

## AN ORDINANCE

No. \_\_\_\_\_

**AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 62, Building Construction By Revising All Cross References To Chapter 155, Entitled Zoning, And To Amend Chapter 78, Fire Prevention, § 78-18 By Updating Terminology Consistent With Chapter 155, Entitled Zoning, And to Amend Chapter 82, Garbage and Refuse, And to Amend Chapter 88, Historic Districts, And To Amend Chapter 90, Health And Sanitation, And To Amend Chapter 101, Entitled Natural Features Conservation, By Revising All Cross References To Chapter 155, Entitled Zoning, And To Amend Chapter 105, Entitled Noise And Exterior Lighting, Article I, Definitions, § 105-1. Definitions, By Revising the Definition Of Residential Districts For Consistency With Chapter 155, Entitled Zoning, And To Amend Chapter 121, Stormwater Management And Erosion, And To Amend Chapter 133, Streets And Sidewalks, By Revising All Cross References To Chapter 155, Entitled Zoning, And To Amend Chapter 140, Telecommunications Facilities, And To Amend Chapter A712, Zoning Hearing Board: Rules, By Revising All Cross References to Chapter 155, Entitled Zoning.**

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

**Section 1.** The Code of the Township of Lower Merion, Chapter 62, entitled Building Construction, § 62-2. Deletions, additions and insertions, shall be amended by revising all cross references to the Code of the Township of Lower Merion, Chapter 155, entitled Zoning, to provide as follows:

### **Chapter 62: Building Construction**

§ 62-2. Deletions, additions and insertions.

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D. In Section 3407, Historic Buildings, add a new subsection 3407.3 to provide as follows:

3407.3 Special requirements for building permits – historic resources. The following special requirements shall apply to a building permit for an historic building, structure, object or site listed on the Historic Resource Inventory, Chapter A180. Where the historic resource is located in an historic district, the work of the Historical Commission under this section shall be performed by the Historic Architectural Review Board (HARB). Terms set forth herein shall be as defined in §~~155-2. § 155-4 and 155-149.1.~~

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2. Procedure for obtaining building permit.

(b) Information to be provided. In addition to the other requirements of this section, an applicant seeking a permit to demolish an historic resource on the Historic Resource Inventory shall provide the following information:

(vii) Historic resource impact study, as provided in § 155-~~153-17.1.10~~, unless the Director of Building and Planning determines all or a portion thereof not to be pertinent to the application.

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**Section 2.** The Code of the Township of Lower Merion, Chapter 78, entitled Fire Prevention, § 78-18. Fire protection equipment; sprinkler and standpipe systems, shall be amended by updating terminology consistent with Chapter 155, Entitled Zoning, to provide as follows:

**Chapter 78: Fire Prevention**

§ 78-18. Fire protection equipment; sprinkler and standpipe systems.

A. All new construction, except single-family detached dwelling, twin and duplex~~single-family semidetached dwellings~~ (as defined in Chapter 155, Zoning, of the Lower Merion Township Code), shall be equipped with full fire sprinkler systems.

(1) Exception. If a single-family detached dwelling, twin or duplex ~~single-family semidetached dwelling~~ is constructed with wooden truss floors or roof supports, the structure must be sprinklered, as per the appropriate NFPA standard.

(2) Purchasers of newly constructed single-family detached dwelling, twin and duplex~~single-family semidetached dwellings~~ not required to be sprinklered must be offered a residential sprinkler system as an option by the builder or developer.

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**Section 3.** The Code of the Township of Lower Merion, Chapter 82, entitled Garbage and Refuse, § 82-1. Definitions, shall be amended by revising all cross references to the Code of the Township of Lower Merion, Chapter 155, entitled Zoning, to provide as follows:

**Chapter 82: Garbage and Refuse**

§ 82-1. Definitions.

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FAMILY — As defined in § 155-~~24~~ of the Code of the Township of Lower Merion.

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LOT — As defined in § 155-~~24~~ of the Code of the Township of Lower Merion.

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SINGLE AND SEPARATE OWNERSHIP — As defined in § 155-~~24~~ of the Code of the Township of Lower Merion.

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**Section 4.** The Code of the Township of Lower Merion, Chapter 88, entitled Historic Districts, shall be amended by revising all cross references to the Code of the Township of Lower Merion, Chapter 155, entitled Zoning, to provide as follows:

#### **Chapter 88: Historic Districts**

##### ARTICLE I: Review and Building Regulations; Administration

###### § 88-1.1. Definitions.

DEMOLITION, ~~HISTORIC~~ ~~or DEMOLISH~~ — See § 155-~~2, Definitions~~~~4~~.

HISTORIC BUILDING — See § 155-~~2, Definitions~~~~149.1~~.

HISTORIC OBJECT — See § 155-~~2, Definitions~~~~149.1~~.

HISTORIC RESOURCE — See § 155-~~2, Definitions~~~~149.1~~.

HISTORIC SITE — See § 155-~~2, Definitions~~~~4~~.

HISTORIC STRUCTURE — See § 155-~~2, Definitions~~~~149.1~~.

NONCONTRIBUTING RESOURCE — See § 155-~~2, Definitions~~~~149.1~~.

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##### ARTICLE II: Historic Resources

###### § 88-15. Legislative intent.

It is hereby declared as a matter of public policy that the preservation and protection of buildings, structures and sites of historic, architectural, cultural, archeological, 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, the Township has undertaken to identify and document its historic resources. The provisions of this article, coupled with the provisions of Chapter 155, ~~Article XXVIA~~~~Section 7.1~~, are intended to:

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**Section 5.** The Code of the Township of Lower Merion, Chapter 90, entitled Health

and Sanitation, shall be amended by revising all cross references to the Code of the Township of Lower Merion, Chapter 155, entitled Zoning, to provide as follows:

## **Chapter 90: Health and Sanitation**

### **ARTICLE VI : Swimming and Bathing Places**

#### **§ 90-29. Lifeguards.**

- A. Except for public bathing places located at multiple-unit residential facilities (including continuing-care facilities ~~for the elderly~~, as defined in § 155-~~241~~), which public bathing places are open for use only by residents of such facilities and their guests, one or more lifeguards in adequate number shall be on duty waterside at a public bathing place at all times such bathing place is open for use by bathers. While they are on waterside duty, lifeguards shall not be assigned other tasks that will divert their attention from the safety of the bather. Lifeguards need not be assigned to hot tubs, spas or whirlpools.

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**Section 6.** The Code of the Township of Lower Merion, Chapter 101, entitled Natural Features Conservation, shall be amended by revising the cross references to the Code of the Township of Lower Merion, Chapter 155, entitled Zoning, to provide as follows:

## **Chapter 101: Natural Features Conservation**

### **ARTICLE II: Minimum Conservation Standards**

#### **§ 101-5. Site planning.**

- A. Conservation of surface and groundwater resources.

- (1) Any encroachment on streams shall be regulated by ~~Article XXVII~~ Section 155-7.3, Floodplain Overlay District, of Chapter 155, Zoning.

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- C. Conservation of sloping lands.

- (1) The provisions of Chapter 155, Zoning, ~~Article XXVIII~~ Section 155-7.4, Steep Slopes Overlay District, shall govern where applicable.

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**Section 7.** The Code of the Township of Lower Merion, Chapter 105, entitled Noise and Exterior Lighting, Article I, Definitions, § 105-1. Definitions, shall be amended by revising the definition of Residential District(s) for consistency with the Code of the Township of Lower Merion, Chapter 155, entitled Zoning, to provide as follows:

## **Chapter 105: Noise and Exterior Lighting**

## Article I: Definitions

### § 105-1. Definitions

RESIDENTIAL DISTRICT(S) — Land within an ~~R-AA; R-A; R-1; R-2; R-3; R-4; R-5; R-6; R-6A; or R-7~~ LDR1; LDR2; LDR3; LDR4; MDR1; MDR2; or MDR3 Residence District as provided in Chapter 155 of the Township Code

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**Section 8.** The Code of the Township of Lower Merion, Chapter 121, entitled Stormwater Management and Erosion, shall be amended by revising the cross references to the Code of the Township of Lower Merion, Chapter 155, entitled Zoning, to provide as follows:

### **Chapter 121: Stormwater Management and Erosion**

#### ARTICLE I : General Provisions

### § 121-3. Terms defined; word usage.

~~FLOODWATER — See § 155-155, Definitions.~~ *(Note: This term is removed because it is not used anywhere in Chapter 121. This is also not a defined term in the existing or draft Zoning Codes.)*

IMPERVIOUS SURFACE — See § 155-~~24~~, Definitions.

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**Section 9.** The Code of the Township of Lower Merion, Chapter 133, entitled Streets and Sidewalks, shall be amended by revising the cross references to the Code of the Township of Lower Merion, Chapter 155, entitled Zoning, to provide as follows:

### **Chapter 133: Streets and Sidewalks**

#### ARTICLE I : Encroachments and Obstructions

### § 133-2.1. Temporary signs within the public right-of-way.<sup>2</sup>

2. Editor's Note: See Ch. 155, Zoning, Art.-~~9XIX~~, Signs Standards, for regulation of signs outside the public right-of-way.

#### ARTICLE III: Right-of-Way Occupancy, Excavation and Use

### § 133-17. Prohibited obstructions in permit area.

B. The Township may grant a waiver to permit fences within the right-of-way, subject to the following conditions:

(6) All proposed fences shall comply with the front yard setback provisions set forth in §

155-~~3.7130~~ of this Code.

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**Section 10.** The Code of the Township of Lower Merion, Chapter 140, entitled Telecommunications Facilities, shall be amended by revising the cross references to the Code of the Township of Lower Merion, Chapter 155, entitled Zoning, to provide as follows:

**Chapter 140: Telecommunications Facilities**

§ 140-8. Wireless communication facilities outside right-of-way.

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- B. Wireless communication facilities other than attached micro facilities. Wireless communication facilities other than attached micro facilities may be erected outside of a ROW in compliance with Chapter 155, Zoning, upon application to the Director of Building and Planning. If a special exception is required by § 155-~~10.9141.1.1~~, the application shall be made to the Zoning Officer. The provider's application shall include:

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**Section 11.** The Code of the Township of Lower Merion, Chapter A172, entitled Zoning Hearing Board: Rules, shall be amended by revising the cross references to the Code of the Township of Lower Merion, Chapter 155, entitled Zoning, to provide as follows:

**Chapter A172: ZONING HEARING BOARD: RULES**

§ A172-18.1. Recording of meetings and hearings.

- A. Video, image and sound recording devices may be operated at meetings of the Board held pursuant to Lower Merion Code § 155-11.1, subject to the following conditions:

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- B. Video, image and sound recording devices may not be operated during the course of hearings conducted by the Board pursuant to Sections 908 and 909.1 of the Municipalities Planning Code (53 P.S. §§ 10908 and 10909.1) and Lower Merion Code § 155-~~11.2.9113~~; provided, however, that the Board's stenographer taking the notes of testimony may use a sound recording device.

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**Section 12.** Where a cross reference to the Zoning Code exists in the Code of the Township of Lower Merion, it is intended that the reference reflect those provisions in the newly adopted Zoning Code.

**Section 13.** Nothing in this Ordinance or in the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights

acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Code of the Township of Lower Merion prior to the adoption of this amendment.

**Section 14.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

**Section 15.** This Ordinance shall take affect and be in force from and after its approval as required by law.

Approved by the Board this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

BOARD OF COMMISSIONERS  
TOWNSHIP OF LOWER MERION

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Daniel S. Bernheim, President

ATTEST:

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Jody L. Kelley, Secretary