

TOWNSHIP OF LOWER MERION

Building and Planning Committee

Issue Briefing

Topic: Zoning Code Amendment – Minor Zoning Code Edits

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I. Action To Be Considered By The Board:

Authorize the Township Secretary to advertise a public hearing and notice of intent to adopt an Ordinance, to amend the Code of the Township of Lower Merion, Chapter 155, entitled Zoning for the following:

- Article II, Definitions, § 155-2.1, Definitions of Terms, to add the definitions for Food Hall, Hookah, Hookah Bar, Neighborhood Fulfillment and Distribution Center, Outdoor Temporary Sales Event, and Smoke Shop;
- Article III, General To Districts, § 155-3.5, Frontages, Subsection (D) and (F), to make edits to the frontage yards;
- Article V, Uses, Tables 5.1, Uses, and 5.3, Use Regulations, to permit Outdoor Temporary Sales Event as a regulated use in the VC, TC, NC, LI, RHR, BMV, and CAD Districts subject to certain standards to be provided for therein; and
- Article V, Uses, Tables 5.1, Uses, and 5.3, Use Regulations, to permit Neighborhood Fulfillment and Distribution Center and Food Hall as a regulated use in the VC, TC, LI, RHR, BMV, and CAD Districts subject to certain standards to be provided for therein; and
- Article V, Uses, Tables 5.1, Uses, and 5.3, Use Regulations, to permit Smoke Shop and Hookah Bars as a specialized retail use in the VC, TC, NC, LI, RHR, BMV, and CAD Districts subject to certain standards to be provided for therein; and
- Article VIII, Parking Standards, Table 8.1, Minimum Parking Requirements, to change the building area to floor area for the parking calculation.

II. Why This Issue Requires Board Consideration:

The Board of Commissioners approve all amendments to Township codes.

III. Current Policy Or Practice (If Applicable):

It was anticipated that minor amendments would be required after the adoption of the new Zoning Code in 2020. Staff meets regularly with the Zoning Officer to review implementation of the Zoning Code and to address issues which require repeated variances or interpretations. The

following group of Zoning Code edits are the seventh proposed set of edits from the February 26, 2020, adoption of the Zoning Code. The fifth round of edits was adopted in July of 2023, and the sixth round of edits was adopted in April of 2024.

IV. Other Relevant Background Information:

The Planning Commission reviewed the proposed legislation at a meeting held on Monday July 28th. 2025.

The Planning Commission discussed the proposed ordinance amendments and made the following recommendations to modify the proposed ordinance amendments:

- Section 1: Remove definitions for “Food Hall”, “Hookah”, “Hookah Bar” and “Smoke Shop”; and
- Section 4: Modify regulation for Outdoor Temporary Sales Event (OTSE) relating to trash enclosures, signage and length of operations; and
- Section 5: Refine Neighborhood Fulfillment and Distribution Center requirements to include a reference to storefront facade requirements elsewhere in the code; and
- Section 6: Remove reference to “Food Hall”; and
- Section 7: Remove reference to “Smoke Shop” and/or “Hookah Bar”.

The Planning Commission found no issues with proposed amendments concerning Frontage Yards and permitting accessory structures in Secondary Frontage Yards.

The Planning Commission recommended that staff continue working on definitions and language regulating uses of hookah bars and smoke shops and the on-site consumption of tobacco products, food distribution and neighborhood fulfillment centers.

Each of the following Sections are highlighted to identify Planning Commission modification recommendations below:

Section 1: Definitions

The Planning Commission found several definitions too broad, with difficulty in discerning differences between similar uses. Overall, the Planning Commission recommended removing definitions for “Food Hall”, “Hookah”, “Hookah Bar” and “Smoke Shop”. They perceived no issues with hookah bars or food halls currently, recommending all regulatory policy removed from the proposed ordinance amendment. They also found smoke shops as too broadly defined with no differentiation between “vape shops” or “cigar bars”, as the intended regulations are designed to limit proximity by separation requirements. Such provisions were found to be overly burdensome between seemingly similar retail/commercial sales, with more than 20% revenue from tobacco products, but dissimilar uses of commercial space where vape shops are often occupied by patrons for short periods of time cigar bars are commonly used as social spaces. Regardless of this minor difference in use of space and overall intent, the Planning Commission identified proposed Zoning Code amendments as precluding both uses as over regulatory, thus

removing definitions along with their respective Sections further within the proposed Ordinance Amendment.

The Planning Commission also proposed a minor modification to the definition of “Outdoor Temporary Sales Event” in to differentiate such uses from a farmer’s markets by adding a clause at the end of proposed definition to state, “It does not include farmers markets.”

Section 4: Outdoor Temporary Sales Event (OTSE).

The Planning Commission proposed two minor edits to Section 4:

- Trash enclosures for the OTSE shall be provided and screened from view, **as required by §135-5.2F.**
 - The purpose of this modification is to provide consistency with mitigation of visual impacts of trash enclosures located in the Subdivision & Land Development section of the Township code.
- One **non-illuminated** sign with a maximum sign area of 25 square feet shall be permitted.
 - The purpose of this modification is to limit additional impacts of light pollution from a temporary outdoor use

Additionally, the Planning Commission recommended modifications to increase the proposed four-week limitation for outdoor temporary sales operations to 16 weeks. Overall, this would permit an OTSE to consecutively operate for sixteen weeks straight or some combination of operations that amount to no greater than the sixteen-week limit.

Section 5: Neighborhood Fulfillment and Distribution Center

The Planning Commission was in consensus with Township staff regarding the regulation of neighborhood fulfillment and distribution center generally. They proposed one minor modification to the proposed ordinance amendment to state, “The ground floor of the primary front façade shall comply with 155-3.9D, Storefronts.” The purpose of adding such language is to provide consistency with architectural standards within the Zoning Code.

Section 6: Food Hall & Section 7: Smoke Shop and/or Hookah Bar

As previously identified the Planning Commission recommended removal of regulating both Food Halls and Smoke Shops and/or Hookah Bars from the proposed ordinance in its entirety.

V. Impact On Township Finances:

There is no impact on Township Finances

VI. Staff Recommendation:

Staff concurs with the Planning Commission recommendation to remove certain sections of the proposed ordinance so staff can continue to refine these sections and reintroduce them at a later date.