agency in the Township Code.

**Plug-In Hybrid Electric Vehicle (PHEV):** 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.

**Porch:** An open-air space attached to a Building, with floor and roof but no walls on the sides, usually facing Frontages.

**Porte-cochère:** A covered vehicular arrival area at the entrance of a building.

~~**Portico:** A Porch or walkway with a roof supported by columns, leading to the entrance of a Building.~~

**Preservation Area:** An area or areas of land and/or water established to preserve open space and to protect natural features, cultural landscapes and wildlife habitat. The preservation area shall be free of structures of any kind, including, but not limited to, playground equipment, play sets, play houses, tree houses, netting, sheds or similar appurtenances, with the exception of historic buildings and their associated paved areas.

**Primary Arterial:** See Streets, Primary Arterial.

**Primary Front Façade:** The Facade of a building facing onto a public or private Street, or Pedestrianway, but shall not include a rear alley.

**Principal Building:** A Structure used to enclose or house the primary use(s) located on a Lot; the main Building on a Lot, usually oriented toward the street.

**Private School:** See School.

**Projecting Sign:** A building- mounted, double-sided sign which is mounted perpendicular to a building's façade.

**Property Line:** Demarcation of property ownership.

**Public Gathering Space:** Private outdoor space where the public is directly or indirectly invited to visit or permitted to congregate.

**Public Parking Structure:** A facility owned, leased or rented by a federal, state or local government agency, which is available to the general public for short-term parking of motor vehicles, including parking lots and garages.

**Public School:** An educational facility operated by or under agreement with the Lower Merion School District pursuant to the Public School Code of 1949, as amended.

**Public Service Sign:** A sign posted at a site to promote and advertise a service sponsored by the Township, school district, church, public agency, civic association or other nonprofit public agency.

**Public Utility:** An entity regulated by the Pennsylvania Public Utility Commission.

**Quad:** An arrangement of two attached buildings connected by a common party wall extending vertically from the ground or basement level to the roof of the building designed for and occupied exclusively as a permanent residence for four Families, with each half of the building having two Families living wholly or partly over the other.

**Railroad Right-of-way:** The surface, air space above the surface and the area below the surface of any railroad.

**Rain Garden:** A bio-retention area; a shallow surface depression designed to accept runoff from adjacent surfaces and retain or detain stormwater before it is infiltrated or discharged downstream, planted with specially selected native vegetation to capture and treat runoff.

**Rear Lot:** A lot which has less than the required width at the street line and at the building line but which meets the minimum lot width at the point of the proposed building closest to the street and extending the full depth of the building plus 25 feet.



**Receiving Parcel:** A parcel of land in the Open Space Preservation District where the landowner/authorized agent may attach development credits, directly or by intermediate transfers, from a sending parcel, and on which increased density and/or intensity is allowed by reason of the transfer of development credits.

**Recreation, Active:** Those recreational pursuits which require physical alteration to the area in which they are performed. Such areas are intensively used and include, but are not limited to, playgrounds, ball courts, golf courses and swimming pools.

**Recreation, Passive:** Recreational pursuits which can be carried out with little alteration or disruption in the area in which they are performed. Such uses include, but are not limited to, hiking, biking and picnicking.

**Recreational Establishment:** A facility providing leisure activities such as but not limited to: health and fitness facilities, exercise equipment, swimming pools, sports courts, skating rink, exercise classes, spa, and sports massage and treatment.

**Recreational Vehicle:** A vehicle which is:

- 2.1.0.a. Built on a single chassis;
- 2.1.0.b. Not more than 400 square feet measured at the largest horizontal projections;
- 2.1.0.c. Designated to be self-propelled or permanently towable by a light-duty truck; and
- 2.1.0.d. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**Redevelopment:** The improvement of an existing Building and/or Lot requiring land development approval.

**Reflective Sign:** A sign containing any material or device, including mirrors or reflective paint, which has the effect of intensifying reflected light.

**Religious:** A building(s) or facility used for regular organized religious worship and related activities.

**Religious Institution:** See Definition of Uses, Institution.

**Restaurant:** A building or an area within a building with four or more indoor tables (more than 12 chairs), used primarily for the purpose of furnishing to the public food to be consumed within the building, but not including a restaurant used primarily for drive-in or take-out services.

**Retail:** A business providing the sale and display of goods or sale of services directly to the consumer. Retail goods include: clothing, food, furniture, pharmaceuticals, books, used goods, and works of art. General retail services include, but are not limited to: barber shops, beauty salons, travel agencies, retail banking, real estate agent, retail dry cleaning, laundromat, and photo studios, and repair service establishments for small domestic products.

**Retail Frontage Line:** Frontage Lines designated on a master plan that require the ground level to be available for retail use.

**Revolving Sign:** A sign which revolves in a circular motion, rather than remaining stationary on its supporting structure.



**Right-of-Way (ROW):** A public or private easement for land, air space above the land, or area below the surface used for vehicular, pedestrian, transit or other right of passage, including a street, alley or crosswalk.

**Roof Sign:** A sign erected upon, against, or over the roof of a building.

**Rowhouse:** A building containing three or more dwelling units in which each unit extends vertically from the ground or basement level to the roof of the building and in which each dwelling unit is attached only by a party wall to one or more other similar dwelling units. Rowhouses in a single rowhouse building need not be in a straight row.

**Satellite Earth Station:** A dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources.

**Satellite Earth Station Height:** The height of the apparatus measured vertically from the highest point of the apparatus, when positioned for operation, to the ground, except for roof-mounted antennas, where it shall be measured to the point where the antenna is affixed.

**Scale:** The spatial relationship among structures along a street or block front, including height, bulk and yard relationships. Scale also refers to the proportional relationship of the size of parts to one another and to the human figure.

**School:** Any public, parochial, private, charitable or non-profit school, including pre-school, elementary, middle and high school, college and university, which may include instructional and recreational uses, living quarters, dining rooms, and other incidental facilities.

**Scoreboard:** A sign contained within an athletic venue and intended solely to provide information to the attendees of an athletic event.

**Screening:** Method of visually shielding or obscuring one abutting or nearby structure or use from another.

**Seasonal Decorations:** Temporary signs or displays, including lighting, celebrating holiday seasons.

**Secondary Arterial:** See Street, Secondary Arterial.

**Secondary Façade:** Any exterior building wall other than a primary Front Façade.

**Security Sign:** An on-premises sign regulating the use of the premises, such as a "no trespassing," "no hunting," or "no soliciting" sign (also known as a warning sign).

**Sending Parcel:** A parcel of land in the sending zone from which the landowner may sever development credits, and after which those development credits that are severed and transferred may only be used for certain limited activities.

**Senior Housing:** Collectively includes ~~'Skilled Nursing Facilities'~~ 'Long-Term Care Facilities' and 'Alternative Housing for the Elderly'.

**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.

**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 public right-of-way**, than the minimum required in each district unless otherwise specified in this chapter.

**Setback, Side:** A setback extending along the same Lot line from the front setback to the rear setback and not less in width, measured from the side Lot line, than the minimum required in each district.

**Setback, Perimeter:** A setback along the perimeter of a Lot measured from the edge of the right-of-way, the side Lot line, and/or the rear Lot line.

**Setback, Predominant:** A front setback equal to the median front setback of the existing principal buildings along a common street frontage. ~~The setback of existing buildings that may be allowed to supersede the setback required by the District for new buildings.~~

**Setback, Rear:** A setback 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.

**Shared Parking:** Parking that is utilized by two or more uses taking into account the variable peak demand times of each use; the uses can be located on more than one lot.

**Shared Residence for the Elderly or the Disabled:** 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.

**Shielded:** A light source from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located and properly fitted with devices such as shields, barn doors, baffles, louvers, skirts, or visors.

**Sign:** Any writing, symbol, figure, representation, logo, emblem, flag, banner, device, letter, word, street clock or temperature announcement, which shall include any announcement, declaration, demonstration, display, illustration, name identification, description or insignia, which is used to advertise or promote the interest of any person or firm when such representation is placed in view of the general public.

**Sign Area:** The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See §155-9.3.6 for standards for measuring sign area.

**Single and Separate Ownership:** The ownership of a Lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any Abutting or adjoining Lot. Ownership shall be considered separate and distinct where Lots have been separately described as such, by metes and bounds, in a recorded deed ~~or of~~ conveyance prior to the enactment of an ordinance rendering one or more of such lots non-conforming and have continued since that date to be so separately described in all subsequent recorded deeds of conveyance.

**Single-Family Dwelling (Detached):** A free-standing building designed for and occupied exclusively as a permanent residence by a single Family, having no party wall in common with an adjacent building.

**Single-Use Building:** A single-use building is occupied predominately by one use. The building may include other ground floor uses by does not qualify as a mixed-use building.

**Sloped Roof:** A roof with a pitch of 6:12 or greater.

**Snipe Sign:** A sign attached to a tree, pole, stake, fence, public bench, streetlight, or other object, placed on public property, in the public right-of-way or on private property without the permission of the property owner (also known as a bandit sign).

**Solid Waste:** Discarded material including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Also garbage, rubbish, sludge, special waste.

**Special Exception:** Approval process pursuant to the requirements of Article 11.

**Special Flood Hazard Area (SFHA):** An area in the floodplain subject to a one-percent-or-greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

**Specialized Retail:** A place of business providing goods and services that are not usually considered part of a continuous pedestrian retail environment, including but not limited to animal hospital, pawn shop, marijuana dispensary, funeral home, storage, and garage.

~~**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 characteristic which may be designated as a specimen tree by the Shade Tree Commission of the Township.~~

**Start of Construction:** The date the permit was issued for construction, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within 12 months after the date of issuance of the permit, unless a time extension is granted in writing by the floodplain administrator. The actual start of construction either the first placement or permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction begins with the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**State:** The Commonwealth of Pennsylvania.

**Stepback:** A setback in the Facade of the Building above the lower levels.

**Stoop:** A frontage wherein the façade is close to the frontage line, with the first story elevated above the sidewalk sufficiently to secure privacy for the windows, and a raised entrance with an exterior stair or ramp and landing.

**Storage & Distribution:** A facility for: the receipt, storage, handling, and distribution of materials and merchandise; receiving, dispatching, or consolidating goods in transit by road, rail, air, or sea; individually leased storage units.

**Storage Garage:** 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.

**Storefront:** The exterior façade of a commercial building visible from a street, sidewalk, parking area, or other public way containing an entrance to an establishment.

~~**Storm Drainage Area:** 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.~~

**Story:** A level within a building by which height is measured. The distance in a structure between the upper surface of a floor and the upper surface of the floor or roof next above.

**Streamers:** A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message.

**Street:** A right-of-way, publicly or privately owned, serving as a means of vehicular and pedestrian travel, furnishing access to Abutting properties, and shown on the Official Highway Map of the Township, but not including an Alley, common driveway, or access easement.

**Street Address Plaque:** A small sign mounted to the front or side of a building at pedestrian level, or dimensional letters mounted above the door, conveying the numerical street address of the building.

**Street, Freeway Arterial:** Regional routes shown on the Official Highway Map serving as a means of vehicular travel connecting major population centers and carrying high volumes of traffic for considerable distances at maximum safe speed.

**Street Line:** The boundary line of a street right-of-way.

**Street, Minor:** Local routes shown on the Official Highway Map serving as a means of vehicular travel primarily to give access to Abutting properties and not intended to carry through traffic.

**Street Pole Banner:** A banner suspended above a public sidewalk and attached to a single street pole. See Chapter 133-2.1

**Street, Primary Arterial:** Through routes shown on the Official Highway Map serving as a means of vehicular travel linking local regions with each other and with points of access to expressways, carrying a heavy flow of traffic but with controlled access from intersecting Streets and Abutting properties.

**Street, Secondary Arterial:** Feeder or collector Street shown on the Official Highway Map serving as means of vehicular travel linking local communities, connecting neighborhoods to primary arterials and designed to distribute traffic from local generators to tertiary arterials and minor Streets.

**Street, Tertiary Arterial:** Routes shown on the Official Highway Map serving as means of vehicular travel connecting local neighborhoods and minor roads to secondary systems, providing access to abutting properties and not intended to carry through traffic except to the nearest secondary road.

**Streetscape:** The physical components of streets, the urban element that is the major part of the public realm, composed of: the street pavements for vehicles, bicycles and pedestrians; amenities such as trees and plantings, and furnishings such as streetlights, bollards and benches; and the visible fronts of abutting properties including fences, yards, porches, and facades.

**Streetscreen:** A freestanding visual barrier built along the Frontage Line or in line with the Facade, often for the purpose of masking a parking lot from the Street.

**Streetwall:** The lower Stories of the Building Façade which create a Streetwall that defines the space of the Street corridor and is visible to the pedestrian.

**Structural Alteration:** Any change in or addition to the supporting or structural members of a building, such as the bearing walls, partitions, columns, beams or girders, or any change which would convert an existing building into a different structure or adapt it to a different use or which, in the case of a nonconforming use, would prolong the life of such use.

**Structure:** Any form or arrangement of building materials involving the necessity of providing proper support, bracing, tying and anchoring to a fixed location on or below the surface of the ground.

**Structure in a Floodplain:** Any form or arrangement of building materials involving the necessity of providing proper support, bracing, tying and anchoring, including a gas or liquid storage tank that is principally above ground, and including a Manufactured Home.

**Student Housing:** A living arrangement, including a student home, for students unrelated by blood, marriage or legal adoption, attending or about to attend a college or university or who are on a semester or summer break from studies at a college or university, or any combination of such persons. Student homes shall not include fraternities, sororities or community residential programs.

**Student Residence Hall:** A Structure containing a living arrangement owned or leased by an educational institution and operated as an integral part of that educational institution for the use of its students and faculty.

**Subdivision:** The division or re-division of a lot, tract or parcel of land by any means into two or more Lots, tracts, parcels or other divisions of land, including changes in existing Lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or Building or Lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new Street or easement of access or residential dwelling, shall be exempted. "Subdivision" shall include the merger of two or more lots into a lesser number of lots and the mortgage of less than all of a Lot.

**Substantial Damage:** Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

**Substantial Improvement:** Any reconstruction, rehabilitation, addition or other improvements of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term

includes structures which have incurred substantial damage, regardless of the actual repair work performed. This term does not, however, include either:

- 2.1.0.a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the Director of Building and Planning and which are the minimum necessary to assure safe living conditions; or
- 2.1.0.b. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

**Substantially Completed:** Where, in the judgment of the Township Engineer, at least 90% (based on the cost of the required improvements for which financial security has been posted pursuant to Sec. 135-5 of this chapter) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

**Swale:** A natural channel or other low-lying stretch of land which collects or carries surface water runoff.

**Swimming Pool:** A structure designed for swimming and/or wading, constructed or installed either below or above ground and designed to contain or capable of containing water 24 inches or more in depth.

**Tandem Parking:** Two automobiles parked on a driveway or in any other location on a lot, lined up behind one another.

**Tech Research:** A place, building or portion of a building involving the gathering of data and market research and the analysis of same, but excluding any laboratory research, animal or bench research and human experimentation.

**Temporary Sign:** A type of non-permanent sign that is located on private property.

**Temporary Use:** A use of property intended for a limited period of time and does not involve the construction or alteration of any permanent structure.

~~**Terminated Vista:** A location at the axial conclusion of a Street or other public space.~~

**Tertiary Arterial:** See Street, Tertiary Arterial.

**Theater:** A building or part of a building devoted to showing motion pictures or for dramatic, musical or live performances.

**Tilling of Soil:** Activity related to the movement of earth in the production of food crops, trees, flower, or other flora for agricultural or commercial purposes.

**Townhouse:** See Rowhouse.

**Township:** The Township of Lower Merion.

**Toxic Chemicals:** Include, but are not limited to: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid and oxides of nitrogen, petroleum products, phosphorus, potassium, sodium, sulphur, pesticides.

**Trailer Camp:** Any premises used as a parking space for more than one house trailer.

**Transfer of Development Credits:** The procedure prescribed by this Chapter whereby development credits may be severed from a sending parcel and utilized for additional development on a receiving parcel, held for later use or extinguished; and the procedure whereby owners of development credits, currently or previously appurtenant to a sending parcel, convey some or all of those credits to another party, including landowners/assignees of receiving parcels. The terms “development credits” and “development rights” are synonymous as used herein.

**Transferee or Buyer or Grantee:** With respect to transferable development rights, the person or legal entity who purchases or otherwise receives development credits and who may apply the development credits to a receiving parcel, hold them, or subsequently sell or otherwise transfer the development credits.

**Transferor or Seller or Grantor:** With respect to transferable development rights, the owner of development credits and/or the owner of a sending parcel who severs and then sells, grants or otherwise transfers the development credits associated with the sending parcel to another person or entity.

**Transit Facility:** A facility providing accommodations for a transportation system, including: bus terminal and railroad station.

~~Transition Line: 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.~~

**Twin:** A building designed for and occupied exclusively as a permanent residence for only one Family, and having a party wall in common with an adjacent building.

**Type:** A category determined by use, disposition, or configuration, including size or extent, such as street types, yard types, etc.

**Under Canopy Sign:** A sign which is mounted entirely under a canopy or the roof of a covered walkway or pedestrian arcade.

**Uninhabitable Attic:** An unfinished area that does not provide adequate ceiling height for occupation per Building Code.

**Uninhabitable Basement:** An unfinished area below a structure that does not provide adequate ceiling height for occupation per Building Code.

**Urban Design:** The intentional formation in terms of both beauty and function of human settlement, combining elements, among others, of urban planning, architecture, landscape architecture and traffic engineering.

~~Urban Form: 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.~~

**Use:** The purpose or activity for which land, water or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

**Usable Satellite Signals:** Satellite signals from the major communications satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable television.



**Variance:** Permission or approval granted by the Zoning Hearing Board constituting a modification of or relief from the exact provisions of this chapter as applied to a specific piece of property.

**Vehicle Lift:** An unenclosed skeletal structure without walls designed to mechanically lift one or more motor vehicles above grade for the purpose of temporary storage.

**Vehicular Sign:** 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.

**Vestibule:** A passage, hall, or room between the outer door and the interior of a building : lobby.

**Viable Tree:** A tree capable of surviving and having a reasonable chance of succeeding.

**Viewshed:** That portion of the landscape which can be readily viewed by the observer from one or more vantage points. The extent of area that can be viewed is commonly delineated by land form, vegetation and/or distance.

**Village:** A compact commercial center with a core of mixed-use commercial, residential and service uses. A village typically has a recognizable center, identifiable physical boundaries, and a pedestrian scale and orientation.

**Violation, Floodplain:** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. Existing structures built prior to the date the Floodplain District was enacted that have not been substantially improved shall not be considered in violation of the floodplain provisions.

**Visual Permeability:** The ability of vertical surfaces to allow viewers to see through to the other side, e.g., windows and open fences.

~~**Walking Radius:** 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.~~

**Wall Plaques:** Small pedestrian-oriented information signs that may convey information such as hours of operation or take the form of directories, menu cases, or convey historical building information.

**Wall Sign:** A sign erected against or painted on the wall of any building, displayed on windows or doors or displayed with the exposed face thereof in a plane parallel to the face of said wall.

**Watercourse:** Any natural or artificial swale, stream, channel, drain or culvert in which water flows continuously or intermittently.

**Wetland:** Those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and that under normal circumstances do support



a prevalence of vegetation typically adapted for life in saturated soil conditions; or as further defined and delineated by the United States Army Corps of Engineers, the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection.

**Window Sign:** A sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

**Wireless Communication Facility:** Any unstaffed facility for the transmission and/or reception of wireless communication services, usually consisting of an antenna array or micro facility, connection cables, an equipment facility and a support structure or attachment structure to achieve the necessary elevation.

**Wireless Communication Service:** Any personal wireless service as defined by the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services, including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed.

**Woodland:** An area characterized by a more or less dense and extensive tree cover; more particularly, a plant community predominantly of healthy trees and other woody vegetation, well-stocked and growing more or less closely together.

~~Yard: 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.~~

~~Yard, Front: 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.~~

~~Yard, Rear: 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.~~

~~Yard, Side: 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.~~

**Yield Map:** A plan prepared in accordance with underlying zoning and subdivision regulations which documents and quantifies permitted density.

**Zoning Hearing Board:** A three-member board appointed by the Township of Lower Merion Board of Commissioners to hear and decide appeals from the Zoning Officer, variances and special exceptions and to hear challenges to the validity of this chapter or the Zoning Maps.

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# ARTICLE 3: GENERAL TO DISTRICTS

**155-3.1 APPLICABILITY**

- 3.1.1 The provisions of this Article generally apply to all districts.
- 3.1.1.a. Terminology: "Shall" is always mandatory and not permissive. "Should" is advisory and identifies guidance provided by the Board of Commissioners in the implementation of these regulations.
  - 3.1.1.b. Illustrations. In case of any difference of meaning or implication between the text of any provision and any illustration, the text shall control, unless the intent of the Code is clearly otherwise.
  - 3.1.1.c. Other codes. Any reference to federal laws, Pennsylvania Statutes, Municipal Planning Code, or any other official code shall be construed to be a reference to the most recent enactment of the particular law, and shall include any amendments to it as may be adopted thereafter.
  - 3.1.1.d. Specific terms: References to the following specific terms shall be consistent throughout the Code.
    - 3.1.1.d.i. A reference to the Township shall mean Lower Merion Township.
    - 3.1.1.d.ii. A reference to Primary, Secondary Tertiary, and Minor Streets shall mean as designated on the Official Highway Township Map.
    - 3.1.1.d.iii. A reference to a historic structure shall mean it is classified on the Township's Historic Resource Inventory, or it is in a local historic district.

**155-3.2 REFERENCES TO DISTRICTS**

- 3.2.1 The following regulations are as specified in the lot's underlying district.
- 3.2.1.a. Permitted uses and use regulations shall be in compliance with Article 5: Uses and Article 10: supplemental regulations.
  - 3.2.1.b. Building disposition and configuration shall be according to:
    - 3.2.1.b.i. LDR1, LDR2, LDR3, and LDR4: "Table 4.1 LDR Form Standards";
    - 3.2.1.b.ii. MDR1, MDR2, and MDR3: "Table 4.2 MDR Form Standards";
    - 3.2.1.b.iii. VC and TC: "Table 4.3 Commercial Center Form Standards";
    - 3.2.1.b.iv. I - Institution: "Table 4.4 Institution Form Standards";
    - 3.2.1.b.v. "Table 6.1 MC Medical Center District";
    - 3.2.1.b.vi. "Table 6.2 BMMD Bryn Mawr Medical District";
    - 3.2.1.b.vii. "Table 6.3 RHR Rock Hill Road District";
    - 3.2.1.b.viii. "Table 6.4 BMV Bryn Mawr Village District"; and
    - 3.2.1.b.ix. "Tables 6.6.6, 6.7.2, 6.8.3 CAD City Avenue District"
  - 3.2.1.c. Parking requirements and regulations are as specified in the lot's underlying district and shall be in compliance with "Table 8.1 Minimum Parking Requirements".
  - 3.2.1.d. Signage requirements and regulations shall be in compliance with "Article 9: Sign Standards".
- 3.2.2 Districts may be subject to additional regulations of an overlay district as provided in "Article 7: Conservation & Preservation Overlays".
- 3.2.2.a. HROD Historic Resources Overlay District
  - 3.2.2.b. OSOD Open Space Overlay District
  - 3.2.2.c. Floodplain Overlay District
  - 3.2.2.d. Steep Slopes Overlay District
  - 3.2.2.e. Wooded Lot Overlay District
- 3.2.3 Additional Township-wide regulations general to districts are as specified in this Article.
- 3.2.4 All requirements related to Township permitting process and procedures, standards of proof and submission criteria for special exceptions, conditional uses and variances, and roles and responsibilities of the Building and Planning Department, Zoning Hearing Board and Board of Commissioners are as specified in "Article 11: Process & Procedures".

**155-3.3 BUILDING HEIGHT****3.3.1 Building height is limited as follows:**

- 3.3.1.a. Building height shall be measured from the mean grade at the corners of the building to the top of the roof. If no building is located on the Lot, the building height shall be measured from the mean grade of the corners of the proposed building.
- 3.3.1.b. Building stories are measured as specified in this section. Building story measurement shall begin at the established first floor elevation above the mean grade.
- 3.3.1.c. Stories are measured from finished floor to finished floor for multi-story buildings and finished floor to the top of roof for single-story buildings.
- 3.3.1.d. Non-residential buildings may exceed maximum single story height subject to compliance with maximum height.
- 3.3.1.e. Mezzanines that occupy more than 50% of the floor below the mezzanine area count as an additional story.
- 3.3.1.f. Basements visible from a frontage may extend up to a maximum three (3) feet above grade.
- 3.3.1.g. On sloped lots where the finished grade is more than two feet above or below the existing grade, the mean grade shall be established as follows:
  - 3.3.1.g.i. If the finished mean grade is more than 2 feet higher than the existing mean grade, the mean grade is measured at the corners of the proposed building using the existing grade elevations.
  - 3.3.1.g.ii. If the finished mean grade is less than 2 feet lower than the existing grade, the mean grade is measured at the corners of the building using the proposed finish grade elevations.

**3.3.2 Residential dwellings and buildings:**

- 3.3.2.a. A residential story is limited to 14 feet maximum but the total height of the building shall be subject to the height limits as per its underlying district requirements.
- 3.3.2.b. First floor elevation shall be a minimum of 12 inches off the ground, unless specified otherwise in section "155-3.5 Frontages" and "Table 3.5.2 Facade Types".
- 3.3.2.c. First floor elevation shall be established as per its underlying district requirements.

**3.3.3 Non-residential and mixed-use buildings:**

- 3.3.3.a. A ground floor story shall be 24 feet maximum but the total height of the building shall be subject to the height limits as per its underlying district requirements.
- 3.3.3.b. First floor elevations shall be established as per its underlying district requirements.

**3.3.4 Parking Structures:**

- 3.3.4.a. Each parking structure shall be limited to the maximum height permitted in their underlying district, as specified in Tables 4.1 to 4.4 and Tables 6.1 to 6.5.

**3.3.5 Vertical projections, not used for human habitation, may exceed maximum building height as specified in their underlying districts.****3.3.6 Mechanical equipment on a roof shall be enclosed by parapets or other similar screening of the minimum Building Height necessary to shield it from abutting streets and adjacent properties at ground level of the joint property line and may extend above the maximum Building Height as specified in their underlying districts. This shall not apply to BMMD and BMV Districts.****155-3.4 LOT OCCUPATION****3.4.1 Lots shall conform to the minimum lot width and area requirements of their underlying district.**

- 3.4.1.a. The minimum lot width of the lot at the building line shall be the minimum lot width required at the street line for lots in the zoning district in which the lot is located. Minimum lot width shall be measured parallel to the street at the point of the proposed building closest to the street.

- 3.4.2 A building shall be located in relation to the boundaries of its lot as specified for their underlying district, according to the underlying zoning districts. Additional regulations to setbacks shall apply for lots abutting a property of lesser density and shall be as specified in the building's underlying district.
- 3.4.3 One or more buildings may be built on each lot, subject to compliance with the lot standards of the district in which they are located.
- 3.4.4 Where a maximum setback is specified, it pertains only to the amount of building facade required to meet the minimum **primary** frontage **lot** occupation requirements of the underlying district.
- 3.4.5 Lots shall have a minimum of one frontage facing a street; and shall have the primary entrance on the front facade.
  - 3.4.5.a. Rowhouses shall have a primary front facade facing onto a public or private street ~~or~~ **pedestrian way**.
- 3.4.6 Accessory buildings and structures shall comply with their underlying zoning districts and the following:
  - 3.4.6.a. They may be erected in the reduced side and rear setback as designated in the form tables of the underlying district in which they are located.
  - 3.4.6.b. They shall be subordinate in height to the principal building and are limited in height as established in "Section 155-3.3 Building Height".
    - 3.4.6.a.i. Accessory buildings in the principal building envelope shall be limited to two stories or 20 feet in height.
    - 3.4.6.a.ii. Accessory buildings built in the reduced side and rear setback shall be limited in height to one story or 15 feet.
  - 3.4.6.b. Accessory buildings shall be designed to be similar to and compatible with the principal building.
- 3.4.7 Multiple principal buildings on a residential lot:
  - 3.4.7.a. For buildings less than three stories, the distance between two or more principal buildings on the same lot shall be a minimum of 20 feet or no less than the height of the taller building, whichever is greater.
  - 3.4.7.b. For buildings three stories or more, an additional 5 feet separation is required for every additional story.
- 3.4.8 Corner lots.
  - 3.4.8.a. On any corner lot, no wall, fence or other structure shall be erected or altered and no hedge, tree, shrub or other growth shall be maintained or other obstacle be placed so as to cause danger to traffic on a street by obscuring the view.
  - 3.4.8.b. Corner lots in LDR and MDR1 districts shall be in compliance with "Article 4: District Specific Standards".
  - 3.4.8.c. Corner lots shall have two front setbacks, one side setback and one rear setback, as illustrated in "Figure 3.5.1 Primary Frontage Illustrated".
  - 3.4.8.d. Any portion of a lot fronting on a street shall be subject to a front setback.
- 3.4.9 Predominate Setback: ~~RESERVED~~ 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:
  - 3.4.9.a. Applicability. The predominant setback standard shall apply to new buildings and frontage yard additions to existing buildings in the following zoning districts:
    - 3.4.9.a.i. **LDR4**
    - 3.4.9.a.ii. **MDR1**
    - 3.4.9.a.iii. **MDR2**
    - 3.4.9.a.iv. **MDR3**
    - 3.4.9.a.v. **VC**
    - 3.4.9.a.vi. **TC1**

- 3.4.9.b. 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.
- 3.4.9.c. The following shall be excluded from the calculation of predominant setback:
  - 3.4.9.c.i. Buildings located in a non-residential zoning district.
  - 3.4.9.c.ii. Rear lots
- 3.4.9.d. 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.

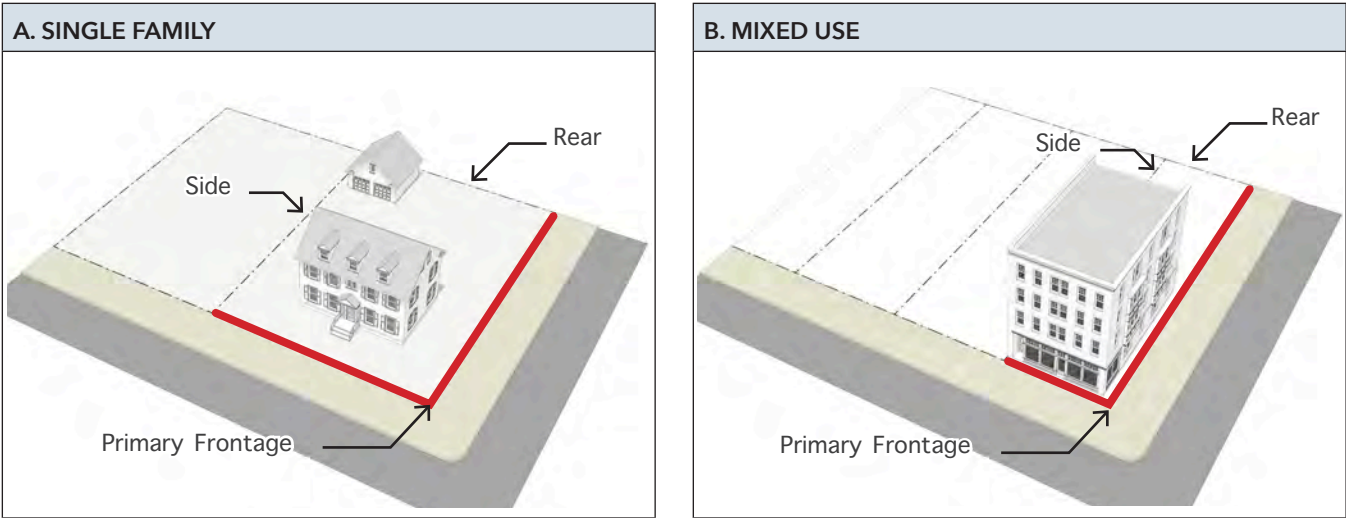
3.4.10 Neighborhood Conservation Districts: RESERVED

## 155-3.5 FRONTAGES

- 3.5.1 Lot Frontages
  - 3.5.1.a. Lot lines abutting street rights-of-way are designated as primary frontages, as illustrated in "Figure 3.5.1 Primary Frontage Illustrated".
- 3.5.2 Frontage occupation
  - 3.5.2.a. Frontage occupation is regulated according to the underlying zoning district.
- 3.5.3 Setbacks
  - 3.5.3.a. Buildings shall be set back from lot lines according to the underlying zoning district.
- 3.5.4 Frontage Yards
  - 3.5.4.a. Frontage yards shall be wholly open to the sky and unobstructed, except for permitted projections as specified in section "155-3.6 Projections".
  - 3.5.4.b. Frontage yard types shall be selected from "Table 3.5.1 Frontage Yard Types".
    - 3.5.4.b.i. Frontage yard types may differ at frontage breaks.
- 3.5.5 Landscaping in frontage yards is subject to the requirements of "Chapter 128 Shade Tree requirements".
- 3.5.6 Frontage yards are subject to the requirements of "Table 3.5.1 Frontage Yard Types" and the following:
  - 3.5.6.a. The following structures and equipment are prohibited in frontage yards:
    - 3.5.6.a.i. Pools, jacuzzis, spas, hot tubs, tennis courts, and their related enclosures, pumps, and equipment;
    - 3.5.6.a.ii. Air conditioning compressors;
    - 3.5.6.a.iii. Emergency generators;
    - 3.5.6.a.iv. Dumpsters;
    - 3.5.6.a.v. Parking structure ventilation;
    - 3.5.6.a.vi. Drive-throughs; and
    - 3.5.6.a.vii. Electrical transformers.
    - 3.5.6.a.viii. Vehicular fueling device (gas pump, Electric Vehicle Charging Station)
- 3.5.7 Any portion of a primary frontage in MDR3, VC, RHR, and TC not occupied by buildings, driveways, forecourts or walkways shall be lined with a streetscreen as follows:
  - 3.5.7.a. Streetscreens shall meet the fencing and wall standards for the frontage yard type and "155-3.7 Fences and Walls".
  - 3.5.7.b. Streetscreens shall be coplanar with the primary building facade or located further into the lot than the facade.
  - 3.5.7.c. Parking and service areas may not be located between streetscreens and street.
- 3.5.8 Building entries:
  - 3.5.8.a. Building entries in MDR, VC, RHR, and TC shall be provided at frontages as follows:
    - 3.5.8.a.i. The primary building entrance shall be located along the primary frontage.

- 3.5.8.a.ii. One building entry shall be provided for every 60 feet of building facade, except for entirely residential buildings which shall provide a minimum one building entry every 80 feet of facade leading to a habitable space.
- 3.5.8.b. Design of building entries for mixed-use buildings shall differentiate entrances for residential and commercial uses.
- 3.5.8.c. Entries for multifamily buildings shall provide protection from the elements with canopies, marquees, recesses or roof overhangs.
- 3.5.8.d. Residential building entries at grade are regulated as follows:
  - 3.5.8.d.i. Single-Family residential buildings shall be raised above average sidewalk grade according to “Table 3.5.2 Facade Types”.



**FIGURE 3.5.1 PRIMARY FRONTAGE ILLUSTRATED**



**TABLE 3.5.1 FRONTAGE YARD TYPES**

A. COMMON YARD	
ILLUSTRATION	
SURFACE	Paving is limited to walkways and driveways and is recommended to be of pervious material.
WALKWAYS	Minimum one per frontage connecting to a sidewalk, where possible, providing access to building entry.



<b>B. FENCED YARD</b>	
<b>ILLUSTRATION</b>	
<b>SURFACE</b>	Paving is limited to walkways and driveways and is recommended to be of pervious material.
<b>WALKWAYS</b>	Minimum one per frontage connecting to a sidewalk, where possible, providing access to building entry.
<b>FENCING</b>	Permitted according to Section "155-3.7 Fences and Walls".
<b>C. SHALLOW YARD</b>	
<b>ILLUSTRATION</b>	
<b>SURFACE</b>	Maximum setback of 12 feet. 50% minimum shall be landscaped in MDR1, MDR2, and MDR3 and up to 100% may be paved in VC and TC.
<b>WALKWAYS</b>	Minimum one per frontage providing access to building entries.
<b>FENCING</b>	Frontage fencing is not permitted. Frontage facade, side, and rear fencing is permitted according to Section "155-3.7 Fences and Walls".

**D. URBAN YARD****ILLUSTRATION****SURFACE**

Shall be paved at sidewalk grade, and trees in grates or tree pits.

**WALKWAYS**

Shall be paved at sidewalk grade. Vegetation is permitted in raised containers.

**FENCING**

Frontage fencing is not permitted. Frontage facade, side, and rear fencing is permitted according to Section "155-3.7 Fences and Walls".

**E. PEDESTRIAN FORECOURT****ILLUSTRATION****SURFACE**

Minimum 80% paving. Pervious paving is recommended ~~and shall not count towards maximum impervious surface.~~

**FENCING**


Frontage fencing is not permitted. Frontage facade, side, and rear fencing is permitted according to Section "155-3.7 Fences and Walls".

**AREA**

Forecourt: The court width shall be no less than the height of the tallest portion of the building. The maximum court depth shall be two times its width.

**ACTIVATION**

Shall be lined with habitable space on two sides.

F. VEHICULAR FORECOURT	
ILLUSTRATION	
SURFACE	Driveway shall be paved at sidewalk grade. The remainder of front setback may be paved or landscaped. Pervious paving is recommended <del>and shall not count towards impervious surface.</del>
FENCING	A low frontage facade wall, a maximum 24 inches high, of either brick or stone is permitted.
AREA	Forecourt: 4,200 sq. ft. maximum.
ACTIVATION	Shall be lined with habitable space along vehicular forecourt.

G. FRONTAGE YARD TYPE SUMMARY				
	LDR	MDR	VC	TC
COMMON YARD	P	P <sup>(1)</sup>		
FENCED YARD	P	P <sup>(1)</sup>		
SHALLOW YARD		P	P	P
URBAN YARD		P <sup>(2)</sup>	P	P
PEDESTRIAN FORECOURT		P <sup>(2)</sup>	P	P
VEHICULAR FORECOURT				P
1. MDR1 and MDR2 Only 2. MDR3 Only				

3.5.8.d.ii. Multi-family residential buildings shall be raised above average sidewalk grade according to "Table 3.5.2 Facade Types".

3.5.8.d.iii. Mixed-use and non-residential building entries shall be at sidewalk grade.




3.5.9 Facade Types shall be as follows:


3.5.9.a. Facade types shall not apply to LDR, MDR1, BMV~~D~~, BMMD, CAD-BV, MC, and I districts, except for:


3.5.9.a.i. Dwellings with a porch or stoop shall be required to conform to the applicable facade type requirements in "Table 3.5.2 Facade Types".


3.5.9.b. Applicants shall select and specify facade types along frontages.

**TABLE 3.5.2 FACADE TYPES**

<b>A. PORCH</b>		
<b>ENTRY GRADE</b>	Minimum 12 inches above grade.	
<b>REQUIREMENTS</b>	<ul style="list-style-type: none"> <li>• Required at the primary building entrance.</li> <li>• Shall be a minimum 6 feet in depth.</li> <li>• May project into front setbacks a maximum of 10 feet.</li> <li>• Shall not extend more than 15 feet beyond the facade.</li> <li>• Shall be a minimum 50% of the width of the facade.</li> <li>• Porch openings shall be vertical in proportion.</li> <li>• Shall be a maximum of 10 feet in height.</li> </ul>	
<b>B. STOOP</b>		
<b>ENTRY GRADE</b>	Minimum 12 inches and a maximum of 36 inches above grade.	
<b>REQUIREMENTS</b>	<ul style="list-style-type: none"> <li>• A stoop is required at building entrances, projecting from the facade.</li> <li>• Wood is prohibited for stoop railings.</li> <li>• Stoops and related structures may project into front setbacks up to 100% of their depth.</li> <li>• Minimum 48 inch depth.</li> </ul>	
<b>C. COMMON ENTRY</b>		
<b>ENTRY GRADE</b>	Minimum 12 inches and a maximum 24 inches above grade.	
<b>REQUIREMENTS</b>	<ul style="list-style-type: none"> <li>• A single collective entry to a multi-family lobby is required at the primary building entrance.</li> <li>• Canopies and awnings are permitted to project into front setbacks up to 100% of their depth.</li> </ul>	

D. ARCADE & COLONNADE		
ENTRY GRADE	At sidewalk grade.	
REQUIREMENTS	<ul style="list-style-type: none"> <li>Where an arcade occurs, it is required along a minimum of 80% of the frontage.</li> <li>Projections are permitted according to "155-3.6 Projections".</li> <li>Awnings are not permitted in galleries.</li> <li>A minimum of 50% of the ground floor shall be glazing.</li> </ul>	

E. GALLERY		
ENTRY GRADE	At sidewalk grade.	
REQUIREMENTS	<ul style="list-style-type: none"> <li>Where a gallery occurs, it is required along a minimum of 80% of the frontage.</li> <li>Projections are permitted according to "155-3.6 Projections".</li> <li>Awnings are not permitted in galleries.</li> <li>A minimum of 50% of the ground floor shall be glazing.</li> </ul>	

F. STOREFRONT		
ENTRY GRADE	At sidewalk grade.	
REQUIREMENTS	<ul style="list-style-type: none"> <li>A storefront is required at the primary entrance of the tenant space.</li> <li>A minimum of 50% of the ground floor of a storefront shall be glazing.</li> <li>See section "3.9.4 Storefronts:" for additional storefront requirements.</li> </ul>	



- 3.5.9.c. Facade types shall be selected from "Table 3.5.2 Facade Types".
- 3.5.9.d. When selected, facade types apply to primary frontages.
- 3.5.9.e. Facade types may differ at frontage breaks.

### 155-3.6 PROJECTIONS

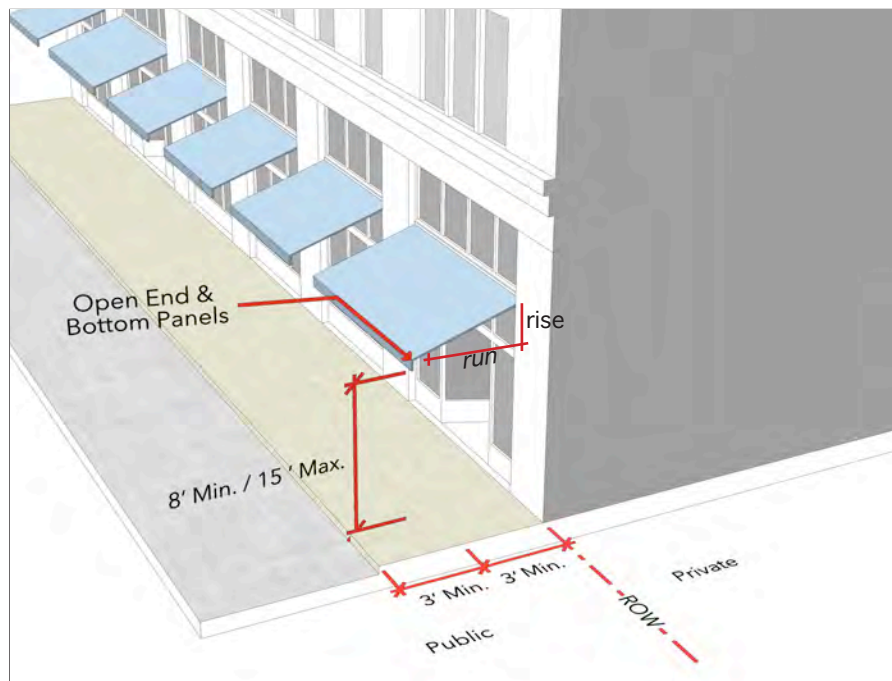
- 3.6.1 Projections are regulated according to the following. All projections into public rights-of-way shall provide a minimum vertical clearance of ~~8~~eight feet, unless otherwise specified, and shall follow clearance and sightline regulations according to public works.
- 3.6.2 Projections are permitted according to the following:
  - 3.6.2.a. Roof overhangs, cornices, eaves, gutters, chimneys or windows may project up to 18 inches into the required setbacks.
  - 3.6.2.b. Bay and bow windows may project up to three feet into the front and rear required setbacks and up to 18 inches into the required side setbacks.
  - 3.6.2.c. Steps and canopies over entrances may project into the required setbacks up to four feet. The length along the supporting wall of a projecting canopy over an entrance may not exceed eight feet, or a maximum of two feet beyond the door opening, whichever is less. The canopy may also include up to two supporting columns.
  - 3.6.2.d. Balconies are regulated as follows:
    - 3.6.2.d.i. They may project into the front and rear setback up to three feet and into side setbacks up to 18 inches.
    - 3.6.2.d.ii. They shall not occupy more than 40% of the length of the facade.
- 3.6.3 Porches.
  - 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:
    - 3.6.3.a.i. Project into the required front and side setbacks as follows:
      - 3.6.3.a.i.(1). Side and front porches may connect to form a continuous porch pursuant to this section.
    - 3.6.3.a.ii. Steps from the porch may further project as follows:
      - 3.6.3.a.ii.(1). Steps up to six feet wide may project up to an additional four feet into the front setback in LDR districts.
      - 3.6.3.a.ii.(2). Steps shall not extend into the side setback further than the porch permitted under this section in all other districts.
    - 3.6.3.a.iii. The porch shall not extend into required buffers.
    - 3.6.3.a.iv. The porch may not be enclosed nor living space or balconies erected above. Porch enclosures shall be limited to traditional porch elements, such as railings, required by the Building Code.
    - 3.6.3.a.v. Space beneath the porch may not be occupied.
    - 3.6.3.a.vi. The additional impervious surface associated with the porch and steps need not be included in the calculations of the total allowable impervious surface, provided 100% of the direct volume of stormwater generated from the additional impervious surface will be recharged for a one-hundred-year storm event.
    - 3.6.3.a.vii. In no case may the porch be located within two feet of any right-of-way.
  - 3.6.3.b. Enclosure of existing porches
    - 3.6.3.b.i. An existing ground-level, ~~roofed~~ porch located in a required rear or side setback may be enclosed, provided that:
      - 3.6.3.b.i.(1). The existing porch and roof were lawful when built.
      - 3.6.3.b.i.(2). An existing porch roof may be repaired or replaced but a roof shall not be constructed where one formerly did not exist. No porch shall extend beyond the existing porch or roof, whichever ground area covered is less.

- 3.6.3.b.ii. An existing ground-level ~~roofed~~ porch installed after 11-19-2014, located in a required front or side setback cannot be enclosed.

### 3.6.4 Awnings

- 3.6.4.a. Awnings shall be dimensioned according to "Figure 3.6.1 Awning Clearance" and the following:
- 3.6.4.a.i. Awnings shall be a minimum of three feet deep.
  - 3.6.4.a.ii. Awnings shall have a minimum vertical clearance of eight feet.
  - 3.6.4.a.iii. Awnings shall be a maximum height of 15 feet above pavement and shall be below the cornice or frieze.
  - 3.6.4.a.iv. Awnings may encroach into building setbacks and over sidewalks to within six feet of the curb.
  - 3.6.4.a.v. Where awnings are within public rights-of-way, they shall meet Public Works clearance standards to allow utility access and must retract to allow utility access.
- 3.6.4.b. Awnings along storefronts shall attach to facades between the storefront display windows and transom windows, as per "Figure 3.6.1 Awning Clearance", no less than 18 inches below the second floor window sills.
- 3.6.4.c. Awnings shall not have bottom panels, as per "Figure 3.6.1 Awning Clearance".
- 3.6.4.d. Awnings shall be a minimum of 36 inches wide.
- 3.6.4.e. Where multiple awnings are installed on a single tenant facade, breaks between awnings shall not exceed 12 inches.
- 3.6.4.f. Awnings shall be made of fire-resistant canvas.
- 3.6.4.g. Awnings may not be back-lit or internally illuminated.
- 3.6.4.h. Awnings may be externally illuminated.
- 3.6.4.i. Round, half domed, and plastic awnings are prohibited.
- 3.6.4.j. Awnings shall have a maximum slope of 1:3 rise over run.
- 3.6.4.k. Awnings shall not be used as signs except as permitted in "Article 9: Sign Standards".

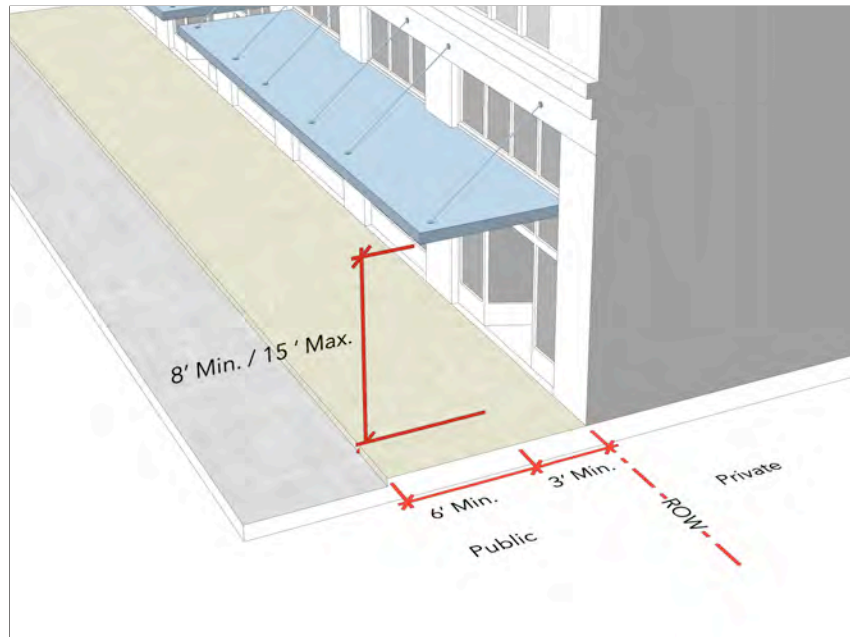
**FIGURE 3.6.1 AWNING CLEARANCE**



### 3.6.5 Canopies

- 3.6.5.a. Canopies shall be dimensioned according to "Figure 3.6.2 Canopy Clearance" and the following:
- 3.6.5.a.i. Canopies shall be a minimum three feet deep.
  - 3.6.5.a.ii. Canopies shall have a minimum vertical clearance of eight feet.
  - 3.6.5.a.iii. Canopies shall be a maximum height of 15 feet above pavement and shall be below the cornice or frieze.
  - 3.6.5.a.iv. Canopies may encroach into building setbacks and over sidewalks to within six feet of the curb.
  - 3.6.5.a.v. Where canopies are within public rights-of-way, they shall meet Public Works clearance standards to allow utility access.
- 3.6.5.b. Canopies along storefronts should attach to facades between the storefront display windows and transom windows, as per "Figure 3.6.2 Canopy Clearance", no less than 18 inches below the second floor window sills.
- 3.6.5.c. Canopies should be continuous across the entire width of tenant facades.
- 3.6.5.d. Canopies shall not be used as signs except as permitted in "Article 9: Sign Standards".

**FIGURE 3.6.2 CANOPY CLEARANCE**



### 3.6.6 Vestibules

- 3.6.6.a. Vestibules shall be permanent structures in compliance with the building code.



**155-3.7 FENCES AND WALLS****3.7.1 General**

- 3.7.1.a. Fencing is regulated according to the location of the fence, including primary frontage fences, frontage facade fences, private lot line fences, and rear lot fences. Location and specification are additionally modified as follows:
  - 3.7.1.a.i. At corner lots, the primary frontage fence designation extends up to the primary setback of the principal building, as illustrated in "Table 3.7.3 Fencing Terminology".
  - 3.7.1.a.ii. Primary frontage fences may be collectively referred to as frontage fences.
  - 3.7.1.a.iii. At corner lots, fences shall follow the ~~site~~sight distance requirements.
- 3.7.1.b. Fences for swimming facilities shall adhere to the standards specified in the Pennsylvania Uniform Construction Code.
- 3.7.1.c. Fences and walls are prohibited within the floodway of the Schuylkill River.
- 3.7.1.d. All fences shall be properly anchored in accordance with the Pennsylvania Uniform Construction Code.

**3.7.2 Fence and Wall Height shall meet the following requirements:**

- 3.7.2.a. Fence and wall height is limited according to "Table 3.7.1 Fence Height". Exceptions include:
  - 3.7.2.a.i. Any portion of a frontage fence above 36 inches shall be at least 50% open.
  - 3.7.2.a.ii. Fences and walls on properties adjacent to a railroad may exceed the maximum height, not to exceed eight feet along the railroad right-of-way.
- 3.7.2.b. Frontage fence height is measured from the existing grade at the location of the fence.
- 3.7.2.c. Private lot line fence and rear lot fence height is measured from the yard grade.

**3.7.3 Fence and Wall Configuration shall meet the following requirements:**







- 3.7.3.a. Frontage fences may be located at the right-of-way or setback from the right-of-way to permit landscaping. When erected at a right-of-way line, all of the fence and any of its supporting structures shall be contained within the lot.
- 3.7.3.b. All fences or walls erected along the primary frontage shall provide an operable gate or opening with a minimum width of 36 inches. There shall be a minimum of one operable gate or opening for each street frontage and at least one operable gate or opening for every 500 feet of fencing along a street.
- 3.7.3.c. Supporting members and posts shall be on the inside of the fence, and the smooth or flat/finish faces on the outside. If both sides of the fence are finish sides with support posts screened, each face shall be of the same type and finish.
- 3.7.3.d. Wood frontage fences shall be painted or stained.
- 3.7.3.e. Wood frontage fences shall have slats between 3.5 inches and 5.5 inches, with a minimum spacing of 2.5 inches and a maximum of 5.5 inches.
- 3.7.3.f. Metal and iron fencing shall be black.
- 3.7.3.g. Fence material is regulated per frontage fence, to a maximum of one fence type.

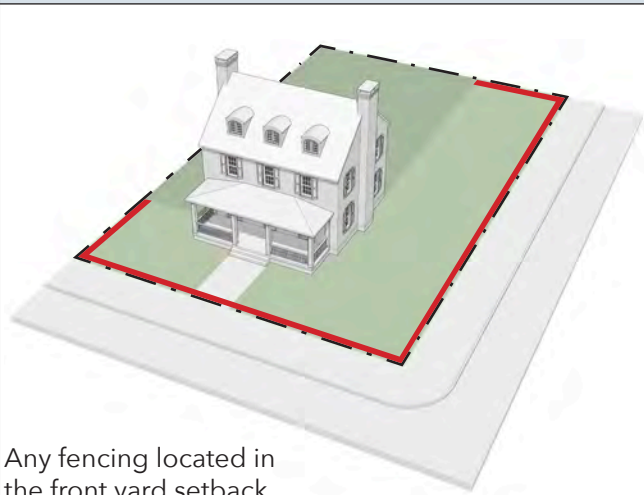
- 3.7.4 Fence and Wall material is limited according to "Table 3.7.2 Fence Type by District" and is further regulated as follows:
- 3.7.4.a. The following fence and wall materials are permitted but not limited to:
    - 3.7.4.a.i. Wood;
    - 3.7.4.a.ii. Metal and iron;
    - 3.7.4.a.iii. Stone, brick, and masonry; and
    - 3.7.4.a.iv. Composite
  - 3.7.4.b. The following fence and wall materials are specifically prohibited:
    - 3.7.4.b.i. Electric, barbed wire, razor wire, hog wire, rolled wire, fence spikes or other types of hazardous fencing;
    - 3.7.4.b.ii. Any wire smaller in size than 12 gauge and wire mesh fencing;
    - 3.7.4.b.iii. Galvanized or painted metal wire fencing;
    - 3.7.4.b.iv. Vinyl and plastic fencing, except for deer fencing for the side and rear; and
    - 3.7.4.b.v. Wood stockade and chain link fencing is prohibited as frontage and frontage facade fencing;
    - 3.7.4.b.vi. Unfinished concrete masonry unit (cinder block).
- 3.7.5 Retaining walls. The height of retaining walls shall not exceed six feet within the setback and shall not exceed eight feet beyond the setback.
- 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.
- 3.7.7 Ball netting when associated with an athletic field or outdoor sports court is not considered a fence. Ball netting shall be screened with landscape material capable of providing a sufficient screen up to 15 to 20 feet in height. The landscape screen shall be located between the ball netting and the right of way.
- 3.7.8 When the Board of Commissioners finds that a significant need is met by the erection of the fence, the Board of Commissioners may approve a higher fence when such a fence is requested in conjunction with the approval of a development plan.

**TABLE 3.7.1 FENCE HEIGHT**

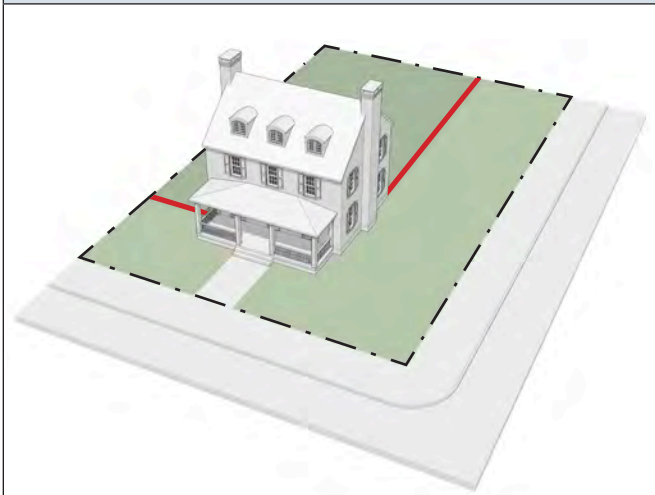
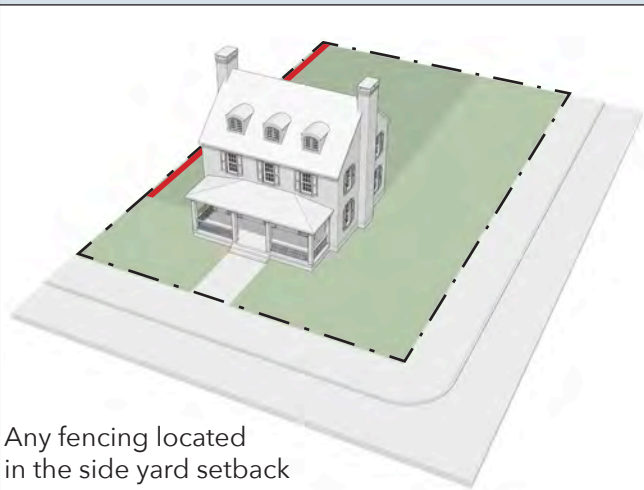
FENCE LOCATION	LDR	MDR	VC	TC	I	LI	MC, BMMD, RHR, BMV, CAD
FRONTAGE	4 ft.	4 ft.	N/A	N/A	4 ft.	4 ft.	4 ft.
FRONTAGE FACADE	6 ft.	6 ft.	6 ft.	6 ft.	8 ft.	8 ft.	6 ft.
SIDE	6 ft.	6 ft.	6 ft.	6 ft.	8 ft.	8 ft.	6 ft.
REAR	6 ft.	6 ft.	6 ft.	6 ft.	8 ft.	8 ft.	6 ft.

**TABLE 3.7.2 FENCE TYPE BY DISTRICT**

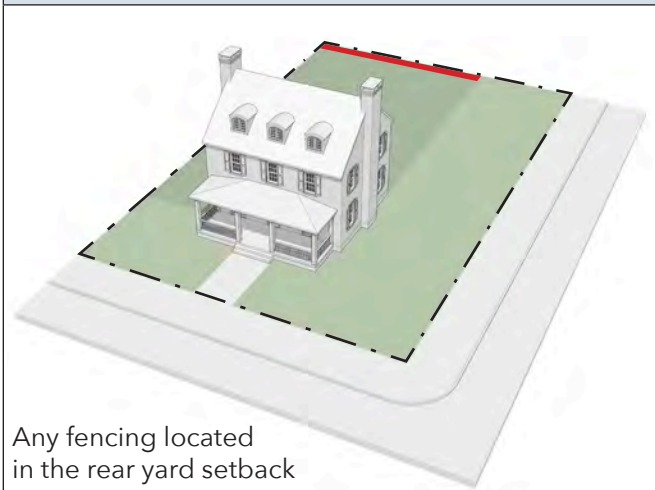
FENCE TYPE	LDR	MDR	VC	TC	I	LI	MC & BMMD	BMV	RHR & CAD
<b>MASONRY WALL</b>									
	P	P	P	P	P	P	P	P	P
<b>PICKET FENCE</b>									
	P	P							
<b>WROUGHT IRON FENCE</b>									
	P	P	P	P	P	P	P	P	P
<b>IRON FENCE WITH MASONRY BASE</b>									
	P	P	P	P	P	P	P	P	P
<b>WOOD PRIVACY FENCE</b>									
	P	P	P	P	P	P			
<b>CHAIN LINK</b>									
	P	P			P	P			

**TABLE 3.7.3 FENCING TERMINOLOGY****A. FRONTAGE FENCING**

Any fencing located in the front yard setback

**B. FRONTAGE FACADE FENCING****C. SIDE FENCING**

Any fencing located in the side yard setback

**D. REAR FENCING**

Any fencing located in the rear yard setback

**155-3.8 REGULATIONS FOR SPECIFIC BUILDINGS**

- 3.8.1 Rowhouse [Townhouses]:
- 3.8.1.a. A maximum of eight individual rowhouses can be attached **or the length of the rowhouse building shall not exceed 160 feet** before a minimum ~~10~~ 20-foot separation is provided.
  - 3.8.1.b. Where rowhouses occupy a common site, each rowhouse with an entrance towards a frontage shall have a walkway connecting the sidewalk to the rowhouse entrance.
- 3.8.2 Detached Garages for rowhouses and multi-family buildings:
- 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 "155-8.4 Parking Location".
  - 3.8.2.b. The maximum building length of detached garages shall be 100 feet. Detached garages on single lots shall be separated by a minimum of 10 feet, and according to the underlying zoning district.
  - 3.8.2.c. **Storage Garages on a multi-family lot may be authorized as a Special Exception, subject to the following regulations:**
    - 3.8.2.c.i. **The garages shall not be visible from any street frontages.**
- 3.8.3 Multi-family buildings and outer courts:
- 3.8.3.a. The greatest dimension in length or depth of a multi-family building, shall not exceed 160 feet without a change in building plane of at least four feet. Exceptions include:
    - 3.8.3.a.i. Multi-family buildings enclosing two or more outer courts, on at least three sides.
  - 3.8.3.b. The minimum width of an outer court shall be as follows:
    - 3.8.3.b.i. 40 feet if the average height of the surrounding walls is 3 stories.
    - 3.8.3.b.ii. 50 feet if the average height of the surrounding walls is 4 stories.
    - 3.8.3.b.iii. 60 feet if the average height of the surrounding walls is 5 stories.
  - 3.8.3.c. The maximum depth of an outer court shall not exceed two times the court's width.

**155-3.9 ARCHITECTURE STANDARDS**

- 3.9.1 Intent.
- 3.9.1.a. Architecture standards shall serve to support the visual character of the Township that is representative of its longstanding emphasis on beauty and cultural history and as well for energy conservation, and resilient design. The Township's historic buildings set the example for massing, scale, material quality, and styles.
  - 3.9.1.b. Building massing and architectural expression shall relate to public and open space, with attention to sidewalk pedestrian experiences, long views, terminations of axial vistas, intersections of public space, ground plane changes and the skyline silhouette. A new Building shall respect the integrity of the existing buildings of its District setting through consistency in location on the lot, scale and materials. In historic settings, architectural design shall maintain established building scale, proportions, and style, and architectural features shall be utilized to reduce new building mass and bulk that contrasts with the surrounding building scale.
- 3.9.2 Applicability
- 3.9.2.a. The architectural standards shall apply to new construction in all districts and all buildings and structures in the Historic Resource Overlay District.
  - 3.9.2.b. The architectural standards shall apply to changes to the exterior of all existing buildings and structures visible from the public way.

- 3.9.3 Exterior wall materials, including building, streetscreens and garden walls and fences, windows and doors, shall be of a quality that ensures longevity and resilience. Additionally, the following regulations apply:
- 3.9.3.a. In LDR, MDR, VC,TC, LI, RHR, CAD, and I Districts: exterior wall materials of new construction shall only include native stone, cast stone, brick, stucco over masonry, wood, cementitious board, metal or glass. Vinyl Siding is permitted in LDR and MDR districts.
    - 3.9.3.a.i. Building walls shall minimize variety and number of exterior materials shall be limited to four, not including glass.
    - 3.9.3.a.ii. Materials shall change along a horizontal or vertical joint and the change shall correspond to a change in the plane of the wall.
    - 3.9.3.a.iii. Materials that change along a vertical line shall reflect a building rhythm such as a historic building or storefront or narrow property width.
    - 3.9.3.a.iv. Materials that change along a horizontal line should place the heavier material below the lighter.
  - 3.9.3.b. Windows shall not be flush mounted and shall be inset from the exterior wall a minimum of three inches.
  - 3.9.3.c. Roof materials shall be of a quality that ensures longevity and resilience. When used, sloped roofs shall consist of slate (natural or synthetic), clay tile, concrete tile, shingle (wood, fiberglass or asphalt composition), and metal standing seam.
- 3.9.4 Storefronts:
- 3.9.4.a. Storefronts shall comply with the facade Type requirements in "Table 3.5.2 Facade Types", which includes the requirement for a minimum of 50% of the ground floor frontage to be glazed.
  - 3.9.4.b. Additionally, Storefront elements such as windows, doors, signage, awnings, and lighting shall be designed as a unified composition, and shall be made of masonry, wood, metal or glass.
  - 3.9.4.c. First floor storefront facades shall have a minimum glazing according to storefronts in "Table 3.5.2 Facade Types" as measured between the floor and the ceiling, including the glass area of the front door.
  - 3.9.4.d. Storefront glass shall be clear with no more than 10% tinting; reflective, bronze, smoked, heavily tinted or black glass shall be prohibited.

**FIGURE 3.9.1 STOREFRONT CONFIGURATION**





- 3.9.4.e. Storefront paint shall be high-gloss.
- 3.9.4.f. In VC and TC districts: Storefront facades shall have a minimum 12-inch and maximum 42-inch high solid bulkhead at sidewalks. See "Figure 3.9.1 Storefront Configuration". Building walls with window and door areas less than 25% of the wall area, including exposed party walls, shall be designed as a Façade with details such as masonry courses, mouldings, and blank windows. Crawl spaces and basements are regulated as follows:
  - 3.9.4.f.i. In LDR and MDR districts: Crawl spaces and basements shall be enclosed or screened with maximum 30% transparency.
  - 3.9.4.f.ii. In VC, TC & I districts: Crawl spaces and basements shall be enclosed or screened with maximum 30% transparency on all sides, and may allow pedestrian entry from the rear or interior side.
- 3.9.5 Reflective surfaces that can create glare excluding glass, solar panels, and low-sloped roof applications, shall not be permitted.
- 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:
  - 3.9.6.a. The structural integrity of an existing building will be compromised by adherence to those standards.
  - 3.9.6.b. 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.

#### 155-3.10 LANDSCAPE STANDARDS

- 3.10.1 Intent. Landscape, and open space shall serve to: benefit environmental well-being, including ecological and natural systems connectivity, heat-island control, stormwater management and runoff; reduce visual impacts of development on abutting properties and surrounding neighborhoods; provide amenable exterior spaces for human use, including naturalistic or formally defined outdoor rooms and sequences; and, support the intentions of architectural and urban design character, massing and spatial sequence.
- 3.10.2 Landscape buffer standards shall be as established in the Township Code, Chapter 101.
- 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 **at least** six feet. Pedestrian access through buffer shall not be limited. Buffers shall be as established in the Township Code, Chapter 101.
- 3.10.4 Landscape buffers shall be as required in the underlying district. Additionally the following regulations apply:
  - 3.10.4.a. Where required, landscape buffers shall be used for no other purpose than planting and screening, with the exception of pedestrian pathways and shall conform to the landscape buffer requirements in Chapter 101.
  - 3.10.4.b. Access through buffer areas:
    - 3.10.4.b.i. There shall be no more than one vehicular entrance and one vehicular exit from each lot to any street;
    - 3.10.4.b.ii. A pedestrian accessway up to six feet in width may be provided through a buffer area to improve connectivity;
    - 3.10.4.b.iii. Additional entrances and exits in the buffer area may be permitted when authorized as a conditional use.
- 3.10.5 Greening standards in Subdivision & Land Development Code Section 135-41.4 shall apply in TC, VC, BMV, RHR, and CAD Districts.

**155-3.11 AMBIENCE STANDARDS**

- 3.11.1 Noise and lighting regulations shall be as established in the Township Code, Chapter 105.
- 3.11.2 Lighting of building and open spaces shall be compatible with street lighting of abutting streets. Outdoor lighting shall be designed, installed and operated to prevent glare and excessive brightness from view of on abutting and nearby properties.
- 3.11.3 Height of lighting sources for walkways, driveways and surface parking areas shall not exceed 12 feet above surrounding/finished grade, unless it can be demonstrated that taller lighting would not increase light spillage or glare onto adjacent properties.
- 3.11.4 Lighting sources for parking garage roof top decks shall be shielded to protect adjacent streets and properties from light glare. Interior light sources within footprints along the perimeter of garages shall not be visible from surrounding streets and properties.

**155-3.12 SPORTING AND PHYSICAL RECREATION AREAS**

- 3.12.1 No tennis court or other hard-surfaced area designed or intended to be used for sporting or other physical recreation activities shall be constructed in any required setback.
- 3.12.2 Artificial turf playing fields are regulated as follows:
  - 3.12.2.a. They shall not be constructed in any required setbacks except an artificial turf field may be permitted in a front setback of a primary road.
  - 3.12.2.b. They shall not be considered as impervious surface if the artificial field is designed to be permeable and the applicant can demonstrate that the stormwater runoff coefficient of the artificial playing surface is less than or equal to grass and the drainage system is maintained to continue this runoff coefficient in the opinion of the Township Engineer.

**155-3.13 ZONING RELIEF**

- 3.13.1 Narrow Lot Development
  - 3.13.1.a. In any residential subdivision made under the provisions of Chapter 135 of the Code of the Township of Lower Merion or with respect to any presently existing residentially zoned lot, the Board of Commissioners may authorize the creation of narrow lots as a conditional use subject to the following regulations:
    - 3.13.1.a.i. The minimum lot width of the lot at the building line shall be the minimum lot width required at the street line for lots in the zoning district in which the lot is located. Minimum lot width shall be measured parallel to the street at the point of the proposed building closest to the street and shall extend the full depth of the building, plus an additional 25 feet.
    - 3.13.1.a.ii. An applicant shall not be permitted to increase the number of conforming lots permitted in a subdivision through the use of narrow lots.
    - 3.13.1.a.iii. Every narrow lot shall include at least 20 continuous feet along the street line, and such connection to the street shall extend at no less than that width to the point at which the narrow lot reaches the lot width required by the zoning district in which the lot is located. The area between the street line and the point at which the narrow lot reaches the required lot width shall be capable of providing driveway and utility access to the lot (i.e., shall not be blocked by natural barriers, such as lakes, or slopes in excess of 25%) and shall not be excessively irregular in shape.



- 3.13.1.a.iv. In calculating the lot area of a narrow lot, the area between the street line and a line drawn radial to the point where the lot attains the minimum lot width required in its zoning district shall not be included in applying the requirements of this chapter, except those requirements relating to impervious surfaces.
- 3.13.1.a.v. The Board of Commissioners has the right to designate which of the required setbacks shall be the front setback for narrow lots.
- 3.13.1.a.vi. In all cases, any narrow lot approved by conditional use shall connect to the adjacent sanitary sewer, when and if it is installed.
- 3.13.2 Impervious Surface & Expansion
  - 3.13.2.a. In the interest of public health, safety and welfare, the provisions of this section and the impervious surface regulations, in general, are intended:
    - 3.13.2.a.i. To minimize stormwater runoff, street flooding and stream bank and soil erosion caused by the conversion of undeveloped, porous surfaces to impermeable ground cover.
    - 3.13.2.a.ii. To maximize groundwater recharge and maintain the base flow of streams and watercourses, thereby ensuring both the quantity and quality of groundwaters and surface waters.
    - 3.13.2.a.iii. To protect the Township from development which may cause a subsequent expenditure for public works and disaster relief affecting the well-being of the Township and its residents.
    - 3.13.2.a.iv. To protect the residents from property damage and personal injury due to runoff, flooding and erosion attributable to nearby development.
    - 3.13.2.a.v. To regulate erosion and sedimentation impacts and the alteration of natural drainage patterns, aggravating flooding both in the immediate area and in downstream areas.
    - 3.13.2.a.vi. To relate the intensity of development to the ability of the natural and man-made environment to support it.
  - 3.13.2.b. Total impervious surface shall not exceed that shown in the underlying districts. Relief from maximum impervious surface requirements may only be sought according to the regulations in this section.
  - 3.13.2.c. The impervious surface on any lot in an LDR or MDR1 district used exclusively as a dwelling may exceed the maximum permitted in the underlying zoning district by an additional 5% of the lot area or 1,500 square feet, whichever is less, provided all of the following requirements are met:
    - 3.13.2.c.i. The additional 5% impervious surface shall not be permitted on any lot where a new principal building has been constructed within the prior 10 years, or where, during that same period, an addition has been added to the principal building following the removal of more than 75% of its building area.
    - 3.13.2.c.ii. 100% of the direct volume of stormwater runoff from all impervious surface exceeding what is permitted in the underlying zoning district shall be recharged for a 100-year storm event.
    - 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 for the recharge system is feasible. Every tree ~~between greater than six inches and 15 inches dbh~~ that is removed shall be replaced on the lot in accordance with "Table 7.5.1 Tree Replacement" and the replacement trees shall be ~~with one three-inch minimum caliper tree~~ 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.
- 3.13.2.c.iv. The expansion shall only be permitted if site conditions allow for on-site recharge,
- 3.13.2.c.v. A covenant running with the land shall be recorded requiring the property owner to maintain the recharge basin at all times so that it will operate as designed.
- 3.13.2.c.vi. The property owner shall provide to the Township a certification from a qualified engineer every two years that the stormwater management system required by this section has been inspected and is functioning as designed.
- 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 7.1.8 and "155-4.4 Institutional Districts".
- 3.13.2.e. The impervious surface within Special Districts may exceed the maximum permitted, subject to the regulations in "Article 6: Special Districts".
- 3.13.2.f. For the purpose of determining the amount of impervious surface on a lot served by a common driveway with a length greater than 100 feet, the total impervious surface of that common driveway shall be allocated evenly among the lots served, unless it is otherwise allocated in a recorded covenant approved by the Township and binding on the properties affected, in which case such recorded allocation shall control. Shared driveways less than 100 feet in length shall not count towards impervious coverage for the portion that is shared and shall not be greater than the maximum permitted driveway width in Article 8.
- 3.13.2.g. The following shall not be considered as impervious surface:
  - 3.13.2.g.i. Wood decks less than 200 square feet if constructed with a space between each plank and if the deck is constructed over a pervious surface. Once the deck exceeds 200 square feet one half of the entire deck area shall be considered impervious surface.
  - 3.13.2.g.ii. Pathways six feet or less in width that employ a porous paving system and which are not intended for automobile use.

#### 155-3.14 SERVICES AND TRASH AREA STANDARDS

- 3.14.1 All outdoor storage, electrical, plumbing, mechanical, communications equipment and appurtenant enclosures, trash dumpsters and loading areas shall be located in compliance with required setbacks for buildings, shall be located behind the line of the façade, and screened from view from any frontage and from any abutting residential property, except across an alley. These shall not be allowed as encroachments on any setback, except for those existing [at the effective date of this Code].
  - 3.14.1.a. Transformers shall comply with these requirements unless regulated by the Public Utility Commission (PUC) and required by the authority having jurisdiction under the PUC to be located closer to the street than the front facade of the building. If a transformer is located closer to the street as described above, the transformer shall be screened from view from the street with plantings and/or structural elements approved by the Township.
  - 3.14.1.b. The design shall be incorporated into the required landscaping plan approved by the Township.
- 3.14.2 Air-conditioning equipment(excluding self-contained window air-conditioning units)and generators shall not be placed in the required front and rear setback, except that such equipment may be placed in the required front or rear setback when authorized as a special exception.

## ARTICLE 4: DISTRICT SPECIFIC STANDARDS

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**155-4.1 RESIDENTIAL - LDR**

- 4.1.1 The LDR District is a low-density, single-family residential district, intended to preserve the existing character of its open spaces and architecture.
- 4.1.2 Lot Occupation:
  - 4.1.2.a. Lots shall comply with lot occupation standards in "Section 155-3.4 Lot Occupation".
  - 4.1.2.b. A Building shall be located in relation to the property line except when abutting a street. The setback shall be measured from the edge of public right-of-way, with setbacks as shown in "Table 4.1 LDR Form Standards".
- 4.1.3 Building Configuration shall be according to "Table 4.1 LDR Form Standards" and the following:
  - 4.1.3.a. Projections shall be allowed as specified in "Section 155-3.6 Projections".
  - 4.1.3.b. Building Height shall be as specified in "Section 155-3.3 Building Height" and shall be as shown in "Table 4.1 LDR Form Standards".
    - 4.1.3.b.i. In determining the mean level of the ground or the lowest level of the ground surrounding the building, the following may be excluded: openings in the foundation wall which provide for ingress and egress and/or light and air and which do not total more than eight feet in length.
  - 4.1.3.c. Chimneys and up to one cupola, finial or similar projection may be allowed to exceed maximum Building Height up to an additional ten feet.
  - 4.1.3.d. For a building with a low sloped roof the height is limited to ~~2~~two stories and 28 feet maximum. For buildings with a steep sloped roof, roof pitch greater than 5:12 up to and including 12:12, the maximum height is ~~3~~three stories and 35 feet maximum.
- 4.1.4 Use regulations and standards shall be according to "Article 5: Uses".
  - 4.1.4.a. In the LDR districts, only one principal use and one principal building shall be permitted on a lot.
- 4.1.5 Fences and Walls shall be according to "Section 155-3.7 Fences and Walls" and the following:
  - 4.1.5.a. Fence type shall regulated by district and as specified in "Table 3.7.2 Fence Type by District".
  - 4.1.5.b. Fence Height shall be according to "Table 3.7.1 Fence Height".
  - 4.1.5.c. The Height of Retaining Walls shall be according to "Section 155-3.7 Fences and Walls".
- 4.1.6 Access and Parking shall be according to "Article 8: Parking Standards".
- 4.1.7 Architecture Standards shall be according to "Section 155-3.9 Architecture Standards".
- 4.1.8 Signs shall be according to "Article 9: Sign Standards".
- 4.1.9 Landscape buffers shall comply with "Section 155-3.10 Conversion of buildings".
- 4.1.10 Ambience standards shall be according to "Section 155-3.12 Ambience Standards".

**TABLE 4.1 LDR FORM STANDARDS****TABLE 4.1.1 LDR1 DIMENSIONAL STANDARDS**

Lot Occupation (see "Section 155-3.4 Lot Occupation")		
<b>A</b>	Lot Width	200 ft. min.
	Lot Area	90,000 sq.ft. min.
	Impervious Surface	20% max.
Setbacks (see "Section 155-3.5 Frontages") <sup>(1)</sup>		
Principal Building (feet)		
<b>B</b>	Front	100 ft. min.
<b>C</b>	Side	20 ft. min.
<b>D</b>	Rear	25 ft. min.
Accessory Buildings & Structures (feet) <sup>(2)</sup>		
<b>E</b>	Front (measured from rear of PB)	20 ft. min.
<b>F</b>	Front Corner	100 ft. min.
<b>G</b>	Side	10 ft. min.
<b>H</b>	Rear	10 ft. min.
Building Height (max.) (see "Section 155-3.3 Building Height")		
<b>I</b>	Principal Building <sup>(3)(4)</sup>	2-3 stories up to 35 ft.
	Accessory Building	2 stories up to 20 ft. <sup>(2)</sup>
	Accessory Structure	1 story up to 15 ft.
Frontage Yard Types (see "Section 155-3.5 Frontages")		
	Common Yard	Permitted
	Fenced Yard	Permitted
	Shallow Yard	Not Permitted
	Urban Yard	Not Permitted
	Pedestrian Forecourt	Not Permitted
	Vehicular Forecourt	Not Permitted
Facade Types (see "Section 155-3.5.9")		
Parking (see "Article 8: Parking Standards")		

Notes	
1	Garage location shall be according to "Section 155-8.4 Parking Location"
2	Refer to "Section 3.4.6"
3	A max. 40 ft. if the required setbacks (rear & side) are increased 5 ft. for every 1 ft. height increase above 35 ft.
4	Refer to "Section 4.1.3.d"
PB	Principal Building

FIGURE 4.1.1 LDR1 FORM ILLUSTRATION

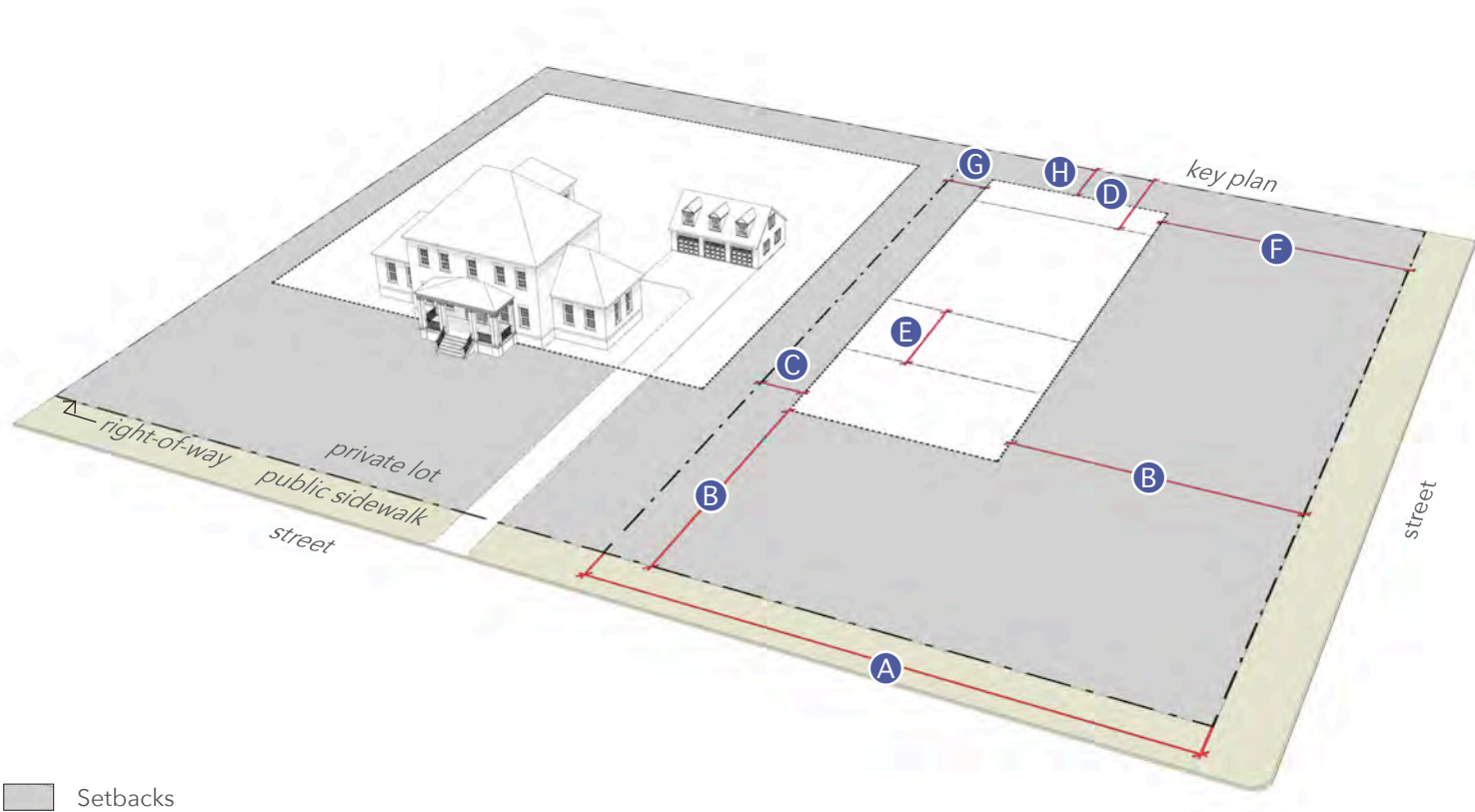


TABLE 4.1.2 LDR2 DIMENSIONAL STANDARDS

Lot Occupation (see "Section 155-3.4 Lot Occupation")		
<b>A</b>	Lot Width	150 ft. min.
	Lot Area	45,000 sq.ft. min.
	Impervious Surface	21% max.
Setbacks (see "Section 155-3.5 Frontages") <sup>(1)</sup>		
<b>Principal Building (feet)</b>		
<b>B</b>	Front	50 ft. min.
<b>C</b>	Side	20 ft. min.
<b>D</b>	Rear	25 ft. min.
<b>Accessory Buildings &amp; Structures (feet) <sup>(2)</sup></b>		
<b>E</b>	Front (measured from rear of PB)	20 ft. min.
<b>F</b>	Front Corner	50 ft. min.
<b>G</b>	Side	10 ft. min.
<b>H</b>	Rear	10 ft. min.
Building Height (max.) (see "Section 155-3.3 Building Height")		
<b>I</b>	Principal Building <sup>(3)(4)</sup>	2-3 stories up to 35 ft.
	Accessory Building	2 stories up to 20 ft. <sup>(2)</sup>
	Accessory Structure	1 story up to 15 ft.
Frontage Yard Types (see "Section 155-3.5 Frontages")		
	Common Yard	Permitted
	Fenced Yard	Permitted
	Shallow Yard	Not Permitted
	Urban Yard	Not Permitted
	Pedestrian Forecourt	Not Permitted
	Vehicular Forecourt	Not Permitted
Facade Types (see "Section 155-3.5.9")		
Parking (see "Article 8: Parking Standards")		

Notes	
1	Garage location shall be according to "Section 155-8.4 Parking Location"
2	Refer to "Section 3.4.6"
3	A max. 40 ft. if the required setbacks (rear & side) are increased 5 ft. for every 1 ft. height increase above 35 ft.
4	Refer to "Section 4.1.3.d"
PB	Principal Building



FIGURE 4.1.2 LDR2 FORM ILLUSTRATION

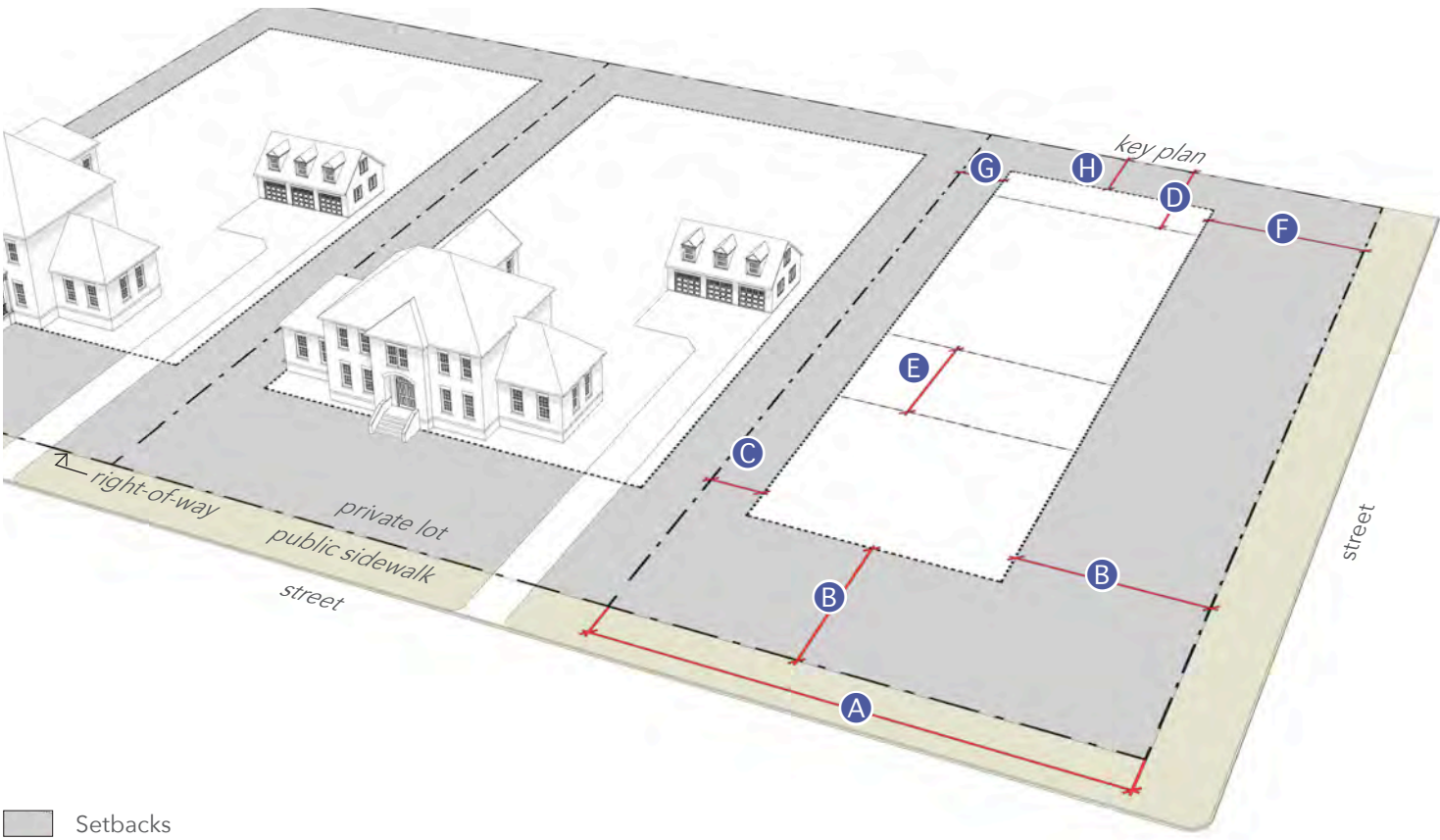


TABLE 4.1.3 LDR3 DIMENSIONAL STANDARDS

Lot Occupation (see "Section 155-3.4 Lot Occupation")		
<b>A</b>	Lot Width	100 ft. min.
	Lot Area	15,000 sq.ft. min.
	Impervious Surface	<del>30</del> 28% max.
Setbacks (see "Section 155-3.5 Frontages") <sup>(1)</sup>		
Principal Building (feet)		
<b>B</b>	Front	40 ft. min.
<b>C</b>	Side	15 ft. min.
<b>D</b>	Rear	25 ft. min.
Accessory Buildings & Structures (feet) <sup>(2)</sup>		
<b>E</b>	Front (measured from rear of PB)	20 ft. min.
<b>F</b>	Front Corner	40 ft. min.
<b>G</b>	Side	5 ft. min.
<b>H</b>	Rear	5 ft. min.
Building Height (max.) (see "Section 155-3.3 Building Height")		
<b>I</b>	Principal Building	2-3 stories up to 35 ft. <sup>(3)</sup>
	Accessory Building	2 stories up to 20 ft. <sup>(2)</sup>
	Accessory Structure	1 story up to 15 ft.
Frontage Yard Types (see "Section 155-3.5 Frontages")		
	Common Yard	Permitted
	Fenced Yard	Permitted
	Shallow Yard	Not Permitted
	Urban Yard	Not Permitted
	Pedestrian Forecourt	Not Permitted
	Vehicular Forecourt	Not Permitted
Facade Types (see "Section 155-3.5 Frontages")		
	Porch	Permitted
	Stoop	Permitted
	Common Entry	Not Permitted
	Arcade / Colonnade	Not Permitted
	Gallery	Not Permitted
	Storefront	Not Permitted
Parking (see "Article 8: Parking Standards")		

## Notes

- 1 Garage location shall be according to "Section 155-8.4 Parking Location"
  - 2 Refer to "Section 3.4.6"
  - 3 Refer to "Section 4.1.3.d"
- PB Principal Building

FIGURE 4.1.3 LDR3 FORM ILLUSTRATION

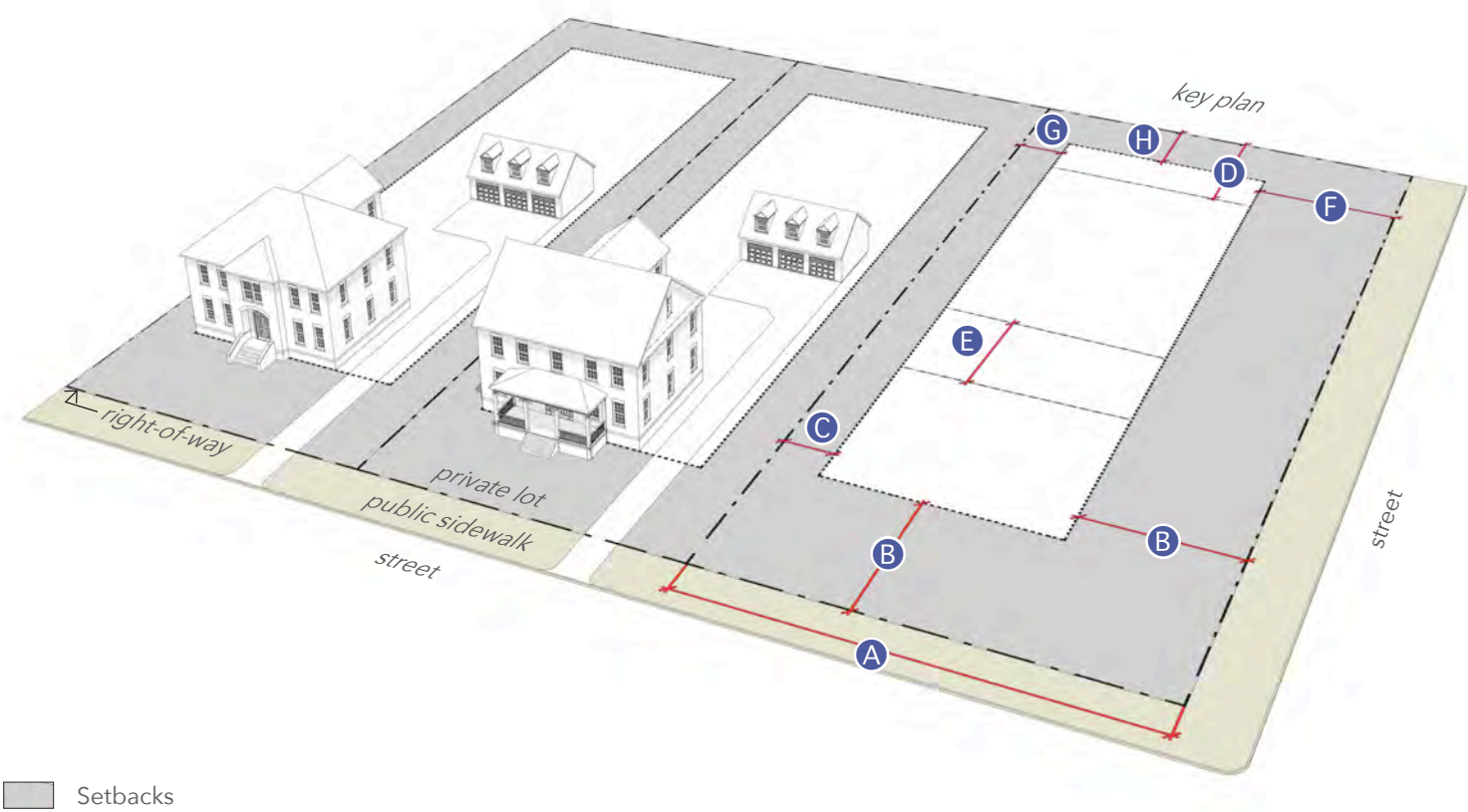
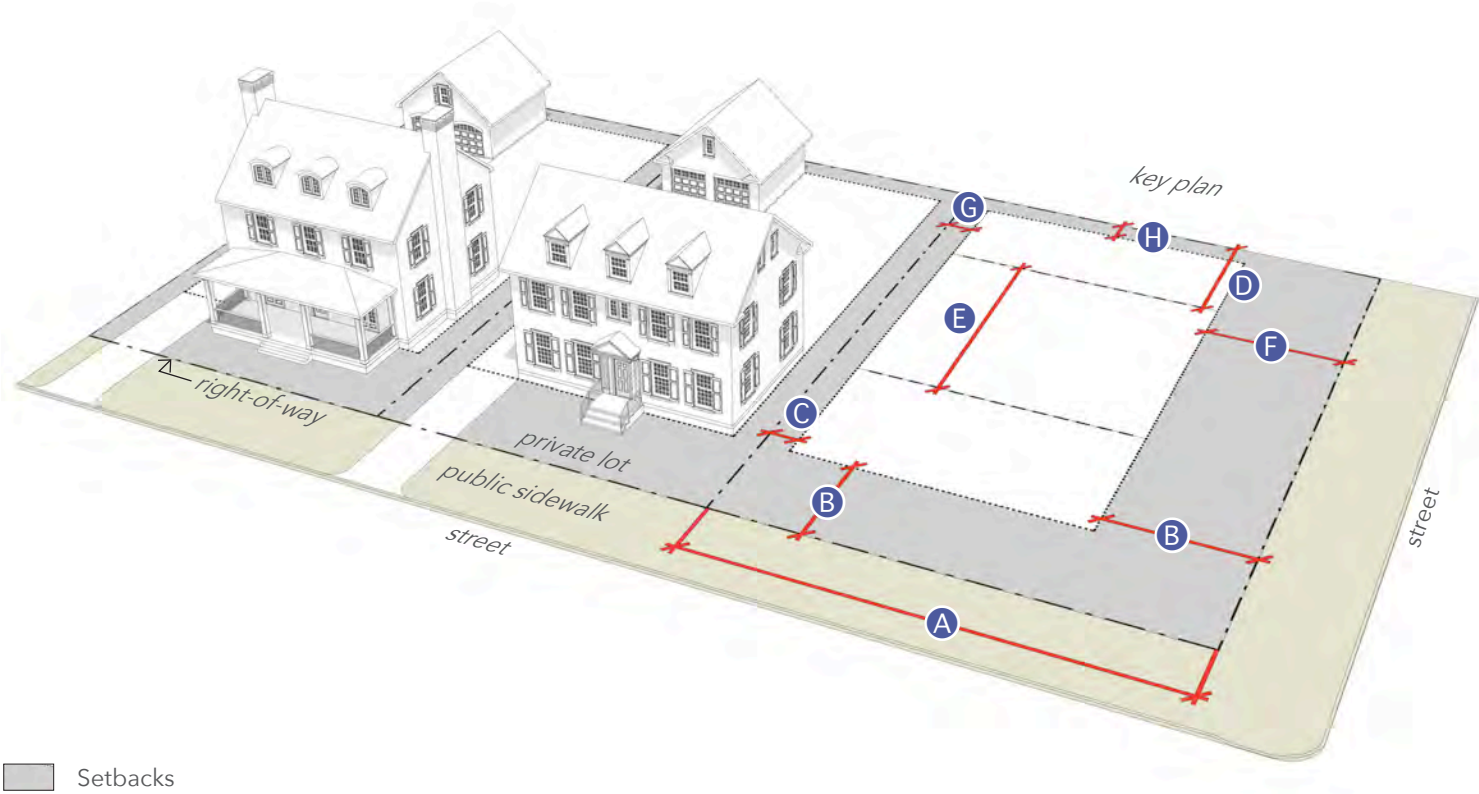


TABLE 4.1.4 LDR4 DIMENSIONAL STANDARDS

Lot Occupation (see "Section 155-3.4 Lot Occupation")		
<b>A</b>	Lot Width	60 ft. min.
	Lot Area	7,500 sq.ft. min.
	Impervious Surface	45% max.
Setbacks (see "Section 155-3.5 Frontages") <sup>(1)</sup>		
<b>Principal Building (feet)</b>		
<b>B</b>	Front	<del>25 ft. min.</del> Predominant Setback <sup>(4)</sup>
<b>C</b>	Side	10 ft. min.
<b>D</b>	Rear	25 ft. min.
<b>Accessory Buildings &amp; Structures (feet) <sup>(2)</sup></b>		
<b>E</b>	Front (measured from rear of PB)	20 ft. min.
<b>F</b>	Front Corner	25 ft. min.
<b>G</b>	Side	5 ft. min.
<b>H</b>	Rear	5 ft. min.
Building Height (max.) (see "Section 155-3.3 Building Height")		
<b>I</b>	Principal Building	2-3 stories up to 35 ft. <sup>(3)</sup>
	Accessory Building	2 stories up to 20 ft. <sup>(2)</sup>
	Accessory Structure	1 story up to 15 ft.
Frontage Yard Types (see "Section 155-3.5 Frontages")		
	Common Yard	Permitted
	Fenced Yard	Permitted
	Shallow Yard	Not Permitted
	Urban Yard	Not Permitted
	Pedestrian Forecourt	Not Permitted
	Vehicular Forecourt	Not Permitted
Facade Types (see "Section 155-3.5.9 Frontages")		
Parking (see "Article 8: Parking Standards")		

Notes	
1	Garage location shall be according to "Section 155-8.4 Parking Location"
2	Refer to "Section 3.4.6"
3	Refer to "Section 4.1.3.d"
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.
PB	Principal Building

FIGURE 4.1.4 LDR4 FORM ILLUSTRATION



**155-4.2 RESIDENTIAL - MDR**

- 4.2.1 The MDR District is a medium density residential district, intended to allow its evolution while preserving the character of its existing neighborhoods.
- 4.2.2 Lot Occupation:
- 4.2.2.a. Lots shall comply with standards in "Section 155-3.4 Lot Occupation".
  - 4.2.2.b. A Building shall be located in relation to the property line except when abutting a street. The setback shall be measured from the edge of public right-of-way, with setbacks as shown in "Table 4.2 MDR Form Standards".
- 4.2.3 Building Configuration shall be according to "Table 4.2 MDR Form Standards" and the following:
- 4.2.3.a. Projections shall be allowed as specified in "Section 155-3.6 Projections".
  - 4.2.3.b. Building Height shall be as specified in "Section 155-3.3 Building Height" and shall be as shown in "Table 4.2 MDR Form Standards".
    - 4.2.3.b.i. In determining the mean level of the ground or the lowest level of the ground surrounding the building, the following may be excluded: openings in the foundation wall which provide for ingress and egress and/or light and air; openings up to 25 feet in length providing access to required underground parking spaces; openings required to comply with the building exit provisions in the building and fire code; and, openings required for ventilation wells or shafts to comply with the mechanical code.
  - 4.2.3.c. Chimneys, enclosed stairwells, roofed and unenclosed roof terraces and roof trellises, and uninhabitable ornamental building features, may be allowed to exceed maximum building height up to an additional ~~ten~~ 10 feet, and occupy a maximum 20 percent of roof area.
  - 4.2.3.d. In the MDR1 District, building height shall be regulated as follows:
    - 4.2.3.d.i. For a building with low sloped roof, the height is limited to ~~2~~ two stories and 28 feet maximum.
    - 4.2.3.d.ii. For a building with a steep sloped roof, roof pitch greater than 5:12 up to and including 12:12, the maximum height is ~~3~~ three stories and 35 feet.
- 4.2.4 Use regulations and standards shall be according to "Article 5: Uses".
- 4.2.4.a. In MDR1, only one principal use and one principal building shall be permitted on a lot.
- 4.2.5 Fences and Walls shall be according to "Section 155-3.7 Fences and Walls" and the following:
- 4.2.5.a. Fence type shall be regulated by district and as specified in "Table 3.7.2 Fence Type by District".
  - 4.2.5.b. Fence Height shall be according to "Table 3.7.1 Fence Height".
  - 4.2.5.c. The Height of Retaining Walls shall be according to "Section 155-3.7 Fences and Walls".
- 4.2.6 Access and Parking shall be according to "Article 8: Parking Standards".
- 4.2.7 Architecture Standards:
- 4.2.7.a. Buildings shall demonstrate compliance with the architectural standards in "Section 155-3.9 Architecture Standards".
  - 4.2.7.b. Parking structure:
    - 4.2.7.b.i. The visual impact of sloping floors from any public accessway shall be minimized through design treatment of the parking structure's Façade.
    - 4.2.7.b.ii. That part of a parking garage that is not concealed behind a Liner shall have a Façade that conceals all internal elements such as plumbing pipes, fans, and ducts.
    - 4.2.7.b.iii. Exposed concrete spandrel panels shall be prohibited when visible from a public way.

- 4.2.8 Signs shall be according to "Article 9: Sign Standards".
- 4.2.9 Landscape buffers shall comply with "Section 155-3.11 Landscape Standards".
- 4.2.10 Ambience Standards:
  - 4.2.10.a. Noise and lighting regulations shall be according to "Section 155-3.12 Ambience Standards".



**TABLE 4.2 MDR FORM STANDARDS****TABLE 4.2.1 MDR1 DIMENSIONAL STANDARDS**

Lot Occupation (see "Section 155-3.4 Lot Occupation")		
<b>A</b>	Lot Width	<del>50</del> 60 ft. min. (SF, DU)
		<del>30</del> 35 ft. min. per unit (TW)
	Lot Area	4,000 sq.ft min.
	Impervious Surface	50% max.
	Primary Frontage	60% min.
Setbacks (see "Section 155-3.5 Frontages") <sup>(1)(2)</sup>		
<b>Principal Building (feet)</b>		
<b>B</b>	Front	<del>10 ft. min. / 20 ft. max.</del> Predominant Setback <sup>(3)</sup>
<b>C</b>	Side	0 or 10 min. <sup>(4)</sup>
<b>D</b>	Rear	25 ft. min.
<b>Accessory Buildings &amp; Structures (feet) <sup>(5)</sup></b>		
<b>E</b>	Front (measured from rear of PB)	20 ft. min.
<b>F</b>	Front Corner	10 ft. min.
<b>G</b>	Side	0 or 5 ft. min. <sup>(4)</sup>
<b>H</b>	Rear	5 ft. min.
Building Height (max.) (see "Section 155-3.3 Building Height")		
<b>I</b>	Principal Building	2-3 stories up to 35 ft. <sup>(6)</sup>
	Accessory Building	2 stories up to 20 ft.
	Accessory Structure	1 story up to 15 ft.
Frontage Yard Types (see "Section 155-3.5 Frontages")		
	Common Yard	Permitted
	Fenced Yard	Permitted
	Shallow Yard	Permitted
	Urban Yard	Not Permitted
	Pedestrian Forecourt	Not Permitted
	Vehicular Forecourt	Not Permitted
Facade Types (see "Section 155-3.5 Frontages")		
Parking (see "Article 8: Parking Standards")		

Notes	
1	Where a Lot abuts a property zoned LDR, the side setback for the lot shall be that required of the abutting lot's district.
2	Garage location shall be according to "Section 155-8.4 Parking Location"
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.
4	Zero-foot side setback only applies where there is a shared party wall.
5	Refer to "Section 3.4.6"
6	Refer to "Section 4.2.3.e"
PB	Principal Building
SF	Single-family
TW	Twin
DU	Duplex



FIGURE 4.2.1 MDR1 FORM ILLUSTRATION

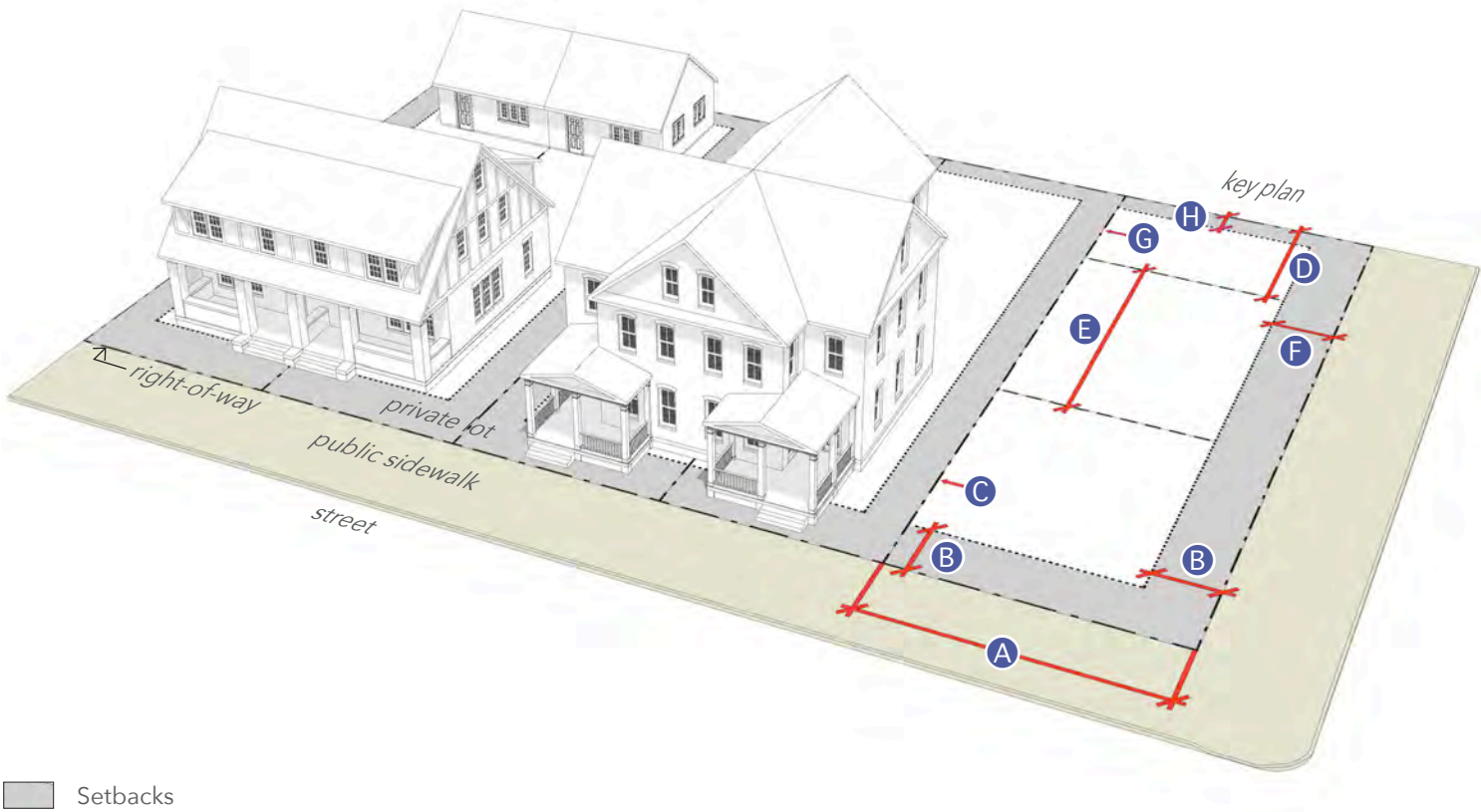


TABLE 4.2.2 MDR2 DIMENSIONAL STANDARDS

Lot Occupation (see "Section 155-3.4 Lot Occupation")		
A	Lot Width	50 ft. (SF, DU)
		20 ft. per unit (RH)
		30 ft. (TW)
		60 ft. (QU)
		100 ft. (SMF)
Lot Area		3,000 sq. ft. min. (SF)
		2,000 sq. ft. min. per unit (TW, DU, QU, RH, SMF)
Impervious Surface		50% max. (SF, TW, DU, QU)
		60% max. (RH, SMF)
Primary Frontage		60% min.
Setbacks (see "Section 155-3.5 Frontages") <sup>(1) (2)</sup>		
Principal Building (feet)		
B	Front	<del>10 ft. min. / 20 ft. max.</del> Predominant Setback <sup>(3)</sup>
C	Side	0 or 10 ft. min. <sup>(4)</sup>
D	Rear	25 ft. min.
Accessory Buildings & Structures (feet) <sup>(5)</sup>		
E	Front (measured from rear of PB)	20 ft. min.
F	Front Corner	10 ft. min.
G	Side	5 ft. min.
H	Rear	5 ft. min.
Building Height (max.) (see "Section 155-3.3 Building Height")		
I	Principal Building	3 stories up to 40 ft.
	Accessory Building	2 stories up to 20 ft.
	Accessory Structure	1 story up to 15 ft.
Frontage Yard Types (see "Section 155-3.5 Frontages")		
	Common Yard	Permitted
	Fenced Yard	Permitted
	Shallow Yard	Permitted
	Urban Yard	Not Permitted
	Pedestrian Forecourt	Not Permitted
	Vehicular Forecourt	Not Permitted

Facade Types (see "Section 155-3.5 Frontages")	
Porch	Permitted
Stoop	Permitted
Common Entry	Permitted
Arcade / Colonnade	Not Permitted
Gallery	Not Permitted
Storefront	Not Permitted

#### Parking (see "Article 8: Parking Standards")

Notes	
1	Where a Lot abuts a property zoned LDR or MDR, the side setback for the lot shall be that required of the abutting lot's district.
2	Garage location shall be according to "Section 155-8.4 Parking Location"
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.
4	Zero-foot side setback only applies where there is a shared party wall.
5	Refer to "Section 3.4.6"
PB	Principal Building
SF	Single-family
DU	Duplex
QU	Quad
TW	Twin
SMF	Small Multi-family
RH	Rowhouse

FIGURE 4.2.2 MDR2 FORM ILLUSTRATION

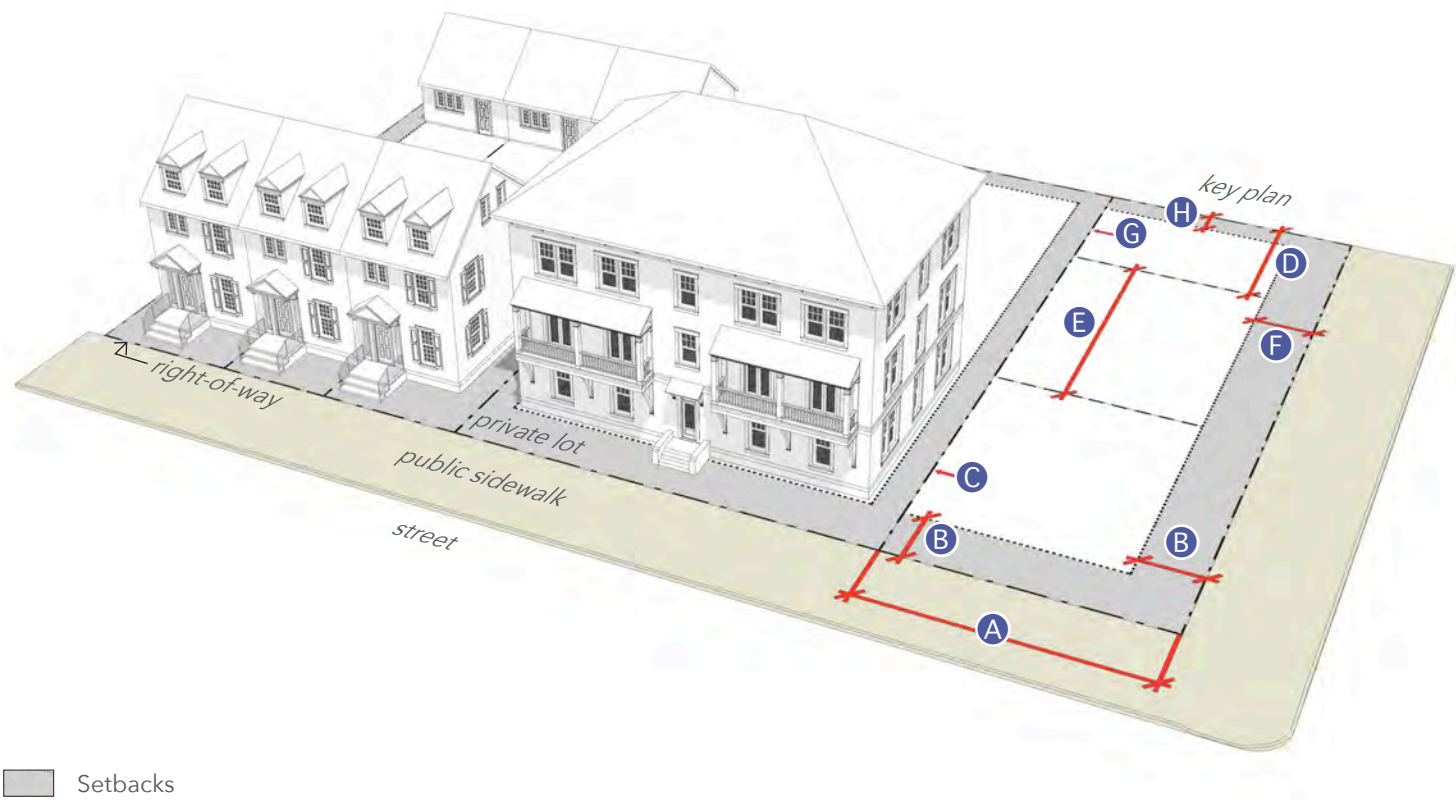


TABLE 4.2.3 MDR3 DIMENSIONAL STANDARDS

Lot Occupation (see "Section 155-3.4 Lot Occupation")		
A	Lot Width	50 ft. (SF)
		20 ft. per unit (RH)
		30 ft. per unit (TW, DU)
		60 ft. (QU)
		100 ft. (SMF, LMF)
	Lot Area (per unit)	3,000 sq. ft. min. (SF)
		2,000 sq. ft. min. per unit (TW, DU, QU, RH, SMF, LMF)
	Impervious Surface	50% max. (SF, TW, DU, QU, RH)
		60% max. (SMF, LMF)
	Primary Frontage	60% min.
Setbacks (see "Section 155-3.5 Frontages") <sup>(1) (2)</sup>		
Principal Building (feet)		
B	Front	<del>10 ft. min. / 20 ft. max.</del> Predominant Setback <sup>(3)</sup>
C	Side	
		0 or 10 ft. min. <sup>(4)</sup>
D	Rear	25 ft. min.
Accessory Buildings & Structures (feet) <sup>(5)</sup>		
E	Front (measured from rear of PB)	20 ft. min.
F	Front Corner	10 ft. min.
G	Side	0 or 5 ft. min.
H	Rear	5 ft. min.
Building Height (max.) (see "Section 155-3.3 Building Height")		
I	Principal Building	3 stories up to 40 ft. <sup>(6)</sup>
	Accessory Building	2 stories up to 20 ft.
	Accessory Structure	1 story up to 15 ft.
Frontage Yard Types (see "Section 155-3.5 Frontages")		
	Common Yard	Not Permitted
	Fenced Yard	Not Permitted
	Shallow Yard	Permitted
	Urban Yard	Permitted
	Pedestrian Forecourt	Permitted
	Vehicular Forecourt	Not Permitted

Facade Types (see "Section 155-3.5 Frontages")	
Porch	Permitted
Stoop	Permitted
Common Entry	Permitted
Arcade / Colonnade	Not Permitted
Gallery	Not Permitted
Storefront	Not Permitted

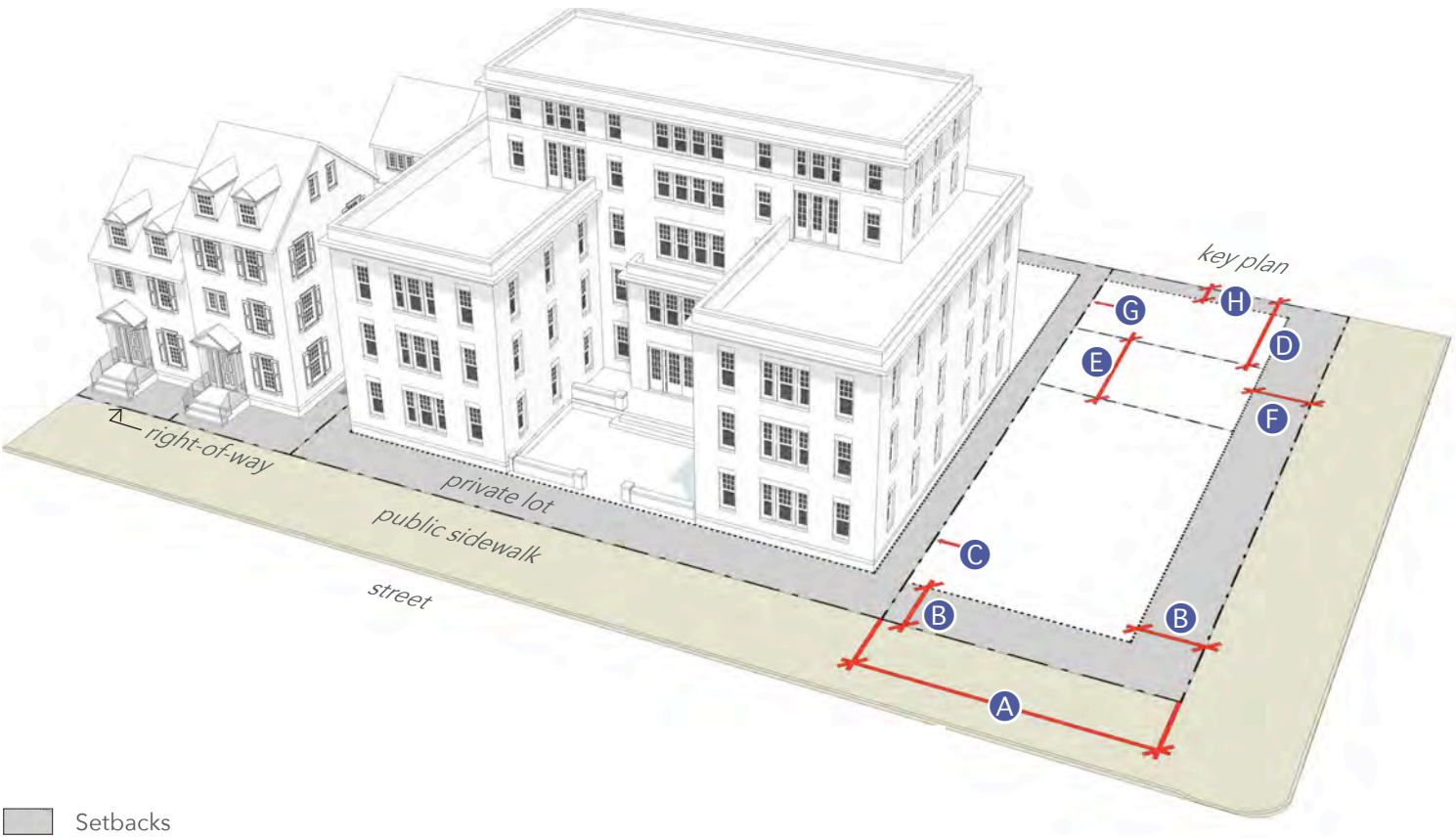
#### Parking (see "Article 8: Parking Standards")

#### Notes

- Where a lot abuts a property zoned LDR, MDR or MDR2, the side setback for the lot shall be that required of the abutting lot's district.  
  
Where a Lot abuts a property zoned LDR, MDR1, or MDR2 at the side or the rear, the lot shall include a Buffer of 20 feet in width.
- Garage location shall be according to ~~§~~ "Section 155-8.4 Parking Location."
- 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.
- A minimum setback of 15 feet is required for buildings over ~~3~~ three stories. Zero-foot side setback only applies where there is a shared party wall.
- Shall comply with ~~§~~ "Section 155-3.4.6"
- ~~5~~ Five stories up to 65 feet max. with a front stepback of 15 feet after the 3rd floor or 40 feet, whichever occurs first

PB	Principal Building
SF	Single-family
TW	Twin
DU	Duplex
QU	Quad
RH	Rowhouse
SMF	Small multi-family
LMF	Large multi-family

FIGURE 4.2.3 MDR3 FORM ILLUSTRATION





**155-4.3 COMMERCIAL AND MIXED USE - VC, TC DISTRICTS**

- 4.3.1 The intent of the Village Center (VC) and Town Center (TC) Districts is to preserve and enhance the multifaceted uses of the Township's established commercial areas. VC Districts are the small commercial areas that function as neighborhood or village centers, generally compact, walkable in scale, with local retail, and occasional residential uses above the first floor. TC Districts are the medium to larger commercial areas, related to major transportation corridors, mixing local, regional and national retail, with some residential uses above the first floor. The TC1 Districts are the Township's traditional shopping districts that developed around train stations and grew as corridors over time. These are pedestrian-oriented with buildings entered from street-front sidewalks, with a variety of retail and service uses, and may include shared and municipal parking. The TC2 Districts are corridor extensions of TC1 Districts, with varied front setbacks that serve as a transitional zone.
- 4.3.2 Lot Occupation:
- 4.3.2.a. Lots shall comply with standards in "Section 155-3.4 Lot Occupation".
  - 4.3.2.b. A Building shall be located in relation to the property line except when abutting a street. The setback shall be measured from the edge of public right-of-way, with setbacks as shown in "Table 4.3 Commercial Center Form Standards".
  - 4.3.2.c. Building Frontage shall be according to "Table 4.3 Commercial Center Form Standards".
  - 4.3.2.d. Streetscreens:
    - 4.3.2.d.i. Streetscreens shall be located along the same plane as the building Façade or Elevation.
    - 4.3.2.d.ii. Streetscreens for off-street parking shall be according to "Article 8: Parking Standards".
    - 4.3.2.d.iii. The gaps between Building Facades along the Frontage Line shall be filled with a Streetscreen for up to 100 percent of the lot width or length.
    - 4.3.2.d.iv. ~~When parking is at the rear of the lot, pedestrian access to parking shall be spaced at a maximum 300 feet apart.~~ Pedestrian access ways to rear lot parking areas shall be spaced not more than 300 feet apart.
    - 4.3.2.d.v. Exceptions include:
      - 4.3.2.d.v.(1). Where a courtyard or garden may be accessed from the street.
      - 4.3.2.d.v.(2). Access to parking according to "Section 8.6.4.d".
- 4.3.3 Building Configuration shall be according to "Table 4.3 Commercial Center Form Standards" and the following:
- 4.3.3.a. Entries and signage shall face the Street or the corner at a Street intersection. Storefront entrance doors shall be recessed to allow doors to swing out without conflicting with pedestrian flow on the sidewalk.
  - 4.3.3.b. Projections shall be allowed as specified in "Section 155-3.6 Projections".
  - 4.3.3.c. Building Height shall be as specified in "Section 155-3.3 Building Height" and shall be as shown in "Table 4.3 Commercial Center Form Standards".
    - 4.3.3.c.i. The first floor elevation of a Building at a Frontage shall be established at the midpoint of the front property line, and may extend a maximum of two and a half (2.5) feet above the lowest point of the sidewalk grade. A finished floor elevation more than two and a half (2.5) feet above the lowest point of the sidewalk grade shall be considered the second floor. At Building interior side or rear dimension from grade to first floor may range.
    - 4.3.3.c.ii. In determining the mean level of the ground or the lowest level of the ground surrounding the building, the following may be excluded: openings in the foundation wall which provide for ingress and egress and/or light and air; openings up to 25 feet in length providing access to required underground parking spaces; openings required to comply with the building exit provisions in the building and fire code; and, openings required for ventilation wells or shafts to comply with the mechanical code.
    - 4.3.3.c.iii. Chimneys, enclosed stairwells, roofed and unenclosed roof terraces and roof trellises, spires and uninhabitable ornamental Building features, may be allowed to exceed maximum building height up to an additional 12 feet, and occupy a maximum 20 percent of roof area.

- 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.
  - 4.3.3.d.i. A mixed-use building that provides either five dwelling units or 20% of the total number of dwelling units (whichever is greater) of moderate-income housing units as described in "Section 10.13 Moderate Income Housing".
  - 4.3.3.d.ii. The developer shall contribute a sum of money equal to 5% of the construction costs of the building. This fund shall be controlled by the Township and be dedicated to use for moderate-income housing units as described in "Section 10.13 Moderate Income Housing". The method of payment of this contribution shall be established during the land development approval process.
- 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.
  - 4.3.3.e.i. A minimum of 2,000 square feet of dedicated contiguous public gathering space is provided for any lot with less than 20,000 square feet of land area. A minimum of 10% of the total lot area shall be dedicated to contiguous public gathering space for lots over 20,000 square feet. Land area dedicated to public ingress/egress easements shall not be included in the total lot area calculation for demonstrating compliance with the 10% of public gathering space requirement.
- 4.3.4 Fences and Walls shall be according to "Section 155-3.7 Fences and Walls" and the following:
  - 4.3.4.a. Fence type shall be regulated by district and as specified in "Table 3.7.2 Fence Type by District".
  - 4.3.4.b. Fence Height shall be according to "Table 3.7.1 Fence Height".
  - 4.3.4.c. The Height of Retaining Walls shall be according to "Section 155-3.7 Fences and Walls".
- 4.3.5 Use regulations and standards shall be according to "Article 5: Uses" and the following:
  - 4.3.5.a. Outdoor accessory ~~temporary~~ 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.
- 4.3.6 Access and Parking shall be according to "Article 8: Parking Standards".
- 4.3.7 Architecture Standards:
  - 4.3.7.a. Buildings shall demonstrate compliance with the architectural standards in "Section 155-3.9 Architecture Standards" and the following:
  - 4.3.7.b. Parking structures ~~shall demonstrate compliance with the architectural standards in "Section 155-3.9 Architecture Standards" and the following:~~
    - 4.3.7.b.i. Shall have a separate pedestrian entrance.
    - 4.3.7.b.ii. The visual impact of sloping floors from any public accessway shall be minimized through design treatment of the parking structure's facade.
    - 4.3.7.b.iii. That part of a parking garage that is not concealed behind a Liner shall have a Façade that conceals all internal elements such as plumbing pipes, fans, ducts.
    - 4.3.7.b.iv. Exposed concrete spandrel panels shall be prohibited when visible from a public way.
  - 4.3.7.c. Security enclosures, if provided, shall be of the mesh type that allow exterior to interior visibility, and shall be located inside the windows.
- 4.3.8 Signs shall be as per "Article 9: Sign Standards".
- 4.3.9 Landscape buffers shall comply with "Section 155-3.10 Landscape Standards".
- 4.3.10 Ambience Standards:
  - 4.3.10.a. Noise and lighting regulations shall be according to "Section 155-3.11 Ambience Standards".

**TABLE 4.3 COMMERCIAL CENTER FORM STANDARDS****TABLE 4.3.1 VC DIMENSIONAL STANDARDS**

Lot Occupation (see "Section 155-3.4 Lot Occupation")		
<b>A</b>	Lot Width	16 ft. min.
	Lot Area	1,600 sq.ft min.
	Impervious Surface	70% max.
	Primary Frontage	70% min.
Setbacks (see "Section 155-3.5 Frontages") <sup>(1)(2)</sup>		
Principal Building (feet)		
<b>B</b>	Front	12 ft. min. / 15 ft. max. <sup>(3)</sup>
<b>C</b>	Side	0 or 5 ft. min. <sup>(4)</sup>
<b>D</b>	Rear	none
Accessory Buildings & Structures (feet)		
<b>E</b>	Front (measured from rear of PB)	20 ft. min.
<b>F</b>	Front Corner	10 ft. min.
<b>G</b>	Side	0 or 5 ft. min.
<b>H</b>	Rear	5 ft. min.
Building Height (max.) (see "Section 155-3.3 Building Height")		
<b>I</b>	Principal Building	2 stories min. to 3 stories up to 40 ft.
	Accessory Building	n/a
	Accessory Structure	1 story up to 15 ft.
Frontage Yard Types (see "Section 155-3.5 Frontages")		
	Common Yard	Not Permitted
	Fenced Yard	Not Permitted
	Shallow Yard	Permitted
	Urban Yard	Permitted
	Pedestrian Forecourt	Permitted
	Vehicular Forecourt	Not Permitted
Facade Types (see "Section 155-3.5 Frontages")		
	Porch	Not Permitted
	Stoop	Permitted
	Common Entry	Permitted
	Arcade / Colonnade	Permitted
	Gallery	Permitted
	Storefront	Permitted
Parking (see "Article 8: Parking Standards")		

**Notes**

- 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. *The setback shall be adjusted to provide a 20 feet wide buffer where required.*  
  
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.  
  
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.
- Garage location shall be according to "Section 155-8.4 Parking Location"
- When there is a predominant setback established the setback shall be greater than or equal to the predominant setback.
- Or equal to the abutting zone, whichever is greater ~~per~~ "Section 3.4.9". Zero-feet side yard setback only applies where there is a shared party wall.

PB Principal Building



FIGURE 4.3.1 VC FORM ILLUSTRATION

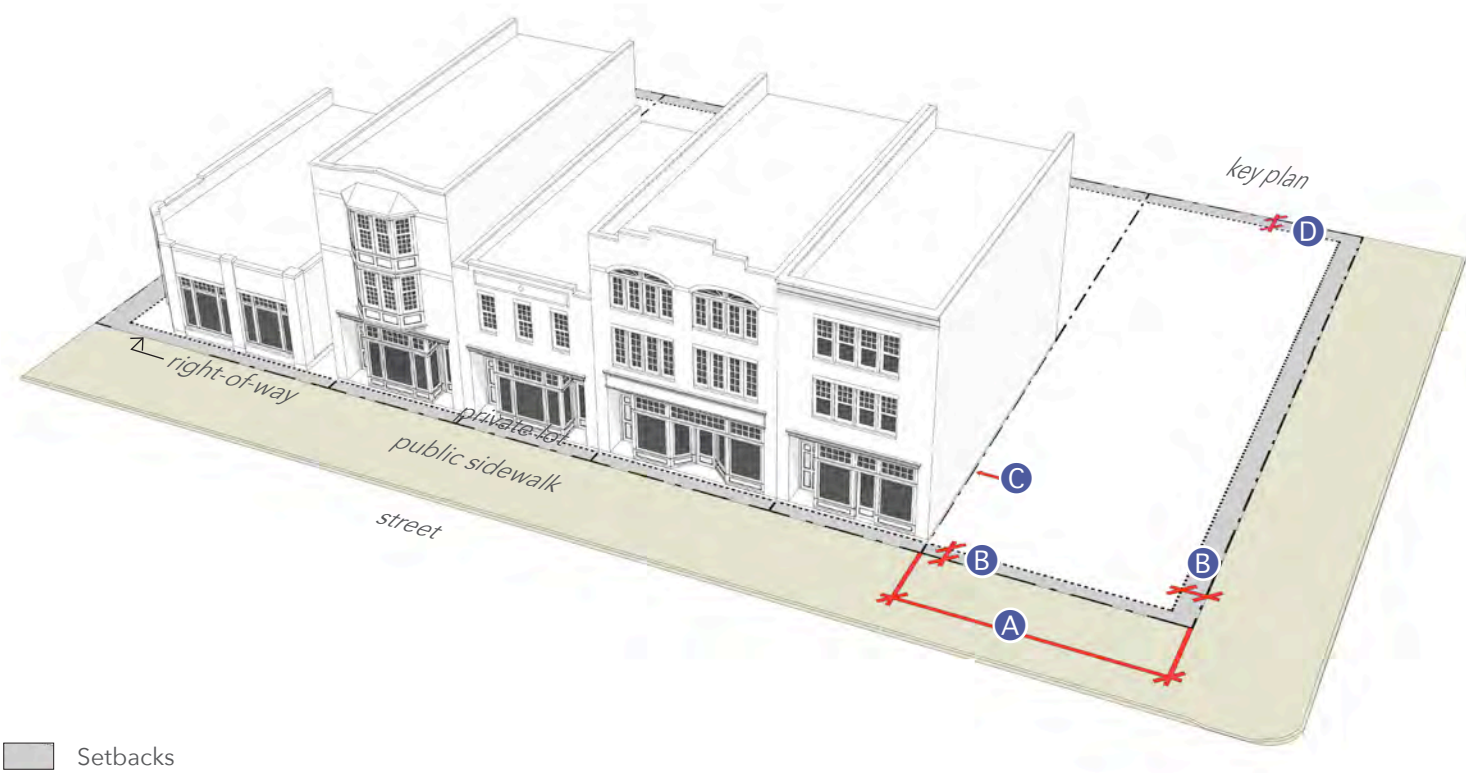


TABLE 4.3.2 TC1 DIMENSIONAL STANDARDS

Lot Occupation (see "Section 155-3.4 Lot Occupation")		
<b>A</b>	Lot Width	16 ft. min.
	Lot Area	1,600 sq.ft min.
	Impervious Surface	80% max.
	Primary Frontage	90% min.
Setbacks (see "Section 155-3.5 Frontages") <sup>(1)(2)</sup>		
Principal Building (feet)		
<b>B</b>	Front	12 ft. min. / 15 ft. max. <sup>(3)</sup>
<b>C</b>	Side	0 or 5 ft. min. <sup>(4)</sup>
<b>D</b>	Rear	none
Accessory Buildings & Structures (feet)		
<b>E</b>	Front (measured from rear of PB)	20 ft. min.
<b>F</b>	Front Corner	12 ft. min.
<b>G</b>	Side	0 or 5 ft. min.
<b>H</b>	Rear	none
Building Height (max.) (see "Section 155-3.3 Building Height")		
<b>I</b>	Principal Building	2 stories min. to 4 stories max. <sup>(5)</sup>
	Accessory Building	n/a
	Accessory Structure	1 story up to 15 ft.
Frontage Yard Types (see "Section 155-3.5 Frontages")		
	Common Yard	Not Permitted
	Fenced Yard	Not Permitted
	Shallow Yard	Permitted
	Urban Yard	Permitted
	Pedestrian Forecourt	Permitted
	Vehicular Forecourt	Permitted
Facade Types (see "Section 155-3.5 Frontages")		
	Porch	Not Permitted
	Stoop	Not Permitted
	Common Entry	Permitted
	Arcade / Colonnade	Permitted
	Gallery	Permitted
	Storefront	Permitted
Parking (see "Article 8: Parking Standards")		

## Notes

- 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.

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.

- 2 Garage location shall be according to section "155-8.4 Parking Location".
- 3 When there is a predominant setback established the setback shall be greater than or equal to the predominant setback.

Where adjacent to LDR, MDR1 and MDR2 Districts each story above the third story shall be stepped back 15 feet after the third floor or 40 feet, whichever occurs first, in the front and rear.

- 4 Or equal to the abutting zone, whichever is greater ~~per "Section 3.4.2"~~. Zero-feet side yard setback only applies where there is a shared party wall.

- 5 ~~4~~ Four stories up to 50 feet with a front stepback of 15 feet after the 3rd floor or 40 feet, whichever occurs first, subject to compliance with Section 4.3.3.d. or 4.3.3.e.

Where adjacent to LDR, MDR1 and MDR2 Districts each story above the third story shall be stepped back 15 feet after the third floor or 40 feet, whichever occurs first, in the front and rear.

PB Principal Building

FIGURE 4.3.2 TC1 FORM ILLUSTRATION

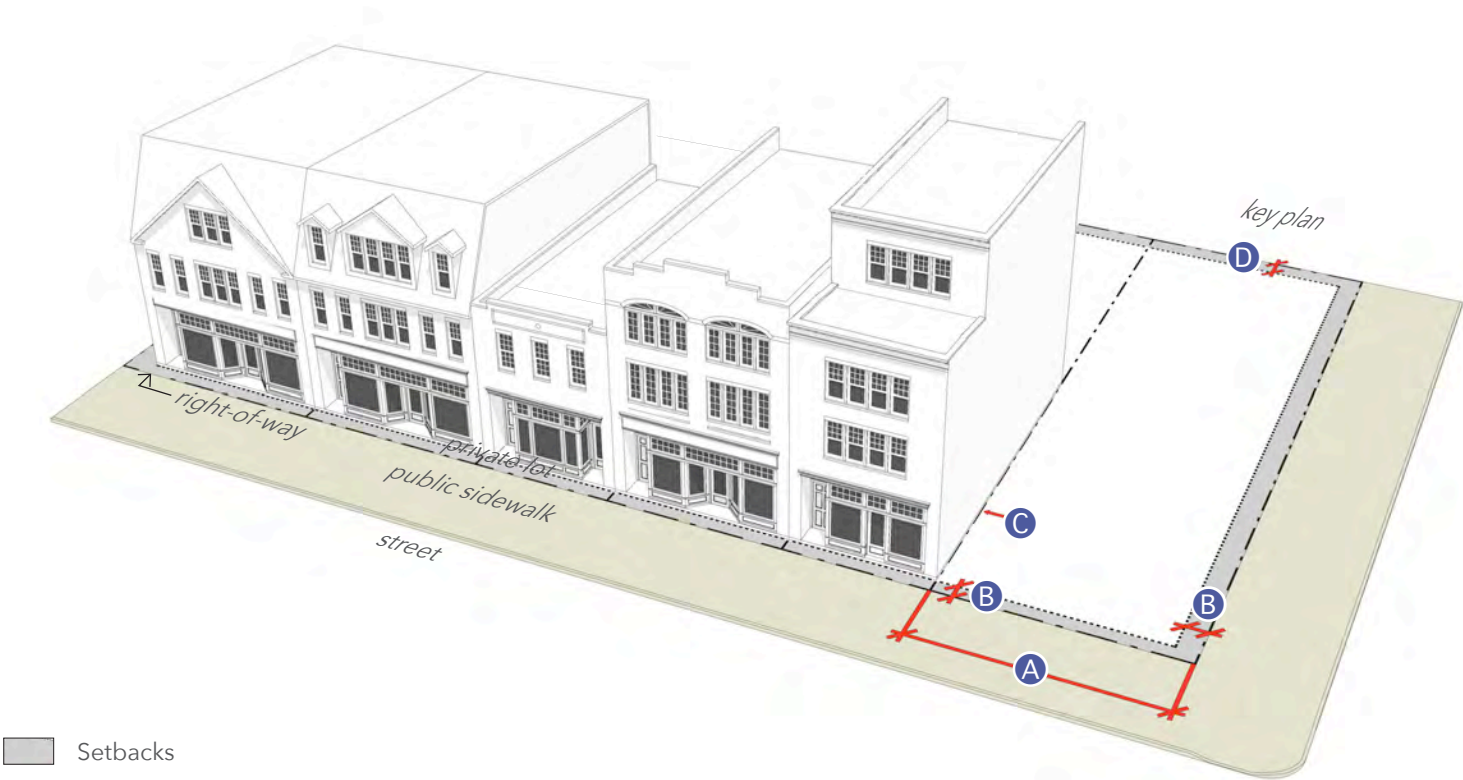


TABLE 4.3.3 TC2 DIMENSIONAL STANDARDS

Lot Occupation (see "Section 155-3.4 Lot Occupation")		
<b>A</b>	Lot Width	25 ft. min.
	Lot Area	5,000 sq.ft. min.
	Impervious Surface	70% max.
	Primary Frontage	70% min.
Setbacks (see "Section 155-3.5 Frontages") <sup>(1)(2)</sup>		
Principal Building (feet)		
<b>B</b>	Front	12 ft. min. / 15 ft. max.
<b>C</b>	Side	0 or 5 ft. min. <sup>(3)</sup>
<b>D</b>	Rear	0
Accessory Building and Structure (feet)		
<b>E</b>	Front (measured from rear of PB)	5 ft. min.
<b>F</b>	Front Corner	12 ft. min.
<b>G</b>	Side	0 or 5 ft. min.
<b>H</b>	Rear	5 ft.
Building Height (max.) (see "Section 155-3.3 Building Height")		
<b>I</b>	Principal Building	2 stories min. to 3 stories (40 ft.) max
	Accessory Building	n/a
	Accessory Structure	1 story up to 15 ft.
Frontage Yard Types (see "Section 155-3.5 Frontages")		
	Common Yard	Not Permitted
	Fenced Yard	Not Permitted
	Shallow Yard	Permitted
	Urban Yard	Permitted
	Pedestrian Forecourt	Permitted
	Vehicular Forecourt	Permitted
Facade Types (see "Section 155-3.5 Frontages")		
	Porch	Not Permitted
	Stoop	Not Permitted
	Common Entry	Permitted
	Arcade / Colonnade	Permitted
	Gallery	Permitted
	Storefront	Permitted
Parking (see "Article 8: Parking Standards")		

## Notes

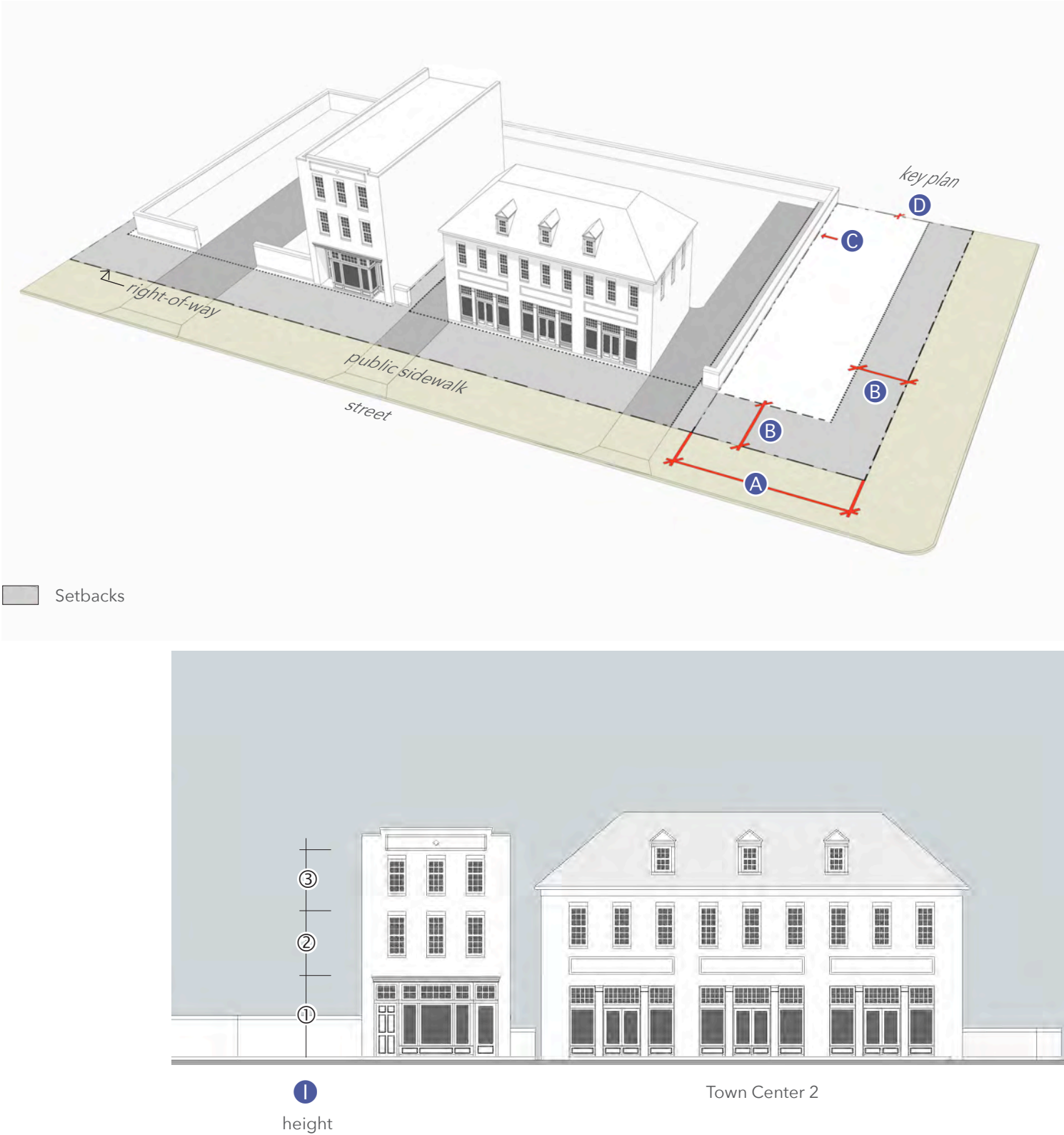
- 1 Where a Lot abuts a property zoned LDR, MDR1 or MDR2, the side and rear setback for the lot shall be that required of the abutting Lot's district. **The setback shall be adjusted to provide a 20 feet wide buffer, where required.**

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.

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.

- 2 Garage location shall be according to section "155-8.4 Parking Location"
- 3 Or equal to the abutting zone, whichever is greater ~~per "Section 3.4.9"~~ **Zero-feet side yard setback only applies where there is a shared party wall.**
- 4 ~~Zero-feet side yard setback only applies where there is a shared party wall.~~
- PB Principal Building

FIGURE 4.3.3 TC2 FORM ILLUSTRATION





#### 155-4.4 INSTITUTIONAL DISTRICTS

##### 4.4.1 Intent

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~~ *render them compatible with* 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).

##### 4.4.2 Districts

There are four *principal* 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. *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.*

4.4.2.a. **Institutional Nature Preserve (IN)** is intended to collectively define sites and buildings operated for types of Uses including but not limited to cemeteries, environmental and open space preserves, golf clubs, and *institutional* residential ~~religious~~.

4.4.2.b. **Institutional Civic (IC)** is intended to collectively define communally beneficial land uses, including but not limited to organizations dedicated to the arts and culture, social and religious use, senior housing, wellness and recreation.

4.4.2.c. **Institutional Education (IE)** is intended to collectively define sites or buildings operated for the provision of full-time or part-time educational services for students of all ages.

4.4.2.d. **Institutional Housing (IH)** is intended to collectively define sites or buildings operated for the provision of housing and health and long term care for the elderly and people with disabilities.

##### 4.4.3 Applicability

4.4.3.a. Property zoned Institutional shall be developed according to the applicable requirements of ~~the each individual~~ Institutional District.

4.4.3.b. Institutional District regulations apply to all Institutional Uses according to the Definitions, and "Table 5.2 Uses for Institution".

4.4.3.c. An Institutional District property shall conform to the requirements of this Article.

4.4.3.d. **RESERVED**

~~Under the following circumstances a Campus Plan in accordance with Chapter 135 shall be required:~~

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.~~

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.~~

4.4.3.e. All properties in the Institutional District, shall conform to "Article 4: District Specific Standards", "Article 5: Uses", "Article 10: Supplemental Use Regulations", "Article 11: Process & Procedures", and Chapter 135 Subdivision and Land Development, Article IV Plan Requirements.

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.~~
- 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 **conditions** 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, **by amendment of the land development approval.**
- 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 - **IE2**, Table 4.4.3.B. In all other zoning districts, public schools shall be subject to the regulations of that district.
- 4.4.4 Lot Occupation:  
Institutional District lots shall comply with "Table 4.4 Institution Form Standards" and the following:
- 4.4.4.a. Impervious Surface.
- 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.~~
- 4.4.4.a.ii. The following shall be exempt from the ~~Total~~ **Impervious Surface** Calculations ~~up to except when determining compliance with~~ the maximum cap as listed in "Table 4.4 Institutional Form Standards":
- 4.4.4.a.ii.(1). Hard surface areas not used for vehicular parking, driveways, or vehicular circulation, that employ a porous paving or are designed to be pervious with a runoff co-efficient less than or equal to grass and maintained to continue this runoff coefficient as approved by the Township Engineer, provided these surfaces occupy no more than five percent (5%) of the lot area. Examples of surfaces that may be constructed to meet these criteria include, but are not limited to, walkways, building entrance areas, gathering areas, sports courts, and running tracks.
- 4.4.4.a.ii.(2). Sidewalks and pedestrian pathways under six feet in width, if available to and dedicated for use by the public and are reasonably accessible to the public.
- 4.4.4.a.iii. The following shall be exempt from the Total Impervious Surface Calculations beyond the maximum cap as listed in "Table 4.4 Institutional Form Standards":
- 4.4.4.a.iii.(1). Cemetery headstones and monuments.
- 4.4.4.b. A Building shall be located in compliance with "Table 4.4 Institution Form Standards".
- 4.4.4.c. Setbacks for sports and physical recreation areas shall comply with "Section 3.12 Sporting and Physical Recreation Areas".
- 4.4.5 Building Configuration. Institutional District buildings shall comply with "Table 4.4 Institution Form Standards" and the following:
- 4.4.5.a. Projections shall be as specified in "**Section 155-3.6 Projections**".
- 4.4.5.b. Building height shall be as specified in "**Section 155-3.3 Building Height**" and shall comply with "Table 4.4 Institution Form Standards" and the following:
- 4.4.5.b.i. In determining the mean level of the ground or the lowest level of the ground surrounding the building, the following may be excluded: openings in the foundation wall which provide for ingress and egress and/or light and air; openings up to 25 feet in length providing access to required underground parking spaces; openings required to comply with the building exit provisions in the building and fire code; and, openings required for ventilation wells or shafts to comply with the mechanical code.

- 4.4.5.b.ii. Chimneys, elevator shafts, water tanks, mechanical structures, enclosed stairwells, and roof trellises, are allowed to exceed maximum building Height up to an additional 10 feet, and may occupy a maximum 20 percent of the building footprint.
- 4.4.5.b.iii. Other uninhabitable ornamental building features, such as spires may extend above the maximum height up to ten feet.
- 4.4.5.c. Fences and Walls shall be according to "Section 155-3.7 Fences and Walls" and the following:
  - 4.4.5.c.i. Fence type shall regulated by district as specified in "Table 3.7.2 Fence Type by District".
  - 4.4.5.c.ii. The Height of fences and retaining walls shall be according to "155-3.7 Fences and Walls". Should a sequence of retaining walls be required, they shall be spaced at minimum intervals of 10 feet. Changes in grade across the Institutional property should be designed to avoid the need for structural retaining walls within 10 feet from the property lines.

#### 4.4.6 Uses

- 4.4.6.a. Use regulations and standards shall be according to "Article 5: Uses".
- 4.4.6.b. Institutional District properties shall support only the Institutional primary and accessory uses.
  - ~~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.~~
  - ~~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.~~
- 4.4.6.c. Continuing Care Facilities shall be subject to the following additional regulations:
  - 4.4.6.c.i. The minimum lot area of 25 acres is required. The development shall comply with Section 7.2: Open Space Overlay District.
  - 4.4.6.c.ii. The maximum height shall be three stories or 40 feet. The height regulation shall not apply to the conversion of an existing building to a continuing care facility.
  - 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/acre abutting LDR1, LDR2 and 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 and Special Districts Regulated by Article 6. Where a property abuts multiple districts, the most restrictive district shall apply.~~
    - 4.4.6.c.iii.(2). Assisted-living units and memory care/nursing units are permitted in addition to the maximum gross density for dwelling units as provided in 4.4.6.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.
  - 4.4.6.c.iv. Minimum distance requirements from another continuing care facility is 2,640 feet (½ mile) measured from the closest lot line to lot line.
  - 4.4.6.c.v. 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%.
  - 4.4.6.c.vi. All structures on the lot shall comply with the following setbacks from all property lines:
    - 4.4.6.c.vi.(1). 150 feet minimum where the perimeter of the lot at any point abuts a LDR, MDR1 or MDR2 zoning district.
    - 4.4.6.c.vi.(2). 50 feet minimum where the perimeter of the lot abuts any other zoning district.



- 4.4.6.c.vii. The ~~perimeter~~ setback ~~requirement in Section 4.4.6.c.vi above~~ may be reduced to 50 feet ~~when~~ ~~where~~ 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.vii.(1). The proposed ~~structures~~ ~~building(s)~~ are for independent residential living purposes only.
    - 4.4.6.c.vii.(2). The maximum number of dwelling units in a building does not exceed four.
    - 4.4.6.c.vii.(3). The proposed ~~structure~~ ~~building~~ is a maximum of 2.5 stories or 35 feet in height.
    - 4.4.6.c.vii.(4). An additional preservation area meeting the following requirements is designated on the Continuing Care Facility property:
      - [a]. It shall be a minimum of 100 feet wide and a minimum of 50 feet in depth.
      - [b]. It shall be adjacent to an existing preservation area.
      - [c]. It shall be subject to the maintenance and preservation standards required in "Section 7.2.6".
      - [d]. Connections, relocations, and extensions to the local trail networks, such as the Bridlewild Trail, shall be provided, where applicable, even though such connection is outside of the additional preservation area being provided. Such trails shall be extended to public streets when applicable.
  - 4.4.6.c.viii. Screening buffers ~~of~~ at least 20 feet in width and ~~shall comply in compliance~~ with the Landscape Standards of "Section 155-3.10 Landscape Standards".
  - 4.4.6.d. ~~Skilled Nursing Facilities~~ ~~Long-Term Care Facilities~~ shall be subject to the following additional regulations:
    - 4.4.6.d.i. A ~~skilled nursing~~ ~~Long-Term Care Facility in IC District shall be limited to~~ shall be located in a building existing as of ~~July 31, 2019. T~~ "the effective date of this Code" and the building may be expanded by up to ~~25%~~ ~~50%~~ to accommodate the ~~skilled nursing~~ ~~Long-Term Care Facility~~.
    - 4.4.6.d.ii. A minimum lot area of 1,200 square feet shall be provided for each bed, ~~up to a maximum of 200 beds~~.
    - 4.4.6.d.iii. At least 0.7 parking spaces shall be provided for each bed.
    - 4.4.6.d.iv. ~~The property shall have frontage on and be accessed from a Primary, Secondary, or Tertiary Street.~~
    - 4.4.6.d.v. ~~The provision of "Section 7.2: Open Space Overlay District" shall comply if the development is five acres or greater.~~
  - 4.4.6.e. Colleges/Universities shall be subject to the following additional regulations:
    - 4.4.6.e.i. A student residence hall is permitted as an accessory use if the use is on or contiguous to the lot with the principal college/university use, if the lot is owned or leased by the college/university and if the use is an integral part of that educational institution.
  - 4.4.6.f. Private Schools shall front on and have direct access onto a primary, secondary or tertiary street.
  - 4.4.6.g. ~~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.~~
- 4.4.7 Access and Parking
- 4.4.7.a. Access and Parking shall be according to "Article 8: Parking Standards" ~~and, where applicable, to the Campus Plan.~~

- 4.4.7.b. Covered parking and parking structures shall comply with required setbacks and shall be screened from view from any Frontage and from any Abutting residential property. Parking structures shall be encouraged in order to minimize surface parking lots and pavement.
- 4.4.7.c. Parking for special events may be a natural/permeable surface provided it is used less than once a month.
- 4.4.7.d. Loading shall be located ~~beyond the~~ outside of any setback and shall be as required in "Article 8: Parking Standards".
- 4.4.7.e. Parking shall be accessed by an alley when such is available.
- 4.4.7.f. Safe and convenient pedestrian and bicycle connectivity and access shall be provided, including a sidewalk or path along all Frontages, unless alternative interior routes are approved.
- 4.4.8 Architecture Standards
  - 4.4.8.a. Buildings shall comply with the architectural standards in "Section 155-3.9 Architecture Standards".
  - 4.4.8.b. Buildings shall be designed for construction and long-term operational efficiency that: conserves use of natural and energy resources; minimizes impact on Township infrastructure services; and minimizes the amount of storm-water run-off in compliance with the Lower Merion Township Code.
  - 4.4.8.c. Parking structures shall demonstrate compliance with the architectural standards in "Section 155-3.9 Architecture Standards" and the following:
    - 4.4.8.c.i. Shall have a separate pedestrian entrance
    - 4.4.8.c.ii. The visual impact of sloping floors from any public accessway shall be minimized through design treatment of the parking structure's facade.
    - 4.4.8.c.iii. That part of a parking garage that is not concealed behind a Liner shall have a Façade that conceals all internal elements such as plumbing pipes, fans, ducts.
    - 4.4.8.c.iv. Exposed concrete spandrel panels shall be prohibited when visible from a public way.
- 4.4.9 Signs shall be as per "Article 9: Sign Standards" and "Section 9.8.3".
- 4.4.10 Landscape Standards
  - 4.4.10.a. Landscape buffers shall comply with "Section 155-3.10 Landscape Standards".
  - 4.4.10.b. Landscaped Buffers shall be a visual screen between properties and shall be as established in the Township Code, Chapter 101.
- 4.4.11 Ambience Standards
  - 4.4.11.a. Noise and lighting regulations shall be according to "Section 155-3.11 Ambience Standards".

**TABLE 4.4 INSTITUTION FORM STANDARDS****TABLE 4.4.1 INSTITUTION NATURE PRESERVE (IN) DIMENSIONAL STANDARDS**

Lot Occupation (see "Section 155-3.4 Lot Occupation")			Notes	
A	Lot Width	<del>none</del> 150 ft.	4	<del>Minimum 30,000 sq. ft. abutting LDR1-LDR3. Minimum 5,000 sq.ft. abutting LDR4, MDR, VC, and TC.</del>
	Lot Area	<del>See Note 4</del> 45,000 sq. ft. min.		<del>The impervious surface standard will match that of the most restrictive abutting zoning district, plus 5%. Should an institution submit a campus plan, they may achieve an additional 5% impervious surface. In no case shall the impervious surface exceed 47%.</del>
	Impervious Surface	<del>See Note 4</del> 21% max.	2	
	Primary Frontage	n/a		
Setbacks (see "Section 155-3.5 Frontages") <sup>(1)</sup>			1	Setbacks may be subject to an increase based on building height.
B	Front	<del>per abutting district</del> 50 ft.		
C	Side	50 ft.		
D	Rear	50 ft.	2	Maximum <del>4</del> four stories or 52 ft. where setbacks are increased by an additional 50 ft. Buildings may be <del>4</del> four stories or 52 ft. in height without an increased setback along the Primary Road.
Building Height (max.) (see "Section 155-3.3 Building Height")				
E	Principal	3 stories up to 40 ft. <sup>(2)</sup>		
Parking (see "Article 8: Parking Standards")				

**TABLE 4.4.2.A INSTITUTION CIVIC (IC) - IC1 DIMENSIONAL STANDARDS**

Lot Occupation (see "Section 155-3.4 Lot Occupation")			Notes	
A	Lot Width	<del>none</del> 150 ft.	4	<del>Minimum 30,000 sq. ft. abutting LDR1-LDR3. Minimum 5,000 sq.ft. abutting LDR4, MDR, VC, and TC.</del>
	Lot Area	<del>See Note 4</del> 45,000 sq. ft. min.		<del>The impervious surface standard will match that of the most restrictive abutting zoning district, plus 5%. Should an institution submit a campus plan, they may achieve an additional 5% impervious surface. In no case shall the impervious surface exceed 47%.</del>
	Impervious Surface	<del>See Note 4</del> 26% max.	2	
	Primary Frontage	n/a		
Setbacks (see "Section 155-3.5 Frontages") <sup>(1)</sup>			1	Setbacks may be subject to an increase based on building height.
B	Front	<del>per abutting district</del> 50 ft.		
C	Side	<del>per abutting district</del> 50 ft. <sup>(2)</sup>	2	Minimum 20 ft. buffer is required
D	Rear	<del>per abutting district</del> 50 ft. <sup>(2)</sup>		
Building Height (max.) (see "Section 155-3.3 Building Height")			3	Maximum <del>4</del> four stories or 52 ft. where setbacks are increased by 50 ft. Buildings may be <del>4</del> four stories or 52 ft. in height without an increased setback along the Primary Road.
E	Principal	3 stories up to 40 ft. <sup>(3)</sup>		
Parking (see "Article 8: Parking Standards")				

TABLE 4.4.2.B INSTITUTION CIVIC (IC) - IC2 DIMENSIONAL STANDARDS

Lot Occupation (see "Section 155-3.4 Lot Occupation")		
A	Lot Width	100 ft.
	Lot Area	15,000 sq. ft. min.
	Impervious Surface	33% max.
Setbacks (see "Section 155-3.5 Frontages") <sup>(1)</sup>		
B	Front	40 ft.
C	Side	50 ft. <sup>(2)</sup>
D	Rear	50 ft. <sup>(2)</sup>
Building Height (max.) (see "Section 155-3.3 Building Height")		
E	Principal	3 stories up to 40 ft. <sup>(3)</sup>
Parking (see "Article 8: Parking Standards")		

Notes	
1	Setbacks may be subject to an increase based on building height.
2	Minimum 20 ft. buffer is required
3	Maximum four stories or 52 ft. where setbacks are increased 50 ft. Buildings may be four stories or 52 ft. in height without an increased setback along the Primary Road.

TABLE 4.4.2.C INSTITUTION CIVIC (IC) - IC3 DIMENSIONAL STANDARDS

Lot Occupation (see "Section 155-3.4 Lot Occupation")		
A	Lot Width	60 ft.
	Lot Area	7,500 sq. ft. min.
	Impervious Surface	47% max.
Setbacks (see "Section 155-3.5 Frontages") <sup>(1)</sup>		
B	Front	25 ft.
C	Side	50 ft. <sup>(2)</sup>
D	Rear	50 ft. <sup>(2)</sup>
Building Height (max.) (see "Section 155-3.3 Building Height")		
E	Principal	3 stories up to 40 ft. <sup>(3)</sup>
Parking (see "Article 8: Parking Standards")		

Notes	
1	Setbacks may be subject to an increase based on building height.
2	Minimum 20 ft. buffer is required
3	Maximum four stories or 52 ft. where setbacks are increased by 50 ft. Buildings may be four stories or 52 ft. in height without an increased setback along the Primary Road.

TABLE 4.4.3.A INSTITUTION EDUCATION (IE) - IE1 DIMENSIONAL STANDARDS

Lot Occupation (see "Section 155-3.4 Lot Occupation")		
A	Lot Width	150 ft.
	Lot Area	45,000 sq. ft. min.
	Impervious Surface	26% max.
Setbacks (see "Section 155-3.5 Frontages") <sup>(1)</sup>		
B	Front	50 ft.
C	Side	50 ft. <sup>(2)</sup>
D	Rear	50 ft. <sup>(2)</sup>
Building Height (max.) (see "Section 155-3.3 Building Height")		
E	Principal	3 stories up to 45 ft. <sup>(3)</sup>
Parking (see "Article 8: Parking Standards")		

Notes	
1	Setbacks may be subject to an increase based on building height.
2	Minimum 20 ft. buffer is required
3	Maximum five stories where setbacks are increased by an additional 50 ft. for each story above three stories. Buildings may be five stories or 65 ft. in height without an increased setback along the Primary Road.

TABLE 4.4.3.B INSTITUTION EDUCATION (IE) - IE2 DIMENSIONAL STANDARDS

Lot Occupation (see "Section 155-3.4 Lot Occupation")		
A	Lot Width	100 ft.
	Lot Area	15,000 sq. ft. min.
	Impervious Surface	33% max.
Setbacks (see "Section 155-3.5 Frontages") <sup>(1)</sup>		
B	Front	40 ft.
C	Side	50 ft. <sup>(2)</sup>
D	Rear	50 ft. <sup>(2)</sup>
Building Height (max.) (see "Section 155-3.3 Building Height")		
E	Principal	3 stories up to 45 ft. <sup>(3)</sup>
Parking (see "Article 8: Parking Standards")		

Notes	
1	Setbacks may be subject to an increase based on building height.
2	Minimum 20 ft. buffer is required
3	Maximum five stories where setbacks are increased by an additional 50 ft. for each story above three stories. Buildings may be five stories or 65 ft. in height without an increased setback along the Primary Road.

TABLE 4.4.3.C INSTITUTION EDUCATION (IE) - IE3 DIMENSIONAL STANDARDS

Lot Occupation (see "Section 155-3.4 Lot Occupation")		
A	Lot Width	60 ft.
	Lot Area	7,500 sq. ft. min.
	Impervious Surface	47% max.
Setbacks (see "Section 155-3.5 Frontages") <sup>(1)</sup>		
B	Front	25 ft.
C	Side	50 ft. <sup>(2)</sup>
D	Rear	50 ft. <sup>(2)</sup>
Building Height (max.) (see "Section 155-3.3 Building Height")		
E	Principal	3 stories up to 45 ft. <sup>(3)</sup>
Parking (see "Article 8: Parking Standards")		

Notes	
1	Setbacks may be subject to an increase based on building height.
2	Minimum 20 ft. buffer is required
3	Maximum five stories where setbacks are increased by an additional 50 ft. for each story above three stories. Buildings may be five stories or 65 ft. in height without an increased setback along the Primary Road.

TABLE 4.4.4A INSTITUTIONAL HOUSING (IH) - IH1 DIMENSIONAL STANDARDS <sup>(1)</sup>

Lot Occupation (see "Section 155-3.4 Lot Occupation")	
A Lot Width	<del>none</del> 150 ft.
Lot Area	<del>none</del> 45,000 sq. ft. min. <sup>(1)</sup>
Impervious Surface	<del>See Note 2</del> 21% max.
Primary Frontage	n/a
Setbacks (see "Section 155-3.5 Frontages") <sup>(2)</sup>	
B Front	<del>per abutting district</del> 50 ft.
C Side	50 ft. <sup>(3)</sup>
D Rear	50 ft. <sup>(3)</sup>
Building Height (max.) (see "Section 155-3.3 Building Height")	
E Principal	<del>See Note 3</del> 3 stories up to 45 ft. <sup>(4)</sup>
Parking (see "Article 8: Parking Standards")	

Notes	
1	For Continuing Care Facility Standards refer to "Section 4.4.6.c".
2	<del>Minimum 30,000 sq.ft. abutting LDR1-LDR3. Minimum 5,000 sq.ft. abutting LDR4, MDR, VC, and TC.</del>
3	<del>The impervious surface standard will match that of the most restrictive abutting zoning district, plus 5%. Should an institution submit a campus plan, they may achieve an additional 5% impervious surface. In no case shall the impervious surface exceed 47%.</del>
2	Setbacks may be subject to an increase based on building height
3	Minimum 20 ft. buffer is required
4	<del>Per the most restrictive abutting zone, with an additional 1 story where setbacks are increased by 50 ft. Buildings may increase by one story without an increased setback along the primary road.</del> Maximum five stories where setbacks are increased by an additional 50 ft. for each story above three stories. Buildings may be five stories or 65 ft. in height without an increased setback along the Primary Road.

TABLE 4.4.4B INSTITUTIONAL HOUSING (IH) - IH2 DIMENSIONAL STANDARDS <sup>(1)</sup>

Lot Occupation (see "Section 155-3.4 Lot Occupation")	
A Lot Width	100 ft.
Lot Area	15,000 sq. ft. min. <sup>(1)</sup>
Impervious Surface	28% max.
Setbacks (see "Section 155-3.5 Frontages") <sup>(2)</sup>	
B Front	40 ft.
C Side	50 ft. <sup>(3)</sup>
D Rear	50 ft. <sup>(3)</sup>
Building Height (max.) (see "Section 155-3.3 Building Height")	
E Principal	3 stories up to 45 ft. <sup>(4)</sup>
Parking (see "Article 8: Parking Standards")	

Notes	
1	For Continuing Care Facility Standards refer to "Section 4.4.6.c".
2	Setbacks may be subject to an increase based on building height
3	Minimum 20 ft. buffer is required
4	Maximum five stories where setbacks are increased by an additional 50 ft. for each story above three stories. Buildings may be five stories or 65 ft. in height without an increased setback along the Primary Road.

TABLE 4.4.4C INSTITUTIONAL HOUSING (IH) - IH3 DIMENSIONAL STANDARDS <sup>(1)</sup>

Lot Occupation (see "Section 155-3.4 Lot Occupation")	
A Lot Width	60 ft.
Lot Area	7,500 sq. ft. min. <sup>(1)</sup>
Impervious Surface	45% max.
Setbacks (see "Section 155-3.5 Frontages") <sup>(2)</sup>	
B Front	25 ft.
C Side	50 ft. <sup>(3)</sup>
D Rear	50 ft. <sup>(3)</sup>
Building Height (max.) (see "Section 155-3.3 Building Height")	
E Principal	3 stories up to 45 ft. <sup>(4)</sup>
Parking (see "Article 8: Parking Standards")	

Notes	
1	For Continuing Care Facility Standards refer to "Section 4.4.6.c".
2	Setbacks may be subject to an increase based on building height
3	Minimum 20 ft. buffer is required
4	Maximum five stories where setbacks are increased by an additional 50 ft. for each story above three stories. Buildings may be five stories or 65 ft. in height without an increased setback along the Primary Road.

**155-4.5 LIGHT INDUSTRIAL**

- 4.5.1 The intent of the LI District is to preserve and enhance sensitive natural features, historic industrial heritage, connection to the regional trail network and public transportation access. LI is a light industrial area, principally located along the river, that contains a mix of light industrial uses, commercial uses, and multi-family buildings.
- 4.5.2 Lot Occupation
- 4.5.2.a. Newly platted Lots shall comply with standards in "Section 155-3.4 Lot Occupation".
- 4.5.2.b. A Building shall be located in relation to the edge of the right of way, with setbacks as shown in "Table 4.5.1 LI Dimensional Standards".
- 4.5.3 Building Configuration shall be according the ~~Section 4.5.9~~ "Table 4.5 Light Industrial Form Standards" and the following:
- 4.5.3.a. Entries and signage shall face ~~the~~ toward a street or pedestrian way. Storefront entrance doors shall be recessed to allow doors to swing out without conflicting with pedestrian flow on the sidewalk.
- 4.5.3.b. Projections shall be allowed as specified in "Section 155-3.6 Projections".
- 4.5.3.c. Building Height shall be as specified in "Section 155-3.3 Building Height" and shall be as shown in "Table 4.5.1 ~~LI~~ Light Industrial Form Standards".
- 4.5.3.c.i. The first floor elevation of a Building at a Frontage shall be established at the midpoint of the front property line, and may extend a maximum of two and a half (2.5) feet above the lowest point of the sidewalk grade. Except in the floodway fringe of the Schuylkill River, a finished floor elevation more than ~~two and a half~~ (2.5) feet above the lowest point of the sidewalk grade shall be considered the second floor.
- 4.5.3.c.ii. Chimneys, enclosed stairwells, roofed and unenclosed roof terraces and roof trellises, spires and uninhabitable ornamental Building features, may be allowed to exceed maximum Building Height up to an additional 12 feet, and occupy a maximum 20% ~~percent~~ of roof area.
- 4.5.3.d. Additional Setbacks.
- 4.5.3.d.i. All buildings shall be set back a minimum of 50 feet from the top of the retaining wall abutting the edge of the Schuylkill River. If the wall ends or is interrupted at any point, the measurement shall be taken from the linear extension of the wall equidistant from the river's edge.
- 4.5.3.d.ii. All buildings shall be set back a minimum of 25 feet from the edge of the railroad right of way.
- 4.5.3.d.iii. Parking and driveways shall be prohibited within the required river setback and between buildings and the river.
- 4.5.3.d.iv. All Buildings shall maintain a minimum 50-foot building separation from any building designated as Class I or Class II on the Township's Historic Resource Inventory.
- 4.5.3.d.v. All buildings shall be set back 100' ~~feet~~ from any existing Public Gathering Space.
- 4.5.3.e. Impervious Surface. When a public access along the Schuylkill River is provided as a dedicated easement or public space in accordance with "Section 4.5.812", the following improvements shall not be counted against the maximum impervious surface limits:
- 4.5.3.e.i. The multipurpose trail constructed within the river easement area and the public trail parking.
- 4.5.3.e.ii. Paved emergency access roads/driveways required by Lower Merion Township.
- 4.5.4 Form Regulations For Specific Buildings.
- 4.5.4.a. Regulations for Industrial Buildings.
- 4.5.4.a.i. Industrial uses shall be screened with a 20' ~~foot-wide~~ landscape buffer when abutting any non-industrial use adjacent to or within LI, according to "Section 155-3.10 Landscape Standards".



- 4.5.5 Use regulations and standards shall be according to "Article 5: Uses", and the following:
  - 4.5.5.a. A building or combination of two or more buildings may be erected or used and a lot may be used or occupied for any lawful purpose, except for the purposes specified in "Section 155-5.6.1".
  - 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~~ **special exception** subject to compliance with the provisions of "Section 7.3.8 Schuylkill River Floodway Fringe".
  - 4.5.5.c. Outdoor accessory **temporary** 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.
- 4.5.6 Fences and Walls shall be according to "Section 155-3.7 Fences and Walls" and the following:
  - 4.5.6.a. Fence type shall be regulated by district and as specified in "Table 3.7.2 Fence Type by District".
  - 4.5.6.b. Fence Height shall be according to "Table 3.7.1 Fence Height".
  - 4.5.6.c. The Height of Retaining Walls shall be according to "Section 155-3.7 Fences and Walls".
- 4.5.7 Access and Parking shall be according to "Article 8: Parking Standards".
- 4.5.8 Architecture Standards:
  - 4.5.8.a. Buildings shall demonstrate compliance with the architectural standards in "Section 155-3.9 Architecture Standards". ~~and the following:~~
  - 4.5.8.b. Parking structures **shall demonstrate compliance with the architectural standards in "Section 155-3.9 Architecture Standards"**.
    - 4.5.8.b.i. Shall have a separate pedestrian entrance.
    - 4.5.8.b.ii. The visual impact of sloping floors from any public accessway shall be minimized through design treatment of the parking structure's facade.
    - 4.5.8.b.iii. That part of a parking garage that is not concealed behind a Liner shall have a Façade that conceals all internal elements such as plumbing pipes, fans, and ducts.
    - 4.5.8.b.iv. Exposed spandrel panels shall be prohibited when visible from a public way.
  - 4.5.8.c. Architectural standards may be adjusted by process of conditional use.
- 4.5.9 Signs shall be as per "Article 9: Sign Standards".
- 4.5.10 Landscape buffers shall comply with "Section 155-3.10 Landscape Standards".
- 4.5.11 Ambience Standards:
  - 4.5.11.a. Noise and lighting regulations shall be according to "Section 155-3.11 Ambience Standards".
- 4.5.12 River Access Standards.
  - 4.5.12.a. Public access along the Schuylkill River shall be provided as a dedicated easement. It shall be a minimum of 20 feet wide starting at the top of the retaining wall abutting the river.
    - 4.5.12.a.i. The easement may be reduced up to a maximum of 10 feet, subject to conditional use approval when any of the following conditions apply. In no case shall the easement width be less than 10 feet.
      - 4.5.12.a.i.(1). When this provision is applied to lots where existing required parking is to remain, and the removal of the parking spaces would result in a violation of the Zoning Code; and
      - 4.5.12.a.i.(2). The parking spaces within the easement area cannot be relocated to another area on the property; and
      - 4.5.12.a.i.(3). When existing buildings are to remain on the lot within the easement area, the easement may be reduced to the extent necessary to accommodate existing improvements so long as public access is still provided.



**TABLE 4.5 LIGHT INDUSTRIAL FORM STANDARDS****TABLE 4.5.1 LI DIMENSIONAL STANDARDS**

Lot Occupation (see "Section 155-3.4 Lot Occupation")	
Lot Width	100 ft.
Lot Area	2000 sq. ft. per unit or non-residential Lot
Impervious Surface <sup>(1)</sup>	80% max.
Setbacks (see "Section 155-3.5 Frontages") <sup>(2)</sup>	
Principal Building (feet)	
Front	12' ft. min- 15' ft.
Side	0 or 25 ft. min.
Rear	25 ft. min.
River Frontage <sup>(3)</sup>	50 ft. min.
Railroad Right of Way	25 ft. min.
Accessory Building & Structures (feet)	
Front (measured from rear of PB)	20 ft. min.
Front Corner	12 ft. min.
Side	0 or 5 ft. min.
Rear	None
Building Height(max.) (see "Section 155-3.3 Building Height")	
Principal Building	2 stories min.-10 stories max. <sup>(4)</sup>
Accessory Building	n/a
Accessory Structure	1 story up to 15 ft.

**Frontage Yard Types (see "Section 155-3.5 Frontages")**

Common Yard	Not Permitted
Fenced Yard	Not Permitted
Shallow Yard	Permitted
Urban Yard	Permitted
Pedestrian Forecourt	Permitted
Vehicular Forecourt	Permitted

**Façade Types (see "Section 155-3.5 Frontages")**

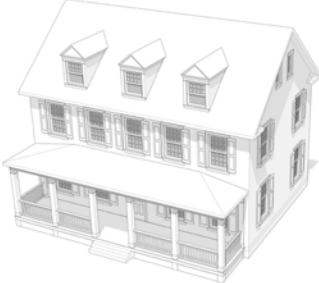
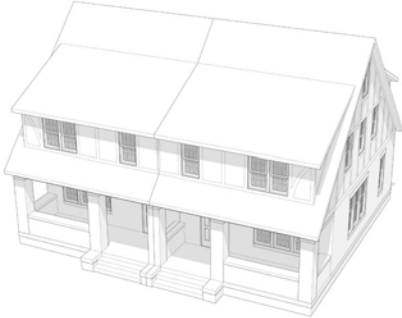

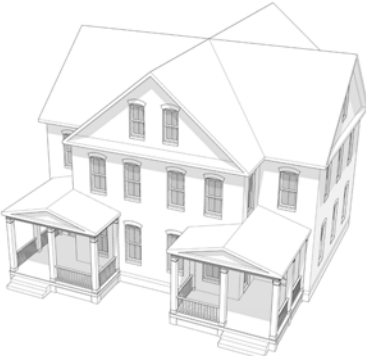
Porch	Not Permitted
Stoop	Not Permitted
Common Entry	Permitted
Arcade/Colonnade	Permitted
Gallery	Permitted
Storefront	Permitted

**Parking (see "Article 8: Parking Standards")****Notes**

- 1 Refer to "Section 4.5.3.e. Impervious Surface"
- 2 See "Section 4.5.3.d. Additional Setbacks"
- 3 Frontage shall be measured from the top of the retaining wall abutting the edge of the Schuylkill River or from an existing street. If the wall ends or is interrupted at any point, the measurement shall be taken from the linear extension of the wall equidistant from the river's edge.
- 4 All buildings with more than two stories ~~above 2~~ require compliance with "Section 4.5.12.a." For buildings ~~5~~ five stories and above, a maximum of two stories may be devoted to residential uses.

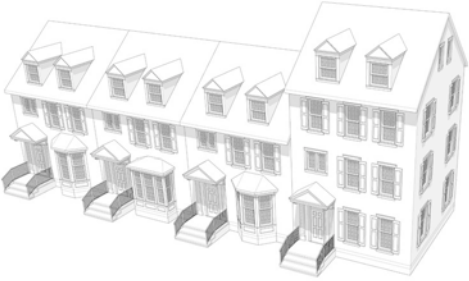
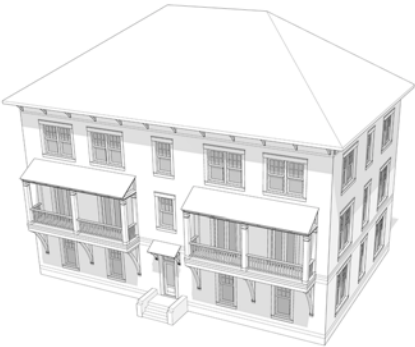
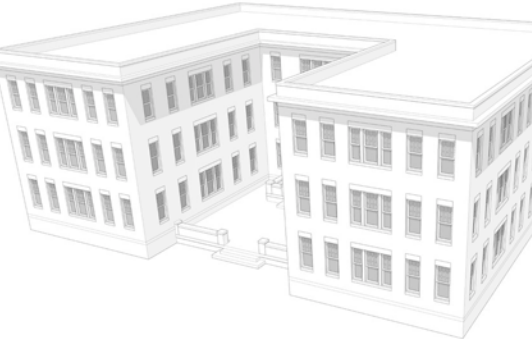

PB Principal Building

**TABLE 4.6 RESIDENTIAL BUILDING TYPES**

	LDR	MDR1	MDR2	MDR3	VC	TC	LI
<b>SINGLE-FAMILY DETACHED HOUSE</b>							
	P	P	P	P			
<b>TWIN</b>							
		P	P	P			
<b>DUPLEX</b>							
		P	P	P			
<b>QUAD</b>							
			P	P			

P = Permitted Use R = Regulated Use

DRAFT 4.0 NOVEMBER 22, 2019

TABLE 4.6 RESIDENTIAL BUILDING TYPES	LDR	MDR1	MDR2	MDR3	VC	TC	LI
<b>ROWHOUSE</b>							
			P	P			
<b>SMALL MULTI-FAMILY (6-PACK)</b>							
			P	P	R	R	
<b><del>APARTMENT BUILDING</del> LARGE MULTI-FAMILY</b>							
				P	R	R	R
<b>LIVE/WORK</b>							
			R	R	P	P	R

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## ARTICLE 5: USES

**155-5.1 PERMITTED USES**

- 5.1.1 Uses shall be as defined in "Section 155-2.1 Definition of Terms".
- 5.1.2 Uses permitted in a building or on a lot are limited by zoning district, ~~according to Table 4.1 – 4.6~~ and shall be in compliance with "Table 5.1 Uses".
- 5.1.3 A use identified by the letter "P" means the use is permitted by right, with no additional regulations.
- 5.1.4 A use identified by the letter "R" means the use is permitted by right subject to additional regulations. It is subject to the following conditions:
  - 5.1.4.a. Compliance with the supplemental use regulations in "Table 5.3 Use Regulations".
  - 5.1.4.b. A regulated use is subject to administrative approval by the issuance of a ~~use zoning~~ permit by the zoning officer pursuant to the provisions of Section 11.1.5 hereof.
- 5.1.5 A use identified by the letter "S" means the use must be authorized by Special Exception. It is subject to the following conditions:
  - 5.1.5.a. Compliance with the supplemental use regulations in "Table 5.3 Use Regulations".
  - 5.1.5.b. Compliance with the approval criteria ~~requirements~~ of "Article 11: Process & Procedures".
  - 5.1.5.c. Compliance with the procedural and submission requirements in "Article 11: Process & Procedures".
  - 5.1.5.d. A use permitted by Special Exception requires the approval of the Zoning Hearing Board.
- 5.1.6 A use identified by the letter "C" means the use must be authorized by Conditional Use. It is subject to the following conditions:
  - 5.1.6.a. Compliance with the supplemental use regulations in "Table 5.3 Use Restrictions".
  - 5.1.6.b. Compliance with the approval criteria of "Article 11: Process & Procedures".
  - 5.1.6.c. Compliance with the procedural and submission requirements in "Article 11: Process & Procedures".
  - 5.1.6.d. A use permitted by Conditional Use requires the approval of the Board of Commissioners.
- 5.1.7 A use identified by more than one letter and/or approvals means that an aspect or a type of the use is permitted subject to additional regulations. It is subject to the following conditions:
  - 5.1.7.a. Compliance with the supplemental use regulations in "Table 5.3 Use Regulations".
  - 5.1.7.b. A regulated use is subject to administrative approval by the issuance of a use permit by the zoning officer.

**155-5.2 USE REGULATIONS, GENERAL**

- 5.2.1 In LDR and MDR districts, only one principal use shall be permitted on a lot.
- 5.2.2 Any use of the same general character as any of the uses specifically permitted **by right** in the zoning district shall be permitted, subject to compliance with "Section 11.2.7".
- 5.2.3 Any use permitted by special exception or conditional use can only be expanded in like manner **and upon issuance of a zoning permit**.
- 5.2.4 Any use permitted by special exception or conditional use shall be subject to the dimension requirements of the zoning district in which it is located, unless specified otherwise.
- 5.2.5 Permitted uses within Class I and Class II Historic Resources shall be in compliance with the Permitted Uses in "Table 7.1.1 Historic Resources", regulated use requirements in "Table 5.3 Use Regulations", and supplemental regulations in "Article 10: Supplemental Use Regulations".
- 5.2.6 An Accessory Use shall be permitted, subject to the following conditions:
  - 5.2.6.a. The Accessory Use is on the same lot with a principal use.
  - 5.2.6.b. The Accessory Use is secondary in scale and intensity to the principal use.
  - 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.**
  - 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.~~
  - 5.2.6.e. ~~Accessory Structures are permitted as follows:~~
    - 5.2.6.e.i. ~~Storage Garages on a multi-family lot may be authorized as a Special Exception, subject to the following regulations:~~
      - 5.2.6.e.i.(1). ~~The garages shall not be visible from any street frontages.~~
- 5.2.7 Separation requirements. Certain uses, while compatible with other lawful uses, can be detrimental to the quiet use and enjoyment by others if concentrated in the same neighborhood. The Board of Commissioners has determined that undue concentration can be avoided by mandating a minimum distance of separation between these uses, as shown in Table 5.3. Use Regulations.
- 5.2.8 Total floor area for use limitations shall exclude uninhabitable basements, attics, ~~or~~ **and** garages as part of the total calculation.
- 5.2.9 It is the intent of this Article to make reasonable accommodations in the rules, policies and practices within this Township to afford all handicapped persons equal opportunity to use and enjoy a dwelling in satisfaction of the requirements of the Fair Housing Act (42 U.S.C.A. § 3601 et seq.), as amended. No provision of this article shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

**155-5.3 INTERPRETATION OF USES**

- 5.3.1 Interpretation of uses falls under the **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. zoning officer's authority, and is limited to:**
  - 5.3.1.a. ~~The functional and locational requirements of the use;~~
  - 5.3.1.b. ~~Whether the interpretation is consistent with the intent of its zoning district; and~~
  - 5.3.1.c. ~~Whether the use is compatible with the permitted uses in the zoning district.~~

**155-5.4 NON-CONFORMING USES**

- 5.4.1 All non-conforming uses are regulated by "Section 10.12".

**155-5.5 TEMPORARY STRUCTURES**

- 5.5.1 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 and/or Chapter 92.

**155-5.6 PROHIBITED USES**

- 5.6.1 No building may be erected, altered or used and no lot or premises may be used for any trade, processing or business which is noxious, offensive or a public nuisance by reason of odor, dust, smoke, gas, vibration, illumination, noise or the emission of electronic or magnetic waves, or which constitutes a public hazard, whether by fire, explosion or otherwise.

**155-5.7 ~~USE~~ ZONING PERMITS**

- 5.7.1 Zoning permits shall be required and issued pursuant to the provisions of Section 11.1.5. ~~No use permit shall be required for municipal or municipal authority offices.~~

~~5.7.2 Use permits are required for:~~

~~5.7.2.a. Any new or changed use.~~

~~5.7.2.b. Any regulated use listed in "Table 5.1 Uses".~~

~~5.7.2.c. Conversion of commercial space.~~

~~5.7.2.d. Removal of existing off-street parking.~~

- ~~5.7.3 A use permit shall expire if construction activity is involved and has ceased and 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 run-off & erosion control permit.~~



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**TABLE 5.1 USES**

USES	LDR	MDR	VC	TC	I	LI	MC	BMMD	RHR	BMV	CAD
<b>RESIDENTIAL</b>											
Single-family Housing (detached)	P	P			(3)			P <sup>(6)</sup>		R <sup>(7)</sup>	
Duplex / Twin		P			(3)			P <sup>(6)</sup>		R <sup>(7)</sup>	
Quad		P <sup>(1)</sup>			(3)						
Rowhouse		P <sup>(1)</sup>			(3)			P <sup>(6)</sup>		P/R	R
Multi-family (small)		P <sup>(1)</sup>	R	R	(3)				R	P/R	R
Multi-family (large)		P <sup>(2)</sup>	R	R	(3)	R			R	P/R	R
Live-Work		R <sup>(1)</sup>	P	P					P	R <sup>(7)</sup>	R
Alternative Housing for the Elderly	S	S			(3)						
Shared Residence for the Elderly or the Disabled	R	R	R	R	(3)	R		R		R <sup>(7)</sup>	
Community Residential Facility	R	R	P	P	P	P	P	P	P	P	
Adult Daycare		C <sup>(2)</sup>							P		P <sup>(8)</sup>
<del>Skilled Nursing</del> Long-Term Care Facility		S <sup>(-1)</sup>			(3)				P	R <sup>(7)</sup>	
Trailer Camp & Mobile Homes						P					
<b>LODGING</b>											
Bed & Breakfast			P	P						P <sup>(7)</sup>	P
Hotel			P	P		P		R <sup>(5)</sup>	P	P <sup>(7)</sup>	P
Student Housing	S	S	R	R		R				S	
<b>COMMERCIAL</b>											
Adult Entertainment						R					
Auto Related Services			R	R					R		
Food & Beverage			R	R		R			R	R <sup>(7)</sup>	R
Health and Medical						P	P/R	R <sup>(4)</sup>	P		P
Daycare			P	P	(3)	P			P	P	P
Office			R	R		P		R <sup>(4)</sup>	P	C/R <sup>(7)</sup>	P
Open Air Retail			R	R		R				P <sup>(7)</sup>	
Place of Assembly			P	P		P			P	P <sup>(7)</sup>	P <sup>(8)</sup>
Retail			P	P		P		P <sup>(4)</sup>	P	P <sup>(7)</sup>	R
Specialized Retail			P/R	P/R/S			R	P/R <sup>(4)</sup>	R	P/R <sup>(7)</sup>	R <sup>(9)</sup>

See following page for notes and abbreviations

USES (CONT'D)	LDR	MDR	VC	TC	I	LI	MC	BMMD	RHR	BMV	CAD
<b>INSTITUTIONAL</b>											
Cemetery (nature preserve)					(3)						
Environmental (nature preserve)					(3)						
Recreation Establishment			P	P	(3)				P	P <sup>(4)</sup>	
Religious	S	S	P	P	(3)					S	
Institutional Residential <del>Religious</del>	S	S			(3)						
College / University					(3)					C <sup>(10)</sup>	
Private School					(3)					C <sup>(10)</sup>	
Public School	R	R	P	P	(3)	P	R	R	R	R	
Continuing Care Facility (CCF)					(3)						
Hospital							P	P			
<b>CIVIL SUPPORT</b>											
Infrastructure (Com.Power.Water)	P	P	P	P		P					
Municipal Service	C	C	P	P		P			P	C	P/R <sup>(8)</sup>
Public Parking			P	P		P		P	P	P	P
Solid Waste						P					
Transit	P	P	P	P		P				P <sup>(7)</sup>	P
<b>INDUSTRIAL</b>											
General Industrial						R					
Storage & Distribution						R					
<b>AGRICULTURE</b>											
General Agriculture	P					P					
Tilling of Soil	P	P	P	P	(3)	P	P	P	P	P	P

1. MDR 2 & 3 only
2. MDR3 only
3. See "Table 5.2 Uses for Institutions"
4. BMMD 3 only
5. BMMD 1 only
6. BMMD 2,3
7. BMV 1,3,4
8. CAD-BV only
9. CAD-RCA only
10. BMV2 only

P: Permitted Use  
R: Regulated Use  
C: Conditional Use  
S: Special Exception

LDR: Low Density Residential  
MDR: Medium Density Residential  
VC: Village Center  
TC: Town Center  
I: Institutional  
LI: Light Industrial  
MC: Medical Center District  
BMMD: Bryn Mawr Medical District  
RHR: Rock Hill Road District  
BMV: Bryn Mawr Village District  
CAD: City Ave District

**TABLE 5.2 USES FOR INSTITUTIONS**

USES	IN	IC	IE	IH	USE REGULATION
<b>RESIDENTIAL</b>					
Single-Family Housing (detached)	RP	RP	RP	RP	Max. 2 Dwelling Units Shall be located in an existing residential structure only.
Duplex	R	R	R	R	Max. 2-two Dwelling Units in an existing residential structure only.
Twin	R	R	R	R	Max. 2-two Dwelling Units in an existing residential structure only.
Multi-Family (small)	C	C	C	C	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"
Multi-Family (large)	C	C	C	C	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"
Alternative Housing for the Elderly		P		P	Shall be in compliance with "Section 155-10.2 Alternative Housing Options for the Elderly" or "Section 155-10.3 Shared Residences for the Elderly or the Disabled"
Skilled Nursing Long-Term Care Facility		R		PR	See additional use regulations in "Section 155-4.4.6.d"
Student Housing			R		See "Table 5.3 Use Regulations"
<b>INSTITUTIONAL</b>					
Cemetery (nature preserve)	P	P			
Environmental (nature preserve)	R	R	R	R	See "Table 5.3 Use Regulations"
Golf Club	P				
Rec Establishments		R			See "Table 5.3 Use Regulations"
Religious		P			
Institutional Residential Religious	PR	PR		R	See additional use requirements in Section 155.4.4.6.g
College / University			P		See additional use requirements in "Section 155.4.4.6.e."
Private Schools			P		See additional use requirements in "Section 155.4.4.6.f."
Public Schools	R	R	P	R	See "Section 155.4.4.3.h", "Table 4.4.3.B", and "Table 5.3."
Continuing Care Facility (CCF)				P	See additional use requirements in "Section 155.4.4.6.c."
Cultural & Recreational Institutional Accessory Use	R	R	R		See "Table 5.3 Use Regulations"
<b>AGRICULTURE</b>					
Tilling of Soil	P				

IN: Institution Nature Preserve

IC: Institution Civic

IE: Institutional Education

IH: Institutional Housing

**TABLE 5.3 USE REGULATIONS**

USES	USE PERMITTED	LDR1	LDR2	LDR3	LDR4
RESIDENTIAL					
Alternative Housing for the Elderly	S	Shall only be authorized as a special exception subject to the following regulations: <ul style="list-style-type: none"><li>Shall be in compliance with supplemental regulations in "Section 155-10.2 Alternative Housing Options For The Elderly"</li><li>In a Class I Historic Resource, shall only be authorized as a Conditional Use, subject to the requirements of "Section 155-10.2 Alternative Housing Options For The Elderly"</li></ul>			
Shared Residence for the Elderly & Disabled	R	Shall be in compliance with "Section 155-10.3 Shared Residences for the Elderly or the Disabled".			
Community Residential Facility	R	No more than one such use shall be permitted: <ul style="list-style-type: none"><li>Within 500 feet of another use regulated by this subsection and/or a nonconforming use, 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.</li></ul>			
LODGING					
Student Housing	S	Student homes shall only be authorized as a special exception, subject to the following regulations: <ul style="list-style-type: none"><li>A maximum of three students per dwelling is permitted</li><li>A maximum of one student per bedroom in any dwelling unit.</li><li>A special exception authorizing a student home shall expire without further action by the Township unless the use is registered in conformity with Chapter 92 of the Lower Merion Code.</li><li>Minimum distance requirement from another approved student housing shall be 20 times the minimum lot width required in the zoning district, or 1,000 feet, whichever is greater, up to a maximum separation of 1,800 feet.</li></ul>			
INSTITUTIONAL					
Religious	S	Shall only be authorized as a special exception per Article 11.			
Institutional Religious Residential	S	Shall only be authorized as a special exception per Article 11.			
Public Schools	R	Public schools shall be developed according to the requirements of the Institutional Educational District, Table 4.4.3.B.			
CIVIL SUPPORT					
Municipal Service	C	Emergency Facilities (Ambulance Services and Fire Stations) <ul style="list-style-type: none"><li>May be authorized as a Conditional Use, subject to compliance with the requirements of "Section 155-10.7 Mandated Emergency Service".</li></ul>			

**TABLE 5.3 USE REGULATIONS (CONTINUED)**

USES	USE PERMITTED			MDR1	MDR2	MDR3
	MDR1	MDR2	MDR3			
RESIDENTIAL						
Alternative Housing for the Elderly	S	S	S	Shall only be authorized as a Special Exception subject to the following regulations: <ul style="list-style-type: none"><li>Shall be in compliance with supplemental regulations in "Section 155-10.2 Alternative Housing Options For The Elderly".</li><li><del>In a Class I Historic Resource, shall only be authorized as a Conditional Use, subject to the requirements of "Section 7.1.3 Permitted Uses for Class I Historic Resources"</del></li></ul>		
Shared Residence for the Elderly or the Disabled	R	R	R	Shall be in compliance with "Section 155-10.3 Shared Residences for the Elderly or the Disabled".		
Adult Daycare			C	Shall only be authorized as a conditional use subject to compliance with supplemental regulations in "Section 155-10.4 Conversion Of Building To Adult Daycare".		
Live-Work		R	R	Only permitted when abutting a property located in a TC district.		
Community Residential Facility	R	R	R	No more than one such use shall be permitted: <ul style="list-style-type: none"><li>Within 500 feet of another use regulated by this subsection and/or a nonconforming use, 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.</li></ul>		
<del>Skilled Nursing Long-Term Care</del> Facility		S	S	Shall only be authorized as a Special Exception subject to the following regulations: <ul style="list-style-type: none"><li>A minimum lot area of 1,200 square feet shall be provided for each bed.</li><li><del>In a Class I Historic Resource, shall only be authorized as a Conditional Use, subject to the requirements of "Section 7.1.3 Permitted Uses for Class I Historic Resources"</del></li></ul>		
LODGING						
Student Housing	S	S	S	Student homes shall only be authorized as a Special Exception, subject to the following regulations: <ul style="list-style-type: none"><li>A maximum of three students per dwelling is permitted.</li><li>A maximum of one student per bedroom in any dwelling unit.</li><li>A special exception authorizing a student home shall expire without further action by the Township unless the use is registered in conformity with Chapter 92 of the Lower Merion Code.</li><li>Minimum distance requirement from another approved student housing shall be 20 times the minimum lot width required in the zoning district, or 1,000 feet, whichever is greater, up to a maximum separation of 1,800 feet.</li></ul> In MDR2 & MDR3: <ul style="list-style-type: none"><li>A maximum of 40% of the dwelling units in a multi-family building may be occupied as student home units, up to a maximum of 5 units.</li></ul> In MDR1: <ul style="list-style-type: none"><li>The number of student housing units permitted shall be limited to one per property.</li></ul>		
INSTITUTIONAL						
Religious	S	S	S	Shall only be authorized as a special exception per Article 11.		
<del>Institutional</del> Residential Religious	S	S	S	Shall only be authorized as a special exception per Article 11.		
Public Schools	R	R	R	Public schools shall be developed according to the requirements of the Institutional Educational District, Table 4.4.3.B.		
CIVIL SUPPORT						
Municipal Service	C	C	C	Emergency Facilities (Ambulance Services and Fire Stations) <ul style="list-style-type: none"><li>May be authorized as a Conditional Use, subject to compliance with the requirements of "Section 155-10.7 Mandated Emergency Service".</li></ul>		

**TABLE 5.3 USE REGULATIONS (CONTINUED)**

USES	USE PERMITTED		VC	TC1	TC2
	VC	TC			
RESIDENTIAL					
Multi-family (small)	R	R	Multi-family (small) shall be permitted subject to the following regulations: <ul style="list-style-type: none"><li>• Ground floor commercial use is required.</li><li>• No single-use residential building shall be permitted.</li><li>• 80% of the ground floor of the primary front facade shall be devoted to storefront.</li></ul>		
Multi-family (large)	R	R	Multi-family (large) shall be permitted subject to the following regulations: <ul style="list-style-type: none"><li>• Ground floor commercial use is required.</li><li>• No single-use residential building shall be permitted.</li><li>• 80% of the ground floor of the primary front facade shall be devoted to storefront.</li></ul>		
Shared Residence for the Elderly or the Disabled	R	R	Shall be in compliance with "Section 155-10.3 Shared Residences for the Elderly or the Disabled".		
LODGING					
Student Housing	R	R	Student homes shall only be permitted subject to the following regulations: <ul style="list-style-type: none"><li>• A maximum of three students per dwelling is permitted.</li><li>• A maximum of one student per bedroom in any dwelling unit.</li><li>• A special exception authorizing a student home shall expire without further action by the Township unless the use is registered in conformity with Chapter 92 of the Lower Merion Code.</li><li>• Minimum distance requirement from another approved student housing shall be 1,000 feet.</li></ul>		
COMMERCIAL					
Auto Related Services	R	R	Auto-Repair Services are subject to the following regulations: <ul style="list-style-type: none"><li>• Repairs shall be conducted wholly within the building. <del>at the rear of the building or</del></li><li>• Where repairs occur in an accessory building, the building shall be located at least <del>not more than</del> 40 feet from the rear and side property line.</li></ul> New and used car lots may be authorized, subject to the following regulations: <ul style="list-style-type: none"><li>• The lot shall be an integral part of the lot on which a motor vehicle sales agency building containing a showroom or showrooms is located.</li><li>• When abutting a LDR or MDR zoning district, a landscape buffer shall be required, as per requirements in "Table 4.3 Commercial Center Form Standards".</li></ul> Shall be in compliance with "Section 10.11 Vehicle Lifts"		



**TABLE 5.3 USE REGULATIONS (CONTINUED)**

USES	USE PERMITTED		VC	TC1	TC2
	VC	TC			
COMMERCIAL (CONT'D)					
Food & Beverage	R	R	Food and <del>service</del> beverage uses shall be permitted subject to the following provisions: <ul style="list-style-type: none"><li>No on-street parking shall be counted as required parking for food and service take-out restaurants.</li></ul>		
Office	R	R	<ul style="list-style-type: none"><li>Shall be subject to Table 3.5.2-F Storefront requirements.</li><li>Ground floor office is subject to a 100 ft. separation in TC1 and VC.</li></ul>		
Open Air Retail	R	R	Farmer's Markets are subject to the following regulations: <ul style="list-style-type: none"><li>Operation of the Farmers' Market shall be limited as follows:<ul style="list-style-type: none"><li>A maximum of two days per week for six hours each day.</li><li>Hours of operation are between 10:00 a.m. and 7:00 p.m., including set-up and clean-up.</li></ul></li><li>If the lot is used for any other purpose, the Farmers' Market use may only occur if the applicant can demonstrate that there is sufficient parking for the Farmers' Market use and any other use that will operate at the same time as the Farmers' Market.</li><li>Parking. A minimum of 20 off-street parking spaces for customers shall be available on the lot, in addition to the parking spaces required as per "Article 8: Parking Standards".</li><li>Off-site parking. If adequate on-site parking is not available, the parking requirements may be met by designating parking spaces in a off-street public parking lot located within 1,000 feet of the proposed market.</li><li>Loudspeakers, live music and sound enhancement devices are prohibited, unless approved as a Conditional Use.</li></ul>		
Specialized Retail	R	R	Animal hospital is subject to the following regulations: <ul style="list-style-type: none"><li>Shall front on a primary arterial.</li><li>The applicant shall present credible evidence and shall prove to the satisfaction of the Zoning Officer, that the soundproofing of the facility is adequate to prevent disturbance of neighboring properties.</li></ul>		
		S	Commercial Garage shall only be authorized as a Special Exception, subject to the following regulations: <ul style="list-style-type: none"><li>Shall front on a primary arterial.</li></ul>		
	R	R	Medical marijuana dispensary, subject to the regulations of "Section 155-10.5 Medical Marijuana Dispensary".		

**TABLE 5.3 USE REGULATIONS (CONTINUED)**

USES	USE PERMITTED	IN
<b>INSTITUTIONAL</b>		
Environmental	R	<p>Environmental (Nature Preserve) or Estate Preservation Lots are permitted subject to the following:</p> <ul style="list-style-type: none"> <li>• Shall be in compliance with "Section 155-4.4 Institutional Districts".</li> <li>• On lots of minimum 25 contiguous acres with frontages on primary, secondary and/or tertiary streets, permitted uses are: <ul style="list-style-type: none"> <li>• Preservation, management and/or enhancement of land areas for outdoor passive recreation and/or scenic enjoyment for the benefit of the general public from dawn to dusk only, provided a conservation easement for the estate preservation lot is approved and recorded by the Township.</li> <li>• The preservation and/or enhancement of a historic structure, including the adaptive reuse of the historic resource and existing associated structures for historical, environmental, horticultural, cultural, arts, genealogical and musical purposes, provided a guarantee for the permanent preservation of the principal historic structure is provided.</li> </ul> </li> <li>• <del>Absent an approved Campus Plan that complies with section "155-5.1 Permitted Uses" and "Table 5.2 Uses for Institution", p</del>Permitted uses are further regulated as follows: <ul style="list-style-type: none"> <li>• The adaptive reuse of the principal historic structures and accessory structures may include facilities with associated offices, subject to: <ul style="list-style-type: none"> <li>• The number of employees working within the structures is limited to one person per 500 square feet of floor area dedicated to the use, not including the employees employed for the preservation, management and enhancement of the property.</li> <li>• On-site parking shall be provided as specified in "Article 8: Parking Standards".</li> </ul> </li> <li>• Educational events for the general public, subject to: <ul style="list-style-type: none"> <li>• A maximum of 125 daily visitors permitted.</li> <li>• On-site parking, including visitor parking shall be provided as specified in "Article 8: Parking Standards".</li> </ul> </li> <li>• Outdoor events with outdoor amplified music, such as special exhibits, fairs, galas, retreats and performances, subject to: <ul style="list-style-type: none"> <li>• A maximum of 12 events per year.</li> <li>• The event hours are limited to between 9:00 a.m. and 9:00 p.m., Sunday through Thursday, and 9:00 a.m. and 11:00 p.m., Friday and Saturday.</li> <li>• Any amplified sound source shall be directed away from adjacent residences and comply with the Township Noise Ordinance, <a href="#">Chapter 105</a>.</li> <li>• No activity, including temporary parking, associated with such events can take place within 100 feet of property lines.</li> <li>• If an event requires more parking than exists at the site, temporary parking may be permitted on the lawn areas on the lot if located more than 100 feet away from any property line. If temporary parking cannot be accommodated on lawn areas on the lot, an off-site parking location shall be provided along with a shuttle service to shuttle attendees to and from the event.</li> </ul> </li> <li>• A maximum of two <del>apartment</del> dwelling units are permitted in each historic structure existing on the date the property was placed on the Historic Inventory. Use of the <del>apartment</del> dwelling units is limited to employees, caretakers or advisors to the entity(ies) using the property for its permitted purposes.</li> </ul> </li> </ul>
Public Schools	R	Public Schools are subject to a 150' perimeter setback and a 75' ft. landscape buffer.
Cultural & Recreational Institutional Accessory Use	R	<p>Permitted subject to the following regulations:</p> <ul style="list-style-type: none"> <li>• Secondary and subordinate to the primary use.</li> <li>• Does not alter the character of the property as established by the primary use.</li> <li>• If a site contains on-site parking facilities, parking and vehicle loading shall be provided on-site</li> <li>• Outdoor recreational hours are limited to between 8:00 a.m. and 8:00 p.m. <ul style="list-style-type: none"> <li>• Loudspeakers, live music and sound enhancement device are prohibited.</li> </ul> </li> <li>• Institutions shall designate a staff member responsible for oversight of cultural and recreational institutional accessory uses.</li> </ul>

**TABLE 5.3 USE REGULATIONS (CONTINUED)**

USES	USE PERMITTED	IC
<b>INSTITUTIONAL</b>		
Environmental	R	<p>Environmental (Nature Preserve) or Estate Preservation Lots are permitted subject to the following:</p> <ul style="list-style-type: none"> <li>• Shall be in compliance with "Section 155-4.4 Institutional Districts".</li> <li>• On lots of minimum 25 contiguous acres with frontages on primary, secondary and/or tertiary streets, permitted uses are: <ul style="list-style-type: none"> <li>• Preservation, management and/or enhancement of land areas for outdoor passive recreation and/or scenic enjoyment for the benefit of the general public from dawn to dusk only, provided a conservation easement for the estate preservation lot is approved and recorded by the Township.</li> <li>• The preservation and/or enhancement of a historic structure, including the adaptive reuse of the historic resource and existing associated structures for historical, environmental, horticultural, cultural, arts, genealogical and musical purposes, provided a guarantee for the permanent preservation of the principal historic structure is provided.</li> </ul> </li> <li>• <del>Absent an approved Campus Plan that complies with section "155-5.1 Permitted Uses" and "Table 5.2 Uses for Institution",</del> Permitted uses are further regulated as follows: <ul style="list-style-type: none"> <li>• The adaptive reuse of the principal historic structures and accessory structures may include facilities with associated offices, subject to: <ul style="list-style-type: none"> <li>• The number of employees working within the structures is limited to one person per 500 square feet of floor area dedicated to the use, not including the employees employed for the preservation, management and enhancement of the property.</li> <li>• On-site parking shall be provided as specified in "Article 8: Parking Standards".</li> </ul> </li> <li>• Educational events for the general public, subject to: <ul style="list-style-type: none"> <li>• A maximum of 125 daily visitors permitted.</li> <li>• On-site parking, including visitor parking shall be provided as specified in "Article 8: Parking Standards".</li> </ul> </li> <li>• Outdoor events with outdoor amplified music, such as special exhibits, fairs, galas, retreats and performances, subject to: <ul style="list-style-type: none"> <li>• A maximum of 12 events per year.</li> <li>• The event hours are limited to between 9:00 a.m. and 9:00 p.m., Sunday through Thursday, and 9:00 a.m. and 11:00 p.m., Friday and Saturday.</li> <li>• Any amplified sound source shall be directed away from adjacent residences and comply with the Township Noise Ordinance, <a href="#">Chapter 105</a>.</li> <li>• No activity, including temporary parking, associated with such events can take place within 100 feet of property lines.</li> <li>• If an event requires more parking than exists at the site, temporary parking may be permitted on the lawn areas on the lot if located more than 100 feet away from any property line. If temporary parking cannot be accommodated on lawn areas on the lot, an off-site parking location shall be provided along with a shuttle service to shuttle attendees to and from the event.</li> </ul> </li> <li>• A maximum of two <del>apartment</del> dwelling units are permitted in each historic structure existing on the date the property was placed on the Historic Inventory. Use of the <del>apartment</del> dwelling units is limited to employees, caretakers or advisors to the entity(ies) using the property for its permitted purposes.</li> </ul> </li> </ul>

**TABLE 5.3 USE REGULATIONS (CONTINUED)**

USES	USE PERMITTED	IC
<b>INSTITUTIONAL</b>		
Recreational Establishments	R	Club or Lodge   Community Center / Senior Center   Museum or Community Art Center <ul style="list-style-type: none"> <li>• Shall be in compliance with "Section 155-4.4 Institutional Districts".</li> <li>• Expansions of permitted uses may be authorized, subject to the following regulations:               <ul style="list-style-type: none"> <li>• Additions are not permitted to exceed 50% of the total existing building area.</li> <li>• Shall have direct access onto a primary, secondary or tertiary street. This requirement shall not apply to properties with a minimum of 10 acres.</li> </ul> </li> </ul>
Cultural & Recreational Institutional Accessory Use	R	Permitted subject to the following regulations: <ul style="list-style-type: none"> <li>• Secondary and subordinate to the primary use.</li> <li>• Does not alter the character of the property as established by the primary use.</li> <li>• If a site contains on-site parking facilities, parking and vehicle loading shall be provided on-site</li> <li>• Outdoor recreational hours are limited to between 8:00 a.m. and 8:00 p.m.</li> <li>• Institutions shall designate a staff member responsible for oversight of cultural and recreational institutional accessory uses.</li> </ul>

**TABLE 5.3 USE REGULATIONS (CONTINUED)**

USES	USE PERMITTED	IE
RESIDENTIAL		
Student Housing	R	<p>Student homes shall only be permitted, subject to the following regulations:</p> <ul style="list-style-type: none"> <li>• A maximum of three students per dwelling is permitted</li> <li>• A maximum of one student per bedroom in any dwelling unit.</li> <li>• A maximum of 40% of the dwelling units in a multi-family building may be occupied as student home units, up to a maximum of 20 units.</li> <li>• The student home units shall be leased or owned by a college or university that is an accredited educational institution.</li> <li>• Parking required for student home units shall be as specified in "Table 8.1 Minimum Parking Requirements".</li> <li>• Any student home authorized under this section shall be separated from another property occupied as a student home under this section by a minimum of 3,500 feet.</li> </ul>

**TABLE 5.3 USE REGULATIONS (CONTINUED)**

USES	USE PERMITTED	IE
<b>INSTITUTIONAL</b>		
Environmental	R	<p>Environmental (Nature Preserve) or Estate Preservation Lots are permitted subject to the following:</p> <ul style="list-style-type: none"> <li>• Shall be in compliance with "Section 155-4.4 Institutional Districts".</li> <li>• On lots of minimum 25 contiguous acres with frontages on primary, secondary and/or tertiary streets, permitted uses are: <ul style="list-style-type: none"> <li>• Preservation, management and/or enhancement of land areas for outdoor passive recreation and/or scenic enjoyment for the benefit of the general public from dawn to dusk only, provided a conservation easement for the estate preservation lot is approved and recorded by the Township.</li> <li>• The preservation and/or enhancement of a historic structure, including the adaptive reuse of the historic resource and existing associated structures for historical, environmental, horticultural, cultural, arts, genealogical and musical purposes, provided a guarantee for the permanent preservation of the principal historic structure is provided.</li> </ul> </li> <li>• <del>Absent an approved Campus Plan that complies with section "155-5.1 Permitted Uses" and "Table 5.2 Uses for Institution",</del> Permitted uses are further regulated as follows: <ul style="list-style-type: none"> <li>• The adaptive reuse of the principal historic structures and accessory structures may include facilities with associated offices, subject to: <ul style="list-style-type: none"> <li>• The number of employees working within the structures is limited to one person per 500 square feet of floor area dedicated to the use, not including the employees employed for the preservation, management and enhancement of the property.</li> <li>• On-site parking shall be provided as specified in "Article 8: Parking Standards".</li> </ul> </li> <li>• Educational events for the general public, subject to: <ul style="list-style-type: none"> <li>• A maximum of 125 daily visitors permitted.</li> <li>• On-site parking, including visitor parking shall be provided as specified in "Article 8: Parking Standards".</li> </ul> </li> <li>• Outdoor events with outdoor amplified music, such as special exhibits, fairs, galas, retreats and performances, subject to: <ul style="list-style-type: none"> <li>• A maximum of 12 events per year.</li> <li>• The event hours are limited to between 9:00 a.m. and 9:00 p.m., Sunday through Thursday, and 9:00 a.m. and 11:00 p.m., Friday and Saturday.</li> <li>• Any amplified sound source shall be directed away from adjacent residences and comply with the Township Noise Ordinance, <a href="#">Chapter 105</a>.</li> <li>• No activity, including temporary parking, associated with such events can take place within 100 feet of property lines.</li> <li>• If an event requires more parking than exists at the site, temporary parking may be permitted on the lawn areas on the lot if located more than 100 feet away from any property line. If temporary parking cannot be accommodated on lawn areas on the lot, an off-site parking location shall be provided from a nonresidential property along with a shuttle service to shuttle attendees to and from the event.</li> </ul> </li> <li>• A maximum of two <del>apartment</del> dwelling units are permitted in each historic structure existing on the date the property was placed on the Historic Inventory. Use of the <del>apartment</del> dwelling units is limited to employees, caretakers or advisors to the entity(ies) using the property for its permitted purposes.</li> </ul> </li> </ul>
Cultural & Recreational Institutional Accessory Use	R	<p>Permitted subject to the following regulations:</p> <ul style="list-style-type: none"> <li>• Secondary and subordinate to the primary use.</li> <li>• Does not alter the character of the property as established by the primary use.</li> <li>• If a site contains on-site parking facilities, parking and vehicle loading shall be provided on-site</li> <li>• Outdoor recreational hours are limited to between 8:00 a.m. and 8:00 p.m.</li> <li>• Institutions shall designate a staff member responsible for oversight of cultural and recreational institutional accessory uses.</li> </ul>

**TABLE 5.3 USE REGULATIONS (CONTINUED)**

USES	USE PERMITTED	IH
<b>INSTITUTIONAL</b>		
Environmental	R	<p>Environmental (Nature Preserve) or Estate Preservation Lots are permitted subject to the following:</p> <ul style="list-style-type: none"> <li>• Shall be in compliance with "Section 155-4.4 Institutional Districts".</li> <li>• On lots of minimum 25 contiguous acres with frontages on primary, secondary and/or tertiary streets, permitted uses are: <ul style="list-style-type: none"> <li>• Preservation, management and/or enhancement of land areas for outdoor passive recreation and/or scenic enjoyment for the benefit of the general public from dawn to dusk only, provided a conservation easement for the estate preservation lot is approved and recorded by the Township.</li> <li>• The preservation and/or enhancement of a historic structure, including the adaptive reuse of the historic resource and existing associated structures for historical, environmental, horticultural, cultural, arts, genealogical and musical purposes, provided a guarantee for the permanent preservation of the principal historic structure is provided.</li> </ul> </li> <li>• <del>Absent an approved Campus Plan that complies with section "155-5.1 Permitted Uses" and "Table 5.2 Uses for Institution", p</del>Permitted uses are further regulated as follows: <ul style="list-style-type: none"> <li>• The adaptive reuse of the principal historic structures and accessory structures may include facilities with associated offices, subject to: <ul style="list-style-type: none"> <li>• The number of employees working within the structures is limited to one person per 500 square feet of floor area dedicated to the use, not including the employees employed for the preservation, management and enhancement of the property.</li> <li>• On-site parking shall be provided as specified in "Article 8: Parking Standards".</li> </ul> </li> <li>• Educational events for the general public, subject to: <ul style="list-style-type: none"> <li>• A maximum of 125 daily visitors permitted.</li> <li>• On-site parking, including visitor parking shall be provided as specified in "Article 8: Parking Standards".</li> </ul> </li> <li>• Outdoor events with outdoor amplified music, such as special exhibits, fairs, galas, retreats and performances, subject to: <ul style="list-style-type: none"> <li>• A maximum of 12 events per year.</li> <li>• The event hours are limited to between 9:00 a.m. and 9:00 p.m., Sunday through Thursday, and 9:00 a.m. and 11:00 p.m., Friday and Saturday.</li> <li>• Any amplified sound source shall be directed away from adjacent residences and comply with the Township Noise Ordinance, <a href="#">Chapter 105</a>.</li> <li>• No activity, including temporary parking, associated with such events can take place within 100 feet of property lines.</li> <li>• If an event requires more parking than exists at the site, temporary parking may be permitted on the lawn areas on the lot if located more than 100 feet away from any property line. If temporary parking cannot be accommodated on lawn areas on the lot, an off-site parking location shall be provided along with a shuttle service to shuttle attendees to and from the event.</li> </ul> </li> <li>• A maximum of two <del>apartment</del> dwelling units are permitted in each historic structure existing on the date the property was placed on the Historic Inventory. Use of the <del>apartment</del> dwelling units is limited to employees, caretakers or advisors to the entity(ies) using the property for its permitted purposes.</li> </ul> </li> </ul>

**TABLE 5.3 USE REGULATIONS (CONTINUED)**

USES	USE PERMITTED	LI
<b>RESIDENTIAL</b>		
Multi-Family (large)	R	Multi-family (large) shall be permitted subject to the following regulations: <ul style="list-style-type: none"> <li>• Ground floor commercial use is required.</li> <li>• No single-use residential building shall be permitted.</li> <li>• 80% of the ground floor of the front facade shall be devoted to storefront.</li> </ul>
Shared Residence for the Elderly or the Disabled	R	Shall be in compliance with "Section 155-10.3 Shared Residences for the Elderly or the Disabled."
<b>HOTEL / LODGING</b>		
Student Housing	R	Student homes shall only be permitted subject to the following regulations: <ul style="list-style-type: none"> <li>• A maximum of three students per dwelling is permitted</li> <li>• A maximum of one student per bedroom in any dwelling unit.</li> <li>• A maximum of 40% of the dwelling units in a multi-family building may be occupied as student home units, up to a maximum of 20 units.</li> <li>• Minimum distance requirement from another approved student housing shall be 1,000 ft.</li> </ul>
<b>COMMERCIAL</b>		
Adult Entertainment	R	Adult Entertainment shall be subject to the following regulations: <ul style="list-style-type: none"> <li>• Not permitted within 1,000 feet of a public or private school.</li> <li>• Not permitted within 3,000 feet of another adult entertainment establishment.</li> </ul>
Open Air Retail	R	Farmer's Markets are subject to the following regulations: <ul style="list-style-type: none"> <li>• Operation of the Farmers' Market shall be limited as follows: <ul style="list-style-type: none"> <li>• Hours of operation are between 10:00 a.m. and 7:00 p.m., including set-up and clean-up.</li> </ul> </li> <li>• If the lot is used for any other purpose, the Farmers' Market use may only occur if the applicant can demonstrate that there is sufficient parking for the Farmers' Market use and any other use that will operate at the same time as the Farmers' Market.</li> <li>• Parking. A minimum of 20 off-street parking spaces for customers shall be available on the lot, in addition to the parking spaces required as per "Article 8: Parking Standards".</li> <li>• Off-site parking. If adequate on-site parking is not available, the parking requirements may be met by designating parking spaces in a off-street public parking lot located within 1,000 feet of the proposed market.</li> <li>• Loudspeakers, live music and sound enhancement devices are prohibited, unless approved as a Conditional Use.</li> </ul>
Food & Beverage	R	Food and <del>service</del> beverage uses shall be permitted subject to the following regulations: <ul style="list-style-type: none"> <li>• No on-street parking shall be utilized for food and service take-out restaurants.</li> </ul>
<b>INDUSTRIAL</b>		
General Industrial	R/C	<ul style="list-style-type: none"> <li>• Medical marijuana grower/processor, shall be permitted by conditional use subject to the regulations of "Section 155-10.6 Medical Marijuana Processing".</li> <li>• All industrial uses shall be screened with a 20-foot landscape buffer when abutting any non-industrial use adjacent to or within LI, according to "Section 155-3.10 Landscape Standards".</li> </ul>
Storage & Distribution	R	Storage & Distribution shall be permitted subject to the following regulations: <ul style="list-style-type: none"> <li>• Ground floor commercial use is required.</li> <li>• 80% of the ground floor of the front facade shall be devoted to storefront.</li> </ul>



**TABLE 5.3 USE REGULATIONS (CONTINUED)**

USES	USE PERMITTED	MC
<b>COMMERCIAL</b>		
Health & Medical	P/R	Shall be in compliance with "Section 155-6.1"
Specialized Retail	R	Medical marijuana dispensary is permitted subject to the regulations of "Section 155-10.5 Medical Marijuana Dispensary".
<b>INSTITUTIONAL</b>		
Public Schools	R	Public schools shall be developed according to the requirements of the Institutional Educational District, Table 4.4.3.B.

USES	USE PERMITTED			BMMD1	BMMD2	BMMD3
	BMMD1	BMMD2	BMMD3			
RESIDENTIAL						
Shared Residence for the Elderly or the Disabled	R	R	R	Shall be in compliance with “Section 155-10.3 Shared Residences for the ELderly or the Disabled”.		
HOTEL / LODGING						
Hotels	R			The adaptive reuse of an existing building for a hotel, limited to a maximum of 55 guest rooms. The building to be adapted to a hotel use must be listed on the National Register of Historic Places or receive a determination of eligibility from the PHMC.		
COMMERCIAL						
Health and Medical		R	R	An academic clinical research center may only grow medical marijuana in an indoor, enclosed, and secure building, which includes electronic locking systems, electronic surveillance and other features required by the Department of Health. The academic clinical research center shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle. An academic clinical research center shall comply with any other lawful and applicable requirements or restrictions imposed by state and/ or local laws or regulations.		
Office		R	R	Not to exceed 20% of the floor area of any building.		
Specialized Retail		R	R	Medical marijuana dispensary, subject to the regulations of “Section 155-10.5 Medical Marijuana Dispensary”.		
INSTITUTIONAL						
Public Schools	R	R	R	Public schools shall be developed according to the requirements of the Institutional Educational District, Table 4.4.3.B.		

**TABLE 5.3 USE REGULATIONS (CONTINUED)**

USES	USE PERMITTED	RHR
<b>RESIDENTIAL</b>		
Multi-Family (small)	R	Multi-family (small) shall be permitted subject to the following restrictions: <ul style="list-style-type: none"> <li>• No single-use residential building shall be permitted.</li> <li>• Ground floor commercial use required.</li> </ul>
Multi-Family (large)	R	Multi-family (large) shall be permitted subject to the following restrictions: <ul style="list-style-type: none"> <li>• No single-use residential building shall be permitted.</li> <li>• Ground floor commercial use required.</li> </ul>
<b>COMMERCIAL</b>		
Auto Related Services	R	Auto-Repair Services are subject to the following regulations: <ul style="list-style-type: none"> <li>• Repairs shall be conducted wholly within the building. <del>at the rear of the building or</del></li> <li>• <del>Where repairs occur</del> in an accessory building, <del>the building shall be located at least not more than</del> 40 feet from the rear <del>and side property line</del>.</li> </ul> New and used car lots may be authorized, subject to the following regulations: <ul style="list-style-type: none"> <li>• The lot shall be an integral part of the lot on which a motor vehicle sales agency building containing a showroom or showrooms is located.</li> </ul>
Specialized Retail	R	Medical marijuana dispensary, subject to the regulations of "Section 155-10.5 Medical Marijuana Dispensary".
Food & Beverage	R	Excludes a drive-through facility.
<b>INSTITUTIONAL</b>		
Public Schools	R	Public schools shall be developed according to the requirements of the Institutional Educational District, Table 4.4.3.B.

**TABLE 5.3 USE REGULATIONS (CONTINUED)**

USES	USE PERMITTED		BMV2	BMV1, BMV3, BMV4
	BMV2	BMV4 BMV3 BMV1		
RESIDENTIAL				
Single-Family Housing (detached)		R		Not permitted at grade on buildings fronting Lancaster Avenue and Bryn Mawr Avenue
Duplex / Twin		R		
Rowhouse		R		
Multi-Family (small)		R		
Multi-Family (large)		R		
Live-Work		R		Shall only be authorized subject to the following restrictions: <ul style="list-style-type: none"><li>A minimum lot area of 1,200 square feet shall be provided for each bed.</li><li>Not permitted at grade on buildings fronting Lancaster Avenue and Bryn Mawr Avenue</li></ul>
<del>Skilled Nursing</del> Long-Term Care Facility		R		
HOTEL / LODGING				
Student Housing	S	S	<p>Student homes shall only be authorized as a special exception, subject to the following regulations:</p> <ul style="list-style-type: none"><li>A maximum of three students per dwelling is permitted.</li><li>A maximum of one student per bedroom in any dwelling unit.</li><li>A minimum of 1,500 square feet of floor area per dwelling, exclusive of basements, garages and accessory buildings, is required.</li><li>A special exception authorized a student home shall expire without further action by the Township unless the use is registered in conformity with Chapter 92 of the Lower Merion Code.</li><li>Minimum distance requirement from another approved student home in any zoning district shall be 500 feet.</li></ul>	<p>Student homes shall only be authorized as a special exception, subject to the following regulations:</p> <ul style="list-style-type: none"><li>Not permitted at grade on buildings fronting Lancaster Avenue and Bryn Mawr Avenue.</li><li>A maximum of three students per dwelling is permitted.</li><li>A maximum of one student per bedroom in any dwelling unit.</li><li>A minimum of 1,500 square feet of floor area per dwelling, exclusive of basements, garages and accessory buildings, is required.</li><li>A special exception authorized a student home shall expire without further action by the Township unless the use is registered in conformity with Chapter 92 of the Lower Merion Code.</li><li>Minimum distance requirement from another approved student home in any zoning district shall be 500 feet.</li><li>A maximum of 40% of the dwelling units in a multi-family building may be occupied as student home units, up to a maximum of 5 units.</li></ul>

**TABLE 5.3 USE REGULATIONS (CONTINUED)**

USES	USE PERMITTED		BMV2	BMV1, BMV3, BMV4
	BMV2	BMV4 BMV3 BMV1		
COMMERCIAL				
Food & Beverage		R		Excludes a drive-through facility.
Office	C	R	<p>May be authorized as a conditional use subject to compliance with the following regulations:</p> <ul style="list-style-type: none"><li>• A lot width of not less than 60 feet at the building line shall be provided for every building hereafter erected or used.</li><li>• Not more than 40% of the area of each lot may be occupied by buildings.</li><li>• There shall be a front yard on each street on which a lot abuts, the depth of which shall be at least 30 feet. Vehicular parking shall not be permitted between the building and the street line.</li><li>• There shall be two side yards, together having an aggregate width of not less than 25 feet, neither of which shall be less than 10 feet wide.</li><li>• There shall be a rear yard, the depth of which shall be at least 25 feet.</li><li>• Where a property abuts a residence district, there shall be a buffer area along the district boundary line within the BMV2 District, the depth of which shall be at least 20 feet measured from the district boundary line. Where such a line is along a street, the depth of the buffer area shall be at least 20 feet from the right-of-way line of the street. The buffer area may be included in any front, rear or side yard area required under the provisions of this section. The buffer area shall be used for no purpose other than planting and screening, and there shall be not more than one entrance and one exit from each lot to any street, except that additional entrances and exits in the buffer zone may be permitted when authorized as a separate conditional use.</li><li>• Not more than 70% of the area of each lot may be covered with impervious surfaces.</li><li>• The height of any building shall not exceed 38 feet.</li></ul>	Only permitted at grade on buildings fronting Lancaster Avenue and Bryn Mawr Avenue if the separation between these uses is at least 300 linear feet, measured from the closest property lines as a pedestrian would walk. However, when the use is limited only to portions of the building more than 50 feet from the Lancaster Avenue or Bryn Mawr Avenue right-of-way, this shall not apply.

**TABLE 5.3 USE REGULATIONS (CONTINUED)**

USES	USE PERMITTED		BMV2	BMV1, BMV3, BMV4
	BMV2	BMV4 BMV3 BMV1		
COMMERCIAL				
Specialized Retail		R		Medical marijuana dispensary: <ul style="list-style-type: none"><li>• Subject to the supplemental regulations in "Section 155-10.5 Medical Marijuana Dispensary".</li></ul>
				Teaching or Research Facility, Bank, Dance, Music, Personal Fitness and Art Studios: <ul style="list-style-type: none"><li>• Only permitted at grade on buildings fronting Lancaster Avenue and Bryn Mawr Avenue if the separation between these uses is at least 300 linear feet, measured from the closest property lines as a pedestrian would walk. However, when the use is limited only to portions of the building more than 50 feet from the Lancaster Avenue or Bryn Mawr Avenue right-of-way, this shall not apply.</li><li>• Drive-through facilities are not permitted.</li></ul>
				Funeral Homes may be authorized as a conditional use, subject to the following regulations: <ul style="list-style-type: none"><li>• Not permitted at grade on buildings fronting Lancaster Avenue and Bryn Mawr Avenue.</li></ul>

**TABLE 5.3 USE REGULATIONS (CONTINUED)**

USES	USE PERMITTED		BMV2	BMV1, BMV3, BMV4
	BMV2	BMV3 BMV1 BMV4		
INSTITUTIONAL				
College / University	C		<p>May be authorized as a conditional use subject to compliance with the following regulations:</p> <ul style="list-style-type: none"><li>• A lot width of not less than 60 feet at the building line shall be provided for every building hereafter erected or used.</li><li>• Not more than 40% of the area of each lot may be occupied by buildings.</li><li>• There shall be a front yard on each street on which a lot abuts, the depth of which shall be at least 30 feet. Vehicular parking shall not be permitted between the building and the street line.</li><li>• There shall be two side yards, together having an aggregate width of not less than 25 feet, neither of which shall be less than 10 feet wide.</li><li>• There shall be a rear yard, the depth of which shall be at least 25 feet.</li><li>• Where a property abuts a residence district, there shall be a buffer area along the district boundary line within the BMV2 District, the depth of which shall be at least 20 feet measured from the district boundary line. Where such a line is along a street, the depth of the buffer area shall be at least 20 feet from the right-of-way line of the street. The buffer area may be included in any front, rear or side yard area required under the provisions of this section. The buffer area shall be used for no purpose other than planting and screening, and there shall be not more than one entrance and one exit from each lot to any street, except that additional entrances and exits in the buffer zone may be permitted when authorized as a separate conditional use.</li><li>• Not more than 70% of the area of each lot may be covered with impervious surfaces.</li><li>• The height of any building shall not exceed 38 feet.</li></ul>	
Private Schools	C			
Public Schools	R	R	Private schools shall be developed according to the requirements of the Institutional Educational District, Table 4.4.3.A.	
Religious	S	S	Public schools shall be developed according to the requirements of the Institutional Educational District, Table 4.4.3.B.	
			Shall only be authorized as a special exception per Article 11.	
CIVIL SUPPORT				
Municipal Service		C		<p>May be authorized as a conditional use subject to compliance with the following regulations:</p> <p>Not permitted at grade on buildings fronting Lancaster Avenue and Bryn Mawr Avenue.</p>

**TABLE 5.3 USE REGULATIONS (CONTINUED)**

USES	USE PERMITTED			CAD-RCA	CAD-BCR	CAD-BV
	CAD-RCA	CAD-BCR	CAD-BV			
RESIDENTIAL						
Rowhouse	R	R	R	Residential uses are not permitted on the ground floor of buildings facing City Avenue.	<p>Residential uses are subject to the following regulations:</p> <ul style="list-style-type: none"><li>• The use is limited to a lot(s) fronting on the portion of St. Asaphs Road located between Conshohocken State Road and a point in the center line of St. Asaphs Road measured approximately 642 feet southwesterly from the intersection of the center lines of Belmont Avenue and St. Asaphs Road:</li><li>• No buildings or structures shall be permitted within the first 50 feet of the curbline.</li><li>• Only residential uses are permitted within the first 100 feet of the curbline. The one-hundred-foot restriction may be reduced to 80 feet if the nonresidential portion of the building facing St. Asaphs Road is wrapped with a residential use covering 75% of the building facade. Such uses may be either directly attached to the structure, or separated by an interior court or service lane.</li></ul>	Residential uses are not permitted on the ground floor of buildings facing City Avenue, Bala Avenue, or Cynwyd Road.
Multi-Family (small)	R	R	R	Small multi-family only permitted as part of a mixed-use building. Residential uses are not permitted on the ground floor of buildings facing City Avenue.		
Multi-Family (large)	R	R	R	Large multi-family only permitted as part of a mixed-use building. Residential uses are not permitted on the ground floor of buildings facing City Avenue.		
Live-Work			R			Residential uses are not permitted on the ground floor of buildings facing City Avenue, Bala Avenue, or Cynwyd Road.

**TABLE 5.3 USE REGULATIONS (CONTINUED)**

USES	USE PERMITTED			CAD-RCA	CAD-BCR	CAD-BV
	CAD-RCA	CAD-BCR	CAD-BV			
COMMERCIAL						
Food & Beverage	R	R		Excluding a drive-through facility.		
Retail	R	R	R	All retail uses shall exclude a drive-through facility.		
				Indoor Family Entertainment Center, up to a maximum of 35,000 square feet, subject to the following separation requirements: <ul style="list-style-type: none"><li>Facilities up to 15,000 square feet in size shall be located a minimum of 400 feet from a lot in a residential zoning district and from a lot with an existing residential use as of the effective date of this article. This distance shall be increased to 800 feet where alcoholic beverages are served on the premises.</li><li>Facilities larger than 15,000 square feet, but no greater than the maximum 35,000 square feet, shall be located a minimum of 800 feet from a lot in a residential zoning district and from a lot with an existing residential use as of the effective date of this article.</li><li>No entertainment use <del>permitted under Subsection B(2)(c) or (d) above</del> shall be permitted if any other use <del>listed in those subsections</del> 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.</li></ul>		
				Athletic fields, skating rinks, and bowling alleys, subject to the following separation requirements: <ul style="list-style-type: none"><li>The above-mentioned indoor recreational facilities shall be located a minimum of 400 feet from a lot in a residential zoning district and from a lot with an existing residential use as of the effective date of this article. This distance shall be increased to 800 feet where alcoholic beverages are served on the premises.</li><li>No entertainment use <del>shall be permitted under Subsection B(2)(c) or (d) above</del> shall be permitted if any other use <del>listed in those subsections is located</del> 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.</li></ul>		
Specialized Retail	R			Medical marijuana dispensary, subject to the regulations in "Section 155-10.5 Medical Marijuana Dispensary".		
CIVIL SUPPORT						
Municipal Service	P	P	R			Any municipal parking structure shall be exclusively limited to passenger vehicles or vehicles having a gross vehicle weight rating of no greater than 7,500 pounds.



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# ARTICLE 6: SPECIAL DISTRICTS

**155-6.1 MEDICAL CENTER DISTRICT (MC)****6.1.1 Intent**

- 6.1.1.a. It is hereby declared as a matter of public policy that the logical, orderly and appropriate expansion and development of health care facilities in the Township, in order to meet the long-range health care needs of the community, are public necessities and are in the interests of the health, prosperity and welfare of the people of Lower Merion Township. To that end, a separate zoning district is hereby created for the following purposes:
- 6.1.1.a.i. To recognize the locations and types of health care and related uses in Lower Merion Township and to encourage the development of expanded health care facilities.
  - 6.1.1.a.ii. To provide for the development or further development of large parcels of land to service the health care needs of the community while assuring a harmonious relationship between such health care uses and abutting neighborhoods.
  - 6.1.1.a.iii. To encourage long-range planning for health care facilities due to the unique impact of expansion on the provision of public services.
  - 6.1.1.a.iv. To recognize that medical facilities are large-scale developments, dynamic and prone to change.
  - 6.1.1.a.v. To recognize that medical facilities have a significant impact on the health, safety, welfare and economic development of the community by virtue of their function and their need for growth and expansion.
  - 6.1.1.a.vi. To recognize the need to provide for change in the health care facilities within the institutions themselves and to allow the community to anticipate and plan for the impact of those changes.
  - 6.1.1.a.vii. To acknowledge that medical facilities have historically been permitted within residentially zoned districts in Lower Merion Township because such facilities, when properly planned and developed, are not incompatible with such districts and provide the immediate benefit of proximity to those living in nearby communities who may have the need for emergency care.

**6.1.2 District Established**

- 6.1.2.a. In the MC Medical Center District, the regulations set forth in this article shall apply.

**6.1.3 Area, width, and bulk regulations shall be according to "Table 6.1 MC Medical Center District" and the following:**

- 6.1.3.a. Impervious surface, Floor Area Ratio (FAR), lot and building area and open space of a single lot, may exceed the requirements according to "Table 6.1 MC Medical Center District", provided such excess does not cause the resulting total of all land within the district and subject to a common covenant to exceed the requirements according to "Table 6.1 MC Medical Center District".
- 6.1.3.b. All impervious surface exceeding 28% requires the applicant to recharge the increase in stormwater runoff volume for a twenty-five-year storm.
- 6.1.3.c. Open space is further regulated as follows:
  - 6.1.3.c.i. No more than 50% of the common open space shall be comprised of designated flood hazard districts or slopes in excess of 25%.
  - 6.1.3.c.ii. Any area designated as common open space 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 four to one, except where such areas serve as public pedestrian links and/or preserve a viewshed or scenic corridor.
  - 6.1.3.c.iii. There shall be no more than four noncontiguous common open space areas. Common open space areas separated by a driveway shall be considered a single common open space area.

- 6.1.3.c.iv. The common open space may be used for the following:
  - 6.1.3.c.iv.(1). Woodland, meadow, wetland, watercourse or similar conservation-oriented area.
  - 6.1.3.c.iv.(2). Park, pedestrian trails, or outdoor recreation area.
  - 6.1.3.c.iv.(3). Stormwater management facilities, open field or lawn.
- 6.1.3.c.v. Common open space shall not include streets, driveways, and off-street parking areas.
- 6.1.3.d. Height, density and setback requirements shall be as specified in "Section 155-3.3 Building Height" and shall be as shown in "Table 6.1 MC Medical Center Form Standards".
  - 6.1.3.d.i. In determining the mean level of the ground or the lowest level of the ground surrounding the building, the following may be excluded: openings in the foundation wall which provide for ingress and egress and/or light and air; openings up to 25 feet in length providing access to required underground parking spaces; openings required to comply with the building exit provisions in the building and fire code; and, openings required for ventilation wells or shafts to comply with the mechanical code.
  - 6.1.3.d.ii. Chimneys, enclosed stairwells, roofed and unenclosed roof terraces and roof trellises, and uninhabitable ornamental building features, may be allowed to exceed maximum building height up to an additional twelve feet, and occupy a maximum 20 percent of roof area.
  - 6.1.3.d.iii. Mechanical equipment on a roof shall be enclosed by parapets of the minimum Building Height necessary or other means to screen it from abutting streets and adjacent properties at ground level and may extend above the maximum height as specified.
- 6.1.3.e. Perimeter setback. The minimum setback for buildings or portions thereof up to 65 feet in height shall be 125 feet from the district boundary and any street right-of-way.
  - 6.1.3.e.i. Where buildings or portions of buildings are higher than 65 feet, the minimum setback for such buildings or portions of buildings between 65 feet and 75 feet shall be an additional 7.5 feet for each one foot of height above 65 feet.
  - 6.1.3.e.ii. Where buildings or portions of buildings are higher than 75 feet, the additional setback for such buildings or portions above 75 feet shall be an additional five feet for each one foot of height above 75 feet.
- 6.1.4 Uses
  - 6.1.4.a. Uses shall be according to "Table 5.1 Uses" and further regulated by "Article 10: Supplemental Use Regulations".
  - 6.1.4.b. The following accessory uses are permitted when associated with or in support of the primary health care mission of a medical facility:
    - 6.1.4.b.i. Medical and administrative offices, medical laboratory, special medical treatment facility, patient hostel, hospital staff dormitory, employee daycare center, ambulance service and parking.
- 6.1.5 Vehicular Access & Parking
  - 6.1.5.a. All vehicular access (ingress and egress) for uses in this district shall be provided by direct driveway connections to primary arterial streets except as set forth below.
  - 6.1.5.b. Construction of a driveway or road for vehicular access to a secondary, tertiary or minor public road is permitted by conditional use, where Township design and location standards can be met, only as follows:
    - 6.1.5.b.i. Emergency access - obstruction. Use of this access point shall be limited to occasions when the Lower Merion Township Police Department has determined that all access points from and to a primary arterial street have been obstructed due to accident or other emergency event. When such an obstruction occurs, use of this access by emergency vehicles shall not require Lower Merion Police Department approval. Use of the emergency access at other times shall be denied by a barrier or gate the design of which shall be subject to the approval of the Board of Commissioners.

- 6.1.5.b.ii. Emergency access - emergency vehicles. Use of this access point by a police vehicle, fire engine or ambulance shall be limited to ingress only when responding to an emergency that requires immediate access to the hospital. Conditional use of the emergency access point by ambulances will be granted only upon demonstration that actual past ingress delays, to be remedied by the proposed use of the emergency access point, have impaired patient health and safety.
- 6.1.5.b.iii. Employee access. Use of this access point by up to 10% or 250 employees of the Medical Center District, whichever is less, shall be permitted by conditional use only in the event the FAR in the district exceeds 0.4.
- 6.1.5.c. Special conditions. In addition to the general requirements for conditional use approval contained in "[Section 11.1.6: Conditional Uses](#)" an application for conditional use authorizing emergency and/or employee access as set forth in "[Section 6.1.5.b](#)" ~~Subsection B~~ above shall demonstrate compliance with the following criteria:
  - 6.1.5.c.i. A traffic impact study shall be performed and submitted with the conditional use application. The Township Engineer shall determine the scope of the study and the assumptions utilized. The traffic impact study shall specifically address impacts on nearby residents, schools, parks, places of worship and other public facilities. The traffic generated by the proposed access shall not result in a level of service lower than C at adjacent intersections. If the level of service is already below a C, the additional traffic shall not lower such level of service or increase the average delay by more than ten seconds per vehicle per approach on adjacent streets and/or adjacent intersections.
  - 6.1.5.c.ii. No conditional use approval under Subsection 6.1.5.b above shall be granted for any access to a secondary, tertiary or minor road until the applicant has demonstrated that they have reasonably pursued all road access alternatives.
- 6.1.5.d. Parking required. The uses permitted in the MC Medical Center District shall provide the minimum parking spaces as set forth below. Uses not listed below shall provide the minimum parking spaces as required in "[Article 8: Parking Standards](#)". At-grade, above- or below-ground parking and loading facilities shall be permitted.
  - 6.1.5.d.i. Medical center and hospital: One off-street parking space shall be provided per 600 square feet of gross habitable floor area.
  - 6.1.5.d.ii. Medical clinic and health clinic: One off-street parking space shall be provided per 300 square feet of gross habitable floor area.
  - 6.1.5.d.iii. Medical office buildings: One off-street parking space shall be provided per 300 square feet of gross habitable floor area.
  - 6.1.5.d.iv. Medical laboratory: One off-street parking space shall be provided per 600 square feet of gross habitable floor area.
  - 6.1.5.d.v. Special medical treatment facility: One off-street parking space shall be provided per 400 square feet of gross habitable floor area.
  - 6.1.5.d.vi. Patient hostel: One off-street parking space per guest room and one parking space per employee of the largest shift.
  - 6.1.5.d.vii. Hospital staff dormitory: One off-street parking space per student or employee.
  - 6.1.5.d.viii. Employee daycare center: One off-street parking space per faculty/staff member or volunteer. The daycare center shall have one queuing space dedicated to dropoff-pickup for every 10 participants in the daycare center.

### 6.1.6 Covenant

- 6.1.6.a. 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:
- 6.1.6.a.i. 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 MC Medical Center District.
  - 6.1.6.a.ii. 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 any provision of the Township Code.
  - 6.1.6.a.iii. 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.

### 6.1.7 Buffer Regulations

- 6.1.7.a. Where a lot in a Medical Center District abuts an existing single-family residential use or district, a screening buffer not less than ~~seventy-five~~ 75-feet wide shall be provided along the abutting lot lines. However, a screening buffer is not required along primary street frontages. The requirements and standards for screening buffers (except the minimal width) shall be the same as for those set forth in Chapter 101 of the Code of the Township of Lower Merion, entitled "Natural Features Conservation." This section shall apply to an existing use only upon the further development thereof, the required buffer to be provided adjacent to the residential use or district affected by such further development.

### 6.1.8 Sound Level Limitations

- 6.1.8.a. Sound levels in this district shall not exceed the background sound level by more than 10 dBA between the hours of 8:00 a.m. and 8:00 p.m. and five dBA between the hours of 8:00 p.m. and 8:00 a.m. when measured from any residentially zoned property immediately outside the district. This section shall not apply to sound levels associated with emergency vehicles, construction noise or emergency generator testing between the hours of 8:00 a.m. and 6:00 p.m., or the use of emergency generators during periods of loss of power.

### 6.1.9 Exterior Lighting

- 6.1.9.a. Exterior lighting shall be designed to limit both light trespass onto adjacent residential properties and light pollution into the sky. The illumination level shall be no more than 0.3 foot-candle measured either vertically or horizontally at a height of five feet above grade from adjacent residential properties. Lighting shall be designed to shield the source of illumination and to prevent glare on adjacent residential properties through the use of either "cutoff" or "full cutoff" type luminaires and low brightness light sources.

**TABLE 6.1 ~~MC~~ MEDICAL CENTER DISTRICT (MC) DIMENSIONAL STANDARDS <sup>(1)</sup>**

Area, Width & Bulk (Lot Occupation)		Notes
Lot Width	n/a	1 See Sections 6.1.3.a and 6.1.6.
Lot Area	50 acres min. <sup>(2)</sup>	2 Subject to "Section 6.1.3.a.", no single lot shall have an area less than 15,000 sq. ft.
Impervious Coverage	40% max.	3 The total building area shall include parking structures.
Building Area	25% max. <sup>(3)</sup>	4 Per setback regulations in "Section 6.1.3.e."
Open Space	50% min.	
Setbacks		
<b>Principal Building</b>		
Perimeter (up to 6 stories or 65 ft.)	125 ft. min. <sup>(4)</sup>	
Building Height (max.)		
Principal	10 stories <sup>(4)</sup> (or 105 ft.)	
Intensity		
FAR	0.45 max. <sup>(1)</sup>	

**155-6.2 BRYN MAWR MEDICAL DISTRICT (BMMD)****6.2.1 Intent**

- 6.2.1.a. In the interest of the public health, safety and welfare, the provisions of this article are intended:
- 6.2.1.a.i. To recognize the need to provide for the special requirements of health care and related uses in Lower Merion Township and surrounding communities.
  - 6.2.1.a.ii. To provide for the logical, orderly and appropriate expansion and development of health care and related uses to meet the long-term health care needs of the community.
  - 6.2.1.a.iii. To recognize the density of development of surrounding areas and ensure the harmonious relationship of health care and related uses with the surrounding neighborhoods, in accordance with "Section 6.2.5 Development Design Standards".
  - 6.2.1.a.iv. To encourage long-range planning for health care facilities due to the unique impact of expansion on the provision of public services.
  - 6.2.1.a.v. To recognize that medical facilities are large-scale, dynamic developments.
  - 6.2.1.a.vi. To recognize that medical facilities have a significant impact on the health, safety, welfare and economic development of the community by virtue of their function and their need for growth and expansion, in accordance with "Section 6.2.5 Development Design Standards".
  - 6.2.1.a.vii. To recognize the need to provide for change in the health care facilities and to allow the community to anticipate and plan for the impact of those changes, in accordance with "Section 6.2.5 Development Design Standards".

**6.2.2 Area, width, and bulk regulations shall be according to "Table 6.2 BMMD Bryn Mawr Medical District" and the following:**

- 6.2.2.a. Tracts designated BMMD-2 and BMMD-3
- 6.2.2.a.i. The primary pedestrian access point to nonresidential buildings shall face onto the street right-of-way, rather than onto rear or side parking lots or alleys. Secondary access points may be located along other facades.
  - 6.2.2.a.ii. Parking lots, loading areas, and driveways are discouraged in the front yard, but are permitted when enclosed with an architectural feature along the right-of-way line, including but not limited to a seat wall, pedestrian arcade, pergola, or planting area that achieves a similar visual quality.
- 6.2.2.b. Covered areas for patient dropoff and pickup at medical uses are not considered part of the building for setback and coverage purposes.
- 6.2.2.c. Enclosed pedestrian bridges connecting medical uses across public rights-of-way shall be permitted on tertiary and minor roads. The pedestrian bridges shall be limited to one per street frontage.
- 6.2.2.d. Impervious surface shall be regulated according to "Table 6.2 BMMD Bryn Mawr Medical District" and the following:
- 6.2.2.d.i. Public plazas, and/or similar site amenities, and underground parking below a public plaza, shall not be included in the calculation of impervious surface.
- 6.2.2.e. Building height shall be regulated according to "Table 6.2 BMMD Bryn Mawr Medical District" and the following:
- 6.2.2.e.i. The first floor elevation of a Building at a Frontage shall be established at the midpoint of the front property line, and may extend a maximum of two and a half (2.5) feet above the lowest point of the sidewalk grade. A finished floor elevation more than (2.5) feet above the lowest point of the sidewalk grade shall be considered the second floor.



- 6.2.2.e.ii. In determining the mean level of the ground or the lowest level of the ground surrounding the building, the following may be excluded: openings in the foundation wall which provide for ingress and egress and/or light and air; openings up to 25 feet in length providing access to required underground parking spaces; openings required to comply with the building exit provisions in the building and fire code; and, openings required for ventilation wells or shafts to comply with the mechanical code.
- 6.2.2.e.iii. Building Height shall not include the height of parapets, chimneys, spires and similar projections or rooftop equipment housing, provided that they do not exceed 18 feet in height or occupy more than 40% of the roof area.
- 6.2.2.e.iv. The maximum height of the portion of any building within the BMMD District located adjacent to an existing one- or two-family dwelling in MDR shall be according to "Table 6.2 BMMD Bryn Mawr Medical District".
- 6.2.2.f. Floor area ratio shall be regulated according to "Table 6.2 BMMD Bryn Mawr Medical District".
- 6.2.2.g. Building area shall be regulated according to "Table 6.2 BMMD Bryn Mawr Medical District".
- 6.2.2.h. Buffer regulations.
  - 6.2.2.h.i. In all BMMD Districts, a use permitted in "Table 5.1 Uses" shall maintain a twenty-foot-wide landscape buffer along the side and rear property lines abutting a property devoted to single-family detached residential use. The width of the landscape buffer required by this paragraph may be reduced to no less than five feet if a solid fence or wall eight feet in height is erected within the buffer area no less than five feet from the property line. In addition, the following regulations shall apply:
    - 6.2.2.h.i.(1). In a BMMD-2, where a street separates a nonresidential use within the District from a residential use in a residential zoning district, a six-foot-wide buffer shall be provided between any building and the street. This buffer shall be in addition to required street trees. This area shall be planted with a combination of accent low-level plants such as shrubs, perennials, ornamental grasses, and ground covers located in groupings and may include a wall. Plantings shall not obstruct a pedestrian's view of or access to the first floor windows, door openings and sidewalks. Breaks in the planting area to accommodate vehicular and pedestrian access are permitted.
    - 6.2.2.h.i.(2). In a BMMD-3, where a street separates a nonresidential use within the District from a residential use in a residential zoning district, a landscape buffer shall be provided along the street line for a depth of 150 feet. In lieu of a landscape buffer, such area may be developed with a permitted residential use.
    - 6.2.2.h.i.(3). Any lot which becomes vacant through the removal of a structure for any reason other than during the land development approval process or construction of a new facility shall be screened from all abutting public streets by planting street trees and providing a six-foot-wide landscaped area with a continuous row of two-foot-high shrubs.
- 6.2.2.i. Density requirements. A minimum lot area of 1,250 square feet is required for each dwelling unit. When a lot contains both residential and nonresidential uses, the residential density shall be based on the total lot area that contains both uses.

### 6.2.3 Uses

- 6.2.3.a. Uses shall be according to "Table 5.1 Uses" and further regulated by "Article 10: Supplemental Use Regulations".
- 6.2.3.b. Accessory uses are permitted on the same lot with a permitted use within the BMMD District, including surface, above ground or below ground parking structures.
- 6.2.3.c. The following accessory uses are permitted when associated with or in support of the primary health care mission of a medical facility:
  - 6.2.3.c.i. Medical and administrative offices, medical laboratory, special medical treatment facility, patient hostel, hospital staff dormitory, employee daycare center, ambulance service and parking.

### 6.2.4 Parking and street access requirements

- 6.2.4.a. Parking required. The uses permitted in the BMMD District shall provide the minimum parking spaces as set forth below. Uses not listed below shall provide the minimum parking spaces as required in "Article 8: Parking Standards". At-grade, above- or below-ground parking and loading facilities shall be permitted.
  - 6.2.4.a.i. Medical center and hospital: One off-street parking space shall be provided per 600 square feet of gross habitable floor area.
  - 6.2.4.a.ii. Medical clinic and health clinic: One off-street parking space shall be provided per 300 square feet of gross habitable floor area.
  - 6.2.4.a.iii. Medical office building: One off-street parking space shall be provided per 300 square feet of gross habitable floor area.
  - 6.2.4.a.iv. Medical laboratory: One off-street parking space shall be provided per 600 square feet of gross habitable floor area.
  - 6.2.4.a.v. Special medical treatment facility: One off-street parking space shall be provided per 400 square feet of gross habitable floor area.
  - 6.2.4.a.vi. Patient hostel: One off-street parking space per guest room and one parking space per employee of the largest shift.
  - 6.2.4.a.vii. Hospital staff dormitory: One off-street parking space per student or employee.
  - 6.2.4.a.viii. Daycare center: One off-street parking space per faculty/staff member or volunteer. The daycare center shall have one queuing space dedicated to dropoff-pickup for every 10 participants in the daycare center.
  - 6.2.4.a.ix. Changing an existing nonresidential use to another use or uses permitted in the BMMD does not require additional parking, provided that:
    - 6.2.4.a.ix.(1). The existing structure will be a mixed-use building;
    - 6.2.4.a.ix.(2). The new use requires a maximum of 15 additional parking spaces above what the existing use currently requires; and
    - 6.2.4.a.ix.(3). Any exterior changes to the building comply with the District development design standards.
- 6.2.4.b. Location of required parking.
  - 6.2.4.b.i. Required parking spaces for any use located within the BMMD may be located either on the lot, or on any lot within the District. Required parking is also permitted off site, outside the BMMD, provided that the distance between the exterior wall of the parking structure in which the space is located or the edge of the surface parking lot and the exterior of building served thereby does not exceed 1,000 feet.
  - 6.2.4.b.ii. Surface parking lots and loading areas shall be placed between a structure and a rear lot line whenever possible.
    - 6.2.4.b.ii.(1). On a corner lot, if surface parking and loading cannot be behind a structure or otherwise screened from view as described in "Section 6.2.4.c.ii", then the parking shall be located:
      - [a]. Along the street with the least amount of commercial activity; or
      - [b]. Along the street with the least amount of pedestrian activity.

- 6.2.4.c. Parking design and screening requirements.
  - 6.2.4.c.i. If surface parking and loading areas are visible from the street frontage, then a fence, wall or plantings shall be provided to maintain the street edge and screen views of the parked cars.
  - 6.2.4.c.ii. Parking and loading areas, excluding driveway access areas, shall be screened from any adjacent pedestrianway by planting street trees and providing a six-foot-wide landscaped area with a continuous row of two-feet-high shrubs, or a fence or wall.
  - 6.2.4.c.iii. The primary front facade of a parking structure visible from a public or private street or pedestrianway shall be pedestrian-oriented and scaled and designed to relate to adjacent active commercial facades.
- 6.2.4.d. Shared parking. Shared parking for public and/or private use is encouraged.
  - 6.2.4.d.i. When land uses on adjacent parcels create shared parking areas with circulation paths and access points that are under common ownership or controlled by a reciprocal easement agreement, the collective parking requirements for development on those properties shall equal the sum of the individual parking requirements at the greatest single peak hour of the combined uses.
  - 6.2.4.d.ii. Documentation based on standards from the most recent edition of the Institute of Transportation Engineers (ITE) parking generation publication identifying the peak hour uses shall be submitted in a parking study and approved by the Township Engineer.
  - 6.2.4.d.iii. Documentation confirming the ownership and/or management arrangement shall be submitted prior to the Board approving a final plan application and shall be subject to the Board's approval.
- 6.2.4.e. On-street parking. Provided the new or rehabilitated building or buildings comply with the development design standards herein, legal on-street parking along the parcel's street frontage may be counted toward the development's minimum parking requirements.
- 6.2.4.f. Bicycle parking. Convenient bicycle facilities shall be provided as follows:
  - 6.2.4.f.i. All parking facilities containing between 10 and 50 parking spaces shall provide at least four bicycle parking spaces.
  - 6.2.4.f.ii. All parking facilities containing more than 50 parking spaces shall provide one bicycle parking space for each 20 automobile parking spaces in excess of the first 50 spaces in the facility. Not more than 20 bicycle parking stalls shall be required for any one facility.
  - 6.2.4.f.iii. Bicycle parking facilities shall be so located as to be safe from motor vehicle traffic and secure from theft.
- 6.2.4.g. Loading.
  - 6.2.4.g.i. To the greatest extent feasible, areas used for loading or trash receptacle purposes shall not be located adjacent to residential uses and residential zoning districts. If these areas are located adjacent to residential uses/zoning districts, then they shall be screened from view. Noise, sound and odors associated with these uses shall not be discernible at the property line.
  - 6.2.4.g.ii. Buildings and structures, excluding parking structures, shall provide adequate area for loading/unloading.
- 6.2.4.h. The required parking for nonresidential uses permitted under "Table 5.1: Uses" shall gain ingress and egress from primary, secondary or tertiary arterial roads as set forth on the Official Highway Map of the Township, unless there is no safe driveway location in the opinion of the Township Engineer, in which case the minimum ingress and egress necessary may occur from a minor road.

## 6.2.5 Development Design Standards

## 6.2.5.a. Purpose

6.2.5.a.i. The purpose of this section is to require buildings that are visible from street frontages, and all facades of parking structures that are visible from residential dwelling units, be pedestrian-oriented in design. For such buildings and parking structures, entrances should be oriented toward the streets, sidewalks and public accessways. Requirements for orientation and primary entrances for such buildings are intended to:

6.2.5.a.i.(1). Provide for convenient, direct, and accessible pedestrian access to and from public sidewalks, transit facilities, residential and commercial uses;

6.2.5.a.i.(2). Provide a safe, pleasant and enjoyable pedestrian experience by connecting activities between buildings and within a structure to the adjacent sidewalk and/or transit stop; and

6.2.5.a.i.(3). Promote use of pedestrian and mass transit modes of transportation to access residential and nonresidential facilities.

6.2.5.a.ii. The preservation and rehabilitation of existing buildings and structures is encouraged in order to create diversity of development, accent pedestrian-scale activity, and to preserve the character of the Township's neighborhoods.

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, ~~[1] 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.~~

6.2.5.a.iv. In granting preliminary or final plan approval for any development in the BMMD District, the Board may waive applicability of any provisions of the Subdivision and Land Development Code which may be in conflict with the purposes of this section in the context of any specific application.

6.2.5.a.v. As condition(s) of preliminary or final plan approval, the Board may provide for variation or waiver of specific design standards established in the Subdivision and Land Development Code. The applicant requesting variation in design standards shall submit drawings, models or plans to demonstrate the purpose and potential impact of the request, including alternatives if specified by the Board. The applicant wishing to have any design standard varied shall bear the burden of proof in justifying the appropriateness of such variation. The applicant shall be required to post bond after final plan approval to insure compliance with the decision and any conditions imposed by the Board.

## 6.2.5.b. Building orientation and primary entrance.

6.2.5.b.i. General standards. All new and rehabilitated buildings and parking structures that are visible from the street frontage shall comply with the following standards:

6.2.5.b.i.(1). Buildings shall be designed with public access points and signage facing the street and sidewalk.

6.2.5.b.i.(2). The facade treatment of walls facing residential uses or residential zoning districts shall be similar to the primary front facade along the pedestrian-oriented street.

6.2.5.b.ii. Primary building entrances shall be articulated and visible from the street.

6.2.5.b.ii.(1). Building entrances shall incorporate arcades, roofs, porches, alcoves, awnings or other similar devices that protect pedestrians from the sun and rain.

6.2.5.b.ii.(2). If the building has frontage on more than one street, the building shall provide a primary entrance oriented toward the higher classification street or a single entrance to the corner where two streets intersect.

- 6.2.5.b.iii. To the greatest extent feasible, if a single lot is redeveloped any new vehicular access point shall be located on a side lot line and shared with adjacent lots.
- 6.2.5.b.iv. Driveways, parking areas and traffic circulation patterns shall be designed as shared facilities whenever feasible. The design of these elements shall create a unified site plan between the lots. The goal is to gain parking efficiencies, reduce the number of access points and improve internal and external vehicular circulation patterns.
- 6.2.5.b.v. When one or more lot(s) ~~is~~<sup>are</sup> redeveloped such that 150 feet or more of new building facade is constructed along the primary front facade, an accessway or some method of access shall be provided to reach available shared parking facilities located on the same lot.
- 6.2.5.c. Architectural design standards. The architectural design standards have been incorporated into this district to ensure that the size and proportions of new buildings and other related improvements relate to the scale of the existing structures, especially at the street level. All requirements in this section apply to buildings and portions of buildings that are visible from the street frontage, and all facades of a parking structure that are visible from a public way or a residential dwelling unit.
  - 6.2.5.c.i. Buildings and other related improvements.
    - 6.2.5.c.i.(1). If the subject property is listed on the Township's historic inventory or within a local and/or national historic district, the new construction shall be compatible with the character of that building/district in compliance with Chapter 88 of the Township Code and the Secretary of the Interior Standards for Rehabilitation.
    - 6.2.5.c.i.(2). All buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, material change or other visual device.
    - 6.2.5.c.i.(3). The massing of all buildings shall be deemphasized in a variety of ways, including but not limited to the use of projecting and recessed elements such as porches, windows, roof dormers, mullion articulation, and facade fenestration, or a change in brick coursing, to reduce their apparent overall bulk and volume, to enhance visual quality and contribute to human-scaled development. Any walls with less than 25% of clear windows shall be articulated by any of the following:
      - [a]. Details in masonry courses.
      - [b]. The provision of blank window openings trimmed with frames, sills and lintels.
      - [c]. Variations in materials.
      - [d]. Projections and/or recesses.
      - [e]. Landscaping elements where setbacks are required.
    - 6.2.5.c.i.(4). For uses permitted under "Table 5.1 Uses", second story and above of primary front facades shall contain a minimum of 50% of the horizontal width of the facade as clear windows.
      - [a]. Clear window openings shall be vertical, at least twice as high as the width of those openings.
      - [b]. To the extent possible, individual window units in the upper stories shall be vertically aligned with the location of window and doors on the ground level.
    - 6.2.5.c.i.(5). Buildings shall be topped with either pitched roofs with overhanging eaves or flat roofs with articulated parapets and cornices.
    - 6.2.5.c.i.(6). Pitched roof material may include slate (either natural or man-

- made), shingle (either wood or asphalt composition) and metal formed to resemble standing seams or other similar materials. Specifically prohibited are white, tan or blue shingles, and corrugated plastic or metal. Fascias, dormers and gables or similar architectural features shall be employed to provide visual interest.
- 6.2.5.c.i.(7). Exterior wall materials may include stucco, wood clapboard (including imitation clapboard siding with the exception of aluminum siding), stone, glass, terra cotta, metal, or brick of a shape, color and texture as that found within the adjacent neighborhood. Specifically prohibited shall be white, tan or any type of painted brick or T-111 or other similar plywood siding. All forms of exposed concrete block shall be prohibited, except on walls not visible from street frontages or adjacent residential dwelling units. The Board may approve a prohibited material if it can be demonstrated that the material can be installed to have the same appearance and texture as any of the approved materials.
- 6.2.5.c.i.(8). Grade-level exterior doors that swing onto a public walkway that is less than six feet wide shall be set into the building to avoid conflict with pedestrians. Doors swinging out that project into a pedestrian walkway shall include a barrier to prohibit doors from swinging into pedestrians. If the barrier is located in the street right-of-way, authorization shall be obtained from the authority having jurisdiction.
- 6.2.5.c.i.(9). Mechanical and other rooftop equipment shall be screened with a wall or other barrier that is consistent with the architectural design standards in this article.
- 6.2.5.c.i.(10). All mechanical equipment shall be sound insulated to reduce the decibel level of such equipment. Sound levels in this district shall not exceed the background sound level by more than 10 dBA between the hours of 8:00 a.m. and 8:00 p.m. and five dBA between the hours of 8:00 p.m. and 8:00 a.m. when measured from any residentially zoned property. This section shall not apply to sound levels associated with construction noise or emergency generator testing between the hours of 8:00 a.m. and 6:00 p.m., or the use of emergency generators during periods of loss of power.
- 6.2.5.c.ii. The applicant shall prepare a manual of design guidelines which shall illustrate and describe the architectural design standards for the proposed construction. Said manual shall be submitted at the time of submission of the preliminary plan or at the time of conditional use submission, whichever shall first occur.
- 6.2.5.c.iii. The Board may, by conditional use, approve the use of architectural concepts and designs which differ from those set forth above, if the applicant demonstrates to the satisfaction of the Board that such concepts and designs are in furtherance of the legislative intent of this article and of this subsection, and that such concepts and designs are consistent with the manual of design guidelines.

- 6.2.5.c.iv. Public walkways shall:
  - 6.2.5.c.iv.(1). Be constructed of brick, concrete, concrete pavers, stamped colored concrete or integral colored concrete with brick borders.
  - 6.2.5.c.iv.(2). Be constructed of consistent materials within a block.
  - 6.2.5.c.iv.(3). Have a minimum unobstructed width of six feet.
  - 6.2.5.c.iv.(4). Create a completely linked network of walkways connecting transit stops, commercial centers, institutional facilities and residential uses including parks and other open space areas.
  - 6.2.5.c.iv.(5). Not be used for exterior storage.

## 6.2.6 Landscaping

- 6.2.6.a. Landscaping for the Bryn Mawr Medical District shall be provided in accordance with ~~§~~ Sections: 101-7, 101-8, 101-9A(2), 101-9B(2) and (3), 101-9C through F, 101-10 and 101-11. Section 101-9A(1)5 shall apply to adjoining residential uses on residential zoned properties only.
- 6.2.6.b. Street trees.
  - 6.2.6.b.i. Street trees shall be planted by the applicant along all public rights-of-way in compliance with Chapter 128 of the Township Code. In locations where healthy and mature trees exist that comply with the street tree requirements, additional plantings are not required.
  - 6.2.6.b.ii. Street trees shall be at least three- to three-and-one-half-inch caliper when planted and shall be spaced at intervals no greater than 40 feet along the public/pedestrian right-of-way.
  - 6.2.6.b.iii. Mature street trees shall be limbed up from the sidewalk to six feet to enhance pedestrian safety.
  - 6.2.6.b.iv. Street tree species are to be selected from those provided in Chapter A177.
  - 6.2.6.b.v. The method of planting (in grates, planters or tree pits) for street trees shall be approved by the Township Arborist.
  - 6.2.6.b.vi. Every effort shall be made to save street trees that are healthy and have not reached the end of their useful life.

## 6.2.7 Covenant

- 6.2.7.a. 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:
  - 6.2.7.a.i. 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.
  - 6.2.7.a.ii. 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.
  - 6.2.7.a.iii. 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.



**TABLE 6.2 ~~BMMD~~-BRYN MAWR MEDICAL DISTRICT (BMMD) DIMENSIONAL STANDARDS**

Lot Occupation		Notes
Lot Width	n/a	1 See "Section 6.2.2.i."
Lot Area	See note (1)	2 The impervious surface may exceed the maximum permitted on such lot, provided it is subject to a common covenant as set forth in Section <del>6.1.6-6.2.7</del> and such excess does not cause the impervious surfaces on all lots within such district and subject to the common covenant to exceed such maximum.
Impervious Coverage <sup>(2)</sup>		3 The building area on any single lot within the BMMD District may exceed the maximum permitted on such lot, provided it is subject to a common covenant as set forth in Section <del>6.1.6-6.2.7</del> , and provided such excess does not cause the building area on all lots within such district and subject to the covenant to exceed the maximum.
BMMD-1	80% max.	4 When a permitted nonresidential use or aboveground parking structure in the BMMD District is across the street from a residential use in LDR or MDR, the minimum front yard setback in the BMMD District shall be 50 feet.
BMMD-2 & 3	85% max.	When a permitted residential use in the BMMD District is across the street from a residential use in LDR or MDR, the minimum front yard setback in the BMMD District shall be 10 feet.
Building Area <sup>(3)</sup>		5 When across the street from a residential use in a residential district the minimum standards shall apply. See note 4 above.
BMMD-1	60% max.	6 Shall be 25 feet minimum where non-residential use abuts single-family detached residential use or shall be 10 feet where a residential use abuts a residential use.
BMMD-2 & 3	75% max.	7 Shall be 25 feet minimum when a non-residential use abuts a single-family detached residential use and 25 feet minimum for single-family residential use.
Open Space	n/a	8 The maximum height of any building at the right-of-way line shall not exceed three stories or 45 ft., unless there is a minimum of 90 feet between the facing building or buildings across the street right-of-way and the proposed building, in which case the maximum height at the right-of-way line shall not exceed 60 ft. Portions of the building exceeding these limits shall be set back a minimum of 12 feet from the right-of-way line.
Setbacks		9 Per setback regulations
<b>BMMD-1</b>		10 The separation applies from the proposed building to the nearest residential property line.
Street (Buildings up to 65 ft. in height)	30 ft. min.	11 May be 50 ft. if rowhouse serves as a buffer
Street (Buildings over 65 ft. in height)	120 ft. min., plus 1 ft. for each 1 ft. above 65 ft.)	
<b>BMMD-2</b>		
Front (min.)	0 ft. <sup>(4)</sup>	
Front (max.)	12 ft. <sup>(5)</sup>	
Side	0 or 10 ft. min. <sup>(6)</sup>	
Rear	0 <sup>(7)</sup>	
<b>BMMD-3</b>		
Front (min.)	0 ft. <sup>(4)</sup>	
Side	0 or 10 ft. min. <sup>(6)</sup>	
Rear	0 <sup>(7)</sup>	
Building Height (max.) <sup>(8)</sup>		
Building: BMMD-1	14 stories or 140 ft. <sup>(9)</sup>	
Building: BMMD-2 & 3	6 stories or 60 ft.	
Parking (structured)	5 stories or 50 ft.	
Abutting MDR1 <sup>(10)</sup>		
25 ft.-40 ft. separation	3 stories or 35 ft.	
40 ft.-60 ft. separation	4 stories or 45 ft.	
60+ ft. separation	5 stories (max. height 140 ft.)	
Rowhouse	3 stories or 45 ft. <sup>(11)</sup>	
Floor Area Ratio (FAR)		
FAR: BMMD-1	2.2 max.	
FAR: BMMD-2	2.0 max.	
FAR: BMMD-3	0.85 max.	



**155-6.3 ROCK HILL ROAD DISTRICT (RHR)****6.3.1 Purpose and applicability**

- 6.3.1.a. General purpose. The Rock Hill Road District (RHR) is established to encourage the redevelopment of the existing underutilized industrial corridor into an economically dynamic, attractive gateway to Lower Merion Township. The RHR is designed to promote the health, safety and welfare of the citizens of Lower Merion Township by using pedestrian-oriented design; promoting mixed-use redevelopment that is attractive and appropriate to the area; protecting existing natural features; and improving traffic flow and pedestrian and vehicular safety. These general goals and objectives include the following specific purposes:
- 6.3.1.a.i. Welcome residents, visitors and workers to the Township, providing an attractive destination and link between the residential areas near the corridor and the Schuylkill Expressway, Schuylkill River and Manayunk Neighborhood of Philadelphia;
  - 6.3.1.a.ii. Encourage location-efficient, pedestrian-oriented design and development consistent with high standards of architecture and design;
  - 6.3.1.a.iii. Support new development that includes a diverse mix of pedestrian-compatible, higher density residential and nonresidential uses, expand economic development opportunities and minimize distances between destinations by requiring linked pedestrianways and pedestrian-oriented access;
  - 6.3.1.a.iv. Provide incentives for the creation of mixed-use structures in keeping with the character and scale of the corridor, while using development design guidelines to promote compatibility of uses and stimulate pedestrian activity;
  - 6.3.1.a.v. Maintain a scale, balance and variety of residential, nonresidential and recreational uses;
  - 6.3.1.a.vi. Promote the livability and identity of the corridor as a neighborhood by providing for dwellings, offices and other workplaces, recreational amenities and neighborhood-scale retail in close proximity to each other;
  - 6.3.1.a.vii. Enhance the visual character and physical comfort of the district by minimizing pedestrian and vehicular conflicts and encouraging the ability of pedestrians to walk or cyclists to bike to uses within the corridor and beyond;
  - 6.3.1.a.viii. Promote the smooth and safe flow of vehicular traffic through the corridor while reducing cut-through traffic in the neighboring residential districts;
  - 6.3.1.a.ix. Protect existing natural features, including Gully Run Creek, a direct tributary to the Schuylkill River which runs through the corridor;
  - 6.3.1.a.x. Encourage subsurface parking in non-floodplain areas, and shared parking;
  - 6.3.1.a.xi. Promote the increase and attractiveness of landscaped areas; and
  - 6.3.1.a.xii. Connect RHR to the Township's park system and developing waterfront open spaces, including pedestrian trails along the Schuylkill River.

- 6.3.2 Lot Occupation:  
Standards for development shall be according to "Table 6.3 Rock Hill Road ~~District~~ (RHR) ~~Dimensional Standards~~" and the following:
- 6.3.2.a. Newly platted Lots shall comply with standards in ~~Table~~ "Section 155-3.4 Lot Occupation".
  - 6.3.2.b. A Building shall be located in relation to the edge of the public right of way, with setbacks as shown in "Table 6.3 Rock Hill Road ~~District~~ (RHR) ~~District~~ ~~Dimensional Standards~~".
  - 6.3.2.c. A Pedestrianway is required on all street frontages. The Pedestrianway:
    - 6.3.2.c.i. Shall have an unobstructed width of 10 feet.
    - 6.3.2.c.ii. Shall be separated from the from the curbline by a minimum ten-foot-wide planted strip. The distance may be modified as the sidewalk approaches a common property line as necessary to allow the free flow of pedestrian and bicycle traffic to an existing pedestrianway on an adjacent property. In accordance with ~~§~~ Section 135-24 of the ~~Lower Merion~~ SALDO Code, the Board of Commissioners shall have the right to require the landowner to provide such easement as is reasonably necessary so that if a pedestrianway on an adjacent parcel does not, as of the date of a development of a parcel, comply with these development design standards but is later brought into compliance, the landowner's pedestrianway can be connected to the complying pedestrianway on the adjacent parcel.
    - 6.3.2.c.iii. Should contribute to a completely linked network of pedestrianways connecting residential and non-residential uses.
    - 6.3.2.c.iv. Shall not be used for exterior storage.
    - 6.3.2.c.v. Shall not be used for outdoor seating for food and drink establishments and pedestrian-oriented accessory uses, such as sales display for flowers, small shops, and food or drink stands are permitted.
    - 6.3.2.c.vi. Adjustments to the Pedestrianway requirements of the district may be sought by process of Conditional Use.
  - 6.3.2.d. Building Frontage shall be according to "Table 6.3 ~~RHR~~ Rock Hill Road ~~District~~ (RHR) ~~Dimensional~~ ~~District~~ Standards". ~~When parking is at the rear of the lot, pedestrian access to parking shall be spaced at a maximum 300 feet apart. Pedestrian access ways to rear lot parking areas shall be spaced not more than 300 feet apart.~~
  - 6.3.2.e. Streetscreens:
    - 6.3.2.e.i. Streetscreens shall be located along the same plane as the building Façade or Elevation.
    - 6.3.2.e.ii. Streetscreens for off-street parking shall be according to "Article 8: Parking Standards".
    - 6.3.2.e.iii. The gaps between Building Facades along the Frontage Line shall be filled with a Streetscreen.
    - 6.3.2.e.iv. Exceptions to the streetscreen requirements include:
      - 6.3.2.e.iv.(1). Where a courtyard or garden may be accessed from the street.
      - 6.3.2.e.iv.(2). Access to parking according to "Section 8.5.43".
- 6.3.3 Building Configuration shall be according to "Table 6.3 Rock Hill Road ~~District~~ (RHR) ~~Dimensional~~ ~~District~~ Standards" and the following:
- 6.3.3.a. Entries and signage shall face the Street or the corner at a Street intersection.
  - 6.3.3.b. Projections shall be allowed as specified in "Section 155-3.6 Projections".
  - 6.3.3.c. Building Height shall be as specified in "Section 155-3.3 Building Height" and shall be as shown in "Table 6.3 Rock Hill Road ~~District~~ (RHR) ~~Dimensional~~ ~~District~~ Standards".
    - 6.3.3.c.i. The first floor elevation of a Building at a Frontage shall be established at the midpoint of the front property line, and may extend a maximum of two and a half (2.5) feet above the lowest point of the sidewalk grade. A finished floor elevation more than ~~two and a half~~ (2.5) feet above the lowest point of the sidewalk grade shall be considered the second floor. At Building interior side

- or rear dimension from grade to first floor may range.
    - 6.3.3.c.ii. Chimneys, enclosed stairwells, roofed and unenclosed roof terraces and roof trellises, spires and uninhabitable ornamental Building features, may be allowed to exceed maximum building height up to an additional 12 feet, and occupy a maximum 20 percent of roof area.
    - 6.3.3.c.iii. Mechanical equipment on a roof shall be enclosed by parapets of the minimum Building Height necessary or other means to screen it from abutting streets and adjacent properties at ground level and may extend above the maximum height as specified.
  - 6.3.3.d. Front yard setback in this district shall be measured from the curbline directly in front of the property.
    - 6.3.3.d.i. Where the distance from the right-of-way line to the closest slope exceeding 25% is equal to or less than 100 feet, the minimum front yard setback is 20 feet, or the street right-of-way line, whichever is farther from the curbline.
    - 6.3.3.d.ii. Where the distance from the right-of-way line to the closest slope exceeding 25% is greater than 100 feet, the minimum front yard setback is 30 feet.
  - 6.3.3.e. A minimum of 80% ground floor street frontage shall be devoted to storefront in accordance with "Table 3.5.2.F Facade Types: Storefront" with window space, public access points and signage facing the street and sidewalk.
- 6.3.4 Fences and Walls shall be according to "Section 155-3.7 Fences and Walls" and the following:
  - 6.3.4.a. Fence type shall be regulated by district and as specified in "Table 3.7.2 Fence Type by District".
  - 6.3.4.b. Fence Height shall be according to "Table 3.7.1 Fence Height".
  - 6.3.4.c. The Height of Retaining Walls shall be according to "Section 155-3.7 Fences and Walls".
- 6.3.5 Use restrictions and standards shall be according to "Article 5: Uses" and the following:
  - 6.3.5.a. Outdoor accessory temporary 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.
  - 6.3.5.b. Accessory uses are permitted on the same lot with a permitted use, including parking structures, but specifically excluding off-track betting parlors and slot parlors.
- 6.3.6 Access and Parking shall be according to "Article 8: Parking Standards".
  - 6.3.6.a. Driveways shall be designed to directly connect the street to parking areas to the side or rear of a building, and no driveway shall be permitted in front of a building.
  - 6.3.6.b. Only one curb cut/driveway is permitted on each street frontage of each lot. However, a second curb cut/driveway may be permitted in order to facilitate shared parking access on adjacent lots.
  - 6.3.6.c. Areas used for loading or trash receptacle purposes shall be located in the rear of, or inside the buildings.
  - 6.3.6.d. If areas used for loading or trash receptacle purposes are located adjacent to residential uses or residential zoning districts, then they shall be screened from view. Noise, sound and odors associated with these uses shall not be discernible at the property line.
- 6.3.7 Architecture Standards:
  - 6.3.7.a. Buildings shall demonstrate compliance with the architectural standards in "Section 155-3.9 Architecture Standards" and with regard to Parking Structures, the following:
    - 6.3.7.a.i. ~~Parking structures~~ Shall have a separate pedestrian entrance
    - 6.3.7.a.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.
    - 6.3.7.a.iii. That part of a parking garage that is not concealed behind a Liner shall have a

- 6.3.7.a.iv. Façade that conceals all internal elements such as plumbing pipes, fans, ducts. Exposed concrete spandrel panels shall be prohibited when visible from a public way.
    - 6.3.7.a.v. Security enclosures, if provided, shall be of the mesh type that allow exterior to interior visibility, and shall be located inside the windows.
- 6.3.8 Signs shall be as per "Article 9: Sign Standards".
- 6.3.9 Landscape Standards:
  - 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 "Section 155-3.10 Landscape Standards".
  - 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.-six-foot~~ wide landscaped area with a continuous row of shrubs with a height of at least ~~2-two~~-feet. The greening standards set forth in "Section 155-3.10 Landscape Standards" and Chapter 135, Subdivision and Land Development ~~§ "Section 135-41.4 Greening Standards"~~ shall apply. ~~Greening Standard.~~
  - 6.3.9.c. Properties on which the existing Gully Run flume is located shall to the extent feasible enhance the waterway with natural plantings along the bank and incorporate the flume into the landscape design of the development.
- 6.3.10 Ambience Standards: Noise and lighting
  - 6.3.10.a. Noise and lighting regulations shall be according to "Section 155-3.11 Ambience Standards".
- 6.3.11 Steep slope provisions.
  - 6.3.11.a. "155-7.4 Steep Slopes Overlay District" shall not apply within the RHR.
  - 6.3.11.b. Disturbance of steep slopes and/or stony land steep soils with slopes in excess of 25%, is permitted only where necessary to stabilize areas which are remnants of previous non-coal industrial surface mining activity that predate July 20, 1977. Any such disturbance shall be the minimum necessary, in the opinion of the Township Engineer, to stabilize the sloped areas and in accordance with a stabilization plan approved by the Township Engineer. All freestanding structures, buildings and substantial improvements (with the exception of driveways and utilities when no other location is feasible) are prohibited on slopes of 25% or greater.

**TABLE 6.3 RHR-ROCK HILL ROAD DISTRICT (RHR) DIMENSIONAL STANDARDS**

Lot Occupation (see section “155.3.4 Lot Occupation”)	
Lot Area	None
Lot Width	20 ft. min.
Impervious Coverage	60%
Primary Frontage	70%
Setbacks <sup>(1)</sup>	
Principal Building	
Front	20 ft. min. <sup>(2)</sup>
Side	15 ft. min.
Rear	25 ft. min.
Building Height <del>(stories)</del> (max.) (see section “155-3.3 Building Height”)	
Principal Building <sup>(3)</sup>	2 stories min. / 5 stories max.
Accessory Building	n/a
Accessory Structure	1 story up to 15 ft.
<del>Facade Type</del> Frontage Yard Type (see section “155-3.5 Frontages”)	
Common Yard	Not Permitted
Fenced Yard	Not Permitted
Shallow Yard	Not Permitted
Urban Yard	Permitted
Pedestrian Forecourt	Permitted
Vehicular Forecourt	Permitted
Facade Types (see section “155-3.5 Frontages”)	
Porch	Not Permitted
Stoop	Not Permitted
Common Entry	Not Permitted
Arcade / Colonnade	Not Permitted
Gallery	Not Permitted
Storefront	Permitted
Parking (see “Article 8: Parking Standards” and “Section 155-6.3.6”)	

Notes	
1	Where a parcel abuts a residential use in a residential zoning district, there shall be a 20’ landscape buffer area, along the district boundary line in compliance “Section 155-3.10 Landscape Standards”.
2	See Section 6.3.3.d
3	A maximum of 2-two stories may be devoted to residential use.

- 1 Where a parcel abuts a residential use in a residential zoning district, there shall be a 20' landscape buffer area, along the district boundary line in compliance "Section 155-3.10 Landscape Standards".
- 2 See Section 6.3.3.d
- 3 A maximum of ~~2~~two stories may be devoted to residential use.

**155-6.4 BRYN MAWR VILLAGE DISTRICT (BMV)****6.4.1 Purpose; division into four districts.**

6.4.1.a. The Bryn Mawr Village District is intended to provide for pedestrian-oriented outlets with multifaceted interconnected and interrelated uses in an established commercial area. Specific objectives of the district include the following:

- 6.4.1.a.i. Encourage economic development while maintaining the traditional main street environment.
- 6.4.1.a.ii. Protect existing residential neighborhoods.
- 6.4.1.a.iii. Establish a walkable community by promoting pedestrian-oriented streets and pedestrian-scaled buildings.
- 6.4.1.a.iv. Encourage lively, human-scaled activities within a mix of residential, commercial, cultural and other uses separately or in the same building.
- 6.4.1.a.v. Ensure a vibrant street life by encouraging active ground floor retail, and discouraging certain uses on Bryn Mawr and Lancaster Avenues.
- 6.4.1.a.vi. Promote the reuse of existing structures in a manner that maintains the historic and visual character architecture and building scale of the neighborhood.
- 6.4.1.a.vii. Reduce auto dependency by promoting transit ridership, bicycling and walking.
- 6.4.1.a.viii. Accommodate parking in a convenient and unobtrusive manner and encourage shared parking, where possible.
- 6.4.1.a.ix. Promote residential uses in upper stories.
- 6.4.1.a.x. Concentrate commercial uses on the ground level of mixed-use buildings.

6.4.1.b. Because of the diverse concentration of commercial, office and residential buildings, and because the road system throughout the area is so varied, the Bryn Mawr Village District is being divided into four separate zoning districts as follows: the Bryn Mawr Village District No. 1 (BMV1), the Bryn Mawr Village District No. 2 (BMV2), the Bryn Mawr Village District No. 3 (BMV3), and the Bryn Mawr Village District No. 4 (BMV4). The regulations pertaining to each district have a commonality and for that reason the regulations are combined under this single ~~chapter~~ ~~Section~~.

**6.4.2 Lot Occupation:**

6.4.2.a. Build-to ~~Line~~ shall be the street right-of-way and shall be regulated according to "Table 6.4 ~~BMV~~ Bryn Mawr Village District (BMV) Dimensional Standards" and the following:

- 6.4.2.a.i. A building may be set back from the ~~Build-to Line~~ 10 feet to 30 feet for purposes of an urban garden, plaza, square, courtyard, recessed entrance or outdoor dining consistent with streetscape and green area standards in ~~Subsection~~ ~~Section~~ 6.4.2.d. below.
- 6.4.2.a.ii. Primary pedestrian access shall be placed along the ~~Build-to Line~~ and not the rear or side of the building. Additional pedestrian access points may be located along other facades.
- 6.4.2.a.iii. Parking lots, driveways, loading zones, and auto-related areas may not be located at or in front of the ~~Build-to Line~~, except that a hotel may have a dropoff area in front of its primary entrance.

6.4.2.b. Impervious surface shall be regulated according to "Table 6.4 ~~BMV~~ Bryn Mawr Village District (BMV) Dimensional Standards".

6.4.2.c. Open area.

- 6.4.2.c.i. "Open area" for purposes of this section is land that shall remain open, but which may be used for active or passive recreation, resource protection, amenity and or green elements. An open area within a development is one designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general. Open area shall not include buildings, driveways or areas used for parking.

6.4.2.d. Greening standards. In the BMV1, BMV2, BMV3 and BMV4 Village Districts the greening standards set forth in Chapter 135, Subdivision and Land Development at, § "Section 135-41.4 Greening Standards" shall apply.

- 6.4.2.e. Size of individual retail or restaurant uses in commercial spaces. A maximum of 13,000 square feet of floor area per floor shall be permitted for individual retail or restaurant use within commercial spaces on lots up to 75,000 square feet. On lots exceeding 75,000 square feet, the limit of 13,000 square feet may be increased by 1,000 square feet for every 5,000 square feet of lot area above 75,000 square feet. The maximum size of any retail or restaurant use within a commercial space, regardless of the lot size, shall be 20,000 square feet.
- 6.4.2.f. Building height shall be regulated according to "Table 6.4 BMV Bryn Mawr Village District". Building height cannot exceed the measure in stories or in feet, whichever is lower, unless otherwise provided for in this article.
- 6.4.2.g. Floor area ratio shall be regulated according to "Table 6.4 ~~BMV~~ Bryn Mawr Village District (BMV) Dimensional Standards".

#### 6.4.3 Buffer area.

- 6.4.3.a. Where a lot in the Bryn Mawr Village District abuts a residential use in a residential zoning district or a railroad right-of-way with a residential district on the opposite side of the railroad, there shall be a buffer area along the district boundary line/railroad right-of-way within the Bryn Mawr Village District, as set forth below:
  - 6.4.3.a.i. Where the district boundary line abuts a residential use in a residential zoning district, the depth of the buffer shall be at least 20 feet.
  - 6.4.3.a.ii. Where the district boundary line is the center of a street or at a street line, there shall be a planted landscape area along the curbline. Other than the required street trees, the plantings shall not exceed 30 inches in height.
  - 6.4.3.a.iii. Where the district boundary line is a railroad right-of-way, the depth of the buffer area may be reduced to 15 feet from the railroad right-of-way. When part of a land development application, the Board of Commissioners may by conditional use authorize a further reduction in the buffer area, provided that the following standards are met:
    - 6.4.3.a.iii.(1). The applicant shall establish by credible evidence that the average elevation of the proposed development site within 15 feet of the railroad right-of-way is at least seven feet higher than the elevation of the railroad tracks.
    - 6.4.3.a.iii.(2). The applicant shall establish by credible evidence that the residential structures on the opposite side of the railroad right-of-way in the area where the proposed buffer area is being reduced shall be no closer than 75 feet from said right-of-way.
    - 6.4.3.a.iii.(3). The applicant shall establish by credible evidence that the development utilizes the maximum available shared parking spaces provided by "Section 6.4.6 Parking and loading."
    - 6.4.3.a.iii.(4). The applicant shall establish by credible evidence that the views from and to adjacent properties, including views of and from the rail line, are visually screened by a lesser buffer area or alternative technique, such as the installation of a vegetative/topiary fence, wall or other appropriate design element. The applicant for the conditional use shall have the burden of demonstrating that approval of the conditional use is consistent with and promotes the relevant purposes of this article and that the buffer reduction will not adversely affect the public health, safety and welfare specifically with respect to drainage, light, noise, air quality, natural features of the land, and neighborhood aesthetic characteristics.
  - 6.4.3.a.iv. The buffer area shall be planted with a variety of high- and low-level plantings. Where the required buffer is along a railroad right-of-way, a wall or a fence or a similar architectural feature that satisfies the purpose of the buffer requirement may be used in addition to the plantings.
  - 6.4.3.a.v. There may not be more than one vehicular entrance and one vehicular exit



- through the buffer area to any street.
  - 6.4.3.a.vi. Any lot which becomes vacant through the removal of a structure for any reason shall be screened from all abutting public streets by shade trees and a minimum six-foot-wide landscaped area with a continuous row of two-foot-high shrubs.
  - 6.4.3.b. Where a use other than a one- or two-family dwelling located in the BMV District abuts a one- or two-family dwelling in the BMV District, the depth of the buffer shall be 15 feet.
- 6.4.4 Height and density increases.
  - 6.4.4.a. Height and density may be increased above the base standard, according to "Table 6.4 BMV Bryn Mawr Village District" and shall comply with any one of the following options:
    - 6.4.4.a.i. Reserved for affordable ~~or workforce~~ housing.
    - 6.4.4.a.ii. Public space. If at least 10% of total lot area is dedicated contiguous public gathering space (minimum 1,000 square feet), the FAR may be increased by up to 0.2.
    - 6.4.4.a.iii. Underground parking. If at least 15% of the required parking is below grade, the FAR may be increased by up to 0.2.
    - 6.4.4.a.iv. Green roof. If a building is constructed with a green roof, the FAR may be increased by up to 0.2.
  - 6.4.4.b. The height of a parking structure in a BMV3 District may be increased up to a maximum height of 55 feet without limiting the number of stories, subject to the following requirements:
    - 6.4.4.b.i. The parking structure shall be visually screened from all adjacent public streets by residential buildings or by commercial buildings if erected as of the effective date of this article.
    - 6.4.4.b.ii. A parking structure may not front on or gain access from Lancaster Avenue or Bryn Mawr Avenue.
    - 6.4.4.b.iii. The maximum height of any building wrapping the parking structure shall be three stories or 38 feet, whichever is lower, if the building is within 75 feet of a residentially zoned property.
    - 6.4.4.b.iv. The maximum height of any building wrapping the parking structure shall be four stories or 50 feet, whichever is lower, with a 15 foot stepback above any portion of the building over 38 feet, if the building is more than 75 feet from a residentially zoned property.
  - 6.4.4.c. If two height and density increases permitted above are used, the FAR may be increased by up to 0.4 over the base FAR, according to "Table 6.4 BMV Bryn Mawr Village District".
- 6.4.5 Uses
  - 6.4.5.a. Uses shall be according to "Table 5.1 Uses" and "Table 5.3 Use Regulations" and further regulated by "Article 10: Supplemental Use Regulations" and the following:
    - 6.4.5.a.i. BMV2: An accessory building may be separate from the principal building on a lot, but shall not encroach upon or extend into any of the required yards.
    - 6.4.5.a.ii. BMV1, BMV3, BMV4: Accessory uses are permitted on the same lot with a permitted use, including parking structures, fitness centers and daycare centers, but specifically excluding off-track betting parlors and slot parlors.
- 6.4.6 Parking and loading.
  - 6.4.6.a. The parking and loading provisions of "Article 8: Parking Standards" shall apply in the Bryn Mawr Village Districts, except where in conflict with the provisions below:
  - 6.4.6.b. General standards.
    - 6.4.6.b.i. Additional parking in the Bryn Mawr Village District is not required for an expansion to existing buildings if the expansion complies with Bryn Mawr Village



- District regulations and the building is on a lot smaller than 3,000 square feet.
- 6.4.6.b.ii. Changing a nonresidential use in an existing building to another use or uses permitted in the Bryn Mawr Village District does not require additional on-site parking, provided that:
- 6.4.6.b.ii.(1). The new use requires not more than 15 additional parking spaces above that required by the existing use; and
- 6.4.6.b.ii.(2). Any exterior changes to the building comply with the development design standards in "Section 6.4.7 Development design standards."
- 6.4.6.b.iii. All other single and mixed-use developments in the Village District shall provide parking spaces according to the following ratios:
- 6.4.6.b.iii.(1). Single-family dwelling unit: 1.5 spaces per unit.
- 6.4.6.b.iii.(2). Single-family dwelling units exceeding two bedrooms: 2.0 spaces per unit.
- 6.4.6.b.iii.(3). Student home single-family dwelling unit: 3.0 spaces per unit. Student home units shall not be permitted to utilize any of the off-site parking provisions in Subsections D and E below.
- 6.4.6.b.iii.(4). Affordable or workforce housing, each single-family dwelling unit: 1.0 space per unit.
- 6.4.6.b.iii.(5). Continuing care facility for the elderly, each single-family dwelling unit: 1.0 space per unit.
- 6.4.6.b.iii.(6). Commercial (retail, restaurant, office, etc.): 4 spaces per 1,000 square feet.
- 6.4.6.b.iii.(7). Hotel: 1 space per room.
- 6.4.6.b.iii.(8). Theater: 1 space per 5 seats. This parking requirement may be met by counting off-site metered spaces in a municipal parking lot within 900 feet of the theater use. Each metered space may only be counted once for theater use when this parking provision is utilized.
- 6.4.6.b.iii.(9). Fitness center: 5 spaces per 1,000 square feet.
- 6.4.6.b.iii.(10). All other uses: 4 spaces per 1,000 square feet of floor area.
- 6.4.6.c. Surface parking.
- 6.4.6.c.i. Vehicular access to surface parking shall be from an alley or side street where possible.
- 6.4.6.c.ii. Surface parking and exterior loading areas shall be placed between the structure and rear lot line and shall comply with the following standards:
- 6.4.6.c.ii.(1). On a corner lot, if surface parking and exterior loading cannot be behind the buildings and screened from view, then the parking shall be located along the street with the least amount of vehicular traffic or along the street with the least amount of pedestrian activity.
- 6.4.6.c.ii.(2). Pedestrian access to and through a surface parking lot shall require safety provisions giving warning of the pedestrian walkway. Surface parking areas and pedestrian walkways connecting to them shall be well lit, subject to compliance with the requirements of the Energy Code adopted under the Pennsylvania Uniform Construction Code.
- 6.4.6.c.ii.(3). Surface parking that is visible from the street shall be screened by a fence or wall and plantings. Plantings or shrubs shall be maintained at a height of two to three feet.
- 6.4.6.c.ii.(4). Off-street surface parking shall not extend more than 70 feet in width along any street frontage without being interrupted by an outdoor cafe, landscaped garden or public plaza with seating.
- 6.4.6.c.ii.(5). Parking and exterior loading areas shall be buffered from any adjacent pedestrian way by planting street trees and providing

- a six-foot-wide landscaped area with a continuous row of two-foot-high (minimum) shrubs, or a fence or seating wall not less than two feet and no more than three feet high. Shrubs shall be maintained at a height of two feet to three feet.
- 6.4.6.d. Parking structures.
    - 6.4.6.d.i. Except in BMV2 District, a parking structure shall be:
      - 6.4.6.d.i.(1). Placed underground; or
      - 6.4.6.d.i.(2). The facade facing a street shall be wrapped with other permitted uses, such as retail or residential.
    - 6.4.6.d.ii. In all Bryn Mawr Village Districts a parking structure shall comply with the following:
      - 6.4.6.d.ii.(1). Sloping floors and bare slabs shall not be visible from any public street except at access points; and
      - 6.4.6.d.ii.(2). Vehicular access to parking structures shall be from side streets or alleys wherever possible.
    - 6.4.6.d.iii. Every facade of a parking structure visible from a public or private street or pedestrian way shall be pedestrian oriented and scaled. Building design shall comply with the development design standards and shall be complementary to nearby active facades, in terms of building materials and architectural pattern, and comply with the design development standards in "Section 6.4.7 Development design standards."
  - 6.4.6.e. Off-site and shared parking.
    - 6.4.6.e.i. Parking requirements may be met using off-site parking, subject to the following requirements:
      - 6.4.6.e.i.(1). On-street parking spaces directly in front of the building may be counted to comply with the required parking.
      - 6.4.6.e.i.(2). All off-site required parking shall be located within 1,000 feet of the proposed building.
      - 6.4.6.e.i.(3). The applicant shall demonstrate that they have entered into a perpetual agreement with the property owner providing the required parking spaces.
      - 6.4.6.e.i.(4). The applicant shall demonstrate that the off-site parking spaces are not required parking for another building.
    - 6.4.6.e.ii. Shared use of parking spaces for a building containing both residential and nonresidential uses shall be permitted using the peak demand calculations listed in "Table 8.2.1 Mixed Use & Shared Parking".
  - 6.4.6.f. If adequate on-site parking is not available, the parking requirements for uses in existing and expanded mixed-use buildings may be met by designating currently undesignated metered public parking spaces in a municipal parking lot within 900 feet of the use, measured from lot line to the center of the public parking lot. Each public parking space may only be counted once when this parking provision is utilized. A maximum of 10 parking spaces in public parking lots may be designated under this section. Public parking spaces may not be designated for uses in new buildings. If public parking spaces are designated for dwelling units, the parking required on the lot where the residential units are located shall not be reduced to less than one space per unit. The provisions of this subsection shall not apply to parking required for a student home use.
  - 6.4.6.g. Service parking and loading.
    - 6.4.6.g.i. To the greatest extent feasible, areas used for loading or trash receptacle purposes shall not be located adjacent to residential uses or residential zoning districts. The minimum setback from a residential property line shall be 10 feet. Loading and trash receptacle areas shall be visually screened from view from any residential use or residential zoning district.
    - 6.4.6.g.ii. The storage of refuse shall be provided inside the building(s) or within an outdoor area enclosed by either walls or opaque fencing. Any refuse enclosure outside of the building shall be designed to be architecturally compatible with the building(s), shall not be located in the front of the building, and shall be entirely screened by a fence or enclosure that is at least six feet high.

#### 6.4.7 Development design standards.

- 6.4.7.a. Purpose. The purpose of this section is to establish consistent requirements that promote pedestrian-oriented design and traditional Bryn Mawr Village character. Adherence to these standards will carry out the purposes of the district set forth in "Section 6.4.1 Purpose; division into four districts." above, will encourage property maintenance and will preserve and enhance property values within the District. It has been clearly demonstrated that the economic success of a suburban commercial center is promoted by well maintained properties consistent in scale and appearance. The principles guiding the administration of these standards are as follows:
- 6.4.7.a.i. New buildings should complement the pattern of existing landmark structures and have a building fabric that relates to their site and surroundings.
  - 6.4.7.a.ii. Buildings should respond at street level to a pedestrian scale.
  - 6.4.7.a.iii. Emphasis should be provided at prominent locations to buildings:
    - 6.4.7.a.iii.(1). With prominent facades that terminate view corridors; or
    - 6.4.7.a.iii.(2). Whose corners are at gateway locations; or
    - 6.4.7.a.iii.(3). That either surround or are surrounded by open space.
  - 6.4.7.a.iv. New and existing development should have a consistent character.
  - 6.4.7.a.v. Active ground floor uses should have multiple entrances and distinctive entrance treatments.
  - 6.4.7.a.vi. Texture and variety should be provided through facade articulation and composition.
  - 6.4.7.a.vii. Architectural expression should be provided in windows, doors, walls, and roofs.
  - 6.4.7.a.viii. Pedestrian pathways should be provided that are safe and attractive.
  - 6.4.7.a.ix. Street trees and shade trees should be employed to enhance development.
- 6.4.7.b. Facade articulation. Facade articulation is a series of small setbacks and projections in the overall street wall. Articulation breaks the scale of the building into an aggregate of smaller forms, introduces rhythm, and relates to the human scale, without detracting from the overall sense of a consistent street wall. All new, renovated or expanded buildings shall comply with the following standards:
- 6.4.7.b.i. The main facade of buildings shall be designed to emphasize entryways, windows, corners, and vertical elements of the building facade, as well as other special features.
  - 6.4.7.b.ii. The depth of the articulated elements shall fall within a range of two to five feet.
- 6.4.7.c. Facade composition. Facade composition is the arrangement of materials and details to distinguish the components of the building, particularly its base and top. All new, renovated or expanded buildings shall comply with the following standards:
- 6.4.7.c.i. All new building facades shall be built to the scale of the other buildings on the street.
  - 6.4.7.c.ii. The design shall distinguish and emphasize the building's base and top, and reinforce the scale of the street for the pedestrian.
  - 6.4.7.c.iii. The proportion of the facade of a building built on a corner lot shall be most prominent on the primary street.
  - 6.4.7.c.iv. All wall-mounted mechanical, electrical, communication, and service equipment, including satellite dishes and vent pipes, shall be screened from public view.
- 6.4.7.d. Ground floor facade. The ground floor is the primary zone of interaction for pedestrians on the street and includes the elements of uses, doorways, access points and window transparency. Visual access and active uses at the ground floor help ensure a vibrant pedestrian environment, especially when there are multiple entries, visual clues as to the entrance locations, and alignment with visual axes and prominent corners. All new, renovated or expanded buildings shall comply with the following standards:

- 6.4.7.d.i. The main entrances of buildings shall face the street or public space and be oriented to the dominant street.
  - 6.4.7.d.ii. Lobbies and retail spaces shall be clearly connected to the outdoor environment and visible from the street.
  - 6.4.7.d.iii. The placement of windows is defined by the use of the ground level.
    - 6.4.7.d.iii.(1). On retail, restaurants, and office buildings, windows shall be at street level and allow pedestrians to see the activity inside the building.
    - 6.4.7.d.iii.(2). On residential buildings with units at the ground level, windows are allowed to permit privacy by raising them half a level above the sidewalk.
  - 6.4.7.d.iv. When a building facade or tenant space faces a primary street and a side or rear parking lot, the main entrance shall face the primary street. Secondary entrances are permitted to face the side or rear parking lot. Rear tenant spaces that only face a side or rear parking lot are not required to have an entrance along a primary street.
- 6.4.8 Architectural elements.
- 6.4.8.a. The architectural design of buildings shall complement the scale and proportion of surrounding buildings, celebrate innovative design, and be varied in context. Windows at the ground floor are important in activating the building and encouraging pedestrian traffic.
  - 6.4.8.b. All new, renovated or expanded nonresidential/commercial buildings shall comply with the following standards:
    - 6.4.8.b.i. Windows and doors: primary front facade.
      - 6.4.8.b.i.(1). The ground floor of the primary front facade shall contain between 65% to 70% clear windows and doors.
      - 6.4.8.b.i.(2). Bronze glass, highly reflective glass, tinted or black and smoked glass is prohibited.
      - 6.4.8.b.i.(3). Windows and door openings at the ground floor of the primary front facade shall occur in a ratio of at least 3:1 between openings and solid surfaces.
      - 6.4.8.b.i.(4). Windows above the ground floor on the primary front facade of new or expanded buildings shall be clear and occur in a wall-to-window ratio of .75:1 to 1.25:1 along the horizontal width of the facade to result in a pattern of solid wall buildings with punched windows.
        - [a]. Where the primary front facade of an existing building is being renovated, the wall-to-window ratio along the horizontal width of the facade shall be within a range of 1:1 to 2.5:1.
        - [b]. If the wall-to-window ratio in an existing building is currently less than 2.5:1, the existing wall-to-window ratio shall be maintained.
      - 6.4.8.b.i.(5). Individual windows in upper stories of the primary front facade(s) shall be vertically aligned with the location of windows and doors on the ground level to the extent possible.
      - 6.4.8.b.i.(6). The design of the ground floor shall be complementary to the Bryn Mawr Village District, with commercial uses having large, clear window displays:
        - [a]. The maximum sill height above the adjacent sidewalk elevation shall be two feet or lower;
        - [b]. Window heads shall be nine feet to 12 feet above sidewalk level;
        - [c]. The top of the display window(s) in the primary front facade shall be at least as high as door height.

- 6.4.8.b.ii. Windows and doors: secondary facades. Any building wall with less than 25% of clear windows shall be articulated by two or more of the following methods:
  - 6.4.8.b.ii.(1). Details in masonry courses;
  - 6.4.8.b.ii.(2). Blank window openings trimmed with frames, sills and lintels;
  - 6.4.8.b.ii.(3). Where the building is occupied by a commercial use, recessed or projecting window cases.
- 6.4.8.b.iii. Ground floor exterior doors that swing onto a public walkway that is less than six feet wide shall be set into the building to avoid conflict with pedestrians. Doors swinging out that do not project into a required public walkway shall include a barrier to prohibit doors from obstructing the pedestrian way.
- 6.4.8.b.iv. Exterior walls. Construction materials may include stucco; wood clapboard (including hardie board siding); native stone; architectural concrete block; or polished block, or brick of a shape, color and texture as that found within the Bryn Mawr Village District.
  - 6.4.8.b.iv.(1). Specifically prohibited shall be any type of painted brick, T-111 or other similar plywood siding, and all-metal buildings. Exterior insulation and finishing system (EIFS) is prohibited unless authorized by the Board of Commissioners under 6.4.8.b.viii. below.
  - 6.4.8.b.iv.(2). All forms of conventional unfinished concrete block shall be prohibited, except on walls not visible from any public way.
- 6.4.8.b.v. All buildings shall articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade or other visual device.
- 6.4.8.b.vi. The massing of all buildings shall be deemphasized through the use of projecting and recessed elements, such as porches, windows, and roof dormers to reduce overall bulk and volume, enhance visual quality and contribute to human-scale development. Such breaks in facades and roof-lines shall occur not more frequently than the width of two Bryn Mawr Village District shop fronts (generally about 25 feet each) nor less frequently than 100 feet.
- 6.4.8.b.vii. Roofs.
  - 6.4.8.b.vii.(1). The tops of buildings shall express the roof-line and have either pitched roofs with overhanging eaves or flat roofs with articulated parapets and cornices. Fascias, dormers and gables or similar architectural features shall be employed to provide visual interest. All gables shall be functional.
  - 6.4.8.b.vii.(2). Pitched roofs shall have a minimum slope of 4:12.
  - 6.4.8.b.vii.(3). Pitched roof material may include:
    - [a]. Slate, either natural or man-made; or
    - [b]. Shingle, either wood or asphalt composition; or
    - [c]. Metal formed to resemble standing seams or other similar materials.
    - [d]. Corrugated plastic or metal roofs are specifically prohibited.
  - 6.4.8.b.vii.(4). All roof-top mechanical equipment and other appurtenances, including antennas, shall be screened visually and acoustically. Such screening shall be integrated into the architectural design of the building.
- 6.4.8.b.viii. The Board of Commissioners may, by conditional use, approve the use of architectural standards and designs that differ from those set forth above if the applicant demonstrates to the satisfaction of the Board that such standards and designs are in furtherance of the legislative intent of this article and of this subsection.

**TABLE 6.4 BMV-BRYN MAWR VILLAGE DISTRICT (BMV) DIMENSIONAL STANDARDS**

Lot Occupation		Notes
Lot Width	n/a	
Lot Area	n/a	
Impervious Coverage		
BMV1	90% <sup>(1)</sup>	1 Impervious coverage may be increased at a rate of one square foot of additional impervious surface for each two square feet of grade-level green roof that is open and accessible to the public.
BMV2	70% <sup>(2)</sup>	2 100% for structured parking facilities open to the public.
BMV3&4	70% <sup>(3)</sup>	3 100%, subject to compliance with the greening standards.
Open Area (BMV1)	20% min. <sup>(4)</sup>	4 See Section 6.4.2.c.
Setbacks (Build-to Line)		
Principal Building		
Front (See section 6.4.2.a.)	0 ft. max. <sup>(5)</sup>	5 Where the right-of-way is closer than 10 feet from the curblin, the Build-to Line shall be a minimum of 10 feet to 15 feet from the curblin.
Side	0 ft. <sup>(6)</sup>	
Rear		
Abutting Commercial	0 ft.	
Abutting Residential	25 ft. min.	
Building Height (stories)		
Minimum		
BMV1, 2, 3, 4	2 stories / 26 feet	
Street Wall Maximum		
BMV1, 2, 3, 4	3 stories / 38 feet	
Total Maximum (base) / [increase]		
BMV1	(4) / [5]	
BMV2	(3) / [3]	
BMV3	(3) / [4] <sup>(7)</sup>	
BMV4	(3) / [3]	
Stepback Minimum (base) / [increase]		
BMV1	(10 ft.) / [15ft.]	
BMV3	(none) / [10ft.] <sup>(8)</sup>	
Intensity <sup>(9)</sup>		
FAR (base) [increase]		
BMV1	(2.1 max.) [2.5 max.]	
BMV2	(1.6 max.) [1.6 max.]	
BMV3, 4	(1.6 max.) [2.0 max.]	



**155-6.5 CITY AVENUE DISTRICTS (CAD)****6.5.1 Purpose.**

- 6.5.1.a. City Avenue is the boundary between the City of Philadelphia and Lower Merion Township. The City Avenue District encompasses properties on both the Lower Merion and Philadelphia sides of the Avenue. The Township has worked cooperatively with the City to encourage development and redevelopment of the City Avenue District.
- 6.5.1.b. The intent of this article is to encourage development that combines residential, institutional, and commercial uses in close proximity thus decreasing auto dependency, encouraging pedestrian access, transit use and shared parking and accessways, and mitigating the effects of congestion, vehicular traffic and pollution. The regulations promote pedestrian friendly development and protect the health, safety and general welfare of the citizens of Lower Merion Township. Further, this article is designed to enhance the economic stability of the Township by promoting the growth, attractiveness, convenience and stability of the City Avenue area.
- 6.5.1.c. The City Avenue corridor binds the uses within the City Avenue District into a unique configuration with many common development characteristics. However, because of the diverse concentration of commercial, institutional, office and residential uses within the district's geographical boundaries, the City Avenue District is being divided into three separate zoning districts, the Regional Center Area (CAD-RCA), the Bala Cynwyd Retail District (CAD-BCR), and the Bala Village (CAD-BV).

**155-6.6 CITY AVENUE DISTRICT - REGIONAL CENTER AREA (CAD-RCA).**

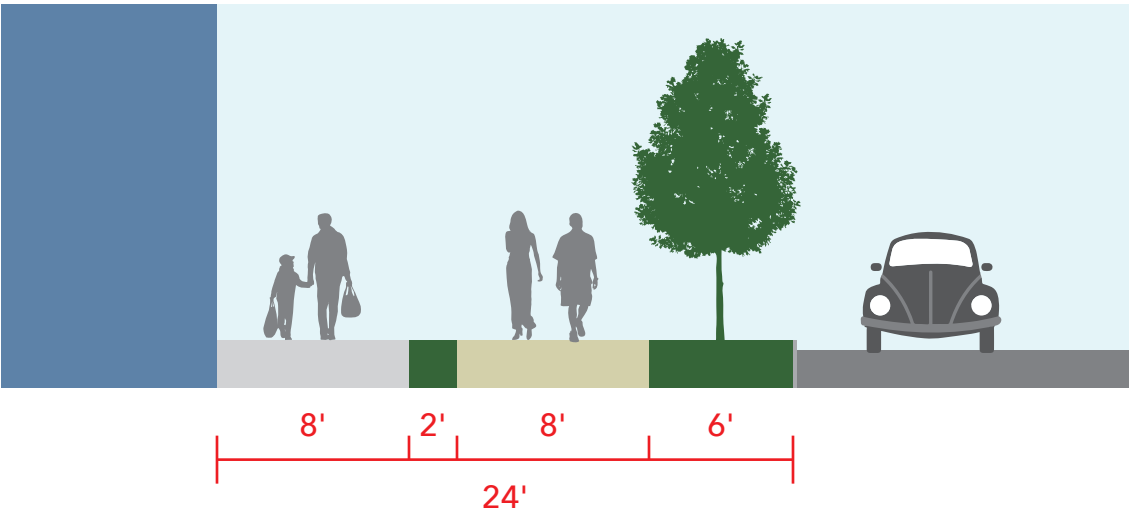
- 6.6.1 Goals and objectives. The City Avenue District Regional Center Area (CAD-RCA) is intended to encourage higher-density, mixed and multiple-use, pedestrian-oriented development, and more economically productive use of land parcels in the vicinity of City Avenue (U.S. Route 1). It recognizes the importance of City Avenue as both a gateway and as an economic generator for Lower Merion Township by permitting higher densities with a mix of land uses while providing sufficient off-street, on-street and shared parking.

- 6.6.1.a. These general goals and objectives include the following specific purposes:
  - 6.6.1.a.i. Enable the development of a mix of commercial, institutional and residential uses.
  - 6.6.1.a.ii. Minimize pedestrian and vehicular conflicts and encourage the renovation and erection of buildings that provide direct connections from buildings to the street and sidewalk.
  - 6.6.1.a.iii. Discourage the dependence on automobile use by promoting multimodal transportation, improving connections and links to public transit and creating safe and inviting pedestrian accessways, thereby reducing traffic congestion.
  - 6.6.1.a.iv. Create transition in bulk and scale between higher-density development and existing residential neighborhoods.
  - 6.6.1.a.v. Enhance the visual character and identity of the district through building mass, scale and design, landscaping and signage, all appropriate to the goals and objectives of the CAD-RCA zoning.
  - 6.6.1.a.vi. Ensure that the architectural proportions and design of new buildings create a pedestrian-friendly environment, especially at the street level.
  - 6.6.1.a.vii. Promote the smooth and safe flow of vehicular traffic through the corridor while reducing cut-through traffic in the neighboring residential districts by creating pedestrian-scaled blocks, separated by public access streets with sidewalks.
  - 6.6.1.a.viii. Encourage the development of shared parking, Liner parking, underground parking, and attractive and convenient off-street parking facilities to reduce on-street congestion and facilitate vehicular and pedestrian circulation.
  - 6.6.1.a.ix. Promote the creation and maintenance of landscaped open areas among buildings for public gathering space.
  - 6.6.1.a.x. Protect the character and quality of existing residential neighborhoods proximate to the CAD-RCA.

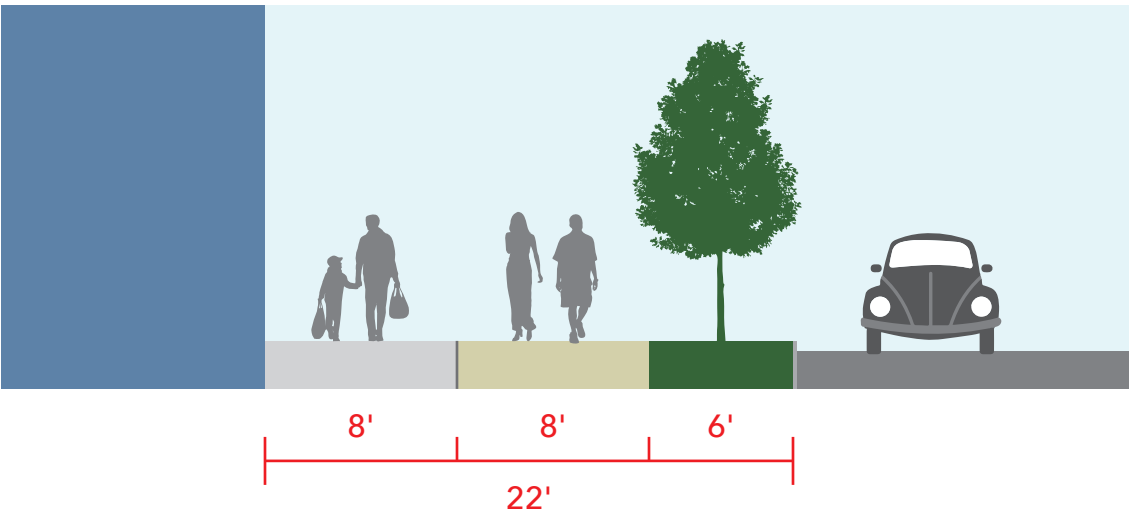
- 6.6.1.b. Applicability
  - 6.6.1.b.i. Wherein regulations or standards of this section differ from those found elsewhere in the zoning code, the regulations in this section prevail.
  - 6.6.1.b.ii. Any new or expanded building shall comply with the standards in the CAD-RCA except as provided in ~~this article~~ "Section 155-6.5 City Avenue Districts".
  - 6.6.1.b.iii. Any building that is rehabilitated (where such rehabilitation is equal to or exceeds 50% of the facade of the building on the effective date of this ~~article~~ ~~section~~) shall comply with the "Section 6.6.9 Development Design Standards".
    - 6.6.1.b.iii.(1). The standards provided in "Section 6.6.9 Development Design Standards" shall not apply when the building is located further than 40 feet from the curbline. However, the existing percentage of openings on each floor shall not be decreased.
- 6.6.2 Lot Occupation
  - 6.6.2.a. Lots shall comply with standards in "Section 155-3.4 Lot Occupation".
  - 6.6.2.b. A Building shall be located in relation to the property line except when abutting a street, in which case the setback shall be measured from the edge of curbline.
  - 6.6.2.c. Lot Width & Creation of Minor Streets
    - 6.6.2.c.i. Where additional development is proposed on an existing lot that exceeds the maximum lot width, new minor street(s) shall be constructed to reduce the lot width to within the maximum permitted. This requirement shall only apply to additional development that exceeds the greater of 10,000 square feet in building area or the addition of 10% to the floor area of an existing building, determined cumulatively after the effective date of the article.
    - 6.6.2.c.ii. Where lots front on more than one street, the maximum lot dimension of 600 feet applies to all street frontages.
    - 6.6.2.c.iii. The land area required to provide new streets to comply with the lot width provisions may continue to be counted as lot area for purposes of compliance with this article, provided that the new streets include public on-street parking on both sides of the street.
  - 6.6.2.d. Pedestrianways
    - 6.6.2.d.i. Pedestrianways shall create a completely linked network of walkways connecting transit stops, commercial centers, institutional facilities and residential buildings, including open space areas, and parking.
    - 6.6.2.d.ii. Pedestrianways shall be provided in accordance with "Table 6.6.1 - CAD-RCA Pedestrianways" and "Section 6.6.11.c Landscape Verge Requirements", and the required improvements shall be provided in the order listed.
    - 6.6.2.d.iii. The Pedestrianway shall begin at the curbline.
    - 6.6.2.d.iv. Pedestrianways shall be provided on both sides of all public and private streets.
- 6.6.3 Conditional Use
  - 6.6.3.a. The Board of Commissioners may, by conditional use, approve variations to the dimensional standards contained in "Section 6.6.2.c Lot Width & Creation of Minor Streets" and "Section 6.6.2.d Pedestrianways", if the applicant demonstrates to the satisfaction of the Board that such variations are in furtherance of ~~the~~ "Section 6.6.1 Goals & Objectives" ~~of this article~~.
  - 6.6.3.b. When conditional use is sought from "Section 6.6.2.c Lot Width & Creation of Minor Streets" to not provide a minor street, a public, multipurpose path shall be provided at maximum intervals of 600 feet. The path shall comply with the following criteria:
    - 6.6.3.b.i. The path shall connect the pedestrianway along the street to existing or proposed building entrances or interior public gathering spaces.
    - 6.6.3.b.ii. The path shall be designed to improve connectivity through the site and the overall City Avenue District. The public multipurpose path shall connect to existing sidewalks or paths on an adjoining property, if feasible.
    - 6.6.3.b.iii. The path shall be at least eight feet wide. A hardscaped or landscaped verge measuring at least four feet in width shall be provided along one side of the path where it abuts a driveway or a roadway. Hardscaped surfaces shall be smooth and walkable.



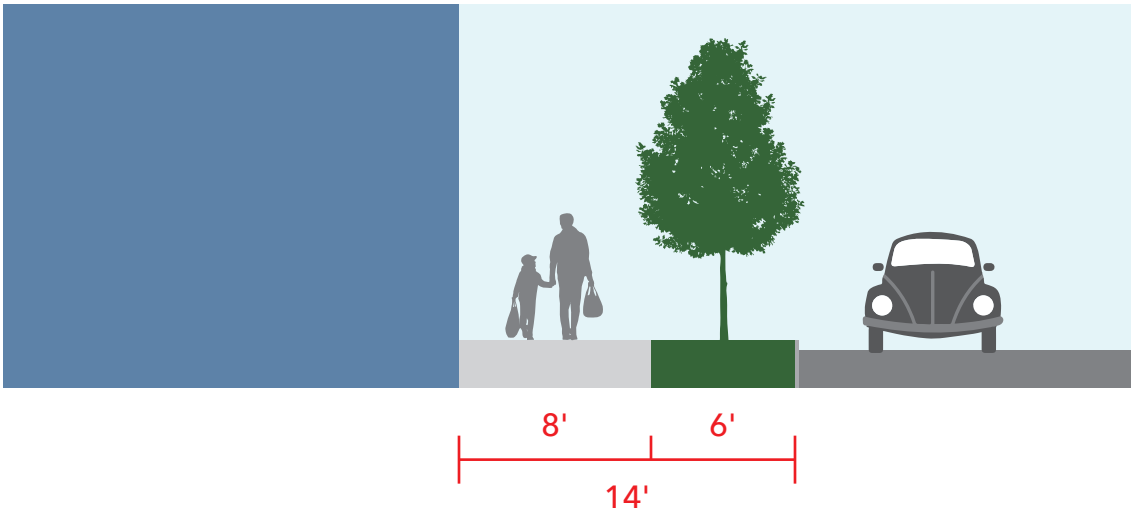
TABLE 6.6.1 - CAD-RCA PEDESTRIANWAYS



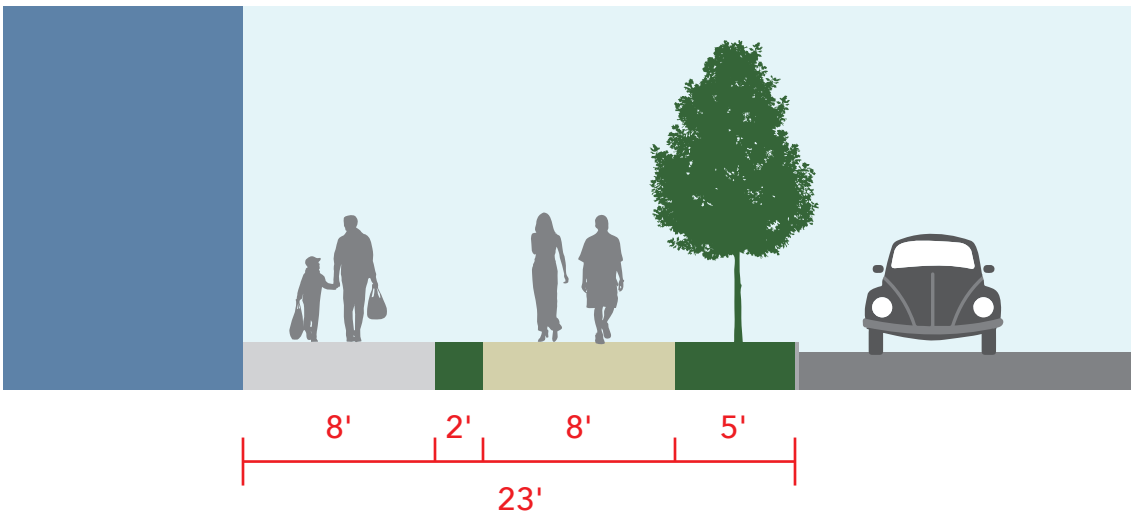
LOCATION	TOTAL WIDTH	WIDTH (FT.)	IMPROVEMENT TO BE INSTALLED
Along City Avenue	24'	6	Landscaped verge suitable for street trees and installed in accordance with "Section 6.6.11.c."
		8	Public, multipurpose path
		2	Hardscaped or landscaped verge
		8	Unobstructed public walkway



LOCATION	TOTAL WIDTH	WIDTH (FT.)	IMPROVEMENT TO BE INSTALLED
Along Belmont Avenue between St. Asaphs Road and Righters Ferry Road and along properties on Righters Ferry Road located within 500 feet of Belmont Avenue	22'	6	Landscaped verge suitable for street trees
		8	Public, multipurpose path
		8	Unobstructed public walkway designed in such a manner as to minimize damage or to avoid the removal of existing trees in the required buffer.
		These dimensions may be modified as approved by the Director of Building and Planning to minimize damage or to preserve the existing mature trees in the buffer area.	



LOCATION	TOTALWIDTH	WIDTH (FT.)	IMPROVEMENT TO BE INSTALLED
On all other streets	14'	6	Landscaped verge suitable for street trees and installed in accordance with "Section 6.6.11.c", except as noted below: <ul style="list-style-type: none"><li>• If on-street parking is provided a hardscaped or landscaped verge strip shall be maintained at the curbline. When a hardscaped verge is provided, a space sufficient for street trees shall be in accordance with "Section 6.6.10.c. "</li><li>• Where a bus pull-off is provided at the curbline, a hardscaped verge shall be required in the area adjacent to the bus stop</li><li>• When a public, multipurpose path is shown along the street line on the City Avenue District Official Map.</li></ul>
		8	Unobstructed public walkway



LOCATION	TOTALWIDTH	WIDTH (FT.)	IMPROVEMENT TO BE INSTALLED
When a public, multipurpose path is shown along the street line on the City Avenue District Official Map	23'	5	Landscaped verge suitable for street trees
		8	Public, multipurpose path
		2	Hardscaped or landscaped verge
		8	Unobstructed public walkway

**TABLE 6.6.2 - CAD-RCA BUILD-TO LINE**

PRIMARY FRONT FACADE FACING:	MIN.	MAX.	PERMITTED EXTENSIONS
City Avenue	25'	40'	+ 20'
All Others except as noted below	20'	30'	
Righters Ferry Road located within 500 feet of Belmont Avenue	50'		If the additional area is used for outdoor dining or if public gathering space is provided between the <del>b</del> Build-to <del>l</del> Line and the building entrance, subject to compliance with the standards outlined for public gathering space in "Table 6.6.5 CAD Density Increase".
The first 150 feet of the curbline on those portions of parcels fronting on Belmont Avenue between St. Asaphs Road & Righters Ferry Road	150'		
St. Asaphs Road between Belmont Avenue and Conshohocken State Road	50'		

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 "Section 6.6.11.c Landscape Verge Requirements" the applicant shall demonstrate to the satisfaction of the Board that such variations are in compliance with "Section 155-6.6.1 Goals and Objectives". ~~furtherance of the legislative intent of this article.~~

6.6.4 Building Configuration shall be according to "Table 6.6.6 City Ave District Regional Center Area (CAD-RCA)" and the following:

6.6.4.a. Build-to ~~l~~Line.

- 6.6.4.a.i. The ~~b~~Build-to ~~l~~Line shall be provided according to "Table 6.6.2 - Build-to Line".
- 6.6.4.a.ii. The area between the required Pedestrianway and the primary front façade of the building shall be improved with landscaping or hardscaping. A safe and direct pedestrian access shall be provided from the Pedestrianway to the building entrance.
- 6.6.4.a.iii. The primary front facade of a building in the CAD-RCA shall be set back from the curbline a distance sufficient to comply with the Pedestrianway requirements in "Section 6.6.2.d" and "Table 6.6.1 - CAD-RCA Pedestrianways".
- 6.6.4.a.iv. The ~~b~~Build-to ~~l~~Line shall be measured from the curbline shown on the approved development plan and according to "Table 6.6.2 - CAD-RCA Build-to Line".
- 6.6.4.a.v. Parking lots, driveways, loading/unloading zones and other auto-related areas are prohibited in front of the building. Such access driveways shall not pass in front of the building, except as noted below:
  - 6.6.4.a.v.(1). The primary pickup and dropoff area for hotel guests.
  - 6.6.4.a.v.(2). Transit facilities, limited to passenger waiting areas and pickup and dropoff areas.
- 6.6.4.a.vi. Any portion of a new building above three stories or 45 feet above grade shall have a Stepback from the ~~b~~Build-to ~~l~~Line a minimum of 10 feet.
- 6.6.4.a.vii. Exceptions to the ~~b~~Build-to ~~l~~Line setback requirement.
  - 6.6.4.a.vii.(1). The ~~b~~Build-to ~~l~~Line requirement shall not apply to additions to an existing building where the addition is up to 10,000 square feet in total area or 10% of the total floor area, whichever is greater.
  - 6.6.4.a.vii.(2). The ~~b~~Build-to ~~l~~Line requirement shall not apply where a greater setback is required in this article.

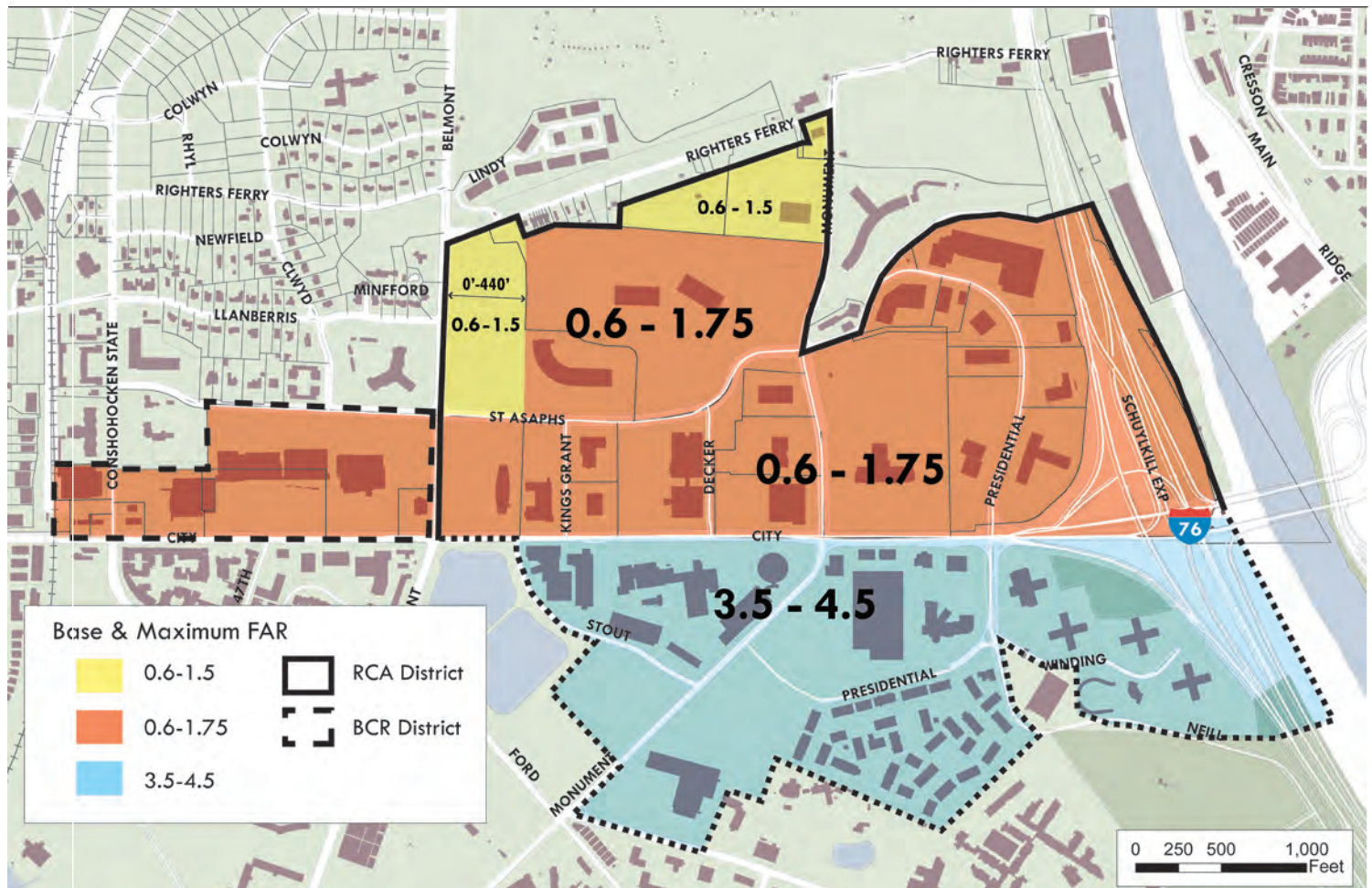
- 6.6.4.b. Side yards.
  - 6.6.4.b.i. Structures 48 feet in height or less:
    - 6.6.4.b.i.(1). Where a shared party wall exists with the adjoining property, there shall be no required side yard setback.
    - 6.6.4.b.i.(2). Where a shared party wall does not exist, the minimum side yard setback shall be 10 feet.
  - 6.6.4.b.ii. Structures exceeding 48 feet in height:
    - 6.6.4.b.ii.(1). Where a proposed road is shown along a side property line on the City Avenue District Official Map, there shall be a minimum side yard setback of 20 feet and a maximum side yard setback of 30 feet.
    - 6.6.4.b.ii.(2). In all other cases, the minimum side yard setback shall be no less than 25 feet.
  - 6.6.4.b.iii. For a lot immediately contiguous to a residential use in a residential zoning district, the side yard abutting the residential use shall be a minimum of 25 feet.
- 6.6.4.c. Rear yards.
  - 6.6.4.c.i. Where a shared party wall exists with the adjoining property, there shall be no required rear yard setback.
  - 6.6.4.c.ii. Where a shared party wall does not exist, the minimum rear yard setback shall be 10 feet.
  - 6.6.4.c.iii. When a new, expanded or redeveloped building is on a lot that backs up to a residentially zoned lot, then the rear yard setback is 50 feet. The lot shall also comply with the minimum buffer requirements set forth in "Section 6.6.4.g Buffer Regulations" and "Section 6.6.11 Landscape Standards".
- 6.6.4.d. Impervious surface.
  - 6.6.4.d.i. Single-use buildings. The impervious surface is limited to 60%.
  - 6.6.4.d.ii. Mixed-use buildings or multiple-use developments, as defined in Section 6.6.7.a. The impervious surface is limited to 70%.
  - 6.6.4.d.iii. The following improvements shall not be counted against the maximum impervious surface limits of any new mixed-use buildings or multiple-use developments, provided the height of any building on the lot is at least 20% less than the maximum height allowed:
    - 6.6.4.d.iii.(1). The impervious surface within the right-of-way of a street constructed to comply with the maximum lot width limitation under "Section 6.6.2.c. Lot Width & Creation of Minor Streets".
    - 6.6.4.d.iii.(2). The public gathering space authorized under "Section 6.6.3 Density Increases".
    - 6.6.4.d.iii.(3). Public, multipurpose paths authorized under "Section 6.6.3 Density Increases".
    - 6.6.4.d.iii.(4). In no event may the impervious surface on a lot improved with mixed-use buildings or multiple-use developments exceed 85% of the net lot area.
- 6.6.4.e. Building height.
  - 6.6.4.e.i. Building Height shall be as specified in "Section 155-3.3 Building Height" and in "Table 6.6.3 CAD-RCA Height Standards".
  - 6.6.4.e.ii. The first floor elevation of a Building at a Frontage shall be established at the midpoint of the front property line, and may extend a maximum of two and a half (2.5) feet above the lowest point of the sidewalk grade. A finished floor elevation more than two and a half (2.5) feet above the lowest point of the sidewalk grade shall be considered the second floor.
    - 6.6.4.e.ii.(1). Chimneys, enclosed stairwells, roofed and unenclosed roof terraces and roof trellises, spires and uninhabitable ornamental Building features, may be allowed to exceed maximum Building Height up to an additional 12 feet, and occupy a maximum 20 percent of roof area.

**TABLE 6.6.3 - CAD-RCA HEIGHT STANDARDS**

MINIMUM HEIGHT	LOCATION
2 Stories or 28' <sup>1</sup>	The entire district
MAXIMUM HEIGHT	LOCATION
45'	Any portion of a building between 50 feet and 100 feet of the curbline of Righters Ferry Road between Belmont Avenue and Monument Road as shown in the above map.
65'	Any portion of a building between 100 feet and 150 feet of the curbline of Righters Ferry Road between Belmont Avenue and Monument Road as shown in the above map.
120'	Any portion of a building between 150 feet and 250 feet of the curbline of Belmont Avenue between St. Asaphs Road and Righters Ferry Road as shown in the above map.
200'	A building within the district boundary within the general area bounded by the Norfolk Southern railroad, Glenn Road, Presidential Boulevard, St. Asaphs Road, including properties fronting on Kings Grant Road, and City Avenue as shown in the above map.
NOTES	
<sup>1</sup> The second story floor area shall be equal to or greater than 75% of the grade level building area.	



- 6.6.4.e.ii.(2). Mechanical equipment on a roof shall be enclosed by parapets of the minimum **Building Height** necessary or other means to screen it from abutting streets and adjacent properties at ground level and may extend above the maximum height as specified.
- 6.6.4.e.iii. Penthouses:
  - 6.6.4.e.iii.(1). A penthouse designed for and occupied by a residential or nonresidential use or common space shall not be included in measuring the height of a building if it is set back a minimum of 20 feet from the exterior walls and occupies less than 50% of the floor area of the story immediately below. The maximum height of a penthouse shall not exceed 20 feet above the roofline.
  - 6.6.4.e.iii.(2). A penthouse designed for equipment housings, including elevator shafts, shall not be included in measuring the height of a building, provided it does not exceed 12 feet in height above the roofline or exceed 10% of the roof area.
- 6.6.4.f. Floor area ratio (FAR).
  - 6.6.4.f.i. Floor Area Ratio (FAR) shall be as specified ~~in section~~ in "Table 6.6.4 **CAD-RCA FAR Standards**".
  - 6.6.4.f.ii. Floor area of aboveground or below-ground parking structures are not included in FAR calculations.
  - 6.6.4.f.iii. The FAR may be increased subject to compliance with "**Section 6.6.13 Density Increases**".
- 6.6.4.g. Buffer regulations.
  - 6.6.4.g.i. Where development within the CAD-RCA abuts a residential use in a residential zoning district, there shall be a landscaped buffer area at least 25 feet deep along the district boundary line within the CAD-RCA District. Where such a line is along a street or at a street line, there shall be a twenty-foot-wide planted landscape area that shall be located between the pedestrianway and the building facade.
  - 6.6.4.g.ii. The landscaped buffer that exists along Belmont Avenue between St. Asaphs Road and Righters Ferry Road as of the effective date of this article shall be preserved and maintained to a depth of 120 feet from the curbline of Belmont Avenue, except for the improvements required for the pedestrianways as authorized in "**Section 6.6.2.d Pedestrianways**".
  - 6.6.4.g.iii. If the existing tree canopy is diminished to a point that it no longer provides a visual screen, new deciduous trees shall be planted with the goal of reestablishing a comparable visual screen, as approved by the Director of Building & Planning.
  - 6.6.4.g.iv. There may not be more than one vehicular point of ingress and egress lane through the landscaped area to any street. Such point of vehicular ingress/egress shall not exceed two lanes and 22 feet in width, except for transition areas at the curb face, unless a dedicated separate left-turn egress lane is required based on a traffic study.
  - 6.6.4.g.v. Landscape buffers shall comply with "**Section 155-3.11 Landscape Standards**" and ~~subs~~ "**Section 6.6.11. Landscape Standards**".
- 6.6.5 Conditional Use
  - 6.6.5.a. The Board of Commissioners may, by conditional use, approve variations to the dimensional standards contained in "**Section 6.6.4 Building Configuration**", if the applicant demonstrates to the satisfaction of the Board that such variations are in furtherance of the "**Section 6.6.1 Goals & Objectives**" of this article.

**TABLE 6.6.4 - CAD-RCA FAR STANDARDS**

LOCATION	USE	FAR	MAX. FAR
<b>Area A:</b> South of St. Asaphs Road, as shown on the above Map	Single Use Residential Buildings and mixed-use buildings with more than 80% of the gross floor area designated for residential purposes	0.6	1.4
	Mixed-use buildings with 80% or less of the gross floor area designated for residential purposes, or Multiple-use developments	0.7	1.75
<b>Area B:</b> North of St. Asaphs Road as shown on the above Map	Single Use Residential Buildings and mixed-use buildings with more than 80% of the gross floor area designated for residential purposes	0.6	1.4
	Mixed-use buildings with 80% or less of the gross floor area designated for residential purposes, or Multiple-use developments	0.7	1.5

- 6.6.6 Fences, Walls, and Streetscreens
  - 6.6.6.a. Fences and Walls shall be according to "Section 155-3.7 Fences and Walls" and the following:
    - 6.6.6.a.i. Fence type shall be regulated by district and as specified in "Table 3.7.2 Fence Type by District".
    - 6.6.6.a.ii. Fence Height shall be according to "Table 3.7.1 Fence Height".
    - 6.6.6.a.iii. The Height of Retaining Walls shall be according to "Section 155-3.7 Fences and Walls".
  - 6.6.6.b. Streetscreens:
    - 6.6.6.b.i. Streetscreens shall be located along the same plane as the building Façade or Elevation.
    - 6.6.6.b.ii. Streetscreens for off-street parking shall be according to "Article 8: Parking Standards".
    - 6.6.6.b.iii. The gaps between Building Facades along the Frontage Line shall be filled with a Streetscreen for up to 100 percent of the lot width or length. Exceptions include:
      - 6.6.6.b.iii.(1). Where a courtyard or garden may be accessed from the street.
      - 6.6.6.b.iii.(2). Access to parking according to Section 8.6.4.d.
- 6.6.7 Uses. Use regulations and standards shall be according to "Article 5: Uses", "Table 5.3 Use Regulations" and the following:
  - 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 two or more buildings on one or more lots, ~~provided that the lots that~~ are adjacent to and abut one another.
    - 6.6.7.a.i. ~~Shall~~ Includes non-residential uses on any story and residential uses on upper stories only, as listed under "Table 5.3 Use Regulations".
    - 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 m~~ Multiple-use development may be phased.
  - 6.6.7.b. Only residential uses are permitted within 100 feet of the curblin for the portions of properties fronting on Righters Ferry Road located within 500 feet of Belmont Avenue. A use permitted under this section shall also be subject to the fifty-foot setback regulation in "Table 6.2.2 - CAD-RCA Build-to Line".
  - 6.6.7.c. Outdoor accessory ~~temporary~~ 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.
  - 6.6.7.d. Residential uses are not permitted on the ground floor of buildings facing City Avenue.
- 6.6.8 Parking, loading and traffic requirements.
  - 6.6.8.a. Access and Parking shall be according to "Article 8: Parking Standards". Wherein regulations or standards of this section differ from those found elsewhere in the zoning code, the regulations in this section prevail.
    - 6.6.8.a.i. Driveways, parking areas and traffic circulation patterns shall be designed as shared facilities whenever feasible. The design of these elements shall create a unified site plan between the lots. The goal is to gain parking efficiencies, reduce the number of access points crossing pedestrian pathways and improve internal vehicular circulation patterns and external access into the site.
    - 6.6.8.a.ii. Paved access/egress driveways, other than one providing access to Belmont Avenue, shall not be permitted within the first 150 feet of the curblin on those portions of parcels fronting on Belmont Avenue between St. Asaphs Road and Righters Ferry Road.
  - 6.6.8.b. On-site parking.



- 6.6.8.b.i. Location of On-Site Parking.
  - 6.6.8.b.i.(1). Surface parking lots and exterior loading areas shall be placed between the building and a rear lot line, except as noted below:
    - [e]. On a corner lot, if surface parking and exterior loading cannot be behind the buildings, then parking and loading shall be located along the least traveled street and screened from view.
    - [f]. Off-street surface parking shall not extend more than 70 feet along any public or private street.
- 6.6.8.b.ii. Only one curb cut/driveway is permitted on each street frontage of each lot. However, the Board of Commissioners may, by conditional use, approve a second curb cut/driveway in order to facilitate shared parking access on adjacent lots.
- 6.6.8.b.iii. Maximum driveway width is two lanes and 22 feet unless a dedicated separate left-turn egress lane is required, based on a traffic study. Where a lot has frontage on two streets, principal access shall be from the least traveled street.
- 6.6.8.c. Parking Reduction:
  - 6.6.8.c.i. If a minimum of 50% of the required parking as outlined in Article 8 is provided below grade, the required parking for nonresidential uses may be reduced by 10% and required parking for residential uses may be reduced to one space per unit if associated with a mixed-use building or multiple use development.
- 6.6.8.d. On-street parking.
  - 6.6.8.d.i. On-street parallel to the curblane parking spaces may be created on existing streets and shall be required on both sides of all newly constructed minor streets.
    - 6.6.8.d.i.(1). The new parallel to the curblane parking spaces can be counted toward the development's parking minimum parking requirements within Article 8.
- 6.6.8.e. Car share parking.
  - 6.6.8.e.i. Car share parking spaces shall be provided for all new developments containing over 50 residential units or 50,000 square feet of commercial space at the rate of one space per 50 units or one space per 50,000 square feet of commercial space. Such space may be included in the total parking requirements under Section 6.6.8.
- 6.6.8.f. Bicycle parking shall be according to "155-8.8 Bicycle Parking Requirements".
- 6.6.8.g. Service and loading shall be according to "155-8.7 Loading, Unloading & Queuing" unless in conflict with the provisions of this section which will prevail.
- 6.6.8.h. Traffic impact study.
  - 6.6.8.h.i. When the total accumulated new peak-hour trips attributable to land use applications in the City Avenue District applied for after the effective date of this article exceeds 2,686 peak-hour afternoon trips, the applicant shall demonstrate that the additional peak-hour trips generated, when added to the then-existing trips, shall not result in a level of service on adjacent or otherwise impacted intersections lower than D, or, if the level of service is already below D, shall not diminish such level of service or increase the delay by more than 30 seconds.
  - 6.6.8.h.ii. The applicant shall demonstrate compliance with Subdivision & Land Development Code Section ~~§~~ 135-19B(8) and show that the proposed use does not create unsafe traffic conditions due to queues extending out into adjacent rights-of-way and/or create site obstructions at the points of ingress and egress.

#### 6.6.9 Development Design Standards.

- 6.6.9.a. Purpose. The purpose of this section is to require pedestrian-oriented buildings and to require building entrances to be oriented toward the streets, sidewalks and/or public accessways. Requirements for orientation and primary entrances are intended to:
  - 6.6.9.a.i. Provide for safe, convenient, direct and accessible pedestrian access to and from public sidewalks, transit facilities and crosswalks.
  - 6.6.9.a.ii. Provide safe and efficient pedestrian connections between buildings.
  - 6.6.9.a.iii. Promote use of pedestrian and transit modes of transportation, including providing and maintaining protected transit waiting areas.
- 6.6.9.b. Applicability. In accordance with "Section 6.6.1.b. Applicability", any new or expanded building or any building that is rehabilitated (where such rehabilitation is equal to or exceeds 50% of the facade of the building) shall comply with the development design standards in Subsection 6.6.9.c, 6.6.9.d, and 6.6.9.e.
- 6.6.9.c. Compliance. A design manual shall be submitted in conjunction with a development or permit application demonstrating how the development will comply with the development design standards and the architectural design standards. The design manual shall include material samples and at least two copies of the following items:
  - 6.6.9.c.i. Site plan drawn to scale;
  - 6.6.9.c.ii. Building elevation drawn to scale;
  - 6.6.9.c.iii. Colored rendering;
  - 6.6.9.c.iv. Landscape plan; and
  - 6.6.9.c.v. Current photographs of site.
- 6.6.9.d. Building orientation and primary entrance.
  - 6.6.9.d.i. The primary pedestrian access point to buildings shall be located on one or more primary front facades, rather than on the rear or side of the building. Secondary access points may be located along other facades.
  - 6.6.9.d.ii. Building Entries & Site Access shall conform to all applicable standards in "Section 3.5.8 Building Access-3.5.8" and the following:
    - 6.6.9.d.ii.(1). Buildings shall be designed with windows, public access points and signage facing the street and sidewalk.
    - 6.6.9.d.ii.(2). Primary building entrances shall be articulated and visible from the street.
    - 6.6.9.d.ii.(3). If a single lot is redeveloped, any new vehicular access point shall be located on a side lot line and shared with adjacent lots, where feasible.
    - 6.6.9.d.ii.(4). Grade level exterior doors that swing onto a public walkway that is less than six feet wide shall be set into the building to avoid conflict with pedestrians. Doors swinging out that project into a public walkway shall include a barrier to prohibit doors from swinging into pedestrians.
    - 6.6.9.d.ii.(5). Section 3.5.6.a is applicable.
    - 6.6.9.d.ii.(6). Security enclosures, if provided, shall be of the mesh type that allow exterior to interior visibility, and shall be located inside the windows.
- 6.6.9.e. Architectural Design Standards.
  - 6.6.9.e.i. Buildings shall demonstrate compliance with the architectural standards in "Section 155- 3.9 Architecture Standards" and the following:
    - 6.6.9.e.i.(1). Visual mass of all buildings shall be deemphasized through the use of architectural and landscape elements, including form, architectural features and materials, to reduce their apparent bulk and volume, to enhance visual quality and to contribute to human-scale development.
    - 6.6.9.e.i.(2). All utility and mechanical shall be screened and shall be integral to the architectural design of the building.

- 6.6.9.e.i.(3). Buildings with active uses, including Liner Buildings:
- [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.~~
  - [b]. The permitted façade types from "Table 3.5.2 Façade Types" ~~include B, Stoop (Rowhouse Only), D. Arcade & Colonnade, E. Gallery, F. Storefront.~~
  - [c]. Any ground floor walls with less than 25% of clear windows shall be articulated by two or more of the following:
    - Articulation of facade plane, and/or changes in materials;
    - If the building is occupied by a commercial use, recessed or projecting display window cases;
    - For aboveground parking structures, by landscaping.
  - [d]. The second story and above of primary front facades shall contain a minimum of 20% of the facade as clear windows. Glazing shall have a minimum light transmittance of 0.75.
  - [e]. Corners. Building corners at intersections of public streets shall be visually emphasized through design features, such as changes in plane, fenestration patterns, balconies, building entries, bays, or similar features.
- 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 of the Primary Front Façade, as shown on Figure 8.5.2 Ground Floor Liner.
  - [b]. The required active uses may be either directly attached to the garage structure or separated by an interior court or service lane.
  - [c]. The required active uses shall conform to the storefront façade requirements as outlined in "Section 3.9.4 Storefronts".
  - [d]. Shall have a separate pedestrian entrance.
  - [e]. ~~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.
  - [f]. That part of a parking garage that is not concealed behind a Liner shall have a Façade that conceals all internal elements such as plumbing pipes, fans, ducts.
  - [g]. Exposed concrete spandrel panels shall be prohibited when visible from a public way.
  - [h]. A ten-foot minimum landscaped buffer consistent with ~~Article~~ "Section 3.10 Landscape Standards" shall be installed where the parking structure is visible from the ~~visible to public view~~ public way.
- 6.6.9.f. Conditional Use.
- 6.6.9.f.i. 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 furtherance of "Section 6.6.1 Goals and Objectives". ~~the legislative intent of this article and of this subsection.~~
- 6.6.9.f.ii. When conditional use is sought from to deviate from "Section 6.6.9.d. Building Orientation and Primary Entrance" to not provide the primary pedestrian entrance along the primary front façade the following standards shall apply:

- 6.6.9.f.ii.(1). The applicant must demonstrate that the primary pedestrian access point to the buildings may not feasibly be located along the primary front facade.
  - 6.6.9.f.ii.(2). The primary pedestrian access point shall be accessible by a public walkway connected to the pedestrianway.
  - 6.6.9.f.ii.(3). The primary pedestrian access door(s) shall meet the minimum glazing requirements set forth in the architectural design standards.
- 6.6.10 Signs shall be according to "Article 9: Sign Standards" and "Section 9.8.1 Signs in the CAD".
- 6.6.11 Landscape Standards
  - 6.6.11.a. Landscape buffers shall comply with "Section 155-3.10 Landscape Standards".
  - 6.6.11.b. The greening standards set forth in "Section 155-3.10 Landscape Standards" and Chapter 135, Subdivision and Land Development §Section 135-41.4 shall apply.
  - 6.6.11.c. Landscape Verge Requirements:
    - 6.6.11.c.i. The tree pit shall consist of an area of not less than 150 square feet and shall be of dimensions of no less than five feet in width and 10 feet in length.
    - 6.6.11.c.ii. The tree pit shall be a minimum of 24 inches in depth or the depth of the root ball, whichever is greater. Amended soil shall not be provided in the tree pit. Street trees are not to be planted directly into amended soil. Exposed or permeable surfaces shall be excavated and replaced with fresh topsoil meeting the minimum tree planting specifications.
    - 6.6.11.c.iii. Amended soil shall be provided underneath impermeable surfaces from the curbline to the edge of the pedestrianway where tree pits exist, unless otherwise directed by the Township Arborist.
    - 6.6.11.c.iv. The tree pits shall be located 20 feet apart and may be adjusted to accommodate utilities, driveways, and other constraints at the direction of the Director of the Building & Planning Department.
    - 6.6.11.c.v. Street trees shall be at least two-and-five-tenth- to three-inch caliper when planted and shall be spaced at intervals no greater than 30 feet along the public/pedestrian right-of-way.
- 6.6.12 Ambience Standards
  - 6.6.12.a. Ambience Standards: Noise and lighting regulations shall be according to "Section 155-3.11 Ambience Standards"
- 6.6.13 Density Increases
  - 6.6.13.a. Density increase. The purpose of this section is to encourage the provision of amenities to benefit the public health, safety and welfare, including: adequate open space and public gathering space; efficient roadways; safe bicycle and pedestrian connections and transit facilities; and the preservation of historic resources.
  - 6.6.13.b. The density authorized ~~in this article~~ may be increased as shown on "Table 6.6.5 CAD-RCA Density Increase" and as described in this section, subject to the provisions listed below. In order to qualify for the density increases a public gathering space in accordance with the applicable regulations below shall be provided.
  - 6.6.13.c. The density increases listed below may be cumulative.
  - 6.6.13.d. The total FAR permitted shall not exceed maximum as outlined in "Section 6.6.4.f Floor Area Ratio"
- 6.6.14 Utilities.
  - 6.6.14.a. All new electric, telephone and cable lines and building services shall be underground for new developments and additions.

**TABLE 6.6.5 CAD-RCA DENSITY INCREASES**

Amenity	FAR Increase	Regulations
Public gathering space (PGS) <sup>(1)</sup>	0.15	<p>The public gathering space shall be maintained by the property owner. The amount of density increase shall be noted on the plan and recorded in the deed. No portion of the public gathering space may be dedicated to a specific tenant.</p> <ul style="list-style-type: none"> <li>The public gathering space shall be designed and located so to achieve the purpose of this subsection as stated above, as well as the purpose of the Official Map, as provided for in Chapter 107 of the Township Code. Whether or not a specific location is identified on the Official Map, the public gathering space shall comply with the requirements <del>detailed in Subsection E(1)(b) through (f)</del> below.</li> <li>The maximum number of separate public gathering spaces on any lot is three.</li> <li>Size of the public gathering space. A minimum of 5% of the lot area shall be used as public gathering space, but in no case shall a public gathering space be less than 3,500 square feet. <ul style="list-style-type: none"> <li>Lots up to 100,000 square feet: a public gathering space shall be no less than 3,500 square feet.</li> <li>Lots over 100,000 square feet: a public gathering space shall be no less than 5,000 square feet.</li> </ul> </li> <li>Design of the public gathering space. <ul style="list-style-type: none"> <li>Lots up to 100,000 square feet: A rain garden occupying a minimum of 200 square feet may be provided. No more than 30% of the public gathering space may be devoted to a rain garden use.</li> <li>Lots over 100,000 square feet: A rain garden occupying a minimum of 400 square feet may be provided. No more than 30% of the public gathering space may be devoted to a rain garden use.</li> <li>A minimum of 30% of the public gathering space shall be landscaped with trees, shrubs, and mixed plantings with year-round interest.</li> <li>The hard surface area of the public gathering space shall be paving materials, such as unit pavers, paving stones, or concrete. No more than 20% of the public gathering space may be concrete. If the concrete in a public gathering space is stamped concrete providing the appearance of unit pavers or paving stones, the maximum area of stamped concrete shall be 30%.</li> <li>The public gathering space shall not be used for parking, loading, or vehicular access.</li> <li>The area of the public gathering space or the plantings within the public gathering space shall not be used to demonstrate compliance with the greening standards.</li> <li>Public gathering space may include ornamental fountains, stairways, waterfalls, sculptures, arbors, trellises, planted beds, drinking fountains, benches, awnings, canopies and similar structures.</li> <li>One bicycle space shall be provided for every 300 square feet of public gathering space.</li> </ul> </li> <li>Location of public gathering spaces. The public gathering space shall be located where it is visible and accessible from either a public sidewalk or pedestrian connection. The public gathering space shall connect with existing or proposed public gathering spaces on abutting properties, where feasible. Public gathering space may be located along a street and is encouraged to be located between buildings or within an inner or outer court. Location of a public gathering space adjacent to a parking lot is discouraged.</li> <li>The design and size of the public gathering spaces may be modified, subject to conditional use approval from the Board of Commissioners. In addition to the conditional use standards in <del>§ 155-141.2</del> <b>Article 11</b> the following standards shall apply: <ul style="list-style-type: none"> <li>Where a minimum of 5% of the lot area is dedicated to public gathering space, the area of the individual public gathering spaces may be reduced, provided that there is at least one public gathering space that meets the minimum size requirements.</li> <li>Where a children's play area consisting of playground equipment and/or spray fountains is provided, the minimum area devoted to landscaping and rain gardens may be reduced by up to 30%.</li> </ul> </li> </ul>

**TABLE 6.6.5 CAD-RCA DENSITY INCREASES (CONTINUED)**

Amenity	FAR Increase	Regulations
Aggregation of PGS <sup>(1)</sup>	0.15	<p>Public gathering space must be aggregated into one large area that equals a minimum of 10% of the total lot area of the development and no less than 35,000 square feet.</p> <ul style="list-style-type: none"> <li>• The aggregated public gathering space shall connect to any pedestrianway or any multi-purpose trail on the lot(s).</li> <li>• The public gathering space is encouraged to be located as shown on the City Avenue District Official Map or as otherwise approved by the Board of Commissioners during the land development review and approval process</li> </ul>
Structured parking <sup>(1)</sup>	0.18	<p>Where a new building is proposed or an existing building is expanded, newly created surface parking may account for a maximum of 10% of the required parking spaces in order for the density increase to apply.</p>
Underground parking structure <sup>(1)</sup>	0.5	<p>This density increase shall be prorated based on the percentage of the parking spaces provided in the underground structure to the total required parking spaces.</p>
Parking Structure with a Liner Building <sup>(1)</sup>	0.25	<p>A minimum of 75% of the facade of the perimeter of the parking structure as seen from a public way is surrounded by a building with an active use complying with the development design standards in "Section 6.6.9 Development Design Standards". Such active uses may be either directly attached to the parking structure or separated by an interior court or service lane.</p>
Transit facility improvements <sup>(1)</sup>	0.05	<p>Accommodations to encourage mass transit are provided. Such accommodations include the construction of new bus shelters along a public roadway, the installation of bus pull-offs along bus routes and electronic mass transit schedule boards.</p> <ul style="list-style-type: none"> <li>• The applicant shall submit documentation from the appropriate transit authority approving the design and location of the transit improvements to attain the increases listed below.</li> </ul>
Transit facility: on-site bus stop <sup>(1)</sup>	0.15	<p>An on-street bus stop must be moved onto the property being developed. The following facilities shall be provided:</p> <ul style="list-style-type: none"> <li>• Benches;</li> <li>• Shelters; and</li> <li>• Mass transit schedule boards.</li> </ul>
Historic preservation <sup>(1)</sup>	0.1	<p>A resource listed on the Township Historic Resource Inventory is preserved or renovated in compliance with the Secretary of the Interior's standards.</p>
Public, multipurpose pathway <sup>(1)</sup>	0.15	<p>A public, multipurpose path is provided as shown on the City Avenue District Official Map or as otherwise approved by the Board of Commissioners, subject to the following requirements.</p> <ul style="list-style-type: none"> <li>• The path shall be provided in addition to the required pedestrianway, except along City Avenue and along portions of Belmont Avenue where it is included in the pedestrianway.</li> <li>• The path shall be at least eight feet wide with one hardscaped or landscaped verge measuring at least four feet in width.</li> <li>• The path shall be paved with asphalt a minimum of <b>two and a half (2 1/2)</b> inches thick with a minimum aggregate sub-base of four inches. An alternative material that provides an adequate walking surface, such as concrete or other similar paver systems, may be approved by the Township Engineer.</li> <li>• The path shall connect with public gathering spaces and shall connect with existing or proposed trails on abutting properties, or a pedestrianway.</li> </ul>

**TABLE 6.6.5 CAD-RCA DENSITY INCREASES (CONTINUED)**

Amenity	FAR Increase	Regulations
Off-Site Traffic Improvement (OSTI) <sup>(1)</sup>	0.2	<p>Installation of off-site traffic improvements as determined by the Township or contributes to a City Avenue Transportation Services Area Fund held by the Township subject to the following provisions:</p> <ul style="list-style-type: none"> <li>Roadway improvements shall comply with the 2010 Transportation Capital Improvements Plan prepared for the City Avenue Transportation Services Area. The Township may also authorize improvement of intersections or roadways outside the district that are impacted by the proposed development.</li> <li>When the applicant is installing the roadway improvement, the Township Engineer shall determine the scope of the roadway improvements installed. <ul style="list-style-type: none"> <li>Construction cost estimates <del>demonstrating compliance with Subsection E(6)(c)-6.f.iii. below</del> shall be provided by the applicant and approved by the Township Engineer. <del>The cost of the improvements shall be calculated as noted below:</del> <ul style="list-style-type: none"> <li><del>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".</del></li> </ul> </li> </ul> </li> <li>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.</li> <li><del>The cost of the improvements shall be calculated as noted below:</del> <ul style="list-style-type: none"> <li><del>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".</del></li> </ul> </li> </ul>
Sustainable design (Reserved) <sup>(1)</sup>	(Reserved)	(Reserved)

**Notes**

1. In order to qualify for the density increases public gathering space shall be provided.



**TABLE 6.6.6 CITY AVENUE DISTRICT REGIONAL CENTER AREA (CAD-RCA)**

Lot Occupation		Notes
Lot Width	600 ft. max.	1 See "Section 6.6.4.d"
Lot Area	None	2 When one or more lot(s) is redeveloped such that 150 feet or more of new building facade is constructed along the primary frontage, an accessway shall be provided (i.e., through a lobby or alley) to reach parking facilities at the rear of the lot, if any.
Impervious Surface	60 - 70% max. <sup>(1)</sup>	
Primary Frontage	60% <sup>(2)</sup>	
Building Configuration		3 Rowhouse use only
Build-to-Line	See "Section 6.6.4.a"	
Side	See "Section 6.6.4.b"	
Rear	See "Section 6.6.4.c"	
Floor Area Ratio (FAR)	See "Section 6.6.4.f"	
Buffer	See "Section 6.6.4.g"	
Building Height (see section "155.3.3 Building Height")		
Height	See "Section 6.6.4.e" and "Table 6.6.3 Height Standards"	
Frontage Yard Types (see section "155.3.5 Frontages")		
Common Yard	Not Permitted	
Fenced Yard	Not Permitted	
Shallow Yard	Permitted <sup>(3)</sup>	
Urban Yard	Permitted	
Pedestrian Forecourt	Permitted	
Vehicular Forecourt	Permitted	
Facade Types (see section "155.3.5 Frontages")		
Porch	Not Permitted	
Stoop	Permitted <sup>(3)</sup>	
Common Entry	Not Permitted	
Arcade/Colonnade	Permitted	
Gallery	Permitted	
Storefront	Permitted	
Parking (see "Article 8: Parking Standards" and Section 6.6.8)		

**155-6.7 CITY AVENUE DISTRICT - BALA CYNWYD RETAIL DISTRICT (CAD-BCR).**

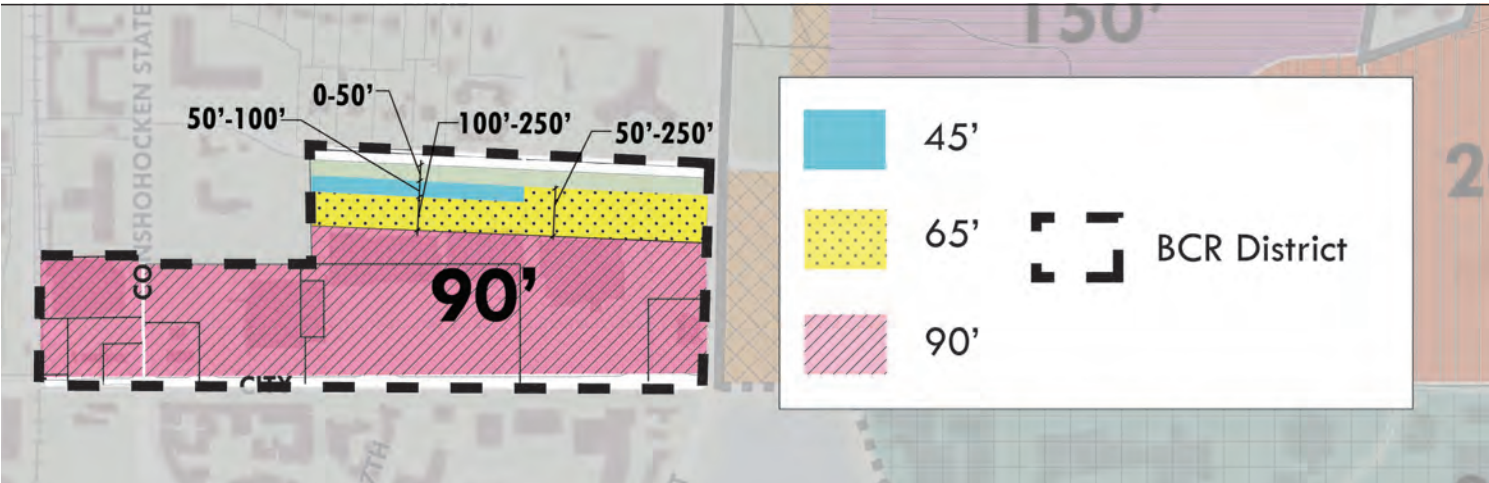
- 6.7.1 Goals and Objectives. The goals and objectives in [Section 6.6.1](#) shall also apply in the CAD-BCR District.
- 6.7.1.a. In addition to the goals and objectives in [Section 6.6.1.a](#), the following specific purposes shall apply:
- 6.7.1.a.i. Preserving the retail uses that cater to the surrounding residential community is also a goal of this article.
- 6.7.1.b. The applicability in [Section 6.6.1.b](#) shall also apply in the CAD-BCR District.
- 6.7.2 Lot Occupation:
- 6.7.2.a. Lots shall comply with standards in "[Section 155-3.4 Lot Occupation](#)."
- 6.7.2.b. A Building shall be located in relation to the property line except when abutting a street, in which case the setback shall be measured from the edge of curbline.
- 6.7.2.c. Lot Width and Creation of Minor Streets. The maximum lot width along St. Asaphs Road between Conshohocken State Road and Belmont Avenue shall be 1,000 feet.
- 6.7.2.c.i. Where additional development is proposed on an existing lot that exceeds the maximum lot width, new interior street(s) shall be constructed to reduce lot width to within the maximum permitted. This requirement shall only apply to additional development that exceeds the greater of 10,000 sq. ft. in building area or the addition of 10% to the floor area of an existing building.
- 6.7.2.c.ii. Where lots front more than one street, the maximum lot dimension applies to all street frontages.
- 6.7.2.d. Pedestrianways shall be provided in accordance with [Section 6.6.2.d](#), except as noted below:
- 6.7.2.d.i. The area between the curb and buildings or structures located along St. Asaphs Road shall consist of:
- 6.7.2.d.i.(1). A landscaped verge adjacent to the curb a minimum of eight feet in width, followed by
- 6.7.2.d.i.(2). A public walkway with a minimum unobstructed width of eight feet, and then
- 6.7.2.d.i.(3). A landscaped area between the building and the sidewalk.
- 6.7.2.e. Conditional Use
- 6.7.2.e.i. The Board of Commissioners may, by conditional use, approve variations to the dimensional standards contained in "[Section 6.7.2.c Lot Width & Creation of Minor Streets](#)" and "[Section 6.7.2.d Pedestrianways](#)", if the applicant demonstrates to the satisfaction of the Board that such variations are in furtherance of the "[Section 6.6.1 Goals & Objectives](#)" of this article.
- 6.7.2.e.ii. When conditional use is sought from "[Section 6.7.2.c Lot Width & Creation of Minor Streets](#)" to not provide a minor street, a public, multipurpose path shall be provided at maximum intervals of 1,000 feet. The path shall comply with the following criteria:
- 6.7.2.e.ii.(1). The path shall connect the pedestrianway along the street to existing or proposed building entrances or interior public gathering spaces.
- 6.7.2.e.ii.(2). The path shall be designed to improve connectivity through the site and the overall City Avenue District. The public multipurpose path shall connect to existing sidewalks or paths on an adjoining property, if feasible.
- 6.7.2.e.ii.(3). The path shall be at least eight feet wide. A hardscaped or landscaped verge measuring at least four feet in width shall be provided along one side of the path where it abuts a driveway or a roadway. Hardscaped surfaces shall be smooth and walkable.
- 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 "[Section 6.6.11.c Landscape Verge Require-](#)

ments" the applicant shall demonstrate to the satisfaction of the Board that such variations are in compliance with "Section 155-6.7.1 Goals and Objectives". ~~furtherance of the legislative intent of this article.~~

- 6.7.3 Building Configuration shall be according to "Section 6.6.4" and "Table 6.7.2 Bala Cynwyd Retail District (CAD-BCR)," except as noted below:
  - 6.7.3.a. Build-to Line. The Build-to Line shall be provided according to "Section 6.6.4.a. Build-to Line" and "Table 6.6.2 Build-to Line", except as noted below.
    - 6.7.3.a.i. No structure shall be permitted within the first 50 feet of the curbline for parcels fronting on St. Asaphs Road between Belmont Avenue and Conshohocken State Road.
  - 6.7.3.b. Building height.
    - 6.7.3.b.i. The minimum height of any building shall be two stories and no less than 28 feet above grade. The second-story floor area shall be equal to or greater than 75% of the grade level building area.
    - 6.7.3.b.ii. The maximum height of any building within the CAD-BCR shall be in accordance with "Table 6.7.1 CAD-BCR Height Standards".
- 6.7.4 Conditional Use. The conditional use standards provided in "Section 6.6.5 Conditional Use" shall also apply.
- 6.7.5 Fences & Walls. The fences and walls standards provided in "Section 6.6.6 Fences & Walls" shall also apply in the CAD-BCR District.
- 6.7.6 Use regulations and standards shall be according to "Article 5: Uses" and "Table 5.3 Use Regulations", except as noted below.
  - 6.7.6.a. Mixed-use building.
    - 6.7.6.a.i. Uses permitted on the ground floor in a mixed-use building shall be limited to those listed in "Article 5: Uses", except as authorized below:
      - 6.7.6.a.i.(1). Grade level parking within a liner building may be permitted.
      - 6.7.6.a.i.(2). Any use permitted in "Article 5: Uses" shall be permitted on upper floors of a mixed-use building.
  - 6.7.6.b. Multiple-use development. A multiple-use development for purposes of this district shall be defined as an integrated, complementary development consisting of:
    - 6.7.6.b.i. Two or more buildings on one or more lots, provided that the lots are adjacent to and abut one another.
    - 6.7.6.b.ii. At least one mixed-use building. The mixed-use building shall be constructed first.
    - 6.7.6.b.iii. No single use shall occupy more than 80% of the total gross floor area of the buildings on the subject lot(s).
    - 6.7.6.b.iv. Uses permitted on the ground floor of every building in a mixed-use development shall be limited to those listed in "Article 5: Uses", except as authorized below:
      - 6.7.6.b.iv.(1). Grade-level parking shall be permitted when provided for in a liner building.
    - 6.7.6.b.v. The multiple-use development may be constructed concurrently or phased.
  - 6.7.6.c. The following uses shall apply to a lot(s) fronting on the portion of St. Asaphs Road located between Conshohocken State Road and a point in the center line of St. Asaphs Road measured approximately 642 feet southwesterly from the intersection of the center lines of Belmont Avenue and St. Asaphs Road:
    - 6.7.6.c.i. No buildings or structures shall be permitted within the first 50 feet of the curbline.
    - 6.7.6.c.ii. Only residential uses are permitted within the first 100 feet of the curbline. The one-hundred-foot regulation may be reduced to 80 feet if the nonresidential portion of the building facing St. Asaphs Road is wrapped with a residential use covering 75% of the building facade. Such uses may be either directly attached to the structure, or separated by an interior court or service lane.

- 6.7.7     Parking, Loading, & Traffic Requirements. The parking, loading, and traffic requirements provided in "Section 6.6.8 Parking, loading and traffic requirements" shall also apply in the CAD-BCR District.
- 6.7.8     Development Design Standards. The development design standards provided in "Section 6.6.9 Development Design Standards" shall also apply in the CAD-BCR District.
- 6.7.9     Signs shall be according to "Article 9: Sign Standards" and "Section 9.8.1 Signs in the CAD".
- 6.7.10    Landscape Standards. The landscape standards provided in "Section 6.6.11 Landscape Standards" shall also apply in the CAD-BCR District.
- 6.7.11    Ambience Standards. The ambience standards provided in "Section 6.6.12 Ambience Standards" shall also apply in the CAD-BCR District.
- 6.7.12    Density Increases. The density increases standards in "Section 6.6.13 Density Increases" and in "Table 6.6.5 CAD-RCA Density Increase" shall also apply in the CAD-BCR District.

TABLE 6.7.1 - CAD-BCR HEIGHT STANDARDS



MINIMUM HEIGHT	LOCATION
2 Stories or 28' <sup>1</sup>	The entire district
MAXIMUM HEIGHT	LOCATION
45'	Lots(s) fronting on the portion of St. Asaphs Road located between Belmont Avenue and a point in the center line of St. Asaphs Road measured approximately 642 feet southwesterly from the intersection of the centerline of Belmont Avenue and St. Asaphs Road.
65'	<ul style="list-style-type: none"><li>Lot(s) fronting on the portion of St. Asaphs Road located between 100 feet and 250 feet of the curbline of St. Asaphs Road, fronting on the portion of St. Asaphs Road located between Conshohocken State Road and a point in the center line of St. Asaphs Road measured approximately 642 feet southwesterly from the intersection of the center lines of Belmont Avenue and St. Asaphs Road.</li><li>Lot(s) fronting on the portion of St. Asaphs Road located between 50 feet and 250 feet of the curbline of St. Asaphs Road, fronting on the portion of St. Asaphs Road located between Belmont Avenue and a point in the center line of St. Asaphs Road measured approximately 642 feet southwesterly from the intersection of the center lines of Belmont Avenue and St. Asaphs Road.</li></ul>
90'	All other locations in CAD-BCR.
NOTES	

1. The second story floor area shall be equal to or greater than 75% of the grade level building area.

**TABLE 6.7.2 BALA CYNWYD RETAIL DISTRICT (CAD-BCR)**

Lot Occupation	
Lot Width	See Section 6.7.2.c
Lot Area	None
Impervious Surface	60 - 70% max. <sup>(1)</sup>
Primary Frontage	60%
Building Configuration	
Principal Building (feet)	
Build-to Line	See Section 6.7.3.a
Side	See Section 6.6.34.b
Rear	See Section 6.6.34.c
Floor Area Ratio	See Section 6.6.34.f
Building Height (see section “155.3.3 Building Height”)	
Height	See Section 6.7.3.b and Table “6.7.1 CAD-BCR Height Standards”
Frontage Yard Types (see section “155-3.5 Frontages”)	
Common Yard	Not Permitted
Fenced Yard	Not Permitted
Shallow Yard	Permitted <sup>(2)</sup>
Urban Yard	Permitted
Pedestrian Forecourt	Permitted
Vehicular Forecourt	Permitted
Facade Types (see section “155-3.5 Frontages”)	
Porch	Not Permitted
Stoop	Permitted <sup>(2)</sup>
Common Entry	Not Permitted
Arcade/Colonnade	Permitted
Gallery	Permitted
Storefront	Permitted

Notes	
1	See “Section 6.6.4.d Impervious surface”
2	Rowhouse use only

1 See "Section 6.6.4.d Impervious surface"

2 Rowhouse use only

**155-6.8 CITY AVENUE DISTRICT - BALA VILLAGE (CAD-BV).**

- 6.8.1 Goals and Objectives. The intent of the City Avenue District - Bala Village is to encourage pedestrian-oriented development and redevelopment and more economically productive use of land parcels along Bala Avenue between City Avenue and Montgomery Avenue and along City Avenue between the Cynwyd Rail Line and Orchard Road. It recognizes the importance of the City Avenue District - Bala Village as a gateway to Lower Merion Township, and as a neighborhood- and transit-oriented center, by permitting appropriate densities and a mix of land uses while providing sufficient on- and off-street parking.
- 6.8.1.a. The general goals and objectives include the following specific purposes:
- 6.8.1.a.i. Encourage multiple-use real estate development within the CAD-BV District that creates a vibrant sense of place and welcomes residents, visitors and workers;
  - 6.8.1.a.ii. Preserve and enhance the special character of the traditional early-20th Century Bala Shopping District.
  - 6.8.1.a.iii. Encourage pedestrian- and transit-oriented development through adoption of high standards of architecture and design;
  - 6.8.1.a.iv. Minimize to the greatest extent possible any adverse impacts on existing residential neighborhoods of any new development in the CAD-BV District;
  - 6.8.1.a.v. Promote the livability and identity of the district by providing for dwellings, shops and workplaces in close proximity to each other;
  - 6.8.1.a.vi. Enhance the visual character and identity of the district through appropriate building scale and design, landscaping and signage, and by encouraging the renovation and erection of buildings and storefronts that provide direct connections to the street and sidewalk;
  - 6.8.1.a.vii. Discourage the dependence on automobile use by promoting alternative modes of transportation, including rail and bus, bicycling and walking, thereby reducing traffic congestion;
  - 6.8.1.a.viii. Promote the smooth and safe flow of vehicular traffic through the corridor while reducing cut-through traffic in the neighboring residential districts;
  - 6.8.1.a.ix. Encourage the development of shared parking and attractive, unobtrusive and convenient off-street parking facilities to reduce on-street congestion and facilitate vehicular and pedestrian circulation.
- 6.8.1.b. Applicability.
- 6.8.1.b.i. Wherein regulations or standards of this section differ from those found elsewhere in the zoning code, the regulations in this section prevail.
  - 6.8.1.b.ii. Any new or expanded building shall comply with the standards in the CAD-BV except as provided in this article.
  - 6.8.1.b.iii. Any building that is rehabilitated (where such rehabilitation is equal to or exceeds 50% of the facade of the building on the effective date of "[Section 155.6.5 City Avenue Districts](#)" ~~this article~~) shall comply with ~~the~~ "[Section 6.8.9 Development Design Standards](#)".
    - 6.8.1.b.iii.(1). The standards provided in "[Section 6.8.9 Development Design Standards](#)" shall not apply when the building is located further than 40 feet from the curblane. However, the existing percentage of openings on each floor shall not be decreased.
- 6.8.2 Lot Occupation:
- 6.8.2.a. Lots shall comply with standards in "[Section 155-3.4 Lot Occupation](#)".
  - 6.8.2.b. A Building shall be located in relation to the property line except when abutting a street, in which case the setback shall be measured from the edge of curblane.
  - 6.8.2.c. Public walkways shall:
    - 6.8.2.c.i. Be constructed of brick, concrete pavers, stone, exposed aggregate concrete or integral colored concrete.
    - 6.8.2.c.ii. Have a minimum unobstructed width of eight feet not including a four-foot hard landscaped strip to be maintained by the property owner at the curblane.



- The four-foot strip at the curblin shall be paved with unit pavers or similar decorative materials.
- 6.8.2.c.iii. Create a completely linked network of walkways connecting transit stops, commercial centers, institutional facilities and residential uses including parks and other open space areas.
  - 6.8.2.c.iv. Permit outdoor seating for food and drink establishments and pedestrian-oriented accessory uses and other appropriate street furniture, including sales display for flowers, small shops, and food or drink stands in the area between the ~~b~~Build-to ~~l~~Line and public walkway, provided that the minimum unobstructed walkway is maintained.
  - 6.8.2.c.v. ~~Trees shall be provided~~ Provide trees in tree wells at 25 foot intervals, provided the sidewalk retains a six foot clear passage.
  - 6.8.2.d. Building frontage shall be according to "Table 6.8.3 Bala Village (CAD-BV)". ~~When parking is at the rear of the lot, pedestrian access to parking shall be spaced at a maximum 300 feet apart.~~ Pedestrian access ways to rear lot parking areas shall be spaced not more than 300 feet apart.
  - 6.8.2.e. Streetscreens :
    - 6.8.2.e.i. Streetscreens shall be located along the same plane as the building façade or elevation
    - 6.8.2.e.ii. Streetscreens for off-street parking shall be according to "Article 8: Parking Standards".
    - 6.8.2.e.iii. The gaps between building facades along the frontage line shall be filled with a streetscreen for up to 100 percent of the lot width or length.
    - 6.8.2.e.iv. Exceptions include:
      - 6.8.2.e.iv.(1). Where a courtyard or garden may be accessed from the street.
      - 6.8.2.e.iv.(2). Access to parking according to Section 8.5.
- 6.8.3 Building Configuration shall be according to "Table 6.8.3 Bala Village (CAD-BV)" and the following:
- 6.8.3.a. Build-to lLine.
    - 6.8.3.a.i. The ~~b~~Build-to ~~l~~Line shall be provided according to "Table 6.8.3 Bala Village (CAD-BV)".
    - 6.8.3.a.ii. The ~~b~~Build-to ~~l~~Line shall be measured from the curblin shown on the approved development plan and according to "Table 6.8.3 Bala Village (CAD-BV)".
    - 6.8.3.a.iii. Parking lots, driveways, loading/unloading zones and other auto-related areas are prohibited at or in front of the building. Such access driveways shall not pass in front of the building, except as noted below:
      - 6.8.3.a.iii.(1). The primary pickup and dropoff area for hotel guests.
      - 6.8.3.a.iii.(2). Transit facilities, limited to passenger waiting areas and pickup and dropoff areas.
    - 6.8.3.a.iv. Features such as overhangs, bays, upper floor balconies, loggias, pergolas and similar architectural features placed on the front (street facing) side of the building may extend beyond the ~~b~~Build-to ~~l~~Line, up to three feet.
  - 6.8.3.b. Building entries and signage shall face the street or the corner at a street intersection. Storefront entrance doors shall be recessed to allow doors to swing out without conflicting with pedestrian flow on the sidewalk.
  - 6.8.3.c. Projections shall be allowed as specified in "Section 155-3.6 Projections".
  - 6.8.3.d. Building height shall be as specified in "Section 155-3.3 Building Height" and shall be as shown in "Table 6.8.3 Bala Village (CAD-BV)".
    - 6.8.3.d.i. The first floor elevation of a building at a frontage shall be established at the midpoint of the front property line, and may extend a maximum of two and a half (2.5) feet above the lowest point of the sidewalk grade. A finished floor elevation more than 2.5 feet above the lowest point of the sidewalk grade shall be considered the second floor.
    - 6.8.3.d.ii. Chimneys, enclosed stairwells, roofed and unenclosed roof terraces and roof trellises, spires and uninhabitable ornamental building features, may be allowed to exceed maximum building height up to an additional 12 feet, and



- occupy a maximum 20 percent of roof area.
    - 6.8.3.d.iii. Mechanical equipment on a roof shall be enclosed by parapets of the minimum **Building Height** necessary or other means to screen it from abutting streets and adjacent properties at ground level and may extend above the maximum height as specified.
  - 6.8.3.e. Buffer Standards
    - 6.8.3.e.i. Where a CAD-BV development abuts a residential use in a residential zoning district along a side or rear property line, there shall be a buffer area of at least 20 feet.
    - 6.8.3.e.ii. Where a CAD-BV development abuts a railroad right-of-way with a residential district on the opposite side of the railroad, there shall be a buffer area of at least 10 feet. When part of a land development application, the Board of Commissioners may by conditional use authorize a further reduction in the buffer area, provided that the following standards are met:
      - 6.8.3.e.ii.(1). The applicant shall establish by credible evidence that the residential structures on the opposite side of the railroad right-of-way in the area where the proposed buffer area is being reduced shall be no closer than 75 feet from said right-of-way.
      - 6.8.3.e.ii.(2). The applicant shall establish by credible evidence that the views from and to adjacent properties, including views of and from the rail line, are visually screened by a lesser buffer area or alternative technique, such as the installation of a vegetative/topiary fence, wall or other appropriate design element located on the applicant's property. The applicant for the conditional use shall have the burden of demonstrating that approval of the conditional use is consistent with and promotes the relevant **purposes-goals and objectives** of Section 6.8.1 ~~of this article~~ and that the buffer reduction will not adversely affect the public health, safety and welfare, specifically with respect to drainage, light, noise, air quality, natural features of the land, and neighborhood aesthetic characteristics.
    - 6.8.3.e.iii. The buffer area shall be planted with a variety of high- and low-level plantings. Where the required buffer is along a railroad right-of-way or along a parking lot or parking structure, a wall or a fence or a similar architectural detail that satisfies the purpose of the buffer requirement may be used in addition to the plantings.
    - 6.8.3.e.iv. There may not be more than one vehicular point of ingress and egress through the buffer area to any street. Such point of vehicular ingress/egress driveway shall not exceed 22 feet in width.
- 6.8.4 Conditional Use. The conditional use standards provided in "**Section 6.6.5 Conditional Use**" shall also apply.
- 6.8.5 Fences and walls shall be according to "**Section 155-3.7 Fences and Walls**" and the following:
  - 6.8.5.a. Fence types shall be regulated by district as a specified in "**Table 3.7.2 Fence Type by District**".
  - 6.8.5.b. Fence height shall be according to "**Table 3.7.1 Fence Height**".
  - 6.8.5.c. The height of retaining walls shall be according to "**Section 155-3.7 Fences and Walls**".
- 6.8.6 Use regulations and standards shall be according to "**Article 5: Uses**".
- 6.8.7 Parking, Loading & Traffic Requirements. The parking, loading, and traffic requirements provided in Section 6.6.8 shall also apply in the CAD-BV District, except as noted below.
  - 6.8.7.a. If adequate on-site parking is not available, the parking requirements for uses in existing and expanded mixed-use buildings may be met by designating currently undesignated metered public parking spaces in any public parking lot within 900 feet of the use, meas-

ured from the lot line to the center of the public parking lot. Each public parking space may only be counted once when this parking provision is utilized. A maximum of 10 parking spaces in public parking lots may be designated under this section. Public parking spaces may not be designated for uses in new buildings. If public parking spaces are designated for dwelling units, the parking required on the lot where the residential units are located shall not be reduced to less than one space per unit on the lot.

6.8.7.a.i. ~~Expanded Building or Structure:~~ 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~~ is one where at least 75% of the floor area remains undisturbed and no more than 75% of the floor area existing on ~~(date of adoption)~~ February 21, 2018 is added.

6.8.8 Landscaping Standards.

6.8.8.a. Greening standards. The greening standards set forth in Chapter 135, Subdivision and Land Development, at § 135-41.4 shall apply.

6.8.9 Development Design Standards.

6.8.9.a. Purpose and applicability.

6.8.9.a.i. The purpose of this subsection is to require pedestrian-oriented buildings and to require building entrances to be oriented toward the streets, sidewalks and/or public accessways. Windows shall facilitate views into and out of buildings. Requirements for orientation and primary entrances are intended to:

6.8.9.a.i.(1). Provide for convenient, direct and accessible pedestrian access to and from public sidewalks, and transit facilities;

6.8.9.a.i.(2). Provide a safe, efficient and enjoyable pedestrian experience by connecting buildings in the CAD-BV District; and

6.8.9.a.i.(3). Promote use of pedestrian and transit modes of transportation.

6.8.9.b. Applicability. In accordance with "Section 6.8.1.b Applicability", any new, expanded and renovated (exterior only) buildings may be either traditional in their architectural character or be a contemporary expression of traditional styles and forms, respecting the scale, proportion, character and materials of structures within the Bala Cynwyd area of Lower Merion.

6.8.9.b.i. Any new or expanded buildings, or any building that is rehabilitated (where such rehabilitation is equal to or exceeds 50% of the facade of the building), shall comply with the development design standards in Subsections 6.8.9.c., 6.8.9.d., and 6.8.9.e. Properties listed on the Lower Merion Township Historic Resource Inventory shall, in the alternative, be subject to the Secretary of the Interior's Standards if the development design standards conflict with the Secretary of the Interior's Standards. In such case, the Secretary of the Interior's Standards shall apply.

6.8.9.c. Compliance. A design manual shall be submitted in conjunction with a development or permit application demonstrating how the development will comply with the development design standards. The design manual shall include samples and at least two copies of the following items:

6.8.9.c.i. Site plan drawn to scale;

6.8.9.c.ii. Building elevations drawn to scale;

6.8.9.c.iii. Colored rendering;

6.8.9.c.iv. Landscape plan; and

6.8.9.c.v. Current photographs of the site.

6.8.9.d. Building orientation and primary entrance.

6.8.9.d.i. The primary pedestrian access point to buildings shall be located on one or more primary front facades, rather than on the rear or side of the building, unless approved by the Board of Commissioners by conditional use. Secondary access points may be located along other facades. In addition to the conditional use standards in Article 11, the following standards shall apply if the primary pedestrian access point is not located along the primary front façade.

6.8.9.d.i.(1). The applicant shall demonstrate that the primary pedestrian

- access point to the buildings may not feasibly be located along the primary front facade.
- 6.8.9.d.i.(2). The primary pedestrian access point shall be accessible by a public walkway.
- 6.8.9.d.i.(3). The primary pedestrian access door(s) shall meet the minimum glass requirements set forth in the architectural design standards.
- 6.8.9.d.ii. Building Entries & Site Access shall conform to "Section 3.5.8 ~~Building Access~~", and the following.
  - 6.8.9.d.ii.(1). Buildings shall be designed with windows, public access points and signage facing the street and sidewalk.
  - 6.8.9.d.ii.(2). Primary building entrances shall be articulated and visible from the street.
  - 6.8.9.d.ii.(3). If a single lot is redeveloped, any new vehicular access point shall be located on a side lot line and shared with adjacent lots, where feasible.
  - 6.8.9.d.ii.(4). Security enclosures, if provided, shall be of the mesh type that allow exterior and interior visibility, and shall be located inside the windows.
- 6.8.9.e. Architectural design standards. The architectural design standards have been incorporated into this district to ensure that the character of new buildings relates to the scale and character of the existing commercial buildings and creates a pedestrian-friendly environment.
  - 6.8.9.e.i. Buildings with active uses, including wrapped garages.
    - 6.8.9.e.i.(1). The visual mass of all buildings shall be deemphasized through the use of architectural and landscape elements, including form, architectural features and materials, to reduce their apparent bulk and volume, to enhance visual quality and contribute to human-scale development.
    - 6.8.9.e.i.(2). The ground floor of the primary front facade shall contain a minimum of 60% clear windows and doors. Smoked, reflective, tinted or black glass in windows is prohibited. Glass shall have a minimum light transmittance of 0.75.
      - [a]. Required window areas shall be either windows that allow views into work areas or lobbies, pedestrian entrances or merchandise display windows.
    - 6.8.9.e.i.(3). Any ground floor walls with less than 25% of clear windows shall be articulated by two or more of the following:
      - [a]. Articulation of the facade plane, and/or changes in materials;
      - [b]. If the building is occupied by a commercial use, display window cases;
      - [c]. For aboveground parking structures, by landscaping or screening of openings such that the majority of the view of the interior is obstructed.
    - 6.8.9.e.i.(4). Second story and above of primary front facades, shall contain a minimum of 20% of the facade as clear windows. Glazing shall have a minimum light transmittance of 0.75.
    - 6.8.9.e.i.(5). Exterior wall materials shall be durable high-quality materials and may include brick, stone, stucco, and wood. Cement fiber siding on any portion of a building over three stories or 38 feet in height, whichever is less, vinyl and aluminum siding, and T-111 or other similar plywood siding is prohibited. Except on side or rear walls, not visible from any public way, concrete block shall be prohibited.
    - 6.8.9.e.i.(6). All roof-top mechanical equipment, including antennas, shall

- be screened visually and acoustically. Such screening shall be integral to the architectural design of the building.
- 6.8.9.e.i.(7). Grade level exterior doors that swing onto a public walkway that is less than six feet wide, shall be set into the building to avoid conflict with pedestrians.
- 6.8.9.e.i.(8). A wrapped parking structure shall include a development where a minimum of 75% of the facade of the perimeter of the parking structure facing a street is positioned behind a building with an active use.
- 6.8.9.e.ii. Vertical articulation. The massing of all buildings shall be deemphasized through vertical articulation, such as the use of projecting and recessed elements, including porches, bay windows, balconies and roof dormers to reduce overall bulk and volume, enhance visual quality and contribute to human-scale development. The depth of such articulation shall be a minimum of two feet zero inches. Such vertical articulation shall occur at a minimum fifty-foot interval.
- 6.8.9.e.iii. Horizontal articulation. The massing of all buildings shall be deemphasized through the use of horizontal articulation, including articulation of the line between the ground floor and upper levels with a cornice, arcade, canopy, and other visual device.
- 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 compliance with "Section 155-6.8.1 Goals and Objectives". ~~furtherance of the legislative intent of this article and of this subsection.~~
- 6.8.9.f. Parking structures
  - 6.8.9.f.i. Shall have a separate pedestrian entrance.
  - 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.
  - 6.8.9.f.iii. ~~That part of a parking structure that is not concealed behind a liner s~~ Shall have a façade that conceals all internal elements such as plumbing pipes, fans, ducts ~~that are not concealed behind a liner.~~
  - 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.
- 6.8.10 Signs shall be according to "Article 9: Sign Standards" and "Section 9.8.1 Signs in the CAD".
- 6.8.11 Utilities.
  - 6.8.11.a. All new electric, telephone and cable lines and building services shall be underground for new developments and additions.
- 6.8.12 Ambience Standards.
  - 6.8.12.a. Noise and lighting regulations shall be according to "Section 155-3.1211 Ambience Standards".
- 6.8.13 Density increase for mixed-use buildings. The purpose of this section is to encourage the provisions of amenities to benefit the public health, safety and welfare, including adequate open space and public gathering space; efficient roadways; safe bicycle and pedestrian connections and transit facilities; and the preservation of historic resources. The density authorized for mixed-use buildings ~~in this article~~ may be increased as ~~shown on "Table 6.8.1 Bala Village (CAD-BV) Density Increase Standards" 3 and as~~ described in this section, subject to the provisions listed below in "Table 6.8.1 Bala Village (CAD-BV) Density Increase Standards". The density increases listed below may be cumulative.

**TABLE 6.8.12 BALA VILLAGE (CAD-BV) DENSITY INCREASE STANDARDS**

Amenity	Initial Increase	OSTI <sup>(1)</sup>	Total Increase	Regulations
Public gathering space (PGS) <sup>(2)</sup>	0.15	0.05	0.2	<p>The public gathering space shall be maintained by the property owner. The amount of density increase shall be noted on the plan and recorded in the deed. No portion of the public gathering space may be dedicated to a specific tenant.</p> <ul style="list-style-type: none"> <li>The public gathering space shall be designed and located so to achieve the purpose of this subsection as stated above and shall comply with the requirements detailed below. <ul style="list-style-type: none"> <li>The maximum number of separate public gathering spaces on any lot is two.</li> <li>Size of the public gathering space. A minimum of 5% of the lot area shall be used as public gathering space.</li> <li>Design of the public gathering space. <ul style="list-style-type: none"> <li>A rain garden may be provided. No more than 30% of the public gathering space may be devoted to a rain garden use.</li> <li>A minimum of 30% of the public gathering space shall be landscaped with trees, shrubs, and mixed plantings with year-round interest.</li> <li>The hard surface area of the public gathering space shall be paving materials, such as unit pavers, paving stones, or concrete. No more than 20% of the public gathering space may be concrete. If the concrete in a public gathering space is stamped concrete providing the appearance of unit pavers or paving stones, the maximum area of stamped concrete shall be 30%.</li> <li>The public gathering space shall not be used for parking, loading, or vehicular access.</li> <li>The area of the public gathering space or the plantings within the public gathering space shall not be used to demonstrate compliance with the greening standards.</li> <li>Public gathering space may include ornamental fountains, stairways, waterfalls, sculptures, arbors, trellises, planted beds, drinking fountains, benches, awnings, canopies and similar structures.</li> <li>One bicycle space shall be provided for every 300 square feet of public gathering space.</li> </ul> </li> <li>Location of public gathering space. The public gathering space shall be located where it is visible and accessible from either a public sidewalk or pedestrian connection. The public gathering space shall connect with existing or proposed public gathering spaces on abutting properties, where feasible. Public gathering space may be located along a street and is encouraged to be located between buildings or within an inner or outer court. Location of a public gathering space adjacent to a parking lot is discouraged.</li> <li>The design and size of the public gathering spaces may be modified, subject to conditional use approval from the Board of Commissioners. In addition to the conditional use standards in Article 11, the following standards apply: <ul style="list-style-type: none"> <li>Where a children's play area consisting of playground equipment and/or spray fountains is provided, the minimum area devoted to landscaping and rain gardens may be reduced by up to 30%.</li> </ul> </li> </ul> </li> </ul>

**Notes**

1. OSTI is an off-site traffic improvement.

2. In order to qualify for the density increases public gathering space shall be provided.

**TABLE 6.8.12 BALA VILLAGE (CAD-BV) DENSITY INCREASE STANDARDS (CONTINUED)**

Amenity	Initial Increase	OSTI <sup>(1)</sup>	Total Increase	Regulations
Mixed-use buildings	0.25	0.05	0.3	<ul style="list-style-type: none"> <li>The allowable density may be increased by an FAR of 0.25.</li> <li>The allowable density may be increased by an additional FAR of 0.05 up to a total FAR of 0.30 where the applicant installs off-site traffic improvements as determined by the Township or contributes to a City Avenue Transportation Services Area fund held by the Township in accordance with "Section 6.8.6.f."</li> </ul>
Underground and/or wrapped parking structures	0.5	0.05	0.55	<p>The allowable density may be increased by an FAR of 0.5 for a development where parking is in a new underground and/or wrapped parking structure.</p> <ul style="list-style-type: none"> <li>The allowable density may be increased by an additional FAR of 0.05 to a total FAR of 0.55 where the applicant installs off-site traffic improvements as determined by the Township or contributes to a City Avenue Transportation Services Area Fund held by the Township in accordance with "Section 6.8.6.f.5 Floor area ratio (FAR).".</li> <li>Where the required parking is split between an underground and/or wrapped parking structure and surface parking, this density increase shall be prorated based on the percentage of the required parking in the underground and/or wrapped parking structure.</li> </ul>
Transit facility improvements	0.05	0.05	0.1	<p>The allowable density may be increased by up to an FAR of 0.05 for a development where accommodations to encourage mass transit are provided. Such accommodations include the construction of new bus shelters along a public roadway and/or the installation of electronic mass transit schedule boards. The applicant shall submit documentation from the appropriate transit authority approving the design and location of the transit facility improvements.</p> <ul style="list-style-type: none"> <li>The allowable density may be increased by an additional FAR of 0.05 to a total FAR of 0.1 where the applicant installs off-site traffic improvements as determined by the Township or contributes to a City Avenue Transportation Services Area Fund held by the Township in accordance with "Section 6.8.6.f."</li> </ul>
Historic preservation	0.2	0.05	0.25	<p>The allowable density may be increased by up to an FAR of 0.2 for a development where a resource listed on the Township Historic Resource Inventory is preserved or renovated in compliance with the Secretary of the Interior's standards.</p> <ul style="list-style-type: none"> <li>The allowable density may be increased by an additional FAR of 0.05 to a total FAR of 0.15 where the applicant installs off-site traffic improvements as determined by the Township or contributes to a City Avenue Transportation Services Area Fund held by the Township in accordance with "Section 6.8.5 Floor area ratio (FAR).".</li> </ul>

**Notes**

1. OSTI is an off-site traffic improvement.

**TABLE 6.8.12 BALA VILLAGE (CAD-BV) DENSITY INCREASE STANDARDS (CONTINUED)**

Amenity	Initial Increase	OSTI <sup>(1)</sup>	Total Increase	Regulations
Off-site traffic improvements	0.2	0	0.25	<p>The allowable density may be increased by an FAR of up to 0.2 for a development where the applicant installs off-site traffic improvements as determined by the Township or contributes to a City Avenue Transportation Services Area Fund held by the Township, subject to the following provisions:</p> <ul style="list-style-type: none"> <li>Roadway improvements shall comply with the 2010 Transportation Capital Improvements Plan prepared for the City Avenue Transportation Services Area. The Township may also authorize improvement of intersections or roadways outside the district that are impacted by the proposed development. <ul style="list-style-type: none"> <li>When the applicant is installing the roadway improvement, the Township Engineer shall determine the scope of the roadway improvements installed.</li> </ul> </li> <li>Construction cost estimates <del>demonstrating compliance with Subsection E(6)(c) 6.f.iii. below</del> shall be provided by the applicant and approved by the Township Engineer. The cost of the improvements shall be calculated as noted below: <ul style="list-style-type: none"> <li>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".</li> </ul> </li> <li>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.</li> <li><del>The cost of the improvements shall be calculated as noted below:</del> <ul style="list-style-type: none"> <li><del>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".</del></li> </ul> </li> </ul>
Sustainable design (Reserved)	Reserved	Reserved	Reserved	
Affordable housing (Reserved)	Reserved	Reserved	Reserved	

**Notes**

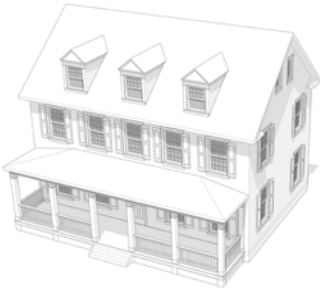
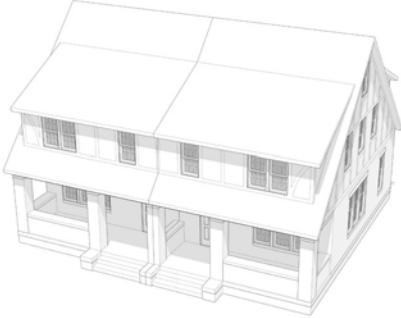

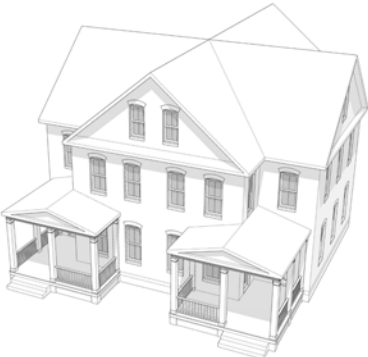
1. OSTI is an off-site traffic improvement.



**TABLE 6.8.23 BALA VILLAGE (CAD-BV) DIMENSIONAL STANDARDS**

Lot Occupation		Notes
Lot Width	none	
Lot Area	none	
Impervious Surface		
Single-use Buildings	80% max.	
Mixed-use Buildings	90% max.	
Primary Frontage	70%	
Setbacks		
Principal Building (feet)		
Build-to Line		1 The <del>b</del> Build-to <del>l</del> Line may be extended as follows: up to 20 ft. farther from the curbline if the additional area is used as outdoor dining and up to 20 ft. farther from the curbline where a public gathering space is provided between the <del>b</del> Build-to <del>l</del> Line and the building entrance, subject to compliance with "Table 6.8.1. Density Increase Standards".
Facing Bala Ave between City Ave and Union Ave	20 ft. min. 25 ft. max. <sup>(1)</sup>	2 Where a shared party wall exists with the adjoining property, there shall be no required side yard setback. Where a shared party wall does not exist, the minimum side yard setback shall be 10 <del>feet</del> . and a maximum of 15 <del>feet</del> . from the side lot line.
Facing Bala Ave between Union Ave and Montgomery Ave and all other streets	15 ft. min. 25 ft. max. <sup>(1)</sup>	3 The maximum dimension may be increased up to 25 ft from the side lot line where the side yard includes a vehicular driveway.
Side	0 or 10 ft. min. <sup>(2)</sup> 15 ft. max. <sup>(3)</sup>	For a lot immediately contiguous to a residential use in a residential zoning district, the side yard abutting the residential use shall be at least 25 ft.
Rear		4 The lot also shall comply with minimum buffer requirements.
Structures backing to a residentially zoned lot	25 ft. min. <sup>(4)</sup>	5 Min. 6 ft. stepback from primary front facade required on portion of building above 38 ft. when the building fronts on Bala Ave.
Structures not backing to a residentially zoned lot	0 ft. min. <sup>(4)</sup>	6 The maximum height may be increased to 65 ft. provided that the step back at 38 ft. is increased to 8 ft.
Building Height		
Along City Ave	65 ft. max.	
Buildings between North Highland Ave and Montgomery Ave	60 ft. max. <sup>(5)</sup>	
Buildings between Bala Ave and the Cywyd Rail Line from City Ave to Montgomery Ave	60 ft. max. <sup>(5) (6)</sup>	
Buildings along westerly side of Bala Ave between Aberdale Rd and North Highland Ave and all other streets	49 ft. max. <sup>(5)</sup>	
Intensity		
FAR (base) [increase]	(1.25 max.) [2.0 max.]	

**TABLE 6.9 SPECIAL DISTRICT  
RESIDENTIAL BUILDING TYPES**

	MC	BMMD	RHR	BMV	CAD
<b>SINGLE-FAMILY DETACHED HOUSE</b>					
		R <sup>(1)</sup>		R <sup>(2)</sup>	
<b>TWIN</b>					
		R <sup>(1)</sup>		R <sup>(2)</sup>	
<b>DUPLEX</b>					
		R <sup>(1)</sup>		R <sup>(2)</sup>	
<b>QUAD</b>					
					

**Notes**

1 BMMD3 only

2 BMV1, 3, 4

P = Permitted Use R = Regulated Use

DRAFT 4.0 NOVEMBER 22, 2019

**TABLE 6.9 SPECIAL DISTRICT  
RESIDENTIAL BUILDING TYPES**

	MC	BMMD	RHR	BMV	CAD
<b>ROWHOUSE</b>					
		R <sup>(1)</sup>		P/R	P/R
<b>SMALL MULTI-FAMILY (6-PACK)</b>					
			R	P/R	R
<b>APARTMENT BUILDING (LARGE MULTI-FAMILY)</b>					
			R	P/R	R
<b>LIVE/WORK</b>					
			P	R <sup>(2)</sup>	R <sup>(3)</sup>

**Notes**

- 1 BMMD3 only
- 2 BMV1, 3, 4
- 3 CAD-BV only

INTENTIONALLY BLANK

ARTICLE 7:  
CONSERVATION  
& PRESERVATION  
OVERLAYS

## 155-7.1 HROD HISTORIC RESOURCES OVERLAY DISTRICT

### 7.1.1 Intent

- 7.1.1.a. Preservation and protection of buildings, structures and sites, and objects of historic, architectural, cultural, archaeological, educational and aesthetic merit are public necessities and are in the interests of the health, prosperity and welfare of the people of Lower Merion Township. To that end, a separate zoning district is created to overlay all other zoning districts in the Township.
- 7.1.1.b. The provisions of this ~~Chapter~~ ~~Section~~ are intended to:
  - 7.1.1.b.i. Promote the general welfare by protecting the integrity of the historic resources and neighborhoods with unique architectural characteristics of Lower Merion Township.
  - 7.1.1.b.ii. Establish a clear and public process by which proposed land use changes affecting historic resources can be reviewed.
  - 7.1.1.b.iii. Discourage the unnecessary demolition of historic resources.
  - 7.1.1.b.iv. Provide incentives for the continued use of historic resources and to facilitate their appropriate reuse.
  - 7.1.1.b.v. Encourage the conservation of historic settings and landscapes.
  - 7.1.1.b.vi. Promote retention of historical integrity in the context of proposed land use and/or structural changes.
  - 7.1.1.b.vii. Preserve historic resources in the community as listed on the Historic Resource Inventory and in local Historic Districts.
  - 7.1.1.b.viii. For conversions, retain~~ing~~ the visual character of the building and the grounds surrounding it as they were designed and/or as they have traditionally been maintained.

### 7.1.2 Applicability

- 7.1.2.a. The provisions of "Article 7: Conservation & Preservation Overlays" shall apply to all Class I and Class II Historic Resources and contributing resources in local historic districts designated by the Board of Commissioners and identified on the Historic Resource Inventory, unless stated otherwise.
- 7.1.2.b. The properties identified on the Historic Resource Inventory shall constitute an overlay to the Township Zoning Map.
- 7.1.2.c. A means to guarantee the permanent protection of the historic integrity of the subject resource(s), such as the establishment of conservation easements(s) or appropriate covenants in a form acceptable to the Township Solicitor, shall be provided prior to the granting of any conditional use approval.
- 7.1.2.d. A use other than that permitted by the underlying district, may only be permitted, provided the following conditions are met:
  - 7.1.2.d.i. The use shall be contained within the historic buildings or structures unless otherwise specifically permitted.
  - 7.1.2.d.ii. Obtaining a recommendation by the Historical Commission or Board of Historical Architectural Review (HARB) (if the property is in an historic district).
  - 7.1.2.d.iii. Obtaining conditional use approval by the Board of Commissioners (BOC).
- 7.1.2.e. This section excludes elements on a designated property which do not contribute to the historic resource.
- 7.1.2.f. The most current version of the Secretary of the Interior's Standards for Rehabilitation of Historic Structures, as amended, shall be used as a guideline in carrying out any plans involving the rehabilitation, alteration or enlargement of historic resource(s).
- ~~7.1.2.g. 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".~~

- 7.1.3 Permitted Uses for Class I and Class II Historic Resources
- 7.1.3.a. Any use in the underlying zoning district.
- 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.
- 7.1.4 A use identified by the letter "R" means the use is permitted subject to ~~additional the~~ regulations in "Table 7.1.2 Historic Resource Use Regulations" and the following ~~conditions~~:
- 7.1.4.a. ~~Compliance with the supplemental use 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.
- 7.1.4.b. A regulated use is subject to administrative approval by the issuance of a ~~use~~ zoning permit by the Zoning Officer.
- 7.1.4.c. Where a proposed use is permitted by "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.
- 7.1.5 Specific Requirements for Conditional Use Approval
- 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.
- 7.1.5.b. A use identified by the letter "C" means the use must be authorized by Conditional Use.
- 7.1.6 Access and Parking shall be according to "Article 8: Parking Standards" unless otherwise stated in Table 7.1.2.
- 7.1.7 Additional Use Requirements for Class I or Class II Historic Resources
- 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:
- 7.1.7.a.i. Off-street parking areas shall be screened from neighboring properties by plant material, or a combination of plant material, fencing or berms, as follows:
- 7.1.7.a.i.(1). To a minimum height of four feet along all frontages.
- 7.1.7.a.i.(2). To a minimum height of five feet along all side and rear properties.
- 7.1.7.a.ii. Show windows, displays or advertising visible outside the premises are prohibited, except for a single, non-illuminated sign not exceeding two square feet.
- 7.1.7.a.iii. Ambience standards shall be according to "Section 155-3.11 Ambience Standards".
- 7.1.8 Relief from Specific Form Standards
- 7.1.8.a. The impervious surface and setback standards in the underlying zoning district may be modified by up to 15% for properties containing Class I or Class II Historic Resources, subject to:
- 7.1.8.a.i. Obtaining a recommendation from by the Historical Commission or Board of Historical Architectural Review (HARB) (if the property is in an historic district), pursuant to Chapter 88; and
- 7.1.8.a.ii. Obtaining conditional use approval from the Board of Commissioners.
- 7.1.8.b. Projections into required setbacks that are greater than those permitted in "Section 155-3.6 Projections" may be permitted by the Board of Commissioners as a conditional use if the



purpose of the addition is to restore the building to its previous historic configuration, provided that a recommendation is obtained from the Historical Commission or Board of Historical Architectural Review (HARB) (if the property is in an historic district), and approved by the Board of Commissioners.

- 7.1.8.c. Where form requirements are modified, the applicant shall demonstrate to the satisfaction of the Board of Commissioners that the degree of relief is required to accommodate the reasonable development, use or enhancement of the historic resource.
- 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.*
- 7.1.8.e. Where the Board of Commissioners determines that the requested relief is essential to the preservation of the historic resource the Board of Commissioners may, by conditional use, modify such requirements to a greater degree than permitted by this section to protect the historic resource.

#### 7.1.9 Neighborhood Conservation Districts (RESERVED)

#### 7.1.10 Historic Resource Impact Study

- 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.
- 7.1.10.b. Contents. The study shall contain the following information unless the Director of Building and Planning determines them to be not pertinent to the application:
  - 7.1.10.b.i. Background information.
    - 7.1.10.b.i.(1). A site plan, including existing structures, topography, water-courses, vegetation, landscaping, existing drives, etc, with all contributing elements labeled accordingly.
    - 7.1.10.b.i.(2). General description and classification of all historic elements located on the subject tract as shown on the site plan, or on tracts immediately adjacent to the subject tract.
    - 7.1.10.b.i.(3). Statement of the significance of each Class I or II Historic Resource, ~~both relative to~~ *relative to both* the Township and region in general.
    - 7.1.10.b.i.(4). Sufficient number of digital photographs to show every historic resource identified in its setting. Photographs shall be at least 3000 x 2000 pixels, numbered, and with their locations noted on the site plan.
    - 7.1.10.b.i.(5). Narrative description of the historical development of the subject tract.
  - 7.1.10.b.ii. Proposed change.
    - 7.1.10.b.ii.(1). General description and site plan of the project, including time table or phases.
    - 7.1.10.b.ii.(2). Description of impact on each contributing element within the Class I or II Historic Resource identified in "Article 11: Process & Procedures", with regard to architectural integrity, historic setting and future use.
    - 7.1.10.b.ii.(3). General description of effect of noise and traffic and other impacts generated by the proposed change on any contributing element within the Class I or II Historic Resource identified in "Article 11: Process & Procedures".

**TABLE 7.1.1 HISTORIC RESOURCE USES**

USES	CLASS I	CLASS II
<b>RESIDENTIAL</b>		
Accessory Dwelling Unit	R	R
Single-Family to Multi-Family Conversion	C/R	C/R
Non-Residential to Multi-Family Conversion	C/R	C/R
Historic Home Occupation	R	R
<b>LODGING</b>		
Bed & Breakfast	C/R	C/R
<b>CULTURAL / MUSEUM</b>		
Cultural Studio, Gallery, Museum	C/R	C/R
<b>OFFICE</b>		
Office	C/R	
<b>SPECIALIZED RETAIL</b>		
Food Preparation / Catering	C/R	
Repair Services	C/R	
<b>OTHER</b>		
Craft and Production (Artist Studio / Workshop)	C/R	
Place of Assembly (Community Center)	C/R	

C = Conditional

R = Regulated

**TABLE 7.1.2 HISTORIC RESOURCE USE REGULATIONS**

USES	CLASS I	CLASS II	USE REGULATION
<b>RESIDENTIAL</b>			
Accessory Dwelling Unit	R	R	<p>Shall only be authorized subject to the following regulations:</p> <ul style="list-style-type: none"> <li>It is the only single-family dwelling unit other than the principal dwelling.</li> <li>Class I &amp; Class II historic resources shall comply with "Table 8.1 Minimum Parking Requirements".</li> </ul>
Single-Family to Multi-Family Conversion	C/R	C/R	<p>Shall only be authorized as a conditional use subject to the following regulations:</p> <ul style="list-style-type: none"> <li>A minimum of 75% of the lot area requirement for the district in which the designated lot is located shall be provided for each dwelling unit, up to a maximum of five units. The lot area required for the conversion cannot be used to determine the density in a future subdivision. A covenant shall be recorded to document this restriction.</li> <li>The only permitted external alterations of the converted building shall be subject to the following: <ul style="list-style-type: none"> <li>Those required for reasons of safety or compliance with the accessibility and requirements of the International Building Code.</li> <li>Openings required to accommodate new windows and doors, grade level patios or wood decks.</li> <li>Vents or exhausts for mechanical systems.</li> <li>Upper floor balconies on the side or rear of the building.</li> <li>New stairways located to the rear of the building, unless required by the building code to be located on the side of the building.</li> <li>Open porches.</li> </ul> </li> <li>Building additions are subject to compliance with the following: <ul style="list-style-type: none"> <li>Form standards of underlying zoning; and</li> <li>An addition shall be limited to a maximum of 5% of the building footprint of the historic resources and shall not be visible from the public way.</li> </ul> </li> <li>A detached private garage shall be located to the rear or side of the existing building to be converted and subject to the setback requirements in its zoning district but in no case may be less than 10 feet from the side or rear property line.</li> <li>Required parking shall comply with "Article 8: Parking Standards", except as noted herein: <ul style="list-style-type: none"> <li>Existing on-site parking may be shared, provided that there is at least 1.5 parking spaces on the lot dedicated for each dwelling unit.</li> <li>All surface parking added to comply with required parking for the conversion shall not be located in the front yard setback or in front of the historic resource and shall be screened from the public way.</li> </ul> </li> </ul>

C = Conditional  
R = Regulated

**TABLE 7.1.2 HISTORIC RESOURCE USE REGULATIONS (CONTINUED)**

USES	CLASS I	CLASS II	USE REGULATION
<b>RESIDENTIAL (CONT'D)</b>			
Non-Residential to Multi-Family Conversion	C/R	C/R	<p>Shall only be authorized as a conditional use subject to the following regulations:</p> <ul style="list-style-type: none"> <li>The minimum lot area requirement for the district in which the lot is located shall be provided for each dwelling unit in the proposed converted building.</li> <li>No future subdivision of the property may reduce the lot area below the minimum requirement of the applicable zoning district.</li> <li><del>Where a non-historic accessory building also exists on the lot, the non-historic building may also be converted.</del></li> <li>A covenant shall be recorded to document this regulation.</li> <li>The building on the lot shall comply with the building form standards for the zoning district in which it is located. To the degree the building is nonconforming, the existing and new improvements required to complete the conversion shall comply to Tables 4.1 to 4.4 and Tables 6.1 to 6.5 and to "Article 3: General to Districts".</li> <li>The only permitted external alterations of the converted building are: <ul style="list-style-type: none"> <li>Those required for reasons of safety or compliance with the accessibility and requirements of the International Building Code.</li> <li>Openings required to accommodate new windows and doors, grade level patios or wood decks.</li> <li>Vents or exhausts for mechanical systems.</li> <li>Upper floor balconies on the side or rear of the building.</li> <li>New stairways located to the rear of the building, unless required by the building code to be located on the side of the building.</li> <li>Open porches.</li> <li>Building additions subject to compliance with the following: <ul style="list-style-type: none"> <li>Form standards of underlying zoning; and</li> <li>An addition shall be limited to a maximum of 10% of the building footprint of the historic resource and shall not be visible from the public way.</li> </ul> </li> </ul> </li> <li>The addition of a detached private garage or parking structure, subject to compliance with the following conditions: <ul style="list-style-type: none"> <li>A detached private garage shall be: <ul style="list-style-type: none"> <li>Located to the rear or side of the existing building to be converted and subject to the setback requirements in its zoning district but in no case may be less than 10 feet from the side or rear property line.</li> <li>Limited to a maximum of two cars and 600 square feet maximum.</li> </ul> </li> <li>A parking structure shall be designed to fit into the topography with as many spaces below grade as possible.</li> </ul> </li> <li>A planted buffer of not less than 20 feet in width along the full length of each side and rear lot line shall be provided in LDR and MDR districts, unless a finding shows adjacent properties are sufficiently protected from the impact of the converted building by a lesser buffer or by no buffer at all. No driveway or parking area is permitted within this required buffer area.</li> </ul>

**TABLE 7.1.2 HISTORIC RESOURCE USE REGULATIONS (CONTINUED)**

USES	CLASS I	CLASS II	USE REGULATION
<b>RESIDENTIAL (CONT'D)</b>			
Non-Residential to Multi-Family Conversion (Continued)	C/R	C/R	<ul style="list-style-type: none"> <li>Required parking shall comply with "Article 8: Parking Standards",</li> <li>All surface parking added to comply with required parking for the conversion shall be screened from the view of adjacent properties at ground level, to the extent practicable, by planting a mix of deciduous and evergreen trees and shrubs or a combination of fencing, walls or plantings.</li> <li>If the net lot area exceeds five acres, the lot shall comply with the provisions of Section "155-7.2 OSOD Open Space Overlay District".</li> </ul>
Historic Home Occupation	R	R	<p>Historic Resource home occupation is permitted subject to the following regulations:</p> <ul style="list-style-type: none"> <li>No more than eight commercial visits per day.</li> <li>All visits shall fall between the hours of 9:00 a.m. and 9:00 p.m.</li> <li>No more than 25% of the habitable floor area shall be used for the historic resource home occupation.</li> <li>Home occupations may be conducted in a building/structure accessory to the practitioner's principal residence, provided that the accessory building/structure is determined by the Board of Commissioners to be a contributing resource and is identified as such on the Historic Resource Inventory.</li> <li>One additional off-street parking space is required for each employee in addition to the practitioner.</li> <li>In LDR &amp; MDR1 Districts, a separation requirement of 300 feet from any other historic resource home occupation or any other home occupation (except nontraffic home occupations) shall apply. This may be modified by Conditional Use, if the applicant established that the use is located in a neighborhood which is not primarily residential in character or the use will not have a substantial tendency to commercialize the neighborhood.</li> </ul>
<b>LODGING</b>			
Bed & Breakfast	C/R	C/R	<p>Shall only be authorized as a conditional use subject to the following regulations:</p> <ul style="list-style-type: none"> <li>A maximum of five guest suites, with a maximum of 15 guests.</li> <li>No kitchen or cooking facilities in any guest suite.</li> <li>The use of amenities, such as swimming pool or tennis courts, is restricted to guests staying at the establishment and owners.</li> <li>One parking space shall be provided for each guest suite, in addition to the required parking for any other permitted use.</li> </ul>

**TABLE 7.1.2 HISTORIC RESOURCE USE REGULATIONS (CONTINUED)**

USES	CLASS I	CLASS II	USE REGULATION
<b>CULTURAL / MUSEUM</b>			
Cultural Studio, Gallery, Museum	C/R	C/R	<p>Shall only be authorized as a conditional use in a LDR or MDR zoning district subject to the following regulations:</p> <ul style="list-style-type: none"> <li>The area devoted to the use is limited to 3,000 square feet.</li> <li>The property owner, or the manager or lessor of the facility, shall reside on the premises.</li> <li>Permitted hours of operation are between 8:00 a.m. and 8:00 p.m.</li> </ul>
<b>OFFICE</b>			
Office	C/R		<p>Shall only be authorized as a conditional use subject to the following regulations:</p> <ul style="list-style-type: none"> <li>The property shall be accessed from a primary, secondary and/or tertiary street and not located in a local historic district.</li> <li>Limited to one employee per 500 square feet of gross habitable floor area <b>dedicated to office use.</b></li> <li><b>The office use shall be limited to 100,000 square feet of the existing gross habitable floor area.</b></li> </ul>
<b>SPECIALIZED RETAIL</b>			
Food Preparation / Catering	C/R		<p>Shall only be authorized as a conditional use subject to the following regulations:</p> <ul style="list-style-type: none"> <li>The property shall be accessed from a primary, secondary and/or tertiary street and not located in a local historic district.</li> <li>No food consumption on premises.</li> <li>Limited to one employee per 500 square feet of gross habitable floor area, and no more than <del>3</del><b>three</b> employees.</li> <li>Permitted hours of operation are between 8:00 a.m. and 8:00 p.m.</li> </ul>
Repair Services	C/R		<p>Shall only be authorized as a conditional use subject to the following regulations:</p> <ul style="list-style-type: none"> <li>The property shall be accessed from a primary and/or secondary street only and not located in a local historic district.</li> <li>Excludes automobile, motorcycle, or lawnmower repair.</li> <li>Limited to one employee per 500 square feet of gross habitable floor area.</li> <li>Permitted hours of operation are between 7:00 a.m. and 8:00 p.m.</li> </ul>
<b>OTHER</b>			
Craft and Production (Artist Studio / Workshop)	C/R		<p>Shall only be authorized as a conditional use subject to the following regulations:</p> <ul style="list-style-type: none"> <li>The property shall be accessed from a primary, secondary and/or tertiary street and not located in a local historic district.</li> <li>Limited to one employee per 500 square feet of gross habitable floor area, and no more than <del>3</del><b>three</b> employees.</li> <li>Permitted hours of operation are between 8:00 a.m. and 8:00 p.m.</li> </ul>
Place of Assembly (Community Center)	C/R		<p>Shall only be authorized as a conditional use subject to the following regulations:</p> <ul style="list-style-type: none"> <li>The property shall be accessed from a primary and/or secondary street only and not located in a local historic district.</li> </ul>

## 155-7.2 OSOD OPEN SPACE OVERLAY DISTRICT

### 7.2.1 Intent.

The provisions of this ~~Chapter~~ ~~Section~~ are intended to:

- 7.2.1.a. Provide an effective means of responding to site conditions for the preservation of floodplains, wetlands, streams, valleys, woodlands and other natural and scenic features and historic resources in a manner consistent with Township policy.
- 7.2.1.b. Provide for the creation, retention and protection of historic sites and open space areas within the Township.
- 7.2.1.c. Provide an opportunity to attain the objectives of the Township's Open Space and Environmental Resource Protection Plan, Historic Sites Comprehensive Mapping Project and Comprehensive Plan with regard to open space preservation, orderly growth and enhancement of environmental resources.
- 7.2.1.d. Encourage innovation and to promote flexibility, economy and ingenuity in the residential development of large tracts, including subdivisions and land developments that are in keeping with the residential character and scale of adjacent residential neighborhoods and in particular, existing historic resources and their context.
- 7.2.1.e. Preserve scenic vistas and encourage the contiguous preservation of open space where possible.

### 7.2.2 Applicability.

- 7.2.2.a. 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.~~
- 7.2.2.b. All properties within an LDR, ~~or~~ MDR, ~~district or an I District~~ used or intended to be developed ~~residentially~~ shall comply with the provisions of this article.
- 7.2.2.c. The applicant shall establish that development, including site improvement, lot design and open space configuration, preserves natural features and environmentally sensitive areas in accordance with Chapter 101, Natural Features Conservation, preserves historic sites and in all other respects complies with Article V, General Standards, of Chapter 135, Subdivision and Land Development.
- 7.2.2.d. Relief from the requirements of the Open Space Overlay District may be granted by the Board of Commissioners as a conditional use, provided the applicant proves compliance with the standards and criteria set forth in "Article 11: Process & Procedures" establishing the following:
  - 7.2.2.d.i. That conventional development will preserve natural and scenic features, historic sites and historic resources to a degree equal to or greater than development under the Open Space Overlay District would permit. The applicant may be required to protect such features, sites and resources from further development with appropriate covenants running with the land. Where development of less than the entire parcel is intended or where the parcel is intended to be developed at less density than conventional development would permit, the applicant may be required to file a development plan for the entire parcel pursuant to ~~Section~~ ~~Chapter~~ 135 ~~Section~~ 17C(12) or may be required to regulate further subdivision and/or development on the remainder of the tract by recorded covenant or agreement.
  - 7.2.2.d.ii. That the applicant has achieved the intent of the Open Space Overlay District set forth in "~~Section~~ 7.2.1 Intent." by deed restriction, conveyance of a perpetual conservation easement to a recognized nonprofit corporation established for that purpose, or by any other means of facility ownership set forth in "~~Section~~ 7.2.9".

### 7.2.3 Permitted Uses: The following residential uses are permitted in the OSOD:

- 7.2.3.a. A use permitted in the underlying zoning district.



- 7.2.3.b. Additional permitted uses in LDR include:
  - 7.2.3.b.i. Twins
  - 7.2.3.b.ii. Duplexes
  - 7.2.3.b.iii. Multifamily dwellings, only as conversions of structures listed on the Township's Historic Resource Inventory. Reconstruction, alteration or restoration of historic resources shall conform to the current requirements of the United States Secretary of the Interior's Standards for Rehabilitation, Reconstruction and Restoration.
- 7.2.3.c. **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.**
- 7.2.3.d. Preservation Area Uses: ~~The following uses are~~ **Uses permitted in a** permitted on Preservation Area **are limited as follows:**
  - 7.2.3.d.i. Conservation of **waterways, woodlands and** open land in its natural state.
  - 7.2.3.d.ii. Pedestrian or equestrian trails **if constructed of pervious material.** ~~Trails constructed of pervious material may be counted toward the required Preservation Area.~~
  - 7.2.3.d.iii. Pasture land, open field or meadow.
  - 7.2.3.d.iv. Class I and Class II Historic Resources. The footprint of these resources, **together with associated paved areas not used for vehicular purposes,** 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.
  - 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.**
  - 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.**
- 7.2.3.e. The Preservation Area shall be free of structures of any kind, including, but not limited to:
  - 7.2.3.e.i. 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.
  - 7.2.3.e.ii. 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.
  - 7.2.3.e.iii. Fences, regardless of their purpose, size, age, type or design, shall not be permitted to intrude into or cut across/through the Preservation Area.
- 7.2.3.f. Sewage disposal systems, underground stormwater management systems and associated easements may occupy up to 10 percent of the minimum required Preservation Area, provided the systems do not require the removal of trees. The following standards apply:
  - 7.2.3.f.i. Sewage Disposal Systems.
    - 7.2.3.f.i.(1). Sewage treatment lagoons, structures, structure access areas and parking lots shall not count toward the Preservation Area requirement.
    - 7.2.3.f.i.(2). Absorption fields serving individual dwelling units may be located in the Preservation Area, but individual treatment tanks shall be located within the lots they serve.
    - 7.2.3.f.i.(3). Easements for sanitary sewer lines may be counted toward the minimum Preservation Area requirements.
  - 7.2.3.f.ii. Stormwater Management Systems. The following stormwater management practices may be counted toward the minimum Preservation Area requirement, provided they meet the guidelines in the PA Stormwater Best Management

## Practices Manual:

- 7.2.3.f.ii.(1). Infiltration basin, provided the berms do not exceed 36 inches in height;
- 7.2.3.f.ii.(2). Subsurface infiltration bed;
- 7.2.3.f.ii.(3). Infiltration trench, no deeper than 18 inches;
- 7.2.3.f.ii.(4). Rain garden;
- 7.2.3.f.ii.(5). Vegetated swale, no deeper than 19 inches;
- 7.2.3.f.ii.(6). Infiltration berm, provided the berm does not exceed 24 inches in height.
- 7.2.3.g. Easements of rights-of-way for overhead power lines shall not count towards the minimum Preservation Area requirements.
- 7.2.4 Maximum Density and Minimum Preservation Area. The following development standards apply to all development in this district.
  - 7.2.4.a. Maximum Density. The maximum number of lots and/or dwelling units shall be determined by the yield map, developed as part of the Tentative Sketch Plan requirements. In determining the maximum number of lots on the yield plan, the Township reserves the right to require that the applicant demonstrate full compliance with the Zoning standards applicable to the underlying zoning district, permitted by right as opposed to Conditional Use or Special Exception, as well as the applicable Subdivision and Land Development Code and Natural Features Conservation Code standards.
  - 7.2.4.b. Minimum Preservation Area. The minimum Preservation Area for developments permitted by right shall be 50% of the net tract area, and shall demonstrate compliance with the following:
  - 7.2.4.c. No more than 50% of the preservation area shall be comprised of designated floodplain or slopes in excess of 25%.
  - 7.2.4.d. In the case of developments permitted by conditional use, the percentage of Preservation Area shall increase to 60%, subject to the standard above. Refer to section 7.2.2.d.
  - 7.2.4.e. Greens. At least one green shall be provided in the required Preservation Area. Homes shall face the green, either directly, or across a street. Greens shall be a minimum of 7,500 square feet.
  - 7.2.4.f. Preservation areas shall preserve and protect the tract's significant natural features, cultural landscapes and historic sites.
  - 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.
  - 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.
- 7.2.5 Dimensional Standards for Preservation Area.
  - 7.2.5.a. Structures shall be situated so as to maintain a minimum setback from any tract property line equal to the front yard setback of the underlying zoning district.
  - 7.2.5.b. Where proposed development adjoins public parkland, the Preservation Area shall be at least 100 feet wide along its common boundary with the parkland. For development parcels ten acres or less, this buffer shall be reduced to 50 feet.
  - 7.2.5.c. Where development is clustered, the minimum lot areas, setbacks and lot widths from the underlying district shall not be required.
  - 7.2.5.d. Maximum height shall be the same as in the underlying zoning district.
- 7.2.6 Preservation Area Design Standards
  - 7.2.6.a. Preservation Area shall be identified and designed in accordance with the Subdivision and Land Development Code.
  - 7.2.6.b. Applicants for new residential development may fulfill the recreation land dedication requirements in Chapter 135-17, by dedicating an equivalent amount of Preservation Area as recreation land.

- 7.2.6.c. Pedestrian and maintenance access for all residents of the development shall be provided to Preservation Area land in accordance with the following requirements:
  - 7.2.6.c.i. No more than 10 lots shall be contiguous to each other without a centrally located accessway meeting the following standards:
    - 7.2.6.c.i.(1). The width of the accessway shall be 25 feet or greater.
    - 7.2.6.c.i.(2). The accessway shall extend the full depth of the adjacent lots.
- 7.2.7 Age-targeted development for residents aged 55 and over on parcels over 25 acres (RESERVED)
- 7.2.8 Transfer of Development Rights. (RESERVED)
- 7.2.9 Preservation Area and facility ownership and maintenance standards. To ensure adequate planning for operation and maintenance of common open space, preservation areas, recreation facilities, sewage facilities, central water supply facilities, stormwater management facilities, common parking areas and driveways, private streets and any other common or community facilities (hereinafter referred to as "common facilities"), the following regulations shall apply:
  - 7.2.9.a. Preservation. Preservation Area shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement or other agreement in a form acceptable to the Township Solicitor and duly recorded in the Office of the Recorder of Deeds of Montgomery County.
  - 7.2.9.b. Maintenance. A plan for the disposition, use, maintenance and insurance of the Preservation Area, including provisions for funding, shall be provided to and approved by the Township Solicitor prior to Preliminary Plan approval. The Board of Commissioners may permit or require all or portions of Preservation Area or common facilities be divided among one or more individual lots and may confer responsibility for maintenance of such upon the owner(s) of such lot(s).
  - 7.2.9.c. Use. Preservation Area shall be available for use by those having an ownership interest in the tract as developed. Portions of the Preservation Area may be designated for use by the general public. The Board of Commissioners may by conditional use grant relief from the provisions of this subsection subject to all of the conditions for the grant of conditional use set forth in ~~sub~~Section 7.2.6.c, ~~Access to Preservation Areas~~.
  - 7.2.9.d. Ownership. The following methods may be used, either individually or in combination, to own common facilities: condominium ownership, fee simple dedication to public agency, dedication of easements to the Township, fee simple dedication to a private conservation organization, transfer of easements to a private conservation organization and/or homeowners' association. Common facilities shall not be eligible for transfer to another entity except for transfer to another method of ownership permitted under this section, and then only where there is no change in the common facilities. Ownership methods shall conform to the following:
    - 7.2.9.d.i. Condominium. Common facilities shall be controlled with condominium agreements. Such agreements shall be approved by the Township Solicitor and be in conformance with the Uniform Condominium Act of 1980. All land and facilities shall be held as "common element."
    - 7.2.9.d.ii. Fee simple dedication to a public agency. The Township or other public agency acceptable to the Township may, but shall not be required to, accept any portion of the common facilities. The Township shall have the right to accept at any time and from time to time the dedication of land or any interest therein for public use, provided that:
      - 7.2.9.d.ii.(1). Any common facilities are accessible to the residents of the Township.
      - 7.2.9.d.ii.(2). There is no cost of acquisition (other than any costs incidental to the transfer of ownership, such as title insurance).
      - 7.2.9.d.ii.(3). The Township or other public agency acceptable to the Township agrees to and has access to maintain such common facilities.

- 7.2.9.d.iii. Transfer of easements to a public agency. The Township or other public agency acceptable to the Township may, but shall not be required to, accept easements for public use of any portion of the common facilities, title of which is to remain in private ownership, provided that:
  - 7.2.9.d.iii.(1). Any common facilities are accessible to the residents of the Township.
  - 7.2.9.d.iii.(2). There is no cost of easement acquisition (other than any costs incidental to the transfer of ownership, such as title insurance).
  - 7.2.9.d.iii.(3). A satisfactory maintenance agreement is reached between the owner and the Township.
- 7.2.9.d.iv. Fee simple dedication to a private conservation organization. Any owner may dedicate any portion of the common facilities to a private, nonprofit conservation organization, provided that:
  - 7.2.9.d.iv.(1). The organization is acceptable to the Township and is a bona fide conservation organization with perpetual existence.
  - 7.2.9.d.iv.(2). The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
  - 7.2.9.d.iv.(3). A maintenance agreement acceptable to the Township is established between the owner and the grantee, in accordance with "Section 7.2.9.e Maintenance and operation of common facilities".
- 7.2.9.d.v. Transfer of easements to a private conservation organization. Any owner may transfer easements on common facilities to a private, nonprofit conservation organization, provided that:
  - 7.2.9.d.v.(1). The organization is acceptable to the Township and is a bona fide conservation organization with perpetual existence.
  - 7.2.9.d.v.(2). The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
  - 7.2.9.d.v.(3). A maintenance agreement acceptable to the Township is established between the owner and the grantee, in accordance with "Section 7.2.9.e Maintenance and operation of common facilities".
- 7.2.9.d.vi. Homeowners' Association. Common facilities shall be held in common ownership by a homeowners' association, subject to all the provisions set forth herein and in Section 705-f of the Pennsylvania Municipalities Planning Code. In addition, the homeowners' association shall be governed according to the following:
  - 7.2.9.d.vi.(1). The owner or applicant shall provide to the Township a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities.
  - 7.2.9.d.vi.(2). The organization shall be established by the owner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before the sale of any dwelling units within the development.
  - 7.2.9.d.vi.(3). Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
  - 7.2.9.d.vi.(4). The organization shall be responsible for maintenance of and insurance on common facilities.
  - 7.2.9.d.vi.(5). The members of the organization shall share equitably the costs of maintaining, insuring and operating common facilities.
  - 7.2.9.d.vi.(6). The owner or applicant for any tract proposed to contain common facilities shall arrange with the County Board of Assessment a method of assessment of the common facilities which will allocate to each tax parcel in the development a share of the total

assessment for such common facilities. Where this alternative is not utilized, the organization shall be responsible for applicable real estate taxes on common facilities.

7.2.9.d.vi.(7). Written notice of any proposed transfer of common facilities by a homeowners' association or the assumption of maintenance for common facilities must be given to all members of the organization and to the Township no fewer than 30 days prior to such event.

7.2.9.d.vi.(8). The organization shall have or hire adequate staff, as necessary, to administer, maintain and operate common facilities.

7.2.9.e. Maintenance and operation of common facilities.

7.2.9.e.i. The applicant shall, at the time of preliminary plan submission, provide a plan for maintenance and operation of common facilities. Said plan shall:

7.2.9.e.i.(1). Define ownership;

7.2.9.e.i.(2). Establish necessary regular and periodic operation and maintenance responsibilities; and

7.2.9.e.i.(3). Estimate staffing needs, insurance requirements and associated costs, and define the means for funding the same on an ongoing basis.

7.2.9.e.ii. During the first year following final plan approval, the applicant may be required to escrow sufficient funds for the maintenance and operation of common facilities for up to one year.

7.2.9.e.iii. In the event that the organization established to own and/or maintain common facilities, or any successor organization thereto, fails to maintain all or any portion of the aforesaid common facilities in reasonable order and condition in accordance with the development plan and all applicable laws, rules and regulations, the Township may serve written notice upon such organization, and upon the residents and owners of the uses relating thereto, setting forth the manner in which the organization has failed to maintain the aforesaid common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this chapter, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The Township may enter the premises and take corrective action.

7.2.9.e.iv. The costs of corrective action by the Township shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The Township, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the Prothonotary of the county upon the properties affected by such lien.

### 155-7.3 FLOODPLAIN OVERLAY DISTRICT

#### 7.3.1 Intent

- 7.3.1.a. In the interest of protecting the public health, safety and welfare, the provisions of this ~~article~~ ~~Section~~ are intended to:
- 7.3.1.a.i. Protect areas of the Township which are subject to floodwaters and erosion, including properties near rivers, streams, creeks and other areas subject to flooding and erosion.
  - 7.3.1.a.ii. Prevent excessive development in areas unfit by reasons of flooding, erosion, unsanitary conditions and related hazards.
  - 7.3.1.a.iii. Minimize danger to public health by protecting water supply and natural drainage.
  - 7.3.1.a.iv. Protect the environment and ecology within the floodplain, especially of streams and creeks, which are more susceptible to damage or destruction caused by development than is the environment and ecology of the floodplain of rivers.
  - 7.3.1.a.v. Permit and encourage the retention of open space land uses and scenic viewsheds of the Schuylkill River and other waterways, which will be so located and utilized as to constitute an appropriate and harmonious part of the physical development of the Township as provided for in the Comprehensive Plan.
  - 7.3.1.a.vi. Permit only the appropriate development of flood-prone areas in light of the probability of flood damage and the need to reduce flood losses, which is an acceptable social and economic use of the land in relation to the hazards involved and which does not increase the danger to human life.
  - 7.3.1.a.vii. Prohibit nonessential or improper installation of public utilities and public facilities in flood-prone areas.

#### 7.3.2 Applicability

- 7.3.2.a. The Floodplain Overlay District is defined and established to include areas subject to the base flood, designated on the Lower Merion Township Floodplain Overlay District Map and prepared by the Township of Lower Merion. It is based on the Flood Insurance Study for the Township of Lower Merion, Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency (FEMA), dated March 2, 2016, or the most recent revision thereof, United States Department of Housing and Urban Development and the Lower Merion Township Topographic Map last revised October 1973.
- 7.3.2.b. The Lower Merion Township Floodplain Overlay District Map, the Flood Insurance Study and the Lower Merion Township Topographic Map are available to the public for inspection at the Building and Planning Department of the Township of Lower Merion.
- 7.3.2.c. The Lower Merion Township Floodplain Overlay District Map and all notations, references and other data shown thereon are hereby incorporated by reference in this chapter as if all were fully described herein.
- 7.3.2.d. The Floodplain Overlay District is an overlay on any zoning district and applicable to all lots.

#### 7.3.3 Revision or modification

- 7.3.3.a. The delineation of the Floodplain Overlay District, all as designated in the Lower Merion Township Floodplain Overlay District Map may be revised, amended and modified in compliance with the National Flood Insurance Program when:
- 7.3.3.a.i. There are changes in the floodplain data reflecting natural or man-made physical changes; or
  - 7.3.3.a.ii. Changes are indicated by future detailed hydrologic and hydraulic studies.
- 7.3.3.b. The procedure for revision, amendment and modification of the Floodplain Overlay District as designated on the Lower Merion Township Floodplain Overlay District Map shall be governed by this subsection and shall require a zoning permit from the Zoning Officer. No earth disturbance or construction work in the modified floodplain area shall proceed until this approval has been obtained and the zoning permit has been issued. When a property is located in a Special Flood Hazard Area on the Flood Insurance Rate Map no



revision, amendment or modification to the Floodplain Overlay District shall become effective without the prior approval of FEMA. Flood map revisions shall be subject to the following requirements:

- 7.3.3.b.i. Technical and/or scientific data shall be submitted by the applicant to the Zoning Officer for review by the Township Engineer. A flood map amendment shall not go into effect until the Zoning Officer has received approval from the Township Engineer and has issued a zoning permit.
- 7.3.3.b.ii. Technical and/or scientific data shall also be submitted by the applicant to FEMA for a Letter of Map Revision (LOMR) as soon as practicable but no later than six months of any new construction, development, or other activity resulting in changes in the Base Flood Elevation. The situations when a LOMR or a Conditional Letter of Map Revision (CLOMR) are required are:
  - 7.3.3.b.ii.(1). Any development that causes a rise in the base flood elevations within the floodway; or
  - 7.3.3.b.ii.(2). Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
  - 7.3.3.b.ii.(3). Alteration or relocation of a stream, including but not limited to installing culverts and bridges.
- 7.3.3.c. A notice shall be sent to all adjacent property owners, providing notice of the flood map amendment application and informing abutting owners where the application can be reviewed. This notice shall also provide the appeal process if an abutting owner decides to appeal the zoning permit.

#### 7.3.4 Permitted Uses

The following uses and no other shall be permitted in the Floodplain Overlay Districts.

- 7.3.4.a. Cultivated, forested and grazing areas according to recognized soil conservation practices.
- 7.3.4.b. Outdoor plant nurseries or orchards according to recognized soil conservation practices.
- 7.3.4.c. Wildlife sanctuary, woodland preserve or arboretum.
- 7.3.4.d. Game farms, fish hatcheries and reserves for the protection and propagation of wildlife, but permitting no structures.
- 7.3.4.e. Forestry, lumbering and reforestation according to recognized natural resources conservation practices.
- 7.3.4.f. Front, side and rear yards for required lot area in any district.
- 7.3.4.g. Normal accessory uses (except enclosed by fencing, or otherwise enclosed, freestanding structures) permitted within LDR and MDR zones.
- 7.3.4.h. Sanitary, storm sewers and utility lines, so long as they are floodproofed.
- 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.~~
- 7.3.4.j. Outlets for sewage treatment plant effluent with the approval of the Pennsylvania Department of Environmental Protection.
- 7.3.4.k. Flood retention dams, culverts and bridges, approved by the Township Engineer and approved by the Pennsylvania Department of Environmental Protection for those water-courses which drain an area of more than 1/2 square mile.
- 7.3.4.l. Parking of recreational vehicles, provided that the following conditions are met in Zones A, A1-30, AH and AE on the Flood Insurance Rate Map:
  - 7.3.4.l.i. The recreational vehicle shall be on the site for fewer than 180 consecutive days; or
  - 7.3.4.l.ii. The recreational vehicle shall be fully licensed and ready for highway use.



- 7.3.5 On residential lots, fences are only permitted if erected in the floodway fringe between the street right-of-way and the floodway of the Schuylkill River. Fences shall conform to the requirements of section "155-3.7 Fences and Walls" and the following:
- 7.3.5.a. The fence shall comply with "Table 7.3.1: Fences in Floodway Fringe".
  - 7.3.5.b. No chain-link fence shall be erected in the floodway fringe of the Schuylkill River.
  - 7.3.5.c. Swimming pools and tennis courts. Fences for swimming facilities shall adhere to the standards specified in Chapter 143, Uniform Construction Code, and shall also comply with the opening requirements in "Table 7.3.1: Fences in Floodway Fringe".
  - 7.3.5.d. Height standards for fences surrounding tennis courts shall be determined by the Zoning Hearing Board. Tennis court fences shall also comply with the opening requirements in "Table 7.3.1: Fences in Floodway Fringe".

**TABLE 7.3.1 FENCE IN FLOODWAY FRINGE**

LOCATION	HEIGHT OF FENCE	PERMITTED FENCE TYPE
Street right-of-way to frontmost wall of principal building or the required front yard setback, whichever is closest to the street.	Fences up to <del>4</del> four feet in height	Solid fence or fence with openings, provided the fence is properly anchored in accordance with the Pennsylvania Uniform Construction Code.
Street right-of-way to frontmost wall of principal building or the required front yard setback, whichever is closest to the street.	Fences <del>4</del> four feet to <del>6</del> six feet in height	The entire fence in this area shall contain openings equal to 75% or more of fence (e.g., estate fence).
Frontmost wall to rearmost wall of principal building	Fences up to <del>6</del> six feet in height	Solid fence or fence with openings, provided the fence is properly anchored in accordance with the Pennsylvania Uniform Construction Code.
Rearmost wall of principal building to the floodway	Fences up to <del>4</del> four feet in height	The entire fence in this area shall contain openings equal to 50% or more of fence (e.g., picket fence, estate, post and rail) and be properly anchored in accordance with the Pennsylvania Uniform Construction Code

- 7.3.6 Prohibited Uses.
- For the purpose of maintaining the Floodplain Overlay District, the uses listed below are specifically prohibited.
- 7.3.6.a. All freestanding structures and buildings and retaining walls or substantial improvements, which shall include but not be limited to generators, mechanical equipment and transformers (with the exception of flood retention dams, culverts, and bridges as approved by the Pennsylvania Department of Environmental Protection for those watercourses which drain an area of more than ~~1/2~~a half square mile), except as permitted under ~~this Chapter~~ "Section 155-7.3 Flood Plain Overlay District" as a variance, special exception, or conditional use.
  - 7.3.6.b. Because of the threat to human health and safety, under no circumstances shall variances be permitted for:
    - 7.3.6.b.i. Sanitary landfills, dumps, junkyards, outdoor storage of vehicles and materials and the production, storage or maintenance of a supply of toxic chemicals, either outside or within a structure.
    - 7.3.6.b.ii. The construction, enlargement or expansion of all mobile homes, mobile home parks and mobile home subdivisions; hospitals (public or private); ~~skilled nursing~~ Long-Term Care Facilities (public or private); and jails or prisons.

- 7.3.6.c. Radioactive substances, insofar as such substances are not otherwise regulated.
- 7.3.6.d. Any substance which, if it were discarded, would be a hazardous waste as defined in the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. § 6901 et seq.
- 7.3.6.e. Any chemical substance or mixture which is subject to the testing requirements of the Toxic Substance Control Act, 15 U.S.C. § 2601 et seq.
- 7.3.6.f. Any substance which is toxic or highly toxic under the Federal Hazardous Substances Act, 15 U.S.C. § 1261 et seq.
- 7.3.6.g. Any substance required to be registered under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. § 1261 et seq.
- 7.3.6.h. Sewage treatment plants
- 7.3.6.i. Stopping, filling up, confining, paving or other interference with or changing the course of drains, ditches, streams and watercourses, except in strict compliance with Chapter 149, Watercourses, of this Code.
- 7.3.6.j. The filling of land in the floodplain and the removal of soil from the floodplain, except as a special exception, in accordance with "Section 7.3.7 Use restrictions: Special Exceptions".

### 7.3.7 Use restrictions: Special Exceptions

- 7.3.7.a. The following uses may be permitted within the Floodplain Overlay District as special exceptions, pursuant to this section and "Section 11.2.8 Burden of Proof" when and if they are not in conflict with ~~the stated intent of this chapter~~ "Section 7.3.1 Intent" and if the use will not result in any increase in flood levels during the base flood discharge.
  - 7.3.7.a.i. Paved roads, driveways and parking areas, provided that no alternative non-floodplain locations are feasible. In the case of parking lots, no such lot shall be permitted unless satisfactory evidence is submitted that such parking will not be used during periods of flood flow, thus posing no threat to the safety of the vehicles, their occupants or to downstream properties. Temporary parking for periods not to exceed one hour or parking for recreation uses would be examples of such exceptions.
  - 7.3.7.a.ii. Minor changing or regrading of areas, including the filling of land and removal of soil, including walls, which will in no way contaminate, pollute, inhibit or increase the water flow or inhibit the water storage capacity of such areas.
  - 7.3.7.a.iii. Swimming facilities and tennis courts.
  - 7.3.7.a.iv. On-site disposal systems shall be located to avoid impairment to them, or contamination from them during flooding, and shall be subject to the approval of the Pennsylvania Department of Environmental Protection.

### 7.3.8 Schuylkill River floodway fringe

- 7.3.8.a. Buildings, structures, paved roads, driveways, parking areas, swimming facilities, tennis courts and associated grading may be permitted within the floodway fringe of the Schuylkill River by special exception, pursuant to this section and section "11.2.8 Burden of Proof". There shall be a specific finding that such use does not conflict with the stated intent of this chapter, nor will the use result in any increase in flood levels during the base flood discharge.
- 7.3.8.b. Structures shall not be located in the floodway.
- 7.3.8.c. Structures shall be constructed and located on the lot so as to offer minimum of obstruction to the flow of water.
- 7.3.8.d. Sewer, water and electric lines shall be floodproofed to a height of 24 inches above the base flood level. A professional engineer or architect registered in the Commonwealth of Pennsylvania and employed by the developer shall certify to the Township that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. A record of such certificates indicating the specific elevation (in relation to mean sea level) to which all such sewer, water and electric lines are floodproofed shall be maintained with the Director of Building and Planning.

- 7.3.8.e. Structures shall be constructed with all portions of all rooms, including basements, at least 24 inches above the base flood level. Exceptions include nonresidential structures in the Light Industrial (LI) District that may be constructed if all portions of all rooms, including basements, are constructed at or above the base flood level, and their associated sewer, water and electric lines are floodproofed to the base flood level.
- 7.3.8.f. Structures shall be permanently anchored so as to prevent flotation or lateral movement.
- 7.3.8.g. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto abutting properties.
- 7.3.8.h. Where an existing building is being altered or expanded and the alterations or expansion qualifies as a substantial improvement, the entire building shall comply with all of the provisions above.
- 7.3.8.i. Upon completion of the framing of the first occupied floor level, an as-built certificate verifying compliance with the provisions above shall be submitted to the Zoning Officer.
- 7.3.8.j. Hospitals, ~~skilled nursing~~ Long-Term Care Facilities, jails, new manufactured home parks, subdivision or substantial additions to manufactured home parks or subdivisions shall also be required to obtain approval from the Department of Community and Economic Development in accordance with the administrative regulations of the Pennsylvania Flood Plain Management Act, Act No. 166.

#### ~~7.3.9 Procedures for Special Exceptions and Variances~~

- ~~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 and pursuant to all provisions and requirements of "Article 11: Process & Procedures" of this chapter which are not in conflict with this article.~~
- ~~7.3.9.b. All applicants shall provide the Zoning Hearing Board with the site plan submission requirements specified in "Article 11: Process & Procedures".~~

#### 7.3.9 Conflicts with other Code provisions

- 7.3.9.a. This article shall take precedence over all other portions of the Code of the Township of Lower Merion and over all Township of Lower Merion regulations due to the Township's needs to minimize the hazardous conditions and property damages resulting from flooding occurrences.

#### 7.3.10 Official responsible

- 7.3.10.a. The Township Manager is hereby designated the Township official with the responsibility, authority and means to implement the commitments required in Paragraph (a) of Section 1909.22 of Subpart B of Part 1909 of Subchapter B of Chapter X of 24 CFR Part II, and any amendments thereto.
- 7.3.10.b. The Township Manager is hereby designated the Township official responsible to submit an annual report to the Federal Insurance Administrator concerning the Township's participation in the National Flood Insurance Program, including but not limited to the development and implementation of floodplain management regulations, and the Township Manager shall utilize annual report form (OMB No. 63-R1546) or amendments or successors thereto.

#### 7.3.11 Warning and Liability

- 7.3.11.a. The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by natural or man-made causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside the Floodplain Overlay District or that uses permitted within the Floodplain Overlay District will be free from flooding or flood damage.

- 7.3.11.b. The grant of a zoning or building permit or approval of a subdivision or land development plan or the issuance of a special exception or a variance in the Floodplain Overlay District does not constitute a representation, guaranty or warranty of any kind by the Township of Lower Merion or its agencies or by any official, employee or member thereof of the practicability or safety of the proposed use or structure and shall create no liability on the Township of Lower Merion, its agencies or any official, employee or member thereof.

#### 155-7.4 STEEP SLOPES OVERLAY DISTRICT

##### 7.4.1 Intent

In the interest of protecting the public health, safety and welfare, the provisions of ~~this article~~ "Section 155-7.4 Steep Slopes Overlay District" are intended to:

- 7.4.1.a. Minimize runoff and soil erosion which is caused by inappropriate development of steep slope land areas.
- 7.4.1.b. Protect the Township from development of steep slopes of land which may cause a subsequent expenditure for public works and disaster relief which affects the economic well-being of the Township and its residents.
- 7.4.1.c. Protect residents from property damage and personal injury due to runoff and erosion and landslides attributable to nearby development on steeply sloping land.
- 7.4.1.d. Relate the intensity of development to the steepness of terrain in order to minimize grading, the removal of vegetation, runoff and erosion and to help ensure the utilization of land in accordance with its natural capabilities to support development.
- 7.4.1.e. Restrict sedimentation and the alteration of natural drainage patterns which may aggravate flooding both in the immediate area and in downstream areas.

##### 7.4.2 Applicability

- 7.4.2.a. The requirements of all zoning districts shall be modified in accordance with the provisions of this article on all land having an average slope of 10% or more as delineated on a plan which meets the requirements of a Preliminary Plan as specified in the Lower Merion Township Subdivision and Land Development Code.
- 7.4.2.b. ~~The 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 Regulations". For residential development of single-family units, twins, and quads, the following conditions apply:~~
  - ~~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".~~
- ~~7.4.2.c. For development of rowhouses, multifamily buildings and non-residential development, the following conditions apply:~~
  - ~~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".~~
- 7.4.2.c. All freestanding structures, buildings and Substantial Improvements (with the exception of driveways and utilities when no other location is feasible) are prohibited on slopes of 25% or greater.
- 7.4.2.d. ~~If a lot line change is proposed that does not result in the potential for the creation of an additional buildable lot, the increased lot area required in "Table 7.4.1 Steep Slopes Development" is not applicable and the lot(s) shall be subject to the maximum impervious surface permitted in their underlying district. If no new lots are proposed, the minimum lot area is not applicable. Only the maximum impervious surface applies.~~

~~7.4.3 Steep slope regulations~~

~~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".~~

**TABLE 7.4.1 STEEP SLOPE DEVELOPMENT ~~RESTRICTIONS~~ REGULATIONS**

TYPE OF DEVELOPMENT	AVERAGE SLOPE (MIN. - MAX.)	INCREASE IN MINIMUM LOT AREA	MAXIMUM IMPERVIOUS SURFACE
SINGLE FAMILY, TWINS, AND QUADS	10% - 15%	1.3	20%
	15% - 25%	1.5	15%
	25% min.	2	10%
ROWHOUSES, MULTI-FAMILY, AND NON-RESIDENTIAL DEVELOPMENT	10% - 15%	1.3	less 10% of max. impervious surface of underlying district
	15% - 25%	1.5	less 15% of max. impervious surface of underlying district
	25% min.*	2	less 20% of max. impervious surface of underlying district
NOTES	* Refer to Section "7.4.2 Applicability"		

**155-7.5 WOODED LOT OVERLAY DISTRICT****7.5.1 Intent**

In the interest of providing for the protection and preservation of natural resources of the Township of Lower Merion, the provisions of ~~this article~~ "Section 155-7.5 Wooded Lot Overlay District" are intended to:

- 7.5.1.a. Preserve the tree canopy cover of the Township.
- 7.5.1.b. Encourage property development in such a way as to minimize destruction of existing trees.
- 7.5.1.c. Conserve and plant trees as a means of stabilizing soil and thereby conserving water quality.
- 7.5.1.d. Encourage the replanting of trees throughout the Township.

**7.5.2 Applicability**

- 7.5.2.a. The requirements of ~~this article~~ "Section 155-7.5 Wooded Lot Overlay District" applies to parcels in LDR, MDR, and I districts as follows:
  - 7.5.2.a.i. All parcels subject to subdivision and land development approval.
  - 7.5.2.a.ii. All parcels subject to Minor Grading Permit approval.
  - 7.5.2.a.iii. All parcels subject to Runoff and Erosion Control Permit approval.
- 7.5.2.b. The requirements of this section-applies to any parcel containing one or more viable tree having a caliper of six inches or greater.
- 7.5.2.c. A tree shall be assumed to be removed if land disturbance occurs within the dripline of the tree.

- 7.5.3 Tree replacement requirements. In LDR, MDR, and I districts, the following regulations shall apply:
- 7.5.3.a. Upon removal of more than 25% of the existing viable trees having a caliper of six inches or greater, the following replacement provisions of "Table 7.5.1. Tree Replacement" shall be provided:

**TABLE 7.5.1 TREE REPLACEMENT**

FOR EACH TREE TO BE REMOVED AT THE FOLLOWING SIZES DBH:	MINIMUM NUMBER & CALIPER OF REPLACEMENT TREES:
6" to 10" DBH	One 2 - 2½" caliper
10" to 18" DBH	Two 2 - 2½" caliper
18" to 24" DBH	Three 2 - 2½" caliper
24" to less than 30" DBH	Four 2 - 2½" caliper
30" or greater DBH	Six 2 - 2½" caliper

- 7.5.3.b. Replacement trees shall be native, deciduous shade trees. However, applicants may substitute native evergreen trees, a minimum eight feet in height, for up to one third of the deciduous shade tree species.
- 7.5.3.c. Where an applicant submits a plan prepared by a Professional Landscape Architect, licensed in Pennsylvania and demonstrates removal of invasive tree species over six inches in caliper is desirable for landscape restoration, a 50% replacement planting as required in "Table 7.5.1 Tree Replacement" shall be required for the invasive tree species. Restoration of the area with native vegetation and demonstration that erosion and sedimentation is mitigated, shall be demonstrated on the plan. The Township maintains a list of invasive tree species for which this reduction applies.
- 7.5.3.d. The applicant shall submit a plan to the Building and Planning Department illustrating the number and location of trees proposed to be removed and the number, species and location of trees to be planted.
- 7.5.3.e. Development plans shall contain information in sufficient detail to assure the Township that the requirements of this section are met.
- 7.5.3.f. Required replacement trees shall conform to the standards of the publications "American or U.S.A. Standard for Nursery Stock," ANSI or U.S.A.S. Z60.1 of the American Association of Nurserymen, as amended. All plant material used on the site shall have been grown so as to have a high likelihood of survival on the site (e.g., grown specifically for planting in the applicable USDA hardiness zone) and shall be nursery grown, unless it is determined by the Township that the transplanting of trees fulfills the requirements of this section.
- 7.5.3.g. All replacement trees shall be guaranteed and maintained in a healthy and/or sound condition as required in Natural Features Code Section 101-11. In addition, the Applicant may be required to escrow sufficient additional funds for the maintenance and/or replacement of the trees in order to provide for the removal and replacement of trees damaged during construction, based upon the recommendation of the Township. ~~For subdivision and land development plantings, the more restrictive requirements of Code Section XX shall apply.~~
- 7.5.3.h. When approved by the Township, some or all of the required replacement plantings may be installed at a Township site other than that subject to required replacement planting.

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# ARTICLE 8: PARKING STANDARDS

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**155-8.1 MINIMUM REQUIRED PARKING**

- 8.1.1 Parking is determined by district according to "Table 8.1 Minimum Parking Requirements"
- 8.1.2 Minimum required parking is calculated as the sum of parking required for each use on a site, as specified in "Table 8.1 Minimum Parking Requirements", and is measured as follows:
  - 8.1.2.a. All uses within the subject lot are added to determine the minimum required parking.
  - 8.1.2.b. When computation or requirements results in a fractional number, fractions greater than or equal to 0.5 are rounded up and less than 0.5 are rounded down.
  - 8.1.2.c. Residential required parking is calculated by the total number of dwelling units and/or accessory dwelling units on the subject lot.
  - 8.1.2.d. Hotel and Lodging required parking is calculated according to the number of available bedrooms.
  - 8.1.2.e. Required parking is calculated according to the total floor area of each use, except where specified otherwise.
  - 8.1.2.f. Where required parking specifies staff counts, the calculation utilizes the maximum staff count during the busiest shift.
  - 8.1.2.g. Where required parking specifies seats for assembly, bench seats are counted as one seat for every three feet.

**TABLE 8.1 MINIMUM PARKING REQUIREMENTS**

USE	LDR	MDR	VC	TC	I	LI
RESIDENTIAL						
Single-Family Housing (detached)	2 / unit + 1 space / ADU				2 / unit	
Duplex/Twin		2 / unit				
Quad						
Rowhouse						
Multifamily (small)		1.75 / unit	1.5 / unit		2 / unit	
Multifamily (large)						1.5 / unit
Live-Work		2 / unit + 3/1,000 sq. ft. work area				2/unit+3/1000 per work area
Alternative Housing for the Elderly	1 / unit				1 / unit	
Shared Residence for the Elderly or Disabled	0.5 / resident					0.5 / resident
Community Residential Facility	2 / unit					
Adult Daycare		1 / staff or volunteer + 1 visitor space / 25 students / participants				
<del>Skilled Nursing</del> Long-Term Care Facility		0.5 / bed + 1 / staff			0.5 / bed + 1 / staff	
LODGING						
Bed & Breakfast			1 / <del>room</del> unit			
Hotel			1 / room			1 / room
Student Housing	3 / unit					
COMMERCIAL						
Adult Entertainment						6 / 1,000 sq.ft.
Auto-Related Service			3 / 1,000 sq.ft.			
Food & Beverage			4 / 1,000 sq.ft.			4 / 1,000 sq.ft.
Food & Beverage Takeout			6 / 1,000 sq.ft.			6 / 1,000 sq.ft.
Health & Medical			4 / 1,000 sq.ft.			4 / 1,000 sq.ft.
Daycare			1 / staff or volunteer + 1 visitor space / 25 students / participants			1 / staff or volunteer + 1 visitor space / 25 students / participants
Office- Upper Floors			3 / 1,000 sq.ft.			3 / 1,000 sq.ft.
Office- Ground Floor			4 / 1,000 sq.ft.			4 / 1,000 sq.ft.

**TABLE 8.1 MINIMUM PARKING REQUIREMENTS (CONTINUED)**

USE	LDR	MDR	VC	TC	I	LI
<b>COMMERCIAL (CONTINUED)</b>						
Open Air Retail			See Article 5			See Article 5
Place of Assembly			See Note (1)			See Note (1)
Retail (local) less than 30,000 sq. ft.			4 / 1,000 sq.ft.			4 / 1,000 sq.ft.
Retail (large) greater than 30,000 sq. ft.			5 / 1,000 sq.ft.			
Specialized Retail			4 / 1,000 sq.ft.			4 / 1,000 sq.ft.
<b>INSTITUTIONAL</b>						
Cemetery (Nature Preserve)					See Note (1)	
Environmental (Nature Preserve)					6 / 1,000 sq.ft.	
Recreation Establishment			See Note (1)			
Sports Courts			4 / doubles court + 2 / singles court + 3 / 1,000 sq. ft. of lounge area or exercise rooms			
Golf Club					3 / 1,000 sq.ft.	
Religious			See Note (1)			
Institutional Residential Religious	1 / <del>room</del> unit				1 / <del>room</del> unit	
College/University					See Note (2)	
Private School					See Note (2)	
Public School			See Note (2)			
Continuing Care Facility (CCF)					See Note (3)	
<b>INDUSTRIAL</b>						
General Industrial						2 / 1,000 sq.ft.
Storage Distribution						5 / 1,000 sq.ft.
<b>AGRICULTURE</b>						
General Agriculture	3 / acre					3 / acre
Tilling of Soil			3 / acre			
<b>ALL OTHER</b>			3 / 1,000 sq.ft.			

Sq. ft. refers to building area devoted to the use.

If a use is a regulated use according to Table 5.1 Uses and Table 5.2 Uses for Institution, and the use regulations in Table 5.3 Use Regulations includes parking requirements which differ from Table 8.1 Minimum Parking Requirements, the use regulations shall prevail.

- 1 / 5 fixed seats or 5 / 1,000 sq. ft., whichever is greater
- 1 / 5 seats, or 50 square feet of floor area where seating is not installed, for the largest place of public assembly on the site. (Except that parking for assembly places to be used no more than six times a year may be accommodated on unpaved areas, if their availability can be demonstrated.) + 1 / staff or volunteer + 1.5 / 2 driving age students/participants + 1 visitor space / 25 students/participants
- 1 / staff + 0.5 / assisted living unit + 1.0 / independent living unit

**TABLE 8.1.1 MINIMUM PARKING REQUIREMENTS - SPECIAL DISTRICTS**

USE	MC	BMMD	RHR	<del>BMU</del> BMV <sup>(1)</sup>	CAD
<b>RESIDENTIAL</b>					
Single-Family Housing (detached)					
Duplex/Twin					
Quad					
Rowhouse					
Multifamily (small)					2 / unit
Multifamily (large)					
Live Work					2/unit + 3/1000 per work area
Alternative Housing for the Elderly	1 / unit				1 / unit
Shared Residence for the Elderly or Disabled		0.5 / resident			
<del>Skilled Nursing</del> Long-Term Care Facility					
<b>LODGING</b>					
Bed & Breakfast			1 / room		
Hotel			1 / room		
<del>Inn</del>					
Student Housing				1 / room	
<b>COMMERCIAL</b>					
Adult Entertainment					
Auto-Related Service			3 / 1,000 sq.ft.		3 / 1,000 sq.ft.
Food & Beverage				4 / 1,000 sq.ft.	
Food & Beverage Takeout				6 / 1,000 sq.ft.	
Health & Medical	See 6.2.4 and 6.1.X				
Office - Upper Floors			3 / 1,000 sq.ft.		
Office - Ground Floor			4 / 1,000 sq.ft.		
Open Air Retail			See Article 5		See Article 5
Place of Assembly			1 / 5 fixed seats or 5 / 1000, whichever is greater		
Retail (local) < 30,000 sq. ft.				4 / 1,000 sq.ft.	
Retail (large) > 30,000 sq. ft.				5 / 1,000 sq.ft.	
Specialized Retail				4 / 1,000 sq.ft.	

**TABLE 8.1.1 MINIMUM PARKING REQUIREMENTS - SPECIAL DISTRICTS (CONTINUED)**

USE	MC	BMMD	RHR	<del>BMU</del> BMV <sup>(1)</sup>	CAD
<b>INSTITUTIONAL</b>					
Cemetery (Nature Preserve)					
Environmental (Nature Preserve)					
Recreation Establishment					
Religious					
<del>Institutional</del> Residential <del>Religious</del>					
Golf Club					
College/University					
Private School					
Public School	1 space per 5 seats, or 50 square feet of floor area where seating is not installed, for the largest place of public assembly on the site. (Except that parking for assembly places to be used no more than six times a year may be accommodated on unpaved areas, if their availability can be demonstrated.) + 1 space / staff or volunteer + 1.5 spaces for every 2 driving age students/participants + 1 visitor space / 25 students/participants				
Continuing Care Facility (CCF)					
Hospital					
<b>INDUSTRIAL</b>					
General Industrial					
Storage Distribution					
<b>AGRICULTURE</b>					
General Agriculture			3 / acre		
Tilling of Soil			3 / acre		
<b>ALL OTHER</b>			3 / 1,000 sq.ft.		

1. For BMV parking requirements refer to 6.4.6.

Sq. ft. refers to building area devoted to the use.

If a use is a regulated use according to TABLE 5.1 USES and Table 5.2 USES FOR INSTITUTION, and the regulation include parking requirements which differ from TABLE 8.1 MINIMUM PARKING REQUIREMENTS, the use regulations prevail.



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**155-8.2 PARKING REDUCTIONS****8.2.1 Applicability**

- 8.2.1.a. Only one parking reduction may be applied to a Lot. The parking reductions below shall not be cumulative.
- 8.2.1.b. In LDR and MDR, the minimum parking required for a dwelling unit shall not be reduced to less than one parking space per unit.
- 8.2.1.c. The parking reduction shall be applied to the overall total number of parking spaces required.
- 8.2.1.d. Off-street parking facilities existing at the effective date of this chapter shall not subsequently be reduced to an amount less than required for a similar new building or new use. Off-street parking facilities provided to comply with the provisions of this chapter shall not subsequently be reduced below the requirements of this chapter.
- 8.2.1.e. This provision shall not apply to a place of assembly in the Bryn Mawr Village District (BMV), where one off-street parking space for place of assembly use can be removed for each metered space allocated to that place of assembly in a municipal parking lot.

**8.2.2 Minimum required parking may be reduced according to the following:****8.2.2.a. Shared Parking**

- 8.2.2.a.i. Shared parking reductions are available for multiple uses on:
  - 8.2.2.a.i.(1). Single or multiple adjacent sites under single ownership, and
  - 8.2.2.a.i.(2). Multiple contiguous sites with a Shared Use Parking Agreement sharing parking facilities.
- 8.2.2.a.ii. A Shared Parking Agreement, approved by the Building and Planning Department, shall be filed with the Zoning Officer.
  - 8.2.2.a.ii.(1). The owner of the shared parking facility shall guarantee availability of the required spaces for the associated use and meet their minimum requirement.
  - 8.2.2.a.ii.(2). The shared parking facility may utilize shared parking to reduce the total spaces within the facility in accordance with "Table 8.2.1 Mixed Use & Shared Parking".
- 8.2.2.a.iii. Shared Parking Location:
  - 8.2.2.a.iii.(1). The shared parking facility shall be located within 900 feet, **measured from lot line to the center of the parking facility,** of the associated use.
  - 8.2.2.a.iii.(2). Shared parking shall be calculated according to "Table 8.2.1 Shared Parking" and located as required in Section 8.4 Parking Location.
- 8.2.2.a.iv. Shared parking shall be calculated using the peak demand calculations listed in "Table 8.2.1 Shared Parking" as follows:
  - 8.2.2.a.iv.(1). First, calculate the minimum amount of parking required for each land use as if it were a separate use.
  - 8.2.2.a.iv.(2). To determine the peak parking requirements, multiply the minimum parking required for each proposed land use by the corresponding percentage in the table below for each of the time periods.
  - 8.2.2.a.iv.(3). Calculate the column total for each time period.
  - 8.2.2.a.iv.(4). The column (time period) with the highest value shall be the minimum parking requirement.

**8.2.3 Transit (RESERVED)****8.2.4 Senior Housing (RESERVED)****8.2.5 Affordable Housing (RESERVED)**

8.2.6 Historic Preservation (RESERVED)

8.2.7 On Street Parking (RESERVED)

8.2.8 Existing Mixed Use Buildings on Lots less than 30 Feet in width (RESERVED)

**TABLE 8.2.1 MIXED USE & SHARED PARKING**

USE	REQUIRED PARKING PER TABLE 8.1	MON - FRI 8AM-6PM		MON - FRI 6PM-12AM		MON - FRI 12AM-8AM		SAT - SUN 8AM-6PM		SAT - SUN 6PM-12AM		SAT - SUN 12AM-8AM	
<b>MULTI-FAMILY RES.</b>	input	60%	result	100%	result	100%	result	80%	result	100%	result	100%	result
<b>HOTEL &amp; LODGING</b>	input	70%	result	100%	result	100%	result	70%	result	100%	result	100%	result
<b>COMMERCIAL:</b>	(see below)												
Office	input	100%	result	20%	result	5%	result	5%	result	5%	result	5%	result
Food Service	input	70%	result	100%	result	5%	result	70%	result	100%	result	20%	result
Assembly	input	80%	result	80%	result	10%	result	80%	result	100%	result	50%	result
All Other / Retail	input	90%	result	80%	result	5%	result	100%	result	70%	result	5%	result
<b>EDUCATION</b>	input	60%	result	100%	result	10%	result	80%	result	50%	result	10%	result
<b>CIVIC</b>	input	60%	result	100%	result	10%	result	80%	result	100%	result	50%	result
<b>ALL OTHER</b>	input	70%	result	100%	result	10%	result	20%	result	5%	result	5%	result
<b>TOTAL REQ. SPACES</b>	<b>TOTAL INPUT</b>	<b>RESULT</b>		<b>RESULT</b>		<b>RESULT</b>		<b>RESULT</b>		<b>RESULT</b>		<b>RESULT</b>	

### 155-8.3 RESERVE PARKING

8.3.1 The minimum required parking of ~~§155-8.1~~ "Table 8.1 Minimum Parking Requirements" above may be held as "reserve parking" without actually paving the spaces, when authorized as a special exception. If land development approval is required for the proposed improvements, including the additional parking spaces, authorization shall be by conditional use approval from the Board of Commissioners, rather than by special exception. The grant of authorization by either Board shall be subject to the following:

- 8.3.1.a. Expansion of use. Where a use regulated by ~~§155-8.1~~ "Table 8.1 Minimum Parking Requirements" is being expanded and the Board determines that the additional number of parking spaces required by this expansion are not currently needed, it may authorize the applicant to hold in reserve the number of spaces that the Board determines are not currently required to meet the needs of the uses to which the property will be put.
- 8.3.1.b. New or changed use. Where a new use regulated by ~~§155-8.1~~ "Table 8.1 Minimum Parking Requirements" is created or there is a change of use on the property, and the Board determines that the number of parking spaces required are not currently needed, it may authorize the applicant to hold in reserve up to 50% of the total number of spaces required.
- 8.3.1.c. The applicant must document that the full number of required parking spaces can be paved without violating any applicable provisions of this chapter. When constructed, the reserve parking must meet all applicable provisions of this chapter as of the date the construction permit is sought.
- 8.3.1.d. The applicant shall install stormwater management facilities, as required by the Township, for the total required number of parking spaces, including those held in reserve, unless the applicant demonstrates to the Board's satisfaction that the economic and practical benefit of currently installing such facilities for the reserve parking spaces is not significant when compared to the destruction that would be caused to natural features on the site.

- 8.3.1.e. The applicant must agree in a recorded covenant, approved by the Township Solicitor, to install the reserve parking spaces at any future time if and when the Zoning Officer determines that the reserve parking spaces are needed to accommodate the use of the property. The applicant may appeal such order to the Zoning Hearing Board.
- 8.3.1.f. Regardless of the number of spaces actually developed, a parking area to accommodate the aggregate number of parking spaces required shall be fully designed, and the area held as reserve parking shall be clearly designated on the plan. The reserve parking area shall be considered in calculating the impervious surface ratio. The parking reserve area shall be planted with vegetative cover and integrated into the site's land development plan. Such area shall be required to be developed as designed if and when the Zoning Officer determines the need.

#### 155-8.4 PARKING LOCATION

- 8.4.1 Minimum required parking may be provided in the following locations:
  - 8.4.1.a. Off-street within the same site as the associated use;
  - 8.4.1.b. Off-street within a shared parking facility shall be provided as required in 8.2.2,a.ii.
  - 8.4.1.c. Parking location is limited as follows:
    - 8.4.1.c.i. Surface parking and free standing parking structures shall be located between the structure and a rear lot line, where feasible, shall be masked from Frontages by a Building, Liner, or Streetscreen and located as shown in Tables 4.1 to 4.4 and Tables 6.1 to 6.5 and the following:
  - 8.4.1.d. Garage location for residential, if provided, shall be the following:
    - 8.4.1.d.i. LDR1 and LDR2:
      - 8.4.1.d.i.(1). Garages shall be set back a minimum 20 feet from the front facade of the principal building.
      - 8.4.1.d.i.(2). Garages with individual vehicle doorways facing to the side, and porte-cocheres, may be placed in front of the façade, and shall be a maximum 30% of the width of the façade behind them.
    - 8.4.1.d.ii. LDR3, LDR4 and MDR1:
      - 8.4.1.d.ii.(1). Garages shall be provided in the rear of the yard, with a minimum 20 feet between the rear principal facade and the front of the garage.
      - 8.4.1.d.ii.(2). Garages with individual vehicle doorways facing to the side, and porte-cocheres, may be placed in front of the façade, and shall be a maximum 30% of the width of the façade behind them.
    - 8.4.1.d.iii. MDR2, MDR3, VC, TC, and LI
      - 8.4.1.d.iii.(1). Garages shall be provided in the rear of the yard, with a minimum 20 feet between the rear principal facade and the front of the garage.
      - 8.4.1.d.iii.(2). **Garage entrances shall be located on the side or rear of the building.**
  - 8.4.1.d.iv. I and Special Districts shall follow their abutting district.

#### 155-8.5 PARKING ACCESS

- 8.5.1 Off-street parking access for single-family residential is permitted as follows:
  - 8.5.1.a. Driveways are limited to 10 feet in width at the property line to the building setback.
  - 8.5.1.b. Two separate driveways on one lot shall have a minimum separation of thirty (30) feet.
  - 8.5.1.c. Shared driveways less than 100 ft. in length shall not count towards impervious surface for the portion that is shared.
  - ~~8.5.1.d. Off-street parking access for single-family residential is exempt from the remaining requirements of this section.~~

- 8.5.2     Parking access should be combined between adjacent sites, where feasible.
- 8.5.3     Vehicular access to off-street parking is restricted at the property line to the building setback as follows:
  - 8.5.3.a.     Driveways are limited to:
    - 8.5.3.a.i.     MDR: 12 feet in width
    - 8.5.3.a.ii.    VC, TC, and RHR: 20 feet in width
  - 8.5.3.b.     Curb cuts are permitted as follows:
    - 8.5.3.b.i.     Lots under 10,000 square are restricted to one curb cut.
    - 8.5.3.b.ii.    Lots from 10,000 square feet to 40,000 square feet are permitted a maximum two curb cuts, at a minimum spacing of 125 feet.
    - 8.5.3.b.iii.   Lots over 40,000 square feet are permitted one curb cut for every 200 feet of frontage.
    - 8.5.3.b.iv.    Alleys count as one curb cut.

**155-8.6 OFF-STREET PARKING LAYOUT & DESIGN**

- 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:
- 8.6.1.a. Parking space width is measured from the centerline of stripes.
  - 8.6.1.b. Tandem parking is permitted for single-family residential uses, according to the following:
    - 8.6.1.b.i. Tandem parking is limited to two spaces per each tandem space.
    - 8.6.1.b.ii. Tandem parking is not permitted in the front setback.
  - 8.6.1.c. Compact car parking may be provided for up to 30% of required parking spaces.
    - 8.6.1.c.i. Compact car spaces shall be according to "Table 8.5.1 Off-Street Parking Minimum Dimensions".
    - 8.6.1.c.ii. Compact car spaces shall be clearly marked or posted for "Compact Cars Only."
    - 8.6.1.c.iii. In order to utilize the compact car parking provisions, the use and parking facility design shall demonstrate the ability to meet the minimum parking requirements with standard parking dimensions.
  - 8.6.1.d. **Electric Vehicle Parking Spaces (RESERVED)**

**TABLE 8.5.1 OFF-STREET PARKING MINIMUM DIMENSIONS**

ANGLE OF PARKING	AISLE: ONE-WAY, SINGLE LOADED	AISLE: ONE-WAY, DOUBLE LOADED	AISLE: TWO-WAY, DOUBLE LOADED
90 DEGREES	20 ft. min.	22 ft. min.	22 ft. min.
60 DEGREES	18 ft. min.	18 ft. min.	22 ft. min.
45 DEGREES	14 ft. min.	14 ft. min.	20 ft. min.
PARALLEL	10 ft. min.	10 ft. min.	20 ft. min.
STANDARD SPACE	9 ft. wide min. and 18 ft. long min.		
COMPACT SPACE	8.5 ft. wide min. and 16 ft. long min.		
PARALLEL SPACE	7 ft. wide min. and 22 ft. long min.		

- 8.6.2 Off-street parking facilities shall have a minimum vertical clearance of 98 inches. If the facility is used for loading the minimum clearance is 15 feet.
- 8.6.3 Surface parking lots should be configured to allow for shared access and circulation with adjacent surface parking lots, where feasible.
- 8.6.4 Off-street parking shall be visually screened per the following:
- 8.6.4.a. Off-street parking may be screened by buildings or streetscreens.
  - 8.6.4.b. Parking structures shall be screened by buildings or ground floor facades a minimum 30 feet deep, for a minimum 75% of the facade length along the ground floor, as illustrated in "Figure 8.5.3 Liner building".
  - 8.6.4.c. Parking structures shall screen the upper floors, as illustrated in "Figure 8.5.2 Ground Floor Liner":
    - 8.6.4.c.i. Opaque facade elements providing openings shall be a maximum 50% of the wall area of each floor, or
  - 8.6.4.d. Streetscreens shall be masonry, metal, composite, or a combination thereof, as illustrated in "Figure 8.5.1 Streetscreen".
    - 8.6.4.d.i. Streetscreens shall be between four and eight feet in height and be 50% open above three feet. Planting may be located behind the streetscreen.
    - 8.6.4.d.ii. Openings in the streetscreen shall be no wider than 24 feet.
  - 8.6.4.e. Streetscreens shall be located within the setback.

**FIGURE 8.5.1 STREETSCREEN****FIGURE 8.5.2 GROUND FLOOR LINER****FIGURE 8.5.3 LINER BUILDING**

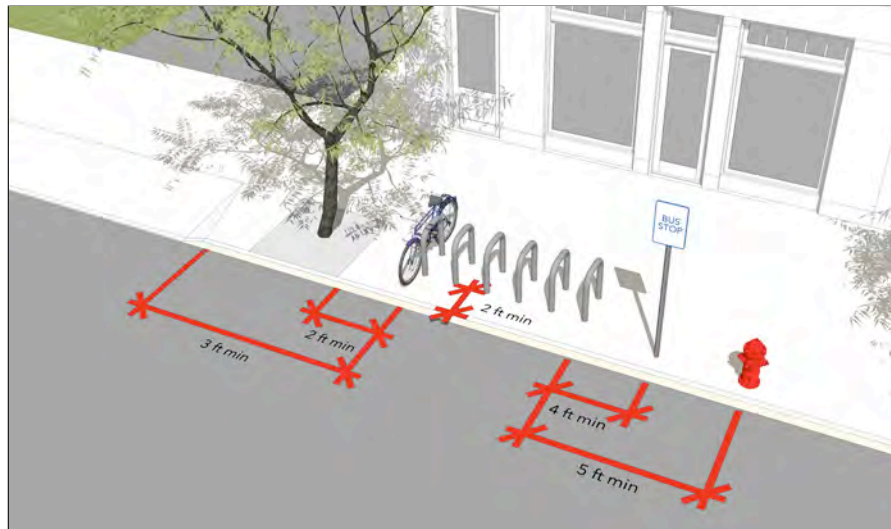


**155-8.7 LOADING, UNLOADING & QUEUING**

- 8.7.1 Shared loading areas are permitted as follows:
- 8.7.1.a. Each building served shall have direct access to the shared loading area without crossing streets or alleys.
  - 8.7.1.b. Loading spaces within a shared loading area shall meet the minimum required spaces for each building served.
- 8.7.2 Loading and queuing shall not block on or off-site through traffic or required parking, or pedestrian circulation.
- 8.7.3 Drive-through queuing shall be permitted as follows:
- 8.7.3.a. A minimum of at least 200 linear feet shall be provided as storage area for vehicles awaiting service for drive-in facilities and uses. The required 200 feet may be provided in one or more usable lanes and shall be measured from the right-of-way line of the street to the window or other place in the building where the vehicle must enter or pass for service. The storage areas shall be designed so that vehicles awaiting service will not back out into the street.
  - 8.7.3.b. **Shall not be** visible from primary frontage.
  - 8.7.3.c. **Shall be** separated from any other drive-through by a minimum 1,000 feet.
  - 8.7.3.d. Shall not obstruct any required parking spaces.

**155-8.8 BICYCLE PARKING REQUIREMENTS**

- 8.8.1 Minimum bicycle parking requirements are as follows:
- 8.8.1.a. Bicycle parking requirements are according to "Table 8.7.1 Minimum Bicycle Parking Requirements"
  - 8.8.1.b. Bicycle parking requirements within the public right-of-way shall be coordinated with Public Works.
- 8.8.2 Bicycle parking configuration is required as illustrated in "Figure 8.7.1 Bicycle Parking Clearance" and the following:
- 8.8.2.a. At least five feet from fire hydrants.
  - 8.8.2.b. At least four feet from loading zones and street signs.
  - 8.8.2.c. At least three feet from driveways and manholes.
  - 8.8.2.d. At least two feet from utility meters and tree planters.

**FIGURE 8.7.1 BICYCLE PARKING CLEARANCE**

- 8.8.3 Bicycle parking located along private or public streets are subject to the following:
- 8.8.3.a. Bicycle racks installed parallel to curbs shall be set back from the curb a minimum of two feet.
  - 8.8.3.b. Bicycle racks installed perpendicular to curbs shall allow for a minimum clearance of two feet at the curb and five feet of pedestrian way with a 56cm bicycle properly locked to the rack.
  - 8.8.3.c. Bicycle racks should be spaced a minimum of 36 inches apart.
  - 8.8.3.d. Bicycle racks shall allow bicycle frames to be locked at two points of contact with the rack.
- 8.8.4 Long term bicycle parking shall be enclosed.
- 8.8.5 The Board of Commissioners may, by conditional use, hold in reserve or reduce the number of required bicycle parking spaces, provided that the applicant demonstrates that there are ample facilities available for use nearby. The conditional use standards of "Section 11.1.6" shall apply.

**TABLE 8.7.1 MINIMUM BICYCLE PARKING REQUIREMENTS**

USE	SHORT TERM	LONG TERM
MULTI-FAMILY RESIDENTIAL	(see below)	
Less than 8 units	No minimum required	
8 - 20 units	0.75 spaces / unit	Not required
Greater than 20 units	0.5 spaces / unit	0.5 spaces / unit
HOTEL & LODGING	0.25 spaces / bedroom	Not required
COMMERCIAL (FLOOR AREA)	(see below)	
Office	0.3 spaces / 1,000 sq.ft.	0.2 spaces / 1,000 sq.ft.
Food Service	0.5 spaces / 1,000 sq.ft.	Not required
Assembly	0.25 spaces / 1,000 sq.ft.	
All Other	0.5 spaces / 1,000 sq.ft.	
ALL OTHER	No minimum required	

# ARTICLE 9: SIGN STANDARDS

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**155-9.1 APPLICABILITY**

The following regulations shall apply to all Signs erected, altered, or maintained after the effective date of this Article, and shall exclude Governmental/Regulatory Signs.

**155-9.2 LEGISLATIVE INTENT**

To regulate all signs within Lower Merion Township to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare. In addition, it is the intent of this Article to:

- 9.2.1 Encourage sign design that upholds the visual environment and aesthetic quality that the Township seeks to promote and conforms to the architectural context of the surrounding buildings, thus preserving the right of citizens to enjoy the Township's scenic features and viewsheds.
- 9.2.2 Ensure that signs are adequate, but not excessive, for the intended purpose of identification or advertisement.
- 9.2.3 Support and enhance the pedestrian environment.
- 9.2.4 Prohibit the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard to pedestrians and motorists.
- 9.2.5 Reasonably regulate the time, place and manner of sign regulations by placing reasonable limits on the size, total number, separation from other signs, height, safety, and other similar aspects of signs in order to minimize possible adverse impacts on nearby public and private property, including roadways.

**155-9.3 GENERAL REGULATIONS**

- 9.3.1 Signs are regulated by district and according to "Table 9.1 Permitted Sign Locations and Permit Types" and "Section 155-9.8 District Specific Signs".
- 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.~~
- 9.3.3 Illuminated signs are prohibited, except where specified in this article. Illumination shall adhere to the following:
  - 9.3.3.a. Illumination is limited to:
    - 9.3.3.a.i. External illumination, lit from above.
    - 9.3.3.a.ii. Internal illumination, limited to halo-lit or backlit channel letters, icons, and logos.
    - 9.3.3.a.iii. Electronic message signs.
    - 9.3.3.a.iv. Digital displays.
  - 9.3.3.b. External lighting sources to illuminate signs shall be shielded from any street right of way.
  - 9.3.3.c. Glare which is determined to be hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties is prohibited.
  - 9.3.3.d. Sign lighting shall comply with the Energy Code adopted under the Pennsylvania Uniform Construction Code.
- 9.3.4 Sign Location
  - 9.3.4.a. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a street by obscuring the view of or interfering with official street signs or signals by virtue of position or color.

- 9.3.4.b. No sign may occupy a vehicular sight triangle, as determined by the Township's Traffic Safety Department.
- 9.3.4.c. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines and equipment.
- 9.3.4.d. No sign shall extend closer than one foot to the vertical edge of a building corner, or to the fascia, roof-line or parapet.
- 9.3.4.e. All signs shall provide the following vertical clearance except where specified otherwise:
  - 9.3.4.e.i. A minimum of nine feet over pedestrian ways.
  - 9.3.4.e.ii. A minimum of 13.5 feet over vehicular travel ways and parking aisles.
- 9.3.4.f. Signs may not be located in or project into the public right-of-way unless permitted as described in this Article or Article 3.
- 9.3.5 Measurement of sign height
  - 9.3.5.a. Height is measured from finished mean grade to the top of the sign.
  - 9.3.5.b. The maximum height is determined by "Table 9.2 General Sign Type Standards and Regulations".
- 9.3.6 Allowable sign area
  - 9.3.6.a. The maximum cumulative sign area shall not exceed 1.5 square feet for every one linear foot of building frontage, per lot. Signs that consist of, or have attached to them, one or more three dimensional or irregularly shaped objects, shall have a sign area of the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
  - 9.3.6.b. The permitted maximum area for all signs is determined by the sign type as determined by "Table 9.2 General Sign Type Standards and Regulations".
  - 9.3.6.c. Measurement of sign area shall be determined as follows:
    - 9.3.6.c.i. The area of a sign shall mean the area of all lettering, wording, accompanying designs, logos, and symbols, together with the background on which they are displayed, whether open or enclosed. The area of a sign shall not include any supporting framework, bracing, or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
    - 9.3.6.c.ii. Where the sign consists of individual letters, designs, or symbols attached to a building, awning/canopy, wall, window, or freestanding structure, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
    - 9.3.6.c.iii. Signs may be double-sided
      - 9.3.6.c.iii.(1). On-premises sign: Only the larger of the two sign faces shall be used as the basis for calculating the sign area if the interior angle formed by the faces is less than or equal to 45 degrees, and the two faces are not more than 18 inches apart.
      - 9.3.6.c.iii.(2). Off-premises sign: Both sides shall be calculated in the sign area.
    - 9.3.6.c.iv. If elements of a sign are movable or flexible, such as a flag or banner, the measurement of sign area is taken when the elements are fully extended.
- 9.3.7 Fabrication techniques.
  - 9.3.7.a. When located in an historic district or associated with a Class I or II building, installation shall not damage or require removal of historic materials, and shall be done in a manner such that signs can be removed without harm to the masonry or architectural detailing.
  - 9.3.7.b. All conduit, conductors, transformers, ballasts, and other equipment shall be concealed.
  - 9.3.7.c. All attachment hardware shall be of corrosion-resistant material.
  - 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, ~~and~~ channel letters, and awnings and canopy signs.
  - 9.3.7.e. Sign-makers' logos, labels, or other identification is prohibited.
  - 9.3.7.f. Vinyl applied copy is prohibited except for window signs and manual changeable copy signs where permitted in Table 9.2.

- 9.3.7.g. Every sign shall be constructed of durable materials; shall be structurally safe and erected or installed in strict accordance with the PA Uniform Construction Code; and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.

#### **155-9.4 SIGN REGULATIONS BY TYPE**

- 9.4.1 Signs types are regulated according to "Table 9.1 Permitted Sign Locations and Permit Types" and "Table 9.2 General Sign Type Standards and Regulations".

#### **155-9.5 PERMIT EXEMPT SIGNS**

- 9.5.1 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 section~~ "Article 9: Signs", as well as the general regulations in "155-9.3 General Regulations". 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.
- 9.5.2 Signs shall follow the standards according to "Table 9.2 General Sign Type Standards and Regulations".
  - 9.5.2.a. Official traffic signs
  - 9.5.2.b. Governmental/regulatory signs.
  - 9.5.2.c. Public Service signs which only advertise the public service provided on the property where the sign is located.
  - 9.5.2.d. "No Trespassing" or similar on-premises signs, provided that no sign shall exceed one square foot in sign area or be placed at intervals of less than 150 feet, or in accordance with state law.
  - 9.5.2.e. Temporary signs, except as noted in "Table 9.1 Permitted Sign Locations and Permit Types".
  - 9.5.2.f. Memorial Signs.
  - 9.5.2.g. Seasonal and Holiday Decorations.
  - 9.5.2.h. Address or nameplate signs.
  - 9.5.2.i. Signs which are permanent architectural features of a building or structure existing as of the effective date of this Article.
  - 9.5.2.j. Flags.
  - 9.5.2.k. Art and murals provided such signs do not contain any commercial messaging.

#### **155-9.6 PROHIBITED SIGNS**

- 9.6.1 Except as may be expressly allowed or exempted elsewhere in this chapter, the following signs are prohibited:
  - 9.6.1.a. Abandoned signs.
  - 9.6.1.b. Any sign which by color, shape or location imitates, resembles, interferes with, or obstructs official traffic traffic lights, signs, or signals.
  - 9.6.1.c. Any off-premises sign, except as may be provided for within this article.
  - 9.6.1.d. Any portable sign, except A-frame sidewalk signs.
  - 9.6.1.e. Any sign erected without the permission of the property owner or authorized agent.
  - 9.6.1.f. Any sign that creates a clear and present danger to life, safety or welfare, as determined by the Director of Building and Planning or the Superintendent of Police.
  - 9.6.1.g. Any sign which obstructs free ingress to or egress from a required exitway.
  - 9.6.1.h. Any sign which uses an intermittent light or lights, including flashing lights, beacon lights, strobe lights, rotating beacons, chasing lights, or zip lights, including electronically controlled copy changes.



- 9.6.1.i. Any illuminated tubing or strings of lights which outline roof lines, doors, windows, wall edges or rows of vehicles when used for advertising purposes, with the exception of temporary seasonal lights. Temporary lights shall cease to be operated within 60 days of installation.
- 9.6.1.j. Any pennant strings, balloons or other inflatable objects, and streamers.
- 9.6.1.k. Any snipe sign.
- 9.6.1.l. Mechanical movement signs, including revolving signs.
- 9.6.1.m. Interactive signs.
- 9.6.1.n. Reflective signs or signs containing mirrors.
- ~~9.6.1.o. Pennant strings and streamers.~~
- 9.6.1.o. Inflatable signs or balloon signs, with the exception of balloons used in temporary, non-commercial situations.
- 9.6.1.p. Vehicular signs.
- 9.6.1.q. Any sign which exhibits statements, words or pictures of obscene or pornographic subjects.
- 9.6.1.r. Any sign inconsistent with the provisions of this article.
- 9.6.1.s. Any sign that emits smoke, visible vapors, particulate matter, sound, odor, or contains open flames.

## 155-9.7 NONCONFORMING SIGNS AND SIGNS ON NONCONFORMING USE PREMISES

- 9.7.2 The total area of all signs relating to a single use existing at the effective date of this article or at the effective date of any amendment by which the sign shall be made nonconforming shall not be increased.
- 9.7.3 ~~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 relettered. If a nonconforming sign is substantially altered or replaced, it must be made to conform with the provisions of this article.~~ 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 relettered. 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.
- 9.7.4 Multitenant properties with total approved existing sign area that becomes nonconforming as a result of a decrease in the permissible sign area for each linear foot of building frontage may replace individual signs, provided that the area of the replacement sign is no larger than that permitted using the following calculations:
  - 9.7.4.a. The existing building frontage and total approved existing sign area for the lot shall be calculated.
  - 9.7.4.b. The percentage determined by dividing the currently permitted sign area by the total approved existing sign area shall be calculated.
  - 9.7.4.c. The area of any subsequently erected replacement sign must not exceed the previously approved area of such sign multiplied by the percentage determined under "~~Section 7.4.5 Table 9.2 General Sign Type Standards and Regulations~~".
  - 9.7.4.d. No new sign may be erected as a result of the expansion in the linear frontage of a building unless the total sign area on the lot conforms to the requirements of Article 9.

## 155-9.8 DISTRICT SPECIFIC SIGNS

- 9.8.1 Signs in the CAD.

**TABLE 9.1 PERMITTED SIGN LOCATIONS AND PERMIT TYPES**

SIGN TYPE	LDR	MDR	VC	TC	I	LI	RHR	BMV	TABLE #
ADDRESS	E	E	E	E	E	E	E	E	9.2.L
A-FRAME (T)			E	E		E	E	E	9.2.Q
AWNING			PR	PR	PR	PR	PR	PR	9.2.A
BANNER (T)			PR	PR	PR	PR	PR		9.2.R
CANOPY			PR	PR	PR	PR	PR	PR	9.2.B
CORNER			PR	PR	PR	PR	PR	PR	9.2.C
DEVELOPMENT (T)	E	E	E	E		E	E	E	9.2.S
DIRECTIONAL			E	E	E	E	E	E	9.2.M
FREE-STANDING POLE			PR	PR		PR	PR	PR	9.2.D
FLAG(5) SIGNS			E	E	E	E	E	E	9.2.N
FREESTANDING GROUND/ MONUMENT			PR	PR	PR	PR	PR	PR	9.2.E
HOME OCCUPATION	PR	PR	PR	PR		PR	PR	PR	9.2.P
MARQUEE			PR	PR		PR	PR	PR	9.2.F
OFF PREMISES SIGN						PR			9.2.J
PROJECTING			PR	PR	PR	PR	PR	PR	9.2.G
PERSONAL EXPRESSION SIGNS	E	E	E	E	E	E	E	E	9.2.U
REAL-ESTATE (T)	E	E	E	E	E	E	E	E	9.2.T
SECURITY/WARNING	E	E	E	E	E	E	E	E	9.2.O
WALL			PR	PR	PR	PR	PR	PR	9.2.H
WALL PLAQUE			PR	PR	PR	PR	PR	PR	9.2.K
WINDOW			PR	PR		PR	PR	PR	9.2.I

SIGNS:

PR: PERMIT REQUIRED

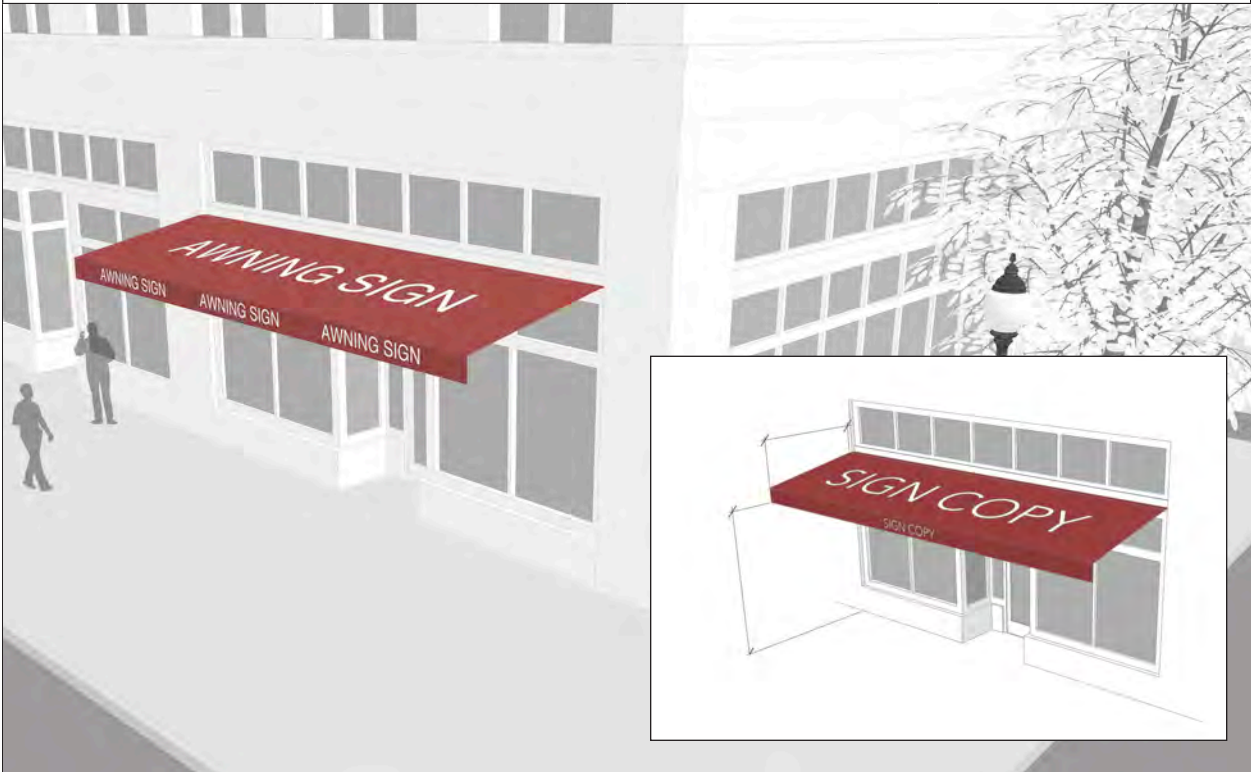
E: EXEMPT: (NO PERMIT REQUIRED)

(T): TEMPORARY

Additional district-specific standards can be found in Section 9.8.

NOT PERMITTED SIGNS ARE GRAY

TABLE 9.2 GENERAL SIGN TYPE STANDARDS AND REGULATIONS

A. AWNING SIGN			
DESCRIPTION			
<p>A sign painted on, printed on, or applied to a non-structural covering that projects from a wall for the purpose of shielding a doorway or window. An awning can be fixed in place or can be raised or retracted to a position against the building when not in use.</p>			
			
HEIGHT	NUMBER (MAX.)	SIGN AREA (MAX.)	COPY HEIGHT (MAX.)
8 ft. min.-15 ft. max. in compliance with Article 3.6.4.a	n/a	25% of the area of the sloped plane	12 in. for vertical plane
REGULATIONS			
<p>1. An awning without lettering or other advertising shall not be regulated as a sign.</p> <p>2. Shall meet the requirements of section "155-3.6 Projections".</p> <p>3. Shall not exceed 30 feet in horizontal width.</p> <p>4. Only one emblem or logo is permitted on an awning.</p> <p>5. May project into the public right of way to within six feet of the curb and shall comply with Section 3.6.4.a.</p> <p>6. Awning signs mounted on a multi-tenant building shall be similar in terms of height and projection across all tenants in the building.</p>			

**TABLE 9.2 GENERAL SIGN TYPE STANDARDS AND REGULATIONS (CONTINUED)**

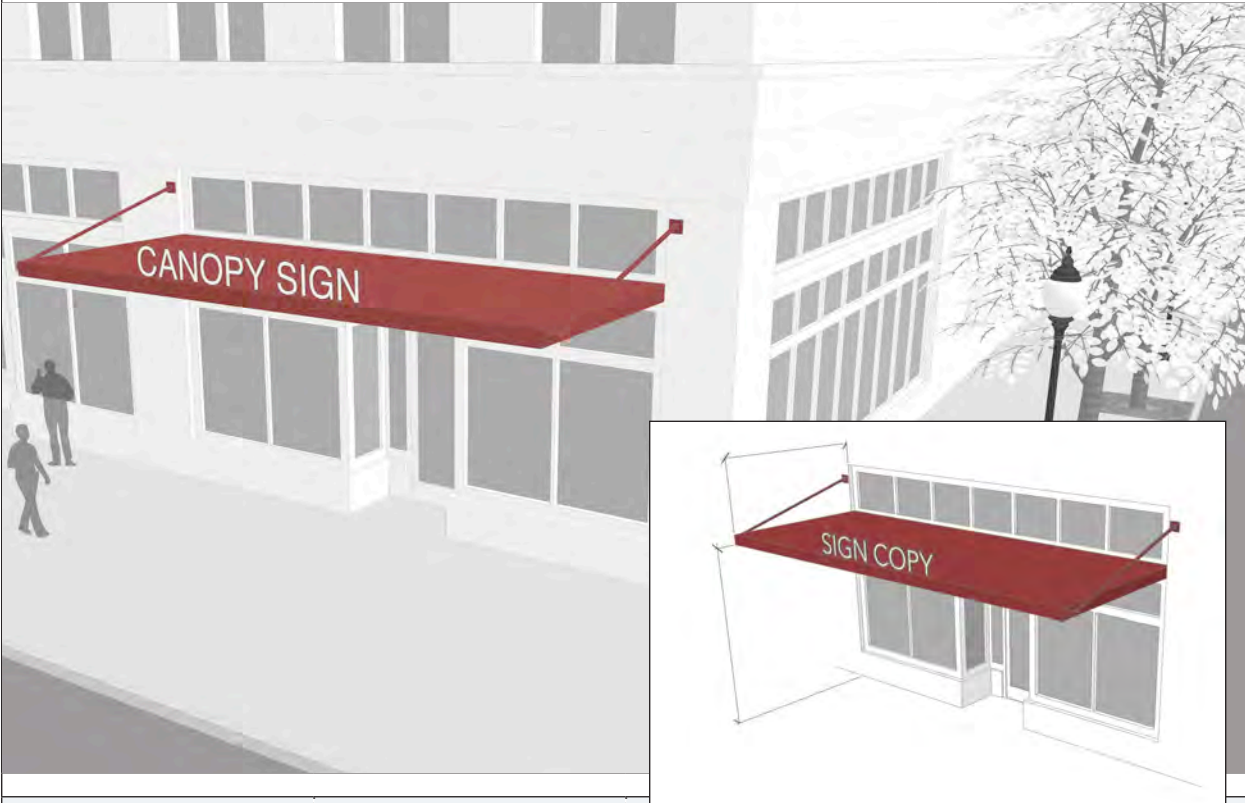
<b>B. CANOPY SIGN</b>			
<b>DESCRIPTION</b>			
A sign that is part of, or attached to, a canopy.			
			
<b>HEIGHT</b>	<b>NUMBER (MAX.)</b>	<b>SIGN AREA (MAX.)</b>	<b>COPY HEIGHT (MAX.)</b>
8 ft. min.-15 ft. max. in compliance with Article 3.6.5.a	1 per entry	40 sq. ft. max. per sign	18 in.
<b>REGULATIONS</b>			
<ol style="list-style-type: none"> <li>1. A canopy without lettering or other advertising shall not be regulated as a sign.</li> <li>2. Shall meet the requirements of section "155-3.6 Projections".</li> <li>3. Shall not exceed 30 feet in horizontal width.</li> <li>4. Only one emblem or logo is permitted on a canopy.</li> <li>5. May project into building setback to within six feet of the curb and shall comply with Section 3.6.5.a</li> <li>6. Canopy signs mounted on a multi-tenant building shall be similar in terms of height and projection across all tenants in the building.</li> <li>7. Canopy signs may be affixed to the sides or front face of the canopy.</li> </ol>			

TABLE 9.2 GENERAL SIGN TYPE STANDARDS AND REGULATIONS (CONTINUED)


C. CORNER SIGN			
DESCRIPTION			
			
HEIGHT	NUMBER (MAX.)	SIGN AREA (MAX.)	COPY HEIGHT (MAX.)
n/a	1 per building corner	40 sq. ft.	18 in.
REGULATIONS			
1. Corner signs may not extend above eaves or parapets. 2. A maximum projection of no more than 2 feet is permitted.			

TABLE 9.2 GENERAL SIGN TYPE STANDARDS AND REGULATIONS (CONTINUED)

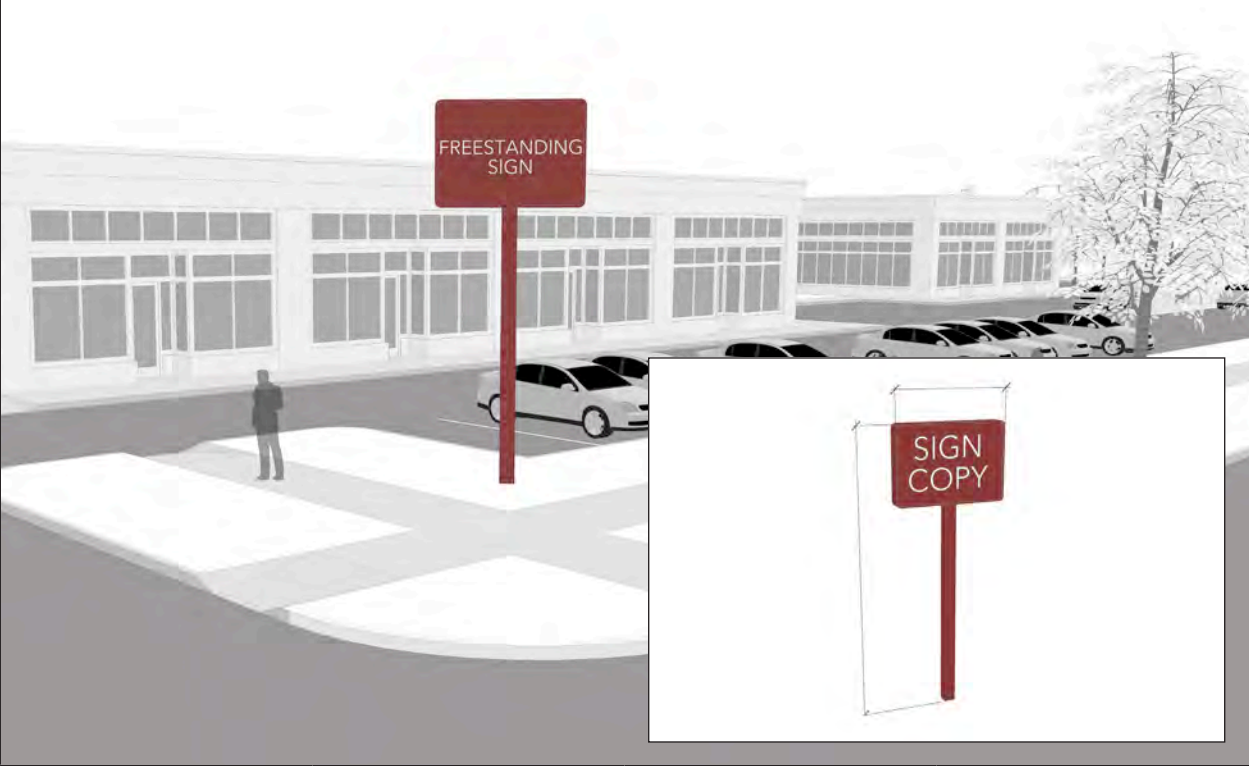
D. FREESTANDING POLE SIGN			
DESCRIPTION			
A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground; and is not supported by a building or a base structure			
			
HEIGHT	NUMBER (MAX.)	SIGN AREA (MAX.)	COPY HEIGHT (MAX.)
15 ft. max.	1 per parcel	40 sq. ft.	18 in.
REGULATIONS			
1. Shall provide a minimum clearance of 10 feet. 2. Shall have a minimum setback of 5 feet from the right-of-way to the edge of the sign. 3. Shall only be externally illuminated or internally illuminated by channel letters. 4. Manual changeable copy signs are permitted.			

TABLE 9.2 GENERAL SIGN TYPE STANDARDS AND REGULATIONS (CONTINUED)


E. FREESTANDING GROUND / MONUMENT SIGN			
DESCRIPTION			
A freestanding sign that is permanently supported by an internal structural framework or integrated into landscaping or other solid structural features (also known as a ground sign)			
			
HEIGHT	NUMBER (MAX.)	SIGN AREA (MAX.)	COPY HEIGHT (MAX.)
4 ft. max. for 1 or 2 tenants or up to 8 ft. max. for 3 or more tenants	1 per street frontage	20 sq. ft. for 1 or 2 tenants & 40 sq. ft. for 3 or more tenants	18 in.
REGULATIONS			
1. Maximum clearance to the bottom of the sign is one foot. 2. Shall have a minimum setback of 5 feet from the right-of-way. 3. The width of the top of the sign structure may be no more than 120% of the width of the base. 4. May be externally illuminated or internally illuminated by channel letters. 5. Manual changeable copy signs are permitted.			



TABLE 9.2 GENERAL SIGN TYPE STANDARDS AND REGULATIONS (CONTINUED)

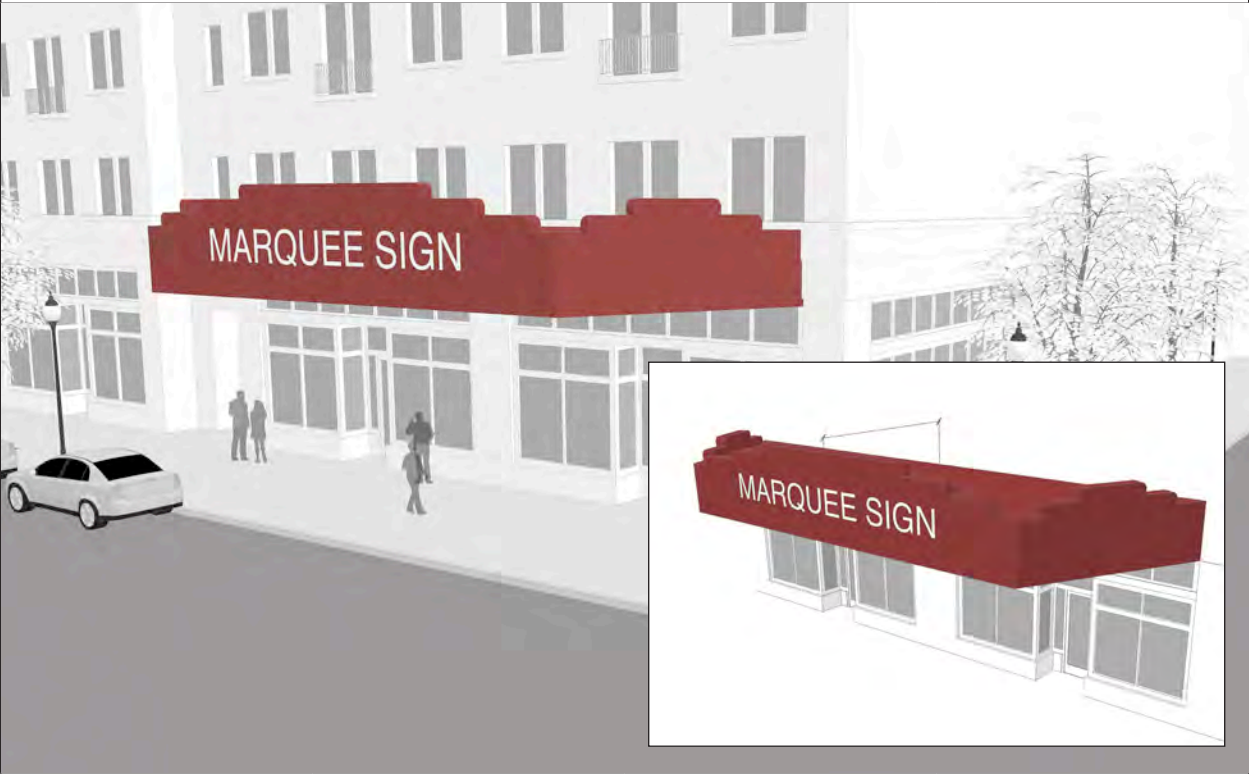
F. MARQUEE SIGN			
DESCRIPTION			
A sign attached to a marquee.			
			
HEIGHT	NUMBER (MAX.)	SIGN AREA (MAX.)	COPY HEIGHT (MAX.)
n/a	1 per frontage	75 sq. ft.	24 in.
REGULATIONS			
1. May be externally illuminated or internally illuminated by channel letters. 2. May project into the public right-of-way; however, no closer than six feet from the curb. 3. Shall only be located above the principal public entrance along a frontage. 4. Manual changeable copy signs are permitted.			



TABLE 9.2 GENERAL SIGN TYPE STANDARDS AND REGULATIONS (CONTINUED)

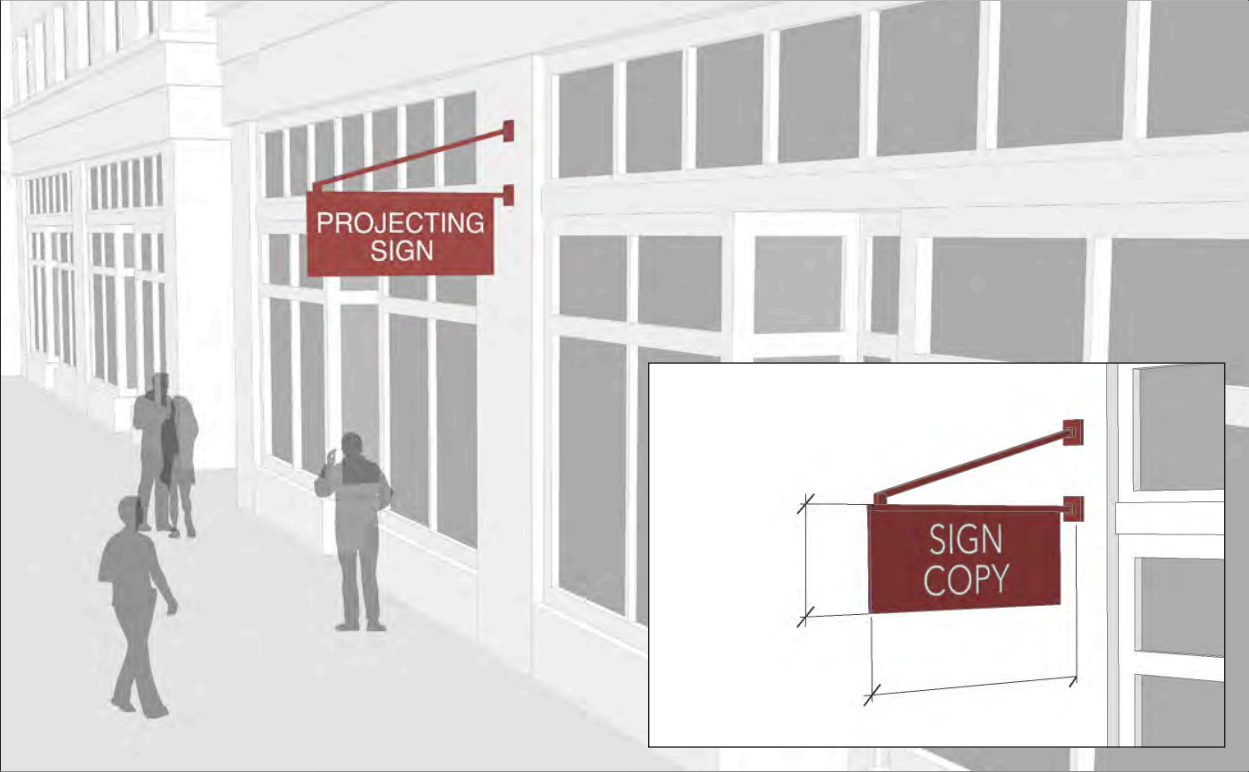
G. PROJECTING SIGN			
DESCRIPTION			
A double-sided sign which is mounted perpendicular to a building’s façade.			
			
HEIGHT	NUMBER (MAX.)	SIGN AREA (MAX.)	COPY HEIGHT (MAX.)
n/a	1 per tenant	9 sq. ft. per side	8 in.
REGULATIONS			
<div>1. Shall have a minimum separation of 15 feet from another projecting sign.</div> <div>2. May project up to four feet from the building wall.</div> <div>3. Supports shall be affixed to a building facade and shall not obstruct upper story windows or openings.</div> <div>4. May project into the public right-of-way; however, no closer than six feet from the curb.</div> <div>5. Only channel letters may be internally illuminated.</div>			

TABLE 9.2 GENERAL SIGN TYPE STANDARDS AND REGULATIONS (CONTINUED)

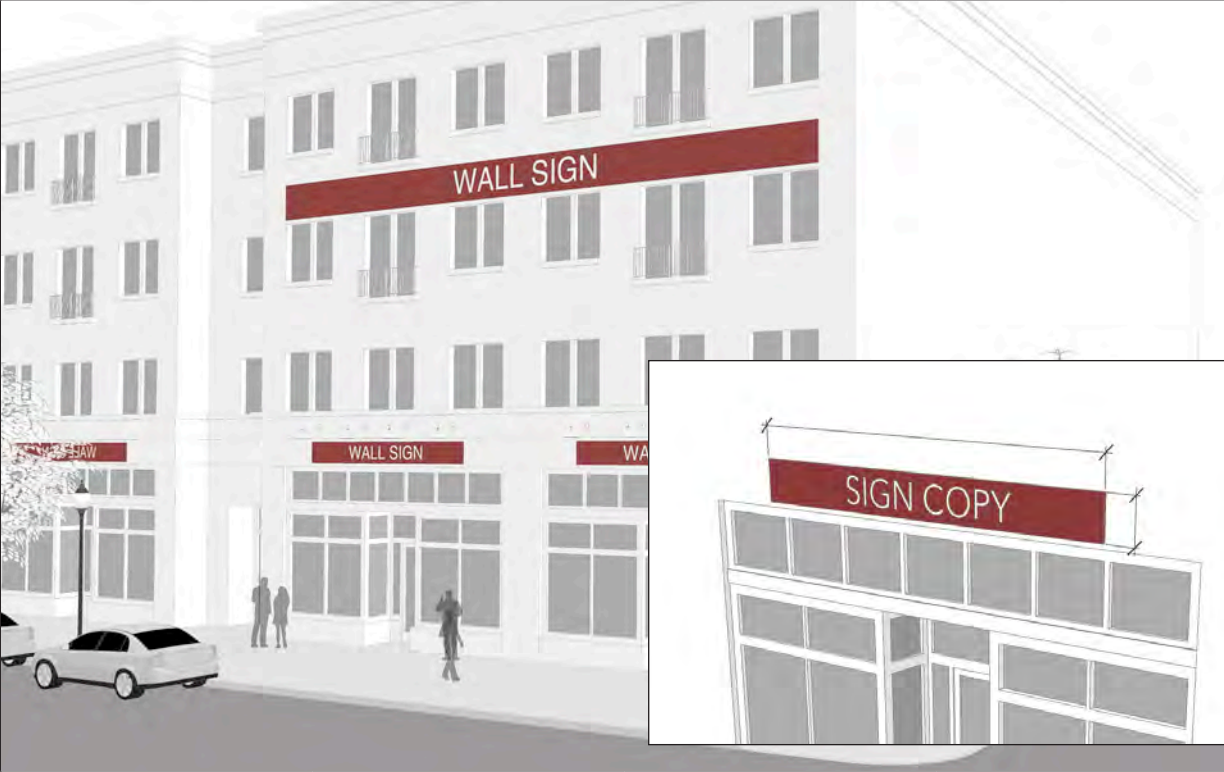

H. WALL SIGN			
DESCRIPTION			
A sign erected against or painted on the wall of any building, displayed on windows or doors.			
			
HEIGHT	NUMBER (MAX.)	SIGN AREA (MAX.)	COPY HEIGHT (MAX.)
n/a	1 per tenant per store-front	40 sq. ft. max. per sign	18 in. or 30 in. if over 40 feet from ROW
REGULATIONS			
1. Shall not extend above a cornice, wall, parapet wall or building facade. 2. May not obstruct windows or other building openings. 3. Only channel letters may be internally illuminated.			

TABLE 9.2 GENERAL SIGN TYPE STANDARDS AND REGULATIONS (CONTINUED)

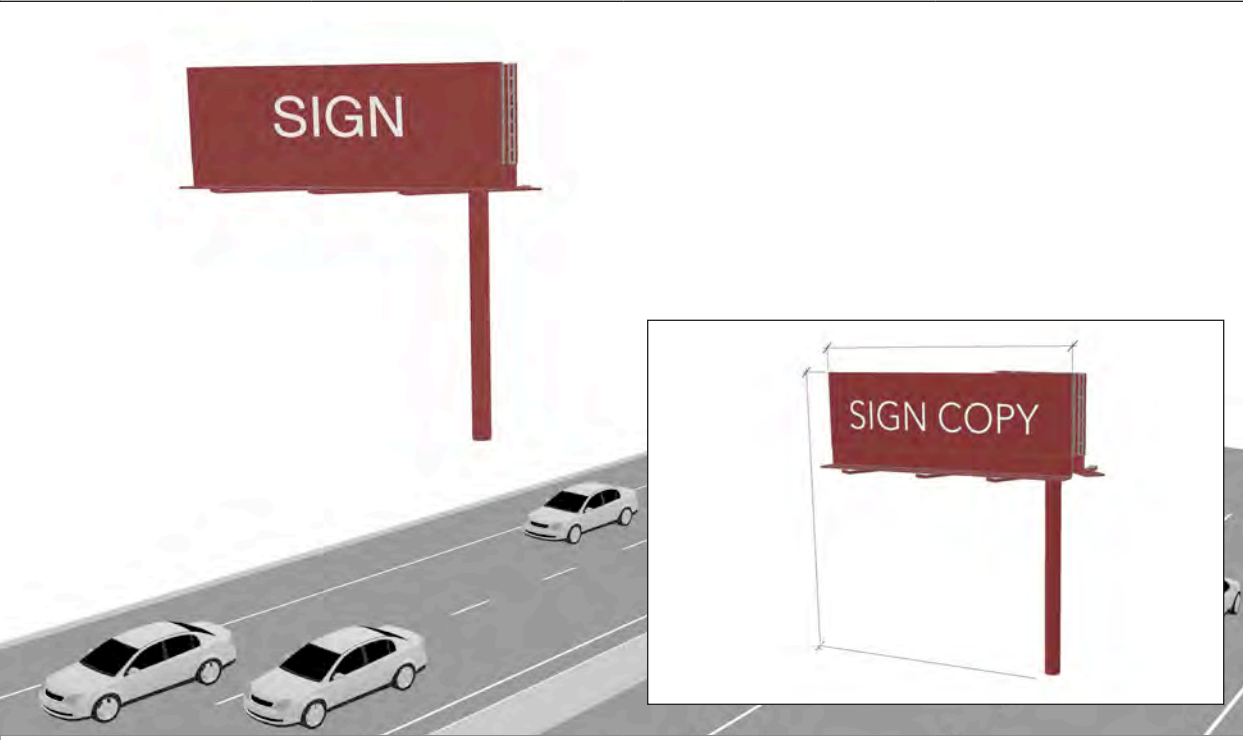
I. WINDOW SIGN			
DESCRIPTION			
A sign that is applied, painted, or affixed to a window, or placed inside a window, within three (3) feet of the glass, facing the outside of the building, and easily seen from the outside.			
			
HEIGHT	NUMBER (MAX.)	SIGN AREA (MAX.)	COPY HEIGHT (MAX.)
n/a	n/a	10% of window	n/a
REGULATIONS			
<div>1. The following window signs are permitted:<div>a. Letters painted directly on the window</div>b. Non-illuminated hanging signs hung behind the glass.</div> c. Vinyl appliqué letters applied to the window. Appliqués shall consist of individual letters or graphics with no visible background.			
2. Window signs shall not obscure the interior view.			
3. Window signs shall not be lit except as below. <div>a. Neon signs within window displays shall be limited to one per window opening, maximum coverage of 10% of the window size, and no flashing.</div>			

2. Window signs shall not obscure the interior view.

3. Window signs shall not be lit except as below.

a. Neon signs within window displays shall be limited to one per window opening, maximum coverage of 10% of the window size, and no flashing.

**TABLE 9.2 GENERAL SIGN TYPE STANDARDS AND REGULATIONS (CONTINUED)**

<b>J. OFF PREMISES SIGN</b>			
<b>DESCRIPTION</b>			
A sign which advertises a use not located on the premises on which the sign is located.			
			
<b>HEIGHT</b>	<b>NUMBER (MAX.)</b>	<b>SIGN AREA (MAX.)</b>	<b>COPY HEIGHT (MAX.)</b>
20 ft min. 35 ft. max.	n/a	675 sq. ft.	48 in.
<b>REGULATIONS</b>			
<ol style="list-style-type: none"> <li>1. Sign shall not be mounted to the facade of any building.</li> <li>2. Illumination shall be allowed only upon grant of a special exception by the Zoning hearing Board, subject to the following requirements: <ol style="list-style-type: none"> <li>a. The illumination of Off-Premises Signs within 500 feet of a residential zoning district or residential use shall not be permitted.</li> <li>b. All illumination shall be external, shielded, and shall be mounted directly above each illuminated face of the Off-Premises Sign.</li> <li>c. The location, luminaire type, wattage, and illumination patterns, and the means of control shall be specified. The lighting shall be designed to prevent the direct off-site transmission of light directly from the light source, to shield the source of illumination and to prevent glare as viewed from off-site.</li> <li>d. The source of illumination shall be screened from view from vehicles on adjacent roadways and from adjacent properties.</li> <li>e. No light source emanating from behind, within or on the face of the Off-Premises Sign shall be permitted.</li> <li>f. Rotating, flashing, pulsing, moving or oscillating light sources, lasers, light emitting diodes (LEDs), organic LEDs, beacons or strobe lighting shall not be permitted.</li> </ol> </li> <li>3. Separation <ol style="list-style-type: none"> <li>a. The minimum distance between <span style="color: red;">an</span> Off-Premises <span style="color: red;">Sign</span> Signs and <span style="color: blue;">any</span> LDR, MDR, VC, TC, and CAD districts is 500 feet.</li> <li>b. The minimum distance between <span style="color: blue;">one</span> Off-Premises Sign <span style="color: red;">signs</span> is 1,500 feet.</li> <li>c. The minimum distance between any Off-Premises Sign and the entrance or exit ramp or merging traffic lane of any limited access highway is 1,000 feet</li> <li>d. Obstruction. No Off-Premises Sign shall overhang a public or private right-of-way nor shall it interfere with a two-hundred-foot line of sight in any direction at an intersection.</li> </ol> </li> </ol>			

**TABLE 9.2 GENERAL SIGN TYPE STANDARDS AND REGULATIONS (CONTINUED)**

<b>K. WALL PLAQUE SIGN</b>			
<b>HEIGHT</b>	<b>NUMBER (MAX.)</b>	<b>SIGN AREA (MAX.)</b>	<b>COPY HEIGHT (MAX.)</b>
5 ft. max.	1 per entry	6 sq. ft.	6 in.
<b>REGULATIONS</b>			
1. Shall not project more than 3 inches from the building. 2. May be internally illuminated.			

<b>L. ADDRESS SIGN</b>			
<b>HEIGHT</b>	<b>NUMBER (MAX.)</b>	<b>SIGN AREA (MAX.)</b>	<b>COPY HEIGHT (MAX.)</b>
5 ft. max.	1 per frontage	3 sq. ft. per sign face in LDR & 5 sq. ft. in all other districts	n/a
<b>REGULATIONS</b>			
1. Address signs shall be provided with a minimum of one at the main entry.			

<b>M. DIRECTIONAL SIGN</b>			
<b>HEIGHT</b>	<b>NUMBER (MAX.)</b>	<b>SIGN AREA (MAX.)</b>	<b>COPY HEIGHT (MAX.)</b>
5 ft. max.	1 per direction point per parcel	4 sq.ft.	n/a
<b>REGULATIONS</b>			
1. Permitted only in VC, TC, RHR, I, CAD			

<b>N. FLAGS SIGN</b>			
<b>DESCRIPTION</b>			
Signage on a flag advertising a business or use.			
<b>HEIGHT</b>	<b>NUMBER (MAX.)</b>	<b>SIGN AREA (MAX.)</b>	<b>COPY HEIGHT (MAX.)</b>
<del>20 ft. max.</del> n/a	<del>2-3</del>	<del>24-35-15</del> sq. ft.	n/a
<b>REGULATIONS</b>			
1. Not permitted in LDR AND MDR Districts. 2. Shall be spaced a minimum 50 feet apart. 3. Feather/flutter flags are not permitted. 4. No freestanding or ground mounted installation for flag signs.			

**TABLE 9.2 GENERAL SIGN TYPE STANDARDS AND REGULATIONS (CONTINUED)**

<b>O. SECURITY/WARNING SIGN</b>			
<b>DESCRIPTION</b>			
Sign displaying restrictions associated with the property.			
<b>HEIGHT</b>	<b>NUMBER (MAX.)</b>	<b>SIGN AREA (MAX.)</b>	<b>COPY HEIGHT (MAX.)</b>
n/a	1 per frontage	1 sq. ft.	n/a
<b>REGULATIONS</b>			
1. Shall not project more than 3 inches from the building. 2. May be internally illuminated.			

<b>P. HOME OCCUPATION SIGN</b>			
<b>DESCRIPTION</b>			
Sign advertising a home business.			
<b>HEIGHT</b>	<b>NUMBER (MAX.)</b>	<b>SIGN AREA (MAX.)</b>	<b>COPY HEIGHT (MAX.)</b>
n/a	1 per parcel	1 sq. ft.	n/a
<b>REGULATIONS</b>			
1. Historic Home Occupation is limited to 2 sq. ft. sign area.			

<b>Q. A-FRAME SIDEWALK (TEMPORARY) SIGN</b>			
<b>DESCRIPTION</b>			
A type of freestanding, portable sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians (also known as a sandwich board sign).			
<b>HEIGHT</b>	<b>NUMBER (MAX.)</b>	<b>SIGN AREA (MAX.)</b>	<b>COPY HEIGHT (MAX.)</b>
3.5 ft. min.	1 per ground floor tenant	8.75 sq. ft.	n/a
<b>REGULATIONS</b>			
1. May be located in the public right-of-way and shall be no closer than three feet from the curb and shall maintain a minimum clear pedestrian pathway of four feet. 2. May only be displayed during business hours. 3. Shall be weighted, temporarily secured, or placed so as to avoid being carried away by high winds. A-frame signs must be taken in during inclement weather. 4. Illumination of any A-Frame sign is prohibited. <del>5. Shall be removed within 14 days of the end of occupancy, unless otherwise specified in this chapter.</del>			

**TABLE 9.2 GENERAL SIGN TYPE STANDARDS AND REGULATIONS (CONTINUED)**

<b>R. BANNER (TEMPORARY)</b>			
<b>DESCRIPTION</b>			
A sign consisting of cloth, bunting, plastic, paper, or similar non-rigid material attached to a structure, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flag signs.			
<b>HEIGHT</b>	<b>NUMBER (MAX.)</b>	<b>SIGN AREA (MAX.)</b>	<b>COPY HEIGHT (MAX.)</b>
10 ft. min.	1 per parcel	25 sq. ft.	18 in.
<b>REGULATIONS</b>			
1. Shall be spaced a minimum of 20 feet from each other. 2. May be erected for a period of time not to exceed 30 cumulative days in a calendar year. 3. Limited to two permits per parcel per 12 month period. 4. Shall be removed within 14 days of the end of occupancy, unless otherwise specified in this chapter. <del>5. Shall maintain a minimum clear pathway of four feet, within a public right-of-way.</del>			

<b>S. DEVELOPMENT SIGN (CONSTRUCTION) (TEMPORARY)</b>			
<b>HEIGHT</b>	<b>NUMBER (MAX.)</b>	<b>SIGN AREA (MAX.)</b>	<b>COPY HEIGHT (MAX.)</b>
6 ft. max.	1 per frontage	10 sq. ft.	12 in.
<b>REGULATIONS</b>			
1. May not be erected until final approval of the development by the Board of Commissioners and shall be removed upon completion of active work. Active work shall be interpreted by the Director of Building and Planning. 2. Shall be removed within 14 days of the end of occupancy, unless otherwise specified in this chapter. 3. Shall <del>maintain a minimum clear pathway of four feet,</del> not be located within a public right-of-way.			

<b>T. REAL-ESTATE SIGN (TEMPORARY)</b>			
<b>HEIGHT</b>	<b>NUMBER (MAX.)</b>	<b>SIGN AREA (MAX.)</b>	<b>COPY HEIGHT (MAX.)</b>
5 ft. max.	1 per frontage	6 sq. ft.	12 in.
<b>REGULATIONS</b>			
1. Shall be removed upon transfer of the property. 2. Shall <del>maintain a minimum clear pathway of four feet,</del> not be located within a public right-of-way.			

<b>U. PERSONAL EXPRESSION SIGN</b>			
<b>DESCRIPTION</b>			
An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.			
<b>HEIGHT</b>	<b>NUMBER (MAX.)</b>	<b>SIGN AREA (MAX.)</b>	<b>COPY HEIGHT (MAX.)</b>
5 ft. max	n/a	12 sq. ft.	n/a
<b>REGULATIONS</b>			
1. May not be commercial in nature. 2. Shall not be illuminated.			



- 9.8.1.a. In the CAD District, the regulations of Article 9 shall apply except where otherwise specifically provided for in this section.
- 9.8.1.b. Maximum signage square footage.
  - 9.8.1.b.i. The total area of all types of signage for each building shall not exceed two square feet for each linear foot of building frontage facing a public street.
  - 9.8.1.b.ii. The total area of all flush-mounted and awning signage for each retail tenant shall not exceed one square foot for each foot of linear building frontage. In all cases, individual signs are limited in square footage, as described in the following guidelines.
- 9.8.1.c. Fabrication techniques.
  - 9.8.1.c.i. No exposed conduit, tubing, or raceways will be permitted.
  - 9.8.1.c.ii. All conductors, transformers, ballasts, and other equipment shall be concealed.
  - 9.8.1.c.iii. All attachment hardware, bolts, and clips shall be of corrosion-resistant materials to prevent staining of building surfaces.
  - 9.8.1.c.iv. Formed plastic, injection-molded, or easily damaged signage materials are not permitted.
  - 9.8.1.c.v. No sign-makers' labels or other identification will be permitted on the exposed surface of signs, ~~except those required by local ordinance, which shall be located inconspicuously.~~
  - 9.8.1.c.vi. Awnings must be constructed from fabric (real or synthetic) and made of weather-resistant material.
- 9.8.1.d. Prohibited signs and conditions. The following signs are not permitted:
  - 9.8.1.d.i. Backlit or internally illuminated awnings.
  - 9.8.1.d.ii. Translucent internally illuminated sign faces with a backlit background.
- 9.8.1.e. Flush-mounted signage. For letters or marks mounted parallel to the building's facade that are either mounted as individual letters, or contained in a sign panel, the following standards shall apply:
  - 9.8.1.e.i. Maximum area of sign: 65 square feet per sign.
  - 9.8.1.e.ii. Number of signs: one per tenant per street front. Where a building faces both a street and a parking lot, a second sign is permitted to face the parking lot.
  - 9.8.1.e.iii. Mounting height: twenty-foot maximum, provided that it is below the sill line of the second floor windows.
  - 9.8.1.e.iv. Depth of sign: Wall signs must not project more than 12 inches from the building wall.
  - 9.8.1.e.v. Method of illumination shall include:
    - 9.8.1.e.v.(1). Natural lighting.
    - 9.8.1.e.v.(2). Externally lit from above.
    - 9.8.1.e.v.(3). Halo-lit or backlit letters.
- 9.8.1.f. Blade and shingle signage. A shingle sign is mounted perpendicular to a building's facade, is typically suspended beneath an armature, and is able to swing from the axis of the pole. A blade sign is typically mounted directly to the building facade using a rigid mounting bracket. The following standards shall apply:
  - 9.8.1.f.i. Maximum area of sign: 20 square feet.
  - 9.8.1.f.ii. Number of signs: one per ground floor establishment, plus one for any public building entrance not serving a ground floor establishment.
  - 9.8.1.f.iii. Mounting height: ~~Twenty~~ 20-foot maximum, provided that it is below the sill line of the second floor windows and is a minimum of 10 feet above grade or sidewalk.
  - 9.8.1.f.iv. Maximum projection from building face: five feet.
- 9.8.1.g. Banner signage: fabric or rigid material mounted with use of poles, typically oriented perpendicular to building facade.
  - 9.8.1.g.i. Area of banner: less than or equal to 25 square feet.

- 9.8.1.g.ii. Banners shall be spaced no closer than 20 feet apart, and centered within architectural elements.
- 9.8.1.g.iii. Projection: Banners shall not project more than three feet into the public right-of-way. Such banners shall not project into the cartway and shall be located a minimum of two feet six inches from the face of the curb.
- 9.8.1.g.iv. Mounting height: The bottoms of banners shall be mounted at least 14 feet above grade or sidewalk to avoid intrusion into blade sign or awning zone, and not to extend beyond the third story of the building.
- 9.8.1.g.v. Only one banner sign is permitted per retail storefront.
- 9.8.1.h. Freestanding signs.
  - 9.8.1.h.i. The sign must be a monument sign with a maximum height of eight feet unless it can be demonstrated that a higher sign is required to avoid a site obstruction that would create an unsafe condition.
  - 9.8.1.h.ii. Maximum area of sign: 50 square feet.
  - 9.8.1.h.iii. Not more than one freestanding sign shall be permitted for each lot street frontage.
- 9.8.1.i. Upper level corporate or building identification signs: Upper level corporate or building identification signage mounted on the facade of a building, and designed to be seen from a distance.
  - 9.8.1.i.i. Such signs shall be limited to the following content only:
    - 9.8.1.i.i.(1). A corporate logo; or
    - 9.8.1.i.i.(2). The name of the company or building.
  - 9.8.1.i.ii. Such signs shall be limited to individual three-dimensional letters, representing the name of the company or building or three-dimensional corporate logo.
  - 9.8.1.i.iii. Such signs shall not exceed 10 feet in height.
  - 9.8.1.i.iv. Total area of such signs shall not exceed 200 square feet in area.
  - 9.8.1.i.v. Such signs may only be mounted to the top floor of a building exceeding 100 feet in height.
- 9.8.1.j. Awnings and canopies. Awnings and canopies are roof-like structures, above storefront windows or entries, sometimes containing a mark or signature of a tenant. The following standards shall apply:
  - 9.8.1.j.i. Length: Awnings and canopies shall not exceed 30 feet in horizontal length and be centered within architectural elements, such as doors or columns.
  - 9.8.1.j.ii. Projection: Awnings and canopies shall not project more than five feet into the public right-of-way, except where located above a main building or store entrance facing a public sidewalk, in which case the maximum projection shall not exceed 10 feet. All awnings and canopies must be a minimum of three feet from the curbline.
  - 9.8.1.j.iii. Mounting height: The bottom of awnings and canopies shall be at least eight feet above grade or sidewalk, except in the case of a movable valance which may be seven feet above grade or sidewalk.
  - 9.8.1.j.iv. Illumination: Natural lighting only; backlit awnings are not permitted.
  - 9.8.1.j.v. Design: On multi-tenant facades, awning heights, projections and style shall be similar. Logo or tenant mark shall be limited to the valance of an awning, or the front plane of the canopy.
  - 9.8.1.j.vi. Fabrication: Awnings and canopies shall be made of fire-resistant canvas.
  - 9.8.1.j.vii. All ground floor awnings and canopies or those that project into a street right-of-way must be retractable.
  - 9.8.1.j.viii. Fixed awnings may be used above the ground floor, provided that they project no more than four feet maximum.
- 9.8.1.k. Wall plaques. Wall plaques are small, pedestrian-oriented informative signs that may convey information, such as hours of operation, or take the form of directories, menu cases, or convey historical building information. The following standards shall apply:

- 9.8.1.k.i. Area of sign: up to six square feet in area, not projecting more than three inches from a building wall.
- 9.8.1.k.ii. Number of signs: two per usable entry.
- 9.8.1.k.iii. Mounting height: five feet on center above grade or sidewalk.
- 9.8.1.k.iv. Illumination: Natural lighting only is permitted, except for menu cases, which may be internally lit.
- 9.8.1.l. Street address plaque. This is a plaque mounted to the side of a building at pedestrian level, or dimensional letter mounted above the door conveying at the minimum the numerical street address of the building. The following standards shall apply:
  - 9.8.1.l.i. Area of sign: less than or equal to three square feet in area.
  - 9.8.1.l.ii. Number of signs: minimum of one located at the main entry to the building.
  - 9.8.1.l.iii. Mounting height: either five feet on center for wall-mounted signs on the side of a building, or horizontally centered above door(s) or on the sides of a canopy. Numerals mounted over doors, or on canopies shall be no less than eight inches high, and no more than 12 inches high.
  - 9.8.1.l.iv. Illumination: Natural lighting only is permitted, except for halo-lit or backlit letters.
- 9.8.1.m. Permanent storefront window graphics. These are permanent window graphics with the tenant's mark or hours of operation. The following standards shall apply:
  - 9.8.1.m.i. Area of sign: Window signs shall not obscure the interior view of a retail establishment and shall be no greater than 10% of the available window space.
- 9.8.2 Signs in the Medical Center District (MCD) and the Bryn Mawr Medical District (BMMD).
  - 9.8.2.a. Permitted signage. ~~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):~~
  - ~~9.8.2.b. Wherein provisions within Article 9 conflict with, except as provided for otherwise within this chapter:~~
    - 9.8.2.a.i. Freestanding signs, provided that:
      - 9.8.2.a.i.(1). The area of any such sign shall not exceed 50 square feet.
      - 9.8.2.a.i.(2). Such sign shall not exceed a height of 10 feet above existing grade. standing signs in the required perimeter setback in a the MCD and the front yard setback in the BMMD shall not exceed a height of six feet above existing grade.
      - 9.8.2.a.i.(3). No more than one freestanding sign shall be placed in the required perimeter setback in a the MCD unless such premises fronts on more than one primary street, in which case one free-standing sign may be permitted for each such street frontage. In a BMMD, the maximum number of freestanding signs in the required front yard setback shall be limited to one sign for each street frontage plus one site identity sign.
      - 9.8.2.a.i.(4). Freestanding signs may not be internally illuminated.
      - 9.8.2.a.i.(5). The maximum number of freestanding signs shall be limited to one sign for each principal building, plus one sign for each street frontage with an ingress and egress driveway.
      - 9.8.2.a.i.(6). Freestanding signs advertising specific buildings shall be within 50 feet of the buildings listed on the sign.
    - 9.8.2.a.ii. Wall signs, provided that:
      - 9.8.2.a.ii.(1). No wall sign shall be permitted to extend above any cornice, wall, parapet wall or building facade.
      - 9.8.2.a.ii.(2). The total area of any single wall sign shall not exceed 60 square feet, and all wall signs and projecting signs on each building shall not exceed 10% of the area of the wall of the building, including windows, doors and cornices, whichever is smaller.

- 9.8.2.a.ii.(3). There shall be no more than two wall signs exceeding 20 square feet on any building.
    - 9.8.2.a.ii.(4). Externally lit walls signs are permitted. External lighting must directly light the wall sign from above.
  - 9.8.2.a.iii. Signs identifying the entrance to emergency departments, provided that:
    - 9.8.2.a.iii.(1). The sign is located on or on top of emergency department canopy fascias.
    - 9.8.2.a.iii.(2). The sign shall contain only the word "Emergency" or the word "Ambulance" and the area of the letters shall be in direct proportion to the canopy fascia.
    - 9.8.2.a.iii.(3). Letter size shall not exceed 12 inches in height.
    - 9.8.2.a.iii.(4). The sign may be externally lit and directly illuminated from above.
- 9.8.2.b. Exempt signs. In addition to those signs identified in [Section 155-9.5](#), the following signs shall be permitted without a sign permit and shall not be included in the determination of the type, number or area of permanent signs allowed within such districts.
  - 9.8.2.b.i. Medical Center District.
    - 9.8.2.b.i.(1). Directional and instructional signs, including those designating points of ingress and egress, which do not exceed 24 square feet for each sign face. The maximum height of a directional or instructional sign is eight feet above existing grade. Where there is an obstruction that would limit the visibility of a sign, the maximum height may be increased to 10 feet above existing grade. The maximum height for directional signs in the required perimeter one-hundred-twenty-five-foot setback is six feet above existing grade.
    - 9.8.2.b.i.(2). Directional signs must be set back from a street line a minimum of 125 feet and may not be located in any of the required common open space.
    - 9.8.2.b.i.(3). Directional signs must be located outside the required seventy-five-foot perimeter buffer area. However, in areas where existing driveways are located in the buffer as of the effective date of these provisions directional signs may be located within the buffer within 10 feet of the edge of the driveway.
  - 9.8.2.b.ii. Bryn Mawr Medical District.
    - 9.8.2.b.ii.(1). Directional and instructional signs, including those designating points of ingress and egress, which do not exceed 10 square feet for each sign face. The maximum height of a directional or instructional sign is six feet above existing grade.
    - 9.8.2.b.ii.(2). Directional signs must be located outside the required buffer area.
- 9.8.2.c. General standards for all signs.
  - 9.8.2.c.i. All signs shall have letters no larger than 18 inches in height for signs located 30 feet or less above grade; 24 inches in height for signs located 30 to 60 feet above grade; and 36 inches in height for signs located 60 feet or more above grade.
  - 9.8.2.c.ii. No sign shall extend closer than ~~4/2~~ half the vertical height of the letters employed to the vertical edge of a building corner, or to the fascia, roofline or parapet, whichever is lower.
  - 9.8.2.c.iii. Other than as needed to identify the location of medical services, signs shall be constructed only from wood, metal, stone or other similar material with darker background colors and lighter colored lettering. The Board of Commissioners may approve an alternative material if it can be demonstrated that the material will have the same appearance and texture as any of the approved materials.

- 9.8.2.c.iv. Window graphics shall not exceed 20% of the clear window surface.
- 9.8.2.d. Awnings and canopies.
  - 9.8.2.d.i. Covered areas for patient dropoff and pickup at medical facilities shall not be considered canopies or awnings for the purposes of this section.
  - 9.8.2.d.ii. Awnings and canopies shall be made of fire-resistant canvas and may not be backlit.
  - 9.8.2.d.iii. The furthest extension of a ground floor awning and/or canopy shall be no less than three feet and no more than seven feet. The furthest edge of the awning may be no closer than 24 inches to the curb abutting a street and may cover no more than 2/3 of the sidewalk width.
  - 9.8.2.d.iv. Ground floor awnings and canopies shall terminate no less than 18 inches below the second floor windowsills.
  - 9.8.2.d.v. Ground floor awning and canopy height shall not exceed 15 feet above pavement and shall be below the cornice or frieze.
  - 9.8.2.d.vi. All ground floor awnings and/or canopies shall be retractable. The minimum height from the bottom of the frame and valance to the sidewalk is seven feet.
  - 9.8.2.d.vii. Fixed awnings may be used above the first story, provided they project no more than four feet maximum.
  - 9.8.2.d.viii. Side flaps on awnings are encouraged.
  - 9.8.2.d.ix. Logos or emblems are permitted on the top or angled portion of the awning up to a maximum of three square feet. No more than one emblem or logo is permitted on an awning.
  - 9.8.2.d.x. Any awning that projects into a street right-of-way must be retractable, or the applicant must enter into an agreement with the Township (or the government entity having jurisdiction) to remove the awning if the entity having jurisdiction requires access to the right-of-way for maintenance, repairs or any other purpose.
- 9.8.3 Signs in Institutional Districts
  - 9.8.3.a. Sections 9.1 through 9.7 of this article shall apply, except when in conflict with the provisions provided below.
  - 9.8.3.b. Signs types are regulated according to "Table 9.1 Permitted Sign Locations and Permit Types" and "Table 9.2 General Sign Type Standards and Regulations".
  - 9.8.3.c. **Sign specifications.**
    - 9.8.3.c.i. Signs shall not exceed 20 square feet in sign area.
    - 9.8.3.c.ii. Signs shall not exceed a height of 15 feet from existing grade, with the exception of flag signs.
    - 9.8.3.c.iii. ~~All such signs~~ 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.~~
  - 9.8.3.d. The signs may only be externally illuminated. Internally illuminated signs are prohibited.
  - 9.8.3.e. No more than one sign shall be placed on a premises held in single and separate ownership, unless such premises fronts on more than one street, in which case one sign may be erected for each street frontage.

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ARTICLE 10:  
SUPPLEMENTAL USE  
REGULATIONS &  
NONCONFORMITIES

**155-10.1 ACCESSORY USE REGULATIONS**

10.1.1 Home occupations are permitted as an accessory use to any residential dwelling.

10.1.1.a. The following restrictions apply specifically to non-traffic or minor home occupations:

10.1.1.a.i. No commercial traffic visits shall be permitted for non-traffic home occupations.

10.1.1.a.ii. Minor home occupations are only permitted subject to the following restrictions:

10.1.1.a.ii.(1). No more than one Commercial Traffic Visit per hour and a maximum of four commercial visits per day is permitted.

10.1.1.a.ii.(2). All visits shall be between the hours of 9 AM and 9 PM.

10.1.1.a.ii.(3). In all LDR and MDR zoning districts, a separation requirement of 500 feet from any other home occupation (except for nontraffic home occupations) shall apply. This may be modified by Special Exception, if the applicant establishes that the use is located in a neighborhood which is not primarily residential in character or the use will not have a substantial tendency to commercialize the neighborhood.

10.1.1.b. Home occupations (minor and non-traffic) are permitted in LDR and MDR1 zoning districts or any residential dwelling unit, subject to the following additional restrictions:

10.1.1.b.i. No person except a resident practitioner (or employee which the practitioner is required by law to have on the premises) shall work on the premises in connection with the use.

10.1.1.b.i.(1). Home occupations shall be entirely conducted within a building and shall not occupy more than 500 square feet of floor area or up to 25% of the home, whichever is greater.

10.1.1.b.i.(2). No goods shall be publicly displayed on the premises.

10.1.1.b.i.(3). No outside storage of materials or equipment is permitted, except that one business vehicle may be maintained on the property if parked off street and behind the required front yard setback.

10.1.1.b.i.(4). The existence of the use shall not be visible from the exterior of the property.

10.1.1.b.i.(5). No sign may be displayed, except that a minor home occupation sign may be provided as described in "Article 9: Sign Standards".

10.1.1.b.i.(6). A certificate of occupancy shall be obtained authorizing the home occupation.

10.1.1.b.ii. Home Occupations (Minor and Non traffic) in MDR2, MDR3 , VC, TC, and Special Districts are permitted subject to the following additional restrictions:

10.1.1.b.ii.(1). In multi-family buildings, the home occupation shall only be located in the user's ~~apartment~~ dwelling unit.

10.1.1.b.ii.(2). The home occupation shall not occupy more than 50% of the floor area of the ~~apartment~~ dwelling unit.

10.1.1.b.ii.(3). In the MDR2 and MDR3, a home occupation, except a non-traffic home occupation, shall be located on the first floor.

10.1.1.b.ii.(4). Lobbies shall not be used as waiting rooms.

10.1.1.b.ii.(5). A certificate of occupancy shall be obtained authorizing the home occupation.



## 10.1.2 Family Daycare

- 10.1.2.a. Family daycare, for up to six nonresident children (excluding the caretaker's children), is permitted in LDR and MDR zoning districts as follows:
- 10.1.2.a.i. Shall be located in a single-family, detached dwelling in which the caregiver resides.
  - 10.1.2.a.ii. No person except the resident caregiver and/or an employee required by law, shall work on the premises in connection with the use.
  - 10.1.2.a.iii. Minimum lot area of 10,000 square feet is required.
  - 10.1.2.a.iv. Minimum of 40 square feet of usable floor area per child, inclusive of furnishings and equipment is required.
  - 10.1.2.a.v. Minimum of 100 square feet of outdoor play area per child, available on the same lot is required. Such play space shall be on the rear half of the lot, enclosed by a fence or wall and a minimum of 30 feet from any adjacent residential building.
  - 10.1.2.a.vi. A driveway is required in order to allow off-street pickup and dropoff of children.
  - 10.1.2.a.vii. Minimum distance requirement shall be 500 feet from another such facility, *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.*

**155-10.2 ALTERNATIVE HOUSING OPTIONS FOR THE ELDERLY**

- 10.2.1 Intent. In order to promote the general welfare and meet the specialized housing needs of the elderly, the provisions of ~~this article~~ *"Section 155-10.2 Alternative Housing Options for the Elderly"* are intended to:
- 10.2.1.a. Provide for small-scale housing facilities for elderly persons in LDR and MDR zoning districts in the Township.
  - 10.2.1.b. Provide housing which will integrate elderly persons into the community as a whole in harmony with surrounding residential areas.
  - 10.2.1.c. Provide for the special housing needs of persons 62 years of age or older who might not otherwise be able to acquire adequate housing in the community.
- 10.2.2 Specialized Conversions. In LDR, ~~and~~ MDR, *IC, and IH* zoning districts, a single-family dwelling *or an existing institutional building* may be converted into no more than three ~~apartments~~ *dwelling units* for the elderly, provided that the following criteria are met:
- 10.2.2.a. Each ~~apartment dwelling unit~~ shall be a self-contained unit with separate bath, kitchen and living facilities for no more than two persons.
  - 10.2.2.b. The provisions of *"Section 155-8.1 Minimum Required Parking"* shall be applicable.
  - 10.2.2.c. The exterior of the building will not be structurally altered to accommodate the conversion, beyond those required for reasons of safety or compliance with the accessibility ~~and~~ requirements of the International Building Code.
  - 10.2.2.d. No part of any ~~apartment dwelling~~ unit can be above the second floor of the building.
  - 10.2.2.e. The building may only be occupied by persons 62 years of age or older, their spouses, companions, or caregivers as needed for support.
  - 10.2.2.f. The zoning permit granted for this use shall expire six months after the building ceases being occupied by elderly persons as herein provided, and the dwelling shall revert back to a single-family dwelling.
  - 10.2.2.g. The owners shall apply for and receive an annual permit from the Township.
  - 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.

- 10.2.3 Restricted Accessory ~~Apartment~~ Dwelling Units. In LDR, ~~and~~ MDR, IC, and IH zoning districts, a single-family dwelling or an existing institutional building may be converted into two dwelling units, each with its own cooking facilities, provided that the following criteria are met:
- 10.2.3.a. All individuals living in the dwelling units are related by blood, marriage or legal adoption or are domestic partners.
  - 10.2.3.b. One of the dwelling units shall contain no more than two persons, one of whom shall be 62 years of age or older.
  - 10.2.3.c. The owner of the property shall execute an agreement with the Township, which shall be recorded with the Recorder of Deeds of Montgomery County and which provides for the immediate removal of separate cooking facilities at such time as they are no longer being utilized as specified in this section.
  - 10.2.3.d. All provisions of the Lower Merion Township Code, Chapter 62, entitled "Building Construction," shall be complied with.
  - 10.2.3.e. The provisions of "Article 8: Parking Standards" shall be applicable.
  - 10.2.3.f. If the restricted accessory ~~apartment~~ dwelling unit is located in an accessory structure, the accessory structure shall comply with the principal building setbacks in the underlying zoning district.
  - 10.2.3.g. The zoning permit granted for this use shall expire six months after the building ceases being occupied by elderly persons as herein provided, and the dwelling shall revert back to a use permitted in the district in which it is located
  - 10.2.3.h. The owner shall apply for and receive an annual permit from the Township.
  - 10.2.3.i. One dwelling unit shall have no less than two times the square footage of occupied space than the other.
  - 10.2.3.j. If the facility is not owner occupied, its use shall be sponsored by a 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 thereof. Such organization shall have a designated agent resident or offices in Pennsylvania.

### 155-10.3 SHARED RESIDENCES FOR THE ELDERLY OR THE DISABLED

- 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:
- 10.3.1.a. The building may be occupied only by persons with a disability or who are 62 years of age or older, their spouses or companions or by persons 55 years of age or older if the housing meets the criteria for discriminating in favor of such persons set forth in the Civil Rights Act of 1968, as amended, or any succeeding legislation.
  - 10.3.1.b. Shared residences for the elderly and disabled shall be sponsored by a community-based 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 thereof. Such organizations shall have a designated agent resident or offices in Pennsylvania.
  - 10.3.1.c. Each residence shall contain separate bedrooms, for individuals not related to each other. Living, kitchen, dining and sanitary facilities, including bath facilities, may be shared. At least ~~4.5~~ one and a half baths shall be provided for every three residents.
  - 10.3.1.d. If a shared residence is proposed for an existing building, the exterior of the building shall not be structurally altered to accommodate use as a group shared residence except for alterations required for reasons of safety or compliance with the accessibility ~~and~~ requirements of the International Building Code. If new construction, the proposed building and its landscaping shall have a residential appearance compatible with the surrounding neighborhood.
  - 10.3.1.e. Buildings used for shared residences shall comply with all health, housing, fire and building codes of the Township and all applicable state statutes and regulations.

- 10.3.1.f. At least 0.5 on-site, off-street parking spaces shall be provided for every resident of the shared residence.
- 10.3.1.g. Permit requirements:
  - 10.3.1.g.i. The sponsor shall apply for and receive an annual permit from the Township in order to operate a shared residence. Registration shall be completed in accordance with Chapter 92 of the Lower Merion Township Code. Further, in order to qualify for a permit for a group shared residence for the elderly, the sponsor shall demonstrate that:
    - 10.3.1.g.i.(1). The shared residence serves residents who are capable of self-preservation without assistance in the event of an emergency and who do not require the services or care provided by a personal care boarding home or ~~skilled~~ Long-Term/intermediate care facility regulated by the Commonwealth of Pennsylvania; and
    - 10.3.1.g.i.(2). The residents will live together as a single house-keeping unit and participate in the ongoing decision-making and daily operation of the building.
  - 10.3.1.g.ii. The sponsor shall present this information to the Building and Planning Department in the form of a management plan.
- 10.3.1.h. Subject to the separation requirements of 11.2.5.f.iii.

#### 155-10.4 CONVERSION OF BUILDING TO ADULT DAYCARE

- 10.4.1 The Board of Commissioners may authorize as a conditional use the conversion of an existing dwelling in an MDR3 District into an adult daycare facility, subject to the following requirements:
  - 10.4.1.a. The adult daycare facility shall serve participants who are 62 years of age or older or who are 18 years of age or older and have a disability.
  - 10.4.1.b. The form standards shall be in compliance with "Article 4: District Specific Standards" in the MDR3 District according to "Table 4.2 MDR Form Standards" for each adult daycare facility.
  - 10.4.1.c. A buffer area shall be provided along the full length of all side and rear lot lines, where a property abuts a LDR, MDR1 or MDR2 District. The buffer area shall be not less than 20 feet in width. The applicant shall also comply with the landscape design standards, site maintenance and guaranty provisions of Chapter 101, Natural Features Conservation, §§ Sections 101-10 and 101-11.
  - 10.4.1.d. Vehicular access shall be gained directly from and to a primary, secondary or tertiary street, or from a minor street if the point of access is within 200 feet of a primary, secondary or tertiary street and the applicant establishes that the major portion of the traffic created by the use will access the property from that direction.
  - 10.4.1.e. A maximum of 45 participants shall be permitted in an adult daycare facility. This limitation shall not include staff.
  - 10.4.1.f. There shall be a minimum of 50 square feet of floor space for each participant.
  - 10.4.1.g. The applicant shall demonstrate that adequate parking for participants and staff and adequate areas for all delivery and pickup activities can be provided. The following are the minimum requirements:
    - 10.4.1.g.i. Minimum parking requirements shall be as designated in "Article 8: Parking Standards".
    - 10.4.1.g.ii. Adequate driveway and stacking space to accommodate one vehicle for every five adult participants measured from the location where participants are dropped off. If the applicant can demonstrate that the arrival times will vary, the stacking may be reduced to one vehicle for every 10 participants.
    - 10.4.1.g.iii. No parking or loading shall be permitted in the front yard setback.
    - 10.4.1.g.iv. A handicap accessible dropoff/pickup area shall be provided near the entrance to the building.

- 10.4.1.h. Parking, loading, unloading, ingress and egress may be provided on the adjacent property, subject to the following conditions:
  - 10.4.1.h.i. The adjacent property shall be owned by the applicant.
  - 10.4.1.h.ii. The adjacent property shall provide adequate ingress and egress for the proposed use.
  - 10.4.1.h.iii. The required driveways and parking on the adjacent lot are available during the hours of operation of the facility.
  - 10.4.1.h.iv. The required areas are within 200 feet of the building used for adult day-care.
  - 10.4.1.h.v. The applicant shall enter into an agreement with the Township that if the adjacent property is no longer available for parking or ingress and egress, the applicant shall install the required improvements or cease the use of the adult daycare facility.
- 10.4.1.i. If the facility is to accommodate more than 20 persons or if the Board of Commissioners determines it to be necessary to its decision, the applicant shall perform a traffic study satisfactory to the Township Engineer and provide improvements needed to ensure safe ingress and egress.
- 10.4.1.j. The conditional use approval granted for this use shall expire six months after the building ceases to be occupied as an adult daycare facility, and the dwelling shall then revert to a use permitted in the district in which it is located.
- 10.4.1.k. Participants shall not be permitted to stay overnight.
- 10.4.1.l. The facility shall be licensed with the Commonwealth of Pennsylvania Department of Aging as an older daily living center prior to the issuance of an occupancy permit.

#### **155-10.5 MEDICAL MARIJUANA DISPENSARY**

- 10.5.1 Medical marijuana dispensary shall be subject to the following regulations:
  - 10.5.1.a. Shall be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.
  - 10.5.1.b. Is only permitted to dispense medical marijuana in an indoor, enclosed, permanent, and secure building, and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
  - 10.5.1.c. Is not permitted to operate on the same site as a facility used for growing and processing medical marijuana.
  - 10.5.1.d. Is not permitted to have a drive-through service.
  - 10.5.1.e. Shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent the theft of medical marijuana and unauthorized entrance into areas containing medical marijuana.
  - 10.5.1.f. Permitted daily hours of operation of a medical marijuana dispensary shall be 8:00 a.m. to 8:00 p.m.
  - 10.5.1.g. Is only permitted to dispense medical marijuana to certified patients and medical marijuana caregivers, and shall comply with all lawful, applicable state and local health regulations.
  - 10.5.1.h. Shall comply with the separation requirements set forth in the Medical Marijuana Act. The separation distance shall be measured using a pedestrian route continually accessible to the public, measured from lot line to lot line, regardless of municipality in which it is located.
  - 10.5.1.i. Parking requirements will follow the parking requirements for retail as specified in "Article 8: Parking Standards".
  - 10.5.1.j. Vehicular ingress and egress to and from a medical marijuana dispensary site shall be designed to accommodate the anticipated vehicles used to service the facility.

**155-10.6 MEDICAL MARIJUANA PROCESSING**

- 10.6.1 A Medical marijuana grower/processor facility is authorized as a conditional use in LI, subject to the following regulations:
- 10.6.1.a. Shall be legally registered in the Commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.
  - 10.6.1.b. Shall only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
  - 10.6.1.c. Maximum floor area shall be limited to 20,000 square feet, of which sufficient space shall be set aside for secure storage of marijuana seeds, related finished product, and marijuana-related materials used in production or for required laboratory testing.
  - 10.6.1.d. Marijuana remnants and byproducts shall be secured and properly disposed of in accordance with the Pennsylvania Department of Health policy, and shall not be placed within unsecured refuse containers.
  - 10.6.1.e. Shall provide only wholesale products to other permitted medical marijuana uses. Retail sales and dispensing of medical marijuana and related products is prohibited.
  - 10.6.1.f. All odors shall be managed by ventilation and exhaust equipment with operable filtration so that any odors are effectively confined to the interior of the building. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment that can be seen, smelled, or otherwise perceived beyond the facility.
  - 10.6.1.g. Parking requirements shall be as specified in "155-8.5 Off-street Parking Layout & Design".
  - 10.6.1.h. Vehicular ingress and egress shall be designed to accommodate the anticipated vehicles used to service the facility. All vehicular access shall secure the appropriate highway occupancy permit.
  - 10.6.1.i. A plan shall be provided demonstrating that all external and internal lighting, including light for nighttime growing, is shielded in such a manner to not allow light to be emitted skyward or onto adjoining properties.
  - 10.6.1.j. Minimum 50-foot buffer planting shall be provided when adjoining a LDR or MDR zoning district.
  - 10.6.1.k. Shall not be located:
    - 10.6.1.k.i. Within 1,000 feet of a public, private, or parochial school or daycare center.
    - 10.6.1.k.ii. Within 3,000 feet of another medical marijuana grower/processor facility.
  - 10.6.1.l. No pictures, photographs, drawings or other depictions of marijuana or marijuana paraphernalia shall be displayed on the outside of the facility or any sign associated therewith.
  - 10.6.1.m. Shall comply with any other lawful and applicable requirements or regulations imposed by state and/or local laws or regulations.
  - 10.6.1.n. Any use which may be noxious or offensive due to the emission of odor, dust, fumes, smoke, gas, vibration or noise as to constitute a nuisance is prohibited.
  - ~~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".~~

**155-10.7 MANDATED EMERGENCY SERVICE**

Emergency Facilities (Ambulance Services and Fire Stations)

- 10.7.1 In LDR & MDR Zoning Districts may be authorized as a Conditional Use, subject to the following regulations:
- 10.7.1.a. The building shall be designed in terms of mass and appearance to conform to the area in which it is located.
  - 10.7.1.b. Impervious surface limitations shall conform to the underlying zoning district.
  - 10.7.1.c. The principal building shall meet all setback requirements of the underlying zoning district.
  - 10.7.1.d. Emergency service shall have direct access onto a primary or secondary street.
  - 10.7.1.e. A minimum two-mile separation distance shall be provided in LDR zoning districts between like emergency service facilities.
  - 10.7.1.f. Improvements based upon a traffic study acceptable to the Board of Commissioners shall be constructed to ensure safe ingress and egress from the property.
  - 10.7.1.g. Parking requirements shall be as specified in "Article 8: Parking Standards". Additionally, parking shall comply with the following:
    - 10.7.1.g.i. Parking and maneuvering space for volunteers and emergency equipment shall be provided based upon the number or size of the vehicles anticipated.
    - 10.7.1.g.ii. No parking shall be permitted within any setbacks.
  - 10.7.1.h. A twenty-foot screening buffer shall be provided if adjacent to LDR or MDR zoning districts. The Board of Commissioners may also require fencing if required for public safety or to avoid a public nuisance. Access drives may penetrate this buffer.
  - 10.7.1.i. All emergency vehicles, except those immediately available for use, shall be stored at all times in a fully enclosed building.
  - 10.7.1.j. No motor repair or body work may be performed at the site. Routine maintenance is permitted and may only be performed within a fully enclosed building.
  - 10.7.1.k. Land-based sirens shall not be operated in LDR or MDR zoning districts. The Board of Commissioners may impose further ~~regulations~~ ~~conditions~~ to eliminate noise from the facility or associated emergency vehicles to prevent them from becoming a public nuisance.
  - 10.7.1.l. Outdoor lighting shall be regulated to eliminate glare on surrounding properties.
  - 10.7.1.m. Signage shall be limited to that permitted in the underlying zoning district.

**155-10.8 CONVERSION OF BUILDING TO EMERGENCY MANDATED SERVICE**

- 10.8.1 The Board of Commissioners may authorize as a conditional use the conversion of an existing building in a VC, TC or CAD-~~RESERVED~~ district, to a mandated emergency service use subject to the following requirements:
- 10.8.1.a. There shall be no expansion to the existing building.
  - 10.8.1.b. There shall be no increase to the existing impervious surface on the property.
  - 10.8.1.c. The organization or agency shall maintain tax-exempt status under Section 501 (C)(3) or (4) of the Internal Revenue Code, as amended.
  - 10.8.1.d. A minimum two-mile separation distance shall be provided between like emergency mandated service facilities.
  - 10.8.1.e. Parking shall be the minimum space requirements for office uses in the underlying district as specified in "Article 8: Parking Standards". Additional parking and maneuvering space for volunteers and emergency equipment shall be provided based upon the number or size of the vehicles anticipated. The required parking shall be provided on the existing impervious surface.
  - 10.8.1.f. Land-based sirens shall not be operated.
  - 10.8.1.g. All emergency vehicles, except those immediately available for use, shall be stored at all times in a fully enclosed building.
  - 10.8.1.h. No motor repair or body work may be performed at the site. Routine maintenance may be performed, but only within a fully enclosed building.
  - 10.8.1.i. Existing pervious surface between the existing building and the side and rear property line shall be planted to provide a 20-foot minimum buffer when abutting a residential use or district.
  - 10.8.1.j. The applicant shall demonstrate that any increase in traffic and any use of abutting streets by emergency vehicles shall not adversely impact local traffic conditions or represent a danger to the community.

**155-10.9 ANTENNAS**

- 10.9.1 Legislative intent.
- 10.9.1.a. Antennas provide users with a wide variety of video programming which may be unavailable from other sources. The Board of Commissioners recognizes this valuable means of telecommunications.
  - 10.9.1.b. The Board of Commissioners also recognizes its duty to protect the health and welfare of the community through the police powers, specifically the zoning power, delegated to the Board of Commissioners by the Commonwealth. The Board of Commissioners desires to provide for the use and enjoyment of antennas by Township residents while protecting the safety and health of the residents and preserving the character of the community property values and general appearance of the Township.
  - 10.9.1.c. The Board of Commissioners finds that:
    - 10.9.1.c.i. Antennas are a valid accessory use in residential districts. As accessory structures are limited to rear yards by other sections of this chapter, antennas should also be placed in rear yards. This requirement will enhance the appearance of the residential neighborhoods of the Township and preserve property values.
    - 10.9.1.c.ii. Limitations on the number of antennas on residential lots will provide individual property owners with access to antenna technology while minimizing the impact on the appearance of the neighborhood.
    - 10.9.1.c.iii. Limitation on the size of the antenna to 13 feet will enable property owners to use antennas large enough to assure adequate video reception while prohibiting antennas which are unnecessarily large and unsightly.
    - 10.9.1.c.iv. Roof-mounted antennas may pose a health and safety danger to the community. Improperly installed antennas may become unstable and



fall, causing personal injury and property damage. Even properly installed antennas may become damaged by high winds or other adverse weather conditions and present a health and safety hazard. Installation of roof-mounted antennas will be limited to those buildings in which the property owners have, in general, taken precautions to protect residents and passersby from injury due to falling objects. In addition, this limitation will also enhance community appearance and preserve property values.

- 10.9.2 In LDR and MDR Districts, antennas are permitted as accessory uses only and are subject to the following regulations:
- 10.9.2.a. No more than one conventional and one satellite dish antenna is permitted per lot. Any person, partnership, corporation or association maintaining an antenna on a lot occupied by multiple tenants, condominium and/or homeowners, whether residential, commercial or industrial, shall make this antenna available to serve all such occupants.
  - 10.9.2.b. Ground-mounted antennas are permitted only on that side of the principal building where the rear yard is located. If usable satellite signals cannot be obtained from such rear yard, the antenna may be located on the side yard, provided that a special accessory use permit is obtained prior to such installation. Antennas must be set back from side and rear property lines a minimum distance equal to the height of the antenna.
  - 10.9.2.c. Antennas may not exceed ~~6~~ six feet in height.
  - 10.9.2.d. Roof-mounted antennas are permitted by right, subject to the provisions set forth under ~~subsection 10.9.2.d below~~ "Section 10.9.4".
  - 10.9.2.e. Use of the antenna is limited to the lot on which it is located.
  - 10.9.2.f. Where a ground-mounted antenna is in full view of adjoining properties, plantings, designed to ameliorate the visual impact or to provide a partial visual screen, as approved by the Director of Building & Planning, will be required.
  - 10.9.2.g. In LDR3 and MDR Districts, the provisions of ~~Sub~~section 10.9.1.a, b, c, & e above shall not apply to franchisees using antennas to provide cable television service within the Township, except that such antennas may not exceed 23 feet in height
- 10.9.3 In all other districts, antennas are permitted as accessory uses only and are subject to the following regulations:
- 10.9.3.a. Roof-mounted antennas are permitted by right subject to the provisions set forth under ~~subsection 10.9.2.d below~~ "Section 10.9.4".
  - 10.9.3.b. Ground-mounted antennas are permitted only on that side of the principal building where the rear yard is located, but not within any required yard area for the principal building. Antennas must be set back from side and rear property lines a minimum distance equal to the height of the antenna.
  - 10.9.3.c. Antennas may not exceed 6 feet in height.
  - 10.9.3.d. Where a ground-mounted antenna is in full view of adjoining properties, plantings designed to ameliorate the visual impact or to provide a partial visual screen, as approved by the Shade Tree Division of the Public Works Department, will be required.
  - 10.9.3.e. The provisions of Subsection 10.9.2.b & c above shall not apply to franchisees using antennas to provide cable television service within the Township, except that such antennas may not exceed 23 feet in height.
- 10.9.4 A Lower Merion Township building permit must be obtained before an antenna is installed. The adequacy of the proposed anchoring must be certified by a registered professional engineer.
- 10.9.5 In the event that usable signals cannot be received by locating the antenna on the rear or side yard of the property, such antenna may be roof-mounted, provided that a special accessory use permit is obtained prior to such installation and provided that it is screened from view from public thoroughfares. Such permit shall be issued notwithstanding the view from a public thoroughfare upon a showing by the applicant that usable satellite signals are not receivable from any location on the property other than the location selected by the applicant. No fee shall be assessed and no public hearing shall be required for the issuance of such permit.



**155-10.10 WIRELESS COMMUNICATION FACILITIES**

- 10.10.1 Purposes. The purposes of this section shall be as follows:
- 10.10.1.a. To accommodate the need for wireless communication facilities while regulating their location and number in the Township.
  - 10.10.1.b. To minimize adverse visual effects of wireless communication facilities and support structures through proper design, siting and vegetative screening.
  - 10.10.1.c. To avoid potential damage to adjacent properties from support structure failure and falling ice, through engineering and proper siting of support structures.
  - 10.10.1.d. To encourage the joint use of any new support structures to reduce the number of such structures needed in the future.
- ~~10.10.2 Definitions. For the purposes of this section, the definitions in "Article 2: Definitions" shall apply.~~
- 10.10.2 Use regulations.
- 10.10.2.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.
  - 10.10.2.b. An attached wireless communication facility is a permitted use in all zoning districts, except for land within 500 feet of a daycare, preschool, primary and secondary school facility.
  - 10.10.2.c. If the application is for a wireless communication facility on a new support structure, then a special exception from the Zoning Hearing Board will be required.
  - 10.10.2.d. All other uses ancillary to a wireless communication facility (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the wireless communication facility site unless otherwise permitted in the zoning district in which the wireless communication facility site is located.
  - 10.10.2.e. No wireless communication facility with support structure shall be permitted on a lot which is nonconforming as to size, and no more than one such support structure shall be permitted on any lot.
  - 10.10.2.f. No more than one wireless communication facility visible from a lot line of the property on which it is located shall be permitted on any lot unless multiple facilities are collocated on a single support structure.
- 10.10.3 General standards applicable to all wireless communication facilities.
- 10.10.3.a. Height restrictions.
    - 10.10.3.a.i. Attached wireless communication facilities.
      - 10.10.3.a.i.(1). Antenna array on any attachment structure must be more than 35 feet above ground on all sides of the structure and are prohibited on all structures 35 feet or less in height.
      - 10.10.3.a.i.(2). The height from grade of the antenna array may not exceed the height from grade of the attachment structure by more than 20 feet.
      - 10.10.3.a.i.(3). If a wireless communication facility or its appurtenances extend above the primary roof of any attachment structure, they must be set back one foot from the edge of the primary roof for each one foot in height above the primary roof which the wireless communication facility extend unless the facility is appropriately screened from view through the use of panels, walls or other screening techniques 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.
- 10.10.3.a.ii. Wireless communication facilities with support structure.
- 10.10.3.a.ii.(1). The maximum height of any wireless communication facility shall be 200 feet.
- 10.10.3.a.ii.(2). The applicant shall demonstrate that the wireless communication facility with support structure is the minimum height required to function satisfactorily within the applicant's grid. No such facility that is taller than this minimum height shall be approved, except to facilitate collocation.
- 10.10.3.a.ii.(3). The measurement of height for the purpose of determining compliance with these requirements shall be from grade and shall include the support structure itself, the base pad and any facilities attached thereto.
- 10.10.3.b. Setbacks from base of support structure. If a new support structure is constructed (as opposed to mounting the wireless communication facility on an existing support structure), the minimum distances between the base of the support structure or any guy-wire anchors and any property line or ROW line shall be the largest of the following:
- 10.10.3.b.i. In residence zoning districts, all wireless communication facilities with support structure shall be set back a minimum distance equal to the height of the wireless communication facility with support structure. If the support structure is self-collapsing, the setback may be reduced to 50 feet, plus one foot for each additional foot in height above 100 feet, provided that it is placed within the setback envelope at a location which the Director of Building and Planning determines will make it least visible from a property or ROW line.
- 10.10.3.b.ii. 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 of 25 feet, plus one foot for each additional foot in height above 100 feet. In no case shall the set back from a Residential Zoning District be less than that required if the property were zoned residential.
- 10.10.3.b.iii. These setback provisions shall not apply to Township property.
- 10.10.3.b.iv. Setback requirements may be modified by conditional use if the Board of Commissioners finds that placement of a wireless communication facility with support structure in a particular location will reduce its visual impact, for example, if adjacent to trees or a structure which may provide a visual screen.
- 10.10.3.c. Support structure safety. The applicant shall demonstrate that the proposed wireless communication facility and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
- 10.10.3.d. Stealth design. Wireless communication facilities shall be of stealth design, as required by the Township, and must comply with the following standards relating to aesthetics, placement, materials and colors:
- 10.10.3.d.i. Attached wireless communication facilities shall be designed and maintained so as to blend in with the existing structure to the extent feasible, including placement in a location which is consistent with proper functioning of the wireless communication facility and use of compatible or neutral colors.
- 10.10.3.d.ii. Attached wireless communication facilities shall be screened in a reasonable and achievable manner.
- 10.10.3.d.iii. Wireless communication facilities with support structure shall be designed so as to blend in with the existing surroundings feasibly, including the use of compatible colors and disguised structures.

- 10.10.3.d.iv. Equipment facilities shall, to the extent practicable, use materials, colors and textures that blend in with the natural setting and built environment.
- 10.10.3.e. Special standards applicable to all wireless communication facilities other than micro facilities.
  - 10.10.3.e.i. Fencing. A fence shall be required around the wireless communication facility with support structure and other equipment unless the wireless communication facility is mounted on an attachment structure. The fence shall be a maximum of eight feet in height and shall conform to the provisions of ~~§ 155-130~~ "Section 3.7 Fences and walls".
  - 10.10.3.e.ii. Landscaping. The applicant shall submit a planting plan with its application, preserving existing vegetation on and around the site to the greatest extent possible. The Township will utilize the guidelines of the Natural Features Conservation Code, Chapter 101, prior to granting approval.
  - 10.10.3.e.iii. In order to reduce the number of wireless communication facilities with support structure in the community in the future, the proposed support structure shall be required to accommodate other users, including other wireless communication service providers and police, fire and ambulance companies.
  - 10.10.3.e.iv. Support structures shall meet all Federal Aviation Administration (FAA) regulations. No support structure may be artificially lighted except when required by the FAA.
  - 10.10.3.e.v. Variance. If a variance is requested from the Zoning Hearing Board from any of the requirements of this section, in addition to the normal application requirements, the application for variance shall include the following:
    - 10.10.3.e.v.(1). A description of how the applicants' construction plan addresses any adverse impact which might occur as a result of approving the variance.
    - 10.10.3.e.v.(2). A description of off-site or on-site factors which mitigate any adverse impacts which might occur should the variance be granted.
    - 10.10.3.e.v.(3). A technical study which documents and supports the criteria submitted by the applicant upon which the request for variance is based. Such technical study shall be certified by an engineer and shall document the existence of the facts related to the proposed variance and its relationship to the surrounding ROW and properties.
    - 10.10.3.e.v.(4). For a variance to the setback requirement, the application shall identify all property where the proposed tower could be located, attempts by the applicant to contact and negotiate an agreement for location or collocation and the result of such attempts.
- 10.10.3.f. Standards of special exception approval. If an applicant requires a special exception, it must comply with the provisions of section "11.2.8 Burden of Proof" as well as the following:
  - 10.10.3.f.i. Using technological evidence, demonstrate that the wireless communications facility must go where it is proposed in order to meet the community's need for wireless communication services not presently being met by any wireless communications provider.
  - 10.10.3.f.ii. Demonstrate that a good faith effort was made to mount antenna array on an existing structure. The applicant shall submit proof that it contacted the owners of tall structures within a one-fourth-mile radius of the site proposed, asked for permission to install the facility on those structures, offered market compensation to such owners and was denied. This would include smokestacks, water towers, tall buildings, support structures of other cellular communications companies, other communications towers (fire, police, etc.), and other tall, feasible and structurally sound structures.

- 10.10.3.f.iii. Provide evidence satisfactory to the Zoning Hearing Board that the stealth design of the wireless communication facility effectively minimizes its visual impact and blends with its surroundings.
- 10.10.3.f.iv. A plan shall be required for all wireless communication facilities showing the antenna array, support structure, building, fencing, buffering, access and such other information as the Township may require to illustrate the relationship between the proposed facility and adjacent structures and property lines.
- 10.10.3.f.v. Comply with the general standards of approval for all wireless communication facilities as set forth herein.
- 10.10.3.f.vi. The owner of any new support structure shall be required to accommodate other users on the support structure, provided that the structure is capable of supporting the additional facilities, the prospective user offers fair market rent and the operation of the additional facilities will not interfere with other communications facilities.
- 10.10.3.g. Nonconforming wireless communications facilities. Wireless communication facilities in existence on the date of the adoption of this subsection, which do not comply with the requirements of this section, shall be subject to the provision of § 140-10.

#### 155-10.11 VEHICLE LIFT

- 10.11.1 A vehicle lift shall only be permitted as an accessory use on property otherwise lawfully used as a motor vehicle sales agency and solely for the purpose of vehicle display or storage. Vehicle lifts shall only be operated by an employee of the sales agency displaying the motor vehicle. Vehicle lifts shall also be subject to the following regulations:
  - 10.11.1.a. The minimum setback from any street line shall be 100 feet.
  - 10.11.1.b. The minimum setback from any property line abutting a residentially zoned property used for residential purposes shall be 20 feet.
  - 10.11.1.c. A row of trees designed to screen the lift and any supported vehicle shall be installed between the lift and the street.
  - 10.11.1.d. A row of trees designed to screen the lift and any supported vehicle from adjacent properties shall be installed between the lift and adjacent properties.
  - 10.11.1.e. The lift may not be raised to a height in excess of 10 feet above grade.
  - 10.11.1.f. The storage space provided on or under a vehicle lift shall not be counted as a parking space required under this chapter.
  - 10.11.1.g. The area underneath a vehicle lift shall be considered building area for purposes of compliance with building area limitations under this chapter.

#### 155-10.12 NONCONFORMITIES

- 10.12.1 Statement of intent. It is the intent of this section to provide for the continuance of lawful existing uses, structures, lots, and signs which would be prohibited or restricted under the terms of this Zoning Code, as adopted, to subject such uses, structures, lots and signs to reasonable regulations and restrictions for the protection of the public health, safety and welfare.
- 10.12.2 Nonconforming uses: Continuance, discontinuance, and changes.
  - 10.12.2.a. Continuance: The lawful use of a building or land existing on the adoption date of this Chapter or any amendment thereto may be continued although such use does not conform to the provisions of this Chapter.
  - 10.12.2.b. Unlawful use. If a lawful nonconforming use of land or of a building ceases for any period of time and if a use is made thereof which is unlawful under the terms and conditions of this Chapter, the prior nonconforming use may not thereafter be continued, and subsequent use of such land or building shall be in conformity with the provisions of this Chapter.

- 10.12.2.c. Discontinuance. If a nonconforming use of land or of a building ceases or is discontinued for a continuous period of six months or more, subsequent use of such building or land shall be in conformity with the provisions of this Chapter.
- 10.12.2.d. Changes
  - 10.12.2.d.i. A nonconforming use of a building or of land may be changed only to a use which is permitted in the zoning district in which the property is located.
  - 10.12.2.d.ii. Once changed to a conforming use, no structure or land shall be permitted to revert to the previous nonconforming condition or use.
- 10.12.2.e. Restoration of a ~~building occupied by a nonconforming non-residential use~~ ~~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:
  - 10.12.2.e.i. The restored building does not exceed in height, area or volume the building damaged or destroyed; and
  - 10.12.2.e.ii. Reconstruction is commenced within one year from the date the building was damaged or destroyed, unless the Zoning Hearing Board shall authorize as a special exception an extension of this time limit, and reconstruction shall be carried on without interruption.
- 10.12.2.f. Restoration. The nonconforming residential use in a building which has been damaged or destroyed by accidental cause may be reconstructed to the same footprint and use as existed prior to the accidental incident, subject to the following:
  - 10.12.2.f.i. The reconstructed building does not exceed in height, area or volume the building damaged or destroyed; and
  - 10.12.2.f.ii. Building reconstruction is commenced within one year from the date the building was damaged or destroyed, unless the Zoning Hearing Board shall authorize as a special exception an extension of this time limit, and reconstruction shall be carried on without interruption.
- 10.12.2.g. Maintenance: Nothing in this section shall prevent the strengthening or restoration to a safe condition of any walls, floor, foundation, or roof of a building occupied by a non-conforming use which building has been declared unsafe by the Township Building Code Official.
- 10.12.2.h. Extension or expansion. A building occupied by a nonconforming use and the nonconforming use within a building or on a lot as it existed in size and scope on the date it first became non-conforming may be expanded or extended, subject to the following:
  - 10.12.2.h.i. Expansion within a building. A nonconforming use within an existing building may be expanded within the building provided the expansion does not exceed 25% of the building area devoted to the use on the date the use became nonconforming. The term "area devoted to the use" shall include the total floor area within the building devoted to the nonconforming use. This right of expansion shall be applied separately to each building on the lot.
  - 10.12.2.h.ii. Expansion of an existing building. A building occupied by a nonconforming use may be expanded and occupied by that non-conforming use provided the expansion does not exceed 25% of the floor area devoted to the use on the date it first became nonconforming.
  - 10.12.2.h.iii. Expansion to the exterior of a lot. If the exterior of a lot is used for a nonconforming use, the exterior lot area devoted to the nonconforming use may be expanded by no more than 10% of the area devoted to the use on the date it first became nonconforming.
  - 10.12.2.h.iv. Any extension or expansion of a nonconforming use shall conform with the requirements of ~~this chapter. Article 3: General to Districts, Article 4: District Specific Standards, Article 7: Conservation and Preservation Overlays, Article 8: Parking Standards, and Article 9: Signs. (are there any other Articles that need to be referenced here?)~~

10.12.3 Dimensionally Nonconforming Buildings or Structures.

10.12.3.a. Buildings or Structures that are nonconforming to the dimensional requirements in this Chapter related to height, yard, setback, buffer, or floor and building area, shall be subject to the following:

10.12.3.a.i. Continuation. An existing dimensionally non-conforming building or structure lawfully constructed on the effective date of this Chapter or any amendment thereto by which it became nonconforming, or authorized by a building permit issued prior thereto, may be continued.

10.12.3.a.ii. Restoration.

10.12.3.a.ii.(1). A nonconforming non-residential building or structure which has been damaged or destroyed by purpose, neglect or accidental cause to an extent of not more than 75% of the floor area may be restored, provided that reconstruction shall be commenced within one year from the date the building or structure was damaged or destroyed, unless the Zoning Hearing Board shall authorize as a special exception an extension of this time limit, and reconstruction shall be carried on without interruption. Otherwise it may not be restored.

10.12.3.a.ii.(2). A nonconforming residential building, accessory building or accessory structure which has been damaged or destroyed by accidental cause may be reconstructed to the same footprint as existed prior to the accidental incident provided the building does not exceed in height, area or volume the building damaged or destroyed. Building reconstruction must be commenced within one year from the date the building was damaged or destroyed, unless the Zoning Hearing Board shall authorize as a special exception an extension of this time limit, and reconstruction shall be carried on without interruption.

10.12.3.a.iii. Extension or expansion. A building that is nonconforming to the setback requirements in this Chapter may be expanded or extended **horizontally** subject to the following limitations:

10.12.3.a.iii.(1). The extension shall maintain any nonconforming setback and shall not extend closer to the street line or property line than the existing nonconforming building.

10.12.3.a.iii.(2). The maximum height of any single story extension in the required setback shall not exceed 16 feet above ground level unless the extension is a minimum of 10 feet from the property line.

10.12.3.a.iii.(3). If the extension is a minimum 10 feet from the property line, a second story shall be permitted **with-to** a maximum **Building Height** of 30 feet.

10.12.3.a.iii.(4). Any extension or expansion shall conform with the requirements of Article 3: General to Districts, Article 4: District Specific Standards, Article 7: Conservation and Preservation Overlays, Article 8: Parking Standards, and Article 9: Signs.

10.12.3.a.iii.(5). The maximum length of the extension in the required setback shall be 20 feet.

10.12.3.a.iii.(6). The maximum floor area of the extension permitted in a required setback is 400 square feet per floor.

10.12.3.a.iii.(7). No portion of the extension may project into any other required setback.



- 10.12.4 Lots nonconforming as to area and width regulations
  - 10.12.4.a. No structure may be erected on any dimensionally nonconforming lot unless it was held on the date it became nonconforming in single and separate ownership and provided that all other requirements of the district in which the lot is situated are complied with.
  - 10.12.4.b. Where structures having less than the required front yard exist on a majority of nonconforming lots of record that share common side property lines, the required front yard on each nonconforming lot, whether or not improved, shall be reduced to the average front yard of all such structures in the same block and on the same side of the street.
- 10.12.5 Identification and registration of nonconforming uses and nonconforming buildings or structures. The Zoning Officer shall, upon request, identify and register nonconforming uses and nonconforming buildings or structures.
- 10.12.6 Nonconforming site improvements
  - 10.12.6.a. Where nonconforming site improvements **not including buildings** exist, such as walls, **off-street parking**, or similar site improvements, such nonconformities may continue and the nonconforming site condition may be altered only as provided below.
    - 10.12.6.a.i. No change shall be made in any nonconforming site improvement which increases the nonconformity.
    - 10.12.6.a.ii. Where existing Off-street Parking facilities are nonconforming to the requirements of this Code or any other Township standards, the restoration or rehabilitation of an existing Building is permitted but shall not increase the degree of the existing parking nonconformity.
  - 10.12.6.b. Nonconforming impervious coverage. A lot or lots nonconforming to the impervious coverage provisions in this Chapter shall be subject to the following:
    - 10.12.6.b.i. Nonconforming impervious coverage levels may not be increased, unless otherwise permitted by the Zoning Code.
    - 10.12.6.b.ii. When more than 75% of the impervious coverage is removed the lot shall conform to the underlying impervious coverage provisions. This requirement does not apply to existing parking lots that are only being restriped or resurfaced.
  - 10.12.6.c. Nonconforming fences. A fence nonconforming to the fence provisions in this Chapter shall be subject to the following:
    - 10.12.6.c.i. Nonconforming fences may only be replaced with conforming fences.
    - 10.12.6.c.ii. When more than 25% of a nonconforming fence is damaged, destroyed, or removed for any reason, the replacement fence must conform to the current fence regulations.
- 10.12.7 Nonconforming Signs and Signs on Nonconforming Use Premises. Refer to **"Section 9.7 Nonconforming Signs and Signs on Nonconforming Use Premises"**.
- 10.12.8 Nonconforming wireless telecommunications – Refer to **"Chapter 140-12 Nonconforming wireless telecommunications"**.

### 155-10.13 MODERATE INCOME HOUSING

- 10.13.1 The total number of residential units and/or the amount of commercial space may be increased when an application provides on-site housing opportunities for a mix of household incomes, including both market-rate housing and housing that is affordable to moderate-income households, and provided that such units shall be so maintained by a covenant running with the land. Price and income guidelines for moderate-income households shall be as defined by the Pennsylvania Housing Finance Agency (PHFA) Keystone Home Loan Program income guidelines in effect at time of application. Developers and subsequent transferees of moderate-income units shall provide documentation showing compliance with these family incomes and rental/purchase price limits. The amount of the density increase shall be noted on the plan and recorded in the deed.

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# ARTICLE 11: PROCESS & PROCEDURES

**155-11.1 ZONING ADMINISTRATION**

- 11.1.1 Hereafter, no land shall be used or occupied, and no building or structure shall be erected, altered, used, or occupied, except in conformity with the regulations established in this Chapter.
- 11.1.2 Administrative processes and procedures for determining compliance with the provisions of this Chapter are established in this Article.
- 11.1.3 Advertising requirements for zoning text or map amendments, adoption of comprehensive plans or official maps, notice of conditional use and other public hearings, and all other matters regulated by PA Act 247, "The Municipalities Planning Code", shall be undertaken in conformance with said Act.
- 11.1.4 Staff Administration
- 11.1.4.a. The provisions of this Chapter shall be administered and enforced by the Zoning Officer, together with the aid of designated Code Enforcement Officials, **the Director of Building and Planning**, the Board of Commissioners, and other municipal agencies, as may be appropriate. It shall be the duty of the local Zoning Officer and he/she shall have the power to:
- 11.1.4.a.i. Receive and examine all permit applications for the Township.
- 11.1.4.a.ii. Review applications for permits involving the erection or alteration of buildings or structures or changes of use in order to determine whether such construction or use is in accordance with the general requirements of this Chapter; all other applicable chapters; and the laws and regulations of the Commonwealth. Permits for construction of uses requiring a special exception or variance or appeals from the determination of the Zoning Officer shall be issued only upon order of the Zoning Hearing Board. Permits requiring conditional use approval by the governing body shall be issued only after receipt of approval from the Board of Commissioners.
- 11.1.4.a.iii. Conduct inspections and surveys of uses, structures, lots, and signs, to determine compliance or non-compliance with the terms of this Chapter. In carrying out such surveys, the ~~local~~ Zoning Officer or his representative may enter upon any land, but shall in all cases notify the property owner or other party in possession in advance of his intention to enter any dwelling house, unless he/she shall first have secured a search warrant.
- 11.1.4.a.iv. Issue stop, cease, and desist orders, and identify in writing conditions found to be in violation of the provisions of this Chapter. Such written orders shall be served personally or by certified mail upon persons, firms, or corporations deemed by the Zoning Officer to be violating the terms of this Chapter. It shall be unlawful for any person to violate any such order issued lawfully by the Zoning Officer, and any person violating any such order shall be in violation of this Chapter.
- 11.1.4.a.v. May revoke any order or zoning permit issued under a mistake of fact or contrary to the law of the provisions of this Chapter.
- 11.1.4.a.vi. Record and file in the municipal building all applications for zoning permits with accompanying plans and documents. All applications, plans, and documents shall be a public record.
- 11.1.4.a.vii. Maintain a map showing the current zoning classification of all land; which shall be posted at the Township Administration building.
- 11.1.4.a.viii. Be available to testify before the Zoning Hearing Board if called to testify by any party or if presenting evidence on behalf of the Township in an appeal from an enforcement notice.
- 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~~ **such documents** shall be ~~open for public inspection~~ **a public record**.

- 11.1.5 ~~Permits required~~ Zoning permits and preliminary opinions
- 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 "Section 155-7.3, Floodplain Overlay District"~~.
- 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 be used or occupied or the use ~~classification~~ changed until a ~~building zoning~~ permit has been obtained. (See "Table 5.1 Uses" for a list of use classifications.)
- 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.~~
- 11.1.5.d. A zoning permit shall ~~also~~ be required prior to performing any of the following improvements:
- 11.1.5.d.i. Temporary uses of land or structures.
  - 11.1.5.d.ii. Grading within the floodplain.
  - 11.1.5.d.iii. Any fence or wall within the floodplain.
  - 11.1.5.d.iv. The storage of any materials within the floodplain.
  - ~~11.1.5.d.v. Dredging of any waterway.~~
  - ~~11.1.5.d.vi. Ground-mounted array of solar panel.~~
  - 11.1.5.d.v. Play structures or other recreational equipment located within the floodplain.
  - ~~11.1.5.d.vi. Revision or flood map amendment to floodplain.~~
  - 11.1.5.d.vi. Any change or increase in impervious surface on a lot.
  - 11.1.5.d.vii. The installation of a shed or other accessory structures less than 200 square feet.
  - 11.1.5.d.viii. A retaining wall not within the floodplain exceeding four feet above grade.
  - 11.1.5.d.ix. A fence not within the floodplain exceeding four feet and located in the required front yard setback.
- 11.1.5.e. In the case of a conditional use or use by special exception, the Zoning Officer shall refer the application to the Planning Commission and Board of Commissioners or to the Zoning Hearing Board, whichever is applicable, prior to issuing a zoning permit. Whenever the approval of a conditional use or use by special exception includes conditions attached to the approval, said conditions shall be incorporated into the zoning permit.
- 11.1.5.f. In the case of a permitted use, the Zoning Officer shall not issue the zoning permit unless and until all applicable regulations of this chapter have been met and, in the case of a use for which land development ~~plan~~ approval is required by the Lower Merion Township Subdivision and Land Development Code [Chapter 135], unless and until final approval of the land development ~~plan~~ has been granted. Whenever final approval of a land development ~~plan~~ is subject to conditions, those conditions shall be incorporated into the zoning permit.
- ~~11.1.5.g. Certificates of Occupancy~~
- ~~11.1.5.g.i. New buildings. No building hereafter erected shall be occupied or used in whole or part until a certificate of occupancy shall have been issued by the Director of Building and Planning certifying that such building conforms to the provisions of this chapter.~~
  - ~~11.1.5.g.ii. Buildings hereafter altered. No building hereafter so enlarged or so altered as to change its classification and no building hereafter altered for which a certificate of occupancy has not been heretofore issued shall be occupied or used in whole or in part until a certificate of occupancy approved by the Director of Building and Planning shall have been issued.~~

- ~~11.1.5.g.iii. Existing buildings. Nothing in this chapter shall prevent the continuance of the lawful use and occupancy of a lawful existing building, except as may be necessary for the safety of life or property. Upon written request from the owner, there shall be issued a certificate of occupancy for an existing building certifying, after verification by inspection of the Director of Building and Planning, the occupancy or use of such building. Whenever a property has been inspected by the Codes Administrator, a certificate of occupancy shall be issued, provided the building and/or use comply with the provisions of this chapter.~~
- ~~11.1.5.g.iv. Change of occupancy. No change of occupancy or use shall be made unless the Director of Building and Planning finds, upon inspection, that such building complies with the provisions of this chapter with respect to the proposed new occupancy and use and a certificate of occupancy is issued therefor.~~
- ~~11.1.5.g.v. Applications. Applications for certificates of occupancy shall be submitted in such form as the Director of Building and Planning may prescribe, shall contain such information as may be required by him and shall be verified by affidavit.~~
- ~~11.1.5.g.vi. Contents of certificate. In addition to the certification as to compliance with the provisions of this chapter, the certificate of occupancy shall state the purposes for which the building may be used and any special stipulations of the permit. A certificate of occupancy issued to the owner or agent of any building hereafter erected or altered in accordance with any variance or special exception granted by the Zoning Hearing Board shall include a description of such variance or special exception.~~
- ~~11.1.5.g.vii. Issuance and filing. A certificate of occupancy shall be issued within 10 days after application if the building at the time of application is certified as conforming to the provisions of this chapter. A record of all certificates shall be kept in the Township Building.~~
- 11.1.5.g. Application for zoning permits
  - 11.1.5.g.i. Applications for a zoning permits shall be made in writing to the ~~Director of Building and Planning~~ Zoning Officer on forms furnished by the Township together with the payment of a fee. The ~~Director of Building and Planning~~ Zoning Officer 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 land development a preliminary plan approval, and conditions attached to any conditional use or Zoning Hearing Board approval.
- 11.1.5.h. Application for preliminary opinion
  - 11.1.5.h.i. A landowner may submit plans and other materials describing a proposed use or development to the Zoning Officer for a preliminary opinion as to their compliance with the provisions of this chapter. Such plans and other materials shall not be required to meet the standards prescribed for tentative, preliminary or final plan approval or for the issuance of a building permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for a preliminary opinion as to its compliance.
  - 11.1.5.h.ii. If the Zoning Officer's preliminary opinion is that the use or development complies with the provisions of this chapter, notice thereof shall be published each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall include a general description of the proposed use or development and its location, by some readily identifiable directive, and the place and times where the plans and other

- materials may be examined by the public. Appeal from a favorable preliminary approval shall be to the Zoning Hearing Board, the time therefor to run from the date when the second notice thereof has been published.
- 11.1.5.h.iii. The application for preliminary opinion shall be accompanied by such documentation as the Zoning Officer shall prescribe and by payment of an application fee.
- 11.1.5.i. Permits issued in error
- 11.1.5.i.i. Permits issued in error shall convey no rights to any party. Permits issued in error shall not confer any rights to construction or occupancy, and upon a finding that a permit has been so issued, it shall be revoked.
- 11.1.5.i.ii. No approval shall be construed to authorize violation of any provisions of this Code, and such approval shall be valid only to the extent that the work authorized is lawful.
- 11.1.5.i.iii. Issuance of a building permit based upon a site plan shall not prevent the Zoning Officer from thereafter requiring correction of errors in the plan.
- 11.1.5.j. No Approval Available if Code Enforcement Violations.
- 11.1.5.j.i. No **permit** approval may be issued if the business, enterprise, occupation, trade, profession, property or activity is the subject of an ongoing Township enforcement procedure, or is the subject of a notice of violation of a state law or county ordinance where the business enterprise is located or is to be located, unless the subject of the application would cure the outstanding violation.
- 11.1.5.k. **Expiration of Zoning Permits**
- 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 Zoning Officer.**
- 11.1.6 Conditional uses
- 11.1.6.a. The Board of Commissioners shall have the power to approve or disapprove conditional uses when this Chapter specifically requires the obtaining of such approval.
- 11.1.6.b. In granting a conditional use, the Board of Commissioners shall make findings of fact consistent with the provisions of this Chapter. The Board shall not approve a conditional use except in conformance with the conditions and standards outlined in this Chapter.
- 11.1.6.c. **Subject to 11.1.6.d below, the applicant shall have the initial burden of proving persuasion that the application complies with all the specific requirements and objectives of this Chapter, including those specifically for the proposed use set forth in "Article 5 Uses".**
- 11.1.6.d. **Opponents shall have the initial duty burden of proving presenting substantial evidence that the application does not comply with the general criteria of this Chapter, but the applicant shall retain the ultimate burden of persuasion concerning those criteria.**
- 11.1.6.e. Where an applicant requires subdivision or land development approval in addition to conditional use approval, the applicant has the option to file those applications simultaneously, or to file the application for conditional use first, and file more complete land development plans later. Should the applicant file the applications simultaneously, and request simultaneous review, the applicant assumes the risk of cost of preparation of plans for both applications, and the cost of any modifications the Township may require in the review process. Approval of both conditional use and subdivision and land development shall be required before the issuance of any zoning permit.
- 11.1.6.f. Application Requirements: Conditional use applications shall be governed by the following:
- 11.1.6.f.i. The landowner shall make a written request to the Board of Commissioners. The request shall contain a statement reasonably informing the Township of the nature and conditions of the proposed use.

- 11.1.6.f.ii. Applications for conditional use approval shall contain all data, information, and reports necessary for the Board of Commissioners to evaluate the proposal. The application shall be accompanied by site plans, building plans, impact statements, and other materials describing the use or development proposed. All information required by this Chapter shall accompany the application.
- 11.1.6.g. For conditional uses concerning existing buildings, a site plan shall be submitted that includes the following:
  - 11.1.6.g.i. Name and address of establishment;
  - 11.1.6.g.ii. Name and address of owner;
  - 11.1.6.g.iii. North arrow;
  - 11.1.6.g.iv. Date of plan;
  - 11.1.6.g.v. Roads and streets adjacent to property;
  - 11.1.6.g.vi. Location of all structures on the property (existing and proposed);
  - 11.1.6.g.vii. Zoning classification of the property;
  - 11.1.6.g.viii. Proposed hours of operation;
  - 11.1.6.g.ix. Number of visitors;
  - 11.1.6.g.x. Existing and proposed parking;
  - 11.1.6.g.xi. Existing and proposed trash receptacles and shielding devices;
  - 11.1.6.g.xii. Existing and proposed lighting, including proposed transformer and generators;
  - 11.1.6.g.xiii. Existing and proposed methods of ingress and egress; and
  - 11.1.6.g.xiv. Existing and proposed fencing, walls, retaining walls, buffering and landscaping.
- 11.1.6.h. Fees.
  - 11.1.6.h.i. The applicant for any hearing on a conditional use request before the Board of Commissioners shall at the time of making application pay to the Township a fee, in accordance with a fee schedule adopted by the Township.
- 11.1.6.i. Review Procedures:
  - 11.1.6.i.i. The Board of Commissioners may attach such reasonable conditions and safeguards, other than those related to off-site transportation and road improvements, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and the zoning ordinance.
  - 11.1.6.i.ii. The Board of Commissioners shall request an advisory opinion from the Township Planning Commission on any application for a conditional use; the Planning Commission is to submit a report of such advisory opinion prior to the close of the public hearing held by the Board of Commissioners on the application.
  - 11.1.6.i.iii. The Board of Commissioners may appoint one of its members or an independent attorney to be a hearing officer to conduct the public hearing and to recommend findings of fact and a decision to the Building and Planning Committee. If the parties and the Board of Commissioners agree prior to the presentation of any testimony, the decision of the hearing officer shall be final. Otherwise, the Building and Planning Committee, after consideration of the Planning Commission's recommendation, shall promptly recommend a final decision to the Board of Commissioners.
  - 11.1.6.i.iv. The Board of Commissioners shall hold a hearing upon the request, commencing not later than 60 days after the request is filed, unless the applicant requests or consents in writing to an extension of time.

- 11.1.6.i.v. Hearing: The Board of Commissioners shall conduct hearings pursuant to public notice and shall send notice of the proposed conditional use hearing to contiguous property owners, and make decisions in accordance with the following:
- 11.1.6.i.v.(1). The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record, and any other person; including civic or community organizations permitted to appear by the Board of Commissioners. The Board may require that all persons who wish to be considered parties enter appearances in writing on forms provided for that purpose.
- 11.1.6.i.v.(2). The chairman, acting chairman, or designee shall have the power to administer oaths of witnesses.
- 11.1.6.i.v.(3). The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument, and cross-examine witnesses on all relevant issues.
- 11.1.6.i.v.(4).
- 11.1.6.i.v.(5). Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- 11.1.6.i.v.(6). The Township, at its discretion, may require a stenographic record of the proceedings, and such transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost.
- 11.1.6.i.v.(7). The Board of Commissioners shall render a written decision on the application, and communicate it to the applicant in accordance with the Pennsylvania Municipalities Planning Code.
- 11.1.6.i.vi. Criteria for Conditional Use Approval. The Board of Commissioners shall grant a conditional use only if it finds ~~adequate~~ **substantial** evidence that any proposed development plan submitted ~~complies~~ **comply** with all of the following ~~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:~~
- 11.1.6.i.vi.(1). Meets all conditions of uses expressed in the use classification section of this Chapter.
- 11.1.6.i.vi.(2). Does not conflict with the Township and County Comprehensive Plans and other plans adopted by the Township.
- 11.1.6.i.vi.(3). Is consistent with the spirit, purposes, and intent of the applicable zoning district.
- 11.1.6.i.vi.(4). Is in conformance with all applicable requirements of this Chapter and all municipal, state and federal codes applicable to the use or process in question.
- 11.1.6.i.vi.(5). Is suitable for the property in question. This criterion shall consider issues such as traffic, vehicular and pedestrian circulation, location and design of parking areas, adjacent land use(s), and other impacts on the surrounding area. If the proposal is adjacent to a residential district, the scale of the use shall relate to and complement the surrounding area.
- 11.1.6.i.vi.(6). Public Utilities. All uses shall be capable of being served by public sewer. A use may be permitted to be served by an on-lot sanitary system, only if deemed acceptable by the Board of Commissioners and the adopted 537 Plan of the Township, upon recommendation of the Township Engineer. Sufficient water supply must be available to accommodate all the needs of the proposed use.



~~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.~~

11.1.6.i.vii. Conditions. The Board of Commissioners may require adjustments to the proposal as a condition of approval.

#### 11.1.7 Additional Requirements for Conditional Uses

11.1.7.a. This section shall not apply to the following uses:

11.1.7.a.i. Uses regulated by Article 7.1; Historic Resources Overlay District; and

11.1.7.a.ii. Uses involving fewer than 24 residents/participants per day.

11.1.7.b. General information. Applicants shall submit with their application ~~for data quantifying the anticipated intensity of the proposed use in terms measuring the amount and frequency of public access. Such data shall include, without limitation, the following:~~

11.1.7.b.i. Total number of participants, quantified by type (including but not limited to users/members, teachers, staff, volunteers, residents, students) and by their method and time of arrival and departure from the site.

11.1.7.b.ii. Age distribution of participants.

11.1.7.b.iii. Days and hours of operation, including normal periods of concentrated ingress and egress.

11.1.7.b.iv. Description and expected attendance at regularly scheduled events, including third-party and other uses of the property beyond those commonly associated with like uses of similar properties.

11.1.7.c. Separation Requirements. Separation requirements shall apply to the following residential uses; Alternative housing options for the elderly: Convent, monastery or similar ~~Institutional~~ Residential ~~Religious~~ facility; Student Home. No more than one such use shall be permitted:

11.1.7.c.i. Within 500 feet of another use regulated by this subsection and/or a non-conforming use, 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.

11.1.7.d. Traffic impact study (TIS). The Director of Building and Planning shall require a traffic impact study if needed to assure compliance with ~~this subsection~~ ~~the following requirements~~. If required, the Township Engineer shall determine the scope of the study and the assumptions utilized.

11.1.7.d.i. The traffic generated by the proposed use, when combined with the current use, shall not result in a level of service lower than C, or, if the level of service is already C or below, shall not alter such level of service for adjacent streets and/or the nearest intersections thereof.

11.1.7.d.ii. The proposed use shall demonstrate that it does not create an unsafe traffic condition due to site obstructions at the points of ingress and egress.

11.1.7.d.iii. The Board of Commissioners may impose additional conditions to mitigate the adverse impact of traffic generated by the proposed use, such as requiring staggered starting and ending times, site circulation or enrollment/public access limits.

11.1.7.e. 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:~~



- 11.1.7.e.i. One loading/queuing space per 10 participants to be dropped off/picked up by automobile per hour at the maximum anticipated level of such activity.
- 11.1.7.e.ii. One oversized loading/queuing space per bus loading or discharging at the site at any one time.
- 11.1.7.e.iii. Only a new use or that portion of the property proposed for an expanded use shall be required to meet these loading/queuing standards.
- 11.1.7.f. Lighting. Lighting shall be provided in compliance with Chapter 105: Noise and Exterior Lighting and with section "155-3.11 Ambience Standards":
  - 11.1.7.f.i. Lighting shall be provided along all interior walkways and parking areas to be used after dusk.
  - 11.1.7.f.ii. Lighting for interior walkways shall be a maximum of 12 feet above finished grade.
  - 11.1.7.f.iii. Lighting for parking areas shall be a maximum of 12 feet above finished grade unless the applicant can demonstrate that taller lights will not increase light spillage or glare on adjacent properties.
  - 11.1.7.f.iv. The source of illumination for all light fixtures on the exterior of the building shall be screened from off-site view.
- 11.1.7.g. Buffering. Landscaped buffer areas (including a wall, fence, suitable planting or combination if approved by the Township), incorporating a variety of deciduous and ever-green trees and shrubs shall be provided along all property lines in compliance with the following:
  - 11.1.7.g.i. Buffer areas ~~and the following are as follows~~ shall be in compliance with section "155-3.10 Landscape Standards".
    - 11.1.7.g.i.(1). A minimum of 20 feet in width along the side or rear property lines, but in no case, shall be less than the required setback.
    - 11.1.7.g.i.(2). Any existing improvements that project into the required buffer area may remain, provided that they were lawful when built.
  - 11.1.7.g.ii. Buffer area plantings shall comply with Natural Features Code Section 101-9B through F, which may include existing, healthy trees and shrubs.
  - 11.1.7.g.iii. The Board of Commissioners may modify the buffer requirements if the adjacent property is a nonresidential use.
- 11.1.8 Additional Requirements for Conditional Use Approval For Historic Resources Regulated by Section 7.1 Historic Resource Overlay District
  - 11.1.8.a. Where the historic resource is located in a local historic district, the work of the Historical Commission under this subsection shall be performed by the Board of Historical Architectural Review.
  - 11.1.8.b. An applicant seeking conditional use approval under the provisions of ~~this article~~ Section 11.1.8 shall submit the appropriate application to the Director of Building and Planning in accordance with the provisions of "Section 11.1.6 Conditional Uses". The information to be provided shall include the following:
    - 11.1.8.b.i. Name and address of the record owner and applicant (if different).
    - 11.1.8.b.ii. Site plan showing all buildings and structures on the property.
    - 11.1.8.b.iii. Recent photographs of the historic resource.
    - 11.1.8.b.iv. A detailed narrative description of the proposed use(s).
    - 11.1.8.b.v. Any physical changes proposed for the affected historic resource(s) and their surrounding landscape.
    - 11.1.8.b.vi. Any proposed modifications to otherwise applicable form and parking regulations.
  - ~~11.1.8.c. 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.~~

- 11.1.8.c. The application shall be accompanied by an historic resource impact study, in accordance with Section 7.1.10 Historic Resource Impact Study, where any land development or subdivision is proposed on:
  - 11.1.8.c.i. Any property that contains a Class I or Class II Historic Resource(s).
  - 11.1.8.c.ii. Any contributing property within the boundaries of any National Register historic district, any local historic district or any historic neighborhood.
- 11.1.8.d. The Director of Building and Planning shall forward the complete application to either the Board of Historical Architectural Review or the Historical Commission and the Planning Commission in accordance with Section 11.1.6. The Historical Commission (or the Board of Historical Architectural Review), at a regular or special meeting, shall review the application for conditional use and shall promptly forward its recommendations to the Director of Building and Planning for distribution to the Building and Planning Committee of the Board of Commissioners. In formulating its recommendations, the Historical Commission (or the Board of Historical Architectural Review) shall consider each of the criteria imposed by this section for the grant of conditional use approval.
- 11.1.8.e. The Building and Planning Committee and the Board of Commissioners shall act upon the application in accordance with the provisions of Section 11.1.6. The Building and Planning Committee may refer the application to a hearing officer to conduct any hearings and make recommendations to the Committee.
- 11.1.8.f. Any conditional use permit granted under this subsection shall expire within one year, unless one of the following conditions is met:
  - 11.1.8.f.i. A building permit to perform the work has been issued.
  - 11.1.8.f.ii. An occupancy permit to allow such use has been issued.
- 11.1.8.g. Criteria for the grant of conditional use approval. Where a use is permitted in an Historic Resource Overlay District by conditional use, that use shall not be granted unless the following requirements have been satisfied in addition to those set forth in Section 11.1.6.
  - 11.1.8.g.i. The applicant shall have the burden of demonstrating that approval of the application will not jeopardize the preservation of the Historic Resource(s) contained on the property subject to application. To sustain this burden the applicant shall present evidence demonstrating the following:
    - 11.1.8.g.i.(1). The exact location of the area in which the work is to be done.
    - 11.1.8.g.i.(2). The exterior changes to be made or the exterior character of the structure to be erected.
    - 11.1.8.g.i.(3). A list of the surrounding structures with their general exterior characteristics.
    - 11.1.8.g.i.(4). The effect of the proposed change upon the general historic and architectural nature of the property.
    - 11.1.8.g.i.(5). The appropriateness of exterior architectural features of structures involved with the proposed work.
    - 11.1.8.g.i.(6). The general design, arrangement, texture, material, scale, mass and color of any affected building, structure or site and the relation of such factors to similar features of other structures on the property.
    - 11.1.8.g.i.(7). That rehabilitation work will not destroy the distinguishing qualities or character of the historic resource and its environment.
    - 11.1.8.g.i.(8). In the event that replacement of contributing architectural features is necessary, the new material should, as closely as possible, match the material being replaced in kind. At a minimum, the composition, design, color, texture and other aesthetic qualities shall be sympathetic to and in character with the historic resource. In instances where original materials are either unavailable or their use economically

- infeasible, the Board may approve the use of materials which are aesthetically consistent with, even if not completely duplicative of, the character of the historic resource.
- 11.1.8.g.i.(9). Distinctive stylistic features or examples of skilled craftsmanship shall be preserved.
- 11.1.8.g.i.(10). Changes which may have taken place in the course of time are evidence of the history and development of the building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- 11.1.8.g.i.(11). A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 11.1.8.h. The most current version of the Secretary of the Interior's Standards for Rehabilitation of Historic Structures, as amended, shall be used as a guideline in carrying out any plans involving the rehabilitation, alteration or enlargement of historic resource(s).
- 11.1.8.i. Where plans involving the rehabilitation, alteration or enlargement of historic resource(s) will result in all or portions of any such resource(s) remaining unoccupied, such unoccupied resources shall be securely sealed and barred off and the utilities turned off for safety, in a manner not jeopardizing historical integrity, as per the most current construction techniques for historic structures.
- 11.1.8.j. A means to guarantee the permanent protection of the historical integrity of the subject resource(s), such as the establishment of conservation easement(s) or appropriate covenants in a form acceptable to the Township Solicitor, shall be provided.
- 11.1.8.k. The applicant shall have the burden of proving that the historical integrity of the resource has been provided for through the design of the building improvements as well as through implementation of buffering, landscaping, lighting, storage, access and traffic management, interior circulation, loading, parking, fencing, signage and all other land development features.
- 11.1.8.l. The applicant shall have the burden of proving that the grant of the application will not be destructive of the integrity of the historic resource or detrimentally affect the value of surrounding properties.
- 11.1.8.m. The applicant must comply with the parking requirements for the proposed use as set forth in "Article 8: Parking Standards". The Board of Commissioners may prohibit any additional parking between the right-of-way and the facade of the building if the Board finds such parking would negatively impact the historical integrity of the resource. Special accessory events which may generate an unusual volume of traffic beyond that normally generated by a permitted use on a daily basis, such as fund-raising events, recitals, stage performances, lectures and exhibitions, etc.
- 11.1.8.n. The applicant must comply with the requirements of this chapter with respect to signage. The Board of Commissioners may ~~provide conditional approval~~ on a reduction in the size of the signage if it finds that the permitted signage will obstruct views required to assure the safety of the public or to retain the historic nature of the property.
- 11.1.8.o. The Board of Commissioners may attach conditions to achieve the objectives set forth in this section and to promote the public health, safety and welfare, which conditions may relate to any aspect of the proposed use of the property, including but not limited to buffering, parking, signage, traffic volume and flow, hours of operation, noise and odor emission.
- 11.1.8.p. Where the Board of Commissioners waives any requirement which thereby increases the rate or volume of stormwater generated on the property, the additional rate and/or volume of runoff caused by such waiver shall be controlled for the one-hundred-year storm.

- 11.1.9 Fees. The Board of Commissioners shall establish and revise, from time to time, **by resolution or ordinance**, 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.
- 11.1.10 Landowner Curative Amendments.
- 11.1.10.a. A curative amendment may be filed by a landowner who desires to challenge, on substantive grounds, the validity of this chapter or the Zoning District Map or any provision thereof, which prohibits or restricts the use or development of land in which he/she has an interest.
- 11.1.10.b. Procedure. The landowner may submit a curative amendment to the Board of Commissioners with a written request that his challenge and proposed amendment be heard and decided as provided in the Pennsylvania Municipalities Planning Code, Act 247, as amended. As with other proposed amendments, the curative amendment shall be referred to the Township Planning Commission and the Montgomery County Planning Commission at least 30 days before the hearing is conducted by the Board of Commissioners, pursuant to Pennsylvania Municipalities Planning Code, Section 908. Public notice shall be given in accordance with the applicable provisions of the Pennsylvania Municipalities Planning Code.
- 11.1.10.c. Evaluation of Merits of Curative Amendment. If the Board of Commissioners determines that a validity challenge has merit, the Board of Commissioners may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the alleged defects. The Board of Commissioners shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
- 11.1.10.c.i. The impact of the proposal upon roads, sewer facilities, water supplies, public schools and other public service facilities;
- 11.1.10.c.ii. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of protected persons otherwise unlawfully excluded by the challenged provisions of this chapter or Zoning District Map;
- 11.1.10.c.iii. The suitability of the site for the intensity of the use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
- 11.1.10.c.iv. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
- 11.1.10.c.v. The impact of the proposal on the preservation of open space and other land uses which are essential to public health and welfare.
- 11.1.10.d. Declaration of Invalidity by Court. If the Township does not accept a landowner's curative amendment brought in accordance with this section and a court subsequently rules the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire chapter but only for those provisions which specifically relate to the landowner's curative amendment challenge.
- 11.1.11 Municipal Curative Amendments.
- 11.1.11.a. If the Township determines that this chapter or any portion thereof is substantially invalid, it shall take the following actions:
- 11.1.11.b. The Township shall declare, by formal action, its Zoning Code or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration and proposal, the Board of Commissioners shall:

- 11.1.11.b.i. By resolution, make specific findings setting forth the declared invalidity of the applicable sections of the Zoning Code, which may include:
  - 11.1.11.b.i.(1). References to specific uses which are either not permitted or not permitted in sufficient quantity;
  - 11.1.11.b.i.(2). Reference to a class of use or uses which require revision; or
  - 11.1.11.b.i.(3). Reference to the entire Chapter which requires revision.
- 11.1.11.b.ii. Begin to prepare and consider a curative amendment to the Zoning Code to correct the declared invalidity.
- 11.1.11.c. Within 180 days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate, or reaffirm the validity of, its Zoning Code pursuant to the provisions required by Section 609 of the MPC in order to cure the declared invalidity of the Zoning Code.
- 11.1.11.d. Upon the initiation of the procedures, as set forth in Subsection 11.1.910(b), the Board of Commissioners shall not be required to entertain or consider any landowner's curative amendment filed under Section 609.1 of the MPC, nor shall the Zoning Hearing Board be required to give a report requested under Section 909.1 or 916.1 of the MPC. Upon completion of the procedures as set forth in Subsections 11.1.910(b) and 11.1.910(c), no rights to a cure pursuant to the provisions of Sections 609.1 and 916.1 of the MPC shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Code for which there has been a curative amendment pursuant to this section.

**155-11.2 ZONING HEARING BOARD**

- 11.2.1 For rules and regulations of the Zoning Hearing Board, unless stated otherwise, the requirements of the PA Act 247: Municipalities Planning Code, "Article IX: Zoning Hearing Board" shall apply.
- 11.2.2 Jurisdiction
- 11.2.2.a. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
- 11.2.2.a.i. Appeals: to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this chapter, including:
- 11.2.2.a.i.(1). Challenges to the validity of a land use code raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within 30 days after the effective date of the ordinance.
- 11.2.2.a.i.(2). Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease-and-desist order or the registration or refusal to register any nonconforming use, structure or lot.
- 11.2.2.a.i.(3). Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard regulation or such provisions within a land use code.
- 11.2.2.a.i.(4). Appeals from the Zoning Officer's determination under Section 916.2 of the Pennsylvania Municipalities Planning Code (Act 247, as amended)
- 11.2.2.a.ii. Special exceptions: to hear and decide special exceptions to the terms of this chapter in such cases as are herein expressly provided for.
- 11.2.2.a.iii. Variances: to authorize upon appeal in accordance with the law, in specific cases, variances from the terms of this chapter.
- 11.2.2.a.iv. Rules of procedure: The Board may adopt rules of procedure in accordance with the several provisions of this chapter as to the manner of filing appeals or applications for special exceptions or variances from the terms of this chapter.
- 11.2.2.b. In exercising the above-mentioned powers, the Board may:
- 11.2.2.b.i. Reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from.
- 11.2.2.b.ii. Make such order, requirement, decision or determination as ought to be made.
- 11.2.2.b.iii. Impose appropriate conditions and safeguards.
- 11.2.2.c. Applications, hearings and decisions regarding variances and special exceptions in the Floodplain District shall be governed by the provisions of ~~Article XXVII~~ "Section 155-7.3 Flood Plain Overlay District" of this chapter as well as the provisions of this article. In the event that there is a conflict between the provisions of this article and ~~Article XXVII~~ "Section 155-7.3 Flood Plain Overlay District", the provisions of ~~Article XXVII~~ "Section 155-7.3 Flood Plain Overlay District" shall take precedence and be controlling over the provisions of this article.

### 11.2.3 Membership

- 11.2.3.a. The Zoning Hearing Board shall consist of three members appointed by the Board of Commissioners as provided by law. The word "Board," when used in this article, shall mean the Zoning Hearing Board. The Board of Commissioners may also appoint up to two residents of the Township to serve as alternate members of the Board. Regular and alternate members shall each serve a three-year term of office and none shall hold any other elective or appointive office in the Township, nor be a Township employee.
- 11.2.3.b. The Chairman of the Board may designate alternate members of the Board to replace any absent or disqualified member, and if, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to reach a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final decision on the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among the alternates.
- 11.2.3.c. When seated, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for regular Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties of a regular Board member. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a regular member of the Board nor be compensated unless designated as a voting alternate member.
- 11.2.3.d. Removal of members
  - 11.2.3.d.i. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in the office or for other just cause by a majority vote of the Board of Commissioners taken after the member has received 15 days' advance notice of the intent to take such vote. A hearing may be held in connection with the vote if the member shall request it in writing.
- 11.2.3.e. Organization of the board
  - 11.2.3.e.i. Officers. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.
  - 11.2.3.e.ii. Quorum. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the Zoning Hearing Board, except when member(s) of the Zoning Hearing Board are disqualified to act in a particular matter, alternate members shall be appointed to provide a quorum.
  - 11.2.3.e.iii. Hearing Officer. The Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board and accept the findings or decision of the hearing officer as final.
  - 11.2.3.e.iv. Procedures. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with the Code of the Township and laws of the Commonwealth of Pennsylvania.
  - 11.2.3.e.v. Files and Annual Report. The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the Board of Commissioners once a year.



## 11.2.4 Variances

## 11.2.4.a.

The Board, upon application, shall have the power to authorize variances from the requirements of this chapter and to attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter. A variance may be granted if all of the following findings are made where relevant in a given case:

11.2.4.a.i. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.

11.2.4.a.ii. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

11.2.4.a.iii. That such unnecessary hardship has not been created by the appellant.

11.2.4.a.iv. That the variance, if authorized, will represent the minimum variance necessary to afford relief and will represent the least modification possible of the regulation in issue.

11.2.4.a.v. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public interest.

11.2.4.b. In determining whether the allowance of a variance is contrary to the public interest, the Board shall consider whether the application, if granted, will:

11.2.4.b.i. Adversely affect the public health, safety and welfare due to changes in traffic conditions drainage, air quality, noise levels, natural features of the land, neighborhood property values and neighborhood aesthetic characteristics.

11.2.4.b.ii. ~~Does not~~ Conflict with the Lower Merion Township Comprehensive Plan.

11.2.4.b.iii. Provide the required parking required under "Article 8: Parking Standards" of this chapter.

11.2.4.b.iv. Adversely affect the logical, efficient and economical extension or provision of public services and facilities such as public water, sewers, refuse collection, police and fire protection and public schools.

11.2.4.b.v. Otherwise adversely affect the public health, safety, or welfare.

## 11.2.5 Uses by Special Exception

## 11.2.5.a.

The Board shall have the power to hear and decide ~~on~~ applications for uses by special exception as authorized by this chapter, in harmony with its general purpose and intent, and in accordance with the standards set forth in Article 5, Uses. The Board shall approve a use by special exception only if it meets all applicable requirements of this chapter ~~and the express standards and criteria set forth in Part 1.2.14~~. In granting a use by special exception, the Board may attach such reasonable safeguards or conditions, in addition to those expressed in this chapter, as it may deem necessary to properly implement this chapter and protect the public health, safety and welfare.

11.2.5.b. An applicant for a special exception shall have the burden of establishing both:

11.2.5.b.i. That his application falls within the provision of this chapter which accords to the applicant the right to seek a special exception; and

11.2.5.b.ii. That allowance of the special exception will not be contrary to the public interest.

11.2.5.c. In determining whether the allowance of a special exception is contrary to the public interest, the Board shall consider whether the application, if granted, will:

11.2.5.c.i. Adversely affect the public health, safety and welfare due to changes in traffic conditions drainage, air quality, noise levels, natural features of the land, neighborhood property values and neighborhood aesthetic characteristics.

- 11.2.5.c.ii. ~~Does not~~ Conflict with the Lower Merion Township Comprehensive Plan.
- 11.2.5.c.iii. Provide the required parking required under "Article 8: Parking Standards" of this chapter.
- 11.2.5.c.iv. Adversely affect the logical, efficient and economical extension or provision of public services and facilities such as public water, sewers, refuse collection, police and fire protection and public schools.
- 11.2.5.c.v. Otherwise adversely affect the public health, safety, or welfare.
- 11.2.5.d. The use by special exception must meet the performance standards of the zoning district in which the use is permitted if provided in Article 5: Uses.
  - 11.2.5.d.i. When distance separation requirements are established, measurement shall be measured from property line to property line, except if noted otherwise.
- 11.2.5.e. In addition to any applicable requirements contained in Article 5: Uses, the following additional standards shall be met by any applicant for a special exception in any residential district:
  - 11.2.5.e.i. Applicant shall demonstrate that all of the required parking shall be installed outside of the front yard. In no case shall the front yard be paved for parking or circulation purposes with the exception of one driveway penetrating it to reach a required parking area. Any additional driveway(s) to reach a required parking area shall be permitted only if authorized by the Board as a part of the order granting the special exception.
- 11.2.5.f. Additional Regulations for All Special Exceptions
  - 11.2.5.f.i. This section shall not apply to the following: Uses involving fewer than 24 residents/participants per day.
  - 11.2.5.f.ii. General information. Applicants shall submit with their application ~~for~~ data quantifying the anticipated intensity of the proposed use in terms measuring the amount and frequency of public access. Such data shall include, without limitation, the following:
    - 11.2.5.f.ii.(1). Total number of participants, quantified by type (including but not limited to users/members, teachers, staff, volunteers, residents, students) and by their method and time of arrival and departure from the site.
    - 11.2.5.f.ii.(2). Age distribution of participants.
    - 11.2.5.f.ii.(3). Days and hours of operation, including normal periods of concentrated ingress and egress.
    - 11.2.5.f.ii.(4). Description and expected attendance at regularly scheduled events, including third-party and other uses of the property beyond those commonly associated with like uses of similar properties.
  - 11.2.5.f.iii. Separation Requirements. Separation requirements shall apply to the following residential uses; Alternative housing options for the elderly; Convent, monastery or similar ~~Institutional~~ Residential ~~Religious~~ facility; Student Home, and Shared Residences for the Elderly or Disabled. No more than one such use shall be permitted:
    - 11.2.5.f.iii.(1). Within 500 feet of another use regulated by this subsection and/or a nonconforming use, 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.
  - 11.2.5.f.iv. Traffic impact study (TIS). The Director of Building and Planning shall require a traffic impact study if needed to assure compliance with ~~this subsection~~ ~~the following requirements~~. If required, the Township Engineer shall determine the scope of the study and the assumptions utilized.
    - 11.2.5.f.iv.(1). The traffic generated by the proposed use, when combined with the current use, shall not result in a level of service lower than C, or, if the level of service is already C or below, shall

- not alter such level of service for adjacent streets and/or the nearest intersections thereof.
- 11.2.5.f.iv.(2). The proposed use shall demonstrate that it does not create an unsafe traffic condition due to site obstructions at the points of ingress and egress.
- 11.2.5.f.iv.(3). The Zoning Hearing Board may impose additional conditions to mitigate the adverse impact of traffic generated by the proposed use, such as requiring staggered starting and ending times, site circulation or enrollment/public access limits.
- 11.2.5.f.v. 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*:
- 11.2.5.f.v.(1). One loading/queuing space per 10 participants to be dropped off/picked up by automobile per hour at the maximum anticipated level of such activity.
- 11.2.5.f.v.(2). One oversized loading/queuing space per bus loading or discharging at the site at any one time.
- 11.2.5.f.v.(3). Only a new use or that portion of the property proposed for an expanded use shall be required to meet these loading/queuing standards.
- 11.2.5.f.vi. Lighting. Lighting shall be provided in compliance with Chapter 105: Noise and Exterior Lighting and with section "155-3.12 Ambience Standards":
- 11.2.5.f.vi.(1). Lighting shall be provided along all interior walkways and parking areas to be used after dusk.
- 11.2.5.f.vi.(2). Lighting for interior walkways shall be a maximum of 12 feet above finished grade.
- 11.2.5.f.vi.(3). Lighting for parking areas shall be a maximum of 12 feet above finished grade unless the applicant can demonstrate that taller lights are necessary for safety purposes.
- 11.2.5.f.vi.(4). The source of illumination for all light fixtures on the exterior of the building shall be screened from off-site view.
- 11.2.5.f.vii. Buffering. Landscaped buffer areas (including a wall, fence, suitable planting or combination if approved by the Township), incorporating a variety of deciduous and evergreen trees and shrubs shall be provided along all property lines *and shall be* in compliance with the following:
- 11.2.5.f.vii.(1). Buffer areas are as follows shall be in compliance with Section "155-3.11 Landscape Standards".
- 11.2.5.f.vii.(1)a. A minimum of 20 feet in width along the side or rear property lines, but in no case, shall be less than the required setback.
- 11.2.5.f.vii.(1)b. Any existing improvements that project into the required buffer area may remain, provided that they were lawful when built.
- 11.2.5.f.vii.(2). ~~11.2.5.f.vii.(2)~~ Buffer area plantings shall comply with § 101-9B through F, which may include existing, healthy trees and shrubs.
- 11.2.5.f.vii.(3). ~~11.2.5.f.vii.(3)~~ The Zoning Hearing Board may modify the buffer requirements if the adjacent property is a nonresidential use.

- 11.2.6 Additional Requirements for Special Exceptions or Variances in the Floodplain District
- 11.2.6.a. Applicants shall provide the Zoning Hearing Board with a site plan at a scale of one inch equals 40 feet and a sectional profile at a scale of one inch equals four feet, showing present site conditions, proposed improvements, and the following information:
- 11.2.6.a.i. The proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
- 11.2.6.a.ii. The elevation of the base flood; and
- 11.2.6.a.iii. Detailed information concerning any proposed floodproofing measures and corresponding elevations.
- 11.2.6.b. Prior to the public hearing by the Zoning Hearing Board of an application for a variance or a special exception, the Secretary of the Zoning Hearing Board shall, over his signature, notify the applicant in writing that the issuance of a variance or special exception to construct a structure below the base flood level will result in increased premium rates for flood insurance and such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance and special exception actions as required in this section.
- 11.2.6.c. The Secretary of the Zoning Hearing Board shall maintain a record of all variance and special exception actions, including justification for their issuance, and the Township shall report any such variances and special exceptions issued in its annual report to the Federal Insurance Administrator.
- 11.2.6.d. All permits and plans shall be approved only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of the state and all other applicable codes and ordinances. The Zoning Officer shall require copies of all necessary permits from those governmental agencies from which approval is required by federal or state law.
- 11.2.6.e. The prohibitions, requirements and considerations in this subsection shall be applied by the Zoning Hearing Board in reviewing and adjudicating applications for variances in the Floodplain District.
- 11.2.6.f. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- 11.2.6.g. Variances shall only be issued upon compliance with the requirements of article 11.2.4 and the following:
- 11.2.6.g.i. A showing of good and sufficient cause.
- 11.2.6.g.ii. A determination that failure to grant the variance would result in exceptional hardship.
- 11.2.6.g.iii. A determination that grant of the variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense or create nuisances or cause fraud on or victimization of the public or conflict with any laws or statutes of the Commonwealth of Pennsylvania or the Code of the Township of Lower Merion or regulations of the Township of Lower Merion.
- 11.2.6.g.iv. Adherence to the anchoring and floodproofing requirements of ~~this article~~ "Section 155-7.3 Flood Plain Overlay District".
- 11.2.6.h. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 11.2.7 Comparable Uses not Specifically Listed
- 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 may~~ be allowed ~~by the Zoning Officer~~ 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~~.
- 11.2.7.b. Determination shall consider the following characteristics of the proposed use:
- 11.2.7.b.i. The number of employees.
- 11.2.7.b.ii. The floor area of the building and the gross area of the lot devoted to the proposed use.

- 11.2.7.b.iii. The type of products, materials and equipment and/or processes involved in the proposed use.
- 11.2.7.b.iv. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of § XXXXX of this chapter.
- 11.2.7.b.v. For those uses included in the most-recent edition of the Standard Industrial Classification Manual published by the Office of Management and Budget, whether the proposed use shares the same SIC code or major group number as one or more uses that are specifically listed in the zoning district.
- 11.2.7.b.vi. The proposed use shall comply with all applicable area and bulk regulations of the zoning district in which it is located.
- 11.2.7.b.vii. The proposed use shall comply with any applicable standards and criteria specified in this Article for the most- nearly-comparable use by special exception or condition use listed in the zoning district in which the comparable use is proposed.
- 11.2.7.b.viii. The proposed use shall be consistent with the purpose statement for the zoning district in which it is proposed and shall be consistent with the community development objectives of this chapter.

#### 11.2.8 Burden of Proof - Zoning Hearing Board

- 11.2.8.a. **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 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.~~
- 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.

#### 11.2.9 Public hearings

- 11.2.9.a. **Notice.** Upon the filing with the Board of an appeal or an application for a special exception or a variance, the Board shall fix a reasonable time and place for a public hearing thereon and shall give notice thereof as follows:
  - 11.2.9.a.i. By publishing a notice thereof once a week for two successive weeks in a newspaper of general circulation in the Township.
  - 11.2.9.a.ii. By mailing due notice thereof to the parties in interest.
  - 11.2.9.a.iii. By mailing notice thereof to the Township Commissioner representing the ward in which the lot or building is located.
  - 11.2.9.a.iv. By mailing notice thereof to every resident or association of residents of the Township who shall have registered their names and addresses for this purpose with the Board.
  - 11.2.9.a.v. When the Board shall so order, by mailing notice thereof to the owner or owners, if their residence is known, or to the occupier or occupiers, of every lot on the same street within 500 feet of the lot or building in question, and of every lot not on the same street within 150 feet of the lot or building, provided that failure to give notice required by this subsection shall not invalidate any action taken by the Board.
- 11.2.9.b. The notices herein required shall state the location of the building or the lot and the general nature of the question involved.
- 11.2.9.c. **Conduct of Hearing.** The Board shall conduct hearings in accordance with the requirements of the PA Act 247: Municipalities Planning Code, "Article IX: Zoning Hearing Board"

### 11.2.10 Appeals and applications

- 11.2.10.a. 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. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- 11.2.10.b. Procedure. An appeal or an application for a special exception or variance from the terms of this chapter ~~may~~ **shall** be filed with the Secretary of the Zoning Hearing Board and shall state:
- 11.2.10.b.i. The name and address of the applicant.
  - 11.2.10.b.ii. The name and address of the owner of the real estate to be affected by the proposed exception or variance.
  - 11.2.10.b.iii. A brief description and location of the real estate to be affected by such proposed change.
  - 11.2.10.b.iv. A statement of the present zoning classification of the real estate in question, the improvements thereon and the present use thereof.
  - 11.2.10.b.v. A statement of the section of this chapter under which the variance or exception requested may be allowed, and reasons why it should be granted.
  - 11.2.10.b.vi. A reasonably accurate description of the present improvements and the additions intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, prepared by a registered engineer or land surveyor, indicating the location and size of the lot and the size of improvements now erected and proposed to be erected thereon.

### 11.2.11 Expiration of special exceptions and variances

- 11.2.11.a. Unless otherwise specified by the Board, a special exception or variance shall expire if the applicant fails to obtain a building permit within six months from the date of authorization thereof. If subdivision or land development approval is required to implement the special exception or variance, the six-month period shall begin to run on the date of the Board's approval or on the date final subdivision or land development approval is granted, whichever shall last occur, provided the subdivision or land development application is submitted within six months of the Zoning Hearing Board decision.
- 11.2.11.b. A use permitted by special exception or variance shall expire if the use authorized is abandoned. If such use permitted by special exception or variance is discontinued by nonuse, unlawful use or a change of use to one not authorized by the previously obtained special exception or variance or by this chapter as of right for a continuous period of six months or more, the abandonment of such use shall be presumed, and any subsequent use of such building or land shall be in conformity with the provisions of this chapter.

### 11.2.12 Decisions

- 11.2.12.a. 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.
- 11.2.12.b. Failure to render a decision. Where the Board fails to render a decision within the required forty-five-day period or fails to hold the required hearing within 60 days of the applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing or on the record, to



an extension of time.

- 11.2.12.c. When a decision has been rendered in favor of the applicant because of failure of the Board to meet or render a decision, the Board shall give public notice of the decision within 10 days from the last day it could have met to render a decision. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to the Court of Common Pleas.

#### 11.2.13 Mediation

- 11.2.13.a. Parties to proceedings authorized in this Chapter may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Zoning Hearing Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Chapter once they have been formally initiated. Nothing in this subsection shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.

- 11.2.13.b. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The municipality, in offering the mediation option, shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

11.2.13.b.i. Funding mediation, as authorized in the Pennsylvania Municipalities Planning Code and agreed to by the parties in mediation.

11.2.13.b.ii. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.

11.2.13.b.iii. Completing mediation, including time limits for such completion.

11.2.13.b.iv. Suspending time limits otherwise authorized in this chapter or in the Pennsylvania Municipalities Planning Code (Act 247, as amended), provided there is written consent by the mediating parties, and by an applicant or Township decision-making body, if either is not a party to the mediation.

11.2.13.b.v. Identifying all parties and affording them the opportunity to participate.

11.2.13.b.vi. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.

11.2.13.b.vii. Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in this chapter.

- 11.2.13.c. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

#### 11.2.14 Appeals to court

- 11.2.14.a. Any person aggrieved by any decision of the Board or any officer of the Township may, within 30 days after any decision of the Board, appeal to the Court of Common Pleas of Montgomery County by petition, duly verified, setting forth that such decision is arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law, specifying the grounds upon which he/she relies.



**155-11.3 ZONING AMENDMENTS****11.3.1 Power of amendment**

- 11.3.1.a. The Board of Commissioners may from time to time amend, supplement, change, modify or repeal this chapter, or any part thereof, including the Zoning Maps, by proceeding in the manner prescribed in this article. No regulation, restriction or district boundary shall become effective, however, until after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. The provisions of this article requiring public hearings and notice thereof shall apply to all changes and amendments of this chapter.

**11.3.2 Petition of citizens for zoning change**

- 11.3.2.a. Whenever the owners of 50% or more of any area wherein a change of zoning regulations is sought shall present to the Board of Commissioners a petition in the form prescribed by the Township, duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of the regulations prescribed for, or of the Zoning Maps including, such area, the Board shall, except as hereinafter provided, hold a public hearing thereon and cause notice to be given in the manner set forth below. Whenever a petition to change the zoning classification of a property is filed and at the time of filing the property is under agreement of sale, both the seller and the purchaser must sign and acknowledge the petition. In addition, three certified copies of the agreement of sale shall be filed with the petition.
- 11.3.2.b. Three duly executed copies of the petition, together with copies of a map of the area in question attached thereto, shall be filed with the Director of Planning of the Township of Lower Merion, and at that time the filing fee hereinafter specified shall be paid by the petitioner. Any additional data in support of the petition which the petitioner desires to make available for the technical review of the Township Solicitor and the Planning Commission shall be filed in triplicate with the petition at the time it is filed.
- 11.3.2.c. Referral. Any proposed amendment presented to the Board of Commissioners without written findings and recommendations from the Township Planning Commission and the Montgomery County Planning Commission shall be referred to these agencies for review at least 30 days prior to the public hearing of the Board of Commissioners. The Board of Commissioners shall not hold a public hearing upon such amendments until the required reviews are received or the expiration of 30 days from the date of referral, whichever comes first.

**11.3.3 Times for public hearings; notice**

- 11.3.3.a. No public hearings on proposed amendments will be held during the month of August.
- 11.3.3.b. The time and place of public hearings on proposed amendments will be fixed by the Board by vote at a regular or special meeting.
- 11.3.3.c. Notice. The Board will cause prompt notice of such public hearings to be given as follows:
- 11.3.3.c.i. By publishing notice of the time and place of the public hearing once a week for two successive weeks in an official paper or a paper of general circulation in the Township.
- 11.3.3.c.ii. By mailing a notice thereof to every resident or association of residents of the Township who shall have registered their names and addresses for this purpose with the Township Secretary.
- 11.3.3.c.iii. By posting a notice thereof on the property for which the change is sought.
- 11.3.3.c.iv. By mailing a notice thereof to every owner of property within 500 feet of the property(ies) involved.
- 11.3.3.d. Such notice shall state the general nature of the proposed amendment as well as the time and place of the public hearing.

#### 11.3.4 Procedure at public hearing

- 11.3.4.a. At the time scheduled for the public hearing, the following procedure will be followed:
- 11.3.4.a.i. Petitions will be heard in the order of their filing.
  - 11.3.4.a.ii. The presiding officer will announce the hearing.
  - 11.3.4.a.iii. The Director of Building & Planning will describe the location and boundaries of the area included in the petition or the area the classification of which is proposed to be changed by the Board of Commissioners. He/she will explain the differences between the district regulations existing and the district regulations as requested or proposed to be changed and will answer questions regarding the foregoing matters.
  - 11.3.4.a.iv. The petitioner or the attorney or representative may submit evidence in support of the petition. He/she may produce such testimony as he/she chooses but the presentation of the case must be completed within 30 minutes, except by special permission of the Board.
  - 11.3.4.a.v. Evidence in opposition to the petition will be received from any citizen or party in interest or his attorney or representative. Opposition testimony must be completed within 45 minutes, except by special permission of the Board.
  - 11.3.4.a.vi. In rebuttal, the petitioner or the attorney or representative may answer points raised by opponents of the requested amendment, but no new subject matter may be introduced and such rebuttal must be completed within 15 minutes, except by special permission of the Board.
  - 11.3.4.a.vii. Questions and comments by any citizen present or any civic association or other organization will be permitted at the conclusion of the foregoing testimony, when special permission is granted by the Board.
  - 11.3.4.a.viii. The Board will take the matter under advisement.
- 11.3.4.b. After the conclusion of a public hearing on a requested amendment, no additional evidence will be received by the Board nor will any further communication, either written or oral, be considered by the Board, unless a further public hearing is scheduled.

#### 11.3.5 Decision of Board of Commissioners

- 11.3.5.a. The Board of Commissioners will, after considering the testimony and argument presented, either approve the granting of the petition, modify it or reject it completely. An ordinance approved and adopted by the Board shall take effect and be in force from and after its approval as required by law. If a petition for an amendment is declined, the Board will not entertain another petition covering the same or substantially the same area and requesting the same change in zoning classification for a period of one year, unless the Board concludes that there has been such a material change in the character and circumstances of the neighborhood that an earlier consideration is warranted.
- 11.3.5.b. Standards for Text or Rezoning Amendments
- 11.3.5.b.i. In deciding whether to adopt or deny any proposed amendment, or to adopt some modification of the Planning Commission's recommendation, the Board of Commissioners shall consider, among other factors, the following:
    - 11.3.5.b.i.(1). Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as adopted and amended from time to time;
    - 11.3.5.b.i.(2). Whether the proposed amendment is compatible with current and projected conditions and the overall character of development in the immediate vicinity of the subject property;
    - 11.3.5.b.i.(3). Whether the proposed amendment is the most desirable use for which the land in the subject property is adapted; and
    - 11.3.5.b.i.(4). Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction.

**155-11.4 ZONING ENFORCEMENT, PENALTIES, REMEDIES, CHARGES****11.4.1 Designation of violations**

- 11.4.1.a. Failure to secure a building permit, zoning permit or Zoning Hearing Board certificate, when required, previous to the erection, construction, extension or addition to a building, or failure to secure a use registration permit, shall be a violation of this chapter.

**11.4.2 Notice of violation**

- 11.4.2.a. When written notice of a violation of any of the provisions of this chapter has been served on the owner, agent, occupant, contractor or builder, such violation shall be discontinued immediately.

**11.4.3 Violations and penalties**

- 11.4.3.a. Any person, partnership or corporation who or which shall violate the provisions of this chapter, and the owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which such violation has been committed or shall exist, and the general agent, architect, builder, contractor or any person who knowingly commits, takes part in or assists in any such violation shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than \$500 for each and every violation, and whenever such person shall have been notified by the Director of Building and Planning or Zoning Officer, by service of a summons in a prosecution or in any other way, that he/she is committing such violation of this chapter, each day that such violation is continued shall constitute a separate offense.
- 11.4.3.b. In default of payment of the fine, such person, the members of such partnership or the officers of such corporation shall be liable to injunction or court order.
- 11.4.3.c. Such fines or penalties shall be collected as like fines or penalties are now by law collected, and all fines collected for the violation of this chapter shall be paid over to the Township.

**11.4.4 Additional remedies**

- 11.4.4.a. In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building or land is used or any hedge, tree, shrub or other growth is maintained in violation of this chapter or of any regulations made pursuant hereto, the proper officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding, whether by legal process or otherwise, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building or land or to prevent any illegal act, conduct, business or use in or about such premises.

**11.4.5 Charges**

- 11.4.5.a. Charges and fees for ~~the following~~ appeals, applications, petitions and certifications shall be paid as set forth in the Township Schedule of Fees, as adopted and amended from time to time by the Board of Commissioners:

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