

## AN ORDINANCE

NO. \_\_\_\_\_

**AN ORDINANCE** To Amend The Code Of The Township Of Lower Merion, Chapter 155, Entitled Zoning, Article XXXV, City Avenue District, §155-217, City Avenue District: Regional Center Area, §155-217C(1) To Limit The 10% Building Area Increase To Mixed-Use Buildings; To Amend §155-217C(6) To Limit The 10% Impervious Surface Increase To Mixed-Use Buildings; To Amend §155-217C(9) To Limit The 0.1 Floor Area Ratio Increase To Mixed-Use Buildings; To Amend §155-217D(2) and §155-217D(3) To Allow A Parking Reduction For Mixed-Use Buildings Only; To Amend §155-217E To Limit Floor Area Ratio Density Increases To Mixed-Use Buildings Only; By Reference To Limit Floor Area Ratio Density Increases In The Bala Cynwyd Retail District To Mixed-Use Buildings Only; By Reference To Allow A Parking Reduction For Mixed-Use Buildings Only In The Bala Cynwyd Retail District; And To Permit The Board Of Commissioners By Conditional Use To Approve A Second Curb Cut/Driveway On The Street Frontage Of A Lot In The City Avenue District – Regional Center Area (RCA) In Order To Facilitate A Shared Parking Arrangement.

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 XXXV, City Avenue District, § 155-217, City Avenue District: Regional Center Area (RCA), subsection C, Dimensional standards, paragraph (1), Building area, paragraph (6), Impervious surface, and paragraph (9), Floor area ratio (FAR), are hereby amended to provide as follows:

### **§ 155-217. City Avenue District: Regional Center Area (RCA)**

#### **C. Dimensional standards.**

(1) Building area. The building area shall be limited as follows:

- (a) Single-use buildings **or multiple-use developments**. The building area is limited to 50% of the net lot area.
- (b) Mixed-use buildings ~~or multiple-use development~~. The building area is limited to 60% of the net lot area.

\* \* \* \* \*

(6) Impervious surface. The impervious surface shall be limited as follows:

- (a) Single-use buildings or multiple-use developments. The impervious surface is limited to 60% of the net lot area.
- (b) Mixed-use buildings ~~or multiple-use developments~~. The impervious surface is limited to 70% of the net lot area.

\* \* \* \* \*

(9) Floor area ratio (FAR).

- (a) ~~Subject to the following sentence, t~~The FAR in the RCA, in the area south of St. Asaphs Road, as shown on Map 3, shall not exceed 0.6 (60% of lot area) for single-use buildings or multiple-use developments and 0.7 (70% of lot area) for mixed-use buildings ~~or multiple-use developments~~. Total FAR with density increases as set forth in § 155-217E hereof may not exceed FAR 1.75 (175% of lot area). Floor area of aboveground or below-ground parking structures are not included in FAR calculations.
- (b) ~~Subject to the following sentence, t~~The FAR in the RCA in the area north of St. Asaphs Road, as shown on Map 3, shall not exceed 0.6 (60% of lot area) for single-use buildings or multiple-use developments and 0.7 (70% of lot area) for mixed-use buildings ~~or multiple-use developments~~. Total FAR with density increases as set forth in § 155-217E may not exceed FAR 1.5 (150% of lot area), except where a 1.75 FAR is shown on Map 3. Floor area of aboveground or below-ground parking structures are not included in FAR calculations.

\* \* \* \* \*

**Section 2.** The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XXXV, City Avenue District, § 155-217, City Avenue District: Regional Center Area (RCA), subsection D, Parking, loading and traffic requirements, paragraph (1), On-site parking, subparagraph (d) thereof, is hereby amended to provide as follows:

**§ 155-217. City Avenue District: Regional Center Area (RCA)**

\* \* \* \* \*

**D. Parking, loading and traffic requirements**

**(1) On-site parking**

\* \* \* \* \*

- (d) Only one curb cut/driveway is permitted on each street frontage of each lot. However, the Board of Commissioners may, by conditional use, approve a second curb cut/driveway in order to facilitate a shared parking arrangement. Maximum driveway width is two lanes and 22 feet unless a dedicated separate left-turn egress lane is required, based on a traffic study. Where a lot has frontage on two streets, principal access shall be from the least traveled street.

\* \* \* \* \*

**Section 3.** The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XXXV, City Avenue District, § 155-217, City Avenue District: Regional Center Area (RCA), subsection D, Parking, loading and traffic requirements, (2) Parking for single-use buildings and developments, and (3) Parking for mixed-use buildings or multiple-use developments, subparagraph (a) thereof, is hereby amended to provide as follows:

**§ 155-217. City Avenue District: Regional Center Area (RCA)**

\* \* \* \* \*

**D. Parking, loading and traffic requirements**

\* \* \* \* \*

- (2) Parking for single-use buildings and developments or multiple-use developments. The minimum required parking for new and redeveloped buildings or developments within the RCA shall be calculated by using the minimum single peak-hour demand values noted in Table 6. Parking shall not be provided in excess of the maximum parking provisions provided in Table 6.

- (3) Parking for mixed-use buildings ~~or multiple-use developments.~~

- (a) The minimum parking required for new and redeveloped mixed-use buildings ~~or multiple-use development~~ within the district shall be calculated by using the following process and the percentages provided in Table 6:

[1] First, determine the number of parking spaces required for each individual use within the multiple-use building or development by using the single-use peak-hour demand values in Table 6. That number serves as the base for calculating the percentage

of peak demand for key times values.

[2] Next, calculate the number of spaces needed for each use for each peak hour by multiplying the base number (the single-use peak-hour demand value) by the percentage of peak demand for key times value.

[3] Next, add the columns for each peak demand time to determine the number of spaces required for the ~~multiple~~mixed-use building ~~or development~~ for each peak hour.

[4] The required number of parking spaces for the building ~~or development~~ is the highest total-hour figure for the ~~multiple~~mixed-use building ~~or development~~.

\* \* \* \* \*

**Section 4.** The Code of the Township of Lower Merion, Chapter 155, entitled Zoning, Article XXXV, City Avenue District, § 155-217, City Avenue District: Regional Center Area (RCA), subsection E, Density Increase, paragraph (3) thereof, is hereby amended and paragraph (4) thereof is hereby removed and reserved, to provide as follows::

**§ 155-217. City Avenue District: Regional Center Area (RCA)**

\* \* \* \* \*

E. Density increase for Mixed-Use Buildings. The purpose of this section is to encourage the provision of amenities to benefit the public health, safety and welfare, including: adequate open space and public gathering space; efficient roadways; safe bicycle and pedestrian connections and transit facilities; and the preservation of historic resources. The density authorized in this article may be increased as shown on Table 2 and as described in this section, subject to the provisions listed below. In order to qualify for the density increases listed in Subsection E(2) through (910) a public gathering space in accordance with Subsection E(1) below shall be provided. The density increases listed below may be cumulative.

\* \* \* \* \*

(3) Density increase for ~~single-use residential buildings or~~ mixed-use buildings ~~or multiple-use developments~~ where the primary use is residential.

- (a) The allowable density may be increased by up to a FAR of 0.1.
- (b) The allowable density may be increased by an additional FAR of 0.05 up to a total FAR of 0.15 where the applicant installs off-site traffic improvements or contributes to a City Avenue Transportation Services Area Fund held by the Township in accordance with § 155-217E(10)(a) through (c) below.

~~(4) Density increase for mixed use buildings or multiple use developments. The allowable density may be increased by up to a FAR of 0.05 where the applicant installs off-site traffic improvements or contributes to a City Avenue Transportation Services Area Fund held by the Township in accordance with § 155-217E(10)(a) through (c) below. RESERVED~~

\* \* \* \* \*

**Section 5.** 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 6.** 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 7.** 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, Secretary