

AN ORDINANCE

No. _____

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 135, Entitled Subdivision and Land Development, By Revising All Cross References To Chapter 155, Entitled Zoning And To Amend Table 1 Required Greening Standards By Adding Village Center: VC, Town Center Districts: TC1 and TC2, and Rock Hill Road District: RHR.

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

Section 1. The Code of the Township of Lower Merion, Chapter 135, entitled Subdivision and Land Development, 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 135: Subdivision and Land Development

§ 135-2 Word usage; definitions.

B. Terms defined. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this chapter to have the meanings indicated in this section:

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

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

§ 135-15. General.

B. Sketch plans shall include the following information:

(17) Where the property is a contributing resource in an historic neighborhood or an historic district or is a resource listed in the Historic Resource Inventory, the applicant shall submit an historic resource impact study, ~~as these terms are defined in~~ accordance with Chapter 155, ~~Section 7.1.10 Article XXVHA~~, and shall submit a statement with the plan, indicating which, if any, of such historic resources would be changed or affected to any substantial extent by the implementation of the subdivision plan and the development of the property.

§ 135-25. **Removal of trees; compensatory planting.**

C. ~~Wooded lots, as defined in § 155-167.6 of the Zoning Ordinance, Lots in the LDR, MDR, and I districts shall comply with~~ must meet the requirements of ~~Article XXVIII B-Section 7.5, Wooded Lot Overlay District~~ of Chapter 155.

§ 135-28. **Sidewalks and curbs.**

A. Sidewalks shall be provided along heavily traveled streets and at any location where the Board of Commissioners shall determine that sidewalks are necessary for public safety or convenience. Sidewalks may be waived, at the discretion of the Board of Commissioners, within open space preservation developments where it can be demonstrated that the ~~objectives intent~~ of Chapter 155, ~~Article XXVI, Section 7.2 OSOD~~ Open Space ~~Preservation Overlay~~ District, § 155-~~7.2.1.142~~, will be furthered. All sidewalks shall be a minimum of five feet wide, except as otherwise provided in Chapter 155, Zoning.

D. Curbs shall be provided for all streets, except as approved otherwise by the Board of Commissioners, and shall be in accordance with the construction standards. Curbs may be waived at the discretion of the Board of Commissioners if the lots abutting the street have an average net area of 45,000 square feet and an average minimum frontage of 130 feet or where it can be demonstrated for Open Space ~~Preservation Overlay~~ District developments that the ~~objectives intent~~ of § 155-~~7.2.1.142~~ will be furthered.

§ 135-35. **Lots.**

A. Depth, side lines and irregular configuration.

(4) Any portion of a lot not permitted to be included in the required lot area as provided in § 155-~~3.13.1~~~~428~~ of the Township Code shall be disregarded in determining compliance with the standards created by this subsection.

B. Narrow lots may be created only when authorized by the Board of Commissioners as a conditional use under the provisions of § 155-~~3.13.1~~~~428~~ of the Code of the Township of Lower Merion.

Section 2. The Code of the Township of Lower Merion, Chapter 135, entitled Subdivision and Land Development, shall be amended by adding Village Center: VC, Town Center Districts: TC1 and TC2, and Rock Hill Road District: RHR to Table 1: Required Greening Standards, to provide as follows:

Chapter 135: Subdivision and Land Development

**Table 1
Required Greening Standards¹**

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

NOTES:

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

Section 3. Nothing in this Ordinance or in Chapter 135 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Code of the Township of Lower Merion prior to the adoption of this amendment.

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. 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

Daniel S. Bernheim, President

ATTEST:

Jody L. Kelley, Secretary