

AN ORDINANCE

NO. _____

AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 155, Entitled Zoning, Article XXXIII, ROHO Rock Hill Overlay District §155-201, Use Provisions To Require Nonresidential/Commercial Uses On The Ground Level Of Any New Building In The District.

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 XXXIII, ROHO Rock Hill Overlay District, § 155-201 Use provisions, subsection C(4), is hereby amended to provide as follows:

§ 155-201. Use provisions

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- C. A minimum of 80% of the building frontage along a street at grade level and extending for a depth of at least 50 feet shall be occupied for one or more of the uses permitted under 155-201B(6) through (16) above.

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- ~~(4) These use requirements shall not go into effect until the total floor area of new habitable space approved for development within this district after April 30, 2008, exceeds 600,000 square feet. However, the grade level floor, or where the floodplain prohibits occupancy of grade level space, the first occupied level, must be built with a minimum floor height of 14 feet from top of grade level slab to top of slab of the first floor above grade to accommodate proposed or future retail uses.~~

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Section 2. 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 3. 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 4. 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 _____, 2019.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF LOWER MERION

Daniel S. Bernheim, President

ATTEST:

Jody L. Kelley, Secretary