

AN ORDINANCE

NO. _____

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 155, Entitled Zoning, To Amend Article II, Definitions, § 155-4 B Terms Defined By Adding A New Definition For Personal Service Shop; And To Amend Article XVIIB, Mixed-Use Special Transportation District, §155-87.21.B, Use Regulations By Amending the use subject to the 300-Foot Separation Requirement; And To Amend Article XVIIB, Mixed-Use Special Transportation District, §155-87.21.C. By Amending Use Regulations; And To Amend Article XVIIB, Mixed-Use Special Transportation District, §155-87.21. C, Use Regulations By Adding A 100-Foot Separation Requirement For Certain Uses; And To Amend §155-87.23 Parking & Loading Requirements By Amending §155-87.23 E, Off-site Parking And Section §155-87.23 F. On-Street Parking To Reduce The Number Of Off-Site Public Parking Spaces That May Be Counted Towards Required Parking Calculations For Existing Buildings And To No Longer Allow New Buildings To Count Off-site And On-Street Public Parking Spaces Toward Their Required Parking; And To Amend Article XVIIA, Ardmore Special Development District, §155-87.10 Parking By Amending Section §155-87.10.B To Establish A Limit On The Number Of Off-Site Public Parking Spaces That May Be Counted Towards Required Parking Calculations For Existing Buildings And To No Longer Allow New Buildings To Count Off-Site Public Parking Spaces Towards Their Required Parking.

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

Section 1. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article II, Definitions, §155-4 Terms defined, subsection B, shall be amended by the addition in alphabetical order of the following word:

Article II. Definitions

§ 155-4. Terms defined.

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

PERSONAL SERVICE SHOP – An establishment which offers specialized non-medically related services generally related to personal needs. Included are barbershops, beauty shops, laundry cleaning, tailoring, shoe repair, and other similar establishments.

Section 2. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XVIIB, Mixed-Use Special Transportation District, §155-87.21.B Use regulations is hereby amended to provide as follows:

§ 155-87.21. Use regulations.

A building may be erected or used and a lot may be used or occupied only for the purposes listed below. The applicant is encouraged to create a mixed-use development. Developments shall adhere to the development design standards in § 155-87.25.

B. The following nonresidential/commercial uses are permitted on upper floors of buildings fronting on Lancaster Avenue and on any floor elsewhere in the MUST District. These uses are also permitted on the ground floor of buildings fronting on Lancaster Avenue if the separation between these uses is at least 300 linear feet, measured from the closest property lines as a pedestrian would walk. These uses shall not be subject to the separation requirements when they are limited only to portions of the building more than 50 feet from Lancaster Avenue.

- (1) Adult or child day care.
- (2) Nursery school or similar nonresidential use for more than six children.
- (3) Bank or other financial institution, excluding drive-through windows.
- (4) Professional offices or office building, medical offices or medical clinic building.
- (5) Copy centers and job printing operating on a retail sales level.
- (6) Indoor recreational facilities such as roller and skating rinks, skateboard parks and playgrounds.

~~(7) Dance, music, personal fitness training, or art studios.~~

~~(8)~~(7) Accessory use on the same lot with and customarily incidental to any of the above permitted uses, including aboveground or below-ground parking structures and fitness centers, but specifically excluding off-track betting parlors.

~~(9)~~(8) Any use of the same general character as any of the uses hereinbefore specifically permitted, but excluding off-track betting parlors.

Section 3. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XVIIB, Mixed-Use Special Transportation District, §155-87.21. Use regulations is hereby amended with the addition of a new Section C and renumbering of subsequent sections to provide as follows:

§ 155-87.21. Use regulations.

A building may be erected or used and a lot may be used or occupied only for the purposes listed below. The applicant is encouraged to create a mixed-use development. Developments shall adhere to the development design standards in § 155-87.25.

C. The following nonresidential/commercial uses are permitted on upper floors of buildings fronting on Lancaster Avenue and on any floor elsewhere in the MUST District. These uses are also permitted on the ground floor of buildings fronting on Lancaster Avenue if the separation between these uses is at least 100 linear feet, measured from the closest property lines as a pedestrian would walk. These uses shall not be subject to the separation requirements when they are limited only to portions of the building more than 50 feet from Lancaster Avenue.

(1) Dance, music, personal fitness training, or art studios.

(2) Personal service shop.

Section 4. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XVIIB, Mixed-Use Special Transportation District, §155-87.21.C Use regulations is hereby amended to provide as follows:

§ 155-87.21. Use regulations.

A building may be erected or used and a lot may be used or occupied only for the purposes listed below. The applicant is encouraged to create a mixed-use development. Developments shall adhere to the development design standards in § 155-87.25.

~~C.D.~~ The following uses are permitted on grade level and upper level floors:

- (1) Full-service restaurants, including walkup windows, excluding drive-through windows.
- (2) Bakery, confectionery or custom shop for the production of articles to be sold at retail on the premises.
- (3) Parking structure, or public parking structure.
- (4) Retail store with an area on each story equal to or less than 25,000 square feet and excluding drive-through windows.
- ~~(5) Personal service shop, excluding fitness centers and massage parlors, but including tailor, barber, beauty salon, shoe repair or similar type use, excluding drive through windows. [Amended 3-18-2015 by Ord. No. 4053]~~
- ~~(6)~~ (5) Grocery store with a floor area less than 35,000 square feet, excluding drive-through windows. [Amended 3-18-2015 by Ord. No. 4053]
- ~~(7)~~ (6) Dry-cleaning establishment operating as a retail store, excluding drive-through windows. [Amended 3-18-2015 by Ord. No. 4053]
- ~~(8)~~ (7) Hotels.
- ~~(9)~~ (8) Theater.
- ~~(10)~~ (9) Real estate sales office
- ~~(11)~~ (10) Municipal use. [Amended 7-29-2015 by Ord. No. 4067]
- ~~(12)~~ (11) Transit facilities.
- ~~(13)~~ (12) Accessory use on the same lot with and customarily incidental to any of the above permitted uses, including aboveground or below-ground parking structures and fitness centers, but specifically excluding off-track betting parlors.
- ~~(14)~~ (13) Any use of the same general character as any of the uses hereinbefore specifically permitted, but excluding off-track betting parlors.
- ~~(15)~~ (14) Storage use, as an accessory use to any permitted use, provided the storage area doesn't occupy more than 25% of the total floor area and does not front on any street.

Section 5. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XVIIB, Mixed-Use Special Transportation District, §155-87.23 Parking & Loading Requirements, Section E Off-site Parking is hereby amended to provide as follows:

E. Off-site parking.

- (1) Off-site parking is permitted in the MUST District, except for new buildings or student home uses, subject to the regulations set forth below.
- (2) Shared parking. When land uses on adjacent lots within the MUST 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 may comply with the required parking values listed in Table 1.
 - (a) Documentation confirming the ownership and/or management arrangement shall be submitted to the Township prior to the Board of Commissioners approval of the preliminary plan application and shall be subject to the Board's approval. The agreement must demonstrate a permanent commitment for the use of the off-site shared parking.
- (3) Code-required parking for existing buildings and expansions to existing mixed-use buildings structures may be provided off site, provided:
 - (a) Off-site parking must be within 900 feet of the mixed-use development using a pedestrian route continually accessible to the public, measured from lot line to lot line.
 - (b) The parking facility shall comply with the MUST development design standards in § 155-87.25. [Amended 3-18-2015 by Ord. No. 4053]
 - (c) Documentation that the private parking facility owner agrees to make the spaces available to the proposed off-site mixed-use development shall be submitted to the Township prior to the Board of Commissioner's consideration of the preliminary plan application. The off-site parking spaces may not be designated as required parking for some other use. The agreement must demonstrate a permanent commitment for the use of the off-site shared parking.
 - (d) If adequate on-site parking is not available, the parking requirements may be met by designating public parking spaces within 900 feet of the proposed use. Each public parking space may only be counted once when this parking provision is utilized. A maximum of ~~75~~10 parking spaces in public parking lots may be designated under this section for ~~new buildings or~~ buildings being expanded. 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.

- (4) Code-required parking for existing and expanded single-use buildings ~~structures~~ may be provided off site when:
- (a) The development lot is less than 8,000 square feet and improved street frontage is less than 40 feet;
 - (b) Parking must be within 900 feet of the single-use development using a pedestrian route continually accessible to the public, measured from lot line to lot line;
 - (c) Both the single-use development and the parking facility comply with the MUST development design standards in § 155-87.25; and
 - (d) Documentation that the parking facility owner agrees to make the spaces available to the proposed off-site single-use development within the MUST District shall be submitted prior to the Board of Commissioner's approval of a tentative sketch plan application. The off-site parking spaces may not be designated as required parking for some other use. The agreement must demonstrate a permanent commitment for the use of the off-site shared parking.

Section 6. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XVIIB, Mixed-Use Special Transportation District, §155-87.23 Parking & Loading Requirements, Section F On-street Parking is hereby amended to provide as follows:

- F. On-street parking. Provided the ~~new or~~ rehabilitated building or expansion to existing buildings comply with the MUST development design standards in § 155-87.25, legal on-street parking along the lot's street frontage may be counted toward the development's minimum parking requirements. Each such on-street public parking space may only be counted once.

Section 7. The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XVIIIA, Ardmore Special Development District, §155-87.10 Parking, Section B is hereby amended to provide as follows:

Article XVIIIA. Ardmore Special Development District

§ 155-87.10. Parking.

- A. The parking requirements as stated in Article XX shall apply to all parcels in the Ardmore Special Development District containing commercial uses.

B. If on-site parking is prohibited or the Director of Building and Planning determines that it is not feasible or appropriate, the parking requirements established in Article XX may be met by designating off-street public parking spaces, provided that it is not a new building and that they the parking spaces are within a five-hundred-foot radius and on a parcel which is zoned commercial. Each such 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 for buildings being expanded.

Section 8. Nothing in this Ordinance or in Chapter 155 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 155 prior to the adoption of this amendment.

Section 9. 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 10. This Ordinance shall take affect and be in force from and after its approval as required by law.

Enacted by the Board of Commissioners of the Township of Lower Merion this _____ day of _____, 2017.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Daniel S. Bernheim, President

ATTEST:

Jody L. Kelley, Township Secretary